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**Class A.**

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**CORRESPONDENCE**

WITH THE

**BRITISH COMMISSIONERS,**

RELATING TO

**THE SLAVE TRADE.**

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1834.

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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.**

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1834.

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*Presented to both Houses of Parliament, by Command of his Majesty,*  
1835.

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LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, 14, CHARING CROSS,  
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THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

PHILOSOPHY 101

LECTURE NOTES

PLATO'S THEORY OF FORMS

THE DIVISION OF LABOUR

THE CITY AND THE SOUL

THE EDUCATION OF THE GUARDIANS

THE PHILOSOPHER-KING

# Class A. 1834.

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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.

*Sir George Shee to Mr. W. W. Lewis.*

SIR,

*Foreign Office, 6th January, 1834.*

VISCOUNT PALMERSTON has received your Letter of the 15th of August last, and I am directed by his Lordship to state to you, that, under the circumstances which you mention, Lord Palmerston consents to grant to you permission to return to England in the present year, for a period of 6 months, should the state of your health continue to require it.

You are aware that your salary will be diminished by one-half during your absence, and that the period of your absence cannot be counted as that actual service at your post, in consideration of which a Pension may eventually be granted to you.

I am, &c.

(Signed) G. SHEE.

*W. W. Lewis, Esq.*

*Registrar to the Courts of Mixed Commission, Sierra Leone.*

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No. 2.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 28, 1834.)*

MY LORD,

*Sierra Leone, 24th September, 1833.*

WE have had the honour to receive your Lordship's Despatch of the 2d July, enclosing, for our information, the Copies of 2 Despatches, in which your Lordship conveyed to His Majesty's Ministers at Madrid and Rio de Janeiro the directions of His Majesty, that the adoption of a stipulation for condemning vessels on the ground of their being equipped for the Slave Trade may be urged in the strongest manner upon the Governments of Spain and of Brazil.

We most sincerely hope that this last appeal of the British Government to that of Spain will arouse it from the apathy which has hitherto marked its conduct in regard to the real suppression of the Slave Trade; and that that Nation will at length vindicate its good faith by adopting the proposal made to it by His Majesty, and thus faithfully fulfil the object of the Treaty of 1817, which has to this time been so flagrantly violated by its subjects.

The facts contained in our Despatch to your Lordship of the 18th of last July will still further prove, if further proof be necessary, that nothing short of the concurrence of Spain to such a stipulation can really put an end to a traffic which she professes to hold in abhorrence, and which she has entered into solemn engagements to suppress.

We are happy to learn that the Brazilian Government is willing to propose to its Legislative Assembly to enter into a similar regulation; and we trust that the day is not far distant when His Majesty's Government may be enabled to obtain the consent of Portugal to a like measure.

We have, &c.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 3.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received March 3.)

MY LORD,

*Sierra Leone, 6th January, 1834.*

WE have the honour to transmit enclosed to your Lordship a list of all the Cases adjudicated during the year 1833, in the British and Spanish, and British and Portuguese, Mixed Courts, established in this Colony. No Case was brought in that period before either the British and Netherlands, or the British and Brazilian, Courts.

Eight Cases were adjudicated in the past year, and 1,838 slaves were emancipated, of which number 1,836 were registered, 2 having died after emancipation, but before registration. From the establishment of the Mixed Courts, in June, 1819 (14½ years ago), up to the 1st instant, 196 vessels have been adjudged by them, and 29,535 Africans emancipated from slavery.

With reference to the enclosed Return we have to draw your Lordship's notice to the number of Spanish vessels which have been condemned for slaving in the past year, and which, being the average number that have been condemned here in former years, would show that there has been, under the flag of Spain, no diminution in that traffic.

By the cholera, which has lately carried off some thousands of the slaves in Cuba, and nearly depopulated, as we learn, several estates, an extensive demand for slaves has been created; and we feel confident that the demand will be met by a corresponding supply, and that the traffic in slaves, for years to come, will be pursued with the greatest energy by Spanish vessels, should the present provisions of the Treaty with Spain for its repression remain unaltered. Seven vessels under the Spanish flag were, 3 months ago, trading for slaves in one river alone—that of Calabar; and 22 ships, almost all of the same Nation, were boarded about the same period, by Lieutenant Josiah Thompson, then in command of His Majesty's Sloop "Trinculo," now commanding His Majesty's Brig "Brisk," some of which had their water and their fuel in, and their platforms laid for the reception of slaves.

The Portuguese slave vessels, the "*Rosa*," "*Hebe*," and "*Virtude*," that have, within the last 3 years, been condemned here for slaving, were all bound to Cuba, into which island, during late years, we believe, French vessels imported great numbers of slaves from Africa. We have, however, pleasure in acquainting your Lordship that we have been informed that the flag of France has not been met with lately on this coast in connection with slaving, the Treaty between France and Great Britain having apparently put an end thereto. It has, however, always been found that when, by effectual remedies applied, the Slave Trade has been suppressed under one flag, it rears its head under another. A signal proof of the truth of this remark is now afforded by Portugal, the first Nation that entered into a Treaty with Great Britain for the repression of that traffic.

The traffic in slaves under the Portuguese flag, which for years past has been almost unheard of, appears now to be carried on to as great an extent as it was before Brazil ceased to belong to Portugal.

We have been informed that 30 Portuguese vessels were a short time past engaged in slaving in the Bights of Benin and Biafra, and the rivers emptying themselves therein; and we are of opinion that the destination of those vessels would be to the Island of Cuba. To the flag of Portugal has thus been transferred the carrying of slaves, which had been so successful under that of France.

There is, however, amidst this evil, hope for the future; for as we have proof that the Slave Trade has been suppressed under the flags of the Netherlands and France, owing to the preventive measures adopted by those Powers in concert with Great Britain, if the Equipment Article, which has been so signally efficacious in other instances, be conceded by Spain, by Portugal, and by Brazil, as we ardently trust it shortly will be, in a brief period thereafter the trade in slaves, under the Flags of those Nations, would be annihilated on the western coast of Africa.

We have, &amp;c.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 3.

A List of Cases adjudged, in the Courts of Mixed Commissions established at Sierra Leone, betwixt the 1st of January, 1833, and the 1st of January, 1834.

Number of Cases adjudged between June 1819 and 1st Jan. 1834.	Number of Vessels libe- rated between June 1819 and 1st of Jan. 1834.	Number of Cases ad- judged between 1st Jan. 1833 and 1st Jan. 1834.	NATION.	NAME of VESSEL.	CLASS.	CONDEMNED.	LIBERATED.	Number of Slaves on board at the time of capture.	Number of Slaves eman- cipated.	Number of Slaves eman- cipated and registered.	REMARKS.	
189		1	Spanish.	Desengaño . .	Schooner .	Condemned	. . .	220	209	209	Total number of slaves eman- cipated and registered here between June, 1819, and 1st January, 1833. . . . . 26,156	
190	. . .	2		Veloz Mariana	Ditto . . .	Ditto	. . .	290	265	265	Total number of slaves eman- cipated and not registered here, between June, 1819, and 1st January, 1833, for reasons assigned in pre- vious Returns . . . . . †1,541	
191	. . .	3		Indio . . . . .	Sloop . . .	Ditto	. . .	117	108	108		
192	. . .	4		Josefa . . . . .	Brig . . . .	Ditto	. . .	278	193*	191		
193	. . .	5		Segunda Socorro	Schooner .	Ditto	. . .	307	307	307		
194	. . .	6		Caridad . . . .	Ditto . . .	Ditto	. . .	112	107	107		
195	. . .	7		El Primo . . .	Brig . . . .	Ditto	. . .	343	335	335		
196	. . .	8	Portuguese.	Virtude . . . .	Brigantine	Ditto	. . .	350	314	314		
									2,017	1,838	1,836	Total number of slaves eman- cipated between June 1819, and 1st January, 1834. . . . . 29,535
									350	314	314	Of which number there has not been registered here, as appears by foregoing re- marks . . . . . 1,543
									2,017	1,838	1,836	Total number registered up to this date . . . . . 27,992

\* One man and one boy died prior to their descriptions being taken to be registered.

viz. † 1,541  
\* 2  
1,543

(Signed) WM. SMITH.  
H. W. MACAULAY.

Sierra Leone, 1st January, 1834.  
WALTER W. LEWIS, Registrar.

(Signed)



No. 4.

*His Majesty's Commissioners to Viscount Palmerston.*—(*Received March 3.*)  
 MY LORD, *Sierra Leone, 6th January, 1834.*

WE have the honour to enclose herein, for your Lordship's information, a certified Copy of the List of Slaves registered by the Mixed Courts in this Colony during the last half-year. The number so registered was 1,063.

We have, &amp;c.

(Signed)

WM. SMITH.  
 H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
 &c.                      &c.                      &c.

Enclosure in No. 4.—(*Abstract.*)

	Number registered.	Number died before registration, but emancipated.	Number emancipated.
Segunda Socorro . . . . .	307	”	307
Caridad . . . . .	107	”	107
Virtude . . . . .	314	”	314
El Primo . . . . .	335	”	335
	1,063	”	1,063

(*Mem.*)—Number registered up to the 5th July, 1833 . . . . . 26,929  
 Number registered from the 5th July, 1833, to the 5th January, 1834 . . . . . 1,063  
Total . . . . . 27,992

6th January, 1834.

(Signed)

WALTER W. LEWIS, Registrar.

No. 5.

*Mr. W. W. Lewis to Sir G. Shee.*—(*Received May 7.*)

SIR,

*Sierra Leone, 22d March, 1834.*

I HAD the honour, on the 4th instant, of receiving your Letter of the 6th of January last, conveying Lord Palmerston's permission for my returning to England in the present year, for a period of 6 months, should the state of my health continue to require it; and I now beg leave herewith to submit to you, Sir, for his Lordship's consideration, a Copy of the Colonial Surgeon's opinion as to the necessity of my having an early change of climate, and respectfully to state, that in consequence of the opinion alluded to, I purpose availing myself, in a few weeks from this time, of the leave of absence which Lord Palmerston has been so kind as to afford me.

I should have transmitted a medical Certificate with my application for leave of absence, in August last, to his Lordship, had not the Colonial Surgeon, who has been my medical adviser for the last 7 years, been absent from the Colony at the time in question.

I have, &amp;c.

(Signed)

WALTER W. LEWIS.

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

## Enclosure in No. 5.

SIR,

*Freetown, Sierra Leone, 20th March, 1834.*

I BEG to acknowledge the receipt of your Letter of yesterday's date, requesting my medical opinion as to the probable safety, or otherwise, of your encountering the ensuing rains in your present state of health.

In reply, I beg to state, that having fully considered the nature and extent of your late and present ailments, and referring also to the many very serious attacks of disease under which you have, from

time to time, suffered during now nearly 7 years, that I have served in this Colony, I do consider it absolutely necessary, for the renovation of your constitution, and the restoration of your health, that you quit this Colony for Europe previously to the setting in of the heavy rains.

I am, &c.

(Signed)

J. BOYLE, Col. Surgeon.

*W. W. Lewis, Esq.*  
&c. &c. &c.

No. 6.

*His Majesty's Commissioner to Viscount Palmerston.—(Received July 3.)*

MY LORD,

*Sierra Leone, 29th April, 1834.*

I HAVE the honour to report to your Lordship the departure for England, on Sunday last, the 27th instant, of William Smith, Esq., His Majesty's Commissary Judge.

On the following morning, his Excellency, Octavius Temple, the Lieutenant-Governor, took, before his Honour the Chief Justice, (he being the principal Magistrate in the Colony,) the prescribed oaths for the due performance of his duties as His Majesty's Commissary Judge, *ad interim*, in the several Courts of Mixed Commission established at this place for the suppression of the illicit traffic in slaves, in accordance with the 54th and 55th sections of the Slave Trade Abolition Act.

A sitting of all the Courts was this day held, for the purpose of installing his Excellency in his new office.

I have, &c.

(Signed)

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

No. 7.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 8, 1834.*

I HEREWITH transmit to you, for your information, 12 Copies of Papers, marked A and B, relating to the Slave Trade, which have this day been presented, by His Majesty's Command, to both Houses of Parliament.

I am, &c.

(Signed)

PALMERSTON.

*To His Majesty's Commissioners,*  
&c. &c. &c.

No. 8.

*His Majesty's Commissioners to Viscount Palmerston.—(Received August 11.)*

MY LORD,

*Sierra Leone, 20th May, 1834.*

WE have the honour to inform your Lordship that Walter William Lewis, Esq., the Registrar to the several Courts of Mixed Commission established in this Colony for the suppression of illicit traffic in slaves, acting upon your Lordship's permission to return to England, sailed from this place yesterday; and that John Salter, Esq., Agent Victualler, has been appointed to fill his situation during his absence by his Excellency the Governor, in accordance with the 54th section of the Slave Abolition Act.

We have, &c.

(Signed)

OCT. TEMPLE.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

No. 9.

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

MY LORD,

*Sierra Leone, 5th July, 1834.*

WE have the honour to forward herewith to your Lordship a certified Copy of the List of Slaves registered by the Courts of Mixed Commission here, in the period from the 5th January, 1834, to this date.

The number so registered was 968, and the number emancipated in that time was 1,077. One slave died between the period of emancipation and registration. Fifty-four slaves from the Portuguese schooner "*Apta*," and 54 other slaves from the Portuguese schooner "*Santissimo Rozario e Bom Jezuz*," were landed at Fernando Po, and emancipated by a decree of the British and Portuguese Court, but not registered at this place.

The number of slaves who have been registered here, from the establishment of the Courts of Mixed Commission, up to this date, is 28,960; the number who have been emancipated in the same time is 30,612.

We have, &c.  
(Signed) OCT. TEMPLE.  
H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

Enclosure in No. 9.—(Abstract.)

	Number registered.	Number died before registration, but emancipated.	Number emancipated.
Vengador . . . . .	376	"	376
Carolina . . . . .	323	"	323
La Pantica . . . . .	269	1	270
	968	1	969

*Mem.*)—Number registered up to the 5th January, 1834 . . . . . 27,992  
Number registered from the 5th January to the 5th July, 1834 . . . . . 968  
Total . . . . . 28,960

N.B.—In addition to the foregoing List of emancipated slaves, registered in the period set forth, there were 54 other slaves seized on board the Portuguese schooner "*Apta*," and 54 other slaves seized on board the Portuguese schooner "*Santissimo Rozario e Bom Jezuz*," (or the survivors of them,) likewise emancipated by Decrees of the Court of Mixed Commission, but not registered in this office, from their having been landed and detained at Fernando Po.

(Signed) JOHN SALTER, A.R.

*Registry Office, Sierra Leone, 5th July, 1834.*

No. 10.

*His Majesty's Commissioner to Viscount Palmerston.—(Received September 12.)*

MY LORD,

*Sierra Leone, 5th July, 1834.*

ON the 30th ultimo, the melancholy duty devolved upon his Excellency Lieutenant-Governor Temple and myself, of announcing to your Lordship the death of our friend and colleague, the Brazilian Commissary Judge.

Since that time we have lost the services of Mr. B. H. Hardisty, the second clerk of His Majesty's Commissioners, who is suffering from a severe attack of the fever of this country.

The months of June, July, and August have ever been found the most fatal in this climate; and I beg leave most respectfully to solicit your Lordship to grant me the same indulgence which has been granted to my colleague, William Smith, Esq., and permit me to leave Sierra Leone during the aforesaid months in each ensuing year, should my medical adviser urge the danger of my remaining here at that unhealthy period.

On the 20th February, 1835, I shall have served 3 years actually at my post, and at that time shall have been a resident in this Colony more than 5 years.

I have, &c.

(Signed) H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

## No. 11.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received September 12.)  
 MY LORD, Sierra Leone, 10th July, 1834.

WE have the honour to acknowledge the receipt, yesterday evening, *viâ* Gambia, of your Lordship's Despatch of the 7th March, 1834, enclosing, for our information, the Copy of a Despatch, with its Enclosures, received from His Majesty's Commissioners at the Havana, containing their general report upon the Slave Trade of the Havana for the year 1833; and we beg leave respectfully to thank your Lordship for that communication.

The Havana Commissioners state that, out of the 31 slave vessels comprised in their first Enclosure, which sailed from the Havana in the year 1832, the fate of 6 remains to be ascertained. Of the 6 vessels thus referred to, the Spanish schooner "*Desengaño*," Francisco Loureyro, master, was condemned in the British and Spanish court, established in this Colony, on the 11th April, 1832; the Spanish schooner "*Veloz*," alias "*Veloz Mariana*," was condemned here on the 31st May, 1833; and the Spanish schooner "*Segunda Socorro*" was condemned by us on the 17th July, 1833.

From the List No. 2, of the 38 slave vessels which sailed from the port of Havana for Africa during the year 1833, the Spanish brig "*Vengador*" (No. 16 on the List), of which Pedro Badia was master, was condemned in this place on the 21st of February last; the Spanish brigantine "*Carolina*" was condemned by us on the 22d March last; and the Spanish schooner "*Pantica*" on the 4th instant.

We have thus the satisfaction to state, that 6 of those vessels, whose fate was unknown to the Havana Commissioners at the time when their Despatch was written, have been condemned in the Mixed Commission Court established in this Colony, and their surviving slaves, to the number of 1,750, have been emancipated from slavery.

In these Lists we recognize the names both of individuals and vessels which are well known on this coast, in connection with the Slave Trade.

Antonio Ferreyra, who was master of the "*Prueba*" when she was condemned here on the 5th June, 1832, appears to have subsequently made a successful slave trading voyage in the brig "*Alerta*."

Fortunato Romero, who made a successful voyage in the "*Segunda Gallega*," in October, 1832, was captured in April, 1833, whilst in command of the "*Veloz Mariana*," and again shortly afterwards, whilst a passenger on board the "*Segunda Socorro*."

Pedro Badia, as master of the "*Abencerrage*," completed a slave voyage to the Havana in December, 1832, but was captured in the month of January of this year, in command of the "*Vengador*."

Juan Pinto, master of the brig "*Carolina*," carried a cargo of slaves to the Havana in April, 1833, but was captured in the same vessel in February last.

Jozé Carbo, who commanded the "*Volador*," which arrived at the Havana with slaves on the 11th June, 1833, also commanded the schooner "*Pantica*," captured on the 27th April last.

Juan Ramundo Verger, who sailed from the Havana 21st April, 1833, in the Spanish schooner, "*Joaquina*," and was captured, with 329 slaves on board, by His Majesty's schooner, "*Nimble*," is the same person who was captured in company of the "*Frasquita*," alias "*Centella*," on the 15th February, 1832.

These facts undoubtedly prove the system and extent of the Spanish Slave Trade, and the protection and connivance which it receives from the Spanish Authorities: they show the necessity of opposing the skill and experience of the slave traders by the adoption of a measure which we have frequently referred to, as being, in our opinion, the sure and only means by which such Slave Trade will be effectually repressed—we mean the addition of the *Equipment Article* to our present Slave Treaty with Spain.

We have, &c.

(Signed)

OCT. TEMPLE.  
 H. W. MACAULAY

*The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

No. 12.

*His Majesty's Commissioner to Viscount Palmerston.—(Received Sept. 30.)*

MY LORD,

*Sierra Leone, 14th August, 1834.*

THE melancholy duty has again devolved upon me of informing your Lordship of another loss which the Courts of Mixed Commission and His Majesty's service have sustained, in the death of his Excellency, Octavius Temple, Lieutenant-Governor of this Colony, and His Majesty's Commissary Judge, *ad interim*, in the absence of William Smith, Esq. in England.

This deplorable event occurred yesterday morning, and has occasioned universal and heartfelt regret.

The official intercourse which necessarily took place between the late Governor and His Majesty's Commissioners was always marked by kindness and courtesy on his part—a line of conduct which I have lately had occasion more particularly to observe, since I became united with him in carrying on the business of the Mixed Courts.

Mr. Thomas Cole, the Colonial Secretary, having become Acting Governor of the Colony, was sworn in as such yesterday, and this morning he took the prescribed oaths as His Britannic Majesty's Commissary Judge, *ad interim*, in the several Courts of Mixed Commission established at this place for the suppression of illicit traffic in slaves, before His Honour the Chief Justice, in accordance with the 38th, 54th, and 55th, clauses of the Slave Abolition Act.

There are at present 2 Cases before the Courts, one of which will be adjudicated almost immediately, and, until then, the installation of his Honour, the Acting Governor, in his new office, has been deferred.

I have, &amp;c.

(Signed)

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

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

No. 13.

(CIRCULAR.)

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 17th November, 1833.*

THE King having been pleased to confer the Seals of the office of His Majesty's Principal Secretary of State for Foreign Affairs on the Duke of Wellington, I have to desire that you will henceforth address your Despatches and Letters on public business to his Grace.

I am, &amp;c.

(Signed)

PALMERSTON.

*His Majesty's Commissioners,*

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

No. 14.

(CIRCULAR.)

*The Duke of Wellington to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, November 17, 1834.*

I HAVE to acquaint you that the King has been pleased to accept of Viscount Palmerston's resignation of the office of His Majesty's Principal Secretary of State for Foreign Affairs.

I am to desire that you will, until further arrangements shall be made, address to me your Despatches and Letters on public business, to be laid before the King; and you will receive from me such orders and instructions as His Majesty shall think proper to give for your guidance and direction.

I am, &amp;c.

(Signed)

WELLINGTON.

*His Majesty's Commissioners,*

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

## SIERRA LEONE. (*Spain.*)

No. 15.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 28, 1834.)

MY LORD,

*Sierra Leone, 21st October, 1833.*

WE have the honour to enclose herein, for your Lordship's information, our Report of the Case of the Spanish schooner, "*Caridad*," Antonio Fortunato, Master, which vessel, having a cargo of 112 slaves on board, and bound from the River Bonny to St. Jago de Cuba, was detained, on the 18th of last month, by His Majesty's brig, "*Trinculo*," Richard Warren, Esq., Acting Commander, and condemned by us, on the 19th instant.

Notwithstanding the affidavit of the Master of the "*Caridad*," that he was the sole Owner of both that vessel and her cargo of slaves, we are strongly inclined to believe that American, and perhaps French, interests were vested in the "*Caridad's*" adventure; and we have been led to draw this conclusion from the following circumstances:—

The "*Caridad*," on her way from Cuba to the Coast of Africa, put into the Port of Norfolk, in the United States, for the purpose, as the Master alleges, of repairing some damage which she had sustained. This explanation of the reason of the "*Caridad's*" going into Norfolk rests upon the Master's unsupported testimony, to which we cannot give implicit credence, as the real name of the individual on board of her, who is called Don Manuel, has been proved to be Samuel Holmes; in whose chest were found 2 certificates, from Masonic Lodges in New York, dated the 5th and 6th of April, 1832, of his being a Master Mason.

This individual, according to the deposition of the Master of the "*Caridad*," being an American, and a passenger from the Island of Cuba, but whom we suppose to have been the supercargo, together with the "*Caridad's*" having gone into Norfolk, give, we think, an appearance of American interests having been engaged in her voyage; whilst the fact of the outward-bound cargo of merchandise laden on board thereof having been shipped and passed through the Custom House at St. Jago de Cuba, by the house of Ronsseau and Company, of that place, leads us to suppose, that French interests were also combined therein.

We have, &c.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 15.

*Report of the Case of the Spanish schooner, "Caridad," Antonio Fortunato, Master.*

THE Spanish schooner, "*Caridad*," commanded by Antonio Fortunato, was furnished with a Commercial Passport, dated at St. Jago de Cuba, on the 20th of April, 1833, which authorized her to proceed on a lawful trading voyage to the Island of Princes.

Having taken her departure for the Coast of Africa, she, in her voyage thither, put into the Port of Norfolk, Virginia, in the United States, to repair some damage it is alleged she had sustained; and she quitted Norfolk on the 6th of June following, and went direct to Whydah, in the Bight of Benin, and from thence to the River Bonny. A cargo of slaves having been obtained in that River, the "*Caridad*" was on her return voyage to St. Jago de Cuba when, on the 18th of September last, she was detained in or about latitude 0° 42' North, longitude 9° 05' East, by His Majesty's brig, "*Trinculo*," Richard Warren, Esq., Acting Commander.

The "*Caridad*" arrived in this harbour on the evening of the 10th of October, with 108 slaves,

principally children, on board, 4 having died on the passage hither. On the following morning, the Medical Attendant visited the slaves, and reported that they were generally healthy, with the exception of 2 cases of dysentery, 5 of ophthalmia, and a few of "craw-craw;" he, however, recommended their being landed as soon as possible, to prevent an expansion of disease; they were accordingly landed on the 12th instant; Acting Governor Melville having consented to receive them in charge, until the vessel should be adjudged.

The ship's papers of the "*Caridad*" were, on the 12th instant, brought into Court and filed, duly authenticated by the affidavit of Mr. John Hollinworth, the Prize Master. The Monition, as usual, was, on the same day, issued, and it was returned into Court, certified by the Marshal to have been duly served, on the 19th instant.

On the 14th of October, the Master, Antonio Fortunato, the only witness, was examined on the standing Interrogatories. He deposed, "that he was born at Naples; is now a Spanish subject, but formerly was a subject of the King of Naples; is a married man, and resides with his family at St. Jago de Cuba; that he appointed himself to the command of the detained vessel, being the Owner thereof, and that he purchased her about 6 months since of a Captain Roche, a native of New Orleans; that the said vessel was seized for having slaves on board, whilst sailing under Spanish colours; that the name of the detained vessel is "*La Caridad*," which is the only one he has known her to have, and that he was the sole Owner of the said vessel and of the cargo; that there was one passenger on board the detained vessel, shipped at Cuba for conveyance to the Island of Princes; his name is Don Manuel, and is an American subject; that the said passenger remained on board, and was on his return to Cuba; that the present voyage began, and was to have ended, at St. Jago de Cuba; that the detained vessel touched at Norfolk, in the United States, to undergo repairs, which was also the last clearing Port the vessel sailed from previous to capture; from thence the vessel went to the Bonny, having touched at Whydah for water; that he went direct to the Bonny for a cargo of slaves; that the said vessel was detained on the evening of the 18th of September last, off the Island of St. Thomas, on the Equator, after a chase which had continued the whole of the day; that he was the Owner, Lader, and Consignee, of the cargo of the detained vessel, which consisted of 112 slaves, shipped from the shore at the Bonny."

The Proctor for the Captor, on the 15th, prayed for and obtained leave to file an Affidavit of the Prize Master, Mr. John Hollinworth, accounting for only one witness being produced to give evidence in this case; Mr. Hollinworth therein deposed, "that the schooner, '*Caridad*,' was captured on the night of the 18th of September last, and that he, deponent, was ordered, immediately after she was detained, to take charge of and proceed with her to Sierra Leone for adjudication; that at the time he joined the said schooner she was in so confused a state, that he was not able to ascertain how many of the detained crew had been left on board before he parted company with the '*Trinculo*;' but he had been previously informed by Commander Warren, that the Master and the Cook were in the said schooner; and it was not until the following morning he found that the Master was the only one of the detained crew on board of her; that 5 days after the capture of the said schooner he again fell in with the '*Trinculo*,' when he (the deponent) applied for the Cook, supposing in the hurry of their departure he had been taken on board, but deponent was then told, that the Cook had been left on board the detained vessel at the time of seizure; and that the remainder of the crew had been since transferred from the '*Trinculo*' to His Majesty's brig, '*Curlew*,' which circumstance prevented another witness being sent up in his place; that he can in no other way account for the absence of the said Cook than by supposing he may have fallen overboard after capture, as he believes that the greater part of the crew of the said schooner, when detained, were in a state of extreme intoxication."

Although the Court could have wished that more evidence had been before it, yet the "*Caridad*" having been detained in the very act of carrying on an illicit traffic in slaves, supported as that fact was by the deposition of so important a witness as the Master, the sole Owner, as he also swore, of both vessel and cargo, the Court did not hesitate to proceed on the proofs before it; and therefore, on the 19th instant, condemned the "*Caridad*" as good and lawful Prize to the Crowns of Great Britain and Spain.

The Court at the same time decreed 107 slaves, captured on board that vessel, (one having died on shore here, making 5 deaths before adjudication,) to be emancipated from slavery.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*Sierra Leone, 21st October, 1833.*

No. 16.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 25, 1834.)*

MY LORD,

*Sierra Leone, 14th December, 1833.*

WE have the honour to report to your Lordship the arrival here, on the 3d instant, of the Spanish brig, "*El Primo*," Ignacio Calvet, Master, having on board a cargo of slaves, with which she was bound from the River Bonny to St. Jago de Cuba, when detained, on the 28th of October last, in latitude 2° 37' North, longitude 6° 36' East, by His Majesty's ship, "*Isis*," Captain James Polkinghorne commanding.

The fact of slave dealing having been unequivocally established against the "*Primo*," she was condemned by us on the 10th instant, and the surviving slaves captured on board of her, were emancipated from slavery and delivered over to this Colonial Government. Our report thereon we enclose herein.

The "*Primo*" cleared out and sailed from Cadiz on her present voyage on the

24th of June of the present year, bound, as her Royal Passport, of the 26th of the previous month of May, says, on a lawful trading voyage to the Islands of Princes and St. Jago de Cuba. Instead, however, of prosecuting a lawful traffic, the "*Primo*" went direct from Cadiz to the Bonny for slaves; and although the Master deposes that he went there to purchase palm-oil, ivory, &c., we look upon that as a subterfuge to conceal what was, in our opinion, the sole and premeditated object of the voyage, that of slaving.

The "*Primo*" was fitted for the Slave Trade in the Port of Cadiz; and the fact that such illicit adventures are unopposed in the very heart of the greatest seaport of Spain itself, affords a melancholy proof that the Spanish Government, notwithstanding its professions to the contrary, has hitherto taken no effectual step to repress the traffic in slaves.

The lading of the "*Primo*," in her last voyage (as deposed to by Ignacio Calvet), was the produce of Cuba, taken from that Island to Cadiz; but the Registrar elicited from him that the voyage previous to that was from the Coast of Africa to Cuba, with a cargo of 450 slaves, and that he had made in that trade 7 or 8 successful voyages.

We have, &c.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 16.

*Report of the Case of the Spanish brig, "El Primo," Don Ignacio Calvet, Master.*

THIS vessel was furnished with a Royal Passport, dated at Cadiz on the 24th of June, 1833, declaring her to be bound on a lawful commercial voyage from that city to the Islands of Princes and St. Jago de Cuba. She sailed from Cadiz direct to the River Bonny (having in her way thither touched at Whydah), where she took on board a cargo of slaves, with which she was on her way to St. Jago de Cuba when fallen in with and detained, on the 28th of October, 1833, being then in or about latitude 2° 37" North, longitude 6° 36" East, by His Majesty's ship, "*Isis*," Captain James Polkinghorne commanding.

The "*Primo*" arrived in this harbour on the 3d instant. The Medical Attendant immediately visited the slaves, and reported that they were generally healthy, the only exception being "craw-craw" and a very few cases of "diarrhoea." As, however, confinement on board a crowded vessel was very injurious to health, he recommended their being landed, and they were accordingly landed on the same day, and delivered into the charge of the Colonial Authorities.

On the 3d of December the ship's papers were brought into Court and filed, being duly authenticated by the Prize Master, Mr. Christopher Richard Airey. The Monition was, on the same day, prayed for, and issued; and it was returned into Court on the 10th instant, certified by the Marshal to have been duly served.

On the 5th the Master, Don Ignacio Calvet, and the Assistant Boatswain, Miguel Segui, were examined on the standing Interrogatories.

Don Ignacio Calvet deposed that "he appointed himself to the command of the detained vessel, being the Owner thereof; that he first saw the said vessel at Marseilles, where he purchased her; believes she is American built; that he (witness) has always been a Spanish subject, was born at Princes, and has resided at Cuba for the last 11 years; that the name of the detained brig is '*El Primo*,' was formerly called '*Brutus*;' that the said vessel was seized for having slaves on board; that he was the sole Owner of the detained vessel and her cargo of slaves, which he intended to place on his estate in Cuba; that there was one passenger on board at the time of capture; he is a little boy; by name Ignacio, son of one Arguanta, a native chief in the Bonny, and was destined for Cuba to receive an education; that the present voyage began at Cadiz, and was to have ended at Cuba; Cadiz was the last clearing port the vessel sailed from previous to capture; that she went to Whydah, and thence to the River Bonny for legitimate trade; but that the present cargo consisted of 342 slaves, shipped from the shore in the Bonny."

Miguel Segui deposed, "that the name of the Master of the detained brig is Don Ignacio Calvet, and that he appointed himself to the command, being the Owner of the said brig; that he believes the Master to be the Owner of the detained vessel and her lading; that he (witness) was Assistant Boatswain in the said vessel; that there was not any passenger on board, unless the boy Ignacio, who was in charge of the said Master, be on board in that capacity; that the said vessel was seized for having a cargo, consisting of 342 slaves on board, shipped from the shore in the River Bonny; that he has only known the detained brig by the name of '*El Primo*;' that the present voyage began at Cadiz, and was to have ended at Cuba; after quitting Cadiz she went to Whydah, and thence to the Bonny to trade for palm-oil; that the Master was the Lader and Owner of the present cargo of slaves, but he does not know who were the Consignees."

The boy, a child, named Kesserombah, alias Ignacio, said to be a passenger, was examined on this point on the 5th of December, when he stated that "the said Master bought him of his father, who lives in the Bonny; his father is a chief in that river, but does not deal in slaves; that he did not see the said Master pay the purchase-money for himself; that he does not like the said Master, and wants



to remain in this colony; that he was branded on shore with P, which he exhibited on his right arm; that he was so branded when many of the slaves who were taken in the said vessel were branded with the same mark, after which he was shipped with the cargo of the said vessel."

The Court having assembled for the adjudication of this Case on the 10th instant, remarked that the artless statement of the boy, Kesserombah, alias Ignacio, established the fullest conviction that he was a slave, and he therefore would be included for emancipation amongst the others captured on board "*El Primo*," which vessel having been engaged, as was unequivocally proved, in the prohibited traffic in slaves at the time of detention, was subject and liable to confiscation. The Court, therefore, condemned "*El Primo*" as good and lawful prize to the Crowns of Great Britain and Spain, and decreed 335 slaves (including in that number the aforesaid boy, Kesserombah), who were captured on board of that vessel, to be emancipated from slavery; 8 having died between the time of capture and condemnation.

(Signed)

WM. SMITH,  
H. W. MACAULAY.

Sierra Leone, 4th December, 1833,

No. 17.

*His Majesty's Commissioners to Viscount Palmerston.—(Received March 3.)*

MY LORD,

Sierra Leone, 6th January, 1834.

WE have the honour to transmit, enclosed, an Abstract of the Proceedings in the British and Spanish Court of Mixed Commission, established in this Colony, during the year ending on the 1st instant.

The number of Cases adjudicated in that Court was 7, all Cases of condemnation; and the number of slaves emancipated was 1524.

We have, &amp;c.

(Signed)

WM. SMITH.  
H. W. MACAULAY.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 17.

*Abstract of Proceedings in the British and Spanish Court of Mixed Commission, established at Sierra Leone, in the period from the 1st of January, 1833, to the 1st of January, 1834.*

1. THE Spanish schooner, "*Desengaño*," commanded by Francisco Loureyro, was furnished with a Royal Passport, dated at Havana, on the 27th of September, 1832, authorizing her to proceed on a lawful commercial voyage to the Island of St. Thomas. She proceeded to the River Bonny, where 220 slaves were taken on board, and was on her return to Cuba when detained at the mouth of that river, on the 22d of February, 1833, by His Majesty's brig, "*Charybdis*," Lieutenant Richard Burrough Crawford commanding.

The evidence adduced proved that the "*Desengaño*" was, at the time of capture, engaged in the illicit traffic in slaves. The Court, on the 11th of April, 1833, condemned the "*Desengaño*," as good and lawful prize to the Crowns of Great Britain and Spain, and decreed 209 slaves, the survivors of those captured on board of her, to be emancipated from slavery; 11 having died between the time of capture and condemnation.

2. The "*Veloz Mariana*," sailing under Spanish colours, and commanded by Fortunato Romero, was authorized by a Royal Passport, dated at Havana, on the 2d November, 1832, to proceed on a lawful trading voyage to the Islands of Princes and St. Thomas. She, however, went direct to the New Calabar River, where 290 slaves were shipped, and she was detained, with them on board, in the above river, on the 23d of April, 1833, by His Majesty's brig, "*Curlew*," Henry Dundas Trotter, Esq. commander.

The witnesses deposed that Amarcri, the King of New Calabar, was the Lader and Owner of the negroes (consequently they were slaves) found on board the "*Veloz Mariana*," who were intended to be conveyed to Havana to be taught agriculture and trades. No claim was, however, preferred for the "*Veloz Mariana*."

The Court held that she was engaged in the illicit Slave Trade, and on the 31st of May, 1833, condemned her as good and lawful prize, and emancipated from slavery 265 of her slaves, 25 having died between the period of capture and adjudication.

3. The Spanish sloop, "*Indio*," José Balaguer, Master, was furnished with a Royal Passport, authorizing her to trade for lawful produce to the Island of Princes.

The "*Indio*" sailed direct for the River Bonny, where 117 slaves were taken on board, and she had proceeded with them 4 days, on her return to St. Jago de Cuba, when detained on the 13th of May, 1833, by His Majesty's ship, "*Favourite*," Captain Joseph Harrison commanding. The evidence fully established the fact of the "*Indio's*" employment in the Slave Trade; and the Court, at its sitting, on the 22d of June last, pronounced the "*Indio*" to be a lawful prize, and decreed 108 slaves, who were captured on board, to be emancipated from slavery; 9 having died between the time of detention and condemnation.

4. The brig, "*Josefa*," Francisco Jozes Buigas, Master, sailing under Spanish colours, was detained with a cargo of slaves on board, on the 5th of May, 1833, in latitude  $3^{\circ} 58' 42''$  North, longitude  $7^{\circ} 27' 39''$  East, by His Majesty's steamer, "*Pluto*," Lieutenant Thomas Ross Sullivan commanding.

The evidence fully proved that the "*Josefa*" had shipped her slaves in the River Bonny on the 4th of May, and was bound with them to St. Jago de Cuba. The Court accordingly, on the 22d of June, 1833, condemned the "*Josefa*" as good and lawful prize to the Crowns of Great Britain and Spain; and decreed the emancipation from slavery of 193 slaves, 85 having died between the period of capture and condemnation.

5. The Spanish schooner, "*Segunda Socorro*," José de Inza, Master, having on board 307 slaves, was detained on the 7th of July last, in latitude  $6^{\circ} 30''$  North, longitude  $12^{\circ} 12''$  West, by His Majesty's brig, "*Trinculo*," Josiah Thompson, Esq., Acting Commander.

The slaves were shipped and owned, as sworn to by the Master, by the following Black Chiefs at Galinas, viz.: Siacco, Manna, Amurah, and Mandingo Lahi. The Court, therefore, on the 17th of July, 1833, condemned the "*Segunda Socorro*" as good and lawful prize, and decreed the 307 slaves captured on board, to be emancipated from slavery.

6. The Spanish schooner, "*Caridad*," commanded by Antonio Fortunato, was furnished with a Royal Commercial Passport, dated at St. Jago de Cuba, on the 20th of April, 1833, which permitted her to trade for lawful commerce to the Island of Princes.

She was on her return from the River Bonny to St. Jago de Cuba, with a cargo of slaves, when on the 18th of September last, being in or about latitude  $0^{\circ} 42''$  North, longitude  $9^{\circ} 05''$  East, she was detained by His Majesty's brig, "*Trinculo*," Richard Warren, Esq., Acting Commander. The "*Caridad*" having been detained in the act of carrying on a traffic in slaves, and the evidence produced corroborating that fact, the Court, on the 19th of October, 1833, condemned her as good and lawful prize, and emancipated 107 slaves, the survivors of those on board at the time of capture.

7. The Spanish brig, "*El Primo*," under the command of Ignacio Calvet, cleared out and sailed from Cadiz about the 24th of June, 1833, for a legitimate voyage to the Island of Princes, on the coast of Africa and Cuba. She, however, went to the River Bonny, and took in a cargo of slaves, with which she was bound to St. Jago de Cuba, when detained on the 28th of October last, in latitude  $2^{\circ} 37''$  North, longitude  $6^{\circ} 36''$  East, by His Majesty's ship, "*Isis*," Captain Polkinghorne commanding. The fact that "*El Primo*" was engaged in the Slave Trade at the time of capture led to her condemnation, as good and lawful prize to the Crowns of Great Britain and Spain, on the 10th of December, 1833, and her 335 surviving slaves were on the same day decreed to be emancipated from slavery; 8 having died between the time of capture and adjudication,

(Signed)

WM. SMITH.  
H. W. MACAULAY.

*Sierra Leone, 6th January, 1834.*

No. 18.

*His Majesty's Commissioners to Viscount Palmerston.—(Received March 3.)*

SIR,

*Sierra Leone, 6th January, 1834.*

IN pursuance of the 75th clause of an 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 enclose, herein, a Return of all the Cases of Spanish vessels adjudicated in the British and Spanish Court of Mixed Commission here from the 1st of July, 1833, to the 1st of January, 1834.

We have, &c.

(Signed)

WM. SMITH.  
H. W. MACAULAY.

*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 day of July, 1833, and the 1st day of January, 1834.

NAME OF VESSEL.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZOR.	DATE OF SENTENCE.	Number of Slaves Captured.	Number died before Adjudication.	Total number 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.								
Segunda Socorro.	1833. 7th July.	6° 30' N.	12° 12' W.	Schooner and 307 slaves.	Josiah Thompson, Esq., H.B.M. ship "Trinculo."	1833. 17th July.	307	"	307	{ Condemned for being engaged in the illicit traffic in slaves. }	{ Vessel and stores sold by Public Auction, and the Proceeds paid in to the Military Chest. }
Caridad . . . . .	18th September.	0° 42' N.	9° 05' E.	Schooner and 112 slaves.	R. L. Warren, Esq., H.B.M. ship "Trinculo."	19th October.	112	5	107	Ditto	Ditto
El Primo . . . . .	28th October.	2° 37' N.	6° 36' E.	Brig and 343 slaves.	J. Polkinghorne, Esq., H.B.M. ship "Isis."	10th December.	343	8	335	Ditto	Ditto

(Signed) WM. SMITH.  
H. W. MACAULAY.

Sierra Leone, 1st January, 1834.  
(Signed)

WALTER W. LEWIS, Registrar.

## No. 19.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, March 17, 1834.*

I HEREWITH transmit to you, for your information, the Copy of a Despatch and of its Enclosures, which I have received from His Majesty's Commissioners at the Havana\*, containing their general Report upon the Slave Trade of the Havana, for the year 1833.

I am, &amp;c.

(Signed) PALMERSTON.

*His Majesty's Commissioners,*  
&c. &c. &c.

\* See No. 65.

## No. 20.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 7.)*

MY LORD,

*Sierra Leone, 22d February, 1834.*

WE have now the honour to enclose, for your Lordship's information, our Report of the Case of the Spanish brig, "*Vengador*," Pedro Badia, Master.

The facts connected with the voyage of the "*Vengador*," in the prosecution of which she was captured by His Britannic Majesty's steam-vessel, "*Pluto*," present nothing peculiarly novel. The vessel was furnished with a Royal Commercial Passport, dated at Havana in June, 1833, authorizing her to proceed on a licit voyage to Bahia and St. Thomas. She, however, came direct to the coast of Africa, and eventually took on board, in the River Bonny, a cargo of slaves, with which she was on her return to Cuba, when, shortly after leaving the river, she was detained by the "*Pluto*," and sent up to Sierra Leone for adjudication. She arrived in this harbour on the 13th instant, and was brought into Court on the following day. The proceedings usual in such cases were then gone through; and, it having been proved to the satisfaction of the Court that the "*Vengador*" had been legally captured whilst engaged in the proscribed traffic in slaves, she was, on the 21st instant, condemned as a forfeiture to the Crowns of Great Britain and Spain, and 376 slaves, the survivors of 405, who were on board at the time of her detention, were emancipated from slavery.

During the passage of the "*Vengador*" from the Bonny to this place, 28 slaves died. Of these only 11 died from disease, 17 having jumped overboard and been drowned. On one occasion, particularly, the loss of life in this way would have been much more deplorable but for the exertions of the prize crew, more especially of the Kroomen, who formed a part of it. Suicide, under such circumstances, is an abundant cause of the mortality on board of slave ships, and arises from the opinion entertained by these wretched beings, that after death they will revisit their own country. Almost every vessel that comes before the Court conveys melancholy proof of the prevalence of this idea.

The Master of this very fine Spanish brig, Don Pedro Badia, is well known in connection with such illicit adventures from the Havana, and his name is more than once mentioned by His Majesty's Commissioners in that quarter. On this occasion it is evident that, if he could have persuaded his crew to second his intentions, the most determined resistance would have been made to capture.

We have, &amp;c.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 20.

*Report of the Case of the Spanish Brig, "Vengador," Pedro Badia, Master.*

THE "*Vengador*" was furnished with a Royal Passport, dated at Havana, on the 12th of June, 1833, declaring her to be commanded by Pedro Badia, and authorizing her to proceed on a licit commercial voyage to Bahia and the Island of St. Thomas.

It does not appear that the "*Vengador*" touched at, or cleared out from, either of the places to which her Passport described her to be bound, and one of the witnesses examined declared that she went direct to Whydah from Havana. After leaving Whydah, the "*Vengador*" entered the River Bonny, and took on board a cargo of slaves, with which she was returning to Cuba, when she was

fallen in with and detained, in latitude 4° 1' North, longitude 7° 0' East, off the mouth of the Bonny, on the 8th of January, 1834, by His Britannic Majesty's steam-vessel, "Pluto," Lieutenant Thomas Ross Sullivan commanding.

The "*Vengador*" arrived in this harbour on the evening of the 13th instant, with 377 slaves on board. On the morning of the 14th instant, the Surgeon to the Courts visited the slaves, and reported that about 20 of them laboured under bowel complaint, and that almost all were afflicted with "crawl-crawl;" and recommended that they should be landed as soon as possible, that they might enjoy the advantages of change of air and medical attendance. This recommendation of the Surgeon was complied with, and a Petition to the same effect, on the same day, by the Proctor of the Captors, was granted, and, on the morning of the 15th instant, the slaves were placed in the liberated African yard, under the custody and superintendance of the Marshal of the Courts, pending adjudication.

On the 14th instant, the Captor's Proctor brought the "*Vengador*" into Court by Petition, and the papers of the vessel, attested by the Affidavit of the Prize Master, Mr. Augustus Gordon, and the declaration of the Captor, were accordingly filed; and the usual Monition, citing all parties interested in the vessel to appear, was issued and returned into Court on the 21st instant, with the Certificate of the Marshal of its having been duly served.

On the 15th instant, the Master of the "*Vengador*," Pedro Badia, was examined on the standing Interrogatories, and deposed that "he was born in Catalonia; lives at Havana, where he has resided for the last 23 years, has always been a Spanish subject—is unmarried, and appointed himself to the command of the detained vessel, which he built at Havana; that he was present when the said vessel was detained for having slaves on board—she sailed under Spanish colours, and had no other colours on board; that the name of the detained vessel is '*Vengador*,' which is the only name she has had; she is 160 tons burthen; there were 3 Officers and 42 Mariners on board, all of whom were Spaniards, with the exception of 5 or 6 Portuguese and 8 Manilla seamen; that the detained vessel and her lading are entirely his property; the present voyage began at Havana, and was to have ended at some Port of Cuba, according to his convenience. Havana was the last clearing Port the vessel sailed from previous to capture. He went from Havana to Brazils, and thence direct to the Bonny; he went into that river to repair two leaks which the vessel had, and it afterwards appeared advantageous to ship slaves; that there were 2 pivot-guns, a 12-pounder, and an 8-pounder, mounted on board; there were also on board 32 muskets, 30 cutlasses, 4 pairs of pistols, and a good supply of ammunition—she was so armed to defend herself against Pirates. He fired at the capturing vessel 7 times, in consequence of being fired at from her and not being able to see her colours; a great many of the arms were thrown overboard by his crew at the time of capture; that he was the Lader, Owner, and Consignee, of the detained vessel and her present cargo, which consisted of 408 slaves shipped in the Bonny."

On the same day Juan Herrera, the Cabin-boy, was examined on the standing Interrogatories, and deposed generally to the same facts as the Master, Pedro Badia. He however stated that "the '*Vengador*' went direct from Havana to Whydah, and subsequently to the Bonny; that part of the crew of the detained vessel fired her guns at the capturing vessel about 5 times, that the remainder of the crew declined fighting, but that the Master gave orders for resisting capture."

On the 17th instant, the Captor's Proctor prayed for leave to file an Affidavit of the Prize Master, Mr. Augustus Gordon, to prove the exact number of slaves on board the '*Vengador*' at the time of her capture, and the exact number of deaths which had taken place amongst them whilst they continued in his charge. From this document it appears that, out of 28 slaves lost on the passage, only 11 died from disease, the others having jumped overboard and been drowned.

On the 21st instant, the Court met for the adjudication of the brig "*Vengador*;" and the evidence taken in the Case having clearly established the fact of the illicit employment of that vessel in the traffic of slaves, at the time of her capture by His Majesty's Britannic Majesty's steam-vessel "Pluto," Lieutenant Thomas Ross Sullivan commanding, the Court condemned her as a good and lawful forfeiture to the Crowns of Great Britain and Spain, decreeing that it had been proved that 405 slaves had been on board at the time of capture, and that the survivors of that number, 376, should be emancipated from slavery; 28 having died on the passage up, and 1 after they were landed, and whilst the proceedings were pending.

*Sierra Leone, 22d February, 1834.*

(Signed)

WM. SMITH.  
H. W. MACAULAY.

No. 21.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 7.)*

MY LORD,

*Sierra Leone, 22d March, 1834.*

WE have the honour to inform your Lordship that the Spanish brigantine, "*Carolina*," Juan Pinto, Master, captured by His Majesty's ship, "*Isis*," Captain James Polkinghorne commanding, off Lagos, on the 16th ultimo, was this day condemned in the British and Spanish Court of Mixed Commission, for illicit traffic in slaves; and her surviving slaves, amounting to 320, were emancipated.

A full report of the Case will, as usual, be forwarded to your Lordship by the first conveyance; but we are unwilling to lose the opportunity afforded by the immediate departure of a very fast-sailing brig, late "*El Primo*," and another prize of His Majesty's ship, "*Isis*," of acquainting your Lordship with our proceedings.

We have, &c.

(Signed)

WM. SMITH.  
H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

No. 22.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received June 25.)

MY LORD,

*Sierra Leone, 26th March, 1834.*

WE had the honour of addressing your Lordship on the 22d instant, relative to the condemnation, on that day, of the Spanish brigantine, "*Carolina*," Juan Pinto, Master, detained by His Majesty's frigate, "*Isis*," Captain James Polkinghorne commanding, for being engaged in the illicit traffic in slaves. We have now the honour to enclose our Report of the Case, which differs in no respect from the ordinary Cases which come before the British and Spanish Court for adjudication.

The "*Carolina*" was furnished with a Royal Passport, dated on the 17th of March, 1832, and by it she was authorized to proceed on a licit commercial voyage to the Island of St. Thomas. Having touched at Princes Island for water and provisions, she went into the River Lagos for slaves, and was captured with 350 of these wretched beings on board, shortly after leaving Lagos for the Havana, by his Majesty's ship, "*Isis*." She arrived in this harbour on the 13th instant, and came into Court on the following day.

The necessary evidence having been taken, and all the preliminary proceedings closed, the Court met for the adjudication of the "*Carolina*" on the 22d, when she was condemned as good and lawful prize to the Crowns of Great Britain and Spain, having been captured by one of His Majesty's ships authorized to make such seizures, whilst engaged in the Slave Trade, contrary to the provisions of the Treaty between His Britannic Majesty and His Catholic Majesty, signed at Madrid on the 23d of September, 1817. The Court further decreed that 350 slaves were on board the "*Carolina*" at the time of her detention by His Majesty's ship, "*Isis*," and that the survivors of them, 320 in number, should be emancipated from slavery.

Your Lordship will observe, by the enclosed Report, that it was subsequently discovered that the number of surviving slaves amounted to 323, and that the Decree of Emancipation was amended, so as to include that number. From a consideration of all the facts connected with this discrepancy in the number of the surviving slaves, we were induced to believe that some error must have existed in the Log-Book of the Prize Master, so far as related to the deaths which had occurred amongst the slaves, and that instead of 30 only 27 of them had died previous to adjudication. The evidence so clearly established the fact of there only having been 350 slaves on board the "*Carolina*" when detained, that we could only come to this conclusion.

We have, &amp;c.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 22.

*Report of the Case of the Spanish brigantine, "Carolina," Juan Pinto, Master.*

A ROYAL Passport, dated at Havana on the 17th of March, 1832, was granted to this vessel, in which Juan Pinto was named as her Master, and which authorizes her to engage in a licit commercial voyage to the Island of St. Thomas.

The "*Carolina*" appears to have touched at Princes Island for provisions and water, and then proceeded to Lagos for a cargo of slaves, of whom she took on board 350, though her Passport declares her to be only 78 tons burthen.

She was returning to the Havana, with this cargo on board, when she was captured by His Majesty's frigate, "*Isis*," Captain James Polkinghorne commanding, on the 16th of February, 1834, in latitude 5° 4" North, longitude 4° 52" East, off the mouth of the river Lagos.

A prize crew having been put on board the detained vessel, she was sent up to this Port, where she arrived on the 13th instant, with the Master and 3 others of the Spanish crew as witnesses in the Case.

On the following day, the 14th instant, the arrival of the "*Carolina*" was reported by the Marshal. The Surgeon to the Court also visited her, and represented the slaves to be comparatively healthy, and that there were only 17 cases of serious illness amongst them. But the crowded state of the vessel was unfavourable to the maintenance of health; and the Surgeon recommended that 80 or 100 of the most debilitated, including the sick, should be landed as soon as possible. The limitation as to the number recommended to be landed was owing to a fear lest a difficulty might be felt in accommodating the whole of the slaves on shore, in the then crowded state of the premises provided for their reception.

On the same day the "*Carolina*" was brought into Court on the Petition of the Proctor for the Captor. The Declaration of Captain Polkinghorne, relative to her detention, including the Inventory of Stores found on board at the time of capture, mutually signed by the First Lieutenant of the capturing ship, by the Master of the detained brigantine, and by the Prize Officer, was filed, together with an Affidavit of Mr. Lacon, the Prize Officer, attesting the seizure of the "*Carolina*," as set forth in Captain Polkinghorne's Declaration, and the due delivery of all her Papers into the Registry of the Court. The usual Monition, citing all parties interested in the vessel to appear, was then issued, and the Captor's Proctor having prayed that the slaves might be landed pending adjudication, His Majesty's Commissioners communicated with the Colonial Government on the subject. The Surgeon's recommendation was carried into effect; 100 of the slaves were landed at the Lower Hospital at Kissy; and we are happy to state that not one death subsequently took place.

On the 17th instant Juan Pinto, the Master of the detained vessel, was examined on the standing Interrogatories, and deposed that "he was born in Galicia; has resided in Havana during the last 29 years; has always been a Spanish subject; is unmarried; appointed himself to the command of the detained vessel, being the Owner thereof; first saw the detained vessel at Havana, about 7 months since; does not know where she was built; was present when the said vessel was detained for having black people on board. The vessel sailed under Spanish colours, but had on board a Dutch Ensign for a Private Signal, and an American Jack, which had been found on board when she was purchased. Exclusive of himself, there were 2 Officers and 20 mariners on board, all of whom were Spaniards, excepting the black Cook, and were shipped at Havana; is sole Owner of the vessel and her cargo; had on board, as passengers to Cuba, the 3d mate and 7 of the sailors of the lately-condemned Spanish brig, '*El Primo*,' who were shipped at the Island of Princes; the present voyage began and was to have ended at Havana, which was the last clearing-port the vessel sailed from previous to capture; she went thence to Princes Island for provisions and water, and afterwards to Lagos for the present cargo; was detained on the 17th of February, by the British frigate '*Isis*,' after a 4-hours' chase; the present cargo consists of 350 slaves, shipped from the shore at Lagos; none of them died before capture."

On the same day Pedro Pereira Melai, Cook on board the "*Carolina*," was examined in like manner on the standing Interrogatories, and deposed generally to the same facts, corroborating the evidence of the Master, Juan Pinto, that "350 slaves were shipped from the shore at Lagos, and that none died before capture."

On the 20th instant, publication of the evidence taken and filed in this Case was decreed on the Petition of the Captor's Proctor. The Monition issued on the 14th, was returned into the Registry of the Court on the 21st instant, with the Certificate of the Marshal that it had been duly served. On the 22d the Case was closed by the Affidavit of the Prize Officer, Mr. Lacon, as to the number of deaths which had occurred on board the "*Carolina*" amongst the slaves, between that period and the date of her capture.

This Affidavit stated that, "at the time of the seizure of the said brigantine, '*Carolina*,' there were 350 slaves on board; and that, subsequently to the seizure of the said brigantine, 30 of the said slaves died from disease."

The Court then proceeded to adjudicate the vessel; and the evidence taken in the Case having clearly established the fact that the "*Carolina*" was legally detained by His Majesty's ship, "*Isis*," whilst engaged in the illicit traffic in slaves, Sentence of condemnation was passed upon her, as good and lawful prize to the Crowns of Great Britain and Spain. The Court also decreed that 350 slaves were on board the "*Carolina*" at the time of her seizure; that 30 of that number had died between capture and adjudication; and that the survivors, amounting to 320, be emancipated from slavery.

It always has been the practice of the Court to be guided in its judgment, as to the number of slaves on board at the time of capture, and the number of deaths which may have taken place afterwards, by the affidavit which the Prize Master makes at the close of the proceedings, and when, consequently, he has had every opportunity of informing himself correctly in those matters.

In the Case of the "*Carolina*," the Prize Master, Mr. Lacon, swore that she had on board, at the time of capture, 350 slaves. In this particular his affidavit was corroborated by the declaration of the Captor, and by the evidence of the Master and Cook of the detained vessel. Mr. Lacon also swore that 30 slaves had died between the period of capture and adjudication, and annexed to his Affidavit an extract from his Log, shewing the times at which the different deaths took place.

On this information the Court concluded that the survivors of the "*Carolina*'s" slaves amounted to 320; but when they came to be handed over to the Colonial Government, in accordance with the Decree which had emancipated them, their numbers appeared to be 323, being 3 more than the Prize Officer had represented to be on board the "*Carolina*" at the time of her adjudication.

The Court then entered into a careful investigation, in order to account, if possible, for this discrepancy, and the whole of the evidence having decidedly shown that 350 slaves were on board the "*Carolina*" at the time of her detention, the Court was obliged to consider that some error in the Prize Master's Log, which might very easily happen, had made it appear that 30 slaves had died subsequent to capture, when, in fact, only 27 deaths had taken place.

The Decree of the Court was therefore amended, and the number of slaves from the "*Carolina*," who were emancipated, was declared to be 323.

(Signed) WM. SMITH.  
H. W. MACAULAY.

Sierra Leone, 26th March, 1834.

No. 23.

His Majesty's Commissioners to Viscount Palmerston.—(Received August 25.)

MY LORD,

Sierra Leone, 4th June, 1834.)

WE have the honour to enclose our Report of the Case of the Spanish schooner, "*La Pantica*," José Carbo, Master, which was detained on the 27th

April last, by His Majesty's schooner, "Fair Rosamond," Lieutenant George Rose commanding, off the mouth of the Old Calabar River, in latitude 4° 20' North, longitude 8° 26' East, for being engaged in the illicit traffic in slaves.

The "*Pantica*" sailed from Havana on the 14th December last, furnished, as is usual with such vessels, with a Royal Commercial Passport, authorizing her to engage in a legal voyage to St. Thomas. But, instead of proceeding to that island, she came direct to Old Calabar, and exchanged her outward cargo of rum and dry goods for slaves, of whom 317 were taken on board on the 26th April last, the day previous to that on which she was fallen in with, whilst at anchor off the Old Calabar River, by the boats of the capturing ship.

The Spanish crew were removed from the prize immediately after capture, the Master alone, Jozé Carbo, being left on board with the slaves. The practice adopted in this instance by the capturing ship, of sending up only one of the crew of the detained vessel is, in our opinion, reprehensible, not only from the doubts and difficulties which it might cause, but as being directly at variance with the 6th Article of the Instructions for the ships of war employed to prevent the Slave Trade, and which are attached to, and form an integral part of, the Spanish Treaty. That Article enjoins that "the ships of war which may detain any slave-ship shall leave on board the Captain, and a part at least of the crew of the above-mentioned slave-ship." The propriety of such an injunction cannot be questioned; but were it even questionable, it is no less obligatory upon those to whom it is addressed. The conflicting evidence of different individuals, engaged in the same illicit pursuit, would often lead to the discovery of truth, where the false tale of one witness, who has nothing to fear from the statements of others, might be consistent and plausible enough. Then, the inconvenience which would arise from the death of an only witness, and the facility with which he might be tampered with, are additional reasons for enforcing the observance of this Article of the Instructions.

The "*Pantica*" arrived in this harbour on the afternoon of Sunday the 25th ultimo, and came into the British and Spanish Court on the following day. Her slaves were landed pending adjudication.

The preliminary proceedings having been closed, and the evidence of the Master having clearly established the fact that the "*Pantica*" was engaged in illicit slave trading at the time of her capture, the Court condemned her as a good and lawful prize on the 2d instant, and decreed the emancipation of her surviving slaves, 270 in number.

There is one part of the Master's evidence, quoted in the enclosed Report, which requires some notice. He swears that "a boat with oars, belonging to the captured vessel, was taken by the Commander of the capturing ship." The Captor's Proctor declared himself unable to rebut this charge; we must, therefore, await the arrival of His Majesty's schooner, "Fair Rosamond," to make further inquiries from Lieutenant Rose, her Commander; and until then, we beg to decline expressing any more decided opinion on the subject, contenting ourselves with stating the simple fact, that the "*Pantica*," on arrival, was without a boat.

We have, &c.

(Signed)

OCT. TEMPLE.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

#### Enclosure in No. 23.

##### *Report of the Case of the Spanish schooner, "La Pantica," Jozé Carbo, Master.*

A Royal Passport, No. 195, dated at Havana, on the 14th December, 1833, declares this vessel to be commanded by Jozé Carbo, and to be of the burthen of 73 Spanish tons, and authorizes her to proceed on a licit commercial voyage to the island of St. Thomas.

After leaving Havana, the "*Pantica*" appears to have sailed direct for Old Calabar, and there to have taken in a full cargo of slaves, with whom she was on the point of returning to Havana, when detained by the boats of His Majesty's schooner, "Fair Rosamond," Lieutenant George Rose commanding, on the 27th of April last, whilst lying at anchor off the mouth of the Old Calabar River.

The "*Pantica*" arrived in this harbour on Sunday the 25th ultimo; and early on the following morning was visited by the Marshal and the Surgeon to the Court. The Marshal stated, that there were 275 slaves on board; and the Surgeon, having reported that "9 or 10 of the slaves were suffering from bowel complaint, about 20 from inflamed eyes, and that there were some cases of *craw-craw*," recommended the landing of all the slaves from a consideration of the crowded state of the vessel and the advanced period of the season.



On the same morning the "*Pantica*" was brought before the British and Spanish Court, on the Petition of the Captor's Proctor. The declaration of the Captor, relative to the detention of the vessel, was filed; the Affidavit of the Prize Officer, Mr. George Bentham, authenticating the ship's Papers, was received; and the usual permission was given for the Monition to issue, and for the production and filing of evidence.

Later in the day, on the presentation of a Petition, praying that the Surgeon's recommendation might be carried into effect, application was made to His Excellency, the Lieutenant-Governor, to allow the slaves to be landed, pending adjudication; to which an answer was immediately returned, that orders had been given to the Assistant-Superintendent of the Liberated African Department to receive the "*Pantica's*" slaves, whenever the Court might give directions for their landing. The slaves were accordingly landed early on the following morning.

On the 27th ultimo, the Master of "*Pantica*," José Carbo, was examined on the standing Interrogatories, and deposed as follows: "he was born in Barcelona; resides in Havana, and has lived there 15 or 16 years; is a Spaniard, and has always been a subject of Spain. The Owner of the vessel resides at Havana, and is a subject of Spain; he (witness) took command of the vessel at Havana in the beginning of last December; received charge from Don José Roscello, who resides at Havana, and is a Spanish subject; has known the vessel 5 or 6 years; saw her first at Havana, and she is American built as far as he knows; was present at the time of capture; was seized for having negroes on board; sailed under Spanish colours, and had no other national flags on board; the vessel is about 70 or 80 Spanish tons burthen, and had on board when taken 23 men, exclusive of himself, who were all Spaniards, shipped at Havana; he (witness) is part Owner of the vessel, to the amount of 3,000 dollars, but none of the Officers or crew have any interest in either the vessel or her cargo; was Master of the said vessel; had no passengers except the negroes; the negroes were taken on board at Old Calabar, on the 26th April last; the voyage began, and was to have ended, at Havana, which was also the last clearing-port; went direct to Old Calabar; was at anchor off Old Calabar, when he saw the capturing ship on the 27th April last, and was taken by boats whilst at anchor; no resistance was made to capture; the before-mentioned Don José Roscello is one Owner, and there may be others besides himself, who has only a share of 3,000 dollars; believes Don José Roscello to be sole Owner of the cargo, which was to have been landed at Cuba on his account; shipped at Havana, rum, rope, dry goods, and the usual cargo for the Coast; took on board 317 negroes at Old Calabar from the shore; none of them died before capture; does not know how many have died since; came direct to Sierra Leone; does not know if the vessel or cargo is insured; a boat belonging to the captured vessel with oars was taken by the Commander of the capturing ship."

No other witness had been sent up from the detained vessel, and the evidence was accordingly closed.

On the 29th ultimo, an Affidavit of the Prize Officer was filed, in order to prove the number of slaves on board the "*Pantica*" at the time of her seizure, and the number of deaths which had taken place amongst them up to the period of disembarkation. By this Affidavit it appeared, that 1 slave had been drowned by jumping overboard, and that 42 had died of disease, between the 29th April and the 27th May; and as 274 slaves were landed, the number on board at the time of seizure must have been 317, as stated by the Master in his evidence.

On the 2d instant the Monition was returned into Court, with the Certificate of the Marshal that it had been duly served; and, on the same day, the Court proceeded to the adjudication of the vessel. The evidence taken having clearly proved that the "*Pantica*" was engaged in illicit Slave Trade at the time of her capture by His Majesty's schooner, "*Fair Rosamond*," the Court decreed her condemnation as good and lawful prize to the Crowns of Great Britain and Spain; and declared that it had been proved that there were on board the schooner, "*Pantica*," at the time of her capture, 317 slaves, of whom 43 had died previously to their being landed in this Colony, and 4 subsequently. The Court then decreed the emancipation from slavery of the survivors, 270 in number.

(Signed)

OCT. TEMPLE.

H. W. MACAULAY.

*Sierra Leone, 4th June, 1834.*

No. 24.

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

SIR,

*Sierra Leone, 1st July, 1834.*

IN pursuance of the 75th Clause of an Act passed in the 5th year of the reign of His late Majesty, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit enclosed a Return of all the Cases of Spanish vessels adjudicated in the British and Spanish Court of Mixed Commission, established at Sierra Leone, in the period from the 1st of January, 1834, to this date.

We have, &c.

(Signed)

OCT. TEMPLE.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 24.

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, 1834.

NAME OF VESSEL.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZOR.	DATE OF SENTENCE	Number of Slaves Captured.	Number died before Adjudication.	Total number 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.								
Vengador . . . . .	1834. 8th January.	4° 1' N.	7° 0' E.	{ Brigantine and 405 slaves.	{ T. R. Sullivan, Esq., H. B. M. steam-vessel, "Pluto."	{ 1834. 21st February.	405	29	376	{ Condemned for being engaged in the illicit traffic (in slaves.	{ Vessel and stores sold by Public Auction, and the Proceeds paid into the Military Chest.
Carolina . . . . .	16th February.	5° 4' N.	5° 52' E.	{ Brigantine and 353 slaves.	{ J. Polkinghorne, Esq., H. B. M. ship, "Isis."	{ 22d March.	353	30	323	Ditto Ditto	Ditto Ditto
La Pantica . . . . .	27th April.	4° 20' N.	8° 26' E.	{ Schooner and 317 slaves.	{ George Rose, Esq., H. B. M. schooner, "Fair Rosamond."	{ 2d June.	317	47	270*	Ditto Ditto	Ditto Ditto

\* One woman died after emancipation, and previous to her description being taken to be registered.

(Signed) OCT. TEMPLE.  
H. W. MACAULAY.

Sierra Leone, 1st July, 1834.  
JOHN SALTER, Acting Registrar.  
(Signed)

*His Majesty's Commissioners to Viscount Palmerston.*—(*Received December 1.*)

MY LORD,

*Sierra Leone, 12th September, 1834.*

WE have the honour to enclose our Report of the Case of the Spanish schooner, "*Maria Isabel*," Don Jozé Mauri, Master, which was detained on the 5th ultimo, for being engaged in the illicit traffic in slaves, in latitude 36' North, longitude 8° 14' East, by His Majesty's schooner, "*Fair Rosamond*," Lieutenant George Rose commanding.

The "*Maria Isabel*" cleared out from St. Jago de Cuba on the 26th February, 1834, furnished with a Provisional Mercantile Passport, granted by Don Angel Laborde y Navarro, President of the Navy Board at Havana, to Don Jozé Mauri, the Owner and Master, in consequence of his not having received the usual Royal Passport from Madrid; the "*Maria Isabel*" having been a Portuguese vessel at the time she was purchased by Mauri, only a short time before, who changed her national character from Portuguese to Spanish.

By this Provisional Passport the vessel was authorized to carry a cargo of lawful goods, and to discharge the same at Princes Island, and to return to St. Jago de Cuba without touching at any other place, either national or foreign. The Master was also warned not to engage in the prohibited traffic in slaves. But, in spite of these restrictions, Jozé Mauri sailed direct for the River Benin, without having touched at Princes Island at all, and took on board there a cargo of 146 slaves, with whom he was returning to the Island of Cuba when fallen in with by the capturing ship.

The "*Maria Isabel*" arrived in our harbour on the evening of the 1st instant, in the charge of a prize crew, and in company with His Majesty's schooner, "*Fair Rosamond*;" and on the following day she was regularly brought before the British and Spanish Court. Her slaves were landed pending adjudication.

The Monition, which had been issued on the 2d instant, was returned into the Registry on the 9th, and on that day a Court was held for the adjudication of the vessel.

The fact of illicit Slave Trade being clearly proved by the evidence taken in this Case, a Sentence of condemnation was pronounced upon the "*Maria Isabel*" and her cargo; and the survivors of her slaves, 131 in number, were decreed to be emancipated from slavery.

We have, &c.

(Signed)

THOS. COLE.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

#### Enclosure in No. 25.

*Report of the Case of the Spanish schooner, "Maria Isabel," Jozé Mauri, Master.*

THE ship's Papers with which this vessel was furnished at the time of her capture are as follows:—

1. A Provisional Mercantile Passport, No. 20, from Don Angel Laborde y Navarro, President of the Navy Board at Havana, dated at that place on the 14th December, 1833. This Paper is said to be granted to Don Jozé Mauri, in consequence of his not having yet received the usual Royal Passport, and authorizes him "to depart from the Island of Cuba in the schooner '*Maria Isabel*,' of 74½ tons, with a cargo of lawful goods, and to discharge the same at Princes Island, without touching at any other Port, either national or foreign, on his voyage to and from Princes Island, unless necessitated by accident or misfortune." The Passport further declares, that it is only to serve for this present voyage, and that it is to be given up, on the return of the vessel to St. Jago de Cuba. An endorsement on the Passport by José Ruiz de Apodaca, Commandant of the Coast Guard, dated at St. Jago de Cuba on the 26th February, 1834, certifies that all the necessary regulations have been complied with by the Captain of the vessel, Don Jozé Mauri. The usual note is also attached to the Passport, warning the Master not to engage in the prohibited traffic in slaves.

2. A List of the crew, dated on the 26th February, 1834. It is signed by the same J. R. de Apodaca, and is to this effect: "By these presents I grant permission to Don Jozé Mauri, Master and Captain of the schooner, '*Maria Isabel*,' of 74½ tons, to make a voyage from this Port to Princes Island, with a crew of 19 men, whose names and places of nativity are expressed below."

3. Is a Notarial Certificate from Anthony Soler, an authorized Public Notary, dated at St. Jago de Cuba, on the 22d February, 1834, testifying the sale of the Portuguese schooner, "*Maria Isabel*," to Jozé Mauri, a Spanish merchant, for the sum of 2,000 dollars, and that the said vessel had become Spanish property, according to Royal Ordinance, and was fully empowered to trade with the province.

4. A Custom-House Clearance, dated at St. Jago de Cuba on the 24th February, 1834, and signed by Jozé Perez Santin, describes the cargo of merchandize and stores shipped on board the Spanish

schooner, "*Maria Isabel*," bound to Princes Island; and certifies that all the royal duties have been paid thereon.

Notwithstanding the prohibitions of her Passport, the "*Maria Isabel*" came direct to Benin, and there bartered her merchandize for slaves, of whom she took on board 146 on the 31st of July last, and was captured 5 days afterwards with that number on board, near Princes Island, by His Majesty's schooner, "*Fair Rosamond*," George Rose, Esq., commanding. The Captor immediately gave the vessel in charge to an Officer and Prize crew, and accompanied her himself, in her voyage to this place, where she arrived after a passage of 26 days.

On the 2d instant, the Acting Marshal reported the arrival of the "*Maria Isabel*," and the circumstances of her capture; under the signature of Mr. C. O. Hayes, the Prize Master. The Surgeon of the Courts also visited the vessel, and reported "that 11 of the slaves had died of dysentery since capture; that there were then on board 2 cases of dysentery, 1 of which was apparently in the last stage of disease; 1 case of severe ophthalmia; 1 large ulcer; and several cases of crawl-crawl; that the general appearance of the slaves was healthy, but many of them had slight complaints premonitory of dysentery;" on which accounts, and on account of the inclement season of the year, and the inadequate means of accommodation and ventilation on board; the Surgeon recommended that the slaves should be landed as soon as possible.

On the same day the Case was regularly brought before the British and Spanish Court, on the Petition of the Captor's Proctor, that the Affidavit of the Captor might be received, together with the Declaration made at the time of capture; that the usual Monition, citing all parties interested in the vessel to appear, might issue; and that evidence might be produced.

The witnesses in preparatory, named by the Proctor, were the Master and Steward of the detained vessel.

The Declaration which was filed, on this Petition having been granted, is to the following effect: "I, George Rose, Lieutenant, commanding His Britannic Majesty's schooner, '*Fair Rosamond*,' hereby declare, that on this 5th day of August, 1834, being in or about latitude 0° 36' 00" North, and longitude 8° 14' 00" East. I detained the ship or vessel named the '*Maria Isabel*,' under Spanish colours, commanded by Don Jozé Mauri, who declared her to be bound from the River Benin to St. Jago de Cuba, with a crew consisting of 17 men, whose names, as declared by them respectively, are contained in a List at the foot hereof, and having on board 146 slaves, said to have been taken on board in the River Benin, on the 31st July, 1834."

The Captor's Affidavit declares, that His Majesty's schooner, "*Fair Rosamond*," is duly authorized and empowered to make seizures of vessels under Spanish colours engaged in the Slave Trade; it verifies the facts stated in the Declaration, and it authenticates the ship's Papers, which have been already described.

The Monition was then published, and the witnesses were ordered to be in attendance on the following day.

Early on the morning of the 3d instant, the slaves of the "*Maria Isabel*" were landed, the Captor's Proctor having petitioned that the Surgeon's recommendation in this respect might be carried into effect; and the Acting Governor having provided a place for their reception immediately, on the application of the Commissioners.

On the same day, Don Jozé Mauri, the Master of the detained vessel, was examined on the standing Interrogatories, and deposed "that he was born in St. Jago de Cuba, and has always lived there; is a subject of Spain, and has never been a subject of any other state; is married, and his wife and family reside at Cuba; is Owner of the detained vessel, and took possession of her at St. Jago de Cuba about 8 months since; received the vessel from Vidal and Company, who are merchants, and live at St. Jago de Cuba; did not know the vessel before he purchased her; saw her first at the above-named Port; she was built at Baltimore; was on board the vessel at the time of seizure; she was taken for having slaves on board; she was furnished with Spanish colours, and had no others; the name of the vessel is '*Maria Isabel*,' bought her with that name, and knows of no other; she is 74½ Spanish tons; she had a crew of 18 Officers and men besides himself; they were all Spaniards, and shipped by himself at St. Jago de Cuba; is sole Owner of the vessel and cargo; was Captain, and had no passengers but the slaves, whom he did not attempt to conceal; the voyage commenced at St. Jago de Cuba, and was to have ended there; this was the last clearing-port; she went thence direct to the River Benin, where she took on board a cargo of slaves; does not remember the latitude, but it was near Princes; that he saw the capturing ship on the 5th of August last, about 10 o'clock in the forenoon; was captured about an hour afterwards; was then steering to the southward; went about when he saw the ship-of-war, got out his sweeps, and made all sail; had previously made the best of his way towards Cuba; had no guns mounted, but was provided with 10 muskets, 10 cutlasses, and a few cartridges of powder, to protect himself against the slaves; made no resistance to capture, but used every effort to escape; a Bill of Sale for the vessel was made to him by Vidal and Company, and is left at St. Jago de Cuba; it was dated the 18th of February, 1834; paid 2,000 dollars for the vessel, which he considered her fair value; was Lader, as well as the Owner of the vessel, and would have sold the slaves on his own account, as they are entirely his own property; the cargo brought to the coast was shipped on the Coast of Cuba, and consisted of English merchandize from Jamaica—tobacco, gunpowder, muskets, and dry goods; his return-cargo was slaves, of whom he took on board 146 at one time in the River Benin; none of the slaves died before capture; does not know how many have died since; after capture, they came direct to Sierra Leone."

