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Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS,

RELATING TO

THE SLAVE TRADE.

1835.

Class-A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS,

AT

SIERRA LEONE, THE HAVANA,

RIO DE JANEIRO, AND SURINAM,

RELATING TO

THE SLAVE TRADE.

1835.

*Presented to both Houses of Parliament, by Command of His Majesty,
1836.*

LONDON:

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Class A. 1835.

LIST OF PAPERS.

SIERRA LEONE. (*General.*)

| No. | | Date & Receipt. | SUBJECT. | Page |
|-----|--|--------------------------------|--|------|
| 1. | The Duke of Wellington to H. M.'s Commissioners One Enclosure | D. Feb. 27, 1835. | Report on Slave Trade of Cuba, 1834 - - - | 1 |
| 2. | H. M.'s Commissioners to Viscount Palmerston - Two Enclosures | D. Jan. 5, - R. April 24, - | Cases adjudicated, 1834, and Report on Slave Trade - - - | 1 |
| 3. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Jan. 5, - R. April 24, - | Negroes registered as eman- cipiated - - - | 7 |
| 4. | H. M.'s Commissioners to the Duke of Wellington | D. April 23, - R. July 7, - | Arrival of Brazilian Com- missioners - - - | 7 |
| 5. | Viscount Palmerston to H. M.'s Commissioners - | D. Sept. 3, - | Papers presented to Parlia- ment - - - | 8 |
| 6. | H. M.'s Commissioner to the Duke of Wellington - One Enclosure | D. July 6, - R. Sept. 14, - | Negroes registered as eman- cipiated - - - | 8 |
| 7. | Viscount Palmerston to H. M.'s Commissioners - Three Enclosures | D. Feb. 2, 1836. | Jurisdiction of British and Brazilian Mixed Court - | 8 |
| 8. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Jan. 2, - R. March 25, - | General List of Cases adju- dicated: Report on Slave Trade, 1835 - - - | 9 |
| 9. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Jan. 5, - R. March 25, - | Register of emancipated negroes - - - | 12 |

SIERRA LEONE. (*Spain.*)

| | | | | |
|-----|--|---|---|----|
| 10. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. October 13, 1834. R. Jan. 26, 1835. | "Arogante Mayaguesana" condemned - - - | 13 |
| 11. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Nov. 21, 1834. R. April 3, 1835. | "Pepita" restored - - - | 16 |
| 12. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Nov. 28, 1834. R. April 3, 1835. | "Indagadora" condemned | 23 |
| 13. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Dec. 3, 1834. R. April 3, 1835. | "Clemente" condemned | 26 |
| 14. | Viscount Palmerston to H. M.'s Commissioners - | D. April 22, - | "Pepita:" approval of sen- tence - - - | 28 |
| 15. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Jan. 5, - R. April 24, - | Abstract of proceedings, 1834 - - - | 29 |
| 16. | H. M.'s Commissioners to Mr. Backhouse One Enclosure | D. Jan. 5, - R. April 24, - | Cases adjudicated: half- yearly return - - - | 30 |
| 17. | Viscount Palmerston to H. M.'s Commissioners - | D. April 28, - | To proceed to the adjudica- tion of the "Conchita" - | 32 |
| 18. | H. M.'s Commissioners to the Duke of Wellington One Enclosure | D. Jan. 24, - R. June 6, - | "Pepita," further report on | 32 |
| 19. | H. M.'s Commissioners to the Duke of Wellington One Enclosure | D. Feb. 4, - R. June 6, - | "Sutil" condemned | 47 |
| 20. | H. M.'s Commissioners to the Duke of Wellington Four Enclosures | D. Feb. 10, - R. June 6, - | "Formidable" condemned | 49 |
| 21. | H. M.'s Commissioners to the Duke of Wellington Two Enclosures | D. March 4, - R. June 25, - | "Minerva" condemned | 55 |
| 22. | H. M.'s Commissioners to the Duke of Wellington One Enclosure | D. March 14, - R. June 25, - | "Iberia" condemned | 58 |

LIST OF PAPERS.

| No. | | Date & Receipt. | SUBJECT. | Page |
|-----|--|--|---|------|
| 23. | H. M.'s Commissioners to the Duke of Wellington One Enclosure | D. March 27, 1835. R. June 25, — | "El Manuel" condemned | 60 |
| 24. | Viscount Palmerston to His M.'s Commissioners | D. July 6, — | "Pepita:" approval of sentence - - - - | 61 |
| 25. | H. M.'s Commissioners to the Duke of Wellington One Enclosure | D. April 23, — R. July 7, — | Report on Slave Trade of Cuba : acknowledgment | 61 |
| 26. | H. M.'s Commissioners to the Duke of Wellington One Enclosure | D. April 27, — R. July 7, — | "Bienvenida" condemned | 62 |
| 27. | H. M.'s Commissioners to Mr. Backhouse One Enclosure | D. July 1, — R. Sept. 14, — | Spanish vessels adjudicated : half-yearly return - - | 64 |
| 28. | H. M.'s Commissioners to Viscount Palmerston - | D. July 20, — R. Sept. 14, — | "Pepita:" acknowledgment of approval of sentence - | 66 |
| 29. | H. M.'s Commissioners to Viscount Palmerston - | D. July 20, — R. Sept. 14, — | "Conchita" - - - - | 66 |
| 30. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. July 25, — R. Sept. 14, — | "Numero Dos" condemned | 66 |
| 31. | Viscount Palmerston to H. M.'s Commissioners - One Enclosure | D. Sept. 28, — | "Formidable" purchased by Mr. Langley - - - - | 68 |
| 32. | Viscount Palmerston to H. M.'s Commissioners - | D. Oct. 29, — | Treaty with Spain of 28th June, 1835 - - - - | 69 |
| 34. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Aug. 31, — R. Nov. 24, — | "Volador" condemned - | 69 |
| 35. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Oct. 17, — R. Jan. 29, 1836. | "Semiramis" condemned | 72 |
| 36. | H. M.'s Commissioners to Viscount Palmerston - | D. Nov. 9, 1835. R. Jan. 29, 1836. | "Pepita:" acknowledgment of approval - - - - | 76 |
| 37. | H. M.'s Commissioners to Viscount Palmerston - Two Enclosures | D. Nov. 23, 1835. R. Jan. 29, 1836. | "Formidable:" explanation of purchase - - - - | 77 |
| 38. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Nov. 26, 1835. R. Jan. 29, 1836. | "Argos" condemned - | 78 |
| 39. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Dec. 3, 1835. R. Jan. 29, 1836. | "Conde de los Andes" con- demned - - - - | 80 |
| 40. | H. M.'s Commissioners to Viscount Palmerston - | D. Jan. 2, — R. March 4, — | Acknowledgment of receipt of Treaty with Spain - | 82 |
| 41. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Jan. 2, — R. March 25, — | Abstract of proceedings, 1835 - - - - | 82 |
| 42. | H. M.'s Commissioners to Mr. Backhouse One Enclosure | D. Jan. 5, — R. March 25, — | Cases adjudicated : half- yearly Return - - - - | 84 |
| 43. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Jan. 8, — R. March 25, — | "Norma" condemned - | 86 |

SIERRA LEONE. (*Portugal.*)

| | | | | |
|-----|---|--|--|-----|
| 44. | The Duke of Wellington to H. M.'s Commissioners One Enclosure | D. March 16, 1835. | "Apta:" encouragement of Slave Trade by Authori- ties at Princes and St. Thomas - - - - | 89 |
| 45. | The Duke of Wellington to H. M.'s Commissioners Three Enclosures | D. March 16, — | "Esperança" and "Her- cules" - - - - | 89 |
| 46. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Nov. 28, 1834. R. April 3, 1835. | "Felicidad" condemned - | 89 |
| 47. | H. M.'s Commissioners to Viscount Palmerston - | D. Dec. 3, 1834. R. April 3, 1835. | "Maria da Gloria:" ac- knowledgment - - - - | 92 |
| 48. | H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Jan. 5, 1835. R. April 24, — | Abstract of proceedings, 1834 - - - - | 92 |
| 49. | H. M.'s Commissioners to Mr. Backhouse One Enclosure | D. Jan. 5, — R. April 24, — | Cases adjudicated : half- yearly Return - - - - | 94 |
| 50. | Viscount Palmerston to H. M.'s Commissioners - One Enclosure | D. April 29, — | "Tamega," "Apta," "San- tissimo Rosario e Bom Jesus," and "Maria da Gloria" - - - - | 96 |
| 51. | H. M.'s Commissioners to the Duke of Wellington | D. Jan. 23, — R. June 6, — | "Maria da Gloria" - | 96 |
| 52. | H. M.'s Commissioners to the Duke of Wellington One Enclosure | D. Feb. 4, — R. June 6, — | "Atrevido" condemned - | 96 |
| 53. | H. M.'s Commissioners to the Duke of Wellington One Enclosure | D. March 4, — R. June 25, — | "Maria" condemned - | 98 |
| 54. | H. M.'s Commissioners to the Duke of Wellington One Enclosure | D. May 11, — R. July 20, — | "Legitimo Africano" con- demned - - - - | 100 |
| 55. | H. M.'s Commissioners to the Duke of Wellington | D. May 23, — R. July 15, — | Encouragement to Slave Trade by Portuguese Au- thorities in Africa - | 102 |

| No. | | Date & Receipt. | SUBJECT. | Page |
|-----|---|------------------------------------|---|------|
| 56. | H. M.'s Commissioners to the Duke of Wellington | D. May 23, 1835. R. July 15, — | Vessels fitted out for Slave Trade at Lisbon: acknowledgment - - - | 102 |
| 57. | H. M.'s Commissioners to Mr Backhouse One Enclosure | D. July 1, — R. Sept. 14, — | Portuguese vessels adjudicated: half-yearly Return | 103 |
| 58. | H. M.'s Commissioners to Viscount Palmerston | D. July 20, — R. Sept. 14, — | "Tamega," "Apta," "Sanfissima Rosario e Bom Jesus," "Maria da Gloria:" acknowledgment - | 105 |
| 59. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Dec. 31, — R. March 4, 1836. | "Theresa" condemned - | 105 |
| 60. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Jan. 2, — R. March 25, — | Abstract of proceedings, 1835 - - - | 107 |
| 61. | H. M.'s Commissioners to Mr. Backhouse One Enclosure | D. Jan. 5, — R. March 25, — | Cases adjudicated: half-yearly Return - - | 108 |

SIERRA LEONE. (*Netherlands.*)

| | | | | |
|-----|--|------------------------------------|----------------------|-----|
| 62. | H. M.'s Commissioners to Mr. Backhouse | D. July 1, 1835. R. Sept. 14, — | No Cases adjudicated | 109 |
|-----|--|------------------------------------|----------------------|-----|

SIERRA LEONE. (*Brazil.*)

| | | | | |
|-----|--|--|---|-----|
| 63. | H. M.'s Commissioners to Viscount Palmerston | D. Nov. 21, 1834. R. April 3, 1835. | "Activo:" acknowledgment | 110 |
| 64. | H. M.'s Commissioners to Viscount Palmerston | D. Dec. 3, 1834. R. April 3, 1835. | "Activo:" acknowledgment | 110 |
| 65. | H. M.'s Commissioners to Mr. Backhouse | D. July 1, — R. Sept. 14, — | No Cases adjudicated: half-year to July - - | 110 |

HAVANA.

| | | | | |
|-----|---|--|--|-----|
| 66. | H. M.'s Commissioner to Viscount Palmerston | D. Oct. 15, 1834. R. Jan. 17, 1835. | Ten vessels sailed for, and one arrived from, the Coast of Africa - - | 111 |
| 67. | H. M.'s Commissioner to Viscount Palmerston | D. Nov. 1, 1834. R. Jan. 17, 1835. | Four vessels sailed for, and one arrived from, the Coast of Africa - - | 111 |
| 68. | H. M.'s Commissioner to Viscount Palmerston Five Enclosures | D. Nov. 27, 1834. R. Jan. 17, 1835. | "Carlota" - - - | 112 |
| 69. | H. M.'s Commissioner to Viscount Palmerston | D. Nov. 28, 1834. R. Jan. 17, 1835. | Two vessels sailed for, and four arrived from, the Coast of Africa - - | 116 |
| 70. | H. M.'s Commissioner to Viscount Palmerston Six Enclosures | D. Dec. 6, 1834. R. Jan. 22, 1835. | "Carlota:" removal of negroes to Trinidad - - | 117 |
| 71. | H. M.'s Commissioner to Viscount Palmerston | D. Dec. 13, 1834. R. Jan. 22, 1835. | Six vessels sailed for, and two arrived from, the Coast of Africa - - | 120 |
| 72. | The Duke of Wellington to H. M.'s Commissioners One Enclosure | D. Jan. 31, — | Removal of emancipated negroes to Trinidad - - | 120 |
| 73. | H. M.'s Commissioner to Viscount Palmerston Two Enclosures | D. Dec. 15, 1834. R. Feb. 9, 1835. | "Carlota:" crew arrested - | 124 |
| 74. | The Duke of Wellington to H. M.'s Commissioner | D. Feb. 11, — | "Carlota:" removal of negroes to Trinidad - - | 125 |
| 75. | H. M.'s Commissioner to Viscount Palmerston Four Enclosures | D. Dec. 26, 1834. R. Feb. 11, 1835. | Treatment of emancipated negroes - - - | 125 |
| 76. | H. M.'s Commissioner to Viscount Palmerston | D. Dec. 31, 1834. R. Feb. 11, 1835. | Four vessels arrived from, and one sailed for, the Coast of Africa - - | 130 |
| 77. | H. M.'s Commissioner to Viscount Palmerston One Enclosure | D. Dec. 31, 1834. R. Feb. 11, 1835. | Register of emancipated negroes, 1834 - - - | 130 |
| 78. | H. M.'s Commissioner to Viscount Palmerston One Enclosure | D. Jan. 1, — R. Feb. 11, — | Cases adjudicated: 1834 - | 131 |
| 79. | H. M.'s Commissioner to Viscount Palmerston Five Enclosures | D. Jan. 1, — R. Feb. 11, — | Report on Slave Trade, 1834 - - - | 131 |
| 80. | H. M.'s Commissioner to Viscount Palmerston One Enclosure | D. Jan. 6, — R. Feb. 11, — | Circular by the Captain-General, on the introduction of negroes - - | 136 |
| 81. | The Duke of Wellington to H. M.'s Commissioners Two Enclosures | D. Feb. 27, — | Representations to the Spanish Government on the Slave Trade at Cuba - | 136 |

| No. | | Date & Receipt. | | SUBJECT. | Page |
|------|---|-----------------|-----------|---|------|
| 82. | The Duke of Wellington to H. M.'s Commissioners Three Enclosures | D. March | 16, 1835. | "Esperança" and "Hercules" fitting at Lisbon for the Slave Trade - - | 136 |
| 83. | H. M.'s Commissioner to Viscount Palmerston | D. Jan. | 15, — | Papers presented to Parliament: acknowledgment - | 137 |
| | | R. April | 11, — | | |
| 84. | H. M.'s Commissioner to Viscount Palmerston | D. Jan. | 15, — | Removal of emancipated negroes to Trinidad: acknowledgment - | 137 |
| | | R. April | 11, — | | |
| 85. | H. M.'s Commissioner to Viscount Palmerston | D. Jan. | 15, — | Spanish Slave Trade: acknowledgment - | 137 |
| | | R. April | 11, — | | |
| 86. | H. M.'s Commissioner to Viscount Palmerston | D. Jan. | 15, — | Removal of emancipated negroes to Trinidad: acknowledgment - | 137 |
| | | R. April | 11, — | | |
| 87. | H. M.'s Commissioner to Viscount Palmerston | D. Jan. | 15, — | Slave Trade at Cuba: acknowledgment - | 138 |
| | | R. April | 11, — | | |
| 88. | H. M.'s Commissioner to Viscount Palmerston Five Enclosures | D. Jan. | 30, — | "Maria" condemned - | 138 |
| | | R. April | 11, — | | |
| 89. | H. M.'s Commissioner to Viscount Palmerston | D. Jan. | 31, — | Five vessels arrived, and eight sailed for the Coast of Africa - - | 141 |
| | | R. April | 11, — | | |
| 90. | H. M.'s Commissioner to the Duke of Wellington Two Enclosures | D. Feb. | 18, — | "Julita:" emancipated negroes of the "Maria" - | 141 |
| | | R. April | 11, — | | |
| 91. | H. M.'s Commissioner to the Duke of Wellington Three Enclosures | D. Feb. | 23, — | "Julita" condemned - | 142 |
| | | R. April | 11, — | | |
| 92. | H. M.'s Commissioner to the Duke of Wellington Nine Enclosures | D. Feb. | 24, — | Removal of emancipated negroes to Trinidad - | 145 |
| | | R. April | 11, — | | |
| 93. | H. M.'s Commissioner to Mr. Backhouse | D. Feb. | 25, — | Spanish Slave Trade: acknowledgment - | 148 |
| | | R. April | 11, — | | |
| 94. | H. M.'s Commissioner to the Duke of Wellington | D. Feb. | 28, — | Three vessels sailed for, and three arrived from, the Coast of Africa - | 148 |
| | | R. April | 11, — | | |
| 95. | The Duke of Wellington to H. M.'s Commissioners Three Enclosures | D. April | 14, — | Removal of emancipated negroes to Honduras - | 149 |
| 96. | H. M.'s Commissioner to the Duke of Wellington One Enclosure | D. March | 31, — | Two vessels arrived from, ten sailed for, the Coast of Africa - - | 152 |
| | | R. May | 11, — | | |
| 97. | H. M.'s Commissioner to the Duke of Wellington | D. April | 1, — | Removal of emancipated negroes to Trinidad: acknowledgment - | 152 |
| | | R. May | 11, — | | |
| 98. | H. M.'s Commissioner to the Duke of Wellington | D. April | 1, — | Removal of emancipated negroes to Trinidad; refusal in the case of those of the "Carlota:" acknowledgment - | 152 |
| | | R. May | 11, — | | |
| 99. | Viscount Palmerston to H. M.'s Commissioners | D. June | 26, — | "Carlota:" approval of proceedings - - | 153 |
| 100. | Viscount Palmerston to H. M.'s Commissioners | D. June | 26, — | Treatment of emancipated negroes - - | 153 |
| 101. | H. M.'s Commissioner to the Duke of Wellington Four Enclosures | D. April | 11, — | "Joven Reyna" condemned - | 154 |
| | | R. July | 3, — | | |
| 102. | H. M.'s Commissioner to the Duke of Wellington One Enclosure | D. April | 18, — | Arrival of 302 emancipated negroes at Trinidad - | 157 |
| | | R. July | 3, — | | |
| 103. | H. M.'s Commissioners to the Duke of Wellington Four Enclosures | D. April | 29, — | "Chubasco" condemned - | 157 |
| | | R. July | 3, — | | |
| 104. | H. M.'s Commissioners to the Duke of Wellington | D. April | 30, — | Six vessels sailed for, and three arrived from, the Coast of Africa - | 161 |
| | | R. July | 3, — | | |
| 105. | H. M.'s Commissioners to the Duke of Wellington | D. May | 11, — | Spanish Slave Trade: acknowledgment - | 161 |
| | | R. July | 3, — | | |
| 106. | H. M.'s Commissioners to the Duke of Wellington | D. May | 11, — | "Esperança" and "Hercules:" acknowledgment - | 161 |
| | | R. July | 3, — | | |
| 107. | H. M.'s Commissioners to the Duke of Wellington Four Enclosures | D. May | 13, — | "Marte" condemned - | 162 |
| | | R. July | 3, — | | |
| 108. | H. M.'s Commissioners to the Duke of Wellington Nine Enclosures | D. May | 20, — | Treatment of emancipated negroes - - | 166 |
| | | R. July | 7, — | | |
| 109. | Viscount Palmerston to H. M.'s Commissioners | D. July | 15, — | Removal of emancipated negroes to Trinidad - | 172 |
| 110. | Viscount Palmerston to H. M.'s Commissioners One Enclosure | D. July | 27, — | Spanish Slave Trade - | 173 |
| 111. | H. M.'s Commissioners to the Duke of Wellington Four Enclosures | D. May | 22, — | Removal of emancipated negroes stopped by the cholera - - | 173 |
| | | R. August | 3, — | | |
| 112. | H. M.'s Commissioners to the Duke of Wellington | D. May | 28, — | Removal of emancipated negroes to Honduras: acknowledgment - | 174 |
| | | R. August | 3, — | | |

LIST OF PAPERS.

ix

| No. | | Date & Receipt. | SUBJECT. | Page |
|------|---|--|---|-------|
| 113. | H. M.'s Commissioners to the Duke of Wellington | D. May 31, 1835. R. August 3, — | Six vessels arrived from, seven vessels sailed for, the Coast of Africa | - 175 |
| 114. | H. M.'s Commissioners to the Duke of Wellington | D. June 30, — R. August 22, — | Four vessels arrived from, and six sailed for, the Coast of Africa | - 175 |
| 115. | H. M.'s Commissioners to the Duke of Wellington One Enclosure | D. July 1, — R. August 22, — | Cases adjudicated: half-yearly return | - 176 |
| 116. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. July 13, — R. August 22, — | Removal of emancipated negroes to Honduras | - 177 |
| 117. | Viscount Palmerston to H. M.'s Commissioners | D. Sept. 3, — | Papers presented to Parliament | - 178 |
| 118. | H. M.'s Commissioners to Viscount Palmerston Three Enclosures | D. July 19, — R. Sept. 13, — | "Tita" condemned | - 179 |
| 119. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. July 31, — R. Sept. 13, — | Seventeen vessels sailed for, two arrived from, the Coast of Africa | - 182 |
| 120. | H. M.'s Commissioners to Viscount Palmerston | D. August 27, — R. Oct. 24, — | Negroes of the "Carlota:" acknowledgment of approval | - 182 |
| 121. | H. M.'s Commissioners to Viscount Palmerston | D. August 28, — R. Oct. 24, — | Emancipated negroes: acknowledgment | - 183 |
| 122. | H. M.'s Commissioners to Viscount Palmerston | D. August 31, — R. Oct. 24, — | Four vessels arrived, three sailed for the Coast of Africa | - 183 |
| 123. | Viscount Palmerston to H. M.'s Commissioners | D. Oct. 29, — | Treaty with Spain | - 184 |
| 124. | H. M.'s Commissioners to Viscount Palmerston | D. Sept. 30, — R. Dec. 3, — | Three vessels sailed, four arrived from the Coast of Africa | - 184 |
| 125. | H. M.'s Commissioners to Viscount Palmerston | D. Oct. 17, — R. Dec. 3, — | Slave Trade at Cuba: acknowledgment | - 185 |
| 126. | Viscount Palmerston to H. M.'s Commissioners One Enclosure | D. Jan. 27, 1836. | Emancipated negroes: transfer to Trinidad | - 185 |
| 127. | H. M.'s Commissioners to Viscount Palmerston | D. Oct. 31, 1835. R. Feb. 11, 1836. | Report on Slave Trade: arrivals and departures, October | - 188 |
| 128. | H. M.'s Commissioners to Viscount Palmerston Two Enclosures | D. Nov. 3, 1835. R. Feb. 11, 1836. | Emancipated negroes: arrival of two hundred and sixty-two at Trinidad | - 189 |
| 129. | H. M.'s Commissioners to Viscount Palmerston | D. Nov. 6, 1835. R. Feb. 11, 1836. | Emancipated negroes: insurrection falsely attributed to them | - 189 |
| 130. | H. M.'s Commissioners to Viscount Palmerston Three Enclosures | D. Nov. 17, 1835. R. Feb. 11, 1836. | Advertised sale of bozal negroes | - 190 |
| 131. | H. M.'s Commissioners to Viscount Palmerston Five Enclosures | D. Nov. 25, 1835. R. Feb. 11, 1836. | "Amalia" condemned | - 191 |
| 132. | H. M.'s Commissioners to Viscount Palmerston | D. Nov. 30, 1835. R. Feb. 11, 1836. | Arrivals and departures, November | - 195 |
| 133. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Dec. 1, 1835. R. Feb. 11, 1836. | Advertised sale of bozal negroes | - 196 |
| 134. | H. M.'s Commissioners to Viscount Palmerston | D. Dec. 23, 1835. R. Feb. 11, 1836. | Treaty, cruizers furnished with Instructions under | - 200 |
| 135. | H. M.'s Commissioners to Viscount Palmerston Four Enclosures | D. Dec. 29, 1835. R. Feb. 29, 1836. | "Diligencia" condemned | - 200 |
| 136. | H. M.'s Commissioners to Viscount Palmerston | D. Dec. 31, 1835. R. Feb. 29, 1836. | Arrivals and departures, December | - 204 |
| 137. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Dec. 31, 1835. R. Feb. 29, 1836. | Negroes registered as emancipated, 1835 | - 204 |
| 138. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Jan. 1, — R. Feb. 29, — | Cases adjudicated: half-year to January, 1836 | - 205 |
| 139. | H. M.'s Commissioners to Viscount Palmerston Five Enclosures | D. Jan. 1, — R. Feb. 29, — | Report on Slave Trade, 1835 | 206 |
| 140. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Jan. 10, — R. Feb. 9, — | Treaty: acknowledgment | - 211 |
| 141. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Jan. 10, — R. Feb. 29, — | Treaty not communicated to the Authorities at Cuba | 212 |
| 142. | H. M.'s Commissioners to Viscount Palmerston Thirteen Enclosures | D. Jan. 11, — R. Feb. 29, — | "General Laborde" released | 212 |
| 143. | H. M.'s Commissioners to Viscount Palmerston | D. Jan. 15, — R. Feb. 29, — | Wish to be furnished with a List of cruizers | - 224 |
| 144. | H. M.'s Commissioners to Viscount Palmerston | D. Jan. 15, — R. Feb. 29, — | Emancipated negroes | - 225 |
| 145. | Viscount Palmerston to H. M.'s Commissioners One Enclosure | D. March 18, — | List of cruizers to be furnished to the Commissioners | - 225 |

RIO DE JANEIRO.

| No. | | Date & Receipt. | SUBJECT. | Page |
|------|---|---|--|------|
| 146. | H. M.'s Commissioners to Viscount Palmerston | D. Nov. 10, 1834. R. Jan. 12, 1835. | Papers presented to Parliament: acknowledgment | 226 |
| 147. | H. M.'s Commissioners to Viscount Palmerston | D. Nov. 10, 1834. Two Enclosures R. Jan. 12, 1835. | Emancipated negroes, to be hired out temporarily | 226 |
| 148. | Lord Mahon to H. M.'s Commissioners | D. Jan. 17, 1835. | Emancipated negroes; expiration of terms of apprenticeship of those of the "Emelia." | 228 |
| 149. | The Duke of Wellington to H. M.'s Commissioners | D. Jan. 26, — | "Dois de Marco" ought to have been considered as Brazilian, and adjudicated as such | 228 |
| 150. | The Duke of Wellington to H. M.'s Commissioners | D. Feb. 11, — | The Mixed Commission has no jurisdiction as to the punishment of slave-traders | 229 |
| 151. | H. M.'s Commissioners to Viscount Palmerston | D. Dec. 10, 1834. One Enclosure R. Feb. 25, 1835. | Return of negroes emancipated since the opening of the Mixed Commission | 229 |
| 152. | H. M.'s Commissioners to Viscount Palmerston | D. Dec. 18, 1834. One Enclosure R. Feb. 25, 1835. | Difficulties opposed to the suppression of Slave Trade | 232 |
| 153. | H. M.'s Commissioners to Viscount Palmerston | D. Dec. 18, 1834. R. Feb. 25, 1835. | "Maria da Gloria:" jurisdiction of the Mixed Commission | 234 |
| 154. | H. M.'s Commissioners to Viscount Palmerston | D. Dec. 20, 1834. One Enclosure R. Feb. 25, 1835. | Expected arrival of slave-vessels from Africa | 235 |
| 155. | H. M.'s Commissioners to Viscount Palmerston | D. Dec. 23, 1834. One Enclosure R. Feb. 25, 1835. | "Rio de la Plata" captured | 236 |
| 156. | The Duke of Wellington to H. M.'s Commissioners | D. March 11, 1835. | Removal of emancipated negroes to Trinidad | 237 |
| 157. | The Duke of Wellington to H. M.'s Commissioners | D. March 11, — | Removal of emancipated negroes | 237 |
| 158. | The Duke of Wellington to H. M.'s Commissioners | D. March 16, — | "Esperanga" and "Hercules" fitting out at Lisbon | 239 |
| 159. | H. M.'s Commissioners to Viscount Palmerston | D. Jan. 5, — R. March 21, — | Cases adjudicated: half-yearly Report | 239 |
| 160. | H. M.'s Commissioners to Viscount Palmerston | D. Jan. 20, — One Enclosure R. March 21, — | Difficulties opposed to the prevention of Slave Trade | 240 |
| 161. | H. M.'s Commissioners to Viscount Palmerston | D. Jan. 4, — One Enclosure R. March 21, — | Difficulties opposed to the prevention of Slave Trade | 241 |
| 162. | H. M.'s Commissioners to the Duke of Wellington | D. Feb. 9, — Eight Enclosures R. April 10, — | "Rio de la Plata" condemned | 242 |
| 163. | H. M.'s Commissioners to the Duke of Wellington | D. Feb. 13, — One Enclosure R. May 19, — | Slave Trade at Rio de Janeiro | 251 |
| 164. | H. M.'s Commissioners to the Duke of Wellington | D. Feb. 14, — One Enclosure R. May 19, — | Slave Trade at Rio de Janeiro | 251 |
| 165. | H. M.'s Commissioners to the Duke of Wellington | D. Feb. 16, — One Enclosure R. May 19, — | Paper on the improvement of the existing law of Brazil against the importation of slaves | 252 |
| 166. | H. M.'s Commissioners to the Duke of Wellington | D. Feb. 16, — R. May 19, — | "Maria da Gloria:" jurisdiction of the Mixed Commission | 253 |
| 167. | H. M.'s Commissioners to the Duke of Wellington | D. March 16, — R. May 19, — | "Amizade Feliz" detained under Portuguese colours | 254 |
| 168. | H. M.'s Commissioners to the Duke of Wellington | D. March 18, — R. May 19, — | Emancipated negroes whose term of apprenticeship is expired | 254 |
| 169. | H. M.'s Commissioners to the Duke of Wellington | D. March 18, — R. May 19, — | "Dois de Marco:" acknowledgment of approval of sentence | 255 |
| 170. | H. M.'s Commissioners to the Duke of Wellington | D. March 23, — Three Enclosures R. May 11, — | Insurrection of negroes at Bahia | 256 |
| 171. | Viscount Palmerston to H. M.'s Commissioners | D. June 3, — | "Rio de la Plata:" approval of sentence | 260 |
| 172. | H. M.'s Commissioners to the Duke of Wellington | D. April 11, — R. June 25, — | "Angelica" captured under Portuguese colours | 260 |
| 173. | H. M.'s Commissioners to the Duke of Wellington | D. April 11, — One Enclosure R. June 25, — | Report on Slave Trade | 261 |
| 174. | H. M.'s Commissioners to the Duke of Wellington | D. April 13, — One Enclosure R. June 25, — | Insurrection of negroes at Bahia | 262 |

LIST OF PAPERS.

xi

| No. | | Date & Receipt. | SUBJECT. | Page |
|------|--|---------------------------------------|--|------|
| 175. | H. M.'s Commissioners to the Duke of Wellington Two Enclosures | D. May 17, 1835. R. August 5, — | Reports of the Ministers to the Chamber of Deputies | 263 |
| 176. | H. M.'s Commissioner to the Duke of Wellington Seven Enclosures | D. May 18, — R. August 19, — | "Amizade Feliz" released | 266 |
| 177. | H. M.'s Commissioners to the Duke of Wellington | D. June 5, — R. August 18, — | Removal of emancipated negroes to Trinidad | 272 |
| 178. | H. M.'s Commissioners to the Duke of Wellington | D. June 5, — R. August 19, — | "Esperança" and "Hercules:" acknowledgment | 273 |
| 179. | H. M.'s Commissioners to the Duke of Wellington One Enclosure | D. June 17, — R. August 19, — | "Amizade Feliz:" petition of Proctor of Captor for revision of sentence | 273 |
| 180. | H. M.'s Commissioners to the Duke of Wellington Six Enclosures | D. June 19, — R. August 19, — | "Angelica" restored | 276 |
| 181. | Viscount Palmerston to H. M.'s Commissioners | D. Sept. 3, — | Papers presented to Parliament | 279 |
| 182. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. July, 2, — R. Sept. 17, — | Cases adjudicated: half-yearly Return | 280 |
| 183. | H. M.'s Commissioners to Viscount Palmerston | D. July 5, — R. Sept. 17, — | The Mixed Commission has no jurisdiction as to the punishment of slave-traders: acknowledgment | 282 |
| 184. | H. M.'s Commissioners to Viscount Palmerston | D. July 5, — R. Sept. 17, — | "Emelia:" negroes emancipated in 1821 | 282 |
| 185. | H. M.'s Commissioners to Viscount Palmerston Four Enclosures | D. July 8, — R. Sept. 17, — | Disembarkation of 400 Africans in the vicinity of Ilha Grande | 282 |
| 186. | H. M.'s Commissioners to Viscount Palmerston | D. July 13, — R. Sept. 17, — | "Contimente," "Aventura" | 285 |
| 187. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. July 27, — R. Oct. 16, — | "Emelia:" negroes emancipated in 1821 | 285 |
| 188. | H. M.'s Commissioners to Viscount Palmerston | D. July 28, — R. Oct. 16, — | "Rio de la Plata:" acknowledgment | 286 |
| 189. | H. M.'s Commissioners to Viscount Palmerston Two Enclosures | D. July 29, — R. Oct. 16, — | "Contimente" condemned | 286 |
| 190. | H. M.'s Commissioners to Viscount Palmerston Two Enclosures | D. July 31, — R. Oct. 16, — | "Aventura" condemned | 288 |
| 191. | H. M.'s Commissioners to Viscount Palmerston | D. Aug. 3, — R. Oct. 16, — | "Amizade Feliz," "Angelica:" acquittal of the parties concerned | 290 |
| 192. | Viscount Palmerston to H. M.'s Commissioners | D. Oct. 29, — | Treaty with Spain | 290 |
| 193. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Sept. 16, — R. Dec. 23, — | "Amizade Feliz," "Aventura:" negroes claimed by Owners | 291 |
| 194. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Sept. 16, — R. Dec. 23, — | Cargo to be left untouched on board captured slavers | 292 |
| 195. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Sept. 16, — R. Dec. 23, — | Instructions to Justices of Peace in Brazil, for preventing fraud by pretended deaths of negroes | 292 |
| 196. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Sept. 17, — R. Dec. 23, — | Abuse of Portuguese flag in Slave Trade speculations | 293 |
| 197. | H. M.'s Commissioners to Viscount Palmerston Three Enclosures | D. Sept. 21, — R. Dec. 23, — | "Novo Destino" restored: two new Africans on board her emancipated | 295 |
| 198. | H. M.'s Commissioners to Viscount Palmerston Seven Enclosures | D. Sept. 21, — R. Dec. 23, — | "Novo Destino:" proceedings as to Letters found on board | 298 |
| 199. | H. M.'s Commissioners to Viscount Palmerston Four Enclosures | D. Oct. 19, — R. Dec. 23, — | Landing of blacks in the neighbourhood of Ilha Grande | 303 |
| 200. | H. M.'s Commissioners to Viscount Palmerston Two Enclosures | D. Oct. 20, — R. Dec. 23, — | "Amizade Feliz," "Angelica:" the Africans ordered to be distributed | 305 |
| 201. | H. M.'s Commissioners to Viscount Palmerston | D. Oct. 28, — R. Dec. 23, — | Sessions closed without enacting any measures for suppression of the Slave Trade | 306 |
| 202. | Viscount Palmerston to H. M.'s Commissioners | D. Dec. 24, — | "Amizade Feliz" and "Angelica:" approval of proceedings | 307 |
| 203. | H. M.'s Commissioners to Viscount Palmerston | D. Nov. 7, — R. Jan. 18, 1836. | Comments on Manifesto of the Regent regarding slavery | 308 |
| 204. | H. M.'s Commissioners to Viscount Palmerston One Enclosure | D. Nov. 9, 1835. R. Jan. 18, 1836. | Landing of slaves near Ilha Grande | 308 |

LIST OF PAPERS.

| No. | Date & Receipt. | SUBJECT. | Page |
|--|--|---|------|
| 205. H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Nov. 10, 1835. R. Jan. 18, 1836. | Jurisdiction of the Mixed Commission: "Maria da Gloria" - - - | 309 |
| 206. Viscount Palmerston to H. M.'s Commissioners - | D. Jan. 19, — | "Novo Destino:" approval of sentence - - - | 310 |
| 207. H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Dec. 16, 1835. R. Feb. 17, 1836. | Report on Slave Trade by the Minister for Foreign Affairs - - - | 310 |
| 208. H. M.'s Commissioners to Viscount Palmerston - | D. Jan. 6, — R. March 7, — | Cases brought in for adju- dication - - - | 312 |
| 209. H. M.'s Commissioners to Viscount Palmerston - One Enclosure | D. Jan. 6, — R. March 7, — | Emancipated negroes, de- cree for the hiring out - | 312 |
| 210. Viscount Palmerston to H. M.'s Commissioners - | D. March 26, — | Delay in adjudication of Cases - - - | 314 |

SURINAM.

| | | | |
|--|--------------------------------|---|-----|
| 211. The Duke of Wellington to H. M.'s Commissioners Three Enclosures | D. March 16, 1835. | "Esperança" and "Hercu- les" - - - | 316 |
| 212. H. M.'s Commissioners to Viscount Palmerston - | D. June 24, — R. Sept. 2, — | "Esperança" and "Hercu- les:" acknowledgment - | 316 |
| 213. Viscount Palmerston to H. M.'s Commissioners - | D. Sept. 3, — | Papers presented to Parlia- ment - - - | 316 |
| 214. Viscount Palmerston to H. M.'s Commissioners - | D. Oct. 29, — | Slave Trade Treaty with Spain - - - | 316 |

Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

SIERRA LEONE. (*General.*)

No. 1.

The Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 27th February, 1835.

I TRANSMIT to you, for your information, the accompanying Copy of a Despatch which I have received from His Majesty's Commissary Judge at the Havana, giving a Report on the state of the Slave Trade at Cuba, during the year 1834.

I am, &c.

(Signed) WELLINGTON.

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

Enclosure in No. 1.

His Majesty's Commissioners to Viscount Palmerston, 1st January, 1835.

(See Report on Slave Trade.)

No. 2.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 24.)

MY LORD,

Sierra Leone, 5th January, 1835.

WE have the honour to transmit to your Lordship a List of all the Cases adjudicated during the year 1834, in the British and Portuguese, and British and Spanish, Courts of Mixed Commission. No Case during that period came before either the British and Netherlands, or the British and Brazilian Courts.

Six Portuguese and 8 Spanish vessels have been adjudicated, and of that number 1 Portuguese and 1 Spanish vessel have been restored to their Owners. The others were condemned.

Three thousand and sixty-eight slaves have been emancipated, of which number 2,582 have been registered in this Colony. Eleven negroes died after emancipation, but before their descriptions could be taken to be registered. The slaves of the Portuguese vessels, "*Apta*" and "*Santissimo Rosario e Bom Jesus*," were landed at Fernando Po, and therefore could not be registered here; and the cargoes of the Portuguese vessels, "*Despique*" and "*Felicidad*," having been landed at Nassau in New Providence, and placed under the charge of the Government of the Bahama Islands, will not in like manner be found in our Register.

The total number of slaves emancipated by the Mixed Courts, since their establishment in this Colony in June, 1819, is 32,603, of which number 30,574 have been registered.

In addition to the slaves already referred to, it is gratifying to us to report that 64 of the restored slaves of the Portuguese barque, "*Maria da Gloria*," were voluntarily given up to the Colonial Government by the Master of that vessel, through the humane interference of the late respected Lieutenant-Governor Temple; also that the whole of the slaves belonging to the restored Spanish vessel, "*Pepita*," 152 in number, though not emancipated by the Court, were handed over to the Colonial Government, to be employed as servants or free labourers, the Master and Owner of the "*Pepita*" having disclaimed all property in them.

With respect to the 108 slaves captured on board the Portuguese schooner-boats "*Apta*" and "*Santissimo Rosario e Bom Jesus*," and who were left at Fernando Po in the charge of Colonel Nicholls, the Superintendent of that island, the attention of His Excellency, the late Lieutenant-Governor Temple, was drawn to the circumstance on the same day that the emancipation of those slaves was decreed by the British and Portuguese Court. Your Lordship's Despatch of the 20th November, 1832, intimated the determination of His Majesty's Government to withdraw altogether the British Establishment from the Island of Fernando Po; and we were induced to consider that the spirit of the 7th Article of the Regulations for the Mixed Commission, attached to the Portuguese Convention, was in some degree opposed to the location of emancipated negroes on a spot where they would not enjoy the full benefit of British protection and superintendence.

The experience of the last year certainly does not tend to show any diminution in the Slave Trade pursued on this unfortunate coast. It is true that the activity of the French Squadron, and the dread of the punishment consequent on detection, have destroyed, in a great measure, if not altogether, the Slave Trade which was formerly carried on under the French flag: but the anticipation which we ventured to express to your Lordship, 12 months since, has been too correctly fulfilled, and Portuguese vessels are now found to enter, with comparative impunity, into those guilty adventures, in which French vessels can no longer engage. Two of the Portuguese slavers, condemned here during the last year, were taken in sight of the Island of Cuba, and another, taken on this coast, was bound to the Havana. One of the vessels thus referred to, the "*Felicidad*," was lately the French slave-schooner, "*Felicité*," the property of a Frenchman of the name of Laporte, who sold her to the notorious Kyetan, the Portuguese Governor of Bissao.

If we judged merely by the number of vessels which have been before the British and Spanish Court during the past year, as compared with former years, we should say that the Slave Trade of that Power had increased rather than diminished. It will be observed, that the Spanish schooner, "*Arogante Mayaguesana*," embarked her slaves in the Portuguese province of Loango, to the southward of the line; and we have reason to believe, that the closeness with which the Bights of Benin and Biafra are watched by our cruizers has induced many slavers, both Spanish and Portuguese, to resort to southern ports, which are seldom visited by the vessels of our squadron, and to the rivers between this Colony and the Gambia, in the neighbourhood of which a destructive war has been raging amongst the natives.

This view of the case has been confirmed, so far as it respects the northern rivers, by a communication which has just been made to us by a merchant of this place, well acquainted with the slave-haunts in the vicinity. A Copy of that gentleman's Letter is enclosed for your Lordship's information.

We have so frequently and so strongly recommended the addition of an Equipment Article to our present Slave Treaties with Portugal and Spain, as the only sure means of doing away with the Slave Trade carried on by those Nations, that we will refrain from adverting further to the subject now. The adoption of such an Article, and the enforcement, on all occasions where it can be done, of the penalties attached to illegal Slave Trade by the Laws of Portugal and Spain, are the only means of prevention which, under present circumstances, appear to us calculated to effect the humane purposes 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.

First Enclosure in No. 2.

A List of Cases adjudged in the Courts of Mixed Commissions established at Sierra Leone, between the 1st of January, 1834, and the 1st of January, 1835.

| Number of Cases adjudged between June, 1819, and 1st January, 1835. | Number of Vessels liberated between June, 1819, and 1st January, 1835. | Number of Cases adjudged between 1st January, 1834, and 1st January, 1835. | NATION. | NAME of VESSEL. | CLASS. | CONDEMNED. | LIBERATED. | Number of Slaves on board at the time of Capture. | Number of Slaves emancipated. | Number of Slaves Emancipated and Registered. | REMARKS. |
|---|--|--|-------------|---|------------|------------|------------|---|-------------------------------|--|---|
| 197 | 12 | 1 | Spanish. | Vengador . . . | Brigantine | Condemned | .. | 405 | 376 | 376 | Total number of slaves emancipated and registered here, between June, 1819, and 1st January, 1834. 27,992 Total number of slaves emancipated and not registered here, between June, 1819, and 1st January, 1834; for reasons assigned in previous Returns 1,543§ Total number of slaves emancipated between the 1st Jan. 1834, and the 1st Jan. 1835 3,068 Total number of slaves emancipated between June, 1819, and 1st January, 1835. 32,603 Of which number there has not been registered here, as appears by the foregoing remarks 2,029¶ Total number registered up to this day 30,574 |
| 198 | .. | 2 | .. | Carolina . . . | Ditto | .. | .. | 353 | 323 | 323 | |
| 199 | .. | 3 | .. | La Pantica . . . | Schooner | Ditto | .. | 317 | 270 ^a | 269 | |
| 200 | .. | 4 | .. | Maria Isabel . . . | Ditto | Ditto | .. | 146 | 131 ^b | 130 | |
| 201 | .. | 5 | .. | { Arogante Maya- guesana . . . } | Ditto | Ditto | .. | 336 | 295 ^c | 288 | |
| 202 | 13 | 6 | .. | Pepita . . . | Ditto | .. | Liberated | .. | .. | .. | |
| 203 | .. | 7 | .. | Indagadora . . . | Ditto | Ditto | .. | 373 | 361 | 361 | |
| 204 | .. | 8 | .. | El Clemente . . . | Brigantine | Ditto | .. | 417 | 403 ^d | 401 | |
| 205 | 14 | 9 | Portuguese. | Maria da Gloria | Bark | .. | Liberated | .. | .. | .. | |
| 206 | .. | 10 | .. | Apta . . . | Schooner | Ditto | .. | 54 | 54* | .. | |
| 207 | .. | 11 | .. | { Santissimo Roza- rio e Bom Jesus } | Ditto | Ditto | .. | 54 | 54* | .. | |
| 208 | .. | 12 | .. | Tamega . . . | Brig | Ditto | .. | 442 | 434 | 434 | |
| 209 | .. | 13 | .. | Despique . . . | Schooner | Ditto | .. | 215 | 205 [†] | .. | |
| 210 | .. | 14 | .. | Felicidad . . . | Ditto | Ditto | .. | 164 | 162 [†] | .. | |
| | | | | | | | | 3,276 | 3,068 | 2,582 | |

^a One woman died prior to her description being taken to be registered.
^b One girl ditto.
^c Three men, 3 boys, and 1 girl, ditto.
^d One boy and 1 girl ditto.
 Total deaths before registration could be effected, 11.
 * These slaves (103) were emancipated as the cargoes of the "Africa" and "Santissimo Rosario e Bom Jesus"—having been landed at Fernando Po, they could not be registered here.
 † These slaves, in number 367, were emancipated as the cargoes of the "Despique" and "Felicidad"—having been landed at Nassau, New Providence, they could not be registered here.
 ¶ Vic. § 1,543
 † Deaths, as above. 103
 * 867
 † 9,029

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

Sierra Leone, 1st January, 1835.
 (Signed) JOHN SALTER,
 Acting Registrar.

Second Enclosure in No. 2.

Extract from a Letter to His Britannic Majesty's Commissioners, dated Sierra Leone, 5th January, 1835.

I REGRET to state that, in the rivers to the northward of this Colony, instead of a diminution of the Slave Trade, there exists an increased and increasing determination, on the part of the Natives and Spaniards, to push the trade to its utmost extent, particularly in the Rio Pongas, in which River, on my visit last September, I left no less than 4 vessels, all under Spanish Colours, viz., a large brig called the "*Feliz*," from Matanzas; a brigantine, name unknown to me, but known to His Majesty's brig, "*Brisk*," having been boarded by that vessel before entering the Rio Pongas; a schooner, called the "*Gazetta*," also from the Matanzas; and another large schooner, name unknown to me, arrived as I was quitting the river. She had been lately purchased at New York, in the United States, laid in her cargo there, and thence proceeded either to the Havana or Matanzas to change her nationality. These vessels were destined to take off slaves as under, viz.—

| | |
|------------------------------|-------|
| Feliz | 350 |
| Gazetta | 200 |
| The brigantine | 250 |
| The large schooner | 350 |
| | <hr/> |
| | 1,180 |

To this number may be added about 50 more, as the proprietors of slave factories in the Rio Pongas generally ship from 10 to 20 slaves by each vessel on their own account, and consign them to the Master of the slaver, most of these vessels or the Masters of them making regular voyages to that river. For instance, I was credibly informed that the "*Feliz*" had made three successful voyages to the Rio Pongas prior to this last one, and also the schooner, "*Gazetta*." The brigantine was intended for the Galinas, but finding that port in a very disturbed state, from the quarrels of Amarah and Siacca, two chiefs of that place, and extensive slave-traders, she went to the Rio Pongas for a cargo. The Master of the large schooner (a Frenchman of the name of Seorer) has made repeated successful voyages to the Pongas in a small schooner called the "*Narcissa*." The "*Feliz*" sailed with her full cargo on the 7th of December last. The brigantine was to sail in all this month, and the "*Gazetta*" would have sailed ere this, but has been prevented by the death of the Master and Mate. The large schooner will sail in about a month hence. It is the custom of these slavers to allow the factors 3, 4, or 5 months' credit, to procure the cargoes, according to the number of slaves required. The punctuality which has attended these transactions, on the part of slave-factors, added to the easy means of escape from the coast, afforded to the vessels by there being but one vessel-of-war actually cruising between Cape Palmas and Cape Roxo, has made a voyage to any of the slave-ports in the neighbourhood of this Colony a speculation of very little risk. This was admitted to be the case by Jozé Mauri, the Master of a slave-schooner lately condemned here, and who underwent an examination before the Police Magistrate, strong suspicion being entertained that he was a principal actor in a case of murder and piracy which occurred on this coast a few years since. He stated openly, that he should confine his future operations in the Slave Trade to the Rio Pongas and Galinas, as there was far less risk of capture from these places than from any of the slave-marts to leeward. This same man was Master of the schooner, "*Atafa Primo*," restored by the Courts of Mixed Commission a few years since. After the restoration of his vessel he went to the Rio Pongas, and procured a cargo of slaves, with which he got clear off. He had the audacity, on his outward passage to the coast, to wood and water at the Isles de Loss, at which place he remained several days, causing much uneasiness to the natives, there being at that time no military force on those islands, nor even a British resident.

The smaller vessels wait out their time in the river; the larger generally go on a cruize to the Cape de Verde Islands, till the time of credit has expired; and I have not the least doubt commit acts of piracy while on these cruizes. I form this conclusion, not upon the notorious character of the Spanish slavers, but from other circumstances which have come to my knowledge. The Spanish schooner, "*Georgiana*," alias "*Tampico*," commanded by Fortunato Romero, a name well known to His Majesty's Commissioners, was, with two other vessels, one Spanish, the other French, seized in the Rio Pongas, by order of the French Commodore Villaret Joyeuse, a few years since, for piracies committed on French vessels in the vicinity of the Cape de Verde Islands, and were all condemned by the French tribunals. Fortunato Romero, and the greater part of his crew, unfortunately for the ends of justice and the cause of humanity, escaped on shore before capture; and as late as last year the French corvette, "*La Bayonnaise*," captured a Spanish schooner in the River Salum, for carrying on the Slave Trade within their territory. This schooner was commanded by Theodore Canot, an Italian, and the partner of Jousiffe, while that person held a slave-factory in the Rio Pongas. After the condemnation of his vessel, Canot was allowed to go at large; but some circumstances transpired, which led to an investigation; and it was proved to the satisfaction of the French tribunal at Senegal that this same Canot had, on a previous voyage to this coast, captured a French vessel, and sold her, with her cargo, in the West Indies, and he was carried a prisoner to France in the frigate, "*La Flore*." Again, what led to the capture of the Portuguese schooner, "*Nympha*," by His Majesty's brig "*Conflict*," was the circumstance of the Master of the "*Nympha*" mistaking the "*Conflict*" for a merchant-vessel, and actually sweeping, in a calm, to within three miles of her. The brig "*Feliz*," before alluded to, was detained several months on her last voyage, not for want of her cargo of slaves, but from want of rice to feed them on their passage to Cuba. The Master, whose name is Ponz, came on board my vessel to purchase provisions for himself and crew, stating that, in consequence of his long detention, the latter were obliged to live on cassada and jerked beef. He further told me that his slaves had been ready for shipment two months, but, owing to the great scarcity of rice, it was impossible for him to leave; that several of the slaves on shore had died of actual starvation; that his crew was in a state of mutiny, and impatient to leave. On my acquainting him of my incapability to furnish him with any supplies, he told me, that if he could but raise a fortnight's provisions he would start, and help himself from any vessel that he fell in with: and so closely is the Slave Trade become allied to piracy, that those who engage in the one have no hesitation in committing the other; and their principle,

“that dead men tell no tales,” acted on when they attack a defenceless merchant-vessel, leaves many a scene of horror undiscovered and buried in the bosoms of those wretches.

In the Rio Nunez, the traffic in slaves is not carried on to the extent it was formerly, when the French flag was used to protect these speculations. It is also greatly outweighed in importance by the extensive trade carried on in the productions of the country, gold, hides, rice, and ivory, which are brought from the Foulah country and more distant parts of the interior; also wax, palm-oil, salt, &c., collected and manufactured by the natives inhabiting the banks of the river and sea-shore; the advantages of which have induced a few respectable English, French, and American merchants to form establishments there. The Chief of this river, like all other native Chiefs, gives encouragement to the Slave Trade. The consequence is, that, until lately, there were no less than 3 slave-factories in this river belonging to Caetano, of Bissao, commonly called Kyetan, a Portuguese; another to a Frenchman of the name of Laporte; and another to Isidore Powell, formerly Master or Supercargo of the schooner, “*Rosa*,” captured in the West Indies, and condemned here by the Mixed Commissions. To what nation Powell belonged it is difficult to ascertain. By some he was stated to be a native of Liverpool, or some part of Scotland; by others, an American; he, however, called himself a Spaniard; and, being a perfect linguist, could pass himself off as the subject of any nation which best suited his purpose. The factories of Laporte and Powell are broken up. The former person, from the increased vigilance of the French cruisers, and the heavy punishment now awarded to the crime by the laws of France, despaired of success, and a dispute arising between himself and his brother-in-law, the latter shot himself in the cabin of the vessel called the “*Felicité*.” This vessel was sold to Caetano, of Bissao, who chartered her to Powell, to take off a cargo of slaves, and she is the same schooner lately condemned as the “*Felicidad*,” in the British and Portuguese Court of Mixed Commission, as prize to His Majesty’s schooner, “*Nimble*.” Powell died at sea during the last rainy season, from the pestilential fever, which has prevailed in the Rio Nunez. His death has brought circumstances to light which confirm the suspicion, long entertained, that the Americans are deeply engaged in the Slave Trade, under cover of the Spanish flag. It now appears that Powell was the Agent of a mercantile house at New York (the name I have been unable to learn). He arrived at St. Mary’s, in the Gambia, provided with a sum of money, and Letters of Credit on a house of the first respectability in London; he purchased of the different merchants at St. Mary’s a large quantity of goods adapted for his purpose; went to the Rio Nunez, was well received by the Chiefs, and allowed to establish himself. After his death, Caetano endeavoured to possess himself of the property left by Powell, in the Rio Nunez, supposing that the Chief there was ignorant of the death of Powell, which, however, he was not, and Caetano did not succeed. The Chief, Mycandi, on the plea that this property was intended for the Slave Trade, has since taken it to himself. Prior to Powell’s departure for the Nunez a very handsome brigantine, under Spanish colours, had arrived in the Nunez to take off his slaves. Powell’s death prevented her getting more than the third of a cargo. The slaves on hand, at the time of Powell’s death, amounting to less than 100, were sent to Bissao in canoes, to be from thence shipped in the brigantine for Cuba. This will turn out a bad speculation for the New York House, as the whole of the property left by Powell, in the Rio Nunez, is confiscated—his first remittance of slaves, captured by the “*Nimble*,” those shipped in the brigantine, if safely landed in Cuba, being the only returns the House will have to look to for their heavy outlay. During my late visit to the Rio Nunez, a very suspicious vessel arrived from New York, with the name of “*Thomas Hall*” painted on a piece of board, and nailed to the stern. She was stated to be the property of Thomas Curtis, a Mulatto native of the Rio Pongas, who had returned in her from America, whither he had been to recover some property, and in which it was stated he had succeeded. The Master, Mate, and crew were Americans. Now, if Curtis be really the Owner of the vessel, as declared by the Master and others on board, she cannot be a *bonâ-fide* American vessel, as it is contrary to the laws of the United States for foreigners to hold property in vessels under their flag. There is very little doubt but that this vessel is intended to carry off a cargo of slaves, either under the Portuguese or Spanish flags. Curtis and all his family in the Rio Pongas are engaged in the Slave Trade; and his father (an American) was a noted and extensive slave-dealer. The vessel sailed for the Rio Pongas before I left the Rio Nunez.

At the Portuguese settlement of Bissao, of which Caetano is stated to be the Governor, an active Slave Trade is carried on, principally by Caetano himself, who is said to have become wealthy by his speculations. He also carries on an extensive business in the produce of the country, principally with the merchants of St. Mary’s. He is the only man of importance in Bissao, and his situation enables him to give or obtain Portuguese Papers for any vessel whose object is not a legal one. At the Portuguese settlement in the River Cacheo the Slave Trade is, I may say, snugly carried on; its inaccessible situation causing it to be seldom visited by the vessels-of-war. The Slave Trade of both these settlements must, however, have been greatly curtailed of late, as they have not now so open a market in the Brazils for slaves as formerly. The facility with which Caetano can clothe any vessel he may obtain with a Portuguese character enables him to carry slaves for others—a speculation by no means unprofitable, as the following calculation will show:—

| | Dollars. |
|--|----------|
| The “ <i>Felicidad</i> ” cost. | 3,000 |
| Her outfit from Bissao (Laporte previously prepared her for such a voyage) | 500 |
| Wages of the Master, per month | 80 |
| Ditto of the Mate, ditto | 60 |
| Ditto of the Mate, ditto | 50 |
| Eight seamen, \$30 each | 240 |
| Five ditto, \$20 each | 100 |
| Provisions for Master and crew | 100 |
| Wages and provisions, per month | \$630 |
| Five months for the voyage and back to Bissao, at \$630 per month | 3,150 |
| Vessel’s proportion of bribes to Authorities in Cuba | 2,000 |
| Vessel’s expense in Havana. | 2,000 |
| | \$10,650 |

| | |
|--|----------|
| Brought forward | \$10,650 |
| By freight of 164 slaves, \$100 per head | 16,400 |
| | <hr/> |
| | 5,750 |
| Add diminished value of vessel on return | 2,000 |
| | <hr/> |
| Profit on successful voyages | \$ 7,750 |

In these transactions I have always understood that the Owners of the slaves provide the provisions: the water, cooking-apparatus, &c. are found by the Owner of the vessel.

I have not in this calculation made any charge for insurance—an expense which no man would incur in a speculation where the returns are likely so far to exceed the outlay. Although the evidence taken in the "*Felicidad's*" Case states the slaves found on board to be the property of Caetano, it is notorious in the Rio Nunez that they belonged to Powell. The two witnesses examined being seamen, and probably knowing nothing of the matter, conceived them to belong to Caetano, as they were shipped close to Bissao.

That the extensive Slave Trade carried on in the Rio Pongas, and other parts adjacent to the Colony, is not only a great impediment to the civilization and improvement of the surrounding native tribes, but a serious drawback on the commerce of this Colony, the very fact of its being the cause of the exterminating warfare now raging between our immediate neighbours, the Timmanees, Locos, and Kussoos, is sufficient to demonstrate. These native wars prevent the industrious trader in gold and other produce passing from the interior to the coast. It is not an unfrequent occurrence, the gold trader being plundered, and even murdered, by one or other of these petty belligerents. The object of these wars is solely to enable the strong and the artful to make prisoners and slaves of the weak and the ignorant, and profit by the sale of them. I was assured by one of the parties engaged in supplying slaves to the vessels in the Rio Pongas, that, out of the 1,200 slaves which the 4 vessels were intended to take from that river, 1,000 would be obtained from the Scarcies and Melicourie Rivers, and principally of the Timmanee and Loco nations. This person's statement has been corroborated by a circumstance, which came to my knowledge a month since, that 240 slaves, which had been purchased in the River Scarcies, were marched over-land from the Melicourie to the Rio Pongas. The cause of the trader's taking this expensive and hazardous mode of transporting the slaves, I learned to be, that they were afraid, if carried round in canoes, they would be seized by me when passing the Isles de Loss. The transport by land is attended with so much expense and risk to the slave-factories in the rivers, that it would be desirable to prevent canoes passing with slaves between the Isles de Loss and the main land, which can, I believe, be legally done. Any impediment thrown in the way of this traffic must render it less profitable, and will, in some measure, operate as a check to the trade. In being transported over-land, in such numbers particularly, the poor slave has a chance of making his escape. Added to this risk, the head man of every town and village makes the factor pay for allowing the slaves to pass through.

Of the Galinas I know nothing but what is well known to the whole Colony, never having been there, nor having had any intercourse with the place. Not more than 5 vessels (if my memory is correct) have been captured from that mart during the last 7 years, and, judging from the number of Spanish slave-vessels said to be constantly there, the captures have not exceeded 1 in 30.

It must be very evident, from the preceding statements, that there are not a sufficient number of vessels-of-war, to watch the operations of the slave-traders between Cape Palmas and Cape Roxo—a line of coast along which the industrious traders of this Colony are extending their exertions; nor is the force employed here sufficient to protect the property of the legal trader. Insults and threats are offered, and sometimes piracy is committed on vessels engaged in lawful commerce. I was myself a severe sufferer, a few years since, by the attack and plunder of one of my vessels off Cape Mount. The cruelty with which the Master was treated caused his death two months after. It is utterly in vain to look for a cessation of this odious traffic, until the Governments of Spain and Portugal consent to the Equipment Article being added to the present Treaties entered into with them. The British Government may increase the number of men-of-war on this station, and send hither their fastest-sailing cruizers, the ship-builders of Baltimore will out-match them in the sailing qualities of their clippers. The brig "*Feliz*," before alluded to, is about 250 tons admeasurement, and one of the handsomest models of a fast sailer I ever saw; yet the Master, Ponz, during my conversation with him, stated that the "*Feliz*" was not to be compared to the vessels now building at Baltimore for the Slave Trade, which were principally of a larger class, and of the fastest-sailing models which their skill and ingenuity could devise. According to the statements of Powell and the other slave-traders, a great advance in the price of slaves is expected in Cuba, from the abolition of slavery in the West Indies. Should His Majesty's Government succeed in prevailing on those Powers, whose flags now protect the Slave Trade, to accede to the Equipment Article, it would have the effect of stopping the export of slaves from this coast, as the chance of capture would then be so great, as to render the traffic too precarious for the most enterprising speculators.

Were the export of slaves from this coast effectually prevented, it would be productive of the greatest benefit to Africa; there would then be no longer any object for the petty wars among the native tribes, which obstruct a free intercourse among each other; the cultivation of rice and other necessaries of life would increase in a few years to ten-fold their present extent: domestic slavery would remain, it is true, and, in a portion of the world shrouded for ages in the darkest state of barbarism, must remain, until the doctrines of Christianity, extending their benign influence, gently overcome the dogmas of Mahomet, and civilization, following on the heels of commerce, shall penetrate the most remote and unknown districts of this continent, carrying with it social order, good government, and security for life, liberty, and property.

No. 3.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 24.)
 MY LORD, *Sierra Leone, 5th January, 1835.*

WE have the honour to transmit herewith a certified Copy of the List of slaves registered here by the different Courts of Mixed Commissions, from the 5th of July last to this date. The number so registered was 1,614.

We have, &c.

(Signed)

THOS. COLE.

H. W. MACAULAY.

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

Enclosure in No. 3.—(Abstract.)

| | Number Registered. | Number died before Registration, but Emancipated. | Number Emancipated. |
|---------------------------------|--------------------|---|---------------------|
| Tamega | 434 | .. | 434 |
| Maria Isabel | 130 | 1 | 131 |
| Arrogante Mayaguesana | 288 | 7 | 295 |
| Indagadora | 361 | .. | 361 |
| El Clemente | 401 | 2 | 403 |
| | 1,614 | 10 | 1,624 |

(Mem.)—Number registered up to the 5th July, 1834 28,960
 „ „ from the 5th July to the 5th January, 1835 1,614
 Total 30,574

N.B. In addition to the foregoing List of emancipated slaves registered in the period set forth, there were 205 other slaves seized on board of the Portuguese schooner, "Despique," and 162 other slaves seized on board of the Portuguese schooner, "Felicidad" (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 delivered at Nassau, New Providence.

Registry Office, Sierra Leone,
5th January, 1835.

(Signed)

JOHN SALTER,

(L.S.)

Acting Registrar.

No. 4.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 7.)
 MY LORD DUKE, *Sierra Leone, 23d April, 1835.*

WITH reference to the Letter addressed to your Grace by His Majesty's Commissioners, dated the 18th February, 1835, we have now the honour to acquaint your Grace that M. Santos, lately appointed Commissioner of Arbitration, in the room of M. Silveira, promoted to be Commissary Judge, arrived here on the 16th instant, bringing with him the Commissions of appointment for himself and his colleague; and those Documents were submitted to our inspection, and found to be in proper form. The usual oath of office was accordingly administered, on the 18th instant, by his Honour the Chief Justice, to M. Silveira as Commissary Judge, and to M. Santos as Commissioner of Arbitration, on the part of the Imperial Government of Brazil, in the Mixed British and Brazilian Court of Commission.

These gentlemen have been respectively installed in their new offices, and we are prepared cordially to enter with them upon the execution of the duties with which we are jointly intrusted.

We have, &c.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

His Grace the Duke of Wellington, K.G.
 &c. &c. &c.

No. 5.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 3d September, 1835.

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.

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

I am, &c.
(Signed) PALMERSTON.

No. 6.

His Majesty's Commissioners to the Duke of Wellington.—(Received Sept. 14.)

MY LORD DUKE,

Sierra Leone, 6th July, 1835.

WE have the honour to forward herewith to your Grace a certified Copy of the List of slaves registered by the Courts of Mixed Commission here, in the period from the 5th January, 1835, to the 5th instant.

The number so registered was 2,746, and the number emancipated in that time was 2,813; 23 slaves having died between the period of emancipation and registration, and 44 slaves from the Portuguese schooner, "*Maria*," having been landed at the Island of Fernando Po, who could not therefore be registered at this place.

We have, &c.
(Signed) H. W. MACAULAY.
WALTER W. LEWIS.

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

Enclosure in No. 6.—(Abstract.)

| | Number Registered. | Number died before Registration, but Emancipated. | Number Emancipated. | |
|-----------------------------|--------------------|---|---------------------|--|
| Sutil | 210 | 6 | 216 | |
| Atrevido | 482 | .. | 482 | |
| Formidable | 378 | 12 | 390 | |
| Maria | 4 | .. | 48* | * This number includes 44 slaves landed and left at Fernando Po, of which slaves 4 were brought up here, and have been registered. |
| Minerva | 444 | .. | 444 | |
| Iberia | 305 | .. | 305 | |
| El Manuel | 375 | .. | 375 | |
| Bienvenida | 362 | 5 | 367 | |
| Legitimo Africano | 186 | .. | 186 | |
| | 2,746 | 23 | 2,813 | |

(Mem.)—Number registered up to the 5th January, 1835 30,574
" " from the 5th January to the 5th July, 1835 2,746

Total 33,320.

Sierra Leone, 6th July, 1835.

(L.S.) JOHN SALTER,
Acting Registrar.

No. 7.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 2d February, 1836.

I HEREWITH transmit to you, for your information and guidance, the accompanying Copies of Correspondence* with His Majesty's Envoy at Rio de Janeiro.

* From Mr. Fox, March 13, 1835. }
To ditto, June 29, " } See Class B.
From ditto, Nov. 8, " }

From these Papers you will perceive the acquiescence of the Brazilian Government, in the opinion pronounced by His Majesty's Government and by the Law Advisers of the Crown, respecting the jurisdiction which the Court of Mixed Commission, established at Rio de Janeiro, ought to exercise over natives of Portugal residing in Brazil, and found implicated in the Slave Trade, under circumstances similar to those which occurred in the Case of the "*Maria da Gloria.*"

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

I am, &c.
 (Signed) PALMERSTON.