Jozé Maurisio Pegudo, the Steward of the detained vessel, corroborated the Master's evidence in every point. He deposes, with respect to the cargo of English merchandize brought to the Coast, that "it was taken in at sea, close by Cuba, out of a Spanish vessel from Jamaica."

On the 5th instant, an Affidavit of Mr. Courtenay Hayes, Mate and Prize Master, was filed, to prove the number of deaths which had occurred amongst the slaves previous to their being landed. And immediately afterwards, the Captor's Case being closed, publication was decreed of the evidence taken on his behalf.

The Monition was returned into the Registry on the 9th instant, certified by the Acting Marshal to have been duly served; and a Court assembled on the same day for the adjudication of the vessel.

No doubt could exist that the voyage in which the "*Maria Isabel*" was engaged at the time of her capture was an illegal one; and that her detention by a properly-authorized ship of His Majesty was justified by the Treaty between His Britannic Majesty and His Catholic Majesty, signed

at Madrid on the 23d September, 1817, inasmuch as she was engaged in the traffic in slaves, in opposition to the various Articles of that Treaty.

The Court, therefore, decreed that the Spanish schooner, "*Maria Isabel*," Jozé Mauri, Master, her hull, tackle, apparel, and furniture, and the goods, wares, and merchandize laden therein, be condemned as good and lawful prize to the Crowns of Great Britain and Spain; and as such, captured by His Britannic Majesty's schooner, "*Fair Rosamond*," George Rose, Esq., commanding. The Court further decreed that there were on board the "*Maria Isabel*," at the time of capture, 146 slaves, of whom 12 died previous to their being landed in this Colony, and 3 subsequently; and that the survivors of that number, 131, be now emancipated from slavery.

(Signed)

THOS. COLE.

*Sierra Leone, 12th September, 1834.*

H. W. MACAULAY.

No. 26.

*His Majesty's Commissioners to Viscount Palmerston.—(Received December 1.)*

MY LORD,

*Sierra Leone, 12th September, 1834.*

WITH reference to our Despatch of this date, enclosing a detailed Report of the Case of the Spanish schooner, "*Maria Isabel*," Don Jozé Mauri, Master, we beg leave respectfully to state to your Lordship, that suspicions of a very serious nature rest upon some former proceedings of the said Master on this Coast, in connection with the piratical slave-brig, "*Pelicano*," and to which our attention was directed by the late Mr. Canning, about 8½ years ago.

Jozé Mauri has been before the British and Spanish Court of Mixed Commission 3 times. He was brought here in the Spanish schooner, "*Gazeta*," Mariano Carbo, Master, of which vessel he was first Officer, and joint Owner with the said Master. The "*Gazeta*" was captured by His Majesty's ship, "*Tartar*," commanded by the late Commodore Sir George Collier, K.C.B., and was condemned in the month of May, 1820, for being engaged in the illicit traffic in slaves.

In August, 1830, Mauri was detained again when in command of the Spanish schooner, "*Atafa Primo*," by His Majesty's ship, "*Medina*," Edward Webb, Esq., Commander; but his vessel on that occasion was restored, notwithstanding the clearest evidence of an intention to trade in slaves, owing to some irregularity in her capture.

On the last occasion, however, Mauri completed the offence, and the capture of the "*Maria Isabel*," has been followed by her condemnation, and the emancipation of the slaves found on board of her.

The "*Gazeta*," "*Atafa Primo*," and "*Maria Isabel*," all cleared out from St. Jago de Cuba, and were bound to return to the same Port.

On the 4th instant, subsequently to the examinations in the Case of the "*Maria Isabel*" being taken, it was stated in conversation by the Honourable Benjamin Campbell, a Member of Council, and one of the principal merchants in the Colony, that, on a late visit which he paid to the Rio Nunez, he heard, from several of the traders there, that, after the restoration of the "*Atafa Primo*," Mauri had gone into that river, and boasted of having been actively concerned in the murder of 2 British prize crews, who were conveying slave-vessels to Sierra Leone, for adjudication in the Mixed Courts.

Such a statement immediately brought to our recollection the Despatch of Mr. Secretary Canning, of the 23d February, 1826; and, on a reference to it, as well as to the Reply which that Despatch elicited from His Majesty's Commissioners, on the 20th May, 1826, and, to a second Despatch from them on the same subject, dated the 5th April, 1827, when further information had been obtained, we discovered ample grounds for suspecting that Mauri was implicated in the murderous and piratical acts which form the subject matter of those Despatches. He was therefore apprehended, by our request, a few hours afterwards, and brought up for examination before the presiding Police Magistrate on the same day.

We beg leave to enclose the Official Report received from the Police Office; but we regret much that it does not contain a more full and particular account of what transpired on the occasion.

It would appear, not only from the reports current at the time at St. Jago de Cuba, in Jamaica, and at Rio de Janeiro, but from evidence which His Majesty's Commissioners have since procured, that the true history of the iniquitous transaction is as follows: on the 5th October, 1825, the Spanish brigantine, "*Isabella*," Francisco Granelle, Master, was captured by His Majesty's ship, "*Redwing*," Captain D. C. Clavering commanding, in the Old Calabar River, with 273 slaves

on board. She was immediately committed to the charge of a strong prize crew, consisting of 3 Officers and 12 men; but when she had parted from His Majesty's ship, "Redwing," a few days, she fell in with a Brazilian schooner, called the "*Disunião*," Fernando da Costa Piera, Master, and which vessel the Prize Master of the "*Isabella*" imprudently captured, transferring 1 Officer and a part of his crew to the newly-taken prize. Soon after this division of the British force, the 2 prizes, whilst on their passage towards Sierra Leone, in company, were encountered by the piratical Spanish brig, "*Pelicano*," commanded by Don Jozé Sagara, well armed and manned, and which succeeded in recapturing both of them, after a sharp engagement, during the progress of which, and after its close, the whole of the British crews, and many of the Brazilians, were killed. The detained Spanish brigantine, "*Isabella*," seems to have been the property of the same parties who owned the piratical brig, which sufficiently accounts for none of her original Spanish crew being injured.

Immediately after the action, the slaves of the Brazilian schooner, "*Disunião*," were divided between the 2 Spanish vessels, by whom she was also plundered of every article of value, and then allowed to proceed to Rio de Janeiro, where she arrived in the early part of the year 1826, with only 5 persons on board, all in a horribly mutilated state from the knives of the pirates.

On the 28th November, 1825, the "*Pelicano*" reached St. Jago de Cuba, in company with the "*Isabella*," which was then called the "*Juanita*," both vessels being fully laden with slaves.

From this time we lose sight altogether of the "*Disunião*," and the "*Isabella*," alias "*Juanita*." But we find that the "*Pelicano*," which had formerly been His Britannic Majesty's brig-of-war, "*Kite*," and still retained the armament of a vessel of that class, left the Port of St. Jago de Cuba again on the 3d December, 1825, with a cargo of dry goods, under the command of Jozé Mauri, for the Coast of Africa.

It would appear that she came direct to the Rio Nunez, where Mauri employed himself in trading for slaves; but the violence of his proceedings so irritated the natives, that they refused him all assistance in piloting his vessel down the river. The consequence was, that the "*Pelicano*" took the ground, and Mauri, being unable to get her off, removed the guns and stores out of her, and blew her up.

This vessel seems to have borne the various names of "*Pelicano*," "*Gabilar*," "*Gabião*," "*Galvano*," "*Nuestra Senhora del Vinet*," and "*Feliz*." The last is the name by which Mauri always spoke of her during the examination on the 4th instant.

Mauri is described by the Governor of Cuba as having been Mate of the "*Pelicano*," or "*Feliz*," during her previous piratical voyage, and succeeded to the command of the brig on the former Captain, Don Jozé Sagara, chosing to remain on shore. This Mauri positively denies, declaring that his first connection with the piratical brig was when he purchased her at Cuba, after Sagara left her, in the latter end of 1825. He also asserts, that he never boasted of taking part in the murder of two British prize crews, and that he never heard such a transaction mentioned. We do not credit Mauri's statement in these respects; and it is an extraordinary coincidence that the Letter of the Governor of Cuba, written nearly 9 years ago, declares that Mauri was engaged as Mate on board the identical vessel which perpetrated the enormities, of which Mauri is represented by the Rio Nunez traders to have boasted, when under the influence of wine. And this representation was made by the traders, and repeated by Mr. Campbell, in perfect ignorance that Mauri's name had ever been mentioned by any one in connection with such a diabolical transaction. It was, however, decided by the Magistrates that the evidence was not sufficient to warrant the committal of Mauri to gaol, and he was accordingly discharged.

A clue, we consider, is now afforded to the discovery of the real author of the outrage. Don Jozé Sagara, whom the Governor of St. Jago de Cuba promised to do his utmost to find out, resides about 8 leagues from that city, on a large coffee plantation, which is his own property. He is well known in the Island of Cuba, and married a daughter of Don Manuel Prêto, one of the principal Magistrates. Mauri states of himself, that he resides in Pedro Street, at St. Jago de Cuba, with his wife and family. It would not be difficult to ascertain the truth of this statement, as well as the nature of the transfer of the ownership of the "*Pelicano*," after Sagara left her in December, 1825. The brutality of Mauri's character is attested by the fact related to us by Lieutenant George Rose, commanding His

Majesty's schooner, "Fair Rosamond," that, on his boarding the "*Maria Isabel*," the first words uttered by Mauri were to the effect, that had he seen the man-of-war in chase one hour earlier he would have thrown every slave in his vessel overboard, as he was fully insured.

We trust that your Lordship will not consider the investigation which has been made unnecessary and improper, as we have been solely guided by a desire to fulfil the Instructions of the late Mr. Canning, "to make what inquiries we can into the truth of the transaction, and to report the result for the information of His Majesty's Government."

We have, &c.  
(Signed) THOS. COLE.  
H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

Enclosure in No. 26.

*Police Office, Freetown, September 4th, 1834.*

PRESENT—Logan Hook, Presiding Police Magistrate, the Honourable Benjamin Campbell, the Honourable H. W. Macaulay, and the Honourable John Salter, Members of Council.

Don Jozé Mauri was directed to appear before the Court for examination concerning the murder of several British seamen on board the Spanish brigantine, "*Isabella*," and the Portuguese schooner, "*Disunião*," prizes to His Britannic Majesty's ship-of-war, "*Redwing*," when on their passage to Sierra Leone for adjudication in the year 1825.

Don Jozé Mauri states as follows: "I know Don Jozé Sagara, and that he, Sagara, commanded the Spanish brigantine, '*Feliz*,' formerly called the '*Gabalina*.' The '*Feliz*' carried 5 guns aside, and was once a British man-of-war. I never sailed with Don Jozé Sagara; but I became Owner and Master of the '*Feliz*,' in Cuba, after Sagara left her; this was in the latter part of 1825. I returned to the Coast in the '*Feliz*,' and went into the Rio Nunez. I was also in the Rio Pongas. I made trade with Kramodo, a Chief in the Pongas, and I also know one Ormond in that river. I never boasted to them, or any other person or persons, of having taken any part in the murder of the English seamen on board the '*Isabella*' and '*Disunião*;' nor did I ever hear of the occurrence until now. I never sailed with Sagara in any capacity, and I became Master of the '*Feliz*' when he left her in Cuba in 1825. On my becoming Master of the '*Feliz*,' she had a cargo of dry goods on board; but she did not proceed to Trinidad, but came to this coast. The copy of the transfer of the vessel is in the office of the Minister of Marine at Cuba. The '*Feliz*' was lost in the Rio Nunez, about 6 years ago. I reside in St. Pedro Street, Cuba."

(Signed) L. HOOK, P. M.

No. 27.

*His Majesty's Commissioners to Viscount Palmerston.—(Received December 26.)*

(Extract.)

*Sierra Leone, 3d October, 1834.*

IN our Despatch of the 4th of June, 1834, we had the honour to state to your Lordship that we should feel it to be our duty to call upon Lieutenant George Rose, commanding His Majesty's schooner, "Fair Rosamond," to explain why the boat of the Spanish slave-schooner, "*La Pantica*," had not been sent here, together with that prize, for adjudication. We have now the pleasure to enclose a Copy of Lieutenant Rose's Letter of explanation, which we consider satisfactory.

(Signed) THOS. COLE.  
H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

Enclosure in No. 27.

SIR,

*His Majesty's Schooner, "Fair Rosamond,"  
Sierra Leone, 2d September, 1834.*

IN answer to your Letter of this day's date, respecting a boat that was taken from the Spanish schooner, "*La Pantica*," lately captured by His Majesty's schooner under my command;—

I have the honour to inform you that the principal officers of the said schooner, being anxious to be landed at the town of Old Calabar, in preference to Fernando Po, and not being able to spare one of my own boats for the length of time it would require for her to be returned to my vessel, I sent the boat of the "*Pantica*," with the sanction and wish of her Master, with his chief Officers, to the Old Calabar; which boat was returned to me at Fernando Po, through the means of Lloyd's Agent at the Island.

The boat, with the oars, are now on board the "Fair Rosamond," and I beg you will acquaint me with whom I shall place her in custody.

*John Salter, Esq.*  
*Acting Registrar.*

I have, &c.  
(Signed) **GEORGE ROSE,**  
*Lieutenant Commanding.*

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No. 28.

*The Duke of Wellington to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 31st December, 1834.*

I HAVE to acquaint you that the King has been pleased to appoint Edward Wyndham Harrington Schenley, Esq., to be His Majesty's Commissioner of Arbitration, in the room of Charles Mackenzie, Esq., to the Mixed British and Spanish Commission established at Havana, under the Treaty for the Abolition of the Slave Trade, concluded between Great Britain and Spain, on the 23d September, 1817.

I am, &c.  
(Signed) **WELLINGTON.**

*His Majesty's Commissioners,*  
*Sierra Leone.*

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SIERRA LEONE. (*Portugal.*)

No. 29.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 28, 1834.)*

MY LORD,

*Sierra Leone, 24th September, 1833.*

WE had the honour to receive, on the 20th instant, your Lordship's Despatch\* of the 13th of July last, enclosing therein, for our information, Copies of correspondence which had recently passed between your Lordship, the Board of Admiralty, M. Sampayo, and Mr. Hoppner, relative to that part of the crew of the Portuguese slave-vessel, "*Nympha*," who have been delivered up to the Portuguese Government, to be dealt with according to the laws of Portugal, for illegally resisting the search of His Majesty's brig, "*Conflict*," and wounding several of His Majesty's subjects.

It affords us gratification to inform your Lordship that the measures adopted by His Majesty's Government towards the individuals in question appear to have had a most salutary effect, as no resistance to the lawful search of His Majesty's cruisers, since the fate of these men has been known to the public, has been attempted.

We have, &amp;c.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

\* See Class A, No. 22, of 1833.

No. 30.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 28, 1834.)*

MY LORD,

*Sierra Leone, 26th November, 1833.*

WE have the honour to acquaint your Lordship that the Portuguese brigantine, "*Virtude*," Manuel Izidoro, Master, said to be bound to the Havana, from the River Calabar, with a cargo of slaves, was, 3 days after she had quitted that river, detained on the 23d ultimo, in latitude 4° 20" North, longitude 8° 39" East, by His Majesty's brig, "*Brisk*," Lieutenant Josiah Thompson commanding.

The "*Virtude*" arrived here, after what is reckoned a short passage of 20 days, on the 13th instant, and, on the following day, proceedings were commenced against her in the British and Portuguese Mixed Court, for being illegally engaged in the Slave Trade; which fact having been unquestionably established, that Court, on the 21st, condemned the "*Virtude*" as good and lawful prize to the Crowns of Great Britain and Portugal, and at the same time decreed the surviving slaves who were captured on board of her, in number 314, to be emancipated from slavery.

Our Report of this Case we have the honour to enclose herein.

The "*Virtude*" originally belonged to João Ferreira dos Santos Silva, as appears by her Passport, signed by José Antonio de Oliveira Liette de Barros, Minister of Marine, and dated at Lisbon, on the 26th of September, 1828. She sailed from Lisbon, about that date, under the command of João Gonsalves Roche, bound to the Rio Grande do Súl, having permission to touch, on her way thither, at Rio de Janeiro. The "*Virtude*" has not been, since then, to Lisbon, and from that period we suspect that she has been, with the exception of one voyage to the Rio Grande from Rio de Janeiro, about the 28th of April, 1829, engaged in the Slave Trade.

We find by the Certificate of the Portuguese Consul-General at Rio de Janeiro, João Baptista Moreira, that, on the 20th of October, 1830, she had changed proprietorship. She then belonged to Francisco da Silva Rodrigues, and was bound from Rio de Janeiro to Cadiz, with liberty to touch at the Islands of Princes and St. Thomas; and she was at Bahia on the following 27th of December, as her Passport was exhibited on that day to João Pereira Liete, the Portuguese Consul in that City.

On the 22d January, 1831, the "*Virtude's*" Passport was again produced to the same Consul, she being then bound from Bahia on a voyage to the Havana, with liberty to touch at Buenos Ayres and at ports on the Coast of Africa; and on the 28th of the following month of June, she was in Rio de Janeiro, as certified on that date by the Portuguese Consul-General. For nearly 2 years afterwards she does not appear to have been employed, as there is no indorsement by any Authorities on her Passport until the 22d of May of the present year, when she had again changed owners. Francisco Antonio Filgueiras, the Portuguese Vice-Consul at Bahia, certifies, on that day, that she belonged to Manuel Jozé Machado, merchant at Lisbon, and on the 10th of June she cleared out from Bahia, under the command of the present Master, Manuel Izidoro, for Havana, with liberty to call at ports on the Coast of Africa, and the Islands of Princes and St. Thomas.

As she was engaged, this voyage, in the Slave Trade, we conclude that she was engaged in the same traffic in each of the previous voyages that she was allowed to call at the above islands and at ports on the Coast of Africa; as we have never yet known or heard, and our experience is considerable, that a *bonâ fide* lawful traffic was ever carried on from Brazil, those Islands, and the Coast of Africa, to Cadiz, to Buenos Ayres, or to Havana. Those voyages bear upon their face the stamp of illegality.

We do not give the slightest credit to the pretence set up by the Master of the "*Virtude*," that "he went into the Calabar, this voyage, to trade for palm-oil and ivory, but finding that the market was unfavourable, he took negroes." Our firm conviction is that he went purposely (such being, in our opinion, the original object of his voyage) into that river to traffic for the Africans captured on board his vessel; and we are the more inclined to this belief, as the seaman, Manuel Luiz, deposed that, although the "*Virtude*" touched at different places on the coast, to trade, and for provisions, she ultimately went into the Calabar River for a cargo of slaves.

However this may be, we cannot refrain from pointing out to your Lordship's notice that she was fitted out for the reception of a cargo of human beings at Bahia. The deposition of the Master that he shipped at that port the water-casks and slave-deck found on board the "*Virtude*," is, we think, conclusive evidence of the fact.

This circumstance gives rise to the painful reflection that the Authorities at that city were supine beyond measure, or wilfully allowed an infraction, in this case, of the Decree of the Regency of the 12th of April, 1832, regulating the execution of the law of the 7th of November, 1831.

No Officer of the Police, or Justice of the Peace, or his Delegate, visited the "*Virtude*" previous to her departure from Bahia, or, if that were the case, he has entirely neglected to conform to the 1st Article of the Decree in question\*, which says he shall write on the vessel's Passport the word "visited," with the "date and his signature; without which formality no vessel shall be despatched." And it is scarcely possible, had such visit been performed, that the Officer could have failed to discover that the "*Virtude*" was intended to be employed in the Slave Trade, had he done his duty, and "examined her water-casks, and any property of the vessel likely to fit her for carrying slaves."

The neglect of these precautions must give strong grounds for suspecting the sincerity of the avowed determination of the Authorities of Bahia to suppress the traffic in slaves.

We have, &c.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

\* Enclosure in Mr. Aston's Despatch of the 19th of May, 1832, Class B, page 32.

## Enclosure in No. 30.

*Report of the Case of the Portuguese brigantine, "Virtude," Manuel Izidoro, Master.*

THE Portuguese brigantine, "*Virtude*," Manuel Izidoro, Master, was detained on the 23d of October last, in latitude 4° 20" North, longitude 8° 39" East, by His Majesty's brig, "*Brisk*," Lieutenant Josiah Thompson commanding, with 350 slaves on board, said to have been shipped on the 20th of the same month, and with whom she was bound to the Havana from the Calabar River.

The "*Virtude*" arrived in this harbour on the 13th of November, and the Medical Attendant immediately visited the slaves, and reported that there were several afflicted with diarrhoea, a great many with crawl-crawl, and a few with ophthalmia; he therefore recommended, from the crowded state of the vessel, their being landed in order to prevent further disease, and that medical attendance might be rendered to the sick with greater facility, which recommendation was carried into effect early on the following day.

On the 13th instant, the "*Virtude's*" Papers were filed in Court, duly authenticated by the Affidavit of the Prize Master, Mr. Benjamin Fox. The Monition was at the same time prayed for and issued, and it was returned, certified by the Marshal to have been duly served, on the 21st instant.

On the 18th, the Master, Manuel Izidoro, and a seaman, Manuel Luiz, were examined on the standing Interrogatories.

Manuel Izidoro, the Master, deposed that "he was appointed to the command of the detained vessel by José Joaquim Machado, a Portuguese, and the Consignee at Bahia; that he believes the said vessel was built in France; that the detained vessel was seized for having slaves on board; that the name of the detained vessel is "*Virtude*," which is the only name he has known her to have; that the present voyage began at Bahia, and was to have ended at the Havana; that the last clearing-port the vessel sailed from previous to capture was Bahia; the vessel touched at Elmina and Accra to trade, and at Whydah and Princes to obtain provisions and water, and ultimately she went into the Calabar to trade for palm-oil and ivory, but finding that the market was unfavourable he took negroes; that the detained vessel was owned by Manuel José Machado, a resident merchant at Lisbon; that he (witness) was the Lader and Consignee of the detained cargo, the Owner the aforesaid Manuel José Machado; that the present cargo consisted of 350 slaves, shipped from the shore in the Calabar; that all the Papers which were found on board of the detained vessel are entirely true and fair; and that neither Papers, Bills of Lading, Letters, or other writings, which were on board the said brigantine at the time she took her departure from the last clearing-port, and before the capture, have been destroyed or suppressed in any way whatever."

In answer to a special Interrogatory, put to him by order of the Court, he further deposed that "he shipped on board of the said brigantine, "*Virtude*," at Bahia, the water-casks and slave-deck with which she was captured."

Manuel Luiz, the seaman, deposed that "he does not know who appointed the Master to the command; first saw the detained vessel at Bahia; that the only name by which he has known the detained vessel is "*Virtude*," that she was seized for having slaves on board; that Bahia was the port from whence the said vessel cleared out for the coast of Africa; that the detained vessel touched at 3 different places on the coast to trade, and for provisions, and ultimately she went into the Calabar River for a cargo of slaves."

On the 19th, the Proctor for the Captor prayed for and obtained leave to file an Affidavit of Mr. Benjamin Fox, the Prize Master, relative to the deaths of 33 of the slaves on the voyage hither. Mr. Fox therein deposed that "31 of the said slaves died from disease, caused by the provisions they were fed with, deponent only being able to supply them with yams; and 2 of the said slaves were drowned by throwing themselves overboard." He further deposed that "every care and attention in the power of himself and crew were afforded to the said slaves, and that their deaths did not ensue through his neglect nor any of his crew."

The evidence thus adduced before the British and Portuguese Mixed Court fully proved that at the time of detention the "*Virtude*" was employed in the illicit traffic in slaves; that Court therefore, on the 21st instant, condemned the "*Virtude*" as good and lawful prize to the Crowns of Great Britain and Portugal, and decreed 314 slaves to be emancipated from slavery, 36 having died (viz. 33 on the voyage up, and 3 after they were landed) between the period of capture and condemnation.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*Sierra Leone, 26th November, 1833.*

## No. 31.

*His Majesty's Commissioners to Viscount Palmerston.—(Received March 3, 1834.)*

MY LORD,

*Sierra Leone, 6th January, 1834.*

ENCLOSED we have the honour to forward to your Lordship an Abstract of the proceedings in the British and Portuguese Court of Mixed Commission at this Station, from the 1st of January, 1833, to the 1st of January, 1834.

There was only one Case adjudicated in that period, and that was one of condemnation, and 314 slaves were emancipated from slavery.

We have, &amp;c.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 31.

*Abstract of Proceedings in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, from the 1st of January, 1833, to the 1st of January, 1834.*

THE Portuguese brigantine, "*Virtude*," Manuel Izidoro, Master, bound from the Calabar River to Havana, was detained in latitude 4° 20' North, longitude 8° 39' East, on the 23d of October, 1833, with 350 slaves on board, by His Majesty's brig, "*Brisk*," Lieutenant Josiah Thompson commanding.

The evidence produced proved that the "*Virtude*" was fitted out for the Slave Trade at Bahia, from which port she went to the River Calabar to traffic for slaves; and, on the 21st of November last, the Court condemned the "*Virtude*" as good and lawful prize to the Crowns of Great Britain and Portugal, and decreed 314 slaves to be emancipated from slavery, 36 having died between the period of capture and condemnation.

(Signed)

WM. SMITH.  
H. W. MACAULAY.

Sierra Leone, 6th January, 1834.

## No. 32.

*His Majesty's Commissioners to John Backhouse, Esq.—(Received March 3.)*

SIR,

Sierra Leone, 6th January, 1834.

PURSUANT to the 75th clause of an 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 a Return of the only Case adjudicated in the British and Portuguese Mixed Court at this Station, during the period from the 1st of July, 1833, to the 1st of January, 1834.

We have, &amp;c.

(Signed)

WM. SMITH.  
H. W. MACAULAY.John Backhouse, Esq.  
&c. &c. &c.

## Enclosure in No. 32.

*Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commissions, established at Sierra Leone, betwixt the 1st day of July, 1833, and the 1st day of January, 1834.*

Name of Vessel.	Date of Seizure.	Where captured.		Property seized.	Seizor.	Date of Sentence.	Number of Slaves Captured.	Number died before Adjudication.	Total number 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.								
Virtude	{ 23d Oct. } 1833.	4° 20' N.	3° 39' E.	{ Brigantine and } 350 slaves.	{ Lieut. Josiah } Thompson, H. B. M. brig, "Brisk."	{ 21st Nov. } 1833.	350	36	314	{ Condemned } for being engaged in the illicit traffic in slaves.	Vessel and stores sold by Public Auction, and the Proceeds paid into the Military Chest.

(Signed)

WM. SMITH.  
H. W. MACAULAY.

Sierra Leone, 1st January, 1834.

(Signed)

WALTER W. LEWIS, Registrar.

## No. 33.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 7.)*

MY LORD,

Sierra Leone, 22d March, 1834.

WE have the honour to inform your Lordship of the arrival here, on the 19th ultimo, of the Portuguese barque, "*Maria da Gloria*," Joaquim Gerardo Cordonij, Master, which had been detained by His Majesty's sloop, "*Snake*," William Robertson, Esq., Commander, off the mouth of the harbour of Rio de Janeiro, on the 25th of November last, with a cargo of slaves, which had been clandestinely shipped at Angola about the 26th of the previous month of October.

In consequence of the "*Maria da Gloria*" having been detained to the south-

ward of the Equator, in opposition to the 4th Article of the Instructions for ships-of-war employed in the prevention of the Slave Trade; and His Majesty's Government having directed "that His Majesty's cruisers must still govern themselves" by the Convention in which the Instructions are contained, "in seizing and detaining Portuguese slave-vessels;" the British and Portuguese Court, before which the "*Maria da Gloria*" was brought for adjudication, for illicitly trading in slaves, was reluctantly compelled to restore her to the Claimant.

The proceedings in this Case were only closed this afternoon, and time will not allow of our reporting the whole of the facts respecting it. We shall have the honour of furnishing your Lordship with a detailed Report by the earliest conveyance. In the meantime we take advantage of the immediate departure of a very fast-sailing vessel, in which Lieutenant Denman and the prize crew of the "*Maria da Gloria*" are taking a passage for England, of informing your Lordship of the result of the Case of this vessel.

We have, &c.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 34.

*His Majesty's Commissioners to Viscount Palmerston.—(Received June 25.)*

MY LORD,

*Sierra Leone, 31st March, 1834.*

In our Despatch of the 22d instant, we had the honour of informing your Lordship of the arrival here, on the 19th ultimo, of the Portuguese barque, "*Maria da Gloria*," which had been detained by His Majesty's ship, "Snake," William Robertson, Esq., commanding, in latitude 24° 11' South, longitude 42° 40' West, with 423 slaves on board, and of the restoration of the detained vessel and her cargo to the Master, Joaquim Gerardo Cordonij, for the use of the Owners and Proprietors thereof.

We have now the honour to enclose our Report of the Case, which we have endeavoured to render as full and explicit as the importance of the subject demanded.

The "*Maria da Gloria*" was not furnished with any Royal Passport on the model laid down in the Convention with Portugal of the 28th July, 1817, authorizing her to carry slaves; nor had she any substitute for it, from the Governor-in-chief of the Province of Angola. She was cleared out from St. Paul de Loando, in Angola, for Rio de Janeiro, on the 25th of October, 1833, by her present Master, J. G. Cordonij; but neither in the Clearance, nor in any other of the numerous Papers with which the vessel was supplied by the Authorities at Loando, is a single expression made use of which might denote that she was engaged, or suspected to be engaged, in the Slave Trade. On the contrary, the Clearance which she received from the principal Officer of the Customs in Angola, certifies that her lading consisted of 18 barrels of gum copal, 105 hides, and 1,500 mats.

But when a Certificate to this effect was signed, and which further stated that this was a "true and correct account of the cargo taken from the Port of Loando for Rio de Janeiro in the said vessel," it cannot be supposed that the Custom-house was really persuaded that a vessel so large as the "*Maria da Gloria*" would attempt to cross the Atlantic with so worthless and insignificant a cargo. Previous to receiving this Clearance, J. G. Cordonij had given bond, under heavy penalties, for the payment of which, if forfeited, a Portuguese merchant at Angola, named Mesquita, became surety, that he would "not take away any person whatever from the place, without the permission of the Governor-General of the Province; and that he would pursue his voyage to his destined Port of Rio de Janeiro, without deviating to any other place."

The penalties of the bond, in both these particulars, were unquestionably incurred. With respect to the first, the Master himself deposed at Rio, that the slaves which formed his cargo at the time of capture, were shipped as "contraband, and that he was not provided with any documents to prove that the duties had been paid upon them;" and with respect to the second, the Master deposed, in the evidence which he gave in this place, as well as at Rio, that his vessel was bound to Monte

Video ; whereas his Bond obliged him to sail to " Rio de Janeiro, without deviation to any other port." It is to be hoped, therefore, in a case so clear as this, that the enforcement of the penalties will be insisted on, and a check be thus imposed to similar adventures, at least by the same parties. It will be observed that the surety for the payment of the Bond, Antonio Jozé Mesquita, is named by the Master, in his examination before this Court, as the owner of the 18 barrels of gum shipped on board the detained vessel.

It is doubtful how far Francisco de Paula Vellozo, the acknowledged Agent at Loando, of the Owner of the "*Maria da Gloria*," was a party to the illegal employment of the vessel on her last voyage. It would appear from the documents, Nos. 8 and 9, that this Agent, either anticipating the shipment of the cargo of slaves without his consent, or from an anxiety to clear himself individually from all responsibility which might attach to such a shipment, delivered over the Manifest of the legitimate cargo then on board the vessel, and all the other ship's Papers, to the Master, J. G. Cordonij, on the 26th of October, 1833, together with a Letter of Instructions, in which the Master is enjoined to sail direct from Rio, and there to receive orders from A. J. Ribeiro, the Proprietor of the barque, and is cautioned against engaging in contraband trade, or carrying away slaves. The Agent's Letter then concludes : " I have nothing more to recommend to you, and wish you a pleasant voyage." It would therefore seem that the 432 slaves taken on board the "*Maria da Gloria*," outside the bar of the Port of St. Paul de Loando, subsequently to the above Letter being written, were received on the responsibility of the Master alone, and without the Agent's concurrence. Against this supposition, it may be urged, that the document No. 7 proves that 3 slaves had been shipped by a person of the name of Nunez, in charge of the Boatswain of the vessel, on the day previous to that on which the above Letter of Instructions was written ; but the probability is, that this circumstance was unknown to the Agent, from the slaves being concealed, as no mention whatever is made of such persons being on board in the Medical Certificate given by the Colonial Surgeon on the 27th October, 1833, the day after that on which the Agent had given his final instructions to the Master. It might indeed have happened, that a knowledge of the clandestine shipment of these 3 slaves was the cause which induced the Agent to warn the Master as he did against such illegal proceedings, and to clear himself from any connection with the transaction.

But whether M. Vellozo was privy or not to the partial violation of the Bond given by the Master of the "*Maria da Gloria*," which had been committed in the shipment of these 3 slaves, whilst the vessel was still under his control, there can be no doubt that both he and every inhabitant of the place, including all the public Authorities, were fully aware of the large shipment of slaves which subsequently took place.

The latest official document (No. 10) which the "*Maria da Gloria*" received, was dated on the 27th October, 1833 ; and exactly 4 weeks from that day the vessel was captured off the mouth of Rio Harbour, with 423 slaves on board, 9 of those shipped having died previous to capture. It is evident, therefore, from the short time occupied by this vessel in embarking her cargo of 432 slaves, and conveying them to the spot where she was detained, that this large number must have been previously collected, preparatory to shipment, in the immediate neighbourhood of the City of St. Paul de Loando, from which they were sent on board ; and in what manner so many slaves could have been assembled in one place, and then have been removed from that place, at the same time and altogether, without their arrival or departure being noticed, it is difficult, if not impossible, to imagine ; and the conviction is forced upon us, that the proceeding must have been observed, and that it was permitted or connived at by the Authorities of the Country.

After the capture of the "*Maria da Gloria*" she was carried into Rio de Janeiro, and brought before the British and Brazilian Court of Mixed Commission established there for adjudication. But the Captors having altogether failed in obtaining proof of her Brazilian character, the claim for her restoration, on the ground of her being Portuguese, was allowed by the Court, which pronounced itself incompetent to decide upon the Case.

Owing to the decision which had been given by the Mixed Commission Court at Rio, as to the national character of the "*Maria da Gloria*," she came before the British and Portuguese Commissioners resident in this Colony as an acknow-

ledged Portuguese vessel, and as such she was admitted into this Court on the 22d ultimo, on the Petition of the Captor's Proctor in this place.

The proceedings on the part of the Captor having been closed, and the Monition, citing all parties interested in the vessel to appear, being returned on the following day, a Claim was filed on the 28th ultimo, by J. G. Cordonij, the Master of the "*Maria da Gloria*," for that vessel, her cargo, and slaves, and for all losses and expenses occasioned by her detention.

On the 14th instant, at a distance of exactly 2 weeks from the claim being filed, the Court met for the adjudication of the vessel. The reading of the evidence by the Registrar, and the addresses of the Proctors for the Captor and Claimant having occupied the first day, the Court deferred giving judgment till the following morning, when a Sentence was pronounced, which restored to the Claimant the vessel, her cargo, and surviving slaves; and referred to the Registrar the duty of ascertaining the amount of costs of suit and special damages and expenses occasioned to the said vessel by her detention, and of reporting thereon to the Court as soon as the necessary examination should be completed.

In no former instance that has come under our observation, has perjury been more unblushingly practised than it was by the Master of the "*Maria da Gloria*," without an effort on his part to preserve even the appearance of consistency in his different statements. After having solemnly engaged that he would not carry away persons from the coast without the permission of the Governor-General of Angola, and that he would sail direct to Rio, and not deviate to any other port, he acknowledges that he embarked his slaves without permission, as contraband, and that the destination of the vessel was Monte Video.

Of this last statement we entertain considerable doubt, from the fact of the vessel having been detained, steering for Rio de Janeiro, and within a few hours' sail from the harbour; from no Papers for Consignees or other persons at Monte Video having been found on board; and from the Declaration of Jozé Correa Nunez, (No. 17,) that the slaves which were shipped by him at Loando were to be sold at Rio de Janeiro.

In the evidence given by the Master before the Court here, he calls the slaves found on board his vessel by the capturing ship, "black people," and he asserts that these "black passengers were to have paid 250 dollars each, as their passage-money from Angola to Monte Video." In another part of the same evidence, he declares that "Joaquim Regada, a Portuguese merchant at Angola, was the Lader of the slaves, but that he does not know who owns them; whereas, in the Claim for the vessel, the cargo, and the slaves, which he filed a few days afterwards, he swears that Joaquim Regada, of Angola, is the true, lawful, and sole, Owner and Proprietor of the cargo of Africans on board;" and he demanded from the Court an Award, not for the passage-money, but for the value of such of the Africans as may have departed this life since capture.

One Paper (No. 7), already referred to, proves that 3 of the slaves on board belonged to a person named Nunez; and the Master swore at Rio that 10 more of the slaves, whom he brought from Angola, belonged to a person named Jozé Antonio de Silva. But it will be unnecessary any further to allude to the contradictions which the various depositions of the Master received, not only from himself but from others: sufficient has been said to show that no credit whatever can be attached to any assertion that he may have made, however solemnly attested.

We have been thus minute in remarking upon the ship's Papers which came before the Mixed Commission Court at Rio, in the first instance, that it may be seen how far our views of their nature and tendency coincide with those which may have been expressed by His Majesty's Commissary Judge resident in that place.

The judgment given by the Court, on the 15th instant, is inserted in the enclosed Report. There is one principle broadly stated therein, to which we would beg respectfully to draw your Lordship's attention; it is that, under the Portuguese Treaties, the right to visit and search Portuguese merchantmen and slave-ships engaged in illicit Slave Trade is a right that may be exercised by a British man-of-war, furnished with the proper Instructions, in all latitudes, both to the north and south of the Equator, but that the detention of such vessels can only take place to the north of the Equator.

Another principle acted upon by us on this occasion is, that no demurrage or indemnification for slaves can be granted to vessels which have been proved to be

engaged in the illicit traffic in slaves at the time of their capture, even though that capture should be illegal. The course pursued by the Governments of Great Britain and Portugal, in the Cases of the "*Sinceridade*," "*Activo*," and "*Perpetuo Defensor*," sanctioned, in our opinion, the adoption of such a principle.

Having thus absolutely restored to the Claimant his vessel and her cargo, and having absolutely refused his Claim for demurrage and for the value of the slaves which had been lost since his detention, the only point remaining for our consideration was the costs of suit, and special damages and expenses, which the Registrar had been directed to ascertain and report upon. A Schedule of the different items forming this Claim, was delivered by the Proctor for the Claimant to the Registrar of the Court on the 20th instant: on the 21st that officer took examinations on oath as to the correctness of the Claimant's charges, and on the 22d made his Report to the Court, which we have now the honour to enclose.

In confirming that Report provisionally in favour of the Claimant, we sincerely trust that we adopted a course which will meet with the approbation of your Lordship; and we anxiously wait your Lordship's decision on the reserved point, as a guide for our conduct on all future occasions of the same nature.

We have also the honour to enclose a certified Extract from the Minutes of the British and Portuguese Court of Mixed Commission, as to the Provisional Decree made by that Court, on the 22d instant.

We cannot close this Despatch without expressing our high sense of the zeal, energy, and ability, displayed by the Registrar, Mr. Lewis, during the progress of this vessel through the Court, and which have enabled us, without deviating in any respect from ordinary forms, to bring our proceedings to a conclusion within 4 weeks, a much shorter period of time than ever yet was occupied by any Case of a similar description.

We have, &c.  
(Signed) WM. SMITH.  
H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

#### First Enclosure in No. 34.

*Report of the Case of the Portuguese Barque, "Maria da Gloria," Joaquim Gerardo Cordonij, Master.*

THIS vessel cleared out from Rio de Janeiro for Benguela, Nova Redondo, and Angola, on the 15th May, 1833. In her Clearance she is styled the Portuguese barque, "*Maria da Gloria*," of 238 tons. Francisco de Paula Vellozo is named as her Master, and Anastacio Jozé Ribeiro, a Portuguese citizen, as her proprietor. She was unprovided with a Royal Passport, authorizing her to carry slaves on her last voyage.

On the arrival of the "*Maria da Gloria*" at the Port of Loando, in Angola, Joaquim Gerardo Cordonij, the present Master, was appointed to the command of the vessel by the former Master, F. de Paula Vellozo, who acted in the capacity of Agent to the Proprietor, A. J. Ribeiro.

Having received a Passport from the Governor and Captain-General of Angola and its Dependencies, and having given the necessary Bonds, J. G. Cordonij cleared out from the Custom-house of Loando on the 25th of October, 1833, with a very trifling legitimate cargo, for Rio de Janeiro.

The ship's Papers with which the "*Maria da Gloria*" left the Port of Loando, at least such of them as have been preserved, are the following:—

1st. A Passport, dated at St. Paul de Loando, on the 10th of October, 1833, signed by Jozé Maria de Souza Almeida Macedo Vasconcellos, the Governor and Captain-General of Angola and its Dependencies, declaring that the Portuguese barque, "*Maria da Gloria*," was about to make a voyage from Loando to Rio de Janeiro, from which port she had come; and, that it had been proved by documents, that the Master, J. G. Cordonij, and the Owner, A. J. Ribeiro, were both Portuguese subjects. Then follows the usual recommendation to all "armed vessels, squadrons, and particularly ships of Kings, Princes, Republics, Potentates, Friends and Allies of the Crown of Portugal," not to molest the "*Maria da Gloria*" in the prosecution of her voyage, but, on the contrary, to lend her any assistance of which she might stand in need.

2d. A Certificate from Ignacio Roberto Brandao, Secretary to the Customs, dated at Loando, on the 23d October, 1833, setting forth that, on the 9th of the same month, J. G. Cordonij, the Master of the Portuguese barque, "*Maria da Gloria*," bound to Rio de Janeiro, had given bond that he would not carry away, as his crew, a larger number of men than his vessel was entitled to; nor take away any person whatever from the place, without the permission of His Excellency the Governor-General of the Province, under pain of paying 400 milreas for every person so taken away; and, that he would pursue his voyage to his destined port, without deviating to any other place, under the penalties established against those who change their route for any port different from that for which they are despatched.

This document further certifies that Antonio Jozé Mesquita, a merchant of Loando, had offered himself as surety, on behalf of the said Master, that the penalties should be paid, in case of any act of transgression.



3d. A Certificate (No. 1405) from the same officer, J. R. Brandao, Secretary to the Customs dated Loando, 23d October, 1833, declaring "that the Portuguese barque, '*Maria da Gloria*,' about "to sail for Rio de Janeiro, and of which Joaquim Gerardo Cordonij is Master, was not under any impediment from the Custom-house."

4th. A Certificate from the same officer, J. R. Brandao, dated on the same day, attached to the List of the crew of the "*Maria da Gloria*," stating that the said List is conformable to law. This Certificate is countersigned, on the following day, by Manuel José de Carvalho e Souza, Secretary to Government.

5th. The Custom-house Manifest of the cargo shipped on board the "*Maria da Gloria*," J. G. Cordonij, Master, bound for Rio de Janeiro, consisting of 18 barrels of gum copal, 105 hides, and 1500 mats. To this Manifest is annexed a Clearance, dated at Loando, on the 25th of October, 1833, from Luiz de Mello Pocho, the principal Officer of Customs, certifying that the Manifest is a "true and correct account of the cargo taken from the Port of Loando for Rio de Janeiro, in the said vessel."

6th. A Licence (No. 8793) from the Governor-General to the "*Maria da Gloria*," to depart for Rio de Janeiro, without any impediment from the forts, dated Loando, 25th October, 1833.

7th. A Declaration made by José Correa Nunez, on the 25th of October, 1833, that he had embarked, on that day, on board the "*Maria da Gloria*," under the care of the Boatswain of that vessel, 3 slaves, (1 woman and 2 girls) whom the said Boatswain is directed to sell at Rio de Janeiro, and to invest the proceeds, after payment of all expenses, in *auguardiente*, to be shipped out to Loando, by the earliest opportunity, consigned to the order of the said J. C. Nunez. The brand on the left breast of the slaves is particularly described.

8th. A private Manifest of the cargo which had been cleared out at the Custom-house, signed by F. de Paula Vellozo, Agent to the Owner of the vessel, and dated, Loando, the 26th October, 1833, describing the 105 hides, and the 1500 mats, to be consigned to the Owner, A. J. Ribeiro, at Rio de Janeiro, and the 18 barrels of gum copal to be consigned to José Carneiro de Santos, at the same place.

9th. A Letter of Instructions, dated on the same day, and addressed by the same person, on the part of the Owner of the "*Maria da Gloria*," to J. G. Cordonij, the Master of that vessel. It requires him to sail direct for Rio, and there to receive his orders from A. J. Ribeiro, the Proprietor of the barque; and it goes on to say, "the said Proprietor has always recommended in his Letters that the greatest care and vigilance should be used that none of his vessels should bring contraband goods, particularly new slaves; and that it should be ascertained, when outside of the bar of the port, that none are hidden on board." Vellozo then tells the Captain, that he is responsible for the fulfilment of these positive orders, and concludes thus: "on this occasion, I deliver to you the written Papers of the vessel; I have nothing more to recommend to you, and wish you a pleasant voyage."

10th. A Bill of Health from Felipe José Carvalho e Castro, dated Loando, the 27th of October, 1833.

Having thus apparently complied with all the formalities required from vessels engaged in legal traffic, the "*Maria da Gloria*," when outside the bar of the port, took on board upwards of 430 slaves, shipped, by the admission of the Captain, as contraband, together with a large quantity of water and provisions for their subsistence, and immediately sailed for the coast of Brazil. Off the mouth of the Harbour of Rio de Janeiro, in latitude 24° 11' South, and longitude 42° 40' West of London, she was fallen in with by His Majesty's brig, "Snake," William Robertson, Esq., commanding, on the 25th November, 1833, and detained for being engaged in illicit Slave Trade.

The "*Maria da Gloria*" was then carried into Rio de Janeiro, and was brought before the British and Brazilian Court of Mixed Commission resident there, on the 4th of December last, by Admiral Sir Michael Seymour, on behalf of the Captors. It will be unnecessary for us to refer to the proceedings which subsequently took place, and which will of course have been reported by His Majesty's Commissioners in that quarter, further than to observe, that the Captors failed in their endeavours to affix a Brazilian character to the detained vessel; and that the Court consequently declared, on the 20th of the same month, that "it was not competent to the final decision of the Case."

The national character of the "*Maria da Gloria*," having thus been settled beyond dispute, she was committed to the care of Lieutenant Joseph Denman, and a prize crew from the capturing ship, for the purpose of being brought before the British and Portuguese Court of Mixed Commission at Sierra Leone. She arrived in this Harbour on the 19th of February, with the Master and 2 of the crew of the detained ship, as witnesses in the Case, and with 335 slaves on board; 78 having died during the 3 months which had elapsed since capture, and 10 having been found missing in Rio Harbour, supposed to have been carried off by 3 of the Portuguese crew, who escaped from the vessel whilst she was lying there.

These facts were reported by the Marshal on the 20th ultimo; and, on the same day, the Surgeon of the Court, having examined the slaves, represented that "the people on board, having been 3 months under detention, were all debilitated; 8 of them were labouring under diarrhoea; there were 3 cases of catarrh, 3 of dropsy, 12 of variolous eruptions, 2 of abscesses, and 5 of ophthalmia: there were also a number of cases of *craw-craw*." There being a Naval Assistant-Surgeon on board, the necessity of landing the slaves immediately did not appear so urgent as it would otherwise have done; and the Surgeon merely recommended that, if landed at all, it would be expedient, from the nature of their complaints, that they should be sent to the Lower Hospital at Kissy.

On the 22d of February, being the third day after the arrival of the "*Maria da Gloria*" in the harbour, that vessel was regularly brought into the British and Portuguese Court. In compliance with the Petition of the Proctor for the Captors, the affidavit of the Prize Officer, Lieutenant Denman, authenticating the ship's Papers, and the Captor's Declaration, were received; the usual Monition, citing all parties interested in the vessel to appear, was issued; and permission was given for evidence to be produced and filed.

The Declaration of the Captor states, that "on the 25th day of November, 1833, being in or about latitude 24° 11' South, longitude 42° 40' West, he detained the ship or vessel named the '*Maria da Gloria*,' sailing under Portuguese colours, commanded by Joaquim Gerardo Cordonij, who declared her to be bound from Angola to Rio de Janeiro, and having on board 423 slaves, said to have been taken on board at Angola."

The Declaration was accompanied, as usual, by an Inventory of the cargo, furniture, and stores, on board the "*Maria da Gloria*," which was signed at the same time by Lieutenant Denman, the Prize Officer, and by the Captain of the detained ship.

Amongst the ship's Papers brought before the Court, in addition to those which have been already enumerated and described, were the Log-book of the "*Maria da Gloria*" on the voyage in which she was captured; and another document purporting to be the will of a person named José Antonio de Silva, who was being conveyed as a passenger from Loando to Rio de Janeiro. In this document, which is without date, and altogether informal, the testator declares that he "has on board the "*Maria da Gloria*," 10 bales of merchandise, which he bequeaths to different persons; giving 3 of the said bales to the crew of the vessel, and one to J. G. Cordonij, the Master."

On the same day, the 22d ultimo, permission was given to the Proctor for the Captors to file, in the registry of the Court, the proceedings taken before the British and Brazilian Court of Mixed Commission at Rio; but it will not be necessary for us to enter into the details of these proceedings, as they will doubtless have been already communicated direct from the place where they took place.

On the 24th of February, a petition was presented by the Captor's Proctor, praying that the slaves might be landed, on account of their crowded and sickly state, and their long confinement on board the detained vessel. We immediately addressed a letter to his Excellency the Governor on the subject, in which we stated, "that we were unwilling to press upon his Excellency the expediency of allowing the slaves to be landed, as we feared that, in the event of the "*Maria da Gloria*" and her cargo being restored, a serious commotion in the colony might result from an attempt to re-ship them. But we were desirous of alleviating the sufferings of the people, and begged that his Excellency would be pleased to afford us such assistance as might be in his power to meet the necessity of the case, by placing a portion of them on board any government vessel at his disposal.

To this letter we received a reply, acquainting us that his Excellency had given directions that the "Adelaide," the only vessel belonging to the Colonial Government, should be placed at the disposal of the Mixed Commissions, for the purpose of receiving the slaves on board the Portuguese barque, "*Maria da Gloria*." The sick slaves were then transhipped into the colonial schooner, "Adelaide," which was lying in the harbour dismantled, and they were there attended most sedulously by Mr. Fraser, the Assistant-Surgeon of His Majesty's ship, "Snake," who had been humanely sent in the prize from Rio, that the slaves might enjoy the benefit of his skill, as far as it could be rendered available in their distressing situation.

On the same day on which the slaves of the "*Maria da Gloria*" were thus relieved, by the removal of the sick into another vessel, J. G. Cordonij, the Master, Francisco Perara, one of the seamen, and Bernardino Luiz Martins, the Cook of the detained vessel, were severally examined by the Registrar, on the standing Interrogatories.

The Master deposed, that "he was born in Lisbon, where he has usually resided; has always been a Portuguese subject; is unmarried; was appointed to the command of the detained ship at Angola, by Francisco de Paula Vellozo, a Portuguese merchant, the correspondent of the Owner of the vessel, Anastacio José Ribeiro, a Portuguese merchant living at Rio de Janeiro; took possession of the said vessel, as Master of her, last October; first saw the detained vessel at Rio de Janeiro about a year since; believes she is Brazilian built; was present when the vessel was detained, concerning which he is now examined; believes that she was seized for having slaves on board; she sailed under Portuguese colours, but had also on board an English, Brazilian, and he thinks an American, Ensign, which were there agreeably to the custom of his country; the detained vessel has always been called "*Maria da Gloria*," and is about 323 tons' burthen; exclusive of himself, there were 2 Officers and 10 mariners on board, all of whom were Portuguese, shipped at Angola by the Boatswain and himself; none of the Officers and mariners had any part or interest in the vessel or lading; was Master of her himself; there were 3 Portuguese traders at Angola on board as passengers to Rio de Janeiro, for the benefit of their health; the vessel was bound to Rio, after visiting Monte Video; knows nothing of the voyage in which the vessel was detained previous to her leaving Angola; St. Paul de Loando was the last clearing-port from which the vessel sailed previous to capture; she was captured in 24° 25' South latitude, and longitude 38° 39' West of London, on the 26th November last past, after a chase of 2 hours; did not make any attempt to avoid capture, considering himself free from such interference; did not give any instructions for destroying or concealing any of the vessel's Papers; the aforesaid A. J. Ribeiro was the Owner of the said vessel at the time of her capture; verily believes that if the said vessel be restored, she will be the property of the Owner; the Lader of the slaves on board the vessel was Joaquim Regada, a Portuguese merchant at Angola; does not know who owns them; a Portuguese trader at Angola, named Mesquita, shipped and owned the 18 barrels of gum now on board; the hides and Angola mats were shipped for the account of the aforesaid Owner of the vessel, A. J. Ribeiro, by his correspondent at Angola; witness, in his confusion and annoyance at the time of capture, threw overboard several Papers and many of his clothes; amongst the said Papers were the Letters for the Consignees of his cargo at Monte Video, and he cannot therefore now state their names; the present cargo consisted of the before-stated articles of merchandize, and 432 *black people*, shipped from the shore at St. Paul de Loando, after the said vessel had cleared the shoals at the mouth of the Port; the said *black people* were to have paid 250 dollars each as their passage-money from Angola to Monte Video, and when arrived at the last-named Port, the Governor thereof would see to their future prospects; 9 of the said *black passengers* died before capture, and about 80 or 90 since; there was a Letter amongst the papers destroyed, before stated, from the aforesaid shipper of the *black passengers* respecting their passage-money."

Francisco Perara, in reply to the standing Interrogatories, deposed that "at the time of the capture of the detained ship, there were 4 or 5 convicts on board, whose term of transportation had expired, and who were taking a passage from Angola to Monte Video, whither the said vessel was bound; the Master of the detained vessel, during her chase by the capturing ship, threw several Papers overboard, of the nature of which he (witness) is ignorant; knows nothing of the cargo of the detained ship in the voyage previous to that in which she was seized; her lading in the present voyage consisted of upwards of 430 slaves, 18 barrels of gum, about 200 hides, and a large quantity of Angola mats."

Bernardino Luiz Martins was also examined on the standing Interrogatories, and confirmed generally the statement of the Master. He deposed that "he knows nothing of the voyage previous to that in which the vessel was seized; the present cargo consisted of 420 "ives and upwards, shipped from the shore at St. Paul de Loando."

On the 23d February, the day after that in which the above examinations were taken and filed, the publication thereof was decreed, on the Petition of the Proctor for the Captor; and, on the 28th of the same month, a Claim was filed for the detained vessel and her cargo.

This Claim is made by Joaquim Gerardo Cordonij, "the Master of the Portuguese barque, "*Maria da Gloria*," a subject of Her Most Faithful Majesty the Queen of Portugal, for the said ship, her tackle, apparel, furniture, goods, wares, and merchandize, and 423 Africans, or so many thereof as were on board the said ship at the time of the capture thereof, by His Majesty's brig, "Snake," William Robertson, Esq., Commander, and brought to Sierra Leone, having been previously taken to Rio de Janeiro, and for the value of such of the Africans as may have departed this life since capture; for the said ship, her tackle, apparel, and furniture, and part of her cargo, consisting of 18 barrels of gum copal, 1,500 mats, and 106 hides, as the sole property of Anastacio Jozé Ribeiro, native and subject of Portugal, residing at Rio de Janeiro, and her cargo of Africans, as the property of Joaquim Regado, a native and subject of Portugal, residing at Angola, and as protected by the Treaty or Convention between His Britannic Majesty and Her said Most Faithful Majesty, dated the 28th July, 1817; and for all costs, charges, losses, damages, demurrage, and expenses which have arisen, or shall, or may, arise, by means of the capture and detention of the said ship, and her cargo as aforesaid."

In the Affidavit which accompanied the Claim, the Claimant further deposes, that "the '*Maria da Gloria*' was captured in the prosecution of her voyage from Angola, on the coast of Africa, to Monte Video, and thence to Rio de Janeiro;" and "he swears that Joaquim Regada, of Angola, is the true, lawful, and sole *Owner* and Proprietor of the cargo of Africans on board."

The Monition, issued on the 22d February, was returned into the Registry of the Court on the 1st instant, with the Marshal's Certificate of its having been duly served.

On the Petition of the Proctor for the Claimant, permission was granted to have special Interrogatories put to Lieutenant Denman, relative to the authority under which the "*Maria da Gloria*" had been detained. The deposition of that officer, taken on the 4th instant, clearly proved "that His Majesty's ship, 'Snake,' was supplied with the necessary Instructions from the British Government for the seizure of vessels sailing under Portuguese colours, engaged in illicit Slave Trade."

Publication of the Claimant's Case was prayed for on the 6th instant, and on the same day a joint Petition from the Proctors on both sides stated that the Case was closed, and begged that the day might be appointed for the trial of the vessels.

On the 14th instant, the Court met for the adjudication of the "*Maria da Gloria*," having previously received the deposition of Lieutenant Denman as to the number of the surviving slaves on board the vessel on that day. The Prize Officer deposed that "at the time of the seizure of the detained vessel, on the 25th day of November last past, there were 423 slaves on board; that during the stay of the said vessel at Rio de Janeiro, 10 of the said slaves absconded; and that 104 of the said slaves have died from disease." Melancholy as this loss of life must be allowed to be, it is not equal to what might have been anticipated from the long confinement which the slaves had endured on board the crowded vessel.

At the sitting of the Court, the proceedings taken in the Case, and the evidence given by the different witnesses, having been read by the Registrar, the Court was addressed by the Proctors on either side with considerable ability and at great length; the one urging the condemnation of the vessel, on the ground of the illicit nature of the voyage in which she was avowedly engaged at the time of her detention; and the other pleading for her restoration, on the ground that the trade in which she was engaged was legal, within the limits to which she had confined herself; and that the British cruiser had no right, under any circumstances whatever, to visit and capture Portuguese vessels where the present seizure was made. But the nature of the arguments made use of on this occasion, will be more clearly exhibited by the notice which they received from the Court on the succeeding day, when judgment was pronounced on the Case in the following terms:—

"Previous to entering upon an examination of the particular facts which distinguish the Case of the barque, '*Maria da Gloria*,' it may not be amiss to consider those peculiar provisions in the Portuguese Treaties for the suppression of the Slave Trade which have been referred to by the Proctors, both for the Claimant and Captor, as bearing upon the decision which it will now be our duty to pronounce.

"In the Treaty between Great Britain and Portugal, signed at Vienna, on the 22d January, 1815, it was declared that, 'during the interval which is to elapse before the general and final abolition of Portuguese Slave Trade, it should not be lawful for the subjects of Portugal to permit their Flag to be used, except for the purpose of supplying the transatlantic Possessions belonging to the Crown of Portugal.'

"Subsequently, in the additional Convention between Great Britain and Portugal, signed at London, on the 28th of July, 1817, the 2 high contracting powers 'declare that they consider as illicit any traffic in slaves by Portuguese vessels bound for any Port not in the Dominions of His Most Faithful Majesty.' This Convention also rendered it imperative upon all vessels of that Nation 'destined for the Slave Trade, on any point of the African coast where the traffic still continues lawful, to be provided with a Royal Passport, conformable to the model annexed to the Convention, of which it was to form an integral part; and for all Portuguese vessels sailing from any of the Dominions of His Most Faithful Majesty out of Europe, this Passport was to be signed by the Governor-in-chief of the captaincy of the Port from which such vessel sailed.'

"Again, in the Regulations issued by the British Government for the guidance of the Commissions appointed for carrying into effect the Treaties for the abolition of the Slave Trade, we are instructed, that 'the Treaties between this Country and Portugal, and the Acts of Parliament for carrying those Treaties into effect, declare illicit all traffic in slaves by Portuguese ships bound for any Port not in the Dominions of the Sovereign to which the ship belongs.' And it is therein also declared to be an indispensable requisite that 'every Portuguese vessel engaged in this trade must be provided with a Royal Passport permitting such traffic.'

"The passages which have been quoted unquestionably affix a character of contraband trading on every Portuguese vessel engaged in the traffic in slaves, whether to the South or North of the Equator, unless she be provided with a Royal Passport on the appointed model, permitting such traffic, and unless she be bound to a Port within the Dominions of Her Most Faithful Majesty. But the obvious and undoubted illegality of the voyage in which every such vessel is engaged does not necessarily imply the right, on the part of any foreign power, to detain and punish the delinquent.

"The right of search and to detain the vessels of a friendly power in time of peace can only be acquired by Treaties, and can only be exercised in the mode, in the places, and by the persons pointed out in such Treaties. The restrictions by which the concession is fettered are the conditions under which the partial right is permitted; and the gratuitous withdrawal of a right thus solemnly conferred is not more opposed to good faith than the transgression of the limits by which it has been as solemnly circumscribed.

"The Court is as much opposed to the principle laid down by the Proctor for the Captor, that British men-of-war are entitled to exercise the privilege of searching all vessels, under whatever Flag, on the high seas, as it is to the principle which the Proctor for the Claimant has attempted to enforce, that British men-of-war can have no right to search Portuguese merchantmen to the southward of the Line. The Court considers that the judgment of Lord Stowell, in the Case of 'Le Louis,' so frequently alluded to by the Proctors on both sides, does not at all apply to the Case before us; as the right of search, in that instance, was forcibly exercised against a French vessel, whose government had never conceded that right, under any modification whatever. But in case of Portuguese vessels engaged, or suspected to be engaged, in the illicit traffic in slaves, the British cruiser who is provided with special Instructions for the purpose, enjoys, by Treaty, the right of searching them any where and every where. This extensive concession was granted for a particular object; and in the Convention between Great Britain and Portugal, of the 28th July, 1817, that object is expressly declared to be, on the part of the 2 Governments, mutually to prevent their respective subjects from carrying on the illicit Slave Trade. And the Convention goes on to say, 'For the more complete attainment of this object, the 2 high contracting powers mutually consent that the ships-of-war of their royal navies which shall be provided with special Instructions for this purpose, may visit such merchant-vessels as may be suspected, upon reasonable grounds, of having slaves on board, acquired by an illicit traffic.'

"And in the Instructions for ships-of-war employed in this service, Instructions which form an integral part of the Convention, the 1st Article declares, 'every British and Portuguese ship-of-war, which shall be furnished with special Instructions for this purpose, shall have a right to visit the merchant-ships of either of the 2 powers actually engaged, or suspected to be engaged, in the Slave Trade.'

"Whilst, however, the right to visit and search all such vessels, on the high seas, is universal, and confined to no latitude, (or the limits of its exercise would have been clearly laid down, as in the Netherlands and French Treaties,) the right of detention has been restricted within certain bounds, which are so clearly defined as at once to attract the attention and to point out the proper course of proceeding. And it is a fortunate circumstance for the humane and zealous officers engaged in the suppression of the odious traffic in slaves, that they can turn from the ambiguous provisions of a Convention, and find in the Instructions especially provided for their guidance, an Article so little capable of misconstruction as this: 'No Portuguese merchantman or slave-ship shall, on any pretence whatever, be detained, which shall be found any where on the high seas South of the Equator, unless after a chase, which shall have commenced North of the Equator.'

"Thus far can the British cruiser go, and no farther. He may visit and search Portuguese vessels suspected of having slaves on board, in any latitudes northern or southern; and though in southern latitudes he cannot detain them, yet can he make use of the information obtained by his search, and furnish means to His Majesty's Ministers and Envoys effectually to urge upon the Government of the offender the punishment due to his illicit acts.

"The Court, happily, does not come to the consideration of this Case unfurnished with precedents which have received the sanction and approval of His Majesty's Government, and to which His Majesty's Commissioners have been directed as the guide of their conduct on all similar occasions.

"There are 3 cases more particularly referred to by the Claimant's Proctor, which have so close a resemblance to that of the '*Maria da Gloria*,' that it may be worth while briefly to state the peculiar features of each.

"The Portuguese schooner, '*Sinceridade*,' owned by 2 merchants residing at St. Paul de Loando, was detained on the 3d of December, 1822, by His Majesty's ship, '*Bann*,' under the command of Captain Phillips, only 8 minutes to the southward of the Line. She had on board, at the time of capture, 123 slaves, which had been embarked in 1° 20' South latitude (not to the North of the Line, as stated by the Proctor for the Claimant, but) at a place without the range to which the legal Slave Trade of Portuguese subjects was confined. In addition to this illegality of embarkation, she was unprovided with a Royal Passport, authorizing her to carry slaves. The Captor, however, by his own Declaration, had overstepped the limits, although only by a few minutes, to which the right of detention had been restricted, and the Court decreed the restoration of the '*Sinceridade*' and her cargo.

"The '*Activo*' was a Brazilian brig, captured on the 1st February, 1826 (at a time when all vessels of her character were dealt with according to the provisions of the Portuguese Treaty), by Captain Murray, of His Majesty's ship, '*Athol*.'

"She was detained in latitude 4° 24' South, with 164 slaves on board; she was provided with a Royal Passport, authorizing her to take in slaves from one of the Portuguese possessions to the South of the Equator, but she sailed direct to Badagry, and embarked her slaves in that Port, situated in 6° 20' North of the Equator. Had the '*Activo*' been fallen in with on her passage between Badagry and the Line, there is no doubt that she might legally have been detained, and that the condemnation of the vessel and her cargo would have followed. But the admitted violation of her Royal Passport was not deemed by the Court to justify the illegality of her detention to the southward of the Line, and both vessel and cargo were restored to the Owner.

"The Brazilian brig, '*Perpetuo Defensor*,' was shortly afterwards brought into Court, under precisely the same circumstances as the '*Activo*.' She had been captured off Anna Bona, to the southward of the Line, with 424 slaves on board, by His Majesty's ship, '*Maidstone*,' commanded by Commodore Bullen, on the 18th April, 1826, on the ground that she had embarked her slaves at Badagry, more than 6° North of the Equator, in direct violation of the Royal Passport which she had received. A similar judgment was given in this Case, and the '*Perpetuo Defensor*' and her cargo were decreed and restored.

"All these judgments were unreservedly approved by His Majesty's Government, and the Court has now only to decide upon the Case immediately before it, according to the principles and precedents which have been enumerated.

"An attempt was made in the Mixed Commission Court at Rio, on the part of the Captors, to affix a Brazilian character to the *'Maria da Gloria.'* That Court decided that she was not Brazilian, and from that decision there can be no appeal. Indeed there appears to be no reason to suppose that she is not what she is treated as being, both by Captor and Claimant, a Portuguese vessel; and the mere fact of her having, according to general practice, a few foreign Flags on board, would hardly lead to such a suspicion. Her national character must therefore be deemed to be Portuguese.

"It appears by the documents found on board the *'Maria da Gloria'* at the time of her capture, that she cleared out from the Port of St. Paul de Loando, in Angola, with a trifling legitimate cargo, from Rio de Janeiro, on the 24th October, 1833, and that shortly afterwards, when outside the bar of the Port, she took on board upwards of 430 slaves, without having obtained a licence for them, or having paid the customary dues, and after having entered into Bond not to take away any person from the place, without permission of the Governor-General of the province. With this living cargo, shipped, by his own admission, as contraband, and without a Royal Passport, Joaquim Gerardo Cordonij was detained off Rio, by His Majesty's brig, *'Snake,'* in 24° 11' South latitude. This detention was undoubtedly illegal, and in direct contravention of the 4th Article of the Instructions to men-of-war engaged in the suppression of illicit Slave Trade.

"Having thus given a brief outline of the Case, the Court will proceed at once to pronounce judgment upon it. For after all that has been said, it is needless, as it would be disgusting and tedious, to follow the Claimant through all the varieties of perjury which distinguish his evidence both at Rio and this place: the Court therefore decrees that the said Portuguese barque, *'Maria da Gloria,'* her tackle, apparel, and furniture, and her goods, wares, and merchandize, also all the survivors of the slaves on board of her at the time of her capture by His Majesty's brig, *'Snake,'* William Robertson, Esq., Commander (309 in number), be restored to the Claimant, Joaquim Gerardo Cordonij, for the use of the Owners and Proprietors thereof; and that it be referred to the Registrar to ascertain the amount of costs of suit, and such special damages and expenses only as have been occasioned to the said barque by her detention.

"The Court has decided upon the illegal detention of the *'Maria da Gloria,'* and has consequently decreed that she be restored to the Claimant; but it cannot lose sight of the fact that she was captured in the prosecution of an illicit traffic. And whilst, on one hand, it would most scrupulously avoid giving even the appearance of its sanction to the infringement of the 4th Article of the Instructions to men-of-war, which was committed in this instance, it must be equally careful, on the other hand, that its Award shall not operate as an encouragement to the Portuguese slave trader, to carry on his illicit pursuits in open and avowed violation of National Treaties, as well as the laws of his own Country.

"The Court is of opinion that the Claimant is not entitled to receive demurrage, by the following clause in the 8th Article of the Regulations for the Mixed Commissions: 'The 2 high contracting powers wishing to avoid, as much as possible, every species of fraud in the execution of the additional Convention, have agreed that, if it should be proved that the Captor has been led into error by a voluntary and reprehensible fault on the part of the Captain of the detained ship, in that case only the detained ship shall not have the right of receiving, during the days of her detention, the demurrage referred to in the other parts of the 8th Article. Now, in this instance, the Captain of the detained vessel himself swears that he shipped his cargo of slaves as contraband; and does not pretend to have been provided with a Royal Passport, authorizing him to carry on the Slave Trade; and these voluntary and reprehensible faults on his part unquestionably led to the error which the Captor committed in detaining his vessel.

"In like manner the Claimant can have no indemnification granted to him for his slaves; for the 9th Article of the Regulations for the Mixed Commissions declares that 'in no case shall he be entitled to claim for more than the number of slaves which his vessel was, by the Portuguese laws, authorized to carry, and which number shall always be declared in his Passport.' Now, as the *'Maria da Gloria'* was unprovided with a Royal Passport, she was not authorized to carry a single slave, and consequently is not entitled to claim indemnification for any.

"The Court is the more convinced of the propriety of this decision, by the result of the Cases of the *'Sinceridade,'* *'Activo,'* and *'Perpetuo Defensor,'* where the demurrage and indemnification for loss of slaves were provisionally decreed to the Claimant, should the 2 Governments agree that they were entitled to claim them, but not otherwise.' It was then determined that the illicit nature of the voyages in which those vessels were engaged at the time of capture deprived them of all title to such compensation, and that which was a doubtful question, at the time it was referred to the 2 Governments, has now become a settled point by their decision.

"In dealing with the vessel and the claims for demurrage and indemnification for slaves, as has been done on this occasion, the Court has followed out both the letter and spirit of the Convention between Great Britain and Portugal, as well as the clear directions laid down by Mr. Canning for the guidance of His Majesty's Commissioners, and which will be found at page 72, of Class A, of the printed Correspondence laid before Parliament in 1827, that, 'on one hand, no compensation can, in equity, be due to traders for losses sustained by them in cases of traffic, carried on under circumstances which constitute illegal trade; whilst, on the other hand, no condemnation of a vessel ought to take place when the capture is made at a spot not absolutely within the boundary prescribed for capture by the Treaty.'"

From this judgment it will be seen that, whilst the Court imitated the line of conduct which had been pursued by the Governments of Great Britain and Portugal, in former instances, by refusing to the Claimant indemnification for slaves which he had lost, and demurrage for the detention of his vessel on account of the illicit nature of the trade in which he was engaged; it absolutely restored the vessel and cargo to the Claimant, for the use of the Owners thereof, on account of the illegality of the capture. The Court at the same time directed the Registrar to ascertain the amount of costs of suit and of such special damages and expenses as had been occasioned to the captured vessel by her detention.

On the 20th instant the Claimant produced his Schedule of costs of suit and special damages and expenses, amounting to the sum of 940*l.* 7*s.*, and at the same time swore that the Schedule was "true and fair, and that his vessel would not be able to proceed from this harbour to her port of destination without incurring the expenses therein claimed." A minute examination was then entered upon at the Registry of the Court, by all the parties interested in the Case, of every separate item composing the

Claimant's very large demands, and it was finally decided by the Registrar that 34*l.* should be considered an equivalent for costs of suit, and 145*l.* 9*s.* 4*d.* for special damages and expenses, making together the sum of 189*l.* 9*s.* 4*d.* sterling. On the following morning, the 22*d* instant, the Report of the Registrar on the matters referred to him was presented to the Court, which immediately gave notice of a sitting for the purpose of announcing its Award.

In a private conference between His Majesty's Commissioners, which took place previous to the sitting of the Court, a difference of opinion was found to exist between Mr. Smith and Mr. Macaulay, as to whether the Report made by the Registrar, of the ascertained amount of the costs of suit and special damages and expenses, should be confirmed *absolutely* or *provisionally* in favour of the Claimant.

Mr. Smith considered that the Report should be confirmed absolutely, by a Decree of the Court. He could not view such a proposition as giving the Claimant compensation for losses sustained by him but as a reimbursement that he was entitled to, owing to those costs, damages, and expenses, having been caused by the personal acts of the Captor, with which the Claimant's voyage was unconnected. Mr. Smith thought it was the duty of the Court to place the Claimant in such a position, by making a Decree in his favour, that he might be enabled to raise money thereon in the Colony, and thus be furnished so far with resources, for the purpose of taking his vessel and cargo away, without which the Claimant might be obliged to abandon both, from the want of means to pay those expenses the Captor had individually put him to; and consequently the Sentence of restitution might thus be rendered nugatory.

Mr. Smith was also of opinion, that, even supposing the Claimant could of himself find means to pay the expenses in question, and to quit this place, with his vessel and cargo, that circumstance ought not to affect his right to a Decree for the sum stated by the Registrar in his Report, as the Declaration of His Majesty's Government, that "no compensation can in equity be due to traders for losses sustained by them in cases of traffic, carried on under circumstances which constitute illegal trade," could not mean that the Claimant should be debarred from receiving the amount of such costs and damages as the Captor himself had been the means of causing; otherwise a Captor might carry that principle to so great an extent as to make a wreck of any Claimant's vessel, under the assurance that he would not have to pay for damage so done.

Mr. Macaulay, on the other hand, considers the question to be, whether a person, captured in the prosecution of a slave adventure, which, by his own admission and by the clearest evidence, is proved to be contraband in every particular, from its beginning to its end, can be entitled to receive remuneration for any expenses which he may have incurred, or for any costs of suit to which he may have been subjected, in consequence of his illegal proceedings, even although his capture may have been as unauthorized as the nature of the voyage in which he was engaged.

In coming to a decision upon this point, Mr. Macaulay conceived that His Majesty's Commissioners were not at all bound to take into account what might be the probable consequences of their decision either to one party or to another; how far the Captor might be in a condition to satisfy the amount which the Court might think it just to award to the Claimant, or how far the Claimant might be in a condition to prosecute his voyage, without relief, to some extent, being granted from the Captor.

The 2 Governments of Great Britain and Portugal having already decided that, under circumstances of illegal trade, but of unwarranted capture, the captured vessel is not entitled to receive from the Captor any indemnification for demurrage or for loss of slaves, Mr. Macaulay was of opinion, that the same principle should be applied to every other loss which the captured vessel may have sustained from the same cause; inasmuch as the costs of suit, the expense of provisioning and fitting out his vessel for sea, and the wages of seamen to carry her to her original destination, or to the spot where she was taken, are losses of the Claimant, not in any degree more clearly attributable to the personal acts of the Captor than the demurrage which the vessel has incurred, or the loss of life amongst the slaves which has taken place, in consequence of the unauthorized detention.

Mr. Macaulay further considered that the letter and spirit of the Portuguese Convention were opposed to any remuneration whatever being granted for losses sustained under circumstances which constitute "illegal trade;" as "the object of this Convention is expressly declared to be, to prevent British and Portuguese subjects from carrying on an illicit Slave Trade,—the prevention of all illicit traffic in slaves."

In consequence of the decision referred to above, which had been given by the Governments of Great Britain and Portugal, compensation for demurrage and loss of slaves, which, in all former cases similar to that of the "*Maria da Gloria*," had been *provisionally* awarded to the Claimant, was, in the present instance, *absolutely* denied; and it seemed to Mr. Macaulay only reasonable to consider the decision which had sanctioned, in our opinion, our advancing one step beyond precedent, with respect to demurrage and indemnification for slaves, would also sanction our advancing to the same extent with respect to costs of suit and special expenses, which on former occasions had been *absolutely* confirmed to the Claimant, but which, Mr. Macaulay proposed, should now be only *provisionally* awarded.

The difficulty felt by Mr. Smith, lest a decision of the Court, in accordance with the views of Mr. Macaulay, should operate as an encouragement to His Majesty's cruisers to speculate recklessly in the capture of Portuguese slave-vessels, in any latitudes and under any circumstances, was equally felt by Mr. Macaulay; at the same time that caution was acknowledged to be requisite, lest an absolute Award in favour of the Claimant should give even the appearance of sanction to such illicit adventures as that in which the "*Maria da Gloria*" was professedly engaged at the time of her capture. This is a difficulty which has more than once met His Majesty's Commissioners in this Colony, and the statement made by Mr. Edward Gregory, in a Despatch to Mr. Canning, dated 6th June, 1822, on the subject of the Portuguese slave-schooner, "*Sinceridade*," well expresses the sentiments with which we were impressed: "If compensation should not be allowed, it would seem that encouragement was given to the infringement of the special prohibition against the detention of any merchantman or slave-ship found to the South of the Equator; and if compensation should be allowed, it would seem that encouragement would be given to the violation of the special object of the Convention, which is to prevent illegal Slave Trade."

The plan followed by our predecessors on the occasion referred to was finally adopted by ourselves; and it was agreed "that the Case under deliberation should be placed under the view of the superior Authorities, who might, by a reference to the views in which the Convention was concluded,



more easily ascertain which branch of the alternative which embarrassed the Commissioners was to be preferred; and if the dilemma arose from defect or *inconsistency* in the Convention, might easily apply the proper remedy by supplementary provision."

The difference which had existed in the opinions of His Majesty's Commissioners was known only to themselves; and when it had been resolved to pursue the course just alluded to, of provisionally confirming, in favour of the Claimant, the ascertained amount of costs of suit, and special damages and expenses, Mr. Macaulay pronounced the Award of the Court, on the Report of the Registrar, in the following words:—

"At the last sitting of the British and Portuguese Court, the Court referred to the Registrar the duty of ascertaining the amount of costs of suit, and of special damages and expenses occasioned to the barque, '*Maria da Gloria*,' by her detention. The Report of the Registrar on those particular items is now before the Court for its Award, and forms the only subject to which the Court has to direct its attention on the present occasion.

"In refusing positively the Claimant's demand for demurrage and indemnification for loss of slaves, the Court adopted a rule which, when applied provisionally in other Cases, had received the sanction of His Majesty's Government; but in behalf of the present claim it may be urged, that in those very Cases ("*Sinceridade*," "*Activo*," and "*Perpetuo Defensor*,") where the Court made only a provisional Award of demurrage and indemnification for slaves, it absolutely confirmed to the Claimant the ascertained amount of his costs of suit, and special damages and expenses, and that the propriety of that absolute Award has never yet been questioned.

"The Court, however, is of opinion that the decision to which the Governments of Great Britain and Portugal came, in every one of the Cases referred to,—viz. that the Claimants had no right to the indemnification which had been provisionally decreed to them—goes far to establish the principle that no compensation whatever should be granted for losses sustained in the course of an illegal traffic, and would induce the Court to believe that, if the items which form the claim now under consideration had been submitted at the same time, and under the same circumstances, to the 2 Governments, their decision, with regard to costs of suit and special expenses, would have been the same as it was with regard to demurrage and indemnification for slaves.

"The illegality of the '*Maria da Gloria*'s voyage is unquestionable, if we look only to the admissions of her Master, that the slaves on board of her were shipped as contraband; that he was bound to Monte Video, a place for which he had received no Clearance; and that in both these respects he had violated the conditions and incurred the penalties of the Bond which he had given to the Custom-House at Loando. Upon the principle, therefore, which has already been laid down, the Court must decline making an absolute Order for any compensation to the '*Maria da Gloria*,' notwithstanding the circumstances of her illegal detention.

"The Court further considers that such an Award would be not more opposed to sound reason than it would be to the letter and spirit of the Portuguese Convention; the 1st Article of which says, 'the object of this Convention is, on the part of the 2 Governments, mutually to prevent their respective subjects from carrying on an illicit Slave Trade.' And in the 5th Article of the same Convention, 'the object of the 2 high contracting Powers' is again declared to be 'prevention of all illicit traffic in slaves.' And surely the prevention of such illegal trading is not to be accomplished by an indemnification for losses sustained in its prosecution.

"Let us apply this understanding of the object of the Portuguese Convention to the 8th Article of the Regulations for the Mixed Commissions, so much insisted on by the Proctors on both sides; and all difficulties, by which it may appear to be surrounded, will instantly vanish. That Article opens thus, 'every claim for compensation of losses occasioned to ships suspected of carrying on illicit trade in slaves shall be heard and judged by the above-named Commissions, who shall award indemnification in all cases wherein restitution shall have been so decreed.' The construction put upon this clause by the Court is, that indemnification should be granted to a detained vessel in every case where the illicit trade in slaves shall only have been 'suspected' by the detaining ship, and not borne out, as it has been in the present instance, by incontestable proof.

"But, notwithstanding the conviction which the Court entertained, that reason, and the spirit of the Portuguese Convention, as well as of the Instructions which have been received from His Majesty's Government, are opposed to the compensation which the Claimant is seeking at its hands, it cannot forget that there is no appeal from its judgment; and that this is the first occasion on which it has been called upon to apply to a claim for costs of suit and expenses the principle which has been recognized as applicable to demurrage and indemnification for slaves.

"Under these circumstances, and with the hope that the reference of this Case for decision by a higher authority may induce a revision of the Portuguese Slave Treaties, the Court doth award and decree that William Robertson, Esq., the Captor in this Case, do pay unto Joaquim Gerardo Cordonij, the Claimant, or unto his lawful attorney or attorneys, for the use of the Owners and Proprietors of the said barque, '*Maria da Gloria*,' the sum of 180*l.* 9*s.* 4*d.* sterling, being for costs of suit, and such special damages and expenses as the Registrar has stated the Claimant to be entitled to, for the detention of his vessel, provided the British and Portuguese Governments agree, and declare that the said sum of 180*l.* 9*s.* 4*d.* sterling ought to be paid to the said Claimant, according to the true intent and meaning of the Convention between Great Britain and Portugal, for the prevention of illicit Slave Trade, but not otherwise."

On the 27th instant, the ship's Papers belonging to the "*Maria da Gloria*" were delivered up to the Claimant's Proctor, on his Petition, and a Receipt taken for the same, an Endorsement having first been made by the Registrar on the Portuguese Passport, stating the circumstances of the vessel's detention, and of her restoration on the 15th instant, under a Decree of the British and Portuguese Court established in this Colony, and that, "by the aforesaid Decree, her Master, Joaquim Gerardo Cordonij, had received 309 slaves, of whom 5 had died since, and 64 had, on account of their extreme debility, been presented to the Governor of this Colony; and that the said vessel was about to take her departure hence, with the remainder of the said slaves, 240 in number."

This Endorsement was made in order to prevent the vessel sheltering herself from capture, under the Decree of restoration from the Court with which she was provided, should she hereafter be boarded by any of His Majesty's cruisers, and be found to have a larger number of slaves on board than could be properly accounted for.

It is extremely gratifying to us, at the conclusion of this long Report, to have it in our power to point out one advantage which has happily resulted from the arrival of the "Maria da Gloria" in our harbour. We allude to the circumstance (mentioned in the Endorsement on the ship's Passport, just quoted) of 64 of the sick slaves belonging to the vessel having been presented to the Colonial Government, through the humane interposition of His Excellency Lieutenant Governor Temple, for the purpose of freeing them from slavery.

This is indeed an incalculable advantage, and may serve, in some degree, to console humanity under the horrid prospect, which now lies before the survivors of the unhappy slaves, of having a third time to cross the Atlantic ocean, after the sufferings which they have already endured during a period of more than 5 months.

(Signed)

WM. SMITH.  
H. W. MACAULAY.

Sierra Leone, 31st March, 1834.

Second Enclosure in No. 34.

Portuguese barque, "Maria da Gloria," Joaquim Gerardo Cordonij, Master.

To the trusty and well-beloved William Smith, Esq., His Britannic Majesty's Commissary Judge, and Henry William Macaulay, Esq., His Britannic Majesty's Commissioner of Arbitration, acting in the absence of Commissioners, on the part of Her Most Faithful Majesty the Queen of Portugal.

Whereas, by your Decree of the 15th day of March, 1834, you pronounced the said vessel, her cargo, and slaves, to have belonged as claimed, and decreed the same to be restored to the Claimant, for the use of the Owners and Proprietors thereof, and referred it to your Registrar to ascertain the amount of the costs of suit, and such special damages and expenses, only as have arisen by the detention of the said vessel, by His Britannic Majesty's ship, "Snake," with directions that he should report the same to you: Now I do most humbly report, that having received an account of the same, brought in on behalf of the Claimant, and having taken it, together with what was urged by the Agents of the parties on both sides, into consideration, I am of opinion that the Claimant is entitled to the several sums mentioned in the Schedule hereunto annexed.

All which is humbly submitted by

(Signed) WALTER W. LEWIS, Registrar.

Sierra Leone, 22d March, 1834.

In the Case of the Portuguese barque, "Maria da Gloria," Joaquim Gerardo Cordonij, Master, Schedule of Costs, Damages, and Expenses.

£.	s.	d.		£.	s.	d.	£.	s.	d.
50	0	0	Claimed as costs of suit.						
			I allow				35	0	0
2	10	0	Claimed for Harbour-master's fees.						
			Allowed by consent of the Parties	2	10	0			
5	0	0	Claimed for Custom-house fees, for waterage and anchorage.						
			The Colonial law regulating the amount of waterage and anchorage enacts that foreign vessels shall pay 1s. 6d. per ton, according to the tonnage of the vessel. I therefore allow, with the consent of the Proctor for Captors, the fee imposable under the said law, viz. for 238 tons, at 1s. 6d. per ton	17	17	0			
20	0	0	Claimed for expenses of wooding the barque for sea.						
10	0	0	Claimed for expenses of watering the barque for sea.						
			I allow for the 2 preceding charges	10	0	0			
8	0	0	Claimed for repairs of a boat, which will not swim in consequence of Captors having allowed a cask of water to fall into her.						
			It having been proved to my satisfaction that this statement is not correct, and also that the said boat has only received some trifling damage at the hands of the Captors, I allow for her repairs	1	10	0			
5	0	0	Claimed for coopering the water-casks, the same having been neglected to be filled by the Captors with salt water, as the fresh water was expended therefrom.						
			I have not allowed this charge, as it has not been proved to me that any neglect whatever took place in respect to the said water-casks, on the part of the prize-crew.						
2	10	0	Claimed for canoe-hire, whilst the aforesaid boat may be repairing, say 10 days at 5s.						
			I allow for the hire of a canoe, during the probable time required to repair the said boat, as far as it has been proved to have received injury from the Captors, viz. 3 days, at 4s. 4d. per diem	0	13	0			
20	0	0	Claimed to replace cabin stores for sea.						
£123	0	0	Carried over.	£32	10	0	35	0	0



£. s. d.		£. s. d.	£. s. d.
123 0 0	Brought forward	32 10 0	35 0 0
	I do not allow this charge, as the Master acknowledged to me, in the presence of the Captor's and his own Proctor, that he, the Master, consumed all the provisions for which this charge is made.		
80 0 0	<i>Claimed for provisioning the barque for sea.</i> I allow 1s. 3d. per diem for the maintenance of the crew of the said vessel, 13 in number, for 64 days, in which time it is calculated she can reach the place where she was detained, viz. off the Port of Rio de Janeiro; and which said allowance includes the 14 days which it is estimated may be occupied in refitting the said vessel in this harbour, to enable her to proceed to her destination	52 0 0	
288 16 0	<i>Claimed for provisioning the 253 slaves on board of the said vessel, from 17th March to 31st May, about the period the said vessel will arrive at her destination, say 76 days, at 1s. each per day.</i> I do not allow this charge, as the Court has decreed that the said vessel was not legally authorized to carry a cargo of slaves, and the Claimant cannot, therefore, I consider, be entitled to the same,		
5 0 0	<i>Claimed for 200 mats deficient from the cargo.</i> I do not allow this charge, as the Master admits that the slaves had for their use, during the time they were under seizure, new mats from the said vessel's cargo, their old ones having become unserviceable from long use; and the quantity deficient not appearing to me more than was absolutely requisite and necessary for the preservation of the health and common comfort of so large a cargo of slaves, during the period in question.		
0 10 0	<i>Claimed for 4 boarding-pikes cut up.</i> Allowed by consent of the Parties	0 4 4	
4 0 0	<i>Claimed for 8 oars deficient.</i> It having been proved that 4 oars were used in fishing the mainyard, which was sprung in the voyage from Rio de Janeiro here, I only allow for 4, which, at the colonial price for hard-wood oars, of 2s. 6d. each, is	0 10 0	
32 0 0	<i>Claimed for 4 coils of new rope deficient.</i> I do not allow this charge, as it was proved on the oath of Mr. Kynaston, Prize Midshipman, that the said rope had been used for the service of, and is now on board, the said vessel.		
10 0 0	<i>Claimed for 2 awnings allowed to be blown overboard during a tornado by the Captors.</i> The Claimant withdrew this charge previous to its being decided upon.		
5 0 0	<i>Claimed for a cask of palm-oil, upset through the carelessness of Captors.</i> This charge was not in any way substantiated: I do not therefore allow it.		
4 0 0	<i>Claimed for 5 fathoms of hemp cable cut up by the Captors.</i> I do not allow this charge, as Lieutenant Denman, the Prize Master, on oath, proved that the part of the cable used was useless as cable; and that the same was made into reef-points and other articles urgently required for the service of the said vessel, and which articles are now on board of her. The Master also admitted that the part of the cable which was so used was twisted in the manner Lieutenant Denman described, and which consequently rendered it useless as cable.		
2 0 0	<i>Claimed for a flag spoiled by being used as a screen by the Prize Officers.</i> The flags of the said vessel having been used as screens by the Captors, but not spoiled as alleged, or much injured, I therefore only allow	0 5 0	
5 0 0	<i>Claimed for repairing the pumps of the said barque.</i> It was acknowledged by the Master, that one of his pumps was choked at the time of seizure; and it was proved by Lieut. Denman's oath, that the only injury to the other pump was by the "spear-iron" breaking into two, from fair wear, during the voyage here from Rio de Janeiro—a reasonable consequence in so long a voyage, from its being the only effective pump on board.		
100 0 0	<i>Claimed for master's wages for 2 months.</i>		
161 1 0	<i>Claimed for sundry stores to replace those worn out on the voyage from Rio de Janeiro to this port, and without which the said vessel cannot proceed to sea.</i>		
£717 7 0	Carried over	£85 9 4	£35 0 0

£. s.		£. s. d.	£. s. d.
717 7 0 . . . . .	Brought forward . . . . .	85 9 4	35 0 0

I do not allow the 2 preceding charges, as I am of opinion that they properly come under the head of demurrage, which the Court has not been pleased to decree in this Case .

120 0 0	Claimed for the wages of a crew, 12 in number, for 2 months, at 5l. each per month.
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This vessel sailed from Angola, with 13 people on board to navigate her, as appears by her muster-roll, 3 only of whom were brought to this port, and are now on board of her. It will therefore be requisite that 10 men be hired here to complete her complement of crew. The Proctor for Captors having objected to the rate of wages charged by the Claimant, and not feeling myself competent to decide the question thus raised, without the opinion of some person experienced in such matters, I therefore called in Mr. George Hodson, a merchant of this Colony, who, being first duly sworn, stated that in his opinion the sum of 60s. per month was a sufficient allowance for the men required, he having hired similar persons to navigate vessels hence to England at that rate.

In order to restore the said vessel as near as possible to her condition at the time of seizure, I allow for the wages of the persons requisite to complete her crew as follows, viz. 10 men for 2 months, at 60s. each per month.

60 0 0	145 9 4
	£180 9 4

£940 7 0

Amounting to the sum of One Hundred and Eighty Pounds, Nine Shillings, and Four-pence.  
 (Signed) WALTER W. LEWIS, Registrar.  
 Sierra Leone, 21st March, 1834.

Third Enclosure in No. 34.

*British and Portuguese Court of Mixed Commissions, Sierra Leone.*

Before William Smith, Esq., His Britannic Majesty's Commissary Judge, and Henry William Macaulay, Esq., His Britannic Majesty's Commissioner of Arbitration in the said Court, as associated with the Commissary Judge aforesaid, in the absence of either of the Commissioners on the part of Her Most Faithful Majesty the Queen of Portugal;—present, Walter W. Lewis, Esq., Registrar, Saturday, the 22d day of March, A.D. 1834.

Barque, "*Maria da Gloria*," Joaquim Gerardo Cordonij, Master.

The Court having heard read the Registrar's Report, and having taken the same into consideration, together with the arguments of the Proctors on both sides respecting the same, conditionally confirm the said Report.

The Court therefore doth award and decree that William Robertson, Esq., the Captor in this Case, do pay unto Joaquim Gerardo Cordonij, the Claimant, or unto his lawful attorney or attorneys, for the use of the Owners and Proprietors of the said barque, "*Maria da Gloria*," the sum of 180l. 9s. 4d., being for costs of suit and such special damages and expenses as the Registrar has stated the Claimant is entitled to for the detention of his vessel: provided the British and Portuguese Governments agree and declare that the said sum ought to be so paid, according to the true intent and meaning of the Treaty and Convention between Great Britain and Portugal, for the prevention of illicit Slave Trade, but not otherwise.

(Signed) WALTER W. LEWIS, Registrar.

(A true Extract.)

No. 35.

*His Majesty's Commissioners to Viscount Palmerston.—(Received June 25.)*

MY LORD, *Sierra Leone, 9th April, 1834.*

WE had the honour, on the 31st ultimo, to address a Despatch to your Lordship, enclosing our Report of the Case of the Portuguese barque, "*Maria da Gloria*." We now beg leave to inform your Lordship that that vessel sailed from this harbour this morning, bound ostensibly for Monte Video.

Although it has been our duty as Judges to restore the "*Maria da Gloria*," we cannot forbear expressing to your Lordship our deep regret on witnessing the sailing of that vessel with her cargo of unhappy beings, destined to another miserable voyage across the Atlantic.

As men, our feelings have been greatly distressed; and we do most ardently hope that this Case may be the means of enabling your Lordship to make, in due time, such representation to the Government of Portugal as will induce that Power

no longer to delay the total abolition of the Slave Trade, and giving to His Majesty's cruisers such powers as will effectually crush it, should the subjects of Portugal attempt thereafter to carry on that traffic.

We have, &c.  
(Signed) WM. SMITH.  
H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
    &c.                      &c.                      &c.

No. 36.

*His Majesty's Commissioners to Viscount Palmerston.—(Received August 18.)*

MY LORD,

*Sierra Leone, 27th June, 1834.*

WE have the honour to enclose our Report of the Case of the Portuguese schooner, "*Apta*," Christovao Xavier Vellozo, Master, which was detained, on the 27th December last, by His Majesty's sloop, "*Trinculo*," Acting Commander Warren commanding, in latitude 0° 20' North, longitude 8° 6' East, for being engaged in the illicit traffic in slaves.

The "*Apta*" was a small schooner-boat, built and owned at Princes Island, from which place she cleared out, in the month of November last, for a lawful trading voyage to the adjacent Coast and to the Island of St. Thomas, as appears by the only Papers with which she was supplied, viz. a Register of the crew, and a Passport signed by Jozé Ferreira Gomes, and Antonio de Castello de Vid, jointly intrusted with the Government of the Islands of Princes and St. Thomas.

From Princes Island the "*Apta*" sailed direct to Cape Lopez, and bartered her cargo of rum, tobacco, and dry goods, for slaves, of whom she shipped 54 on the 24th December last, and was fallen in with 3 days afterwards, by the capturing ship, with that number on board, steering for the Island of St. Thomas, the destination marked out in her Passport.

The Captor then carried his prize to Fernando Po, where a strict and careful survey was held upon the vessel; the result of which was, that she was pronounced unseaworthy, and unfit, both from her small size and her crazy condition, to prosecute a voyage to Sierra Leone; and the "*Trinculo*," being obliged to proceed down to the Cape of Good Hope, the slaves and the stores were landed on the 22d January last, and, with the vessel, were delivered into the charge of Lieutenant-Colonel Nicolls, the Commandant and Superintendent of the Island of Fernando Po, where they now remain.

On the 13th instant, Captain Warren, having arrived here in His Majesty's schooner, "*Forester*," brought the "*Apta's*" Papers into the British and Portuguese Court of Mixed Commission, and produced as witnesses the Master and Mate of the detained vessel.

The evidence taken in this Case clearly established the fact of illegal slave trading against the "*Apta*," and her violation of the 2d and 4th Articles of the additional Convention with Portugal of the 28th July, 1817; and of the 1st Article of the Alvará, signed at Rio de Janeiro, 26th January, 1818. The Court therefore pronounced its judgment accordingly, on the 25th instant, condemning the hull, tackle, apparel, and furniture of the "*Apta*" as good and lawful prize to the Crowns of Great Britain and Portugal; declaring it to have been proved, that 54 slaves were on board the "*Apta*" at the time of capture, and subsequently landed at Fernando Po; and emancipating the said slaves, or the survivors of them.

After the condemnation of the "*Apta*" had been pronounced, the Proctor for the Captor petitioned, as usual, that a Commission might issue for the appraisement and sale of the vessel and stores. We stated in reply, that such a Commission would issue when a suitable person could be selected to whom it might be addressed, and when an opportunity offered of transmitting it to Fernando Po.

Two Commissions of this nature were issued on the 9th August, 1824, from the same Court, authorizing Mr. Joseph Gray, at that time Purser of His Majesty's ship, "*Bann*," under the command of Captain George Courtenay, to sell the Portuguese schooner, "*Magdalena*," condemned on the 23d January, 1823, and the Portuguese schooner-boat, "*Maria Piquena*," condemned on the 14th July, 1824, both of which vessels had been left at Princes Island, in charge of the Portuguese Governor. In each Case the Commission was returnable, with Account-

Sales, and Proceeds, in 8 months: no return, however, has ever been made; as Mr. Gray appears to have died on the coast shortly afterwards.

We propose in this Case to grant a Commission of the same nature, as soon as possible, and it shall be our object to see that it is punctually executed.

Immediately after the condemnation of the "*Apta*," and the emancipation of the 54 slaves who were landed from her at Fernando Po, a Letter was addressed to His Excellency the Lieutenant-Governor, informing him of the circumstance. In this respect we followed the course which had been marked out for us by our predecessors (Messrs. Gregory and Hamilton) in the Case of the Spanish schooner, "*Maria la Luz*," condemned on the 8th September, 1823, where the emancipated slaves of that vessel, to the number of 183, had been landed at Cape Coast.

Before we take leave of this Case, we beg respectfully to call your Lordship's attention to the sanction and connivance which the Portuguese Authorities of the Islands of Princes and St. Thomas continue to show to the worst description of illegal Slave Trade.

The "*Apta*," according to the evidence of the Master, was only 30 feet long, and 11 feet in beam; and she was made to carry 54 slaves, together with a crew of 10 persons and 1 passenger, making 65 persons altogether.

Former instances on record prove how much the sufferings, which the slaves must experience from the smallness of such vessels as the "*Apta*" trading between the Islands and the adjacent Coast, are increased and prolonged by the ignorance of the Masters, who are generally imperfectly acquainted with navigation, particularly if they meet with bad weather. We trust that some means may be adopted to compel a stricter attention to their duties, on the part of the Portuguese Authorities; and that the execution of the Alvará of His Most Faithful Majesty, dated at Rio de Janeiro, 26th January, 1818, may be, at the present time, urged upon the Portuguese Government, with better success than formerly. If the penalties of the 1st Article of that Law be honestly enforced, we are persuaded that adventurers, however bold, will hesitate to embark in a speculation like that in which the Owners of the "*Apta*" were engaged, with the prospect of such a speculation being followed by the confiscation of the vessel and her lading, and by the fining and banishment of the Master and Supercargo.

We have, &c.

(Signed)

OCT. TEMPLE.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

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Enclosure in No. 36.

*Report of the Case of the Portuguese schooner, "Apta," Christovao Xavier Vellozo, Master.*

THIS vessel was furnished with 2 documents from the Island of Princes, to which she belonged. The first, in point of time, is dated at Princes Island, the 28th October, 1833, and purports to be a "Register of the crew of the Portuguese schooner, called '*Apta*,' the property of Christovao Xavier Vellozo, about to prosecute her voyage to the Ports of the adjacent Coast, and the Island of St. Thomas, on lawful trading." Attached to the List of the crew is a Certificate of its registry, signed by "João Maria de Souza e Almeida, Secretary of the Royal Custom-House, Receiver-General and Superintendent of Marine and other Departments connected with it."

The other document is a Passport, dated at the City of St. Antonio in Princes Island, on the 5th November, 1833, and signed by "Jozé Ferreira Gomes, Knight of the Order of Christ, Auditor-General, President of the Commercial Board, and Colonel of the Forces of His Majesty, and by Antonio Castello de Vid, principal ecclesiastic of the Bishopric, both intrusted with the general government of the Islands of Princes and St. Thomas." This Passport authorizes Christovao Xavier Vellozo, the Master and Proprietor of the Portuguese schooner, "*Apta*," of the Island of Princes, to prosecute a voyage of lawful commerce to the Ports of the adjacent Coast and the Island of St. Thomas.

Having obtained these Papers, C. X. Vellozo sailed direct to Cape Lopez, situated about 1 degree South of the Line, with a cargo consisting of rum, tobacco, dry goods, guns, and iron bars, which he bartered for a return-cargo of 54 slaves, with whom he was proceeding to his destination, the Island of St. Thomas, when fallen in with and detained, on the 27th December last, by His Majesty's sloop, "*Trinculo*," Acting Commander Warren commanding, in latitude 0° 20' North, longitude 8° 36' East, for being engaged in the illicit traffic in slaves, contrary to the Treaties existing between His Majesty and His Most Faithful Majesty, the King of Portugal.

His Majesty's sloop, "*Trinculo*," being obliged to proceed down to the Cape of Good Hope, and the prize schooner being only 30 feet in length, and therefore too small to attempt a voyage to Sierra Leone, both the vessel and her stores, with the slaves on board of her, were left in the charge of Lieutenant-Colonel Nicolls, Commandant and Superintendent of Fernando Po, who, on the 2d January, 1834, (6 days after the capture was made,) gave full Receipts for the same.

Richard Laird Warren, Esq., the Acting<sup>g</sup> Commander of the "Trinculo" [at the time when the "Apta" was captured, arrived at this place late on the evening of the 12th instant, in His Majesty's schooner, "Forester," on his way to join His Majesty's ship, "Ætna," to the command of which he had been appointed.

On the 13th instant, the "Apta" was regularly brought before the British and Portuguese Court, on the Petition of the Proctor for the Captor, that the Affidavit of Captain Warren, authenticating the Papers of the detained vessel, might be received and filed, as also the Receipt for the stores left, and the slaves landed, at Fernando Po, from the said vessel; that a Monition might issue, and that evidence might be taken. The Proctor's Petition was granted. The Captor's Declaration was, at the same time, filed. The witnesses in preparatory, produced by the Proctor, were Christovao Xavier Vellozo, the Master, and Domingo Perez, who is named in the List of the crew as the Chief Officer or Pilot of the "Apta."

The Captor's Declaration is to the following effect: "I, Richard Laird Warren, Acting Commander of His Britannic Majesty's sloop, "Trinculo," hereby declare that, on this 27th day of December, 1833, being in or about latitude 0° 20' North, longitude 8° 6' East, I detained the schooner or vessel named 'Apta,' sailing under Portuguese colours, armed with 2 guns, 1 pair of pistols, and 3 cutlasses, and commanded by Christovao Xavier Vellozo, who declared her to be bound from Cape Lopez to St. Thomas, with a crew consisting of 12 men, and 3 passengers, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 54 slaves, said to have been taken on board at Cape Lopez on or about the 24th day of December, 1833."

The facts stated in this Declaration were verified by the Affidavit of the Captor, filed on the same day, who further deposes therein, "that the said vessel 'Apta' was in so defective a state after seizure, that he ordered her to be taken to the Island of Fernando Po, at which place he, the said deponent, caused a survey to be held upon her, whereupon she was pronounced unseaworthy, as will more fully appear by the Report of survey herewith produced, and in consequence thereof the slaves on board the said vessel were disembarked (54 in number) at the said Island, and were delivered over, together with the stores of the said vessel, unto Colonel Edward Nicolls, the Superintendent thereof, as per Receipts, herewith also produced."

The Report of survey on the state of the "Apta," referred to above, is dated at Fernando Po, 2d January, 1834, and is signed by the first Lieutenant and Carpenter of the capturing ship, and by the first Lieutenant and Master of His Majesty's ship, "Curlew," then at Fernando Po. The surveyors state, that "after a strict and careful survey on the Portuguese schooner, 'Apta,' they found 8 butt-ends started, her stern and stern-post loose, and the bolts of the chain-plates drawn, and were of opinion that she was not sea worthy, nor fit to prosecute her voyage to Sierra Leone; and they further declared, that the survey had been taken with such care and equity that they were ready to make oath as to the correctness of their proceedings."

The other document, referred to in Captain Warren's Affidavit, is also dated at Fernando Po, on the 2d January, 1834, and contains a detailed List of the stores landed from the "Apta" at that Island, and the receipt of Colonel Nicolls, the Commandant, for the same.

There was no separate Receipt given by Colonel Nicolls for the 54 slaves landed from the "Apta," but they are included in a Receipt for 108 slaves, dated 2d January, 1834, being the number of slaves landed on that day from the "Apta," and from another Portuguese schooner, called the "*Santissimo Rosario e Bom Jezuz.*" This will more fully appear in our Report of the Case of the latter vessel, which accompanies the present.

The above Papers having been received and filed, the usual Monition, calling upon all parties interested in the vessel to appear, was issued on the same day, the 13th instant, and was returned into Court on the 20th instant, certified by the Acting Marshal to have been duly served.

On the 14th instant, the witnesses produced in the Case were examined on the standing Interrogatories. The Master, C. X. Vellozo, deposed, "that he was born at Princes Island; has always resided there; is a subject of Portugal; is not married; was appointed to the command of the 'Apta' by the Owner, Don Maria Xavier, who lives at Princes, and is a subject of Portugal; has known the vessel about a year; first saw her at Princes, where she was built; was on board the said vessel when she was taken; she was seized for having slaves on board; had Portuguese colours of Don Miguel; and had no others on board; the vessel is called 'Apta,' and has always been known by the same name; does not know her tonnage; but she was very small, being about 30 feet long, and 11 feet beam; had 1 mate and 8 seamen, who were all natives of Princes or St. Thomas, and were all shipped at Princes in November last; had 1 Passenger, named Manuel, who was an old sailor going to Princes, besides the 54 Negroes, of whom his cargo consisted; the voyage began at Princes, and was to have ended at St. Thomas; Princes was the last clearing-port from which he sailed, previous to capture; went thence direct to Cape Lopez, to purchase a cargo of slaves; was taken in 20 minutes North latitude; saw the capturing ship a few hours before he was taken, on the 27th December; was steering, as near as the wind permitted, for St. Thomas, when he first saw the capturing ship; kept away to escape, but seeing the English flag, hove to, and hoisted his Ensign; from the time of leaving Cape Lopez, made the best of his way to St. Thomas; had 2 guns mounted, one pair of pistols, 3 cutlasses, 6 muskets, a small quantity of powder for ship's use, and 100 weight left from the trade goods, to defend themselves from the native canoes which frequently plunder small vessels; had no orders to resist, as the trade is considered a contraband one, but to escape if he could; received his instructions verbally: the Owner is Don Maria Xavier; knows it because he received the command of the vessel from him; the Owner is a native of Princes, and lives there with his family, who are all subjects of Don Miguel, and have always resided on the Island; the vessel was built by the Owner, and is entirely his property; he also owns a greater part of the slaves, some of whom belonged to different individuals at St. Thomas, whose names he does not know; the slaves were all to have been landed at St. Thomas, on account of the Owner of the vessel, and the other parties concerned; the vessel took on board at Princes, for Cape Lopez, the usual trade-cargo of rum, tobacco, dry goods, guns, and iron bars; the present cargo was 54 slaves, all shipped at Cape Lopez, and none had died previous to capture; is not aware how many have died since; the vessel was taken to Fernando Po; the Papers delivered to the capturing Officer were true; was not provided with any Passport for carrying slaves; none of the Papers on board, when he left Princes, have been destroyed or concealed; the vessel was taken to Fernando Po, being too small to make the voyage to Sierra Leone."

The evidence of the Pilot, Domingo Perez, given on the same day, corroborates that of the Master in every point.

A Court assembled for the adjudication of the "*Apta*" on the 25th instant. The evidence had clearly established the fact of illegal Slave Trade, even by the admission of the Parties concerned in the transaction. The "*Apta's*" slaves had been shipped at Cape Lopez, about one degree South of the Equator, at a place consequently where the Slave Trade is not permitted by Treaty to Portuguese subjects; the limits in which such trade is lawful being from 5° 12' to 18° South latitude. The destination of the "*Apta*," carrying, as she did, a cargo of slaves, was also illegal; for it was not to supply a transatlantic Possession of the Crown of Portugal, but the Island of St. Thomas, that she was so employed. At the time of her capture, therefore, by a duly authorized ship of His Majesty, the "*Apta*" was clearly liable to detention, for being engaged in illicit Slave Trade, in direct opposition to the 2d and 4th Articles of the Additional Convention with Portugal, of the 28th July, 1817, and the 1st Article of the Alvará of His Most Faithful Majesty, dated at Rio de Janeiro, the 26th January, 1818.

The Court accordingly pronounced Sentence of condemnation against the Portuguese schooner, "*Apta*," C. X. Vellozo, Master, as good and lawful Prize to the Crowns of Great Britain and Portugal, and, as such, captured by His Majesty's sloop, "*Trinculo*," Acting-Commander Warren commanding. The Court further declared it to have been proved that there were 54 slaves on board the "*Apta*" at the time of her capture, and that the same number were landed at Fernando Po; and it decreed the emancipation from slavery of the said 54 slaves, or the survivors of them.

(Signed) OCT. TEMPLE.  
H. W. MACAULAY.

*Sierra Leone, 27th June, 1834.*

No. 37.

*His Majesty's Commissioners to Viscount Palmerston.—(Received August 18.)*

MY LORD,

*Sierra Leone, 27th June, 1834.*

WE have the honour to enclose our Report of the Case of the Portuguese schooner, "*Santissimo Roxario e Bom Jezuz*," Francisco Silvestre, Master, which was captured by His Majesty's sloop, "*Trinculo*," Richard Laird Warren, Esq., Acting Commander, on the 28th December last, in latitude 1° 7' North, longitude 7° 47' East, with 54 slaves on board.

The Case of this vessel is so exactly similar, in all its material points, to that of the Portuguese schooner, "*Apta*," Christovao Xavier Vellozo, Master, reported in the other Despatch which we have had the honour this day to address to your Lordship, that there is little occasion for further remark than the Case of the "*Apta*" has elicited.

The registered List of crew from the Office of the Secretary of Customs at Princes, and the Passport granted by the Government of that Island to the "*Santissimo Roxario e Bom Jezuz*," are dated on the 11th November last. The "*Apta's*" List of crew is dated 14 days earlier, and her Passport only 6 days earlier. The Papers of both vessels are in exactly the same form, written by the same hand, and signed by the same persons. The vessels were about equal in size, and sailed from the same port direct to Cape Lopez. Both embarked the same number of slaves, on the same day, and at the same place. Both were captured by His Majesty's sloop, "*Trinculo*," and carried to Fernando Po together, where they now lie, the stores and slaves of each having been landed, and delivered into the charge of Colonel Nicolls, the Commandant and Superintendent of that island. Both vessels were brought into the British and Portuguese Court of Mixed Commission on the same day, and the evidence against each having been equally conclusive, both were condemned on the same occasion. The only dissimilarities in the Cases of the two vessels are, that they had different Owners, and that one was bound to the Island of St. Thomas, whilst the other was bound to the Island of Princes.

After the condemnation of the "*Santissimo Roxario e Bom Jezuz*," on the 25th instant, the Proctor for the Captor prayed, at the sitting of the Court, that the usual Commission of Appraisalment and Sale might issue, for the disposal of the vessel and stores. An answer was returned, as in the former Case, that a Commission would issue, whenever an opportunity offered of transmitting it to a proper person at Fernando Po.

The fact of the 54 slaves, who formed the cargo of this vessel, having been landed at Fernando Po, and emancipated by a Decree of the British and Portuguese Court, was communicated officially to His Excellency the Lieutenant-Governor of the Colony, the same day on which the vessel was adjudicated.

The Case of the "*Santissimo Rozario e Bom Jezuz*" affords an additional proof of the extent to which illegal Slave Trade is carried on between the Islands of Princes and St. Thomas, and the adjacent coast; and the activity of this traffic is further attested by the fact, that this vessel, which embarked her slaves at the same time and place as the "*Apta*," only occupied 6 weeks in going to and returning from Cape Lopez, and taking on board a full cargo of slaves; for she appears to have been within a short distance of her destination, the Island of Princes, at the time of her capture.

We have, &c.  
(Signed) OCT. TEMPLE.  
H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

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Enclosure in No. 37.

*Report of the Case of the Portuguese schooner, "Santissimo Rozario e Bom Jezuz," Francisco Silvestre, Master.*

THE circumstances of this Case resemble so closely, in every respect, those of the Portuguese schooner, "*Apta*," that our present Report will be merely a recapitulation of that which we have had the honour this day to make, in the Case of the vessel referred to.

The "*Santissimo Rozario e Bom Jezuz*," was supplied with 2 Papers from Princes Island, to which place she belonged. One, dated on the 11th November last, is called "a Register of the crew of the Portuguese schooner, named the '*Santissimo Rozario e Bom Jezuz*,' the property of Maria da Graça, bound to Cape Lopez, on a voyage of lawful traffic." After the List of the crew, which consists of the Master, Mate, Boatswain, Supercargo, 4 seamen, and 5 servants, follows a Certificate of its registry by João Maria de Souza e Almeida, Secretary of the Royal Custom-House.

The other Paper, dated also on the 11th of November last, is a Passport from Jozé Ferreira Gomes, and Antonio de Castello de Vid, jointly entrusted with the government of Princes Island and St. Thomas, "granting permission to Francisco Silvestre, Master of the Portuguese schooner, '*Santissimo Rozario e Bom Jezuz*,' to prosecute a voyage to Cape Lopez, on lawful business."

Thus furnished with all the documents which he considered necessary to protect him from interference on the part of the Portuguese Authorities, Francisco Silvestre sailed to Cape Lopez, where his Passport permitted him to engage in lawful trade. He there completed the real object of his voyage, by taking on board a return-cargo of slaves, of whom he embarked 54 on the 24th December last, part on account of the Owner of the vessel, and the remainder on freight.

Four days after leaving Cape Lopez, the "*Santissimo Rozario e Bom Jezuz*" was fallen in with by his Majesty's sloop, "*Trinculo*," Richard Laird Warren, Esq., commanding, in latitude 1° 7' North, longitude 7° 47' East, steering direct for Princes, and was detained for being engaged in the illicit traffic in slaves, in contravention of the Treaties between His Majesty and His Most Faithful Majesty on that subject.

After capture, the "*Santissimo Rozario e Bom Jezuz*," was carried by Captain Warren, in company with the "*Apta*," taken on the previous day, to the Island of Fernando Po, where a survey was held upon the vessel, which was thereupon declared to be unseaworthy; her slaves and stores were landed, and Receipts taken for the same from Lieutenant-Colonel Nicolls, Commandant and Superintendent of Fernando Po.

Late in the evening of the 12th instant, Captain Warren, who, had in the meantime been obliged to carry his Majesty's sloop, "*Trinculo*," down to the Cape of Good Hope, arrived at this place in his Majesty's schooner, "*Forester*," and immediately commenced proceedings against the detained vessel in the British and Portuguese Court of Mixed Commission.

On the 13th instant, the Proctor for the Captor petitioned, on behalf of the Commander, Officers, and crew, of his Majesty's sloop, "*Trinculo*," that Captain Warren's Affidavit, authenticating the ship's Papers and the Receipts given at Fernando Po, for the slaves landed and the stores left there, might be received and filed; that evidence might be taken; and that the Monition, citing all parties interested in the vessel to appear on a certain day, might issue. The Petition to this effect was granted. The only witness in preparatory named by the Proctor was Francisco Silvestre, the Master.

The Captor's Declaration, filed in the Registry of the Court on the same day, is as follows: "I, Richard Laird Warren, Acting Commander of his Majesty's sloop, '*Trinculo*,' hereby declare that on the 28th December, 1833, being in or about latitude 1° 7' North, longitude 7° 47' East, I detained the schooner or vessel, named the '*Santissimo Rozario e Bom Jezuz*,' under the colours of Princes Island, (white flag and red cross,) armed with 2 guns, 8 muskets, and a pair of pistols, and commanded by Francisco Silvestre, who declared her to be bound from Cape Lopez to Princes Island, with a crew consisting of 12 men, and 3 passengers, and having on board 54 slaves, said to have been taken on board at Cape Lopez, on or about the 24th December, 1833."

The above facts were attested by the Affidavit of the Captor, filed on the same day, who further declares therein, "that the said vessel was in so defective a state after seizure, that she was taken to the Island of Fernando Po, at which place he (the said deponent) caused a survey to be held upon her: whereupon she was pronounced unseaworthy, as will more fully appear by the Report of the survey herewith produced; and, in consequence thereof, the slaves on board the said vessel were disembarked (54 in number) at the said island, and delivered over, together with the stores of the said vessel, unto Colonel Nicolls, the Superintendent thereof, as per Receipts, herewith also produced."

Of the Papers referred to in the above Affidavit, the Report of Survey, dated on the 2d January, 1834, and signed by the Senior Lieutenant and Carpenter of the capturing ship, and by the Senior

Lieutenant and Master of his Majesty's sloop, "Curlew," then at Fernando Po, states: "We, whose names are hereunto subscribed, have been on board the Portuguese schooner, '*Santissimo Rozario e Bom Jezuz*,' of 14 tons, captured by his Majesty's sloop, '*Trinculo*,' on the 28th December, 1833, and having held a strict and careful survey upon her, we find that her stern and stern-post are separated from her deadwood; her beams started from the fastenings; that she makes a foot of water in one hour whilst at anchor; and that her whole frame is in a state of decay. And we are further of opinion, that the vessel is altogether unseaworthy, and unfit to prosecute her voyage to Sierra Leone; and we further declare, that we have taken this survey with such care and equity, that we are ready to make oath as to the correctness of our proceedings."

Another of the Papers is a Receipt, affixed to a minutely-detailed List of the stores of the detained vessel, which were landed at Fernando Po, signed by Colonel Nicolls, on the 2d January, 1834.

The other Paper alluded to is a Receipt, on the same day, and from the same officer, for the slaves, landed at the same place from both the Portuguese schooners, "*Apta*," and "*Santissimo Rozario e Bom Jezuz*," as well as for the vessels themselves. It is to the following effect:—

"This is to certify, that on the 2d January, 1834, there were landed at this establishment, from his Majesty's sloop, '*Trinculo*,' Richard Laird Warren, Esq., Acting Commander, 108 slaves, as follows, the cargoes of the schooners, '*Apta*,' and '*Santissimo Rozario e Bom Jezuz*':—

Men	.	.	.	.	84
Women	.	.	.	.	20
Boys	.	.	.	.	39
Girls	.	.	.	.	15

and also the stores enumerated in the accompanying Lists, belonging to the afore-mentioned schooners. The vessels themselves, being found by survey unfit to prosecute the voyage, have consequently been properly secured, until the decision of the Commission Court is known; and also a Packet addressed to the Commissioners of the Slave Court at Sierra Leone, said to contain the detained vessel's Papers, which I requested to be forwarded by the earliest opportunity."

(Signed) EDWARD NICOLLS,

*Lieutenant-Colonel and Superintendent.*

It would have been more correct to have given separate Receipts for the different vessels, and for the slaves landed from each respectively. But their being blended together in this form will sufficiently account for their non-appearance in the proper place.

On the same day in which all the above Papers were received and filed, the usual Monition was issued, and it was returned into the Registry of the Court, on the 20th instant, with the Certificate of the Marshal that it had been duly served.

The only witness produced in this Case, Francisco Silvestre, the Master of the detained vessel, was examined on the standing Interrogatories on the 14th instant, and deposed "that he was born at the Island of Princes, and has always resided there; is a subject of Don Miguel, and has never been a subject of any other state than Portugal; is married, and his wife and family reside at Princes; was appointed to the command of the vessel by Señor Maria de Graça, who lives at Princes Island, and is a subject of Don Miguel; took command of the vessel at Princes Island in November last; has known her about a year, and first saw her at Princes, where she was built; was present at the capture of the vessel, which was seized for having slaves on board; was under Portuguese colours, and had no others on board; the vessel's name is '*Santissimo Rozario e Bom Jezuz*,' and has never had any other name, to his knowledge; does not know her tonnage exactly, but thinks she is 8 tons; had 1 mate; forgets how many seamen, all of whom were natives of Princes, and were shipped at Princes at the same time by order of the Owner; had no interest in either the vessel or cargo, nor had any of the people; was Captain of the vessel, and had 2 or 3 passengers on board, besides the 54 slaves; did not attempt to hide any of them; does not know the names of the passengers, who were natives of Princes, and had been to the main land to trade, and owned a portion of the negroes, who were shipped at Cape Lopez; the voyage began at Princes, and was to have ended there; Princes was the last clearing-port; sailed thence to Cape Lopez to make trade, and took slaves on board, partly on freight, and part for the Owner; was taken in about 1° 7' North latitude, in the month of December, on a Sunday; saw the capturing ship only an hour or two before capture; was steering direct for Princes Island, when he saw the capturing ship; gave himself up, and lowered his sails; had 2 small guns, 2 pistols, 6 muskets, and a little powder on board; made no resistance; had no orders to resist, but to get away if he could; received his instructions verbally; Señor Maria da Graça was the Owner of the vessel; he (the Owner) is a native of Princes, and lives there with his family, who are also natives of the place; the present Owner built the vessel, and she is entirely his property; the cargo to the coast consisted of tobacco, gunpowder, rum, and guns; had no cargo on his return but slaves, which amounted in number to 54; they were all taken on board at Cape Lopez; none died previous to capture; after capture, the vessel was taken to Fernando Po, and the slaves were landed there; the Papers found on board were all true; the vessel was taken to Fernando Po, as being too small to perform the voyage to Sierra Leone."

No other witness was produced by the Captor in this Case; but the evidence already taken was abundantly sufficient to prove that the detained vessel was engaged in illegal Slave Trade at the time of her capture; and the 25th instant was appointed for her adjudication, which took place on that day, after the Case of the "*Apta*" had been decided on. The Sentence of the Court was, that the Portuguese schooner, "*Santissimo Rozario e Bom Jezuz*," Francisco Silvestre, Master, her hull, tackle, apparel, and furniture, be condemned as good and lawful prize to the Crowns of Great Britain and Portugal, for being engaged in the illicit traffic in Slaves, in violation of the 2d and 4th Articles of the Additional Convention with Portugal of the 28th July, 1817. The Court further decreed, that there were 54 slaves on board the "*Santissimo Rozario e Bom Jezuz*," at the time of her capture by a duly authorized ship-of-war of His Majesty; that the same number of slaves were subsequently landed at Fernando Po; and that the said 54 slaves, or the survivors of them, be emancipated from slavery.

(Signed)

OCT. TEMPLE.  
H. W. MACAULAY.

Sierra Leone, 27th June, 1834.



No. 38.

*His Majesty's Commissioners to John Backhouse, Esq. (Received September 12.)*

SIR,

*Sierra Leone, 1st July, 1834.*

In pursuance of the 75th clause of an Act passed in the 5th year of the reign of His late Majesty, entitled "an Act to amend and consolidate the laws relating to the Abolition of the Slave Trade," we have the honour to transmit enclosed a Return of all Cases of Portuguese vessels adjudicated in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the period from the 1st of January, 1834, to this date.

We have, &amp;c.

(Signed)

OCT. TEMPLE.

H. W. MACAULAY.

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

## Enclosure in No. 38.

*Return of Portuguese vessels adjudicated by the British and Portuguese Court of Mixed Commissions, established at Sierra Leone, betwixt the 1st day of January and the 1st day of July, 1834.*

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 da Gloria.	1833. 25th Nov.	24° 11' S. Off Rio de Janeiro.	42° 40' W.	{ Bark and 423 slaves.	W. Robertson, Esq., H. B. M. sloop, "Snake."	1834. 15th March.	423	104	..	Restitution.	{ Bark and 309 slaves restored to the Master for the Owners and Proprietors thereof.
Apta. . . .	27th Dec.	0° 20' N.	8° 6' E.	{ Schooner and 54 slaves.	R. L. Warren, Esq., H. B. M. sloop, "Trinculo."	25th June.	54 Or the survivors of them.	..	54*	{ Condemned for being engaged in the illicit traffic in slaves.	{ Schooner and stores left in charge of Col. Nicolls, Com- mandant and Superintendent of Fernando Po.
Santissimo Rozario e Bom Jezuz.	28th Dec.	1° 7' N.	7° 47' E.	{ Schooner and 54 slaves.	R. L. Warren, Esq., H. B. M. sloop, "Trinculo."	25th June.	54 Or the survivors of them.	..	54*	Ditto ditto.	Ditto ditto.

\* The slaves belonging to the "Apta" and "Santissimo Rozario e Bom Jezuz" were landed at Fernando Po, on the 2d day of January, 1834, in consequence of both vessels being too small to perform a voyage to Sierra Leone.

(Signed) OCT. TEMPLE.  
H. W. MACAULAY.

*Sierra Leone, 1st July, 1834.*  
(Signed) JOHN SALTER, *Acting Registrar.*

No. 39.

*His Majesty's Commissioners to Viscount Palmerston.—(Received September 26.)*

(Extract.)

*Sierra Leone, 6th July, 1834.*

WE have the honour to enclose our Report of the Portuguese brig, "Tamega," Jozé Lopez Ferreira, Master, which was condemned on the 12th instant, in the British and Portuguese Court of Mixed Commission established in this place.

Little can be ascertained of the movements of the "Tamega" previous to the voyage in which she was detained. The evidence of her present Master is obviously improbable and false; and the endorsements on the vessel's Passport are the only means which we possess of forming a conclusion upon the subject.

But we are led by those endorsements, coupled with the confession of the Master, that he had carried a cargo of gold dust and ivory from Lagos to Bahia on the last voyage, to suspect that at least one successful slave-trip had been made by the "Tamega" before her capture.

The Passport referred to is dated at Lisbon, on the 31st January, 1833, and is signed by the Conde de Basto, at that time the Portuguese Minister of Marine.

It declares the "*Tamega*" to be owned by Manuel Jozé Machado, a Portuguese merchant resident at Lisbon; and it authorizes her to proceed from Gibraltar to Lisbon, Rio de Janeiro, or Bahia, and Ports on the Coast of Africa, to return to Lisbon.

Nine months afterwards, on the 4th October, 1833, this Passport was endorsed, as registered in the Portuguese Consulate at Bahia, by Francis Antonio Filgueiras, the Portuguese Vice-Consul, and again, in the same place, and by the same Officer, on the 18th of February in this year, when the vessel cleared out, under the command of her present Master, for Gibraltar "and Ports on the Coast of Africa, according to her Royal Passport of the 31st January, 1833."

From Bahia the "*Tamega*" appears to have come direct to the river Lagos, where she took on board a cargo of more than 440 slaves, and within a short distance of that river, situated 6° North of the Equator. She was detained by His Majesty's brig, "Charybdis," Samuel Mercer, Esq., commanding, on the 14th ultimo, for being engaged in the illicit traffic in slaves. She was then sent up to Sierra Leone, and arrived in this harbour on the 4th instant, with 436 slaves on board.

The Case was regularly brought before the British and Portuguese Court of Mixed Commission; and the usual preliminary proceedings having been gone through, and the necessary evidence having been taken, the Court pronounced its Sentence of condemnation on the vessel and her cargo on the 21st instant, and emancipated the surviving slaves, 436 in number.

The ownership of the "*Tamega*" and slaves captured on board of her are subjects for remark. If the Master is to be believed at all, both the vessel and her cargo were the sole property of Jozé Manuel Machado, a Portuguese merchant residing at Lisbon, and who is so described in the Passport granted by the Conde de Basto. With him the Master states he corresponded as to the employment of the brig, and from him received his pay. The Master further declares of himself, that he resides at Lisbon, with his wife and family. If the Portuguese Government be really sincere in their professed desire of suppressing illicit Slave Trade by Portuguese vessels, and of punishing their subjects, when convicted of a participation in such illegal proceedings, an opportunity is now afforded them of proving the sincerity of their professions.

(Signed)

OCT. TEMPLE.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

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#### Enclosure in No. 39.

##### *Report of the Case of the Portuguese brig, "Tamega," Jozé Lopez Ferreira, Master.*

In this Case the only Ship's Papers which fell into the hands of the Captor are, a Passport from the Conde de Basto, Minister of Marine at Lisbon, which is dated at Lisbon, 31st January, 1833, and a Matricula, or List of Crew, from the Portuguese Vice-Consul at Bahia, dated 18th February, 1834.

The Passport given to the "*Tamega*" declares her to be owned by Manuel Jozé de Machado, and to be commanded by Jozé Antonio Teixeira da Costa; and it authorizes her to proceed from the Port of Gibraltar to Lisbon or Rio de Janeiro, Bahia, and the Ports on the Coast of Africa, to return to Lisbon.

An endorsement on the Passport states that it has been registered in the Portuguese Consulate at Bahia, on the 14th October, 1833, and a second endorsement by Francisco Antonio Filgueiras, the Portuguese Vice-Consul at Bahia, on the 18th February, 1834 (the same day on which the Matricula was signed by him), names Jozé Lopez Ferreira Master, and authorizes the "*Tamega*" to proceed to Gibraltar and such Ports on the Coast of Africa as he pleases. The Matricula also states that the "*Tamega*" was about to "prosecute a voyage to Gibraltar and Ports on the Coast of Africa, according to her Royal Passport of the 31st January, 1833."

The evidence of the Master, as almost always happens in Portuguese Cases, is so obviously false, that no dependence can be placed upon it; but, from the endorsement on the Passport, as well as from the confession of the Master, that the "*Tamega*" had made a previous voyage from Bahia to the River Lagos, there is good ground for suspecting that the present was by no means the only slaving voyage in which this vessel has been engaged.

The "*Tamega*" appears to have come direct from Bahia to Lagos, and there to have embarked a full cargo of slaves, with which she was leaving the coast when happily fallen in with and detained by His Majesty's brig, "Charybdis," Lieutenant Samuel Mercer commanding, in latitude 5° 28' North, longitude 3° 20' East, on the 14th June, 1834.

The arrival of the "*Tamega*" in this harbour, with 436 slaves on board, was reported by the Acting Marshal on the 4th instant; and she was, on the same morning, visited by the Surgeon to the

Courts, who stated in his Report that "2 slaves (a boy and a girl) were apparently in the last stage of disease, and several were affected with itch; that some also were much emaciated, but without evident disease; but that the general appearance of the slaves was healthy." The Surgeon, however, recommended that the slaves should be landed as soon as possible, on account of the crowded state of the vessel, the inadequate means of ventilation on board, and the inclement season of the year. This recommendation was immediately carried into effect. His Excellency the Lieutenant-Governor having, in reply to an application from his Majesty's Commissioners on the subject, issued orders for their reception into the Liberated African Yard pending adjudication.

On the same day, the "*Tamega*" was admitted into the British and Portuguese Court of Mixed Commission, on the Petition of the Proctor for the Captor that the ship's Papers might be received into the Registry of the Court; that the Captor's Declaration might be filed; and that the usual Monition, calling upon all parties interested in the vessel to appear by a certain day, might issue.

The Declaration was accompanied by an Inventory of stores and furniture on board the prize at the time of capture, by the Portuguese Master of the vessel and the 2 Prize Officers who brought her up to Sierra Leone.

The Affidavit of the Prize Master was then taken and filed, in order to verify the facts stated in the Captor's Declaration and to authenticate the ship's Papers which had been delivered into the Registry.

On the 5th instant, the examination of the witnesses by the Registrar on the standing Interrogatories was concluded. The Master deposed "that he was born in Portugal; lives in Lisbon; has resided there 40 years; is a subject of Portugal, and has never been a subject of any other state; is married, and his wife and family reside at Lisbon; was appointed to the command of the detained vessel by the Owner, who lives at Lisbon, and is a subject of Portugal; took command of the vessel about 3 months since at Gibraltar, from the former Captain, a native of Tuscany, whose name he does not remember; has known the brig a year and a half; saw her first at Malaga; believes she is Spanish built; was present when the vessel was taken; does not know why she was taken; was taken under Portuguese colours (Don Miguel's), and had no others on board, except one English flag; the vessel is named '*Tamega*,' and has been so called a year and a half; does not know of any other name; she is about 64 tons; had 21 Officers and men on board, all Portuguese, who were shipped by himself at the Brazils; had no interest in the vessel beyond his pay, nor had any of the Officers or crew; was Master of the detained vessel; had no passengers except the negroes; did not attempt to conceal them; took the negroes on board on the 11th June, and was to have taken them to the Havana; when he left Gibraltar, took with him a cargo of salt and wine, with which he traded from Cape Mesurado to Lagos, and sailed from thence with gold dust and ivory for Bahia, which port he left when he commenced the present voyage; saw the capturing ship in latitude 11° 28' North, and longitude 3° 58' East, on the 11th June, and was taken a few miles from there, after a chase of about 4 hours; was steering off the Coast when he saw the capturing ship, and was under all sail, which he continued, and made no alteration in the vessel's course; she had 2 guns mounted, which were thrown overboard when she was chased, and also a small quantity of ammunition, with the cutlasses, the muskets, and 1 pistol; the guns were for making signals, and the other arms to control the negroes; made no resistance, nor had he any orders to destroy his Papers; the Owner of the vessel is Manuel Machado; knows him to be so, because he receives his pay from him; the Owner is a Portuguese; he resides at Lisbon, and always has resided there; he is not married; a Bill of Sale was made for the vessel at Malaga, but by whom he does not know; saw the Bill of Sale at Malaga; the cost of the vessel was 2,400 dollars, which is a fair price; believes the transfer to have been truly made, and, if restored, the vessel will be the property of the before-named Owner; the negroes belong to the Owner of the vessel, and were to have been delivered at the Havana to a Spaniard, whose name he forgets, on the Owner's account; has no doubt that, if they were delivered up, they would be the property of the Owner above-mentioned, having no reason to think the contrary; took tobacco and rum to the Coast from Bahia; the present cargo of the detained vessel consisted of 440 negroes; does not know the respective numbers of men, women, and children; they were all taken on board at Lagos, at the same time; none had died before capture; believes 6 or 8 have died on their passage to Sierra Leone, to which the vessel came direct; the Papers delivered up are true; had no Passport authorizing him to carry slaves; none of the Papers on board when he sailed from Bahia have been destroyed or concealed; does not know of any Papers besides those delivered to the capturing Officer; knows nothing of any Charter-party for the present voyage; does not know if either vessel or cargo are insured; corresponds with the Owner only concerning the employment of the brig; bulk was not broken before the vessel arrived at Lagos."

Domingo Alva da Silva, one of the crew of the detained vessel, was also examined on the standing Interrogatories on the same day. He deposed "that he has known the brig about 10 months; saw her first at the Brazils; her name is '*Tamega*,' has heard she was formerly called '*Polombo*,' about 17 months ago; she had a crew of 21 men, Officers and crew, besides the Captain; they were all Portuguese, and shipped at the same time at the Brazils; neither he nor any of the crew had any interest in the vessel or cargo, except their wages; the voyage began at the Brazils; they were to have gone to the Havana; went direct from the Brazils to Lagos."

The Monition, issued on the 4th instant, was returned into Court on the 11th instant, with the Certificate of the Acting Marshal, that it had been duly served.

On the same day the Affidavit of the Prize Master was received, accounting for the number of deaths which had occurred amongst the slaves since capture. He deposes that "7 of the said slaves departed this life, according to the Schedule annexed to the Affidavit; and deponent further believes that, during the passage to this port, 2 more of the said slaves fell or jumped overboard during the night, unobserved by deponent and prize crew."

Publication of the above evidence and a day of trial having been prayed for by the Captor's Proctor, and granted, the Court proceeded to the adjudication of the vessel on the 12th instant. The Case of the "*Tamega*" exhibited almost every feature of illegal slave trading contemplated by the Portuguese Convention of the 28th July, 1817. She was unprovided with a Royal Passport to carry slaves to the southward of the Line; she took on board a full cargo of slaves at Lagos, situated 6 degrees to the North of the Line, where Slave Trade under any circumstances is forbidden to Portuguese subjects; and she was conveying those slaves to a port not subject to the Crown of Portugal. The "*Tamega*" was therefore justly detained by a properly authorized ship of His Majesty; and the

Court, without hesitation, pronounced Sentence accordingly, condemning the vessel as good and lawful prize to the Crowns of Great Britain and Portugal, and declaring that she was legally captured by His Majesty's brig-of-war, "Charybdis," Samuel Mercer, Esq., commanding; and that, at the time of her capture, 442 slaves were on board, of whom 7 died previous to their being landed in this Colony, and 1 subsequently. The survivors of the "*Tamega's*" slaves, 434 in number, were then decreed to be emancipated from slavery.

With respect to the Affidavit of the Prize Officer, which attempted to show that 444 slaves were on board the "*Tamega*" at the time of her capture, the Court remarked that it must follow in this Case the usual rule, and only declare to have been captured the number that could be properly accounted for.

*Sierra Leone, 16th July, 1834.*

(Signed)

OCT. TEMPLE.  
H. W. MACAULAY.

No. 40.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 26.)*

MY LORD,

*Sierra Leone, 19th July, 1834.*

WE have the honour to enclose, for your Lordship's information, the Copy of a Letter which we this day addressed to the Governors of Princes Island, and despatched by His Majesty's steam-vessel, "*Photo*," Lieutenant Thomas Ross Sullivan commanding.

We had ascertained that the Master of the "*Santissimo Rozario e Bom Jezuz*," and the Master and Mate of the "*Apta*" (the 2 vessels which were condemned on the 25th ultimo in the British and Portuguese Court of Mixed Commission), were then on their passage to the Island of Princes, to which place both vessels belonged. Under these circumstances, we thought it right to embrace the opportunity thus afforded us of bringing under the notice of the Portuguese Officers, provisionally administering the Government of Princes Island and St. Thomas, the avowed violation of the Treaties between Great Britain and Portugal which had taken place in both the Cases referred to, by persons residing, with their families, within the limits of their command.

The information conveyed will, we have reason to fear, be unattended with proper effects; but it will, at any rate, take from the Portuguese Officers the plea of ignorance, should His Majesty's Government think fit to make any representation upon the subject.

In requesting Lieutenant Sullivan to deliver this Letter, on his calling at Princes Island, we at the same time desired him to ascertain there, if possible, the fate of the 2 Portuguese schooner-boats, "*Magdalena*" and "*Maria Piquena*," referred to in our Despatch of the 27th ultimo.

We have, &c.

(Signed)

OCT. TEMPLE.  
H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.                      &c.                      &c.

Enclosure in No. 40.

MAY IT PLEASE YOUR EXCELLENCIES,

*Sierra Leone, 19th July, 1834.*

WE have the honour to bring under the notice of your Excellencies the circumstances attending the capture of 2 small vessels belonging to one of the Islands over which your Excellencies preside, and which have lately been condemned by us as good and lawful prizes to the Crowns of Great Britain and Portugal, for being engaged in illicit Slave Trade at the time of their capture, in direct violation of the Treaties subsisting between Great Britain and Portugal.

The Cases alluded to are, the Portuguese schooner, "*Apta*," owned by Don Maria Xavier, and of which Christovao Xavier Vellozo was Master, and Domingo Perez, Mate; and the Portuguese schooner, "*Santissimo Rozario e Bom Jezuz*," of which Señor Maria da Graça was Owner, and Francisco Silvestre, and Bento Jozé, Master and Mate of the vessel.

Certified Copies of the depositions taken in these 2 Cases, on the 14th ultimo, we have now the honour to enclose, for the information of your Excellencies, and we have attached to them the seal of our Court, in proof of their correctness.

From these documents your Excellencies will perceive, that the 2d Clause of the 1st Article, and the 4th Article of the Additional Convention, signed at London, 28th July, 1817, were avowedly violated in both Cases by persons resident with their families in the Island of Princes, and who, we have ascertained, are at present within the limits of your Excellencies' command.

We therefore beg to call the attention of your Excellencies to the 1st Article of the "Alvará of His Most Faithful Majesty, dated at Rio de Janeiro, the 26th January, 1818," which states that "the Officers of such vessels, to wit, the Captain or Master, the Pilot, and Supercargo, shall be banished to Mosambique, and each shall pay a fine equivalent to the pay or other profits which he was to gain by the adventure."

Having made this communication to your Excellencies, we feel fully persuaded, that your Excellencies will see the necessity of protecting the observance of the solemn compacts happily subsisting between our Sovereigns, and of causing the penalties of the Portuguese law to be carried into effect against those who have presumed to violate them.

We have, &c.

(Signed) OCT. TEMPLE,  
*Lieutenant-Governor and His Britannic Majesty's Commissary  
Judge, ad interim.*

H. W. MACAULAY,  
*His Britannic Majesty's Commissioner of Arbitration, acting in the  
absence of a Commissary Judge on the part of Portugal.*

*Their Excellencies the Governors of the Portuguese Islands of Princes and St. Thomas,*  
&c. &c. &c.

No. 41.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 8th October, 1834.*

I HEREWITH transmit to you, for your information and guidance, the Copy of a Despatch\* which I have, by his Majesty's Command, addressed to His Majesty's Envoy in Portugal, upon the subject of the Portuguese slave-vessel, the "*Maria da Gloria*," whose Case was recorded in your Despatch of the 31st March of this year.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners,*  
&c. &c. &c.

\* See Class B, No. 28.

No. 42.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, November 10, 1834.*

WITH reference to my Despatch to you, of the 8th October last, upon the subject of the Portuguese slave-vessel, "*Maria da Gloria*," I herewith transmit to you, for your information and guidance, the Copies of 2 Despatches\* which I have received from His Majesty's Commissioners at Rio de Janeiro, together with a Copy of the Answer\* which I have returned to them, upon the subject in question.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners,*  
&c. &c. &c.

\* See Nos. 98, 99, and 110.

No. 43.

*His Majesty's Commissioners to Viscount Palmerston.—(Received December 1.)*

MY LORD,

*Sierra Leone, 5th September, 1834.*

WE have the honour to enclose our Report of the Case of the Portuguese schooner, "*Despique*," Jozé Maria de Oliveira, Master, adjudicated in the British and Portuguese Court of Mixed Commission, on the 1st instant.

The Case of this vessel resembles that of the "*Hebe*," reported in our Despatch of the 27th October, 1832, in every material point. Both vessels cleared out from Lisbon, under a Passport from the Portuguese Minister of Marine for the Coast of Africa. They embarked their slaves at the same place, were bound for the same island, and were captured on the same spot. Subsequent to capture the same proceedings were adopted in both Cases, with respect to the prosecution of the vessel and the disposal of the slaves found on board of them.

The "*Despique*" received a Passport from the Portuguese Minister of Marine at Lisbon, dated the 1st October, 1833. She left Lisbon on the 19th October, and reached Pernambuco on the 25th of the following month. She proceeded

again on her voyage 4 days afterwards, and arrived at St. Paul de Loando in Angola on the 15th January, 1834. Having landed her cargo of wine and dry goods, she obtained permission, on the 5th April following, from the Governor of Angola and its Dependencies, to return to Lisbon, the destination marked out in her original Papers, by way of Havana and Gibraltar. The last document procured by the "*Despique*" at Loando was a Port Clearance, dated the 7th April, 1834, certifying that all the necessary examinations had been made, and that she was about to take her departure for Havana in ballast.

Such a proceeding as this necessarily implicates the Authorities in Angola as conniving at the illegal nature of the voyage, in the prosecution of which the "*Despique*" was captured; for they must have been well aware of the object with which the vessel cleared out for Havana in ballast, after having landed a valuable cargo and lain a period of 82 days in their harbour, without taking on board a single dollar's worth of return-cargo.

The "*Despique*" then went direct to Ambriz, about 60 or 70 miles to the northward of Loando, and having embarked her slaves, who were all ready for her, she sailed on the following day for Havana. She was, however, happily fallen in with whilst running into Cuba, and before the infamous object of her voyage could be accomplished, by His Majesty's schooner, "*Firefly*," John Julius Macdonnell, Esq., commanding, and detained with 215 slaves on board.

The prize was immediately carried into Havana, and brought before the British and Spanish Court established there; but, as no circumstances whatever appeared to induce a belief that her real character was Spanish, the Captor was referred to the only Court in which Portuguese slave-vessels could be adjudicated.

The slaves of the "*Despique*" were landed, as in the Case of the "*Hebe*," at Nassau, in the Bahama Islands, owing to the sickness which prevailed amongst them, and the insufficiency of the provisions for their sustenance. And the vessel herself was brought into this harbour by a prize crew of the capturing ship.

The usual proceedings have been closed, and the necessary evidence taken, we passed judgment on the Case on the 1st instant. The slaves found on board the "*Despique*," at the time of capture, were undoubtedly embarked within what the 2d Article of the Convention calls "the territories in which the traffic in slaves continues to be permitted to the subjects of His Most Faithful Majesty;" but it is equally certain that the vessel on board of which they were placed was unprovided with a Royal Passport authorizing her to carry slaves, in accordance with the 4th Article of the same Convention. Under these circumstances we had no hesitation in acting upon the principle which guided your Lordship and the Right Honorable the Earl of Aberdeen, in the Correspondence which took place with the Viscount d'Itabayana and the Chevalier de Mattos, on the subject of the Brazilian schooner, "*Tres Amigos*," in the years 1829 and 1830, namely, that the Articles of the Treaty which would seem, at first sight, to oppose the condemnation of a vessel which had embarked her slaves within authorized limits, "have reference only to Cases of vessels furnished with Passports entitling them to carry slaves."

The "*Despique*," having no such Passport, was therefore not entitled to claim the benefit of those Articles of the Portuguese Convention which would otherwise have protected her from capture. She was besides violating the 4th Clause of the 1st Article, in being bound for a port not in the Dominions of Her Most Faithful Majesty; and it was incumbent upon her, by the 5th Article of the Instructions, detained as she was, 20° North of the Equator, to prove the legality of the voyage in which she was engaged. This, of course, it was impossible for her to do, inasmuch as her voyage was illegal in every point, except in the place where her slaves were embarked. On these grounds a Sentence of condemnation was pronounced upon the "*Despique*" and her cargo, and the survivors of the slaves, found on board of her at the time of capture, were decreed to be emancipated.

In our Despatch of the 16th July, 1834, which contained our Report of the Case of the Portuguese brig, "*Tamega*," we had the honour to call your Lordship's attention to the fact that a Portuguese merchant resident in Lisbon, Jozé Manuel Machado, was the Owner of the "*Tamega*" and her cargo of slaves, and that her Captain also resided at Lisbon with his family. In the present instance your Lordship will observe that the Passport from the Portuguese Minister of Marine describes Jozé Gomes Ligeiro as the Owner of the "*Despique*:" and the Master of her deposes that both the Owner, Ligeiro, and himself, live constantly at Lisbon; that

the slaves were the sole property of the Owner, and were to have been sold on his account; and that he corresponded with him on all matters relating to the "*Despique's*" trade.

Should your Lordship think it right to bring under the notice of the Portuguese Government such glaring infractions of the Portuguese slave law, and should the punishment of the offenders be neglected, it would be sufficiently evident that the encouragement which is afforded to illicit Slave Trade by the Authorities of Loando is sanctioned and connived at by the mother-country.

We have, &c.

(Signed)

THOS. COLE.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

#### Enclosure in No. 43.

*Report of the Case of the Portuguese schooner, "Despique," Jozé Maria de Oliveira, Master.*

THE Papers with which this vessel was furnished at the time of her capture are the following:—

1. A Passport from his Excellency, Agostinho Jozé Freire, the Portuguese Minister of Marine, dated at Lisbon, on the 1st October, 1833, and countersigned by Joaquim Pedro da Costa. This Passport authorizes the Portuguese schooner, "*Despique*," on satisfactory proof having been given that she was entirely Portuguese property, owned by Jozé Gomes Ligeiro and Company, and commanded by Jozé Maria de Oliveira, to make a voyage from the city of Lisbon to the Ports of the Coast of Africa, by way of Pernambuco, to return thence to the same city of Lisbon. An endorsement on this Paper, signed by the same J. P. da Costa, states, that it was registered in the Book of Passports kept at the office of the Secretary of State for the Affairs of the Marine, on the 2d of October, 1833.

2. A List of the Crew, dated at Lisbon on the 22d of October, 1833, in which the names of the vessel, Master, and Owners, are the same as in the Passport. The residence of all the persons in the List, except 3, is said to be on board the ship; that of the Mate, Joaquim Ignacio Ribeiro, and of Rufino Ribeiro, a boy of 12 years of age, is put down as at No. 22, St. Thomas Street. The Cook, João Roiz, is said to live in the Rua do Loreto.

3. Is a Log-book of the "*Despique*," which appears to be in all respects true and fair. It commences on the 20th of October, 1833, when that vessel took her departure from Lisbon. She arrived at Pernambuco on the 25th November, on the 37th day of her voyage, and left it again on the 29th November, which is called the first day of her voyage to Angola. On the 15th January, 1834, she reached St. Paul de Loando; and from this date we lose sight of her proceedings, for a period of 80 days, at the expiration of which she was still in the same harbour.

4. The next document then, in point of time, to be remarked upon, is an Endorsement on the "*Despique's*" Lisbon Passport, dated at St. Paul de Loando, on the 5th April, 1834, purporting to be a permission from the Baron de Santa Comba, Governor of Angola and its Dependencies, for that vessel to proceed to Lisbon, by way of Havana and Gibraltar.

5. A Bill of Health, of the same date, signed by Henrique da Costa de Aranje e Farra, certifies that the "*Despique*" was about to make a voyage to Lisbon by way of Havana and Gibraltar; that she had on board a crew of 15 persons, including the Captain; and that she was free from any contagious disease.

6. Is a Clearance from the Custom-House at Loando, signed by the Baron de Santa Comba, and registered on the 6th April, 1834.

7. A Certificate, dated the 7th April, 1834, from the Secretary of the Customs, states that all the necessary examinations had been made, and that the "*Despique*" was about to proceed from Loando in ballast.

8. The "*Despique's*" voyage from Angola to Havana began on the 8th April, 1834, according to her second Log-book, the correctness of which there seems no reason to doubt. On the 23d of May she was so near to Cuba that the Isle of Pines was in sight; and on the 24th she saw the capturing ship in chase, which she professed to believe to be a Columbian pirate. She then put about, and ran away from the land with all the sail she could make, but was taken on the following day.

With these Papers, and with a cargo of 215 slaves on board, the "*Despique*" was captured on the 25th May, 1834, off the Isle of Pines, by His Majesty's schooner, "*Firefly*," Lieutenant John Julius Macdonnell commanding.

The Captor carried his prize, in the first instance, into Havana, with the intention of bringing her before the British and Spanish Court of Mixed Commission established there. But that Court could not take cognizance of Portuguese vessels. He then proceeded to Nassau, New Providence, in the Bahamas, where the slaves on board of the "*Despique*" were landed. She was then given into the charge of Mr. Arthur Sansum, a Mate of His Majesty's schooner, "*Firefly*," and a prize crew; and after having touched at Bermuda, in order to communicate with Admiral Sir George Cockburn, arrived in this harbour on the evening of the 13th August, 1834; and on the morning of the 14th her arrival was reported by the Acting Marshal.

On the 15th August the Affidavit of the Prize Master was taken, proving that His Majesty's schooner, "*Firefly*," John Julius Macdonnell, Esq., commanding, was duly authorized and empowered to make seizures of Portuguese vessels engaged in the Slave Trade; stating the time, the place, and the circumstances, of the "*Despique's*" capture, and authenticating the ship's Papers, which have been already described.

On the same day the "*Despique*" was regularly brought before the British and Portuguese Court, on Petition of the Captor's Proctor, that the Affidavit of the Prize Master might be received; that

the usual Monition might issue, and that evidence might be produced. The witnesses in preparatory, named by the Proctor, were the Master and Mate of the detained vessel. The Monition was according issued, and the Captor's Declaration was filed.

The Declaration is to the following effect: "I, Lieutenant John Julius Macdonnell, Commander of His Britannic Majesty's schooner, 'Firefly,' hereby declare that, on this 25th day of May, 1834, in latitude 20° 45' North, longitude 83° 40' West, I detained the schooner named the '*Despique*,' sailing under Portuguese colours, armed with 2 guns, 6-pounders, and commanded by José Maria de Oliveira, who declared her to be bound from Loando in Angola, on the Coast of Africa, to Havana, with a crew consisting of 13 men and 2 boys, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 215 slaves, said to have been taken on board at Angola, on the Coast of Africa, on the 7th day of April, 1834."

Lieutenant Macdonnell, in a subsidiary Declaration, made at Nassau, says: "Finding it necessary to disembark 205 of the said slaves (10 having previously died on the passage) before the vessel could arrive at Sierra Leone (to which place it was my intention to send her for adjudication), on account of the very great debility of the slaves, and there not being a sufficient quantity of provisions, I did, on the 18th day of June, 1834, disembark 205 of the said slaves at Nassau, New Providence, in the Bahamas, where they remained." This Declaration, as well as the former one, was signed by the Captor, and witnessed by the Senior Mate and Assistant-Surgeon of the vessel under his command.

Two other Papers were also filed on the same day, on the Petition of the Proctor in the Case. One was a Certificate, under the hands of the Senior Mate and Assistant-Surgeon of the capturing ship, that 10 deaths had occurred amongst the slaves, between the period of the "*Despique's*" capture and her arrival at Nassau. The other document was a Receipt from the Collector of Customs at Nassau for 205 slaves received into that Island and placed under his charge, by order of his Excellency Lieutenant-Governor Balfour.

On the 16th ultimo the witnesses in preparatory were examined on the standing Interrogatories by the Acting Registrar. José Maria de Oliveira, the Master of the "*Despique*," deposed, "that he was born and lives at Lisbon, which has always been his home; has never been a subject of any state but Portugal; is not married; was appointed to the command of the detained vessel by the Owner, José Gomes Ligeiro, who lives at Lisbon, and is a subject of Portugal; took possession of her in September last; has known the vessel only since he commanded her; does not know where she was built; was present when she was taken; she was taken for having slaves on board; she was under Portuguese colours at the time of capture, and had no other colours on board, except for signals; the schooner's name is the '*Despique*,' which is the only name she has had since he knew her; is not aware of her exact tonnage; she had 3 Officers and 12 seamen on board, all of whom were Portuguese, and shipped by him at the same time, at Lisbon; had no interest in the detained vessel or her cargo, except his pay, nor had any of the officers or people on board; he carried no passengers except the slaves, whom he did not attempt to conceal; the present voyage began at Lisbon; had he landed his slaves at Havana, he would have proceeded to Gibraltar, and thence to Lisbon; after leaving Lisbon he anchored at Pernambuco for water, and went from that port to Angola; was going to Havana when he was taken; made no resistance to capture, nor had he orders to resist, but of course would get away if he could; nor was he instructed to destroy or conceal any of his Papers; the Owner was José Gomes Ligeiro, who lives at Lisbon, where witness believes he has always lived; knows him to be the Owner, because he was appointed by him, but does not know whether he is married; does not know if any Bill of Sale was ever made for the vessel, or what consideration was paid for her, but has no doubt that she was really the property of the above-named Owner; the slaves were shipped at Angola, by José Ferreira da Silva Maia, and he (witness) was to have sold them at Havana on account of the Owner of the vessel, whose sole property they were; he (witness) verily believes that the slaves were, and would be if restored, the sole property of the aforesaid Owner, because he has not the slightest reason to doubt it; the outward cargo was wine and dry goods, and was shipped at Lisbon; there is no cargo at present, the slaves having been landed at the Bahamas; he took on board 215 slaves at Ambriz, near Loando, but does not know the number of each sex, nor how many died before capture, nor what number have died since; the vessel was taken to Havana, and thence to the Bahamas, where the slaves were landed; from Providence the vessel went to Bermuda, and thence to this Port; the whole of the Papers found on board are true and fair; had no Royal Passport to carry slaves; the vessel is under the control of the Owner before named, with whom he corresponds on all matters relating to her or her trade."