No. 8.

His Majesty's Commissioners to Viscount Palmerston.—(Received March 25.)
 MY LORD, *Sierra Leone, 2d January, 1836.*

WE have the honour to transmit to your Lordship a List of all the Cases adjudged during the year 1835, in the British and Portuguese, and British and Spanish Courts of Mixed Commissions. No Case during that period came before either the British and Netherlands, or the British and Brazilian Courts.

Four Portuguese and 12 Spanish vessels have been adjudicated, all of which were condemned as good and lawful prizes.

Four thousand six hundred and forty-five slaves were emancipated during the same period, of which number 4,556 have been registered in this Colony; 45 negroes died after emancipation, but before their descriptions could be taken to be registered; and 44 others, from the Portuguese schooner "*Maria,*" were landed, and still remain, at Fernando Po, and therefore could not be registered here.

From this statement it will be seen, that nothing has yet been done towards removing the slaves last mentioned to this Colony, probably from an opinion that the attempt would be fruitless. The "*Maria's*" cargo makes the number of emancipated negroes, who have been left at Fernando Po at various times, since the establishment of the Mixed Commissions, 818.

The total number of slaves emancipated by the Mixed Courts, since their establishment in this Colony, in June, 1819, is 37,248, of which number 35,130 have been registered here.

There is nothing, in the experience of the past year, to show that the Slave Trade of Portugal or Spain has in any degree diminished. With regard to the former we have elsewhere called the attention of your Lordship to the fact, that all the Portuguese vessels which have been captured during the year 1835, fully laden with slaves, were fitted out at Prince's Island, and received their Papers and Clearances from the Provisional Government of that settlement. But malpractices of this nature, on the part of her Colonial Governments, have so long been tacitly permitted, or wholly disregarded, by Portugal, that we entertain little hope of any further representations on the subject being effectual.

With regard, however, to the Slave Trade of Spain, a more cheering prospect is afforded by the Treaty signed at Madrid on the 28th June, 1835; and it would be strange indeed if it was not hailed with pleasure by us, who have so long and so earnestly pleaded for a measure, like that which has at length been conceded, rendering all Spanish vessels equipped for the Slave Trade, even without slaves on board, liable to seizure and confiscation.

But, although we consider the conclusion of the new Treaty, a grand step towards the ultimate abolition of the Slave Trade on this unfortunate coast, we are far from anticipating that it will produce, except in its early consequences, all those *direct* advantages which appear to be calculated upon in England. It will undoubtedly be very effective in the first instance; it will drive from the coast, or consign to certainty of capture, every one of the numerous Spanish slavers, fitted for slaves, which are now lying in the Rivers of Benin and Biafra. Should these vessels fortunately remain ignorant of the new Equipment Treaty (for such as cleared out from Cuba in the early part of 1835 received no warning on the subject from the Spanish Authorities,) they will *all* become prizes. But should it happen, as is most probable, that they will be aware of the circumstance in time, a desperate struggle will instantly be made to escape, with as many slaves as can be shipped at the moment; and thus, for a time at least, will the coast be freed from the baneful presence of Spanish slave-traders.

The effect of its example is the great advantage which we anticipate from the new Treaty with Spain ; nor is it easy to conceive on what principle Portugal can refuse to imitate the conduct of her partner in the guilty traffic, left as she has been, by the severance of Brazil from the mother-country, without one colonial possession, for whose supposed benefit she can plead for a continuance of the right to trade in the sufferings and death of human beings. Spain could urge the necessity of keeping up the slave-population of Cuba, and the danger to which even her sovereignty over that valuable island would be exposed, by the general dissatisfaction which such a measure would certainly produce there ; but Portugal is left without excuse, and we do trust that ere long she will adopt a course of proceeding, which her own honour and the interests of humanity have so long demanded from her in vain.

We have, &c.
(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

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

&c. &c. &c.

Enclosure in No. 8.

A List of Cases adjudicated in the Courts of Mixed Commissions established at Sierra Leone, betwixt the 1st day of January, 1835, and the 1st day of January, 1836.

| Number of Cases adjudicated between June, 1819, and 1st January, 1836. | Number of Vessels liberated between June, 1819, and 1st January, 1836. | Number of Cases adjudged betwixt 1st January, 1835, and 1st January, 1836. | NATION. | NAME of VESSEL. | CLASS. | CONDEMNED. | LIBERATED. | Number of Slaves on board at the time of Capture. | Number of Slaves Emancipated. | Number and Registered. | REMARKS. |
|--|--|--|----------|--------------------|------------|------------|------------|---|-------------------------------|------------------------|---|
| 211 | 14 | 1 | Spanish. | Sutil | Schooner | Condemned. | .. | 307 | 210 | 210 | Total number of slaves emancipated and registered here between June, 1819, and 1st January, 1835. 30,574 |
| 212 | .. | 2 | 1 | Formidable | Brig | Ditto | .. | 712 | 390 ^b | 378 | Total number of slaves emancipated and not registered, between June, 1819, and 1st January, 1835, for reasons assigned in previous returns 2,029 [†] |
| 213 | .. | 3 | 2 | Minerva | Polacca | Ditto | .. | 650 | 444 | 444 | Total number of slaves emancipated between 1st January, 1835, and 1st January, 1836 4,645 |
| 214 | .. | 4 | 3 | Iberia | Schooner | Ditto | .. | 313 | 305 | 305 | Total number of slaves emancipated between June, 1819, and 1st January, 1835, for reasons assigned in previous returns 2,029 [†] |
| 215 | .. | 5 | 4 | El Manuel | Brigantine | Ditto | .. | 387 | 375 | 375 | Total number of slaves emancipated between 1st January, 1835, and 1st January, 1836 4,645 |
| 216 | .. | 6 | 5 | Bienvenida. | Schooner | Ditto | .. | 430 | 367 ^c | 362 | Total number of slaves emancipated between June, 1819, and 1st January, 1835, for reasons assigned in previous returns 2,029 [†] |
| 217 | .. | 7 | 6 | Conchita* | Ditto | Ditto | .. | 154 | 141 | 141 | Total number of slaves emancipated between 1st January, 1835, and 1st January, 1836 4,645 |
| 218 | .. | 8 | 7 | Numero Dos | Ditto | Ditto | .. | 141 | 141 | 141 | Total number of slaves emancipated between June, 1819, and 1st January, 1835, for reasons assigned in previous returns 2,029 [†] |
| 219 | .. | 9 | 8 | Volador | Brigantine | Ditto | .. | 487 | 428 ^d | 418 | Total number of slaves emancipated between 1st January, 1835, and 1st January, 1836 4,645 |
| 220 | .. | 10 | 9 | Semiramis | Schooner | Ditto | .. | 477 | 426 ^e | 421 | Total number of slaves emancipated between June, 1819, and 1st January, 1835, for reasons assigned in previous returns 2,029 [†] |
| 221 | .. | 11 | 10 | Argos | Brig | Ditto | .. | 429 | 366 ^f | 361 | Total number of slaves emancipated between 1st January, 1835, and 1st January, 1836 4,645 |
| 222 | .. | 12 | 11 | Conde de los Andes | Schooner | Ditto | .. | 282 | 269 ^g | 267 | Total number of slaves emancipated between June, 1819, and 1st January, 1835, for reasons assigned in previous returns 2,029 [†] |
| 223 | .. | 13 | 12 | Atrevido | Brig | Ditto | .. | 494 | 482 | 482 | Total number of slaves emancipated between 1st January, 1835, and 1st January, 1836 4,645 |
| 224 | .. | 14 | 13 | Maria | Schooner | Ditto | .. | 48 | 48 ^h | 4 | Total number registered up to this day 35,130 |
| 225 | .. | 15 | 14 | Legitimo Africano | Ditto | Ditto | .. | 190 | 186 | 186 | |
| 226 | .. | 16 | 15 | Thereza | Ditto | Ditto | .. | 214 | 202 | 202 | |
| | | | 16 | | | | | 5,574 | 4,645 | 4,556 | |

* This vessel was brought into Court 25th August, 1835, but the case was not finally adjudicated till July, 1836.
 a. Two women, 3 boys, and 9 girls, died in their respective prisons being taken to be registered.
 b. Five men, 2 women, and 5 girls died, &c.
 c. Four men and 1 woman died, &c.
 d. Eight men and 2 women died, &c.
 e. Four men and 1 woman died, &c.
 f. Four men and 1 woman died, &c.
 g. 1 man and 1 girl died, &c.
 Total deaths before registration could be effected 45
 h. Of these 44 were landed and detained at Fernando Po, and therefore not registered here.

Vir. 2,029
 Penits, as above 43
 h. 44
 Total 2,118

Sierra Leone, 1st January, 1836.

M. L. MEEVILLE,
 Registrar.

H. W. MACAULAY,
 WALTER W. LEWIS.

(Signed)

No. 9.

His Majesty's Commissioners to Viscount Palmerston.—(*Received March 25.*)
 My LORD, *Sierra Leone, 5th January, 1836.*

WE have the honour to transmit herewith a certified Copy of the List of slaves registered here by the different Courts of Mixed Commission, from the 5th July last to this date.

The number so registered was 1,810.

We have, &c.
 (Signed) H. W. MACAULAY.
 WALTER W. LEWIS.

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. |
|------------------------------|--------------------|---|---------------------|
| Numero Dos | 141 | .. | 141 |
| Volador | 418 | 10 | 428 |
| Semiramis | 421 | 5 | 426 |
| Argos | 361 | 5 | 366 |
| Conde de los Andes | 267 | 2 | 269 |
| Thereza | 202 | .. | 202 |
| | 1810 | 22 | 1832 |

(*Mem.*)—Number registered up to the 5th July, 1835 33,320
 „ „ from the 5th July, 1835, to the 5th January, 1836 1,810
 Total 35,130

Sierra Leone,
5th January, 1836.

(Signed) M. L. MELVILLE,
 (L. S.) Registrar.

SIERRA LEONE. (*Spain.*)

No. 10.

His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 26, 1835.)

MY LORD,

Sierra Leone, 13th October, 1834.

WE have the honour to enclose our Report of the Case of the Spanish schooner, "*Arogante Mayaguesana*," Bartolomé Ferrer, Master, captured, on the 17th ultimo, by His Majesty's brig-of-war, "*Lynx*," Lieutenant Henry Vere Huntley commanding, in latitude 4° 11' south, longitude 10° 27' west, with 337 slaves on board, said to have been embarked on the 3d ultimo, in the Province of Angola. The prize was bound with her cargo to the Island of Porto Rico, from which place she had cleared out.

The "*Arogante Mayaguesana*" arrived in this harbour on the 30th ultimo, and proceedings were commenced against her on the following day in the British and Spanish Court, which ended, on the 9th instant, in the condemnation of the vessel and her cargo, and the emancipation of her slaves.

This is the first instance, since the period of the total abolition of the Slave Trade by Spain, of a slave-vessel, captured to the southward of the line, being brought before the British and Spanish Court for adjudication. The doubts, which formerly existed as to the legality of such a capture, were entirely removed by your Lordship's Despatch of the 9th November, 1832, acquainting us "that all Spanish vessels found trafficking in slaves on the Coast of Africa, whether to the north or south of the equator, will now be liable to be dealt with for condemnation under the Treaty," and we have reason to hope that, when our present decision shall become known to the squadron, it will lead to greater activity in cruising in southern latitudes.

Another peculiar feature in this Case is, that no declaration of the facts of the seizure was presented by the Captor, Lieutenant Huntley. In the absence of this Document, we should have hesitated to admit the vessel into Court, but for the strong opinion expressed by His Majesty's Government, so long ago as May, 1824, in the Case of the Spanish schooner, "*Fabiana*," that every deviation from the Treaty does not necessarily invalidate a capture, and that, even when no Declaration has been made by the Captor, we ought still to proceed to the adjudication of the Case.

The mortality which has occurred amongst the slaves of the "*Arogante Mayaguesana*" is very great. The greater part of them were children, as is generally the case with cargoes of slaves shipped from the same quarter; 18 slaves died between the 3d and 17th ultimo; 41 between that date and the 9th instant; and 9 more, subsequent to their emancipation and before their descriptions could be taken to be registered, making a total of 68 deaths, or a loss of about one-fifth of the whole number, in less than 6 weeks. This dreadful mortality increased rather than diminished, during the progress of the proceedings before the Court, and the transfer of the emancipated negroes to the Colonial Government, owing to the present want of all accommodation for slaves pending adjudication.

We have, &c.

(Signed)

THOS. COLE.

H. W. MACAULAY.

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

&c.

&c.

&c.

Enclosure in No. 10.

Report of the Case of the Spanish schooner, "Arogante Mayaguesana," Bartolomé Ferrer, Master.

THIS vessel, as her name signifies, belonged to the town of Mayaguez, in the island of Porto Rico. She was, like the "*Maria Isabel*," (the last reported Spanish Case,) unprovided with a Royal Commercial Passport from Madrid; but with this exception her Ship's Papers are perfectly regular. By a Bond, dated in Porto Rico, on the 13th February, 1834, the Master of the "*Arogante Mayaguesana*," Bartolomé Ferrer by name, binds himself in the sum of 1,750 dollars "not to pass to prohibited seas, or to any parts not allowed in his Papers, and not to enter into any contraband trade." The Bond is executed before 3 witnesses. A merchant of Mayaguez gives security for its due fulfilment, and a Certificate of its registration is added by the Royal Notary.

A Passport was granted on the following day by Don Francisco de Paula Topete, the Governor of Porto Rico, authorising the "*Arogante Mayaguesana*," "the said ship not having the Royal Patent of Mercantile Navigation, to sail from that port with a cargo of licit goods for St. Thomas;" and warning the Captain against the traffic in slaves, "such being absolutely prohibited by the Treaty between His Majesty and the King of England, dated the 23d September, 1817, and by the 3d Article of the Royal Ordinance of the 19th December of the same year."

As usual in cases of this nature, Ferrer disregarded the penalties of the Bond which he had given, and violated the injunctions of the Passport which he had received; relying, no doubt, upon the impunity which was always found to attend such offences.

The "*Arogante Mayaguesana*" would appear to have come direct to St. Thomas, and to have remained there some time, as an account paid by her Master to one of the merchants of the island shows her to have been at that island the greater part of the month of March last. We then lose sight of the vessel altogether for a period of nearly 6 months, during which time her cargo of merchandise must have been bartered for slaves, of whom she embarked a large number on the 3d September last, in the Province of Loango, and was captured 14 days afterwards by His Majesty's brig, "*Lynx*," Lieutenant Henry Vere Huntley commanding, in 4° 11' south latitude, and 18° 27' west longitude.

On the 30th ultimo the "*Arogante Mayaguesana*" arrived in this harbour, with 309 slaves on board, under the charge of Mr. Stephen Johns, Master's Assistant, and a prize crew from the capturing ship. Her arrival, and the circumstances of her capture, were duly reported by the Acting-Marshal of the Court. She was also visited by the Surgeon, who stated that 28 of the slaves had died since the date of capture; that there were on board 11 cases of severe disease, chiefly bowel complaint in the advanced stage; that many of the slaves, also, were in such an emaciated state, as to require more than ordinary care for the preservation of their health; and, as the means of accommodation on board rendered such care impossible, the landing of all the slaves, as soon as possible, was recommended.

The vessel was brought before the British and Spanish Court on the following morning, the 1st instant, and the Ship's Papers, 14 in number, were deposited in the Registry, having been authenticated by the Prize-Master's Affidavit. An Affidavit was then put in by the same party, to account for the absence of any Declaration on the part of Lieutenant Huntley, the Captor. In this Document the deponent states, "that he was present at the seizure of the Spanish schooner, '*Arogante Mayaguesana*,' on the 17th day of September, by His Majesty's brig-of-war, '*Lynx*,' and was sent on board the prize, for the purpose of bringing her to this port for adjudication; and that he verily believes the Declaration of the Captor, and the List of the stores taken on board of the said vessel, were either lost or mislaid, through the darkness of the night and the hurry and confusion which attended the detention of the said vessel."

There can be little doubt of the correctness of this representation, as the experience which Lieutenant Huntley has had on the coast would altogether exclude the belief, that he could have neglected so important an Article of his Instructions.

Under these circumstances it was decided, that the Declaration of the Prize-Master should be admitted, in lieu of one from the Commander of the capturing vessel. It was accordingly filed, and is to the following effect:—"I, Stephen Johns, Master's Assistant of His Majesty's brig, '*Lynx*,' Lieutenant Henry Vere Huntley commanding, hereby declare that, on the 17th day of September, 1834, being in or about latitude 4° 11' south, longitude 10° 27' west, the said brig-of-war detained the schooner or vessel named the '*Arogante Mayaguesana*,' sailing under Spanish colours, armed with 3 guns, 9-pounders, commanded by Bartolomé Ferrer, who declared her to be bound from Angola to Porto Rico, with a crew consisting of 32 men and boys, whose names are inserted in a List at the foot hereof, and having on board 337 slaves, said to have been taken on board at Loango, on the 3d day of September, 1834."

In thus consenting to admit Mr. Johns' Declaration, we are guided by the Instructions received from His Majesty's Government about 11 years since, when an occurrence took place of precisely a similar nature. The Spanish schooner, "*Fabiana*," arrived at Sierra Leone on the 16th October, 1823, with 170 slaves on board, under the charge of Mr. Joseph Batt, the Acting Second-Master of His Majesty's ship, "*Owen Glendower*," an Officer, therefore, of precisely the same rank as the Prize-Master in the present instance. Mr. Batt tendered a Declaration of the circumstances of the capture, in the absence of the usual Declaration from the Captor; but His Majesty's Commissioners refused to receive it, or to admit the vessel into Court. With reference to this decision the late Mr. Secretary Canning, in a Despatch dated May 29th, 1824, writes:—"The King's Advocate has reported, that the detention of the '*Fabiana*' having been made by a competent Officer, and the Declaration, which was omitted, not being enjoined to be given in all cases, but only where held to be necessary, the circumstance that the captured vessel was sent in for adjudication by the subordinate Officer, though an irregular act, was not so irregular but that you might have proceeded to adjudication. And the King's Advocate further points out, as what he holds to be the sound construction of the Treaty, that every deviation from the Treaty does not necessarily invalidate a capture. You will therefore act upon this opinion in this Case, so far as circumstances will allow of it, and on similar occasions."

When, therefore, the Captor's Proctor petitioned, on the same day, "that the Affidavit of the Prize-Master, authenticating the Ship's Papers, might be received and filed, with his Declaration of

the seizure, that the usual Monition might issue, and that the evidence might be produced," the Petition was granted without hesitation. The Monition was issued, and the witnesses in preparatory, named by the Proctor, the Master and Cook of the detained vessel, were ordered to be in attendance at the Registry Office on the following morning.

It was found impossible, in this instance, to comply with the Petition of the Captor's Proctor, and with our own wishes, by landing the whole of the slaves on board the detained vessel. From the limited accommodation afforded by the premises of the Liberated African Department in town, and from their present crowded state, we were only able to land 150 of the most sickly and emaciated, at the Fever Hospital belonging to Government, some miles distant from town, and which, very happily, was not occupied at the time. Of this number 12 died in less than a week.

The examinations on the standing interrogatories were taken on the 2d instant.

Bartolomé Ferrer, the Master of the "*Arogante Mayaguesana*," deposed, "that he was born in Catalonia; lives in Porto Rico, and has lived there for the last 3 years; is a subject of Spain, and has never been a subject of any other state; is not married; is the Owner of the detained vessel, and appointed himself to the command of her; took possession of her in Porto Rico, in February last, from Ruiz and Co., who are Spaniards, and live at Porto Rico; has known the vessel about a year and a half; saw her first at Porto Rico; believes she was built in America; was on board when the vessel was taken; she was taken for having slaves on board; she sailed under Spanish colours; she had besides 1 French flag on board, which was in the vessel when he purchased her; the name of the vessel is '*Arogante Mayaguesana*,' and was so when he purchased her, nor has he ever known her by any other name; she is 96 Spanish tons, and had a crew of 31 officers and men, besides himself; they were all Spaniards, except one from St. Thomas, and were shipped by him at Porto Rico, excepting two or three whom he shipped at St. Thomas instead of others who were sick; is sole Owner of the vessel; has a share in her cargo of 1,500 dollars; was also her Captain; the voyage began at Porto Rico, and was to have ended there; it was also the last clearing-port the vessel sailed from; she went thence direct to St. Thomas to repair damages, and then to Loango, where she took in her cargo of slaves; saw the capturing ship on the 17th of last month in about 4° 30' south latitude, and was taken a few hours afterwards; was making the best of his way to Porto Rico, but when chased altered his course to avoid capture; had 3 mounted guns on board, 20 muskets, 12 or 13 cutlasses, a few pistols, and 2 or 3 kegs of powder; was so armed for protection against pirates; made no resistance to capture, but did everything in his power to escape; the cargo from Porto Rico consisted of rum, and at St. Thomas, he purchased dry goods and powder; her cargo at present is slaves, of whom he took on board 353; they were all shipped from the shore at the same time; believes 17 or 18 of them died before capture; does not know how many have died since; after capture the vessel came direct to Sierra Leone; the whole of the Papers on board the detained vessel are true and fair."

The evidence of Luiz Auguste, the Cook of the "*Arogante Mayaguesana*," corroborates that of the Master in every material point.

The Monition issued on the 1st instant was returned on the 8th instant, with the Certificate of the Acting-Marshal that it had been properly served; and the following day was appointed for the adjudication of the Case, when the Court pronounced its decision in the following words:—

"There are two circumstances which distinguish this Case from every other which has yet come before the British and Spanish Court, viz., the place where the slaves of the '*Arogante Mayaguesana*' were embarked, and the spot where the vessel was captured. The slaves were embarked in Angola, to the southward of the line, and the vessel was captured in 4° 11' south latitude.

"The detention of a Spanish slave-ship, under these circumstances, would undoubtedly have been illegal in the earlier period of the Spanish Slave Treaty, but it has ceased to be so, by the expiration of the term during which the subjects of Spain were permitted to trade in slaves in southern latitudes.

"The 1st Article of the Treaty between His Britannic Majesty and His Catholic Majesty, signed at Madrid on the 23d September, 1817, states 'that the Slave Trade shall be abolished throughout the entire dominions of Spain on the 30th May, 1820, and that from and after that period it shall not be lawful for any of the subjects of the Crown of Spain to purchase slaves, or to carry on the Slave Trade, on any part of the Coast of Africa, upon any pretext or in any manner whatever.'

"In the 5th Article, 'the High Contracting Parties declare that they consider as illicit any traffic in slaves carried on, either by Spanish ships, and under the Spanish flag, or for the account of Spanish subjects, by any vessel, or under any flag whatsoever, after the 30th May, 1820, when the traffic in slaves on the part of Spain is to cease entirely.'

"The right also to search and detain Spanish slave-vessels to the southward of the line is clearly granted by the 9th Article of the Treaty, which states that 'ships of war, provided with special instructions for this purpose, may visit merchant-vessels suspected of having slaves on board acquired by illicit traffic; and in the event of their finding slaves on board, may detain and bring away such vessels, in order that they may be brought to trial before the Tribunals established for this purpose.'

"And in the Instructions, &c., the Article which forbids all seizures to the southward of the line, and which in the Portuguese Treaty is so comprehensive and unqualified, is expressly limited in the Spanish Treaty to the period 'during which the traffic is to remain lawful, according to the stipulations existing between the High Contracting Parties.'

"To prove that this is not merely the English view of the question, but that the interpretation thus given to the stipulations which have been quoted is fully coincided in by the other Party to the Treaty, let us turn to the 'Decree issued by His Catholic Majesty in December, 1817, for the restriction and ultimate abolition of the trade in slaves by subjects of Spain.'

"The 1st and 2d Articles of that Decree prohibit all trade in slaves to the north of the line, and declare the penalties attached to such trade. The 3d Article says, 'From the 31st May, 1820, I equally prohibit all my subjects, as well in the Peninsula as in America, from going to purchase slaves along those parts of the Coast of Africa which are to the south of the line, under the same penalties imposed in the 1st Article of this Decree;' so that even should the '*Arogante Mayaguesana*' have succeeded in avoiding capture on the coast, and were the Spanish Authorities to apply the provisions of their law to her Case, the Negroes bought on the coast would be declared free; the ship itself, together with the remainder of its cargo, would be confiscated; and the Purchaser, the Captain,

the Master, and the Pilot or Mate, would be irrevocably condemned to ten years' transportation to the Phillippines.

"The Court has been more particular in pointing out the grounds on which their present decision is founded, on account of the novelty of the Case.

"The judgment of the Court is, that the Spanish schooner, '*Arogante Mayaguesana*,' Bartolomé Ferrer, Master, was justifiably detained by His Britannic Majesty's brig, '*Lynx*,' Lieutenant Vere Huntley 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 Spain. The Court further decrees that there were on board at the time of the capture 336 slaves; that 29 slaves have died on board of the vessel since capture, and 12 on shore; and that the survivors, to the number of 295, be now emancipated from slavery."

It will be observed that the Acting-Marshal reported the arrival of 309 slaves, and that the Surgeon to the Courts reported that 28 deaths had taken place amongst the slaves, between the detention of the prize and her arrival in the harbour. This would make the number of slaves on board at the time of the capture 337, as stated in the Captor's Declaration. The Affidavit of the Prize-Master also proving the number of slaves on board the detained vessel when she was seized, and the number of deaths which had taken place amongst those who had remained on board up to the period of adjudication, coupled with the Report of the Acting-Marshal on the day of trial respecting the 150 slaves who had been landed under his charge, showed in the same manner that 337 slaves were on board the "*Arogante Mayaguesana*" when she was fallen in with by His Majesty's brig, "*Lynx*."

One young slave-boy, however, out of this number, was claimed by the Captain as his domestic; and, according to the practice which has been universally followed in such cases, the boy in question, after being duly warned, through an interpreter, that he was at perfect liberty to go with his master, or to place himself under the protection which was extended to the other negroes, chose the alternative of remaining with his master. This circumstance is mentioned to explain an apparent error of 1 in the number of slaves emancipated by the Court.

It is only due to Don Bartolomé Ferrer, the Master of the "*Arogante Mayaguesana*," to say that he displayed a degree of humanity and attention to his miserable cargo hardly to be expected from a person so engaged at the present day.

(Signed)

THOS. COLE.

H. W. MACAULAY.

Sierra Leone, 13th October, 1834.

No. II.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 3, 1835.)

MY LORD,

Sierra Leone, 21st November, 1834.

WE have the honour to transmit, enclosed, our Report of the Case of the Spanish schooner, "*Pepita*," Pablo-Oliver, Master, captured by His Majesty's sloop, "*Pelorus*," Richard Meredith, Esquire, commanding, in the River Cameroons, on the 30th June last, and prosecuted in the British and Spanish Court of Mixed Commission in this Colony, on the ground that she was engaged in the illicit traffic in slaves at the time of her capture.

Your Lordship will observe, from the Report of this Case, that the "*Pepita*" is the same vessel which was noticed by His Majesty's Commissioners at Havana in their Despatches of the 28th October, 1833, and the 1st January, 1834, under the name of the "*San Gabriel*." She cleared out for St. Thomas, in the West Indies, on the 8th October, 1833. On the 23d December, 1833, she again cleared out from Havana, under her present name, for Princes' Island. She, however, went direct into the Cameroons River, where she commenced landing her outward cargo of goods, for the purpose, we have no doubt, of procuring a return-cargo of slaves.

The "*Pepita*" appears to have been closely blockaded by His Majesty's sloop, "*Pelorus*," for some time before her capture, which probably prevented her from carrying into effect the guilty intentions which, in our opinion, she entertained.

The enclosed Report only contains a summary of the first part of the "*Pepita's*" Case, ending with the restitution of the vessel to the Master, Pablo Oliver. It will be our duty to transmit another Report on the concluding part of the Case, when the question of costs, damages, and expenses, due to the Claimant for the illegal detention of his vessel, shall have been disposed of.

The history of this extraordinary capture is simply this. At midnight, on the 30th June last, the "*Pepita*," whilst lying at anchor in the River Cameroons, was boarded by a detachment of boats from His Majesty's sloop, "*Pelorus*." The boarding-party immediately drove all the Spaniards aft, and at the same time dropped into the "*Pepita's*" hold 3 negro-children, who accompanied them; and then seized the vessel for having on board the 3 negroes whom themselves had placed there.

On the morning following the capture, 176 other slaves, said to have been purchased by the Master of the "*Pepita*," and to have been kept in depôt on shore

ready for shipment, were also sent on board the detained vessel, at the instigation of the Captors.

The part of the cargo of trade-goods, which still remained on board, was then freely made use of by the Captors, not only for the purpose of paying the native Chiefs for the expenses which they had incurred in guarding and feeding the negroes, who had been thus irregularly shipped, but for pilotage and other expenses in carrying the vessel out of the river, and for supplying her with fresh stock and vegetables for a voyage to Sierra Leone.

The full disclosure of these facts did not take place until the 13th instant; and on the following day, the Spanish schooner, "*Pepita*," Pablo Oliver, Master, was decreed by the Court to be restored to the Claimant; and it was referred to the Registrar to ascertain the amount to which the Claimant was entitled, for costs of suit, and special damages and expenses, occasioned to the said vessel by her illegal detention.

With respect to the survivors of the 179 slaves, placed on board the "*Pepita*" by the Captors, the Court, in imitation of former practice on similar occasions, declined in any manner to take cognizance of them judicially. The Captor, having acknowledged that they were put on board by himself, could not of course urge their emancipation by the Court, on the only grounds on which it could have been granted, namely, that they were illegally shipped for the purposes of the traffic; and the Claimant having from the first disavowed all right and title to them, and denied all property in them, the restoration of the vessel could not in the least degree affect their liberation from slavery. They were accordingly handed over to the Colonial Government, to be employed as servants or free labourers, and to enjoy, to their fullest extent, the protection and superintendence afforded by Government to their emancipated brethren.

It unfortunately happened, in this Case, that, of the 3 Officers belonging to the "*Pelorus*," who brought the prize into this harbour, not one of them was present at the capture. The Captor's Proctor, therefore, being utterly destitute of evidence to make out a Case for condemnation, petitioned for delay, in order to procure further proof of the truth of the facts stated in the Captor's Declaration. This will sufficiently account for the length of time which elapsed between the arrival of the vessel and her adjudication.

It will be very gratifying for us to know that our conduct on this occasion meets with your Lordship's approval. After the maturest consideration which we could give to the subject, we felt convinced that there was such a clear violation by the Captor of the 9th and 10th Articles of the Spanish Treaty, and the 1st Article of the Instructions attached to the Treaty, that it was absolutely incumbent upon us to decree the "*Pepita's*" detention to have been illegal, and that, by the 8th Article of the Regulations for our guidance, the Claimant was entitled to compensation for the illegal detention of his vessel.

We have, &c.

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

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

Enclosure in No. 11.

Report of the Case of the Spanish schooner, "Pepita," Pablo Oliver, Master.

THIS vessel was furnished with a Royal Passport from Havana, dated the 23d December, 1833, declaring her to be commanded by Don Pablo Oliver, and authorising her to engage in a licit commercial voyage to Princes Island.

Instead of proceeding to the destination named in his Passport, Oliver went direct to the River Cameroons, where he had lain for a considerable time previous to his detention, and had landed a large part of his outward cargo of goods.

At midnight of the 30th June last the "*Pepita*" was visited, whilst at anchor, by a detachment of boats from His Majesty's sloop, "*Pelorus*," Richard Meredith, Esquire, commanding, and detained by them, ostensibly on the ground of having on board, at the time of seizure, 3 slave-boys for the purpose of traffic.

When captured, the prize was in a dismantled state, her sails being unbent and her rigging unrove. To enable her, therefore, to leave the river, the Captors were obliged, themselves, to fit her for sea. On the morning following the seizure, 176 slaves, in addition to the 3 boys already named, were shipped in the schooner from the shore, under a conviction, on the part of the Captors, that they had

been purchased by the Master of the detained vessel, and that this circumstance would justify their taking part in such a proceeding.

From a similar misconception, the Captors made use of that part of the cargo of merchandise which still remained on board the vessel, as if the act of seizure alone had transferred the property absolutely to themselves. A large quantity of goods were given to King Aqua and King Bell, two of the Chiefs in the river, "as expenses in guarding, feeding, and travelling-expenses of the slaves," and a further quantity to the Pilot and others, for assistance rendered by them in the River Cameroons.

In attempting to carry their prize out of the river, the Captors unfortunately got her on shore, and the vessel was a good deal injured and strained by the attempts made to extricate her from her dangerous situation. She was then carried to Fernando Po, where the Captors again made use of part of the merchandise still remaining in the vessel, to procure live stock and vegetables for the voyage to Sierra Leone.

On the evening of the 5th of August last, the "*Pepita*" arrived in this harbour, under the charge of Lieutenant Charles Wise, and a prize-crew from the capturing ship. On the following morning, the Acting-Marshall and the Surgeon to the Courts proceeded on board, in the fulfilment of their respective duties. The Report of the Marshal stated, that 179 slaves had been captured in the vessel, that 26 had died since capture, and that 153 slaves were brought into the harbour; also that the Master, the Cook, and a Seaman of the detained vessel had been despatched in the prize as witnesses, but the seaman had died on the passage. The Surgeon reported "that the slaves were severely afflicted with ophthalmia, of which there were 35 cases; that there were also a great number of cases of 'crawl-craw,' and a few cases of bowel-complaint; that one woman was already permanently blind from the former of these disorders; and with a view to prevent its further destructive ravages, it was recommended that the slaves should be landed as soon as possible, particularly those afflicted with ophthalmia."

The Papers of the "*Pepita*" were not brought into Court until the second day after her arrival. On the 7th August the Affidavit of Lieutenant Wise was received, deposing to the fact of His Majesty's sloop "*Pelorus*" being duly authorized and empowered to make seizures of Spanish vessels engaged in the Slave Trade, and verifying the Ship's Papers, which were, at the same time, lodged in the Registry of the Court. It also stated, "that, on the 30th day of June, 1834, being in the River Cameroons, the schooner or vessel called the '*Pepita*,' whereof Pablo Oliver was Master, was detained by reason that the schooner was employed in the traffic in slaves, contrary to the existing Treaties between His Britannic Majesty and His Catholic Majesty the King of Spain."

The reception of this Affidavit was followed by a Petition of the Captor's Proctor that the said Affidavit might be filed, together with the Captor's Declaration; that the usual Monition, citing all parties interested in the vessel to appear, might issue; and that evidence might be produced and filed. This Petition was complied with by the Court, and the witnesses in preparatory named by the Captor's Proctor, the Master and Cook of the detained vessel, were ordered to attend at the Registry to be examined on the standing interrogatories.

The Captor's Declaration is to the following effect:—"I, Richard Meredith, Commander of His Majesty's sloop, '*Pelorus*,' hereby declare that, on the 30th day of June, 1834, being in the River Cameroons, I detained the schooner '*Pepita*,' sailing under Spanish colours, armed with 2 guns, 6-pounders, commanded by Don Pablo Oliver, who declared her bound for the Havana, with a crew consisting of 24 men, 1 boy, and 1 passenger or supercargo, whose names, as declared by them respectively, are inserted in a list at the foot hereof; and having on board 3 slaves, said to have been taken on board at the Cameroons, on the 30th day of June, 1834; and on the Chiefs of the River being made acquainted with her capture, they placed on board the remainder of her cargo, as Spanish property, enumerated as follows, viz.—

| | | | |
|---------------|-------------|-----------|------------|
| Men | 38 healthy, | | 20 sickly. |
| Women | 18 | " | 6 " |
| Boys | 70 | " | 2 " |
| Girls | 18 | " | 7 " |

I do further declare, that this schooner appeared to be seaworthy, and was supplied with a sufficient stock of water, but not quite sufficient provisions, for the support of the said negroes and crew on their destined voyage to Sierra Leone."

The 3 slaves said to have been taken on board at Cameroons on the day of capture could alone supply grounds for the prosecution of the vessel; for, as the remaining 176 slaves were avowedly shipped with the connivance of the Captors, not for the purposes of traffic, but in order to procure their liberation, the Court declined in any manner to take cognizance of them judicially.

On the same day the Captor's Proctor petitioned that the whole of the slaves might be landed, as they had already suffered much from disease, and from the confined state of the vessel, and as considerable further loss of life was apprehended, if the slaves should remain on board at such an inclement season of the year.

It would have given the Court much pleasure could they have complied with this request; but, no application to the Colonial Government, it was found that accommodation could only be afforded on shore for a small part of the slaves. The cases of ophthalmia and bowel-complaint were therefore selected for treatment on shore, at the recommendation of the Surgeon, and the rest of the sick were attended on board the vessel for a period of 5 days, after which the whole of the slaves were brought on shore.

The Master of the detained vessel, Pablo Oliver, being produced, sworn, and examined on the standing interrogatories, deposed, "that he was born in Catalonia, in Spain; that he lives there, and it has always been his home; but that he has not been there for the last 3 years, having been trading in the detained vessel from America to Havana; that he is a subject of Spain, and has never been a subject of any other state; that he is married, and his family reside in Catalonia; that he appointed himself to the command of the detained vessel about 7 years ago, being the Owner of her; that he took possession at Barcelona, at the time mentioned, when she was first built at that place by him; that he was on board the detained vessel when she was taken; that on the 25th June the Governor of Fernando Po passed him in a boat, and told him to take care; that on the 28th a steam-boat arrived in the river, but did not board him; but on the 29th, between 11 and 12 o'clock at night, he was boarded by several people, with cutlasses, muskets, and pistols; that he

did not see the boats, as he was asleep below; that he hid himself a little while, until a Spaniard called him by his proper name, when he thought himself safe, and came on deck; that the boarding-party, the English, were driving all the Spaniards aft; that the English brought on board with them 3 negroes, and, while he was hiding, they were dropped down the hatchway, within 2 feet of where he was; that, when the negroes were dropped down, he moved further off, as one of the English was probing about with his sword, and he was afraid of being stabbed; that one of the English had hold of the arm of one of the negroes when putting him down the hatchway, and the negro cried out, and the man then said, 'shut your mouth;' that he was seized for having these 3 negroes on board; that the detained vessel sailed under Spanish colours, and had no other colours on board, except for dressing the vessel; that she is called the '*Pepita*,' and was called before this voyage the '*San Gabriel*,' and she was then a felucca; that she is 45 Spanish tons, and had, when taken, 2 Officers and 26 seamen, besides himself; that they were all Spaniards, and shipped by himself at Havana, at the commencement of the present voyage; that he is the sole Owner of the vessel, and Commander of her; that there was 1 passenger on board, Don Francisco, who was asleep on the deck of the vessel when she was boarded; that Don Francisco is a Spaniard, and (he, witness believes) a merchant, who came on board at Havana, and was to have gone to Princes Island in the '*Pepita*,' but has no interest in the vessel or her cargo; that the present voyage began at Havana, but, as he was on a trading-voyage, he cannot tell to which place he might have sailed, but intended to go where he thought would best answer his purpose; that the last clearing-port was the Havana, from which place he came direct to the Cameroons; that the vessel was taken at anchor in the Cameroons on the night of the 29th June; that she had 2 small guns mounted to make signals, and for rejoicing-days, and a few old muskets, and a blunderbuss, which have been on board since she was first built, and were intended for the protection of the vessel; that at the time of capture there was not so much as a musket loaded, and his men were all asleep, except 2 on watch, nor did he conceive he had anything to fear; that, on the contrary, he had always a light on deck, as a matter of politeness, both before and after the steam-boat had arrived, in case any boat should come on board; that he had no occasion to destroy any of his Papers, but delivered up all to the English Officer; that the merchandise now on board is entirely his own, but, for the slaves, he does not know to whom they belong; that the merchandise and vessel will undoubtedly be his, if restored, but he has no right or title to the slaves; that the cargo from the Havana consisted of dry goods, muskets, powder, rum, padlocks, beads, and knives; that there is now a portion of this cargo on board; that there were also negroes on board, but he does not know their number; that 3 negroes were put on board his vessel at the time of seizure; that carpenters and sailors then worked all night and the next day, making places for the other slaves, and getting the vessel in order, as the sails were unbent and the rigging unrove; that, on the morning after he was captured, the King's son came on board and took the 3 slaves on shore, and soon after the other negroes were shipped, but the 3 negroes put on board when he was taken were not amongst them, nor are they on board now; that one of the 3 negroes paddled the canoe on shore; that he pointed the circumstance out to Mr. Hyne, one of the English Officers, and then told him that the negroes had been put on board to make a prize of him; that he kept no account of the deaths amongst the negroes; that the detained vessel got on shore in the River Cameroons; that, after getting off, she went to Fernando Po, and took in water and yams; that all the Papers taken are entirely true and fair, and that none of the Papers which were on board the vessel when she sailed from the Havana have been destroyed or concealed by him, or any other person; that there are no Papers relating to the vessel, besides those he has delivered up, in any country whatever; that there is no charter-party nor agreement, nor was any ever made, for the present voyage; that the vessel is insured for the present voyage, but he does not know the terms, as he has ordered his agent at Havana to insure her either at Cadiz or Havana, as may be thought cheapest; that the vessel is under his own control in every respect; that he does not correspond with any person respecting her, but does his own business; that he broke bulk first in the Cameroons, and had sold about half or three-fourths of his cargo when he was taken; that from the time he left Havana to the moment of capture no slave whatever was received on board the '*Pepita*' for the traffic or trade in slaves, by him or by any other person for him, the 3 slaves found on board of his vessel having been brought there by the people who captured him; that on the day after he was taken, being the same day the rest of the slaves were shipped, the English took on board the steam-boat 125 pieces of cloth, 2 cases of muskets, 4 pipes of brandy, 1 of which was not full, and 2 half-pipes of wine; that 5 pieces of cloth and 2 muskets were also given to the Pilot; that, in the afternoon of that day, he saw the pieces of cloth and the brandy sent on shore to King Aqua, and he supposes the muskets went too; that, at Fernando Po, the Captors also took 150 or 170 pieces of cloth, given out by Mr. Wise; that nothing has been taken since they arrived here, that he knows of."

We have been more particular than usual in giving a summary of the Master's evidence, as there is scarcely a single sentence in his testimony, here recorded, that has not, during the progress of this long and severely contested case, been made the groundwork of argument, in favour either of the Captor's or the Claimant's interest.

The evidence of Juan Albinano, the Cook of the "*Pepita*," is confirmatory of that of the Master, and indeed so clearly resembles it in every material point, that it will be unnecessary to give a summary of it.

On the 9th August Pablo Oliver petitioned, by his Proctor, that he might be allowed to put in a claim for his vessel. Leave was of course granted; and a claim in the usual form, supported by an Affidavit, was filed in the Registry on the same day, and is to the following effect:—

"The claim of the said Pablo Oliver, the Master of the said schooner, a subject of Her Most Catholic Majesty the Queen of Spain, for the said schooner, her tackel, apparel, and furniture, and for such goods, wares, and merchandise, as were on board the said schooner at the time of the illegal capture thereof by a detachment of boats from the merchant steam-vessel, '*Alburka*,' under the command of the Senior Lieutenant of His Majesty's sloop, '*Pelorus*,' Richard Meredith, Esquire, Commander, and brought to Sierra Leone—for the said schooner, her tackle, apparel, furniture, cargo, and the sum of 20,000 dollars, being an indemnification for the said seizure, as the sole property of the aforesaid Master, an inhabitant of Catalonia in Spain, and, as such, protected by the Treaty or Convention between His Britannic Majesty and Her said Most Catholic Majesty, signed at Madrid, the 23d September, 1817; and for all such costs, charges, losses, damages, demurrage, and expenses,

as have arisen, or shall or may arise, by means of the capture and detention of the said schooner and her cargo as aforesaid.

It having been found that the trade-goods, still remaining on board the prize in the harbour, were becoming damaged from various causes, they were allowed to be landed on the Petition of the Captor's Proctor; and, subsequently, with the consent of both parties, a Commission was issued to the Commissioner of Appraisalment and Sale, to dispose of the same by public auction; and the nett proceeds thereof were lodged in the Registry of the Court, to await the final decision of the Case.

The evidence of the Captor's witnesses in preparatory having been so decidedly unfavourable to his cause, his Proctor prayed, on the 12th August, that, "in order to prove the several allegations set forth and intended," certain special interrogatories might be put to Lieutenant Wise, the Prize-Master, to 2 of the prize-crew, and to 3 of the slaves, said to have been found on board at the time of capture. The interrogatories having been approved of by the Court, the several witnesses were examined thereupon.

We cannot here refrain from expressing our regret that, although 3 Prize-Officers were despatched from the "Pelorus" in the "Pepita," not a single Officer was sent who had been present at the capture, or could give any information respecting it. This circumstance greatly protracted the proceedings; it added greatly to the expenses incurred by both Captor and Claimant; and it caused much additional and unnecessary trouble to all persons concerned in the settlement of the Case.

Mr. Wise deposed "that he joined the 'Pepita,' at the entrance of the Cameroons, on the 5th July last; that she went thence to Fernando Po, for the purpose of completing provisions and water, of which there was not sufficient to take her to Sierra Leone; that the provisions purchased at Fernando Po were 3000 yams, 100 bunches of plantains, about 5 dozen fowls, 3 sheep, and 6 pigs; that they were paid for out of the cargo of the vessel, but with what quantity he does not know; that at the time he joined the vessel she had on board about 200 yams, 100 bunches of plantains, several bags of dried plantains and calavances, a leager and a pipe of rice, and some cocoas, about 2 months' wood, and about 25 tons of water."

John Breair deposed, "that he is an able seaman on board the 'Pelorus,' and was present at the seizure of the 'Pepita,' that the pinnace and cutter of the 'Pelorus' left the steam-boat 'Quorra' about a quarter past nine on the night of the 30th of June (he believes,) in the River Cameroons; that Mr. Barrow, the First Lieutenant, had charge of the pinnace, and Mr. Hyne, Master's Assistant, of the cutter; that the 'Pepita' was detained about a quarter before twelve at night; that on searching her they found 3 slaves in the mainhold on the starboard side, they were boys, about 12 or 13 years of age, and he should know them again if he saw them, from the notice he took of them that night and the following morning; that he was in the hold when they were discovered, and they were not in irons; that there were no boats or canoes alongside the 'Pepita,' except those of the 'Pelorus,' when they boarded her; that the fore part of the slave-deck was laid between the fore and the main hatchway, and the afterpart between the main and after-hatchway, leaving from 15 to 20 feet unfinished amidships; that there were stowed in the fore-castle from 150 to 200 bundles of plantains, about 800 yams in different parts of the hold, about 400 cocoas, some calavances, a leager and a small cask of rice, some dried plantains in bags, about 10 cwt. of jerked beef, about 40 tons of water, and two months' firewood; that the remaining of the slaves were shipped on the morning after capture; that the 3 boys found on board the prize at the time of capture are now in the vessel."

The evidence given by Robert Lambert, a private marine on board the "Pelorus," in reply to the same special interrogatories, is precisely similar in every respect, and need not therefore be quoted.

It was very difficult, indeed it may be said it was almost impossible, to procure satisfactory answers, even with the greatest attention and patience, and the aid of the best interpreters, from the 3 slave-boys, who were produced by the Captor's Proctor, to prove that they had been detained on board the "Pepita" by the Spaniards, previous to the "Pelorus" boats visiting that vessel at midnight.

Garneh deposes "that he was born at Yocong, in the Moco country; that he was put on board the detained vessel in the Cameroons by King Aqua, who sent him off to the 'Pepita,' in the Spaniards' boat; that the boat had other slaves in her at the time he was put on board; that he is a slave; that the boat was full of slaves, men and boys—he does not know how many; that there were many on board before him—he does not know how many; that he had been on board 2 days, when the vessel was taken by the English, that he was down below when the English came, and there were plenty of other slaves there at the time." The same witness states in his cross-examination for the Claimant, "that it was morning-time when he was put on board the 'Pepita,' that the Portuguese bought him from King Aqua, and 3 of the Portuguese took care of him and the rest; that the English soldiers took him on board the schooner, and the Portuguese then went on board the steamer; that the English beat drums, and were dressed (witness here described in a very clear manner the dress of a soldier) with cross-belts and bayonets; that the slaves were confined in a house hired by the Portuguese (explained to mean the people of the 'Pepita'); that 3 of the English, armed with swords, forced open the door, and took them from the Portuguese, who had charge of them, and they were then taken on board the vessel; that the English took him on board, and 2 of those who took him on board are now in the schooner; that he was not on shore after he was first put on board."

Mandifong, being sworn according to his country custom, deposed, "that he was born in the Moco country, and was put on board the 'Pepita,' in the Cameroons, by King Aqua, in King Aqua's canoe, and that there were 12 other slaves with him at the time he was put on board, 2 of whom were women, and the rest men and boys; that one room of the vessel was full of slaves when he went on board; that he had been 2 days on board when the English came." In his cross-examination, upon special interrogatories put to him on the part of the Claimant, by permission of the Court, this witness stated, "that it was morning-time when he was taken on board the schooner; that 3 soldiers were in the canoe which took him on board; they had guns and bayonets, and beat drums; that one of those soldiers is now on board the schooner; that he did not go on shore again after being put on board the schooner."

The other of the 3 boys, having been sworn in a similar manner, according to his own country's customs, made similar replies to the special interrogatories put on behalf of the Captor, as well as to interrogatories put on behalf of the Claimant, in the form of a cross-examination.

The Captor's Proctor then petitioned, "that the evidence on behalf of the Seizor being closed, publication thereof might be decreed."

From the imperfect and ill-understood testimony of the 3 slave-boys, produced as witnesses for the prosecution, the Court were induced to draw the following conclusions:—

1st. That these 3 boys were not the same as those found in the vessel on the night of capture, but that they had been put on board by the Captors, with the remainder of the slaves, on the following morning.

2d. That they were not on shore again after they had been first put on board.

3d. That the statement of all the 3, "that they had been on board the '*Pepita*' 2 days when the English came," refers to the man-of-war meeting the prize outside the bar of the river.

We have thought it right to give the whole of the Captor's Case in detail, that the grounds on which the condemnation of the "*Pepita*" was attempted to be procured may be more clearly exhibited; but we shall be spared the necessity of making an abstract of the Claimant's Case, from the circumstance, that the main facts, which he (the Claimant) endeavoured to establish by means of 17 long and searching examinations, were subsequently admitted most fully by the Captor himself. It may be sufficient for our present purpose merely to refer to the various points, which it was the object of those examinations to elicit, viz. that the Captors had some sinister purpose in lying close to the "*Pepita*" for 2 days before they visited and searched her; that during those 2 days, and particularly during the second day, frequent communications took place between the Captors and the shore; that, although the "*Pepita*" was lying only half a mile from the Captors, a period of 3 hours was occupied by the Captors in reaching the "*Pepita*," after leaving their own vessel; that, during this long interval, 3 slave-children were procured, who accompanied the Captors in a country canoe; that the object of the unusual violence exercised by the Captors, in forcibly driving all the Spaniards of the "*Pepita*" aft, at the moment of boarding the vessel, was to enable the Captors to drop the 3 slaves, whom they carried with them, into the hold of the vessel, without being observed by any of her crew; that the 3 slaves thus put on board by the Captors were not all boys, but that one at least of them was a girl; that all the 3 slaves were carried on shore again the next morning by King Aqua's son, and did not return on board, nor in any way form part of the cargo brought into this harbour; that armed parties of marines and seamen attended the shipment of the remainder of the slaves, on the morning following the capture; that the man-of-war's boats, as well as the native canoes, were employed in carrying those slaves on board; that the "*Pepita*," when captured, was not in a fit state for sea, but that she was fitted for sea by the carpenters and seamen of the capturing ship; that the prize was got on shore by the Captors, and remained on shore a considerable time; and that a large quantity of the outward cargo of trade-goods belonging to the "*Pepita*" was made use of by the Captors for their own purposes at different times.

The Court was far from considering that the Claimant had conclusively proved, by the evidence which he adduced, the various points just adverted to; but sufficient had been established to throw a veil of doubt and mystery over the Captor's proceedings, and to excite caution and watchfulness, on the part of the Court, in framing its decision on the Case.

The whole of the slaves who had been put on board the "*Pepita*" by the Captors having, with the consent of both parties, been handed over to the Colonial Government, as not coming within the jurisdiction of this Court, a Petition was made on the 2d September by the Captor's Proctor, that the 3 slave-boys, said to have been found on board the "*Pepita*" at the time of her detention, and on account of whom that vessel was prosecuted, might in like manner be given into the charge of the Liberated African Department. The Petition was granted by the Court, in order to relieve the Captor from unnecessary expense, with the positive condition that the 3 boys should be kept, pending adjudication, in their character of slaves, and that they should be forthcoming at any time when required.

On the 11th September the Claimant's Proctor prayed, that an early day might be appointed for the final decision of the Case; and on the same day the Captor's Proctor presented a Petition for a delay of 4 months, in order to "obtain further evidence in support of the Captor's Declaration, that 3 slaves were found on board the said schooner at the time of her seizure." This Petition was accompanied by the following Affidavit:—

"In the British and Spanish Court of Mixed Commission, Colony of Sierra Leone.

"In the Case of the schooner '*Pepita*,' Pablo Oliver, Master, detained by His Majesty's sloop-of-war, '*Pelorus*,' Richard Meredith, Esq., Commander.

"Robert Dougan, of Freetown, in the said colony, Gentleman, Proctor for the above-named Seizor, maketh oath and saith, that proceedings were commenced in this Honourable Court against the said schooner, on the 7th day of August last past, and that on the 13th day of the same month the Monition was returned into the Registry thereof; and this Deponent further saith, that the said schooner is alleged, as appears by the Declaration of the Seizor in this Case filed, to have been seized for having 3 slaves on board at the time of seizure, being contrary to the Treaties entered into between Great Britain and Spain for the suppression of the Slave Trade; and in support of the same, the examinations in preparatory, and answers to special interrogatories, put by permission, have been taken on behalf of the Seizor and duly filed; and the Claim and evidence taken on behalf of the Claimant have also been duly filed, and publication thereof decreed. And this deponent further saith, that having carefully perused the said evidence, so filed as aforesaid, he believes it to be most material to the prosecution of this cause, that the Seizor should have permission to obtain further evidence, as to the fact of the said 3 slaves being found on board at the time of seizure. And lastly, this deponent saith, that he cannot proceed to a hearing in this cause without further testimony, to be obtained either upon the arrival of His Majesty said sloop, '*Pelorus*,' in this port, or after communication with the said sloop, which vessel this deponent is informed, and verily believes, is now cruising in the Bight of Biafra, on the leeward coast."

The power to grant such delay is clearly given to His Majesty's Commissioners, by the 1st Article of the Regulations attached to the Spanish Treaty, and they considered themselves warranted in this instance in exercising that power—indeed, whilst it was possible for them to obtain such conclusive evidence as could be given by Lieutenant Barrow, Mr. Hyne, Mr. Crofton, and other Officers, engaged in the search and detention of the "*Pepita*," it would have been highly improper for the Court to have proceeded to her adjudication, on such a partial view of her Case as could then be obtained. The prayer of Mr. Dougan's Petition was therefore granted, on satisfactory security having been given by the Captor's Agent, to charge himself with the risks and expenses which might be thereby occasioned.

It is only doing justice to the very respectable Proctor and Agent of the Captor to say that, at the time when the former petitioned for so long a delay, and when the latter gave security to be answerable for the expenses which it might occasion, neither of those gentlemen was aware of the real facts of their

Case. Had it been otherwise—had further time been prayed for merely for the purpose of deferring the final judgment against their client, because the detained vessel, by her size, would be excluded from claiming demurrage at his hands, such conduct would have called for serious animadversion, and would have led the Court to consider, whether some compensation should not be awarded to the Claimant for the loss and detention so wantonly occasioned.

On the 7th instant the Case was re-opened, His Majesty's sloop, "Pelorus" having arrived in the harbour; and special interrogatories, approved of by the Court, were on that day put to Lieutenant Barrow and Mr. Hyne, 2 of the boarding Officers, on behalf of the Captor.

Thomas Pownall Pellew Barrow, Esquire, deposed, "that he is a Lieutenant, and was present at the capture of the 'Pepita,' in the Cameroons, off the town of that name, on the night of the 30th June, between the hours of 11 and 12; that his orders were to send the Spaniards aft to muster, after she was boarded; that when that was done he ordered the vessel to be searched; that, on searching, 3 negro-children were found in the hold, to whose sex he cannot speak positively; that he did not observe any boats or canoes, except those of the 'Pelorus,' when the vessel was boarded by them; that about one-third of the slave-deck was laid foreward and aft, and there was plank on deck to complete it; that he does not know the exact quantity of provisions or water found on board, but there was a large quantity of yams stowed between the water-casks in the wings, some rice, a small quantity of farina, and a large quantity of jerked beef in various parts of the vessel; that the water-casks were full; that he cannot identify the slaves found on board; that the boats of the 'Pelorus' left the 'Quorra' between 8 and 9 in the evening, and the 'Quorra' was half a mile or less from the 'Pepita;' that the principal causes of the delay in boarding the 'Pepita' were, the tide setting strong from the 'Pepita,' and the report which prevailed that the Spaniards intended to resist, rendering it advisable to board them suddenly by surprise; that the 'Pepita' grounded on the 2d July, on a bank of mud; that 3 of the 'Pepita's' people were in charge of the slaves at Bell's Town, and 2 at Aqua's Town."

Mr. William Elias Hyne deposed, "that he is a Master's Assistant on board His Majesty's ship, 'Pelorus,' and was present at the capture of the 'Pepita;' that she was detained off Cameroons Town on the 30th June, between 9 and 12 p. m., and when she was boarded, that orders were given to send the Spaniards aft as soon as possible; that on searching the vessel 3 naked negro-children were found in the hold, whom he believes to have been boys; that he is not aware of any boats or canoes, except those belonging to the 'Pelorus,' being along-side the 'Pepita' when she was boarded; that he cannot tell the quantity of slave-provisions in the detained vessel at the time of capture, but there were yams, 200 at least, dried plantains in bags, some green plantains, a great quantity of jerked beef, some rice, and the water-casks were, except 4 or 5, full; that the boats of the 'Pelorus' left the steamer about 9 p. m.; she was about one-third of a mile from the 'Pepita;' that the cause of the delay in boarding was, that the boats might get so far a-head of the prize that they could not be seen, and might drop down upon her suddenly with the tide, as they had heard that the Spaniards slept at their quarters and intended to resist; that the 'Pepita' grounded on a sand-bank off the Cameroons."

The Captor's Proctor then petitioned that an Affidavit of the Captor, verifying certain Accounts relating to the goods taken out of the "Pepita," might be received and filed, together with the Accounts referred to therein. These documents are marked A., B., and C., and we give them entire, as follows:—

(Copy) A.

To Accoa, as Expenses in Guarding, Feeding, and Travelling-Expenses of Slaves:—

2 casks of rum.
100 pieces of cloth.
2 cases of muskets.

To King Bell for Ditto:—

1 cask of rum.
10 pieces of cloth.

To Pilot and others, for Pilotage down the River, and for Assistance rendered in the Cameroons:—

3 muskets.
20 pieces of cloth.
10 gallons of rum.

The remainder of the spirits was served to the Spanish crew, on their passage to Princes Island.

(Copy) B.

Captain Meredith, for the use of the schooner, "Pepita,"

Bought of John Scott.

| | Dollars. |
|--|----------|
| To 4000 yams, at \$60 per 1000. | 240 |
| 150 bunches plantains, at \$25 | 37½ |
| 6 dozen fowls, at \$4 | 24 |
| 6 pigs, at \$4 | 24 |
| 4 sheep, at \$6. | 24 |
| Boat-hire | 16 |

\$365

Received the above (as under, in Account C.)

(Signed)

JOHN SCOTT.

(Copy) C.

Fernando Po, "Pepita" slave-vessel, 10th July, 1834.

| | Dollars. |
|--|----------|
| White baft, 50 pieces, at \$2 | 100 |
| Romalls, 70 cloths, at \$1½ | 105½ |
| Mangalez, 10 ditto, at \$2½ | 25 |
| Pancherahafi, 80 pieces, at \$1½ | 120 |
| Supapoteo, 7 pieces, at \$2 | 14 |

\$365

Upon these Accounts being filed the Captor's Proctor stated, that his Case was finally closed, and petitioned for the publication of the fresh evidence which he had brought forward.

Shortly afterwards the Claimant's Proctor presented to the Court for approval a Paper of Special Interrogatories, to be put to Lieutenant Barrow, Mr. Hyne, and a seaman of the "Pelorus," named Wilson. These interrogatories were so comprehensive, and at the same time so minute—they entered so fully into every part of the previous evidence given, as well as into the most trifling detail of the seizure, and of the Captor's subsequent proceedings—that the truth must have been extracted thereby, even from the most unwilling witness. But it occurred to the Court, that the valuable time which would be occupied in procuring such voluminous evidence, might be saved by proposing to the Captor himself a few plain questions, the replies to which would decide the fate of his Case, and might induce the Proctors on either side to forego further examinations. Special Interrogatories prepared by the Court (in imitation of former practice on similar occasions), were accordingly put to Captain Meredith, who for some time evinced considerable reluctance in replying to any of them, but at last yielded, from a conviction that resistance was useless.

Captain Meredith was examined on the 15th instant, and deposed as follows, "that the 3 slaves found by Lieutenant Barrow on board the 'Pepita' at the time of her capture, were sent on board without the privity of her Master, Pablo Oliver; that it was by his (Captain Meredith's) influence, and with his (Captain Meredith's) knowledge and consent, that the 3 slaves were so sent on board."

Immediately on this evidence being made known, the Claimant's Proctor consented to withdraw his interrogatories, and the Captain's Proctor consented to the restoration of the vessel, without further opposition on his part. A Court was accordingly summoned for the following morning, on the joint petition of the Proctors employed in the Case.

The Court having met on the 14th instant the Registrar, as usual, commenced reading the Documents on the "Pepita's" file, when the Captor's Proctor stated that the time of the Court need not be further occupied with the Case, as he was instructed by his client to consent to the restoration of the "Pepita" being decreed to the Claimant.

After this admission on the part of the Captor, of the unwarranted detention of the "Pepita," the Court decreed that she be forthwith restored to the Claimant, Pablo Oliver, and that it be referred to the Registrar to ascertain the amount due to the Claimant, on the various charges named in his original claim, and to report thereon to the Court. It was also decided that indemnification for loss of slaves could not be claimed, as the Claimant had positively disavowed any property in them; and with respect to the 3 slaves, who had been awaiting the adjudication of the vessel, the Court, as it could not decree their emancipation, only provided that they should be delivered over to the Colonial Government, to be employed as servants or free labourers, and to enjoy all the blessings of freedom to the same extent as their country-people, who had come to the Colony in the same vessel as themselves.

The Court at the same time expressed its opinion, that the object of the Claimant in entering the River Cameroons was to procure a cargo of slaves—an object which the Captors had not allowed him sufficient time to accomplish.

Although this Report only embraces that part of the "Pepita's" Case which ends with the restoration of the vessel, it was thought advisable, in order to avoid the necessity of giving a second summary of evidence, in the subsequent Report which it will be our duty to make, to include on this occasion all that part of the evidence which bore upon the ulterior question of costs, damages, and expenses; more particularly as it served, at the same time, to elucidate the Captor's proceedings prior to the arrival of the prize at Sierra Leone.

In handing over to the Colonial Government, without emancipation, the whole of the slaves brought into the Colony by the "Pepita," the Court followed the practice pursued by its predecessors on many similar occasions, as well as the directions of the late Mr. Secretary Canning, contained in his Despatch, of the 30th December, 1826. These slaves happily were not in any way before the Court. The Claimant disowned all property in them, so that their ultimate freedom did not become in any way endangered, even by the restoration of the vessel to the Claimant; and the only ground on which the Captor might have claimed their emancipation at our hands, even in the event of the condemnation of the vessel, namely, the ground that they were shipped "for the express purpose of the traffic," could not have been urged in this Case, inasmuch as, by his own admission, he was the shipper of them himself.

(Signed)

THOS. COLE.
H. W. MACAULAY.

Sierra Leone, 21st November, 1834.

No. 12.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 3, 1835.)

MY LORD,

Sierra Leone, 28th November, 1834.

WE have the honour to inform your Lordship that His Majesty's brigantine, "Griffon," under the command of Lieutenant James Parlby, detained, on the 31st ultimo, the Spanish schooner, "Indagadora," 0° 11' south of the equator, and in 0° 15' east longitude, with 375 slaves on board, shipped in the New Calabar River, and bound for the Havana.

The "Indagadora" arrived here on the 13th instant, and proceedings were commenced against her, in the British and Spanish Court of Mixed Commissions, on the following morning.

The capture of the "Indagadora" to the southward of the line was the only circumstance, which distinguished her Case from that of other Spanish slave-vessels

with which we ordinarily have to deal; but we acted on the same principle which guided us in the Case of the Spanish schooner, "*Arogante Mayaguesana*," reported in our Despatch of the 13th ultimo, and decreed the condemnation of the vessel and the emancipation of her slaves.

We beg leave to enclose a detailed Report of the Case, for your Lordship's information.

The "*Indagadora*" was formerly the Netherlands slave-vessel, "*Adeline*," alias "*Fourmi*," and was condemned in the British and Netherlands Court of Mixed Commission, established at this place, on the 24th June, 1829, for having been engaged in the illicit traffic in slaves. She was at that time purchased by a merchant of this Colony, and sent to England for sale, and we find that she subsequently received a British Register, under the name of the "*Emma Matilda*." On the 28th May last she was sold at Cadiz by her owner, Mr. Arthur Anderson, a merchant of London, to Don Pedro Felipe del Campo, who immediately fitted her out for the coast. Early in August she took on board a cargo of trade-goods at Gibraltar, which were shipped at that port by a Mr. William Sherwill, and in less than 12 weeks from that time she was captured, on her voyage to Havana, with 375 slaves on board. The unusual rapidity with which she procured so large a cargo was mainly owing, we have no doubt, to the superiority of her English manufactured goods to the ordinary trade-goods, with which Spanish slave-vessels are usually supplied.

Amongst the Papers of the vessel we do not observe any Clearance from the Custom-House at Gibraltar.

If the Spanish Government be sincere, in their profession of a desire to punish the infraction of their slave-law, a better opportunity could not be afforded to them of proving their sincerity. Don Pedro Campo, who is named in the Ship's Papers as the sole Owner of the vessel, is called by the Authorities of Cadiz "an established merchant residing in that city;" and the Captain of the detained vessel, Manuel Espinosa, frankly declares of himself, that he resides at Cadiz with his wife and family, that he was half-owner of the vessel and of the cargo of slaves who were captured on board of her, and that his object was to sell that cargo at Havana, for the joint benefit of himself and Campo.

We are however led to fear, from such open and unhesitating avowals of slave-trading intentions, that the execution of the Spanish Slave Treaty, in its letter and spirit, is as little regarded in Cadiz as it is at Havana; and that His Catholic Majesty's Decree of December, 1817, denouncing the severest penalties against those of his subjects who may be concerned in illicit Slave Trade adventures, is only a dead letter.

We have, &c.

(Signed)

THOS. COLE.

H. W. MACAULAY.

To the Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 12.

Report of the Case of the Spanish schooner, "Indagadora," Manuel Espinosa, Master.

THIS vessel cleared out from Cadiz on the 2d August last, for Gibraltar, St. Thomas, and Havana, furnished with the following Papers:—

1st. The usual indentured Passport, on parchment, commonly called a "Mediterranean Pass," No. 834, merely stating that it belonged to the schooner, "*Indagadora*," of which Manuel Espinosa was Captain. It is dated at Cadiz, on the 2d August, 1834, and is signed by Francisco de Beranger.

2d. A List of the ship's provisions embarked on board the vessel, signed by the Master, dated at Cadiz on the 2d August, 1834, and countersigned and approved by an Officer named Orosco.