The evidence of the Mate, Joaquim Ignacio Ribeiro, corroborates that of the Master in every particular.

The Case on behalf of the Captor having been closed, a Petition for its publication was presented on the 18th of August. On the 22d the Monition, citing all parties interested in the vessel to appear, was returned into the Registry, with the Certificate of the Acting Marshal, that it had been duly served; and on the same day the Captor's Proctor prayed that a time might be appointed for a trial.

Owing to the illness, at different times, of both the Commissioners, and of the Registrar, the Court did not assemble for the adjudication of the "*Despique*" until the 1st instant, 10 days after the return of the Monition, when the Case was finally disposed of, no claim having, in the mean time, been preferred for the vessel and her cargo.

The present Case is exactly similar to that of the Portuguese brig, "*Hebe*," reported on the 27th October, 1832, in every material point. Both vessels were furnished with a Mercantile Passport from the Minister of Marine at Lisbon, authorizing them to proceed to the Coast of Africa, but giving no permission to trade in slaves. Both embarked their slaves at the same place, and were captured on the same spot, and both adopted the same proceedings, with respect to their slaves, subsequent to capture. Under these circumstances a Sentence of condemnation was pronounced upon the "*Despique*," for the same reasons which influenced the Court in the Case of the "*Hebe*."

The capture of the "*Despique*," to the North of the Line, by a duly authorized ship-of-war of His Majesty, whilst engaged in illicit Slave Trade; the absence of a Royal Passport permitting her to carry slaves anywhere; and her being bound, with a cargo of slaves, to a place not within the Dominions of Her Most Faithful Majesty, were deemed to be such manifest infractions of the 4th Clause of the 1st Article, and of the 4th Article of the Convention between Great Britain and



Portugal, of the 28th July, 1817, as to render her liable to detention, under the 5th Article of the same Convention. The Court therefore decreed, "that the Portuguese schooner, 'Despique,' Jozé Maria de Oliveira, Master, was justifiably detained by His Majesty's schooner, 'Firefly,' John Julius Macdonnell, Esq., commanding; and that she be condemned, her hull, tackle, apparel, and furniture, and the goods, wares, and merchandize, laden therein, as good and lawful prize to the Crowns of Great Britain and Portugal." The Court moreover decreed, "that there were on board the 'Despique,' at the time of her capture, 215 slaves, of whom 10 died previous to the arrival of that vessel at Nassau, New Providence, in the Bahama Islands; and that the remaining 205 slaves, or the survivors of them, at the present moment, be emancipated from slavery."

(Signed)

THOS. COLE.  
H. W. MACAULAY.

*Sierra Leone, 5th September, 1834.*

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## SIERRA LEONE. (*Netherlands.*)

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No. 44.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 28, 1834.)

MY LORD,

*Sierra Leone, 24th September, 1833.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch \*, of the 14th of June last, transmitting to us the Copy of a Letter, addressed to Sir George Shee, from the Admiralty, 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 Navy mentioned therein, and that the Instructions which had been issued to His Majesty's ships named in the margin of that Letter have been cancelled.

We have, &c.

(Signed)

WM. SMITH.

H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

\* See Class A, No. 24, of 1833.

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No. 45.

*His Majesty's Commissioners to John Backhouse, Esq.*—(Received September 12.)

SIR,

*Sierra Leone, 1st July, 1834.*

WE have the honour to Report, that no Case has come before the British and Netherlands Mixed Court of Justice for adjudication, in the period from the 1st January, 1834, to this date.

We have, &c.

(Signed)

OCT. TEMPLE.

H. W. MACAULAY.

*John Backhouse, Esq.*

&c. &c. &c.

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No. 46.

*The Duke of Wellington to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 31, 1834.*

I HAVE to acquaint you, that the King was pleased, on the 4th August, 1834, to appoint John Samo, Esq., to be His Majesty's Commissary Judge, in the room of John Henry Lance, Esq., to the Mixed British and Netherland Commission established at Surinam, under the Treaty for the Abolition of Slave Trade concluded between Great Britain and the Netherlands, on the 4th of May, 1818.

I am, &c.

(Signed)

WELLINGTON.

*His Majesty's Commissioners,*

&c. &c. &c.

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## SIERRA LEONE. (*Brazil.*)

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No. 47.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 28, 1834.)  
 MY LORD, *Sierra Leone, 24th September, 1833.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch\* of the 5th of last July, transmitting to us, for our information, the Copies of a Correspondence relative to an avowed intention, on the part of the Government and Legislature of Brazil, to direct the re-exportation to Africa of such negroes as may henceforward be brought to the coasts of Brazil for the purposes of traffic.

We are happy to perceive, by your Lordship's Despatch of the 5th of June, to Mr. Fox, that the British Government, being guided by those feelings of humanity towards the unfortunate negro which so peculiarly distinguish it, and being certain that the proposed intention, if carried into effect, would be a violation of the Treaty between Great Britain and Brazil, have protested against the measure.

We have, &c.  
 (Signed) WM. SMITH.  
 H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
 &c.            &c.            &c.

\* See Class A, No. 26, of 1833.

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No. 48.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 28, 1834.)  
 MY LORD, *Sierra Leone, 10th December, 1833.*

WE have the honour to acquaint your Lordship with the arrival here, on the 7th instant, of M. Matheus Egidio da Silveira, His Imperial Majesty's Commissioner of Arbitration in this Mixed British and Brazilian Court of Commission, for the repression of Slave Trade.

M. da Silveira has exhibited to us his Warrant of Appointment, which we find to be in due form, from the Regency of Brazil, in the name of Don Pedro the 2d, countersigned by the Secretary of State, Francisco Carneiro de Campos, and dated the 7th of February, 1832. M. da Silveira took, this day, before the principal Magistrate, Chief Justice Rankin, the prescribed oath of his office; and at a British and Brazilian Court, which was afterwards held for the purpose of installing him, he entered upon the duties thereof.

We have, &c.  
 (Signed) WM. SMITH.  
 H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
 &c.            &c.            &c.

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No. 49.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 16th August, 1834.*

I HEREWITH transmit, for your information, the Copy of a Note\* which I have received from M. Ribeiro, Brazilian Minister at this Court, together with a Copy of the Answer\* which, by His Majesty's command, I have returned to him, on the

\* See Class B, Nos. 37 and 40.

subject of a Claim for compensation set up by the Owners of the brig, "*Activo*," for losses and damages incurred in consequence of the capture of that vessel, when engaged in an illegal traffic in slaves, under Brazilian colours, in the year 1826.

I am, &c.  
(Signed) PALMERSTON.

*His Majesty's Commissioners,*  
&c. &c. &c.

## No. 50.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received August 18.)  
My LORD, *Sierra Leone, 30th June, 1834.*

WITH feelings of the deepest regret, we have to inform your Lordship that Jozé de Paiva, Esq., His Imperial Majesty's Commissary Judge in the British and Brazilian Court of Mixed Commission, died yesterday evening, after a short but severe illness.

In performing the melancholy duty of making this communication to your Lordship, it is only due to the memory of Mr. de Paiva to say, that, for the period of nearly 6 years, during which, without intermission, that gentleman resided at his post, his public conduct was marked by a spirit of courtesy and conciliation towards his colleagues in office, with whom he at the same time lived privately on terms of intimacy and friendship.

His Imperial Majesty's Commissioner of Arbitration, Matheus Egidio da Silveira, Esq., will have now to perform the duties of his deceased friend, until another Commissary Judge be appointed, unless he should himself be confirmed in the appointment.

The 14th Article of "the Regulations for the Mixed Commissions," annexed to the Additional Convention with Portugal, of the 28th of July, 1817, states: "That in case of the death of the Portuguese Commissioners, Judge, or Arbitrator, in the Commission established in the British Possessions, the remaining individuals of the above-mentioned Commission shall be equally authorized to proceed to the judgment of such slave-ships as may be brought before them, and to the execution of their Sentence." Under such circumstances, however, the same Article gives "the parties interested the right of appealing from the Sentence, if they think fit, to the Commission resident in the Brazils;" this right being restricted, in point of time, to such Sentences only as shall be pronounced within 6 months from the date of such death-vacancy.

This Article, as well as every other in the Treaties and Conventions subsisting between Great Britain and Portugal, on the subject of the Slave Trade, will be the guide of our conduct, in carrying on the business of the British and Brazilian Court of Mixed Commission, according to the Instructions on this point conveyed in your Lordship's Despatch\* of the 16th August, 1831.

No Brazilian Case has come before the Court for adjudication for a long period, the "*Ismenia*," detained by His Majesty's ship, "*Eden*," on the 28th November, 1829, being the last vessel captured under the Treaty with Brazil.

We have, &c.  
(Signed) OCT. TEMPLE.  
H. W. MACAULAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

\* See Class A, No. 41, of 1831.

## No. 51.

*His Majesty's Commissioners to John Backhouse, Esq.*—(Received September 12.)  
SIR, *Sierra Leone, 1st July, 1834.*

WE have the honour to report that no Case has come before the British and Brazilian Court of Mixed Commission for adjudication, in the period from the 1st January, 1834, to this date.

We have, &c.  
(Signed) OCT. TEMPLE.  
H. W. MACAULAY.

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

No. 52.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 6th October, 1834.*

WITH reference to my Despatch to you of the 16th August last, I transmit, for your information, the Copy of a further Note\* which I have received from M. de Ribeiro, requesting His Majesty's Government to reconsider the decision to which it has come, not to concur in granting compensation for loss and damages sustained by the Brazilian brig, "*Activo*," in consequence of the capture of that vessel when engaged in illegal traffic in slaves, under Brazilian colours, in the year 1826.

I also enclose a Copy of my Answer\* to M. Ribeiro.

I am, &c.  
(Signed) PALMERSTON.

*His Majesty's Commissioners,*  
&c. &c. &c.

\* See Class B, Nos. 45 and 46.

No. 53.

*The Duke of Wellington to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 31, 1834.*

I HEREWITH transmit to you, for your information, the Copy of a Letter† from M. de Ribeiro, the Brazilian Envoy at this Court, notifying that the Imperial Government of Brazil had named M. Manuel de Oliveira Santos, to be Commissioner of Arbitration to the Mixed British and Brazilian Court of Commission at Sierra Leone, in the room of M. Matheus Egidio da Silveira, who is to replace M. de Paiva as Commissary Judge in the said Commission.

You will take care that the Commission which these Gentlemen may present to you shall be in the proper form, and that they shall have taken the proper oaths previously to their entering upon office.

Having ascertained these points, you will enter cordially, with these Gentlemen, in the execution of the duties jointly intrusted to your care.

I am, &c.  
(Signed) WELLINGTON.

*His Majesty's Commissioners,*  
&c. &c. &c.

† See Class B, No. 53.

## HAVANA.

No. 54.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 15th January, 1834.*

I HEREWITH transmit to you, for your information, the Copy of a Communication which has been received at this Office from the Colonial Department, upon the subject of the transfer of emancipated negroes from the Havana to Trinidad.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners,  
&c. &c. &c.*

\* See Enclosures in No. 81, of the 24th July.

No. 55.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 24, 1834.)*

MY LORD,

*Havana, 15th November, 1833.*

WE have the honour to acknowledge having yesterday received your Lordship's Despatch\*, dated 2d July last, and enclosing, for our information, the Copy of a Despatch, dated 6th June last, which, by His Majesty's command, was recently addressed to His Majesty's Minister at Madrid, and which conveyed His Majesty's Directions, that the adoption of a Stipulation for condemning vessels, on the ground of their being equipped for the Slave Trade, might be urged in the strongest manner upon the Government of Spain,

We have, &c.

(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.  
&c. &c. &c.*

\* See Class A, No. 49, of 1833.

No. 56.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 24, 1834.)*

MY LORD,

*Havana, 15th November, 1833.*

WE have the honour to acknowledge having yesterday received your Lordship's Despatch\* of 5th July last, by which we are truly gratified to find that His Majesty's Government has been pleased to approve of the proceedings of this Mixed Commission in the Case of the "*Negruta*;" and we take the opportunity to assure your Lordship that we, as hitherto, shall ever endeavour to adhere most rigidly to our Instructions.

We have, &c.

(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.  
&c. &c. &c.*

\* See Class A, No. 50, of 1833.

No. 57.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 24, 1834.)

MY LORD,

Havana, 16th November, 1833.

ON the 27th ultimo sailed the Spanish brig, "*Alerta*," Antonio Ferreyra, Master; and the Portuguese schooner, "*Deidade*," Manuel B. de los Santos, Master.

We have also the honour to inform your Lordship, that on the 3d instant arrived 2 Spanish slave-brigs in harbour, viz. "*San Pedro*," alias "*Vengador*," Ildefonso Garcia, Master, and the "*Andaluz*," Francisco Garcia, Master, both of which arrivals were duly announced to the Captain-General.

We have, &amp;c.

(Signed)

W. S. MACLEAY.  
CHARLES MACKENZIE.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

No. 58.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 24, 1834.)

MY LORD,

Havana, 23d November, 1833.

ON the 16th instant Lieutenant Charles Bolton, commanding His Majesty's schooner, "*Nimble*," came into this port with the Spanish schooner, "*Joaquina*," which, with 327 negroes alive on board at the time of detention, he had captured off the Isle of Pines, on the 10th instant. This Case of illicit Slave Trade was immediately laid before the Mixed Commission, and on the 21st instant the Sentence of that Court was signed, which condemns the vessel, and emancipates all the slaves found on board and now remaining alive. We have now the honour to transmit to your Lordship Copies of the Captor's Letter to the Mixed Commission, and of his Declaration, together with an Abstract of the evidence, and a Translation of the Sentence.

From these various documents it will appear that the schooner, "*Joaquina*," of 101 Spanish tons, and armed with 1 long 12-pounder, sailed from the Havana on the 21st April last, and, on the 19th of September following, took on board at the River Bonny, on the Coast of Africa, 348 negroes, of whom 17 had already died on the voyage back to Cuba, when she was descried by His Majesty's schooner, "*Nimble*." It will further appear that this slave-vessel made a most obstinate defence of nearly an hour, and was not taken possession of by His Majesty's schooner until she was reduced to nearly a sinking state, having her Captain mortally wounded, as well as 2 negroes killed, and 1 seaman and 2 negroes less severely injured. One, however, of these last negroes died afterwards of his wounds, as well as 3 others of dysentery, in the interval between the capture and the delivery up of the cargo to the Captain-General, so that the Sentence of the Mixed Commission emancipates only 323 slaves; but we regret to state, that on counting the negroes over at the period of delivering them up to the Captain-General, the Captor found 2 men of the number missing, so that in fact only 321 were delivered up to the local Authorities. We have the honour to enclose a Copy of the Captor's Letter on this subject, addressed to His Majesty's Commissary Judge.

We have great pleasure in stating, that although the "*Joaquina*" is almost a wreck, and arrived in the Havana with the greatest difficulty, His Majesty's schooner received no damage whatever, except having a few of her sails somewhat cut up.

We learn that, after the capture, a conspiracy was formed on board the slave-vessel, to rise and murder the prize crew; but as it was most providentially discovered in time, the whole matter has now been referred by Lieutenant Bolton to the Captain-General.

We have, &amp;c.

(Signed)

W. S. MACLEAY.  
CHARLES MACKENZIE.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

First Enclosure in No. 58.

*Lieutenant Bolton to the Mixed Commission.*

*His Britannic Majesty's schooner, "Nimble,"  
Havana, 16th November, 1833.*

MOST EXCELLENT SIR AND GENTLEMEN,

I BEG to acquaint you that I arrived this day, at this port, in His Britannic Majesty's schooner, "Nimble," with the Spanish slave-schooner, "Joaquina," captured on the morning of the 10th instant, off the Isle of Pines. At daylight on the 10th instant, a sail was discovered about 9 or 10 miles to leeward, standing in for land. All sail was immediately made in chase, and having greatly the superiority of sailing, I soon made her out to be a large schooner, which we were closing very fast. When within 3 or 4 miles the stranger, perceiving there was no chance of escaping by sailing, wore round, shortened sail, and hove-to to receive us; being then 7 or 8 miles from the South-west point of the Isle of Pines. I soon afterwards took in studding-sails and square-sail, and prepared for action, still bearing down upon him; he then hoisted Spanish colours and fired a blank gun, when I hoisted our colours, and as soon as we were within musket-shot (to ascertain positively what he was) I ordered 2 muskets to be fired over him, which he returned by a well-directed shot from a long 12-pounder.

I immediately opened fire upon him, closing as quickly as possible. The wind now becoming very light, he continued receiving and returning our fire until within half pistol-shot, when, having received two 18-pound shot between wind and water, several through his upper works and sails, his mainmast cut nearly through, and rigging much damaged, the Captain desperately wounded (since dead), he struck his colours, and cried for quarter. His defence was most obstinate and desperate, continued nearly an hour, and he fought worthy of a better cause.

On boarding I found 1 seaman (besides the Captain) wounded, and I greatly regret to add, 2 of the unfortunate negroes in the hold were killed by 1 shot, and 2 others severely wounded. She proved to be the "Joaquina" schooner, of 101 tons, 1 long 12-pounder, and 25 men, 51 days from the River Bonny, and having on board at the time of capture 329 negroes; it appears she sailed with 348, and they acknowledge having executed several on the voyage for mutiny. I beg leave further to state, that 3 negroes have died, since the capture, of dysentery, and that I have delivered into the hands of His Majesty's Commissary Judge the Papers of the "Joaquina," numbered from 1 to 4 inclusive, and duly indorsed by me.

I have now brought her into this port for adjudication.

I have, &c.

(Signed) CHARLES BOLTON,

*Lieutenant-Commander.*

*His Excellency the Count Fernandina, and the other  
Members of the Mixed Commission, Havana.*

Second Enclosure in No. 58.

*Declaration of the Captor.*

I, LIEUTENANT CHARLES BOLTON, Commander of His Britannic Majesty's schooner, "Nimble," hereby declare that on this 10th day of November, 1833, being in or about latitude 21° 28' North, longitude 83° 13' West, I detained the schooner named the "Joaquina," sailing under Spanish colours, armed with 1 long 12-pounder, commanded by Don Juan Vergel, who declared her to be bound from Bonny River, on the Coast of Africa, to the Isle of Pines, off the Island of Cuba, with a crew consisting of 14 men, 7 boys, and 4 passengers, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 329 slaves, said to have been taken on board at Bonny River, on the Coast of Africa, on the 19th day of September, 1833, and are enumerated as follows:—

	<i>Healthy.</i>	<i>Sickly.</i>
Men .....	199	6
Women .....	45	1
Boys .....	40	
Girls .....	35	3
Total .....	319	10

I do further declare that the said schooner appeared to be unseaworthy, in consequence of damage received in the action by shot-holes between wind and water; that she was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew on the destined voyage to the Island of Cuba. I do further declare that in the action previous to the detention, of nearly an hour's duration, in which the Master of the slave-vessel was mortally wounded, and 1 seaman severely, there were also killed 2 negroes and 2 more severely wounded, thus reducing the number of negroes alive at the time of taking possession to 327: and I do further declare, that in the interval between the capture and the vessel's arrival in the Havana, there have died of dysentery 3 negroes.

(Signed) CHARLES BOLTON,  
*Lieutenant-Commander.*

Witnesses, W. PENNYCOOK, *Assistant-Surgeon.*  
WHALEY ARMITAGE, *Mate.*

(Here follow the names of the crew of slave-vessel.)

*His Britannic Majesty's schooner, "Nimble,"  
Havana, 17th November, 1833.*

And I do further certify that 1 negro died this day of his wounds, received in the action of the 10th instant.

(Signed) W. PENNYCOOK, *Assistant-Surgeon.*  
WHALEY ARMITAGE, *Mate.*

(Signed) CHARLES BOLTON,  
*Lieutenant-Commander.*

And I do further declare that one of the prisoners taken on board the "Joaquina," contrived last



night to make his escape in harbour, but whether by jumping overboard or otherwise I have not been able to ascertain : the rest of the crew has been delivered up to the Captain-General, upon a Receipt of the person appointed to take charge of them.

(Signed) CHARLES BOLTON,  
Lieutenant-Commander.

Havana, November 18, 1833.

### Third Enclosure in No. 58.

#### *Abstract of the evidence in the Case of the Spanish schooner, "Joaquina."*

LIEUTENANT CHARLES BOLTON, commanding His Britannic Majesty's schooner, "Nimble," being sworn, and having shewn his Instructions, deposed that the contents of the declaration now produced and signed by the deponent, are just and true, as to the state of the detained Spanish schooner, "Joaquina," her crew, and slaves, at the time of detention ; that the number of slaves is now reduced by death to 323, as appears by the Certificates annexed to deponent's Declaration ; and, finally, that the documents, No. 1 to 4 inclusive, now presented to the Court, are those which this deponent received from the Mate of the slave-vessel at the moment of taking possession, viz. :—

1. A Log-book.
2. The Royal Passport.
3. The Muster-roll.
4. The Contraseña.

Mr. William Pennycook, Assistant-Surgeon on board the said schooner-of-war, "Nimble," being sworn, deposed that the Declaration of the Captor now produced is signed by the deponent, as being witness to the truth of its contents, as well as of the additional Certificate annexed to this Declaration.

Mr. Whaley Armitage, Mate of the said schooner-of-war, being sworn, deposed that the Declaration of the Captor now produced is signed by this deponent, as being a witness to the truth of its contents.

Don Benito Pereyra, 26 years of age, a native of Coruña, in the kingdom of Galicia, unmarried, and a Catholic, being sworn, deposed that he is Mate of a merchant-vessel, and matriculated at Ferrol ; that he is now in prison, having been brought into this harbour by the English schooner-of-war, "Nimble," on account of the Spanish merchant-schooner, "Joaquina," in which the deponent sailed, having on board bozal negroes ; that the "Joaquina" was detained on the south side of the Island, in front of the Isle of Pines ; that at the time of detention there were 329 negroes of both sexes existing on board ; that the "Joaquina" made resistance to the schooner-of-war, but that this resistance proceeded from the crew of the "Joaquina" not being able to recognize the colours of the "Nimble," and their mistaking her for a suspicious insurgent vessel ; that the schooner, "Joaquina" was thus induced, under her Spanish colours, to return the fire of the "Nimble ;" that the Captain of the "Joaquina" has died of his wounds received in this action, as well as 2 bozal negroes in the hold, and 1 other after the schooner had arrived in this port, and that although there were other bozal negroes wounded, their wounds have not proved serious ; that the deceased Captain, Don Juan Raymundo Vergel, gave the deponent his place as Mate on board the "Joaquina ;" that the "Joaquina" sailed from this port, as well as the deponent recollects, on the 25th or 21st of April last, for the Island of Principe, with a cargo of tobacco, gunpowder, and aguardiente, together with some dry goods and specie. That although they sailed from the Havana for the Island of Principe they did not touch there, because the Captain, now deceased, resolved to go to the Coast of Africa, which voyage he effected, notwithstanding the written Protest of this deponent ; that this deponent knows not where the said Protest now is ; that the "Joaquina" anchored in the River Bonny, on the aforesaid Coast, and there landed her cargo, taking on board in return 348 negroes of both sexes ; that they sailed from Bonny on the 15th September last, and that they were detained by the English schooner-of-war, on the morning of the 10th of this month ; that the difference between the number of negroes now alive, and the number originally embarked in Africa, entirely results from death by natural diseases, such as dysentery, &c., and the consequences of the action ; that the Owner of the "Joaquina" is Don Antonio Babis, who died of fever on the Coast of Africa ; that the Supercargo of the schooner was Don Juan Vergel ; that the Assistant-Mate, Don Francisco Conde, is now in the public prison ; that the Cook, whose surname this deponent forgets, but whose Christian name is Manuel, contrived to escape from the schooner-of-war, by throwing himself overboard in the bay. That there remains no cargo or effects of any kind on board ; that the capturing schooner was even obliged to supply the "Joaquina" with provisions for the voyage to the Havana ; that at the time of the Captor's taking possession of the "Joaquina" there were 329 negroes on board ; that 2 of these in the hold died in consequence of a shot received in the action, as well as another of his wounds ; that 3 negroes, viz. 2 females and 1 male, died of natural diseases, making in all 6 deaths after the Captor took possession of the "Joaquina ;" that the Papers now produced are truly those of the schooner, "Joaquina."

Don Francisco Peirano, 33 years of age, a native of Ferrol, in the kingdom of Galicia, married, and a Catholic, being sworn, deposed that he is by profession Boatswain of the Spanish merchant-schooner, "Joaquina," which was captured by an English schooner-of-war, near the Isle of Pines, on the south side of the Island ; that this deponent does not recollect on what day of the month she was captured ; that he supposes the cause of the capture to have been some bozal negroes who were on board ; that the English schooner brought them into this port ; that Don Juan Vergel gave this deponent his place as Boatswain ; that he embarked in this harbour under the idea that his destination was the Island of Principe ; that the outward-cargo consisted of aguardiente and provisions ; that the "Joaquina" did arrive at the Island of Principe, but took no negroes on board there, nor did she there land any part of her cargo ; that she sailed from that Island for the River Bonny, on the Coast of Africa, where she took on board 347 negroes, as well as this deponent remembers ; that this deponent did not interfere at all in the business, being entirely under the orders of the Captain ; that this deponent knows not how many negroes remained alive at the moment of the detention, because 15 days after having sailed from Africa the deceased Captain deprived this deponent of his piece of Boatswain, for what reason this deponent knows not ; that as no one on board the "Joa-

*quina*" could distinguish the English colours on board the schooner-of-war, they certainly did fire upon her, thinking they were attacked by some pirate; that the action lasted until they were convinced that she belonged to the Royal British Navy; that the Captain of the "*Joaquina*" died of a musket-wound in the breast; that a sailor was also wounded by a splinter; that 1 negro, as this deponent was informed, was killed in the hold, but that he knows not how many were wounded; that this deponent has never known any other Owner or Supercargo of the "*Joaquina*" than the Captain, now dead; that at the time of the detention there was no other cargo on board than the negroes.

Don Juan Cruz, 45 years of age, a native of Castro de Urdiales, in the Mountains of Santander, where his wife now resides, being sworn, is a Catholic, deposed that he is a mariner of the Spanish merchant-schooner, "*Joaquina*," to which he was appointed by her late Captain, Don Juan Raymundo Vergel; that this deponent sailed from this port in September last, for the Island of Principe, with a cargo of aguardiente and other goods; that they never arrived in the said Island of Principe, but steered away for the River Bonny, on the Coast of Africa, where they landed the aguardiente, and took on board, by orders of the Captain, 347 negroes; that on the "*Joaquina's*" return to this Island, being then off the mouth of the Guanamar, on the south side of this Island, she was detained by an English schooner-of-war, and brought into the Havana, on account of having bozal negroes on board; that this deponent knows not how many negroes were alive at the time of detention, nor does he recollect how many dead bodies were thrown overboard previous to that period, but all that had died before that time had died of natural diseases; that the "*Joaquina*" made resistance to the English schooner-of-war; that this deponent heard the Captain say before he died, that this resistance arose entirely from his not recognizing the colours of the vessel which attacked him; that there was no one on board killed except the Captain; that this deponent knows not whether any of the negroes were killed or wounded; that this deponent is not acquainted with any other Owner or Supercargo of the "*Joaquina*" than the deceased Captain Don Juan Vergel; that at the time of detention there remained nothing whatever on board except the negroes, who had been embarked on the Coast of Africa.

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#### Fourth Enclosure in No. 58.

(Translation.)

*Sentence in the Case of the Spanish schooner, "Joaquina."*

In the always most faithful City of the Havana, on the 21st day of November, 1833, the most Excellent Señor Don José María Herrera y Herrera "Conde de Fernandina," Honorary Grandee of Spain of the first Class, Grand Cross of the Royal Order of *Isabel la Católica*, Knight of the Order of Charles III., *Gentilhombre de Camera con ejercicio*, Supernumerary Colonel of the Havana Regiment of Cavalry, and also William Sharp Macleay, Esq., the Spanish and British Commissary Judges in the Mixed Commission, having met together, and taken into their consideration the proceedings consequent upon the detention which, after an obstinate action on the 10th of this month, the English schooner-of-war, "*Nimble*," commanded by Lieutenant Charles Bolton, made in latitude 21° 28' North, and longitude 83° 13' West, of the Spanish merchant-schooner, "*Joaquina*," Don Juan Raymundo Vergel, Master, armed with 1 long 12-pounder, with swords and fire-arms, and having on board, at the time of detention, 329 bozal negroes, of whom 2 died in the action, and another afterwards, by reason of his wounds, as well as 3 more of dysentery, previous to her arrival in this port; and although the Spanish captain has also died, it being fully proved, as well by the Declaration of the first Mate, Don Benito Pereyra, as by those of the other witnesses examined, and by the documents found on board the Spanish schooner at the period of detention, that she sailed from this port on the 21st April last, with Papers and a Cargo for the Island of San Tomas, and directed her course to the River Bonny, on the Coast of Africa, where she took on board 348 negroes of both sexes, which number, by reason of deaths on the passage back, was reduced, at the time of detention, to 329, from whom 6 must be further subtracted, as having died either in this port, or in the action, or afterwards during the passage to this port, so that only 323 now remain alive. Whereupon the aforesaid Commissioners resolve that they ought to declare, and do hereby declare, with all due consideration to the merits of the Case, and according to the brief and summary mode of proceeding adopted in all similar Cases, on the truth being made known, that the capture of the aforesaid schooner, "*Joaquina*," and of the 323 negroes now remaining alive, is good and legal; and that the aforesaid schooner, "*Joaquina*," with all her tackle and apparel, and whatever else may be mentioned in her formal Inventory are subject to confiscation, all except the above-mentioned 323 negroes now alive, who are declared to be free from all slavery and captivity. And the Commissioners order that the condemned schooner and all that belongs to her be valued by the principal Masters of the Royal Dock-yard, they being previously sworn to perform their duty faithfully, and that the whole be sold at public auction, in the presence of the public Scrivener, Don Manuel Fornari, in order that the proceeds be applied to the benefit of the 2 Governments, the said schooner being for the present placed in deposit with and under the charge of Don Jayme Andreu, who shall likewise swear faithfully to perform his duty, and shall receive her from the Captor, according to formal Inventory. The Commissioners shall likewise proceed, without further loss of time, to deliver, according to the customary form, by the hands of their Secretary, to the above-mentioned 323 negroes, their Certificates of Emancipation; and they shall likewise address a Letter, with a certified Copy of this Sentence, to His Excellency the Captain-General, in order that he may take the proper steps to give it effect; and because the crew of the said schooner, "*Joaquina*," remain in prison at His Excellency's disposal. And by this, their Sentence, definitely judging, thus have the Commissioners provided, ordered, and signed, in the presence of their Secretary, who certifies.

(Signed) EL CONDE DE FERNANDINA.  
W. S. MACLEAY.

JUAN FRANCISCO CASCALES, *Secretary*.

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## Fifth Enclosure in No. 58.

*Lieutenant Bolton to His Majesty's Commissary Judge.**His Majesty's schooner, "Nimble,"  
Havana, 22d November, 1833.*

SIR,

I REGRET to state to you that, on counting the negroes this morning, on delivering them up to the Spanish Authorities, 2 of the men were found missing. The only probable conjecture as to their absence, is that they were enticed to swim ashore, and escaped detection.

I am, &amp;c.

(Signed) CHARLES BOLTON,

*His Majesty's Commissary Judge.**Lieutenant-Commander.*

## No. 59.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 24, 1834.)*

MY LORD,

*Havana, 28th November, 1833.*

IN the confusion attendant upon the great mortality produced this year, in the Havana, by cholera morbus, it is supposed that gross frauds have been committed by some of the persons to whom emancipated negroes have been distributed by the local Government.

We now have the honour to enclose a translation of an Extract of the "Diario" of to-day, by which it will be seen that the Captain-General is resolved to inquire immediately into the supposed irregularities.

We have, &amp;c.

(Signed)

W. S. MACLEAY.

CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 59.

*Extract from the "Diario de la Habana," November 28, 1833.*

(Translation.)

(Official Article.)

WHEREAS many manumitted blacks, of both sexes, have died in consequence of the cholera morbus with which we have been afflicted, and whereas there have been observable much confusion and little order in the reports and accounts transmitted at that period, which has occasioned many doubts, it becomes necessary to clear them up by every possible means, to which end His Excellency the President-Governor and Captain-General has resolved to put off the presentation of the said emancipated negroes, which was to have taken place on the 1st of December next, it being fixed for Sunday, the 19th of January of the ensuing year, in manner following:—

On the said day there shall appear, without fail, only those belonging to the brigs, "Relámpago," "Campeador," "Magico," and the schooners, "Isabel" and "Fingal;" on the subsequent Sunday, the 26th, those of the brigs, "Orestes," the "Intrepido," and the schooners, "Gerges" and "Voladora;" on the 2d of February following, those of the brigs, "Firme," the "Midas," and the schooners, "Josefa" and "Santiago;" on the 9th of the same month those of the brigs, "Emilio," "Aguila," and the brigs, "Gallito" and "Planeta;" and lastly, on the 16th of the same month, shall present themselves those of the schooner, "Indagadora," and the brig, "Negrito;" and to the end that these different examinations may lead to the most satisfactory explanations, His Excellency directs those individuals who have free negroes of any of the said vessels to present themselves, provided with the respective descriptions of their persons; and those who have had any escape from them, or die in consequence of the cholera in their houses or in the hospitals, likewise to appear, in order to give a circumstantial account of the day of the decease of the free negro, the place where it happened, the medical practitioner who attended him, and the Justice to whom he made the report, together with the name and number which the negro or negress bore, and the vessel to which they belonged: and that it may become known to all, His Excellency orders this Notice to be inserted in 3 consecutive Diarios of this city, lest any one should plead ignorance; it being understood, that he who shall not appear must abide the consequences of it, and whatever measures may be deemed necessary.

(Signed) ANTONIO MARIA DA LA TORRE Y CARDENAS,

*Havana, Nov. 27, 1833.**Secretary.*

## No. 60.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 24, 1834.)*

MY LORD,

*Havana, 2d December, 1833.*

WE have the honour to transmit to your Lordship the Translation of a Note which we have received from the Captain-General, in which His Excellency calls upon us to reply to certain proposals therein stated, as to the most convenient mode of immediately sending 200 emancipated negroes to Trinidad, the number of each

sex being equal. We also have the honour to enclose a Copy of our Answer to these propositions.

We have no hesitation in assuring your Lordship, that we firmly believe the Chief Authorities of this Island to be most anxious to fulfil, with the utmost good faith, every condition laid down by the Colonial Department for the removal of emancipated negroes from Cuba; but, unfortunately, on a due consideration of these conditions, several obstacles present themselves, which His Majesty's Commissioners dare not venture to set aside, without having explicit Instructions from their Government as to the line of conduct they ought to pursue. Of the various difficulties that occur, perhaps the most important is the required previous notice of 1 month to the Governor of Trinidad. To comply accurately with this condition is a difficulty that will be best understood by persons experienced in the navigation of the Gulf of Mexico; indeed, the Governor of Trinidad, fully aware of its being almost impracticable, has, in his Despatch to His Majesty's Commissioners, spontaneously offered to dispense with it.

We beg leave to state, that we deem the proposition of the Local Authorities to pay the British Government one-half of the value of the "*Joaquina*," as estimated under oath by the Masters of the Royal Dock-yard, to be not only fair, but liberal, because no vessel hitherto sold has fetched the sum at which she was valued. But we have judged ourselves entirely precluded from accepting the proposal by the 7th Article of the Instructions annexed to the Treaty, which expressly provides the sale of the vessel by public auction.

We also humbly entreat your Lordships' Instructions as to the proposal made, of despatching the vessel employed to convey the negroes to Trinidad, with a British crew and a Spanish agent. There can be no doubt that this would be the most effectual mode of preventing frauds on the passage; but we know not how far it may be possible to come to such an arrangement, nor indeed what measures His Majesty's Government would deem sufficient to guard the negroes against all hazard of such frauds. Our opinion as to the necessity, for the same reason, of a British agent accompanying the slave-vessel, in the event of her being manned by a Spanish crew, has been already laid before your Lordship, in our Despatch of 21st January last.

In that Despatch we stated to your Lordship, that, with every wish to obey the orders of our Government, we felt ourselves wholly incompetent to certify that the negroes sent are free from disease, and not incapacitated for labour, and that we had accordingly taken upon ourselves to propose to the Local Authorities, that they should be examined by a Medical Officer appointed by us. We now venture to call the attention of His Majesty's Government to this subject, as well as to the other points in question, because we see most clearly that it is the decided intention of the Captain-General to avail himself of the permission given by His Majesty's Colonial Department, and to despatch to Trinidad all negroes who may in future be emancipated. If these unfortunate beings are acceptable in that Island, we may safely assert that by their transmission there the humane object of the Treaty for the Abolition of the Slave Trade will be more effectually secured.

For the present the negroes of the "*Joaquina*" are deposited in the Bedado, (a place 2 leagues out of town, on the sea-coast,) as your Lordship will perceive by the enclosed "Diario" of yesterday, containing a Report of the "*Junta Superior de Sanidad*," in which, by the way, we beg leave to remark one statement as particularly erroneous. The negroes of the "*Negruta*" were not unhealthy, as was shewn by the Medical Certificates at the time, and by the state in which they arrived in Trinidad, and we can only explain the circumstance of so inaccurate a statement having been made to the public, by a desire, on the part of the Authorities, to apologize for the landing of the negroes of the "*Joaquina*," an act which has been exceedingly unpopular in the Havana.

We have, &c.

(Signed)

W. S. MACLEAY.

CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

## First Enclosure in No. 60.

*Extract from the "Diario de la Havana," December 1, 1833.*

(Translation.)

*Supreme Board of Health, Sitting Extraordinary, held Nov. 19, 1833.*

THIS Board having met, in consequence of the Letter which His Excellency the President has addressed to the Secretary, with the view of inquiring the opinion, to which he has always been pleased to show the greatest deference, whether or not, at the present moment, the state of the public health renders it unadvisable to land the blacks taken by His Britannic Majesty's schooner, the "Nimble," which is urgently demanded by her Commander; and taking into due consideration what His Excellency the Intendant of the Army, the Count of Villanueva, states in his yesterday's Letter to the President, namely, that he wished, from his zeal for the inhabitants of this city, whose health might be endangered unless the same measure was adopted now that was taken with respect to the negroes of the goleta, "Negrita," also captured by the "Nimble," to have them sent for security, as on that occasion were those of the "Joaquina," to Trinidad, one of the windward Islands, provided that the President's opinion coincided with his; and seeing the Letter from the Chief Physician, in which he requests His Excellency that the said blacks might not be lodged in the large barracks on the public walk, outside the walls, where on other occasions negroes are usually placed, because that building stands yet within the precincts of the township; and since it would be very useful to take some precautions with them, such as sanitary visits not only on shore, but also on board previous to their being landed, for which visits he offers his services gratuitously; and this Board having likewise learned, from His Excellency's Answer, that he accepts the offer made him, and entertains the same views as to the propriety of removing them for some time from the city, for which purpose he had considered of the advantages presented by the point of Vedado, on account of its locality being suited to such an intent; and the Board being also informed of the other particulars stated in the Letter just mentioned relative to the measures taken by His Excellency, for the proper food and cleanliness of, as well as attendance on, the negroes, while they remained together and unseparated in the place intended for them, to which end he had commissioned the Physician and the Contractor, to whose care they were intrusted, to report to him daily the state of health they enjoyed, and any change they might observe in them; His Excellency finally declaring that, though he had wished to supply, by means of these hands, the loss of those occasioned by the last epidemic, so as to throw the public works considerably into arrear, yet he would rather forego his wishes than neglect the means which were most likely to ensure the success of his determination; and therefore applying to this Supreme Junta, freely to acquaint him by reason of the knowledge it must possess in regard to this subject, whether in fact no danger will result from the landing of those negroes. And the Board having discussed the subject with the care and circumspection which its importance requires, and being convinced that the circumstances in which fortunately we now are placed, with respect to the state of health, are very different from those under which the "Negrita" arrived, as also on the 11th April, the date of the resolution taken on this subject, the state of health was different under which the negroes of that vessel presented themselves, almost all of them being sickly, and many of them dying in the very bay, which was far from being the case with those of the "Joaquina," who arrived in perfect health, and without any other ailments, according to the Report of the Chief Physician, than those usual and common in those protracted voyages and in this class of men; and considering also, that with the precautions pointed out by His Excellency, the inhabitants would run no risk, and his patriotic and generous intentions might at the same time be fulfilled, the Board resolved to report to His Excellency that there would be no difficulty in granting permission for the landing, observing only that it should be effected, if the wind allowed it, at the Point of La Chorrera, which is the nearest to the place where they are to be accommodated, and that if it should not be easy to accomplish it at that point, they should land at the crane of the Punta after nightfall, and should pursue their straight road; the Secretary being authorized, finally, to give currency to the present resolution, solely with the approbation of His Excellency, and without the necessity of its being previously read in the next Sitting, on account of the urgency of the measures above referred to.

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 Second Enclosure in No. 60.

*The Captain-General to His Majesty's Commissioners.*

(Translation.)

GENTLEMEN,

*Havana, 29th November, 1833.*

IN a Meeting of the Chief Authorities of Cuba, which was convoked by me on the 23d instant, your Letter was read of the 21st instant, in which you reply to mine of the 20th, on the subject of transferring to the Island of Trinidad the negroes of the "Joaquina," captured by His Britannic Majesty's schooner, "Nimble." In the same Meeting was also read your Letter of the 16th January last, addressed to His Excellency the Conde de Villanueva, in which you succinctly detail the conditions under which your Government allows the transmission of emancipated negroes to the aforesaid Island. The "Junta," taking the whole into consideration, agreed, among other things, that I should officially inform you that, in conformity with the conditions approved by His Majesty the King of Great Britain, 88 negroes—that is, all the females of the cargo of the aforesaid "Joaquina" will be forwarded to Trinidad with an equal number of males, and, in order to complete 200, which number it has been judged convenient now to despatch, that they be made up with other emancipated negroes who shall possess the requisite qualifications, the number of each sex being always equal.

It was also agreed that a Letter should be written to His Excellency the Governor of Trinidad, informing him that the difficulty of communication with that Island renders the previous notice of 1 month quite impossible; but that, in order to avoid this difficulty, the "Junta" of Authorities has imagined that the same object will be completely secured by the vessel carrying additional provisions sufficient for those 30 days, so that the cargo can remain on board after the vessel's arrival in Trinidad, and the intentions of the Government of His Britannic Majesty be thus fulfilled.

It was also agreed by the same Junta, that by reason of the aforesaid difficulty of communication with Trinidad, the same official Letter to the Governor of that Island should serve as a previous notice to announce that another transmission of such negroes as fall under the required conditions will follow, under the superintendence of His Britannic Majesty's Commissioners, these negroes consisting of an equal number of each sex, being previously clothed, and also examined by Medical Officers appointed by the said Commissioners.

The same "Junta" likewise agreed, that the schooner, "*Joaquina*," having been valued by the Marine, should be repaired, in order to prosecute the voyage to Trinidad, the "*Real Hacienda*" reimbursing, conformably to the valuation, that part which accrues to the Government of His Britannic Majesty—that is, if you will not consent to await the return of the vessel, and her sale by public auction after return.

Finally, it was agreed to request of you that the said schooner be manned by individuals from some English ship-of-war, or other vessels of the same Nation, as was the case with the vessel which carried away the negroes of the "*Negruta*," the vessel having likewise on board a Spanish Commissioner.

I lose not an instant in communicating all this to you, in order that with all possible speed you may have the goodness to inform me of your opinion on the above points, which I have extracted from the Minutes of our proceedings; and I beg to inform you at the same time that the negroes are deposited in the "*Bedado*."

God preserve you many years.

(Signed) MARIANO RICAFORT.

His Britannic Majesty's Commissioners,  
&c. &c. &c.

### Third Enclosure in No. 60.

Havana, 30th November, 1833.

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to acknowledge the receipt of the Note of His Excellency the Captain-General, dated yesterday, in which His Excellency has been pleased to state various Propositions, which had been agreed upon at a Meeting of the Chief Authorities of this Island on the 23d instant; these Propositions being as follow:—

1st. That the 88 negresses of the "*Joaquina*" shall be sent to Trinidad with an equal number of males, and also 12 males and 12 females more, so as to make the whole number sent to amount to 200.

2dly. That a Letter shall be written to His Excellency the Governor of Trinidad, stating that the difficulty of communication renders the previous notice of 1 month impossible.

3dly. That the Authorities of Cuba shall, in order to avoid this difficulty, furnish the vessel employed in the conveyance of the above 200 negroes, with provisions for 30 additional days, by which means the said negroes can remain on board the vessel 1 month after the Governor of Trinidad shall have had due notice of their arrival.

4thly. That the above-mentioned Letter to His Excellency the Governor of Trinidad shall also announce the intended transmission, under the inspection of His Majesty's Commissioners, of more emancipated negroes, who shall be clothed, and previously examined by a Medical Officer appointed by His Majesty's Commissioners.

5thly. That the "*Joaquina*" shall be valued, as usual, by the Masters of the Royal Dock-yard, and repaired, in order to convey the above 200 negroes to Trinidad, and that such Moiety of her above-estimated value as may accrue to the British Government shall be paid by the Finance Department of this Island, in the event of His Majesty's Commissioners not agreeing to await the return of the said vessel from Trinidad, and her sale by public auction: and,—

6thly. That His Majesty's Commissioners agree to this schooner, and future vessels in the like predicament; being manned by British sailors, taken either from vessels-of-war or merchant-vessels, it being always understood that they shall carry to Trinidad a Spanish Commissioner, as in the Case of the "*Negruta*."

The undersigned have the honour to state, as far as regards the first of these 6 Propositions, that no difficulty presents itself to them with respect to receiving in Trinidad 200 negroes, when an equal number, according to the proposal, is sent, of both sexes.

With respect to the 2nd Proposition, the undersigned beg leave to state, that His Majesty's Principal Secretary of State for Foreign Affairs has, in his Despatch to them of the 5th July last, enjoined the strictest observance of that condition which requires 1 month's previous notice to the Governor of Trinidad of any proposed transmission to that colony of emancipated negroes.

The undersigned can therefore give no answer to the 3d of the above Propositions, except that they will lose not a moment in referring the question to their Government.

With respect to the adoption of the 4th Proposition, the undersigned see no difficulty whatever; but they must observe, that the 200 negroes now intended to be sent, ought to be forwarded under the inspection of His Majesty's Commissioners, and under precisely the same conditions as any future transmission of negroes.

The undersigned consider themselves, relatively to the 5th Proposal, bound to state, that they deem the offer which their Excellencies the Chiefs of this Island have made to reimburse the British Government one-half of the value of the "*Joaquina*," as estimated by the Masters of the Royal Dock-yard, to be perfectly fair; but they are sorry that they have no power, without the previous consent of their Government, to alter any of the Rules hitherto adopted with respect to the disposal of captured slave-vessels. As to His Majesty's Commissioners agreeing to await the sale of the "*Joaquina*" after her return from Trinidad, it will be obvious that they would, by such assent, exceed their duty, as the vessel might be lost, or at all events deteriorated, previous to her return. The undersigned, however, see no objection, all the other difficulties being obviated, to the "*Joaquina*," when properly repaired and rendered seaworthy (which she is not now), being employed to convey the 200 negroes to Trinidad.

The undersigned fully appreciate the motives of the Chief Authorities of this Island, in making the 6th Proposal, and consider it to be a most honourable evidence of the good faith with which their Excellencies desire that the conditions proposed by the British Government should be executed; but although the undersigned feel how desirable it would be to send the negroes under the charge of a

British crew, accompanied by a Spanish Commissioner, they have no authority or means to carry such a proposal into effect. It need scarcely be said, indeed, that the undersigned would be most happy to agree to this 6th Proposal, if it could be carried into execution by the Spanish Authorities, but they entertain very serious doubts of the practicability, in conformity with the existing Navigation Laws of Great Britain, of navigating a Spanish vessel by a British crew, without a Special Agreement between the 2 Governments on the subject.

Having now had the honour of stating provisionally their Answers to the several Propositions of their Excellencies the Chief Authorities of the Island, the undersigned must repeat, that they will lose not a moment in referring the Letter just received from His Excellency the Captain-General to their Government.

*His Excellency the Captain-General,*  
&c. &c. &c.

In the mean time, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

## No. 61.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 28, 1834.)*

MY LORD,

*Havana, 16th December, 1833.*

WE have the honour to enclose the Copy of a Letter from Lieutenant Bolton, commanding His Majesty's schooner, "Nimble," dated the 7th instant, by which it will appear, that this active Officer has driven the slave-schooner, "*Amistad Habanera*," on shore, at the Isle of Pines, and been the cause of her destruction, as well as that of another vessel, which we understand to be the schooner, "*Mosca*." The slaves, in both Cases, however, appear to have been landed on the Isle of Pines.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

## Enclosure in No. 61.

SIR,

*His Majesty's schooner, "Nimble," at Sea, 7th December, 1833.*

I HAVE the honour to state for your information, that on leaving the Havana, after the condemnation of the "*Joaquina*," in the full conviction that the Isle of Pines was the great resort for vessels engaged in the illicit traffic of slaves, I proceeded immediately to cruise off the shores of that Island, and on the morning of Tuesday, the 3d instant, about 9 A.M.; discovered a vessel to windward, running down along the land, under all sail; and soon after observed her to be a large 2-topsail schooner, who on discovering us to be a man-of-war, ran on shore inside the reef of *Playa Larga*, it blowing strong at the time, and a heavy sea running; it took us until nearly 4 P.M. to beat up to her, during which time she effected the landing of the slaves and crew. As we approached, her masts were cut away, her magazine blown up, and the vessel so effectually fired in all parts, that, on the arrival of our boats alongside of her, it was found quite impossible to extinguish or subdue it. There was evidently a large quantity of oil on board, which fed the flames; and she quickly burnt to the water's edge.

It appears from a name painted on a piece of canvas rescued from the flames, that this vessel was the "*Amistad Habanera*," and this supposition is confirmed by the crew of the "*Manuelita*" slave-schooner, which I have captured this day. On the morning of the 4th instant we discovered another vessel, 8 or 10 miles further to windward, which had been recently run on shore and burnt in the same manner. She bore every appearance of the vessel's being engaged in the Slave Trade; and we learned from a fisherman, that she had landed slaves there, and been set on fire by her crew. I have no doubt she had received information from the fishermen of our being cruising off the entrance of their regular landing-place, and, in despair of escaping us, had adopted this desperate alternative.

I have, &c.  
(Signed) CHARLES BOLTON,  
*Lieutenant-Commander.*

*His Majesty's Commissary Judge, Havana.*

## No. 62.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 28, 1834.)*

MY LORD,

*Havana, 20th December, 1833.*

WE have the honour to report to your Lordship the detention of the Spanish slave-schooner, "*Manuelita*," off the Isle of Pines, on the 7th instant, by His Majesty's schooner, "Nimble," commanded by Lieutenant Charles Bolton. The Captor arrived in the Harbour of the Havana, with his prize and 485 slaves, on the 11th instant; and on the 17th the Sentence of the Mixed Commission was signed, condemning the vessel, and emancipating the 484 slaves now remaining alive.

We have the honour to transmit herewith the Copies of a Letter from the Captor and of his Declaration; also an Abstract of the evidence, and a Translation of the Sentence.

This Case has presented no novelty whatever, except that the "*Manuelita*" was, although not armed at the time of detention, the finest schooner, and fastest sailing vessel engaged in the Slave Trade. She is said to have been largely insured at Barcelona.

The negroes have all been landed, although on first arrival they were placed in quarantine. By the enclosed Copy of a Letter from Lieutenant Bolton to His Majesty's Commissioners, your Lordship will perceive that 2 of them have disappeared after emancipation. We are unable to explain satisfactorily how the same misfortune should thus have occurred to the 2 last vessels condemned; but we have represented Lieutenant Bolton's Statement to the Captain-General.

We have, &c.

(Signed)

W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

### First Enclosure in No. 62.

MOST EXCELLENT SIR AND GENTLEMEN,

*His Majesty's Schooner, "Nimble,"  
Havana, 11th December, 1833.*

I HAVE the honour to inform you that I arrived here this morning, bringing in for adjudication the Spanish slave-schooner, "*Manuelita*," which vessel I captured off the Isle of Pines on the 7th instant, after a chase of 7 hours, during nearly the whole of which time, the wind being light, we were working hard at our sweeps. She is a beautiful large 2-topsail schooner, drawing 17 feet water, and had on board, at the time of capture, 485 slaves, and a crew of 34 men; she made no resistance, having thrown her gun overboard when chased by a strange vessel on the Coast of Africa.

I trust the capture of this fine vessel so soon after the "*Joaquina*;" the destruction of the "*Amistad Habanera*;" and her being obliged to land her slaves and crew on a part of the coast far from any settlement, where there is neither road nor footpath, and the only inhabitants a few solitary fishermen, living in temporary huts, will act as a check on the Proprietors of these vessels, and convince them, that they cannot, but at an imminent risk, embark their property in his nefarious and disgraceful traffic.

(Signed)

CHARLES BOLTON,  
*Lieutenant-Commander.*

*To his Excellency the Count Fernandina, and the other  
Members of the Mixed Commission, Havana.*

### Second Enclosure in No. 62.

#### *Declaration of Captor.*

I, LIEUTENANT CHARLES BOLTON, commanding His Britannic Majesty's schooner, "*Nimble*," do hereby declare, that on the 7th day of December, 1833, being in or about North latitude 21° 4', and West longitude 82° 26', I detained the schooner named "*Manuelita*," sailing under Spanish colours, and having no guns, commanded by Don José Garay, who declared her to be bound from Lagos on the Coast of Africa to the Isle of Pines, off the Island of Cuba, with a crew consisting of 20 men and 14 boys, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 485 slaves, said to have been taken on board at Lagos, on the 30th day of October, 1833, and are enumerated as follows:—

	<i>Healthy.</i>	<i>Sickly.</i>
Men .....	346	2
Women .....	65	
Boys .....	70	2
Total .....	481	4

I do further declare, that the said schooner appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew, on their destined voyage to the Isle of Pines, off Cuba. And I do further declare, that the said schooner is particularly clean, and the slaves in remarkably good condition.

(Signed)

CHARLES BOLTON,  
*Lieutenant-Commander.*

(Signed) WILLIAM PENNYCOOK, *Assistant-Surgeon.*  
CHARLES SPARSHOTT, *Mate.*

And I do further declare, that on the 9th day of December, 1833, 1 negro died of dysentery.

(Signed)

CHARLES BOLTON,  
*Lieutenant-Commander.*

(Witnesses) WILLIAM PENNYCOOK, *Assistant-Surgeon.*  
CHARLES SPARSHOTT, *Mate.*

(Here follow the names of the crew of the "*Manuelita*.")



## Third Enclosure in No. 62.

*Abstract of the evidence in the Case of the "Manuelita."*

LIEUTENANT CHARLES BOLTON, commanding His Britannic Majesty's schooner, "Nimble," being sworn, and having shewn his Instructions, deposed that the contents of his Declaration, now produced and signed by the deponent, are true, as to the state of the captured schooner, "*Manuelita*," and the number of slaves on board, at the time of her detention, which number is now reduced to 484; that the documents, Nos. 1 to 4 inclusive, now presented to the Court, are those which this deponent collected on board the "*Manuelita*" at the time of detention, namely,—

1. The Royal Passport.
2. The Muster-roll.
3. The Countersign.
4. The Log-book.

Mr. William Pennycook, Assistant-Surgeon of the said schooner-of-war, "Nimble," being sworn, deposed, that the Declaration of the Captor, now produced, is signed by this deponent, as witness to the truth of its contents, as well as the additional Certificate, stating that 1 negro has died in the interval between the "*Manuelita's*" arrival in the Havana and the delivery of the whole cargo of negroes up to the Government.

Mr. Charles Sparshott, Mate of the said schooner-of-war, being sworn, deposed, that the Declaration of the Captor, and the Certificate now produced, are signed by this deponent, as a witness to the truth of its contents.

Don José de Cano y Garay, 50 years of age, a native of the Province of New Orleans, in America, but now resident in the Havana, with his family, married, and a Catholic, being sworn, deposed, that he is Master and Mate of the Spanish merchant-schooner, "*Manuelita*," which has been brought into this port of the Havana, by the English schooner-of-war, "Nimble," on account of the said "*Manuelita*," when visited, being found to have on board a cargo of bozal negroes; that this detention was made on the south side of this Island of Cuba, in face of the Island of Pines, but at a great distance from land; that this deponent cannot say exactly on what day of the month the "*Manuelita*" was detained; that of one and other sex 485 negroes were existing on board at the time of detention; that the "*Manuelita*" sailed from the Havana, on the 17th June last, with a cargo of dry goods, aguardiente, and gunpowder, and Papers for Saint Thomas, at which island she only touched, and made direct for Onis, on the Coast of Africa, where the cargo was landed, and bozal negroes taken on board in return; that 520 negroes were so embarked; that 35 of them died at sea previous to the detention, and 1 more after the detention; that this deponent is not quite sure if 2 be not dead, as there was another negro very sick yesterday; that this deponent is the Owner and Supercargo of the "*Manuelita*," as well as Captain and Mate; that the "*Manuelita*" had no other cargo on board whatever except the negroes; that the Papers now produced are the true Papers of the "*Manuelita*," viz., the Royal Passport, Countersign, Muster-roll, and Log-book, all which this deponent delivered to the Captor at the time of detention; that the "*Manuelita*" sailed from Onis direct for the Island of Cuba, as will appear from the inspection of the Log-book.

Don Genaro de Garay, 48 years of age, a native of Biscay, and of the town of San Tusce, married, and a Catholic, being sworn, deposed, that he is by profession Second Mate of the Spanish merchant-schooner, "*Manuelita*;" that this deponent embarked on board the said vessel in this port; that the master, Don José Garay, gave this deponent his place; that this deponent cannot state on what day the "*Manuelita*" sailed from the Havana; that her outward cargo consisted of dry goods, spirits, and gunpowder; that they sailed for Onis, on the Coast of Africa; that they landed the cargo there, all except the provisions necessary for their sustenance, and that they took on board, in return for the cargo, 523 negroes, as well as this deponent recollects; that this deponent does not recollect the exact day on which they sailed from the Coast of Africa, because he was at that time very sick; that the "*Manuelita*" made direct for the Island of Cuba; but was on the voyage detained by the British schooner-of-war, "Nimble;" that this deponent cannot exactly state the day of the month on which the detention took place; that more than 480 negroes remained alive at the time of detention; that the rest had died previously at sea; that 1 or 2 negroes died after the detention, on the passage round Cape Saint Antonio to this port; that this deponent knows no other Owner of the "*Manuelita*" than the Captain who commanded; that he interfered in every affair, and paid the expenses; that the Papers now produced, numbered 1 to 4 inclusive, are truly those of the "*Manuelita*," which the English Commander seized at the time of detention.

Don Sebastian Casaio, 31 years of age, a native of Corcubion, in the kingdom of Galicia, and bishopric of Santiago, unmarried, and a Catholic, being sworn, deposed that he is Boatswain of the Spanish merchant-schooner, "*Manuelita*;" that this vessel has been brought into this port by an English schooner-of-war, on account of negroes having been found on board; that the "*Manuelita*," was detained by the said schooner-of-war, in sight of the Isle of Pines, on the South side of this island; that the day of her detention was, as well as this deponent remembers, the 7th instant; that more than 480 negroes were then remaining on board; that this deponent cannot state more exactly the number of negroes then remaining alive; that the "*Manuelita*" sailed from this port of the Havana, on the 17th June last, with a cargo of dry goods, aguardiente, and gunpowder; that she made for Onis, on the African Coast, a place at the mouth of the River Lagos; that she there took on board, in return for her cargo, 520 bozal negroes; that the "*Manuelita*" sailed from Onis for the Island of Cuba on the 30th of October last, as well as this deponent recollects; that more than 30 negroes had died upon the passage previous to the detention; that this deponent cannot state how many died afterwards, on account of his having been removed on board the capturing schooner; that this deponent cannot say whether the 4 Papers now produced, or any of them, are truly those with which the "*Manuelita*" sailed; that this deponent obtained his place of Boatswain from the Master, Don José Garay, who alone this deponent knew as arranging every thing relative to the schooner.

## Fourth Enclosure in No. 62.

*Sentence in the Case of the "Manuelita."*

In the always most faithful City of the Havana, on the 17th day of December, 1833, the Most Excellent Señor Don José Maria Herrera y Herrera, Conde de Fernandina, &c., and William Sharp Macleay, Esq., the Spanish and British Commissary Judges, having met together, and taken

into their consideration the proceedings consequent upon the detention made on the 7th day of this month, in latitude 21° 4' North, and longitude 82° 26' West, by the English schooner-of-war, "Nimble," commanded by Lieutenant Charles Bolton, of the Spanish merchant-schooner, "Manuelita," Don José Garay, Master, with a cargo of 485 bozal negroes on board at the time of detention, of whom 1 died previously to the arrival in this port; and it being completely proved, as well by the Declaration, of the Spanish Captain and other witnesses examined, as by the Papers found on board the "Manuelita," at the time of her detention, that she sailed from this port on the 17th June last, with Papers, and a cargo for the Island of St. Thomas, but made for Onis, on the Coast of Africa, where she took on board 520 slaves, which number, by reason of the deaths on the passage, was reduced at the time of detention to 485, from whom 1 negro more must be further deducted, as having died after capture, on the passage to this port, so that there remain now alive 484. Whereupon the Commissioners resolved that they ought to declare, and do hereby declare, with all due regard to the merits of the Case, and according to the brief and summary mode of proceeding which has been adopted in all similar Cases, on the truth being made known, that the capture of the above-mentioned schooner, "Manuelita," as well as that of the 485 negroes found on board, is good and legal; and that the said schooner, "Manuelita," with all her tackle, apparel, and whatever else may appear in the formal Inventory, as belonging to her, are subject to confiscation, all except the 484 negroes now alive, who are hereby declared to be free from all slavery and captivity. In consequence whereof the Commissioners order that the condemned vessel, and all that belongs to her, be valued by the principal Masters of the Royal Dock-yard, they being previously sworn to perform faithfully the duty entrusted to them; and that the whole be sold by public auction, before the public Scrivener, Don Manuel Fornari, who is authorized to sell her, so that the produce of the sale may be applied to the benefit of the 2 Governments; the said vessel being for the present placed in deposit with Don Jayme Andreu, who shall likewise swear faithfully to perform his duty, and shall receive her from the Captor, according to formal Inventory. The Commissioners shall likewise proceed without further delay to deliver, according to the customary form, by the hands of their Secretary, to the above-mentioned negroes, now remaining alive, their Certificates of Emancipation; and they shall also address a Despatch to His Excellency the Captain-General, with a certified Copy of this Sentence, in order that he may adopt the proper measures to give it effect, and because the crew of the schooner, "Manuelita," remain in prison, at his Excellency's disposal. And by this their Sentence, definitively judging, thus have the Commissioners provided, ordered, and signed, in the presence of their Secretary, who certifies.

(Signed) EL CONDE DE FERNANDINA.  
W. S. MACLEAY.

(Signed) JUAN FRANCISCO CASCALES,  
Secretary.

#### Fifth Enclosure in No. 62.

GENTLEMEN,

*His Majesty's schooner, "Nimble," Havana, December 18, 1833.*

I BEG leave to state, for your information, that in delivering up the negroes taken on board the "Manuelita" to the Spanish Authorities this day, 2 of the number were missing. I am quite certain that the account of these at first taken was correct; but I beg leave to call your attention to the fact, that during the time the Spanish Authorities prohibited our having any intercourse with our prize, it was currently reported in the city that 2 of the negroes had been brought on shore from the "Manuelita," that during the whole of that time a boat, said to be a Government boat, was laying astern of her, and that the water-tank was also sent alongside, in one of which I cannot but suppose they must have been conveyed away.

Although I was not permitted to relieve the prize crew, exhausted by previous watching and anxiety, I am quite satisfied that no want of vigilance or attention can be attributed to the Officers in charge of her.

*The British Members of the Mixed  
Commission, Havana.*

I have, &c.  
(Signed) CHARLES BOLTON,  
Lieutenant Commanding.

#### No. 63.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 28, 1834.)*

MY LORD,

*Havana, 31st December, 1833.*

WE have the honour to inform your Lordship, that the following vessels have safely arrived from the Coast of Africa, with cargoes of slaves, viz. the "Tres Amigos," alias "Almirante," Don José Marscuach, Master; the "Empresa," Don José Blanco, Master; and the brig, "Teresita," Don Claudio Alvarez, Master.

We also regret to state, that no less than 6 Spanish vessels have sailed for the Coast of Africa within the month, viz. the brig, "Zafiro," José Mora, Master, on the 5th instant; the brig, "Vengador," Ildefonso Garcia, Master, on the 7th instant; the schooner, "Pantica," Mariano Carbo, Master, on the 15th; the schooner, "Aguila de Oro," Domingo Pratts, Master, on the 15th; the schooner, "Clotilde," Manuel Llovet, Master, likewise on the 15th; and the schooner, "Pepilla," P. Olive, Master, on the 25th.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

No. 64.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 28.)*

MY LORD,

*Havana, 1st January, 1834.)*

IN pursuance of the Act of Parliament, 5 George IV., entitled an Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade, we have the honour to enclose a Return of the Cases adjudicated in this Court of Mixed Commission during the last 6 months.

We have, &amp;c.

(Signed)

W. S. MACLEAY.  
CHARLES MACKENZIE.*The Right Hon. Viscount Palmerston, G.C.B.*

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

## Enclosure in No. 64.

*Rettrn of Spanish slave-vessels brought before the Mixed Commission for Adjudication, between the 1st July, 1833, and 1st January, 1834.*

Name of Vessel.	Date of Seizure.	Property Seized.	Name of Seizor.	Date of Sentence.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or remains unsold, and in whose hands the proceeds remain.
Joaquina.	10th Nov.	{ Schooner, having on board 329 slaves. }	Lieutenant Charles Bolton, of H. M. schooner, "Nimble."	21st Nov.	Forfeiture.	{ This vessel, tackle, &c. remains for sale by the Mixed Commission, the whole being for the present in deposit with Don Jayme Andreu. }
Manuelita.	7th Dec.	{ Schooner, having on board 485 negroes. }	Do.	17th Dec.	Forfeiture.	

(Signed)

W. S. MACLEAY.  
CHARLES MACKENZIE.

No. 65.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 28.)*

MY LORD,

*Havana, 1st January, 1834.*

WE are grieved to state that the year just expired shews no decrease whatever, but rather an increase in the Slave Trade of this port.

In the year 1832 there sailed from the Havana, according to the List we have the honour to enclose, 31 slave-vessels, of which 1 was Portuguese. Of the remaining 30 Spanish vessels, no less than 22 have safely landed their cargoes, 3 only being known to us as having been captured by His Majesty's cruisers, so that the fate of 5 remains to be ascertained.

The number of slave-vessels which have sailed from the Havana, in 1833, according to the enclosed List, is 38, among which are 2 Portuguese. Of the 36 Spanish vessels, no less than 5 have openly cleared out for Lagos, or San Pablo de Loando, on the African continent, and 8 have already returned and landed their cargoes. Two of them, however, have been captured by His Majesty's schooner, "Nimble," and lately condemned at the Havana.

We also have the honour to enclose a 3d List, being that of the slave-vessels which have arrived in this port during the year 1833. These are 27, of which 4 were Portuguese. Exactly the same number of slave-vessels came into the Havana in 1832.

We are unable to state with precision the degree to which the Slave Trade prevails in the other ports of the Island; but we understand, from His Majesty's Naval Officers, that it is carried on at Santiago de Cuba in so indecently glaring a manner as to call for particular inquiry.

Although, at this great distance from the place, we have few means of knowing accurately what passes there, we may state that, on the 31st October last, the schooner, "Iberia," José Pugol, Master, landed slaves close to Santiago. At Trinidad, on the southern Coast, slave-vessels are also fitted out for the Coast

of Africa, among which we may specify the schooner, "*Mosca*," Tomas Elortegui, Master, which sailed on 3d March last.

The great mortality which took place last year in the black population, in consequence of the invasion of the Havana by cholera, has, now that the panic is over, occasioned, in some quarters, a great demand for African negroes, and, upon the whole, has given a considerable impulse to the Slave Trade, which, as we have repeatedly had the honour of stating to your Lordship, is carried on by individuals having little connexion with the Island of Cuba, and who certainly take no interest whatever in its ultimate prosperity.

Although we are well aware of your Lordship's being already convinced of the fact, we must repeat that the Slave Trade is only nominally abolished by Spain, as long as she refuses to declare it piracy, or protects vessels from condemnation that are evidently fitted up for this detestable traffic.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

The Right Hon. Viscount Palmerston, G.C.B.  
&c. &c. &c.

First Enclosure in No. 65.

List of the arrivals of Slave-vessels in the Havana from the Coast of Africa, during the year 1833.

No.	Date.	Nation.	Class.	Name of Vessel.	Name of the Master.
1833.					
1	5 January	Spanish	Schooner	Amistad Habanera . . .	Manuel Fernández.
2	13 "	Portuguese	Brig	Maria Teresa . . . . .	Pedro Jozé Neta.
3	21 "	Spanish	Schooner	Metemano ( <i>alias</i> ) Mosca . . .	Pedro Manegaf.
4	29 "	"	Brig	Vengador ( <i>alias</i> ) Marinero . . .	Ildefonso Garcia.
5	17 "	"	Schooner	Manuelita . . . . .	Guillermo Villar.
6	25 "	"	Brig	Llobregat . . . . .	José Antonio Vega.
7	16 March	Portuguese	Schooner	Esperanza . . . . .	Cosme Jozé Rodríguez.
8	20 "	Spanish	Brig	Urraca . . . . .	Domingo Castro.
9	14 April	"	"	Carolina . . . . .	Juan Pinto.
10	21 May	"	"	Empresa . . . . .	José Benito Pardo.
11	11 June	"	"	Volador . . . . .	José Carbo.
12	21 "	"	Schooner	Francisca . . . . .	José Ramon Sustache.
13	5 July	"	"	Segunda Gallega . . . . .	Joaquin Blanco.
14	9 "	Portuguese	"	Deidade . . . . .	Jacinto P. Carneiro.
15	11 "	"	Brig	Leijero . . . . .	J. P. de Mettos.
16	16 "	Spanish	"	Juanita . . . . .	Domingo Elorduy.
17	27 "	"	Schooner	Tres Manuelas . . . . .	José Puig.
18	5 August	"	Brig	Zafiro . . . . .	Gabriel Igareda.
19	12 "	"	"	Maria . . . . .	Antonio Pullet.
20	5 Sept.	"	"	Alerta . . . . .	Antonio Ferreyra.
21	26 "	"	Schooner	Pantica . . . . .	Anselmo Bencomo.
22	25 October	"	Brig	Urraca . . . . .	José Nocedal.
23	3 Nov.	"	"	San Pedro ( <i>alias</i> ) Vengador . . .	Ildefonso Garcia.
24	3 "	"	"	Andaluz . . . . .	Francisco Garcia.
25	22 "	"	"	Tres Amigos ( <i>a.</i> ) Almirante . . .	José Marscuach.
26	8 Dec.	"	"	Empresa . . . . .	José Blanco.
27	24 "	"	"	Teresita . . . . .	Claudio Alvarez.

Second Enclosure in No. 65.

List of Slave vessels which have sailed from the Port of the Havana for Africa, during the year 1833.

No.	Date.	Nation.	Class.	Name of Vessel.	Name of the Master.	Remarks.
1833.						
1	12 Jan.	Spanish	Schooner	Francisca . . . . .	{ Juan Ramon de } Sustache	Returned 21 June, 1833.
2	13 "	"	Brig . . . . .	Alerta . . . . .	Antonio Ferreyra . . . . .	Returned 5 Sept.
3	"	"	"	Maria . . . . .	Antonio Pullet . . . . .	Returned 12 August.
4	"	"	"	Volador . . . . .	José Carbo . . . . .	Returned 11 June.
5	1 Feb.	"	Schooner	Juanita . . . . .	Domingo Elorduy . . . . .	Returned 16 July.
6	3 "	"	"	{ Mosca, <i>alias</i> } Metemano	N. Eseja . . . . .	Sailed for Bahia.
7	4 "	"	"	{ Amistad Ha- } banera	Manuel Fernandez . . . . .	{ Destroyed after having } landed her negroes.
8	16 "	Portuguese	Brig . . . . .	Maria Teresa . . . . .	Pedro Jozé Netto . . . . .	Sailed for Bahia.
9	24 "	Spanish	Schooner	Pantica . . . . .	Anselmo Bencomo . . . . .	Returned 26 Sept.
10	"	"	"	Espeulacion . . . . .	José M. Gonzalez . . . . .	
11	29 March	"	"	Mosca . . . . .	Juan Rodriguez . . . . .	{ Said to be destroyed af- } ter having landed her } negroes.

*List of Slave-vessels which have sailed from the Port of the Havana for Africa, during the year 1833.*  
(Continued.)

No.	Date.	Nation.	Class.	Name of Vessel.	Name of the Master.	Remarks.
12	1833. 21 April	Spanish	Schooner	Joaquina . . .	Juan R. Verger . .	Captured with 329 negroes, by His Majesty's schooner, "Nimble."
3	5 June	"	Brig . . .	Llobregat . . .	José Ant. de la Vega	
14	8 "	"	"	Empresa . . .	José Benito Pardo	Sailed for Bahia. Do.; but returned as from Isla de Principe, on the 8 Dec.
15	12 "	"	"	Carlota . . .	Gumesindo Loureiro	
16	16 "	"	"	Vengador . . .	Pedro Badia . . .	Returned 3 Nov.
17	17 "	"	Schooner	Manuelita . . .	Jos Garay . . .	Sailed for Lagos, and was, with 485 negroes, captured by "Nimble."
18	19 "	"	Brig . . .	Belencita . . .	Santos Alonzo . . .	
19	20 "	"	"	Abencerrage . . .	Antonio Estevez . .	Sailed for Bahia.
20	15 July	"	Schooner	Pronta . . .	Pedro Manegat . .	Do.
21	"	"	"	Francisca . . .	Miguel Martorall .	Sailed for San Pablo de Loando.
22	20 "	"	"	Narcisa . . .	Antonio Comas . . .	
23	24 "	"	"	Carmen . . .	Mariano Carbo . . .	Sailed for Lagos.
24	31 "	"	Brig . . .	Jacinto . . .	Francisco Roverosa	Sailed for Bahia.
25	11 Sept.	"	Schooner	Mercedita . . .	— Casas . . .	Sailed for San Pablo de Loando.
26	25 "	"	Brig . . .	Temerario . . .	José Maria Moreno	Sailed for Bahia.
27	26 "	"	"	Carolina . . .	José Prieto . . .	Sailed for San Pablo de Loando.
28	6 Oct.	"	"	El Mismo . . .	Jacinto Llovet . . .	Sailed for Bahia.
29	8 "	"	Schooner	San Gabriel . . .	Pablo Oliver . . .	Sailed for San Tome.
30	20 "	"	"	Tres Manueles . . .	José Marquez . . .	Sailed for Bahia.
31	27 "	"	Brig . . .	Alerta . . .	Antonio Ferreyra . .	Do.
32	"	Portuguese	Schooner	Deidade . . .	M. B. de los Santos	Sailed for Principe.
33	5 Dec.	Spanish	Brig . . .	Zafiro . . .	José Mora . . .	Sailed for Santonie.
34	7 "	"	"	Vengador . . .	Ildefonso Garcia . .	Sailed for Principe.
35	15 "	"	Schooner	Pantica . . .	Mariana Carbo . . .	Do.
36	"	"	"	Aguila de Oro . . .	Domingo Pratts . . .	Sailed for Cape deVerds.
37	"	"	"	Clotilda . . .	Manuel Llovet . . .	Sailed for Principe.
38	23 "	"	"	Pepilla . . .	Pablo Olive . . .	Do.

## Third Enclosure in No. 65.

*List of Slave-vessels which have sailed from the Port of the Havana for Africa during the Year 1832.*

No.	Date.	Nation.	Class.	Name of Vessel.	Name of the Master.	Remarks.
1	1832. 15 Jan.	Spanish	Schooner	Prueba . . .	Antonio Ferreyro . .	Condemned at Sierra Leone.
2	1 Feb.	"	Brig . . .	Urraca . . .	José Maria Moreno	
3	4 March	"	"	Volador . . .	Antonio Esteves . . .	Returned 21 Aug. 1832.
4	25 "	"	Schooner	Tres Manueles . . .	Andres Puig . . .	" 2 Dec. "
5	"	"	"	Segunda Gallega . . .	Fortunato Romero . .	" 23 Oct. "
6	"	Portuguese	Brig . . .	Teresa . . .	José Maria de Cunha.	" 12 Oct. "
7	1 April	Spanish	Schooner	Joven Maria . . .	Antonio Benaser . . .	
8	8 "	"	Brig . . .	Marinero . . .	Ildefonso Garcia . . .	" 29 Jan. "
9	13 "	"	"	Llobregat . . .	Juan Bauta. Arrarte . .	" 27 Aug. "
10	14 "	"	"	Catalana . . .	José Ant. de la Vega . .	" 3 Sept. "
11	29 "	"	Schooner	Veloz . . .	Angel Ximenes . . .	" 8 Oct. "
12	11 May	"	"	Juanita . . .	Domingo Elorduy . . .	" 11 Dec. "
13	11 June	"	Brig . . .	Abencerrage . . .	Pedro Badia . . .	" 25 Dec. "
14	17 "	"	"	Negrita . . .	Francisco Ant. Sarría	Captured with 526 negroes, by His Majesty's ship, "Victor."
15	24 "	"	"	Agatocles . . .	Antonio Alonzo . . .	
16	1 July	"	Schooner	Francisca . . .	Juan Tremuel . . .	Returned 27 Dec. 1832.
17	14 "	"	"	Pantica . . .	Juan Bautista Manina . .	" 27 Nov. "
18	22 "	"	"	Amistad Habanera . . .	Manuel Fernandez . . .	" 22 Dec. "
19	5 August	"	"	Vencedora . . .	Ramon Nosedal . . .	Returned 5 Jan. 1833.
20	12 "	"	"	Manuelita . . .	Guillermo Villar . . .	" 17 Feb. "
21	16 "	"	"	Mosca . . .	Pedro Manegat . . .	" 21 Jan. "
22	21 "	"	"	Panda . . .	Pedro Gibert . . .	
23	23 Sept.	"	Brig . . .	Urraca . . .	Santiago Delix . . .	" 20 Mar. "
24	1 Oct.	"	"	Llobregat . . .	José Ant. de la Vega . .	" 25 Feb. "
25	"	"	"	Desengaño . . .	Francisco Loureyro . . .	
26	30 "	"	"	Carolina . . .	Juan Pinto . . .	" 14 April "
27	4 Nov.	"	"	Veloz . . .	Fortunato Romero . . .	
28	2 Dec.	"	"	Empresa . . .	José Benito Pardo . . .	" 21 May, "
29	"	"	Schooner	Segunda Gallega . . .	Joaquin Blanco . . .	" 6 July, "
30	16 "	"	"	Tres Manueles . . .	Don J. Marquez . . .	" 27 July, "
31	28 "	"	"	Segundo Socorro . . .	José de Ynza . . .	Said to be condemned at Sierra Leone.

RECAPITULATION.

Returned and landed their cargoes . . . . .	22
Condemned at the Havana . . . . .	1
Condemned at Sierra Leone . . . . .	1
Said to have been condemned at Sierra Leone . . . . .	1
Fate unknown . . . . .	6
Total . . . . .	31

No. 66.

*His Majesty's Commissioners to Viscount Palmerston.—(Received February 28.)*

MY LORD,

*Havana, 7th January, 1834.*

ON the subject of the 2 emancipated negroes who were reported to us by Lieutenant Bolton as having disappeared from the "*Manuelita*," we have the honour now to enclose the Translation of a Note from the Captain-General, in which his Excellency acquaints us that he has referred the affair to his First Assessor-General.

We have, &c.

(Signed)

W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.                      &c.                      &c.

Enclosure in No. 66.

(Translation.)

GENTLEMEN,

*Havana, 3d January, 1834.*

AS soon as I received your Note of the 22d ultimo, with the enclosed Copy of the Letter addressed to you by Lieutenant Charles Bolton, Commander of His Britannic Majesty's schooner, "*Nimble*," on the subject of the disappearance of 2 of the negroes of the schooner, "*Manuelita*," I referred the whole affair to the Lieutenant-Governor, First Assessor-General of this Government, in order that he might proceed, in so delicate a matter, according to the forms of justice; and of the result of his investigation you shall, in due time, be informed.

God preserve you many years.

*The British Commissioners, Havana,*  
&c.    &c.    &c.

(Signed) MARIANO RICAFORT.

No. 67.

*His Majesty's Commissioners to Viscount Palmerston.—(Received March 27.)*

MY LORD,

*Havana, 25th January, 1834.*

WE have the honour to acquaint your Lordship that soon after the condemnation of the "*Manuelita*," the Intendant made a proposal to the Mixed Commission to purchase her at two-thirds of the valuation by the Masters of the Royal Dock-yard, in order that she might be forthwith employed to convey emancipated negroes to Trinidad. The Mixed Commission replied that the Treaty, which specially provides for the *Public Sale* of condemned vessels, rendered this step impossible. The "*Manuelita*," was accordingly brought to public auction, and purchased by the Intendant at two-thirds of the valuation, which is the lowest price at which such sales are legally valid.

We have now to inform your Lordship that the Captain-General addressed us a Letter, dated the 31st ultimo, a Translation of which we have the honour to enclose, in which the Junta of the 3 Chief Authorities is declared to have agreed to those conditions which we had stated to His Excellency as being indispensable for the removal of any emancipated negroes to Trinidad. We have the honour to enclose a Copy of our Answer, dated the 2d January, in which we proposed, among other things, that when the negroes should have been approved by Dr. Meikleham, an English physician established in this city, the original Certificates of emancipation might be sent along with them to Trinidad. We beg leave to send herewith the Translation of a Note from his Excellency, in answer, dated the 3d instant, enclosing a Copy of his Commission to Don Luis Payne, authorizing him to set aside such of the negroes of the "*Joaquina*" and "*Manuelita*" as might be fit to be sent, according to the conditions, in the schooner, "*Manuelita*," to Trinidad.

We have also the honour to enclose the Translation of another Letter from His Excellency, dated the 10th instant, in which he states that 106 males and 106 females had been put aside as sound and healthy for Dr. Meikleham's inspection.

We accordingly, in a Letter, dated the 13th instant, of which a Copy is enclosed, requested the proper Authority for this gentleman to inspect them, which was given on the same day in another Letter of the Captain-General, a Translation of which is likewise enclosed.

We have also the honour to transmit the Copy of a Letter which we addressed to the Captain-General, on the 16th instant, stating that all the formalities requisite on our part had been completed, and we enclose a Translation of His Excellency's Answer.

It will appear from the Captain-General's statement in his Note of the 31st ultimo, that a notice of the intended transmission of these negroes was sent, on the 16th December last, to the Governor of Trinidad, by way of Jamaica, so that, on the evening of the 16th instant, the "*Manuelita*" sailed with them, having additional provisions on board for 30 days after arrival at her destination—a measure which was adopted in order to meet the possibility of any delay in the notice sent by way of Jamaica.

We furnished the "*Manuelita*," previously to sailing, with a Certificate, to prevent her being interrupted or detained by any of His Majesty's cruizers on the voyage; but we took care that it should be understood, that this document was to be given up with the negroes to the Governor of Trinidad, by the Captain in charge.

We have the honour to enclose a Copy of a Letter, which we addressed, with the original Certificates of emancipation, to His Excellency, the Governor of Trinidad. We further beg leave to enclose a Certificate from Dr. Meikleham, a graduate of Oxford and Glasgow, to prove that the 212 negroes sent were healthy and sound. To this medical gentleman we feel ourselves greatly indebted for his readiness in offering to give us, without making any previous stipulation whatever, such a Certificate, for the satisfaction of His Majesty's Government, as we felt ourselves perfectly incompetent to give, and we venture most humbly to solicit, in the event of such Certificates being required in future, such remuneration for his services as your Lordship may deem proper. We were obliged to avail ourselves of his assistance, because we could not conscientiously give that assurance of these negroes being capable of labour which is required by His Majesty's Colonial Department, and because we did not feel that this inability on our parts would justify us in retarding any longer the transmission of these negroes to their destination. It will be perceived from the above Correspondence, that the question of a British Agent to accompany Spanish vessels to Trinidad has been left open by common consent, until your Lordship shall be pleased to honour us with Instructions on the subject.

The negroes were all sent comfortably clothed, and His Majesty's Commissioner of Arbitration, who accompanied Dr. Meikleham into the country to the depôt, was gratified to observe, that the Spanish Local Government had even furnished them with warm clothing to provide against the cold, which at this season of the year may be expected on their getting into the latitude of the Bermudas, which they must at least reach in order to enable them to make a speedy voyage from the Havana to Trinidad.

We are not indeed aware that any of the conditions laid down by His Majesty's Government have been neglected, and we hope that those which we have thought it absolutely necessary to add, will meet your Lordship's approbation.

We feel ourselves more anxious than ever for Instructions from His Majesty's Government on those points which we have already had the honour to refer to it.

We beg leave to enclose a "*Diario*" of the 23d instant, containing a Notice from the Captain-General to the public, respecting the remaining male negroes of the "*Joaquina*" and "*Manuelita*;" in which "*Diario*" will also be found a very important Decree, with respect to the investigation now going on of the number of deaths by cholera among the negroes that had been previously emancipated.

We have, &c.

(Signed)

W. S. MACLEAY.

CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.





By the 3d of these Resolutions, the Undersigned understand that on the 16th December last, the required previous notice of a month was sent by way of Cuba and Jamaica, to the Governor of Trinidad, but that notwithstanding, in order to remove all difficulty, it is determined that the "*Manuelita*" shall carry provisions sufficient to maintain the negroes for 30 days after her arrival in Trinidad. On this last measure, the undersigned have only to observe, that it seems to be the more necessary, by reason of the unfrequency of communication which exists between Jamaica and Trinidad; but at the same time they cannot but reckon this proposal, thus originating with the Spanish Authorities, to be a most convincing proof of the anxiety, on the part of their Excellencies, to comply rigorously with those conditions upon which the British Government has consented to receive these negroes in Trinidad.

On the 4th Resolution the Undersigned have no particular observation to make, unless they might venture to suggest that, as the Secretary of the Mixed Commission retains the Registers of "*filiacion*," perhaps a saving of time, labour, and expense, may be secured by forwarding to the Governor of Trinidad the original Certificates of emancipation instead of certified Copies. These Certificates of emancipation, indeed, with a corresponding List, seem to be all that is necessary to identify the negroes.

By Article 5th the Undersigned are gratified to find, that the Chief Authorities of this Island are in accordance with them on the propriety of the transmission to Trinidad being effected under the joint inspection of both Nations, and they accordingly consider this question to be, by common agreement, reserved until Instructions on the subject shall arrive from His Majesty's Government. In the particular Case of the "*Manuelita*" there seems to be the less necessity for her intended voyage being accompanied by a British Agent, as His Excellency the Captain-General has had the goodness to make to the Undersigned, in conformity to the 6th Resolution, such strong assurances that these negroes shall be properly fed and clothed, not only for the voyage to Trinidad, but for 30 days after the vessel's arrival there.

With reference to the 7th Article, the Undersigned feel so strongly the propriety of affording every facility in their power to the Superior Authorities of this Island, that they have arranged with Dr. D. S. Meikleham, an English physician, established in this city, to examine, with reference to the several Certificates of emancipation, at such time and place as may be determined, the able-bodied negroes who may have been previously separated by the Spanish Authorities, as fit to be sent to Trinidad, in conformity with the already stipulated Conditions.

To these Conditions the Undersigned do not deem it necessary to add more than that they have the fullest confidence that the Officers and crew entrusted, by His Excellency the Commander-in-Chief of the Marine, with the charge of the "*Manuelita*," will exercise the utmost vigilance in the interval which may elapse between the time of examination and that of sailing, since the slightest discrepancy in the documents furnished to the Governor of Trinidad may produce difficulties so serious as to prevent the disembarkation of these negroes—a result, moreover, which the Undersigned will have no power of remedying.

Whenever the necessary arrangements shall be complete, the undersigned will be ready to furnish the requisite Letter to His Excellency the Governor of Trinidad, as well as a Certificate, under their hand and seal, to secure the "*Manuelita*," during this present voyage to Trinidad, from any interruption on the part of His Majesty's cruisers; it being perfectly understood, however, that this Certificate must be delivered up with the other documents to His Excellency, the Governor of Trinidad, on the vessel's arrival at her destination.

*His Excellency the Captain-General,*  
&c. &c. &c.

The Undersigned, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

### Third Enclosure in No. 67.

(Translation.)

*The Captain-General to His Majesty's Commissioners.*

GENTLEMEN,

Havana, 3d January, 1834.

It is with the greatest satisfaction that I have learned from your Note of yesterday, that you agree to the various Resolutions which I had the honour to state to you as having been determined on in the "*Junta de Autoridades*."

Without loss of time I have commissioned the Royal Officer, D. Luis Payne, to separate the negresses of both cargoes that are capable of labour, and an equal number of males, and I now enclose to you the Copy of the document by which I have entrusted this charge to the said Payne. When this operation is concluded, I shall send you the List of those individuals who may be found proper to be sent, so that you may have the goodness to direct the medical inspection to take place by the physician named by you, viz. Dr. David Scott Meikleham, whom I shall, as soon as the proper time arrives, immediately authorize to visit both depôts for that object.

When the able-bodied and sound negroes of both sexes are separated, I shall transmit to you, along with the List, the original Certificates of emancipation which belong to each negro, and I now return you my thanks for the noble frankness with which you have done all in your power to facilitate the transmission of these negroes to Trinidad, in conformity with the Conditions.

Renewing, on this account, the assurances, &c.

(Signed) MARIANO RICAFORT.

*The Commissioners of His Britannic Majesty,*  
&c. &c. &c.

### Fourth Enclosure in No. 67.

(Translation.)

*Commission of Señor Don Luis Payne, Honorary Officer of the "Real Hacienda."*

Havana, 3d January, 1834.

I HAVE judged it convenient, by this document, to commission you to proceed to the depôts of emancipated negroes in the *Bedado* and *Estancia de San Nicolas en San Antonio Chiquito*, and there

examine and separate all the negresses, capable of labour, who belong to the cargoes of the "Joaquina" and "Manuelita;" and, without absolutely confounding these 2 cargoes, you will take an exact note of the number with which these several negresses are marked, and of the names by which they were known in their own country. For this purpose, you will avail yourself always of the assistance of Don Felipe Rodriguez, who will be able to clear up any doubt; and you will recollect the absolute necessity of this List being exact, because, according to it the Certificates of emancipation of each negro have to be transmitted to his Excellency the Governor of the Island of Trinidad. And when the separation of the negresses shall be completed, you will likewise place apart, in the same way as the females, an equal number of sound, robust, and able-bodied males, charging the aforesaid Rodriguez, under the strictest responsibility, with the duty of keeping apart all the negroes who may have been as above selected, understanding well, that if the "filiaciones" should not agree with them on their arrival in Trinidad, they will not be admitted into that Island, and thus all the expense incurred by this "Real Hacienda" will be lost.

To Señor Don Luis Payne,  
&c. &c. &c.

God preserve you,  
(Signed) MARIANO RICAFORT.

### Fifth Enclosure in No. 67.

(Translation.)

*The Captain-General to His Majesty's Commissioners.*

GENTLEMEN,

Havana, 10th January, 1834.

IN conformity with what I had the honour to state to you, in my Note of the 3d instant, the Honorary Royal Officer of the "Real Hacienda," and Government Interpreter, D. Luis Payne, has finished the operation of separating the able-bodied negroes of the "Joaquina" and "Manuelita" into an equal number of the sexes, so that their whole number amounts to 212, whose "filiaciones" have been verified with the original Certificates of emancipation. Nothing remains, therefore, now to be done, in order that these negroes may embark, except the scrutiny of the medical gentleman, Dr. David Scott Meikleham.

I send herewith the List of the names of the aforesaid negroes, and the corresponding Certificates of emancipation, in order that they may be verified in the scrutiny to be made by the aforesaid Dr. Meikleham: thus they may embark as soon as possible, since the schooner is now ready, and ought to avail herself of the actual weather, so that her expenses may not be augmented by an useless delay.

The Captain, D. Blas Garcia Vior, named for the command of the "Manuelita," is a person who has merited the confidence of the Most Excellent Señor Conde de Villanueva, and, in consequence, to him I shall deliver my official Letter to His Excellency, the Governor of Trinidad, together with a Copy of the List; and, if you should not deem it inconvenient, he might also take charge of any Communication which you may have to make to His Excellency, unless you would name a person to accompany the expedition, and to take cognizance of the good treatment of the negroes.

The expedition being now ready, I trust that you will have the goodness to transmit me a Certificate, signed and sealed by you, which may secure the vessel during her voyage to Trinidad from all interruption on the part of His Britannic Majesty's cruizers, which document shall be delivered to His Excellency, the Governor of Trinidad, immediately on her arrival.

I beg of you to accept of the assurances, &c.

(Signed) MARIANO RICAFORT.

The Commissioners of His Britannic Majesty,  
&c. &c. &c.

### Sixth Enclosure in No. 67.

*His Majesty's Commissioners to the Captain-General.*

Havana, 13th January, 1834.

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to acknowledge the Letter of His Excellency the Captain-General, dated the 10th instant, and accompanying 212 Certificates, with a List of the emancipated negroes, proposed to be sent to the Island of Trinidad, in the "Manuelita." The Undersigned will lose not an instant in furnishing His Excellency with the Letter for the Governor of that Island; and also with the required Certificate for the "Manuelita." In the mean time, the undersigned have the honour to request a written authority from His Excellency for Dr. Meikleham to examine the 212 above-mentioned negroes, as soon as he may judge convenient.

The Undersigned have the honour, &c.

His Excellency the Captain-General,  
&c. &c. &c.

(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

### Seventh Enclosure in No. 67.

(Translation.)

*The Captain-General to His Majesty's Commissioners.*

GENTLEMEN,

Havana, 13th January, 1834.

I HAVE this moment received your Note of this date; and taking into consideration what you have been pleased to state therein, I have directed Señor D. Luis Payne to go to the house of Dr. D. S. Meikleham, at 8 o'clock in the morning, and to accompany the said gentleman to the visit of the negroes who have been set aside, in order that they may be embarked as soon as possible, and that the present great expense they occasion may be diminished; begging you again, as soon as the Doctor shall have examined them, to be pleased to give me your Letter for the Governor of Trinidad, and also the Certificate which the Captain will have to carry, for the security of his voyage—informing

you, by the way, that it has been necessary to change the Captain, on account of the impossibility of coming to an arrangement with him, and that now, D. Salvador Castello has been appointed to the office in due form.

I beg to renew, &c.

*The Commissioners of His Britannic Majesty,*  
&c. &c. &c.

(Signed) MARIANO RICAFORT.

### Eighth Enclosure in No. 67.

*His Majesty's Commissioners to the Captain-General.*

*Havana, 16th January, 1834.*

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to inform His Excellency the Captain-General, that the negroes to be sent to Trinidad, in the Spanish schooner, "*Manuelita*," have been examined by Dr. Meikleham; and they now beg leave to transmit to His Excellency the necessary Certificate for the security of the vessel, on her passage to Trinidad, and the requisite Letter to His Excellency, the Governor of that Island.

The Undersigned have the honour, &c.

*His Excellency the Captain-General,*  
&c. &c. &c.

(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

### Ninth Enclosure in No. 67.

*The Captain-General to His Majesty's Commissioners.*

(Translation.)

GENTLEMEN,

*Havana, 16th January, 1834.*

I HAVE received your Note, dated this day, in which you enclose me the Certificate of security, and also the Packet for His Excellency the Governor of the Island of Trinidad, which the schooner, "*Manuelita*," is to convey there, with 212 negroes of both sexes. These negroes have already been delivered up into the charge of the Captain, D. Salvador Castello, who ought to sail this evening. The said Captain has been directed, immediately on his arrival in the said Island, to deliver up to His Excellency the Governor the above-mentioned Certificate.

I take this opportunity to renew, &c.

*The Commissioners of His Britannic Majesty,*  
&c. &c. &c.

(Signed) MARIANO RICAFORT.

### Tenth Enclosure in No. 67.

#### CERTIFICATE.

WE, the Undersigned, William Sharp Macleay, Esquire, and Charles Mackenzie, Esquire, His Britannic Majesty's Commissioners at the Havana, do hereby certify to all whom it may concern, that the schooner belonging to the Spanish Government, called "*Manuelita*," of 166 Spanish tons, and commanded by D. Salvador Castello, a subject of Her Catholic Majesty the Queen of Spain, has the permission of both the British and Spanish Governments to proceed from the Havana to His Britannic Majesty's Island of Trinidad, with 212 free negroes, half male and half female; which 212 negroes have been emancipated by Decrees of the Mixed Commission established at the Havana, and are now, with the consent of the British Government, to be delivered up to His Excellency the Governor of Trinidad, by the above-mentioned Don Salvador Castello, who, however, is under an obligation to proceed direct to his destination, and to deliver up this Certificate to the said Governor of Trinidad immediately after his arrival.

And we, His Britannic Majesty's Commissioners, do hereby request all Officers, of whatever rank, commanding His said Majesty's squadrons and ships, as well as all others of his subjects to whom it belongs or may belong, not to give the schooner, "*Manuelita*," while proceeding on this mission, any obstruction, nor to occasion her any inconvenience or detention whatsoever, but rather to assist her as much as possible to effect this present voyage to Trinidad. For which purpose, we have, under our hands and official seal, given this Certificate at the City of Havana, on the 16th day of January, in the year of our Lord 1834.

(Signed)

W. S. MACLEAY,

*His Majesty's Commissary Judge in the Mixed Commission.*

CHARLES MACKENZIE,

L. S.

*His Majesty's Commissioner of Arbitration in the Mixed Commission.*

### Eleventh Enclosure in No. 67.

*His Majesty's Commissioners to the Lieutenant-Governor of Trinidad.*

SIR,

*Havana, 16th January, 1834.*

THE Captain-General of Cuba will, by the Spanish schooner, "*Manuelita*," (Don Salvador Castello, Master, who takes charge of this Letter,) inform your Excellency, that the Spanish Authorities of Havana have resolved to despatch the aforesaid vessel with 212 emancipated negroes, to be delivered into your Excellency's charge, in conformity with the permission granted to that effect by His Majesty's Government.

Before giving our sanction to any negroes being sent away from this port, we were very particular, in the first place, to ascertain whether any cholera existed in the territory of the Havana, and we have the satisfaction to state, that we possess the strongest assurances from the Local Government that the whole Island is perfectly free from that disease. Perhaps, moreover, it may not be amiss to

observe, that from the result of our private inquiries, we are inclined to place full faith in the above assurances, and we have the honour to enclose to your Excellency a "Diario" of the 11th ultimo, containing the Minutes of the proceedings of the "Superior Junta de Sanidad," by which clean Bills of Health are directed to be issued.

The next point we insisted upon with the Captain-General was the previous notice to your Excellency of 1 month, as required by His Majesty's Government. This Local Government accordingly addressed your Excellency, on the 16th ultimo, by way of Santiago de Cuba and Jamaica, notifying its intention to send off to Trinidad forthwith, a certain number of emancipated negroes of the cargoes of the schooners, "Joaquina" and "Manuelita," the former of which vessels was condemned by this Mixed Commission on the 21st November, and the latter on the 17th ultimo. But, not contented with sending this Despatch, the Authorities of Cuba, in order to make sure of the object of the required previous notice being attained, have resolved to victual the crew and passengers of the "Manuelita," not only for the voyage, but also for 30 days after her arrival in Trinidad, in order that your Excellency may be put to as little inconvenience as possible, and may, *if necessary*, have the power of keeping them 1 month on board after their arrival.

As, in your Despatch to us of the 27th May last, which we have not before had any opportunity of acknowledging, your Excellency has been pleased to require that the number of females sent should always predominate, or at least, be equal to that of the males, the "Manuelita" will now carry 106 females, and an equal number of males, all able-bodied and sound in health, as has been certified by Dr. David Scott Meikleham, an English physician established in this city, whose Certificate to that effect we have now the honour to enclose.

In order to prevent the possibility of any of them being changed, we have the honour to transmit to your Excellency a List of these 212 negroes, and all the 212 original Certificates of emancipation which correspond to them respectively. In these Certificates will be found their African and Christian names, the description of their persons, and every other particular which may be necessary for their identification.

For the purpose of securing the Spanish schooner, "Manuelita," from being intercepted or detained by any of His Majesty's cruisers, during this her voyage to Trinidad, we have given her a Certificate, under our hand and seal, which Certificate we have the promise of the Captain-General shall be delivered up to your Excellency by the Captain of the "Manuelita," immediately on her arrival; and we beg of your Excellency to secure the document, in order to prevent any improper use being made of it.

The "Manuelita" was the last slave-schooner captured by His Majesty's schooner, "Nimble," and had on board at the time of detention 485 negroes. She was sold by the Mixed Commission, and purchased by the Spanish Government, for the purpose of taking these negroes to Trinidad. Although we have the strongest assurances from the Captain-General, that the 212 negroes now sent shall meet with every humane attention during this voyage, we shall nevertheless be anxious to know your Excellency's opinion of the state in which they may arrive.

His Excellency, Sir G. Hill, Bart.  
&c. &c. &c.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

### Twelfth Enclosure in No. 67.

(Translation.)

*Extract from the "Diario de la Habana."*

HAVING despatched to the Island of Trinidad the 212 negroes, selected from the cargoes of the captured schooners, "Joaquina" and "Manuelita," the most useful were separated and distributed among the corporations, and the few remaining will be distributed among those persons who applied for them on the notice being issued, on their paying, in proportion, the expenses incurred; it being understood, that, according to the sovereign will of His Majesty, the transmission of emancipated negroes to that Island will be continued, and consequently they will be delivered as in gratuitous deposit, the period of which cannot be fixed; a very necessary caution to those persons who solicited them on precise conditions; it being also understood that, the period having arrived, they will have no claim to reimbursement of the expenses they may have incurred.

### No. 68.

*His Majesty's Commissioners to Viscount Palmerston.—(Received March 27.)*

MY LORD,

Havana, 30th January, 1834.

ON the 5th instant the Spanish schooner, "Especulacion," José Bravo, Master, sailed for the Coast of Africa; and on the 10th instant the brig, "Empresa," Esteban Gattel, Master.

We have also the honour to inform your Lordship, that the Spanish slave-vessels have arrived in this Port in ballast, since the 1st of this month, as follows: viz., the brig, "Belencita," Santos Alonzo, Master, on the 3d; the schooner, "Francisca," Miguel Martorell, Master, on the 6th; the schooner, "Carlota," Gumesindo Loureiro, Master, on the 7th; and the brig, "Llobregat," Antonio de la Vega, Master, on the 10th instant; all which vessels were duly reported by us to the Captain-General.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

The Right Hon. Viscount Palmerston, G.C.B.  
&c. &c. &c.

No. 69.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 2.)*

(Extract.)

*Havana, 20th February, 1834.*

THE Spanish schooner, "*Rosa*," having on board her Master and 3 of his crew, with 290 African negroes, came into this port on the 24th ultimo, under charge of Acting-Lieutenant Graham Gore, and a prize crew: this slave-vessel having been detained in lat. 3° 49' N., and long. 39° 32' W. by His Majesty's sloop, "*Despatch*," George Daniell, Esq., Commander. The "*Rosa*," immediately on arrival, was placed in quarantine, and, on the 26th ultimo, we deemed it right to address the Captain-General on the subject, in the Letter a Copy of which we have the honour to enclose. The Captain-General merely informed us, in answer, that he had referred our Letter to the Board of Health, and sent, in the mean time, provisions on board. On the 30th ultimo, however, His Excellency acquainted us by another Letter, the Translation of which is enclosed, that the "*Rosa*" had been admitted to *pratique*, and requested His Majesty's Commissioners to proceed to the immediate adjudication of the vessel, notwithstanding the absence of the Commander of the capturing vessel.

However, His Majesty's Commissary-Judge, in his Letter of the 31st ultimo, a Copy of which is enclosed, thought it his duty to meet the wishes of the Captain-General no further than by proposing that those descriptions of the persons of the negroes which are inserted in the Certificates of Emancipation, should be made out forthwith, even previous to the Sentence of their emancipation being signed. Of this Proposal the Captain-General instantly availed himself, and requested the Mixed Commission to direct it to be acted on, which was accordingly done.

As such extraordinary zeal was shewn to get rid of these negroes, His Majesty's Commissioners thought it right to ask whether a month's due notice of the "*Rosa's*" cargo had been sent to the Governor of Trinidad, and the Captain-General, in his Letter of the 31st ultimo, of which we also enclose a Translation, answered, that the proper notice was to be sent in triplicate, by different channels, on the following morning.

On the 1st instant the Mixed Commission met and proceeded with the examination of the witnesses. On the 3d, however, the Court agreed to adjourn until the arrival of the Captor, which there was reason to expect every instant, as well by Mr. Gore's statement as by Commander Daniell's Letter to that Officer, dated the 18th January last. The Spanish Commissary-Judge grounded his decision for adjournment on the interpretation given to the Treaty by the Spanish Government, as to the necessity of the presence of the Captor, and also on his not having sufficient proof of the Captor being duly authorized to detain Spanish slave-vessels. The British Commissary-Judge was induced to concur with the Conde de Fernandina as to the propriety of adjournment, on account of Commander Daniell having retained in his possession all the "*Rosa's*" Papers. Although he could not conceive himself justified in refusing to proceed to adjudication, merely on the ground of the Captor's absence, yet looking to the Earl of Aberdeen's Despatch of the 18th September, 1828, His Majesty's Commissioner was led to conclude that, in the opinion of the Law Officers of the Crown, the examination of the Papers of a detained vessel becomes the more necessary in the event of the absence of the Commander of the capturing ship. Indeed, independently of the necessity, so obvious, of one distinct and definite line of proceeding being adopted by this Mixed Commission in their interpretation of the Treaty, it must be recollected that it is the interest of Portuguese vessels detained on this coast not to be sent to Sierra Leone; and that the unsupported declarations therefore of a slave vessel's crew ought not to be held satisfactory as to the question of her nationality.

When the Captain-General learned that the Mixed Commission had decided on the propriety of adjournment, he addressed a Letter to the Court, urging again, and with greater instance, the immediate adjudication of the "*Rosa*." Of this Letter, and the Answer returned to it, we have the honour to send Translations.

However, on the evening of the 12th instant, the Captor arrived with the "*Rosa's*" Papers and 18 individuals of her crew, and on the 15th the Sentence of Condemnation was signed. We now have the honour to transmit a Translation of this Sentence, a Copy of the Captor's Declaration, and an Abstract of the evidence.

This schooner sailed from Santiago de Cuba on the 2d May last year, and, having taken 293 negroes on board at Ayudah, was detained with 292 still alive

on the 25th December last. It appears from her Papers that she had been boarded by His Majesty's sloop, "Trinculo," on the 31st July last, to the windward of Accra.

(Signed)

W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

### First Enclosure in No. 69.

*His Majesty's Commissioners to the Captain-General.*

*Havana, 26th January, 1834.*

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to state to His Excellency the Captain-General, that, anxious as they are not to infringe in the slightest degree those rules which this Local Government may have judged necessary to secure the health of the population of the Havana, they must remark that now 3 days have nearly elapsed since the arrival in this port of a vessel, said to be a detained slaver; and consequently, as the Captor does not seem to have arrived, the Undersigned must request to be informed by His Excellency, whether the state of health on board this vessel be such as to call for so rigorous a quarantine. The Undersigned also wish to ascertain at what time they may expect to be put in communication with the British Officer on board.

The Undersigned are sure that His Excellency will order every humane attention to be paid to the persons on board this vessel during their period of non-communication with the shore, and that he will abridge this time as much as possible, since, in the event of many persons being cooped up in a small space, the very evil may be occasioned to the health of the Havana which it is the wish of all parties to avoid.

*His Excellency the Captain-General,*  
&c. &c. &c.

The Undersigned have the honour, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

### Second Enclosure in No. 69.

*The Captain-General to His Majesty's Commissioners.*

(Translation.)  
GENTLEMEN,

*Havana, 30th January, 1834.*

I HAVE the honour to inform you, that yesterday the Superior Board of Health agreed that the Spanish schooner "Rosa," lately captured with bozal negroes on board, should be admitted to free communication and *pratique*; and I hasten to acquaint you with this, in order that you may be pleased to give the necessary orders that the said negroes be delivered up to D. Ramon Morales, who is charged with the care of their clothing and food; as well as with that of their deposit in a healthy place which has been fixed upon, and I hope that you will now take into consideration the unnecessary expense which the "Real Hacienda" is likely to incur if you wait for the uncertain arrival of the Captor: indeed, it appears to me that the Mixed Commission can, with all due regard to justice, proceed forthwith to take the evidence of the Prize Master and others, so as to hasten the condemnation of the vessel and the emancipation of her cargo, thus allowing proper measures to be instantly taken for the transmission of these negroes to Trinidad, according to the established conditions.

*The Commissioners of His Britannic Majesty,*  
&c. &c. &c.

I beg to renew the assurances, &c.  
(Signed) MARIANO RICAFORT.

### Third Enclosure in No. 69.

*His Majesty's Commissary Judge to the Captain-General.*

*Havana, 31st January, 1834.*

THE Undersigned, His Britannic Majesty's Commissary Judge, has the honour to acknowledge His Excellency the Captain-General's Note of yesterday, and begs, in answer, to inform His Excellency that 290 negroes have been delivered up to D. Ramon Morales on his Receipt, and that the Master of the slave-vessel, D. José Villadarga, and 3 men of his crew, are now on board the schooner, "Rosa," at His Excellency's disposal, the Undersigned having only now to request that such of these may be forthcoming as may be required to give their evidence before the Mixed Commission.

Acting-Lieutenant Gore, the Officer in charge of the slaver, informs the Undersigned, that the Captor, Captain Daniell, of His Britannic Majesty's sloop, "Despatch," may be momentarily expected. In the mean time the Undersigned, with reference to His Excellency's urgent request that no time may be lost in the adjudication of this vessel, thinks that much delay may be avoided by the "*filiacion*" of the negroes being immediately proceeded in, as this is an operation which usually occupies much time.

With reference to the judicial functions of the Undersigned, the Captain-General is no doubt aware, that the Mixed Commission is bound by oath to observe the formalities prescribed by the Treaty, which formalities can only be altered by the joint consent of the 2 High Contracting Parties; but His Excellency may rest assured that no one can be more anxious than is the Undersigned to relieve the "Real Hacienda" from needless expense, and that therefore he will do every thing in his power to expedite the proceedings.

In the meantime, the Undersigned begs to be informed, for the satisfaction of his Government, whether a month's due notice of this intended transmission of negroes has been forwarded to Trinidad.

His Excellency the Captain-General,  
&c. &c. &c.

The Undersigned has the honour, &c.  
(Signed) W. S. MACLEAY.

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Fourth Enclosure in No. 69.

*The Captain-General to His Majesty's Commissary-Judge.*

(Translation.)

SIR,

Havana, 31st January, 1834.

By your communication, dated this day, I am informed that D. Ramon Morales has received 290 negroes of the cargo of the schooner, "Rosa," and you will have already seen, by my official Note of this morning, that I have directed the Master and crew of the slave-vessel to be transferred to the public prison, and to be kept there at the disposal of the Mixed Commission.

Although I informed His Excellency the Governor of Trinidad, by my Letter of the 16th December last, that the transmission of negroes by the "Manuelita" would amount to much more than 200, and although the other Letter, of which the Captain of the "Manuelita" was the bearer, stated to His Excellency, among other things, as follows: "In truth the previous notice of 30 days occasions insuperable difficulty and heavy expense, on which account it would be very convenient if your Excellency would be pleased to approve a measure that has been adopted by this Junta as suppletory, or rather in lieu of that impracticable condition, which measure is that every vessel which, in future, shall convey negroes to Trinidad, shall carry provisions not only for her outward voyage and return, but also for 30 days more, so that she may be kept with her cargo on board, by your Excellency, until their final destination may be fixed; that in the event of your Excellency, without inconvenience, ordering the negroes to be landed within the 30 days, the saving of provisions so resulting shall belong to this 'Real Hacienda.'" Now I repeat, although both the above Letters may be fairly considered as supplying fully the place of the month's previous notice, I shall write to-morrow, in triplicate, and by 3 different channels, to His Excellency the Governor of Trinidad, informing him of my intention to despatch all the negroes of the "Rosa's" cargo that can be sent, in conformity with the conditions; all which I beg to state to you in answer to your above-mentioned Letter.

God preserve you many years.

His Britannic Majesty's Commissary Judge.

(Signed) MARIANO RICAFORT.

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Fifth Enclosure in No. 69.

*The Captain-General to the Mixed Commission.*

(Translation.)

MOST EXCELLENT SIR AND GENTLEMEN,

Havana, 6th February, 1834.

ALTHOUGH I have learned, with the greatest satisfaction, that the Mixed Commission, according to my request, is now engaged in the "filiacion" of the negroes detained in the schooner, "Rosa," nevertheless, as my constant object has ever been to shorten the time of the remission of these negroes to Trinidad, in order to lessen the enormous expense which this "Real Hacienda" has engaged to defray, I cannot do otherwise than inform you, that if I have taken charge of these negroes, it was alone under the idea that the capturing vessel would immediately come into port. Time, however, is passing away, and a long delay may occur, in which case this Government, which ought not to have received them until after the Sentence, will commit a grievous injury to the Royal Treasury, and thus be the means even of frustrating its own good intentions.

The laws are to be applied to common and regular cases. Extraordinary cases should be ruled by equity; and I think that there would be no inconvenience whatever in your proceeding in this affair forthwith, and sentencing the vessel, since the Prize-Master, part of the Spanish crew, and the *corpus delicti*, are all now here.

Again I beg most urgently to call your attention to the grievous expense occasioned by this delay.

God preserve you many years.

(Signed)

MARIANO RICAFORT.

*The Most Excellent Señor and other Gentlemen of the Mixed Commission.*

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Sixth Enclosure in No. 69.

*The Mixed Commission to the Captain-General.*

(Translation.)

MOST EXCELLENT SIR,

Havana, 8th February, 1834.

THIS Mixed Commission has weighed, with all due consideration, the contents of your Excellency's Communication of the 6th instant, and heartily wishes that it were authorized to comply with your Excellency's urgent request; that the affair of the "Rosa" may be immediately concluded, and an expense thus avoided, which, unfortunately, however, has become indispensable, as well by reason of the peculiar nature of the affair as by the forms of our proceedings.

For instance, the want of the "Rosa's" Papers, which the English Commander took possession of at the time of the vessel's detention, but which, not having arrived, have not been appended to the proceedings, prevents this Commission from deciding whether the detention has or has not, been legal, according to the stipulations and provisions of the Treaty. Besides that, the 20 days have not yet expired which the Regulations for these Mixed Commissions allow for the Sentence, in the event of any deficiency of evidence. It would, above all, be impossible to omit those formalities required by Article 3 of the above-mentioned Regulations, now that the Captor may be momentarily expected;

he having written from Barbadoes, on the 18th ult., that he should be in the Havana within a fortnight.

As for the Spanish Commissary Judge, he, on his particular part, being guided by the Royal Orders on this subject, conceives that the Spanish part of the Commission neither can nor ought to recognize the legality of a capture until the detained vessel shall have been accompanied into port by the Commander of the capturing vessel, according to the Treaty and Instructions, which are in conformity with the Royal Orders of 27th April, 1828, and 13th May, 1829, Copies of which are herewith enclosed.

On these several grounds, the Commissary Judges trust, that your Excellency will feel the validity of those reasons which prevent the Mixed Commission from proceeding forthwith to condemn the "*Rosa*;" and, at the same time, that you will rest assured of our readiness to pronounce the Sentence as soon as the actual difficulties shall be overcome.

God preserve your Excellency many years,

His Excellency the Captain-General, (Signed) EL CONDE DE FERNANDINA.  
&c. &c. &c. W. S. MACLEAY.

### Seventh Enclosure in No. 69.

(Translation.)

#### *Sentence in the Case of the schooner, "Rosa."*

IN the always most faithful City of the Havana, on the 15th day of February, 1834, the Most Excellent Señor Don José Maria Herrera y Herrera, Conde de Fernandina, Honorary Grandee of Spain of the first Class, Grand Cross of the Royal Order of Isabel la Católica, and Knight of that of Charles III., Gentleman of the Bed-chamber, *con ejercicio*, Supernumerary Colonel of the Havana Regiment of Cavalry, and Spanish Commissary Judge in the Mixed Commission, and William Sharp Macleay, Esq., the British Commissary Judge, having met together, and having taken into their consideration the proceedings consequent upon the detention which the English corvette-of-war, "*Despatch*," commanded by Don George Daniell, made on the 25th December, 1833, in latitude 3° 49' North, and longitude 39° 32' West, of the Spanish merchant-schooner, "*Rosa*," D. José de Villadarga, Master, armed with 2 4-pounders; and having on board 292 negroes alive at the time of detention, of whom 2 have since died; and it being completely proved, as well by the Declarations of the aforesaid Spanish Captain and other witnesses examined as by the Papers found on board the Spanish schooner at the time of capture, that she sailed from the Port of Santiago de Cuba on the 2d of May last, for the Island of Principe, with Papers, and a cargo which she took on board at the said port, and made sail direct for Ayudah, on the Coast of Africa, where she took on board 293 negroes, of both sexes, who were reduced at the time of detention to 292, of whom 2 died afterwards, previous to arrival in this port, so that 290 now remain alive. Whereupon the Commissioners resolved, that they do declare, and ought to declare, with all due regard to the merits of the Case, according to the brief and summary mode of proceeding which has been adopted in all similar Cases, on the truth being made known, that the capture of the aforesaid schooner, "*Rosa*," is good and legal, as well as that of the 290 negroes now alive; and that the said vessel, with all her tackle and apparel, and every thing which may appear in her Inventory, are subject to confiscation, all except the aforesaid 290 negroes now alive, who are hereby declared to be free from all slavery and captivity. In consequence of which decision, the Commissioners order the condemned vessel, and all belonging to her, to be valued by the principal Masters of the Royal Dockyard, they being previously sworn to execute the office faithfully; and also, that she be brought to public sale before the Public Scrivener, Don Manuel Fornari, who is hereby commissioned for the purpose, so that being sold, her proceeds may be applied to the benefit of the 2 Governments; the said vessel being, for the present, placed in deposit, under the charge of D. Jayme Andreu, who shall likewise swear to execute his office faithfully, and who shall receive her from the Captor, according to the formal Inventory. And the Commissioners further order that, without loss of time, the customary Certificates of emancipation be delivered, by the hands of their Secretary, to the above-mentioned 290 negroes now remaining alive; an official Letter, with a certified Copy of this Sentence, being forwarded to His Excellency the Governor and Captain-General, in order that he may take the proper measures to give it effect, and because the crew of the "*Rosa*" remain in prison at His Excellency's disposal. And by this their Sentence, definitively judging, thus have the Commissioners provided, ordered, and signed, in the presence of their Secretary, who certifies.

(Signed) EL CONDE DE FERNANDINA.  
W. S. MACLEAY.

(Signed) JUAN FRANCISCO CASCALES,  
*Secretary.*

### Eighth Enclosure in No. 69.

#### *Declaration of the Captor in the Case of the Spanish schooner, "Rosa."*

I, GEORGE DANIELL, Commander of His Majesty's sloop, "*Despatch*," hereby declare, that on this 25th day of December, 1833, being in or about latitude 3° 49' North, and longitude 39° 32' West, I detained the schooner named the "*Rosa*," sailing under Spanish colours, armed with 2 guns, 4-pounders, commanded by D. José Villadarga, who declared her to bound from Ayudah to St. Jago de Cuba, with a crew consisting of 14 men and 7 boys, and a passenger, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 292 slaves, said to have been taken on board at Ayudah, on the 19th November, 1833, and are enumerated as follows:—



	<i>Healthy.</i>	<i>Sickly.</i>
Men.....	75 .....	0
Women....	40 .....	0
Boys .....	101 .....	0
Girls .....	76 .....	0
	292	0

I do further declare that the said schooner, "*Rosa*," appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew, on their destined voyage to St. Jago de Cuba.

Given under my hand, on board His Majesty's sloop, "*Despatch*,"  
at Sea, this 25th day of December, 1833.

(Signed) GEORGE DANIELL.

Witnessed by G. H. KINNAIRD, *Lieutenant.*  
WILLIAM ATTCHESON, *Surgeon.*

(Here follow the names of the Crew and Passengers.)

We do hereby certify, that of the 292 negroes that were on board the schooner, "*Rosa*," at the time of her capture, 2 have died in the interval between her detention and the negroes being delivered up to the order of the Captain-General.

Given under our hands, this 1st day of February, 1834.

(Signed)

GRAHAM GORE,  
*Acting-Lieutenant.*  
JOHN J. LANCASTER,  
*Assistant-Surgeon.*

### Ninth Enclosure in No. 69.

#### *Abstract of the evidence in the Case of the Spanish schooner, "Rosa."*

1st and 3d February, 1834.—Mr. Graham Gore, Acting-Lieutenant of His Britannic Majesty's sloop, "*Despatch*," and charged with the care of the detained Spanish schooner, "*Rosa*," being sworn, deposed that the Certificate is correct which is signed by this deponent, as to the negroes dead since the day of detention; that 292 negroes were found on board at that time, of whom 2 have since died; that the Commander of the "*Despatch*" collected the Papers of the detained vessel, which were, as this deponent believes, the Royal Passport, the Register, and the Log-book, all in the Spanish language, and which 2 first documents this deponent believes to have emanated from the Spanish Government, both on account of the language in which they were written, and because the "*Rosa*" hoisted Spanish colours; that the Captor gave a Receipt to the Master of the "*Rosa*" for the Papers which he took possession of at the time of detention, which Receipt this deponent saw yesterday in the said Master's hands; that this deponent believes Captain Daniell to be furnished with Instructions to detain Spanish slave-vessels, but has not read them.

Mr. John J. Lancaster, Assistant-Surgeon of His Britannic Majesty's sloop, "*Despatch*," and now on board the detained Spanish schooner, "*Rosa*," being sworn, deposed that the Certificate relating to the death of 2 negroes who formed part of the cargo of the "*Rosa*," and which Certificate is now produced in Court, is duly signed by this deponent; that 292 negroes were found on board at the time of detention, which took place in the middle of the Atlantic, while the "*Rosa*" was on her voyage from the coast of Africa to Santiago de Cuba; that the English Commander took possession of the Papers of the "*Rosa*" at the time of detention, which Papers were, as well as this deponent believes, the Royal Passport, the Register, and the Log-book; that this deponent is persuaded that they were truly Spanish official Papers, from his own knowledge of the language, as well as from the confession of the Master of the "*Rosa*," who said that he had torn and thrown into the sea all his other Papers; that the "*Rosa*" was detained on the 25th day of December last, while sailing under Spanish colours; that after detention, on her voyage to the Havana, she put into no port, but lay-to off Barbadoes, on which Island this deponent landed, in order to procure provisions for the sustenance of the negroes; that this business occupied no more than 2 hours.

José Villadarga, aged 36 years, unmarried, and a Catholic, being sworn, deposed, that he is a native of the town of Verga, in the Principality of Catalonia, and by profession Master and Mate of the Spanish schooner, "*Rosa*;" that he has been brought here by some English Officers and an English crew, belonging to His Britannic Majesty's brig, "*Despatch*," as this deponent understands; that he believes the cause of his having been so conducted here has been the bozal negroes who were found on board the "*Rosa*;" that these negroes had been embarked at Ayudah, on the Coast of Africa, to the number of 293; that the "*Rosa*" sailed from Santiago de Cuba on the 2d of May last year, with Spanish Papers furnished by the Authorities of that port, and with a cargo of wine, aguardiente, and dry goods; that this deponent was Captain, charged with the duties of Mate and Supercargo; that the "*Rosa*" sailed from Ayudah on the 19th of November last, for this Island of Cuba, with the intention of presenting all the negroes on board to the Authorities of the Island of Cuba, because this deponent was obliged, against his will, to take them on board; that the English vessel prevented this deponent from executing his said intention by detaining him; that this detention took place in lat. 3° 49' North, and long. 33° 13' West of the Meridian of Cadiz; that at the time of detention 292 negroes were alive on board; that up to the arrival and entry in this harbour only 2 have since died; that the "*Rosa*," on her voyage here, touched at Barbadoes, where the Prize Master took on board provisions and water; that none of the Spaniards or negroes were allowed to go ashore; that the English Commander took possession of the "*Rosa*'s" Papers at the moment of detention; that these Papers were, as well as this deponent can recollect, the Royal Passport, the

Muster-Roll, and Log-Book, with a Navigation Book, which belonged to this deponent; that this deponent did not give up to the Captor the Act of Sale of the vessel, which he now produces, because he could not lay his hands on it at the time; that this Document is the true Act of Sale, proving this deponent to be the sole Owner of the "*Rosa*;" that the Captor did give this deponent a Paper written in the English language, which, as this deponent did not understand, he has now lost; that the "*Rosa*" sailed from Santiago de Cuba for the Isla de Principe; but happening to touch at Ayudah for water and provisions, it so fell out that at this very time the King of Dahomey was carrying on a war in which he had made a great number of prisoners; that this King offered to take the deponent's cargo, and to pay for it in ivory and palm-oil; that, in fact, the deponent, from the threatening conduct of the said King, was obliged to land his cargo on these terms; that having allowed some days to pass after having so delivered up his cargo, this deponent demanded his ivory and palm-oil, when the King said that he should receive nothing else than his prisoners; that, to avoid a greater misfortune, this deponent saw himself forced, against his will, or rather by absolute force, to take them, having the firm determination at the time to deliver them all up to this Government; that the deponent has no-proofs to offer in favour of this statement, because only the negroes of Ayudah know the facts of the Case, the deponent having alone gone on shore at that time, and no other individual of the "*Rosa's*" crew having landed; that the deponent made no protest whatever at the time, and has no other documents to produce.

Antonio Llené, 34 years of age, married, and a Catholic, being sworn, deposed, that he is a native of the city of Mahon, where his wife now resides, and by profession is a mariner; that the deponent was sailing in the Spanish merchant-schooner, "*Rosa*," as Boatswain, when she was detained near the Line by an English sloop-of-war, and brought into the Havana by a prize crew, on account of bozal negroes having been found on board; that these negroes were embarked at Quita or Ayudah, on the African Coast, in number 293; that at the time of detention they had been reduced by death to 292; that the "*Rosa*" cleared out from Santiago de Cuba for the Isla de Principe, but on what day this deponent does not recollect; that nevertheless she made straight, and without touching at the said Island, for the Coast of Africa; that the English Commander took possession of the "*Rosa's*" papers, which were truly Spanish; that the deponent especially remembers the Muster-roll, because he was, previous to sailing, reviewed at Santiago; that the Captain gave to this deponent his place of Boatswain; that the "*Rosa's*" outward cargo consisted of wine, spirits, and dry goods; that immediately on arriving at Ayudah the Captain landed, and did not return on board until he came with the negroes; that the Captain remained on shore at Ayudah 3 months, and landed almost immediately after his arrival, the whole cargo; that the Captain was Owner and Supercargo of the "*Rosa*;" that 2½ months have elapsed since this deponent left the Coast of Africa; that he knows not for what place the "*Rosa*" on return was destined, nor did he ever hear of any particular object of the voyage; that after detention the "*Rosa*" lay-to off Barbadoes for provisions, but only the time requisite to get them on board; that all the "*Rosa's*" cargo was landed in Africa, and that no provisions now remain on board.

Marcos Mongino, 25 years of age, unmarried, and a Catholic, being sworn, deposed, that he is a native of Tarragona, in the Principality of Catalonia, and by profession Steward of the merchant-schooner, "*Rosa*;" that this deponent obtained the situation of Steward from the Captain of the "*Rosa*," D. José Villadarga; that this deponent embarked on board the "*Rosa*" at Santiago de Cuba, she being then bound for the Isla de Principe; that she sailed, as well as this deponent recollects, on the 1st day of May last; that this deponent knows not what sort of cargo she took on board, because when he went on board, she was already loaded; that the "*Rosa*" did not touch at Principe, but made direct for Ayudah, on the African Coast, where, by order of the Captain, her cargo was landed and negroes taken on board; that they embarked 293 negroes, and sailed from Africa on the 19th November last, being bound, as this deponent understood, for the coast of this Island; that 9 days previous to the deponent's arrival at Barbadoes the "*Rosa*" was detained by the English vessel-of-war, "*Despatch*," on account of having negroes on board, an Officer, and other individuals of the English Nation, being left in charge of the "*Rosa*;" that 292 negroes were on board at the time of detention; that after the detention 2 of the negroes died; that the Captor took possession of the "*Rosa's*" Papers, which Papers had been furnished by the Authorities of Santiago; that this deponent is ignorant of their particular purport; that this deponent heard that the English Captain had given the Master of the "*Rosa*" a Paper, but that he neither saw it nor knew the nature of its contents; that no part of the "*Rosa's*" cargo remains now on board.

14th February, 1834.—Commander George Daniell, of His Britannic Majesty's sloop, "*Despatch*," having shewn his Instructions, and being sworn, deposed, that the signature to the Declaration now produced is his, and that the contents thereof are just and true; that the deponent took possession of 4 papers at the time of the "*Rosa's*" detention, of which are now produced, as being all that are necessary for the prosecution of this affair,—

1. Royal Passport.
2. Muster-roll.
3. Log-book.

Lieutenant G. H. Kinnaird, of His Britannic Majesty's sloop, "*Despatch*," identified his own signature at the foot of the Captor's Declaration, and swore to the truth of its contents.

Mr. William Aitcheson, Surgeon of His Britannic Majesty's sloop, "*Despatch*," identified his own signature, as witness to the Captor's Declaration, and swore to the truth of its contents.

No. 70.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 2.)*

MY LORD,

*Havana, 24th February, 1834.*

Two Spanish brigs have lately arrived from the Coast of Africa, and have been duly reported by us to the Captain-General; viz., the "*Marinero*," Gabriel Perez, Master, on the 29th ultimo; and the "*Volador*," José Maria Pequeno, Master, on the 16th instant.

A Portuguese brig, called the "*Fortuna*," Francisco Pinto Viana, Master, which came in here on the 2d instant, also landed her slaves on the coast.

We regret to have to state, that 4 Spanish slave-vessels have also sailed for Africa; viz., on the 3d instant, the brigs, "*Urraca*," Gumesindo Loureiro, Master, and "*Solitario*," José de Inza, Master; on the 6th, the brig, "*Diogenes*," Juan Miqueda, Master; and on the 16th, the schooner, "*Pronta*," Pedro Manegat, Master.

We have, &c.

(Signed)

W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

No. 71.

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

MY LORD,

*Havana, 3d March, 1834.*

ON the evening of the 28th ultimo, being 1 month after notice was sent sailed from this port for the Island of Trinidad, with a Certificate from us as before, the Spanish schooner-of-war, "*Cristina*," D. Juan Bardet, Commander, having on board 97 females, and an equal number of males, the whole forming part of the cargo of the schooner, "*Rosa*." The conditions laid down by His Majesty's Commissioners had been previously strictly complied with; and we have again to express our obligations to Dr. Meikleham for our being able to enclose now to your Lordship a satisfactory Certificate that the whole 194 were sound and healthy.

We beg leave to transmit a List of these 194 negroes, a Copy of our Letter to Sir G. F. Hill, Bart., and Translations of the 3 Notes we have received on this subject from the Captain-General. Your Lordship will perceive that additional provisions for 30 days were put on board the "*Cristina*," in order to obviate any difficulty in the event of the required notice not having arrived in time.

If the Spanish Government should continue to send the emancipated negroes in ships-of-war, it appears to us that there will be less necessity for a British Agent accompanying them, particularly as the original Certificates of Emancipation contain every information with respect to the names and persons of these negroes that can be desired.

In private conversation the Authorities here express great anxiety to be relieved from the condition of the equality of sexes, because every slave-vessel brings a great majority of males; and we believe the Captain-General has even addressed Sir G. Hill on the subject. We have not, however, encouraged him to indulge the slightest hope that His Majesty's Government will consent to any alteration of this condition.

We have, &c.

(Signed)

W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

First Enclosure in No. 71.

*The Captain-General to His Majesty's Commissioners.*

(Translation.)  
GENTLEMEN,

*Havana, 19th February, 1834.*

THE Chief Authorities of Cuba having met together yesterday, agreed, in Junta, that the emancipated negroes forming the cargo of the "*Rosa*" should be forthwith despatched to the Island of Trinidad, in conformity with the conditions already determined upon; for which purpose I have directed the able-bodied of both sexes to be immediately selected and set aside, and I have written to His Excellency the Intendant, requesting him to furnish a transport for them, in the same manner as in the past Cases of the "*Joaquina*" and "*Manuelita*." I have also given due notice in triplicate to His Excellency the Governor of Trinidad; but for further security, the vessel shall take a surplus of provisions sufficient to maintain the negroes 30 days after arrival.

I have now the honour to enclose the List of the 97 males and 97 females, all able-bodied, accompanied by their Certificates of emancipation, in order that these last may be endorsed by the Medical Officer, who will examine the negroes, in the presence of Don Ramon Morales, whom I have this day

authorized for that purpose, in order that they may be embarked as soon as possible, and thus save expense to the "Real Hacienda."

The Commissioners of His Britannic Majesty,  
&c. &c. &c.

I avail myself, &c.  
(Signed) MARIANO RICAFORT.

Second Enclosure in No. 71.

*The Captain-General to His Majesty's Commissioners.*

(Translation.)  
GENTLEMEN,

Havana, 23d February, 1834.

I HAVE the honour to inform you, that the schooner-of-war, "Maria Cristina," attached to this Station, and commanded by Don Juan Bardet, and which is intended to convey the negroes to Trinidad, is now ready to sail; and I hope, therefore, that you will hasten the proper examination of the negroes, and transmit me any Despatches you may have for His Excellency the Governor of the Island of Trinidad, as well as a safe conduct for this vessel on her voyage there.

The Commissioners of His Britannic Majesty,  
&c. &c. &c.

God preserve you, &c.  
(Signed) MARIANO RICAFORT.

Third Enclosure in No. 71.

*The Captain-General to His Majesty's Commissioners.*

(Translation.)  
GENTLEMEN,

Havana, 28th February, 1834.

WITH your Note of to-day I received the Despatches and Certificate of safe conduct, and I have delivered them to the Commander of the schooner, "Cristina," directing him to deliver them into the hands of His Excellency the Governor of the Island of Trinidad; and I have now the satisfaction of being able to inform you, that this very evening the said schooner will sail for Trinidad, with the 194 emancipated negroes.

The Commissioners of His Britannic Majesty,  
&c. &c. &c.

(Signed) MARIANO RICAFORT.

Fourth Enclosure in No. 71.

*His Majesty's Commissioners to the Governor of Trinidad.*

SIR,

Havana, 28th February, 1834.

THE Spanish Authorities of Cuba have, as General Ricafort will by the present occasion inform your Excellency, resolved on sending 194 emancipated negroes to Trinidad, in the Spanish schooner-of-war, "Maria Cristina," Captain D. Juan Bardet, who takes charge of this Letter and its Enclosures.

The Captain-General informs us, that he addressed your Excellency on the subject of these negroes on the 31st ultimo, and also by His Majesty's sloop, "Despatch," which left this Port on the 18th instant. But, in order to make sure of the object of the required previous notice of 1 month being attained, the Authorities here have directed additional provisions for 30 days to be put on board.

The "Maria Cristina" carries 97 females and an equal number of males, who have been examined and approved by Dr. Meikleham.

We have the honour to transmit herewith a List of these negroes, and also the 194 original Certificates which correspond to them respectively; and, as in the former Case of the "Manuelita," we beg the favour of your Excellency to secure the Certificate which we have given to this schooner to prevent her from being interrupted on her voyage to Trinidad by any of His Majesty's cruisers.

The negroes now sent formed part of the cargo of the Spanish schooner, "Rosa," lately detained by His Majesty's sloop, "Despatch," and the Spanish vessel-of-war which now conveys them to Trinidad is one of those attached to this Station.

We shall feel obliged by the favour of a Note, expressing your Excellency's opinion on the state in which these negroes arrived at their destination.

His Excellency Sir G. F. Hill, Bart.,  
&c. &c. &c.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

No. 72.

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

MY LORD,

Havana, 30th March, 1834.

A PORTUGUESE brig, called the "Veloz," Juan Gualberto de Mattos, Master, is the only vessel which we know of as having arrived on this Coast with slaves, during the present month.

We are sorry to say, however, that no less than 6 Spanish slave-vessels have lately sailed for the Coast of Africa; viz., the brig, "Feliz," D. Guillermo Pons, Master, on the 23d ultimo; and 5 schooners, namely, "No. 2," alias, "la Paz," D. N. Loureiro, Master, on the 4th instant; the "Conchita," Victoriano Laguna,

Master, on the 6th; the "*Belencita*," Santiago Alonzo, Master, on the 17th; the "*Julita*," Gabriel Perez, Master, and "*Mosca*," Juan Rodriguez, Master, on the 24th instant.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

## No. 73.

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

MY LORD,

*Havana, 31st March, 1834.*

WE have the honour to inform your Lordship, that it has been strongly stated to us that an Englishman named "Jousiffe," whose name appears in the Parliamentary Returns as having been denounced from Sierra Leone, both by the Governor and the Commissioners, as a notorious slave-dealer, is now established at Matanzas, where he keeps a coffee-house, and in the neighbourhood of which he has a coffee-estate, the negroes on which were brought by himself when he last escaped from the Coast of Africa.

Our peculiar position precludes us from obtaining legal evidence upon this subject, and we therefore have abstained from addressing His Majesty's Minister at Madrid, although we are fully aware of the Instructions upon that head conveyed to His Majesty's Commissioners by the late Marquis of Londonderry, dated 28th November, 1820.

We therefore limit ourselves to communicating to your Lordship that which is a matter of public conversation, until we receive further directions as to the course to be pursued.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

## No. 74.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received June 5.)

MY LORD,

*Havana, 28th April, 1834.*

THE Spanish polacca, "*Rosalía*," José Legrand, Master, and the Spanish brig, "*Abencerrage*," Antonio Esteves, Master, have arrived in this port, after having landed slaves on the Coast, the former on the 2d, and the latter on the 16th, instant.

We regret to add that the number of departures has been only 1 less than in the preceding month, being 4 brigs, viz., the "*Isabella Secunda*," Benito Pereyra, Master, on the 2d instant; the "*Marinero*," R. Nosedal, Master, on the 18th instant; the "*Chubasco*," Geronimo Garcia, Master, on the same day; the "*Clemente*," Miguel Bertinotti, Master, on the 21st instant; and the schooner, "*Bella Ines*," Francisco de los Reyes, Master, on the 23d instant.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

## No. 75.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 8, 1834.*

I HEREWITH transmit to you, for your information, 5 Copies of Papers

marked A and B, relating to the Slave Trade, which have this day been presented by His Majesty's command to both Houses of Parliament.

I am, &c.  
(Signed) PALMERSTON.

*His Majesty's Commissioners,*  
&c. &c. &c.

No. 76.

*His Majesty's Commissioners to Viscount Palmerston.—(Received July 8.)*

MY LORD,

*Havana, 3d May, 1834.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated 15th January, 1834\*, transmitting, for our information, the Copy of a Despatch from Mr. Secretary Stanley to His Excellency, Sir G. F. Hill, Bart., upon the subject of the transfer of emancipated negroes from the Havana to Trinidad.

We have the honour now to enclose to your Lordship a Copy of the Note which we, in consequence, yesterday addressed to His Excellency the Captain General, on this subject.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

\* See No. 54.

Enclosure in No. 76.

*His Majesty's Commissioners to the Captain-General.*

*Havana, 2d May, 1834.*

THE Undersigned, Commissioners of His Britannic Majesty, referring to the Correspondence which they at different times have had the honour of holding with the Chief Local Authorities of the Havana, on the subject of the removal of emancipated negroes from this Island to Trinidad, beg to inform His Excellency the Captain-General of Cuba, that they have received Despatches from His Majesty's Principal Secretary of State for Foreign Affairs, and from His Excellency the Governor of Trinidad, from which it appears that His Majesty's Government is disposed to sanction the arrangement on this subject to which His Majesty's Commissioners have come with the Chief Authorities of Cuba. The Undersigned have great pleasure in stating, moreover, that His Majesty's Principal Secretary of State for the Colonies has agreed that no notice to the Governor of Trinidad of the intention to send emancipated negroes shall in future be necessary, provided the vessel which conveys them to Trinidad shall retain them on board until accommodation can be provided for them on shore, which the Governor of Trinidad engages shall be as speedily effected as possible, and always within the stipulated period of 30 days.

Although His Majesty's Principal Secretary for the Colonies insists most strictly on the exact fulfilment of that condition, which stipulates for the number of females imported into Trinidad being at least equal to that of the males, nevertheless he consents, in the event of absolute necessity, to allow a shipment of negroes from the Havana, of which the majority shall be males, to be landed at Trinidad, provided the deficiency shall be made up in the next following shipment, and a Letter of assurance to that effect shall have been forwarded to the Governor of Trinidad by the Authorities of Cuba.

These preliminary regulations having been duly observed, His Excellency the Governor of Trinidad states that he is ready, on the following conditions, to receive immediately as many fresh-captured Africans as His Excellency the Captain-General of Cuba may think proper to send to Trinidad, and also 1000 Africans of those formerly emancipated by the Mixed Commission, provided they be under 30 years of age, and that the males have not been more than 2 years captured. The conditions are: 1st, that they have been inspected and reported healthy, previous to embarkation; 2dly, that they have been furnished with Lists stating their names and descriptions, also with their respective Certificates of emancipation; 3dly, that they have been properly victualled, not only for the voyage, but for 30 days after arrival at Trinidad, and have been supplied with 2 suits of clothes, a cap, a blanket, and a wooden spoon.

These terms, under which the Governor of Trinidad offers to receive immediately all fresh-captured negroes, and also 1000 of those formerly captured, the Undersigned have the satisfaction to perceive are the same precisely as those under which, with the consent of His Majesty's Commissioners, His Excellency the Captain-General of Cuba despatched the "*Manuelita*" to Trinidad.

The Undersigned have the honour, &c.

(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

*His Excellency the Captain-General,*  
&c. &c. &c.

No. 77.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received July 8.)

MY LORD,

*Havana, 14th May, 1834.*

I HAVE the honour to enclose the Copy of a Letter, dated the 31st March last, which His Majesty's Commissioners have received from the Governor of Trinidad, and in which His Excellency notifies the arrival in that Colony of the "*Cristina*" with 193 negroes, who had formed part of the cargo of the condemned slave-schooner, "*Rosa*."

I have also the honour to enclose the Copy of a Note which His Majesty's Commissioners addressed in consequence to the Captain-General, and a Translation of His Excellency's Answer.

By this last, your Lordship will perceive that the Local Authorities endeavour to account for the bad state in which Sir George Hill describes these negroes to have arrived in Trinidad by the circumstance of their having been much debilitated by bad treatment during their previous voyage from Africa. Dr. Meikleham's Certificate, however, that they were healthy and sound when put on board the "*Cristina*," sufficiently disproves the accuracy of this mode of exculpating the Spanish Agents. The truth is, that the health of these unfortunate Africans depends too much on the degree of humanity and honesty which the Captain in charge of them may happen to possess; so much, indeed, as to convince me, more than ever, of the advantage of His Majesty's Government having some check upon his conduct during the voyage, such, for instance, as the presence of a British Agent. I ought to state, however, that I think this representation of the Governor of Trinidad will be productive of the best effects, so far as the principal Authorities of the Havana are concerned.

I have, &amp;c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

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

## First Enclosure in No. 77.

*The Lieutenant-Governor of Trinidad to His Majesty's Commissioners.*

GENTLEMEN,

*Trinidad, 31st March, 1834.*

I HAVE the honour to acknowledge the receipt of your Letter of the 28th ultimo, which was delivered to me on the 26th instant, by Captain Bardet, in command of the schooner-of-war, "*Cristina*."

Of the 194 Africans transmitted by this vessel from the Havana 1 only (a male) died, soon after the vessel came to anchor; the remainder have been disembarked and located in 30 lots of 6 each, 1 of 5, and 8 very young females separately placed as domestics in respectable families.

I have to observe, that these people are not in the same good bodily condition as those who were brought in the "*Manuelita*," and have had a supply of only 1 suit of clothes and a blanket, whilst those of the "*Manuelita*" had 2 suits, a blanket and a cap, together with a wooden spoon each.

As I do not know what may have been the condition of these people when they were put on board the "*Cristina*," I shall not pronounce that any blame attaches to Captain Bardet: but the people do not appear to have been well fed, for they are much emaciated.

The Captain has delivered to me the Certificate which you granted for the purpose of ensuring an uninterrupted passage to this vessel, and I have also received the 194 Manumission Papers.

The Africans have been landed—the "*Cristina*" may sail for the Havana whenever Captain Bardet thinks proper to depart.

The "*Manuelita*" will no doubt have arrived ere this at her destination; nevertheless, I beg to enclose a Duplicate of the Letter which I addressed to you by her.

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

(Signed)

G. F. HILL.

*The British Members of the Mixed Commission at the Havana.*

## Second Enclosure in No. 77.

*His Majesty's Commissioners to the Captain-General.**Havana, 28th April, 1834.*

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to acquaint His Excellency the Captain-General, that they have received a Despatch from His Excellency the Governor of Trinidad, in which is announced the arrival in that Colony of the schooner-of-war, "*Cristina*," from the Havana; and the Undersigned feel it to be their duty to bring under the notice of the Captain-General the enclosed Copy of this Despatch, because it shews that there has been, in the Case of the "*Cristina*," a marked deviation from the mode in which the negroes of the "*Manuelita*"

were fed and clothed, and which humane mode, as approved of by all parties, the Undersigned understood was to be the definitive rule in all future Cases.

The Undersigned have the honour, &c.

(Signed)

W. S. MACLEAY.  
CHARLES MACKENZIE.

His Excellency the Captain-General,  
&c. &c. &c.

### Third Enclosure in No. 77.

(Translation.)

*The Captain-General to His Majesty's Commissary Judge.*

SIR,

Havana, 13th May, 1834.

His Excellency the Conde de Villanueva, Intendant-General, has written me as follows in his Letter of the 7th instant: "Most Excellent Sir,—I have to acknowledge the receipt of a Copy of the Note of the British Commissioners, which your Excellency has been pleased to enclose in your Letter of the 2d instant, and also of the Copy, which accompanies it, of a statement of the Governor of Trinidad, relative to the cargo of emancipated negroes lately carried there by the schooner-of-war, 'Cristina.' The bad state in which these Africans arrived could not have been entirely produced by their voyage in this vessel. Having been badly treated on their previous passage from Africa, which voyage was moreover tedious, they had arrived here already worn out, and in a situation which it was impossible to improve, even by means of the different treatment which they must without doubt have experienced during their voyage to Trinidad. It may be proper for me to assure your Excellency, that although there are no funds set aside to meet the expense of these sudden expeditions, the negroes in question were nevertheless provided not only with what was necessary for their subsistence during the voyage, but for 30 days after arrival, in precisely the same way as the preceding expeditions, and also with all other requisites, such as were proper considering the season in which they were embarked. For the future, however, having due regard to the remarks contained in both the above-mentioned documents, we shall proceed in the proper mode."

I now transcribe this Letter for your information, in consequence of what has been stated in the communication of His Excellency the Governor of Trinidad, a Copy of which was enclosed in your Note of the 28th ultimo on this subject.

God preserve you many years.

(Signed)

MARIANO RICAFORT.

*His Britannic Majesty's Commissary Judge.*

### No. 78.

*His Majesty's Commissioner to Viscount Palmerston—(Received July 8.)*

MY LORD,

Havana, 15th May, 1834.

WITH reference to the Despatch of His Majesty's Commissioners, dated the 3d instant, I beg herewith to enclose a Translation of the Reply which the Captain-General has returned to the Note which was addressed to His Excellency on the 2d instant.

By this Reply it appears that the Chief Authorities of this Island agree to the terms proposed by Mr. Secretary Stanley and Sir George Hill, as regulating the future introduction of emancipated negroes into Trinidad.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

### Enclosure in No. 78.

(Translation.)

*The Captain-General to His Majesty's Commissary Judge.*

SIR,

Havana, 13th May, 1834.

His Excellency the Conde de Villanueva, Intendant-General, has written me as follows in his Letter of the 7th instant: "Most Excellent Sir,—The particular conditions to which the British Commissioners refer, with respect to the emancipated Africans in future to be removed to the Island of Trinidad, and which your Excellency has been pleased to enclose in your Note of yesterday, are entirely in conformity with what was discussed and agreed upon previously by the Junta of Chief Authorities. The only difference relates to 1000 of the formerly emancipated negroes, who may be sent to Trinidad under certain conditions prescribed by His Excellency the Governor of that Island, for which end your Excellency may, if this proposal be acceptable, order the anterior Lists to be furnished, so that we may meet together to investigate them, and determine on what is most advisable to be done."

I now transcribe this for your information, in answer to your Note of the 2d instant on this subject, merely adding, that on the proposal mentioned above I beg leave for the present to reserve my decision.

God preserve you many years.

(Signed)

MARIANO RICAFORT.

*His Britannic Majesty's Commissary Judge.*



No. 79.

*His Majesty's Commissioner to Viscount Palmerston.—(Received July 8.)*

MY LORD,

*Havana, 24th May, 1834.*

ON the 1st instant the Spanish schooner, "*Mercedita*," Juan Casas, Master, came into this Port from the Coast of Africa, having previously landed her slaves, and she was instantly reported to the Captain-General.

No less than 5 slave-vessels have sailed for Africa since the beginning of the month; the brig, "*Paulina*," Depares, Master, on the 4th instant; 4 schooners, viz., the "*Sutil*," Juan Tremuel, Master, on the 11th; and, on the same day, "*No. 1*," alias "*Rosalía*," N. Vaher, Master: the "*Deseada*," Narciso Esteva, Master, on the 19th; and the "*Mariposa*," Blas Garcia Vior, Master, on the 23d instant.

I am, &amp;c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

No. 80.

*His Majesty's Commissioner to Viscount Palmerston.—(Received July 8.)*

MY LORD,

*Havana, 2d June, 1834.*

THE Spanish ship-of-the-line, "*Soberano*," arrived here on the 1st instant, from Cadiz, with Lieutenant-General Don Miguel Tacon on board, this Officer being named by Her Catholic Majesty to be the successor of General Ricafort, as Captain-General of this Island.

I have the honour to enclose the Translation of a Note I have this moment received, in which His Excellency acquaints me that he has assumed the reins of Government.

I have, &amp;c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 80.

(Translation.)

*The Captain-General to His Majesty's Commissary Judge.*

SIR,

*Havana, 1st June, 1834.*

I HAVE just taken possession of the Civil and Military Command of this Island, Her Majesty the Queen Regent having been pleased to confer the same upon me in the name of our Queen Donna Isabel the Second; and I beg to acquaint you with this, praying God, &c.

I am, &amp;c.

(Signed)

MIGUEL TACON.

*His Britannic Majesty's Commissary Judge,*

&amp;c.

&amp;c.

&amp;c.

No. 81.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 24, 1834.*

I HAVE received your several Despatches, up to your Despatch of the 2d of June, 1834.

I transmit to you, for your information and guidance, the accompanying Copies of a Correspondence which has passed between the Colonial Department and this Office, on the subject of the removal of emancipated negroes from the Island of Cuba to that of Trinidad.

I am, &amp;c.

(Signed)

PALMERSTON.

*His Majesty's Commissioners,*

&amp;c.

&amp;c.

&amp;c.

## First Enclosure in No. 81.

*Mr. Lefevre to Sir George Shee.*

SIR,

*Colonial Office, 7th January, 1834.*

WITH reference to your Letter of the 23d September last, and the former Correspondence upon the subject of the transference of emancipated negroes from the Havana to Trinidad, I am directed by Mr. Secretary Stanley to transmit to you the enclosed Copy of a Despatch which he addressed to the Lieutenant-Governor of that Island on the 18th of December last.

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

I am, &amp;c.

(Signed) JOHN LEFEVRE.

*The Secretary of State to the Lieutenant-Governor of Trinidad.*

SIR,

*Colonial Office, 18th December, 1833.*

In your Despatch of the 1st July last you announced the arrival of 189 Africans, who had been captured in the "Negrita" by His Majesty's schooner, "Nimble," and had been condemned at the Havana; and you enclosed a Letter from the Commissioners at the Havana to yourself, explaining the circumstances which led to their being sent to Trinidad.

I had likewise received, through Viscount Palmerston, a Copy of your Answer to the before-mentioned Letter of the Commissioners, and also Copies of the previous Correspondence between the Commissioners and the Authorities of the Havana, which led to the adoption of this measure.

Although you had not been made acquainted, through this Department, of the views of His Majesty's Government on the subject of the admission of captured negroes into the Colony of Trinidad, yet when I consider the extreme emergency of the case, and the humane as well as prudential motives which induced the Havana Authorities to decide upon the sending away these captured negroes from their shores, and that the Commissioners transmitted to you a Copy of Lord Howick's Letter, containing a proposal to allow captured negroes to be sent to Trinidad upon certain conditions, which in the present instance were observed as far as circumstances would permit, I cannot but entirely approve of your having consented to receive these unfortunate negroes; and it affords me great satisfaction to find that immediately upon their arrival their labour was in demand, and that you had no difficulty in distributing them, as free labourers, amongst different employers.

The course to be pursued in future with reference to negroes who may be captured in slave-ships and condemned at the Havana, and whom the Authorities at that place may wish to be transferred to Trinidad, demands considerable attention, with reference to the great change now in operation under the Slavery Abolition Act, and with reference to the expense which must necessarily be incurred in providing such negroes with food and other necessaries of life, upon their first arrival in the Island.

It appears to me, that considering the circumstances under which these negroes are to be introduced into the Dominions of His Majesty, if their future condition should, even outwardly, resemble slavery, it would afford plausible grounds of complaint against the British Government. I think, therefore, that the negroes who may, under the proposed arrangement, be sent to Trinidad, should not be allotted to their employers for a fixed period of years, notwithstanding such an arrangement might not be without considerable benefit to themselves.

They should be hired out to employers for a period not exceeding 6 months certain; after which the contract of service should be determinable by either party, upon giving the other 6 months' notice.

The wages should of course be determined by the free competition of the employers at the time of the hiring.

With regard to the expenses to which I have adverted, I cannot hold out to you any hope that they can in future be defrayed from any other source than the colonial revenue of Trinidad; unless an unobjectionable mode can be devised of charging a part of them upon the wages of the negroes in respect of whom they have been incurred.