3d. A Royal Passport, No. 32, dated at Cadiz, 2d August, 1834, and countersigned by the before-mentioned Francisco de Beranger, authorizing Manuel Espinosa, Master of the schooner named "*Indagadora*," to engage in a voyage of free commerce from the port of Cadiz, to Gibraltar, St. Thomas, and Havana, to return to Cadiz. It contains the usual caution against engaging in the illicit traffic in slaves.

4th. The Custom-House Cockets of certain goods shipped on board the "*Indagadora*" at Cadiz, for the Island of St. Thomas, 7 in number, and comprising various entries from the 8th to the 23d of July.

The principal shipper is Pedro Felipe del Campo, and there are two other shippers named in the Cockets, Manuel de Luengas, and Antonio Sevrin and Son; but the whole of the goods entered in their names were evidently on account of Campo.

The articles thus shipped consisted of about 40 pipes of brandy, 3 pipes of wine, 30 barrels of salt

beef and pork, 4 barrels of vinegar, 34 dozen knives, with sundry packages of rice, dried fish, peas, beans, vermicelli, &c.

5th. A Bill of Lading, dated at Cadiz, 3d August, 1834, comprising all the articles first-mentioned, which are said to be shipped on board on account of the Owner, Don Pedro Campo, and to be consigned to the order of the Master of the vessel.

6th. A List of the crew of the "*Indagadora*," with their ages, and the rates of their pay. The crew consisted of 28 persons. The List is signed by Francisco de Beranger, at Cadiz, on the 2d August, and countersigned at Gibraltar, on the 7th of that month, by the Spanish Consul, Augustin de Letamendi, resident there.

7th. A Contract between the Master and the crew of the vessel, dated at Cadiz, 2d August, 1834, respecting the wages and treatment of the latter, and the service which will be required from them.

8th. The Bill of Sale and Title-Deeds for the vessel, a very voluminous Document, by which it appears that Don Pedro Felipe del Campo, "an established merchant, residing in the city of Cadiz," is the sole Owner and Proprietor of the "*Indagadora*;" that Campo purchased her from Captain John White, who was authorised to sell her, by a Power of Attorney from her former Owner, Mr. Arthur Anderson, a merchant of the city of London. At the time of her sale she was called the "*Emma Matilda*," and by her Certificate of British Registry, No. 109, dated London, 9th April, 1833, she is stated to have been "condemned in the British and Netherlands Mixed Court of Justice at Sierra Leone, on the 24th June, 1829, for a breach of the laws regarding the traffic in slaves." The vessel was paid for by a Bill of Exchange drawn by Campo, in favour of Mr. Arthur Anderson, on Messrs. Zulueta and Co., merchants in London. The transfer of the vessel was acknowledged by White on the 29th May, 1834, before J. M. Brackenbury, Esq., the British Consul at Cadiz, who has given a Certificate to that effect. Certificates are also added from different public functionaries, to show that the change in the national character of the vessel, from British to Spanish, had been made complete by a compliance with all the necessary forms.

9th. A clean Bill of Health, dated at Gibraltar, 9th August, 1834, signed by H. H. Shirreff.

10th. A Bill of Lading, signed at Gibraltar, on the same day, for a large quantity of goods shipped by Mr. William Sherwill, and consigned to Manuel Espinosa, the Master of the vessel. These goods consist of 26 bales and cases of dry goods, 187 bales of tobacco, 9 cases of muskets, 2 cases of cutlasses, 220 barrels of gunpowder, 220 bars of iron, and 18 bags of rice.

11th. A Disbursement Bill, dated Gibraltar, the 9th August, 1834, against the Captain and Owners of the "*Indagadora*," for different articles furnished, and cash advanced, by Mr. William Sherwill. It amounts to 287 dollars, and a commission is charged of 2½ per cent. on the supplies.

12th. A Bill of Health, dated at Gibraltar, the 9th August, 1834, from Don Augustin de Letamendi, the Spanish Consul at that place.

The above Papers prove, that this is not the first occasion on which the "*Indagadora*" has been before His Majesty's Commissioners. It appears from Paper, No. 8, that, according to her British Register, she was condemned in the British and Netherlands Mixed Court of Justice at this place on the 24th June, 1829. On that day 4 Netherlands vessels were condemned here, "*La Jeune Eugenie*," "*Jules*," "*Adeline*," alias "*Fourmi*," and "*Hirondelle*." The "*Indagadora*" must therefore have been one of these 4 vessels, and the "*Adeline*," alias "*Fourmi*," alone resembles her in size and tonnage, in which there is a perfect correspondence between the two vessels. The "*Adeline*" was sold to Mr. Stephen Gabbidon, a respectable merchant of this place, who sent her to London for sale, consigned to Mr. Warwick Weston of that city. She was there sold, we believe, to Messrs. Ward and Soames, the well-known ship-owners, and beyond this we can obtain no information respecting her, except what is contained in our Abstract of the Bill of Sale given above.

Another remarkable circumstance attending this Case is, that the "*Indagadora*" completed her fitting-out, and took in the most valuable part of her cargo for the Coast, at Gibraltar; that such cargo was shipped, the disbursements of the vessel liquidated, and the vessel herself despatched, through the agency of Mr. William Sherwill, of the same place; and that in less than 12 weeks afterwards she was captured by His Majesty's brigantine, "*Griffon*," on her voyage to the Havana, with a large cargo of slaves on board.

The arrival of the "*Indagadora*" in this harbour, with 362 slaves on board, only 11 having died since capture, was reported on the 14th instant by the Acting-Marshal. The Surgeon of the Courts having inspected the slaves on the same morning, stated that their general appearance was healthy, but that there were amongst them 13 cases of bowel-complaint, in the advanced stage of the disease, and one case of bad ulcer, all of which were recommended to be landed as soon as possible. It was, at the same time, remarked that the slaves were excessively crowded, and that the means of accommodation in the vessel were not sufficient for half the number on board.

On the same morning the Affidavit of the Prize-Master was received, verifying the Ship's Papers, which have been already described, and the Captor's Declaration. These Papers were accordingly filed in the Registry. The Captor's Declaration is as follows:—

"I, James Parlbly, Lieutenant and Commander of His Majesty's brigantine, '*Griffon*,' hereby declare that, on the 31st day of October, 1834, being in or about latitude 0° 11' south, and longitude 0° 15' east, I detained the vessel named the '*Indagadora*,' sailing under Spanish colours, armed with 1 six-pounder, and commanded by Don Manuel Espinosa, who declared her to be bound from the New Calabar River to the Havana, with a crew consisting of 24 men, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 372 slaves, said to have been taken on board at the New Calabar River, on the 22d October, 1834. I do further declare, that I have taken out of the said vessel all the crew, with the exception of the Master and 2 men, named José Leon and Francisco Guerrero."

Then follows a minute List of the stores on board the detained vessel at the time of her capture, signed by the Prize-Master and another Officer of the "*Griffon*," as well as by the Master of the detained vessel.

In compliance with a Petition from the Captor's Proctor, the usual Monition, citing all parties interested in the vessel to appear, was issued, and the witnesses in preparatory were directed to be produced.

Early on the 15th instant, the whole of the "*Indagadora's*" slaves (1 having died since their arrival) were landed, and placed under the charge of the Acting-Marshal, in the Liberated African Department Yard, pending adjudication.

The Master and Cook of the detained vessel, who had been produced by the Captor's Proctor as

his witnesses in preparatory, attended at the Registry according to order, and were examined on the standing interrogatories.

The Master deposed, "that he was born at Cadiz, which has always been his home; that he is a subject of Spain, and has never been a subject of any other State; that he is married, and his family live at Cadiz; that he was appointed to the command of the detained vessel by Don Pedro Felipe del Campo, a merchant resident in Cadiz; that he took possession of the vessel at Cadiz, about 3 months ago, from an Englishman, who then commanded her, and whose name he does not recollect; that he did not know the vessel previous to that time, but believes she was built at Nantes; that he was on board the vessel when she was captured for having slaves on board; that she sailed under Spanish colours, and had none other; that her name is 'Indagadora,' and that she received that name when she was purchased, having been previously called the 'Matilda;' that she is 125 Spanish tons, and had a crew of 2 Officers and 25 men, who were all Spaniards, and were entered at Cadiz by him at the same time; that he is half-owner of the vessel, and was to have had half of the produce of the cargo; that none of the Officers or the crew had any interest in the vessel or her cargo; that he was Captain of the detained vessel; that there were no passengers on board; that the voyage began at Cadiz, from which port he went to Gibraltar, and from thence to Calabar, and he was on his way from that river to Havana when he was seized; that, having cleared out at Cadiz, he went to Gibraltar to take in his outward cargo, where he also cleared out; that he was taken in 0° 17' 0" south latitude, on the 31st October last, after a chase which commenced at daylight and continued about 2 hours; that he was steering for Havana at the time, and did not alter his course, but made all sail to escape; that he had 1 gun mounted, 18 muskets, 6 pistols, and 3 small casks of powder; that the arms were for protection against pirates; that he made no resistance to capture, nor had he any orders to resist, but would have escaped if he could; that he owns one-half of the vessel, and the other half belongs to Don Pedro Campo; that he does not know what countryman Campo is, nor if he is married, nor how long he has lived at Cadiz; that a Bill of Sale was received about 3 months ago from an English Captain, which is amongst the Papers delivered up (No. 8); that the price paid for the vessel was 4,000 dollars, which is a fair and proper price; that the transfer of the vessel was truly made, and not intended to cover or conceal the real property; that if the vessel should be restored she would be the property of himself and Don Pedro Campo; that he is the Lader and Consignee of the slaves, who were the property of himself and Don Pedro Campo; and whom he was to have landed at Havana, at the risk and on account of the said Owners, whose property they were and would be if they were again released; that the outward cargo, taken in at Gibraltar, consisted of rum, arms, tobacco, and dry goods; that his present cargo consists of slaves, of whom he took on board 386, from the shore at New Calabar; that after capture the vessel came direct to this place; that the Papers found on board are entirely true; that none of them were concealed or destroyed, but that all the Papers belonging to the vessel are those which have been delivered up; that there was no Charter-party for the present voyage; that neither vessel nor cargo are insured; that he corresponds with Don Campo on all matters which occur, but he considers the vessel when absent from Cadiz to be under his own management; that bulk was first broken at New Calabar, and that none of the slaves there taken on board have been since disembarked; that no stores, sails, or any other articles, have been taken from his vessel since her capture or since her arrival here; and that he has been perfectly well treated, as well as his crew."

The evidence of José de Leon, the Cook, corroborates that of the Master, in every particular coming within the witness's knowledge.

Publication of the Seizor's Case was prayed for, and decreed on the 17th instant; and on the same day the Prize-Master's Affidavit was received, for the purpose of proving the number of slaves on board at the time of capture, and the number of deaths which had subsequently occurred amongst them, previous to their being landed in this Colony. This Affidavit, taken in connection with the Acting-Marshal's Return of Slaves under his charge, and with the Receipt given by the Assistant-Superintendent of Liberated Africans for the slaves delivered to the Government on their emancipation, shows that there were 3 slaves on board the "Indagadora" over and above the number mentioned in the Captor's Declaration—a difference very likely to arise, owing to the difficulty of correctly counting slaves on the densely-crowded deck of a small vessel.

From these different Documents it appeared that 12 slaves had died between the date of their capture and their being landed here, that 2 more had died in the interval which elapsed between their landing and their emancipation by the Court, and that the survivors, who remained to be handed over to the Colonial Government, were 361 in number; thus proving that the number of slaves who were on board the "Indagadora" when taken was 375.

The Monition, which had been issued on the 14th instant, was returned into the Registry on the 21st instant, with the Certificate of the Acting-Marshal that it had been duly served; and on the same day the Court proceeded to the adjudication of the vessel.

At the trial of the Spanish schooner, "Arogante Mayaguesana," on the 9th ultimo, the Court fully explained its opinion, of the manner in which the Spanish Treaty applies to Cases of vessels now captured, under the Spanish flag, to the southward of the line, and it saw no reason for deciding differently on the present Case. A sentence of condemnation was therefore pronounced upon the "Indagadora," as good and lawful prize to the Crowns of Great Britain and Spain; and with respect to the slaves it was decreed, that 375 slaves had been on board at the time of capture; that 12 had died previous to their being landed in this Colony, and 2 subsequently; and that the survivors, 361 in number, be emancipated from slavery.

Sierra Leone, 28th November, 1834.

(Signed)

THOS. COLE.

H. W. MACAULAY.

No. 13.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 3, 1835.)

MY LORD,

Sierra Leone, 3d December, 1834.

WE have the honour to enclose our Report of the Case of the Spanish brigantine, "Clemente," Miguel Bertinote, Master, which was detained on the 3d

ultimo, by His Majesty's brigantine, "Griffon," Lieutenant James Parlbly commanding, in latitude $1^{\circ} 0'$ north, longitude $2^{\circ} 40'$ east.

Both this vessel and the Spanish schooner, "*Indagadora*," whose Case was reported in our Despatch of the 28th ultimo, were taken by the same man-of-war within a period of 3 days; and it is only due to Lieutenant Parlbly and his Prize-Officers, Messrs. Gammon and Noddall, to say that we never knew any prizes to arrive here where the Papers were more regularly prepared, where more attention had been paid to the comfort of the slaves and the kind treatment of the detained crews, or where the clean and orderly state of the vessels was productive of happier results than in the Cases of the "*Indagadora*" and "*Clemente*." On their passage to this port only 11 slaves died in the former vessel, and only 7 in the latter.

The "*Clemente*" cleared out from the Havana on the 18th April, 1834, for the Island of St. Thomas; but was detained on her voyage to the coast by His Majesty's ship, "*Pylades*," by which vessel she was carried into Plymouth as a prize. Having been there released and allowed to proceed to her destination, she left England in the month of July last, and came direct to the River Bonny, where, on the 24th October following, she embarked about 420 slaves, and was taken a few days afterwards, whilst prosecuting her voyage back to Havana, with that cargo on board.

On the 20th ultimo the "*Clemente*" was brought into the British and Spanish Court of Mixed Commission; and, as the Case exhibited all the usual features of illegal Slave Trade, the prosecution instituted against her terminated, on the 29th ultimo, in the condemnation of the vessel and the emancipation of her surviving slaves.

We have, &c.

(Signed)

THOS. COLE.

H. W. MACAULAY.

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

&c. &c. &c.

Enclosure in No. 13.

Report of the Case of the Spanish brigantine, "Clemente," Miguel Bertinote, Master.

THIS vessel was supplied with a Provisional Mercantile Passport, No. 49, from Don Angel Laborde, President of the Navy Board at Havana, dated the 18th April, 1834, authorising her to engage in a legal commercial voyage to the Island of St. Thomas, to return to Havana. She also received a Clearance from Havana of the same date.

The "*Clemente's*" List of crew declares her to be $109\frac{1}{2}$ tons burthen, and to have a crew of 31 men. It is dated at Havana on the 18th April, 1834. On this Document there is an endorsement by Mr. William Henry Hawker, dated "Spanish Vice Consulate, Plymouth, 9th July, 1834," certifying that an addition of 1 man had been made to the List of the crew. To account for this endorsement, it will be necessary to mention here that, on the passage of the "*Clemente*" from the Havana to the coast, she was fallen in with and detained by His Majesty's ship, "*Pylades*," which was returning home from the South American station, and was carried into Plymouth as a prize, but was there restored to her Master, and allowed to proceed to her original destination.

From Plymouth the "*Clemente*" came direct to the Bonny, and there took on board about 420 slaves, as her return-cargo, with whom she was making the best of her way to Havana, when she was encountered, on the 3d ultimo, by His Majesty's brigantine, "*Griffon*," in latitude $1^{\circ} 0'$ north, and longitude $2^{\circ} 40'$ east, and seized for being engaged in the illicit traffic in slaves.

The "*Clemente*" arrived in this harbour on the evening of the 19th instant, and on the following morning we received the Reports of the Acting-Marshal and the Surgeon to the Courts, notifying the arrival of the vessel, with the circumstances of her capture, and the state of health amongst her slaves. It was reported that the general aspect of the slaves was healthy; that there were 4 cases of dysentery, 2 of severe ulcer, numerous cases of craw-craw, and about 20 persons in that state of extreme emaciation and debility which commonly terminates in dysentery; and from a consideration of these circumstances, as well as the crowded state of the vessel, it was recommended that the slaves should be landed as soon as possible.

On the same morning, in compliance with a Petition to that effect from the Captor's Proctor, the Captor's Declaration was received and filed, together with the Affidavit of the Prize-Master, verifying the facts stated in Lieutenant Parlbly's Declaration, and authenticating the Ship's Papers, which were delivered into the Registry. The Monition was, at the same time, issued, citing all parties interested in the vessel to appear; and it was ordered that the witnesses in preparatory should immediately give their attendance at the Registry of the Court.

The Captor's Declaration is to the following effect:—"I, James Parlbly, Lieutenant and Commander of His Britannic Majesty's brigantine, '*Griffon*,' hereby declare, that on this 3d day of November, 1834, being in or about latitude, $1^{\circ} 0'$ north, longitude $2^{\circ} 40'$ east, I detained the vessel named the '*Clemente*,' sailing under Spanish colours, armed with 1 long 12-pounder, commanded by Don Miguel Bertinote, who declared her to be bound from the River Bonny to the Havana, with a crew consisting of 32 men, and 2 passengers, whose names, as declared by them respectively, are

inserted in a List at the foot hereof, and having on board 415 slaves, said to have been taken on board at the River Bonny, on the 24th day of October last.

"I hereby further certify, that the Captain declares that a black negro-boy, who is on board the '*Clemente*,' and who is counted amongst the 415 slaves, is not a slave, but going with him to Havana to learn Spanish."

This Declaration was accompanied by a List of the stores on board the prize at the time of her detention, signed by the Prize-Master and another Officer of the "*Griffon*," and by the Master of the detained vessel.

A Petition was presented by the Captor's Proctor, that the slaves of the "*Clemente*" might be landed, and placed under the care of the Acting-Marshal on shore, pending adjudication. From the crowded state of the premises available for such a purpose, it was found impossible to comply with this request; but the sufferings which the slaves endured by being crowded together were mitigated in this instance, by putting one-half of them on board the Spanish schooner, "*Indagadora*," a prize to the same Captor, which was then lying in the harbour empty.

The 2 witnesses brought forward for examination on the part of the Captor were Miguel Bertinote, the Master, and Andres de Ocal, the Steward of the "*Clemente*."

In reply to the standing interrogatories, the Master deposed, that "he was born at Cadiz, and has always resided there, except when absent on trading-voyages; is a subject of Spain, and has never served any other State; is a married man, and his wife and family reside at Cadiz; was appointed to the command of the vessel by the Owner, Feamin Causela, who lives at Havana, and is a subject of Spain; took possession of the vessel at Havana, in March last, from the Owner, she being at the time unrigged; has known the vessel a year; saw her first at Havana; she was built at Baltimore; and was on board the detained vessel when she was taken with slaves on board; she was under Spanish colours, and had no others; the vessel's name is '*El Clemente*;' she is 109 Spanish tons, and has a crew of 5 Officers, and he believes 29 men, some of whom were Portuguese, but the greater part Spaniards, and all shipped at the Havana at the same time by him; had a share in the vessel of 1,000 dollars, and was the Owner of the cargo of slaves; no other person than those mentioned had any interest in the vessel or cargo; was Captain of the vessel; there were 3 passengers, one a Spaniard, one a little native boy, belonging to a merchant in the Bonny, and another, whose nation he does not know; the present voyage began at Havana, and he was on his way to St. Thomas, when he was detained by his Britannic Majesty's sloop, '*Pylades*,' and taken to Plymouth, at which port he was released, and proceeded to the Bonny; was taken on the present voyage in 0° 39' north latitude, on the 3d November instant; made no resistance to capture, nor had he any orders to resist, or to destroy or conceal any of the Ship's Papers; is part owner of the vessel, as before stated, and Feamin Causela is the other owner; does not know if Causela is married, but he resides at Havana, but for how long he does not know; was himself the Lader, Owner, and Consignee of the slaves, who would have been landed at Cuba or Porto Rico on his own account and risk; the cargo taken from Havana consisted of dry goods, muskets, tobacco, rum, and the usual articles for the coast trade; his present cargo consisted of about 400 men, women, and children, who were all received on board in the Bonny, 3 of whom died before capture; the Papers found on board were all true and fair, and are all with which she left her last clearing-port; knows of no other Papers belonging to the vessel, except the Bill of Sale of the vessel, which is at Havana; there was no Charter-party signed for the present voyage; does not know if the vessel and cargo are insured."

The evidence of the Steward of the "*Clemente*" is exactly similar to that of the Master.

The Monition issued on the 20th was returned into the Registry on the 27th ultimo, with a Certificate from the Acting-Marshal of its having been duly served; and the usual Affidavit, as to the number of deaths which had taken place on board the prize since capture, having been made by the Prize-Master, the Court assembled on the 29th ultimo for the adjudication of the Case.

There could only be one opinion as to the guilty employment of the "*Clemente*" at the time of her detention. She was accordingly condemned as good and lawful prize, for the avowed violation of the Slave Trade Restriction Treaty between Great Britain and Spain. It was also decreed that 414 slaves were on board the prize at the time of capture by His Britannic Majesty's brigantine, "*Griffon*;" that 11 of those slaves had subsequently died; and that the survivors, 403 in number, be emancipated from slavery.

Sierra Leone, 3d December, 1834.

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

No. 14.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 22, 1835.

YOUR Despatch of the 21st November, 1834, containing your Report of the Case of the Spanish slave-schooner, "*Pepita*," has been referred to His Majesty's Advocate-General.

The opinion of that Officer is, that the course pursued by you in this Case has been perfectly correct and proper.

It appears to the King's Advocate, that the violation of the 9th and 10th Articles of the Treaty with Spain of September, 1817, and of the 1st Article of the Instructions appended to that Treaty, was so clear in this Case, as to leave no doubt that the detention of the vessel, under the circumstances stated, was illegal.

The King's Advocate is further of opinion that, under the 8th Article of the Regulations for the guidance of the Commissioners, it was incumbent on you to award in this Case an indemnification; but that, as the Claimant disavowed, from

the first, all right and title to the slaves, and denied all property in them, he could have no right to demand compensation for the loss of them.

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

I am, &c.
 (Signed) PALMERSTON.

No. 15.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 24.)

MY LORD,

Sierra Leone, 5th January, 1835.

ENCLOSED we have the honour to transmit to your Lordship an Abstract of the proceedings in the British and Spanish Court of Mixed Commission established in this Colony between the 1st January, 1834, and the 1st January, 1835.

The number of Cases adjudicated was 8; seven vessels were condemned; one was restored to the owner; and 2,159 slaves were 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. 15.

Abstract of the Proceedings in the British and Spanish Court of Mixed Commission at Sierra Leone, in the period from the 1st of January, 1834, to the 1st January, 1835.

1. The brig, "*Vengador*," Pedro Badia, Master, was captured on the 8th January 1834, in latitude 4° 1' north, longitude 7° 0' east, by His Majesty's steam-vessel, "*Pluto*," Lieutenant Thomas Ross Sullivan commanding, with 405 slaves on board, shipped in the River Bonny. Every effort was made by the Master of the detained vessel to induce his crew to offer the utmost resistance to the capturing-ship, but without effect.

On the 14th February, 1834, the "*Vengador*" was regularly brought before the British and Spanish Court, which, after going through all the usual formalities, condemned her on the 21st of that month, and emancipated the survivors of her slaves.

2. His Majesty's ship, "*Isis*," Captain James Polkinghorne commanding, fell in with the brigantine, "*Carolina*," Juan Pinto, Master, on the 16th February, 1834, off the River Lagos, and detained her for being engaged in the illicit traffic of slaves. She had on board at the time 250 slaves, with whom she was proceeding to Havana. Having been carried to Sierra Leone for adjudication, the "*Carolina*" was then condemned on the 22d March, 1834, in accordance with the stipulations of the Spanish Treaty, and her surviving slaves were at the same time liberated from slavery.

3. The Spanish schooner, "*Pantica*," José Carbo, Master, sailed from the Havana direct to the Old Calabar River, and there took on board a full cargo of slaves, with whom she was on the point of returning to the Havana, when she was detained by the boats of His Majesty's schooner, "*Fair Rosamond*," Lieutenant George Rose commanding, on the 27th April, 1834, whilst lying at anchor off the mouth of the river in which her slaves had been embarked. Her Spanish character, and the fact of having slaves on board at the time of capture, having been clearly proved, the Court decreed, on the 2d June, 1834, that the "*Pantica*" was a good and lawful prize; and that the survivors of her slaves, 270 in number, should be handed over to the Colonial Government, to be employed as servants or free labourers.

4. The schooner, "*Maria Isabel*," José Mauri, Master, bound from the River Benin to St. Jago de Cuba, with a cargo of 146 slaves, was detained by His Majesty's schooner, "*Fair Rosamond*," Lieutenant George Rose commanding, in 0° 36' north latitude, on the 5th August, 1834, and was immediately sent up to this place, in order to her being prosecuted before the British and Spanish Court of Mixed Commission. No claim having been made for the vessel, which was confessedly engaged in the illicit Slave Trade at the time of her capture, the Court decreed, on the 9th September, 1834, that she should be condemned, as a good and lawful prize to the Crowns of Great Britain and Spain, and that the survivors of her slaves should be emancipated from slavery.

5. The Spanish schooner, "*Arogante Mayaguesana*," Bartolomé Ferrer, Master, belonged, as her name denotes, to the town of Mayaguez, in the Island of Porto Rico. She embarked a cargo of slaves in the Province of Loango, and was captured, 14 days afterwards, on the 17th September, 1834, in 4° 11' south latitude, and 10° 27' west longitude, by His Majesty's brig, "*Lynx*," under the command of Lieutenant Henry Vere Huntley. The "*Arogante Mayaguesana*," arrived here on the 30th September, 1834, with 309 slaves on board, and was adjudicated on the 9th of October. The Case was distinguished from any other which had hitherto been before the Court, the vessel having embarked her slaves in Angola to the southward of the line, and having been captured in 4° 11' south latitude. But the Court being of opinion that the capture of Spanish slave-vessels to the southward of the line became justifiable from the time that the Spanish Slave Trade was entirely abolished, decreed the condemnation of the "*Arogante Mayaguesana*," and the emancipation of her

slaves; and it is hoped this view of the case, which, if previously entertained by British cruisers, did not seem in any manner to influence their movements, will, now that it has been confirmed by a positive decision, lead to greater activity in cruising in southern latitudes.

6. The Spanish schooner, "*Pepita*," Pablo Oliver, Master, was detained by [His Majesty's sloop "*Pelorus*," Richard Meredith, Esquire, commanding, whilst at anchor in the River Cameroons, on the 30th June last. It having been ascertained that the 3 slaves, said to have been on board at the time of capture, and on account of whom the capture was ostensibly made, were placed on board by the Captors themselves, and that the remainder of the 179 slaves, named in the Captor's Declaration, were confessedly put on board the "*Pepita*" by the connivance, and at the instigation, of the Captor, on the morning following her detention, the Court felt bound to decree the restoration of the vessel to the Owner and Claimant, Don Pablo Oliver, and to refer it to the Registrar to ascertain the amount to which the Claimant was entitled, for costs of suit and special damages and expenses occasioned by the illegal detention of his vessel. All property in the slaves, who had been thus put on board by the Captors, having been disclaimed by Oliver, the Court was saved the painful necessity of considering how they should be disposed of; and as no judicial cognizance could be taken of them by us, they were handed over to the Colonial Government without emancipation, to enjoy the blessings of freedom in common with their emancipated brethren. It will be observed that this abstract only embraces the first part of the "*Pepita's*" Case, ending with her restoration, the question of damages not being yet decided.

7. The Spanish schooner, "*Indagadora*," Manuel Espinosa, Master, sailed from Cadiz on the 3d August, 1834, and proceeded thence to Gibraltar, at which place she procured the principal part of her cargo of trade-goods for the coast from Mr. William Sherwill, who also superintended the disbursement of the vessel. From Gibraltar the "*Indagadora*" went direct to the New Calabar River, where she took on board a full cargo of slaves. On her way to the Havana she was captured by His Majesty's brigantine, "*Griffon*," Lieutenant James Parlbly commanding, who immediately despatched her to Sierra Leone for adjudication. The evidence taken having clearly proved that the "*Indagadora*" was illegally employed in the Slave Trade at the time of her capture, the Court pronounced sentence on the 21st November, 1834, condemning the vessel to the Crowns of Great Britain and Spain, and emancipating from slavery the surviving slaves, to the number of 361.

8. The Spanish brigantine, "*Clemente*" was captured by His Majesty's brigantine, "*Griffon*," Lieutenant James Parlbly commanding, in latitude 1° 0' north, on the 3d November, 1834, with 414 slaves on board, who had been embarked about 10 days previous in the River Bonny, and were on their way to Havana. The evidence produced by the Captor was conclusive as to the fact of the "*Clemente's*" being actually engaged in the illicit traffic in slaves at the time of her capture. It was accordingly decreed, on the 29th November, 1834, that the vessel was forfeited, and that the survivors of her slaves, to the number of 403, should be forthwith emancipated from slavery.

(Signed)

THOMAS COLE.
H. W. MACAULAY.

Sierra Leone, 5th January, 1834.

No. 16.

His Majesty's Commissioners to John Backhouse, Esq.—(Received April 24.)

SIR,

Sierra Leone, 5th January, 1835.

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 Spanish vessels adjudicated in the British and Spanish Court of Mixed Commission, established at Sierra Leone, in the period from the 1st July to the 1st January, 1835.

We have, &c.

(Signed)

THOS. COLE.
H. W. MACAULAY.

John Backhouse, Esq.

&c. &c. &c.

Enclosure in No. 16.

Return of Spanish Vessels adjudicated by the British and Spanish Court of Mixed Commissions, established at Sierra Leone, betwixt the 1st day of July, 1834, and the 1st day of January, 1835.

| NAME OF VESSEL. | DATE OF SEIZURE. | WHERE CAPTURED. | | PROPERTY SEIZED. | SEIZOR. | DATE OF SENTENCE. | Number of Slaves Captured. | Number died before Adjudicated. | 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. | | | | | | | | |
| Maria Isabel | 1834. 5 August | 36° N. | 8° 14' E. | { Schooner and 146 slaves | { George Rose, Esq., H. B. M. schooner, "Fair Rosmond." | 1834. 9 September | 146 | 15 | 130* | { 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. |
| Arogante Mayague- sane | 17 August | 4° 11' S. | 10° 27' E. | { Schooner and 336 slaves | { H. V. Huntley, Esq., H. B. M. brig, "Lynx." | 9 October | 336 | 41 | 290† | Ditto Ditto | Ditto Ditto |
| Pepita | 30 June | { River Cameerons | | { Schooner and Cargo | { R. Meredith, Esq., H. B. M. sloop, "Pelorus." | 14 November | .. | .. | .. | Restitution | { Schooner and Cargo delivered up to the Master. |
| Indagadora | 31 October | 10° S. | 15° E. | { Schooner and 373 slaves | { J. Parby, Esq., H. B. M. brig, "Griffon." | 21 November | 373 | 12 | 361 | { 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. |
| El Clemente | 3 November | 1° N. | 2° 40' E. | { Brigantine and 417 slaves | { J. Parby, Esq., H. B. M. brig, "Griffon." | 29 November | 417 | 14 | 403‡ | Ditto Ditto | Ditto Ditto |

* One girl died before description could be taken to be registered.
 † Three men, 3 boys, and 1 girl, died after emancipation, and before their descriptions were registered.
 ‡ One boy and 1 girl, died before descriptions were taken to be registered.

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

Sierra Leone, 1st January, 1835.
(Signed) JOHN SALTER,
Acting Registrar.

No. 17.

Viscount Palmerston to His Majesty's Commissioners.

(Extract.)

Foreign Office, April 28, 1835.

"THE King's Advocate reports it to be his opinion that the irregularities which occurred, in respect to the conduct of the Captors of the '*Conchita*,' appear to have been in a great measure explained by the Declarations transmitted to the Mixed Commission, by Sir Robert Mends: that the Spanish character of the vessel, and the fact of her having been fitted out for the traffic in slaves, were satisfactorily established; and that the facts detailed leave no doubt that the captured vessel had been engaged in the Slave Trade, and that she actually had slaves on board of her immediately before she was captured; and that, as the '*Fabiana*' was condemned after the expiration of the limited period, the same course may and ought to be pursued on the present occasion.

"I have, therefore, to desire that you will now proceed to the final adjudication of the '*Conchita*.'

"I am, &c.

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

(Signed) "PALMERSTON."

No. 18.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 6.)

MY LORD DUKE,

Sierra Leone, 24th January, 1835.

IN our Despatch, marked Spain, of the 21st of November, 1834, we had the honour to enclose our Report of the first part of the Case of the Spanish schooner "*Pepita*," Pablo Oliver, Master, ending with the restoration of that vessel to her Owner.

We have now the honour to enclose the Report of our proceedings with respect to the ulterior question of costs, damages, and expenses, due from the Captor to the Claimant, in consequence of the illegal detention of the "*Pepita*," by His Majesty's sloop, "*Pelorus*," Richard Meredith, Esquire, Commander.

Annexed to the enclosed Report we have also transmitted full length Copies of the most material Documents connected with this long and difficult investigation, the better to enable your Grace to judge of the grounds on which our final decision was founded.

In the early part of the "*Pepita's*" Case we had occasion to remark on the difficulty to which we were exposed, by the Captor having neglected to send up as witnesses any of his Officers who were present at the "*Pepita's*" capture. In deciding on the question of damages, we were in like manner left without any means of checking the demands of the Claimant by a reference to Captain Meredith or his Officers, as His Majesty's sloop, "*Pelorus*," left this place immediately after the Court decreed the restoration of the "*Pepita*."

The Claimant having been excluded from receiving demurrage for the detention of his vessel, owing to her being of a less burthen than 100 tons, the damages sustained by him in other respects were assessed at 1,091*l.* 19*s.* 4*d.*, and an unconditional decree was given to him for that amount.

We have, &c.

(Signed)

THOS. COLE.

H. W. MACAULAY.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

Enclosure in No. 18.

Report of the Second Part of the Case of the Spanish schooner, "Pepita," Pablo Oliver, Master.

ON the 14th November, 1834, the Spanish schooner, "*Pepita*," captured by His Majesty's sloop, "*Pelorus*," Richard Meredith, Esq., Commander, was decreed to be restored to her Owner and Master, Don Pablo Oliver; and it was referred to the Registrar to ascertain and report upon the amount of

costs, damages, and expenses, due from the Captor to the Claimant, for the illegal detention of his vessel.

The unavoidable departure of Commander Meredith, almost immediately after the Decree of Restitution was pronounced, is much to be regretted, as the assessment of damages by the Registrar (at all times a difficult and delicate duty) was thereby rendered more perplexing than usual, owing to the absence of all means of checking the statements and demands of the Claimant by the opposing evidence of the Captor and his Officers. It thus also happened that the only grounds on which the Registrar could form a decision with regard to each particular item were, the unsupported testimony of an interested party, and the inherent reasonableness or improbability of the charge.

In our Report of the first part of the "*Pepita's*" Case, all the evidence bearing upon the question of the damages sustained by the Claimant is so fully detailed, that it will be unnecessary again to quote it at length.

On the 21st November, 1834, Oliver brought forward his Claim on account of damages, amounting to the sum of 8,722*l.* 13*s.* 8*d.*, and at the same time made oath that the several charges therein were just and true.

Amongst the items in the Schedule there was one claiming 690*l.* for demurrage, at the rate of 5*l.* per day, from the date of the "*Pepita's*" capture to the date of her restoration; and stating the tonnage of the schooner to be 118 tons. As the "*Pepita's*" Papers had declared her to be only 45 Spanish tons, and as it had always been the practice of the Court to deny demurrage to vessels of less burthen than 100 tons, the object of the Claimant evidently was, to show that the "*Pepita*" was above 100 tons burthen, according to the British mode of admeasurement, and that she was entitled to demurrage on her British tonnage.

With this view, the Claimant's Proctor petitioned, on the 26th of November, 1834, that the "*Pepita*" might be admeasured by the sworn admeasurer of the Court, and the Report of that Officer declared her to be 106 $\frac{1}{2}$ tons British.

As the fate of many of the items in the Claimant's Schedule would depend upon the judgment which the Court might come to on the subject of demurrage, it was thought desirable to make the admissibility of the Claimant's demand, in that respect, a separate question, to be decided upon at once, as in the Case of the "*San Rafael*," in the year 1823. The Court accordingly appointed a day to hear the arguments of Proctors on either side, and the matter was finally set at rest, on the 9th ultimo, on which day it was decreed that the "*Pepita*" was not entitled to demurrage.

The Claimant's Proctor contended that the scale of demurrage to be paid to vessels unjustly detained, according to the 8th Article of the Regulations annexed to the Spanish Treaty, is both an ascending and a descending scale, applying with equal force to vessels under 100 tons as to those above that size, and that it was obviously the intention of His Majesty's Government that it should be so understood. His argument was founded on the singular fact, not hitherto observed, that whilst the Copies of the Spanish Treaty, printed at the London Gazette Office, and presented to Parliament in 1818, provided that demurrage should be paid on vessels from 100 tons to 300 tons burthen, "and so on in proportion,"—the recital of the same clause in the Acts, 58th George 3, cap. 36, and 5th George 4, cap. 113, merely contains the words, "and so in proportion," words which it was contended would fully admit of the construction which he put upon them.

The Claimant's Proctor further urged that, in this Case, the Captor could not claim exemption from the payment of demurrage on the only ground acknowledged to be valid by the Treaty, namely, that "he had been led into error by the voluntary and reprehensible fault of the Claimant;" and that, as the Report of the sworn admeasurer of the Court had shown the British tonnage of the "*Pepita*" to be upwards of 100 tons, and as no mention is made of Spanish tonnage in the 8th Article of the Regulations, the vessel was still entitled to claim demurrage on her British admeasurement.

On the other hand, the Captor's Proctor asserted that the demurrage clause of the Treaty only referred to the Spanish tonnage of Spanish vessels, and not to the number of tons which they might contain by the British mode of admeasurement; that, by the Papers of the vessel, and the oath of the Master, the "*Pepita*" was only 45 tons burthen; that she was, therefore, excluded by her size from receiving demurrage, if the practice of the Court, on former occasions of a similar nature, were to be followed; that the Captor was evidently led into error by the illegal proceedings of the Claimant; and that, if demurrage were granted at all, it could only be on her Spanish, and not on her British, tonnage.

The judgment of the Court (of which a Copy is enclosed) pronounced, on the 9th ultimo, that the "*Pepita*" was not entitled to demurrage, owing to her being less than 100 tons burthen.

Previous to the consideration of the Claimant's Schedule of damages, a Commission was issued to the Surveyors and Appraisers of the Court, directing them to inspect and report upon the state of the "*Pepita*," more particularly with respect to the damage which she might have sustained subsequent to Capture. We enclose a Copy of the Return to this Commission, concluding with the Declaration, that it would require the sum of 225*l.* to fit the vessel again for sea.

The investigation of the several items was then entered upon by the Acting-Registrar, in concert with the Proctors of each party, and on the 3d instant, the Report of the Acting-Registrar was received, stating that, in his opinion, the Claimant was entitled to the sum of 997*l.* 1*s.* 4 $\frac{1}{2}$ *d.*, for the cost, damages, and expenses, occasioned by the illegal detention of his vessel.

A Court was immediately summoned to meet on the 7th instant, for the purpose of bringing up the Acting-Registrar's Report, and hearing the arguments of Proctors thereon; and on the 8th instant the Court delivered its judgment, of which a full length Copy is enclosed. By that judgment the Acting-Registrar's Report was ordered to be amended in several particulars, and to be brought up again on an early day.

The Report was consequently amended, according to the directions of the Court, and was again produced for approval on the 10th instant, when it was finally confirmed. A Copy is enclosed. By the award and decree given on that occasion, "Richard Meredith, Esq., the Captor, was adjudged to pay to Pablo Oliver, the Claimant, or his lawful Attorney or Attornies, but for his use, absolutely and unconditionally, the sum of 1,091*l.* 19*s.* 4 $\frac{1}{2}$ *d.* for the said costs of suit, and for the special damages and expenses occasioned to the said schooner, "*Pepita*," by her detention."

In addition to the Papers already referred to, we also transmit, enclosed, certified Copies of the various Minutes made in the Spanish Minute-Book, during the progress of this long and difficult Case, ending with a Certificate from the Commissioners of the amount of the award granted to the Claimant.

This Certificate was furnished to Oliver, in compliance with his Petition, and in imitation of the course pursued in the Case of the Portuguese brigantine, "*Gavião*," in the year 1822.

The Ship's Papers belonging to the "*Pepita*," which had been lodged in the Registry of the Court during the pendency of the proceedings, were this day given up to the Claimant's Proctor and a receipt taken for the same.

(Signed)

THOS. COLE.

H. W. MACAULAY.

Sierra Leone, 24th January, 1835.

Sub-Enclosure A. in No. 18.

Judgment given on the Demurrage of the Spanish schooner, "Pepita," Pablo Oliver, Master.

THE Court will now proceed to consider whether demurrage should be allowed or disallowed in the Case which has just been called; and it will briefly advert to some arguments made use of by the Proctors at our last meeting, before stating its own view of the general question of demurrage, and of its particular application to the Case before us.

The Proctor for the Claimant commenced his address by reminding us that we represented Spanish equally with British interests in this Court; and that, in judging according to both "the letter and spirit of the Treaty," we should be careful not to allow our natural participation in British feeling regarding the Slave Trade to lead to the overstraining of even one clause of the Treaty, which exists between the two Governments, on that subject. But we needed no such memento; for, anxious as we are at all times to act, according to the tenor of the oath which we have taken; "faithfully, impartially, fairly, and without preference or favour either for Claimants or Captors, or any other persons;" that anxiety is increased two-fold by the conviction that, as the Court is at present constituted, it is our duty to see that the Spanish Slave Treaty is fulfilled in its letter and spirit, on the part of His Catholic Majesty as well as on the part of the King of England.

Another point alluded to by the Claimant's Proctor is, the difference which exists of *one word*, in the 8th Article of the Regulations annexed to the Spanish Treaty, between the Copies of that Treaty which were printed at the London Gazette Office, and presented to Parliament by command of His Royal Highness the Prince Regent in 1818, and the recital of the same clause in the Act 58 Geo. 3, c. 36, passed on the 28th May, 1818, entitled "An Act to carry into execution a Treaty made between His Majesty and the King of Spain for the preventing the Traffic in Slaves," as well as its recital in the 52d section of the Slave Trade Abolition Act, 5 Geo. 4, c. 113, printed in 1824.

The clause referred to is that in which is fixed the scale of demurrage to be paid to a vessel restored by order of the Court, for being unjustly detained.

This scale increases in amount according to the size of the vessel, from 100 to 300 tons burthen, and ends with the words "and so on in proportion." The word "on" is omitted in the quotation of the same passage in the 2 Acts just mentioned, but is inserted in the original official Copies of the Treaty.

From the omission of this word in the Acts of Parliament, the Claimant's Proctor would endeavour to show that the scale was intended to be a descending as well as an ascending scale; but we cannot help considering that the original Copies of the Treaty, printed immediately after its execution, is a better criterion of the intent and meaning of its framers, though not invested with greater authority, than either of the Acts of Parliament.

It is true that the words in the Spanish Copy are only "*y asi*;" but though these words do not go so far as the original English translation, they will very well bear such a construction, and indeed could bear no other, with a due reference to the spirit of the Treaty, and its declared object; viz., the discouragement of all contraband and illicit Slave Trade, for which vessels of very small burthens afford such great facilities; or with reference to the unfortunate beings, for whose benefit the Treaty was entered into, whose sufferings are known to increase in a double proportion as the size of their prison-house is diminished.

The correctness of this translation of the Spanish Treaty, as it stands in the Acts of Parliament, is unquestionable; but we must confess that the discrepancy which is found to exist between those Acts and the Documents on which His Majesty's Commissioners have hitherto founded their observations, when remarking on the subject of demurrage, has in no degree altered our view of the general question.

In the Portuguese Treaty we find that the corresponding passage has the words "*e assim*," which are in like manner translated "and so on" in the original English version, but only "and so" in the 2 Acts of Parliament, 58 Geo. 3, c. 85, passed on the 5th June, 1818, for carrying that Treaty into effect, and in 6 Geo. 4, c. 113.

But if we turn to the Netherlands Slave Treaty, signed at the Hague on the 4th May, 1818, the object of the High Contracting Parties, in framing the clause in question, is more clearly seen.

The words there made use of are "*et ainsi de suite en proportion*," which even more clearly imply an ascending scale than the translation which is given to them both in the original English version of the Treaty and in the Act of Parliament for carrying the Treaty into effect. In the consolidated Slave Trade Act, however, as in other cases where the meaning was not so clearly expressed in the foreign language, the words are "and so in proportion."

In adopting, therefore, and acting upon the opinion that the scale of demurrage, attached to the several Treaties, commences with vessels of 100 tons, and does not descend to vessels of an inferior burthen, we are not only following a course which has been marked out by our predecessors and sanctioned by the approval of successive Secretaries of State, but which we firmly believe to be in strict accordance with the letter and spirit of the Treaty.

In the instance of the "*Sinceridade*," Class B., 1824, p. 85, Mr. Fitzgerald says:—"Demurrage, the principal head of pecuniary damages, could not be adjudged in this Case, as the vessel was under 100 tons burthen; and the scale, annexed to the 8th Article of the Instructions for the Mixed Commissions was formed on an ascending principle, from 100 tons upwards, without any provision for vessels under that size. The Commissioners therefore, in the present Case, could not award demurrage under that Article." And again at p. 87:—"The Schedule of demurrage, annexed to the 8th Article of the Convention, commences with vessels from 100 to 120 inclusive. It proceeds upwards by regular

and proportionate gradations of increase until it reaches 300 tons, where it closes with a note of further direction in these words, 'and so on in proportion.' There is not any note saying 'and so back,' or 'so downwards,' or 'so under in proportion.' It is altogether an ascending, and not a descending scale.

"If it be argued that justice requires that compensation should be made in similar proportion to vessels under 100 tons, as well as to vessels over 100 tons; and that the Commissioners may assume a discretion to award that demurrage, and to adjust it according to the principle of the Schedule annexed to the 8th Article of the Convention, I can only say that my opinion is in opposition to such an argument. I do not think that justice does require that compensation should be equally made to vessels under 100 tons and to vessels over 100 tons employed in this trade; and I do not think that the Commissioners can assume a discretion to fix a descending scale to adjust that demurrage, though the gradation and proportion established in the existing Schedule might, with perfect accuracy, be applied to a descending scale also. If such a discretion could be assumed, where would it stop? or how could any limit be put to it, without assuming a farther discretion, that is, a discretion upon a discretion? If discretion to fix a descending scale could be assumed, we might expect to see ourselves in the situation of being called upon to award demurrage to vessels of the same size and descriptions as the '*Magdalena*,' as the '*San Jozé Xalaca*,' as the '*Nova Felicidade*'—vessels, at the employment of which for the conveyance of slaves, and at the sufferings of the slaves when pressed down in the dungeons made for their reception on board of them, human nature shudders.

"I consider it to be very clear that the High Contracting Parties, in framing the Schedule of demurrage upon an ascending principle, from 100 tons upwards, and in omitting to frame any Schedule upon a descending principle for vessels under 100 tons, as far as they might think it proper to carry that principle downwards, regarded 100 tons as the smallest size of vessel that ought to be, or that could reasonably be expected to be, employed in this trade; and considering the miseries resulting to the slaves from the employment of smaller vessels, and the abuses that may be and that notoriously are practised, by crowding small vessels with excessive numbers, I do think that justice, and reason, and feeling, should withhold the Commissioners from encouraging the employment of smaller vessels."

The Secretary of State amply confirmed this view of the matter. In a Despatch to His Majesty's Commissioners, dated Foreign Office, 12th November, 1823, at p. 169 of the same Correspondence, Mr. Secretary Canning writes:—"I have received your 2 Despatches of the 22d April and the 6th June, 1823, relative to the capture of the Portuguese slave-ship, '*La Sinceridade*,' by His Majesty's ship, '*Bann*,' and the subsequent liberation of that vessel, after a trial under the Mixed British and Portuguese Court at Sierra Leone. Your conduct on this occasion appears to have been guided by a due sense of justice and in strict accordance with the Treaties under which you act."

From the Report of the Case of the "*Nova Sorte*," Class B., 1824, p. 106, we find "that her Royal Passport stated her burthen to be 141½ tons, by which rate she was authorised to carry 353 slaves. There was amongst her Papers a Certificate of admeasurement, according to which the rate of tonnage was as stated in the Passport; there were also amongst her Papers 2 Documents, which stated the burthen of the '*Nova Sorte*' to be 84 tons. And further on, at page 126, the Commissioners decreed that the Claimant was not entitled to demurrage, as the '*Nova Sorte*' must be taken to be under 100 tons burthen upon a comparison of some of her Papers. These Papers were the Royal Passport and 2 official Certificates given at Bahia touching light-dues: particular mention is made of these Papers at the commencement of this Report. The Proctor for the Claimant subsequently prayed that the '*Nova Sorte*' might be admeasured, in order that her real burthen might be ascertained. The admeasurement of the '*Nova Sorte*' was accordingly taken; her burthen was ascertained to be 83 tons, ¾ tons, English, which would not be 100 Portuguese tons."

It may perhaps be as well to remark here (with reference to the argument deduced by the Claimant's Proctor from the admeasurement of the '*Nova Sorte*' in this port,) that the apparent reason for her admeasurement was, the discrepancy which existed in the different Certificates of her tonnage, 2 of her Papers certifying that she was 141½ tons burthen, and 2 other Papers, that she was only 84 tons burthen. Under these circumstances it was necessary to procure some data from which to ascertain her actual tonnage, or at least to discover which of the 2 Certificates was the correct one.

In the late Case of the "*Atafa Primo*," which is too well known to require comment, "the Court decreed the Claimant was not entitled to demurrage, the '*Atafa Primo*' being considerably under 100 tons burthen."

Having thus settled that no vessel under 100 tons burthen is entitled to claim demurrage under the 8th Article of the Regulations, we have now to consider what may be the tonnage of the "*Pepita*."

Her Passport and List of Crew both state her to be 45 tons. In reply to the 6th standing interrogatory the Master swears that "she is 45 tons;" and in answer to the 15th standing interrogatory he again swears that "all the Papers taken on board his vessel are entirely true and fair." There is a suspicion that Oliver has perjured himself in this as well as in some other respects; for we have good grounds for knowing that the Spanish tonnage of his vessel is considerably more than 45 tons, though it must also be acknowledged to be less than 100 Spanish tons. Had it been otherwise Oliver could hardly have expected that, in the face of his Ship's Papers and his own Affidavits, he would have been allowed to claim a demurrage on a larger number of tons than that which he had repeatedly sworn to as the tonnage of his vessel.

The Court considers that Spanish vessels cannot, under any circumstances, claim the demurrage awarded by the 8th Article of the Regulations, upon the number of tons which they might admeasure by the British mode of admeasurement. The object in measuring the "*Nova Sorte*" was clearly only to ascertain if she could be brought, as a Portuguese vessel, within the terms of that Article; for the concluding passage of the Report on her Case says, "her burthen was ascertained to be 83 tons, and ¾ of a ton, English, which would not be 100 Portuguese tons."

But it is evident that it is not Spanish tons alone to which the 8th Article of the Regulations has reference; for, as the right to search and detain British merchant-ships suspected of slave-trading is equally conceded to Spanish ships-of-war provided with the proper instructions; it would surely be according to the British tonnage of such merchant-ships that demurrage would be awarded, in the event of their restoration.

There are only two grounds upon which demurrage can be withheld, in cases of restitution, either of which is sufficient. One is, the Captor having been "led into error by a voluntary and reprehensible fault on the part of the Captain of the detained vessel;" and the other is, the detained vessel being of a less burthen than 100 tons.

On the first ground, the Court has no hesitation in declaring that the Captor in the present Case could not claim an exemption from the charge of demurrage; and it is a fortunate circumstance for him, that the "*Pepita*" was not of sufficient size to deprive him of the second ground of exemption. The Court is of opinion that a certain, and even an avowed, intent to trade in slaves, or a complete equipment for that purpose, is not, as the Treaty stands at present, "the voluntary and reprehensible fault" contemplated by the 8th Article of the Regulations; and this opinion is so exactly in accordance with that which was held by our predecessors, Messrs. Gregory and Fitzgerald, that I can not forbear quoting such high authority in its support, more especially as the judgment to which I refer can be little known to the gentlemen at present practising in the Courts.

In the Case of the Spanish schooner, "*San Rafael*," reported in Class B., 1824, p. 49, the Master, Pilot, Boatswain, and the rest of the crew, having been left at Whydah and at Princes, there was not any person belonging to the vessel forthcoming to claim, or even to receive her, when she was restored. After her restoration, the Captor's Proctor petitioned that, no Claimant being then present, the Captor might be relieved by the Court from any further claim for demurrage.

In his written opinion on this matter, Mr. Gregory says, "the point in question is solely whether the proof of an intent to take on board a cargo of slaves is such a voluntary and reprehensible fault on the part of the Master as will bar the right of a detained vessel to demurrage. I have endeavoured to give my utmost attention to this point. I have considered the object for which the Treaty was framed, the prevention of illicit Slave Trade; but I cannot think that I have the power to further that object by pronouncing that the intent to trade in slaves is a fault (reprehensible as the fault is in itself) that is contemplated by the Treaty as one which should except the right of vessels to demurrage. It appears to me that the voluntary and reprehensible fault contemplated by the Treaty is *the act* which lays the foundation of the *right of detention*—such an act as shall give rise to a suspicion of slaves being on board the vessel visited, or having been on board previous to visitation. By the 9th Article of the Treaty it is indispensably required that a suspicion of having slaves on board should be the reason of the visit of a merchant-vessel, and that the fact of slaves being on board, or having been on board (according to the additional Article of the 10th December, 1822), should be the reason of her *detention*. Where the act of the embarkation of a slave has not been committed—where the suspicion of such an act having been committed has not arisen in the minds of persons authorised to visit and detain slave-vessels, no legal grounds for detention exist; and in that case the detention is made upon the sole responsibility of the party detaining. The Captor has not been led into the error of detention by the act of the Master of the detained vessel, but by his zeal for the suppression of the traffic in slaves."

Mr. Fitzgerald's opinion on the same point is merely an echo of that given by Mr. Gregory.

Such we believe to be the correct interpretation of the Treaty; and it is hoped that, when generally known, it will tend to prevent those experimental seizures which can never be attended with any useful or satisfactory result; and which will never be prevented, so long as comparative impunity shall be found to attend them, under whatever circumstances they may have taken place.

It now only remains for the Court to decree, that the Claimant in this Case is not entitled to demurrage.

Sierra Leone, 9th December, 1834.

Sub-Enclosure B. in No. 18.

British and Spanish Court of Mixed Commission, Sierra Leone.

In the Case of the Spanish schooner, "*Pepita*," whereof Pablo Oliver is Master.

To his Honour Thomas Cole, our Commissary Judge, *ad interim*, and Henry William Macaulay, Esq., our Commissioner of Arbitration, acting in the absence of either of the Commissioners on the part of His Catholic Majesty, the King of Spain.

In pursuance of a Commission of Survey and Inspection to us directed, dated the 10th day of December, we proceeded on board the said Spanish schooner, "*Pepita*," (in company with Mr. Proctor Lake and Pablo Oliver, the Master,) lying at anchor in the harbour of Freetown, in this Colony, and carefully and minutely surveyed and examined the said vessel, according to the different heads laid down in the said Commission, and do report as follows, viz.—

1st. The vessel has to all appearance been on shore, and strained very much. That 7 timbers are broken on the starboard side, and the copper on the same will require removing, in order to repair the damage she has sustained thereby.

2d. The stern-post is not started or otherwise injured.

3d. It is necessary that the said vessel, in consequence of having received the aforesaid injury, should be put on shore, in order to get her repaired, before she can in safety proceed to sea.

4th. The schooner's boat will require a thorough repair.

5th. Some of the cabin-boards, which are alleged by the Master to have been ripped up by the Captors, in search of money, require replacing to put it in its original state.

6th. The top timbers abaft require renewing on the larboard side. The bulwarks of the said vessel, one of the bits, one main-hatch, the pump-gear, and the hen-coops, will require some repairs.

7th. The vessel requires 3 new pairs of shrouds, and the other part of the standing rigging requires overhauling. A few fathoms of 6-inch rope are found cut from a coil.

8th. The sails, as underneath, are in good condition, and only require partial repairs, from the damage done to them by rats whilst on shore, viz., 1 jib, 2 steering-sails, 1 main-sail, 1 square sail, 1 fore-sail, 2 flying-jibs, 1 top-sail, 1 main-top-sail, 1 lower studding-sail, 1 fore-top-mast stay-sail, 1 fore-top-sail, 1 jib, 1 main-sail.

And we do hereby declare, that we consider the probable expense to repair the several damages, as enumerated by us, will take the sum of 225*l.* to fit the said vessel in a proper state to proceed on her voyage, and that we are ready to make oath to the same if required.

Given under our hands at Freetown, this 13th day of December, in the year of our Lord, 1834.

(Signed)

RICHARD J. FISHER.
HENRY BINSTED.
DAVID WILSON.

Sub-Enclosure C. in No. 18.

Judgment given upon the Report of the Registrar in the Case of the Spanish schooner, "Pepita," Don Pablo Oliver, Master.

IN deciding on the Registrar's Report, with due deference to the arguments of the Proctors thereon, the Court will briefly advert to its several items in the order in which they stand.

The Court considers the sum allowed to the Claimant for costs of suit amply sufficient to cover all the expenses attending the defence of his vessel, and the prosecution of his Claim against the Captor. It is, however, a larger sum than was ever granted before under the same head.

There are only 9 Cases to which we can refer as precedents in this particular, the "*Gavião*," "*Nova Sorte*," "*Activo*," "*Perpetuo Defensor*," "*San Benedicto*," "*San João Voador*," "*Vencedora*," "*Atafa Primo*," and "*Maria da Gloria*."

The average amount granted in those Cases for costs of suit was 41*l.* 12*s.* The largest sum given was 68*l.* 16*s.* 4*d.*, and the smallest 21*l.* But if, in addition to the amount of the awards thus made for legal expenses, we take into account the personal labour and professional exertion respectively required by those Cases and the present, and the charges for interpreting which have been incurred by the Claimant, we deem ourselves justified in confirming the Registrar's award for the sum of 80*l.*

The second point is the losses and damages which the Claimant has actually sustained by detention; that is to say,—

- 1st. Special damages and expenses.
- 2d. Deterioration of cargo.
- 3d. Five per cent. on amount of capital employed.
- 4th. Premium of insurance on additional risks.

Here it will be necessary to notice the objection which has been made to the admission of the Master's evidence. We do not consider that objection to be well founded. Were this Court to follow the strict rules of evidence, quoted by the Captor's Proctor as applicable to other Courts, and to reject the evidence of all witnesses interested in the event of a suit, we should have no witnesses at all; for as the Captor is interested in the condemnation of his seizure, and the Claimant in the restoration of his property, so have the slaves who may be before the Court an interest in procuring, by the evidence which they may give, their own emancipation from slavery.

There can be no doubt that it has been the invariable custom of the Courts, to receive the evidence of a Claimant on the question of costs, damages, and expenses, even in the absence of any evidence on the part of a Captor. The absence of a Captor, however much it may prejudice his own interests, should not be allowed to injure those of the Claimant; and such absence should, as much as possible, be discouraged by the Court, on account of the increased difficulty which it occasions, in satisfactorily deciding upon the amount due to a Claimant for the illegal detention of his vessel. On this subject we will refer only to the Case of the "*Gavião*," where damages were assessed by the Registrar, in the absence of the Captor, and of any Proctor or Agent on his behalf. In his remarks on this circumstance, Mr. Gregory says: "Much difficulty and inconvenience were experienced by the Court, in consequence of the want of information due to the Court on the part of the Captors, the Commissioners being left without any means of checking the statements and demands of the Claimant, by counter-statements or by opposing evidence, and without any person, to whom reference might be had on the several points which arose in the Case."

But it is said that the Master has been guilty of such manifest perjury as to render his testimony inadmissible. We think not; and we have come to this conclusion after the most attentive consideration of the different passages in his evidence which have been referred to as being contradictory; and after making a due allowance for the comparative imperfection and uncertainty, which will always be found, in a greater or less degree, to attend the evidence of persons to whom questions must be put, and from whom answers must be received, through an interpreter.

In reply to the 15th interrogatory, the Master stated, that "all the Papers taken were entirely true and fair." These Papers described the "*Pepita*" as of 45 tons burthen. To the 5th interrogatory, the Master stated that his vessel was "45 Spanish tons." Notwithstanding these declarations, in his Schedule of costs, damages, and expenses (to the truth of which he makes oath), he demands demurrage on 118 tons. It is evident, however, from his subsequent proceedings, that this was about the amount of what he supposed to be the *British* tonnage of the vessel, on which, and not on the *Spanish* tonnage, his claim for demurrage was founded. Nor was he very far wrong; for when his vessel was admeasured immediately afterwards, on his own Petition, by the sworn admeasurer of the Court, she was found to be 106½ tons English. Thus, though the Master may have shown his ignorance in making such a demand, there is no contradiction between the 2 depositions, the one evidently referring to the *Spanish* tonnage of the vessel, according to her Spanish Papers, and the other to her supposed *British* tonnage, on which demurrage was claimed.

Again, it is the conviction of the Court, that the Master's intent to trade in slaves cannot admit of doubt. But such an intent is not denied by the Master. What he denies is, all property and interest in the slaves who were brought here in his vessel. In reply to the 13th interrogatory he states, "The merchandise now on board is entirely his own; but for the slaves, he does not know to whom they belong. The merchandise and vessel will undoubtedly be his, if released; but he has no right or title to the slaves." It certainly is not very likely, that 179 slaves would have been spontaneously given up by the natives, if they had not been already paid for; but, in the absence of any proof as to whether any or what force, promises, or threats, may have been made use of, on the part of the Captors, to induce the natives to perform such an act of generosity, we have it in evidence from several of the slaves, and from 2 of the seamen, and 2 of the marines of the "*Pelorus*," that an armed party of marines and seamen attended the embarkation of the slaves from the shore; and the evidence of Captain Meredith himself proves, that a portion of the cargo of the "*Pepita*" was given by the Captors to the natives, avowedly on account of the "guarding, feeding, and travelling expenses of the slaves." Under such circumstances, it would be unjust to decide positively on the falsehood of the Master's assertion, that "he does not know to whom the slaves belong, and that he has no right or title to them."

There is only one other apparent incongruity, which we can observe, between different parts of the Master's sworn evidence. In reply to the 23d interrogatory he says, with respect to the removal of articles from his vessel, "nothing has been taken since they arrived here, that he knows of." Some of the items in his sworn claim for damages sustained by his detention have been considered to be at

variance with this declaration. The Master's examination on the standing interrogatories was taken on the 7th of August, and is certainly qualified enough to allow of a subsequent claim for articles removed even prior to that date; but when we consider, that upwards of 3½ months elapsed between the first and second deposition on this subject, no objection can be made to a claim, on the latter occasion, for losses which may have been sustained in the long intervening period.

From what has been said it will be seen, that perjury in this Case has only been suspected, but not proved: the Court therefore decides in favour of the admissibility of the Master's evidence; more especially, as such a decision is in perfect accordance with the practice of our predecessors. It will, nevertheless, be the duty of the Registrar to exercise his discretion, as usual, with regard to the allowance or disallowance of the Claimant's charges, and the probabilities and reasonableness of each individual item.

Proceeding then to decide upon the items of special damages and expenses the Court will only allude to those which may seem to call for some remark.

On the 1st page we meet with a claim of 92*l.* for an anchor and chain-cable, let slip by the Captors on the passage of the "*Pepita*" to Sierra Leone. In this instance, the sum awarded by the Registrar on this account, 32*l.* 4*s.*, with an advance thereon of 40 per cent., is allowed by the Court; and it will at once state its opinion that, for all articles lost or destroyed by the Captors, and which it would be necessary to replace, to enable the vessel to proceed to sea, the full market-price in this colony should be allowed. The usual deduction, however, of one-third, where old articles are replaced by new ones, must be made.

On the 2d page we find 8*l.* claimed for 16 large pans with handles, which were used to bale water from the hold of the vessel, when she got ashore, and were lost, at 10*s.* each. This item has not been allowed by the Registrar, as 9 pans of this description were delivered over by the Captors, and as that number was considered sufficient for every purpose of the crew,—in fact, for every purpose of a legitimate voyage. We have already seen, that the Master has not declared his voyage to be a legitimate one; and the mere intent to carry on an illicit traffic in slaves, or the mere equipment for such a trade, has never been deemed a sufficient ground for withholding compensation for the loss of articles which may be considered as intended for the use of slaves proposed to be shipped at some subsequent period. But there is nothing to show that the pans were otherwise intended than for the use of the crew. Both the Ship's Papers and the Master's evidence prove that the crew consisted of 28 persons. In addition therefore to the 9 pans which were delivered over, it is not unreasonable to suppose that 16 others were missing. This charge being allowed to the Claimant, it will of course be for the Registrar to affix to the article what he may judge to be the proper valuation.

On the 3d page, the Court agrees with the Registrar, in refusing the Claimant's demand for paint and paint-oil, said to have been taken by the First Lieutenant of the capturing ship. The proper time for the Claimant to have stated such a loss would have been on his replying to the 22d interrogatory, which is so pointed that he could not have failed to understand its purport.

At page 4, the 20 muskets and 12 pistols there mentioned will be referred to hereafter.

On the 7th page, the claim of 10*l.* for interpreting cannot be sanctioned by the Court, as such a charge is necessarily included in the sum awarded for "costs of suit." The Registrar will therefore strike out the sum of 5*l.*, which he has allowed on this account.

On the 8th page, the Claimant's demand of remuneration for 4 tons of rice, 30 cwt. of jerked beef, 800 yams, 500 cocoas, 8 bags of calavances, 6 bags of peas, and 10 bags of dried plantains, is disallowed by the Registrar, on the ground that the articles enumerated were slave-provisions. The principle which has hitherto been acted upon, with respect to such items, was just now stated by the Court; and, in accordance with that rule, it sees no reason for disallowing compensation to the Claimant for the loss of provisions intended for the subsistence of slaves, merely because they were so intended; though, had the Master sworn that the object of his voyage was to procure articles of legitimate traffic, the claim could not have been listened to for a moment. Under these circumstances, it will be for the Registrar to ascertain the proper price to be fixed to the several articles in question, as well as the probable quantity of each consumed by the slaves, who were shipped at the instigation of the Captors. It may be sufficient for the Court now to say, that the statement of the Claimant, as to the quantity of green plantains, yams, and cocoa, which were on board at the time of capture, is fully borne out by the Captor's witnesses; and that it is fully admitted, that a leager and a pipe of rice, a large quantity of jerked beef, and some bags of calavances and dried plantains, were in like manner on board.

On the 12th page, the claim for 1,742*l.*, as wages of the crew left in the Cameroons, and brought to this port, and for 975*l.*, as the wages of the Master, and his profit or commission on selling the outward cargo, have been very properly disallowed by the Registrar. The wages of the men who navigated the "*Pepita*" into the Cameroons are due to them by the Owner, from the date of their leaving the Havana up to the date of capture. That original crew brought the Owner's vessel to her destination, they landed nearly the whole of his outward cargo, and he is still in a situation to derive the full benefit of their exertions, by returning to the Cameroons; and he has been paid for the provisions which have been consumed since his capture. If he find his original crew where he left them, he can again receive them, and discharge his present crew. If he do not find them, no further wages are due to them, and he can continue his present crew. And as demurrage has been denied, no charge for wages can of course be made by the Claimant, for the time which has elapsed between the date of capture and his preparing to return to the spot where the capture took place.