If you find, from your own knowledge of West Indian affairs, and from the opinions of the most experienced residents in Trinidad, that an importation of free labourers upon these terms would be acceptable to the Colony, and that the benefits to be derived from such a supply of labour would more than counterbalance the expenses which will be incurred, and the inconvenience of the introduction of a large number of savages into the Island, I shall be disposed to sanction (if the financial state of the Colony will permit,) the arrangement for the reception of captured negroes into Trinidad, which was proposed by the Commissioners at the Havana, in their Letter of the 16th January last, but nevertheless with the following modifications; viz., that no notice to the Governor of Trinidad of the intention to send there the negroes shall be necessary, but that the vessel which brings them to Trinidad shall retain them for a few days until accommodation can be provided for them; that the number of females shall be at least equal to the number of males; and that in case it is found convenient at any time to make a shipment of negroes from the Havana, of which the majority shall be males, the deficiency shall be made up in the next shipment.

I have only to add, that I think the proposition of Commodore Farquhar to land captured Africans at Trinidad, to await there the issue of the proceedings before the Mixed Commission at the Havana, is a measure of very doubtful expediency, and, under the existing Treaties and Acts of Parliament on the subject of the abolition of the Slave Trade, would lead to considerable difficulties, and ought not to be acceded to.

I have, &amp;c.

(Signed) E. G. STANLEY.

*The Right Hon. Sir G. F. Hill, Bart.*  
*&c. &c. &c.*

## Second Enclosure in No. 81.

*The Lieutenant-Governor of Trinidad to the Secretary of State.*

SIR,

*Colonial Office, 16th April, 1834.*

I am directed by Mr. Secretary Stanley to acknowledge the receipt of your Letters of the 23d September, 1833, and the 18th February, and 13th and 31st March, 1834, and to enclose to you a Copy of one of the 12th February last, which he has received from the Governor of Trinidad, respecting the removal of captured Africans from Cuba to that Island; and, in submitting this Despatch to Viscount Palmerston, I am to request that you will acquaint his Lordship, that the measures concerted between the Spanish Authorities and the British Commissioners at Cuba, as well as the spirit in which the requisitions of the British Government have been complied with, appear to Mr. Stanley to be very satisfactory. Mr. Stanley is of opinion, that the conditions of sending a British Agent and employing a medical Inspector are perfectly proper, and there would appear to be little doubt, from the extreme anxiety manifested (especially in the Enclosure of Lieut.-Governor Sir G. Hill's Despatch) by the Spanish Authorities, to relieve the Island of Cuba from these Africans, that they will cheerfully undertake the additional expense. Mr. Stanley considers, however, that it may be well to suspend the issue of further Instructions until the Despatch which he is led to expect from Sir George Hill shall have given His Majesty's Government more information, both as to the disposal of the cargo last reported to have been sent to Trinidad, and as to the condition of those who were sent by the "*Negruta*."

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

I have, &c.  
 (Signed) JOHN LEFEVRE.

## Sub-Enclosure A.

*The Lieutenant-Governor of Trinidad to the Secretary of State.*

SIR,

*Trinidad, 12th February, 1834.*

ON Sunday, the 9th instant, I had the honour to receive your Despatch of the 18th December, containing Instructions for my guidance, in the event of the arrival here of further cargoes of prize negroes.

On the same day I received a Letter from the Governor of the Havana, by the Spanish schooner, "*Manuelita*," of which I have the honour to transmit to you a Translation.

The 212 negroes were put on board of this vessel at the Havana, on the 16th January last, of whom 5 died on the passage, and 1 since the arrival of the "*Manuelita*;" the remainder are apparently in good health.

Applications for their services have already commenced to pour in; the vessel has been placed in quarantine for 1 week; at the expiration of that time I will dispose of them pursuant to Instructions, and report every particular by next packet.

*The Right Hon. E. G. Stanley, M.P.,*  
 &c. &c. &c.

I have, &c.  
 (Signed) G. F. HILL.

## Sub-Enclosure B.

*The Captain-General of Cuba to the Lieutenant-Governor of Trinidad.*

(Translation.)  
 SIR,

*Havana, 16th January, 1834.*

ON the 16th December last I had the honour to inform your Excellency, in order that it might serve as a preparatory notice, that 2 Spanish schooners having arrived at this Port with cargoes of negroes, captured by His Britannic Majesty's vessel, "*Nimble*," it had been decided at a Meeting of the Authorities, that, observing the established conditions, they should be sent to the Island under your command, equalized in sexes.

Not having direct communication from this place to that Island, I addressed the Letter to your Excellency through the Governor of the Province of Cuba, and as it may not have reached your hands I transmit a Duplicate.

In truth, the previous notice of 30 days presents an insuperable inconvenience and great expense, on which account it would be highly desirable that your Excellency would be pleased to approve the plan adopted by the Junta, as superseding that impracticable condition, viz., that the vessels which successively take the negroes shall be provisioned not only for the passage there and back, but sufficiently so to find themselves 30 days in any port that your Excellency may send them to in *deposit*, awaiting their final disposal; but if not inconvenient, and the people were sooner landed, the Royal Treasury would be benefitted thereby.

I have the satisfaction to have it in my power to inform your Excellency, officially, that since the 8th December, after a long period of observation, the Superior Junta of Health declared the Island of Cuba free of cholera morbus, nor has a single case of that disease occurred since, the most perfect health existing.

The Captain of the schooner, "*Manuelita*," Don Salvador Castello, has on board his vessel the 212 negroes who have been paired (in sexes) out of both cargoes; they are clothed and abundantly provisioned; they have been seen by Dr. David Scott Meikleham, appointed by the Commissioners of His Britannic Majesty resident in this city.

Your Excellency will receive, with this Communication, the free Papers which for this purpose I have had prepared, and the Captain will deliver the Certificate, under the signature and seal of the said Commissioners, for the security of his passage.

If your Excellency considers that advantage would result to the free establishments of your Island, by (our) sending a great number of emancipated people, who could employ themselves as useful hands in agriculture, the utility would be reciprocal. Faithful observer of the stipulated conditions, I have

not ventured to take upon myself to send more than the small number who could be equalized in sexes. This will always be the case on account of the few females captured from the smugglers. But if your Excellency would receive the whole number which may arrive, it would save to Government the large sums which are spent in their *deposit*, even if the sickly and useless hands remained here, and that the healthy only were sent clothed, fed, and inspected by the Commissioners of His Britannic Majesty, and with their free Papers.

If, under the same conditions, your Excellency would receive all the emancipated people who are in this Island, taking the proportions of sexes as they may be, selecting the useful and the healthy, a service would result to both Islands. This one would diminish its overgrown number of freed people, and that one would augment its agricultural establishments without prejudice to its safety, because they would have been accustomed to labours and educated in subordination.

There may be some, who from the connection with others, do not suit here, but may be valuable when transported to that Island. Even if we should only be allowed to send those emancipated people who have resided here 6 years, we should be desirous of doing so, which, in my opinion, would be of reciprocal utility.

I send your Excellency a Copy of the List of names of the negroes on board the schooner, "*Manuelita*."

I beg your Excellency to receive, &c.

His Excellency, Sir G. F. Hill, Bart.  
&c. &c. &c.

(Signed) MARIANO RICAFORT.

### Third Enclosure in No. 81.

*Mr. Lefevre to Sir G. Shee.*

SIR,

*Colonial Office, 21st May, 1834.*

With reference to my Letter, dated the 16th ultimo, I am directed by Mr. Secretary Stanley, to transmit to you, for the information of Viscount Palmerston, Copy of a Despatch from Sir G. Hill, dated the 9th of March, reporting the arrival in Trinidad of 207 prize Africans from the Havana, with the Answer which Mr. Stanley returned to the Lieutenant-Governor upon the subject by the last packet; and I am to request, that you will move Viscount Palmerston to favour Mr. Stanley with his opinion upon the particular questions raised towards the conclusion or Sir George Hill's Despatch.

I am also to add the Copy of a Despatch, which has been received within the last few days, from the Lieutenant-Governor, reporting the further arrival in the Colony of 194 prize Africans, condemned by the Mixed Commission at the Havana.

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

I have, &c.  
(Signed) JOHN LEFEVRE

### Sub-Enclosure A.

*The Lieutenant-Governor of Trinidad to the Secretary of State.*

SIR,

*Trinidad, 9th March, 1834.*

On the 12th ultimo, I reported the arrival of 207 prize Africans from the Havana, with a Translation of the Letter I received from the Governor of Cuba.

Immediate applications were made, to the amount of 938, by the inhabitants for their services.

As the best mode of disposing of them, I had them divided into 20 lots of 10 each (5 males and 5 females), keeping those together attached by relationship or friendship.

There were 7 little girls, under 10 years of age, too young to go to estates, these I placed in respectable families; the others were distributed in 20 lots, upon 20 different estates, in the capacity of *free labourers*, pursuant to your Instructions, for 6 months, and were delivered to the parties direct from the Spanish schooner, by the Captain, Don Salvador Castello, upon orders from me, by which all expense has been saved, either to the British or Colonial Treasury. I enclose a Copy of those Orders, containing the names of the Africans, and the Receipt for them of the party to whom they were respectively delivered. I enclose also a printed Copy of the document, signed by the persons who obtained these Africans, containing the conditions to which they thereby bound themselves to comply, a Copy of which document I have sent to the Commandants of the quarters in which these Africans are located, together with a Letter of Instruction from myself, of which I also enclose a printed Copy.

Previous to the expiration of these 6 months, experience may suggest new terms under which these and other Africans may be employed; and I shall not fail to take frequent opportunities of seeing these Africans myself, and to instruct the Protector of Slaves, in his journeys into the country, to do the same.

When the proposal of the Governor of Cuba to send here a large number of freed Africans from his Government became generally known, I received a Memorial, numerous subscribed, proposing to take the number of Africans annexed to each name, amounting to 5,000, on the same terms as these last have been distributed; stating, that if the British Government would instruct me to apprentice them until 1840, 10,000 would be taken. I did not, however, feel justified in authorising more than 1000 of those now located in Cuba to be sent here at present, and those not to have been in Cuba more than 2 years, and under the conditions stipulated in my Letter of the 27th ultimo, to the Governor of Cuba, and to Messrs. Macleay and Mackenzie, of which I enclose Copies. *But*, under the same conditions, I have proposed to receive *all* fresh-captured Africans, whilst these conditions are observed, particularly those which require the equalization of the sexes, Certificates of a healthy state of body, and with a full supply of clothing and provisions for 30 days after arrival here, we can safely and with great advantage receive and locate *all the fresh-captured Africans* the Havana Authorities can send us; but I would not, upon my own judgment, without your Instructions,

encourage the introduction into this Colony from Cuba, of Africans, who had resided there 5 or 6 years;—their best years of labour are probably gone by; their separation from connections they must have formed; the doubtfulness of their characters, suggest strong objections, in my mind, to receive them.

I now particularly request your attention to a difficulty which presses itself upon me.

By the Act of the 5th of Geo. IV., cap. 113, and the terms of the Treaty with the Spanish Government therein set out and confirmed, all slaves found on board ships condemned for making an unlawful voyage shall receive from the Mixed Commission a Certificate of emancipation, and shall be delivered over to the Government on whose Territory the Commission is established, to be employed as servants or free labourers, each Government guaranteeing the liberty of those individuals consigned to it.

Now these Africans have become the subjects of Spain. They are sent here, however, by the Governor of Cuba, and sanctioned by Messrs. Macleay and Mackenzie, the British Members of the Commission, with (as they state) the permission granted to that effect by His Majesty's Government.

Query.—Are they not aliens, and do they not still continue to be Spanish subjects?

Query.—What control (otherwise than as aliens) have I over them?

I have hired them out as free labourers for 6 months.

Query.—If they should become refractory, or disobedient, or insubordinate as labourers, can they be coerced? I apprehend not. The only legal hold I have over them is by considering them as aliens.

Query.—Had the Spanish Government, under the Treaty, a right to export them?

Although I do not anticipate any emergency that I would not venture to provide against, upon my own responsibility, (relying upon your liberal but firm character,) yet I submit, whether the control and regulation of these persons, as free labourers, ought not to be the object of an Order in Council or a Local Ordinance.

I could prepare an Ordinance to subject these persons to wholesome control, that should not even cast a shade upon the spirit of humanity and kindness with which this class of our fellow creatures ought to be treated.

*The Right Hon. E. G. Stanley, M.P.*  
 &c. &c. &c.

I have, &c.  
 (Signed) G. F. HILL.

### Sub-Enclosure B.

*Receipt of the Persons to whom the Negroes are distributed.*

*Trinidad.*

WE, the Undersigned, do severally acknowledge to have received from His Excellency the Right Honourable Sir George Fitzgerald Hill, Bart., Governor and Commander-in-chief in and over the said Island of Trinidad and its Dependencies, Vice-Admiral thereof, the several male and female African negroes, lately arrived here from the Havana, and particularly named and described in the Lists or Lots hereunto annexed and respectively signed by us, upon the following conditions, that is to say:—

To be employed as agricultural free labourers on the estates in the said Lists or Lots respectively named and mentioned, for the period of 6 months certain from the date hereof, and not to be removed or transferred therefrom to any other property or estate during the said period.

And we hereby respectively engage and contract with His said Excellency the Governor, to lodge, medicate, and give them an adequate supply of food, clothing, and household furniture.

And we further respectively undertake and promise, within 1 month from the date hereof, to have them vaccinated; and we will, within the said period, respectively make or cause to be made and forwarded to the Office of the Honourable the Colonial Secretary, Affidavits, in writing, that they have been so vaccinated.

And we further respectively promise to report each month to His Excellency the Governor the state of the said several male and female African negroes, by us respectively received, and from time to time any casualty that may occur to them, or any or either of them.

In witness whereof we have severally and respectively set and subscribed our hands, at Port of Spain, this 15th day of February, in the year of our Lord 1834.

(Here follow 21 signatures.)

### Sub-Enclosure C.

*The Lieutenant-Governor of Trinidad to the Commandants of the Quarters in which the Africans are located.*

(Circular.)

SIR,

*Government House, 28th February, 1834.*

I TRANSMIT to you herewith a Copy of a Receipt which has been given by Mr. of the Quarter of \_\_\_\_\_, for 10 of the Africans distributed on the 15th instant, together, with a Memorandum of their sexes, and their African and baptismal names.

The Receipt specifies the conditions to which the parties are reciprocally bound; and as, on the one hand the Africans are at present, from their ignorance of the languages used in this Island, unable to make known their wants or complaints, I have to request that you will have them under your special observation, and that you will particularly befriend them in case of need. On the other hand, should they leave their present domicile before the expiration of the 6 months, for which they are hired, you will be pleased to apprehend and restore them to their employers, and report the same to me.

I am, &c.  
 (Signed) G. F. HILL.

*The Commandant of the Quarter of \_\_\_\_\_.*

## Sub-Enclosure D.

*The Governor of Trinidad to the Captain-General of Cuba.*

MOST EXCELLENT SIR,

Government House, Trinidad, 27th February, 1834.

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch, dated 16th January last, enclosing the Copy of a former Communication, under date the 16th December, 1833, sent by Cuba and Jamaica, the original of which has not as yet been received.

I am happy to inform you that the schooner, "*Manuelita*," arrived in this Colony on the 8th instant, with the African negroes embarked on board of her at Havana, with the exception of 5, who died on the passage. Permit me to express my thanks for the humane and obliging attention evinced by your Excellency, in carrying into effect the conditions agreed on between the Spanish and British Governments for the removal of these Africans to Trinidad. It gives me sincere pleasure to report, from personal inspection and inquiry, that your Excellency's benevolent intentions to provide for the health and comfort of these Africans during their voyage hither have been most assiduously seconded, and successfully carried into effect, by the zealous care of Don Salvador Castello, to whom I am happy to offer this sincere testimonial of my approbation.

The expression of your Excellency's wish to promote the interests of the Colony under my Government, by the introduction of agricultural labourers from the Havana, claims from me the most grateful acknowledgments. Most sincerely do I hope that this measure, which has met with the approbation of our respective Governments, may prove mutually beneficial. On the same day that I was favoured by the arrival of your Excellency's communication, I received further instructions from the Government of His Britannic Majesty, which has enabled me to state, that I shall be ready to receive, at any time, such of those Africans as the Spanish Government may desire to forward, under the following conditions:—

*First.* That the whole number of those already emancipated shall not, until further communication from me, exceed 1,000, and that the number of the sexes be equal in each vessel hired for their transport, or be equalized by subsequent embarkations.

*Secondly.* That no emancipated Africans be sent who have been liberated by a Sentence of the Mixed Commission more than 2 years before embarkation.

*Third.* That the negroes to be removed to this Colony be furnished with a Certificate by a proper medical practitioner, that they are free from all sickness or infirmity disqualifying them from agricultural labour, and that no separation of parents and children, or husbands and wives, should be caused by the removal; and,—

*Fourth.* That they are properly clothed and amply provisioned for at least 30 days beyond the time required for the voyage hither, and that the vessel in which they are brought is instructed to remain subject to my orders for at least 1 month after her arrival in this port.

I am happy to assure your Excellency, that, although the Instructions which I have received render it imperative that this last condition should be complied with, yet, that I have little doubt but that by arrangements which I have already made, I shall be able to dispose of any Africans which may arrive much within the stipulated time, and that no exertion shall be wanting on my part to lighten the necessary expense which must be incurred by the Spanish Government in carrying this measure into effect. The fulfilment of this last-mentioned condition enables me altogether to dispense with the notice of 30 days, which was under the former arrangements agreed to be given to me previous to the removal of any Africans to this Colony.

The assurances contained in your Excellency's communication, as well as the liberal measures already adopted by the Spanish Authorities for the fulfilment of the stipulated provisions in the removal of the emancipated Africans sent hither by the "*Manuelita*," afford the most satisfactory pledges for the future adherence to the above-mentioned conditions, to which I am sure your Excellency's attention will be specially directed.

I beg your Excellency to accept the assurance, &amp;c.

(Signed) G. F. HILL.

*His Excellency, General Ricafort.*

## Sub-Enclosure E.

*The Lieutenant-Governor of Trinidad to His Majesty's Commissioners.*

GENTLEMEN,

Trinidad, 27th February, 1834.

I HAVE the honour to acknowledge the receipt of your Letter of the 16th December, and have much satisfaction in stating, that Don Salvador Castello delivered to me in this port, on the 15th of this month, after undergoing 7 days of precautionary quarantine, 206 Africans—102 males and 104 females.

Out of the 212 put on board the "*Manuelita*," at the Havana, 5 died on the passage, and 1 since the arrival of that vessel.

The manner in which these negroes were provided with food and clothing was highly creditable to the Spanish Government; and the humane attentions paid to their comforts by Don Salvador Castello, to make them contented and cheerful, demand my sincere commendation and warmest praise. I am persuaded he is a trustworthy good man. He has duly delivered to me the List of these Africans, including their African and baptismal names, together with the 212 original Certificates of their emancipation. He has also delivered to me the Certificate, signed and sealed by you, to secure to the "*Manuelita*" safe conduct from the Havana to Trinidad; and having landed the Africans, I now hasten to transmit this Communication to you by him.

On the same day that the "*Manuelita*" arrived here, I received a Despatch from His Britannic Majesty's Secretary of State, with additional Instructions for my guidance, in the event of any further transportation of Africans from the Havana to Trinidad being deemed expedient. I have now the honour to state, that I will receive 1,000 Africans, to consist of 500 males and 500 females, under 30 years of age—the males not to have been more than 2 years captured—on the following conditions: that they be inspected and reported healthy previous to embarkation, furnished with Lists, stating their names and description, also with their Certificates of emancipation; that they be victualled

not only for the voyage, but for 30 days after arrival at Trinidad, together with a supply of 2 suits of clothing and a blanket each. I shall not require previous notice of the intention of the Spanish Government to forward here another shipment; and if the sexes cannot be equalized in the first shipment, I will receive the males, if accompanied by a Letter of assurance from the Spanish Government that the deficiency in the number of females shall be made up in the next or some future shipment; for on the good faith of that Government I have perfect reliance.

The "*Manuelita*" has been delayed here a few days beyond the period I intended she should have sailed, in consequence of adverse weather having detained me at the extremity of this Gulf, whither I had gone for the purpose of locating some of these very Africans, and transacting other official duties.

These Africans have been placed in 20 lots, on 20 different estates, under terms subscribed by the Proprietors, as expressed in the enclosed printed Document. I have kept a Record of these lots, and shall have them frequently visited.

Upon the conditions set forth herein, being observed, I will receive, beyond the 1,000 now required, as many fresh-captured Africans as the Mixed Commission at the Havana may think proper to send me; as I have fit locations ready prepared for them, and will have them, if reported in health, landed with very little draft upon the stop of 30 days stipulated for.

W. S. Macleay, and Charles Mackenzie, Esqrs., Havana.

I have, &c.  
(Signed) G. F. HILL.

### Sub-Enclosure F.

*His Majesty's Commissioners to the Lieutenant-Governor of Trinidad.*

SIR,

Havana, 16th January, 1834.

THE Captain-General of Cuba will, by the Spanish schooner, "*Manuelita*," D. Salvador Castello, Master, who takes charge of this Letter, inform your Excellency that the Spanish Authorities of the Havana have resolved to despatch the aforesaid vessel, with 212 emancipated negroes, to be delivered into your Excellency's charge, in conformity with the permission granted to that effect by His Majesty's Government.

Previous to giving our sanction to any negroes being sent away from this port, we were very particular, in the first place, to ascertain whether any cholera existed in the territory of the Havana, and we have the satisfaction to state, that we possess the strongest assurance from the Local Government that the whole Island is perfectly free from that disease. Perhaps it may not be amiss to observe, that from the result of our private inquiries we are inclined to place full faith in the above assurances; and we have the honour to enclose to your Excellency a *Diario* of the 11th ultimo, containing the Minutes of the proceedings of the *Superior Junta de Sanidad*, by which clean Bills of Health are directed to be issued.

The next point we insisted upon with the Captain-General was the previous notice to your Excellency of 1 month, as required by His Majesty's Government. This Local Government accordingly addressed your Excellency on the 16th ultimo, by way of Santiago de Cuba and Jamaica, notifying its intention to send off to Trinidad forthwith a certain number of emancipated negroes of the cargoes of the schooners, "*Joaquina*" and "*Manuelita*," the former of which vessels was condemned by this Mixed Commission on the 21st November, and the latter on the 17th ultimo. But not contented with sending this Despatch, the Authorities of Cuba, in order to make sure of the object of the required previous notice being attained, have resolved to victual the crew and passengers of the "*Manuelita*," not only for the voyage, but for 30 days after her arrival in Trinidad, in order that your Excellency may be put to as little inconvenience as possible; and may, if necessary, have the power of keeping them 1 month on board after their arrival.

As in your Despatch to us of the 27th May last, which we have not before had any opportunity of acknowledging, your Excellency has been pleased to require that the number of females sent should always predominate, or at least be equal to that of the males, the "*Manuelita*" will now carry 106 females, and an equal number of males, all able-bodied and sound in health, as has been certified by Dr. David Scott Meikleham, an English Physician established in this city, whose Certificate to that effect we have now the honour to enclose.

In order to prevent the possibility of changing any of them, we have the honour to enclose a List of these 212 negroes, and all the 212 original Certificates of emancipation which correspond to them respectively. In these last Certificates will be found their African and Christian names, the description of their persons, and every other particular which may be necessary for their identification.

For the purpose of securing the Spanish schooner, "*Manuelita*," from being interrupted or detained by any of His Majesty's cruizers during this her voyage to Trinidad, we have given her a Certificate under our hands and seal, which Certificate we have the promise of the Captain-General shall be delivered up to your Excellency, by the Captain of the "*Manuelita*," immediately on her arrival; and we beg of your Excellency to secure the Document, in order to prevent any improper use being made of it.

The "*Manuelita*" was the last schooner captured by His Majesty's schooner, "*Nimble*," having on board at the time of detention 485 negroes. She was sold by the Mixed Commission, and purchased by the Spanish Government for the purpose of taking these negroes to Trinidad.

Although we have the strongest assurances from the Captain-General that the 212 negroes now sent shall meet with every humane attention during this voyage, we shall be anxious, nevertheless, to know your Excellency's opinion of the state in which they may arrive.

His Excellency, Sir G. F. Hill, Bart.  
&c. &c. &c.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

### Sub-Enclosure G.

*The Captain-General of Cuba to the Lieutenant-Governor of Trinidad.*

[See Sub-Enclosure B, in Second Enclosure in No. 81.]

## Sub-Enclosure H.

*The Secretary of State to the Lieutenant-Governor of Trinidad.*

SIR,

Colonial Office, 10th May, 1834.

I HAVE had the honour to receive your Despatch of the 9th March last. I was not altogether prepared for your immediately acting on the conditional sanction conveyed to you in my Despatch of the 18th December, relative to the introduction of condemned Africans from the Havana into the Island of Trinidad. In that Despatch I intimated to you the objection which I felt to the subjecting these Africans to any species of apprenticeship which might even outwardly resemble slavery; and I called your attention to the possible inconvenience which might result to the Colony from the introduction of a number of uncivilized persons.

Although I have no occasion to doubt but that you have duly considered these circumstances, yet I think that the number of Africans which you have at once agreed to receive justifies me in intimating to you, that this experiment should be proceeded with very gradually and with great caution.

I should wish you to observe and report to me from time to time the conduct of these Africans; more especially after the termination of the half-year for which they are originally engaged; as from the private accounts which have reached me on the subject of the cargo of the "Negrita," I am disposed to apprehend, that after the expiration of the first 6 months, many of the Africans will leave their employers, and addict themselves to that wandering and unsettled mode of life which will not only put a stop to their own civilization, but will create much inconvenience and some danger to the Colony.

I shall communicate with the Foreign Office on the several points which you have brought under my notice in your Despatch of the 9th of March.

*The Right Hon. Sir G. F. Hill, Bart., Trinidad,*  
 &c. &c. &c.

I have, &c.  
 (Signed) E. G. STANLEY.

## Sub-Enclosure I.

*The Lieutenant-Governor of Trinidad to the Secretary of State.*

SIR,

Trinidad, 7th April, 1834.

I HAVE the honour to report, that the Spanish schooner, "Cristina," was despatched to this Colony by the Governor of Cuba, with 97 male and 97 female Africans, prize to His Majesty's ship, "Despatch," and condemned by the Mixed Commission at the Havana. They arrived on the 26th ultimo, and were for the most part in good health, but had not the appearance of having been so well fed as the last batch. I therefore determined to distribute them in lots of 6 instead of 10, which has been done, considering that the smaller allotment would be likely to receive more care from the individuals undertaking to provide for them than the larger one.

Thus these Africans were parcelled out into

30 lots of 6 =	180	} Sent to Estates.
1 lot of 5 =	5	
Young Girls . . .	8	} Placed with respectable Families in and about town.
Died . . . . .	1	
	<hr/>	
	194	

I enclose Copies of the Letters which I received on this occasion from the Governor of Cuba, and from the Commissioners, and of my Answers. I also transmit Copies of the Allotments, with the Receipts of the parties; a printed Copy of the Conditions to which the employers bound themselves; and a Copy of the Instructions transmitted to the Commandants of Quarters, and to the Protector of Slaves.

I am happy to state that the Reports of the parties who received the last Africans are favourable. The desire of the Proprietors of Estates to procure them continues unabated. On the arrival of these 194 Africans applications were made to me for as many as 1,502.

Only 1 death out of the 206 people landed in February last has occurred.

*The Right Hon. E. G. Stanley, M.P.,*  
 &c. &c. &c.

I have, &c.  
 (Signed) G. F. HILL.

## Sub-Enclosure J.

*The Captain-General of Cuba to the Lieutenant-Governor of Trinidad.*

(Translation.)

MOST EXCELLENT SIR,

Havana, 27th February, 1834.

In the schooner of Her Catholic Majesty, (my august Sovereign,) "Cristina," I have the honour to send to your Excellency 194 emancipated negroes from the schooner, "Rosa," captured by the corvette of His Britannic Majesty, "Despatch," (i. e.) 97 males, and an equal number of females, who will be delivered to the order of your Excellency by Captain Juan Bardet.

On this occasion all the conditions of the agreement have been observed; and under the same difficulty that I had the honour of pointing out to your Excellency respecting the notice beforehand, although I have given it in triplicate, and by different modes of communication, still I have



adopted the other method of provisioning the vessel for 30 days beyond the date of her arrival, in order that your Excellency may have the opportunity of arranging the disembarkation. I cannot, however, do less than recommend, if it is possible, the despatch of the operation, which will diminish the great expenses which are incurred by the Royal Treasury.

The British Commissioners will transmit to your Excellency the 194 Manumission Papers belonging to the negroes. The Captain, Bardet, will deliver into your Excellency's hands, the Certificate of the said Commissioners for the security of his passage.

I cannot do otherwise than avail myself of this opportunity to reiterate to your Excellency, that I shall continue to send to the Island under your Excellency's command the negroes who may be taken and condemned, under the conditions established and agreed upon with the Commissioners.

The Island of Cuba, thanks to the Omnipotent, continues to enjoy the most perfect health.

I renew to your Excellency the assurances of my respect, &c.

(Signed) MARIANO RICAFORT.

*His Excellency, Sir G. F. Hill, Bart.*

&c. &c. &c.

### Sub-Enclosure K.

*His Majesty's Commissioners to the Lieutenant-Governor of Trinidad.*

[See 4th Enclosure in No. 71.]

### Sub-Enclosure L.

*The Lieutenant-Governor of Trinidad to the Captain-General of Cuba.*

SIR,

*Trinidad, 31st March, 1834.*

I HAVE the honour to announce to your Excellency that the "*Cristina*" arrived here on the 26th instant, with 97 male and 97 female Africans: 1 of the males died shortly after the arrival of the vessel.

I offer to your Excellency my sincere acknowledgments and best thanks for the useful precaution you have observed in giving me early notice of your intended transmission of these people from Cuba to Trinidad, which I received by your Letters of the 1st and 18th ultimo, which, however, as the vessel was provisioned for 30 days after her arrival, was unnecessary.

The Africans who have thus arrived have not been so well provided with clothing, nor are they in the same good bodily condition, as those sent by the "*Manuelita*." As this may have been the effects of the passage from Africa to the Colonies, and of the more confined space in which these people have been kept, I do not therefore wish to impugn the conduct of Captain Bardet: but the people certainly have not the appearance of having been sufficiently fed.

It affords me the highest satisfaction to learn the continued state of the public health of the Island, under your Excellency's command, and although I have no doubt that the "*Manuelita*" has arrived ere this at the Havana, I beg to enclose a Duplicate of the Letter which I had the honour of addressing to your Excellency by her.

I have, &c.

(Signed) G. F. HILL.

*His Excellency, General Ricafort,*

&c. &c. &c.

### Sub-Enclosure M.

*The Lieutenant-Governor of Trinidad to His Majesty's Commissioners.*

[See First Enclosure in No. 77.]

### Sub-Enclosure N.

*Receipt of the Persons to whom the Negroes are distributed.*

*Trinidad.*

WE, the Undersigned, do severally acknowledge to have received from His Excellency the Right Honourable Sir George Fitzgerald Hill, Bart., Governor and Commander-in-chief in and over the said Island of Trinidad and its Dependencies, Vice-Admiral thereof, the several male and female African negroes, lately arrived from the Havana, and particularly named and described in the Lists or Lots hereunto annexed and respectively signed by us, upon the following conditions; that is to say, to be employed as agricultural free labourers, on the estates in the said Lists or Lots respectively named and mentioned, for the period of 6 months certain from the date hereof, and not to be removed or transferred therefrom to any other property or estate during the said period.

And we hereby respectively engage and contract with his said Excellency the Governor, to lodge, medicate, and give them an adequate supply of food, clothing, and household furniture, and to produce them wherever they shall be located, to the inspection of the Protector of Slaves, or any person appointed from time to time, by Letter, by His Excellency the Governor.

And we further respectively undertake and promise, within 1 month from the date hereof, to have them vaccinated; and we will, within the said period, respectively make or cause to be made and forwarded to the office of the Honourable the Colonial Secretary, Affidavits, in writing, that they have been so vaccinated.

And we further respectively promise to report each month to His Excellency the Governor the state of the said several male and female African negroes by us respectively received, and from time to time any casualty that may occur to them, or any or either of them.

In witness whereof we have severally and respectively set and subscribed our hands, at Port of Spain, this 29th day of March, in the year of our Lord 1834.

(Here follow 30 Signatures.)

## Sub-Enclosure O.

*The Lieutenant-Governor of Trinidad to the Commandants of the Quarters in which the Africans are located.*

(CIRCULAR.)

SIR,

*Government House, 1st April, 1834.*

I TRANSMIT to you herewith a Copy of a Receipt which has been given by  
of the Quarter of for Lots of 6 of the  
Africans distributed on the 29th, 30th, and 31st instant, together with a memorandum of their sexes  
and their African and baptismal names.

The Receipt specifies the conditions to which the Parties are reciprocally bound; and as on the one hand the Africans are at present, from their ignorance of the languages used in this Island, unable to make known their wants or complaints, I have to request that you will have them under your special observation, and that you will particularly befriend them in case of need. On the other hand, should they leave their present domicile before the expiration of the 6 months for which they are hired, you will please to apprehend and restore them to their employers.

*The Commandant of the Quarter of* \_\_\_\_\_

I have, &c.  
(Signed) G. F. HILL.

## Sub-Enclosure P.

*The Lieutenant-Governor of Trinidad to the Protector of Slaves.*

SIR,

*Government House, 26th March, 1834.*

HIS Majesty's Government having directed that the Africans hired out upon estates should be placed under the superintendence of the Officers of Customs, or the Protector of Slaves, whose duty it is to be, to see that justice is done, that no improper labour is exacted, and that the stipulations on behalf of the Africans lately located are faithfully observed in all respects, I transmit to you, herewith, a statement of the names of 20 persons who obtained the services of the Africans who arrived on the 15th of February last by the "*Manuelita*," specifying the estates upon which they were to be located. I also enclose a Copy of the Engagement signed by the Proprietors of those estates; and I request that you will avail yourself of every occasion that your duties lead you to visit the country, to inspect the Africans in the neighbourhood, reporting to me any case which you may consider to require the attention or interference of Government on their behalf.

*The Honourable the Protector of Slaves.*

I have, &c.  
(Signed) G. F. HILL.

## Sub-Enclosure Q.

*The Lieutenant-Governor of Trinidad to the Protector of Slaves.*

SIR,

*Government House, 31st March, 1834.*

WITH reference to my Letter of the 26th ultimo, I herewith transmit to you a statement, shewing the distribution of the Africans who arrived here on the 26th instant, in the schooner, "*Cristina*;" and request you will visit them for the purposes expressed in that Letter, as opportunities may offer, and report to me their condition. I enclose a Copy of the Receipt of the parties for the Africans, which contains the conditions to which they are reciprocally bound.

*The Honourable the Protector of Slaves.*

I have, &c.  
(Signed) G. F. HILL.

## Fourth Enclosure in No. 81.

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

SIR,

*Foreign Office, May 27th, 1834.*

I HAVE received and laid before Lord Palmerston your Letter of the 21st instant, together with its several Enclosures, on the subject of the removal of emancipated negroes from the Havana to Trinidad.

I am directed by Lord Palmerston to request that you will state to Mr. Secretary Stanley in reply, that the particular questions raised towards the conclusion of Sir George Hill's Despatch appear to his Lordship to be matters for legal interpretation, and that Lord Palmerston has, accordingly, in the first instance, referred them to the King's Advocate for his opinion upon them.

I am directed to add that, so soon as the King's Advocate shall have reported his opinion, Lord Palmerston will not fail to communicate further upon the subject with Mr. Stanley.

I am, at the same time, to send to you, the accompanying Copy of a Despatch\* which Lord Palmerston has recently received from His Majesty's Commissioners at the Havana, both of them bearing upon the subject of your Letter of the 21st instant.

I am to request that you will direct the attention of Mr. Secretary Stanley to the anxiety expressed

\* See No. 71.

by the Havana Authorities to be relieved from the condition that, in the transmission of negroes to Trinidad, there should be 1 male for each female; and, I am to beg that you will submit, for the decision of Mr. Stanley, whether, on account of the alleged majority of males, the Havana Authorities should not be permitted to send 4 males for 3 females in each exportation from the Havana to Trinidad.

With reference to the hope expressed by the Havana Commissioners, that means may be devised for securing the further services of Dr. Meikleham, as Medical Inspector of negroes prior to their embarkation for Trinidad, I am to state, that Lord Palmerston will be glad to know whether Mr. Secretary Stanley considers Dr. Meikleham's services as of any importance, and whether he will recommend that any and what remuneration should be made to Dr. Meikleham, or to any other medical gentleman, by his Majesty's Government, upon the occasions on which their services may be called for.

John Lefevre, Esq.  
&c. &c. &c.

I am, &c.  
(Signed) G. SHEE.

Fifth Enclosure in No. 81.

Sir G. Shee to John Lefevre, Esq.

SIR,

Foreign Office, July 22, 1834.

WITH reference to your Communications to this Department, of the 16th April and the 21st of May, 1834, respecting the plan acquiesced in by His Majesty's Government, at the request of the Spanish Government, for the removal of emancipated negroes from the Island of Cuba to that of Trinidad, and respecting also the political state of those negroes when arrived in the latter island;—

I am directed by Viscount Palmerston to acquaint you, for the information of Mr. Secretary Spring Rice, that the Communication referred to, made by you to this Department, has been transmitted, by Viscount Palmerston's direction, to the Law Officers of the Crown, who have reported it to be their opinion, that the removal of negroes emancipated by the Sentence of the Mixed Commission Court at the Havana to Trinidad, there to be employed as free labourers, under the conditions mentioned, is not contrary to law, provided that they are conveyed as free persons, and are not placed under greater restraints than other persons, not in a state of slavery, or than is necessary for their own safety, or that of the persons who are on board the same ship with them. Upon their arrival at Trinidad, they will be subject to and entitled to the protection of the laws in force in that island in the same manner as the other inhabitants.

I am at the same time directed to request, that you point out to the attention of Mr. Secretary Spring Rice the questions put to you in my Letter of the 27th of May last, and that you will add, that Lord Palmerston will be glad to have an Answer thereto.

John Lefevre, Esq.  
&c. &c. &c.

I am, &c.  
(Signed) G. SHEE.

No. 82.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Aug. 8, 1834.)

MY LORD,

Havana, 31st December, 1833.

WE have the honour to transmit herewith an Abstract of the Registers of the slaves emancipated by Decrees of this Mixed Commission during the year 1833.

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 "*Joaquina*"..... 4

On board the "*Manuelita*"..... 5

Four negroes are also reported by the Captor to have disappeared from his custody previous to the delivery up of their cargoes to the Captain-General; viz., 2 from on board the "*Joaquina*," and 2 from on board the "*Manuelita*."

One hundred and ninety-five negroes, forming the cargo of the schooner "*Negruta*," were also emancipated this year by the Mixed Commission; but no Register of them could be taken here on account of the cholera morbus then prevailing at the Havana, and there having been in consequence allowed no communication whatever with the shore. His Excellency the Governor of Trinidad has, however, announced the safe landing in that Colony of 189 individuals of the "*Negruta's*" cargo.

We have, &c.  
(Signed) W. S. MACLEAY.  
CHARLES MACKENZIE.

The Right Hon. Viscount Palmerston, G.C.B.  
&c. &c. &c.

Enclosure in No. 82.

*Abstract of the Registers of Negroes who have received their Certificates of Emancipation from the Mixed Commission, during the Year 1833.*

No.	Name of the Vessel condemned.	Males.	Females.	Totals.
1	Joaquina.....	235	82	317
2	Manuelita.....	412	65	477

N.B. The "Negrita" was also condemned; but her negroes were despatched to Trinidad without having any communication with the Havana.

No. 83.

*His Majesty's Commissioner to Viscount Palmerston.—(Received August 8.)*

MY LORD,

*Havana, 5th June, 1834.*

ON the 31st ultimo, His Majesty's schooner, "Firefly," Lieutenant J. J. M'Donnell, Commander, came into this Port with the schooner, "Despique," Jozé Maria Oliveira, Master, which had been detained in latitude 20° 45' N., longitude 83° 4' W., with a crew of 14 individuals, sailing under Spanish colours, on account of her cargo, consisting of 215 negroes, taken on board at Angola. On examining the Papers I found no reason to believe the "Despique" to be other than a Portuguese vessel.

I have the honour to enclose Copies of Lieutenant M'Donnell's Letter to His Majesty's Commissioners, and of my Answer, in which I recommended him to follow the course of proceeding which had been adopted in the similar Cases of the "Rosa" and "Hebe," and which has met with your Lordship's approbation. I have now only to transmit a Copy of the Captor's Declaration, and a Translation of the schooner's Passport, by which it appears that she was at San Pablo de Loando on the 5th April last.

The "Firefly" sailed, with her prize, for Nassau, on the morning of the 3d instant, having been detained for want of water.

I have, &c.

(Signed)

W. S. MACLEAY.

*The Right Honourable Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

First Enclosure in No. 83.

*Lieutenant M'Donnell to His Majesty's Commissioners.*

*His Majesty's schooner, "Firefly,"  
Havana, 31st May, 1834.*

GENTLEMEN,

I BEG to acquaint you that on the 25th May, 1834, in latitude 20° 45' N., and longitude 83° 4' W., I fell in with and captured the Portuguese slave-schooner, "Despique," mounting 2 guns, and have arrived with her at this port to-day. I have further to state, that all the documents are prepared requisite for her condemnation, and request you may be pleased to direct me as to her disposal. The number of slaves on board was 215.

I have, &c.

(Signed)

J. J. M'DONNELL.

*Lieutenant Commanding.*

*His Majesty's Commissioners,*

&c. &c. &c.

Second Enclosure in No. 83.

*His Majesty's Commissary Judge to Lieutenant M'Donnell.*

*Havana, 1st June, 1834.*

SIR,

I HAVE the honour to acknowledge the receipt of your Letter dated yesterday, announcing that His Majesty's schooner, "Firefly," under your command, has detained on this coast the Portuguese schooner, "Despique," with 215 slaves on board, and enclosing the Papers belonging to the vessel, which Papers are herewith returned. After a careful inspection of these documents, I have to inform you, that I see no reason to believe the "Despique" to be other than a Portuguese vessel.

With respect to the line of conduct now to be adopted with regard to this slave-schooner, I recommend to your attention that pursued by Lieutenant Taplen, of His Majesty's schooner, "Pickle," and Lieutenant Pothury, of His Majesty's schooner, "Nimble," in the similar Cases of the Portuguese vessels, "Rosa" and "Hebe," since the proceedings in those Cases have met with the entire approbation of His Majesty's Government.

I have, &c.

(Signed)

W. S. MACLEAY.

*Lieutenant M'Donnell, commanding His Majesty's schooner, "Firefly,"*

&c.

&c.

&c.

## Third Enclosure in No. 83.

*Captor's Declaration.*

I, LIEUTENANT JOHN JULIUS M'DONNELL, Commander of His Britannic Majesty's schooner, "Firefly," hereby declare, that on the 25th day of May, 1834, being in or about latitude 20° 45' N., and longitude 83° 40' W., I detained the vessel named the "Despique," sailing under Portuguese colours, armed with 2 guns, 6-pounders, commanded by José Maria Oliveira, who declared her to be bound from Angola, on the Coast of Africa, to Havana, with a crew consisting of 12 men, and 2 boys (blacks) whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 215 slaves, said to have been taken on board at Angola, on the Coast of Africa, on the 7th day of April, 1834, and are enumerated as follows, viz. :—

	<i>Healthy.</i>	<i>Sickly.</i>
Men .....	56	
Women .....	1	
Boys .....	90	1
Girls .....	67	
Total.....	214	1

*List of Crew's Names.*

Jozé Ma. Oliveira . . .	Captain.	Manl. Joaquin Foz . . .	Seaman.
Joaquin Igno. Ribero . .	1st Pilot.	Jozé Foz . . . . .	Do.
Feliz Cosmé Madail . . .	2d Do.	Jozé Rufino . . . . .	Do.
Jozé Antonio . . . . .	Seaman.	Jozé Vicente . . . . .	Do.
Manl. Franco. Marques . .	Do.	Franco. d'Oliveira* . .	Do.
Benito da Silva . . . . .	Do.	Rufino Ribero* . . . . .	Do.
Miguel Antonio . . . . .	Do.	Jozé Roiz . . . . .	Do.
Prudente Diaz . . . . .	Do.		

\*Two black boys claimed, the former by the Captain, the latter by the 1st Pilot, as their property.

And I do further declare, that the said schooner appeared seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew, on their destined voyage to Havana.

And I further declare, that the crew and slaves on board the said schooner, as far as I observed and examined, were in a healthy state, with 2 exceptions, the 1 slave mentioned in the Form on the other side hereof, and 1 of the former, both of whom appeared to be at the point of death.

(Signed) J. J. M'DONNELL,  
*Lieutenant Commanding.*

Witnesses, JOHN M'RAE, *Assistant-Surgeon.*  
H. M. LOCKYER, *Senior Mate.*

## Fourth Enclosure in No. 83.

*Passport of the Portuguese schooner, "Despique."*

(Translation.)

I, AGOSTINHO JOZE' FREIRE, of Her Majesty's Council, Minister Secretary of State for the War Department, and charged temporarily with the Affairs of the Marine, and those beyond the sea, &c., make known to those who shall see this Passport, that the schooner, "Despique," Jozé Maria de Oliveira, Master, owned by Jozé Gomez Ligeiro and Co., is about to sail from the port of this City of Lisbon, for the ports of the Coast of Africa, as is proved by legal documents exhibited in this Secretary of State's Office, all the above persons being Portuguese, and subjects of these kingdoms, and no foreigner having any share in the said schooner. And because, in going or returning, she may be met with, either at sea or in port, by the Captains and Officers of ships and vessels of the same kingdoms; therefore, Her Majesty directs them not to throw any impediment, in the way of the "Despique;" and she recommends to those of the fleets, squadrons, and merchantmen, of the Kings, Princes, Republics, and Potentates, the friends and allies of the Crown of these Kingdoms, not to obstruct the prosecution of her voyage, but rather to afford her the assistance and favour she may want, under the certain persuasion that those vessels recommended by their Princes shall experience the same and equal treatment. In faith of which Her Majesty ordered the present Passport to be given, signed by me, and sealed with the Great Seal of the Royal Arms.

Given at Lisbon this 1st day of October, in the year of our Lord, 1833.

(Signed) AGOSTINHO JOZE FREIRE.

(L. S.)

By order of His Excellency,

(Signed) JOAQUIN PEDRO DA COSTA.

*Lisbon, 4th October, 1833.*

(Signed) FONSECA.

No. 13, registered in the Book of Passports for Ships at the Secretary of State's Office for the Affairs of the Sea, &c., 2d October, 1833.

(Signed) JOAQUIN PEDRO DA COSTA.

Seen and approved to enable her to prosecute her voyage to Lisbon, touching at the ports of Havana and Gibraltar.

(Signed) BARAUDA DE SANTA COMBA.

*San Pablo de Assumption de Loando, 5th April, 1834.*

No. 84.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received August 8.)

MY LORD,

Havana, 18th June, 1834.

SINCE the 24th ultimo, when I had the honour to address to your Lordship my Despatch\* of the 24th of May, 4 Spanish slave-vessels have sailed for the Coast of Africa; viz., the schooner, "*Gazeta*," Joaquin Andrecain, Master, and the brig, "*Volador*," Antonio Marques, both on the 25th ultimo; the brig, "*Formidable*," Jozé Benito Pardo, Master, on the 6th instant; and the schooner, "*Carmen*," Juan Capdevila, on the 14th instant.

On the 24th ultimo arrived from Africa the brig, "*El Mismo*," Jacinto Llobet, Master; and, on the 15th instant, the brig, "*Jacinto*," Francisco Rovirosa, Master. On the arrival of the first of these slave-vessels I had, as usual, denounced her to General Ricafort, the then Captain-General, and I have now the honour to enclose a Translation of the Answer which has been returned to this representation of mine, by the new Captain-General, in which Answer your Lordship will perceive that His Excellency encloses a Decision of the Fiscal, absolving the brig, "*El Mismo*" from all concern in the Slave Trade. On the arrival of the "*Jacinto*," therefore, in order to learn whether the same illusory process of examining slave-vessels is to be persisted in under the authority of the new Captain-General, I yesterday addressed to His Excellency the Note a Copy of which I enclose.

I have, &amp;c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

\* See No. 79.

## First Enclosure in No. 84.

*The Captain-General to His Majesty's Commissary Judge.*

(Translation.)

SIR,

Havana, 12th June, 1834.

YOUR Despatch of the 24th May last, on the subject of the entry into this Port from the Coast of Africa, of the Spanish brig, "*El Mismo*," Jacinto Llobet, Master, having been communicated to the Acting Commander-in-Chief of the Naval Forces on this Station, I now enclose you a Copy of the Judgment of the Fiscal, by which it appears that there exists no proof whatever of this mercantile enterprize having been concerned in the prohibited traffic of bozal negroes.

God preserve you many years.

*Señor Don W. S. Macleay, Commissary Judge,*

&amp;c.

&amp;c.

&amp;c.

(Signed)

MIGUEL TACON.

## Second Enclosure in No. 84.

*Judgment of the Fiscal.*

(Translation.)

Havana, 5th June, 1834.

THE uniformity in the evidence of the 9 individuals of the crew of the Spanish brigantine schooner, "*El Mismo*," who all declare that the said vessel has not been employed in the illicit traffic of slaves, but took out a lawful cargo, and returned in ballast direct to this Port, appears to leave no doubt of the truth of these facts. Their statement indeed is corroborated by the search which they experienced both on the voyage out and home from various British cruizers, which, without doubt, would have detained the vessel had they found an unlawful cargo on board. Wherefore, if it appear good to you, as it does to me, to free from all inculpation the Captain Don Jacinto Llobet, you will be pleased for this purpose to give this result of the preparatory investigation into the hands of the Commander-in-chief of this Station.

*Señor Commandant of this Province.*

(Signed)

MANUEL DE LOS RIOS.

Havana, 6th June, 1834.

IT being proved by the enclosed preparatory proceeding, in which the evidence of 9 individuals of the crew of the Spanish brigantine-schooner, "*El Mismo*," was taken, that her Captain, Don Jacinto Llobet, has not been employed in the illicit traffic of slaves, and that he took out to Africa a lawful cargo, I now transmit this document to you, as well as the Log-book, in which he has noted down his proceedings.

*Señor Commander-in-Chief of this Station.*

(Signed)

EL CONDE DE LOS ANDES.

## Third Enclosure in No. 84.

*His Majesty's Commissary Judge to the Captain-General.*

Havana, 17th June, 1834.

IN conformity with the line of conduct which his Instructions oblige him to pursue in all such Cases, the Undersigned, His Britannic Majesty's Commissary Judge, has the honour to inform His

Excellency the Captain-General, that it will be his duty to make his Government acquainted with the arrival in this Port from the Coast of Africa, on the 15th instant, of the Spanish brig, "*Jacinto*," D: Francisco Roviroso, Master.

The Undersigned, however, cannot let the present occasion pass without venturing to hope that His Excellency, on entering upon the Government of this island, will adopt such measures as may at length secure the effectual execution of the Treaty between Great Britain and Spain for the abolition of the Slave Trade, supported as this Treaty is by so many Royal Orders, which shew the benevolent intentions of the Spanish Government, and prove its anxious desire to extinguish an inhuman traffic that is gradually undermining the morality and industry of Cuba—a traffic, moreover, which, by augmenting the coloured population at a time when all the negroes of the surrounding islands have been emancipated, presents to this white population the most alarming prospect of the future.

The Undersigned has the honour, &c.

*His Excellency the Captain-General,*  
&c. &c. &c.

(Signed)

W. S. MACLEAY.

No. 85.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 16th August, 1834.*

I HAVE received your Despatches of this year up to that of the 18th June last.

I herewith transmit to you, for your information, the accompanying Copies\* of Instructions which, by His Majesty's command, I have in the course of this year addressed to His Majesty's Envoy at Madrid, directing that Minister to urge upon the Spanish Government the adoption of such measures as may demonstrate the sincerity of the Government of Spain, in the assurances which they have so often given to this Country, of their anxiety for the suppression of the African Slave Trade of Spain.

I am, &c.

*His Majesty's Commissioners,*  
&c. &c. &c.

(Signed)

PALMERSTON.

\* See Class B, Nos. 6, 8, and 12.

No. 86.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 25th August, 1834.*

WITH reference to my Despatch to you of the 24th July, 1834\*, transmitting Copies of Correspondence which had passed in this Country, on the subject of the proposed removal of emancipated negroes from the Spanish Island of Cuba to His Majesty's Island of Trinidad, I herewith transmit to you, for your information and guidance, the accompanying Copy of a Letter which has more recently been received at this Office from the Colonial Department, conveying Mr. Secretary Spring Rice's opinion upon 2 points connected with this subject, namely, the condition as to the equality of females to males in the number of negroes transferred; and the employment of a medical practitioner, approved by His Majesty's Commissioners, previously to the embarkation of the negroes for Trinidad.

I am, &c.

*His Majesty's Commissioners,*  
&c. &c. &c.

(Signed)

PALMERSTON.

\* See No. 81.

Enclosure in No. 86.

*Mr. Lefevre to Sir G. Shee.*

(Extract.)

*Colonial Office, 16th August, 1834.*

I AM directed by Mr. Secretary Spring Rice to acknowledge the receipt of your Letter of the 27th May last, and with regard to the 2 points to which you call attention, pending the reference to the King's Advocate, I am to request that you will submit, to Viscount Palmerston, Mr. Rice's opinion—on the former, that His Majesty's Government ought not to relax the condition which requires at least an equality of females to males, in the transfers of captured negroes from Cuba to Trinidad—and on the latter, that it does appear to Mr. Rice to be important, that the negroes should be inspected and certified to be in good health by some medical practitioner, approved by His Majesty's Commissioners at the Havana, previously to their embarkation. On the eligibility of Dr. Meikleham in particular, Mr. Rice can of course form no personal judgment; but if he be selected by the Commissioners, he may be presumed to be competent; and, as regards his remuneration, I am to refer you to my Letter of the 16th April last, in which I was directed to express Mr. Secretary Stanley's opinion, that the expenses of medical inspection would be cheerfully defrayed by the Spanish Authorities.

I have, &c.

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

(Signed)

JOHN LEFEVRE.

No. 87.

*His Majesty's Commissioners to Viscount Palmerston.—(Received August 25.)*

MY LORD,

*Havana, 1st July, 1834.*

I HAVE now the honour to enclose Translations of 2 Notes, and an Enclosure which I have received from General Tacon, the new Captain-General, in answer to my representation to him on the arrival of the slave-vessel, "*Jacinto*;" a Copy of which representation was forwarded to your Lordship with my last Despatch.

It is distressing to find that His Excellency is resolved to prosecute the plan adopted by his predecessors for the protection of the Slave Trade, and to remove all responsibility from himself by the system of devolving the preliminary investigation of all such cases of illicit traffic on subaltern Agents.

The decision of the Fiscal can be considered in no other light than as an absolute mockery, both of the Treaty and of the Spanish laws on the same subject. General Tacon has, since he assumed the reins of Government, shewn himself to possess great energy and decision, so that I cannot conceive any one would venture to make so notoriously an illusory report to him if something of the kind had not beforehand been arranged. Nor indeed is it easy to understand how a Chief, whose conduct in every other respect since his arrival has been so judicious and disinterested, could sanction this report, and thus connive at a traffic which is ruinous to the Island, and detested by the enlightened portion of its inhabitants, unless he knew that by so doing he would please the Government at home. However this may be, it is my duty to inform your Lordship, that slave expeditions are unfortunately at this moment almost as infamously frequent as in 1828; no less than 6 vessels having sailed for Africa during the month just expired. Of these, 2 were mentioned in my last Despatch to your Lordship; and I have now to add the brig, "*El Mismo*," Juan Pujol, Master, which sailed on the 25th ultimo; the schooner, "*Lucecita*," Antonio Esteves, Master, which sailed on the 26th; the schooner, "*Bienvenida*," alias "*Mercedita*," José Dias Rivera, Master, which sailed on 27th; and the schooner, "*Minerva*," Andres Puig, Master, which sailed on the 30th.

I have, &amp;c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

## First Enclosure in No. 87.

*The Captain-General to His Majesty's Commissary Judge.*

(Translation.)

SIR,

*Havana, 18th June, 1834.*

I HAVE received your Note of yesterday, informing me that it will be your duty to make your Government acquainted with the arrival in this Port from the Coast of Africa of the Spanish brig, "*Jacinto*," Francisco Roviroso, Master, and by way of provisional Answer I now beg to inform you, that in obedience to the resolution of the Supreme Government, as expressed in the Royal Order of 2d January, 1826, I have addressed the proper Letter to the Acting Commander-in-chief of the Naval Forces on this Station, desiring him to proceed with the necessary preliminary investigation, of the result of which you shall have due notice.

God preserve you many years.

*The Commissary Judge of His Britannic Majesty,*

(Signed)

MIGUEL TACON.

&amp;c.

&amp;c.

&amp;c.

## Second Enclosure in No. 87.

*The Captain-General to His Majesty's Commissary Judge.*

(Translation.)

SIR,

*Havana, 30th June, 1834.*

THE Acting Commander-in-chief of the Naval Forces on this Station has transmitted to me the preparatory proceeding drawn up in consequence of the directions issued by him for the investigation of the conduct of the Master of the Spanish brig, "*Jacinto*," as to whether he had been engaged in the prohibited traffic of bozal negroes, and it not resulting from the said preparatory proceeding that the said Master has been concerned in this unlawful commerce, which you will see by the enclosed judgment of the Fiscal, I now beg leave to make you acquainted with the same.

God preserve you many years.

(Signed)

MIGUEL TACON.

*The Commissary Judge of His Britannic Majesty.*



## Third Enclosure in No. 87.

*Judgment of the Fiscal.*

(Translation.)

*Havana, 26th June, 1834.*

NINE of the crew of the Spanish brig "Jacinto" have been examined, and their Declarations show that this vessel has not been employed in the illicit traffic of slaves; but that she took out to those coasts a lawful cargo, and has returned in ballast directly to this port. It appears, indeed, that there is no doubt of the Master having fulfilled his duty, since he has undergone the search of various English vessels-of-war, one of which has even endorsed his Passport, and it can scarcely be supposed that these vessels would not have detained him if anything suspicious had been discovered on board, wherefore I consider the Master, D. Francisco Roviroso, of the brig, "Jacinto," to be free from all charge, although in expressing this opinion I submit to your superior judgment, and now hand over the Papers to you for that object.

*Señor Commander of the Register Office in this Port.*

(Signed)

JOAQUIN ZUAZO.

*June 26th, 1834.*

It being proved by the evidence of 9 of the crew of the Spanish brigantine-schooner, "Jacinto," that her Captain, D. Francisco Roviroso, has not been engaged in the illicit traffic of negroes, and that he had carried out to those parts a legal cargo of goods, I now transmit to you, together with the "Sumaria," the Log-book in which the proceedings of the vessel are set forth at length.

(Signed)

EL CONDE DE LOS ANDES.

*Señor Commander-in-chief of this Station.*

## No. 88.

*His Majesty's Commissioner to Viscount Palmerston.—(Received 25th Aug.)*

MY LORD,

*Havana, 1st July, 1834.*

IN pursuance of the Act of Parliament, 5 Geo. IV., entitled an Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade, I have the honour to enclose a Return of the Cases adjudicated in this Court of Mixed Commission during the last 6 months.

I have, &amp;c.

(Signed)

W. S. MACLEAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 88.

*Return of Spanish Slave-vessels brought before the Mixed Commission at the Havana, for adjudication, between 1st January, 1834, and 1st July, 1834.*

Name of Vessel.	Date of Seizure.	Property seized.	Name of Seizor.	Date of Sentence.	Decretal part of Sentence.	Whether Property condemned has been sold, or remains unsold; and in whose hands the Proceeds remain.
Rosa . . . . .	1833. 25th Dec.	{ Spanish schooner, having on board 292 slaves.	{ Commander Geo. Daniell, of His Majesty's sloop, "Despatch."	1834. 15th Feb.	Forfeiture.	{ This vessel, tackle, &c. has been sold, and the Proceeds are at present in the hands of the Secretary of the Mixed Commission.

(Signed)

W. S. MACLEAY.

## No. 89.

*His Majesty's Commissioner to Viscount Palmerston.—(Received September 15.)*

MY LORD,

*Havana, 11th August, 1834.*

I GRIEVE to state that since the occupation of his Post by the new Captain-General, the Slave Trade of this Port has been more shamelessly prevalent than ever I recollect it to have been during my long residence here; while no good whatever results from the representations I make to His Excellency on every arrival from the Coast of Africa.

Since my Despatch to your Lordship on this subject, dated 1st July last, no less than 6 slave-vessels have sailed from the Havana, and 4 have arrived, 1 of which is said to have previously landed more than 700 negroes.

The slave-vessels which have sailed, are the notorious Spanish brig, "Llobregat," José Antonio de la Vega, Master, on the 3d ultimo; the Spanish schooner,

"*Tita*," Juan Acosta, Master, on the 17th ultimo; the Spanish brig, "*General Laborde*," Ramon Trello, Master, on the 23d ultimo; the Portuguese brig, "*Fortuna*," Domingo Dargues, Master, on the 27th ultimo; the Spanish ship, "*Socorro*," Juan Peoli, Master, on the 5th instant; and the Spanish schooner, "*Iberia*," Juan Casas, Master, on the 9th instant. The large ship, "*Socorro*," cleared out for the East Indies, but there is no doubt that her real destination is Africa.

The 4 vessels which have arrived in the Havana, after having previously landed their slaves, are all Spanish brigs; viz., the "*Temerario*," Joaquin Blanco, on the 7th ultimo; the "*Alerta*," Antonio Muzard, on the 1st instant; the "*Francisca*," Antonio S. Martin, on the 4th; and the "*Empresa*," Esteban Gallel, on the 8th instant.

On such a lamentable statement it is needless for me to expatiate. Your Lordship will however perceive, that never has the Slave Trade of Cuba been at a greater height than at present, and that the remonstrances of His Majesty's Commissioners here are not attended to, except in a manner that amounts to downright mockery.

I am, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

No. 90.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 27th September, 1834.*

I HEREWITH transmit to you, for your information, the Copy\* of an Instruction which I have recently addressed to His Majesty's Envoy at Madrid, respecting the encouragement and protection given to the Slave Trade by the Spanish Authorities at the Havana.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners,*

&c. &c. &c.

\* See Class B, No. 13.

No. 91.

*His Majesty's Commissioners to Viscount Palmerston.—(Received October 14.)*

MY LORD,

*Havana, 12th September, 1834.*

I HAVE NOW to report the arrival in this port of 4 more vessels from the Coast of Africa; viz., the Portuguese brig, "*Teresa*," J. J. Correa, Master, on the 20th ultimo; and 3 Spanish, viz., the schooner, "*Tres Manuelas*," José Marques, Master, on the 26th ultimo; the schooner, "*Pronta*," Pedro Manegat, on the 27th ultimo; and the brig, "*Belencita*," Santiago Alonzo, Master, on the 8th instant.

I have also the honour to inform your Lordship, that 2 Spanish slave-vessels have sailed for Africa since my last Despatch; viz., the schooner, "*Trajamillas*," alias "*Correo, No. 1*," Sebastian Riego Rivera, Master, on the 11th ultimo; and the brig, "*Temerario*," Angel Ximenes, Master, on the 25th ultimo.

I am, &c.

(Signed) W. S. MACLEAY.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

No. 92.

*Sir G. Shee to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 10th November, 1834.*

I AM directed by Viscount Palmerston to transmit herewith, for your information, the Copies\* of Correspondence which has passed between this Depart-

\* See Class B, Nos. 14, 15, 16, 17, 19.

ment and His Majesty's Envoy at Madrid, on the subject of the African Slave Trade of Spain.

*His Majesty's Commissioners,*  
&c. &c. &c.

I am, &c.  
(Signed) G. SHEE.

## No. 93.

(CIRCULAR.)

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 17th November, 1834.*

THE King having been pleased to confer the Seals of the office of His Majesty's Principal Secretary of State for Foreign Affairs on the Duke of Wellington, I have to desire that you will henceforth address your Despatches and Letters on public business to his Grace.

*His Majesty's Commissioners,*  
&c. &c. &c.

I am, &c.  
(Signed) PALMERSTON.

## No. 94.

(CIRCULAR.)

*The Duke of Wellington to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 17th November, 1834.*

I HAVE to acquaint you that the King has been pleased to accept of Viscount Palmerston's resignation of the office of His Majesty's Principal Secretary of State for Foreign Affairs.

I am to desire that you will, until further arrangements shall be made, address to me your Despatches and Letters on public business, to be laid before the King; and you will receive from me such orders and instructions as His Majesty shall think proper to give for your guidance and direction.

*His Majesty's Commissioners,*  
&c. &c. &c.

I am, &c.  
(Signed) WELLINGTON.

## No. 95.

*The Duke of Wellington to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 17th November, 1834.*

I HEREWITH forward to you the Commission, bearing date the 17th of November, by which His Majesty has been graciously pleased to appoint William Sharp Macleay, Esquire, to be His Majesty's Commissary Judge, and Edward Wyndham Harrington Schenley, Esquire, to be His Majesty's Commissioner of Arbitration, to the Mixed British and Spanish Commission established at the Havana, under the Treaty concluded on the 23d of September, 1817, between Great Britain and Spain, for the prevention of illegal Slave Trade, and pursuant to the Acts of Parliament which have been passed for carrying that Treaty into effect.

Mr. Schenley will, at an early opportunity after his arrival at the Havana, take, in due form, the oath prescribed to him by the enclosed Instrument, prior to the entering upon his further duties in the character assigned to him in His Majesty's Commission of appointment.

You will announce the appointment to the Foreign Members of the Mixed Commission destined to act with you under the Treaty above-mentioned.

You will strictly follow the line of conduct pointed out in the Instructions which have heretofore been given by His Majesty's Secretary of State to His Majesty's Commissioners at the Havana, and further Instructions will, by His Majesty's command, be transmitted to you, according as Instructions may be necessary for your guidance.

*His Majesty's Commissioners,*  
&c. &c. &c.

I am, &c.  
(Signed) WELLINGTON.

## RIO DE JANEIRO.

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No. 96.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 11, 1834.)*

MY LORD,

*Rio de Janeiro, 17th November, 1833.*

OUR last Despatch had hardly left the harbour, when the documents, Translations of which we have the honour to transmit, appeared in the "*Correio Official.*" They all 3 bear the signature of the same individual, the newly appointed Minister of Justice, and bespeak a determination to enforce the observance of the laws directed against the Slave Trade, which, if honestly seconded by those to whom their execution is entrusted, would go far, if not to suppress, at least very greatly to impede, the traffic. But we cannot shut our eyes to the experience of the past, nor allow ourselves to hold out any such expectation to your Lordship, when the very grounds on which these fresh Instructions are issued attest the notoriety and impunity with which similar violations of those laws have been constantly going on, in spite of every effort of the Government to prevent it.

No. 1 of these Papers is a Circular to the different Justices of the Peace along this coast, censuring them for their neglect of duty, and enjoining the greatest activity and vigilance in the detection and apprehension of the offenders.

No. 2 is an application to the Minister of Marine to station additional cruisers off the coast; and we would beg leave to direct your Lordship's attention to the wording of this Despatch, as regards the care to be used in the selection of the Officers' terms; which, we have reason to believe, are not mere matter of form, but are owing to the circumstance of some individuals lately employed having been found to have themselves engaged in the very traffic they were sent out to suppress.

No. 3 refers to a Commission appointed at the close of the last Session of the General Assembly to revise the present legislation, and to make a report to the Government thereon, with a view to the correcting "its most prominent defects."

Among the principal objects enumerated, and which are divided into 8 or 9 leading articles, we looked in vain for the suggestion of any more efficient measure for the suppression of the traffic in slaves: this omission has now been so far repaired, as that the Regency, impelled, it should seem, by the effrontery with which the trade has been openly persisted in, as well as by its alarming increase during the last few months (within which period a greater number of Africans have been imported, and the price they have fetched been consequently less than has been known for some time), has, as your Lordship will perceive in this supplementary Instruction, distinctly recommended the subject to the most serious consideration of the Commission.

No reference is indeed made either to the Law of November, 1831, or to the discrepancy between it and our Treaties; nor, perhaps, could any direct mention of either, in a document of this nature, be expected: it may not, however, at the same time, be improper to remark, that the Instructions by which their labours are to be regulated seem rather to point to the means of securing a more effectual execution of that law than to its modification or repeal.

We have, &c.

(Signed)

GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

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*Extract from "O Correio Official," Rio de Janeiro, 14th November, 1833.*

First Enclosure in No. 96.

(Translation.)

*Palace, Rio de Janeiro, 11th November, 1833.*

THE Regency, being informed that, with the greatest scandal and infraction of the law, there have been landed, in the vicinity of this city, Africans brought for the criminal object of sale, which has been effected for the Province of Minas Geraes, and even for this capital, which, if unknown to you, denotes remissness and negligence in the fulfilment of your duties and of the injunctions issued upon this subject from this Department of State, orders, in the name of the Emperor Don Pedro the Second, that you proceed, with the greatest activity, energy, and vigilance, to discover and apprehend such imported Africans, and prosecute with all the rigour of the law the importers and transmitters of them, as well as the receivers and harbourers of the same, thereby shewing themselves to be in connivance with those who commit such a crime, which humanity and policy require should not remain unpunished.

(Signed) AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

*The Justice of the Peace of the First District of the "Freguesia,"  
of the Town of Ilha Grande.*

N.B. Similar Despatches have been sent to the Justices of the Peace of the Districts of the Town of Ilha Grande, Itaguahy, and Mangaratiba.

Second Enclosure in No. 96.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

*Palace, 11th November, 1833.*

IT being known that, with the greatest scandal and infraction of the law, there have been landed on the shores of Ilha Grande, Sepetiba, Paraty, Mangaratiba, and Marambaia, Africans brought for the criminal trade, of the sale of the same, and the most positive orders upon this subject having been sent under this date to the Justices of the Peace of those Districts, I have also to request that your Excellency will order some more national vessels-of-war, commanded by Officers of entire probity and honour, and incapable of failing in their duties, to cruise off the said shores.

(Signed) AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

*Señor Joaquim José Rodrigues Torres.*

Third Enclosure in No. 96.

*Palace, 11th November, 1833.*

THE importation of Africans for the criminal traffic of the sale of the same being continued, with scandalous infraction of the law, throughout the whole Empire, notwithstanding the most positive orders issued by the Government upon that subject, and the Regency, in the name of the Emperor Don Pedro the Second, desiring to prevent entirely a traffic as criminal as it is impolitic, orders that you will remind the Commission appointed to revise the Legislation, of the necessity of taking this subject into its most serious consideration, in order to propose measures of energy respecting it.

(Signed) AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

*Señor João Antonio Rodrigues de Carvalho.*

No. 97.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 19, 1834.)*

MY LORD,

*Rio de Janeiro, 18th December, 1833.*

WE have the honour to enclose to your Lordship herewith, a Letter, addressed, on the 3d instant, to His Majesty's Commissary Judge by Rear-Admiral Sir Michael Seymour, transmitting,—

First, a Declaration made by Commander Smart, of His Majesty's sloop, "Satellite," on the detention by him of the brig, "Paquete do Sul," under Portuguese colours, on the 15th November, 1833; and,

Second, a Declaration made, on the 25th November last, by Commander Robertson, of His Majesty's sloop, "Snake," on the detention, that same day, of the barque, "Maria da Gloria," also under Portuguese colours, with 423 African slaves on board.

The first of these vessels arrived in this Harbour on the 15th, and the latter on the 25th ultimo, but being both put immediately under quarantine, it was not till the 3d instant that the official notification of the fact was made, when, in compliance with the Rear-Admiral's request, the British Commissary Judge communicated it to the Court, and, on the following day, the Papers were brought in by the Admiral, representing the Captor, and duly sworn to by the respective Officers in charge of the 2 prizes.

The Court are now assiduously proceeding in the investigation of both Cases ; and we shall not fail to report the result, with every particular respecting it, at the earliest period after they shall have come to a decision.

In this stage of the proceedings, we conceive the course best befitting our duty is to abstain from entering into any further detail, the more so as it seems likely, from present appearances, that the circumstances attending these captures may become the subject of much future discussion.

We have, &c.

(Signed)

GEORGE JACKSON.

FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

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Enclosure in No. 97.

*The British Commander-in-chief to His Majesty's Commissary Judge.*

SIR,

"Spartiate," *Rio de Janeiro*, 3d December, 1833.

I BEG leave to transmit herewith a Copy of a Letter addressed to me, and a Declaration made by Commander Smart, of His Majesty's sloop, "Satellite," on the detention of the brig, "*Paquete do Sul*," under Portuguese colours, by that sloop, on the 15th day of November, 1833, and also various Papers which were found on board the brig at the time of detention, and since that period.

I likewise transmit a Declaration made, on the 25th November last, by Commander Robertson, of His Majesty's sloop, "Snake," on the detention of the barque, "*Maria da Gloria*," under Portuguese colours, with 423 African slaves on board, and also various Papers found on board at the time of detention.

Both these vessels, though under the Portuguese Flag, are undoubtedly the property of persons domiciled and gaining a livelihood in the Brazils, and the vessels trading to and from the Port of Rio de Janeiro. I have therefore to request you will be pleased to bring these 2 Cases before the Mixed Commission at Rio de Janeiro, in the usual manner.

*Sir George Jackson,*  
&c. &c. &c.

(Signed)

I am, &c.

MICHAEL SEYMOUR,

*Rear-Admiral.*

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No. 98.

*His Majesty's Commissioners to Viscount Palmerston.—(Received March 26, 1834.)*

MY LORD,

*Rio de Janeiro*, 26th December, 1833.

In our last Despatch we had the honour of reporting to your Lordship the capture of 2 slave-vessels, under Portuguese colours, by His Majesty's cruisers, and their having been both brought before the Mixed British and Brazilian Commission established at this place, for adjudication.

The first of these, viz. the brig, "*Paquete do Sul*," detained by Commander Smart, of His Majesty's sloop, "Satellite," without any negroes, but having shackles and irons on board for securing male and female slaves, is still under the consideration of the Court.

The proceedings relative to the other, "*Maria da Gloria*," taken by Commander Robertson, of His Majesty's sloop, "Snake," with 423 slaves on board, a Copy of whose Declaration at the time of capture is hereunto annexed, terminated on the 20th instant, and will form the subject of this Despatch.

The usual Monition being issued, according to the forms observed in this Country, the 2 Protests, Translations of which we have the honour to enclose, were presented by Cordonij, the Master of the vessel.

The first, for the illegal detention and capture of the ship, "*Maria da Gloria*," is made in his own name only, as Captain, and is directed against the British Government, the English Admiral commanding the Naval Forces in the Port of Rio de Janeiro, and the Captor, and is principally deserving attention ; 1st, as declaring that she was bound to Monte Video, a subterfuge which, besides being unsupported by any Papers with which the vessel was furnished on leaving this Port, is at variance as well with the Passport with which she sailed from Loando as with the Captor's Declaration, and which appears to have been an after-thought, suggested by some ill-defined idea, taken up since anchoring in this Port, of being able to use it as a ground of defence ; and, 2nd, as putting forward as a fact "that the brig-of-war, 'Snake,' had not on board the particular Instructions required by the Convention of 1817, nor was destined by the Government of His Britannic Majesty

to prevent the traffic in slaves by Portuguese ships," an assertion which we have little doubt will prove incorrect, but which, as yet, we have no direct means of ascertaining, Commander Robertson not having been in Port since the detention.

The remainder of this Protest, and the exemption claimed from capture on the ground of the traffic being still permitted to Portugal to the South of the Equator, in despite of the 4th section of the 1st Article of that same Convention, is altogether unworthy your Lordship's notice.

The 2d Protest, professing to be made by him as the duly authorized and legitimate attorney of the Owner, Anastacio Jozé Ribeiro, renews that already made, extends it to the Imperial Government, and specifically to the Ministers of Foreign Affairs and of Justice, for having referred the Case to an incompetent tribunal, the Mixed British and Brazilian Commission, ("seeing that this Commission can take cognizance only of prizes made of English and Brazilian vessels found in the traffic of slaves") protests against all their proceedings, and claims to be indemnified for all prejudices, losses, &c.

From the very commencement of the proceedings it appeared that the "*Maria da Gloria*" and the whole of her cargo were the property of 1 individual, and that that individual was a subject, not of Brazil, but of Portugal; nor was anything whatever elicited either by the Court or by Sir Michael Seymour which at all disproved that fact.

On the 16th instant, when both the Brazilian and British Commissary Judges had fully made up their minds, and were ready to give judgment, Sir M. Seymour, who had assisted at the whole of the examinations (and to whom, it is due to our Brazilian colleague to state, the utmost possible courtesy and latitude in his character of prosecutor were extended), announced to the Court, having till then declined employing any legal assistant, that he had put his cause into the hands of a Mr. Stevenson, and should, through his agency, apply for further time, with a view to prove that the reputed Owner of this property was a Brazilian. Accordingly, on the 18th, he delivered in the enclosed Paper in Portuguese.

The Court intimated their readiness to comply with his demand, on the usual security being given; but that, unless this fact of Brazilian ownership could be established, the delay would be useless (their opinion, subject to the production of any proof of that nature, being already formed), and could only tend to the prejudice of the slaves, respecting whose sufferings, from their long confinement on board, representations had been already made.

Sir M. Seymour took time to consider this answer, and on the following day presented a 2d Paper, declaring that he desisted from his application, (Enclosure, No. 5.)

The Court, though many of the expressions contained in these documents could not escape their observation, did not, nevertheless, allow themselves to make any comment upon them; and no attempt to prove either of the 2 facts alleged, viz., 1st, that the hull of the vessel was Brazilian property, and, 2d, that her Owner was born in Brazil, and acknowledged as a Brazilian, having been made, proceeded to pass the Sentence which your Lordship will find in the Extract from the Protocol of the 20th instant, which we have the honour to transmit herewith, (Enclosure, No. 6.)

The British Commissary Judge felt it the more incumbent upon him formally to record the grounds of his opinion in this Case, both on account of the reference made in the Admiral's first argument to the decisions given by the Court in what are termed "identical causes," and of the concurrence in his views which he met with, on this occasion, on the part of his Brazilian colleague.