The Court has now to decide upon the quantity and prices of the goods mentioned at pages 14 and 15, as well as of the muskets and pistols, at page 4. Having stated the general principle, which we consider applicable to articles which it is absolutely necessary for the Claimant to procure in the colony to enable his vessel to proceed to sea, it only remains for us to say, with respect to a loss of trade-goods which may have been on board a restored vessel, that the invoice-price, with a certain advance, sufficient to cover the freight and expenses upon them to the place of capture, is all that a Claimant is entitled to demand. A profit, however small, cannot be allowed. We consider 10 per cent. a sufficient advance; and in the amended Report the Registrar will affix the advance stated to the different goods upon which the invoice-value is all that has been allowed at present, such as muskets, sperm-oil, pieces of cloth, pieces of silk handkerchiefs, gunpowder, Catalonia wine. It may be well to remark here, that no invoice-price has been affixed to the pistols: that, therefore, will, in like manner, have to be ascertained and allowed with a similar advance.

With respect to the quantities of the goods, the Court confirms the Report so far as it applies to the

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| 136 muskets, | 7½ dozen padlocks, |
| 12 pistols, | 3½ pipes of aquadente, |
| 731 pieces of cloth, | 40 kegs, or 10 barrels of gunpowder, |
| 205 bunches of beads, | 2 half-pipes Catalonia wine. |
| 70 cutlasses, | |

One hundred and fifty-two silk handkerchiefs have been claimed—72 have been allowed; 80 case-knives have been claimed—65 have been allowed.

The Court sees no reason for disallowing the Claimant's demand for 80 silk handkerchiefs, and 15 case-knives, more than are stated in the Captor's Declaration and List of stores and cargo, as there is no positive evidence to show that the goods in question were not abstracted during the 4 days which intervened between the seizure of the "*Pepita*" and the Captor's Inventory being made out.

No alteration is made in the quantity of beads: 205 bunches have been claimed and allowed by the Registrar, but 210 bunches were sold by the Commissioner of Appraisal and Sale, as appears by his account-sales. This discrepancy, however, may be easily accounted for by the broken and imperfect state of many of the bunches.

We now come to the second part of the claim, under the general head of "losses and damages which the Claimant has actually sustained by the detention," viz., that for "deterioration of cargo." On this account 2,000*l.* is demanded for the goods landed in the Cameroons. The Court is of opinion that the demand has been rightly refused by the Registrar, as the Claimant is still in a condition to realize the value of his property.

The third point under the head of losses and damages is an allowance of "5 per cent. on the amount of the capital employed." The Court cannot sanction this claim, and they are rather surprised that it should have been made, as it has so frequently been laid down by the Court, in similar cases, that this portion of the 8th Article of the Instructions has reference only to the capital employed in the purchase and maintenance of a cargo of slaves. In the Case of the "*Perpetuo Defensor*" (Class A. 1827), we find the following passage in the Report of that vessel at page 70:—"The Court further directed that interest be allowed on the amount of the purchase and maintenance of the cargo, which the Court conceived meant the purchase and maintenance of the slaves only."

In the Case of the "*St. João Voador*," (Class A., 1829, p. 53.) the Registrar reports to the Court as follows:—"Claimed for 5 per cent. allowance on capital employed in purchase of cargo. The whole of the Sumacca cargo having been landed prior to capture, and as the 8th Article of the Regulations for the Mixed Commissions only contemplated the charge for the sum employed in the purchase and maintenance of a cargo of slaves, I do not allow the charge."

Again, in the Case of the "*Vencedora*," 6 pages further on in the same Correspondence, the Registrar reports,— "Claimed for 5 per cent. allowance on capital employed in purchase of cargo. As the 8th Article of the Regulations only contemplates this charge for the sum employed in the purchase and maintenance of a cargo of slaves, I do not allow the charge."

In the later Case of the "*Atafa Primo*," where our present Registrar, Mr. Lewis, assessed the damages, we find the following passage (Class A., 1831, p 41):—"Claimed for interest on capital employed—say 4,000*l.*, at 5 per cent. for 3 months. I have not allowed this charge, as the 8th Article of the Regulations for the Mixed Commissions, annexed to the Treaty between His Britannic Majesty and His Catholic Majesty, signed at Madrid, September 23d, 1817, only contemplates such a charge, on the amount of capital employed in the purchase and maintenance of a cargo of slaves."

The 4th and last claim, under the general head of "losses and damages," is for 45*l.* 10*s.*, as "premium of insurance on additional risks." The Court is under the necessity of also denying this sum to the Claimant. In his evidence on the standing interrogatories, the Claimant has sworn "that he is the sole Owner of the vessel and her cargo; that he was on a trading-voyage, and cannot tell to what port or place he may have sailed, but that he intended to go where he thought would best answer his purpose; that there is no Charter-party or Agreement for the present voyage; that his vessel was insured for the present voyage, but that he does not know the terms."

The Master is ignorant of the precise terms of the policy of insurance effected for his vessel, but is aware that it allows her to move up and down the coast to any port which he may think proper to enter, unrestricted by Charter-party or Agreement of any description. The Court, therefore, considers that the Claimant has entirely failed to prove that the passage of his vessel from this harbour to the place of capture is an "additional risk;" that is, a risk not covered by the terms of a still existing policy of insurance: indeed, such a supposition would appear to be at variance with the evidence of the Claimant himself.

The only item in the Report remaining for our consideration is one that comes under the head of "damages not within the precise terms of the Treaty" (as they are called at the 21st page of the Regulations). This item is for the freight of the negroes shipped by the Captors in the Cameroons and conveyed to Sierra Leone in the "*Pepita*." The Registrar's allowance of 15*s.* per ton per month to the Claimant is approved of by the Court. At this rate compensation was made to the *Gavião* for the passage of the "*Constante's*" slaves. And in the judgment, so frequently referred to in the progress of this Case, which was given by Mr. Fitzgerald, on the restoration of the "*Sinceridade*" (Class B., 1824, page 88), and in which he denies the power of the Court to award demurrage to vessels under 100 tons' burthen, he is of opinion that, even where demurrage is refused, it is still competent for the Court to grant "some reasonable allowance in the nature of freight or of transport-hire—some compensation, upon general principles, for loss of time, and for service done out of the intended line of the original voyage, under the control of the Captors. An allowance of this kind was made to the Portuguese brig '*Gavião*' for the conveyance of a certain portion of the slaves of the '*Constante*,' whom it was found expedient to remove, in consequence of the crowded state of that vessel."

This principle was also followed in the Case of the "*Nova Sorte*," where 15*s.* per ton per month was allowed to the Claimant. It was granted to her however only on 84 tons, the smallest tonnage mentioned in her Papers, and not on her British tonnage, which was, in that case, ascertained by the sworn admeasurer of the Court.

Having now travelled through the Report, the Court will decide upon the other questions which formed the subject of discussion yesterday. It is perfectly just that the Captors should pay for the hire of an anchor and cable, to supply the place of those articles which were lost by themselves, at a time too when the Claimant was not in a condition to purchase. It will therefore be for the Registrar to

ascertain the amount due for such hire, from the day when it first became necessary, till a decree for the damages now decided on can be made in the Claimant's favour, and to insert it under the head of special damages and expenses.

From the nett proceeds of the account-sales of the goods sold here will be deducted the amounts due to the late Acting-Marshal and the present Marshal to the Court, and the approved charges of the Commissioner of Appraisement and Sale; and the balance will then be paid over to the Claimant, and go in diminution of the amount for which a decree of the Court will be given.

The Court cannot accede to the request of the Claimant's Proctor, by naming him, instead of the Claimant, in the decree for damages which it will shortly be its duty to pronounce, as no sufficient grounds have been stated for its deviating from the usual form.

It only remains for the Court to refer the Report to the Registrar to be amended, in accordance with this decision, and to request that he will bring it up for confirmation at as early a date as possible.

Sierra Leone, 8th January, 1835.

Sub-Enclosure D. in No. 18.

Registrar's Amended Report.

Spanish schooner, "Pepita," Pablo Oliver, Master.

To the Trusty and Well-beloved Thomas Cole, Esquire, His Britannic Majesty's Commissary Judge, *ad interim*, and Henry William Macaulay, Esquire, His Britannic Majesty's Commissioner of Arbitration, acting in the absence of Commissioners on the part of His Catholic Majesty the King of Spain.

WHEREAS by your decree of the 14th day of November, 1834, you pronounced the said schooner and cargo to have belonged as claimed, and decreed the same to be restored for the use of the Owner and Proprietor thereof, with costs, damages, and expenses, and referred the consideration of such costs, damages, and expenses, to your Registrar, and that he should report the amount thereof, and whereas such Report was made on the 7th instant, and directed to be amended, in accordance to your decision, I now humbly beg to report, the Claimant is entitled to the several sums mentioned in the annexed Schedule, amounting to 1,121l. 7s. 7½d.

All which is respectfully submitted by
(Signed) JOHN SALTER,
Acting-Registrar.

Sierra Leone, 10th January, 1835.

In the Case of the Spanish schooner, "*Pepita*," Pablo Oliver, Master.

Schedule of Costs, Damages, and Expenses.

| £. s. d. | | £. s. d. |
|--|--|----------------|
| 84 0 0 | <i>Claimed as costs of suit.</i> | |
| | Allowed by consent of both parties | 80 0 0 |
| Losses and damages which the Claimant has actually sustained by detention. | | |
| 1st. <i>Special Damages and Expenses.</i> | | |
| | £. s. d. | |
| 24 0 0 | <i>Claimed for an anchor, 6cwt. 25lb.</i> | |
| 68 0 0 | <i>" " a chain cable, 17cwt., let slip by Captors on the voyage to Sierra Leone.</i> | |
| | Allowed at the market-price . £45 1 7 | |
| | Deduct one-third for new . 15 0 6 | 30 1 1 |
| 25 0 0 | <i>Claimed for a boat destroyed by Captors.</i> | |
| | Not allowed, being included in the Surveyor's Report. | |
| 1 10 0 | <i>Claimed for 6 ash oars, destroyed by Captors.</i> | |
| | Allowed at the price charged in the Case of the " <i>Maria da Gloria</i> " | 0 15 0 |
| 10 0 0 | <i>Claimed for 2 new top-gallant sails, bent in the Cameroons, and not on board when the Captors gave up charge.</i> | |
| | Not allowed, being included in the Surveyor's Report. | |
| 7 0 0 | <i>Claimed for 7 water-casks, taken by Captors on shore in the Cameroons, to fill with water, and never returned.</i> | |
| | Allowed by consent of both parties as to the price | 5 5 0 |
| 4 10 0 | <i>Claimed for 18 new buckets, lost and destroyed by Captors, when they got the "Pepita" on shore, in bailing water from the hold, on the 2d and 3d July last, and on the passage.</i> | |
| | Allowed by consent of both parties as to the price | 1 7 0 |
| 8 0 0 | <i>Claimed for 16 large tin pans, with handles, used as above, and lost, at 10s. each.</i> | |
| | Allowed at 5s. each | 4 0 0 |
| £232 0 0 | Carried over. | £41 8 1 80 0 0 |

| £. | s. | d. | | £. | s. | d. | £. | s. | d. |
|------|----|----|---|-----|----|----|-----|----|----|
| 232 | 0 | 0 | Brought forward | 41 | 8 | 1 | 80 | 0 | 0 |
| 2 | 10 | 0 | Claimed for 3 dozen tin pots, on board at the capture, but not on board when the vessel was restored. | | | | | | |
| | | | Allowed 1 for each of the crew | 1 | 6 | 0 | | | |
| 2 | 14 | 0 | Claimed for 18 ship's scrapers. | | | | | | |
| | | | Allowed by consent of both parties as to the price | 2 | 5 | 0 | | | |
| 10 | 0 | 0 | Claimed for cooking-utensils, allowed to fall overboard by the Captors, when the schooner fell over, on the 2d and 3d July. | | | | | | |
| | | | Allowed by consent of both parties as to the price | 5 | 0 | 0 | | | |
| 1 | 8 | 0 | Claimed for 1 keg 28lbs. white-lead. | | | | | | |
| 2 | 16 | 0 | " " 56lbs. black paint. | | | | | | |
| 1 | 16 | 0 | " " 6 gallons of paint-oil, at 6s., taken by Lieutenant Barrow to paint the "Pelorus" boat. | | | | | | |
| | | | These charges have not been allowed, as the Master, in his evidence on the standing interrogatories, has not stated such articles to have been taken, nor are they in the Captor's Inventory. | | | | | | |
| 1 | 17 | 6 | Claimed for 50lbs. iron nails, at 9d. | | | | | | |
| 0 | 16 | 0 | " " 8lbs. copper nails, at 2s. | | | | | | |
| 7 | 4 | 0 | " " 12 sheets of new copper, brought here, but not on board when the schooner was given up. | | | | | | |
| | | | Allowed for the three charges | 8 | 13 | 2 | | | |
| 3 | 0 | 0 | Claimed for 6 marline-spikes, 2 hammers, 2 tin pumps, 4 hand-spikes, 4 serving-mallets, 2 caulking-mallets, 4 caulking-irons, not now on board. | | | | | | |
| | | | Allowed by consent of both parties as to the price | 2 | 10 | 0 | | | |
| 26 | 0 | 0 | Claimed for 20 muskets, and 12 pistols, taken by the Captors. | | | | | | |
| | | | I allow 8s. each as the invoice-price of the muskets, according to Mr. Hornell's valuation, with 10 per cent. advance for freight and expenses, and allow 4s. 4d. each for the pistols | 11 | 8 | 0 | | | |
| 3 | 0 | 0 | Claimed for 3 lanthorns, and 1 glass cabin-lamp, broken and burnt by the Captors. The latter was broken when the vessel got on shore. | | | | | | |
| | | | Allowed by consent of both parties as to the price | 2 | 10 | 0 | | | |
| 5 | 0 | 0 | Claimed for 12 fathoms of hawser, cut by Captors to make oakum, &c. | | | | | | |
| | | | Allowed (the value having been referred to Mr. Hornell), at 60s. per 112lbs., on 99lbs. | 2 | 13 | 0 | | | |
| 2 | 0 | 0 | Claimed for 3 log-glasses, 6 skeins of twine, 6 fishing-lines, and 2 new mess-kids. | | | | | | |
| | | | One log-glass and some twine having been delivered over by the Captors, I allow, by consent of both parties | 1 | 0 | 0 | | | |
| 10 | 0 | 0 | Claimed for a medicine-chest, hove overboard during the bustle of the schooner getting on shore. | | | | | | |
| | | | I allow (being the the highest price realized for a similar article in the last six vessels sold here) | 2 | 5 | 0 | | | |
| 10 | 0 | 0 | Claimed for medicines taken out of the chest for the use of the slaves on the passage to this port. | | | | | | |
| | | | Allowed by consent of both parties | 5 | 0 | 0 | | | |
| 5 | 5 | 0 | Claimed for 70 gallons palm-oil, used by Captors to rub and feed slaves. | | | | | | |
| | | | Allowed | 5 | 5 | 0 | | | |
| 4 | 19 | 0 | Claimed for 9 gallons sperm-oil. | | | | | | |
| 1 | 5 | 0 | " " half a barrel of tar, not now on board. | | | | | | |
| | | | According to Mr. Hornell's valuation, I allow 6s. per gallon for the oil, with 10 per cent. advance for freight and expenses, and 17s. 4d. per barrel for the tar | 3 | 8 | 1 | | | |
| 5 | 0 | 0 | Claimed to repair larboard-harwsepiece and night-head, broken by Captors. | | | | | | |
| 2 | 0 | 0 | Claimed for larboard cabin-bit, broken by the Captors. | | | | | | |
| 3 | 0 | 0 | " to repair pump-gear, broken by the Captors. | | | | | | |
| 10 | 0 | 0 | " to repair cabin, torn to pieces by the Captors. | | | | | | |
| 1 | 10 | 0 | " to repair davit, broken by the Captors. | | | | | | |
| 4 | 0 | 0 | " for 2 hen-coops, broken by the Captors. | | | | | | |
| | | | I do not allow the above 6 items, as they are included in the Surveyor's Report. | | | | | | |
| £359 | 0 | 6 | Carried over | £94 | 11 | 4 | £80 | 0 | 0 |

| £. | s. | d. | | £. | s. | d. | £. | s. | d. |
|------|----|----|--|------|----|----|-----|----|----|
| 359 | 0 | 6 | Brought forward | 94 | 11 | 4 | 80 | 0 | 0 |
| 16 | 0 | 0 | <i>Claimed for two awnings destroyed by the Captors not taking the precaution of drying them after the vessel got ashore in the Cameroons, and afterwards giving them to the slaves to lie on.</i> | | | | | | |
| | | | Allowed by both parties | 13 | 10 | 0 | | | |
| 3 | 0 | 0 | <i>Claimed for boat-hire, 12 days, at 5s.</i> | | | | | | |
| | | | The claim in this case was made for the number of days which had elapsed at the filing of this Document, but as the Case has been delayed beyond that period, I allow 30 days at 5s. per day | 7 | 10 | 0 | | | |
| 1 | 0 | 0 | <i>Claimed for 56 lbs. grease used by the Captors:</i> | | | | | | |
| | | | Allowed by Captor's Proctor | 1 | 0 | 0 | | | |
| 6 | 6 | 0 | <i>Claimed for cash paid 2 Surveyors and 1 Carpenter proceeding on board the vessel, to examine and report upon her condition.</i> | | | | | | |
| | | | Not allowed, as the survey was not authorised by the Court, by whose direction a survey was held by the proper Officers, who will be paid by the Marshal. | | | | | | |
| 10 | 0 | 0 | <i>Claimed for cash paid to Interpreters</i> | | | | | | |
| | | | Not allowed, being included in the sum awarded as costs of suit. | | | | | | |
| 2 | 10 | 0 | <i>Claimed as Harbour-Master's dues.</i> | | | | | | |
| | | | Admitted by Captor's Proctor | 2 | 10 | 0 | | | |
| 8 | 17 | 0 | <i>Claimed for tonnage duty on 118 tons at 1s. 6d.</i> | | | | | | |
| | | | Not allowed, being included in the accounts of the Commissioner of Appraisement and Sale. | | | | | | |
| 10 | 0 | 0 | <i>Claimed for wooding and watering.</i> | | | | | | |
| | | | Allowed by consent of both parties | 5 | 0 | 0 | | | |
| 12 | 10 | 8 | <i>Claimed for medical attendance and medicines for the use of the Master and Cook.</i> | | | | | | |
| | | | Allowed, bills being produced for this amount | 10 | 10 | 8 | | | |
| 17 | 6 | 8 | <i>Claimed for Nurse's Bill for attendance on Master and Cook, from 27th August to 6th October, 40 days, at 8s. 8d.</i> | | | | | | |
| | | | Allowed by consent of both parties | 8 | 13 | 4 | | | |
| 10 | 2 | 6 | <i>Claimed for lodgings and attendance on Master, from 27th August to 15th November, 81 days, at 2s. 6d. per day.</i> | | | | | | |
| | | | This item is objected to by the Proctor for the Captors, on the ground that the Master ought to have lived on board his vessel: but as the medical attendance has been allowed, I am of opinion that in a state of sickness the Master, was under a necessity of living on shore, and as a bill is produced I have admitted the charge | 10 | 2 | 6 | | | |
| 10 | 0 | 0 | <i>Claimed for fresh subsistence of Master and Cook, during the period of their illness.</i> | | | | | | |
| | | | Allowed by consent of both parties | 7 | 10 | 0 | | | |
| 10 | 0 | 0 | <i>Claimed for 200 bunches of plantains, at 1s.</i> | | | | | | |
| | | | I allow for this quantity at the price charged by the Captors for this article at Fernando Po, viz., 25 dollars per 100. | 10 | 16 | 8 | | | |
| 86 | 13 | 4 | <i>Claimed for 4 tons of rice, at \$5 per cwt.</i> | | | | | | |
| | | | It having been proved that a leager and a pipe of rice were on board, and considering that part of this article would be consumed at the cabin-table, which is separately claimed for, I allow 1½ tons, at 8l. | 12 | 0 | 0 | | | |
| 52 | 0 | 0 | <i>Claimed for 30 cwt. jerked beef, \$8 per cwt.</i> | | | | | | |
| | | | I allow for 20 cwt. at 26s. 8d. per cwt. | 26 | 13 | 4 | | | |
| 35 | 0 | 0 | <i>Claimed for 7 barrels of beef</i> | | | | | | |
| | | | | 17 | 10 | 0 | | | |
| 16 | 0 | 0 | <i>" " 4 barrels of pork</i> | | | | | | |
| | | | | 12 | 0 | 0 | | | |
| 10 | 8 | 0 | <i>" " 8 cwt. cod-fish</i> | | | | | | |
| | | | I allow the last 3 charges at the valuation stated by Mr. Hornell. | 10 | 8 | 0 | | | |
| 10 | 0 | 0 | <i>Claimed for 800 yams at 3d. per lb.</i> | | | | | | |
| | | | The Captor's witnesses having proved this quantity to have been on board, I allow for it, at the price charged by the Captors for this article at Fernando Po, \$60 per 1,000. | 10 | 8 | 0 | | | |
| 3 | 0 | 0 | <i>Claimed for 500 cocoas.</i> | | | | | | |
| 10 | 0 | 0 | <i>" " 8 bags calavances.</i> | | | | | | |
| 8 | 0 | 0 | <i>" " 6 bags peas and beans.</i> | | | | | | |
| 5 | 0 | 0 | <i>" " 10 bags dried plantains.</i> | | | | | | |
| | | | For the last 4 charges I allow the sum of | 5 | 0 | 0 | | | |
| £712 | 14 | 8 | Carried over | £265 | 13 | 10 | £80 | 0 | 0 |

| £. s. d. | | £. s. d. | £. s. d. |
|--------------------|--|------------------|----------------|
| 712 14 8 | Brought forward | 265 13 10 | 80 0 0 |
| | <i>Claimed the following sums to replace cabin-stores, consumed by the Prize-Officers and crew of the capturing ship, there being 3 Officers who messes at the cabin-table.</i> | | |
| 4 0 0 | <i>Claimed for 50 lbs. vermicelli, and 54 lbs. macaroni.</i> | | |
| 2 3 4 | " " 1 barrel mackarel. | | |
| 8 0 0 | " " 10 hams. | | |
| 2 0 0 | " " 8 Dutch cheeses. | | |
| 3 5 0 | " " 5 dozen porter. | | |
| 5 0 0 | " " 10 gallons brandy. | | |
| 2 0 0 | " " 8 gallons Jamaica rum. | | |
| 2 8 0 | " " 6 gallons Canary brandy. | | |
| 3 0 0 | " " 3 cases and 1 dozen bottles Hollands. | | |
| 10 0 0 | " " half a pipe of wine. | | |
| 1 10 0 | " " 6 bottles sweet oil. | | |
| 9 0 0 | " " 3 barrels vinegar. | | |
| 32 10 0 | " " 15 cwt. biscuit, given to the slaves, and omitted in its proper place. | | |
| 12 0 0 | " " 3 cwt. white and brown sugar. | | |
| 3 0 0 | " " 1 keg of olives and 12 bottles pickles. | | |
| 1 14 8 | " " 1 dozen brandy fruits. | | |
| 8 0 0 | " " 2 firkins of butter. | | |
| 7 0 0 | " " 56 lbs. sperm candles. | | |
| 0 15 0 | " " 30 lbs. tallow. | | |
| 1 10 0 | " " 1 lb. green tea, and 20 lbs. coffee. | | |
| 2 0 0 | " " ½ bag Barcelona nuts, and ½ bag walnuts. | | |
| 4 0 0 | " " 1 box, 56 lbs., sausages. | | |
| 2 0 0 | " " 8 gallons Malaga wine. | | |
| | Taking into consideration the quantity of stores which a vessel of this kind could take into, or for the use of, her cabin, and the improbability of many of the items, I am of opinion that 65 <i>l.</i> is the utmost that should be allowed for the several charges | 65 0 0 | |
| 8 0 0 | <i>Claimed for cabin-utensils broken and missing, chiefly when the vessel laid over.</i> | | |
| | The 2 parties not agreeing in this case, as to the sum which should be allowed, I have divided the difference between them, and allow | 5 0 0 | |
| 1,742 0 0 | <i>Claimed for wages of the crew left in the Cameroons, and brought to this port.</i> | | |
| | Not allowed, as the wages subsequent to capture would be included in demurrage which has been denied, and their wages, previous to capture, are properly due to them from the Owner. | | |
| 975 0 0 | <i>Claimed for the wages of the Master, and his commission or profit on selling the outward and purchasing the homeward cargo had he been allowed to remain in the Cameroons.</i> | | |
| | Not allowed, for reasons stated under the last item. | | |
| 50 0 0 | <i>Claimed for provisions for 12 men to and from this port to Havana.</i> | | |
| | I allow the Master to have a claim from here to the Cameroons, where the vessel was detained, and admit for that purpose 21 days, and in addition 14 days to prepare for sea, making 35 days for 12 men, at 1 <i>s.</i> 3 <i>d.</i> per day each | 26 5 0 | |
| 60 0 0 | <i>Claimed for wages for 11 men to take the vessel to Havana.</i> | | |
| | I allow the same number of days as above stated, and take the rate per month allowed in the recent Case of the " <i>Maria da Gloria</i> ," viz., 60 <i>s.</i> per month | 38 10 0 | |
| 200 0 0 | <i>Claimed to repair the damage done to the said schooner in her hull, sails, &c., for a period of 5 months, and for special damage done by the Captors in running the schooner on a sand-bank, where she remained 24 hours.</i> | | |
| | The authorised Report of Survey makes the general damage to be 225 <i>l.</i> Of this item it is stated that 200 <i>l.</i> is fairly attributable to the Captors: I have accordingly allowed it | 200 0 0 | |
| | <i>Claimed for the hire of an anchor and chain-cable. The precise period for which it would be required not being known, no specific sum could be claimed at the time this Schedule came in.</i> | | |
| <u>£3,874 10 8</u> | Carried over | <u>£600 8 10</u> | <u>£80 0 0</u> |

| £. | s. | d. | | £. | s. | d. | £. | s. | d. |
|-------|----|----|--|-----|----|----|----|----|----|
| 3,874 | 10 | 8 | Brought forward | 600 | 8 | 10 | 80 | 0 | 0 |
| | | | Allowed the amount of Messrs. Rae and Hornell's bill for the hire of anchor and chain-cable, viz., from the 1st September to this date, 132 days, at 2s. 6d. | | | | 16 | 10 | 0 |
| 740 | 0 | 0 | Claimed demurrage from the 30th June to 24th November, 148 days, at 5l. a day. | | | | | | |

These sums are not allowed, the Court having decreed that the vessel is not entitled to demurrage.

2d. Deterioration of Cargo.

2,000 0 0 Claimed for deterioration of the value of the schooner's cargo, landed at Cameroons, to purchase African produce, and lost to Claimant.

346 pieces of blue baft.
 318 pieces chilloes.
 370 pieces of romalls.
 230 pieces striped gingham.
 148 pieces silk handkerchiefs.
 259 pieces prints.
 306 pieces cotton handkerchiefs.
 284 muskets.
 21 pipes rum, 126 gallons.
 60 kegs, each 26 lbs., gunpowder.
 400 cutlasses.
 330 knives.
 195 bunches beads.
 310 padlocks

The sum of 2,000 is objected to by the Proctor for the Captors, on the ground that the articles were not on board at the time of capture; and as it is not attempted to be proved that they were on board at that time, I do not admit the charge.

| | | | |
|-----|----|---|--|
| 104 | 0 | 0 | Claimed for 104 pieces blue baft. |
| 132 | 0 | 0 | " 132 pieces chilloes. |
| 60 | 0 | 0 | " 80 pieces romalls. |
| 70 | 10 | 0 | " 94 pieces printed cotton handkerchiefs. |
| 81 | 0 | 0 | " 54 pieces striped prints. |
| 127 | 10 | 0 | " 170 pieces striped gingham. |
| 48 | 10 | 0 | " 79 pieces gingham handkerchiefs. |
| 114 | 0 | 0 | " 152 pieces silk handkerchiefs. |
| 116 | 0 | 0 | " 116 muskets. |
| 4 | 0 | 0 | " 80 case-knives. |
| 51 | 5 | 0 | " 205 bunches beads. |
| 8 | 15 | 0 | " 70 cutlasses. |
| 3 | 15 | 0 | " 7½ dozen padlocks. |
| 95 | 8 | 0 | " 3½ pipes of rum, 477 gallons. |
| 50 | 0 | 0 | " 40 kegs, 25 lbs. each, gunpowder, damaged by Captors, when vessel laid over on the ground in the Cameroons, and afterwards thrown overboard by the Captors at Fernando Po. |
| 30 | 0 | 0 | Claimed for 2 half-pipes of wine, taken on board the steamer. |

For the whole of these articles I allow, at the invoice-prices stated by Mr. Hornell, with 10 per cent. advance thereon for freight and expenses to the place of capture. It is admitted by the Proctor for the Captors that there were 731 pieces of cloth on board the "Pepita" when she was detained; and the question of value having been referred to Mr. Hornell by consent of both parties, I take the average of his statement, viz.—

| s. | d. |
|----|----|
| 8 | 0 |
| 3 | 0 |
| 4 | 6 |
| 3 | 0 |
| 18 | 6 |

averaging 4s. 7½d. as the fair value per piece.

| | |
|---------------------------------------|------------|
| I therefore allow 731 pieces of | |
| cloth, at 4s. 7½d. | £169 0 10½ |
| 152 silk handkerchiefs at 5s. | 38 0 0 |
| 116 muskets at 8s. | 46 8 0 |
| 7½ dozen padlocks, at 1s. 6d. | 0 11 3 |

£7,711 3 8 Carried forward. £254 0 1½ £696 18 10

| £. s. d. | £. s. d. |
|--|------------|
| 7,711 13 8 | 696 18 10 |
| Brought forward | £254 0 1½ |
| Gunpowder, 10 barrels, at 50s. | 25 0 0 |
| | 279 0 1½ |
| Add 10 per cent. advance | 27 18 0 |
| | £306 18 1½ |
| For the case-knives, and other articles I have also followed Mr. Horhell's valuation, thus:— | |
| 80 case-knives, 10s. per dozen | 3 6 8 |
| 205 bunches beads, at 1s. 6d. | 15 7 6 |
| 70 cutlasses, at 12s. per dozen | 3 10 0 |
| 3½ pipes, 477 gallons, aguedente, at 2s. | 47 14 0 |
| | 376 16 3¼ |

Third:—

250 0 0 Claimed for 5 per cent. on amount of capital employed, 5,000*l.*

Not allowed, as the allowance in question only has reference to the capital employed in the purchase and maintenance of a cargo of slaves.

Fourth:—

45 10 0 Claimed premium of insurance on "Pepita," from Sierra Leone to Havana, 1,000*l.*, at 4*l.* 4s. per cent., and policy.

The allowance mentioned in the 8th Article of the Regulations being for "additional risks," and no additional risk being proved in this Case, I do not allow the charge.

Third General Head:—

Damages not within the precise terms of the Treaty.

716 0 0 Claimed for freight of 179 negroes from the River Cumeroons to Sierra Leone, shipped on board the "Pepita," by the Captors, at 4*l.* each.

Taking the "Gavião" and "Nova Sorte" as a guide, I have allowed 15s. per ton per month. The slaves were shipped on the 1st July, and landed on the 12th August, making a period of 43 days, for 45 tons

47 12 6

£8,722 13 8

£1,121 7 7½

Amounting to the sum of One Thousand One Hundred and Twenty-one Pounds, Seven Shillings, and Seven Pence Half-penny.

(Signed) JOHN SALTER,

Sierra Leone, 10th January, 1835.

Acting-Registrar.

Sub-Enclosure E. in No. 18.

Certified Copies of Minutes, extracted from the Minute-Book of the British and Spanish Court of Mixed Commission, relative to the Spanish schooner, "Pepita."

No. 1.

British and Spanish Court of Mixed Commissions, Sierra Leone.

Before Thomas Cole, Esquire, His Britannic Majesty's Commissary Judge, *ad interim*, and Henry William Macaulay, Esquire, 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 His Catholic Majesty the King of Spain; present, John Salter, Esquire, Acting-Registrar.

Friday, the 14th November, 1834.

Schooner "Pepita," Pablo Oliver, Master.

OUR Sovereign Lord the King against the schooner or vessel, "Pepita," whereof Pablo Oliver was Master, her tackle, apparel, and furniture, and the goods, wares, merchandise, and slaves on board the same, and therewith seized and taken by His Britannic Majesty's sloop, "Pelorus," Richard Meredith, Esquire, Commander, and brought to Sierra Leone, and against all persons in general.

Robert Dougan, Proctor on behalf of the Captors, having admitted that the said schooner, "Pepita," and cargo, were illegally detained by Richard Meredith, Esquire, the Captor in this Case, on a charge of having 3 slaves on board at the time of seizure, the said Commissary Judge, and Commissioner of Arbitration, on the prayer of John Dean Lake, Proctor on behalf of the Claimant, decreed the claim by him given to be admitted; and the said schooner and cargo to be restored as claimed, for the use of the Owner and Proprietor thereof, together with the costs, damages, and expenses occasioned to the said vessel by her detention, and referred it to the Registrar to ascertain the amount thereof, and report the same to the Commissioners.

The Court further decreed that indemnification for loss of slaves could not be claimed by the Claimant, inasmuch as the said Claimant had distinctly disavowed all property in the slaves put on board the said schooner by the Captors, and brought to this Colony in the said vessel.

The Court further decreed that the 3 slaves, said to have been on board the "*Pepita*" at the time of her capture, and who have been awaiting the adjudication of the vessel, be handed over to the Colonial Government, to be employed as servants or free labourers; the circumstances of their shipment not justifying the Court in pronouncing a decree for their emancipation.

The Court was further of opinion that the object with which the "*Pepita*" entered the Cameroons River was to procure a cargo of slaves, and that her premature capture alone prevented her from carrying into effect her guilty intention.

(Signed) JOHN SALTER.

No. 2.

British and Spanish Court of Mixed Commission, Sierra Leone.

Before Thomas Cole, Esq., &c.

Tuesday, the 9th of December, 1834.

Schooner, "Pepita," Pablo Oliver, Master.

The Court met this day for the purpose of giving judgment as to whether the Claimant in the Case of the "*Pepita*," Pablo Oliver, Master, detained by His Majesty's sloop, "*Pelorus*," Richard Meredith, Esquire, Commander, was entitled to demurrage; and it appearing that the vessel was by her Papers under 100 tons burthen, the Court decreed she was not entitled to demurrage.

(Signed) JOHN SALTER.

No. 3.

British and Spanish Court of Mixed Commissions, Sierra Leone.

Before Thomas Cole, Esq., &c.

Wednesday, the 7th of January, 1835.

Spanish schooner, "Pepita," Pablo Oliver, Master.

In pursuance of the directions of the Court of the 14th day of November, 1834, the Registrar brought up his Report of the costs, damages, and expenses, which the "*Pepita*" had sustained by her detention. John Dean Lake, on the part of the Claimant, prayed that the Report made in this Case by the Registrar be amended by the Court by increasing the amount thereof, in consideration that the Registrar had not allowed the Claimant a just and complete indemnification of his losses and damages. Robert Dougan, on the part of the Captors, prayed also that the said Report be amended by decreasing the amount thereof, inasmuch as the Registrar had allowed more than a just and complete indemnification to the said Claimant. The Court having heard the said Report read, and the Proctors on both sides thereon, postponed their decision until the following day, and the Court was adjourned accordingly.

(Signed) JOHN SALTER.

No. 4.

British and Spanish Court of Mixed Commissions, Sierra Leone.

Before Thomas Cole, Esq., &c.

Thursday, the 8th of January, 1835.

Spanish schooner, "Pepita," Pablo Oliver, Master.

This day the Court met, pursuant to adjournment, on the subject of the Registrar's Report of costs, damages, and expenses in this Case. The Commissioners approved of the amount awarded by the Registrar for costs of suit. It decided on the admissibility of the Master's evidence, on the ground that no perjury had been proved against him. In the items under the head of "special damages and expenses," the Court ordered that the anchor and chain-cable, which had been lost by the Captors on the passage of the "*Pepita*" to this port, should be replaced by the Captors at the market-price of this Colony, with a deduction of one-third of that price, in consideration of those articles being new. The Court further disallowed the Claimant's charge for the expenses of interpreting, as such a charge was deemed to have been included in the costs of suit. The Court further ordered that the Claimant's demand for 16 large tin pans, said to have been lost and destroyed at the time of the "*Pepita*'s" getting on shore, should be admitted, and the proper price of such articles should be ascertained and allowed. The Court further ordered that the Claimant's demand of remuneration for slave-provisions, lost and destroyed by the Captors, should be admitted, and that the Registrar should ascertain and allow the proper valuation of such provisions, as also the probable quantities which had been consumed by the slaves shipped at the instigation of the Captors. The Court further ordered, with respect to that portion of the cargo of trade-goods, which had been on board the "*Pepita*" at the time of her capture, that an allowance of 10 per cent. advance on the estimated invoice-price should be made to cover freight and expenses to the place of capture, but nothing whatever in the shape of profit. The Court further ordered, that an allowance be made to the Claimant on 80 pieces of silk handkerchiefs and 15 case-knives, over and above the quantity contained in the Registrar's Report. The Court further ordered that the period for which freight or transport-hire had been allowed by the Registrar to the "*Pepita*," for the conveyance of the slaves shipped at the instigation of the Captor, should be extended to the 12th instead of the 8th August, at the rate of 15s. per ton per month on the Spanish tonnage of the vessel, as it appeared that an error in a return of the late Mr. Acting-Marshal Barnes, had led to a mistake of 4 days in the date on which the slaves were landed.

In all other respects the Report was approved of by the Court, by whom it was referred to the Registrar to be amended in accordance with the above decision, and to be brought up again for confirmation on an early day.

(Signed) JOHN SALTER.

No. 5.

British and Spanish Court of Mixed Commissions, Sierra Leone.

Before Thomas Cole, Esq., &c.

Saturday, the 10th of January, 1835.

Spanish schooner, "Pepita," Pablo Oliver, Master.

The amended Report of the Registrar in this Case having been brought up and read, the Court confirmed the same; that is to say, so much therein as the Registrar stated that the Claimant was

entitled to for costs of suit, amounting to 80*l.*; so much therein as the Registrar stated his opinion that the Claimant was entitled to for losses and damages, actually sustained by detention, amounting to 993*l.* 15*s.* 1½*d.*; and so much therein as the Registrar states his opinion, that the Claimant was entitled to for the freight of the negroes, put on board the "*Pepita*" at the instigation of the Captors, amounting to 47*l.* 12*s.* 6*d.*, making altogether the sum of 1,121*l.* 7*s.* 7½*d.*

And whereas a quantity of goods, which arrived in this colony on board the said vessel, were landed and sold by the Commissioner of Appraisement and Sale, at the Petition of the Proctor for Captors, and the proceeds thereof lodged in the military chest, it was further ordered by the Court, that from such gross proceeds of sale, amounting to the sum of 117*l.* 17*s.* 9*d.*, be in the first place deducted,—the approved charges of the Commissioner of Appraisement and Sale, amounting to the sum of 13*l.* 14*s.* 3¼*d.*; also the approved account of the late Acting-Marshal, amounting to the sum of 47*l.* 12*s.* 6*d.*; also the approved account of the present Marshal to the Court, amounting to the sum of 27*l.* 2*s.* 8*d.*; and that the balance of the nett proceeds, amounting to the sum of 29*l.* 8*s.* 3¼*d.*, be paid over to the Claimant, and his receipt taken for the same, and be deducted from the amount of 1,121*l.* 7*s.* 7½*d.*, awarded by the Registrar's Report, leaving the sum of 1,091*l.* 19*s.* 4¼*d.*, due to the Claimant. The Court, therefore, did award and decree that Richard Meredith, Esq., the Captor in this Case, do pay to the said Pablo Oliver, the Claimant, or his lawful attorney or attornies, for his use, absolutely and unconditionally, the sum of 1,091*l.* 19*s.* 4¼*d.*, for the said costs of suit, and for the special damages and expenses occasioned to said schooner by her detention.

(Signed) JOHN SALTER.

No. 6.

British and Spanish Court of Mixed Commissions, Sierra Leone.

In the Case of the Spanish schooner, "*Pepita*," Pablo Oliver, Master, seized and detained by His Britannic Majesty's sloop-of-war, "*Pelorus*," commanded by Richard Meredith, Esq., Commander, under a charge of being engaged in the illicit traffic in slaves.

These are to certify, that the said Spanish schooner, "*Pepita*," her cargo, tackle, apparel, and furniture, were prosecuted in the British and Spanish Court of Mixed Commission, established at Sierra Leone for the prevention of the illicit traffic in slaves, by the said Commander, Richard Meredith, under a charge of having on board 3 slaves at the time of the seizure and detention thereof; and that it appeared to the said Court, that the said Commander, Richard Meredith, did not adduce any evidence to prove that the said 3 slaves were so on board for the purposes of the traffic in slaves; but that, on the contrary, the said 3 slaves were placed on board the said vessel with the knowledge and consent, and by the influence of the said Commander, Richard Meredith, and without the privity of the said Pablo Oliver, the Master of the said vessel. Wherefore, conformably to the provisions of the Treaty between His Majesty and Her Catholic Majesty the Queen of Spain, signed at Madrid, the 23d day of September, 1817, the said schooner "*Pepita*," her cargo, tackle, apparel, and furniture, were, on the 14th day of November, in the year of our Lord, 1834, pronounced by the said Court to belong as claimed, and the said Court decreed the same to be restored to the said Pablo Oliver, the Claimant, for his own use, as the Owner and Proprietor of the said schooner, together with the costs, damages, and expenses incurred in consequence of the said seizure and detention.

And these are further to certify, that the sum awarded by the said Court to the said Pablo Oliver, the Claimant aforesaid, in consideration of the costs, damages, and expenses, incurred through the said seizure and detention, amounts to 1,091*l.* 19*s.* 4¼*d.*, sterling: all which matters and things more fully do appear by the Records of the said Court, and for which 3 Certificates of the same tenor and date have been granted to the said Pablo Oliver, to serve as one.

In faith and testimony of the truth whereof we have hereunto set our hands and affixed the seal of the said Court of Mixed Commission, at Freetown, in the Colony of Sierra Leone, this 20th day of January, in the year of our Lord, 1835.

Entered. (Signed) THOS. COLE.
(L. S.) H. W. MACAULAY.

(Signed) JOHN SALTER, *Acting-Registrar.*

These are to certify, that the foregoing are just and true Copies of the original Decrees made in the British and Spanish Courts of Mixed Commissions, established at Sierra Leone, in the Case of the Spanish schooner, "*Pepita*," whereof Pablo Oliver was Master, as appears by the Records of the said Commission.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions, at Freetown, in the said Colony, this 20th day of January, in the Year of our Lord, 1835.

(Signed) JOHN SALTER,
(L. S.) *Acting-Registrar.*

No. 19.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 6.)
MY LORD DUKE, *Sierra Leone, 4th February, 1835.*

ENCLOSED, we have the honour to transmit to your Grace our Report of the Case of the Spanish schooner, "*Sutil*," Juan Fremul, Master, detained by His Majesty's sloop, "*Pelorus*," Richard Meredith, Esquire, Commander, on the 17th December, 1834, in latitude 3° 56' north, longitude 9° east, with 307 slaves on board.

Immediately after seizure the "*Sutil*" was despatched to Sierra Leone, for adjudication in the British and Spanish Court of Mixed Commission, and she arrived in this harbour on the evening of the 23d ultimo.

The prosecution of the vessel was commenced in the usual form on the following day; and the evidence of the witnesses in preparatory, produced by the Captor, having clearly proved that the "*Sutil*" was justifiably detained by His Majesty's sloop, "*Pelorus*," whilst actually engaged in carrying on the illicit traffic in slaves, she was condemned on the 31st ultimo, and the survivors of her slaves were emancipated from slavery.

We have, &c.

(Signed)

THOS. COLE.

H. W. MACAULAY.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

Enclosure in No. 19.

Report of the Case of the Spanish schooner, "Sutil," Juan Fremul, Master.

THE Ship's Papers found on board this vessel at the time of her capture are,—

1. A Provisional Passport, which for some time past has been substituted for the Royal Passport. It is numbered 54, dated at Havana on the 10th of May, 1834, and is signed by Don Angel Laborde. It authorises the "*Sutil*" to engage in a licit commercial voyage to the Island of St. Thomas, to return to Havana, and contains the usual warning against engaging in the illicit traffic in slaves.

2. A Fort Pass in the ordinary form, number 287, dated the 10th of May, 1834.

3. A List of crew.

4. The Bill of Sale, registered on the 7th of May, 1834, and showing that Don José Marenach, of Havana, is the present Owner of the "*Sutil*."

5. Custom-house Clearance.

Having left Havana, the "*Sutil*" appears to have come direct to the Galinas, in the neighbourhood of this Colony, and thence to have proceeded to the Calabar River, where she took on board a full cargo of slaves, with whom she was making her voyage to Havana, when she was fallen in with and detained by His Majesty's sloop, "*Pelorus*," Richard Meredith, Esquire, Commander, on the 17th December, 1834.

The "*Sutil*" arrived in this harbour on the 23d ultimo, with 228 slaves on board, 79 having died on the passage to this port, whilst the vessel was in charge of the Captors, in addition to a frightful loss of life which had previously occurred on the first night of the voyage, owing to a ferocious scramble for room amongst the densely-crowded negroes, and by which many were suffocated and killed.

These facts having been reported by the Marshal, the Surgeon to the Courts immediately visited the slaves, and informed the Court that there were 21 men and boys and 8 girls sick with dysentery, many of them being in the advanced stage of the disease. The means of accommodation were reported to be quite inadequate to the numbers on board, and it was therefore recommended that the slaves should be landed as soon as possible. The great mortality on the passage up is mainly to be attributed to the bad and unwholesome water shipped by the Spaniards, and which, in their hurry to get away from the coast, is stated to have been filled from alongside the vessel in the River Calabar. No blame whatever can be attributed to the Prize-Master, or to the Officer and men who accompanied him; and we are sorry to have to add that Mr. Judd, a promising young man, the Prize-Master, himself fell a victim, a few days after his arrival here, to the miserable privations which he had endured in common with the slaves.

On the 24th ultimo, the "*Sutil*" was brought before the British and Spanish Court. Her Papers were lodged in the Registry and filed, together with the Captor's Declaration, duly attested by the Prize-Master; and at the same time the usual Monition, citing all parties interested in the vessel to appear, was issued, returnable in 8 days.

A Petition for the landing of the slaves from the "*Sutil*" having been presented by the Captor's Proctor, we were happy in being able on this occasion to carry into effect the humane recommendation of the Surgeon. The sick slaves were all landed at the Lower Hospital at Kissy, and the remainder were placed in the Liberated African Yard, those in both places being kept under the charge of the Marshal pending adjudication.

The Captor's Declaration is to the following effect:—"I, Richard Meredith, Commander of His Majesty's sloop, "*Pelorus*," hereby declare that on the 17th of December, 1834, being in or about latitude 3° 56' north, longitude 9° east, I detained the schooner named "*Sutil*," sailing under Spanish colours, armed with 2 guns, 2-pounders, commanded by Don Juan Fremul, who declared her to be bound from Old Calabar to Havana, with a crew of 18 men and 1 boy, and having on board 307 slaves, said to have been taken on board at Old Calabar, on the 14th day of December, 1834. I do further declare that she was said to have sailed with 335 slaves on board, of whom 27 died the night she sailed."

On the 26th ultimo, Juan Fremul, the Master, and Salvador Texidor, the Steward, of the detained vessel, the witnesses in preparatory produced by the Captor's Proctor, were examined on the standing interrogatories. The Master deposed "that he was born in Catalonia; lives in Havana, and has resided there the last 8 years; is a subject of Spain, and has never served any other State; is married, and his wife and family live in Catalonia; was appointed to the command of the detained vessel by José Marenach, the Owner, who lives at Havana, and is a Spaniard; received charge from the said Owner about 8 months since at Havana, at the time of her purchase; has only known the vessel since that time; believes she was built in America; was on board when the vessel was taken for having slaves on board; she was under Spanish colours, and has no other; the vessel's name is "*Sutil*," which name she has had since she was purchased; does not recollect her former name; she is 77 Spanish tons; she had a crew of 4 Officers and 14 men, all Spaniards, who entered with him at Havana; neither he nor any of his Officers and crew had any interest in the vessel or cargo; was Captain of the vessel; there were no passengers; the present voyage began at Havana, which was the last clearing-port, and whither he was bound at the time of capture; went from Havana to the Galinas for water, and thence to Calabar, where the vessel took in her slaves; saw the capturing ship in about 3° 56' north latitude and 9° east longitude, on the 17th December last, and was taken a few

hours after; was at the time steering to the southward, making the best of his way to Havana; did all he could to escape; his course from Calabar was direct towards Havana until the time of capture; José Marenach is, he believes, the Owner of the vessel; he is a Spaniard, and lives at Havana, but does not know if he is married, nor how long he has lived there, nor where he resided before; was himself the Lader of the slaves, and would have delivered them to the before-named Owner; the slaves were to have been landed somewhere in Cuba, for the benefit and at the risk of the said Owner; the outward cargo consisted of dry goods, rum, tobacco, and powder, shipped at Havana; has no cargo at present except the slaves, of whom he took on board, in the Old Calabar, 335; 28 of the slaves died before capture, and he believes 80 since; the vessel came direct to this port."

The evidence of the other witness, Salvador Texidor, confirms entirely that of the Master.

The Monition, issued on the 24th, being returnable on the 31st ultimo, a Court met on the latter day for the adjudication of the "*Sutil*;" and the proof of the illicit employment of that vessel in the Slave Trade being clearly established, she was condemned as good and lawful prize to the Crowns of Great Britain and Spain. It was at the same time decreed that, at the time of the "*Sutil's*" capture by His Majesty's sloop, "*Pelorus*," Richard Meredith, Esquire, Commander, 307 slaves were on board of her; that 79 of that number had died between the period of the capture and the landing the slaves in this Colony, and 12 subsequently. The survivors, 216 in number, were then emancipated from slavery.

(Signed)

THOMAS COLE.

H. W. MACAULAY.

Sierra Leone, 4th February, 1835.

No. 20.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 6.)

MY LORD DUKE,

Sierra Leone, 10th February, 1835.

WE have the honour to enclose our Report of the Case of the Spanish brig, "*Formidable*," Manuel Mateu, Master, captured on the 17th of December last, by His Majesty's schooner, "*Buzzard*," Lieutenant Anthony William Milward commanding, in latitude 4° 21' north, longitude 8° 30' east.

This vessel is well known on the Coast, and has been boarded frequently by different vessels of His Majesty's squadron. Her size, nearly 200 Spanish tons; her formidable armament of 8 large guns; her numerous crew of 66 men; the order, discipline, and regularity, observed in the management of the vessel, giving her so much the appearance of a brig-of-war, which she formerly was; all combined to make her the subject of continual remark, and it was expected that she would not quietly submit to capture, should she be fallen in with by one of the smaller cruisers on this station. This expectation was confirmed by the report which reached us from Havana, that she had been fitted out in that port, expressly for the purpose of coping with our light 3-gun schooners and brigs.

Under these circumstances, we were much pleased that it fell to the lot of His Majesty's schooner, "*Buzzard*," under the command of Lieutenant Anthony William Milward, to capture the "*Formidable*," after a spirited resistance, during which several of the British were severely wounded; and 6 of the Spaniards were killed, besides 16 wounded.

We beg leave to enclose a Copy of the statement of the chase and action, with which we have been favoured by Lieutenant Milward. It is merely an abstract from his Log; and, from all that we have heard, far too modestly describes an engagement, in which the coolness and intrepidity of the Captors were particularly distinguished.

On the 2d instant, the 3 Spanish witnesses, the only part of the "*Formidable's*" crew who had been sent up to Sierra Leone, were charged at the Police Office in this place, with having feloniously fired into His Majesty's schooner, "*Buzzard*." We have the honour to enclose a certified Copy of the examinations taken by the Police Magistrate on that occasion, by which your Grace will perceive that the 3 prisoners have been committed for trial.

In addition to the Papers already referred to, we have further the honour to enclose attested Copies of the evidence given by the crew of the "*Formidable*," when examined on the standing interrogatories at the Registry Office, in order that your Grace may be furnished with the necessary means, should it appear desirable to your Grace to make this flagrant violation of Treaty the subject of representation to the Government of Her Catholic Majesty.

In every respect, except the resistance to capture, this Case closely resembles that of the Spanish schooner, "*Sutil*," reported on the 4th instant. The "*Sutil*" is said, we know not how correctly, to have acted throughout the voyage as a tender to her more formidable companion. It is certain that they were both at the Galinas together; the slaves of each were embarked on the same day and at the same spot; and both were happily captured on the same day, not very far distant from each other, by 2 of His Majesty's squadron.

The "*Formidable*" arrived here on the 28th ultimo, and was brought into the British and Spanish Court on the following day. The evidence taken having conclusively proved that she had been captured whilst actually engaged in illicit Slave Trade, she was condemned on the 6th instant, and the survivors of her slaves were emancipated.

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

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

First Enclosure in No. 20.

Report of the Case of the Spanish brig, "Formidable," Manuel Mateu, Master.

THIS vessel sailed from Havana, furnished with the usual Papers for a legal commercial voyage to the Island of St. Thomas. Instead, however, of observing the conditions of her Passport, she first entered the Galinas, to the southward of this Colony, where she appears to have watered, and then she proceeded to the River Calabar, for the purpose of embarking a cargo of slaves. Some of her Papers show, that a contract had been entered into between the Master of the "*Formidable*" and the head-man of the River for 800 slaves, but that only 728 of that number were shipped.

Having left Calabar, on the 14th of December, 1834, the "*Formidable*" was encountered, 3 days afterwards, by His Majesty's schooner, "*Buzzard*," Anthony William Milward commanding. But on the man-of-war attempting to enforce the right of search, conceded by the Spanish Treaty to properly-authorized vessels, a determined resistance was offered by the "*Formidable*," and an action commenced, which terminated as such actions always do, notwithstanding the great disparity of force, in the capture of the slave-vessel, and the loss of many of her crew.

At the time of capture, it is proved, there were only 712 slaves on board; 16 must therefore have died during the 3 days which elapsed subsequent to their shipment.

The "*Formidable*" arrived in this harbour, on the 28th ultimo, after a long passage of 42 days, occasioned by the damage which the vessel sustained from lightning. The Marshal immediately reported her arrival with 418 slaves on board, and with 3 of the Spanish crew as witnesses. The Surgeon to the Courts also visited the sick, and his report of their state was quite appalling. He states, "712 slaves are reported to have been on board at the date of capture; the number at present on board is 418 (as detailed in the margin), making a loss of 294. I could not, by my inquiries on board, ascertain to what particular causes this immense loss is to be attributed.

"It appears, that on the passage to this place, the brig was struck by lightning, which directly and ultimately proved fatal to a great number of the slaves; that number is variously stated, as from 130 to 150. I could not ascertain whether any were killed in the action: a great number, at all events, have died of disease. There are at present 3 cases of ulcer, a few of ophthalmia, and 30 of dysentery, many of whom are, apparently, in the last stage of the disorder. The general appearance of the slaves being more than usually squalid, I am induced to recommend that they be landed as soon as possible."

On the morning of the 29th ultimo, the "*Formidable*" was admitted into the British and Spanish Court of Mixed Commission, the vessel's Papers and the Captor's Declaration being lodged in the Registry, authenticated by the Affidavit of the Prize-Master.

The Captor's Declaration is as follows:—"I, Anthony William Milward, Commander of His Britannic Majesty's schooner, '*Buzzard*,' hereby declare that, on this 17th day of December, 1834, being in or about latitude 4° 21' north, longitude 8° 30' east, I detained the brig '*Formidable*,' sailing under Spanish colours, armed with 6 16-pounders and 2 long 12-pound guns, 30 muskets, 30 cutlasses, 10 brace of pistols; commanded by Don Manuel Mateu, who declared her to be bound from Calabar River to the Havana, with a crew consisting of 66 men and boys, whose names are declared by them respectively to be contained in the Lists attached hereto, and having on board 711 slaves, said to have been taken on board at Calabar, on the 14th day of December, 1834.

"I do further declare, the brig is a good sound vessel, well and sufficiently found in stores of all descriptions; the slaves in general strong and healthy, and the crew, for the most part, able-bodied seamen."

These Papers having been filed, the Captor's Proctor petitioned, that the usual Monition, citing all parties interested in the vessel to appear, might issue, and that the evidence in preparatory might be produced.

A Petition having also been presented for the landing of the slaves, the survivors, to the number of 408, were landed on the morning of the 30th ultimo, and kept under the charge of the Marshal pending adjudication.

A Certificate from the Assistant-Surgeon of His Majesty's schooner, "*Buzzard*," was on the same day filed, accounting for the absence of the Master of the "*Formidable*," Don Manuel Mateu, owing to the dangerous state of his wounds.

The Captor's Proctor having been called upon to explain the cause of the dreadful mortality amongst the slaves on their passage to this port, produced an Affidavit from the Prize-Master, Mr. Halcrow, Acting Second-Master of the "*Buzzard*," in which he deposed, that "on the 17th day of December last past there were 712 slaves on board the '*Formidable*;' that subsequent to the seizure of the said brig 304 slaves died; that of that number 6 threw themselves overboard, and were drowned; 150, or thereabouts, died, from the said brig having been struck by lightning, on the 28th day of December last past, and from the effect of the shock which descended down the fore and main hatchways (10 of them dying instantly), and that the remainder of the 394 slaves died from bowel complaints."

We think some part of the mortality may fairly be traced to the unwholesome water which was on board the vessel for the use of the slaves, and which was taken in from alongside the brig in the River Calabar; some part of it also to a long passage of 42 days; and some part of it to the Prize-Officers being entirely unacquainted with the mode of treatment proper to the slaves, this being the "*Buzzard's*" first prize.

The 2 witnesses whom the Captor's Proctor produced for examination on the standing interrogatories, were Antonio Veiris, the Boatswain, and José de Egusquira, the Second Mate, the Master not

being in a condition to be sent up, from the numerous wounds which he had received, and the First Mate having been killed during the action with the "Buzzard."

In order to render the evidence more intelligible, it is necessary to state that the original Master, Don José Benito Pardo, having died in the Calabar River, the First Mate, Manuel Mateu, succeeded to the command.

On this occasion we have refrained from giving our usual abstract of evidence, as a certified Copy of the whole of the evidence taken in the Case forms one of the Enclosures which accompany this Report. We will content ourselves with the remark, that no attempt whatever was made on the part of the witnesses, as indeed it would have been useless, to deny the illicit employment of the "*Formidable*" at the time of her capture.

The Monition, which had issued on the 29th ultimo, having been returned on the 5th instant, a Court assembled on the following day for the adjudication of the vessel. The sentence of the Court was, that the Spanish brig, "*Formidable*," Manuel Mateu, Master, be condemned, her hull, tackle, apparel, and furniture, and the goods, wares, and merchandise laden on board, as good and lawful prize to the Crowns of Great Britain and Spain; and it was further decreed, that at the time of her capture by His Majesty's schooner, "*Buzzard*," Lieutenant Anthony William Milward commanding, 712 slaves were on board the said brig, of whom 304 died previous to their being landed in this Colony, and 18 since; and that the survivors, 390 in number, be emancipated from slavery.

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

Sierra Leone, 10th February, 1835.

Second Enclosure in No. 20.

Statement of the chase and action between His Majesty's brig, "Buzzard," and the Spanish slave-brig, "Formidable."

ABOUT 8h. 30m. A. M. on the 17th December, 1834, whilst cruising off Old Calabar River, observed a brig bearing E. N. E.; made all sail, and out sweeps in chase; at 9h. 45m. saw the brig make sail steering south; 11h. 20m. saw the long-boat of chase going astern, she having been cut adrift; at noon very light winds, brig bearing S. E. $\frac{1}{2}$ S. $3\frac{1}{2}$ miles; gaining on her fast; distinctly made her out to be throwing overboard quantities of stores, casks, spars, &c. and to be an armed vessel; at 4 o'clock observed her cut down her stern-boat, run out her stern-guns, hoist a large Spanish flag, and immediately after take in her studding-sails; 4h. 15m. commenced firing with small arms at pistol-shot distance, which she immediately returned by firing her stern-guns; gave her our great guns as they could be brought to bear, using every effort to run her on board; 4h. 40m. his colours came down; ceased firing at him, and hailed to know if he had struck; was answered by a discharge from his stern-guns, which shot away our flying jib-boom; continued to pour a heavy fire into him, and at 5 o'clock succeeded in boarding him from our larboard bow on his starboard quarter, when after a trifling resistance she surrendered: found her to be the "*Formidable*," Spanish slave-brig, mounting 6 18-pounders, Gover's guns, and 2 long 16-pounders; pierced for 18 guns, with a crew of 66 men; and having on board upwards of 700 slaves, from Old Calabar, bound to Havana; commanded by Don Manuel Mateu. On taking possession of the "*Formidable*," we found 6 of the crew killed, including the Mate and Carpenter; 5 severely and 11 slightly wounded: amongst the former was the Captain, who received four musket-ball wounds. The ship's company of the "*Buzzard*" were constantly employed at the sweeps from 9h. A. M. until the action commenced.

(Signed) A. M. MILWARD,
Lieutenant and Commander.

Third Enclosure in No. 20.

Examination of part of the crew of the Spanish brig, "Formidable."

Police Office, Freetown, 2d February, 1835.

Before Logan Hook, Esq., P.M.

José Maria Egusquira, Antonio Veiris, and Miguel Marin, part of the crew of the Spanish brig, "*Formidable*," brought up on warrant, charged with having, on the 17th December last, on the high seas, on the Coast of Africa, about 40 miles to the southward of the Old Calabar River, feloniously fired into His Majesty's brigantine, "*Buzzard*," and wounded several of her crew. John Halerow, Acting-Master of His Majesty's said brigantine, "*Buzzard*," sworn, states, that he is Acting-Master of His Majesty's brigantine, "*Buzzard*." During the night of the 16th December last left Fernando Po, and when about 40 miles to the southward of Old Calabar River, at about 9 o'clock of the morning of the 17th December last, observed a vessel, which turned out to be the Spanish brig, "*Formidable*;" they immediately gave chase, and about 4 o'clock of the same day came up with her, and before they got within hail of her, the "*Formidable*" fired one of her stern-chasers into the "*Buzzard*," and continued firing until they got along-side of her (several of her shot taking effect in her rigging); on the "*Buzzard*" reaching her quarter a general action took place, which lasted for about 40 minutes, when she was boarded by the crew of the "*Buzzard*," who took possession of her; several of the crew of the "*Buzzard*" were wounded, one of them dangerously. Witness does not recollect their names, having been shortly after the capture of the "*Formidable*" ordered to take charge of her, since which time he has not been on board the "*Buzzard*." After the engagement, the crew of the "*Formidable*" were taken on board the "*Buzzard*;" after which, the following day, the 3 prisoners in Court were sent on board the said brig, "*Formidable*," and given in charge of witness to bring to this port. Witness understands that the crew of the "*Formidable*" consisted of between 50 and 60 men.

(Signed) J. HALCROW,
Acting-Master.

Walter Winder Morris, Mate of His Majesty's brigantine, "*Buzzard*," sworn, states he is Mate of His Majesty's brig, "*Buzzard*;" he left Fernando Po in that vessel on the 16th December last, between

11 and 12 o'clock at night; about $\frac{1}{4}$ to 9 o'clock of the following morning sail was reported right astern, to which the "Buzzard" immediately gave chase; during the chase the vessel was observed to heave her boats overboard, which made witness think it was the "Formidable," from the description witness had heard of the vessel; on getting within pistol-shot of her she hoisted a Spanish ensign and fired one of her stern-guns into the "Buzzard," which wounded one of her men in the foretop; the action then commenced generally; after exchanging broadsides for about 20 or 30 minutes, the "Formidable" hauled her Spanish ensign down, when she was immediately hailed in English if she had surrendered; no answer being returned, the Commander of the "Buzzard" ordered his vessel to be run aboard of her, which was immediately done; no resistance was made to boarding; saw 2 or 3 of the crew of the "Formidable" lying dead on her deck; saw but 2 men on her deck, the Captain and another; the Captain was dangerously wounded; the remaining part of the crew were found among the slaves and in different parts of the vessel; the persons wounded on board the "Buzzard" are Edwin Vincent, dangerously, a shot having struck him under the throat and carried away part of his right shoulder. Charles Salter, able seaman, and Thomas Lowe, a marine, slightly; witness understands 2 others of the men were also wounded, but does not know their names. The "Formidable" was captured between 30 and 40 miles to the southward of Old Calabar River; after her capture her crew were taken on board the "Buzzard"—they amounted to between 50 and 60 men; colours were flying on board the "Buzzard" long before coming up with the "Formidable;" the colours were a British blue ensign and a pennant.

(Signed) W. W. MORRIS, *Mate.*

William Tolfree, sworn, states he is an able seaman belonging to His Majesty's brigantine, "Buzzard;" was on board of said vessel during her engagement of the 17th December last, with the "Formidable," off Old Calabar River; after about 40 minutes' engagement the "Buzzard" was run aboard of the "Formidable," when witness jumped from the "Buzzard's" bowsprit on to the deck of the "Formidable," at the same time firing a pistol at a man who was on the larboard side of the mainmast; witness then ran aft and drove away the man in possession of the wheel, and took possession of it himself; the Captain of the "Formidable" was standing by witness' side with a drawn sword in his hand. Witness saw but 3 men on deck, viz., the Captain, the man at the wheel, and the man at whom he fired. The "Formidable" fired the first shot, which went through the mainsail of the "Buzzard."

(Signed) WILLIAM ^{his} × TOLFREE.
mark.

David Davis, sworn, states he is an able seaman belonging to His Majesty's brigantine, "Buzzard;" was on board the "Buzzard" when she engaged the "Formidable," on the 17th December last, off Old Calabar River; after about 40 minutes' engagement the "Formidable" was boarded and carried; on witness boarding saw only the Captain of the "Formidable" and the man at the wheel on deck, the rest of the crew having run below; saw some of her crew lying dead on the deck; did not notice the prisoners until they were brought on board the "Formidable" from the "Buzzard;" the "Formidable" first fired into the "Buzzard;" colours were flying on board of the "Buzzard" long before nearing the "Formidable."

(Signed) DAVID ^{his} × DAVIS.
mark.

John Game, sworn, is an able seaman belonging to His Majesty's brigantine, "Buzzard;" was on board the "Buzzard" during the engagement which took place between her and the "Formidable," on the 17th December last, off Old Calabar River, having left Fernando Po the night before; about 9 o'clock of the 17th of said month of December saw a vessel; it being calm the "Buzzard" was swept towards her for about five hours; at about 4 o'clock they came up with chase, when she fired a shot from one of her stern-chasers into the "Buzzard," when the "Buzzard" ran aboard of her and a general engagement took place, which lasted about 45 minutes, when she was ordered by the Commander of the "Buzzard" to be boarded, which was immediately done and the vessel carried; on witness boarding, saw the Captain of the "Formidable" with a sword in his hand on the companion-scuttle, which he delivered to the Commander of the "Buzzard" on his boarding; after capture the crew of the "Formidable," in number about 60, were sent on board the "Buzzard" as prisoners; on the following day the 3 prisoners in Court were sent back on board the "Formidable" to be brought up to this Colony; no resistance was made to boarding, the crew of the "Formidable" having rushed below. The wounded on board the "Buzzard" are, a boy named Edwin Vincent, severely; Charles Salter, able seaman; and Thomas Lowe, a marine, slightly; knows of no other person on board the "Buzzard" being wounded; the "Buzzard" had an English blue ensign and a pennant flying, long before nearing the "Formidable." During the action the colours of the "Formidable" were shot away, when she was hailed in English, "Do you surrender?" the Captain of the "Formidable" shook his head, and another gun was immediately fired from her, which was the last she fired, as she was immediately boarded; witness saw 3 of her crew lying dead on her deck; several of her crew were wounded; no resistance was made to boarding.

(Signed) JOHN ^{his} + GAME.
mark.

Defence.