The ground of this Sentence, your Lordship will perceive, is that, to give the Mixed Commission at present established here jurisdiction in any Case whatever, it is necessary to prove either British or Brazilian ownership, or, at least, the fact that either British or Brazilian capital, or interest of some kind, is actually concerned in the adventure; and that, consequently, property belonging exclusively to the subjects of any other Nation engaged in the traffic, even though that Nation should be a party to the Treaties entered into with Great Britain for the abolition of the Slave Trade, does not come within their jurisdiction, nor is liable to the penalties denounced by the Alvará of the 26th January, 1818, *through the Mixed Commission*.

The Brazilian Commissary Judge had heretofore proceeded upon the principle that the 2d Article of that Law referred, not to their own subjects intro-

ducing slaves into Brazil under a foreign Flag, but to the introduction of them by foreigners; and on the latter part of the 4th Article, which declares it to be lawful for either of the parties to apply to the Mixed Commission to determine whether or not the Case have reference to the Abolition, he put a similar construction; viz., that that Commission acquired, by it, jurisdiction in any Case, other than British or Brazilian, provided either of the parties, the accuser or accused, applied to them, and upon this principle was, at first, disposed to admit this Case at the requisition of the Captor.

To this twofold cause is to be attributed as well the cognizance which the Court have, in some instances, taken of Portuguese vessels, as the apparent anomaly of decreeing the emancipation of the slaves, thereby establishing the perpetration of the crime, and not, at the same time, pronouncing Sentence of condemnation on the ship, and the other penalties prescribed by that part of the 1st Article, which, after making provision for the disposal of the slaves, proceeds to declare, in fulfilment of the 3d Article of the Convention of 1817, the punishment which the Portuguese (now Brazilian) subjects should incur by an illegal participation in the traffic.

Not to take up your Lordship's time, by entering at length into the reasonings of Sir Michael Seymour, founded on his reading of the Law of Nations, or his view of the duties of the Court, as deduced from the assumed applicability of the principles which regulate the proceedings of the High Court of Admiralty to the supposed engagements between Great Britain and the Empire of Brazil, it may be sufficient here to observe (as the Admiral was reminded when urging these and such like arguments upon the Court,) that those duties emanate, not from the general Law of Nations, but from a specific Treaty, entered into for one defined and particular object, and that the very circumstance of so unusual a power thus conceded to a Tribunal of so novel a character takes their proceedings out of the general rule for which he so strenuously contended, and made it only the more imperative upon them to be most cautious not to deviate from that one broad line of duty which their Instructions so clearly prescribe.

It is unnecessary also, perhaps, on this occasion, to advert more than cursorily to the renewed declaration of the Brazilian Commissary Judge, that the so oft recited Alvará, in virtue of which judgment was prayed on this vessel, is, in fact, no longer in existence, the Law of November, 1831, having superseded it.

Another and, as it appears to us, a much more pertinent and conclusive argument adduced by the Brazilian Commissary Judge, to shew its complete abrogation as to Brazil, is, that, from the moment of the separation of Portugal and Brazil, the punishment by the latter, as prescribed by the Alvará, that of banishment to Mozambique, ceased to be practicable; and that, by her Convention with Great Britain of 1826, the crime in question was to be treated as piracy; the penalty attached to that crime, imprisonment for a certain number of years, being substituted for the previous one of banishment.

These are points, however, foreign to our present purpose, and we might here close our Report of this Case, did we not deem it advisable, under the circumstances, to put your Lordship in possession of the several Documents bearing upon it, from which, in the absence of any counter-proof, we deduce the fact of the "*Maria da Gloria*" and her cargo being Portuguese.

A Minute of these will be found in the Enclosure, divided, for greater perspicuity, into those produced by the Claimant, and those transmitted by the Brazilian Government.

On the same principle we forbear to trouble your Lordship with the evidence taken before the Court, proving this cargo of slaves to have been shipped by contraband, outside the Bar of Loando, and to have been destined, on the admission of the Captain himself, for the Coast of Brazil, and not for Monte Video, as alleged in his Protest.

In addition to the above-mentioned Papers, the Minister of Justice transmitted a Copy of the act of examination and proceedings had in respect to this vessel, as directed by this Government, by which the Master, Cordonij, and his Mate were ordered to be committed for trial.

A Warrant has been also issued by the same Authority for the apprehension of Anastacio Jozé Ribeiro. This man was cited before the Commission, but did not appear; and his wife, who received the summons, declared to the Marshal of the Court who served it that he had gone from home some days. A summons was then also directed to herself, but it was not obeyed.



The Admiral has announced it to be his intention to send the "*Maria da Gloria*" to Sierra Leone.

On this point, my Lord, as also on the course which would have been pursued by this Government, had he decided on delivering over the prize to them, as he had at first intimated, His Majesty's Government will, no doubt, receive more direct information both from himself and through Mr. Fox.

We have only to state therefore, on this part of the subject, that the Brazilian Commissary Judge, who evinced great anxiety to know what the Admiral's decision might be, declared that his Government was prepared to proceed instantly in the Case, according to the provisions of the Law of November, 1831, should it be determined to surrender the vessel and cargo into their hands.

We have, &c.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

P.S. 31st December.—Since writing the above we have conversed with Commander Robertson, who has returned to this Port. As we anticipated, that Officer has assured us that he has the Instructions and every other Document on board required for such vessels as are employed to prevent the illicit traffic in slaves.

(Signed) G. J.  
F. G.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

### First Enclosure in No. 98.

#### *Captor's Declaration.*

I, WILLIAM ROBERTSON, Esq., Commander of His Britannic Majesty's sloop, "Snake," hereby declare, that on this 25th day of November, 1833, being in or about latitude 24° 11' South, longitude 42° 40' West, I detained the ship or vessel named the "*Maria da Gloria*," sailing under Portuguese colours, armed with 2 guns, 3-pounders, commanded by Joaquim Gerardo Cordonij, who declared her to be bound from Angola to Rio de Janeiro with a crew consisting of 13 men, no boys, no supercargo, 3 passengers, whose names, as declared by them respectively, are enumerated in a List at foot hereof, and having on board 423 slaves, said to have been taken on board at Angola, on the 24th of October, 1833, and are enumerated as follows, viz. :—

	<i>Healthy.</i>	<i>Sickly.</i>	
Men . . . . .	71	4 (1 in a dying state . . .)	75
Women . . . . .	32	2	34
Boys . . . . .	217	3	220
Girls . . . . .	90	4	94
Total . . . . .			423

I do further declare that the said ship or vessel appeareth to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew on their destined voyage to Rio de Janeiro.

(Signed) W. ROBERTSON,  
*Commander.*

Witnesses, LIARDET, *Senior Lieutenant.*  
JOHN GRAY, *Surgeon.*

### Second Enclosure in No. 98.

(Translation.)

#### PROTEST.

JOZE DI MIRANDA, Vice-Consul of Her Most Faithful Majesty, and charged with the affairs of the Consulship-General in the Empire of Brazil :—

I certify, that in this Chancery of the Consulship-General of Her Most Faithful Majesty, in Book II, pages 38 and 39, is entered the Protest made by the Master of the Portuguese galera, "*Maria da Gloria*," which is as follows: The undersigned, Captain and Master of the Portuguese galera, "*Maria da Gloria*," which was captured by the English brig-of-war, "Snake," to the south of the Bar of Rio de Janeiro, on the 26th day of the present month of November, proceeding from Angola to Monte Video, on pretence of having Africans on board, being sensible that such proceeding is contrary not only to the Law of Nations, but is especially opposed to the Treaties between Portugal and England, dated the 22d of January, 1815, in Vienna, and to the additional Convention made in London, on the 28th of the month of July, 1817, by which Portuguese subjects are prohibited from carrying on the traffic in slaves only to the North of the Equator; and as the vessel, performing a voyage from Angola, was furnished with a Passport and other Papers, showing that she came from ports to the South of the Equator, and that she could not be detained and captured without an infraction of the 1st Article of the Treaty, of the 22d of January, 1815, the more so as being met on the high seas at 58 miles to the south of the Bar of Rio de Janeiro, in her course towards Monte Video, the chase of the vessel was not begun to the North of the Equator, and consequently she could not, on any principle, be captured and detained, as is expressed in Article IV. of the Instructions annexed to the additional Convention of the 28th of July, 1817, intended for the Portuguese and English ships of war, charged to prevent the illicit commerce of slaves, which stipulation is as follows :—

"Article IV. Under no pretence can be detained Portuguese merchant-ships, or those employed in the commerce of negroes, in whatever latitude they may be met, whether near the land or on the high sea, to the South of the Equator, unless it be in consequence of the chase thereof having been begun to the North of the Equator."

In consequence, the violation being manifest of that Article of the Instructions forming a part of the Treaty and additional Convention of 1817, inasmuch as the vessel, "*Maria da Gloria*," was detained at so great a distance to the South of the Equator, without the chase of the same having been begun to the North of the Equator; and it being also certain that the brig-of-war, "*Snake*," had not on board the particular Instructions, nor was destined by the Government of His Britannic Majesty to prevent the traffic in slaves by Portuguese ships, without which no ship is to take part in preventing such traffic, as is expressed in the 7th Article of the same additional Convention, which even requires these Instructions to be signed by the Minister of Marine of Great Britain, and given in the 2 languages, English and Portuguese; for this reason the undersigned protests against the detention and illegal capture of the Portuguese ship, "*Maria da Gloria*," against His Excellency the English Admiral commanding the Naval Forces in the Port of Rio de Janeiro, and against the Officer commanding the capturing brig, to be hereafter indemnified by the Government of Great Britain, for the prejudice, losses, and damage, profits ceasing and losses arising, which shall result from a proceeding as violent as it is arbitrary and opposed to all the existing Treaties, and which have lately acquired new force by the proceeding of the Government of his Britannic Majesty, in their recent acknowledgment in Portugal of Her Majesty Donna Maria the Second. And in order that this Protest may at all times be known, I sign it, and cause it to be inscribed in the Books of the Portuguese Consulate at Rio de Janeiro, in order that it be duly intimated.—*Rio de Janeiro*, 27th November, 1833.

(Signed) JOAQUIM GERARDO CORDONIJ.

And nothing more is contained in the said Protest, of which I have caused the present Certificate to be faithfully extracted. Given under the Seal of the Portuguese Nation, in Rio de Janeiro, 9th December, 1833.

(Signed) JOZE DE MIRANDA,  
Vice-Consul.

### Third Enclosure in No. 98.

(Translation.)

#### PROTEST.

MOST ILLUSTRIOUS GENTLEMEN OF THE MIXED COMMISSION,  
BRAZILIAN AND ENGLISH,

JOAQUIM GERARDO CORDONIJ, Captain and Master of the Portuguese galera, "*Maria da Gloria*," which was detained and captured by His Britannic Majesty's brig-of-war, "*Snake*," William Robertson, Commander, on occasion of having fallen in with her more than 58 miles to the south of the Bar of Rio de Janeiro, having on board Africans, states that, not only by reason of the advertisements in the public papers, but that being in a state of the greatest coercion, violence, and oppression, the Petitioner was called to answer questions before this Commission, without reflecting that the whole of the acts and proceedings are null. It is for these reasons that the Petitioner is informed that, trampling under foot the most obvious principles, not only of the right of Nations, but even of universal jurisprudence, the cognizance of the capture of that vessel was committed to you, and that in virtue thereof you have ordered notices to be affixed, in order that those interested in the vessel or cargo may appear and make any claim which they may have. The Petitioner is the duly authorized and legitimate Attorney of the Owners of the ship and cargo, having already made his Protest against the Government of His Britannic Majesty, against the Admiral of the British Forces stationed in this port, and against the Commander of the capturing cruiser, repeats again that same Protest before this Commission, in order that it be intimated as well to His Excellency the Admiral as to the Commander of the capturing brig, "*Snake*," William Robertson; and at the same time he also protests before this same Commission against the Government of His Majesty the Emperor Don Pedro the Second, and particularly against the Most Excellent Ministers of State, Bento da Silva Lisboa and Aureliano de Souza Oliveira Coutinho, for having referred to this Commission the decision of a capture of Portuguese property, subjecting the judgment thereof to incompetent judges, seeing that this Commission can take cognizance only of prizes made of English or Brazilian vessels being found in the traffic of Africans and slaves; which proceeding, besides being the most arbitrary, involving even a violation of the Treaties made between England and Portugal, becomes more and more hateful by the proceedings practised towards the Petitioner and towards the crew of the ship and the passengers, all of whom have been imprisoned and even inaccessible, the whole to render difficult the means of their natural defence—a proceeding which was not to be expected from the National Government which now presides over the destinies of the Brazilian nation: and from this moment the Petitioner protests against every act, process, and judgment of this Commission, inasmuch as he does not acknowledge in it any jurisdiction for the cognizance of a Portuguese capture. The Petitioner annexes to the present the document in proof not only of his Protest against the illegal capture of the vessel, but he even proves by them that the vessel is Portuguese property, purchased of Jozé Bernardino de Sá, a resident in this capital, by the Portuguese merchant, Anastacio Jozé Ribeiro, of which purchase and sale, made upwards of 2 years ago, he encloses the writing in Copy, as also he annexes another document, shewing that the said Anastacio Jozé Ribeiro is a Portuguese citizen, and finally the Procuration of the Petitioner, in order that his Attornies may defend him.

He requests that you, Gentlemen, will be pleased to order the present to be added to the documents of the Process in question, giving orders that the Protests included in this requisition be notified and delivered officially, by Copy, to the persons interested, against whom they are directed; and the Petitioner protests against any negligence on the part of this Commission, that he may be indemnified from its Members, and from the Brazilian Government, for all prejudice, losses, and injuries of which they may be the cause, seeing that no one can be deprived of his natural defence.

(Signed by procuration) JOAQUIM JOZE LEITE DA COSTA.

## Fourth Enclosure in No. 98.

*The British Commander-in-chief to the Mixed Commission.*

(Translation.)

GENTLEMEN,

*Rio de Janeiro, 18th December, 1833.*

ADMIRAL SIR MICHAEL SEYMOUR, Bart., Commander-in-chief of the British Naval Forces stationed in Brazil, in the name of William Robertson, Commander, and of the crew of the brig-of-war, "Snake," has to present to the Commission some observations and motives bearing upon the judgment to be pronounced on the vessel, "*Maria da Gloria*," captured by the said brig, "Snake."

In order that the present exposition may be entered upon dispassionately, it is necessary that some order of reasoning be established, by which, rejecting all tumultuous confusion in the different matters, simplicity may be the guide of the judge.

The first consideration is the Treaty entered into between this Empire, the Kingdom of Portugal, and England, respecting the extinction of the traffic in slaves, in Brazil, as also the penalties denounced against its infraction.

The ship, "*Maria da Gloria*," was captured in the waters of this Port, having on board 423 slaves. These slaves, according to that Treaty, are considered to be free, and as such, sent back to the port from whence they came, and the importer, being a Brazilian, suffers the penalties inflicted on pirates. The vessel becomes the property of the Captors.

It appears, that according to the afore-mentioned Treaties of 1815 and 1817, and finally ratified in 1826, and to the additional Articles, the Mixed Commission created in this Capital ought to be considered competent to the required adjudication, the more especially, the hull of the said vessel being Brazilian property.

Anastacio Jozé Ribeiro has been summoned to appear and defend his right, but he has not complied; were he a Portuguese there is no doubt he would have appeared in the support of this his right.

In the second place, what proofs are there that he is not a Brazilian?

The Passport granted by the Portuguese Consul-General, João Baptista Moreira, does not decide any thing, for this man was disgracefully unmindful of probity, of duty, and of conduct, granting Portuguese Protections to many Brazilian citizens, who wished to evade serving in the National Guard and other national obligations.

The flag hoisted on board the "*Maria da Gloria*," at the moment of her capture, was that of Don Miguel, and consequently was not a Portuguese Flag, that Flag not having been acknowledged for a long time past, but substituted by that of the Queen of Portugal; and it is astonishing, that a Chargé d'Affaires of Donna Maria II., Queen of Portugal, should think of despatching any vessel under a Flag which was a nullity; and still more strange, that that Flag should be considered as belonging to Portugal, and such property as Portuguese; or that any one should be denominated a Portuguese, who recognized only the invasion of the Usurper, Don Miguel, never recognized in this Empire. Besides this, if it is alleged that Anastacio (now residing in this city) was living in Bahia, in 1822, making common cause with the Portuguese General, Madeira, in order to induce the belief that he is a Portuguese, this assertion does not prove it, for the same thing has happened with many Brazilians, who are at this day Brazilian subjects.

The Constitution so designates those who were born or resided in Brazil, at the period of her Independence; and these privileges are never lost, as is provided for by the Article of the Constitution.

In the same circumstances may be considered the other assertions, of his having lived until 1830 in Portugal, and of his subsequently coming to Brazil in a vessel of his own, with a Passport granted by the Portuguese Government; it being well known how these matters are managed. It is generally known that many adopted Portuguese, whenever they please, call themselves Brazilians, and when this no longer suits their interest, they again declare themselves Portuguese.

Anastacio was, as it appears, born in Brazil, and was acknowledged as a Brazilian; and if he has assumed the name of Portuguese, it has been to enable him the better to forward his projected infringement of the laws of this Country; and this to such an extent even, that it is generally reported that he is now at Ilha Grande, waiting to receive other ships belonging to him, which are expected back from Africa with slaves. Furthermore, the voyage commenced here, the vessel sailed hence, and returned here. The slaves entered the waters of this Empire. Treaties and Laws were trampled underfoot by the Owner of the vessel, or rather pirate. This individual is obliged to respect the Laws of the Country in which he resides (supposing him gratuitously to be a Portuguese), and it would be absurd to permit him, under this appellation, or that of foreigner, to commit, with impunity, against the Country which fosters him, whatever crimes he may please.

The crime was committed in this Empire, and it is the province of this Mixed Commission to take cognizance of it. This crime was imagined, conducted, and completed, in this Empire; and it would be degrading to the national character, compromised in this Case, that the Brazilian Empire should suffer another Nation to punish the delinquent, or to judge of and decide respecting his condemnation or acquittal.

No other authority in Brazil is competent to judge this Cause, and much less a foreign one. Moreover, the fact of the residence of Anastacio in this Empire, has given him a *quasi* national character, which, while living under the protection of the Laws of Brazil, precludes the possibility of his being by any means whatever subjected to the infliction of any penalty by another Nation.

It was probably upon these principles, that this same Mixed Commission have twice decided identical causes in the manner now pointed out, and it is hoped that they will not now proceed differently.

During the short space of time allowed the Admiral to plead in favour of the capture, and pray for judgment, he cannot bring forward such witnesses as might be of service to him; he requires that, according to the Regulations of the Mixed Commission, he may be allowed time for this purpose, in order that the precipitation of the proceedings may not indirectly deprive the party to whom it belongs of his right; and he protests against any Sentence as partial, should he not be allowed the legal postponement that justice demands.

It is of the greatest importance to know, whether Anastacio be, or be not, a Portuguese, on account of the ideas which the Commission may entertain of acquitting the criminal on that ground,

there being no positive proof whatever which may induce the belief that he is a Portuguese, and the information respecting him being altogether devoid of the character of full and perfect truth.

It is to be observed that, supposing, in the same gratuitous manner, that Anastacio is a Portuguese, that the flag he hoisted and used at sea also was Portuguese, and, finally, that he was navigating in due form; even from these circumstances it would not follow that he ought not to be tried by this Commission, because the crime was committed in this Country, which possesses the right to punish any criminal; and because, according to the Law of Nations, which regulates the duties and obligations between each other, it is acknowledged that any stranger, residing in a foreign Country, is invested with the national character, whenever he commits a malversation in and against that Country, whose dignity and honour would be thereby compromised.

It would be opening a wide door to the annihilation of the Treaty made with this Empire respecting slavery, should the slaves be permitted to be sold in this Empire; and, finally, if the right of punishing the delinquent were to be transferred to another Nation.

(Signed) MICHAEL SEYMOUR,  
Rear-Admiral.

*The Members of the Mixed Commission,*  
&c. &c. &c.

### Fifth Enclosure in No. 98.

*The British Commander-in-chief to the Mixed Commission.*

*Rio de Janeiro, 19th December, 1833.*

ADMIRAL SIR MICHAEL SEYMOUR, Bart., Commander-in-Chief of His Britannic Majesty's Naval Forces, in Brazil, presented yesterday, the 18th of December instant, some observations to you, intended to produce an influence in the Case of the barque, "*Maria da Gloria*," captured by the brig-of-war, "*Snake*," and requested that time might be allowed to prove that Anastacio Jozé Ribeiro, the Proprietor of the adventure, is a subject of this Empire; finding, however, considerable difficulty in substantiating this point, for want of time, he desists now from his application, though he cannot admit the sufficiency of the proof adduced before the Commissioners, that the said Anastacio is, as alleged, a Portuguese subject.

It is clear that the object and spirit of the Treaty entered into between this Empire and Great Britain, on the 23d November, 1826, was to abolish the traffic in slaves, and to prevent entirely the equipment of expeditions for that purpose in the ports of Brazil.

On this principle it is that the Admiral very respectfully persuades himself that the Mixed Commission should form their decisions, because they would otherwise fall into the absurdity, and be guilty of the crime, of consenting that Portuguese subjects, residing in Brazil, should continue the traffic from Brazilian Ports, in vessels under Portuguese colours, which would be exactly the same thing as that the Brazilian Government should be step-father to their own subjects, and be father to foreigners, all the stipulations of the Treaty thus becoming nullified.

Wherefore, the Admiral requires that, before the Mixed Commission decides the question, the Imperial Government and the British Minister may be consulted as to the true meaning of the Treaty in this Case, and also respecting the understanding of the 2 Governments, as to their recognition of the international law, which determines, that a foreigner residing in this Country acquires a national character, and becomes subject to the same penalties as the natives engaged in the traffic of slavery.

In the supposition even that, because the vessel is Portuguese property, and therefore not subject to the penalties, yet this circumstance cannot avail with respect to the slaves on board, the introduction of whom into this Country, being prohibited by Laws the most decisive of the Empire; and there being no doubt that the intention of the Owners interested in the expedition of the barque, "*Maria da Gloria*," was to land the slaves in a port of Brazil, they ought, for this reason, to be declared free by the Mixed Commission, and the importers of them condemned according to the law.

In all other respects the Admiral confirms entirely the representation which he made yesterday to the Mixed Commission.

(Signed) For the Captors, MICHAEL SEYMOUR,  
Rear-Admiral.

*The Members of the Mixed Commission.*

### Sixth Enclosure in No. 98.

*Extract from the Protocol, 20th December, 1833.*

THE British Commissary Judge read his opinion respecting the Sentence to be given in the Case of the barque, "*Maria da Gloria*," which is as follows:—

"Of the illicit traffic in slaves, as established in proof against the barque, "*Maria da Gloria*," and of her consequent liability to capture and condemnation, under the Treaties between Great Britain and Portugal, the British Commissary Judge can entertain no doubt; but he has looked most scrupulously, but in vain, in the Commission with which the King, his Master, has been graciously pleased to entrust him, for authority to adjudicate the Case of any vessel other than British or Brazilian; nor can he find any in the Alvará of the 26th of January, 1818, supposing it were still in full force, and unrepealed by any subsequent legislative Act, that Law referring, as he conceives, even in that part of the 4th Article which allows a Case to be brought before the Mixed Commission, exclusively to the subjects of that Government by whom it is promulgated; viz., that of Portugal in the first instance, and of Brazil, after the Declaration of her Independence. Seeing then, that there is no evidence, direct or indirect, before the Court to disprove this vessel and the whole of her cargo to be *bonâ fide* Portuguese property; and that his colleague, the Brazilian Commissary Judge, M. João

Carneiro de Campos, declares officially that the acknowledged Owner of the vessel is a Portuguese, and recognized as such by the Brazilian Authorities, the British Commissary Judge is obliged, however reluctantly, to declare his opinion, that this Court has no jurisdiction in this Case, nor any power to take cognizance of it."

The Brazilian Commissary Judge, agreeing in opinion with the British Commissary Judge, they deliver the following Sentence:—

"It appearing by the documents annexed to the present Acts, that the barque, '*Maria da Gloria*,' detained by the English brig-of-war, '*Snake*,' in latitude 24° 11' South, longitude 42° 40' West, by reason of there having been found on board of her 423 Africans, was despatched from this port by the Portuguese Consulate and the Brazilian Authorities, as the property of the Portuguese subject, Anastacio Jozé Ribeiro; and that she proceeded under the Flag of that Nation to the Port of Loando, whence she also returned with a Portuguese Passport; and as it cannot be ascertained, either by the same documents, or the deposition of the witnesses, that the above-mentioned Anastacio Jozé Ribeiro is comprehended, on account of his having resided previously in Brazil, in the 4th Section of the 6th Article of the 2d Head of the Constitution of this Empire, or that any Brazilian or English subject owns any part of the said barque and her cargo, Cases in which it would be competent to this Commission to give judgment as to the detention of the same and of her cargo, in conformity with the existing Treaties, they declared that the same Commission is not competent, in virtue of the Instructions which serve as their guidance, to decide finally in this Case."

(Signed) GEORGE JACKSON.  
JOAO CARNEIRO DE CAMPOS.

### Seventh Enclosure in No. 98.

*Minute of Documents in proof that Anastacio Jozé Ribeiro, Owner of the "Maria da Gloria," and that Vessel, and the whole of her Cargo, are Portuguese.*

#### FIRST CLASS\*.

Those produced by the Claimant, and referred to in his 2 Protests, viz. :—

(A.)

A Passport, dated Lisbon, 2d June, 1830, given by the Duke de Cadoval to Anastacio Jozé Ribeiro, as the Portuguese Owner of a Portuguese vessel.

(B.)

Certificate of Sale of the "*Maria da Gloria*," to the Portuguese merchant, Anastacio Jozé Ribeiro, dated Rio de Janeiro, 7th March, 1831.

(C.)

Certificate of Passport given on the 13th May, 1833, by the Portuguese Consul-General at Rio de Janeiro, and registered in his Office, to Anastacio Jozé Ribeiro, to proceed from Rio de Janeiro to the Coast of Africa.

(D.)

Passport from the Portuguese Governor of Angola, dated Loando, 10th October, 1833, for the "*Maria da Gloria*" to proceed to Rio de Janeiro.

\* (A.) and (D.) are subjoined in translation.

#### SECOND CLASS.

*Documents furnished by the Brazilian Government to the Court of Mixed Commission, viz.—*

Despatches from the respective Ministers of Foreign Affairs, of Marine and Finance, all recognizing Anastacio Jozé Ribeiro as a Portuguese, and transmitting the documents in virtue of which the "*Maria da Gloria*" was entitled to clear out, and did clear out, for Angola, as a Portuguese vessel, among which documents is a List of the Crew, the great majority of whom (22 out of 27) are declared to be Portuguese.

### Sub-Enclosure (A.)

(Translation.)

#### PASSPORT.

THE Duke of Cadoval, President of the Council, Grand Cross of the Orders of Christ and of the Tower and Sword, and Minister *ad interim* of the Marine and Colonial Departments, &c.

Be it known by these presents, that the ship called "*Onze de Maio*," whereof is Master Joaquim da Cunha Reis, and sole Owner Anastacio Jozé Ribeiro, according to the deposition made by him on oath at this Office, and proved by documents presented by him, both being Portuguese subjects, and no stranger whatever having any interest in the said ship, is about to proceed to Rio de Janeiro, and from thence to the east and west ports of the Coast of Africa, from whence she is to return by the ports of Brazil to the aforesaid City of Lisbon, and because that, either on the outward or homeward parts of the voyage, she may be met with at sea, or in any ports, by any Officers of the ships belonging to this Nation, His Majesty the King orders that no impediment whatever may be caused to the said ship, and recommends to the Commanders of squadrons and ships belonging to the Kings, Princes, Republics, and Potentates, friends and allies of the Crown of these Realms, not to molest her in the prosecution of her voyage; but rather to grant her all the succour and favour which she may require, in the certainty that a reciprocal conduct will be observed toward the before-mentioned Princes, in faith thereof I have ordered this Passport to be granted, signed by me, and bearing the Great Seal of the Royal Arms. Given in Lisbon, the 2d day of June, in the year of our Lord 1830.

DUKE OF CADOVAL.

By order of His Excellency, JOAQUIM PEDRO DA COSTA.

(L. S.) the Great Seal of the Royal Arms of Portugal.—Paid for stamp 480 reis. Lisbon, the 7th of June, 1830.—Silva reis.—No. 24 on the back of the Passport.—Registered at folio 168 of the Book 28 of Ships' Passports.—Secretary of State for the Marine and Colonial Department, the 3d of June, 1830, Joaquim Pedro da Costa.—And nothing more was contained in the Passport.

In faith whereof I ordered the present Certificate to be granted, being signed by me, and sealed with the Royal Seal of the Arms of the Portuguese Nation, in Rio de Janeiro, the 9th day of December, 1833.

(Signed) JOZE DE MIRANDA, *Vice-Consul.*

(L. S.) the Royal Arms of Portugal.—No. 852.—(L. S.) the Seal of the Imperial Arms of Brazil.—Paid for stamp 80 reis for 2 half-sheets.—Rio, the 11th of December, 1833.

(Signed) OLIVEIRA.

### Sub-Enclosure D.

(Translation.)

PASSPORT.

JOZE MARIA DE SOUZA ALMEIDA MACEDO E VASCONCELLOS, Baron of Saint Comba, Daõ of the Council of His Most Faithful Majesty, Fidalgo of his Palace, Commander of the Order of Christ, Governor and Captain-General of the Kingdom of Angola and Conquests, &c.

In obedience to the Royal Orders issued from the office of the Secretary of State for the Affairs of the Marine and the Colonies, I make known to all to whom this Passport shall be presented, that the Portuguese barque, "*Maria da Gloria*," Joaquim Gerardo Cordonij, Master, and Owner, Anastacio Jozé Ribeiro, a Portuguese subject, as proved by documents presented, is about to sail from the Port of Loando for the Port of Rio de Janeiro, from whence she came; and because that, either on the outward or homeward part of the voyage, she may be met with at sea, or in any ports, by any Officers of the ships belonging to this Nation, His Majesty, the King, orders, that no impediment whatever may be caused to the said ship, and recommends to the Commanders of squadrons and ships belonging to the Kings, Princes, Republics, and Potentates, friends and allies of the Crown of these Realms, not to molest her in the prosecution of her voyage; but rather to grant her all the succour and favour which she may require; in the certainty that a reciprocal conduct will be observed towards the before-mentioned Princes: in faith thereof I have ordered this Passport to be granted, signed by me, and bearing the Great Seal of the Royal Arms. Given in this City of São Paulo de Assumpção de Loando, on the 10th of October, 1833.

(Signed) BARON OF SAINT COMBA DOM.

By order of His Excellency,

(Signed)

MANOEL ANTONIO JORGE DE CARVALHO E SOUZA.

Registered at folio 181 of the Book of the Secretary of the Government of the Kingdom of Angola, from October, 1833.

(Signed)

CARVALHO E SOUZA.

(L. S.) the Royal Arms of Portugal.

No. 99.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received March 26, 1834.)

MY LORD,

*Rio de Janeiro, 27th December, 1833.*

HUMBLY but conscientiously convinced as we are of the propriety of the decision of the Court, as reported in our preceding Despatch, we yet cannot but be sensibly alive to the effect which that decision may possibly have, in the first instance, in promoting the importation of slaves into this Country under the Portuguese Flag, though we are not, at the same time, without hopes that, should the Admiral be induced to send the "*Maria da Gloria*" to Sierra Leone, this transient effect may be in a great measure counteracted by the alarm which the certainty of condemnation there will create among the slave dealers.

Still, however, so strongly did this consideration press upon our minds, that to nothing but a sense of the straight-forward duty we were called upon to perform, looking only to that, and not to the result, could it have been brought to yield.

In venturing to assure your Lordship of the assiduity and pains we have taken in the investigation of this Case, with a view more particularly to detect any circumstance which might bring it within our province, we should, perhaps, be almost laying ourselves open to the charge of having evinced an anxiety to fix a Brazilian character on the property in question somewhat inconsistent with our judicial and restricted functions.

We trust, however, that notwithstanding the open and scandalous practice of this cruel traffic, occurring, as it does, under our immediate and almost daily observation, and in defiance of every law and every engagement directed against it, we have not been betrayed into such inconsistency, and that we shall have the satisfaction of finding the course we have followed approved of by your Lordship, as the only one which, consistently with the Instructions we are acting under, could be pursued; the more so as, had the Commission taken cognizance of this Case, and it should have ultimately proved that they had done so without due authority, not only would any proceedings had thereupon have been null and void, but it might not, improbably, have had the effect of causing some embarrassment to His Majesty's

Government, and committing them, in consequence of the Protest of Cordonij, with that of Portugal.

If we have erred, it has been an error the more venial, we would hope, as it was undoubtedly in direct conflict with those sentiments of humanity which we claim to share, in common with the British Nation at large, on this subject; and while the decision affords the best pledge that the Commission will not allow themselves to be carried beyond their due bounds by feelings such as we have alluded to, the mischief, rectified by your Lordship's superior judgment, will be comparatively of short duration.

If, on the contrary, this decision should receive the sanction of higher authority, the *primâ facie* encouragement which the traffic may derive from it will be compensated by the opportunity it will afford your Lordship of bringing this growing evil before the immediate Councils of His Majesty, and of making such arrangements both with this Government and that of Portugal as may be best calculated to meet it.

With a view to this part of the subject it may not be irrelevant to call your Lordship's attention to the Passport given by the Duke de Cadaval to a Portuguese vessel in 1830, forming part of the documents in the Case of the "*Maria da Gloria*," which, on this account, we have sent *in extenso*; as well as that from the Portuguese Governor at Loando. The former is for a voyage from Lisbon to Rio de Janeiro, and from thence to the Coasts of Africa, western or eastern, and back again to Lisbon *by the Ports of Brazil*. The real and main object of such a voyage may be readily presumed.

That the evil is rapidly increasing, and excites considerable apprehension, may well be inferred from a perusal of the very remarkable Circular, recently published by this Government, a Translation of which we have the honour to enclose; and while the repeated but fruitless examinations of suspected vessels which have, in considerable numbers, lately entered this port in ballast, attest the sincerity with which the laws are attempted to be enforced by the Supreme Authorities, they at the same time demonstrate the melancholy fact of their inefficacy and of the frequency and notoriety of their evasion.

In no one instance has conviction followed these investigations. Proof the most positive, short of actually finding Africans on board, has been produced of these vessels, all openly coming from the Coast of Africa, having had cargoes of slaves, and having landed them on the coast; indeed, the very circumstance of their entering in ballast is a strong presumption of the fact, yet they have been allowed to clear out again without further interruption, avowedly with the same destination, and with no less moral certainty of the object of their expedition.

On a late occasion 3 of the slaves came forward themselves to denounce and substantiate the crime that had been committed; but the evidence of slaves not being admissible, and the Criminal Code of this Country declaring, in express terms, that no presumption, however strong, shall be sufficient to cause the infliction of punishment, the information was not followed up.

Among the number of vessels of the above description may be cited the "*Ade-laide*" schooner, mentioned in our Despatch of the 12th November, 1833\*, and which we take the earliest opportunity of stating we were wrong in saying had been originally engaged in the traffic, prior to her having been bought by Admiral Baker.

Most, if not all, of these vessels belong to subjects of Portugal, and sail under that Flag, duly furnished with Portuguese Papers and Passports, and are despatched as such by the Authorities of this port.

The final result in the Case of the "*Zephyr*," where the Jury to whom the question was submitted acquitted the Parties of having made an improper use of the licence conceded by His Majesty's Government, and still more the denunciation which has subsequently been preferred against them, of having introduced, under that authority and decision, a greater number of slaves than the licence originally contemplated, shews the pertinacity with which, by every possible means, the importation of Africans is persisted in; and the enclosed Minute, extracted from the evidence of the Captain of the "*Maria da Gloria*," no less manifests the confidence with which they anticipate success.

It will be for the wisdom of His Majesty's advisers to determine the fit remedy for a state of things of which we have been far from making an exaggerated representation. Nothing short of a combined arrangement between the 3 Govern-

\* See Class A, No. 78, of 1833.

ments, embracing, in its fullest force and extent, the principle established in the additional Article to the Convention with the Netherlands, can, as it appears to us, reach the evil; for even were it decided that this Mixed Commission has already, or in future shall have, jurisdiction over Portuguese property, vessels, under the circumstances we have described, could only be brought before them by the Brazilian Government. If, then, they should be dealt with, in conformity to the law of 1818, fettered as it is by the Clause above referred to in the Criminal Code, as well as by various provisions of the Constitution, we have already had the honour of explaining how difficult it would be to condemn them; if under that of 1831, your Lordship is fully aware of the destination the slaves would receive, should any be found, and of the release which would follow of the ship and cargo other than slaves.

We have, &c.  
(Signed) GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

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First Enclosure in No. 99.

(Translation.)

*Circular of the Government.*

5th December, 1833.

It being a matter of public notoriety, that, in despite of the most positive orders of Government, Africans illicitly imported, pass continually, and in the most scandalous manner, through the district of this city, and that they are bought by the inhabitants thereof, who most criminally keep possession of them in the face even of those very Authorities on whom the law has made it incumbent to watch over this object, the Regency, in the name of Don Pedro II., orders, that, in fulfilment of the wise and politic Legislation now in force, you examine most scrupulously these facts and institute proceedings against the guilty, making it a point of duty to convince the inhabitants of this district, as you ought to be convinced yourselves, that, besides committing a crime by engaging in this traffic, they are preparing and digging a future abyss for themselves and their families, since such Africans, when they shall become civilized, and shall ascertain that they are free, will not fail to make every possible effort to rescue themselves from a state of captivity condemned by the existing laws, without its being possible for those same laws, or for the Government, in such cases, to guarantee to its possessors similar property, nor even to remit the penalties they shall have incurred, the fatal consequences which may result from the continuance of such an abuse being but too easy to conceive.

(Signed) AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

*The several Justices of the Peace.*

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Second Enclosure in No. 99.

*Minute of the evidence of Cordonij, Master of the "Maria da Gloria," as taken from the proceedings.*

HE received the slaves outside the Bar of Loando (they were smuggled); and, as it was his business to promote the interests of the Owner of the vessel, he did so, reckoning on the facility with which many other vessels have brought and landed slaves on the Coast of Brazil; and but for the English vessel which captured him, he should certainly have succeeded equally well.

Their destination was Ilha Grande, or whatever other part of the Coast where a landing could be effected, and the slaves were to be delivered over to whomever should from the land answer his signal.

The slaves were received on freight for the benefit of the Owner of the vessel, and the amount was to be paid to him. The freight was 90 milreis a head.

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No. 100.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 2.)*

MY LORD,

*Rio de Janeiro, 5th January, 1834.*

WE have the honour to inform your Lordship, that, since our Half-yearly Report of the 5th July, 1833, 2 vessels have been brought into this Port, with a view to their adjudication by the Mixed British and Brazilian Commission for the abolition of the Slave Trade, viz.—

The brig, "*Paquete do Sul*," under Portuguese colours, detained by Commander Smart, of His Majesty's sloop, "*Satellite*," on the 15th November, 1833; and,

The barque, "*Maria da Gloria*," also under Portuguese colours, detained by Commander Robertson, of His Majesty's sloop, "*Snake*," on the 25th November, 1833.



The latter, being proved to be Portuguese, this Court of Mixed Commission could take no cognizance of. The former is still under consideration.

We have, &c.

(Signed)

GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

No. 101.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 16.)*

MY LORD,

*Rio de Janeiro, 30th January, 1834.*

THE last Packet sailed while the Case of the "*Paquete do Sul*," the capture of which was reported in our Despatch of the 8th ultimo, was still pending.

The vessel was brought in, your Lordship will recollect, at the same time as the "*Maria da Gloria*;" and though her detention was of a prior date, yet the circumstance of the one having slaves on board, and the other none, determined the Court to proceed, in the first instance, to the consideration of the "*Maria da Gloria*."

Some further delay was occasioned by the intervention of the holidays, and the time required by Sir Michael Seymour, representing the Captor, to adduce evidence of the property being Brazilian.

A certain number of days, we were told by our colleagues, are allowed, to afford parties in this Country an opportunity of appeal. This, we are aware, is contrary to the 8th Article of the Convention of 1817; but we thought it best, all things considered, to make no other objection to the claim than noticing this contrariety, and mention it to your Lordship, especially as it led to nothing, rather in explanation of the tardiness of the proceedings than as calling for any more serious notice.

These proceedings being now finally closed, we have the honour of forwarding herewith the Report of the Case, together with the Sentence of the Court, drawn out in the usual form practised in this Country.

By this Sentence your Lordship will see, that, it having been proved to the satisfaction of both the Commissary Judges, that the "*Paquete do Sul*" had had a cargo of Africans on board, notwithstanding that none were actually found, and that, though sailing under Portuguese colours, and professing to be Portuguese, she was, in fact, chiefly, if not altogether, the property of a Brazilian, Manuel Pereira Mendez, condemnation was passed upon her, and she was declared, as well as her tackle, apparel, and furniture, lawful prize to His Majesty's sloop, "*Satellite*," to be sold by public sale for the profit of the 2 Governments.

We have the greater satisfaction in acquainting your Lordship with the unanimity of the Court on this occasion, because, in the first instance, and even up to the very last moment, the Brazilian Commissary Judge contended, grounding himself on that Article of the Criminal Code referred to in our Despatch of December 27, 1833, which declares that no presumption shall be sufficient to cause the infliction of punishment; that there was not sufficient proof to warrant him in joining in a Sentence of condemnation, in virtue of the additional Articles signed at Lisbon on the 15th March, 1823; the 1st of those Articles not declaring specifically what should constitute "the clear and undeniable proof" required; and that, even if there were, the vessel had been detained under Portuguese colours, was sailing with a Portuguese Passport, and with Papers from the Port Authorities here, recognizing her as Portuguese, and that her Owner was so also, and that consequently, the Commission were bound, as in the Case of the "*Maria da Gloria*," to declare that she did not come within their jurisdiction.

Another difficulty urged by him, as a reason for not concurring in the Sentence of condemnation contended for by the British Commissary Judge, was that Clause of the Constitution, the 20th section of the 179th Article, which forbids, in any case, the confiscation of property, and which he considered, of itself, as abrogating, *pro tanto*, the 1st Article of the Alvará of 1818. On this latter point the British Commissary Judge observed, that he called for the confiscation of this vessel, not in virtue of the Alvará, but of the 7th Article of the Regulations for the Mixed Commissions; and to the first of the other 2 objections, he replied that it ap-

peared to him that the wording of the additional Article in question gave the Court a greater power and latitude than they would have possessed, had the particular objects which should be held to afford the requisite proof been specifically stated; for that by it the decision was left, not to any technical nicety, but solely to the honest conviction of their minds, and that, according to this rule, he thought the evidence before them could leave no doubt of this vessel having had a cargo of slaves on board.

With respect to the alleged national character of the vessel, and the propriety inferred from it of refusing to take cognizance of her, the British Commissary Judge pointed out the wide difference that existed between this Case and the preceding.

In the one, the undeniable Owner was a Portuguese, nor was any other interest whatever discovered to be concerned in it: in this, though the ship's Papers were Portuguese, yet they were evidently fraudulent, and while the ostensible Owner was kept out of the way, so as to make it impossible to discover who or what he really was, a Brazilian subject was proved, if not the real Proprietor, at least to be concerned in the adventure to the extent of more, probably, than the value of the ship, with all its appurtenances.

These arguments were ably enforced in a Paper given in by Sir Michael Seymour, a Translation of which we have the honour to enclose. The result was the Sentence above-mentioned.

In the accompanying "*Correio Official*" of this date your Lordship will find the Report which the Brazilian Commissary Judge addressed to his Government, in transmitting to them the Sentence of the Court, as also the Decree of the Regency in consequence, directing proceedings to be instituted, conformably to the last Law, against the reputed owner, Jozé de Freitas e Oliveira, and certain other individuals whom the Papers before the Court prove to have been also parties interested, but whose nationality could not be ascertained. The Master and Mate had already been sentenced to be committed for trial, according to the same Law, in consequence of an examination had on board by the Judicial Authorities of this city, soon after the arrival of the "*Paquete do Sul*" in the Harbour.

The implied power of the Commission to inflict the penalty of the Brazilian laws on individuals convicted of being concerned in the Slave Trade, which this Paper predicates, is not, perhaps, under present circumstances, very material; but your Lordship will not fail to notice the concluding paragraph of this Report, as illustrative of the apprehensions beginning now to be very generally entertained, by such as look beyond the present moment, with reference to the future consequences which may result from the state of this question as it now presents itself.

We have, &c.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

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#### First Enclosure in No. 101.

*Report of the Case "Paquete do Sul," condemned by the Mixed British and Brazilian Commission at Rio de Janeiro, 14th January, 1834.*

THE brig, "*Paquete do Sul*," Francisco Silveira Gularte Simas, Master, was furnished with a Passport from the Portuguese Consul-General at Rio de Janeiro, dated 23d May, 1833, for a voyage from thence to Monte Video, by way of Benguela, Cabinda, and Ambriz.

The Passport describes the vessel as Portuguese, and to belong to Jozé de Freitas e Oliveira, no foreigner having any share or interest in her; and her Papers further declare her to be unarmed.

The "*Paquete do Sul*" was captured on the 15th November, 1833, by Commander Smart, of His Majesty's sloop, "*Satellite*," in or about latitude 22° 23' South, longitude 43° 8' West, under Portuguese colours, armed with 1 18-pound long gun and 3 others, having no slaves on board, but provided with shackles and irons for securing male and female slaves.

The Declaration of the Captor further states, that, in consequence of observing a quantity of buckets and other materials floating on the water, he was induced to keep a vigilant look-out, and that this it was which led to the detention of this vessel.

William Russel Drummond, Lieutenant of the capturing ship being sworn, deposed, through the medium of the Interpreter of the Court, to the above particulars, and that the brig, "*Paquete do Sul*" was detained on suspicion of having had slaves on board (in consequence of finding in her, utensils fitted for the traffic) with every presumption of their having been just landed. He further declared that the Papers brought into Court were found by him, some on board at the moment of detention, some since, and that was picked up by him within the harbour, having been thrown overboard.

The Master, Mate, and Pilot, were the witnesses examined in this Case. The former, Francisco Silveira Gularte Simas, being duly sworn, declared himself to be a Portuguese subject; and that Jozé

Freitas e Oliveira, also a Portuguese subject, was the Owner of the vessel, and that no other person had any interest in it; further, that the last port he left was Ambriz, and that he had gone to the Coast of Africa to purchase ivory, mats, and wax, and was returning by way of Monte Video, having been plundered of his cargo by a Columbian pirate. He denied that any slaves had been received in his vessel, or that any utensils had been thrown overboard, and accounted for the deviation in the course of the brig, the capture having been made close to this Port, by the ignorance of a young man who acted as Pilot; he himself being very ill.

The 2d and 3d witnesses examined were the Pilot, a Brazilian, and the Mate, a Portuguese subject. They, in general, confirmed the above, except that the former stated he had purposely shaped his course as he had done in order the more readily to make Monte Video.

Jozé de Freitas e Oliveira did not appear in person; but, by his Attorney, claimed the "*Paquete do Sul*" as his property, denying that she was engaged in the Slave Trade, and protesting against the competency of the British and Brazilian Commission to take cognizance of the Case, both because, if guilty of any violation of the laws of this Country, it was by them that he should be tried; and also because the property was Portuguese; and requiring either that it should be restored to him fully and freely, or else that the Case should be remitted to Sierra Leone.

The individual, Manuel Pereira Mendez, a Brazilian subject, suspected, from internal evidence found among the ship's Papers, of being the real Owner of this property, having at first kept out of the way, it was not possible for some time to ascertain how far these suspicions were well founded; but the Local Authorities having compelled his attendance, those suspicions were fully realized in the mind of the Court, and Sentence of condemnation on the vessel, and all property found in her, was accordingly passed on the 14th January, 1834, in conformity to the 7th Article of the Regulations for the Mixed Commissions.

### Second Enclosure in No. 101.

(Translation.)

Sentence.

Rio de Janeiro, 14th January, 1834.

THE present Process and the documents annexed to it having been seen and examined, it is shown that Manuel Pereira Mendez, a Brazilian subject, residing in this capital, and employed in it as a depository of contraband goods, has an interest in the brig, "*Paquete do Sul*," which proceeded from this Port, with a Portuguese Passport, for Monte Video, calling at the Ports of Benguela, Cabinda, and Ambriz. The document in folio 27, acknowledged by him as his writing and signature, is the Declaration which he makes of having an interest of 3 contos of reis in the said brig, and of making over an interest of 1 conto, 340 milreis, part of that sum, out of the profits to arise from the business to which it was destined, to Joaquim Jozé Meira, who is said to be a Portuguese. The document in folio 28, is an Invoice of goods laden by the same person for the enterprise, signed by Mendez and Company, and by him acknowledged to be his own signature, and amounting to 7 contos 946 mil., 532 reis, besides the amount of the articles shipped for consumption on the voyage, all these proofs being confirmed by the Letter of Orders in folio 30, addressed by him on the 30th May, 1833, to the Master of the vessel. It is shown, in like manner, that the vessel was bound to the Ports of Africa, on a slaving voyage, whence she brought slaves and landed them, probably near the Ilha Raza, not only as there were found on board, in the act of being visited and detained by the Officers of the English corvette, "*Satellite*," irons proper for that traffic, such as collars, shackles, &c., but also buckets for the food of the slaves, large boilers, and a quantity of vessels which the Officers referred to, certify, were thrown into the sea, while they were nearing the brig. Considering, therefore, facts so conclusive, which, if unconnected, might be in some measure opposed or called in question, but which, collectively, constitute a very evident and clear proof; more particularly when they (the facts) are not overthrown by the deposition itself of the aforesaid Mendez, inasmuch as the denial to which he had recourse, that he had no interest in the brig in question or in her cargo, and that he had given the 3 contos of reis only for the purchase of ivory, wax, and other articles, as also that he had lent himself to the purchase of goods at the request of the Captain and of the Mate, besides being undeserving of credit, the Letter of Orders, in which he positively refers to the shipment of the goods, proves most clearly that they are for his account; and that, if he be not the real Owner of the brig, he has at least the interest above-mentioned, inasmuch as the orders in respect to her voyage and destination can never be considered as given by any other than the real Owner, particularly as no other orders are found addressed by Jozé de Freitas e Oliveira, the asserted Owner of the brig, which even leads to the belief that that person was no other than a man of straw for the putting her under the Portuguese Flag, in order to elude in that way the existing Treaty between this Empire and Great Britain. The fact of there being on board irons and other articles referred to, as well as some pieces of cannon and hand-weapons, notwithstanding the assertion in the Passport from the Portuguese Consulate that the vessel carried no such things, are more than strong indications, constituting proof, that the brig had brought slaves, and that she landed them in the vicinity of Ilha Raza, where she was captured; there is reason to believe, by the finding on board of fresh meat and vegetables, the subterfuge to which the witnesses have recourse, that there were no boilers on board being undeserving of credit or consideration, seeing that they were thrown into the sea, and that the irons were part of the appurtenances of the brig when she was purchased, it being inadmissible that the Master and the Owner should keep on board such articles, which might endanger them, after the abolition of the traffic in slaves, if they were not positively intended for their confinement; adding to all these weighty circumstances that there was no cargo on board of the brig, though on the other hand, she had taken in goods alone to the value of 7,946 mil, 532 reis, inasmuch as the robbery made by the Columbian privateer, to which the witnesses have recourse in order to shew that the brig was bringing ivory, wax, and other articles, is, in like manner, not to be credited; 1st, because there is no note of such occurrence in the Log, as is always the practice observed, notwithstanding the Master's alleging that this happened in consequence of his illness and of the Second Mate's not knowing that such was the custom, inasmuch as such an account is kept by him of all occurrences on the voyage from this Port to the Coast of Africa; 2dly, inasmuch as there is not found, among the Papers, the Protest against that robbery which the Mate and the Second Mate affirm in their depositions to have been drawn up, and which, if it had existed, the Captain, as a party interested, would certainly not have omitted to present. Wherefore,

considering the stipulations of the existing Treaties and Conventions, the undersigned Commissary Judges declare the above-mentioned Manuel Pereira Mendez, a subject of Brazil, liable to the 1st Article of the Treaty of the 23d November, 1826, and they deem lawful the detention and capture of the brig, "*Paquete do Sul*," by the English corvette-of-war, "*Satellite*," Robert Smart, Commander, to the extent of the share constituting the interest of the said Mendez therein, in conformity with the 1st Article of the Articles of the 15th March, 1823, in addition to the Convention of the 28th July, 1817, being subject to the provisions of the 7th Article of the Regulations of the Mixed Commissions, before which is to be finally effected the division and the delivery of the net proceeds of the said brig.

(Signed)

GEORGE JACKSON.

JOAO CARNEIRO DE CAMPOS.

## Third Enclosure in No. 101.

(Translation.)

*The British Commander-in-chief to the Mixed Commission.*

ADMIRAL Sir Michael Seymour, Baronet, Commander-in-chief of His Britannic Majesty's Naval Forces stationed on the Coast of Brazil, and in the name of Captain Robert Smart and the crew of the corvette, "*Satellite*," in support of his right in the proceedings regarding the prize, "*Paquete do Sul*," captured by the said corvette, represents as follows:—

By the 2d and 3d Articles of the Treaty entered into between Brazil and Great Britain, on the 23d November, 1826, for the abolition and regulation of the Slave Trade, it was stipulated and agreed that the 2 High Contracting Parties adopted and renewed, as effectually as if the same were transcribed, word for word, all the Articles and provisions of the Treaties concluded between His Britannic Majesty and the King of Portugal on this subject, on the 22d of January, 1815, and 28th July, 1817, and the several explanatory Articles which have been added to the said Treaties.

On the 15th of March, 1823, 2 explanatory Articles, in addition to the said Treaties, were signed at Lisbon, by which it was stipulated, that "if there be clear and undeniable proof that one or more slaves of either sex had been taken on board of a ship, for the purpose of illegal traffic, during the voyage on which the said ship should be taken, then, and for this reason (according to the true intent and meaning of the stipulations of the aforesaid Convention), such ship shall be detained by the cruisers, and finally condemned by the Commissioners."

Based upon these additional Articles, the capture of the "*Paquete do Sul*" was made; for, although no slaves were found on board, still, according to the declaration of the witnesses that the people of the prize threw overboard buckets and large kettles suitable for the use and cooking for slaves, and there having been found on board manacles and other irons, some of them having been recently cut with a chisel or other sharp-cutting instrument, are indications sufficiently strong to authorise the capture, and are equivalent to that proof which the additional Articles require.

Yes, these indications are now changed into clear and undeniable facts, proved by the documents existing in the process, that is, that the voyage of the prize was intended for the traffic in slaves, and that there were slaves on board during the voyage. By the document No. 16, it is seen that a person of the name of Brett sent to the Master of the prize on the 26th August, 1833, when she was on the Coast of Africa, 120 slaves, and, by the document, No. 17, which is the Inventory of the effects of Manuel Alves, who died in Ambriz, on the 7th August, 1833, mention is made of 4 slaves, who were shipped on board the "*Paquete do Sul*," which slaves formed part of the effects of the said Manuel Alves, deceased.

It is true that we know, from the depositions of the Master and crew of the prize, that the object of the voyage was not to traffic in slaves, as they allege that the cargo on the return-voyage consisted of wax, ivory, and mats, of which they were robbed by a Columbian privateer—but who does not perceive the falsity of such a story? The falsehood of such assertions is evident from all the documents and other proof in the process, and even from what the Master and men declare, who are not agreed in their depositions (some declaring that the robbery took place in the morning, and others in the afternoon of days of October.) Besides this, there is not any document to prove the purchase or shipment of such articles—there is no Cargo-book, nor Manifest, nor Bill of Lading, nor Invoice of any such shipment, neither is there any mention made thereof, nor of the subsequent robbery, in the ship's Journal; in fine, there is no document, protest, or any other paper, to prove the occurrence of that robbery.

And, although according to the 36th Article of the Criminal Code, it is established that presumptions, however strong, do not authorise the imposition of punishment, yet that Article cannot by any means contravene what has been said;—1st, because, in the present Case, there do not exist simply presumptions, to which the 36th Article refers, but there are strong indications of guilt. There is a great difference between presumptions and indications. Indication means the sign or trace which leads to the belief of the existence and truth of some circumstance, whilst presumption (the word used in the said 36th Article of the Criminal Code) is defined to mean conjectural opinion without certainty or evidence. Thus, seeing a man armed with fire-arms, it may be presumed that he intends to commit a criminal act. But indication is more graduated, it implies a greater degree of certainty. If we see a dead person having all the usual appearances of having been poisoned, we immediately conclude by indication that the person was poisoned.

In the 2d place, the 308th Article of the Criminal Code determines that the same does not comprehend the crimes of responsibility of the Ministers and Counsellors of State, nor crimes purely military, nor finally, commercial crimes, and therefore piracy being a crime classified under those of a commercial nature, and more especially, the crime of trafficking in slaves, it is to be concluded that the 36th Article of the Criminal Code cannot apply to the present Case.

In the 3d place, the Treaties between free and independent States, as well as the penalties reciprocally stipulated by them, cannot enter into the class of crimes which any particular Nation punishes in its own subjects by its Private Code. Public and universal law is the only Code which decides the question, and therefore, according to that law, the application of Article 36 of the Criminal Code ought to be considered foreign to the present Case.

The Treaty between Great Britain and Brazil, with the additional Articles, created a Mixed Commission for the decision of the infractions of the same Treaty; therefore that Commission cannot depart from the forms marked out for it upon its creation, and it is to be wondered at that the Commission, proceeding in the organization of such processes as the present, in direct opposition to the forms prescribed by the general law of this Country, should admit into their decisions the quirk of law found in the General Code, with manifest contradiction to reason and common sense, which do not admit of the contradictory and simultaneous principle of disallowing forms of process, and at the same time approving of forms of the same general process which have been disallowed.

Besides, if a Treaty between Nations establishes among themselves a Private Code, from which it is not lawful for any of the Nations to recede without the consent of the other, at any rate unless it were with the view of hostilities, it would be repugnant to reason to refer to the general rules of the General Code of one Nation, or its forms, the decision of a question specially provided for by the Treaty. This would amount to a violation of the Treaty, and would be equivalent to the paradox of admitting that one Nation could of its own accord alter the Treaty without the consent of the other, and even contrary to its inclination.

Finally, by the 11th Section of the 179th Article of the Constitution, it is determined that no person can be condemned but by the competent Authority. From this, the following corollaries are to be deduced. Either that the Commission is not a competent tribunal, because no mention of it is made in the general laws of Brazil, and consequently, that every thing it has done, or is doing, is null, or that it is competent.

If it be competent (of which there can be no doubt, because such creations are necessary emanations from the right that Sovereigns have to make Treaties with Foreign Powers), no doubt can be entertained but that the line of conduct to be pursued by it, in its decisions, cannot be other than that peculiarly and distinctly fixed by Treaty; that line of conduct has no reference to general laws: it forms a body ("*corpo*") of itself, and therefore the Commission cannot attend to any thing but to what is stipulated in the Instructions which were issued upon its creation. Every thing which it does in opposition to this is a scandalous arbitrary act, against which, and every thing which the Commission may do contrary to the Instructions, the Admiral solemnly protests, and requests that his Protest be registered.

The ship is reputed to be Portuguese, and to belong to Jozé de Freitas e Oliveira; but it is notorious that, previous to the present voyage, she belonged to one Lobo, a Brazilian, residing in this city, who made a simulated sale of her in the month of May last, and changed her name.

Independently, however, of the documents merely Consular, which appear in the process in proof of the property of the ship being vested in the reputed Owner, Jozé de Freitas e Oliveira, we have, at folio 27, a document which clearly proves that Manuel Pereira Mendez, an adopted Brazilian, residing in the street called Rua da Praynha, is interested in the said brig to the amount of 3 contos of reis. This document is signed by Mendez, and he, being interrogated by the Commissioners, admitted his signature. This document runs thus: "I, the Undersigned, say, that, of the part which belongs to me of the interest I have in the brig, '*Paquete do Sul*,' amounting to 3 contos of reis, I give an interest in the profits, &c." Mendez, in his deposition, denies having any interest in the brig, but the document proves the contrary. It is also clear that the said Mendez has an interest in the cargo, which is also proved by the documents at folio 28, 30, and 31, signed Mendez and Co., which signature Mendez acknowledges to be his; and he says that there is no partnership, but that he signed these documents, "Mendez and Co.," by the advice of the Master and Mate of the ship. The first of these documents is the Invoice of the goods shipped for the voyage, amounting to 7,946 mil, 532 reis: the document at folio 31 is the account of provisions for the ship, amounting to 1,879 mil, 700 reis, and, consequently, so far as the amount of these sums extends, he is interested in the cargo. Besides this, by the document at folio 30, the same Mendez and Co. give instructions to the Master respecting the ship and his conduct on the Coast of Africa, in the same manner as any other ship-owner would give his orders to a Master of a ship of his.

From all this evidence it is indubitable, that Mendez is interested in the ship and cargo, and therefore that the adventure is not Portuguese, as they wish may be believed, but, in fact, Brazilian, and as such ought to be sentenced ("*juzgado*") by the Mixed Commission, agreeably to the Treaty with Brazil, dated the 23d November, 1826, and the additional Articles to the Conventions with the King of Portugal, which are adopted by the said Treaty.

In proof of the nationality of Mendez, we annex an Attestation of the Inspector of the District in which he resides, setting forth that he is a lawfully adopted Brazilian.

The result of this exposition proves—1st, that Mendez being interested in the ship and cargo, the Mixed Commission of this City ought to decide the Case, as being Brazilian; 2d, that the Instructions issued on the institution of the Commission are those which alone are to be attended to in the decision of the question.

The present arguments constitute such strong grounds as cannot but be expected to excite the attention and settle the mind of the Judges.

(Signed)

For the Captor, MICHAEL SEYMOUR,  
*Rear-Admiral.*

#### Fourth Enclosure in No. 101.

*Translation from the "Correio Official," Rio de Janeiro, 30th January, 1834.*

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

*Rio de Janeiro, 16th January, 1834.*

I HAVE the honour to lay before your Excellency the enclosed Copy of a Sentence which the Mixed Commission, in regard to the traffic in slaves, have just pronounced upon the Portuguese brig, "*Paquete do Sul*," detained by the English corvette-of-war, "*Satellite*," on suspicion of having brought and landed slaves in Brazil; and it having been proved that Manuel Pereira Mendez, a Brazilian subject, is interested in the same brig.

In addition to the Process, there is another drawn up by the Justice of Peace of the Parish of Santa Rita, by order from the Office of the Secretary of State for affairs of Justice, on board the same brig,

and in which is found a Sentence of imprisonment and committal against the Captain and Mate of the same; and as the Commission, in virtue of the Instructions serving as its guide, and of the existing Treaties, deemed itself authorized to take cognizance only of the part of the interest appertaining to a Brazilian subject, and as it does not appear just that the other persons interested in this inhuman traffic should remain unpunished, I think it my duty to submit to your Excellency that, besides those 2 individuals, the penalties of the law lately promulgated by the General Assembly, apply also to Jozé de Freitas e Oliveira, who calls himself a Portuguese, and appears as such in the Passport of the Owner of the, aforesaid brig, and to Joaquim Jozé Meira, partner of Mendez, likewise a Portuguese. The former is said to be in this city, and to be living in the Rua do Ouvidor, and the latter is known to have disappeared from the Hospital, to which he had come from the brig to be cured.

There is also among the Papers, taken on board in the act of the detention, a Letter written by Jozé Antonio dos Santos e Arango, of this city, to the same Freitas, announcing the shipment of some Spanish dollars and barrels of gunpowder, in order that the proceeds might be invested in slaves, to be brought, on the return of the brig in question, to this place; and as the Commission took no cognizance of that individual, inasmuch as he could not be found, and that his national character could not be ascertained, it is fit that the ordinary tribunals should do it, so that the impunity of him and others should not give greater encouragement to those engaged in such a barbarous commerce, and to the continuation of the abuse of putting the vessels intended for it under the Portuguese Flag, in order to exempt them from the provisions of the Treaties existing between this Empire and Great Britain—an abuse which certainly requires the greatest vigilance on the part of the Government, on account of the lamentable consequences which may in future ensue from the continued importation of Africans into Brazil, when once declared free, and that, knowing the law, they proceed to claim the rights which the law guarantees to them among many others subjected to perpetual slavery.

God preserve your Excellency.

(Signed) JOAO CARNEIRO DE CAMPOS.

*Bento da Silva Lisboa, Minister for Foreign Affairs.*

### Fifth Enclosure in No. 101.

*The Brazilian Minister for Foreign Affairs to the Justice of the Peace of Santa Rita.*

*Department of Justice, Palace, 23d January, 1834.*

THE Regency, in the name of the Emperor Don Pedro II., orders to be sent to you the enclosed Copy of a Despatch from the Brazilian Commissary Judge of the Mixed Commission, in respect to the traffic in slaves, together with the annexed Copy of the Sentence which that Commission pronounced on the Portuguese brig, "*Paquete do Sul*," in order that you may proceed, in conformity with the statement of the said Commissary Judge, and as the law requires, against the individuals interested in the traffic in slaves, in which that vessel was engaged, and of whom the Commission did not take cognizance, by reason of their being foreigners, observing that the Records of this Process remain with the same Commission, to which you will apply for the documents which may be requisite for the due performance of what is incumbent upon you in conformity with the last law.

God preserve you.

(Signed) AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

*The Justice of the Peace of the First District of the Parish of Santa Rita.*

### No. 102.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 16.)*

MY LORD,

*Rio de Janeiro, 12th February, 1834.*

A DESPATCH from the Chief of Police to the Principal Officer of the Customs, relative to the continued importation of Africans, having been published in the "*Correio Official*" of yesterday's date, we deem it our duty to transmit a Translation of the same.

On the one hand, your Lordship will observe with regret, from the contents of this Despatch, the avowed continuance of the traffic; while, on the other, it will afford you some satisfaction to notice the further steps taken by the higher Authorities here to put a stop to it.

We have, &c.

(Signed)

GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

### Enclosure in No. 102.

*The Chief of Police to the Principal Officer of the Customs.*

(Translation.)

*Rio de Janeiro, 27th December, 1833.*

THE situation you hold making it your duty to visit the vessels which enter this port, and the infamous traffic in slaves which continues in spite of our laws giving great scandal, I have to desire

that you will declare the detention of all such vessels as may appear to you suspicious, giving immediate information of the same to me, or to the Justice of the Peace within whose district the anchorage-ground may be, in order to a due examination of the circumstances; being well assured that, by thus aiding the visits of the Police, you will be rendering a great service to the Nation.

(Signed)

EUSEBIO DE QUEIROZ COUTINHO MATTOSO DA CAMARA.

Chief of Police.

*The Principal Officer of the Customs.*

No. 103.

*His Majesty's Commissioners to Viscount Palmerston.—(Received June 5.)*

MY LORD,

*Rio de Janeiro, 26th March, 1834.*

A SOCIETY existing here, under the title of Defenders of the National Liberty and Independence, has recently offered a premium of 400 milreis for the best Treatise on the Slave Trade, upon the following basis:—

1st. To demonstrate the odium of the traffic, refuting the sophisms with which its apologists are wont to defend it.

2d. To examine the means by which a substitute can best be provided for the introduction of African slaves—whether by sending for colonists on account of individuals, or by the admission of such machinery as may simplify and accelerate the progress of agriculture and the working of the mines, or by ameliorating the condition of the slaves already existing, or by endeavouring indirectly to remove them from the cities into the country.

3d. To notice, in detail, the advantages of free over compulsory labour.

4th. And finally, to point out the baneful influence which the introduction of African slaves exercises on the habits, the civilization, and the liberty of the country.

At the same time they addressed to the Emperor a Representation, of which we have the honour to forward the enclosed translated Extract, from which, as well as from the Communication made by the Minister of Justice to his colleagues, a Translation of which is also herewith annexed, your Lordship will judge of the influential character of this Society, which has ramifications in various other provinces, and of the probable spirit in which the subject is likely to be proposed and discussed in the ensuing Session of the Chambers.

The publication of the above Papers has been followed by 2 Articles, from which, as shewing the feeling which is beginning to prevail on this subject, and the attention which it excites, we think it right also to subjoin Extracts. The one is from the pen of the Editor of the "*Aurora Fluminense*," a Deputy and First Secretary to the Society, the other from a daily Paper lately set up in this city.

They both go very minutely and accurately into the subject; but we fear your Lordship will be of opinion, with us, after perusing the contents of our next Number, that, notwithstanding the zeal and sound principles which these productions indicate, and which, if generally shared, might promise better things, little hope of any real change can be entertained so long as this country remains in its present state, and that every sacrifice which could be made in the cause of humanity with a view to any improvement in this respect would be in vain.

The abuse of the Portuguese Flag, referred to in each of these Articles, continues. Vessels are constantly entering in ballast from the Coast of Africa, giving out that they have been very unhealthy, and have lost several of the crew. Among the deaths is almost always enumerated the Mate or Pilot—in other words, those individuals more particularly charged with the disembarkation of the negroes along the coast. Cases of this kind happen daily, and are generally followed by visits and examinations on the part of the different Port Authorities, the mention of which appears regularly in the official Paper; but, for the reasons so well known to your Lordship, we can cite no one instance in which they have led to any further result.

We have, &c.

(Signed)

GEORGE JACKSON.

FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.



## First Enclosure in No. 103.

(Translation.)

*Requisition of the "Defenders of the National Liberty and Independence of Rio de Janeiro."**Rio de Janeiro, 16th February, 1834.*

THE Society, anxious to accomplish, as far as lies in their power, the removal of the obstacles which opposed themselves to our prosperity, to the increase of civilization, to the amelioration of our habits, and to liberty, cannot view without horror the abuse with which the neglect or the immorality and corruption of the Authorities and subaltern Agents of the Government have allowed the shameful traffic in human flesh to be continued, by the importation of slaves from the Coast of Africa, in despite of the Treaty of the 26th November, 1826, and the Law of the 7th November, 1831. Our honour, as a civilized Nation, our happiness and our progress as a free State, call for measures on the part of the Government of your Imperial Majesty.

It is notorious, Sire, that, all along the coast of this Province, hundreds and hundreds of wretched Africans, imported by contraband, are daily landed, who are received in deposit on the neighbouring estates, and that some of the Local Authorities in these districts, conniving at so shameful a crime, share the profit and the infamy.

The penalty of piracy which, in the Treaty, is denounced only against Brazilian subjects, not embracing equally the Portuguese, these latter, or even, for our shame, Brazilians, covering their vessels with the Lusitanian Flag, fearlessly give themselves up to this odious traffic. All such vessels engaged in it are Portuguese property, or pretend to be so; nor have the Agents of this Nation, up to this day, shown the least desire to put any obstacle in the way of similar abuse.

As, however, the Government of Your Majesty is authorized by law to impose fines on ships, the Society presumes to point out how expedient it would be to lay a heavy caution or fine on all vessels sailing for the Coast of Africa, and in the habit of entering here in ballast, in order that, whenever it shall be ascertained that they have been trafficking in slaves, the amount may be immediately forfeited. It also appears absolutely necessary that repeating signal-boats should be stationed along the coast which may inform the Government of those places and estates which serve as depôts for so baneful a contraband, in order to carry into execution the prudent law of the 7th November, 1831.

Other precautionary and preventive measures might still be added, the which will assuredly not escape the enlightened views of Your Imperial Majesty's Ministers, the principle of which is to give activity and efficiency to our cruisers on the coast.

## Second Enclosure in No. 103.

*The Minister for Foreign Affairs to the Minister of Marine.*

(Translation.)

MOST ILLUSTRIOUS AND EXCELLENT SIR,

*Rio de Janeiro, 3d March, 1834.*

I TRANSMIT to your Excellency the enclosed representation from the Society entitled "*Defenders of the National Liberty and Independence of Rio de Janeiro*," proposing certain precautionary steps which they deem advisable for stopping the continuance of the traffic in slaves, in order that your Excellency may give it that consideration which it may deserve, with reference to that part which relates to the measure proposed for the adoption of the Marine Department, while, as regards that of Justice, such have been already taken, as are within the competency of the Government, who, recognizing the inefficacy of the actual legislation on this subject, have appointed a Commission to propose the most effectual means of prohibiting this commerce, which experience has proved to be not entirely put a stop to by existing laws, which, besides being insufficient, meet with many whose duty it is to execute them interested in their daily violation.

God preserve Your Excellency.

(Signed) AURELIANO DE SOUZA E OLIVEIRO COUTINHO.

N. B. A similar Communication was made to the Finance Minister.

## Third Enclosure in No. 103.

(Translation.)

*Extract from the "Aurora Fluminense," Rio de Janeiro, 10th March, 1834.*

THE attention and the patriotism of the "*Sociedade Defensora*" were awakened to this subject by seeing the scandalous manner in which wretched Africans, torn from their native country, to make the misery of ours, are every day disembarked on our shores.

Agriculturists, Merchants, Justices of the Peace, and other subaltern Authorities, are accused of being engaged in, or of encouraging this traffic in human flesh, and public opinion has not yet fixed on this species of crime the stamp of shame. This does not surprise us: for many years Wilberforce, and other philanthropists, enemies of the African Slave Trade, strove to introduce their ideas—those of reason and of justice—into the enlightened Parliament of Great Britain, and only after a thousand reiterated efforts did they obtain the victory. The "*Sociedade Defensora*" believed that the principal means to be employed to accomplish the effectual abolition of the traffic was persuasion, and that much will have been done, if the prejudice favourable to the introduction of slaves into Brazil should give way to more salutary and judicious ideas on this subject. This does not preclude the use of administrative measures, and the due execution of those penal laws which, unhappily, have been, up to this day, a dead letter. The trafficker in human flesh—the introducer of barbarism in the midst of our retarded civilization—the contraband in men is certain of impunity; and, on the other hand, the enormous profit holds out allurements to the commission of the fraud. To avoid the penalty of piracy, the Portuguese Flag is at hand to lend itself to all the infamous tricks necessary for this commerce, and our country is inundated, without measure, by a rude and stupid race, the number of whom already existing ought to alarm us.

We will not here go into the detail of the sufferings of these unhappy creatures in their passage



from Africa to Brazil, piled up, like bales of goods, one upon another, nor into those atrocities of which some are the victims even within our own refined capital.

The introduction of African slaves, laying aside other considerations of policy, is hurtful in the extreme to our civilization, to our habits, and to our liberty. How can any improvement take place among the Africans living among us, if at every hour fresh reinforcements arrive to keep up among them the remembrance of their customs, their faults, their prejudices, and to "Africanize" even the Creoles with whom these unfortunate recruits of slavery are mingled for all the ordinary services of life? Who will deny, that intercourse with this rude and dissolute race carries into the very centre of families the seeds of corruption; that the habit of having one slightest caprice obeyed—of having a human being ready to serve us for every purpose—inclines us to pride and prejudice, and to the contempt and neglect of the useful arts? In this point of view, the fatal present of African slaves was a curse on our land, which has retarded the real prosperity of a highly favoured country—debasement that industry which gives life to every thing, and without which neither riches, nor social happiness, can exist. And yet barrels of gunpowder continue to be thrown, without any scruple, into this threatening mine of African slavery. No one to this day ever doubted the superior advantage of free labour over that of slaves. To suppose that a free man cannot perform certain kinds of labour in Brazil, is to raise into a general and absolute principle that which depends on the very existence of slavery, and which would disappear progressively with it.

But we by no means say that the use of slaves should be done away with all at once: it would be madness to propose so sudden a change; but let us take the first steps towards it, preventing by every means the traffic in them—ameliorating the condition of those already existing—removing them from the towns into the country, where they might become serfs, attached to the soil—instituting associations for the introduction of free colonists, and substituting the employment of machinery.

#### Fourth Enclosure in No. 103.

*Extract from a Daily Paper.*

(Translation.)

*Rio de Janeiro, 3d March, 1834.*

IN despite of the penalties denounced against traffickers in human flesh—in despite of the vigilance of the British cruisers—the barbarous and inhuman traffic in African slaves still continues—no longer, indeed, clandestinely, but openly, covered with the Flag of a friendly Nation. Availing themselves of this facility, numerous vessels have dared to despise the cruisers, and to come to this side of the Atlantic with their cargoes, which are so many barrels of gunpowder thrown into a mine. No matter that they run the risk of being treated as pirates; these infringers of the laws daringly make certain points of our extensive coast, reckoning either on the absence of the cruisers, or the neglect or connivance of certain Local Authorities, who, as is collected from official documents, published in the Papers both of this Capital and of the Provinces, are interested in this infamous contraband, thus making themselves the violators of those laws which they ought to be the first to execute. It is afflicting to the heart of the true friends of Brazil, concerned for the glory and prosperity of the country, to see, that, at the moment when other civilised Nations exert themselves to extirpate this gnawing cancer, either restoring the rights of men to these unhappy beings, or colonizing them on the African Coast, there should exist among us men so inhuman, and such rebels to the laws, as to employ their funds in a speculation as infamous as it is hazardous. Unfortunately, all the Treaties and our laws in favour of what is held most sacred, have failed: in spite of the zeal of philanthropic societies and of the influence of the British Government, unfortunately there still exist those who exhaust the art of sophistry to justify the commerce in human flesh.

#### No. 104.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 8th July, 1834.*

I HEREWITH transmit to you, for your information, 5 Copies of Papers, marked A and B, relating to the Slave Trade, which have this day been presented by His Majesty's command to both Houses of Parliament.

I am, &c.

(Signed)

PALMERSTON.

*His Majesty's Commissioners,  
&c. &c. &c.*

#### No. 105.

*His Majesty's Commissioners to Viscount Palmerston.—(Received July 18.)*

MY LORD,

*Rio de Janeiro, 22d April, 1834.*

YOUR Lordship will recollect that, in our Despatch of the 26th December last year\*, we stated that a Warrant had been issued for the apprehension of the Owner of the barque, "*Maria da Gloria*," Jozé Anastacio Ribeiro. This Warrant, however, remained for a long time a dead letter, and Ribeiro was seen walking about the streets with equal effrontery and impunity. But, it appearing from

\* See No. 98.

various examinations had in regard to other vessels which, since the capture of the "*Maria da Gloria*," have entered this port in ballast, and otherwise affording the strongest indications of their having landed slaves along the coast, that this same individual was also concerned in them, an order was issued for his leaving the Empire within 15 days.