Prisoner José Maria Egusquira states he was Third Mate of the brig "Formidable;" the action was fought by order of the Captain.

Prisoner Antonio Veiris states he was sick and took no part in the action with the "Buzzard."

Prisoner Miguel Marin, states he was a passenger on board said brig "Formidable;" took no part in the action with the "Buzzard," being below getting up beans for the slaves.

Ordered,—That the prisoners be remanded until to-morrow.

Police Office, Freetown, 3d February, 1835.

Before Logan Hook, Esq., P.M.

José Maria Egusquira, Antonio Veiris, and Miguel Marin, part of the crew of the Spanish brig "Formidable," who were remanded yesterday, charged with having on the 17th December last, on the

high seas, on the Coast of Africa, about 40 miles to the southward of the Old Calabar River, feloniously fired into His Majesty's brigantine, "Buzzard," and wounded several of her crew, were this day again brought up, when they were ordered to be committed for trial: it was also ordered that the witnesses be bound over in the sum of 40*l.* each to appear at next Sessions and give their evidence.

Police Office, Freetown.

These are to certify, that the foregoing is a true and faithful Copy of the evidence taken on the 20th day of February, 1835, at this office, before Logan Hook, Esq., Police Magistrate, on the examination of the within-mentioned persons, being part of the crew of the Spanish slave-vessel, "*Formidable.*"

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Police Office of Freetown, in the aforesaid Colony, this 28th day of February, in the year of our Lord 1835.

GEO. W. NICOL,
Clerk of Police.

(L. S.)

Fourth Enclosure in No. 20.

British and Spanish Court of Mixed Commission, Sierra Leone.

In the Case of the Spanish brig, "*Formidable,*" whereof Manuel Mateu was Master.

Friday, the 30th January, 1835.

José Maria Egusquira, Second Mate on board of the said vessel, being produced, sworn, and examined on the standing interrogatories, deposes and saith as follows, viz.—

To the IIIrd, saith, the First Mate had charge of the vessel when she was taken; his name is Don Manuel Mateu; has known him 8 months; he was born in Cadiz, and lives there; he is not married.

To the IVth, saith, the present Mate appointed himself to the command of the vessel on the death of the Captain, whose name was José Benito Pardo, the day they left Calabar; he has known the vessel 3 years, and saw her first at Cadiz, when she was in the Government service; she was built at Catalonia.

To the Vth, saith, he was on board the vessel when she was taken; she was so taken for having slaves on board; she was under Spanish colours, and had no others on board.

To the VIth, saith, the brig's name is "*Formidable;*" she has had that name 9 or 10 months; she was formerly the "*Fernando,*" in the Spanish navy; don't know her tonnage; she had 3 Officers, and believes 34 men; the second Officer and 3 or 4 seamen were killed, and many wounded by the capturing ship; the crew were all Spaniards, and entered with the Captain at Havana 9 or 10 months ago.

To the VIIth, saith, he had no interest in the vessel or cargo, and believes none of the Officers or crew had; he was third officer; there was one passenger on board, a Frenchman, who was sick below, and had nothing to do with the ship or cargo.

To the VIIIth, saith, the voyage began at the Havana, but he cannot tell when it was to have ended, as it depended on the Captain. They called off St. Thomas on the outward voyage, but cannot tell for what purpose, they received no cargo there.

To the IXth, saith, saw the capturing ship off the bar of Calabar, on the 17th December last. The chase begun about 8 in the morning, and they were taken about 5 in the afternoon; they had carried sail all day to avoid the capturing ship; they had left the River the same day.

To the Xth, saith, there are 8 guns mounted—2 long twelves, and the others 18-pounders, 30 muskets, 28 cutlasses, and, he believes, 3 pair of pistols, with about 200 cartridges of powder; cannot tell why they were so armed; never heard the Captain say. The Captain gave orders to fire on the capturing vessel as she came up; he was forward, and merely heard the Captain give orders to fire; he was trimming the yards by the Captain's orders, not to bring the broadside to bear, for they were firing from the stern, but to get away if possible; they fired about an hour. The Captain had the Papers, and he had no orders about them whatever.

To the XIth, saith, does not know the name of the Owner; believes he lives in Havana, but does not know what countryman he is, nor if he is married, nor how long he has lived there; merely saw him on board when the vessel was getting under weigh at Havana.

To the XIIth, saith, knows nothing of any Bill of Sale for the vessel; she was bought at Havana, but does not know from whom, nor the price paid for her.

To the XIIIth, saith, the slaves were put on board by the late Captain, and they were bought by him from the King of Calabar; does not know on whose account they were purchased, nor to whom they were to have been delivered.

To the XIVth, saith, the cargo was shipped before he joined at Havana; he supposes it was taken in there; he saw it landed at Calabar; it consisted of rum, tobacco, iron, and dry goods; there is no cargo at present, but the negroes, of whom they took on board 730; does not know their description; they were all taken on board at Calabar; 2 had died before capture, and he believes about 300 since; they touched at no port before they came here.

To the XVth, saith, believes the Papers are fair and true, never having heard anything to the contrary; knows of nothing to affect their credit.

To the XVIth, saith, knows nothing of any Papers being torn, destroyed, or concealed; believes they were all delivered up to the Captors.

To the XVIIth, saith, is not aware of there being, in any other country, any Papers which concern either the vessel or cargo, except those delivered up.

To the XIXth, saith, is not aware that any Charter-party was signed for the present voyage.

To the XXth, saith, never heard that either the vessel or cargo was insured, and believes they were not.

To the XXIst, saith, bulk was first broken at Calabar, where the outward cargo was landed; none of the slaves shipped have been disembarked since.

To the XXIIrd, saith, no sails or stores were taken by the Captors, to his knowledge and belief, at the time of capture.

To the XXIIIrd, saith, nor have any been taken since they arrived here.

To the XXIVth, saith, the man-of-war ran along-side, and they were boarded by the Lieutenant and others.

To the XXVth, saith, they messed with the sailors, but they were otherwise well treated.

(Signed)

JOSE MARIA DE EGUSQUIRA.

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

his
WILLIAM × RAWLINS,
mark.

Before me,
JOHN SALTER,
Acting-Registrar.

These are to certify, that the foregoing is a true and faithful Copy of examinations, taken in the Registry of the British and Spanish Court of Mixed Commissions, established at Sierra Leone, in the Case of the Spanish brig, "*Formidable*," whereof Manuel Mateu was Master; which said vessel was condemned in the said Court of Mixed Commissions for being engaged in the illicit traffic in slaves, on the 6th day of February, 1835.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions, at Freetown, in the said Colony, this 27th day of March, 1835.

(L. S.)

(Signed)

JOHN SALTER.

British and Spanish Court of Mixed Commission, Sierra Leone.

In the Case of the Spanish brig, "*Formidable*," Manuel Mateu, Master.

Friday, the 30th day of January, 1835.

Antonio Veiris, Boatswain, on board of the said vessel, being produced, sworn, and examined on the standing interrogatories, deposes and saith as follows, viz.—

To the IIIrd, saith, the present Captain's name is Don Manuel Mateu; has known him only this voyage, about 6 months since; he was born in Spain, and lives in Havana; he is not married.

To the IVth, saith, he appointed himself to the command when the late Captain, José Benito Pardo, died on leaving Calabar Town, on the 13th December last; has known the vessel about 10 months; saw her first at Havana, and believes she was built in Catalonia.

To the Vth, saith, he was on board when the vessel was taken, and he supposed she was captured for having slaves; she was under Spanish colours, and had no others.

To the VIth, saith, the brig's name is the "*Formidable*;" she was so called when he shipped on board; does not know she ever had any other name; believes she is 180 Spanish tons; she had a crew of 3 Officers and 50 men; they were all Spaniards, and shipped with the late Captain at the Havana about 9 months since.

To the VIIth, saith, neither he, nor any of the Officers or men, had any interest in the vessel or cargo; he was Second Boatswain; there were 5 men belonging to the "*Pepita*," and 1 Frenchman taken on board at Calabar for a passage; they had no interest in the vessel or cargo.

To the VIIIth, saith, the present voyage began at Havana, and they were about to return there when taken; Havana was their last clearing-port; they touched at St. Thomas, but took no cargo in there.

To the IXth, saith, saw the capturing ship, when they were coming out of the River Calabar, close in-shore, on the morning of the 17th December, about 7 o'clock, and they were taken about 5 in the afternoon; they carried all sail to escape.

To the Xth, saith, there are 8 guns mounted, 2 large twelves and 6 carronades 18-pounders, and 50 cutlasses; does not know what number of muskets and pistols; she has about 18 barrels of powder; does not know why she was so armed; the Captain ordered the crew to defend the vessel; he was sick below; they fired about an hour and a half from 2 stern-guns in order to escape; does not believe any Papers were destroyed, or ordered to be destroyed.

To the XIth, saith, Don Juan de Lales is the Owner of the vessel; believes he is the Owner because he received his advance from him; he is a native of the Havana and lives there; he is not married.

To the XIIth, saith, knows nothing respecting any Bill of Sale, nor the price paid for the vessel.

To the XIIIth, saith, the late Captain put the slaves on board at Calabar; does not know who is the Owner of them; they were to have been landed at Havana; does not know to whom, or on whose account they were to have been delivered.

To the XIVth, saith, the outward cargo consisted of dry goods, rum, and iron; it was shipped at Havana; she has no cargo at present but the negroes, of whom they took on board 730; does not know their description; they all came from Calabar; 2 or 3 died, he believes before capture, and about 300 since; they landed the prisoners at Fernando Po, and then came here direct.

To the XVth, saith, has no reason to doubt the Papers delivered up being entirely true and fair.

To the XVIth, saith, no Papers were either destroyed or concealed to his knowledge and belief.

To the XVIIth, saith, believes the Papers delivered up to be all there are relating to the vessel or cargo.

To the XIXth, saith, knows nothing of any Charter-party or Agreement for the present voyage.

To the XXth, saith, does not believe that the vessel or cargo are insured.

To the XXIst, saith, the outward cargo was not touched until their arrival at Calabar, nor were any slaves disembarked after they were shipped.

To the XXIIrd, saith, there were no sails or stores taken from the vessel at the time of the capture.

To the XXIIIrd, saith, nor any since their arrival here.

To the XXIVth, saith, he was below when they were boarded, but when he came on deck he saw the Commander of the capturing vessel.

To the XXVth, saith, has been well treated, but he lost some of his clothes when they were boarded.

his
ANTONIO × VEIRIS.
mark.

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

his
WM. × RAWLINS.
mark.

Before me,
(Signed) JOHN SALTER,
Acting-Registrar.

These are to certify that the foregoing is a true and faithful Copy of examinations, taken in the Registry of the British and Spanish Court of Mixed Commissions, established at Sierra Leone, in the

Case of the Spanish brig, "*Formidable*," whereof Manuel Mateu was Master; which said vessel was condemned in the said Court of Mixed Commissions, for being engaged in the illicit traffic in slaves, on the 6th day of February, 1835.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions, at Freetown, in the said Colony, this 27th day of March, 1835.

(Signed) JOHN SALTER,
(L. S.) *Acting-Registrar.*

No. 21.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 25.)

MY LORD DUKE,

Sierra Leone, 4th March, 1835.

WE have the honour to enclose with this Despatch our Report of the Case of the Spanish polacca-bark, "*Minerva*," Andres Puig, Master, captured on the 15th January last, by the boats of His Majesty's sloop, "*Pelorus*," Richard Meredith, Esquire, Commander, with 650 slaves on board.

At the time of capture, the "*Minerva*" was drifting down the Calabar River with the tide; and, although the Master was absent, considerable resistance was made by the first Officer of the bark, on the man-of-war's boats attempting to enforce the right of search conceded by Treaty: and so well was the vessel prepared for action in every respect, that a great loss of life must have taken place, but for the coolness and intrepidity displayed by the boarding-party in executing a skilful surprise, under the able direction of Mr. Barrow, the First Lieutenant of the "*Pelorus*." The boarding-nettings of the prize were up, her 4 guns were double-shotted, match was burning in the tubs, and small-arms were distributed about her decks, when she was boarded through the ports, and taken possession of, without any loss of life on either side. For a more detailed account of the action, we beg leave to refer your Grace to the enclosed Copy of an Account, furnished by Lieutenant Barrow himself at our request.

About an hour after the "*Minerva's*" seizure, the Master, Puig, who was not aware that his vessel was in the hands of the Captors, came nearly along-side in a canoe with 25 slaves, who were to complete his cargo, but was detained by one of the man-of-war's boats; and the 25 slaves whom he carried with him were placed on board with the rest of the slaves, the canoe which had conveyed them being at the same time returned to its native owners.

The irregular shipment of these 25 slaves by the Captors, an hour after the prize had been in their complete possession, is the only circumstance which distinguishes this Case from those other Spanish Cases, which it has lately been our duty to report. But although this irregularity prevented us from including those unhappy creatures in the decree of emancipation, which restored their fellow-sufferers to liberty, their freedom was equally secured, as no Claimant to them appeared, and they were handed over to the Colonial Authorities on the same day, and enjoy, to the same extent, the protection and superintendence of the Government.

The emancipation of these slaves clearly could not be claimed from the Court, on the only grounds which could justify its being granted, viz., their being actually on board the "*Minerva*" at the moment of her detention, and there being brought there as objects of commerce. On the contrary, it was unhesitatingly admitted on the part of the prosecution, that they were shipped at the instigation of the Captors, whilst the "*Minerva*" was a prize to a British man-of-war, not for purposes of traffic, but in order to procure their liberation from slavery.

The Prosecutor's case having been clearly made out in every other point, the Court gave sentence, on the 28th ultimo, condemning the "*Minerva*" as good and lawful prize to the Crowns of Great Britain and Spain, for being engaged in the illicit Slave Trade, and emancipating the survivors of the slaves found on board of her at the time of capture.

We have, &c.

(Signed) H. D. CAMPBELL.
H. W. MACAULAY.

His Grace the Duke of Wellington, K.G.

&c. &c. &c.

First Enclosure in No. 21.

Report of the Case of the Spanish polacca-bark, "Santa Ana," alias "Minerva," Andres Puig, Master.

THIS vessel was furnished with a Royal Passport from Havana, under date of the 24th June, 1834, declaring her to be commanded by Don Andres Puig, of Malaga, and authorising her to proceed on a licit commercial voyage to Bahia and St. Thomas.

Instead of proceeding to the destination marked out in her Passport, the "*Minerva*" (for by that name, and not by her alias "*Santa Ana*," she appears to have been known) came direct to the River Calabar, where a cargo of nearly 700 slaves was taken on board, with whom she was on her passage down the river, when she was boarded and captured, on the 15th January last, by the boats of His Majesty's sloop, "*Pelorus*," Richard Meredith, Esquire, Commander, which had been lying in ambush for some days, under the command of the First Lieutenant, in order to intercept her. Considerable resistance was made to capture, but owing to the decided and prudent measures of Lieutenant Barrow, the prize was secured without any loss of life on either side.

The vessel was immediately brought to anchor by the Captors, when it was discovered that the Master, Don Andres Puig, was absent, and that he was expected to come on board that night with a canoe-load of slaves, whom he had not been able to ship previously to the vessel's dropping down the river. When the Master, who was unaware of the seizure of the "*Minerva*," approached his vessel, in a canoe conveying 25 additional slaves, he appeared to suspect the real state of the case; for he hesitated, and was on the point of returning, but a man-of-war's boat, prepared for the purpose, pursued and detained him, and the 25 slaves found in the canoe were placed with the rest as part of the "*Minerva's*" cargo.

The "*Minerva*" arrived in this harbour on the evening of the 20th ultimo, and on the following morning her arrival was reported by the Marshal to the Courts. The Surgeon also visited the prize, and reported that 186 slaves had died on the passage, and 2 others were in a dying state; that there was a vast quantity of disease amongst the slaves: 26 cases of ulcer, several of which were of dangerous severity; 8 cases of yaws; upwards of 80 cases of cutaneous disease; a few of ophthalmia, and such a number of cases of dysentery, that it was impossible in the crowded state of the vessel to ascertain exactly how many were suffering from that complaint. Under these circumstances it was recommended that the slaves should be landed as soon as possible.

The dreadful mortality which took place on board the "*Minerva*" was only another proof of the fact, to which we adverted in reporting the late Cases of the "*Sutil*" and "*Formidable*," that it must be attributed in a great measure to the water taken on board for the use of the slaves in the River Calabar, where all these vessels took in their cargoes together.

Between the time of capture and condemnation, the "*Sutil*" lost 91 slaves out of 307; the "*Formidable*" lost 322 slaves out of 712; and the "*Minerva*" lost 206 slaves out of 650. We think it due to the Prize-Officers who were in charge of these vessels on their passage to mention this circumstance, in order to free them from the imputation of neglect which might otherwise rest upon them. More particularly is it due to Lieutenant Barrow to mention that the "*Minerva*" arrived her in a state of such cleanliness, discipline, and order, as proved that every possible attention had been paid to the health and comfort of the slaves.

The recommendation of the Surgeon respecting the landing of the slaves was carried into effect on the same day, and the Marshal immediately took them under his charge, pending adjudication.

On the 12th ultimo the Captor's Proctor petitioned, that the Ship's Papers and the Declaration of the Captor might be filed, and that the usual Monition, citing all parties interested in the vessel to appear, might issue. The Ship's Papers, together with the Captor's Declaration, were accordingly brought into Court on the same day, authenticated by the Affidavit of the Prize-Master; and the Monition was directed to the Marshal, by whom it was returned into the Registry of the Court on the 28th ultimo, with a Certificate of its having been duly served.

The Captor's Declaration is as follows:—"I, Richard Meredith, Commander of His Britannic Majesty's sloop, "*Pelorus*," hereby declare that, on the 15th day of January, 1835, being in the Old Calabar River, the boats of this sloop detained the polacca-bark named "*Minerva*," sailing under Spanish colours, armed with 4 guns, 2 18-pounders and 2 8-pounders, and commanded by Don Andres Puig, who declared her to be bound from Old Calabar to the Havana, with a crew consisting of 36 men and 1 boy, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 676 slaves, said to have been taken on board at Old Calabar Town on that and the preceding day.

It will be here observed that the whole of the 676 slaves are "said to have been taken on board at Old Calabar Town," no reference whatever being made to the fact, that 25 of that number were shipped by the Captors themselves, about an hour after the "*Minerva*" had been taken possession of by them, not at "Old Calabar Town," but at a considerable distance from it.

It was peculiarly requisite in this Case that the Captor should have "adhered strictly to the exact tenor of his Instructions," if not with regard to the shipment of the 25 slaves, at least with regard to his Declaration of the circumstances under which those slaves were taken on board. By the 6th Article of the Instructions it is provided that the Captor's Declaration "shall exhibit the state in which he found the detained vessel, and the changes which may have taken place in it;" and the Certificate which the Captor is bound to give to the Captain of the slave-vessel must state "the number of slaves found on board at the moment of detention."

Again, according to the 5th Article of the Regulations attached to the Spanish Slave Treaty, "in the authenticated Declaration which the Captor shall make before the Commissioners, he shall be bound to declare (amongst other things) the number of slaves found on board of the slave-ship at the time of the detention."

The consequence of this omission in the Captor's Declaration was, that the Court was completely taken by surprise, when it was subsequently discovered that the 25 slaves referred to were not (as the Captor's Declaration had led it to suppose) "actually on board" at the time of detention; and that they were not "brought there for the express purpose of the traffic," but taken on board the "*Minerva*" for the first time by the Captors, in order that they might be liberated from slavery.

On the 23d ultimo, the Master, Andres Puig, and the second Officer, Guillermo Salgado, the witnesses in preparatory produced by the Captor's Proctor, were examined on the standing interrogatories.

The Master deposed that he "was born in Malaga, and lives in Havana, where he has resided the last

10 years; is a Spaniard, and has never been a subject of any other State; is married, and his wife and family reside at Havana; appointed himself to the command of the detained vessel, being the sole Owner; took possession of her at Havana, about 8 months since, from her former Captain, Don José Gueracoo, who is a Spaniard, and lives at Malaga; has known the vessel only since he purchased her at Havana; she was built in the Mediterranean; was not on board the detained vessel when she was captured; had remained on shore to pay for a servant and to receive 25 slaves, the remainder of his cargo, wishing the ship to save the tide down; came shortly after, and was going along-side his vessel, not knowing she had been taken, when he was seized by a boat of the 'Pelorus;' the detained vessel was taken for having slaves on board; she was under Spanish colours, and had no other national flag on board; the detained vessel is called the 'Minerva,' and has had that name since he purchased her; she was formerly called the 'Santa Ana;' she is 158 Spanish tons, and had a crew of 2 Officers and 32 men, all of whom were Spaniards, except 2 or 3 Portuguese, and were shipped by him at Havana about 8 months ago; was the Owner of the vessel, and had a share of the cargo, to the amount of 1,000 dollars, and, with the ship and cargo together, he had 1,100 dollars vested in the present voyage; the 2 Mates had about 1,500 dollars between them; no other person on board had any interest in the vessel or her cargo; was Captain; there were no passengers; the present voyage began at Havana, and was to have ended there; Havana was the last clearing-port, and he went thence to the Calabar River for the present cargo of slaves; was taken in the Calabar River, on the night of the 15th January last, by the boats of the 'Pelorus,' whilst dropping down the river to proceed to sea; there are 4 guns mounted, 20 cutlasses, 20 muskets, and 2 barrels of powder on board; the vessel was so armed to control the slaves, or to defend themselves from pirates; was not on board at the time of capture, and believes there were a few muskets fired before it was discovered that the boats were English; gave no orders to resist; was sole Owner of the vessel; the Bill of Sale for the vessel is at the Havana; it was made about 8 months since by Don José Gueracoo; paid 9,900 dollars for the vessel, which is a fair price; was Lader and part Owner of the slaves; Don José Bello, who lives at Havana, was also part Owner of them, and the 2 Mates had 1,500 dollars between them of the cargo; can swear that the slaves would have been the property of the said persons, if they had been landed at the Havana; the outward cargo consisted of powder, muskets, rum, and dry goods, which were taken on board at Havana; has no cargo at present but the slaves; of these the vessel had on board, when she got under weigh, 651 slaves, and he took with him afterwards in a canoe 25, making his cargo 676; came direct to this port after capture."

The evidence of the other witness, Salgado, confirms that of the Master in every particular.

Further evidence having been required by the Court, with respect to the shipment of the 25 slaves taken on board the "Minerva" whilst she was in the possession of the Captors, an Affidavit of Lieutenant Barrow was filed, on the 24th ultimo, in which it was deposed, "that, about 11 P.M., of the 15th January last past, a canoe was observed nearly along-side the vessel; when, upon some apparent alarm, she endeavoured to escape, but was detained by the gig-boat of His Majesty's sloop, 'Pelorus,' prepared for the purpose; and the said canoe was found to have on board, besides her crew of free natives, the Master of the said polacca-bark and 25 slaves, which slaves the said Master declared to form part of the cargo of the said polacca-bark, and the same were thereupon placed on board of her."

The same gentleman further deposed, on the 27th ultimo, in reply to special interrogatories put to him by order of the Court, that "about an hour elapsed from the time the 'Minerva' was captured to the detention of the canoe with the Spanish Captain and the 25 slaves he had with him."

With this evidence before the Court, the Case was brought to trial on the following day, the 28th ultimo, the Captor's Proctor still urging the claim of the Captors to a decree of emancipation for the 25 slaves taken on board the "Minerva" by themselves, as well as for those who were actually on board at the time of capture.

The Court, however, considered that no sufficient grounds were stated why they should depart, in this instance, from the principle by which their predecessors and themselves had always been guided, in dealing with Cases brought before the British and Spanish Court of Mixed Commission, viz., that, to procure the condemnation of a Spanish slave-ship, it was absolutely necessary to prove, that a slave or slaves was or were "actually on board" the said ship, at the moment of her detention, or had been on board, for the purpose of illegal traffic, in the particular voyage in which the said vessel might be captured; and that, to procure the emancipation of slaves at the hands of the Court, it was absolutely necessary to prove that such slaves were embarked, "for the express purpose of the traffic."

As, therefore, the mere intention to take on board these 25 slaves would not have exposed the "Minerva" to the liability of capture, so neither could it be urged by the Captors, that these 25 slaves were shipped "for the express purpose of the traffic," inasmuch as the said slaves were avowedly taken on board the "Minerva," at their own instigation, an hour after they had been in complete possession of that vessel.

The Court accordingly decreed, without reference to the slaves who were received on board the prize subsequent to capture, that the Spanish polacca-bark, "Minerva," Andres Puig, Master, was justifiably detained by His Majesty's sloop, "Pelorus," Richard Meredith, Esq., Commander, for having on board, at the time of detention, 650 slaves, in violation of the Treaty subsisting between His Britannic Majesty and Her Catholic Majesty the Queen of Spain, for the suppression of the Slave Trade. It was further decreed, that the survivors of the said 650 slaves, 444 in number, be forthwith emancipated from slavery.

No claim was made by the Master and Owner of the detained vessel for the slaves who had been thus irregularly shipped by the Captors; and as it was found to be quite impossible to identify them, or to show how many of them might have sunk under the privations to which so many of their companions fell victims, an average was made of the number of deaths which occurred amongst them, and the survivors, calculated to be 18 in number, were handed over to the Colonial Government, to be employed as servants or free labourers.

The blessings of liberty are thus equally secured to all whose emancipation was prayed for on behalf of the Captor; but the form in which the decree has been given will only entitle the Captor to receive a bounty for those included in the decree of emancipation pronounced by the Court.

(Signed)

H. D. CAMPBELL.
H. W. MACAULAY.

Sierra Leone, 4th March, 1835.

Second Enclosure in No. 21.

Statement of the capture of the Spanish polacca-bark, "Minerva," detained in the Old Calabar River by the boats of His Majesty's sloop, "Pelorus," on the 15th January, 1835.

ON information that this vessel was about to leave Duke's Town with slaves, 3 boats of His Majesty's sloop, "Pelorus," were despatched, on the 12th January, under the command of the First Lieutenant, to intercept her, and were placed in ambush about 60 miles from the mouth of the river.

On the 15th the Second Lieutenant was despatched in the cutter with 10 men, for a further supply of provisions, leaving the pinnace and gig, with the First Lieutenant, a volunteer of the 1st class, and a party of 21 seamen and marines. After sunset, in reconnoitering the river close to Duke's Town, the "*Minerva*" was perceived under weigh, towing down in silence by several canoes. It was then ascertained from Mr. Cummings, the Master of an English brig, that slaves had been embarked, under an armed escort of the crew and a party of free natives, and that the polacca was prepared for action. The 2 remaining boats were placed at a narrow part of the channel, and when she dropped abreast they pushed off. After the second hail, the marines fired aloft, to cover the boats (which was deemed prudent, from the calm clear moonlight night and the known state of preparation of the Spaniards). This was replied to by a continued stream of musketry from the vessel, until the boats touched the side. None of the crew were hit, as they could not distinguish their opponents from the smoke, but several of the oars were shot away; and, at the moment of boarding (principally through the ports, the boarding-nettings being up), an 18-pounder, double-shotted, burnt priming immediately over the boats, the second which we afterwards learnt had done so. When the English gained the deck, 2 of the Spaniards were cut down, the remainder fled below, and under the poop, and the free natives jumped overboard, Pilot and all.

She was immediately anchored, being in a dangerous position, and proved to be the "*Minerva*," Spanish polacca-bark, from and bound to Havana, of about 300 tons, with a crew of 37 men, armed with 4 guns, double-shotted, with round and musket balls ready for action; 40 muskets on deck, all of which, with the exception of 2 or 3, had been just discharged; match was burning in the tubs, and brandy distributed about the deck, and under the guns. About an hour after her detention, the Master came nearly along-side in a canoe, which was detained by a boat prepared for the purpose; and, as the Master asserted that the 25 slaves in her were part of the "*Minerva's*" cargo, they were embarked by my orders.

(Signed) T. P. BARROW,
Senior Lieutenant of His Majesty's sloop, "Pelorus."

No. 22.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 25.)

MY LORD DUKE,

Sierra Leone, 14th March, 1835.

WE have the honour to enclose herein, for your Grace's information, our Report of the Case of the Spanish schooner, "*Iberia*," condemned on the 11th instant, in the British and Spanish Court of Mixed Commission, established in this place, for being engaged in the illicit traffic in slaves.

The "*Iberia*" was commanded by Juan Casas, a Spanish resident at Havana, and was owned by Don Juan Trigoyen, belonging to the same place. She cleared out at Havana, on the 7th August last, for the alleged purpose of making a legal commercial voyage to St. Thomas; but, instead of proceeding to the destination marked out in her Passport, she came direct to the River Bonny, where she bartered her outward cargo of trade-goods for slaves, of whom she took on board 313, on the 2d ultimo, and was captured on the same day, with that number of slaves on board, a few leagues from the mouth of the river, by His Majesty's schooner, "*Buzzard*," Lieutenant Anthony William Milward commanding.

The "*Iberia*" arrived in this port on the 3d instant, in company with the capturing ship, and on the following morning the prosecution against her was commenced in the British and Spanish Court.

There is nothing in the circumstances of the "*Iberia's*" capture which calls for particular remark. She was taken, with a cargo of slaves on board, during her homeward passage to the Island of Cuba; nor was any attempt made by the Officers of the detained vessel to deny this fact; on the contrary, it was distinctly avowed. As soon therefore as the Monition, citing all parties interested in the vessel to appear, was returned by the Marshal into the Registry of the Court, a sentence of condemnation was pronounced against the "*Iberia*" in the usual form, and the survivors of her slaves, in number 305, were decreed to be emancipated from slavery.

The clean and orderly state in which the "*Iberia*" arrived in this harbour reflects great credit upon the Captors; and their attention and humanity were

rewarded by the saving in the amount of human misery and human life which resulted from such praiseworthy conduct, only 8 slaves having died out of 313, between the periods of capture and adjudication.

We have, &c.

(Signed)

H. D. CAMPBELL.

H. W. MACAULAY.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

Enclosure in No. 22.

Report of the Case of the Spanish schooner, "Iberia," Juan Casas, Master.

THE "*Iberia*" cleared out from the Havana, on the 7th August, 1834, for the Island of St. Thomas, with the usual Passport for a legal commercial voyage, and which contained, amongst other things, a warning against engaging in the prohibited traffic in slaves.

She was, however, taken on the 2d ultimo, with 313 slaves on board, shortly after leaving the River Bonny, by His Majesty's schooner, "*Buzzard*," Lieutenant Anthony William Milward commanding, and sent to this place for adjudication, in the British and Spanish Court of Mixed Commission.

On the 3d instant, the arrival of the "*Iberia*" and the circumstances of her capture were reported by the Marshal to the Court. She was also visited by the Surgeon, whose statement, as to the healthiness of the slaves, was quite cheering, after the awful waste of human life which 3 of our last Cases exhibited. Only 8 slaves died on the passage, and only 1 woman required medical attendance for dysentery.

Lieutenant Milward himself having accompanied his prize in the "*Buzzard*," the Affidavit of that Officer, authenticating the Ship's Papers, and the facts stated in his Declaration, was received on the following morning, and subsequently filed, on the Petition of the Captor's Proctor. At the same time leave was given for the usual Monition to issue, and for the production of the evidence in preparatory.

The Captor's Declaration is as follows:—"I, Anthony William Milward, Commander of His Britannic Majesty's brig, '*Buzzard*,' hereby declare that, on this 2d day of February, 1835, I detained the schooner named the '*Iberia*,' sailing under Spanish colours, armed with 1 long 12-pounder gun, and commanded by Juan Casas, who declared her to be bound from the River Bonny to Havana, with a crew consisting of 30 men, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 312 slaves, said to have been taken on board at the Bonny, on the 2d day of February, 1835."

This Declaration was accompanied by a List of the stores on board of the "*Iberia*" at the time of her detention, signed by several of the Officers of the "*Buzzard*," as well as by the Captain of the detained vessel.

The witnesses whom the Captor produced for examination on the standing interrogatories were Juan Casas, the Master of the prize, and Luciano Dominguez, the Third Mate. Casas deposed that he "was born in Barcelona; has lived at Havana for the last 11 years; is a subject of Spain, and has never served any other State; is not married; was appointed to the command of the detained vessel in July last, by Don Juan Trigoyen, a Spaniard, who lives at Havana; has only known the vessel since that time; she is American built; was on board the vessel when she was taken for having slaves in; she had Spanish colours, and no others; the vessel's name has been '*Iberia*,' since he has known her; when under American colours, formerly, she was called the '*Fair Fan*;' she is 94 American tons, and had a crew of 3 Officers and 29 men, who were all Spaniards, and shipped with him in July last, at Havana; had an interest of 3,000 dollars in the vessel and cargo; no other person on board had any interest in either; was Captain; there were no passengers; the voyage began at Havana, which was the last clearing-port, and whither he was returning at the time of capture; from Havana the vessel went to St. Thomas, but did not anchor there, and then proceeded to the Bonny to dispose of her cargo for slaves; was taken on the 2d February, the night after leaving the Bonny, and about 10 or 12 leagues distant from that river; the chase began about 4 o'clock in the afternoon, whilst he was steering from the coast, and all sail was made to escape; the ship has one pivot-gun mounted, and a few muskets and pistols; was so armed for protection against pirates, and to control the slaves; made no resistance to capture, but did his utmost to escape; Don Juan Antonio Trigoyen is the Owner of the vessel; knows him to be so, as he received his appointment from him; the said Owner is a Spaniard, and lives at Havana; but does not know for how long, nor where he resided before; he, witness, purchased and put on board all the slaves who are in the vessel; they belong to several persons, but were all consigned to the above-named Owner, and were to have been landed somewhere near Havana; none died before capture, and they were brought direct to this port."

The evidence of the other witness, Luciano Dominguez, the Third Mate, is merely an echo of the deposition of the Master, and therefore contributes to show, that the voyage in which the "*Iberia*" was engaged, at the time of her capture, was not for a moment supposed to be legal, even by those who were concerned in the adventure.

The Monition being returnable on the 11th instant, the Court met on that day in order to dispose of the Case. The judgment of the Court was, that the Spanish schooner, "*Iberia*," Juan Casas, Master, be forfeited to the Crowns of Great Britain and Spain; 313 slaves were declared to have been on board at the time of capture, of whom 8 had died; and the survivors, 305 in number, were decreed to be emancipated.

(Signed)

H. D. CAMPBELL.

H. W. MACAULAY.

Sierra Leone, 14th March, 1835.

No. 23.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 25.)
 MY LORD DUKE, *Sierra Leone, 27th March, 1835.*

WE have the honour to transmit, herewith, our Report of the Case of the Spanish brigantine, "*El Manuel*," José Carbo, Master, captured by His Majesty's schooner, "*Forester*," Lieutenant George Gover Miall commanding, in latitude 2° 20' north, longitude 3° 56' east, with 387 slaves on board, who had been embarked in the River Bonny 5 days previously.

The present Case is similar, in all its features, to those numerous Cases of Spanish Slave Trade, which it has lately been our duty to report.

The "*El Manuel*" cleared out from Havana, for St. Thomas, on the 17th October last, but came direct to the River Bonny, and took on board a full cargo of slaves, with whom she was on her return to the Island of Cuba when fallen in with by the capturing ship. She arrived at this place on the 13th instant; and the prosecution against her was commenced, on the part of the Captors, as soon as circumstances would allow.

On the 24th instant the Court assembled for the adjudication of the vessel, when she was decreed to be condemned, and the survivors of her slaves, 375 in number, were emancipated from slavery.

The owner of the "*El Manuel*," Don Adolpho Huret, was on board his vessel, as first Officer under the Master, and superintended the purchase and shipment of the slaves.

José Carbo, the Master, is an experienced Slave Trader, and is reported by the Havana Commissioners to have made a successful slave-voyage from Havana, in a Spanish brig, named the "*Volador*," in 1833. He was also in command of the Spanish schooner, "*Pantica*," when that vessel was captured by His Majesty's schooner, "*Fair Rosamond*," on the 27th of April last.

We have, &c.
 (Signed) H. D. CAMPBELL.
 H. W. MACAULAY.

His Grace the Duke of Wellington, K.G.
 &c. &c. &c.

Enclosure in No. 23.

Report of the Case of the Spanish brigantine, "El Manuel," José Carbo, Master.

THE Spanish brigantine, "*El Manuel*," José Carbo, Master, was furnished with a Royal Commercial Passport, dated at Havana, the 17th October, 1834, authorising her to proceed to the Island of St. Thomas, and back to Havana. She is described as a vessel of 123 tons, and had a crew of 31 men.

José Carbo, the Master of the "*El Manuel*," was formerly the Master of the Spanish brig, "*Volador*," which sailed from Havana on the 13th January, 1833, and returned to the same place, after having landed a cargo of slaves, on the 11th June in the same year. He was also Master of the Spanish schooner, "*La Pantica*," condemned at this place, on the 2d of last June, for being engaged in the illicit traffic in slaves.

From Havana the "*El Manuel*" came direct to the Bonny, and there took on board a cargo of 387 slaves, intended to have been landed on some part of the coast of Cuba; but this guilty intention was frustrated by the capture of the vessel, 5 days after the commencement of her homeward voyage, by his Majesty's brig, "*Forester*," Lieutenant George Gover Miall commanding.

The "*El Manuel*" arrived at this place on the 13th instant, and her arrival was immediately reported by the Marshal. The Surgeon to the Courts, Mr. Fergusson, was absent with His Excellency the Lieutenant-Governor, on a tour of inspection to the liberated African villages, when the prize arrived; but Mr. Aitken, the Colonial Surgeon, who was performing Mr. Fergusson's professional duties during his absence, visited the slaves on board the "*El Manuel*," and reported that their general appearance was healthy, but that there were 12 cases of dysentery, and others of abscess, which would require immediate treatment on shore. It was, however, altogether out of our power to follow the recommendation of Mr. Aitken, in landing any portion of the slaves, owing to the absence of His Excellency the Governor. Owing also to the absence of Mr. Salter, the Acting-Registrar, the publication of the Monition, citing all parties interested in the vessel to appear, was delayed until the 17th instant, when it was directed to the Marshal, returnable in 8 days from its date.

On the same day, Mr. Fergusson, the Surgeon to the Courts, having visited the slaves, recommended that the whole of them should be landed as soon as possible, as the vessel was crowded far beyond her means of accommodation.

The slaves were then put on shore, and placed under the charge of the Marshal, until they should be adjudicated.

The Ship's Papers, and the Declaration of the Captor, duly attested by the Affidavit of the Prize-Master, were filed, in compliance with the Petition of the Proctor employed in the Case. The Captor's

Declaration states :—"I, Lieutenant George Gover Miall, Commander of His Britannic Majesty's brig, 'Forester,' hereby declare that, on this 23d day of February, 1835, being in or about latitude 2° 20' north, longitude 3° 56' east, I detained the brigantine named 'El Manuel,' sailing under Spanish colours, armed with 18 muskets, 5 pistols, and 20 cutlasses, and commanded by Don José Carbo, who declared her to be bound from the Bonny River to Havana, with a crew consisting of 30 men and 1 boy, and having on board 386 slaves, said to have been taken on board at Bonny River, on the 18th day of February, 1835."

The witnesses in preparatory, produced by the Proctor for examination on the standing interrogatories, were José Carbo, the Master, and Pablo Alvares, the Boatswain, of the detained vessel. José Carbo deposed, that he "was born in Catalonia; lives in Havana, where he has resided several years; is a Spaniard, and has never served any other State but Spain; is not married; was appointed to the command of the detained vessel in November last, by Adolpho Huret, who lives at Havana, and is (witness believes) a Frenchman; has only known the vessel from the time he joined her in Havana; but she was built, he believes, in America; was in the detained vessel when she was captured for having slaves on board; she was under Spanish colours at the time, and had no others; the vessel's name is 'El Manuel,' which name she had when he joined her, nor is he aware that she has had any other; she is about 120 Spanish tons, and had a crew of 4 Officers and 26 men, who were Portuguese and Spaniards, and shipped by him, at the same time, at Havana; had an interest of 2,000 dollars in the vessel and cargo; no other person on board had any interest in either; was Captain; there were no passengers; the present voyage began and was to have ended at Havana; from which place they came direct to the River Bonny, for a cargo of slaves; saw the capturing ship in about 2° 3' north latitude, before 6 o'clock in the morning of the 23d of February, when he was making the best of his way off the coast, and was taken 7 hours after; had all sail set, when the ship-of-war was discovered, and so continued until he was taken; has no guns mounted in the vessel, only muskets and cutlasses, and a few cartridges of powder to control the slaves; no resistance was made to capture; Don Adolpho Huret and himself are the Owners of the detained vessel; there may be others concerned, but he does not know who they are; has known Huret for many years, and, having made every arrangement with him respecting the voyage, is sure he is the principal Owner; believes Huret to be a Frenchman, but he has lived at Havana for a long time, and carries on his business there; the outward cargo was shipped at Havana, and consisted of rum, tobacco, and dry goods, and the usual assortment of articles for the Coast of Africa; has now no cargo but the slaves, of whom he took 385 in the River Bonny, and 1 girl, for a domestic servant; after capture came direct to this port."

Pablo Alvares, the Boatswain, confirmed the evidence of José Carbo in every respect; but he stated a fact which does not appear at all in Carbo's testimony, viz., that the person represented to be the Owner of the "El Manuel" was on board at the time of capture as second Officer, and conducted the trade of the vessel and the purchase and shipment of the slaves. This statement is borne out by the List of crew, made up by the Authorities at Havana, in which the name of Don Adolpho Huret appears as first Officer under the Master.

The Monition, issued on the 17th instant, having been returned into the Registry on the 24th instant, with the Certificate of the Marshal that it had been duly served, a Court met on that day for the adjudication of the Case.

The evidence adduced by the Captor had clearly established the fact, that the "El Manuel" was legally detained by His Majesty's brig, "Forester," whilst actually engaged in the Slave Trade. The Court accordingly condemned that vessel, as good and lawful prize, and emancipated the survivors of her slaves, 375 in number, 12 having died subsequent to capture, and 387 having been on board at the moment of detention.

Sierra Leone, 27th March, 1835.

(Signed) H. D. CAMPBELL.
H. W. MACAULAY.

No. 24.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 6th July, 1835.

I HAVE received your Despatch of the 24th January, 1835, containing your Report of the second part of the Case of the Spanish schooner, "Pepita," with respect to the ulterior question of costs, damages, and expenses, to be allowed to the Owner of that vessel, in consequence of the illegality of her detention; and I have to acquaint you that it is the opinion of His Majesty's Advocate-General, to whom I referred your Despatch, that your Decision upon the question of the costs, damages, and expenses, due from the Captor to the Claimant, is well founded, and in accordance with the spirit and letter of the Treaties subsisting between this Country and Spain.

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

I am, &c.
(Signed) PALMERSTON.

No. 25.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 7.)

MY LORD DUKE,

Sierra Leone, 23d April, 1835.

WE have the honour to acknowledge the receipt of your Grace's Despatch, under date of the 27th February, 1835, transmitting to us, for our information,

the Copy of a Despatch received from His Majesty's Commissioners at Havana, containing their Report on the Slave Trade at Cuba during the year 1834; and we beg leave respectfully to thank your Grace for this Communication.

Fourteen Spanish slave-vessels have been adjudicated in the British and Spanish Court of Mixed Commission, since the 1st of January, 1834. The whole of these are to be found in one or other of the 4 Lists forwarded by the Havana Commissioners, with the exception of the "*Indagadora*," which cleared out from Cadiz, and the "*Arogante Mayagüesana*," which sailed from the town of Mayagüez, in the Island of Porto Rico. This fact tends to show the completeness and accuracy of the Lists received from Mr. Macleay. In order, however, to render those Lists still more complete, we have now the honour to enclose a Schedule, accounting for 12 of the vessels, which left Havana in such numbers during the years 1833 and 1834, and the fate of which was unknown to the Havana Commissioners. We hope that many others of them are still destined to make their appearance at Sierra Leone.

The remark of Mr. Macleay as to the want of success, which had attended the exertions of His Majesty's cruisers in the West Indies, since the commencement of the year 1834, will not apply to the Squadron on this Station, by whom 14 Spanish and 8 Portuguese slave-vessels have been sent in during that period.

We have, &c.
 (Signed) H. W. MACAULAY.
 WALTER W. LEWIS.

His Grace the Duke of Wellington, K.G.
 &c. &c. &c.

Enclosure in No. 25.

Schedule of such Vessels (comprised in the Returns from His Majesty's Commissioners at Havana, of slave-vessels cleared out from that Port for the Coast of Africa, in the Years 1833 and 1834,) as have been adjudicated in the British and Spanish Mixed Court of Commission at Sierra Leone.

| No. of Enclosure in Havana Commissioners' Despatch, & No. affixed by them to the several Vessels. | VESSEL. | MASTER. | Date of Adjudication at Sierra Leone. | SENTENCE. |
|---|----------------------|------------------------|---------------------------------------|--------------|
| No. 1. { | 16 Vengador . | Pedro Badia | 21st February, 1834. | Condemnation |
| | 27 Carolina . . | Juan Pinto | 22d March, 1834 . . | Ditto |
| | 35 Pantica . . . | José Carbo | 2d June, 1834 . . . | Ditto |
| | 38 Pepita | Pablo Oliver | 14th November, 1834 | Restoration |
| No. 2. { | 16 Clemente . | Miguel Bertinote . . | 29th November, 1834 | Condemnation |
| | 19 Sutil | Juan Fremul | 31st January, 1835 . | Ditto |
| | 26 Formidable | Manuel Mateu | 6th February, 1835 . | Ditto |
| | 30 Bienvenida. | Ant. Luis de Andrade | 23d April, 1835 . . . | Ditto |
| | 31 Minerva . . | Andrés Puig | 26th February, 1835 | Ditto |
| | 37 Iberia | Juan Casas | 11th March, 1835 . . | Ditto |
| 51 El Manuel . | José Carbo | 24th March, 1835 . . | Ditto | |
| No. 4 2 | Maria Isabel | José Mauri | 9th September, 1834. | Ditto |

No. 26.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 7.)
 MY LORD DUKE,
 Sierra Leone, 27th April, 1835.

WE have the honour to transmit, enclosed, our Report of the Case of the Spanish schooner, "*Bienvenida*," Luis Antonio de Andrade, Master.

This vessel, formerly called the "*Mercedita*," is stated by the Havana Commissioners to have sailed from that port on the 11th September, 1833, under the command of Juan Casas, and to have returned to the same place on the 1st May, 1834, after having landed a cargo of slaves.

Three months afterwards Juan Casas left the Havana in the "*Iberia*," a Spanish schooner, which was condemned at this place on the 11th ultimo.

The "*Mercedita*" having changed her name to "*Bienvenida*," cleared out again from Havana, on the 25th June, 1834, for a voyage of lawful traffic to the

Islands of Princes and St. Thomas. She touched at Princes, and then proceeded to the River Gaboon, where she embarked a full cargo of slaves, and was captured, about a fortnight afterwards, with 430 of those wretched creatures on board, by His Majesty's schooner, "Buzzard," Lieutenant Anthony William Milward commanding.

The "*Bienvenida*" arrived in this harbour on the 15th instant, and a prosecution for illicit slave-trading was immediately commenced against her, on the part of the Captors, in the British and Spanish Court of Mixed Commission.

The evidence produced clearly proved the guilty employment of the detained vessel, and her liability to the penalties of the Spanish Slave Treaty. As soon therefore as the Monition was returned into the Registry of the Court, a sentence of condemnation was pronounced on the "*Bienvenida*," and the survivors of her slaves, 367, were decreed to be emancipated from slavery, 63 slaves having died between the period of her capture and adjudication.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

Enclosure in No. 26.

Report of the Case of the Spanish schooner, "Bienvenida," Luis Antonio de Andrade, Master.

ON the 25th June, 1834, the "*Bienvenida*" cleared out from Havana, with the usual Papers, a Passport, Fort-pass, and List of crew. By her Passport she is said to be 71½ tons burthen, and to be authorised to proceed on a voyage of lawful commerce to the Islands of Princes and St. Thomas. Having touched at Princes, she proceeded to the River Gaboon, and there took on board a cargo of slaves, with whom she was on her return to Havana, when she was fallen in with and detained by His Majesty's schooner, "Buzzard," Lieutenant Anthony William Milward commanding.

The "*Bienvenida*" arrived in this harbour on the 15th instant, and on the following morning her arrival was reported by the Marshal to the Courts. She was also visited by the Surgeon, who stated that the number of slaves on board was so far out of proportion to the vessel's size, that, during the voyage hither, nearly one half of the slaves had been constantly between decks, and the remainder were constantly exposed to the weather, which had been very unfavourable; and the consequence was, that dysentery had broken out extensively amongst them. On her arrival, there were found to be 35 cases of dysentery, 7 of ophthalmia, a few cases of ulcer, and 1 of mania. It was therefore recommended that, in consideration of the crowded state of the slaves, and the likelihood of wet weather, all the slaves should be landed as soon as possible.

An Affidavit detailing the facts of seizure, and authenticating the Ship's Papers, was made on the same day by the Prize-Master; and that Affidavit, together with the Captor's Declaration, was filed, on the Petition of the Captor's Proctor. The Monition was also issued, and the evidence in preparatory was ordered to be produced.

The Captor's Declaration is as follows:—"I, Anthony William Milward, Commander of His Majesty's brig, "Buzzard," hereby declare that, on this 28th day of March, 1835, being in or about latitude 0° 44' north, longitude 1° 0' west, I detained the schooner named the "*Bienvenida*," sailing under Spanish colours, armed with 2 8-pounder guns, 4 pistols, and 24 muskets, commanded by Luis Antonio de Andrade, who declared her to be bound from the River Gaboon to Havana, with a crew consisting of 20 men and 25 passengers, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 430 slaves, said to have been taken on board at the Gaboon on the 13th March, 1835.

The vessel having been thus regularly brought before the Court, the Captor's Proctor petitioned that the slaves might be landed, according to the Surgeon's recommendation; and as no objection was made, on the part of the Colonial Authorities, they were conveyed on shore on the same day, and placed under the care of the Marshal pending adjudication.

The witnesses in preparatory produced by the Captor, for examination on the standing interrogatories, were Luis Antonio de Andrade, the Master, and Francisco Domingues, the Steward, of the detained vessel.

Andrade deposed, that he "was born in Galicia, and lives in Havana, where he has resided the last 6 years; is a subject of Spain, and has never served any other State; is married, and his wife and family reside in the Brazils; was appointed to the command of the detained vessel in July last, by Don José Fernandez, who is a subject of Spain and lives at Havana; did not know the vessel before he joined her as aforesaid, but she was (he believes) built in America; was on board the vessel when she was taken for having slaves on board; she was at the time under Spanish colours, and had none others; her name is "*Bienvenida*," and she has been so called since her purchase; her former name was "*Mercedita*;" she is about 70 or 80 Spanish tons, and had a crew of 2 Officers and 18 men, who were all Spaniards, and were shipped by him at Havana in July last; neither he nor any of the crew had any interest in the vessel or cargo; was the Captain; there were 30 or 40 Spanish seamen, whose vessels had been captured for slaving, taking their passage with him; they were all forced on board by the Governor of Princes Island, and had no interest in the voyage; the present voyage began at Havana, and was to have ended there; the last clearing-port was Princes Island, to which place they went from Havana, and thence to the Gaboon for a cargo of slaves; was taken in 0° 39' north latitude, on the 28th of last month; saw the capturing ship a short distance to the north of where he was taken; the chase began about 6 o'clock in the morning, and lasted until 2 o'clock in the afternoon; was making the best of his way off the coast at the time, and had previously touched

for one day at Annabona for provisions; had 2 guns mounted, about 15 cutlasses, 4 muskets, and a keg of powder on board; was so armed to keep the negroes in order; made no resistance to capture; but as soon as the man-of-war was clearly made out they hove-to; no Papers whatever were destroyed or concealed, nor were any orders given to that effect; believes Fernandez to be the Owner, as he was despatched by him; Fernandez resides at Havana, but does not know how long he (Fernandez) has resided there, nor whether he is married; does not know who are the Owners of the slaves; shipped them by order of Fernandez, and should have communicated to that person his arrival at Cuba, and followed his orders as to the disposal of the slaves, but he cannot say to whom they belong; the Passport and Papers of all kinds found on board the vessel were true and fair; bulk was first broken on the coast when they commenced trading for slaves; none of the slaves have been disembarked up to the period of capture, or since."

The testimony of Dominguez, the Steward, fully corroborates that of the Master.

The evidence in preparatory having been published on the Captor's Petition, and being conclusive as to the fact of illicit Slave Trade, which was fully admitted by the parties more immediately concerned, the Case was brought to trial on the 23d instant, on which day the Motion, issued on the 16th instant, was returned into the Registry, with the Certificate of the Marshal, that it had been duly served.

The judgment of the Court was that the "*Bienvenida*," Luis Antonio de Andrade, Master, was justifiably detained by His Majesty's schooner, "*Buzzard*," Lieutenant Anthony William Milward commanding; and that she be condemned, as good and lawful prize to the Crowns of Great Britain and Spain. It was further decreed that there were on board the "*Bienvenida*," at the time of capture, 430 slaves, of whom 63 had subsequently died. The survivors, 367 in number, were then decreed to be emancipated from slavery.

Sierra Leone, 27th April, 1835.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

No. 27.

His Majesty's Commissioners to John Backhouse, Esq.—(Received Sept. 14.)

SIR,

Sierra Leone, 1st July, 1835.

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 January, 1835, to this date.

(Signed)

We have, &c.

H. W. MACAULAY.
WALTER W. LEWIS.

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

Enclosure in No. 27.

Return of Spanish Vessels adjudicated by the British and Spanish Court of Mixed Commissions, established at Sierra Leone, between the 1st day of January and the 1st day of July, 1835.

| NAME OF VESSEL. | NAME OF MASTER. | 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. | | | | | | | | |
| Sutil | Juan Fremul. | 1834. 18 December | 3° 56' N. | 9° 0' E. | { Schooner and 307 slaves | { R. Meredith, Esq., H. B. M. sloop, "Pe- lorus" | 1835. 31 January | 307 | 92* | 26† | { Condemned for being engaged in the illicit traf- fic in slaves. | { Vessel and Stores sold by Public Auction, and the proceeds paid into the Military Chest. |
| Formidable | Mannel Mateu | 17 December | 4° 21' N. | 8° 30' E. | { Brig and 712 slaves | { A. W. Milward, Esq., H. B. M. brig, "Buz- zard" | 6 February | 712 | 322 | 390‡ | Ditto Ditto | Ditto Ditto |
| Minerva | Andres Puig . | 1835. 15 January | { Up the Calabar River. | | { Polacca and 650 slaves | { R. Meredith, Esq., H. B. M. sloop, "Pe- lorus" | 28 February | 650 | 206 | 444 | Ditto Ditto | Ditto Ditto |
| Iberia | Juan Casas. . | 2 February | 4° 2' N. | 7° 16' E. | { Schooner and 313 slaves | { A. W. Milward, Esq., H. B. M. brig, "Buz- zard" | 11 March | 313 | 8 | 305 | Ditto Ditto | Ditto Ditto |
| El Manuel | José Carbo . | 23 February | 2° 20' N. | 3° 56' E. | { Brigantine and 387 slaves | { G. G. Miall, Esq., H. B. M. brig, "Fo- rester" | 24 March | 387 | 12 | 375 | Ditto Ditto | Ditto Ditto |
| Bienvenida | { Luis Antonio de Andrades } | 28 March | 0° 44' N. | 1° 0' W. | { Schooner and 430 slaves | { A. W. Milward, Esq., H. B. M. brig, "Buz- zard" | 23 April | 430 | 63 | 367§ | Ditto Ditto | Ditto Ditto |

* One infant, of this number, was born during the said voyage, which died shortly after birth.

† Two women, 2 boys, and 2 girls, died before their descriptions could be taken to be registered.

‡ Five men, 2 women, and 5 girls, died after emancipation, and before their descriptions were taken to be registered.

§ Four men and 1 woman died before their descriptions were taken to be registered.

(Signed) H. W. MACAULAY.
WALTER W LEWIS.

Sierra Leone, 1st July, 1835.
(Signed) JOHN SALTER,
Acting-Registrar.

No. 28.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 14.)

MY LORD,

Sierra Leone, 20th July, 1835.

WE had the honour and satisfaction of receiving, on the 6th instant, your Lordship's Despatch of the 22d of April last, conveying your Lordship's approval of the course pursued by the British Commissioners, by whom the complicated Case of the Spanish schooner, "*Pepita*," was adjudicated.

We have, &c.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

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

No. 29.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 14.)

MY LORD,

Sierra Leone, 20th July, 1835.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 21st of April last, and in obedience to the commands of your Lordship, respecting the Spanish schooner, "*Conchita*," we now beg leave to state, that this day, after public proclamation, we proceeded to the final adjudication of that vessel, first having heard the evidence received in this Case, and pronounced the schooner, "*Conchita*," her cargo and apparel, to be good and lawful prize to the Crowns of Great Britain and Spain, it having been proved that she had had slaves on board just previous to her capture by the boats of His Britannic Majesty's ship, "*Owen Glendower*," Commodore Sir Robert Mends, Commander.

We have, &c.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

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

No. 30.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 14.)

MY LORD,

Sierra Leone, 25th July, 1835.

WE have the honour herewith to transmit, for your Lordship's information, our Report of the Case of the Spanish schooner, "*Numero Dos*," Francisco Talavera, Master, which vessel was seized by His Majesty's brig, "*Forester*," Lieutenant George Gover Miall, Commander, on the 15th ultimo, in latitude 4° 20' north, and longitude 7° 0' east, for having on board a cargo of 154 slaves.

This vessel arrived here on the 12th instant, and on the following day proceedings were instituted against her in the British and Spanish Court of Mixed Commission.

On the 20th instant sentence of condemnation was passed upon the schooner "*Numero Dos*," and the merchandise laden therein. Of the 154 slaves seized in this vessel, 13 died between the dates of seizure and adjudication; and the Court decreed, on the day stated, the 141 surviving slaves to be emancipated, and they were then delivered over to the Government of the colony.

The "*Numero Dos*" was one of the very many slave-vessels belonging to the port of St. Jago de Cuba; and was proceeding thither when detained by the "*Forester*."

The Prize-Officer of the "*Numero Dos*" has informed us, that at the time of his leaving the Bight of Biafra there were no less than 10 slave-vessels, under the

Spanish flag, waiting for human cargoes in the Bonny River. Two of these vessels were on the eve of sailing, their cargoes being very nearly completed.

His Majesty's brigs, "Forester" and "Britomart," are cruising off the Bonny; and we are in hopes, from the well-known vigilance and zeal of the Commanders of both these vessels, that some of the 10 slavers reported to be in that river will be unsuccessful in their attempts to escape from the coast.

We have, &c.

(Signed)

H. D. CAMPBELL.

WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 30.

Report of the Case of the Spanish schooner, "Numero Dos," Francisco Talavera, Master.

THE Spanish schooner, "Numero Dos," was furnished with a Passport from the Authorities at Havana, and dated in that city, 12th November, 1834, authorising her to proceed on a lawful trading-voyage to the Island of Princes. This Passport was issued to the Master of the said vessel, Francisco Talavera, at St. Jago de Cuba, on the 26th January, 1835; from which port that vessel soon after sailed.

The "Numero Dos" went direct from St. Jago de Cuba to the River Bonny, instead of to the Island of Princes, as prescribed in her Passport, and shipped in that river a cargo of slaves. With that cargo she was proceeding to her destination, the Island of Cuba, when she was fallen in with and detained by His Britannic Majesty's brig, "Forester," Lieutenant Gover Miall, Commander.

Lieutenant Miall in his Declaration, made at the time of capture, states, "that on the 15th June last, being in or about latitude 4° 20' north, and longitude 7° 0' east, he detained the ship or vessel named 'Numero Dos,' sailing under Spanish colours, and commanded by Francisco Talavera; who declared her to be bound from the Bonny River to St. Jago de Cuba; and having on board 154 slaves," who were all healthy, with the exception of 3 men.

This vessel arrived in our harbour on the afternoon of Sunday, the 12th instant; and on the following morning was visited by the Surgeon to the Courts, who reported, that of the 154 slaves captured on board of this vessel, "11 had died of dysentery, on the voyage to this place; and that there were then sick 3 cases of dysentery, in the advanced stage of the disorder; 1 of leprosy; 2 of ophthalmia; and a few of *craw-craw*; that the slaves generally were much emaciated, and appeared to be in a state of great debility. The space between decks on board of this vessel was barely 2 feet in height; from which circumstance, and considering the emaciated appearance of the slaves, he respectfully recommended that all might be landed as soon as possible."

The Court was enabled to comply with the recommendation of the Surgeon, for the immediate landing of these unfortunate people, through the kind promptness of the Lieutenant-Governor, who caused them to be received into the charge of the Liberated African Department, in the afternoon of the day of the Surgeon's visit.

On the same day, the 13th instant, the Ship's Papers of the "Numero Dos," authenticated by the Affidavit of the Prize-Master, Mr. Nelson Locker, together with the Captor's Declaration, were brought into Court; and the usual Monition was, at the prayer of the Proctor for the Captors, issued on the same day, and returned, duly certified to the Marshal to the Court, on the 20th instant.

The examinations on the standing interrogatories, of the Master and Second Mate of the detained vessel, took place on the 15th July.

From the deposition of the Master, Francisco Talavera, it appears that "St. Jago de Cuba was the last clearing-port he left, and that he went thence to the River Bonny, and took in his cargo of slaves, consisting of 160, 6 of whom died before capture; he appointed himself to the command of the vessel, being the Owner; there was a Bill of Sale from the former Owner, the official Document relating to which is with the Ship's Papers, and numbered 3; the original Bill of Sale is in the proper office at Cuba, and was made in December last, in the presence of the Secretary of the Navy; the price, which was fairly and truly paid, was 1,100 dollars, and was the vessel's full-value; has known the vessel between 2 and 3 years; first saw her at St. Jago de Cuba; believes she was built in North America; the vessel's name is 'Numero Dos,' and she has been so called since he first saw her; was on board the vessel when captured for having a cargo of slaves; she was under Spanish colours, and had no other on board; he is a subject of Spain, and has never served any other State; is unmarried, and has resided in Cuba for 12 years; she is 40 Spanish tons, and had a crew of 3 Officers and 12 seamen; they (the crew) are all Spaniards, and were shipped by him at St. Jago de Cuba in December last; he is the Owner of the cargo of slaves, who were to have been landed in Cuba at his sole risk and on his own account; saw the capturing vessel in latitude 3° 1' north on the morning of the 15th June last, and was taken a few hours after; saw a vessel-of-war 2 days before, but cannot tell if it was the same by which he was captured; when he saw the capturing ship he endeavoured to run for the Bonny again in order to escape, but in other respects had made the best of his way off the coast from the time he sailed; no resistance was made to capture, nor were instructions given for that purpose, nor for destroying or concealing any of the vessel's Papers; the said Papers are entirely true and fair; there are no Papers, except the original Bill of Sale, relating to the vessel or cargo, which were not on board the vessel when taken, and which were delivered to the capturing Officer; there was no Charter-party for the voyage, and it depended on circumstances to what port or place he should proceed; neither the vessel nor cargo are insured; the vessel is entirely under his own management and control; there were no guns mounted in the vessel; he had 1 carbine, 1 musket, and 3 cutlasses, but no powder; these arms were to control the negroes."

Juan Alejo de Verguereca, the Second Mate of the said vessel, confirmed by his deposition the testimony of Talavera, the Master, in all the important points.

An Affidavit of the Prize-Officer, stating that 11 of the slaves of the "*Numero Dos*" had died in the voyage to this port after seizure, notwithstanding every care and attention on the part of himself and his crew to the slaves under his charge, was filed on the 17th July.

At a meeting of the British and Spanish Mixed Commission Court on the 20th instant, for the adjudication of this Case, the Court passed sentence of condemnation upon the Spanish schooner, "*Numero Dos*," her hull, tackle, apparel, and furniture, and the goods, wares, and merchandise laden therein, as good and lawful prize to the Crowns of Great Britain and Spain, for having been at the time of her seizure by His Britannic Majesty's brig, "*Forester*," Lieutenant George Gover Miall, Commander, engaged in the illicit traffic in slaves. The Court further pronounced that it had been proved there were 154 slaves on board of the "*Numero Dos*" at the time of her detention, of which number 11 had died on the passage to this Colony, and 2 more of them since their landing here, and decreed that the survivors thereof, 141 in number, should be emancipated.

(Signed)

H. D. CAMPBELL.

WALTER W. LEWIS.

Sierra Leone, 25th July, 1835.

No. 31.

Viscount Palmerston to His Majesty's Commissioners at Sierra Leone.

GENTLEMEN,

Foreign Office, 28th September, 1835.

WITH reference to your Despatches of the 10th of February of this year, containing Reports of the capture and condemnation of the Spanish brig, "*Formidable*," charged with having been concerned in the illegal traffic in slaves, I transmit herewith to you the Copy of a Communication which has been received at this Office from His Majesty's Treasury, relating to the purchase of the hull, sails, &c., of this vessel by Mr. Frederick Langley.

I beg to call your attention to the fact of this purchase, and I have to desire that you will send me any further information which you may now possess, or subsequently obtain, upon this subject.

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

(Signed)

I am, &c.

PALMERSTON.

Enclosure in No. 31.

J. Stewart, Esq., to John Backhouse, Esq.

SIR,

Treasury Chambers, 19th September, 1835.

WITH reference to your Letter of the 13th of June last, enclosing an account of the Sale and Disbursements in the Case of the Spanish brig, "*Formidable*," condemned for having been concerned in the illegal trade in slaves, I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit herewith an Extract of a Report from Mr. Rothery, dated 25th June last, relating to the purchase of the hull, sails, &c., of this vessel by Mr. Frederick Langley, and I am to request you will call the attention of Viscount Palmerston to the subject, with the view of a notification of the same to His Majesty's Commissioners at Sierra Leone.

(Signed) I am, &c.
J. STEWART.

Sub-Enclosure in No. 31.

Extract of a Report from Mr. Rothery, dated 25th June, 1835.

I beg further to report that it appears by the account-sales herewith returned, that a Mr. Frederick Langley not only purchased the vessel, but all her rigging and sails, and also the slave-deck and all the water-casks. This transaction on the part of Mr. Langley may not have been done with any intention of the vessel being again employed in the illicit traffic; but your Lordships may remember that many vessels of this description, after having been condemned and sold, have been again employed in the illicit traffic and subsequently captured and condemned; and as the Commissioners make no mention of this in their Report, I beg to suggest the propriety of a Communication thereof being made to His Majesty's Secretary of State for Foreign Affairs, as to the expediency of his calling the attention of the local Authorities at Sierra Leone to the fact of Mr. Langley having purchased the hull, sails, and rigging, slave-deck, and water-casks.

No. 32.

Viscount Palmerston to His Majesty's Commissioners.

(Extract.)

GENTLEMEN,

Foreign Office, 29th October, 1835.

I HEREWITH transmit to you twelve Copies of the Treaty which was concluded on the 28th of June last, between His Majesty and Her Majesty the Queen Regent of Spain, having for its object the entire suppression of the Slave Trade of Spain.

The Ratifications of this Treaty were exchanged, on the part of the two High Contracting Parties, on the 27th of August last.

I am, &c.

(Signed) PALMERSTON.

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

No. 34.

His Majesty's Commissioners to Viscount Palmerston.—(Received November 24.)

MY LORD,

Sierra Leone, 31st August, 1835.

ENCLOSED we have the honour of laying before your Lordship our Report of the Case of the Spanish slave-brigantine, "*Volador*," Angel de Aguirre, Master, seized on the 29th June last, after a chase of about eleven hours, by His Majesty's schooner, "*Fair Rosamond*," Lieutenant George Rose, Commander, in latitude 2° 39' north, longitude 8° 4' east, with a cargo of four hundred and eighty-seven slaves on board, who had been shipped on the previous day in the River Bonny, and were destined for Havana.

The "*Volador*" arrived in this harbour on the 16th instant, and on the following day proceedings were instituted against her in the British and Spanish Court of Mixed Commission, and condemnation was passed upon her on the 25th instant.

The chief part of the slaves of this vessel were collected and kept in confinement, ready for embarkation, some time before they left the Bonny. Many of them were in consequence shipped in delicate health, which, added to the crowded state of the vessel, and the inclement season in which her voyage to this port was made, caused no less than forty-six deaths amongst them whilst they were afloat: thirteen more died after landing, making a total mortality of fifty-nine between the dates of capture and adjudication; and leaving surviving four hundred and twenty-eight slaves, who have been duly emancipated by the Court.

Amongst the Papers found on board the "*Volador*," at the time of her capture, were, an official Document respecting the sale of this vessel, in the month of February last, to Angel de Aguirre, by Manoel Alday, of Havana; an unsigned Letter of Instructions to Benito Pereyra, the Master, for the voyage, and which covered a Copy of the Orders issued by the same person to Pereyra, when in command, last year, of the "*Isabel Segunda*;" and the agreement between Pereyra, as Master of the "*Volador*," and the Officers and men engaged by him to navigate that vessel. In the last-named Document, as well as in the Muster-roll, Angel de Aguirre, the ostensible Owner of the "*Volador*," appears as the First Mate, receiving pay at the rate of seventy dollars per month.

In the examination of the witnesses on the standing interrogatories no allusion was made to Benito Pereyra as having been Master of the "*Volador*," but throughout Aguirre was described as the Commander of the vessel. A re-examination was therefore directed by us on this point, when it was elicited that Pereyra

had died whilst the "*Volador*" was in the Bonny, and Aguirre had assumed the command.

From the style of the Letter of Instructions found in the "*Volador*," to which we have previously alluded, it is evident that the writer of it did not purpose leaving Havana, and that, therefore, Aguirre is not the real Owner of her; but that she is the property of a resident of Cuba, who is also the Owner of the brig "*Isabel Segunda*," a vessel which made a successful slaving-voyage, under the command of Benito Pereyra, between the 2d April and the 10th December, 1834, as appears by the Returns of His Majesty's Commissioners at Havana.

By the "*Volador's*" Papers it appears that she sailed from Havana in March last, in company with the "*Isabel Segunda*," for this coast, which vessel, we fear, has been more successful than her consort in her nefarious engagements.

Pereyra received, with his Instructions from the Owner of the "*Volador*," a Letter of Credit on one Robert Barry, of Baltimore, which was to be "destroyed if not required, so as to prevent any dispute that might hereafter take place." Pereyra was also referred, in case of need, to the "intimate friend of the Owner, John Baptist Bernaben, the Spanish Consul-General, residing at Philadelphia, who knows the vessel, and would render Pereyra any assistance."

The Owner wished "battle to be given to any vessel, of whatever Nation she might be, that should molest Pereyra on his return-voyage, provided he was unable to avoid his opponent."

The name of the "*Volador*" appears first in the Returns of His Majesty's Commissioners at Havana, as sailing from that port for a slaving-voyage, on the 4th March, 1832, between which date and the 5th March, 1835, (her last departure thence,) this vessel had the good fortune to make four successful voyages with slaves. The Master of the "*Volador*" states, that she has been frequently chased by His Majesty's ships, both on this and the other side of the Atlantic; but that the vessel's superior sailing has hitherto enabled her to escape capture.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 34.

Report of the Case of the Spanish brigantine, "Volador," Angel de Aguirre, Master.

THE Royal Passport with which this vessel was furnished at the time of her capture was granted on the occasion of her making a former voyage. It is dated on the 22d May, 1834, and authorises her former Master, Don Antonio Marques, to proceed to the Island of St. Thomas. A subsequent endorsement, of the 3d March, 1835, states that a similar licence for a voyage of lawful traffic to the same island is renewed in favour of her new Captain, Don Benito Pereyra. Having left Havana about the 5th of March last, the "*Volador*" went direct to the River Bonny, where she shipped a cargo of slaves.

With this cargo she was on her return to Havana, when His Britannic Majesty's schooner, "*Fair Rosamond*," commanded by Lieutenant George Rose, fell in with and detained her, (according to Lieut. Rose's Declaration,) on the "29th day of July, 1835, in or about latitude 2° 39' north, longitude 8° 4' east, sailing under Spanish colours, armed with one pivot-gun, eighteen-pounder, commanded by Angel de Aguirre, who declared her to be bound from the Bonny to Havana, and having on board four hundred and ninety slaves.

Late in the evening of Sunday, the 16th August, the "*Volador*" arrived in this harbour; and on the following morning the Surgeon to the Courts visited the slaves, of whom he reported as follows: "forty-two have died on the passage to this place. The women and children are in general healthy-looking; but the generality of the men are very thin and emaciated; four of them are in a dying state, and not likely to outlive the day. Considering the crowded state of the slaves, the inclement season of the year, and particularly the emaciated state of the men in this vessel, I respectfully recommend that the slaves be landed as soon as possible." This recommendation was carried into effect very early the following morning (the 18th), when the slaves were landed and placed in the charge of the Liberated African Department here.

On the 17th instant the Captor's Declaration, with the Ship's Papers of the "*Volador*," authenticated by the Affidavit of the Prize-Officer, Mr. Edmund Anthony Glynn, were lodged in the Registry of the Court, and the usual Monition issued, at the prayer of the Captor's Proctor, on the same day.

On the 24th August the Monition was returned into Court, certified as having been duly served by the Marshal.

The Master of the "*Volador*," at the time of her seizure, Angel de Aguirre, and the Second Boatswain of that vessel, Manoel Prado, were examined on the standing interrogatories on the 17th instant. Angel de Aguirre deposed, that "he was born at Biscay, in Spain; lives at Bilboa, and has resided there one year; is a subject of Spain, and has never served any other State; is not married; was the Owner of the captured vessel, and appointed himself to the command; took possession of the detained vessel at Havana, in February last, from Don Manoel Alday, who lives at Biscay, in Spain, and is a Spaniard; did not know the detained vessel until he purchased her, when he saw her for the first time at Havana; she was built in Baltimore; his vessel was seized for having slaves on board; she was under Spanish colours, and had none others on board; the vessel's name is '*Volador*,' and she had that name when he purchased her; never knew her by any other name; she is about one hundred and sixty-five Spanish tons burthen, and had a crew of three Officers and forty-two men at the time of capture; they were all Spaniards, and shipped by him in March last, at Havana; he owned the vessel, as before stated, and one-sixth part of the present cargo; he was in command of the vessel; there were two seamen, passengers for the Havana, but they had no interest in either the vessel or cargo; the present voyage began, and was to have ended, at Havana, which was the last clearing-port, from whence he went direct to the Bonny, to sell his outward cargo for slaves; saw the capturing ship in about latitude 3° 30' north, on the 29th day of July last, about nine or ten o'clock in the morning, and was captured about eight o'clock of the same evening; when he first saw the capturing vessel he was making the best of his way off the coast, as he had done from his leaving the Bonny, and he did not alter his course, but made all sail possible to escape; there was one gun mounted in the vessel, twenty muskets, and ten sabres, forty cartridges of powder for the great gun, and eight hundred for the muskets; was so armed in the event of meeting an enemy; no resistance was made to capture, although his men were prepared for resistance by his order, but not against a ship-of-war; and so soon as he discovered the vessel to be English he abandoned his intention to resist; there was a Bill of Sale for the vessel from Don Manoel Alday, which was lodged in the Office of Marine, at the Havana; it was executed in the latter end of February or beginning of March last, in the presence of the Public Officer of Marine at that place; the sum was two thousand dollars, which was truly paid at the time of the purchase, and it was a perfectly fair and legal transfer, and the real value of the vessel was paid for her; four hundred and eighty-eight slaves were shipped by him in the Bonny, of whom he owned a one-sixth part; the remainder (in proportions he does not know) were owned by Louis de Lynez, Thomas Ferezza, and Joaquim Gomez, who are Spaniards and Portuguese; the slaves were to have been divided under his (witness's) own direction, if the voyage had been completed, amongst the several Owners as above; the vessel had been employed in the Slave Trade the voyage before he purchased her, and this was the fifth voyage in which she has been so engaged, between Havana and the Coast of Africa; the Ship's Papers are all true and fair; no Papers of any kind were destroyed or concealed—the whole were delivered up to the Captors; there are no Papers, except the Bill of Sale which is at Havana, concerning the vessel or cargo, but what were delivered up to the capturing Officer; there was no Charter-party for the present voyage; neither the vessel nor cargo are insured; bulk was first broken in the Bonny; no slaves have been disembarked from the moment they were shipped."

All the material points elicited by the examination of the Master of the "*Volador*" were confirmed by the testimony of his Second Boatswain, Manoel Prado.

From the above examination it would appear, that Aguirre was the Master throughout the voyage in which the "*Volador*" was detained. As this statement was at perfect variance with the Papers found on board the "*Volador*" at the time of seizure, wherein Aguirre is stated to be the Second Officer as well as the Owner, and one Benito Pereyra the Commander of the vessel, a second examination, on the 25th instant, of Aguirre and his Boatswain, took place by direction of the Court.

On this second examination, Angel de Aguirre deposed, that "Don Benito Pereyra was the Captain of the vessel when she left the Havana, but that he died in the Bonny River. It is customary in their trade to the Coast for the Owner to be on board, and to have a sailing-Master—and in such cases the Owner is frequently the Mate; on this occasion he was the Mate of the vessel; and during the Captain's life-time he was under his command while on board, and at his death he took command as Owner; that the slaves on board the '*Volador*' at the time of capture were the real property of the parties to whom, in his answers to the standing interrogatories, he has already sworn they belong; his reason for so stating is that the money was paid by the several parties referred to, and the slaves were purchased by him on their joint account; the Owners of the slaves are merchants at Havana."

Manoel Prado, in his re-examination, stated, that "Don Benito Pereyra was Captain when the '*Volador*' left Havana, and continued so until he died in the Bonny; the present Captain was Mate until the death of Don Benito, and was under his orders as much as any other Officer; every one knew the present Captain to be the Owner; when Benito died, the present Master took command; witness never knew a case of this kind before, and accounts for it in the present instance by the wish of the Owner to save the expense of a Mate, as he was going to transact his own business on the Coast."

On the 22d instant, an Affidavit of Mr. Glynn, the Prize-Officer, as to the number of deaths which had occurred on board the "*Volador*" whilst under his charge, was filed. He deposed that, "subsequent to the seizure of the '*Volador*,' and during her passage to this port, forty-six of the slaves died from disease, notwithstanding every care and attention in the power of himself, his Officers and crew, was afforded to the said slaves."

On the 25th August the British and Spanish Court of Mixed Commission met for the adjudication of the vessel in question, and pronounced the Spanish brigantine, "*Volador*," of which Angel de Aguirre was Master, her hull, tackle, apparel, and furniture, and the goods, wares, and merchandisè laden therein, to be good and lawful prize to the Crowns of Great Britain and Spain, having been seized whilst engaged in the illicit traffic in slaves, by His Britannic Majesty's schooner, "*Fair Rosamond*," under the command of Lieutenant George Rose.

The Court further declared, that it had been proved there were four hundred and eighty-seven slaves on board the "*Volador*" when seized by the "*Fair Rosamond*;" that forty-six had died on the voyage here, and thirteen after that time; and that there were surviving on the day of adjudication four hundred and twenty-eight slaves, decreed to be emancipated.

Sierra Leone, 31st August, 1835.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

No. 35.

His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 29, 1836.)

MY LORD,

Sierra Leone, 17th October, 1835.

ENCLOSED we have the honour to transmit to your Lordship our Report of the Case of the Spanish schooner, "*Semiramis*," Santiago Deliz, Master, which was captured on the 2d ultimo, off the River Bonny, by His Majesty's brigantine, "*Buzzard*," Lieutenant Thomas Lorey Roberts commanding, with four hundred and seventy-seven slaves on board, and was condemned, in the British and Spanish Court of Mixed Commission established in this place, on the 13th instant, for being engaged in the illicit traffic in slaves: fifty-one of the slaves having died between the period of capture and condemnation, only four hundred and twenty-six remained to be emancipated.

This very fine and perfectly new vessel was purchased at Baltimore on the 28th February last, by a Spanish merchant named Alvarez. She was then taken to Havana, and there sold by Alvarez, on the 23d April, to a Manuel de Abaroa. The latter person appears in the List of crew as Second Pilot or first Officer of the vessel under the Captain; and it is a remarkable circumstance, that, in the Case of the "*Volador*," reported in our Despatch, No. 59, of the 31st August, the first Officer in the same manner is stated in the Bill of Sale to be the Owner. This is acknowledged to have been done in both cases for the purpose of deception; and it is evident in the present instance, that neither the Captain (Deliz) nor the First Mate (Abaroa) was the Owner of the "*Semiramis*;" but that she was really the property of the persons who addressed to the Captain the Letter of Instructions, a Copy of which is annexed to the Report.

Within two months from the sale of the "*Semiramis*," at Baltimore, she left Havana for the Coast of Africa, with an assorted cargo of merchandise for the purchase of a return-cargo of slaves, and she was captured on her homeward passage exactly four months afterwards.

It will be observed from the Report that, whilst the Royal Passport and Matrícula authorise this vessel to proceed only to the Island of St. Thomas, the Custom-house at Havana cleared out for Cape Verde. The Ship's Articles, at the same time, state that she was bound to the Island of Princes, and the Owner's Instructions named the Bonny or New Calabar as the place to which she was to proceed direct.

It will also be recollected that Robert Barry, of Baltimore, to whom Captain Deliz is requested by his Owners to apply in case of his touching at that Port, is the same party on whom a Letter of Credit was given by the Owners of the "*Volador*," the last Spanish vessel which came before us.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 35.

Report of the Case of the Spanish schooner, "Semiramis," Santiago de Deliz, Master.

THIS vessel was detained by His Majesty's brigantine, "*Buzzard*," on the 2d ultimo, outside the bar of the Bonny, for having on board 477 slaves, who had been embarked on the same day in the

river close to which the detention took place. She arrived in this harbour on the evening of the 5th instant, and the particulars of her capture and condition were duly reported on the following morning by the Marshal to the Courts. The Surgeon also visited the slaves in the performance of his duty, and stated that 46 deaths had occurred amongst them on the passage hither; that there were 7 cases of small-pox, one of which was confluent, in the worst stage of the disease, and likely to prove fatal, but the others comparatively slight; that there were 21 cases of ophthalmia, many of them severe, 4 of the patients being totally and irremediably blind, and 5 others being blind of one eye; that there were six cases of dysentery, and numerous cases of ulcers; on which accounts it was recommended that the whole of the slaves should be landed as soon as possible.

The Case was then brought before the British and Spanish Court in the usual manner; and on the Petition of the Proctor for the Captors, the Affidavit of the Prize-Master, detailing the facts of the capture and authenticating the Ship's Papers (12 in number), was received and filed, together with the Captor's Declaration; the Ship's Papers were produced and lodged in the Registry; the Motion for the appearance of all parties interested in the vessel was issued; and the witnesses in preparatory were directed to give immediate attendance, in order to their being examined on the standing interrogatories.

From the Ship's Papers it appears that the "*Semiramis*" was built at Baltimore, in the United States, and there sold on the 28th February last, by a person named Lafite, to Don Pedro Alvarez, a merchant belonging to Havana. On the 11th March she left Baltimore under the name of "*Flor de la Mar*," and arrived at Havana on the 29th of the same month. Captain David Hunter, who commanded her on this voyage, is supposed to be an American, as his Log-book is kept in the English language.

On the 23d April this vessel (then called by her present name) was sold at Havana by Alvarez, to Don Manuel de Abaroa, who appears in the List of crew as Second Pilot, or first Officer under the Captain (Deliz). Her cost was 8,500 dollars, which does not appear to be above her value.

Five days afterwards an agreement was entered into between the present Master and crew, "to perform a voyage to the Coast of Africa, and the Islands of Princes and St. Thomas, under certain conditions." On the 29th April the "*Semiramis*" received the usual Royal Passport (No. 151), authorising a voyage of lawful traffick to the Island of St. Thomas. The Fort Pass (No. 37), and the Matricula, or List of crew (No 272), both of which are dated on the same day, state in like manner that the Island of St. Thomas was the destination of the vessel. The Custom-House Clearance, however, which was sealed up in the usual manner, is endorsed on the envelope, "Spanish schooner, '*Semiramis*,' Captain Don Santiago Deliz, from Havana to Cape Verde. Entered 30th April, 1835. (Signed) AYALA." The following is a translation of the Document itself:—

"Don Sebastian de Ayala Garcia de la Rosa, &c.—I certify, in the absence of Bernardo Elosua, Comptroller of the Customs, &c., that Captain Don Santiago Deliz has embarked the undermentioned goods on board the Spanish schooner, '*Semiramis*,' bound to Cape Verde. Dated at Havana, this 30th April, 1835.

(Signed) "SEBASTIAN DE AYALA."

(Here follows the List of goods.)

The Custom-House thus allowed a vessel to clear out for a totally different place from that to which alone she was authorised to proceed by the Royal Passport and Matricula, granted only the day before; at the same time, it is difficult to understand how any object could have been answered by such a proceeding, as the "*Semiramis*" touched at none of the various places mentioned, but came direct to the River Bonny.

Furnished with these Papers, Deliz left Havana on the 1st of May, as appears by an unsigned Letter of Instructions, written by the real Owner of the vessel and slaves, a Copy of which is annexed to this Report.

The Captor's Declaration is to the following effect:—"I, Thomas Lorey Roberts, Lieutenant and Commander of His Majesty's brigantine, '*Buzzard*,' hereby declare that, on this 2d day of September, being in or about latitude 4° 16' north, longitude 7° 11' east, I detained the schooner named the '*Semiramis*,' sailing under Spanish colours, armed with 2 guns, 8-pounders, and commanded by Don Santiago de Deliz, who declared her to be bound from the River Bonny to Havana, with a crew consisting of 29 men and boys, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 477 slaves, said to have been taken on board at Bonny on this day."

The Declaration is signed by the Commander, Acting-Master, and Assistant-Surgeon of the capturing ship. A List of the Spanish crew is annexed thereto, as well as a List of sails, spars, and stores, actually on board the "*Semiramis*" at the time of her capture, and which is mutually signed by the Prize-Master and Spanish Captain.

The recommendation of the Surgeon respecting the landing of the slaves was allowed to be carried into effect immediately on the vessel being brought before the Court. Four hundred and thirty-one negroes were accordingly landed, and placed under the custody of the Liberated African Department, pending adjudication; 36 of the original cargo having died on the passage up, and 10 having jumped overboard, and been drowned.

The examinations from the printed interrogatories were carried through the same morning. The Master, Santiago de Deliz, deposed that "he was born in Biscay, in Spain; lives in Algorta, near Bilboa; is a Spanish subject, and has never served any other State; is not married; appointed himself to the command of the detained vessel, being the Owner of her; took possession of her at Havana, in April last, from an American, who sold her to him, and whose name he does not recollect; never saw her before that time, and believes she was built at Baltimore; was on board the detained vessel when she was captured for having a cargo of slaves, at which time she was under Spanish colours, and had no other colours on board; the vessel's name is '*Semiramis*,' and she has been so called since she was purchased by him; she was before called '*Flor de la Mar*,' she is 120 Spanish tons burthen, and was manned with 5 Officers and 24 seamen, who were all Spaniards, and shipped by him at Havana, when he fitted out the vessel; she belonged entirely to him, and the slaves were the joint property of him and Don Pedro Martinez, who is a Spaniard, living at Cadiz, but having a mercantile

house at Havana; he (witness) was Captain of the vessel; there were no passengers on board; the present voyage began at Havana, and was to have ended at some port of Cuba; Havana was the last clearing-port from which he sailed previous to capture; saw the capturing ship, just after he had crossed the bar of the Bonny river, about 5 o'clock in the afternoon of the 2d of September last, and was taken shortly afterwards; endeavoured to re-enter the River, but there was not sufficient water to cross the bar, and he had, therefore, no means of escape; there are 2 small 8-pounder guns, mounted, 24 muskets, 20 cutlasses, and a few cartouch-boxes of powder, on board, to protect themselves from piratical boats; no resistance was made to capture, nor were orders given to destroy any of the Ship's Papers; is sole Owner of the vessel, as before stated; a Bill of Sale was made by the American (from whom he received the vessel), in April last, at Havana, and was witnessed by the proper Officers of Marine at that place; he paid 8,000 dollars for the vessel, which was a fair and true equivalent; the transfer was, in every respect, made truly, and not for any purpose of deception, and the vessel, if released, would, undoubtedly, be his sole property; he purchased and shipped the slaves on the joint account of himself and Martinez, and they would have been delivered to the house of Martinez, in Cuba, on the same account, nor has any other party any share in them; this is the first voyage in which the vessel has been engaged on the Coast; her cargo consists of slaves, of whom 477 were shipped in the River Bonny, none of whom died previous to capture; came direct to this port; the whole of the Papers found on board are entirely true and fair, nor have any been destroyed or concealed, no Charter-party was signed for the present voyage, but it was at his discretion to go where he could trade best; he has the sole management of the vessel in every respect, but if he had occasion to correspond with any one about her trade, it would be with Martinez; bulk was first broken at the Bonny, whither he came direct from the Havana; none of the slaves have been disembarked since the capture of the vessel."

The Master here deposes, that he is the sole Owner of the vessel, and the joint Owner, with Martinez, of the slaves; that he purchased the vessel from an American, in April last, for 8,000 dollars; and that all the Papers found on board his vessel, at the time of capture, are true and fair. The falsehood of these assertions is shown by the very Papers to which he refers as authentic documents, but which, while they convict him of perjury, only add, in themselves, another proof to the innumerable ones which already exist of the recklessness and depravity of all the agents concerned in slave-trading adventures. When Deliz was subsequently called upon, by order of the Commissioners, to account for the differences between his evidence and the Ship's Papers, he swore that, although Alvarez is stated, in the Bill of Sale, to have purchased the "*Semiramis*" from Lafite (an American), in February, and to have sold her to Abaroa in April, he was the Owner of the vessel all the time; and that Alvarez' name was substituted for his in the first instance, and Abaroa's afterwards, "in order to prevent its being publicly known at Havana who was the real Owner of the vessel, but she was entirely his own property."

The evidence of the Cook, Joaquim Condelario, confirms that of the Master in every particular with which the former could be supposed to be acquainted; but he professes entire ignorance respecting the ownership of the vessel and slaves, and the purport and authenticity of the Ship's Papers.

The Case for the prosecution having been closed, publication thereof was decreed. A Petition was then presented by the Captor's Proctor, stating that His Majesty's brig, "*Rolla*," would sail on the following morning for the Leeward Station, and would afford an immediate opportunity to the Prize-crew of the "*Buzzard*" to rejoin their vessel, and praying, "that the said Prize-Officers and crew may be permitted to depart in His Majesty's said brig; and that the Marshal of the Court may be directed to take charge of the said schooner pending adjudication." This Petition was granted under the circumstances of the Case, the Court requiring that an Affidavit as to the number of deaths amongst the slaves should first be made by the Prize-Officer, and an Inventory taken by him and the Marshal of the articles on board the vessel. The required Affidavit was accordingly given in, and the Inventory was prepared and signed by the proper parties. Thus, by a little extra exertion, and the zealous co-operation of the several Officers of the Court, the whole of the proceedings in this Case were completed in the course of 24 hours, without any deviation from the usual forms; and a prize-crew and their Officers were enabled immediately to rejoin their vessel off the River Bonny, instead of being detained from their duty, as they would, most probably, otherwise have been for a period of 3 or 4 months.

The Monition, issued on the 6th, was returned into the Registry on the 13th instant, with the Certificate of the Marshal that it had been duly served; and the Court assembled on the same day for the adjudication of the vessel. A sentence was then pronounced, condemning the Spanish schooner, "*Semiramis*," Santiago de Deliz, Master, as good and lawful forfeiture to the Crowns of Great Britain and Spain, having been captured by His Majesty's brig, "*Buzzard*," Lieutenant Thomas Lorey Roberts, Commander, on the 2d September last, off the River Bonny, with 477 slaves on board. It was further decreed, that 46 slaves had died previous to the arrival of the vessel in this harbour, and 5 subsequently, and that the survivors, 426 in number, be forthwith emancipated from slavery.

In addition to the Letter, already referred to, from the Owners of the "*Semiramis*" to Captain Deliz, we further annex Copies of 2 other Letters which fell into the Captor's hands, on his taking possession of the vessel. They will, together, serve to throw some light on the private history of Slave-Trade adventures, and the systematic manner in which they are carried on.

Sierra Leone, 17th October, 1835.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

Sub-Enclosure A. in No. 35.

Letter of Instructions to Santiago de Deliz.

(Translation.)

Señor Santiago de Deliz.

Havana, 30th April, 1835.

SIR,

ACCORDING to what has been verbally agreed between us, you will to-morrow set sail for Bonny or the New Calabar, in the schooner "*Semiramis*," under your command. We accordingly proceed, from a feeling of anxiety for the successful result of the expedition, to give you such instructions as occur to us at present.

Having taken all necessary precautions, you will leave this port for one of the two places above-mentioned, whichever is most convenient, touching at any places on the Coast which you may think advantageous, in order to supply yourself with provisions for the return-voyage; acting in that case, and in the place you fix upon to make your trade, with your well-known prudence; and we desire that you will make election of that place in which you can accomplish the object of the voyage with the greatest facility and promptitude.

The numerous vessels which you will meet with there (according to the advices which we have received), with the same object as yourself, warn us of the speed which should be used to anticipate them, and for which we rely on your known energy, as the assemblage of a large number of vessels at the point where you fix yourself must be very prejudicial.

The Invoice has been purchased and prepared of articles of usual consumption; and we flatter ourselves that no person will be able to enter into competition with you in any way. Adverting to this circumstance, we think you have more than enough for 450 head (*buttos*) for your return-voyage. And whatever remains after you have stowed your vessel you will sell; or failing this, you will pack it as well as possible, and bring it back with you. The assortment of the cargo which we would particularly wish you to procure for your return is as follows:—

| | | | | | |
|-------------------|---|---|---|---|-----|
| BP. from 18 to 20 | . | . | . | . | 250 |
| MB. „ 14 „ 18 | . | . | . | . | 150 |
| MB. „ 13 „ 16 | . | . | . | . | 50 |

450 head (*buttos*).

If you should take more or less, let the proportion be the same in the increase or diminution of these classes: but if you cannot collect the quantity named, you must do the best you can; only we especially charge you not to procure people of small stature, old, or worthless, but those of the best possible description; for, from appearances, the market is likely to fall.

If, from stress of weather, or any other cause, you are compelled to put into any port, we acquaint you for your guidance, that our correspondents in New York are Messrs. Peter Harmony and Company; in Baltimore, Mr. Robert Barry; in Porto Rico, Don Pedro Guarah; and in St. Thomas, Don José Yberr, who, we have no doubt, will afford you all necessary assistance, on your presenting yourself to them, and letting them understand that the vessel belongs to us; and you may draw upon us for your expenses.

As one of the most essential things, we recommend to you great care in preserving order among your crew, and in the distribution of the provisions. Both these circumstances are of first importance, and inattention to them may compromise the interests of all who are concerned in the cargo.

On your homeward voyage we charge you to redouble your vigilance, from a consideration of the great risk there is in all such voyages, and to be always on the alert to avoid any disgraceful misfortune, taking every precaution to secure yourself in every point of the cruising stations; and in case you descry a sail, go on the other tack; because it not seldom happens that, in the doubt whether the sail seen to be an enemy or not, the enemy approaches, and, when it is too late to fly, capture takes place.

On your return we wish you to disembark your cargo at this port or Matanzas, or at any other of the intermediate ports, such as Arcos de Canasi, Porto Escondido, Santa Cruz, or Camarioca; or failing these, at Vanes; but in any unforeseen case of bad weather, chase, or other cause, wherever you can, the chief object then being to save the voyage from being a total loss.

Should you approach by the southward (which is much exposed, and contrary to our wishes) you will direct yourself to Guanamar, consigning the cargo to Don José Miro Pié, of the Coffee Estate "*Empresa*;" and should the disembarkation take place there, we will despatch one of our own people to the place which you may advise us of; or should it take place at Barlovento, we will do the same from our house at Matanzas. You yourself will remain, with the necessary number of men, to take care of the cargo, until one of our own people shall come to receive it from you, causing the vessel in the mean time to proceed to this port under the command of the second Officer; and do not forget beforehand to remove the provisions, or any other article which may excite strong suspicions in the enemy, should they chance to visit the vessel.

If any provisions remain from the voyage, you will land them, particularly such as are fresh, to maintain the slaves (*buttos*) with them.

Should you fall in with any vessels belonging to us on any part of the Coast, we hope that you will render to them all possible assistance, and we empower you to require from them corresponding attention, should you require it.

You well know how important it is that the slaves should be well treated on board ship, for should they arrive in bad condition, it would not be possible to sell them to advantage, and the disposal of them would be attended with much difficulty.

As it is likely that many other vessels are proceeding to the same destination as you, we recommend you to use the utmost energy and activity, that their trade may not interfere with the progress of your voyage, which we trust you will not lose a moment in endeavouring to accomplish before them.

It is very desirable that, before you complete the embarkation of your return-cargo, you make a careful reconnoissance, in order that you may avoid falling in with enemy (*los enemigos*) off the Coast.

If any individual of the ship's crew should die during the voyage, or desert, or from any sufficient cause be discharged, be careful to note it in the Log, in order to avoid objections at the conclusion of the voyage, particularly in the case of persons last mentioned, from whom, at the time of their discharge, you ought to take a receipt, stating that they are satisfied up to that time.

For our information, it will be very convenient that you write to us from your destination, by every opportunity that offers, advising us of the progress of your trade, with all other matters that occur to you.

In conclusion, we hand you herewith,—

Invoice of Cargo.
List of Ship's Stores.
Royal Patent.
List of Crew.
Contraseña (Fort Pass).
Bill of Sale.
Custom-house Manifest.

Which Papers you will keep safe, because the loss of any of them may be very injurious.

Resting assured that your probity and experience will supply every thing which does not at present occur to us to mention, for the better success of the expedition which we have entrusted to your care, nothing more remains for us than to wish you a happy voyage, &c.

Sub-Enclosure B. in No. 35.

(Translation.)

Feliz Dias Celis to J. Thomas de Olaguibel.

SIR,

Havana, 1st May, 1835.

I TAKE the advantage of the favourable opportunity afforded by the departure of our friend Don Santiago Deliz, to state that my health is good, and hope you equally enjoy that blessing in the desert where you are.

As you have taken charge of the present as well as of our future speculations, we beg that you will always endeavour to return with the least possible delay, not detaining the voyage for 20 or 30 negroes.

Endeavour to make this the port of your arrival; and until you return to it we shall always expect from you the greatest vigilance.

Since your departure we heard of several vessels being captured, some to the north, others to the south. We trust from your diligence and good fortune, that we shall reap the fruits of a successful voyage. At the same time we acquaint you, that it has been agreed upon between * * * * * and me, that you are to receive your commission, although we should derive no profit ourselves. Without more to write, except that Manuel and Luis desire to be remembered to you, and hope soon to see you here,

I am, &c.

(Signed)

FELIX DIAS CELIS.

Sub-Enclosure C. in No. 35.

(Translation.)

A. T. to Messrs. Martinez and Co., Havana.

GENTLEMEN,

New Calabar, 30th August, 1835.

By the schooner, "*Semiramis*," I have to inform you, that I arrived here and passed the bar on the 6th instant, and found many vessels lying in the Bonny. The market has risen, and there is no help for it, but I must pay 11 pieces (cloth) per head (butto), being the same price here as at the Bonny. I myself have seen 13 or 14 pieces received by canoes along-side, or a tierce of tobacco and 2 pieces, or a quarter-cask of tobacco and 2 pieces, for 1 head. By comparing my Invoice with this state of the market, you will see how many head I shall be able to bring back to you: I cannot put on board the full number enjoined by my Invoice. At any rate I think I shall sail about the 15th proximo, with 550 at least. I intend entirely to employ the vessel, and sell every thing which she has on board, in order to carry as many negroes as I can to Havana, and to make up for the loss sustained by the "*Temerario*." I shall also dispose of the beef and pork, and everything that is necessary to purchase slaves (buttos). You may expect me soon either at Arcos or at Santa Cruz.

I repeat, &c.

(Signed)

A. T.

No. 36.

His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 29, 1836.)

MY LORD,

Sierra Leone, 9th November, 1835.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of the 6th July, 1835.

It is exceedingly gratifying to us to find, that our decision on the second part of the "*Pepita's*" Case, embracing the question of the costs, damages, and expenses, due from the Captor to the Claimant, for the illegal detention of his vessel, was, in

the opinion of His Majesty's Advocate-General, well founded and in accordance with the spirit and letter of the Treaties subsisting between Great Britain and Spain.

We have, &c.
(Signed) H. W. MACAULAY.
WALTER W. LEWIS.

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

No. 37.

His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 29, 1836.)
MY LORD, *Sierra Leone, 23d November, 1835.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 28th September, 1835, relative to the purchase, by Mr. Langley, a merchant of this place, of the hull, rigging, sails, water-casks, and slave-deck, of the Spanish brig, "*Formidable*."

This vessel was condemned in the British and Spanish Court of Mixed Commission, on the 6th February last, for being engaged in the illicit traffic in slaves; and the survivors of the slaves found on board of her were emancipated. On the vessel being condemned, and in compliance with the Petition of the Proctor for the Captors, a Commission was issued to the Commissioner of Appraisement and Sale, in the form laid down at the 21st page of the "Regulations for the guidance of the Commissions appointed for carrying into effect the Treaties for the Abolition of the Slave Trade," requiring that Officer "to cause the aforesaid ship, and all and singular the goods, wares, and merchandise on board the same, to be exposed to public sale, and to sell, or cause the same to be sold, to the best bidder." The 7th Article of the Regulations attached to the Spanish Treaty requires that, "in case of a condemnation of the vessel for an unlawful voyage, the said vessel, as well as her cargo, shall be sold by public sale for the profit of the 2 Governments."

The public sale of the hull, tackle, apparel, furniture, and stores of the "*Formidable*," took place on the 13th February, and from the account-sales rendered by the Auctioneer to the Court, it appears that the loose pine-plank which had formed the slave-deck was sold in one lot, and the water-casks in 7 different lots, to Mr. Langley, the gentleman who purchased the vessel, and who was, of course, the best bidder. The manner in which these articles have been appropriated will appear from the Correspondence, which has passed on the subject between us and Mr. Langley's Agent in this place, a Copy of which we have the honour to enclose. Mr. Langley himself went to England in the "*Formidable*," in the month of June last, and has not yet returned to the Colony.

We have, &c.
(Signed) H. W. MACAULAY.
WALTER W. LEWIS.

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

First Enclosure in No. 37.

His Majesty's Commissioners to Mr. Lemon.

SIR,

Sierra Leone, 21st November, 1835.

WE have the honour to acquaint you that we have received a Despatch from His Majesty's Principal Secretary of State for Foreign Affairs, relative to the purchase, by Mr. Langley, of the hull, sails, &c. of the Spanish slave-brig, "*Formidable*," as well as of the whole of her water-casks and slave-deck; and as we have been desired to procure all the information we can on the subject referred to, we request that you will be good enough to state what you know, respecting the appropriation of the articles in question.

There appear to have been 67 planks, cleared out at the Custom-house, on board the "*Formidable*." Will you also be so good as to state, whether they were part of the slave-deck, or whether, as they are called "teak" in the Custom-house Manifest, they were the production of the Colony, and for what purpose they were shipped.

We have, &c.
(Signed) H. W. MACAULAY.
WALTER W. LEWIS.

Abraham Lemon, Esq.
Agent of F. Langley, Esq.
&c. &c. &c.

Second Enclosure in No. 37.

Mr. Lemon to His Majesty's Commissioners.

GENTLEMEN,

Sierra Leone, 23d November, 1835.

I HAVE the honour to acknowledge the receipt of your Letter of the 21st instant relative to the purchase, by Mr. Langley, at this place, of the brig "*Formidable*," as well as the whole of her water-casks and slave-deck; and requesting me to state what I know respecting the appropriation of the latter articles, you having received a Despatch from His Majesty's Principal Secretary of State for Foreign Affairs, desiring you to procure all the information you can upon the subject.

In reply to which I beg to acquaint you, that Mr. Langley's object in purchasing the "*Formidable*" was to load her with a cargo of African produce, consisting of rice, arrowroot, palm-oil, and other articles, to proceed to England; and that the casks alluded to, (whether they were the whole of those that belonged to the vessel or not I am not aware,) being sold at low prices, as such articles are generally sold here, were purchased for the purpose of packing that cargo in for shipment, as the cheapest and most convenient vessels that could be procured in which to pack it, and that they were accordingly used for that purpose, some of them being filled with palm-oil, and others with rice, &c.

With regard to her slave-deck, the pine-boards which Mr. Langley purchased at the sale of the "*Formidable*," (which might have composed the slave-deck,) were, to the best of my recollection, made up into boxes to pack a part of the cargo in,—they were certainly not sent on board the vessel again in any other shape.

The 67 plank, cleared at the Custom-house, by the description of "teak," as on board her on her departure from this place, were not the plank which composed her slave-deck, nor were they of a description suitable for a slave-deck, but a small shipment of 2½ inch plank (African "teak"), which was made as an experiment to try if the article would meet a market in that shape, as well as as in the solid logs,—they were purchased for the purpose of being shipped in the "*Formidable*," from Mr. Ewing Bailie, a merchant of this Colony, who may be able to give you some information respecting them as well as myself.

I have, &c.

(Signed)

ABRAHAM LEMON,

Agent of F. Langley.

The Commissioners of His Britannic Majesty,
 &c. &c. &c.

No. 38.

His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 29, 1836.)

MY LORD,

Sierra Leone, 26th November, 1835.

WE have the honour to enclose our Report of the Case of the Spanish brig, "*Argos*," Narciso Esteva, Master, which was captured by His Majesty's brig, "*Charybdis*," Lieutenant Samuel Mercer commanding, on the 11th ultimo, with 429 slaves on board.

The prize arrived in this harbour on the evening of the 15th instant, and a prosecution was commenced against her on the following morning, which terminated, on the 24th instant, by the condemnation of the vessel and the emancipation of the slaves who had been captured on board of her.

The "*Argos*" was detained about 17 miles south of the line; but, in condemning her, we followed the same line of conduct which we pursued in the Case of the "*Arogante Mayaguesana*," reported in our Despatch, marked Spain, of the 13th October, 1834, and which apparently met with your Lordship's approval.

The Master of the "*Argos*," Narciso Esteva, has been for some time engaged in the Slave Trade. He is reported by His Majesty's Commissioners at Havana, to have left that port on the 19th May, 1834, in the Spanish schooner, "*Deseada*," and to have returned to the same place on the 19th December of the same year.

We also find him mentioned previously by the same gentlemen, as having left Havana on a slaving-voyage on the 9th April, 1828, in the Spanish schooner, "*Nueva, Eloisa*."

We beg leave to call your Lordship's attention to the fact, that several jars of oil and a quantity of sperm candles were removed by the Captors from the "*Argos*" on the day of her detention. The Prize-Master has deposed "that the said articles were taken for the use of His Majesty's service." We conceive this to be no sufficient excuse for the removal, and that such a practice is contrary both to the letter and spirit of the Treaty of 1817, which requires that, even where

condemnation takes place, the vessel, her cargo, and stores, shall be sold for the profit of the 2 Governments. In the present instance the Captor's Agent, with the permission of the Court, replaced the missing articles, previous to the sale of the "*Argos*" and of her stores, by the Commissioner of Appraisalment and Sale.

We have, &c.
(Signed) H. W. MACAULAY.
WALTER W. LEWIS.

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

Enclosure in No. 38.

Report of the Case of the Spanish brig, "Argos," Narciso Esteva, Master.

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

1. A Royal Passport, authorising a voyage of lawful commerce from Havana to the Islands of Princes and St. Thomas, numbered 154, and dated at Havana the 6th May, 1835. It describes the "*Argos*" as a brig of 100 tons, under the command of Don Narciso Esteva, and contains the usual endorsement, warning the Captain against engaging in the Slave Trade.

2. The List of crew, certified by the proper Authorities, declaring the destination of the vessel and that her crew consisted of 26 persons, dated at Havana the same day.

3. The Contraseña, or Fort-Pass, No. 40, of the same date.

The above 3 Papers are signed as usual by the Conde de los Andes.

4. The Custom-house Manifest and Clearance, dated at Havana, on the 7th May, 1835, and signed, as in the case of the last reported vessel, by Don Sebastian de Ayala.

From Havana the "*Argos*" came direct to the River Bonny, where her outward cargo was bartered for slaves, of whom she took on board considerably more than 400, and was returning with them to the Island of Cuba when she was fallen in with and detained by His Majesty's brig, "*Charybdis*," Lieutenant Samuel Mercer commanding, on the 11th ultimo, about 17 miles south of the line.

She was then immediately despatched to Sierra Leone, under the charge of an Officer and prize-crew, and arrived in this harbour during the night of the 15th instant. Early on the following morning she was visited by the Marshal and Surgeon to the Courts. The former reported the particulars of her capture, and the number of deaths which had occurred subsequently amongst the slaves, and numbered and counted the survivors. The latter stated that 1 slave had been accidentally drowned, and that, of 55 others, who had died on the passage up, all, with the exception of 2, had died of dysentery; that there were 47 cases of dysentery still on board, many of them in the advanced stage of the disease, numerous cases of crawl-crawl, and a few slight cases of inflamed eyes; that the slaves generally were thin and emaciated, and the vessel was much crowded; it was therefore recommended that the whole of the slaves should be landed as soon as possible.

On the same morning proceedings were commenced against the "*Argos*" in the regular form. The Ship's Papers and the Captor's Declaration were lodged in the Registry, duly authenticated by the Affidavit of the Prize-Master, who also deposed as to the facts of capture. The Monition was issued, calling on all interested in the vessel to appear within 8 days, and the witnesses in preparatory, named by the Captor's Proctor as evidences in support of his Case, were ordered to attend, for the purpose of being examined on the standing interrogatories. Arrangements were likewise made with His Excellency the Lieutenant-Governor for landing the slaves; such as were healthy were lodged in the Liberated African Department in Freetown, and the sick placed in the Upper Hospital at Kissy.

The Captor's Declaration is as follows:—"I, Lieutenant Samuel Mercer, Commander of His Britannic Majesty's gun-brig, '*Charybdis*,' hereby declare, that on the 11th day of October, 1835, being in or about latitude 0° 17' south, longitude 8° 23' east, I detained the brig named the '*Argos*,' sailing under Spanish colours, armed with 2 guns, 12-pounders, commanded by Narciso Esteva, who declared her to be bound from the River Bonny to Havana, with a crew consisting of 25 men and 1 passenger, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 429 slaves, said to have been taken on board in the River Bonny, on the 3d day of October."

To this Declaration are annexed, a List of the Spanish crew of the Prize, an Inventory of the ship's stores; and a Declaration of the Master of the detained vessel, in the following words:—"I, Narciso Esteva, Captain of the Spanish brig, '*Argos*,' do hereby declare, that nothing whatever has been removed or taken out of the vessel, from the time of her detention, to the time of her parting company with His Majesty's brig, '*Charybdis*,' for Sierra Leone."

"Signed at sea, this 11th day of October, 1835.

(Signed) "NARCISO ESTEVA."

Such a Declaration is unexampled and highly irregular. It was improper to require such a statement from any person in Esteva's situation; and it could not be received as evidence, even if it had been sworn to, particularly from a person who was on his way for examination before a competent tribunal. But its extreme impropriety is evinced by the fact, that not only the Captor's witnesses, but the Officer who came up in charge of the "*Argos*," swore that candles and oil were removed from the detained vessel, and carried on board the "*Charybdis*." The circumstances under which these articles were removed might, perhaps, have been deemed, in some measure, to excuse their removal, but for the manner in which it was attempted to be concealed.

The examinations on the standing interrogatories were taken on the 17th instant. The Master deposed that "he was born in Catalonia, in Spain; lives in Havana, where he has resided about 20 years; is a Spanish subject, and has never served any other State; is married, and his wife and family reside in Havana; is the Owner of the captured vessel; took possession of her at Havana about

7 months ago, from a Spanish Captain called Prats, from whom she was purchased, and who is a Spanish subject residing at Cadiz; witness knew the vessel only a few days before he purchased her; first saw her at Havana; believes her to be Spanish-built; was present when the vessel was seized for having slaves on board; she was at that time under Spanish colours, and had no other flags on board, except for signals; the vessel is called the 'Argos,' and has been so called ever since witness purchased her; she was previously called the 'Ines;' she is 100 tons burthen, and had 4 Officers, 20 seamen, and 1 boy for crew, besides witness; 5 of the crew were negroes, the rest white men, but they were all hired and shipped at Havana by witness in May last; he (witness) is the Master and sole Owner of the ship and her lading; there was 1 passenger on board named Vitor, a Spanish sailor, to whom witness from charity offered a passage to Havana from the Bonny, where he was lying very sick, and has continued so since; this passenger had nothing whatever to do with the vessel or her lading; the present voyage began, and was to have ended, at Havana, which was the last clearing-port; and from which the detained vessel sailed direct to the River Bonny, where he anchored and purchased a cargo of slaves; observed the capturing ship on the evening of the 7th October, in the latitude of Cape Lopez, but lost sight of her again until the evening of the 10th, and was taken on the following morning; no resistance was made to capture; he (witness) is sole Owner of the vessel and her lading; the slaves were to have been landed at the first place he could reach near Havana, at his sole risk; no sails nor other articles belonging to the vessel were taken out at the time of capture, except some sperm candles and sweet-oil, which were taken by one of the Officers of the capturing vessel, who offered to pay for them, but witness declined it, as he was a prisoner; no sails or stores have been taken out of the vessel since."

The evidence of José Villaseca, the Boatswain, confirms that of the Master, on all points to which he can speak. With respect to the articles removed from the "Argos," he deposed that "on the day of detention an Officer came on board from the capturing ship, and took 4 jars of sweet-oil, and about 5 or 6 dozen of sperm candles; the Officer offered payment, but the Master refused to take it."

On the publication of the above evidence, the Captor's Proctor petitioned for leave to file an Affidavit of the Prize-Master, Mr. Rowlatt, on the subject of the articles removed from the detained vessel. Mr. Rowlatt therein states that, "at the time of capture, His Majesty's brig, 'Charybdis,' being in want of oil for the binnacle, and a few candles, the Commander gave a verbal order to the Clerk in charge to proceed on board the 'Argos,' and purchase from the Master the said articles; that a person on board, who spoke English fluently, and has since turned out to be a passenger (now dead), furnished the above articles; but on the Clerk tendering payment for the same, positively refused, on the part of the Master, to accept any remuneration; and the deponent further saith, that the said articles were for the use of his Majesty's service."

After this explanation, the Captor's Agent thought it right to replace, under the Court's permission, the missing property: he accordingly handed over 12 pounds of sperm candles and 12 gallons of oil, which will be sold with the other stores of the "Argos," by the Commissioner of Appraisalment and Sale, and will appear in the account-sales to be rendered by that Officer.

On the 20th instant an Affidavit of the number of deaths, which had taken place amongst the slaves up to the time of their being landed, was made by the Prize-Master; and on the 23d instant, the Monition, which had been issued on the 16th, was returned into the Registry of the Court, certified by the Marshal to have been duly served.

The Court met for the adjudication of the Case on the 24th instant, and a sentence was then pronounced, condemning the Spanish brig, "Argos," Narciso Esteva, Master, as good and lawful prize to the Crowns of Great Britain and Spain, and emancipating the survivors of her slaves, 366 in number, 429 having been on board at the time of capture, and 63 having died in the interval between capture and condemnation.

Sierra Leone, 26th November, 1835.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

No. 39.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Sierra Leone, 3d December, 1835.

WE have the honour to transmit, herewith, our Report of the Case of the Spanish schooner, "*Conde de los Andes*," Bartolomé Pedemonté, Master, captured by His Majesty's brig, "*Britomart*," Lieutenant William Henry Quin commanding, on the 18th October, 1835, near Fernando Po, with 282 slaves on board, three days out from the Rio Bras, where her slaves had been embarked, and bound to Havana, from which port she had cleared out for the Islands of Princes and St. Thomas.

The "*Conde de los Andes*" was brought before the British and Spanish Court of Mixed Commission, on the 22d ultimo, and her engagement in the prohibited traffic in slaves having been clearly proved, by the testimony of the persons concerned in carrying into effect the illicit object of her voyage, she was, on the 30th ultimo, condemned as good and lawful prize to the Crowns of Great Britain and Spain, and the survivors of her slaves, 269 in number, were decreed to be emancipated.

There were 282 slaves on board the prize at the time of capture, of whom only 13 died prior to the adjudication of the vessel. This fact is highly creditable to

the Prize-Officer, Mr. Burslem, and incontestably proves with what zeal and humanity he discharged the trust reposed in him.

(Signed) We have, &c.
H. W. MACAULAY.
WALTER W. LEWIS.

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

Enclosure in No. 39.

Report of the Case of the Spanish schooner, "Conde de los Andes," Bartolomé Pedemonté, Master.

THIS vessel bears the name of the Functionary whose signature is attached not only to her Papers, but to those of all the slave-vessels which have come before us for a long time past.

She cleared out from Havana on the 23d March, for the Islands of Princes and St. Thomas, with the usual Papers, consisting of a Royal Passport, a Contraseña, or Fort-pass, and a certified List of crew. These Documents declared her to be of 87 tons burthen, and to have on board a crew of 24 men; and they warn her against any participation in the illicit traffic in slaves.

Furnished with these Documents belonging to a voyage of lawful commerce, the "*Conde de los Andes*" came direct to the Coast of Africa, and immediately commenced trading for a return-cargo of slaves, of whom she took on board nearly 300 in the Rio Bras, and was detained, three days after leaving that river, by His Majesty's brig, "*Britomart*," Lieutenant William Henry Quin commanding.

She arrived at Sierra Leone on the 21st ultimo, and was brought into the British and Spanish Court of Mixed Commission on the following morning. The Marshal's Report gave us the gratifying intelligence, that only 10 slaves, out of 282, had died on the passage hither; and the Surgeon stated that these were an unusually fine body of slaves, and that there was little sickness amongst them. There were, however, 2 cases of dysentery, and numerous cases of crew-craw, and 10 of sore eyes, which required medical treatment; and the size of the vessel being quite inadequate to the proper accommodation of the number of persons on board, it was recommended that the slaves should be landed as soon as possible. This recommendation was shortly afterwards carried into effect, and the whole of the slaves were delivered into the custody of the Liberated African Department, pending the adjudication of the vessel.

The usual proceedings were then taken, in compliance with Petitions to that effect from the Captor's Proctor. The Affidavit of the Prize-Master, stating the particulars of capture, and verifying the Captor's Declaration and the Ship's Papers, was received and filed; a Monition, citing all parties interested to appear, was issued; and the evidence in preparatory was directed to be produced.

The Declaration is as follows:—"I, Lieutenant William Henry Quin, Commander of His Britannic Majesty's sloop, '*Britomart*,' hereby declare, that on the 18th day of October, 1835, being in or about latitude 4° 10' north, longitude 7° 0' 39" east, I detained the ship or vessel named the '*Conde de los Andes*,' sailing under Spanish colours, armed with one 6-pounder carronade, commanded by Bartolomé Pedemonté, who declared her to be bound from the River Nun to Havana, with a crew consisting of twenty-one men, and one passenger, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 278 slaves, said to have been taken on board at the River Nun, on the 15th day of October, 1835." Then follow the names of the crew and a List of the stores on board the prize at the time of capture.

The examinations on the standing interrogatories took place on the 24th ultimo. The Master deposed that "he was born at Carthagena, in the Levant; lives at Havana, and has resided there the last three years; is a subject of Spain, and has never served any other State; is not married, was appointed to the command of the detained vessel in March last, by the Owner of her, Don Ramon Font, who lives at Havana, and is a subject of Spain; has known the vessel only since he took charge of her, but believes her to have been built in Catalonia; was on board the detained vessel when she was seized for having slaves on board; she sailed under Spanish colours, and had none others on board; the vessel's name is '*Conde de los Andes*,' and she has been so called since witness shipped on board of her; knows of no other name by which she may have been called; she had five Officers besides witness, and eighteen men; believes them all to have been Spaniards, except one, who was an Italian, and has since died; they were all shipped at Havana; believes they were hired by Don Ramon Font, but cannot say when; neither he nor any of the Officers or crew had any interest in the vessel and her lading; was Master of the said vessel; the present voyage commenced and was to have ended at Havana, which was also the last clearing-port, from which she sailed for the Rio Bras, where a cargo of slaves was purchased and taken on board; first saw the capturing ship the day after he left the Bras River, about half past 5 o'clock A.M. of the 17th October, 1835; tacked towards shore, and set more sail, in order to get away, but was taken in sight of Fernando Po, after having been chased for three days; made no resistance to capture, but tried to escape; so far as witness knows, Don Ramon Font is the sole Owner of the vessel; does not know who the Laders, Owners, or Consignees might be, nor where the slaves were to be delivered, nor for whose account, risk, or profit, nor to whom the slaves would belong if restored; the Supercargo has the sole charge of such matters; believes 281 slaves were shipped in the Rio Bras, none of whom died previous to capture; believes nine or ten have died since; after capture the vessel was taken to Fernando Po; bulk was first broken in the Rio Bras; no slaves have been disembarked since capture."

The Cook of the vessel was likewise examined at length on the standing interrogatories, and his evidence tends to confirm the Master's statement in every respect.

The Monition, issued on the 23d, was returned into the Registry on the 30th instant, with the Certificate of the Marshal that it had been duly served; and the Prize-Master's Affidavit, as to the number of the deaths which had occurred amongst the slaves, having been received and filed, the Court proceeded at once to the adjudication of the vessel.

The charge of illicit slave-dealing having been clearly established against the "*Conde de los Andes*," a sentence of condemnation was pronounced. It had been proved that 282 slaves were on board the prize at the time of her capture, and that 13 had subsequently died; 269 were accordingly decreed to be emancipated.

The Court took occasion to congratulate the Prize-Officer, Mr. Burslem, on the happy result of his attention to the health and comfort of the slaves, as it has seldom been our lot to record so small a ratio of mortality in a crowded slave-vessel, and during a voyage of more than ordinary length.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.*Sierra Leone, 3d December, 1835.*

No. 40.

His Majesty's Commissioners to Viscount Palmerston.—(Received March 4.)

MY LORD,

Sierra Leone, 2d January, 1836.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of the 29th October, 1835, transmitting 12 Copies of the Treaty which was concluded on the 28th June last, between His Majesty and Her Majesty the Queen of Spain, having for its object the entire suppression of the Slave Trade of Spain.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 41.

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

MY LORD,

Sierra Leone, 2d January, 1836.

ENCLOSED we have the honour to transmit to your Lordship an Abstract of the proceedings in the British and Spanish Court of Mixed Commission, established in this Colony, between the 1st January, 1835, and the 1st January, 1836.

The number of Cases adjudicated was twelve, which were all Cases of condemnation; and 3,727 slaves were emancipated during that period.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 41.

Abstract of the Proceedings in the British and Spanish Court of Mixed Commission at Sierra Leone, in the period from the 1st January, 1835, to the 1st January, 1836.

1. The Spanish schooner, "*Sutil*," Juan Fremul, Master, cleared out from Havana on the 10th May, 1834, for the Island of St. Thomas. She came direct from Havana to the Galinas, in the neighbourhood of this Colony, and thence proceeded to the Calabar River, where she took on board a full cargo of slaves, and was returning with them to the Havana when she was detained by His Majesty's sloop, "*Pelorus*," Richard Meredith, Esquire, commanding, on the 17th December, 1834, laden at the time with 307 slaves.

The "*Sutil*" arrived here on the 23d January, 1835, and was brought into Court on the following day; and on the 31st of the same month she was condemned as a good and lawful prize, and the survivors of the slaves found on board of her were emancipated.

2. The Spanish brig, "*Formidable*," Manoel Mateu, Master, cleared out from Havana, for a legal voyage to the Island of St. Thomas, but came direct to the River Gallinas, in company with the same vessel last mentioned, and, with her, proceeded down to the River Calabar, where she embarked between

700 and 800 slaves, and left the river at the same time as the "*Sutil*," which acted throughout the voyage as a tender to her larger consort. On the same day that the "*Sutil*" was fallen in with by His Majesty's sloop, "*Pelorus*," the "*Formidable*" was encountered by His Majesty's brigantine, "*Buzzard*," Lieutenant Anthony William Milward commanding. The right of search, conceded by the Spanish Treaty, was, however, resisted in the most determined manner by the "*Formidable*," and an action ensued, which at length terminated, as such actions have ever done, notwithstanding the great disparity of force, in the capture of the slave-vessel and the loss of many of her crew.

The "*Formidable*" arrived in this harbour on the 28th January, and, on the following day, was brought before the Court, by which, on the 6th February, 1835, she was condemned as good and lawful prize, and the survivors of her slaves were emancipated.

3. The Spanish polacca-bark, "*Minerva*," Andres Puig, Master, left Havana in June, 1834, bound on a legal voyage to Bahia and St. Thomas. She went, however, direct to the Calabar River, where she embarked nearly 700 slaves; and was captured, with that cargo on board, whilst drifting down the river, in order to proceed to sea, by the boats of His Majesty's sloop, "*Pelorus*," Richard Meredith, Esquire, commanding, under the command of Mr. Barrow, the First Lieutenant. Every preparation had been made on board for a determined resistance, but a skilful surprise having been executed by Lieutenant Barrow, the "*Minerva*" was taken possession of without any loss of life on either side.

About an hour after capture, the Master, who had been absent, came on board with twenty-five slaves, whom he brought with him to complete his cargo. These slaves were placed with the others; but although their freedom was secured, they were not included in the decree of emancipation which liberated their companions.

The "*Minerva*" arrived in this harbour on the 20th February, 1835, and was brought to trial on the 28th of the same month, when a sentence of condemnation was pronounced, and the survivors of the slaves found on board of her at the time of capture were decreed to be emancipated.

4. The Spanish schooner, "*Iberia*," Juan Casas, Master, cleared out from Havana on the 7th August, 1834, for St. Thomas, but came direct to the Bonny, where she embarked 313 slaves, and was taken, with that number of slaves on board, shortly after leaving the river, by His Majesty's brigantine, "*Buzzard*," Lieutenant Anthony William Milward commanding.

Lieutenant Milward accompanied his prize in the "*Buzzard*," and both vessels arrived here on the 3d March. The prosecution of the "*Iberia*" in the British and Spanish Court commenced on the following day; and the evidence proved incontestably her illegal employment in the Slave Trade. A decree was accordingly pronounced on the 11th March, 1835, by which the vessel was condemned, and the negroes were emancipated from slavery.

5. The Spanish brigantine, "*El Manuel*," José Carbo, Master, cleared out from Havana for St. Thomas on the 17th October, 1834. From Havana the "*El Manuel*" came to the River Bonny, and there took on board a cargo of 387 slaves, who were to have been landed on some part of the Coast of Cuba; but this guilty intention was frustrated by her capture on the 23d February, 1835, by His Majesty's brigantine, "*Forester*," Lieutenant George Gover Miall commanding.

Having arrived at Sierra Leone, and proceedings been instituted against her, the fact of illegal slave-trading was clearly proved against the "*El Manuel*," and, on the 24th March, 1835, she was condemned as a forfeiture, and her slaves liberated.

6. The Spanish schooner, "*Bienvenida*," Luis Antonio de Andrade, Master, left Havana on the 25th June, 1834, for the Islands of Princes and St. Thomas. Having touched at Princes, she proceeded to the River Gaboon, and there embarked a cargo of slaves, and was on her return to Havana, when fallen in with and detained by His Majesty's brigantine, "*Buzzard*," Lieutenant Anthony William Milward commanding, on the 28th March, 1835.

On the 16th April, 1835, the "*Bienvenida*'s" Papers were brought into Court, and, on the 23d of the same month, she was condemned as lawful prize, and her slaves were emancipated.

7. The Spanish schooner, "*Conchita*," was seized in the Great Quaa Creek, in the Old Calabar River, on the 16th June, 1823, by the boats of the British frigate, "*Owen Glendower*," under the command of Commodore Sir Robert Mends. The boats, at the time, were under the direction of Lieutenant Clarkson. That Officer found the "*Conchita*" lying at anchor, and, on his approach, the persons on board jumped into the water, and swam to the shore. The vessel was in every way fitted for slaves; her platform was laid and dirty, as if lately used; and that peculiar smell was met with in the hold which is only known when negroes have been crowded together; the slave-coppers had evidently been lately used, as well as the mess-kids and spoons.

The Captors having been detained at Cape Coast by the war, which was at that time being carried on against the Ashantees, there was considerable delay in bringing the Case properly before the Court; and, indeed, when it at length came before the Commissioners, on the 9th February, 1824, it was deferred for further evidence. Since that time, no steps were taken in the matter, until the attention of His Majesty's Government was drawn to it, and a decision was directed to be given.

The only points for consideration were, whether the "*Conchita*" was a Spanish vessel at the time of seizure; and, if so, whether, during the voyage in which she was seized, she had committed an infraction of the Treaty with Spain for the repression of the Slave Trade.

The Court decided both points in the affirmative, and, on the 20th July, 1835, the evidence taken in the Case having been read by the Registrar, a decision was pronounced, condemning the "*Conchita*" as good and lawful prize, for having had slaves on board immediately previous to capture.

8. The Spanish schooner, "*Número Dos*," Francisco Talavera, Master, cleared out for Princes Island from St. Jago de Cuba, on the 26th January, 1835; and was captured, on the 15th June following, by His Majesty's brigantine, "*Forester*," Lieutenant George Gover Miall commanding, outside the bar of the Bonny, in which river she had embarked a cargo of 154 slaves, who were on board at the time of capture, bound for St. Jago de Cuba.

The "*Número Dos*" arrived here on Sunday, the 12th July, 1835, and the prosecution against her

was commenced on the following morning, which terminated on the 28th of the same month, when she was condemned to the Crowns of Great Britain and Spain, for being engaged in illicit Slave Trade, and the survivors of her slaves, 141 in number, were emancipated from slavery.

9. The Spanish brigantine, "*Volador*," Angel de Aguirre, Master, was condemned on the 25th August, 1835, for being engaged in illicit Slave Trade. She had been captured on the 29th July, 1835, by His Majesty's schooner, "*Fair Rosamond*," commanded by Lieutenant George Rose, whilst on her return-voyage to Havana, whither she was proceeding with a cargo of 487 slaves, whom she had taken on board in the River Bonny a short time previous. The usual proceedings were adopted against her on her arrival here and met with the usual termination, the condemnation of the vessel and the emancipation of her slaves, 428 in number.

10. The Spanish schooner, "*Semiramis*," Santiago de Diliz, Master, was detained outside the bar of the Bonny, by His Majesty's brigantine, "*Buzzard*," Lieutenant Thomas Lorey Roberts commanding, on the 2d September, 1835, with 477 slaves on board, who had been embarked on the same day in the river close to which the detention took place. The "*Semiramis*" arrived in this harbour on the 5th October, 1835, and, after the usual forms had been complied with, she was, on the 13th of the same month, condemned as good and lawful prize, and the survivors of her slaves were emancipated.

11. The Spanish brig, "*Argos*," Narciso Esteva, Master, was brought before the British and Spanish Court of Mixed Commission, on the 16th November, 1835, for a breach of the Slave Trade Restriction Treaty.

She had cleared out from Havana on the 7th May, 1835, for the Islands of Princes and St. Thomas, but came direct to the River Bonny for a cargo of slaves. After taking on board considerably more than 400 negroes, she commenced her homeward voyage, but was fallen in with and detained seventeen miles south of the line by His Majesty's brig, "*Charybdis*," Lieutenant Samuel Mercer commanding, on the 11th October, 1835. The capture of a Spanish vessel to the southward of the line, first practised about a year since, in the Case of the "*Arogante Mayaguesana*," has been since deemed perfectly legal. And as no doubt could exist as to the illegal employment of the "*Argos*," in conveying a slave-cargo, she was condemned as good and lawful prize, and the slaves on board of her were emancipated.

12. The Spanish schooner, "*Conde de los Andes*," Bartolomé Pedemonté, Master, exhibits all the usual features of illicit Slave Trade. She left Havana on the 23d March, professedly for the Islands of Princes and St. Thomas, but came direct to the Coast; and in the River Nun she was enabled to obtain a cargo of slaves in barter for the manufactured goods which she had brought with her. On the 18th October, 1835, this vessel was prosecuting her homeward voyage with 282 slaves on board, when she was chased and captured by His Majesty's brig, "*Britomart*," Lieutenant William Henry Quin commanding, and detained for being so laden. She arrived in this harbour on the 21st November, 1835; and the evidence which was subsequently taken having completely proved the Captor's case, the "*Conde de los Andes*" was condemned on the 30th of the same month, and the negroes on board of her were liberated from slavery.

Sierra Leone, 5th January, 1836.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

No. 42.

His Majesty's Commissioners to John Backhouse, Esq.—(Received March 25.)

SIR,

Sierra Leone, 5th January, 1836.

IN pursuance of the 75th Clause of an Act passed in the fifth 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 Spanish vessels, adjudicated in the British and Spanish Court of Mixed Commission, established in this Colony, between the 1st July, 1835, and the 1st January, 1836.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

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

Enclosure in No. 42.

Return of Spanish Vessels adjudicated by the British and Spanish Court of Mixed Commissions, established at Sierra Leone, between the 1st day of July, 1835, and the 1st day of January, 1836.

| NAME OF VESSEL. | NAME OF MASTER. | 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 Resitution. | Whether Property condemned has been sold or converted; and whether any part remains unsold, and in whose hands the Proceeds remain. |
|--------------------------|-----------------------------------|------------------|-----------------|------------|--------------------------------|---|-------------------|----------------------------|----------------------------------|---------------------------|--|---|
| | | | Latitude. | Longitude. | | | | | | | | |
| Conchita . . . | De Lima | 1835. 15 June | 4° 31' N. | 8° 33' E. | Schooner | Commodore Sir R. Mends, H. B. M. schooner, "Owen Glendower" | 1835. 20 July | .. | .. | .. | Condemned for being engaged in the illicit traffic in slaves. | { Vessel and Stores sold by Public Auction, and Net Proceeds paid into the High Court of Admiralty. |
| Numero Dos . . . | { Francisco Ta- lavera . . . } | 1835. 15 June | 4° 20' N. | 7° 0' E. | { Schooner and 154 slaves | { G. G. Miall, Esq., H. B. M. brig, "Foster" | 20 July | 13 | 141 | Ditto Ditto | { Vessel and stores sold by Public Auction, and the Proceeds paid into the Military Chest. | |
| Volador . . . | Angel de Aguirre | 29 July | 2° 39' N. | 8° 4' E. | { Brigantine and 487 slaves | { George Rose, Esq., H. B. M. schooner, "Fair Rosamond" | 25 August | 59 | 418* | Ditto Ditto | Ditto | |
| Semiramis . . . | Santiago de Diliz | 2 September | 4° 16' N. | 7° 11' E. | { Schooner and 477 slaves | { T. L. Roberts, Esq., H. B. M. brig, "Buzard" | 13 October | 51 | 426† | Ditto Ditto | Ditto | |
| Argos . . . | Narciso Esteva | 11 October | 0° 17' S. | 8° 23' E. | { Brig and 429 slaves | { S. Mercer, Esq., H. B. M. brig, "Charybdis" | 24 November | 63 | 361‡ | Ditto Ditto | Ditto | |
| Conde de los Andes . . . | { Bartolomé Pe- demonsté . . } | 18 October | 4° 10' N. | 7° 39' E. | { Schooner and 282 slaves | { W. H. Quin, Esq., H. B. M. brig, "Britonmart" | 30 November | 13 | 267§ | Ditto Ditto | Ditto | |

* Eight men and 2 women died before their descriptions could be taken to be registered.
 † Four men and 1 woman died after emancipation, and before their descriptions were taken to be registered.
 ‡ Four men and 1 woman died before their descriptions were completed to be registered.
 § One man and 1 girl died after their emancipation, and before their descriptions were completed to be registered.