This order appears in the Number of the "*Aurora Fluminense*," of which we have made the enclosed Translation, and which Paper we select, in preference, as the channel of transmission for the above document, both because the measure itself was originally suggested and advocated by the Editor of that Journal, (thus affording another instance of the influence exercised by the "*Sociedade Defensora*," of which it is the organ,) and because it is accompanied by some remarks which may not be unworthy of your Lordship's notice.

We have, &c.

(Signed)

GEORGE JACKSON.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

FRED. GRIGG.

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Enclosure in No. 105.

*Translation from the "Aurora Fluminense," 18th April, 1834.*

*The Minister for Foreign Affairs to the Chief of Police.*

*Palace, 9th April, 1834.*

It being ascertained that the Portuguese, Anastacio Jozé Ribeiro, Owner of the barque, "*Maria da Gloria*," taken by the English cruiser, for having 426 Africans on board, is also Proprietor of other vessels which have arrived with similar cargoes, and disembarked them on different parts of the coast of this Province, and it being expedient to put a stop to so scandalous an abuse, removing as soon as possible from this Empire a foreigner who has, up to this time, succeeded in eluding the laws, engaging in a contraband which, besides being barbarous and opposed to the free institutions which Brazil is in the enjoyment of, is so pernicious also to the same, the Regency is pleased, in the name of the Emperor Don Pedro II., to order you to notify to the aforesaid Anastacio Jozé Ribeiro, that he is required to take out his Passport, and that he is to withdraw from Brazil within 15 days, at the end of which, if he has not obeyed this Resolution, you will cause him to be taken into custody, in order to his being sent out of the country in the first vessel which may offer.

God preserve, &c.

(Signed)

AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

*To the Chief of the Police.*

This is another act of justice which does honour to the Government of Brazil. A stranger abusing the hospitality he received in our country, employs his capital and his industry in bringing hither Africans to be kept in an unjust state of slavery, and thus augments the number of these dangerous unfortunates, violating the rights of humanity for the sake of vile lucre. Owing to the neglect or the connivance of some of our Magistrates, this and other contraband dealers in slaves have gone unpunished, insulting, by their continued presence in our streets, the Laws which they trample under foot, and the dignity of the country they inhabit. If the Government had longer tolerated this, after the principle they have laid down in respect to foreigners, they would to a certain degree become accomplices in the crime, and would even be considered as abetting so infamous a commerce. But the example is given; and other Portuguese engaged in this odious traffic may now depend on being treated in the same manner, if they do not refrain from such unworthy conduct.

It was not sufficient that for ages the Portuguese Flag was the standard of our colonial degradation—that since that, for 12 years, the Court being transferred to Brazil, it continued to be the signal of the preference given on all occasions over Brazilians to the natives of the ancient metropolis—it was still necessary that this same Flag should come hither to cover transactions shameful in their nature, and menacing our internal peace by their probable consequences. The Government should by no means allow this, and considering it is not within their competence to punish those unworthy importers who call themselves Brazilians, have recourse to the discretionary power given them, with respect to foreigners, for the good of the country they are called upon to administer, and to afford a certain proof that it is contrary to their intention and will that the traffic in human flesh should be persisted in after the severe laws which prohibit it.

We are informed, also, that the Senhor Anastacio, from the very moment of the independence of Brazil, shewed himself her declared enemy at Bahia, and that he retired thence with General Madeira, conscious of the mischief he had done, and apprehensive of the due reward of his good deeds.

It is not to be wondered at that such a man should come here to embark in the commerce of Africans: it is a new way of waging war against Brazil which the ex-soldier of Madeira availed himself of. We have no wish for such industry among us; and let those who make so infamous a use of their money carry it away with them and welcome. The civilization, and consequently the riches, of the country will gain by it.

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No. 106.

*His Majesty's Commissioners to Viscount Palmerston.—(Received August 5.)*  
MY LORD, *Rio de Janeiro, 5th June, 1834.*

It appearing, by a Despatch, published officially, that a small vessel, called "*the 2d March*," had been taken and brought into port by a Brazilian sloop-of-

war, and that the documents connected therewith had been transmitted by the Minister of Marine to the Department of Justice, in order to the institution of proceedings against her, according to Law, we took an opportunity of mentioning the subject to the Brazilian Commissary Judge, when he informed us that such proceedings were in progress, and that he presumed the reason why the Case had not been submitted to the Mixed Commission was, that the vessel in question had been taken under Portuguese colours, those of Donna Maria II.

However probable it may be that, though taken under these colours, this property would prove, on a close investigation, to be Brazilian, yet, in the present state of the question, and after the late decision respecting the "*Maria da Gloria*," it seemed to us most advisable to rest satisfied with this reply: the inquiry we thought it our duty to make being a sufficient intimation of the course which we conceive should be taken with reference to any capture made by Brazilian ships-of-war, of property belonging to subjects of this Empire. We shall not fail, however, to make His Majesty's Minister at this Court acquainted with the circumstance.

At the first moment of the capture of "*the 2d March*," which happened off St. Sebastian, it was thought to be made only on suspicion; but the Brazilian Commissary Judge informed us that he understood that, since she was taken possession of, slaves had actually been found on board.

We have, &c.  
(Signed) GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

No. 107.

*His Majesty's Commissioners to Viscount Palmerston.—(Received September 8.)*

MY LORD,

*Rio de Janeiro, 26th June, 1834.*

A SECOND slave-vessel having been taken by a Brazilian ship-of-war, since the capture of the "*Dois de Marco*," referred to in our Despatch of the 5th instant, and no intention appearing of bringing her before the Mixed Commission, we felt it to be our duty to write an official Letter to His Majesty's Minister at this Court on the subject, a Copy of which we have the honour to enclose herewith.

The result of this representation your Lordship will best learn from Mr. Fox, in addition to which it affords us great satisfaction to state, that we have ourselves seen the Instructions issued by the Department of Justice, ordering that all Captures made by Brazilian men-of-war, of vessels suspected to be engaged in the Slave Trade, shall be immediately consigned to the Mixed British and Brazilian Commission, according to the stipulations of the Treaty; and further that, if eventually liberated by that Tribunal, they shall be proceeded against under the ordinary Laws of this Country.

We have, &c.  
(Signed) GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

Enclosure in No. 107.

*His Majesty's Commissioners to Mr. Fox.*

SIR,

*Rio de Janeiro, 14th June, 1834.*

OUR functions being purely judicial, and, strictly speaking, commencing only when a Case is actually brought before this Court, the step we are now taking may, perhaps, seem to carry us somewhat beyond their sphere. But, observing the report of the capture of 2 vessels engaged, or suspected to be engaged, in the traffic in slaves, by Brazilian ships-of-war, viz., the "*Dois de Marco*," said to have been taken off St. Sebastian, and the "*Santo Antonio*," off Ilha Grande, and that this Government are proceeding against them, according to their Law of the 7th November, 1831; in each of bringing these Cases before the Mixed British and Brazilian Commission, we yet think it incumbent on us to mention the subject to you, and to call your attention to those stipulations in the engagements existing between the 2 Governments, by which it is declared "that all vessels detained by their

respective ships-of-war shall be brought for judgment before such Commission, and in case of the condemnation of a vessel, that she, as well as her cargo, with the exception of the slaves, shall be sold by Public Sale, for the profit of the 2 Governments, and that, as to the slaves, they shall receive a Certificate of Emancipation;" in order that, should you concur with us in opinion as to the course which should be pursued in these and similar Cases, you may, Sir, if you think proper, make such communication to this Government on the subject as you shall deem expedient.

It is more than probable that the vessels above-mentioned may have been captured under Portuguese colours; but experience shews, that it by no means follows from that circumstance that the adventure, in whole or in part, may not, on close investigation, prove to be Brazilian—a point which we conceive it is peculiarly the province of this Mixed Commission to ascertain, and that from this duty *no primâ facie* attempt to conceal the real character of the prize ought to preclude them.

The Case of the "*María da Gloria*," on the one hand (of which the Mixed Commission declined to take cognizance, because, after a full investigation, she was proved to be *exclusively* Portuguese property), will sufficiently acquit either our colleagues or ourselves of any wish unduly to extend our jurisdiction; while, on the other, the Case of the "*Paquete do Sul*," both vessels taken under the Flag of Portugal, proves the already notorious fact, that that Flag has been but too often used by Brazilian adventurers, as a mask by which to cover their illicit proceedings.

We have the less scruple, Sir, in making this representation, both because should the Mixed Commission, in any Case brought before them by a Brazilian Captor, declare their incompetency to take cognizance of it on the ground of its not being either British or Brazilian, His Imperial Majesty's Government would then equally have the power, as in the first instance, to proceed according to the laws of this country, apart from any international engagement, and because the summary course attending the proceedings of a Mixed Commission has been acknowledged by the Executive to be the best calculated to counteract that system of fraud which it is alike the object of both Governments to prevent.

We have, &c.

H. S. Fox, Esquire,  
&c. &c. &c.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

P.S. Since writing the above, Sir, we have seen the official Report of the capture of the brig, "*Santo Antonio*," by which it appears that she has a cargo of 117 slaves on board—a circumstance which confirms us still more in the propriety of this application, as it is impossible to reflect without horror on the fate which would await these unhappy objects under the operation of the Law of the 7th of November, 1831.

No. 108.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received September 8.)

MY LORD,

*Rio de Janeiro, 5th July, 1834.*

WE have the honour to inform your Lordship, that, since our Half-yearly Report of the 5th January, 1834, only 1 vessel has been brought into this Port for adjudication by the Mixed British and Brazilian Commission, viz.—

The schooner, "*Duquesa de Braganza*," under Portuguese colours, with 270 slaves, detained by Commander Smart, of His Majesty's sloop, "*Satellite*," on the 15th June last.

Considerable progress having been made in the examination of the witnesses and Papers, we expect to announce the result to your Lordship in the course of a few days.

We have, &c.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

No. 109.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received September 9.)

MY LORD,

*Rio de Janeiro, 24th July, 1834.*

OUR Half-yearly Report of the 5th instant will have apprized your Lordship of the detention of a schooner, under Portuguese colours, called the "*Duquesa de Braganza*," by His Majesty's sloop, "*Satellite*," Robert Smart, K.H., Commander, with 277 slaves on board, and of her having been brought before the Mixed British and Brazilian Commission resident here, for adjudication, from the belief, that, though under cover of the Flag of Portugal, she was in truth Brazilian property.

The result of a long and minute investigation proved such to be the fact, and

we have now the honour of forwarding to your Lordship, herewith, the Report of the Case, together with the Sentence of the Court, in translation, which was unanimously delivered on the 21st instant, drawn out in the usual form practised in this Country, and by which the "*Duquesa de Braganza*" was condemned as lawful prize to the Crowns of Great Britain and Brazil, in conformity to the Convention concluded between them on the 23d November, 1826, and to the 1st Article of the Alvará of the 26th January 1818, to be sold, together with all her appurtenances and whatever articles may be in the said schooner, for the use of the 2 Governments, and the blacks found on board to be emancipated from slavery, and placed at the disposal of the Government of His Majesty the Emperor, as servants or free labourers, according to the provisions of the 5th Article of the above-mentioned Alvará.

We have much satisfaction, my Lord, in reporting to you this Sentence, both because we sincerely hope it may have the effect of deterring Brazilian subjects from engaging in this traffic, in the hope of covering their proceedings under the Portuguese Flag, and because the basis on which it rests, and to which the Brazilian Commissary Judge offered no objection, proves that the Imperial Government have abandoned, as far, at least, as regards prizes made by either British or Brazilian ships-of-war, the point their Commissioner once so strenuously insisted on, namely, that he could know no other guide than the Law of the 7th November, 1831; and that the Alvará of the 26th January, 1818, was extinct and superseded by subsequent legislative enactments.

The 2 Brazilian subjects convicted of engaging in the traffic in slaves in this Case, viz., the original Master and Owner of the schooner, and the Pilot of the same, are, your Lordship will perceive, by this Sentence, to be deemed and treated as guilty of piracy, in virtue of the 1st Article of the Convention of the 23d November, 1826.

To the other individuals so engaged, the jurisdiction of this Commission does not extend; but the proof of their guilt is no less strong, and the Brazilian Commissary Judge has already made the necessary communication to His Government, in order to proceedings being instituted against them at Common Law.

The only other point to which we would beg leave particularly to call your Lordship's attention, is the connivance, for it cannot be called by any other name, with which the Portuguese Authorities at Benguela and Loando encourage and facilitate this traffic. On the strength of no better evidence than a fictitious sale, so obviously fraudulent that no one could really be deceived by it, the Governor *ad interim* of the Captaincy of Benguela declares this schooner to be wholly and solely Portuguese property, and gives her a Passport as such; and the Port Authorities at Loando certify that she left that Port in ballast, when it was sufficiently notorious that she was to receive a cargo of slaves on board; and when, as appears by one of the documents, found at the time of her detention, several of them had actually been shipped many days prior to her sailing out of that harbour.

We should not, perhaps, close this Despatch without informing your Lordship, that in a communication made by the Portuguese Chargé d'Affaires at this Court to the Minister of Foreign Affairs, and transmitted by him to this Commission (but which is not noticed in their Sentence, because it was made confidentially), that functionary admits, referring to a conversation which had passed between them on the subject of the schooner in question and some other vessels, that he does not himself believe that the "*Duquesa de Braganza*" is Portuguese property.

We have, &c.

(Signed)

GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

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First Enclosure in No. 109.

*Report of the Case of the Brazilian schooner, "Duquesa de Braganza," José Joaquim de Barros, Master.*

THE schooner, "*Duquesa de Braganza*," sailed from Rio de Janeiro, in January last, under the Brazilian Flag, and with the customary Papers from the Port Authorities, describing her and her Master as Brazilian, ostensibly for Monte Video, but in reality for the Coast of Africa.

A fictitious sale having been there executed, and her Master changed for a Portuguese, she returned direct to the Coast of Brazil, and was detained on the 15th day of June, 1834, in or about latitude  $23^{\circ} 47'$  South, longitude  $44^{\circ} 27'$  West, sailing under Portuguese colours, and armed with 2 long 4-pounders, by His Majesty's sloop-of-war, "Satellite," Robert Smart, K. H., Commander, who, in his Declaration, states that her Master, Jozé Joaquim de Barros, declared her to be bound from Angola to Monte Video, having on board 277 slaves.

The schooner was furnished with a Passport from the Governor, *ad interim*, of the Captaincy of Benguela, authorising her to proceed to Monte Video, touching at Loando, and describing her as a Portuguese vessel, and owned and commanded by subjects of Her Most Faithful Majesty, Donna Maria II., and in which no foreigner had any share or interest.

The "*Duquesa de Braganza's*" ship's Papers were filed on the 30th of June, and properly authenticated by the Affidavits of Commander Smart himself, and the Prize-Master, Lieutenant William Russel Drummond; and the usual Monition having been duly served, according to the forms practised in this Country, the examination of the witnesses commenced.

They were 4 in number, the first, Jozé Joaquim de Barros, Master of the aforesaid schooner, Francisco Elesbão Correa Caldas, Pilot of the same, and 2 persons, one a Spaniard, Antonio Janhes Pataca, and a Brazilian, João Fernandes Meira, who described themselves as passengers, but who had both crossed in this vessel from hence to the Coast of Africa in January, and one of whom, the Spaniard, was also found on board the "*Maria da Gloria*" at the time of her detention, at the close of last year, by His Majesty's brig, "Snake," also in the character of passenger.

The first witness, Jozé Joaquim de Barros, swore that he was a Portuguese subject, and that he received the command of the schooner, in Benguela, from Jozé Joaquim Teixeira, also a Portuguese, who had bought her from her former Owner, João de Souza Mattos; but that he had neither the Passport with which the schooner left Rio de Janeiro nor the Papers to certify this (pretended) sale; that the List of the crew with which she sailed from Benguela, where she obtained her Portuguese Passport, was left at Loando, and that her course from the former to the latter port did not appear in the Log-book, because, the navigation being along the Coast, it was not customary to mark it. He further swore, that the blacks found on board were shipped outside the Bar of Loando, to be delivered at Monte Video, and that he had been obliged to make the Coast of Brazil from contrary winds and want of provisions and water. He denied all knowledge of João de Souza Mattos, the former Master and Owner, and declared the Pilot, Francisco Elesbão Correa Caldas, to be a Portuguese.

This latter individual (the second witness examined) swore that he was a Portuguese subject, though born in the province of Ceará, having left it for the Island of Madeira at the age of 6 years; that the Consignee of Jozé Joaquim Teixeira, at Loando, appointed him Pilot to the schooner; that the document respecting the sale, of which he gave the same account as the preceding witness, had, he supposed, been forwarded to Rio de Janeiro, and that the List of the crew with which they left Benguela had remained at Angola, where fresh hands were engaged. His account of the shipment and destination of the blacks agreed with that already given.

The third witness, Antonio Janhes Pataca, a Spaniard, deposed to the same effect as the preceding; but his evidence was even still less worthy of credit than the others, he being detected in a most gross perjury, swearing that, on the outward voyage, part of the cargo had been landed and sold at Monte Video, in the face of a Protest, to which his own name appeared, declaring the impossibility of reaching that port, owing to the state of the winds and the consequent necessity of steering for Benguela.

The fourth and last witness examined was João Fernandez Meira, a Brazilian; but nothing new was elicited from his testimony.

A Claim was filed on behalf of Jozé Joaquim Teixeira, as "Owner and Proprietor" of the Portuguese schooner, "*Duquesa de Braganza*," setting forth that the vessel was forced to steer for Benguela by stress of weather; that she was sold at Benguela, for want of means to meet the requisite repairs, to a Portuguese subject; that she was bound for Monte Video, with Passport from the Governor of Benguela, as Portuguese property; that, as such, she could not be detained South of the Equator, nor come under the jurisdiction of this Mixed Commission Court; and praying, either that she be released and allowed to proceed on her course to Monte Video, or that she be sent to the Commission at Sierra Leone; and concludes, by protesting against the competency of this Commission, and holding the individual Members, of it, or their respective Governments, answerable for all losses, &c.

The Court having fully considered the facts of this Case, as shewn, as well by the evidence of the above witnesses as by the various documents submitted to them, among the rest, the Bill of Sale of the "*Duquesa de Braganza*," at Benguela, for 500 milreis, were unanimously of opinion, that the schooner "*Duquesa de Braganza*," is and was Brazilian property; that the alleged sale to a Portuguese was fictitious, and made only for the purpose of covering the real character of this vessel, and accordingly, on the 21st instant, passed Sentence of condemnation on the same, as good and lawful prize to the Crowns of Great Britain and Brazil, and was taken in the illicit traffic in slaves by His Majesty's sloop, "Satellite," Robert Smart, K. H., Commander, and decreed the emancipation of her surviving slaves, 249 in number, to be placed at the disposal of the Government of His Majesty the Emperor, as servants or free labourers.

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## Second Enclosure in No. 109.

(Translation.)

*Sentence.*

*Rio de Janeiro, 21st July, 1834.*

THE present Acts and Documents having been seen and examined, it is ascertained that the schooner, "*Duquesa de Braganza*," detained by his Britannic Majesty's sloop-of-war, "Satellite," in latitude  $23^{\circ} 47'$  South, and longitude  $44^{\circ} 27'$  West, for having been found with 277 African blacks on board, is Brazilian property, although then navigating under the Portuguese Flag, because, although among the Papers taken on board, there exists a Portuguese Passport issued by the Governor of Benguela, in which the schooner in question is declared to be the property of Jozé Joaquim Teixeira, a Por-

tuguese subject, and residing there, having been sold by her former Owner, João de Souza Mattos, a Brazilian subject, and the said Teixeira having, by his Requisition, at page 150, presented the Instrument by which the said sale was effected, such Documents, connected with the fraud with which it is seen that all this business has been planned from its commencement, and particularly with the insignificant price of 500 milreiros for which it is pretended that the sale was effected of a schooner of 125 tons, with all her appurtenances, without its being authentically shown what damage she had suffered, and the alleged want of means of repairing the same, because the Document, at page 138, with which it is attempted to prove these circumstances, and the necessity of steering for Benguela, being only a Protest drawn up and signed by persons engaged in the African trade, and accustomed to the shameful contraband in slaves, far from deserving credit, proves, on the contrary, that the real destination of this vessel was for the Coast of Africa; it being scarcely credible, that, having sailed with Clearances for Monte Video, in January, a fit time of the monsoon for such voyages, she should have been forced by bad weather, as it is asserted in that Document, to put into Benguela, especially as no Log-book has been found showing the fact of the existence of such contrary winds, as is always the practice in such circumstances, and that all the causes referred to are nothing more than subterfuges and deceitful means to which recourse was had to obtain, by the small sacrifice of 25 milreiros, being the amount of the duty upon the pretended sale, the Portuguese Passport, by which the real Owner, João de Souza Mattos, might screen himself, and the other individuals equally concerned, from the just punishment of the laws attaching to the criminal traffic in the human species which they meditated.

It is evident that the aforesaid schooner is Brazilian, not only because she was employed as such in the coasting trade (see Document at page 194), but also because, in this same character, and as the property of the said João de Souza Mattos, she was despatched in January of the present year for the Port of Monte Video, as is shown by the Documents at pages 189, 190, 191, 192, 193, and 198.

The fraud with which this business was planned is proved, inasmuch as the schooner, having cleared out for Monte Video, as already stated, far from going to that Port, there being no other journal of her course than from the 24th to the 29th of that month, and without its being known how she afterwards navigated, there appears a Protest made on board on the 15th February, in which alleging, as above mentioned, the contrary winds experienced on the voyage, it was resolved to change the course and to proceed to Benguela—a Protest, which for the reasons above given, fully convinces that the destination of this schooner, from the time of her sailing from this Port, was no other than to the Coast of Africa, for the criminal commerce in slaves, which is further corroborated by the following documents: the Cargo-book, at page 10, in which are mentioned the goods embarked on board of her (the schooner) for Angola; the Letter, at page 26, written by Gaspar José Vianna, which is a further proof of fraud in this business, inasmuch as reference being made therein to a Bill of Lading of goods laden for Monte Video, Document, page 24, not only the Letter is addressed to Antonio Janhes Pataca, and, in his absence, to Antonio José de Mesquita, merchant, at Loando, but also in the Cargo-book for that Port the same goods are described as laden by Janhes Pataca; the Document, at page 27, being an Invoice of goods laden for Angola, by Francisco Elesbão Correa Caldas, to be delivered to himself; a List, at page 29, of the crew with which the schooner sailed from this Port for that of Loando, and which agrees with the Muster-roll made for Monte Video, besides other Letters and Invoices; a Declaration, at page 58, that the said schooner left this Port on the 23d day of January of this year, at 6 o'clock in the morning, on her voyage to the city of Angola, notwithstanding the testimony of Antonio Janhes Pataca, in his deposition, at Pages 129 to 133, asserting that the goods were intended for Monte Video; that the schooner had entered there and sold part of the same, inasmuch as in this act he was convicted of contradiction and falsehood, with reference to the Protest made as a pretence for putting into Benguela, which was also signed by him, as he afterwards acknowledged.

It is also shown, that José Joaquim de Barros, a Portuguese subject, is entered in the Muster-roll as Master of the schooner only to cover the Portuguese Flag, and to colour the fraud with which it was intended to disguise her real national character, inasmuch as besides that he himself says, in the act of the examinations, that he had no Pilot's Certificate, there appears Francisco Elesbão Correa Caldas, a Brazilian citizen, born in the province of Ceará, who, having sailed in this same schooner as Master, as is seen by the Passport at page 194, and who proceeded in her as Pilot, in the suppositious voyage to Monte Video, according to the Clearances, but in reality to Angola, as is proved by all the Documents registered in the latter Port, as first Mate and a Portuguese subject, and a native of the island of Madeira, which proves, besides the fraud premeditated to cover the true character of all this business, the corruption and want of morality in all the individuals employed therein, and the laxity with which they treat the sanctity of oaths, concluding from this, and from the contradictions which are observable in all their depositions, that no credit can be given to them.

Considering, therefore, what has been demonstrated, it is fully proved that the schooner in question was bound from this port, with all her cargo, for the Coast of Africa, to be employed in the prohibited commerce in slaves; that the touching at Benguela was only to obtain by fraudulent means the Portuguese Passport; that the same schooner was and is the property of João de Souza Mattos, who has a great number of blacks in the schooner, as have also the Mate and other individuals, particularly Antonio Janhes Pataca, as appears from the Document at page 36, which is a statement of all on board, with their respective marks, and, opposite to them, the names of the persons to whom they belong; and that her voyage from Angola, far from being for Monte Video, as is alleged, and as the Clearances refer to, was intended to be direct to Ilha Grande, as is seen by a Chart presented by the Commander of the sloop-of-war, drawn up according to the journal of the course, and to a statement given by the same Officer, Document, page 205, although the Protest in page 37, drawn up on the 13th June, be intended to induce the belief that the having been fallen in with in the proximity of the said Island was owing to the intention which she (the schooner) had of supplying herself with water, of which she was in want, because, besides that it (the Protest) was made by the same individuals, already accustomed to every sort of falsehood, and therefore not deserving any credit, the Lieutenant charged with the searching and examination of the same schooner, in his first deposition, and which he afterwards ratified in the presence of the witness, Antonio Janhes Pataca, affirms that there existed on board sufficient water and provisions for continuing the voyage to Monte Video, independently of that colourable putting in there, supposing such had been her real destination.

Wherefore, considering what has been set forth, with what further appears from the Protocol and the provisions of the existing Treaties and Conventions, the undersigned Commissary Judges declare the aforesaid João de Souza Mattos and Francisco Elesbão Correa Caldas, Brazilian subjects, as falling under the 1st Article of the Treaty of the 23d November, 1826, they adjudge the detention and capture of the schooner, "*Duquesa de Braganza*," Brazilian property, by the British sloop-of-war, "*Satellite*," to be valid, and they condemn as lawful prize, in conformity with the above-mentioned Treaty, and with Article the 1st of the Alvará of the 26th January, 1818, and of the Convention of the 28th July, 1817, additional to the Treaty of the 22d January, 1815, the said schooner, her sails, tackle, stores, goods, and whatever other articles may be therein, the whole for the use of the 2 Governments of His Majesty, the Emperor and of His Britannic Majesty; and they declare emancipated from slavery the blacks existing on board the same, to be placed at the disposal of the Government of His Majesty the Emperor, as servants or free labourers, according to the provisions of the 5th Article of the above-mentioned Alvará, the number of both sexes, and of all ages, amounting to 249, 28 having died on shore since the detention of the schooner.

(Signed)

JOAO CARNEIRO DE CAMPOS.  
GEORGE JACKSON.

No. 110.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 8th October, 1834.*

I HAVE received your Despatches of the 26th and 27th December, 1833, and of 15th and 30th January, and 22d April, 1834, upon the subject of the Case of the "*Maria da Gloria*," which had been captured with 423 slaves on board, under Portuguese colours, by His Majesty's ship, "*Snake*," and brought before the Mixed British and Brazilian Commission at Rio de Janeiro.

I have also had before me various other Letters upon the same subject from His Majesty's Minister at Rio de Janeiro, and from the Admiral commanding His Majesty's ships upon that Station.

The Case has received the serious consideration of His Majesty's Government; and, as the Declaration of the Mixed Court that it was not competent to take cognizance of it, may be productive of great difficulty in the suppression of the Slave Trade, I proceed to make to you the following observations:—

The "*Maria da Gloria*," although navigated under the Flag of Portugal, and with Portuguese Papers, was fitted out at Rio de Janeiro; and there can be no doubt that she was to return to some Port of Brazil.

The Owner, though possibly a Portuguese by birth, was resident at Rio de Janeiro, and carrying on business as a merchant in that city.

Now it is a principle of the Law of Nations, that the national character of a merchant is to be taken from the place of his residence and of his mercantile establishment, and not from the place of his birth.

In this transaction, therefore, the Owner of the "*Maria da Gloria*," must be considered as a Brazilian subject, and, as such, bound by the Laws of Brazil and the engagements into which that Government had entered with other States: and His Majesty's Government are of opinion, that the Mixed Commission at Rio de Janeiro had jurisdiction in this Case, and that it might with propriety have admitted the usual proceedings to be instituted against the vessel and the slaves, with a view to the condemnation of the former and the emancipation of the latter.

I have accordingly to instruct you to acquaint the Brazilian Commissioners with the opinion entertained by His Majesty's Government, and to desire that you will use your utmost endeavours to induce them to proceed to adjudicate in Cases which may be brought before the Mixed Commission, under circumstances similar to those of the "*Maria da Gloria*."

In order, however, the more effectually to put a stop to the means now resorted to by slave traders, as evinced in this Case of the "*Maria da Gloria*," for evading the penalty to which they are justly liable, His Majesty's Government has proposed to the Governments of Portugal and Brazil, to agree to additional Articles, to be annexed to the existing Treaties with those Countries, containing all those stipulations which experience has shewn to be best adapted to prevent the subjects of either Power from engaging in any way whatever in the Slave Trade.

I am, &amp;c

(Signed)

PALMERSTON.

His Majesty's Commissioners,  
&c. &c. &c.



*His Majesty's Commissioners to Viscount Palmerston.*—(Received December 15.)  
 MY LORD, *Rio de Janeiro, 8th September, 1834.*

IN consequence of the representation made to this Government, by His Majesty's Minister, as referred to in our Despatch of the 26th of June, the 2 vessels therein-mentioned, the "*Dois de Março*" and the "*Santo Antonio*," were brought, as soon as the process at ordinary Law was preliminarily completed, before the Mixed British and Brazilian Commission.

The result of that process was in both instances conviction, or rather the committal of the parties to prison to take their trial, as having been engaged in importing slaves into Brazil.

The 2 Cases were presented on the 23d July, and our colleague at first spoke of both, on laying them before the Court, as susceptible of little or no doubt, and likening the Case of the "*Dois de Março*" to that of the "*Duquesa de Braganza*," in that part which regarded the pretended sale of the vessel on the Coast of Africa, proposed that the 2 Commissary Judges should each read over attentively the proceedings already had before the ordinary Law Authorities, and, provided they concurred in the judgment pronounced by the latter, that they should at once proceed to adjudicate the Cases on the same basis.

To this the British Commissary Judge decidedly objected, alleging that they were bound, as he conceived, to follow the course prescribed by the Convention and the Regulations annexed, and to commence the process *de novo*; and that, though even the result should be the same, any judgment whatever founded on any other proceeding would be null and void.

The Brazilian Commissary Judge persisted for a day or two in his opinion; but, after consulting some legal friends, gave way, and the trial of the 2 Cases was entered upon as if no previous proceeding had taken place, by receiving the depositions of the respective Parties, and at the same time affording them an opportunity of retracting or ratifying their original testimony.

The vessel forming the immediate subject of this Despatch is the "*Dois de Março*." She cleared out from this Port for Angola, in November, 1833, as Brazilian property, under the name of the "*União*," and was detained in May last, in the harbour of St. Sebastian, by the Brazilian schooner, "*Fluminense*," on suspicion of being engaged in the traffic in slaves, having been chased, some days previously, off this port, by the Brazilian brig-of-war, "*Cacique*," which pursued her to the former Station.

This vessel was furnished with a Passport from the Governor of Loando, to proceed in ballast, to Monte Video, and is described therein, under the denomination of the "*Dois de Março*," as Portuguese, owned and commanded by subjects of Her Most Faithful Majesty.

We have the honour to subjoin herewith the detailed Report of the Case, which, together with the annexed Copy of the Protocol of the proceedings of the Court, from the 23d to the 27th ultimo inclusive, will put your Lordship fully in possession of every particular. In the latter, you will observe the difference of opinion which occurred between the 2 Commissary Judges respecting the national character of the vessel, as seen in the separate opinions given by each, and that, the Brazilian Commissary Judge adhering to his opinion, lots were drawn, in conformity to the 3d Article of the Regulations. The lot fell upon the Brazilian Commissioner of Arbitration, who immediately declared his entire concurrence with his colleague, and, on the following day, they conjointly pronounced their Sentence, declaring the property to be Portuguese, and that, consequently, this Mixed Brazilian and British Commission was incompetent to take cognizance of the Case.

It was not without considerable reluctance that the British Commissary Judge could bring himself to put his name to a Sentence so at variance, not only with the previously expressed sentiments of His Brazilian colleague, but with what appeared to him the just and only conclusion to be drawn from the evidence before them. Such, however, being the ordinary usage in this Country, and the Sentence requiring his signature to give it validity, he signed it, "as under protest, or being overruled, as regarded the national character of the vessel."

Into the question of her having imported a cargo of slaves into this Country, he was thus not called upon to enter: of this fact, however, it was, on the whole, difficult to doubt, though certainly it appeared to be less unequivocally proved than in other previous Cases.

For the reasons of the Brazilian Commissioners for the judgment they pronounced, we beg leave to refer your Lordship to the Sentence itself, and to the opinion on which it was founded: they turned chiefly on the extreme difficulty of invalidating public Instruments, proceeding from legitimate authority, by inferences and suspicion, however strong; a doctrine which imposes upon us the duty of again calling your Lordship's attention in this instance, as in that of the "*Maria da Gloria*," to the conduct of the Governor and other Portuguese Authorities at Loando, in both which the grossest negligence, if not connivance, is observable; the parties implicated in thus facilitating these adventures being the same identical individuals.

We have, &c.

(Signed)

GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

### First Enclosure in No. 111.

#### *Report of the Case of the "Dois de Março," João Pedro Ferreira, Master.*

THE "*Dois de Março*," commanded by João Pedro Ferreira, sailed from Rio de Janeiro, under the denomination of the "*União*," in November, 1833, for Angola, as Brazilian property. On her arrival at the latter place, having been sold, or pretended to have been sold, to a subject of Portugal, this vessel obtained a Passport from the Governor of Loando, to proceed in ballast to Monte Video as Portuguese property, and was detained, in May last, by the Brazilian schooner, "*Fluminense*," in the Harbour of St. Sebastian, on suspicion of having had a cargo of slaves on board, having been previously chased by the brig-of-war, "*Cacique*," both vessels belonging to the Imperial Navy.

No slaves were found in her; but there was strong reason to believe that she had landed a cargo of Africans off Cape Frio, having been first seen in that latitude sailing under Brazilian colours.

The change of Flag from Brazilian to Portuguese was only resorted to on her finding it impossible to escape from the schooner, "*Fluminense*," which, after getting away from the brig, "*Cacique*," she subsequently fell in with off St. Sebastian.

The Case of the "*Dois de Março*" was not brought before the Mixed British and Brazilian Commission till the 23d July, owing to the circumstance of previous proceedings having been instituted against her by the ordinary tribunals of the Country. On that day the ship's Papers were brought into Court and filed, and, the usual Monition having issued, and the other forms practised in this Country having been complied with, the Affidavits of the Captors were received, and the examination of the witnesses commenced.

They consisted of the Master, João Pedro Ferreira and 3 of the sailors; the Pilot, Jozé Antonio, having absconded between the arrival of the vessel in this harbour and her being brought before the Court.

The first swore that he was a Portuguese subject, and that he was appointed to the command by Antonio Jozé de Mesquita, also a subject of Her Most Faithful Majesty, who had bought her from her former Owner, Jozé Bernardino Correa; but that he had no Bill or other proof of sale to produce, and denied most positively that he had any slaves on board. The 3 sailors, from hearsay, confirmed the first part of his testimony, as regarded the sale of the vessel, and also denied, before the Court of Mixed Commission, the fact of having had a cargo of slaves. On 3 previous occasions, however, both at the time of detention, and before the Brazilian Justice of the Peace, they deposed distinctly to their having landed a cargo of blacks off Cape Frio, where canoes were sent off to them, in which Jozé Bernardino Correa, who commanded this vessel on her outward voyage, disembarked with them.

This evidence they afterwards retracted, as having been extorted from them by menaces and coercion on the part of the Captors; but, on being confronted with the latter, they completely failed in substantiating any thing of the kind.

The proof of slaves having been on board was further corroborated by Receipts signed by the Pilot, and found on board, for rations for a certain number of slaves, up to the moment of the vessel leaving the Coast of Africa; by the course which her Log-book proved her to have followed, showing that Cape Frio, and not Monte Video, had all along been her destination; and by a survey which was made on the arrival of the vessel in this harbour, in the course of which various indications were found tending to establish the same fact. It was attempted to explain the circumstance of the rations by saying that they were for another vessel belonging to the same Owner, which was lying alongside of her in the Harbour of Angola—a clear proof at least, even if such were the fact, that that individual was largely concerned in the traffic. So little doubt, indeed, existed in the mind of the Brazilian Commissary Judge, of the "*Dois de Março*" having had a cargo of slaves on board, that he was fully prepared, upon that ground, to have condemned her; but a Claim was presented on behalf of the reputed Owner, Jozé Antonio de Mesquita, by the Master, João Pedro Ferreira, asserting the property to be Portuguese, to whom the trade to the south of the Equator was still licit, and protesting in consequence against the incompetency of this Commission, and though he made no application for time to procure evidence of the alleged sale, by which the change of property was said to have been effected, the Brazilian Commissary Judge gave it as his opinion that the vessel was Portuguese, and not Brazilian, and as such not cognizable by this tribunal.

On this point, the British Commissary Judge dissented from his colleague, and lots being drawn, in conformity to the Regulations, and the lot falling on the Brazilian Commissioner of Arbitration, who immediately coincided with his colleague, the subjoined Sentence was agreed on at the Sitting of the Court on the 27th of August, and the whole of the documents and proceedings were remitted to the tribunals of the Country, in order to the final termination of the process by them.

(Signed)

GEORGE JACKSON.  
FRED. GRIGG.

## Second Enclosure in No. III.

*Protocol of Proceedings of the Mixed Commission.*

(Translation.)

*Rio de Janeiro, 19th August, 1834.*

THE Minutes of the last Session being read and approved of, the Commissary Judges, on the receipt of a Petition from Francis Elesbão Correa Caldas, formerly Pilot on board the schooner, "*Duquesa de Braganza*," praying to be informed of the degree of penalty in which he was comprehended by reason of the Sentence of the Commission, which was not explicit in this respect, and respecting the application of which penalty the Executive Judge entertained doubts, agreed that this question should be submitted to the consideration of the 2 Governments, by their respective Commissioners.

The Brazilian Commissary Judge presented to the Board his opinion in the Case of the patacho, "*Dois de Março*" being of the following tenor: The Brazilian Commissary Judge having examined the process relative to the Portuguese patacho, "*Dois de Março*," captured by the brig-bark, "*Cacique*," and the schooner, "*Fluminense*," both of the Brazilian navy, ascertained that the said patacho sailed from this port for Angola under the denomination of the patacho, "*União*," and under the Brazilian Flag, as belonging to the Brazilian subject, João Jozé Gonçalves, shown by the Clearances she then obtained, that she returned from Angola with a Portuguese Passport, under the denomination before-mentioned of "*Dois de Março*," and as the property of Antonio Jozé de Mesquita, a Portuguese subject, with a cargo of slaves; that she landed them in the vicinity of Cape Frio, and that afterwards, steering for this port, and falling in with the brig-bark, "*Cacique*," which chased her, she was forced to run, and steered for the port of São Sebastião, where she met with and was detained by the schooner, "*Fluminense*."

From these premises, no doubt existing of the before-mentioned patacho having conveyed to and landed slaves at some one of the ports of the Empire, notwithstanding that they were not found, for not only 4 of the sailors in their depositions on board the schooner declared to that effect, and afterwards confirmed the same with still further particulars, in the presence of the Justice of the Peace, but also because it was proved by the vouchers for the rations, and by the Report of the survey of the hold of said patacho, where, even after the lapse of 3 days between the commencement of her chase and her detention, besides those which elapsed since the landing of the slaves, until the day on which they made the bar of this port, during all which time they might have cleaned out the hold, and have put it into such a state as to do away with any vestige whatever, appearances were yet visible which shewed that the said slaves had existed on board, all which circumstances united constitute full proof of this crime; the retraction presented afterwards by 3 of the before-mentioned mariners being unworthy of any credit, by reason of the incoherences observable between the Petition, which for this purpose they made to the Justice of the Peace, and the answers which they afterwards made to the Board of Commissioners, in the presence of the Commander of the brig-bark, "*Cacique*," who, being confronted with them, entirely destroyed the allegation contained in their Petition respecting the circumstances of restraint, &c., the above-mentioned Judge would not hesitate to condemn the patacho in question, if there could be found among the documents any proof that this vessel, notwithstanding the Portuguese Passport, having sailed from this port with the Brazilian Flag, continues still to be Brazilian property; but, as there is no such document in existence, as has been already noticed, proving it to be so, and the Passport being moreover granted by a legitimate Authority, and all the other necessary Clearances being equally found to be in due order; in reference to which it cannot be asserted with confidence, that in this business there had been any fraud, since no document bearing upon the sail of the said patacho exists by which such fraud might be verified, (added to which) all the witnesses agree in declaring that the patacho is Portuguese, without there being the slightest proof to the contrary, but merely suspicion, that the adoption of the Flag was intended to withdraw the parties concerned from the penalties of the Treaties (which, however, is no way proved). He does not deem the Commission competent to adjudicate in the Case, because this power belonging to it only in conformity with the Treaties, and according to what has been already decided in the Case of Brazilian and British vessels, or where subjects of those Nations are interested, which does not appear in the present instance, he does not consider it duly authorised to condemn the said patacho; and is of opinion, that the Papers should be sent back to the tribunal from which they came, in order to the prosecution and termination of the process against those individuals, who, being reputed accomplices in the traffic of slaves, are already committed to take their trial for this offence, in conformity to the laws.

(Signed) JOAO CARNEIRO DE CAMPOS.

The British Commissary Judge answered that he would give his opinion.

(Signed) BRAS MARTINS COSTA PASSOS.

*Rio de Janeiro, 26th August, 1834.*

The opinion of the Brazilian Commissary Judge embracing 2 distinct questions, the one the national character of the vessel; the other, whether or not in her voyage from Angola she embarked a cargo of slaves; the British Commissary Judge will, with leave of his colleague, apply himself for the present to the first only of these questions; namely, is the patacho now called "*Dois de Março*," to be considered as Portuguese or as Brazilian property, adverting no otherwise to the latter inquiry, as to the slaves, than may be necessary in the prosecution of the former, to sustain the view he takes of it, and this the rather because he unhesitatingly acquiesces in the opinion predicated by his colleague, and acted upon on a former occasion, that, if the patacho shall be adjudged to be Portuguese, this Commission, however fully the fact of her having imported a cargo of slaves may be established, has no jurisdiction over her.

From the Documents before the Court, it appears that this vessel, then called the "*União*," was despatched to Angola, from this port, as Brazilian property, in the month of November last, under the command of a Brazilian subject, Jozé Bernardino Correa; that she sailed again from thence in the beginning of April, under her present denomination, "*Dois de Março*," the same individuals for the most part composing her crew in both voyages, though under different characters, the former Pilot having, in her homeward voyage, been appointed Master, and that (if we are to believe the

sailors, on whose testimony the Brazilian Commissioner appears to lay great stress) the before-mentioned José Bernardino Correa returned in her to the Coast of Brazil, where he landed with the slaves; that, when first chased by the Brazilian brig-of-war, "*Cacique*," the patacho hoisted Brazilian colours, and that it was only on finding it impossible subsequently to escape the Brazilian sloop-of-war, "*Fluminense*," that she resorted to the Portuguese Flag.

Such are the circumstances tending to prove this vessel to be still Brazilian. What is there to show the contrary? Nothing beyond the simple averment of the Master and his crew, that there had been a transfer, and the Passport and other Documents obtained at Loando, declaring the "*Dois de Março*" to be Portuguese, and her Owner and Master to be subjects of Her Most Faithful Majesty. How, when, why, or for what consideration, this transfer was made, it is not attempted to be shown: the only positive account we have of it is the evidence of the aforesaid Master, João Pedro Ferreira, who says, that in Angola she was sold to Antonio José de Mesquita, a subject of Portugal.

It must, however, be remembered that this witness is altogether discredited, if we suppose the patacho to have had a cargo of slaves on board, and give credence to the deposition of the Brazilian Captor (as of course we must) respecting her Log; and that the sailors, from the contradictory statements made by them, on 4 several occasions, are utterly unworthy of credence, either one way or the other.

Besides, the Court might naturally expect the production of some document to attest the alleged sale—if not the Bill of Sale itself, at least a Copy of it; but the Master declares he is not in possession of anything of the kind, though he adds that the Papers are in the hands of Antonio José de Mesquita; nor does he give any reason (as was attempted in a former Case) why such sale was made; and all this absence of proof occurs in a Case which, admitting, for argument's sake, the sale to have been real, must yet be acknowledged to be obnoxious to the strongest suspicion, and where one would have supposed every precaution to counteract and rebut such suspicion would have been taken, so as to enable the Master at once to verify his statement; more particularly regard being had to the scene of this transaction, and to the present state of the Slave Trade, which, by way of illustration, may not inaptly be considered as bearing some analogy to the rights of belligerents in naval warfare. Again, who is the reputed Purchaser? Antonio José de Mesquita, an individual who has, on more occasions than one, appeared before this Court as notoriously engaged in the traffic of slaves, whom the documents in this very Case prove to be the Owner of very considerable numbers, and who signs, as he had before done in another instance, one of the Custom-house Papers at Loando as security for this identical vessel, not describing himself as Proprietor of the same, but simply as a resident merchant of the place.

What, moreover, are the engagements for which he thus pledges himself? That the vessel in question shall not take any person whatever on board without the leave of the Governor, and that she shall not deviate at all in her course to the Port of her destination (*viz.* Monte Video) by touching at any other point whatever; and this Document is produced simultaneously with the evidence that the original Owner, a foreigner, had come in her to the Coast of Brazil, and with the Passport on which the pretension of considering the patacho as Portuguese mainly rests, which makes no mention of any such person; and where are these disclosures made? In the latitude of Rio de Janeiro, not only without any Protest to show that a necessity had existed for making any deviation in her course, but, in the face of a Log-book, clearly demonstrating that the Coast of Brazil (Capo Frio), and not Monte Video, had all along been her destination.

Where such a system of fraud is established it may fairly be presumed, without any other imputation than want of due caution on the part of the Authorities at Loando, that their vigilance has been surprised on this occasion, and when it is further recollected that the barque, "*Maria da Gloria*," lately before this Court, was furnished with precisely the same documents, signed by the same Authorities (which barque avowedly took in a cargo of slaves off the Bar of Loando), it is not too much to infer that those Authorities have been imposed upon; that similar frauds have been practised by the Owners of this vessel, and that, pertinaciously persisting in the traffic of human flesh, and yet dreading the penalties it subjects them to under the Treaties, they have passed off a fictitious sale on the Governor of Loando, in which the change of name of the vessel forms but one part of the contrivance, and thus fraudulently attempted to escape detection and, if may be, punishment, under cover of the Flag of Portugal—a device which has too frequently and too successfully been resorted to, and which can scarcely be wondered at when the undue facility, not to say remissness, with which Certificates are given on such occasions, is adverted to.

This inference is still further corroborated by the fact which appears on the face of the proceedings, that, though the Passport is granted on the 24th March, the Pilot, and, as may reasonably be inferred from the same evidence, the leading officer of the ship, José Antonio, continues, up to the last moment, to date from on board her as from the patacho, "*União*."

With such positive and negative evidence before the Court, tending to establish the belief that nothing beyond a mere collusive sale and transfer of this property has really taken place, for the purpose above alluded to, the British Commissioner cannot hesitate in declaring it to be his opinion, that Antonio José de Mesquita is not the real Proprietor of the Patacho, now denominated "*Dois de Março*," that she is still, as from the first, *bonâ fide* Brazilian property; that the whole transaction bears upon the face of it the marks of her being such, and that she is therefore amenable to and liable to condemnation by this Mixed Commission—a conclusion at which he more readily arrives, both because the Pilot, José Antonio, who could, no doubt, have given the best account of the whole business, has absconded, and because the declared Owner, José Bernardino Correa, though generally believed to be in the neighbourhood of this city, has not thought proper to answer to the summons issued by the Court for his appearance (which, if he had no interest in the adventure, he might have done without risk), and still more, because the Master claiming for the pretended Owner, Antonio José de Mesquita, on whom the *onus probandi* lay of proving the reality of the alleged sale, has not deemed it prudent to avail himself of the opportunity afforded by the Regulations of the Court, to ask for time to procure satisfactory testimony for that purpose.

For the reasons then above stated the British Commissioner cannot but consider this sale as merely colourable; but, even were it otherwise, were the transfer real, the Law of Nations, which must be supposed to have regulated the principles, if not the immediate duties of this Commission, which he is quite ready, at the same time, to admit do not emanate exclusively from that Law, would hardly, he conceives, justify such a transaction, or legalize a proceeding so manifestly resorted to for the mere purpose of defeating, by the instrumentality of a 3d power (and that power, it is not

irrelevant to observe, itself a party to similar engagements), the zealous endeavours of 2 independent Nations in the furtherance alike of the sacred cause of humanity, and of the direct interests of 1 at least of the contracting parties.

(Signed) GEORGE JACKSON.

*Rio de Janeiro, 27th August, 1834.*

THE Undersigned Brazilian Commissioner of Arbitration, having examined the opinions given by the Brazilian and British Commissioners, with reference to the decision to be come to in the Case of the patacho, "*Dois de Março*," and having been present at the Sessions held respecting the same, agrees entirely with the opinion of his colleague, the Brazilian Commissary Judge, for the reasons therein set forth.

(Signed) JOAO PEREIRA DE SOUZA.

*Rio de Janeiro, 27th August, 1834.*

It appearing from these documents that the patacho, "*Dois de Março*," detained by the brig-bark, "*Cacique*," and schooner, "*Fluminense*," of the Brazilian navy, on the north coast of the Island of St. Sebastian, on suspicion of having imported slaves, is the property of the Brazilian subject João Jozé Goncalves, notwithstanding she left this port for that of Angola, with the name of the patacho, "*União*," and returned from that port, with a Portuguese Passport and a Portuguese crew, under the denomination of the "*Dois de Março*," in consequence of the sale made to the Portuguese merchant, Antonio Jozé Mesquita, as was deposed to unanimously by all the witnesses named in this process; and there not existing amongst all the documents a single one to support the presumption that such sale was made with the sole view to elude the Treaty between this Empire and Great Britain; this Commission is not competent to adjudicate in this Case, for the presumption alluded to, not being of itself sufficient to constitute satisfactory proof to invalidate the Portuguese passport, granted by legitimate authority, nor the other Clearances with which the said patacho sailed from the before-mentioned port of Angola; and there not appearing, as already said, any other proof to vitiate all these circumstances, and cause this vessel to be still considered as Brazilian property, she cannot be subject to the cognizance of the Mixed Commission, however it may be known, that being despatched from Angola in ballast, for Monte Video, instead of going there, she steered immediately for the ports of Brazil, and brought a cargo of slaves; that she landed them near to Capo Frio, according to the deposition of some of the witnesses, and the other documents and examinations contained in the same process, for this criminal act having been committed under the Portuguese Flag, as already proved, it belongs to other Authorities to pass judgment in this Case; and, for this purpose, the Commission orders that the process be sent back to the Tribunal from which it was received.

(Signed) JOAO CARNEIRO DE CAMPOS,  
JOAO PEREIRA DE SOUZA.  
GEORGE JACKSON, Overruled  
(or under Protest), as regards the national character of the vessel.

No. 112.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 15.)*

MY LORD,

*Rio de Janeiro, 15th September, 1834.*

YOUR Lordship will, perhaps, have noticed that mention was made in the Minutes of the Court, enclosed in our preceding Number, of the receipt of a Petition from Francisco Elesbão Correa Caldas, formerly Pilot on board of the schooner, "*Duquesa de Braganza*," praying to be informed in what degree of penalty he was comprehended; the Sentence of the Court, confining itself to declaring him guilty of piracy, in conformity to the 1st Article of the Convention of the 23d November, 1826, and the Officer whose duty it is to carry the Sentence into execution, entertaining doubts as the measure of punishment to be awarded; the crime of piracy, as defined in the Penal Code of this Country, subjecting the guilty party to 3 distinct degrees of punishment, viz.—

1st. Imprisonment for life.

2d. Imprisonment, with labour, for 20 years.

3d. Imprisonment, with labour, for 10 years.

We beg leave to subjoin herewith a Translation of the above Petition.

In the discussion which it gave rise to between the Commissary Judges, they were unanimously of opinion that they had no power to decide the question, being no further authorized than to cite the Article as to which the Treaty had been infringed; and the Brazilian Commissioner then proposed that the question should be referred to his Government; and that, if their determination should eventually not accord with the ideas of the British Commissioner, he should report it at home, where such a decision as His Majesty's Ministers might think proper could be taken upon it.

The British Commissioner replied that, in his country, piracy is a capital offence, and that he had little doubt that, at the time of the signature of the Convention, such was the sense in which the Plenipotentiaries understood the Article in question; and that, though he felt confident the British Government would be far from being desirous of exacting undue severity in such a Case, and certainly had no such disposition himself; yet he thought that, as one of the contracting parties, it was proper that the point should be submitted for consideration as well to the British as to the Imperial Government—a proposal which was ultimately acquiesced in, as your Lordship will likewise see in the above-mentioned Minutes.

The Brazilian Commissary Judge made the communication accordingly to his Government, a Copy of which we saw, and found to be in conformity to the Minute of the Court, but which we are unable to furnish your Lordship with, it being the Act, not of the Commission, but only of one branch of it. From the reply returned thereto, and of which, as being communicated to the Court, we have the honour to transmit a Translation, your Lordship will collect the contents of the Paper to which it is an Answer; and while we wait respectfully for your Lordship's Instructions, we are the more satisfied, from the tenour of that Answer, at having expressed ourselves as we did on this subject.

We have, &c.  
(Signed) GEORGE JACKSON.  
FRED. GRIGG.

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First Enclosure in No. 112.

*The Petition of Francisco Elesbão Correa Caldas, to the Judges of the Mixed Commission.*

(Translation.)

Humbly Sheweth,

*Rio de Janeiro, August 23, 1834.*

THAT by a Sentence of this Court, dated the 21st day of July of the current year, he was condemned as guilty of having been an importer of African people; the same Sentence expressly deciding the Petitioner to be liable to the provisions contained in the 1st Article of the Treaty of the 23d of November, 1826.

The Petitioner on referring to the afore-mentioned Article finds the following paragraph: "And the continuation of this traffic practised after the said period, by any subject of His Imperial Majesty, shall be considered and treated as guilty of piracy."

In conformity thereto, the Petitioner was condemned as a pirate; and the law proceedings in his case being referred to the jurisdiction of the Municipal Judge, for him to put the Sentence into execution, according to the terms therein prescribed, it appears that he does not know to what precise continuation of time the imprisonment of the Petitioner should extend, not having received any intimation thereupon; so that without a declaration from the judges who passed the Sentence, it cannot be defined how a decree of imprisonment is to be executed if the term thereof be not expressed.

The term is not expressed, inasmuch as the Petitioner, under sentence as a pirate, ought to be condemned according to the provision of the 82d Article of the Penal Law, by which the penalties against such crimes are prescribed.

In that Article it is thus decreed:—"Punishment for the highest degree, imprisonment during the life-time of the delinquent; for the second, imprisonment with labour during the term of 20 years, and during 10 years for the last." Ought then the Petitioner to suffer the punishment of perpetual confinement? Is he to be condemned to the intermediate degree of punishment? or is he to suffer the least degree of punishment?

It is therefore necessary, that in the Sentence which condemned the Petitioner as a pirate, the degree of penalty incurred should be declared. This has not been done, and neither the Judge nor the Petitioner knows how to proceed in the matter, being unable to ascertain the term of imprisonment.

In consideration, therefore, of the present representation, the Petitioner implores the Judges to reclaim the law process from the Executive Judge, in order that the necessary declaration required may be made; such decision, or any other, being sure to contribute essentially to the guidance and direction of the Petitioner.

(Signed) FRANCISCO ELESBAO CORREA CALDAS.

*The Judges of the Mixed Commission.*

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Second Enclosure in No. 112.

*The Minister of Justice to the Brazilian Commissary Judge.*

(Translation.)

SIR,

*Palace, 5th September, 1834.*

I ACKNOWLEDGE the receipt of your Despatch, dated the 25th ult., in which, enclosing the Petition of Francisco Elesbão Correa Caldas, a Brazilian subject, who was declared by Sentence of the Mixed Commission to have become liable to the 1st Article of the Convention of the 23rd November, 1826, you notice that the said Sentence having been sent to the Municipal Judge to be carried into execution, he does not consider himself authorized to determine the degree of punishment

for piracy which the Petitioner had incurred, in reference to the Penal Code, and requesting therefore the determination of the Imperial Government, in consequence of the Petitioner requiring the decision of the Mixed Commission, which deems itself authorized to adjudicate only in conformity to the aforesaid Convention of the 23d November, 1826, and the several diplomatic acts which the same directs to be put into execution.

In answer to this representation, I have to inform you, that the aforesaid Commission, being restricted to adjudge, in conformity to the above-mentioned Convention, is not competent to decide respecting the crime of piracy; it being impossible to give this competency to the Commission without serious injury to the constitutional rights of Brazilian citizens; wherefore the Sentence in question, and all others, in like circumstances, are only to serve, regarding piracy, as an indictment upon which to found the crime, and the consequent accusation and trial of the delinquents according to the laws of the respective Countries. It is therefore necessary that you should remit to the Attorney-General an authentic copy of the Sentence, that he may denounce and prosecute the accusation of the crime which I communicate for the information of yourself, and of the Mixed Brazilian and British Commission.

(Signed)

AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

Senhor João Carneiro de Campos.

No. 113.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Dec. 15)

MY LORD,

*Rio de Janeiro, 16th September, 1834.*

WE cannot transmit the Report of the Case of the "*Santo Antonio*," the second slave-vessel taken within the last few months by the Imperial Marine, without congratulating your Lordship, in common with every friend to humanity, on the evidence these captures afford of the increasing activity displayed by the Brazilian officers in the suppression of this odious traffic. On both occasions great zeal and intelligence were manifested; and, in the instance of the "*Santo Antonio*," taken by the Brazilian schooner, "*Lebre*," Lieutenant E. A. da Veiga, Commander, the capture was not effected without the greatest difficulty and risk, owing to the very stormy weather which prevailed at the moment, and which threatened for a time the loss of both vessels.

Your Lordship is already apprized that a preliminary conviction took place in the Cases of both the "*Dois de Março*," and the "*Santo Antonio*," before the tribunals of the Country; to which we may add, that the Government have already awarded, in consequence thereof, and independent of the proceedings of the Mixed Commission, the sum of 30 milreis a head to the Captors of the latter vessel, on board of which 144 slaves were found, this being the sum decreed by the law of the 7th November, 1831.

We now proceed to transmit to your Lordship the enclosed Report of the Case. The "*Santo Antonio*," Hypolito Jozé Vieyra, Master, sailed from hence, under Portuguese colours, in December, 1833, with a Passport from the Portuguese Vice-Consul at this port, declaring her to be the property of the above Hypolito Jozé Vieyra, subject of Her Most Faithful Majesty, Donna Maria II., to proceed to the Islands of Principe and St. Thomas, with an express declaration, however, that it was valid only to the first Portuguese port at which the vessel might touch.

Instead of going to those islands, the "*Santo Antonio*," under pretence of hearing that they were in a state of revolution, made directly for Gabao, and taking in a cargo of slaves there, returned to this coast, where the Imperial schooner, "*Lebre*," fell in with her in the vicinity of the Bar of Rio de Janeiro, before she had an opportunity of landing any of them.

Of her being engaged, therefore, in the traffic, there was no doubt; the only question was whether she was Portuguese or Brazilian.

On this point proof was adduced on the part of the Captor, that this vessel was, in the year 1832, called the "*Esperança*," that she was then employed in the coasting trade between this port and Porto Alegre, in the Province of São Pedro do Sul, that Antonio Jozé de Oliveira then figured as the Owner and Master of her, and Hypolito Jozé Vieyra as Boatswain, and that both these individuals were Brazilian citizens, the latter native, the former "adopted," and that, in virtue of a Certificate signed by 2 merchants of this place, declaring the schooner to be Brazilian property, exclusive of any foreign interest, a Brazilian Passport was granted to them; that a fictitious sale having been subsequently made by Antonio Jozé de Oliveira to Hypolito Jozé Vieyra, the name was altered to that of "*Santo Antonio*;" that they both continued in the vessel, changing only their character, and then obtained the Passport with which they sailed for the Coast of Africa, from the Portuguese Vice-Consul, the former registering himself as a Portuguese subject, native of



Lisbon, the latter as a native of Coimbra; there was a 3d party concerned in the whole of these transactions, Adolphe Richard, a Frenchman, and whom it is only necessary to mention, as showing the facility with which Certificates are obtained, and the little caution used in providing against abuses. This person is a young man, speaking but very imperfectly the Portuguese language, and whom it is only necessary to look at, to detect him at once for what he is, a foreigner, native of Nantes; and yet 2 respectable merchants came forward to pledge themselves that a vessel, of which he was part Owner, and in which he was entered as Pilot, was exclusively Brazilian.

The system of fraud thus exposed may be taken as a sample of the artifices to which the traffickers in slaves now resort, and sufficiently demonstrate the absolute necessity of some arrangement, by which the abuse of the Portuguese Flag may be counteracted, if not altogether put a stop to.

On a review of the above facts, the 2 Commissary Judges had no difficulty in setting aside the Portuguese Passport, and in pronouncing Sentence of condemnation against her, as Brazilian property, decreeing, at the same time, the emancipation of the 91 surviving slaves, 53 having died since the capture.

Herewith we have the honour to add a Translation of the same.

We have, &c.

(Signed)

GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.                      &c.                      &c.

Enclosure in No. 113.

(Translation.)

*Sentence.*

*Rio de Janeiro, 4th September, 1834.*

THE present Process and Documents thereunto annexed being examined, it appears evident that the patacho, "*Santo Antonio*," detained by the schooner-of-war, "*Lebre*," for there having been found on board 144 Africans, notwithstanding her having obtained a Portuguese Passport, granted by the Vice-Consul of Portugal, to proceed on a voyage to the Islands of Principe and São Thomé, and that she sailed therewith from this port, is Brazilian property; inasmuch as the Documents presented by the Attorney of the Captors, prove that this patacho, formerly the Argentine schooner, called the "*Rio Packet*," having been sold by Buselin to Antonio Jozé de Oliveira, and Adolphus Ricardo, these 2 persons changing her denomination to the schooner, "*Esperança*," sailed in her in the year 1832 for Porto Alegre, in the Province of São Pedro do Sul with a Brazilian Passport; the first entered as Master, and as native of Lisbon, but an adopted Brazilian citizen, as he himself declared in his first Deposition; the second as Pilot, a native of the Province of Minho, and Hypolito Jozé Vieyra, as Boatswain, a native of Porto Alegre; that the afore-named Master and Pilot presented at the Office of the Marine Department a Certificate, signed by merchants of this place, declaring the schooner, "*Esperança*," to be Brazilian property belonging to the aforesaid Master and Pilot, exclusive of any foreign interest, in consequence whereof the Brazilian Passport was granted, with which the schooner sailed for Porto Alegre as before mentioned; this being corroborated by the evidence of these 3 individuals, who declared, that they were the same mentioned in the Muster-roll, and that besides that voyage they also had made one to Montevideo: it being conclusive from all this, that as they were all of them interested in this vessel, the Bill of Sale of the said schooner, which was afterwards made in the sole name of Antonio Jozé de Oliveira to Hypolito Jozé Vieyra, Adolphus Ricardo being then also a Proprietor of the same, was no other than a fraudulent measure to which these 3 confederates resorted for the purpose of escaping the penalties established by existing Treaties between this Empire and Great Britain; because all of them continuing in the employ of the said schooner, the above-mentioned Hypolito Jozé Vieyra comes forward, on the change of the name of the patacho to that of "*Santo Antonio*," as Owner and Master of her, and then registering himself as a Portuguese subject, native of Coimbra, Adolphus Ricardo as Pilot, a native of Nantes, and Antonio Jozé de Oliveira as Coast Pilot, a native of Lisbon, they were enabled to surprise and delude, not only the Portuguese Consulate, in order to obtain the Passport of that Nation, but also the Brazilian Authorities, before which, in the preceding voyages, the first-named appeared as a Brazilian, native of Porto Alegre, and the second as a native of the Province of Minho; this deceit being the more manifest, in that Antonio Jozé de Oliveira, who in the Bill of Sale appeared as the Vendor of the schooner, "*Esperança*," to Hypolito Jozé Vieyra, in his first deposition declared, that by hearsay only, he knew that this patacho belonged to Hypolito Jozé Vieyra, which he could not afterwards confirm when the authentic Copy of the sale was shown to him. Finally, it is evident that these 3 individuals were interested in this last transaction, at least from the deposition of one of the witnesses; that, supposing themselves safe under cover of the Portuguese Flag, they engaged in the criminal traffic in slaves, to which they were destined from the time they left this port; for, having despatched the patacho to the Islands of São Thomé and Principe, to trade in ivory and wax, as they alleged, far from going thither, they went directly to Gabao, where they received the cargo of Africans who were found on board when the vessel was detained, notwithstanding the subterfuge to which the Master and Pilot resorted, declaring that it was the information they had from a Portuguese schooner, of those Islands being in a state of revolution, which determined them not to stop there, but to sail along the coast to Gabao; for in this assertion they not only contradicted each other, the one saying they met the schooner within sight of these islands, the other at Gabao; but the sailors also in their depositions before the Justice of Peace of the first District of Santa Rita, in stating that they were ignorant of the reason why the pa-



tacho did not enter the Islands, said nothing respecting the falling in with the schooner, but only stated that the first land they saw was the Island of "Anno Bom," where they laid in provisions to continue the voyage to Gabao, at which latter place the 3 persons engaged in the business purchased the aforesaid Africans in exchange for the merchandise which they had taken from this port.

Considering what is here set forth, and what further appears in the Process, it not being possible to forbear reputing the patacho to be still Brazilian, as well as the 2 individuals, Antonio Jozé de Oliveira and Hypolito Jozé Vieyra, to be Brazilian citizens, because as such they registered themselves, and engaged in the coasting trade in the said patacho under the denomination of the schooner, "*Esperança*"—the change of the national character of the second having been nothing more than a farce to which he resorted, perhaps from the habit of practising such frauds, whereby, and with the feigned Bill of Sale, to succeed in illuding, as in fact he did, the respective Authorities, in order to obtain the Passport, and thereby withdraw himself and the other confederates from the penalties determined by the Treaties; although the Passport contains an express clause to the effect that its validity should cease on the arrival of the patacho at the first Portuguese port she might enter; and it being clearly proved that on returning from Gabao her destination was direct to some one of the ports of Brazil, not only by having been discovered by the schooner, "*Lebre*," lying-to near the beach of Marambaia, but from the fact that, having previously been off the Port of Iguape, far from having navigated from that point in the direction of Monte Video, the port alleged to be that of her destination; the vessel was conducted to that shore for the purpose, perhaps, of there effecting the landing of the Africans, which certainly would have taken place had not the schooner-of-war then appeared: the plea of error in the course steered, alleged by the Pilot, being unworthy of credit on the examination of the Log-books, in which the lapse of several days is observable. The undersigned Commissary Judges declare the aforesaid Antonio Jozé de Oliveira and Hypolito Jozé Vieyra, liable to the provision of the 1st Article of the Treaty of the 23d November, 1826, adjudge the detention and capture of the patacho, "*Santo Antonio*," Brazilian property, by the Brazilian schooner-of-war, "*Lebre*," to be lawful, condemn as good and lawful Prize, in conformity with the afore-mentioned Treaty (and with the 1st section of the "*Alvará*" of the 26th January, 1818, and with the Convention dated 28th July, 1817, additional to the Treaty dated 22d January, 1815), the said patacho, her sails, tackle, appurtenances, goods, and whatsoever other things there may be on board, all for the use of the 2 Governments of His Majesty the Emperor and His Britannic Majesty; and further declare the 91 African negroes (53 having died to the present day) to be emancipated from the slavery to which they were destined, and placed at the disposal of the Government of His Imperial Majesty, to be employed as free servants or labourers, in conformity with the 5th section of the afore-mentioned *Alvará*.

(Signed) JOAO CARNEIRO DE CAMPOS.  
GEORGE JACKSON.

No. 114.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Dec. 26.)

MY LORD,

*Rio de Janeiro, 27th September, 1834.*

WE avail ourselves of the first opportunity to enclose herewith the Report of the Case of the "*Santo Antonio*," omitted, for want of time, in our preceding Number.

We have, &c.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

*The Right Hon. Viscount Palmerston, G.C.B.*

&c.            &c.            &c.

Enclosure in No. 114.

*Report of the Case of the Brazilian patacho, "Santo Antonio."*

The "*Santo Antonio*" was captured in May, 1834, off the Bar of Rio de Janeiro, by the Imperial schooner, "*Lebre*," having on board a cargo of 144 slaves.

This vessel having been previously subjected to proceedings by the Local Authorities, it was not till the month of July last, that the former process being completed, and a committal for trial of the parties implicated having been made out, the Case was submitted to the Mixed Commission.

A cargo of slaves having been actually found on board, in the immediate latitude of Rio de Janeiro; the only question for the consideration of the Court was, whether the parties in the transaction, and the property concerned, were Portuguese or Brazilian.

The "*Santo Antonio*," sailed from Rio de Janeiro, in December, 1833, furnished with a Passport from the Portuguese Vice-Consul, then resident there (Jozé de Miranda), to proceed to the Islands of St. Thomas and Princes, and declaring her to be owned and commanded, without any foreign interest whatever, by Hypolito Jozé Vieyra, subject of Her Most Faithful Majesty Donna Maria II. A Declaration was added, that the Passport, so granted, should be valid only to the first Portuguese port.

The Papers in this Cause being duly filed, and the usual Monition having issued, Hypolito Jozé Vieyra claimed the vessel as his property, in proof of which he produced a Bill of Sale, made to him of the same, by Antonio Jozé de Oliveira, who, however, remained on board in the character of Coast Pilot.

Lieutenant A. I. da Veiga, Commander of the imperial schooner, "*Lebre*," deposed to having fallen in with the patacho, in the vicinity of the Bar of Rio de Janeiro, on the 10th of May last, and that having hoisted the Brazilian colours, and hailed the patacho, the latter showed the Buenos

Ayres Flag, and affected to speak Spanish, but on being boarded, presented the above-mentioned Passport.

The Master, Hypolito Jozé Vieyra, swore that he was a subject of Portugal, native of Coimbra, but admitted that he was living in Brazil at the time of, and before, the declaration of her independence, and that he was Owner of this vessel, in partnership with another person at Monte Video; that on leaving Gabao, where they were induced to go from hearing that the islands of St. Thomas and Princes were in a state of revolution, their destination was Monte Video; and, on being questioned how, in that case, it happened that he was found in *that* latitude, only replied that that was a point which regarded the Pilot, and on which he could say nothing.

The Coast Pilot, Antonio Jozé de Oliveira, swore that he was a native of Lisbon, but an adopted citizen of Brazil, by the terms of the Constitution of the Empire. The testimony of these 2 witnesses, though agreeing as to the other facts of the case, differed in this, that, whereas, one stated that they were told of the revolution in the islands of St. Thomas and Princes by a vessel which they met with, within sight of those islands; the other asserted that it was at Gabao they heard of it; thus showing that the whole story was a mere fabrication.

The sailors, on the other hand, who were examined, said nothing of meeting with any schooner, but stated, that after laying in provisions at the Island of "Anno Bom," they continued the voyage direct o Gabao.

The Proctor for the Captor having adduced full and satisfactory proof that the "*Santo Antonio*" was Brazilian property, and that the 2 individuals who alternately figured in her, first as Owner, then as Master or Pilot, were Brazilian subjects, and as such had been recognized, and had Passports granted to them by the Brazilian Authorities; the Court, at its sitting on the 4th September, 1834, condemned the vessel as good and lawful prize to the Crowns of Great Britain and Brazil, as taken in the traffic in slaves, by the Imperial schooner, "*Lebre*," declared the aforesaid Antonio Jozé de Oliveira and Hypolito Jozé Vieyra to come under the provisions of the 1st Article of the Treaty of 23d November, 1826, and emancipated her surviving slaves to the number of 91, 53 having died since the capture.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

No. 115.

*His Majesty's Commissioners to Viscount Palmerston.—(Received December 26.)*

MY LORD,

*Rio de Janeiro, 14th October, 1834.*

WE are sorry to have to state to your Lordship, that the hopes which we ventured to express, in previous Despatches, of some more effectual measures being adopted by the General Legislative Assembly, for the prevention of the importation of Africans into this Empire, have been disappointed; the Session having closed without any step whatever having been taken, and leaving matters exactly as they were.

At first, the idea of appointing Protectors of Slaves, in the different Provinces, seemed very popular, and the situation was spoken of as a source of considerable patronage; but the proposed amount of salary to be allotted to it being reduced, the various propositions of Senhor Almeida Albuquerque, in the Senate, of which the creation of such an office formed a prominent feature, seemed to have fallen to the ground; and, neither in that body, nor in the Chamber of Deputies, has any thing been done to render the Law of the 7th November, 1831, more efficient, or to adapt its provisions, either to the engagements existing between Great Britain and Brazil, or to the present state of the Slave Trade, as connected with Portugal.

The Brazilian Minister, in his double capacity of Minister of Justice and Minister for Foreign Affairs, made 2 several applications to the Chamber of Deputies, since the date of his Report, at the opening of the Session, on the subject, requiring funds for the support of such Africans as, whether by Sentence of the Mixed Commission, or in virtue of their own Law of 1831, may be declared free, and also requesting to be authorized to negotiate with the British Government, as well with reference to the adoption of an additional Article to the Convention, similar to that agreed to by the Netherlands, as respecting the reception of re-exported Africans in His Majesty's Colony of Sierra Leone—a measure which His Excellency speaks of as liable to no other difficulty than that of providing the necessary funds for their maintenance when settled in the Colony.

He, at the same time, required to be authorized to negotiate with other Powers, with a view to such Africans being received by them in their respective Colonies; and we know that Instructions have been sent for this purpose to sound the Cabinets of both Paris and Washington, as to how far they may be disposed to accede to such a measure, and that, even in the event of the overture being

favourably received, the Brazilian Minister at the former Court has been empowered to sign an agreement *sub spe rati*.

Instead, however, of these applications having the desired result, they were converted into a subject of mere personal attack on the Minister, by the opposition; and, as we have already observed, the whole business remains *in statu quo*, either to wait the ensuing Session in May next, or to be dealt with on the sole responsibility of the Executive.

The Sentence of the Court, your Lordship will have observed, places the negroes found on board the 2 vessels lately condemned at the disposal of His Majesty the Emperor, in conformity to the original Alvará; but this arrangement is said to be only temporary till their re-exportation can be arranged. In the mean time, the abuse of the Portuguese Flag has received no check from hence; so far from it, that the jury to whom the Case of the "*Maria da Gloria*" was submitted, have, we lament to say, returned a full verdict of acquittal, and restored the surviving slaves; nor does it seem likely to experience any, under existing circumstances, unless, indeed, the Decree, said to have been recently published on the part of Portugal, prohibiting any of her Colonies from trading with foreign Countries, except through the Metropolis, should be rigorously enforced. Were this to be the case, one great facility in the traffic in slaves would undoubtedly be removed.

The individual Anastasio Jozé de Ribeiro, Owner of the above-mentioned barque, "*Maria da Gloria*," and who we stated in our Despatch, of the 22d April last, had been ordered to leave this Empire within 15 days, remonstrated against the measure, and is still here, though fresh orders to the same effect have lately been repeated.

We have, &c.  
 (Signed) GEORGE JACKSON.  
 FRED. GRIGG.

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## SURINAM.

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No. 116.

*His Majesty's Commissioner to Viscount Palmerston.—(Received June 30.)*

MY LORD,

*Surinam, 4th May, 1834.*

I HAVE the honour to acquaint your Lordship, that no slave-vessel has been sent in here, by any of His Majesty's ships-of-war, or those of His Netherlands Majesty for adjudication, for a considerable time.

I have, &c.

(Signed) CAMPBELL J. DALRYMPLE.

*The Right Hon. Viscount Palmerston, G.C.B.*  
 &c.                      &c.                      &c.

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No. 117.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 8, 1834.*

I HEREWITH transmit to you, for your information, 5 Copies of Papers marked A. and B., relating to the Slave Trade, which have this day been presented, by His Majesty's command, to both Houses of Parliament.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners,*  
 &c.    &c.    &c.

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No. 118.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 4th August, 1834.*

I HEREWITH forward to you the Commission, bearing date the 4th of August, 1834, by which His Majesty has been graciously pleased to appoint John Samo, Esq., to be His Majesty's Commissary Judge, and Campbell James Dalrymple, Esq., to be His Majesty's Commissioner of Arbitration, to the Mixed British and Netherlands Commission established at Surinam, under the Treaty concluded on the 4th May, 1818, between Great Britain and the Netherlands, for the prevention of illegal Slave Trade, and pursuant to the Acts of Parliament which have been passed for carrying that Treaty into effect. Mr. Samo will, at an early opportunity after his arrival at Surinam, take, in due form, the oath prescribed to him by the enclosed Instrument, prior to the entering upon his further duties in the character assigned to him in His Majesty's Commission of Appointment.

You will announce the Appointment to the Foreign Members of the Mixed Commission destined to act with you under the Treaty above mentioned. You will strictly follow the line of conduct pointed out in the Instructions which have heretofore been given by His Majesty's Secretary of State to His Majesty's Commissioners at Surinam, and further Instructions will, by His Majesty's command, be transmitted to you, according as Instructions may be necessary for your guidance.

I am, &c.

(Signed) PALMERSTON.

*His Majesty's Commissioners,*  
 &c.    &c.    &c.

**LONDON:**

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