Sierra Leone, 1st January, 1836.
 (Signed) R. L. MELVILLE,
 Registrar.

(Signed) H. W. MACAULAY.
 WALTER W. LEWIS.

No. 43.

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

MY LORD,

Sierra Leone, 8th January, 1836.

HEREIN we have the honour to transmit to your Lordship our Report of the Case of the Spanish schooner, "*Norma*," Tomas Echevarria, Master, seized on the 27th November last, with 234 slaves on board, off the mouth of the River Bonny, by His Majesty's brig, "*Buzzard*," Lieutenant Thomas Lorey Roberts, Commander.

The "*Norma*" was furnished with a Royal Passport, dated at Havana on the 7th July last, for a lawful trading-voyage from that place to St. Thomas; to which island however she did not proceed, but went direct from Cuba to the Bonny, where she shipped the slaves, with whom she was detained on the day of her leaving that river. She arrived in this harbour late on the 28th ultimo, and on the following day was brought into the British and Spanish Court of Mixed Commission, where the proceedings, usual in such cases, were at once taken.

This vessel was seized, prosecuted, and ready for adjudication, in virtue of the Treaty between Great Britain and Spain, signed at Madrid on the 23d September, 1817, when we had the honour of receiving from your Lordship the new Treaty, for the final abolition of the Slave Trade of Spain, signed at Madrid on the 28th June of the last year. In the present case, however, we decided that the prosecution, which had been commenced under the former Treaty, should be concluded under the same; and on the 6th instant, we proceeded to the adjudication of the "*Norma*," when that vessel was declared to be a good and lawful prize, under the Treaty of the 23d September, 1817, between Great Britain and Spain.

The Court also decreed the emancipation of 218 slaves, the survivors of the 234 slaves who had been captured on board this vessel.

During the passage of the "*Norma*" to Sierra Leone, eleven slaves died from disease, and four of them jumped overboard, and were drowned. The latter melancholy occurrence led to the Prize-Master placing the male slaves in irons, in which condition they arrived in the harbour. The slaves shipped from the Bonny River; and its neighbourhood, frequently exhibit the strongest desire for self-destruction, under the belief that after death they again return to their country and friends. Of the prevalence of this idea we have constantly evidence in the cases brought before the Court, and we cannot, therefore, but look upon the confinement in irons of the male slaves of this vessel as a prudent proceeding on the part of the Prize-Officer, by which probably many lives have been preserved.

We have, &c.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 43.

Report of the Case of the Spanish schooner, "Norma," Tomas Echevarria, Master.

THE Spanish schooner, "*Norma*," commanded by Tomas Echevarria, was furnished at Havana with a Royal Passport, dated 7th July, 1835, and numbered 166, authorising her to proceed, on a lawful commercial voyage, from that port to the Island of St. Thomas. She however went direct to the River Bonny for a cargo of slaves; with which, on the return-voyage to Havana, she was detained, on the 27th November, 1835, in latitude 4° 17' north, longitude 7° 10' east, by His Majesty's brigantine, "*Buzzard*," Lieutenant Thomas Lorey Roberts, Commander.

The "*Norma*" arrived in this port in the afternoon of the 28th December, and was immediately visited by the Surgeon to the Courts, who found that, during the vessel's passage to this place four of the slaves had thrown themselves overboard and been drowned; the majority of the slaves being Beebees, a race of people, who, in a state of slavery, have a remarkable proneness to attempt self-destruction, and which appeared to have been so universal among the males of this slave-cargo, that it was found necessary, after the occurrence of the instances noticed, to confine the remainder of them in irons, in which state they arrived in this harbour. One of the adult males was lying dead on the deck, having just expired; and two boys were in a dying state, beyond the probability of relief; but there was little or no disease among the rest of the slaves, many of whom were, however, in a very weakly state. The Surgeon recommended that the whole of the slaves should be landed as soon as possible, as well with the view of removing them from the scene of their favourite mode of self-destruction, as of affording them more comfortable and suitable accommodation than the dimensions of the vessel were calculated to afford.

The following morning, the 29th December, the Proctor for the Captor brought in the Seizor's Declaration, accompanied by the Prize-Officer's Affidavit, describing the seizure, and authenticating

the Ship's Papers, which were then lodged in Court; and at his Petition the usual Monition was issued.

The Declaration of the Captor is to the following effect:—"I, Thomas Lorey Roberts, Commander of His Britannic Majesty's brigantine, 'Buzzard,' hereby declare that, on this 27th day of November, 1835, being in or about latitude 4° 17' north, longitude 7° 10' east, I detained the schooner named the 'Norma,' sailing under Spanish colours, armed with small arms, commanded by Don Tomas Echevarria, who declared her to be bound from the River Bonny to the Havana, with a crew consisting of twenty men and boys, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 236 slaves, said to have been taken on board at Bonny, on the 27th day of November, 1835."

On the same day, the 29th ultimo, the slaves were landed, the healthy people being received by the Liberated African Department in Freetown, and the sickly in the Lower Hospital at Kissy.

The examinations in preparatory, on the standing interrogatories, of the Master and Cook of the "Norma," took place on the following day, the 30th ultimo. Tomas Echevarria, the Master of the "Norma" deposed that "he was born at the Havana, and has always lived there; is a Spanish subject, and has never served any other State; is not married; was appointed to the command of the captured vessel by the Owners, José Yuclan, Juan Justo, Rafael Crieto, and José Mir, all residents at the Havana, and Spanish subjects; took possession of the vessel at the Havana, on the 11th July last; possession was delivered to witness by the said José Mir; has known the vessel only since he shipped on board of her; saw her then for the first time; believes she was built in America; was present when the vessel was seized; she was captured for having slaves on board; sailed under Spanish colours, and had no others, except as signal-flags; the name of the vessel is 'Norma,' and she has been so called ever since witness shipped in her; her name previously was 'Nima;' she is 75 tons burthen, and had a crew of twenty-four persons, exclusive of witness, who were all Spaniards, except the Cook, who was a native of Africa; they were all shipped at Havana, and hired by witness, by the order of the Owner, José Mir; neither he (witness) nor any of the Officers or crew had any interest in the vessel or her lading; was Master of the detained schooner; the present voyage commenced at Havana, and was to have ended there, which was also the last clearing-port; the schooner went to the Bonny to take in slaves, where she shipped 236 from the shore; first saw the capturing vessel about three leagues distant, at half-past P.M. of the 27th November last; was then in latitude 4° 9', north; was chased immediately, and captured at 9 P.M. of the same day; he was steering for the Havana, when the chase began; on being chased, he tacked and stood for the Bonny; no additional sail was hoisted; the Ship's Papers were for St. Thomas, but he went to the Bonny to get slaves; never intended calling at St. Thomas; no resistance was made to capture; had no instructions to make any, nor to conceal, or refuse to deliver up any of the vessel's Papers; the Owners of the vessel at the time of capture were José Yuclan, Juan Justo, Rafael Crieto, and José Mir; knows them to be such from their having given him possession as Master; cannot say whether they are any of them married men, or how long they have resided at Havana, or where they lived previously; knows nothing about a Bill of Sale, or from whom the said Owners obtained the detained vessel, or for what consideration; but verily believes, if the said vessel be restored, she will belong to the said four persons and no others; knows nothing of any private agreement for the return of the vessel to her former owners; there was no Consignee; the slaves were to have been delivered on the coast of Havana, for the sole account, risk, and benefit of the said José Yuclan, Juan Justo, Rafael Crieto, and José Mir; should the slaves be restored, they will belong to the individuals above-named, and to no others; knows it to be the case, because they gave him possession of the vessel and the cargo to make trade with; does not know what lading the vessel had on her last voyage, or where it was shipped; the present cargo is slaves, of whom 236 were shipped; does not recollect their particular descriptions; they were all taken on board at the Bonny from the shore; none died previous to capture, but some have died since, does not know how many; the vessel came direct to Sierra Leone after capture; the Passport and other Papers were all true and fair; knows nothing to affect the credit of any of them; knows nothing of any Bill of Lading or other Papers regarding the vessel or her cargo being in any country whatever; is ignorant whether the ship or her cargo, or any part of either, be insured or not; the vessel has been under witness's management in regard to her employment in trade, and he corresponds with the four Owners above-named on the concerns of the vessel and her cargo, and with them only; bulk was first broken in the Bonny; bulk has not been broken, or any slaves disembarked, since capture."

The deposition of the Cook of the vessel, Felipe Santiago, confirmed that of the Master, as to the "Norma" having gone direct from Havana to the Bonny, and there shipped a cargo of slaves; and as to her being in the act of proceeding with them under the Spanish flag to Havana, when detained by His Majesty's brigantine, "Buzzard," off the Bonny River.

The evidence of the Master, describing the Owners of this vessel to be "Dons José Yuclan, Juan Justo, Rafael Crieto, and José Mir, all Spanish subjects," is in direct contradiction to the Bill of Sale of the vessel delivered up by the Master at the time of her seizure, with the other Ship's Papers; all of which he swears to be "true and fair," although, when previously interrogated as to the Bill of Sale, he deposed that "he knew nothing" about such a Document. The Bill of Sale in question is a transfer of this vessel in the usual form at Havana, on the 27th June last, from Marcus Marcedal, a resident merchant of Havana, in consideration of the receipt of \$2,000 to John Simeon, a native of Catalonia, and also resident at Havana; Marcedal, two days previous to the sale of the "Norma," having bought her from Francis Planas, of Havana, Agent of Joseph Prat, of New Orleans.

This false statement of the Master, respecting the ownership of the vessel, we cannot but believe to have been made with a similar object to that avowed by the Masters of the lately condemned Spanish slavers, "Volador" and "Semiramis," of preventing "its being publicly known who were the real Owners," lest they should incur the penal consequences to which it is alleged they would be exposed if discovered.

On the 1st January, 1836, the Affidavit of the Prize-Officer, Mr. Nelson Locker, was filed, accounting for the deaths which had taken place among the slaves during their passage to this port; by which it appeared that four of them threw themselves overboard and were drowned, and eleven died from disease, although every care and attention on the part of the Prize-Officer and his crew was afforded to these people.

The case of the Captors being closed, their Proctor, on the 4th instant, prayed an early day for trial, which Petition was granted for the 6th instant.

On the 5th current the Monition, issued on the 29th December last, was returned into Court, certified to have been duly served; and the Court, according to notice, met on the 6th instant for the adjudication of the "*Norma*," when that vessel was pronounced to be good and lawful prize to the Crowns of Great Britain and Spain, having been seized by His Britannic Majesty's brigantine, "*Buzzard*," Lieutenant Thomas Lorey Roberts commanding, whilst engaged in the illicit traffic in slaves, contrary to the provisions of the Treaty between Great Britain and Spain, signed at Madrid on the 23d September, 1817. The Court further pronounced that it had been proved that, at the time of capture, there were 234 slaves on board, of which number sixteen had died, and decreed the emancipation from slavery of the surviving 218 slaves.

Sierra Leone, 6th January, 1836.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

SIERRA LEONE. (*Portugal.*)

No. 44.

The Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 16th March, 1835.

I HEREWITH transmit, for your information, the Copies of a Correspondence which has passed between His Majesty's Envoy at Lisbon and myself, on the subject of the encouragement that seems to have been given by the Portuguese Authorities at Princes Island and St. Thomas to the Slave Trade, as illustrated in the case of the "*Apta*," of which a Report was given in your Despatch of the 27th of June, 1834.

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

I am, &c.
 (Signed) WELLINGTON.

Enclosure in No. 44.

Lord Howard de Walden to the Duke of Wellington.
 Lisbon, 21st February, 1835.
 (See Class B.)

No. 45.

The Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 16th March, 1835.

I HEREWITH transmit, for your information, the Copies of three Despatches which I have received from His Majesty's Envoy at Lisbon, containing the account of two vessels, the "*Minerva*," alias "*Esperança*," and the "*Hercules*," which have recently been fitted out at that port, apparently for the Slave Trade.

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

I am, &c.
 (Signed) WELLINGTON.

Enclosures in No. 45.

Lord Howard de Walden to the Duke of Wellington.
 Lisbon, 12th February, 1835.
 " 21st " "
 " 26th " "
 (See Class B.)

No. 46.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Sierra Leone, 28th November, 1834.

WE have the honour to report to your Lordship the arrival in this Port on the 12th instant of the Portuguese schooner, "*Felicidad*," Francisco Paulevito, Master, detained by His Majesty's schooner, "*Nimble*," Lieutenant Charles Bolton commanding, close to Cape Maize, in the Island of Cuba, on the 18th of August last, for being engaged in the illicit traffic in slaves.

The steps subsequently taken by Lieutenant Bolton with regard to his prize were similar to those adopted about two years since in the Case of the Portuguese brig, "*Hebe*," which was also captured by His Majesty's schooner, "*Nimble*."

The detention of the "*Felicidad*" took place after two hours' chase, about twelve o'clock at night. A short time before she was boarded the Master and all his Officers escaped in the boat to the shore, carrying with them all the Ship's Papers. We have thus been deprived of the means of clearing up a great part of the mystery and suspicion which rest upon the voyage in the prosecution of which the "*Felicidad*" was captured.

It appears from other sources, from the evidence of that part of the crew who were examined at this place, and from the undoubted testimony of persons well acquainted with the vessel, which was lately trading in the neighbourhood of this colony, that the "*Felicidad*" was a few months since the French schooner, "*Felicité*," owned by two French gentlemen of the name of Laporte, by whom she was carried into the Rio Nunez, for the purpose of shipping on board of her a cargo of slaves from that river, and that the speculation having proved unsuccessful, owing to the activity of the French Squadron, she was sold to the Portuguese Governor of Bissao, by whom she was loaded with slaves for sale in the Cuba market. The fulfilment of this guilty intention, by which national laws and solemn Treaties would have been equally violated by one who had been appointed to be the guardian of both, was happily frustrated, by the capture of the "*Felicidad*" within three or four miles of the island where her miserable cargo would have been disposed of.

When taken this vessel had 164 slaves on board; two died on the passage to Nassau, New Providence, in the Bahama Islands, and the surviving 162 slaves were taken charge of there by the Lieutenant-Governor of the Islands.

From Nassau the "*Felicidad*" came to this place, where alone a Mixed British and Portuguese Commission exists, and on the 13th instant proceedings were commenced against her in the usual form. By the evidence taken in the Case, the voyage of the detained vessel was clearly proved to have been illegal, both on account of the place where her slaves were embarked, and because she was bound to a port not within Dominions of Her Most Faithful Majesty. She was also unprovided with a Royal Passport. No defence was of course attempted under these circumstances, and sentence of condemnation was pronounced upon the vessel on the 21st instant. The slaves landed at Nassau, or the survivors of them, were at the same time decreed to be emancipated.

Such is the summary of the facts detailed in the enclosed Report. We have frequently had occasion to complain to your Lordship of the barefaced connivance at illicit Slave-Trade transactions displayed by the Portuguese Authorities on this coast. But such conduct is not much to be wondered at, when we see those Authorities openly engaged themselves in similar contraband adventures.

We have, &c.

(Signed)

THOMAS COLE.

H. W. MACAULAY.

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

&c.

&c.

&c.

Enclosure in No. 46.

Report of the Case of the Portuguese schooner, "Felicidad," Don Francisco Paulevito, Master.

THIS vessel was captured, on the 18th of August last, off Cape Maize, in the Island of Cuba, by His Majesty's schooner, "Nimble," Lieutenant Charles Bolton commanding, after a chase of two hours. On boarding her it was found that the Master and the Boatswain had escaped on shore, carrying with them the Log and the Ship's Papers. Our inability from this circumstance to give any description of the Documents with which the vessel was furnished is much to be regretted in this case, from the suspicious circumstances which attended the ownership of the prize and the shipment of her slaves at the Portuguese Settlement of Bissao.

The Captor's Declaration is to the following effect:—"I, Lieutenant Charles Bolton, Commander of His Majesty's schooner, 'Nimble,' hereby declare that on the 18th day of August, 1834, being in or about latitude north 19° 49', longitude west 74° 20', I detained the schooner, said to be named the '*Felicidad*,' sailing under Portuguese colours, armed with one gun, a 6-pounder, and said to be commanded by Francisco Paulevito, who escaped on shore at the Island of Cuba, together with the First and Second Mates and Boatswain, a short time previous to capture. Antonio Silva (the Cook), who was found on board, declared her to be bound from Bissao, on the Coast of Africa, to the Island of Cuba, with a crew consisting originally of fifteen men, only eleven of whom were on board at the time of capture, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 164 slaves, said to have been taken on board at Bissao on the 21st July, 1834."

This Declaration is signed by the Commander, and witnessed by the first Officer and Assis Surgeon of the capturing ship. The Certificates of the same Parties are attached, on the 19th and 24th August, stating the fact of one death having occurred amongst the slaves on each of those days.

From the place of capture the prize was carried to Nassau, New Providence, where Lieutenant Bolton applied to his Excellency Blaney Townley Balfour, Esquire, Lieutenant-Governor of the Bahamas, for instructions as to the disposal of the slaves. His Excellency immediately ordered a Medical Board to ascertain the state of their health. On the 29th August the Board reported that the slaves could not, in the condition in which they were found to be by the Surveyors, "encounter a voyage back to the Coast of Africa, without incurring great loss of life. It was therefore recommended that the said slaves might be landed at Nassau, and their health attended to."

The recommendation of the Medical Board was instantly complied with; and on the same day a Receipt was given by the Collector for 162 slaves received under his charge.

A subsidiary Declaration, stating the necessity which led to the disembarkation of the "*Felicidad's*" slaves at Nassau, was then made by Lieutenant Bolton, in the form prescribed in the Regulations.

On the 12th instant the "*Felicidad*" arrived in this harbour, with two of the detained crew on board: her arrival and the circumstances of her capture were duly reported by the Marshal on the following morning.

On the same day the vessel was admitted into the British and Portuguese Court on the Petition of the Captor's Proctor; the Affidavit of Mr. Boys, the Prize-Master, as to the seizure, was received; the usual Monition was issued; and leave was given to produce evidence in preparatory.

Mr. Boys deposed that His Majesty's schooner, "*Nimble*," Lieutenant Charles Bolton commanding, was authorised and empowered to make seizures of Portuguese vessels engaged in the Slave Trade; and he accounted for the non-production of any Ship's Papers by saying "that there were no Papers or Documents found on board the detained vessel, the Master, First and Second Mates, and Boatswain, having escaped on shore on the Coast of Cuba, a short time previous to capture, and are supposed to have taken the schooner's Papers with them."

The documentary evidence filed consisted of the Letters which passed between Lieutenant Bolton and His Excellency the Governor of the Bahamas, of a certified Copy of the Report of a Medical Board as to the health of the "*Felicidad's*" slaves, and of a Receipt from the Collector of Customs at Nassau for the 162 Africans, who were landed from the prize and placed under his charge.

The witnesses in preparatory were ordered to be in attendance at the Registry of the Court on the following morning.

On the 14th instant, Emanuel Fortez, who styles himself Cook, though he is called a seaman in the Captor's List of Crew, and Antonio Manuel, a seaman of the detained vessel, were examined on the standing interrogatories.

It will be sufficient to give the evidence of the latter, which is more distinct and explicit than that of the former, by which however it is corroborated in every material point. Antonio Manuel deposed, "that the name of the Captain of the detained vessel is Francisco Paulevito; that he has known the Captain about two years; that the Captain was born at Lisbon, lives at Bissao, and is not married; that the Captain was appointed to the command of the vessel by Caetano, and received her from a Frenchman of the name of Laporte; that he has known the vessel since July last, and saw her first at Bissao, but does not know where she was built; that he was on board when the vessel was taken; supposes she was taken for having slaves on board; that she was under Portuguese colours, and had no others; that the vessel is called the '*Felicidad*,' and was called by the French, when she was purchased, the '*Felicité*;' that he does not know her tonnage; that she had two Officers and he thinks ten men, who were natives of the Cape de Verde Islands, and came on board at the same time that he did at Bissao; that he had no interest in the vessel or her cargo, nor had any of the Officers and crew, except the Captain, who had one slave; that he served as a seaman on board the captured vessel; that there was one passenger, a Spaniard, named Caeton; but he had nothing to do with the vessel or cargo that he knows of; that the present voyage began at Bissao, and was to have ended at St. Jago de Cuba; Bissao was the last clearing-port the vessel sailed from previous to capture; that she went direct from Bissao to Cuba; that she was taken about three miles from Cuba, near Cape Maize; does not know the day; that they saw the capturing ship about 10 o'clock at night, and were taken about two hours afterwards; that the Captain, Mate, Boatswain, and Passenger, went away in the boat about 11 o'clock in the night for the shore; that the vessel had one gun mounted, one musket, and three or four cutlasses, and a little powder on board; that the arms were for the purpose of controlling the slaves; that they had no orders to resist, or to destroy, or conceal the Papers, nor did they destroy or conceal them; that Caetano is the Owner of the vessel; knows him to be so, because he received his pay from him; that Caetano is a native of Fogo, one of the Cape de Verde Islands, but lives at Bissao, and is not married; that he does not know how long he has remained there, nor his former place of abode; that he knows nothing of any Bill of Sale for the vessel, nor of the sum paid for her; that he believes her to be really the property of Caetano; that the slaves were put on board by the Owner, Caetano, who lives at Bissao, and carries on his business there; that the slaves were to have been landed at St. Jago de Cuba, he believes, on account and at the risk of the aforesaid Owner; that he has no reason to doubt the slaves having been really the property of Caetano; that the vessel had nothing but slaves as cargo when she left Bissao; that he does not know how many slaves were taken on board, but they were shipped at the Catalina River, in the day-time, about three leagues from the Town of Bissao; that about twenty slaves died before capture; that he knows nothing as to the nature of the Papers which were on board."

On the 17th instant publication of the evidence in preparatory was decreed, on the Petition of the Captor's Proctor.

The Monition, citing all parties interested in the vessel to appear, which had been issued on the 13th, was returned on the 20th instant, with the Certificate of the Acting-Marshal that it had been duly served. Its return was immediately followed by a Petition, on behalf of the Captor, for a time to be appointed for the trial.

A Court was accordingly summoned for the following day.

Notwithstanding the absence of all Ship's Papers in this Case, which might prove the national character of the "*Felicidad*," the Court did not hesitate for a moment in acknowledging her as a Portuguese vessel.

By the Declaration of the Captor, and the Affidavit of the seizure made by the Prize-Officers, appears that she was under Portuguese colours at the time of her capture; and the evidence of the two Portuguese witnesses shows that she was owned by a noted Portuguese slave-trader at the Portuguese Settlement of Bissao, and that she cleared out from that place for Havana.

The "*Felicidad*" was thus clearly brought within the provisions and penalties of the Portuguese Convention of the 28th July, 1817. Her slaves were illegally shipped at Bissao, in a northern latitude, and she was illegally bound to a place "not within the Dominions of Her Most Faithful Majesty."

Such facts were abundantly sufficient to prove that, at the time when the "*Felicidad*" was detained by one of His Majesty's ships, duly authorised to make such seizures, she was engaged in the illicit traffic in slaves.

The Court accordingly decreed that the Portuguese schooner, "*Felicidad*," Francisco Paulevito, Master, was justifiably captured by His Majesty's schooner, "*Nimble*," Lieut. Charles Bolton, commanding, and that she be condemned, her hull, tackle, apparel, and furniture, and the goods, wares, and merchandises, laden therein, as good and lawful prize to the Crowns of Great Britain and Portugal.

The Court further declared it to have been proved that there were on board the "*Felicidad*," at the time of capture, 164 slaves, and that 162 slaves were landed at Nassau, in New Providence, Bahama Islands; and it decreed the said 162 slaves, or the survivors of them, to be emancipated from slavery.

In the first part of this Report an allusion is made to the suspicious circumstances which attended the ownership of the "*Felicidad*" and the shipment of her slaves at Bissao.

The evidence of the witnesses produced by the Captor went to show that this vessel was sold some months ago by a M. Laporte, a Frenchman, to M. Caetano, a Portuguese merchant at Bissao, and that she was loaded by him with slaves, and despatched to the Island of Cuba. It appears from the evidence of several persons, and more particularly from the valuable information which we are continually receiving from a gentleman, whose mercantile pursuits lead him to be a good deal in the rivers to the north of the Colony, that Caetana, the Owner of the "*Felicidad*" and the Lader of her slaves, is the Portuguese Governor of Bissao, well known on the Coast by the abbreviated appellation of "Kyetan." On the passage of the "*Felicidad*" from the West Indies to Sierra Leone, she put into the Isles de Loss, to supply herself with fresh water and provisions, what she had on board having been completely exhausted. She was immediately recognised as the French vessel which had been lying in the River Nunez, a few months before, waiting for a cargo of slaves. On that occasion, the two Messrs. Laporte were so closely watched by the French squadron, that they found it impossible to carry their slave-trading intentions into effect; they lost a good deal of money; and one of them, in despair, shot himself in the cabin of the vessel, which still bears the marks of the perpetration of the suicide. The surviving partner then sold the schooner to Kyetan, who at once loaded her with slaves and despatched her, with her miserable cargo, to the Island of Cuba, in open defiance of the laws which he had been appointed to administer.

(Signed)

THOMAS COLE.

H. W. MACAULAY.

Sierra Leone, 28th November, 1834.

No. 47.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Sierra Leone, 3d December, 1834.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of the 8th October, 1834, transmitting to us the Copy of a Despatch which your Lordship had addressed, by His Majesty's command, to His Majesty's Envoy in Portugal, on the subject of the Portuguese slave-vessel, "*Maria da Gloria*."

We respectfully thank your Lordship for this Communication; and we have much pleasure in perceiving that your Lordship's more luminous judgment has sanctioned and confirmed the opinion that we formed on that difficult and distressing Case.

We have, &c.

(Signed)

THOMAS COLE.

H. W. MACAULAY.

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

&c.

&c.

&c.

No. 48.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Sierra Leone, 5th January, 1835.

WE have the honour to transmit, enclosed, to your Lordship, an Abstract of the proceedings in the British and Portuguese Court of Mixed Commission established in this Colony, from the 1st January, 1834, to the 1st January, 1835.

Six vessels were adjudicated during that time; five of them were condemned and the other was restored to her Owners; and 909 slaves were emancipated from slavery.

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

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

Enclosure in No. 48.

Abstract of Proceedings in the British and Portuguese Court of Mixed Commission at Sierra Leone, in the period from the 1st January, 1834, to the 1st January, 1835.

1. The barque, "*Maria da Gloria*," cleared out from Rio de Janeiro for Benguela, Nova Redondo and Angola, on the 15th May, 1833. She was declared in her Clearance to be a Portuguese vessel, the property of a Portuguese subject named Ribeiro, and to be under the command of Francisco Paulo de Vellozo. On the arrival of the vessel at St. Paul de Loando, Vellozo, who acted as Agent for the Owner, left the vessel, and appointed Joaquim Gerardo Cordony to the command of her in his stead.

All the usual formalities required from vessels engaged in legal traffic having been complied with, the "*Maria da Gloria*" cleared out from Loando for Rio de Janeiro on the 25th October, 1833, with a few hides and mats consigned to the Owner, Ribeiro, at that place, and with a few barrels of gum copal consigned to another party.

On the following day upwards of 430 slaves, most of them children, were embarked outside the bar of the port of St. Paul de Loando, and the vessel then sailed, with the intention of landing her cargo on some part of the Coast of Brazil. This intention was, however, frustrated by her capture, off the mouth of Rio Harbour, by His Majesty's brig, "Snake," William Robertson, Esq., commanding, by whom she was detained, on the ground that she was at the time engaged in the illicit traffic in slaves.

On the prize being brought by the Captor before the British and Brazilian Court of Mixed Commission at Rio, that Court declined taking cognizance of her Case, declaring that "it was not competent to its final decision," owing to the national character of the "*Maria da Gloria*" being Portuguese.

She was, therefore, committed to the charge of a Prize-Officer and crew for conveyance to Sierra Leone, and arrived here on the 19th February, 1834. Three day afterwards, the Case was regularly brought before the British and Portuguese Court established in this place, and the usual proceedings against the vessel were commenced on the part of the Captor. A Claim having been filed by the Master of the "*Maria da Gloria*," on behalf of the Owners, for the restitution of the vessel and her slaves, and other cargo, with costs, damages, and expenses, the Court met on the 14th March, 1834, to adjudicate on the claim.

The detention of the "*Maria da Gloria*" to the southward of the line having been decidedly in violation of the 4th Article of the Instructions for the men-of-war employed in the suppression of the Slave Trade, the Court decreed that she should be restored to the Claimant, notwithstanding the illegality of several of his proceedings; and it was referred to the Registrar to ascertain the amount of costs of suit, and special damages and expenses, occasioned to the Claimant by the illegal detention of his vessel.

Demurrage and indemnification for loss of slaves were denied to the Claimant, from a consideration that the granting the compensation claimed under those heads was opposed to the 8th and 9th Articles of the Regulations attached to the Portuguese Treaty. Exclusive of these items, the Registrar reported that the Claimant was entitled to 180*l.* 9*s.* 4*d.* sterling. This sum, however, was only provisionally decreed to the Claimant, owing to his having been captured in the prosecution of an adventure, which, by his own admission, and by the clearest evidence, had been proved to be contraband in every particular from the beginning to the end; and he was only to receive the amount thus stated by the Registrar, provided the British and Portuguese Governments agreed and declared that the said amount ought to be paid, according to the true intent and meaning of the Convention between Great Britain and Portugal, but not otherwise.

The Ship's Papers were then delivered up to the Claimant of the "*Maria da Gloria*," and that vessel left the harbour with the survivors of the slaves whom she had brought into it, with the exception of sixty-four, who were too sick to allow of any hope of their living, should they have continued on board, and who were presented to the Colonial Government, through the humane interposition of the late lamented Governor Temple.

2. The Portuguese schooner-boat, "*Apta*," was built and owned at Princes Island. Her Owner, Don Maria Xavier, as well as the Master, Christovao Xavier Vellozo, were well known residents on that Island, which was also their birth-place. The vessel was only thirty feet long, and at the same time in a rotten and unserviceable state. She cleared out from Princes Island, on the 5th November, 1833, for "the ports of the adjacent coast, and the Island of St. Thomas," with the usual cargo of goods for the Slave Trade. These goods were disposed of at Cape Lopez in barter for fifty-four slaves, with whom the "*Apta*" was proceeding to her destination, the Island of St. Thomas, when she was fallen in with and detained by His Majesty's sloop, "Trinculo," Richard Laird Warren, Esq., Acting Commander, on the 27th December, 1833, in 0° 20' north latitude, and 8° 6' east longitude. The very small size of the vessel and her unseaworthy condition precluding the possibility of her being sent up to Sierra Leone for adjudication, she was taken to Fernando Po, where the slaves were disembarked, and, with the vessel, were placed under the charge of Colonel Nicolls, the Superintendent, who gave Receipts for the same. Nothing further was done in the matter by the Captors at that time, as His Majesty's sloop, "Trinculo" was obliged to go on at once to the Cape of Good Hope.

On the 12th June, 1834, Acting-Commander Warren, the Captor, arrived at this place, with the Ship's Papers, and with the Master and first Officer of the detained vessel, as witnesses in proof of his case. The prosecution of the vessel was immediately commenced; and the fact of illegal Slave Trade having been clearly established, even by the admission of the parties concerned, sentence of condemnation was pronounced against the "*Apta*" on the 25th June, for a violation of the second and fourth Articles of the Portuguese Convention, and the first Article of the Alvará of Her Most Faithful Majesty of the 26th January, 1818. It was also decreed that there had been fifty-four slaves on board the "*Apta*" at the time of her capture; that the same number were landed at Fernando Po; and that the survivors of that number should be emancipated.

3. All the circumstances attending the Case of the Portuguese schooner-boat, "*Santissimo Rozario e Bom Jesus*," closely resemble those that have been referred to in our Abstract of the last Case (the "*Apta*"). The Papers of this vessel, received from the Provisional Government of Princes Island, were dated about the same time as those granted to the "*Apta*;" they were also in the same form, written by the same hand, and signed by the same Authorities; both vessels were nearly equal in size, and having sailed to the same place, both embarked there the same number of slaves on the same day.

Whilst steering for Princes Island, and within a short distance of the place, the "*Santissimo Rozario e Bom Jesus*" was detained by His Majesty's sloop, "*Trinculo*," Richard Laird Warren, Esquire, commanding, with fifty-four slaves on board, and was then carried to Fernando Po, in company with the "*Apta*." The vessel and her slaves were there taken charge of by Colonel Nicolls, the Superintendent of the Settlement, by whom a Receipt was given, which was produced, and lodged in the Registry of the Court. The evidence of illicit slave-dealing being conclusive, and no claim whatever having been made on behalf of the Owners, condemnation was decreed against the "*Santissimo Rozario e Bom Jesus*," and the fifty-four slaves found on board of her were emancipated.

4. The Portuguese brig, "*Tamega*," José Lopes Ferreira, Master, took on board in the River Lagos a cargo of upwards of four hundred and forty-five slaves, and within a short distance from that river she was detained by His Majesty's brig, "*Charybdis*," Lieutenant Samuel Mercer commanding, in 5° 28' north latitude, on the 14th June, 1834.

Having arrived in this harbour on the 4th July, 1834, the "*Tamega*" was immediately prosecuted in the British and Portuguese Court, and sentence of condemnation was pronounced against her on the 12th of that month, her Case exhibiting almost every feature of illegal Slave Trade contemplated by the Portuguese Convention. 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 six 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 survivors of the "*Tamega's*" slaves were at the same time emancipated.

5. The Portuguese schooner, "*Despique*," José Maria de Oliveira, Master, was captured off the Isle of Pines, in Cuba, on the 25th May, 1834, by His Majesty's schooner, "*Firefly*," Lieutenant John Julius Macdonnell commanding, with two hundred and fifteen slaves on board. These slaves were landed in Nassau, New Providence, Bahama Islands, in imitation of the approved practice which has hitherto been adopted by vessels captured under similar circumstances, and she was then despatched to Sierra Leone for adjudication. On the 1st September, 1834, the "*Despique*" was condemned in the British and Portuguese Court of Mixed Commission; her want of a Royal Passport, and her being bound to a port not within the Dominions of Portugal, were deemed to be such manifest infractions of the Portuguese Convention as to render her capture under such circumstances perfectly justifiable. The slaves landed at Nassau were on the same grounds decreed to be emancipated.

6. The Portuguese schooner, "*Felicidad*," Francisco Paulevito, Master, was captured off the Island of Cuba by His Majesty's schooner, "*Nimble*," Lieutenant Charles Bolton commanding, on the 18th August, 1834, with a cargo of slaves on board, which had been embarked at the Portuguese Settlement of Bissão. The slaves, to the number of one hundred and sixty-two, were landed, as usual in such cases, at Nassau, in New Providence, Bahamas, and the vessel proceeded to Sierra Leone, where the proofs which were exhibited of illegal slave-trading on the part of the "*Felicidad*" being perfectly conclusive, she was condemned on the 21st November, 1834, and the survivors of the slaves landed at Nassau were emancipated.

(Signed)

THOMAS COLE.
H. W. MACAULAY.*Sierra Leone, 5th January, 1835.*

No. 49.

His Majesty's Commissioners to John Backhouse, Esq.—(Received April 24.)

SIR,

Sierra Leone, 5th January, 1835.

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 July, 1834, to the 1st January, 1835.

We have, &c.

(Signed)

THOMAS COLE.
H. W. MACAULAY.*John Backhouse, Esq.**&c. &c. &c.*

Enclosure in No. 49.

Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commissions established at Sierra Leone, betwixt the 1st of July, 1834, and the 1st of January, 1835.

| 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. | Latitude. | | | | | | | | |
| Tamega | 1834. 14th June | 5° 28' N. | 3° 20' E. | { Brig and 442 slaves | S. Mercer, Esq., H. B. M. bri, "Charybdis" | 1834. 12th July | 442 | 8 | 434 | { 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. |
| Despique | 26th May | 20° 45' N. | 83° 45' W. | { Schooner and 215 slaves | J. J. M'Donnell, Esq., H. B. M. schooner, "Firefly" | 1st September | { 215 or the survivors of them. | 10 | { 205 or the survivors of them. | Ditto Ditto | Ditto Ditto. |
| Felicidad | 18th August | 19° 49' N. | 74° 20' N. | { Schooner and 164 slaves | C. Bolton, Esq., H. B. M. schooner, "Nimble" | { 21st November | { 164 or the survivors of them. | 2 | 162 | Ditto Ditto | Ditto Ditto. |

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

Sierra Leone, 1st January, 1835.
(Signed) JOHN SALTER,
Acting-Registrar.

No. 50.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 29th April, 1835.

WITH reference to your several Despatches respecting the Cases of the "*Tamega*," "*Apta*," "*Santissimo Rozario e Bom Jesus*," and "*Maria da Gloria*;" detained and carried to Sierra Leone, on a charge of having been concerned in the illegal traffic in slaves, I herewith transmit to you, for your information, the Copy of a Despatch from Lord Howard de Walden, His Majesty's Minister at Lisbon, together with a Copy of its Enclosures, containing the Answer of the Portuguese Government to the Representations which Lord Howard de Walden had addressed to it, on the infractions of the Treaties between Great Britain and Portugal, in the cases of the vessels in question.

I have, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 50.

Lord Howard de Walden to the Duke of Wellington.

Lisbon, 20th December, 1834.

(See Class B. 1834, No. 31.)

No. 51.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 6.)

MY LORD DUKE,

Sierra Leone, 23d January, 1835.

WE had the honour to receive, yesterday, Lord Palmerston's Despatch of the 10th November, 1834, transmitting to us Copies of two Despatches which had been received from His Majesty's Commissioners at Rio de Janeiro, on the subject of the Portuguese slave-vessel, the "*Maria da Gloria*," together with a Copy of his Lordship's Reply.

We beg leave to express our thanks for this information on a subject so interesting to us.

We have, &c.

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

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

No. 52.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 6.)

MY LORD DUKE,

Sierra Leone, 4th February, 1835.

WE have the honour to enclose our Report of the Case of the Portuguese brig, "*Atrevido*," João Garcia, Master, which was condemned on the 31st ultimo, in the British and Portuguese Court of Mixed Commission established in this place.

The "*Atrevido*" sailed from Princes Island early in November, furnished with a Passport from the Provisional Government of that place, authorising her to engage in a legal commercial voyage to the ports of Brazil, by way of the ports of the Costa da Mina.

In less than seven weeks after clearing out from Princes, the "*Atrevido*" embarked about five hundred slaves at Whydah, and had been five days on her passage towards the Coast of Brazil, when she was fallen in with and detained by His Britannic Majesty's brig, "*Lynx*," Lieutenant Henry Vere Huntley commanding, and immediately despatched to this place for adjudication.

It will be observed from the enclosed Report, that Garcia, the Master and Owner of the "*Atrevido*," swears that he resides at Bahia with his wife and family. His Passport at the same time declares that he is an established merchant of Princes Island. It would thus appear, that Garcia assumes either a Portuguese or Brazilian character, as the one or the other may best suit his purpose. We are inclined to think that such an artifice is frequently practised, from the ease with which naturalisation is effected in all the Portuguese Settlements

on this Coast. But in the present case we understand that, in order to give more colour to the assertion of the Passport, Garcia not only hired a house at Princes Island, but accepted a Commission in the Militia of that place.

It is not easy to imagine how the Portuguese Authorities can refuse to carry into effect the penalties of the Portuguese law against Garcia, should they be required so to do, when themselves have shown him to be living under their immediate jurisdiction, and when he has acknowledged his being engaged in carrying on illicit Slave Trade.

The "*Atrevido*" having been captured to the north of the equator, with slaves on board, and being bound to a port not within the Dominions of Her Most Faithful Majesty, no hesitation was felt in pronouncing a decree for her condemnation and the emancipation of her slaves.

We have, &c.

(Signed)

THOMAS COLE.

H. W. MACAULAY.

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

Enclosure in No. 52.

Report of the Case of the Portuguese brig, "Atrevido," João Garcia, Master.

THIS vessel cleared out from Princes Island, on the 4th November, 1834, with a clean Bill of Health, for the ports of Brazil, with liberty to touch at the ports of the Costa da Mina.

The Passport is dated at Santo Antonio on the 3d November, 1834, and signed by José Ferreira Gomes, Felipe de Freitas Paiva Henriques, and Jacinto Pereira Carneiro, who style themselves the Provisional Government of Princes Island. In this Document the "*Atrevido*" is declared to be a Portuguese brigantine, of American build, and her Master and Owner is said to be João Garcia, a resident in that Island.

In less than eight weeks from the date of her leaving Princes the "*Atrevido*" was fallen in with by His Majesty's brig, "*Lynx*," Lieutenant Henry Vere Huntley commanding, with four hundred and ninety-four slaves on board, and was seized for being engaged in the illicit traffic in slaves. She was then committed to the care of a Prize-Officer and crew, and arrived in this harbour on the 24th ult., having lost eleven slaves on the passage. In this Case, the saving of human life must be mainly attributed to the superior order and cleanliness in which the prize was kept by the Prize-Master, Mr. Arundel.

The Marshal reported the circumstances of the capture, and the Surgeon to the Courts, having inspected the cases of sickness on board, stated that the general appearance of the slaves was good, but that there were a few cases of dysentery, requiring immediate treatment on shore; and, as the space afforded by the vessel was quite inadequate for the accommodation of so many slaves, it was recommended that they should be landed as soon as possible.

Later in the same day the Affidavit of the Prize-Master was taken, authenticating the Ship's Papers, and verifying the Captor's Declaration and the facts of the capture. The Proctor employed in the Case then petitioned that the Affidavit of seizure might be received and filed in the Registry of the Court, together with the Documents annexed to it; that the Monition, citing all parties interested in the Case to appear, might issue; and that the evidence in preparatory might be produced.

The Captor's Declaration is to the following effect:—"I, Lieutenant Henry Vere Huntley, Commander of His Majesty's brig, "*Lynx*," hereby declare that, on this 27th day of December, being in or about latitude 4° 41' north, longitude 2° 38' east, I detained the Portuguese brig, "*Atrevido*," sailing under Portuguese colours, commanded by João Garcia, who declared her to be bound from Whydah to Monte Video, with a crew consisting of twenty-one men, and one passenger, and having on board four hundred and ninety-four slaves, said to have been taken on board at Whydah, on the 21st day of December, 1834."

This Declaration was accompanied by a List of stores on board the prize at the time of her detention, signed as correct, both by the Prize-Master and by the Captain of the detained vessel.

A Petition was then sent in, praying the Court to carry into effect the recommendation of the Surgeon, by allowing the slaves to be landed pending adjudication. It was not, however, before the 27th ultimo, that this prayer could be complied with, owing to the crowded state of the liberated African premises; and then it was only found possible to accommodate two hundred of the slaves, including the sick, leaving nearly three hundred still on board.

On the 26th ultimo, João Garcia, the Master, and Luiz Rodrigues, the Cook, of the "*Atrevido*," were examined on the standing interrogatories. Garcia deposed that "he was born in Portugal, lives in Bahia; is a subject of Portugal, and never served any other State; is married, and his family reside at Bahia; appointed himself to the command of the detained vessel, being her Owner; took possession of her at Princes from her former Captain, having bought her of De Souza, a Portuguese of Whydah, in 1831; saw the vessel at Ajudah on this Coast; believes she was built in America; was on board the vessel when she was taken, but does not know the reason of her capture; she had Portuguese colours on board, and none besides; the vessel's name is '*Atrevido*,' and she has had that name from the time of her purchase; her former name was '*Barbalette*;' she is one hundred and fifty American tons, and had a crew of two Officers and nineteen men; they were all Portuguese, and shipped by him at Bahia in September last; is Owner of the vessel, and has no interest in the cargo, which belongs to different persons at Ajudah; was Captain; there was one passenger, a boy belonging to Ajudah, who had no interest in the vessel or cargo; the present voyage began at Bahia, and was to have ended at Monte Video; Princes was the last clearing-port, and from thence he went to Ajudah for his present

cargo; saw the capturing ship about 4° north latitude, on the 27th December last, and was captured after a chase of two days and one night; was then steering for Monte Video, towards which port he had made the best of his way from the Coast; has no guns mounted, and has only eight muskets, and a few pistols and cutlasses, for defence against the negroes; made no resistance to capture, nor did he destroy or conceal any of his Papers, nor direct others to do so; there was a Bill of Sale for the vessel from De Souza; does not recollect its exact date, but it was dated in 1831; paid two thousand dollars for the vessel, which is the fair and true value of her; the slaves were put on board by many different Owners at Ajudah, some Portuguese and some natives, whose names he does not know, nor does he know the names of the parties to whom they were to have been delivered at Monte Video; did not carry any cargo to the Coast; the vessel has no present cargo, except the slaves, of whom he took on board four hundred and ninety four; they were all shipped at Ajudah, and two died before capture; after capture came direct to this port; the Papers are all true and fair; none of the Ship's Papers or Documents relating to the vessel or her cargo were destroyed or concealed; there are no Papers belonging to the vessel but those delivered up, except the Bill of Sale, which is at Bahia; there was no Charter-party signed for the present voyage."

Luiz Rodrigues states in his evidence, that "the Captain joined the vessel at Princes Island in November last; Francisco de Souza, who lives at Ajudah, delivered the possession of the vessel to the Captain; the slaves were put on board by De Souza at Ajudah, but he does not know whether they are all his property, and believes some of them to belong to the Captain."

The evidence of these two witnesses, though conflicting in several less material points, being conclusive as to the fact of illicit Slave Trade, even by the admission of the parties concerned in it, the Captor's Proctor declared his Case to be closed, and petitioned for a day of trial.

The Monition, issued on the 24th, was returned on the 31st ultimo, with the Certificate of the Marshal that it had been duly served. A Court had therefore been summoned for the adjudication of the vessel, and the Prize-Master's Affidavit, as to the number of deaths which had taken place since the capture; and the Marshal's Certificate of the number of the survivors, having been received, the sentence of the Court was pronounced, condemning the "*Alrevido*," as good and lawful prize to the Crowns of Great Britain and Portugal, and emancipating the survivors of her slaves, four hundred and eighty-two in number. The Court further decreed it to have been proved, that four hundred and ninety-four slaves had been on board at the time of capture, and that twelve subsequently died.

We have, &c.

(Signed)

THOMAS COLE.
H. W. MACAULAY.

Sierra Leone, 4th February, 1835.

No. 53.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 25.)

MY LORD DUKE,

Sierra Leone, 4th March, 1835.

WE have the honour to enclose our Report of the Portuguese schooner, "*Maria*," captured on the 3d January last, off the River Gaboon, seven miles north of the equator, by his Majesty's schooner, "*Fair Rosamond*," Lieutenant George Rose commanding, with forty-eight slaves on board, who had been purchased and shipped at Mayumba a few days previously.

The "*Maria*" is one of the usual description of small vessels employed by the inhabitants of Princes Island, in conveying slaves and produce from the adjacent continent. The Papers with which she was supplied were granted by the Provisional Government of Princes Island on the 10th November, 1834, and ostensibly permitted a legal commercial voyage.

The object of her voyage must, however, have been well known to the Portuguese Authorities, whose undisguised protection of slave-trading adventures has frequently been pointed out. In this case, both the Owner and Master of the "*Maria*" reside on the island with their wives and families; there would therefore be no difficulty in enforcing against them the penalties of the Portuguese law, if any real desire existed to fulfil the stipulations of the Treaty, or to carry into effect the provisions of the Portuguese Alvará of the 26th January, 1818.

After capture the "*Maria*" was carried to Fernando Po, where all, except four of her slaves, were landed; and the vessel was then despatched to Sierra Leone for adjudication. She arrived here on the 18th ultimo, and was brought into the British and Portuguese Court on the following day. The prosecution against her terminated on the 28th ultimo, on which day, as no doubt could exist of her guilty employment in the Slave Trade at the time of her capture, a sentence of condemnation was pronounced, and the survivors of the slaves found on board of her were decreed to be emancipated.

We have, &c.

(Signed)

H. D. CAMPBELL.
H. W. MACAULAY.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

Enclosure in No. 53.

Report of the Case of the Portuguese schooner, "Maria," Ananias Rodriguez, Master.

THIS small vessel cleared out from Princes Island, with a crew of six men besides the Master, on the 10th October, 1834, for a voyage of lawful traffic to the ports of the adjacent coast. Her Papers are in all respects similar to those granted to the Portuguese brig, "*Atrevida*," whose Case was reported on the 4th ultimo; they are signed by the same Authorities; and declare the Owner to be João Borges da Silva, and the Master Ananias Rodriguez.

After leaving Princes Island the "*Maria*" went down the Coast, as far as Mayumba, where she took in forty-nine slaves, and a quantity of barwood and ivory; but she seems only to have disposed of part of her cargo, as a quantity of trade-goods was still in the vessel, when she was fallen in with close to the Coast, about seven miles north of the line, on the 3d January, 1835, by His Majesty's schooner, "*Fair Rosamond*," Lieutenant George Rose commanding, and detained for being engaged in the illicit traffic in slaves.

The "*Maria*" was then carried into Fernando Po by her Captors, and on the 15th January, twelve days after capture, forty-four of the slaves found on board of her were landed at that island, and handed over to a Mr. John Becroft, by whom a Certificate was given of their having been so landed.

On the 18th ultimo, the Marshal to the Courts reported the arrival of the "*Maria*" in this harbour; with four slaves on board, and three of the Portuguese crew as witnesses; and he stated that forty-four other slaves had been landed from the vessel at Fernando Po; the Surgeon also, having visited the four slaves, reported them all to be in good health. It was not therefore thought necessary to land them pending adjudication.

The Ship's Papers and the Declaration of the Captor were brought into the Registry of the Court on the following morning, the 19th ultimo, accompanied by the Affidavit of the Prize-Master, Mr. Thain, for the purpose of proving their authenticity. The Captor's Proctor at the same time petitioned that the usual Monition, citing all parties interested in the vessel to appear, might issue, and that the evidence in preparatory might be produced. The Monition was accordingly directed to the Marshal, as prayed for, and the witnesses in preparatory were ordered to give immediate attendance.

The Captor's Declaration is to the following effect:—"I, George Rose, Lieutenant, commanding His Majesty's schooner, '*Fair Rosamond*,' hereby declare that, on this 3d day of January, 1835, being in or about 0° 7' north latitude, and 9° 14' east longitude, I detained the ship or vessel named the '*Maria*,' sailing under Portuguese colours, armed with one gun, about four-pounder, commanded by Ananias Rodriguez, who declared her to be bound from Mayumba to Princes Island, with a crew consisting of six men, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board forty-eight slaves, said to have been taken on board at Mayumba, on the 30th day of December, 1834.

"I do further declare that the said vessel had only on board five days' provisions, and three days water, for the consumption of the said negroes, and that, had I the means of getting more provisions, the said vessel could not stow sufficient to take the said negroes to Sierra Leone."

Attached to the above Declaration of seizure is a List of the stores and cargo found on board the vessel at the time of capture, dated on the same day, and signed by the Master of the detained vessel and the Officer to whose care the prize was entrusted.

A further Declaration was subsequently made by the Captor at Fernando Po, on the 15th January, 1835, in the form prescribed in the Regulations, setting forth the necessity which existed for the disembarkation of forty-four slaves on that island, "on account of her (the '*Maria*') having only five days' provisions for the support of the said slaves; and, if more could be procured, the vessel has not sufficient capacity to stow the quantity it would require to make the voyage to Sierra Leone."

The Certificate of the landing of the forty-four slaves at Fernando Po, which was filed on the Petition of the Captor's Proctor, is as follows:—"I hereby certify that the undermentioned men, women, and children, were landed here from the schooner, '*Maria*,' prize to His Majesty's schooner, '*Fair Rosamond*,' Lieutenant George Rose commanding, viz.—

| | |
|-------------------|----|
| Men | 23 |
| Boy | 1 |
| Females | 20 |

"Given under my hand at the Island of Fernando Po, Clarence, this 15th day of January, 1835.

(Signed) "JOHN BECROFT,
"Chief Magistrate and Commandant."

We were far from being satisfied with the mode in which these slaves were thus disposed of; but we determined to refer the matter to the consideration of His Excellency the Lieutenant-Governor, that he might take such measures as he should think advisable.

The witnesses in preparatory were Ananias Rodriguez, the Master, and Manuel Annabon, a seaman of the detained ship. The former deposed that "he was born at Princes Island; is a subject of Portugal, and has never served any other State; is married, and his wife and family reside at Princes; was appointed to the command of the detained vessel by João Borges, the Owner, who is a native of Princes, and lives there; took possession of the vessel at the port of St. Antonio, in Princes Island, on the 10th October last, from the above-named Owner; has only known the vessel three years; she was built at Princes Island; was on board the vessel at the time she was seized for having slaves in; she had Portuguese colours on board, and no others; the vessel's name is '*Maria*;' never knew her by any other name; does not know her tonnage; he was the only Officer, and there were six sailors, who are all natives of Princes, who were hired by the Owner, and embarked with him in October last at that island; neither he nor any of the crew had any interest in the vessel or cargo; he commanded the vessel; there were no passengers; the present voyage began at Port Antonio in Princes Island, and it was to have ended at the same place; she went from Princes to Mayumba to take in a cargo of slaves and camwood; was close to the Gaboon River when he was taken, and saw the capturing ship about an hour before; he had made his way along-shore from Mayumba so as to fetch Princes Island, from which he was (he thinks) about three days' passage when taken; the Owner's name is João Borges; transacts his business with him, and is therefore sure he is the Owner; he (the Owner) was born at

Princes, and has always lived there; is married, and his wife and family also reside in the island; has no reason to doubt the vessel being the property of the before-named Owner; he bought and shipped the slaves as the real property of the said Owner, to whom they were to have been delivered, and who carries on his business at Port Antonio; his cargo for the Coast was shipped at Port Antonio, and consisted of guns, dry goods, and iron bars; the present cargo consists of dry goods, iron pots, iron bars, and cutlasses, which were left from the outward cargo, and some camwood, a little ivory, and four slaves; he took on board at Mayumba forty-nine slaves; one slave died before capture, but none since; the vessel was taken to Fernando Po, and thence to this port."

The other witness examined confirms the Master's evidence in every respect, stating particularly that both the Master and Owner reside at Princes, with their wives and families; that the Owner of the vessel was the sole Owner of the slaves; and that the "*Maria*" was captured close to the Gaboon River.

The Captor's case having thus been clearly made out by the witnesses whom he produced, the Court proceeded, on the 28th ultimo, to condemn the "*Maria*" as good and lawful prize, and at the same time decreed the emancipation of the four slaves who had been landed here, and of the forty-four who had been landed at Fernando Po, declaring that forty-eight slaves had been on board the "*Maria*," at the time of her capture by His Majesty's schooner, "*Fair Rosamond*," Lieutenant George Rose commanding.

(Signed)

H. D. CAMPBELL.

H. W. MACAULAY.

Sierra Leone, 4th March, 1835.

No. 54.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 20.)

MY LORD DUKE,

Sierra Leone, 11th May, 1835.

WITH this Despatch we have the honour to transmit, for your Grace's information, our Report of the Case of the Portuguese schooner, "*Legitimo Africano*," Jozé Manoel de Lima, Master, which vessel, when on her passage from Whydah, in the Bight of Benin, to Bahia, was captured off Cape St. Pauls, on the 20th March last, by His Britannic Majesty's brig, "*Forester*," Lieutenant George Gover Miall commanding.

On the afternoon of the 1st instant the "*Legitimo Africano*" arrived here, and proceedings were immediately instituted against her in the British and Portuguese Court of Mixed Commission; and on the 9th instant this vessel was condemned as lawful prize to the Crowns of Great Britain and Portugal, and the emancipation decreed of the survivors of her slaves, one hundred and eighty-six in number, three having died and one been drowned between the time of seizure and adjudication.

Between the Declaration of the Captor, as to the number of slaves seized, and the number proved to the Court to have been detained, there will be seen a difference of ten, which has doubtlessly arisen from the difficulty of counting the slaves at the time of their capture, through the very crowded state of this vessel.

We would beg to bring your Grace's attention to the fact, which appears in evidence, of the notorious Portuguese slave-dealer, Francisco Felis de Souza, better known upon the Coast as "*Char-Char*," of Whydah, being the Owner of the "*Legitimo Africano*."

It is due to the Prize-Master of this vessel, that we should observe that he brought the extremely-crowded cargo of the "*Legitimo Africano*" through a forty-two days' passage to this port, in the tornado-season, in a manner very creditable to him.

We have, &c.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

Enclosure in No. 54.

Report of the Case of the Portuguese schooner, "Legitimo Africano," Jozé Manoel de Lima, Master.

THE Portuguese schooner, "*Legitimo Africano*," received from Don Jozé Ferreira Gomes, Frey Antonio de Castello de Vid, and Fellipe de Freitas Paiva Henriques, the Junta administering the Government of the Island of Princes, a Passport signed at St. Antonio, in that island, on the 28th February, 1834, authorising her to proceed on a voyage of lawful commerce, under the command of one Antonio Joaquim Gomez, alleged by the present Master to have died shortly after that date.

From the 28th February, 1834, until the month of March of this year, the only account of the proceedings of this vessel is in the statement of her Master, Lima, that "she has been trading on the Coast."

On the 20th March last His Britannic Majesty's brig, "Forester," under the command of Lieutenant George Gover Miall, fell in with the "*Legitimo Africano*," under the command of José Manoel de Lima, in latitude 5° 34' north, longitude 0° 45' east, and detained her for having on board, according to the Seizor's Declaration, two hundred slaves, said to have been shipped at Whydah (Ajudah) on the 15th of the said month of March.

On the afternoon of the 1st May following, the "*Legitimo Africano*" arrived in this harbour with a cargo of one hundred and eighty-six slaves, four having died on the passage up here, and leaving ten unaccounted for, according to the Captain's Declaration. The Surgeon to the Courts, on the following day, visited the Africans, of whom he reported that there were two who had had dysentery, and seven were labouring under "severe attacks of ophthalmia, requiring immediate medical treatment; that the vessel appeared to be forty-five tons burthen, and, in point of accommodation, wholly inadequate for such a number of persons as were then on board, and, therefore, recommended that the slaves should be landed as soon as possible."

With the concurrence of the Lieutenant-Governor, the slaves were accordingly landed on the same day, and placed under the charge of the Marshal to the Courts, at the Liberated African Department, where they remained until the day of their adjudication.

The Ship's Papers of the "*Legitimo Africano*," consisting of the before-mentioned Passport, and a List of crew dated at the Island of Princes, on the 6th February, 1834, were, with the Declaration of the Captor, brought into Court, and filed, duly attested by the Affidavit of Mr. James Neale, the Prize-Master. The Motion also issued on that day, citing all parties interested in the vessel to appear, and was returned on the 9th instant, certified to have been duly served.

On the 4th instant José Manoel de Lima, the Master, and Gabriel Pasand, his Boatswain, were examined on the standing interrogatories.

José Manoel de Lima deposed that "he was born in Corunna, in Spain, which has always been his home; he has always been a Spanish subject; is married, and his family live at Corunna. The Captain died on the Coast, and he appointed himself to the command at Princes Island, about August, 1834" (he afterwards contradicts this statement); "had known the vessel from the preceding February (1834), and saw her first at Princes Island; she was built at Ajudah on this coast; he was on board when the vessel was taken, because Africans were found on board; they were not slaves, but going to Bahia for education; he sailed under Portuguese colours, and had no others; the vessel's name is '*Legitimo Africano*,' which she received in February, 1834, when she was new; she had not been before named; is sixty Portuguese tons burthen, and had one Officer and eleven men on board, when she was captured; they are all Portuguese, and shipped at Ajudah (Whydah) in February last year, with the late Captain; had no interest in the vessel or cargo; was Captain at the time of seizure; there were two passengers on board going to Bahia, but they had nothing to do with the vessel or cargo; the present voyage began at Whydah and was ended at Bahia; Princes Island was the last clearing-port the vessel left, but this was as long ago as February, 1834; since which the vessel has been trading on the Coast; made no attempt to escape capture, as the Africans on board were not slaves; he had no orders to resist or to attempt to escape capture, nor did he destroy or conceal Papers of any kind, nor had he orders to do so; the vessel was built at Ajudah, and is owned by De Souza, a Portuguese subject of that place, where he has resided many years; the King of Dahomey put the Africans on board; they were to have been landed at Bahia, but he does not know the name of the person to whom they were to have been delivered, as the Letters in his writing-desk were stolen with the other things in his cabin by his own people, when the brig-of-war was coming up with them; he can swear the Africans were put on board by the King of Dahomey, and are not slaves; the vessel has been trading along the Coast from Ajudah since she was built; the Papers found on board are entirely true and fair; no Papers were destroyed or concealed, except those Papers before referred to, which his own crew destroyed, when they plundered his cabin; no slave has been put or received on board the vessel for the purpose of the traffic or trade in slaves at any time."

Gabriel Pasand, the Boatswain, deposes that "he was present when the vessel was taken, for having negroes on board; cannot tell whether they are slaves or not; they had Portuguese colours, and there are none others on board; they made no alteration in their sail when the vessel-of-war was seen, as their vessel was a dull sailer; he had no orders to destroy or conceal any of the Papers on board, and he is not aware of any having been destroyed or concealed; he cannot tell who shipped the Africans, or whether they are slaves or not."

On the 7th May, the Affidavit of the Prize-Officer was filed, and established that, of the number of slaves captured in this vessel, three of them had died from disease, and one had fallen overboard and been drowned, on the passage to this Colony.

In answer to the special interrogatories put by order of the Court on the 8th May, the Prize-Officer swore that "none of the Africans found on board the '*Legitimo Africano*,' were in irons at the time of capture; that he never saw slave-irons on board; that he has been on board several slave-vessels previous to his visiting the '*Legitimo Africano*,' and the food, water, stowage, and treatment of the Africans were, in all respects, the same as in other slave-vessels."

The Master swore, that "there was a Clearance taken out from Princes, but it was destroyed in the desk by the sailors, when the vessel-of-war was coming up; the Captain died in August, and the vessel left Princes in the preceding February; these variations from his former evidence are owing to his not having properly understood the Interpreter; since that time there has been no opportunity of getting his name inserted as Master in the Ship's Papers; Francisco de Souza is known at Ajudah (or Whydah) by the name of 'Char-Char'; he was told by 'Char-Char' that the vessel was hired by the King of Dahomey from him (Char-Char); never had any slave-irons on board the vessel; Char-Char told him he was to receive from the Consignee, at Bahia, thirty-five dollars each for the passage of the Africans; Char-Char told him the Africans were put on board by (King) Dahomey; and putting implicit confidence in this assertion, he before said they, the Africans, were not slaves; they had been out so short a time he had no Log-book."

Gabriel Pasand, the Boatswain, swore that "he never saw any slave-irons on board the vessel."

No claim was filed by the Master for his vessel.

The Court assembled for the adjudication of the "*Legitimo Africano*," on the 9th instant, and after having heard read the Exhibits in this Case, in which the Master had entirely failed to refute the charge preferred against his vessel, as he was bound to do, agreeably to that part of the 5th Article of the

Instructions for British and Portuguese ships-of-war, forming an integral part of the Additional Convention between Great Britain and Portugal, of the 28th July, 1817, which declares "that, with regard to all slave-ships detained to the north of the equator, the proof of the legality of the voyage is to be furnished by the vessel so detained," pronounced the said vessel to have been, at the time of capture, engaged in the illicit traffic in slaves, and, therefore, condemned the Portuguese schooner, "*Legitimo Africano*," her tackle, apparel, and furniture, and the goods, wares, and merchandise, laden therein, as good and lawful prize to the Crowns of Great Britain and Portugal, and seized in such illicit trade by His Britannic Majesty's brig, "*Forester*," Lieutenant George Gover Miall commanding. The Court also decreed that it had been proved, that there were one hundred and ninety slaves on board the "*Legitimo Africano*," at the time of his detention, and not two hundred, as specified in the Declaration—an error which must have arisen on the part of the Captors, from the crowded state of the said vessel; and that four of the said captured slaves had died since seizure up to the present time; and further decreed that the survivors of the said captured slaves, in number one hundred and eighty-six, be emancipated.

Sierra Leone, 11th May, 1835.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

No. 55.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 15.)
MY LORD DUKE, *Sierra Leone, 23d May, 1835.*

WE had the honour of receiving, on the 21st instant, your Grace's Despatch, of the 16th March last, and its Enclosures, on the subject of the encouragement given to the Slave Trade by the Portuguese Authorities at Princes Island and St. Thomas, as illustrated in the Cases of the "*Apta*" and "*Santisimo Rosario e Bom Jesus*."

Since those Cases were reported, in our Despatches of the 27th June, 1834, we have had occasion to call the attention of His Majesty's Government to the guilty protection still afforded to Slave-Trade adventures by the Portuguese Authorities of Angola, Bissao, and Princes, as exemplified in the Cases of the "*Despique*," "*Felicidad*," "*Atrevido*," and "*Maria*."

We have, &c.
(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

His Grace the Duke of Wellington, K. G.
&c. &c. &c.

No. 56.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 15)
MY LORD DUKE, *Sierra Leone, 23d May, 1835.*

ON the 21st instant we had the honour of receiving your Grace's Despatch, of the 16th March last, and its Enclosures, respecting two vessels, the "*Minerva*," alias "*Esperança*," and the "*Hercules*," which have recently been fitted out at the Port of Lisbon, apparently for the Slave Trade, and we beg to thank your Grace for this Communication.

His Majesty's sloop, "*Pelorus*," being at present in this harbour, we have handed to Captain Meredith, the senior Naval Officer on this Station, for the information of the Squadron, Copies of the description of the hull and rigging of the "*Esperança*," and of the Papers with which she was furnished.

It will only be necessary to refer to the Cases of the "*Rosa*," "*Hebe*," and "*Tamega*," and to the later one of the "*Despique*," to show how well justified by facts were the suspicions of Lord Howard de Walden as to the destination of the "*Esperança*." It may also be remarked, that Jozé Manoel Machado, the Owner of the "*Tamega*," was also the Owner of the "*Virtude*," condemned in the British and Portuguese Court of Mixed Commission, on the 21st November, 1833; and he is in both instances described as "a merchant resident at Lisbon."

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

His Grace the Duke of Wellington, K. G.
&c. &c. &c.

No. 57.

His Majesty's Commissioners to Mr. Backhouse.—(Received September 14.)

SIR,

Sierra Leone, 1st July, 1835.

IN pursuance of the 75th clause of an Act passed in the fifth 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 January, 1835, to this date.

We have, &c.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

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

Enclosure in No. 57.

Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commissions, established at Sierra Leone, between the 1st day of January and the 1st day of July, 1835.

| NAME OF VESSEL. | NAME OF MASTER. | DATE OF SEIZURE. | WHERE CAPTURED. | | PROPERTY SEIZED. | SEIZOR. | DATE OF SENTENCE. | Number of Slaves Captured | Number died before Adju- dication. | Total number Emanci- pated. | Decretal part of Sentence, whether Forfeiture or Restitution. | Whether Property con- demned has been sold or converted; and whether any part remains unsold, and in whose hands the Proceeds remain. |
|------------------------|------------------------|------------------------|-----------------|------------|----------------------------|---|-------------------------|------------------------------------|--|--------------------------------------|---|--|
| | | | Latitude. | Longitude. | | | | | | | | |
| Atrevido . . . | João Garcia . . | 1834. 27 December | 4° 41' N. | 2° 39' E. | Brig and 494 slaves | H. V. Huntley, Esq., H. B. M. brig, "Iyux" | 1835. 31 January | 494 | 12 | 482 | Condemned for being engaged in the illicit traf- fic in slaves | Vessel and Stores sold by public auction, and the proceeds paid into the Military Chest. |
| Maria . . . | Ananias Rod- ríguez | 1835. 3 January | 0° 7' N. | 9° 14' E. | Schooner and 48 slaves | George Rose, Esq., H. B. M. schooner, "Fair Rosamond" | 28 February | 48 | .. | 48* | Ditto Ditto | Ditto Ditto. |
| Legítimo Afri- cano | José Manoel de Lima | 20 March | 3° 34' N. | 0° 45' E. | Schooner and 190 slaves | G. G. Miall, Esq., H. B. M. brig, "Fo- resler" | 9 May | 190 | 4 | 186 | Ditto Ditto | Ditto Ditto. |

* Four landed in this Colony, and forty-four at Fernando Po.

Sierra Leone, 1st July, 1835.

(Signed) H. W. MACAULIAY,
WALTER W. LEWIS.

(Signed) JOHN SALTER,
Acting-Registrar.

No. 58.

His Majesty's Commissioners to Viscount Palmerston.—(Received September 14.)

MY LORD,

Sierra Leone, 20th July, 1835.

WE have had the honour of receiving your Lordship's Despatch of the 29th April last, and its Enclosures, acquainting us with the progress of the representations which His Majesty's Government had made to the Government of Her Most Faithful Majesty, respecting the infractions of the Treaties between Great Britain and Portugal, in the Cases of the Portuguese slave-vessels "*Tamega*," "*Apta*," "*Santissimo Rozario e Bom Jesus*," and "*Maria da Gloria*," lately brought before the Mixed Courts established here; and for which Communication we beg to express to your Lordship our thanks.

We have, &c.

(Signed)

H. CAMPBELL.
WALTER W. LEWIS.

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

No. 59.

His Majesty's Commissioners to Viscount Palmerston.—(Received March 4, 1836.)

MY LORD,

Sierra Leone, 31st December, 1835.

WE have the honour to enclose with this Despatch our Report of the Case of the Portuguese schooner, "*Thereza*," Silveiro Jozé Pereira Coutto, Master, which was captured, on the 16th ultimo, by His Majesty's brig, "*Britomart*," Lieutenant William Henry Quin commanding, in 6° 23' north latitude, with two hundred and fourteen slaves on board.

It is worthy of remark, that all the Portuguese vessels which have come before us this year, namely, the "*Atrevido*," "*Maria*," "*Legitimo Africano*," and "*Thereza*," were cleared out by the Provisional Government of Princes Island; and that three of these vessels left Princes Island for Whydah, and completed the illegal embarkation of their cargoes of slaves, under the immediate direction of the notorious De Souza, alias "*Char-Char*," and his family. Luis Rodriguez, the Cook of the "*Thereza*," was on board the "*Atrevido*" in the same capacity, and was produced as a witness for the Captor, in the prosecution of both Cases.

The "*Thereza*" having been captured by a properly-authorized ship of His Majesty, to the north of the line, with a full cargo of slaves on board, bound for a port not within the Dominions of Her Most Faithful Majesty, and unprovided with any Royal Passport, no doubt could exist as to the legality of her detention. She was accordingly condemned this day, and the survivors of her slaves, two hundred and two in number, were decreed to be emancipated.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

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

Enclosure in No. 59.

Report of the Case of the Portuguese schooner, "Thereza," Silveiro Jozé Pereira Coutto, Master.

THIS vessel cleared out from Princes Island, on the 20th April, 1835, with the usual Papers furnished by the Provisional Government of that Settlement to vessels employed in the Slave Trade. By these Documents, she is represented to be the Portuguese schooner, "*Thereza*," owned by Joaquim Telles de Menezes, bound to Monte Video and the Costa da Mina, on a voyage of lawful commerce, to be under the command of Silveiro Jozé Pereira Coutto, and to have a crew of fifteen men, including the Master.

The Owner, Joaquim Telles de Menezes, resides at Whydah, and is a son-in-law of the notorious Francisco Feliz de Souza, who has so long carried on business as a slave-dealer in that port.

After the "*Thereza*" had received the necessary Papers and Clearances at Princes Island she sailed to Whydah, and thence went into the River Lagos, where she embarked two hundred and fourteen slaves on the 12th November last, and was captured four days afterwards, whilst endeavouring to leave the Coast with her miserable cargo, by His Majesty's brig, "*Britomart*," Lieutenant William Henry Quin commanding.

She arrived in this harbour on the 23d instant, and her arrival and the circumstances of her capture (from the statement of Mr. Samuel Lark, the Prize-Master) were reported to us on the same morning by the Marshal. The Surgeon to the Courts also visited the vessel, and informed us that twelve of the slaves had died of dysentery on the passage hither; that the general aspect of the slaves was healthy, but that there were a few cases of disease, and others in a convalescent state from recent illness; and that he observed four cases of dysentery, one of guinea-worm, one of abscess, and thirty of *craw-craw*, in a very severe form. For these reasons, and on account of the want of proper accommodation on board, it was recommended that the slaves should be landed. The sick were accordingly conveyed to the Hospital at Kissy, and the others placed under the charge of the Liberated African Department in Freetown.

The Ship's Papers and the Captor's Declaration were then brought into the British and Portuguese Court, and the Prize-Master's Affidavit was received, authenticating the Documents which were lodged in the Registry, and verifying the facts stated in the Captor's Declaration. It was also directed, in compliance with a Petition to that effect from the Captor's Proctor, that a Monition be issued, calling upon all parties interested in the vessel to appear within eight days; and the witnesses in preparatory were ordered to give immediate attendance, for the purpose of being examined on the standing interrogatories.

The Captor's Declaration is to the following effect:—"I, Lieutenant William Henry Quin, Commander of His Britannic Majesty's sloop, 'Britomart,' hereby declare that, on this 16th day of November, 1835, being in or about latitude 6° 23' north, longitude 3° 14' 30" east, I detained the ship or vessel named the 'Thereza,' sailing under Portuguese colours, armed with two guns, commanded by Silveiro Jozé Pereira Coutto, who declared her to be bound from Lagos to Monte Video, with a crew consisting of fifteen men, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board two hundred and nineteen slaves, said to have been taken on board at Lagos on the 12th day of November, 1835."

The witnesses in preparatory produced by the Captor were the Master and Cook of the detained vessel. The former deposed, in reply to the standing interrogatories, that "he was born in Oporto, in Portugal; lives at Bahia, where he has resided about eight years; is a subject of Portugal, and has never been a subject of any other State; is not married; was appointed to the command of the detained vessel by the Owner, Joaquim Telles de Menezes, who lives at Whydah, and is a Portuguese subject; took possession of the schooner at Whydah about nine months since; the Owner above-named delivered possession to witness; has known the schooner about three years; first saw her at Bahia; does not know where she was built; was on board the captured vessel at the time she was seized for having slaves on board; she was at the time under Portuguese colours, and had none others; the name of the captured vessel is 'Thereza,' which she has been called ever since witness knew her; she is eighty tons burthen, and has a crew of fourteen men, exclusive of witness, who are all Portuguese, except the Second Mate, who is a Spaniard; they were all shipped at Whydah by witness in the month of April last; neither he nor any of the crew had any interest in the vessel; about twenty slaves of the cargo belonged to witness, but no one else of the Officers and crew had any interest in the cargo; witness was Master of the captured vessel; the present voyage began at Whydah, and was to have ended at Monte Video; the vessel cleared out last at Princes Island, whither she went to obtain proper Papers and Clearances, and then returned back to Whydah for orders; she went thence to Lagos, and there shipped a cargo of slaves from the shore; the captured vessel had no guns mounted; made no resistance to capture, nor had he any orders to resist capture, nor to destroy or conceal any of the vessel's Papers; Joaquim Telles de Menezes is sole Owner of the 'Thereza;' Menezes is a Portuguese by birth and allegiance, and lives with his wife at Whydah, where he has resided (witness believes) about five years; the name of the Lader of the slaves was Boaventuro, a Mulatto, of whom he knows nothing; believes there are several Owners of the slaves, but knows the name of only one of them besides himself, Francisco Feliz de Souza, a Portuguese subject constantly resident at Whydah; there was no regularly appointed Consignee, but witness had instructions to select a proper person at Monte Video to dispose of the cargo to the best advantage for the benefit of the respective Owners; the present cargo is entirely slaves, of whom two hundred and fourteen were shipped from the shore at Lagos; none of the slaves died previous to capture, about twelve have died since; after capture came direct to Sierra Leone; the vessel was under the direction of Joaquim Telles de Menezes and of his father-in-law, Francisco Feliz de Souza."

The above evidence was fully corroborated by that which was elicited on the same day from Luiz Rodriguez, the Cook of the "Thereza;" and the Captor's Proctor having deemed that his case was thereby satisfactorily established, prayed that a day might be appointed for the adjudication of the vessel.

The Monition, issued on the 23d, was returned into the Registry on the 30th instant, with the Certificate of the Marshal that it had been duly served; and this morning a Court assembled for the consideration of the Case.

No doubt whatever could possibly exist that the "Thereza" was illegally engaged in the Slave Trade at the time of her capture by His Majesty's brig, "Britomart;" a sentence was accordingly pronounced, by which the Portuguese schooner, "Thereza," Silveiro Jozé Pereira Coutto, Master, was condemned, as good and lawful prize to the Crowns of Great Britain and Portugal, and the survivors of her slaves, two hundred and two in number, were decreed to be emancipated, two hundred and fourteen slaves having been on board the prize at the time of capture, and twelve having died in the intermediate period.

Sierra Leone, 31st December, 1835.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

No. 60.

His Majesty's Commissioners to Viscount Palmerston.—(Received March 25.)
 MY LORD,

Sierra Leone, 2d January, 1836.

WE have the honour to transmit, enclosed, to your Lordship an Abstract of the proceedings in the British and Portuguese Court of Mixed Commission, established in this Colony, from the 1st January, 1835, to the 1st January, 1836.

Four vessels were adjudicated during that time, all of which were Cases of condemnation. The number of slaves emancipated from these vessels was nine hundred and eighteen, all of whom have been registered here, with the exception of the forty-four slaves who were landed from the schooner, "*Maria*," at Fernando Po, by Lieutenant Rose, commanding His Majesty's schooner, "*Fair Rosamond*," as reported in our Despatch, marked Portugal, of the 4th March, 1835.

We have, &c.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 60.

Abstract of the Proceedings in the British and Portuguese Court of Mixed Commission, at Sierra Leone, in the period from the 1st January, 1835, to the 1st January, 1836.

1. THE Portuguese brig, "*Atrevido*," João Garcia, Master, cleared out from Princes Island, on the 4th November, 1834, for the ports of Brazil, with liberty to touch at the ports of the Costa da Mina.

The Master, João Garcia, was also the Owner of the Vessel, and a resident of Princes Island.

In less than seven weeks after clearing out from Princes Island the "*Atrevido*" embarked about five hundred slaves at Whydah, and had been five days on her passage towards the Coast of Brazil when she was captured in 4° 41' north latitude, and 2° 38' east longitude, by His Majesty's brigantine, "*Lynx*," Lieutenant Henry Vere Huntley commanding.

The "*Atrevido*" arrived at Sierra Leone on the 24th January, 1835, and was immediately prosecuted in the British and Portuguese Court of Mixed Commission. From the evidence taken in the Case it appeared, that the former Owner of the vessel, and the Lader of the slaves, was De Souza, alias "*Char-Char*," noted for the extent to which he has long carried on the Slave Trade at Whydah.

On the 31st January the "*Atrevido*" was condemned to the Crowns of Great Britain and Portugal, having been captured north of the equator, laden with a cargo of slaves; and the survivors of the negroes who had been on board of her at the time of capture were emancipated from slavery.

2. The Portuguese schooner, "*Maria*," Ananias Rodriguez, Master, was captured on the 3d January, 1835, off the River Gaboon, seven miles north of the equator, by His Majesty's schooner, "*Fair Rosamond*," Lieutenant George Rose commanding, with forty-eight slaves on board, who had been purchased and shipped a few days before at Mayumba, about two hundred miles to the southward of the line. The vessel was taken to Fernando Po, where all except four of her slaves were landed, and delivered into the charge of Mr. John Becroft, of that island, and they have remained there from that time to the present.

The "*Maria*" was then despatched to Sierra Leone, and arrived here on the 18th February. She appeared to be one of the usual description of small vessels employed by the inhabitants of Princes Island and St. Thomas, in conveying slaves and produce from the adjacent coast. Her Papers were supplied by the Provisional Government of Princes Island, (where both her Master and Owner resided,) and permitted a legal commercial voyage.

The prosecution of the vessel was closed on the 28th February, 1835, when the "*Maria*" was condemned as good and lawful prize, no doubt existing of her illegal employment in the Slave Trade at the moment of her detention; and the Court further decreed the emancipation of the four slaves who had been landed here, as well as of the forty-four who had been landed at Fernando Po. Respecting the latter, an application was made to his Excellency the Lieutenant-Governor to cause them to be transported to Sierra Leone.

3. The Portuguese schooner, "*Legitimo Africano*," Jozé Manoel de Lima, Master, was captured off Cape St. Paul, 5° 34' north of the equator, by His Majesty's brigantine, "*Forester*," Lieutenant George Gover Miall commanding, on the 20th March, 1835, having on board, at the time of detention, a cargo of one hundred and ninety slaves, which had been embarked at Whydah on the 15th of the same month, and with which she was bound to Bahia, when happily fallen in with by the capturing ship.

The prize arrived in this harbour on the 1st May, and proceedings were instituted against her on the following day. The evidence clearly established the illegality of the voyage in which the "*Legitimo Africano*" was engaged, and the propriety of her capture; and proved that she was owned by the notorious De Souza, of Whydah, where also the vessel was built, and the shipment of the slaves was made.

The Papers with which this vessel sailed were supplied by the Authorities of Princes Island, and were similar in every respect to those found on board the Portuguese brig, "*Atrevido*," condemned on the 31st January.

On the 9th May, 1835, the Court met for the adjudication of the Case, when the "*Legitimo Africano*" was condemned as a forfeiture under the Slave Treaties between Great Britain and Portugal, and the survivors of her slaves, one hundred and eighty-six in number, were decreed to be emancipated.

4. The Portuguese schooner, "*Thereza*," Silveiro Jozé Pereira Coutto, Master, cleared out from Princes Island, on the 20th April last, with the usual Papers furnished by the Provisional Government of that Settlement to vessels employed in the Slave Trade. By these Papers she is authorised to proceed to Monte Video, by way of the Costa da Mina, on a voyage of lawful commerce. She was owned by Joaquim Telles de Menezes, a son-in-law of De Souza, of Whydah, whither she proceeded direct from Princes Island.

It is an extraordinary fact, that this and all the other Portuguese vessels, which have come before us during the past year, cleared out from Princes Island; and three out of the four which were condemned in that period, proceeded direct from Princes Island to Whydah, where their proceedings were actively superintended by that experienced slave-dealer, De Souza, alias "Char-Char."

In the present instance, the "*Thereza*" was fallen in with by His Majesty's brig, "*Britomart*," Lieutenant William Henry Quin commanding, on the 16th November, 1835, in 6° 30' north latitude, with two hundred and fourteen slaves on board, bound to Monte Video.

These facts were fully borne out by the evidence produced, and the prosecution of the "*Thereza*" in the British and Portuguese Court was closed on the 31st ultimo, by the condemnation of the vessel and her cargo, and the emancipation of her slaves.

Sierra Leone, 2d January, 1836.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

No. 61.

His Majesty's Commissioners to Mr. Backhouse.—(Received March 25.)

SIR,

Sierra Leone, 5th January, 1836.

IN pursuance of the 75th clause of an Act passed in the fifth 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 July, 1835, to the 1st January, 1836.

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

We have, &c.
(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

Enclosure in No. 61.

Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commissions, established at Sierra Leone, betwixt the 1st day of July, 1835, and the 1st day of January, 1836.

| Name of Vessel. | Name of Master. | 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. | | | | | | | | |
| Theresa | { Silveiro Jozé Pereira Coutto } | 1835. 16 Nov. | 6° 23' N. | 3° 14' 30" E. | { Schooner and 214 slaves } | { W. H. Quin, Esq., His B. M. brig, "Britomart" } | 1835. 31 Dec. | 214 | 12 | 202 | { Condemned for being en- gaged in the illicit traffic in slaves. } | { The schooner and stores in charge of the Commissioner of Appraisement and Sale, the same being ordered to be sold by Public Auction, and the proceeds paid into the Regis- try twenty-one days from the date of con- demnation. } |

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

Sierra Leone, 1st January, 1836.

(Signed)

W. L. MELVILLE,
Registrar.

SIERRA LEONE. (*Netherlands.*)

No. 62.

His Majesty's Commissioners to Mr. Backhouse.—(Received September 14.)

Sierra Leone, 1st July, 1835.

SIR,

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, 1835, to this date.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

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

SIERRA LEONE. (*Brazil.*)

No. 63.

His Majesty's Commissioners to Viscount Palmerston.—(Rec. April 3, 1835.)

MY LORD,

Sierra Leone, 21st November, 1834.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of the 16th August, 1834, transmitting to us the Copy of a Note which your Lordship had received from M. Ribeiro, the Brazilian Minister at the Court of London, together with the Copy of your Lordship's Answer, on the subject of a claim made by the Owners of the Brazilian brig, "*Activo*," for losses and damages sustained by that vessel, in consequence of her capture in the year 1826. We beg leave respectfully to tender our thanks to your Lordship for this Communication.

We have, &c.

(Signed)

THOMAS COLE.
H. W. MACAULAY.*The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

No. 64.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 3, 1835.)

MY LORD,

Sierra Leone, 3d December, 1834.

WE have the honour to acknowledge your Lordship's Despatch, of the 6th October, 1834, transmitting to us Copies of a further Note which your Lordship had received from M. de Ribeiro, on the subject of the Brazilian brig, "*Activo*," and of your Lordship's Reply.

We beg leave to express our thanks to your Lordship for this information.

We have, &c.

(Signed)

THOMAS COLE.
H. W. MACAULAY.*The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

No. 65.

His Majesty's Commissioners to Mr. Backhouse.—(Received September 14.)

MY LORD,

Sierra Leone, 1st July, 1835.

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, 1835, to this date.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.*John Backhouse, Esq.*

&c. &c. &c.

HAVANA.

No. 66.

His Majesty's Commissioner to Viscount Palmerston.—(Received Jan. 17, 1835.)

MY LORD,

Havana, 15th October, 1834.

I AM grieved to state that Spanish slave-vessels continue to depart in the most shameless manner for the African Coast, no less than ten having sailed from the Havana since I last had the honour of addressing your Lordship, viz., the schooner, "*Especulacion*," Francisco Vinent, Master, on the 14th ultimo; the three brigs, "*Alerta*," "*Empresa*," and "*Portento*," and two schooners, "*Centinela*" and "*Francisca*," all on the 21st ultimo; the brig "*San Nicolas*," Carlos Bota, Master, on the 1st instant; the schooner, "*Antoñica*," Antonio Hernandez, Master, on the 3d instant; the schooner "*Tres Manuelas*," Marques, Master, and the brig, "*General Mina*," Moreno, Master, on the 12th instant.

I have also to announce the arrival from the Coast of Africa of the slave-schooner, "*Mosca*," Leoncio Rivero, Master, on the 6th instant. I have, as usual, reported her to the Captain-General, but can expect no good whatever to result from my complaint.

I have, &c.

(Signed) W. S. MACLEAY.

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

&c.

&c.

&c.

No. 67.

His Majesty's Commissioner to Viscount Palmerston.—(Received Jan. 17, 1835.)

MY LORD,

Havana, 1st November, 1834.

SINCE the date of my last Despatch four Spanish slave-vessels have sailed for the African Coast, the brig "*Alcatras*," — Alamella, Master, on the 16th ultimo; the schooner, "*Tres Tomasus*," José Costa, Master, on the 18th ultimo; the brig, "*Manuel*," José Carbo, Master, on the 20th ultimo; and the brig, "*Isabel*," Francisco Montero, Master, on the 23d ultimo.

On the 23d ultimo also arrived the slave-schooner, "*Bella Inez*," Francisco Reyes, Master, from the Coast of Africa. In short, my Lord, I am bound to state that I have never known this infamous traffic to be more vigorous in Cuba than at present. This disgraceful fact I have represented strongly to the Captain-General; but his Excellency pays no attention whatever to my remonstrances, and merely returns to me the mock form of proceedings which are adopted in the Spanish Tribunals on my denunciation of every slave-vessel that arrives.

I must say, with grief and vexation, that no Government of Cuba has ever shown such absolute disregard for the Treaty under which this Commission is established as the one now actually existing; in proof of which assertion I can cite no stronger fact, than that slave-vessels are now openly insured by a Company in the Havana, at 22 per cent.

I have, &c.

(Signed) W. S. MACLEAY.

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

&c.

&c.

&c.

No. 68.

His Majesty's Commissioner to Viscount Palmerston.—(Received Jan. 17, 1835.)

(Extract.)

MY LORD,

Havana, 27th November, 1834.

ON the 30th ultimo His Majesty's schooner, "Nimble," Lieutenant Charles Bolton, Commander, chased on shore, at Punta de la Vaca, on the eastern end of this island, a Spanish schooner, having slaves on board: the Crew escaped into the woods with a part of the negroes, but the Captain of the vessel, being unable to fly, both by reason of sickness and his having been maltreated either by his crew or the negroes, was detained, with his servant, as were also two hundred and seventy-two negroes, who were all embarked on board the "Nimble." On the 1st November the "Nimble" sailed for Nuevitas, in order to procure provisions, and arrived there without the occurrence of any particular incident on the voyage, except the death of the Master of the slave-vessel, Don Francisco Loureiro, who previously declared his vessel to be the "Carlota," bound from Gallinas, on the Coast of Africa, with three hundred and fifty slaves, to the Havana. The "Nimble" sailed from Nuevitas on the morning of the 3d, and Lieutenant Bolton being anxious, from the crowded state of his vessel, to arrive at the Havana as soon as possible, determined the same night to make the passage through the Old Bahama Channel. Unfortunately, however, a furious storm from the north-east came on during the night, and, aided by the peculiar state of the currents, always so dangerous in this channel, drove His Majesty's schooner on a key, or coral reef, called Cayo Verde, where she was totally lost on the morning of the 4th instant, the Officers, crew, and the Spanish boy, saving their lives with difficulty, and upwards of seventy negroes perishing in the shipwreck. Lieutenant Bolton having contrived to make his melancholy situation known at Guanaja, the Military Commandant of Marine there immediately forwarded supplies, and came afterwards, himself, to Cayo Verde, to give assistance. Through his means, Lieutenant Bolton chartered the Spanish schooner, "Amistad," to bring his crew and the one hundred and ninety-seven surviving negroes from off the rock to the Havana. They sailed in this vessel on the 12th instant, and arrived here on the 14th. Early on the following morning one hundred and ninety-four negroes, all who remained alive, were delivered up to the Spanish Authorities, and Commodore Topete, Acting Commander-in-Chief on the Station since the death of Admiral Laborde, assigned the Officers and crew of His Majesty's schooner lodgings in the Havana Dock-yard.

On the 17th the Mixed Commission met; but as the interpretation given in this Tribunal to the 13th Article of the Regulations annexed to the Treaty, and which was approved by His Majesty's Government, requires, that in the event of any one British Commissioner being absent from his post, the remaining one shall sit with the two Spanish Commissioners, and, moreover, as the Spanish Commissioner of Arbitration happens to be absent in the country, it became necessary to apply to the Captain-General to name a Spanish Commissioner of Arbitration, *ad interim*, which was accordingly done on the 18th, as will be seen by the Translation of his Excellency's Despatch on the subject, herewith enclosed.

I have now the honour to enclose a Copy of the Captor's Declaration, an Abstract of the Evidence, and a Translation of the Sentence, emancipating the one hundred and ninety-four negroes, which was signed on the 21st instant.

I also have the honour to enclose a Copy of a Letter addressed to me by Lieutenant Bolton, stating at full length the particulars of the loss of His Majesty's schooner. I am happy to be able to state, that Commodore Topete showed Lieutenant Bolton and his men every possible attention, and has even sent them, of his own accord, in Her Catholic Majesty's schooner-of-war, "Amalia," to Nassau, for which place, as the most convenient destination for getting soon to Jamaica, they sailed on the 23d instant.

The Captain-General and Intendant have informed me, that all these negroes of the "Carlota" are to be despatched forthwith to Trinidad.

I have, &c.

(Signed)

W. S. MACLEAY.

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

&c.

&c.

&c.

First Enclosure in No. 68.

(Translation.)

Don Miguel Tacon to the Mixed Commission.

MOST EXCELLENT SIR AND GENTLEMEN,

Havana, 19th November, 1834.

IN reply to your official Note of the 17th instant, requesting me to appoint another Commissioner of Arbitration to supply the place of the Brigadier Don Juan Montalvo, who is at present absent in the country, in the adjudication of the cargo of the schooner "Carlota," I beg to acquaint you that I have nominated for this occasion Colonel Don Manuel Garcia Muñiz, who has taken the oaths prescribed by the Regulations for the Mixed Commissions.

God preserve your Excellency and the other Gentlemen of the Mixed Commission many years.

His Excellency Conde de Fernandina, and the other Members of the Mixed Commission.

(Signed) MIGUEL TACON.

Second Enclosure in No. 68.

Declaration of the Captor.

I, LIEUTENANT CHARLES BOLTON, Commander of His Britannic Majesty's schooner, "Nimble," hereby declare that, on this 30th day of October, 1834, being in or about latitude 21° 7' north, longitude 75° 50' west, I chased ashore the schooner named the "Carlota," sailing under Spanish colours, armed with two guns, nine-pounders, commanded by Don Francisco Loureiro, who declared her to be bound from Gallinas, on the Coast of Africa, to the Island of Cuba, with a crew consisting of twenty-four men and one boy, all of whom escaped on shore but the Captain and the boy, who delivered themselves up as prisoners, whose names, as declared by them respectively, are inserted at the foot hereof, and having on board when run on shore three hundred and forty-six slaves, said to have been taken on board at Gallinas on the 17th September, 1834, two hundred and seventy-two of whom were captured, and are enumerated as follows:—

| | <i>Healthy.</i> | <i>Sickly.</i> |
|------------|-----------------|----------------|
| Men..... | 168 | 1 |
| Women..... | 26 | |
| Boys..... | 34 | 1 |
| Girls..... | 42 | |
| Total.... | 270 | 2 |

And I do further declare that the said schooner appeared unseaworthy, having bilged when run ashore, and was supplied with a sufficient stock of water and provisions for the maintenance of the said negroes and crew on their destined voyage to Cuba.

I do further certify that one male negro died this day.

(Signed)

CHARLES BOLTON,

Lieutenant-Commander.

(Signed) WM. PENNYCOOK, *Assistant-Surgeon.*
A. G. TANCOCK, *Mate.*

Names of individuals of the "Carlota" detained.
Francisco Loureiro, *Captain.*
Luis Ramos, *Cabin-boy.*

I do further declare that one male negro died this 31st day of October, 1834, and that between this date and the 13th November inclusive, seventy-three more negroes have died by accident and disease.

(Signed)

CHARLES BOLTON,

Lieutenant-Commander.

(Signed) WM. PENNYCOOK, *Assistant-Surgeon.*
A. G. TANCOCK, *Mate.*

I do further declare that there have been no Papers or Documents seized by me on board the said schooner, they having been lost or taken away.

(Signed)

CHARLES BOLTON,

Lieutenant-Commander.

(Signed) A. G. TANCOCK, *Mate.*

I do further declare that in the night of the 14th instant (November) three negroes died on board.

(Signed)

CHARLES BOLTON,

Lieutenant-Commander.

(Signed) WM. PENNYCOOK, *Assistant-Surgeon.*
A. G. TANCOCK, *Mate.*

Third Enclosure in No. 68.

Abstract of the Evidence.

LIEUTENANT CHARLES BOLTON, Commander of His Britannic Majesty's late schooner, "Nimble," being sworn, and having shown his Instructions, deposed that the Declaration now produced of the circumstances attending the detention of the "Carlota" has been truly signed by him; that at the time of the "Carlota" being driven ashore there were found two hundred and seventy-two negroes, who had been, according to the Declaration of the Captain of the "Carlota," embarked at Gallinas, on the Coast of Africa; that many more of the negroes on board the "Carlota" escaped with the crew of the slave-vessel; that this Deponent cannot exactly specify the number of negroes which escaped; that the Deponent remained on Punta de la Vaca all the day of the detention and the following day; that the two hundred and seventy-two slaves were all embarked on board the "Nimble," together with some

sails and tackle belonging to the "*Carlota*;" that these sails and tackle were lost afterwards in the shipwreck of the "*Nimble*;" that the "*Nimble*" was totally wrecked between Cayo Verde and Cayo Confites; that the slaves that were saved from the wreck remained on Cayo Verde, and the Commandant of Marine of Guanaja procured the coasting-schooner, "*Amistad*," in which all were brought, together with the crew of the "*Nimble*," to this port, without having stopped at any other place on the Coast; that one hundred and ninety-four negroes have been delivered up by this deponent to the Captain-General; that by an error in the deponent's calculation, he believed on arrival that he would only have to deliver up one hundred and ninety-three, and that upon such supposition the deponent's first Letter to the Mixed Commission was founded, and that such error has resulted entirely from the confusion necessarily attending the unfortunate circumstances in which the deponent has arrived in the Havana.

Mr. William Pennycook, Assistant-Surgeon of His Britannic Majesty's late schooner, "*Nimble*," being sworn, deposed that the signature attached to the Declaration of the Commander of the "*Nimble*" is truly that of the deponent; that this deponent observed negroes land from the "*Carlota*" at Punta de la Vaca, but cannot say how many; that the deponent knows that two hundred and seventy-two were embarked on board the "*Nimble*;" that the "*Nimble*" afterwards went into the Port of Nuevitas for provisions; that on departing from the said port for the Havana the "*Nimble*" was shipwrecked on Cayo Verde, the crew being saved; that the crew, with such negroes as were saved, have been brought, without stopping at any intermediate place, into the Havana, in a Spanish vessel procured by the *Comandante* of Guanaja; that all the sails and tackle saved from the "*Carlota*" were lost in the shipwreck of the "*Nimble*;" that one hundred and ninety-four negroes have been delivered up to the Authorities of the Havana; that these, except three that died in the Havana, were all of the two hundred and seventy-two who were embarked on board the "*Nimble*" that survived the shipwreck.

Mr. Alfred G. Tancock, Mate of His Britannic Majesty's late schooner-of-war, "*Nimble*," being sworn, deposed that the signature attached to the Declaration of the Commander of the "*Nimble*" now produced is truly that of this deponent; that this deponent saw the crew of the "*Carlota*," with various negroes, fly into the woods of Punta de la Vaca; that this deponent cannot specify the number of negroes that so escaped; that two hundred and seventy-two negroes were detained; that this deponent cannot give any proof that the slave-schooner was Spanish, except that he heard so on board the "*Nimble*;" that the "*Nimble*" remained at Punta de la Vaca all the day of the detention and the following day; that two whites were taken on board the "*Nimble*;" that one died soon after, who was considered to be the Captain of the slave-vessel; that the other was a Spanish boy, who has arrived in the Havana; that nothing whatever of the sails, rigging, or tackle, of the "*Carlota*" has been brought into the Havana, every thing saved from her shipwreck having been lost with the "*Nimble*;" that the "*Nimble*" was shipwrecked on Cayo Verde; that on this rock remained the negroes who were saved, all except about seventy, who perished in the shipwreck.

Luis Ramos, a Catholic, fifteen years of age, unmarried, and a native of the City of Cadiz, being sworn, deposed that he was Cabin-Boy of Don Francisco Loureiro, Master of the schooner "*Carlota*;" that Don Francisco Loureiro, being thus Captain of the "*Carlota*," hired the deponent as Cabin-Boy in the Havana, and that the deponent soon afterwards sailed for Africa. That the "*Carlota*" sailed from this port on the 3d March last; that the deponent knows not with what Papers she sailed, having never seen them; that the deponent recollects all the crew, himself included, were reviewed at the Marine Register Office three days before sailing; that the cargo of the "*Carlota*" consisted of dry goods and gunpowder; that they cleared out for the Cape de Verde, but never arrived there, having sailed direct for Gallinas, on the Coast of Africa; that the deponent does not know the object of the *Carlota's* making for Gallinas; that all the cargo of the "*Carlota*" was landed at Gallinas, where the vessel remained about four months; that during this time they took on board water, wood, and rice; that on the very day of sailing they also took on board three hundred and sixty slaves, great and small of both sexes; that Captain Loureiro bought these slaves; that this deponent knows no other Owner or Supercargo of the "*Carlota*" than Don Francisco Loureiro, the Master; that the deponent does not recollect the day of their sailing from Africa; that after a voyage of forty-three days, on their return, the "*Carlota*" was chased on shore at Punta de la Mula, on the coast of this island, by an English schooner-of-war; that as soon as they were driven on the reefs all the crew disembarked, with the greater part of the negroes, and fled into the woods; that before the "*Carlota*" was driven on shore nine negroes had died; that of the crew none remained on the shore, except the Captain, by reason of sickness, and the deponent who stayed with his Master to give him assistance; that the English also caught on the shore a great number of the negroes, and took them on board the English schooner, so that, with those who had not had time to land from the "*Carlota*," they secured altogether two hundred and seventy-eight negroes; that the Captain and deponent were also taken on board the English vessel; that the day after, some sails and tackle having been saved from the "*Carlota*," the English schooner sailed for the Port of Nuevitas, where they remained two days to get provisions; that all the negroes remained on board at Nuevitas; that on the night of their sailing from Nuevitas a dreadful storm came on, by reason of which the English vessel was wrecked between Cayo Verde and Cayo Romano; that the English crew and this deponent were saved on Cayo Verde, with a part of the negroes; that this deponent cannot say how many negroes perished in the shipwreck; that Captain Loureiro died on board the English schooner previous to her arrival at Nuevitas; that the deponent knows that by sickness and shipwreck there remained, on arrival at this port, only one hundred and ninety-four negroes; that these arrived in a coasting-schooner from Cayo Verde, having put into no place on their voyage from that rock to the Havana. That no sails or any thing else belonging to the "*Carlota*" was saved in the shipwreck of the English schooner-of-war.

Fourth Enclosure in No. 68.

Sentence in the Case of the Negroes of the schooner, "Carlota."

In the Always Most Faithful City of the Havana, on the 21st day of November, 1834, the Most Excellent Señor Don José María Herrera y Herrera, Conde de Fernandina, Procer of the Kingdom, Honorary Grandee of Spain of the First Class, Grand Cross of the Royal Order of Isabel la Católica, and Knight of the Order of Charles III., Gentilhombre de Camara, con ejercicio, Supernumerary

Colonel of the Havana Regiment of Cavalry, and Spanish Commissary Judge in the Mixed Commission, as well as Don William Sharp Macleay, British Commissary Judge, and Don Manuel Garcia y Muñiz, Knight of the Royal and Military Order of St. Hermenegildo, Colonel and Second Commander-in-Chief of the Infantry of Havana, and Chief of the Military Depôt, as well as Spanish Commissioner of Arbitration, being assembled together in consequence of the absence, by order of his Government, of the British Commissioner of Arbitration, Don Charles Mackenzie, and having taken into their consideration the proceedings consequent upon the detention which the English schooner-of-war, "Nimble," commanded by Don Charles Bolton, made of the Spanish merchant-schooner, "Carlota," Don Francisco Loureiro, Master, on the 30th day of October last, when in or near latitude $21^{\circ} 7'$ north, and longitude $75^{\circ} 50'$ west, the said schooner, "Carlota," having on board a cargo of two hundred and seventy-two bozal negroes at the moment of her capture, of whom only have remained in the power of the said English Commander at the time of his entry into this port one hundred and ninety-four; and it being fully proved by the evidence in Court that the said schooner, "Carlota," sailed from this port on the 3d March of the present year, with a cargo for the Cape de Verde Islands, but made direct for Gallinas, on the Coast of Africa, where they took on board three hundred and sixty slaves, who were reduced to two hundred and seventy-two at the time of detention, by the death of nine and the flight of the rest, who escaped with the crew of the schooner on the Punta de Mula, on this island, all, except the Captain Loureiro, who remained sick on the coral reefs, accompanied by his Cabin-Boy, Luis Ramos, which two last-mentioned individuals were taken with the negroes on board the capturing vessel, as well as such tackle and sails as could be saved from the "Carlota;" and that in the prosecution of the capturing vessel's voyage to the Havana, the said Master, Loureiro, died, and the "Nimble" was shipwrecked on the reefs between Cayo Verde and Cayo Romano, from which misfortune were only saved the crew of the schooner-of-war, the above-mentioned Spanish Cabin-Boy, and part of the negroes, who were all brought to this Port in a coasting-schooner, freighted for the purpose by the Commandant of Marine of Guanaja; so that by reason of sickness and shipwreck the negroes were reduced to the above-mentioned number, one hundred and ninety-four, who were delivered up to the Spanish Authorities. Whereupon the Commissioners resolved, with all due regard 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 they do declare, and ought to declare, the detention of the schooner "Carlota," which was afterwards entirely lost, to be good and legal, as well as that of the negroes on board, who now remain free from all slavery and captivity, to the number of one hundred and ninety-four, as aforesaid. And the above-mentioned Commissioners direct that no time be lost in delivering to these one hundred and ninety-four negroes their respective Certificates of emancipation, by the hands of the Secretary of the Mixed Commission, as is customary; and also that a certified Copy of this Sentence be forwarded immediately to his Excellency the Captain-General, in order that he may take the necessary steps to give it due effect, and because the above-mentioned Cabin-Boy, Luis Ramos, belonging to the crew of the "Carlota," remains 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.
WILLIAM SHARP MACLEAY.
MANUEL GARCIA Y MUNIZ.

(Signed) JUAN FRANCISCO CASCALES,
Secretary.

Fifth Enclosure in No. 68.

Lieutenant Bolton to Mr. Macleay.

(Extract.)
SIR,

Havana, 15th November, 1834.

I BEG to state, for your information, that on the 30th ultimo, I fell in with, in His Majesty's schooner, "Nimble," off Point Mula, the Spanish slave-schooner, "Carlota," and after a chase of three hours she ran ashore on Point Garda la Vaca. I succeeded in capturing two hundred and seventy-two of her slaves, who were brought on board the "Nimble," as also the Captain of the "Carlota," and a boy, the Captain having been found naked on the rocks, after having been robbed and maltreated by his own crew. For three days after the capture we had light and variable winds from the westward, and finding we made little progress in our voyage to Havana, on the 2d instant I anchored off the entrance to Nuevitas, and sent the boats up to the town for provisions, of which we stood in need. On the evening of the 3d the boats returned with the necessary supply and about 6 p. m. we weighed, proceeding on our voyage to this port, having taken our departure within two miles of Point Maternillos at 10 minutes before 7 p. m. Neither the Pilot on board, who is an experienced man, nor myself, were apprehensive of danger in running through the Old Bahama Channel at night, the weather being then moderate, and as our supply of water on board was very small for the great additional number so unexpectedly and inconveniently crowded together, I deemed it expedient not to lose a moment in the prosecution of my voyage. The wind, unfortunately, gradually augmented; squalls with rain succeeded; and soon after midnight it blew very heavily from the north-east; the night was very dark; and it rained heavily at intervals. Soon after one on the morning of the 4th the vessel struck on the reef off the Island of Cayo Verde. Although every thing was immediately done to get the sail off the vessel, she fell over on her beam-ends and bilged, having only four feet water alongside, and the sea breaking over her. The scene of horror that now presented itself may be imagined but cannot be described: two hundred and seventy unfortunate negroes crowding our decks, immovable from horror and despair. The vessel straining heavily, to prevent her splitting immediately in pieces, I ordered the foremast to be cut away, which in its fall carried away the head of the mainmast, by which several of the negroes were killed. All hands were then employed in making a raft. When the day dawned we observed Cayo Verde bearing N. W. about half a mile, and, though not without imminent danger from the breakers, we commenced getting the women and children into the boats, and succeeded in landing as many as could be put into them on the quay. When the boats returned the second time the negroes became

uncontrollable, and so many of them rushed into the jolly-boat that she immediately swamped. The gig which was near her succeeded in picking up the Officer and men who were in her, and as many of the negroes as she could carry. We thus unfortunately lost our best boat; and, to prevent the gig sharing a similar fate, when she approached the wreck one of our men swam out to her, with orders from me on no account to approach nearer; but to proceed immediately with the Pilot to the nearest place for assistance, and to bring water and provisions to the quay. The raft we had made in the night, from the beating of the vessel on the reef, had got under her bottom, and was immovable. I then ordered the stump of the mainmast to be cut away, with which and other spars we made a second raft, and having now only one small boat remaining, which I was afraid the negroes would swamp if she came near the vessel, I sent all our own crew on the raft, and shoved off a distance from the wreck: from the raft we were taken by the boat to the island. On landing I was too much exhausted and ill to return to the wreck that day, but the boat continued disembarking the negroes until darkness and the exhausted state of the men rendered it impossible. At daylight on the 5th, the wind having moderated, and the vessel having beat in on the inside of the reef, the rest of the negroes were landed in safety, and in the course of the day such provisions as could be procured, although entirely wet with salt water: the fresh water on board was totally spoiled: providentially, however, the heavy rains which had lately fallen furnished a supply of water from holes dug in the earth, otherwise we must have perished, as the boats sent for assistance did not return with water until the forenoon of the 6th instant. Other boats soon followed, with supplies furnished by the Commandant of Marine for the District of Guanaja. I beg to enclose you a Copy of my Letter to him applying for assistance, and, in justice to this Officer, to state, that all possible expedition was used by him in furnishing it; that he himself arrived on the island on the 8th instant, where he continued until our departure. He stated that there was but one vessel, the schooner "*Amistad*," at Guanaja, that could take us to Havana; that he would victual and provide his vessel with every thing necessary, but that he would not leave the place where he then was without some definite agreement being entered into. I then referred the Commandant of Marine to my official Letter to him for assistance, upon which he despatched orders for the "*Amistad*'s" immediate sailing for Cayo Verde. She arrived on the 11th instant, and on the following morning we had embarked the negroes and all the stores we could save from the wreck, and having given the Commandant a Receipt for the supplies furnished us while on the island, and left him in charge of such stores as he might be enabled to save from the wreck, to be lodged in the Arsenal at Havana, we sailed for this Port, where we arrived on the 14th instant.

I have much pleasure in bearing testimony to the kind and humane conduct of the Captain of the "*Amistad*" who furnished us with every thing we could possibly expect from him under such circumstances, and whose whole conduct and demeanour were highly praiseworthy.

I have, &c.
(Signed) CHARLES BOLTON,
Lieutenant-Commander, H. M. schooner "*Nimble*."

His Majesty's Commissary Judge, Havana.

Sub-Enclosure in No. 68.

Lieutenant Bolton to Don Jozé Z. Noy.

*His Britannic Majesty's schooner, "Nimble,"
Cayo Verde, 4th November, 1834.*

SIR,

I HAVE the honour to inform you that His Britannic Majesty's schooner, "*Nimble*," ran ashore, and is totally wrecked, on Cayo Verde, on the night of the 3d instant, having on board at the time, besides our own crew, two hundred and seventy negroes taken from the wreck of the "*Carlota*," Spanish slave-schooner.

Being now entirely destitute of all supplies for the whole, I have to apply to you on the part of His Britannic Majesty's Government, for immediate assistance, supplies of water and provisions, and a conveyance for our crew, slaves, and stores, to Havana. In making this application I trust entirely to the honour of the Spanish Government for all assistance being immediately rendered us, and that it be done on the most reasonable terms.

I have, &c.
(Signed) CHARLES BOLTON,
Lieutenant-Commander.

*Don Jozé Zacarias Noy,
Commandant of Marine for the District of Guanaja.*

No. 69.

His Majesty's Commissioner to Viscount Palmerston.—(Received Jan. 17, 1835.)

MY LORD,

Havana, 28th November, 1834.

ON the 5th instant the Spanish slave-schooner, "*Pronta*," San Martin, Master, sailed from this port for the African Coast, as did the Spanish brig, "*San Nicolas*," Carlos Botta, Master, on the 8th.

I have also the honour to inform your Lordship, that the French ship, "*Réparateur*," J. De Beaupré, Master, arrived here from Whydah on the 10th instant, as did likewise on the same day the Spanish brig, "*Urraca*," Gumesindo Loureiro, Master, having previously landed slaves on the Coast. On the 15th instant also

arrived the Spanish brig, "*Paulina*," Feliciano Sust, Master; and on the 16th the Spanish brig, "*Diogenes*," Juan Magueda, Master, both from Africa. All these Spanish vessels have been duly reported by me to the Captain-General.

I have, &c.

(Signed) W. S. MACLEAY.

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

No. 70.

His Majesty's Commissioner to Viscount Palmerston.—(Received Jan. 22, 1835.)

MY LORD,

Havana, 6th December, 1834.

THE Captain-General having informed me verbally, that it was his intention to despatch the negroes of the "*Carlota*" instantly to Trinidad, and his Excellency not appearing to have made himself perfectly acquainted with the conditions under which His Majesty's Government has consented to receive emancipated slaves from the Havana into a British Colony, I deemed it right, in order to prevent mistakes, which might produce unnecessary delay, to address an explanatory Note to him on the 20th ultimo. A Copy of this Note I have the honour to enclose, as well as a Translation of his Excellency's Answer, dated the 25th ultimo, in which he informs me that the cholera exists in the Havana, and that twenty-one of the "*Carlota's*" negroes had already died under alarming symptoms. The truth indeed is that about six weeks ago an access of cholera carried off persons in the Havana at the rate of about fifty per day.

I need not state to your Lordship how truly desirable it is that all emancipated negroes should be placed, if possible, under British protection, and it was with this feeling that I addressed my first Note on the subject to the Captain-General; but on receiving his Answer, and taking into consideration the heavy responsibility which I should incur if I sent them in their actual state, and the cholera should ensue upon their arrival in the Island of Trinidad, I addressed another Note, dated the 27th ultimo, a Copy of which I also enclose. I was induced the more to write this last Note by his Excellency Sir George Hill, in his Despatch of the 27th May, 1833, having begged His Majesty's Commissioners particularly to observe, that notwithstanding his strong desire of inviting the arrival in Trinidad of emancipated negroes domiciliated in Cuba, "he is determined not to receive any such until the cholera morbus shall have entirely disappeared from that territory."

I now have the honour to enclose a Translation of the Captain-General's Note of the 3d instant, communicating to me his final determination on the subject, which is, that in consequence of my Note of the 27th ultimo, and of the Reports of the Medical Professors commissioned to visit the negroes of the "*Carlota*" (Copies of which Reports accompanied his Excellency's Note), they shall not, at least for the present, be despatched to Trinidad.

I have, &c.

(Signed) W. S. MACLEAY.

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

First Enclosure in No. 70.

Mr. Macleay to Don Miguel Tacon.

Havana, 20th November, 1834.

THE Undersigned, His Britannic Majesty's Commissary Judge, in compliance with the request which his Excellency the Captain-General did him the honour to make the other day, in the course of conversation, begs leave now to enclose Copies of the last Note which His Majesty's Commissioners addressed to the Local Government of Cuba, on the proper mode of sending emancipated negroes to Trinidad, and of the Answer which his Excellency Lieutenant-General Don Mariano Ricafort made to that Note. The stipulations which will appear in this Correspondence to have been thus finally agreed upon, and confirmed by the British Government and the Local Government of Cuba, had been previously arranged between this last and His Britannic Majesty's Commissioners, and the "*Manuelita*," with another subsequent vessel despatched to Trinidad, have conformed to these conditions.

His Excellency the Captain-General having been pleased, in conversation, to express to the Undersigned his intention to despatch the negroes of the "*Carlota*" to Trinidad also, the Undersigned takes opportunity to state that he considers that no deviation can be made now from the mode in which the

"*Manuelita*" was despatched from the Havana on the 16th January last; and which was in perfect conformity with the Note addressed by His Majesty's Commissioners to his Excellency the Captain-General of Cuba, on the 2d January previous.

The "*Manuelita*" carried provisions sufficient to maintain the negroes for thirty days after arrival; and, as the Undersigned with grief understands that some insulated cases of cholera have occurred during the late hot weather in the suburbs of this city, he begs to state, that the same provision will be necessary also in the present case, in the event of the Governor of Trinidad subjecting these negroes of the *Carlota* to a rigorous quarantine on their arrival. In any case, under actual circumstances, the Undersigned will be obliged to the Captain-General for an explicit statement with respect to the actual prevalence of cholera in the Havana.

Whenever the necessary arrangements shall have been completed, and the negroes, as before, inspected by the Medical Gentleman appointed by His Majesty's Commissary Judge, the Undersigned will be ready to furnish the Commander of the vessel with the requisite Letter to his Excellency the Governor of Trinidad, as well as with a Certificate under his hand and seal, to serve as a Passport, and secure these negroes during their present voyage to Trinidad from any interruption on the part of His Majesty's cruisers; it being understood, however, that, as in the former cases, this Certificate shall 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 have, &c.
(Signed) W. S. MACLEAY.

Second Enclosure in No. 70.

(Translation.)

Don Miguel Tacón to Mr. Macleay.

Havana, 25th November, 1834.

SIR,

I HAVE received your Note of the 20th instant, enclosing Copies of two other Notes, one of which was addressed by you to my predecessor on the 2d of May last, and the other was his Answer to the same, dated on the 13th of the same month. I have now made myself perfectly acquainted with the stipulated conditions which must be observed in the remission of emancipated negroes to the Island of Trinidad, and I beg to inform you that I this day write to his Excellency the Intendant, requesting him to provide means of transport to the said island for those negroes who may survive of the one hundred and ninety-four who have been just received under the established rules, and who may be adapted by the state of their health to the prescribed conditions. In the mean time you can, when you please, take the necessary steps for their being examined by the Medical Officer you may think proper to name for that purpose, placing him in communication with Don Ramon Morales, Captain of San Antonio el Chiquito, who has them in charge, and to whom I give this day the requisite directions.

I am grieved, however, to inform you, with respect to the sanitary state of this city, that within the last few days cases of cholera morbus have occurred, and other suspicious cases, which although, from the smallness of their numbers, cannot be classified as epidemic, but as of an ordinary nature, yet I think it right to state to you clearly the truth in answer to your inquiries; adding, moreover, that twenty-one of the negroes of the "*Carlota*" have already died, under symptoms sufficiently alarming to make me take the necessary steps for securing those alive being properly separated and provided with good medical assistance.

As soon as they can be got ready I shall forward you the List of the negroes to be sent with their Certificates of emancipation, and also the name of the vessel and her Captain, in order that you may furnish the Certificate to secure her an uninterrupted voyage to Trinidad.

God preserve you many years.

His Britannic Majesty's Commissary Judge.

(Signed) MIGUEL TACÓN.

Third Enclosure in No. 70.

Mr. Macleay to Don Miguel Tacón.

Havana, 27th November, 1834.

THE Undersigned, His Britannic Majesty's Commissary Judge, has the honour to acknowledge the receipt of his Excellency the Captain-General's Note of the 25th instant, and begs in answer to state that he will be happy to do everything in his power to expedite the transmission of the negroes of the "*Carlota*" to Trinidad; but the Undersigned, at the same time, cannot take upon himself the responsibility of sending to a British Colony any negroes who may be affected with cholera: indeed the Governor of Trinidad has expressly stated his determination not to receive any such. The Undersigned begs, therefore, that his Excellency the Captain-General will explicitly state the particular nature of the alarming symptoms of the disease by which his Excellency is pleased to state that twenty-one of these negroes have died, and whether these symptoms are considered by the medical gentleman who attended the negroes as being those of Asiatic cholera.

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

The Undersigned has the honour, &c.
(Signed) W. S. MACLEAY.

Fourth Enclosure in No. 70.

(Translation.)

Don Miguel Tacón to Mr. Macleay.

Havana, 3d December, 1834.

SIR,

IN answer to your Note of the 27th ultimo, in which you were pleased to inform me that, while you would do all in your power to facilitate the transmission of the emancipated negroes of the "*Car-*

lota" to the Island of Trinidad, you could not take upon yourself the responsibility of sending to a British Colony any negroes who might be affected with the cholera, it is now my duty to state that, by the accompanying Copies of the Reports of the Physicians appointed by the President of the Junta of Medicine to visit these negroes, you will be informed of the true condition in which they at present are, the whole being weak and thin in consequence of the privations and fatigues experienced during their voyage and shipwreck, and seventeen of them being affected with diarrhoea and cholera. I have thought that to expose them now to a new voyage, before they have recovered from their late sufferings and fatigues, might not only endanger their lives, but be the means of his Excellency the Governor of Trinidad not allowing them to be disembarked in that Colony, which would occasion new difficulties and increased expense, and have therefore determined, in benefit of the said emancipated negroes, that for the present they be placed where, separated from all others, they may have the assistance which humanity requires; and if afterwards, and within the two years fixed by the stipulations, the remission of them to Trinidad should be convenient, I will duly inform you of the same, in order that you may proceed in the matter according to the rules laid down on the subject.

His Britannic Majesty's Commissary Judge.

God preserve you many years.

(Signed) MIGUEL TACON.

Fifth Enclosure in No. 70.

(Translation.)

Dr. Romay to Don Miguel Tacon.

MOST EXCELLENT SIR,

Havana, 28th November, 1834.

HAVING commissioned the Doctors, Don Francisco Sandoval and Don Juan Perez Carrillo, to vaccinate the bozal negroes belonging to the Spanish schooner, "*Carlota*," now in the charge of Don Ramon Morales, and afterwards having transmitted to these gentlemen a Copy of the Despatch which your Excellency was pleased to address to me on the 25th instant, accompanied by a Copy of the Letter addressed to your Excellency by the said Don Ramon Morales, and the Certificate of the medical man who attended those negroes, I directed them to examine their condition, and scrupulously to declare the state in which they might find them, prescribing at the same time the dietetic regimen which they ought to follow. These professors have now answered me in the official Note which I have the honour to enclose for your Excellency's information and further measures. They have also charged me to recommend to your Excellency, that when bozal negroes have been deposited in any house outside the walls, or, at most distance, in the Estancia de San Nicolas, below the Castle of Principe, they should be paid two rials for each negro; and that now, as they have been obliged to proceed half a league farther from town, and by the bad state of the roads were obliged to take two horses and lose all the morning, the above fee ought to be doubled. They also beg me to observe that it has been customary to give a doubloon (\$4. 2rs.) to the person who brings the child with the vaccine virus.

God preserve your Excellency many years.

(Signed) DR. TOMAS ROMAY.

A True Copy.

(Signed) ANTONIO MARIA DE LA TORRE Y CARDENAS.

His Excellency the Governor and Captain-General.

Sixth Enclosure in No. 70.

(Translation.)

Drs. Sandoval and Carrillo to Dr. Romay.

SIR,

Havana, 27th November, 1834.

At the same time that we have the satisfaction of communicating to you that we have this morning vaccinated all the bozal negroes of the Spanish schooner, "*Carlota*," lately captured by His Britannic Majesty's schooner, "*Nimble*," and who are now in the charge of Don Ramon Morales, we likewise have to state, in consequence of your verbal order, and the Instructions you were pleased to communicate to us, that we have made a scrupulous and detailed investigation into the actual state of their health.

In fact, we began our examination by making it individual at the time each was under the process of vaccination, and we found that among those who appeared to be in health the greatest part were thin and weak, and so in our opinion predisposed, by reason of the actual atmospheric variations and the change of climate, to indigestions and irritability of the gastro-intestinal organs. We then examined their food and found it to be fresh meat cooked with plantains, good bread and biscuit, all which we approve of. We then adjourned to visit the sick, and found seventeen in the ordinary state of diarrhoea, or cholera, five seriously ill, and four in imminent danger in consequence of choleric symptoms; in all twenty-six. These are placed apart from the rest, and, with respect to their regimen and method of cure, we were of accord with the medical gentleman who attends them, and who was present, as to the most proper measures to be taken. This is all we can inform you, Sir, as to what regards our late Commission.

God preserve you many years.

(Signed) DR. FRANCISCO DE SANDOVAL.
DR. JUAN ANGEL PEREZ Y CARRILLO.

A True Copy.

(Signed) ANTONIO MARIA DE LA TORRE Y CARDENAS.

The President of the Junta of Medicine and Surgery.

No. 71.

His Majesty's Commissioner to Viscount Palmerston.—(Received Jan. 22, 1835.)

MY LORD,

Havana, 13th December, 1834.

ON the 2d instant arrived in this port, from the Coast of Africa, the schooner "*Rana*," Fortunato Romero, Master, and on the 10th the brig "*Isabel Segunda*," Benito Pereyra.

I have also the honour to inform your Lordship that no less than six more slave-vessels have sailed for the Coast of Africa; three schooners, viz., the "*Bella Ines*," Pugol, Master, on the 28th ultimo; the "*Dido*," Moreno, Master, on the same day; and "*Nueva Amistad*," Tomas Cearreobe, on the 1st instant; and three brigs, viz., the "*Rapido*," José Maria Alcain, Master, on the 7th instant; the "*Jacinto*," Roviroza, Master, on the same day; and the "*Mercedita*," Vicente Sancho, Master, on the 10th instant.

I have, &c.

(Signed)

W. S. MACLEAY.

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

&c.

&c.

&c.

No. 72.

The Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 31st January, 1835.

A LETTER (of which the accompanying is a Copy) upon the subject of the projected removal to Trinidad of captured Africans, liberated by the Court of Mixed Commission in Cuba, has been addressed to this Department, by the Under-Secretary of State for the Colonies, enclosing a Copy of a Despatch addressed to the Lieutenant-Governor of Trinidad, on the 2d of November last.

Having taken into consideration the object which the Secretary of State for the Colonies is desirous to attain, through the medium of British Authorities at the Havana, it appears to me that they can best be secured by your superintendence, and by a person under your immediate orders, and that Mr. Jackson, the Clerk to the British Commission, would be a proper person to select for the discharge of the duties in question.

In the accompanying Paper, the Secretary of State has assumed that it is expedient to continue, until further decision, the practice which has recently been pursued of relieving the Government of Cuba from the care and burthen of the liberated Africans, by transferring them to Trinidad.

The duty which will devolve upon the Functionary whom you shall appoint to the situation in question will be that of ascertaining, to his own satisfaction, and then of certifying, for your information, and for that of the Officers of the British Government in Trinidad, the facts of which it may be necessary to be informed, before an Order is made for the reception, in Trinidad, of any Africans to be brought thither from Cuba.

These facts, so far as I am yet aware, are, first, the concurrence of the Africans themselves in their removal to Trinidad, or the evidence of a very extraordinary necessity, requiring, in some cases, even a peremptory removal; and a Certificate upon either of these points, signed by the Functionary in question, must accompany any such Africans upon their removal from Cuba.

The Colonial Office will not consent that a transfer should be made to Trinidad of any Africans recently landed in Cuba, unless it shall be first ascertained that, at the time of their embarkation for Trinidad, they are in good health, or, at least, exempt from any dangerous or contagious disease.

You will take advantage, for this purpose, of the proffered continuance of the services of Dr. Meikleham, if that gentleman should still be at the Havana, and not unwilling to afford them.

The second object of the Certificate, which should accompany every vessel with liberated Africans from Cuba to Trinidad, must therefore be, that the Functionary certifying has been himself satisfied, on the Report of the competent Medical Inspector, that the Africans to be removed are, at the period of their quitting Cuba, in such a state of health as I have mentioned.

As it may be apprehended that the Africans removing to Trinidad may enter

upon that voyage under a total misapprehension of the nature of the reception awaiting them, it will be fit that, before the departure of any Africans from Cuba, the plain truth should be distinctly explained to them, and that they should be taught to expect, on their arrival at Trinidad, adequate maintenance and protection from injury, in return for moderate but regular labour.

That such explanations have been given to the negroes is the third fact to be attested by the Certificate which is to accompany them.

With regard to the due proportion of males and females to be embarked, it is stated in the accompanying Letter that it would be superfluous to add anything to the Instructions already given ; still it is observed, that it may not be useless to require, that the Certificate to be put on board the vessel at Cuba should show, fourthly, that at the time of her sailing that proportion was accurately observed.

It is of great moment to take effectual security against the severance, before the departure from Cuba, of any relations, whether of marriage or consanguinity, which ought to be maintained inviolate ; and, with a view to this point, the Certificate should state, fifthly, that the Functionary signing it, after having, to the best of his power, inquired into the fact, has reason to believe that no African referred to in that Certificate will leave behind in Cuba, a husband, wife, child, or other immediate connection or relative, from whom he or she ought not to be separated.

The Functionary in question will likewise require of the Master of every vessel conveying such Africans to Trinidad, first, to give Bond to His Majesty, that during the voyage the negroes shall be provided with such sustenance and accommodations as may be necessary for their health and reasonable comfort : the Certificate should therefore state, sixthly, that such a Bond had been entered into, and, before the ship is admitted to entry at Trinidad, the Bond itself should be placed in the hands of the Collector of Customs.

No Africans should be sent to Trinidad without one month's previous notice of their arrival to the Authorities of that place, in order that due provision may be made for the proper disposal of them on their reaching the Colony, or, if such notice be impracticable, the vessel must be furnished with one month's extra provisions, so that the negroes may remain, if necessary, thirty days on board after their arrival in Trinidad. On these points, however, you will come to an understanding with the Government of Trinidad.

The Document certifying to the several points enumerated in this Despatch should be drawn up, dated, and signed by the Functionary in question, in triplicate, and one original thereof should be delivered to you, one retained by such Functionary, and the third delivered over by him to the Captain of the vessel, or other person in charge of the liberated Africans. The person receiving that triplicate original of the Certificate will give a Receipt for the same, and will, on the arrival of the vessel at Trinidad, deliver over the Certificate to the Authorities of the Island.

His Majesty's Government feel aware that such remuneration as, with a due regard to economy, may appear fair, should be made to the Civil and Medical Functionaries who may be employed by you for the service under this Instruction. His Majesty's Government think it right that half, if not the whole, of this charge should be borne by the Spanish Government, for whose benefit, in the first instance, the service is performed.

You will, therefore, endeavour to induce the Spanish Government to bear the whole.

If they should object to bear more than half, then His Majesty's Government will not decline to authorise the payment of the remainder from the resources of Trinidad.

You will, however, previously to incurring any expenditure for this service, send home for approval a Scale, regulated with due regard to economy, of the remuneration which you think fair ; and, after consideration and approval of what His Majesty's Government may think right, they will direct the Lieutenant-Governor of Trinidad to accept the Bills which may be drawn for this service, agreeably to the proposed Scale.

You will report to me the arrangements which you shall have provisionally made upon the several points in this Despatch.

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

I am, &c.
 (Signed) WELLINGTON.

Enclosure in No. 72.

Mr. Stephen to Mr. Backhouse.

SIR,

Colonial Office, 10th December, 1834.

MR. SPRING RICE having, on the 2d ultimo, addressed a Despatch to the Lieutenant-Governor of Trinidad, upon the subject of the removal of captured Africans from Cuba to Trinidad, and having in that Despatch signified his intention of making the necessary arrangements with the Secretary of State for Foreign Affairs for instructing the British Consul, or some British Member of the Court of Mixed Commission, or both, as to the course they should adopt in respect to such removals of Africans, I am directed by the Secretary of State to transmit to you herewith a Copy of Mr. Spring Rice's Despatch above referred to, and to request that you will bring the views entertained by the late Colonial Secretary of State upon this subject before the Secretary of State for Foreign Affairs, in order that proper Instructions for the guidance of the British Officers at the Havana may be framed.

I have, &c.

(Signed) JAMES STEPHEN.

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

Sub-Enclosure in No. 72.

Mr. Spring Rice to Sir George B. Hill.

SIR,

Downing-Street, 2d November, 1834.

I HAVE the honour to transmit to you herewith the Copy of a Letter, addressed to Sir G. Grey by the direction of the Lords Commissioners of the Treasury, on the subject of the removal of captured Africans from Cuba to Trinidad.

You will communicate to Mr. Parkhurst, the Collector of Customs, that part of their Lordships' Communication which relates to allowances hereafter to be claimed by him.

On referring to the Correspondence of this Office, I have been unable to discover, amongst the Despatches received from yourself on this subject, any answer to the inquiries addressed to you by Mr. Stanley in his Despatch of the 10th of December, respecting the probable effect on the interests of Trinidad of the introduction into that island of a large body of negroes, adjudicated in the Courts of Mixed Commission in Cuba, and respecting the probable acquiescence of the Colonists in providing for that part of the expense attendant upon the transfer which must be incurred after the arrival of the Africans amongst them. Some allusions were indeed made by you to these topics in your Letter to Mr. Stanley, of the 27th June last; but that Communication being marked "Private," and being obviously not designed by you as the basis for any official proceeding, I do not feel myself at liberty to transmit a Copy of it to the Lords of the Treasury; nor do I apprehend that their Lordships' wishes for information would be satisfied except by a much more elaborate inquiry into the subject. I have therefore to request that you may, as promptly as possible, supply this omission, and thus enable me to convey to the Lords of the Treasury such a Report as they are desirous to receive.

The present occasion having led me to review the whole of the past Correspondence between this Department and yourself, respecting the removal of the captured Africans from Cuba, I observe that some of your Communications have scarcely yet received the full answer which they seem to me to require. In the margin I have enumerated the whole of your Despatches on this head, and I propose, in the sequel, to make such remarks as they have suggested to me.

Without anticipating the results of the future deliberations of His Majesty's Government, when in possession of the Report for which I have already called, but assuming for the present the continuance of the practice, which has hitherto been pursued, of relieving the Government of Cuba from the charge of the captured Africans by transferring them to Trinidad, I shall now state for your information what are those conditions by which, as it seems to me, that practice must be qualified.

In the first place, however, the lawfulness of the whole proceeding appears to me to depend entirely upon the strict observance of the principle that the persons to be removed are not to be considered as slaves, but as persons of free condition, and are to be dealt with accordingly, both in Cuba, during the passage, and on their arrival at Trinidad. Some measures of restraint from which other free men are exempt may, nevertheless, be requisite in dealing with these Africans, and may be used without any impeachment of their freedom: nor can they with propriety be said to be treated as slaves, merely because some degree of coercion is found necessary to induce them to labour for their own support, or even to effect their removal from Cuba to Trinidad. The caution to be used in resorting to compulsory methods of this kind I shall subsequently notice: but with regard to the possible necessity of justification of it, I would observe that those unfortunate victims of the Slave Trade are thrown upon the protection of the British and Spanish Governments, by circumstances over which neither these Governments nor the Africans themselves could exercise any control. Found on the ocean, in a state of captivity to pirates, remote from their native land, their return to it is made impossible; they therefore become the adopted charge of the State to which the capturing vessel or the receiving Colony may belong. Their helplessness and their ignorance preclude for a time their enjoyment of all the privileges of other free aliens, especially in a country where the continued existence of slavery exposes them to the danger of being reduced into that state by violence or fraud. The two Sovereigns who have mutually bound themselves to their protection have the rights as well as the obligations incident to the character of protector; they are entitled, and even obliged, to see that the objects of their care do not, by want of needful restraint, incur risks corresponding with those from which they have been so recently rescued. If, therefore, the real welfare of these Africans requires their removal from Cuba to Trinidad, from a slave-colony to one in which slavery is now happily unknown, an ignorant repugnance to the measure, should it be felt, though a very serious, is not necessarily a conclusive objection to it. As in the case of children, so in the case of these Africans, there are certain abridgments or suspensions of the rights common to all other persons, which the necessity of the case demands and justifies. I have made these general remarks from the anxiety I unavoidably feel to obviate any misconstruction of the views of His Majesty's Government upon any question in which the great principle of personal freedom in the British Colonies might seem to be involved. After all the labour which has been incurred, and

the sacrifices which have been made for the entire abolition of slavery, it is scarcely possible to err on the side of excessive circumspection, applied to guard against the revival of slavery under any pretext, in any form, or to any extent.

In illustrating my general meaning by supposing the case even of a compulsory removal from Cuba to Trinidad, I have intentionally selected for the purpose of that illustration a case which must be considered as extreme; for among the general rules, which it is my object to establish for the guidance of yourself and of all other public Officers who may be engaged in this service, one of the principal is, that before the embarkation of the Africans for Trinidad, their own acquiescence in that measure should be ascertained as distinctly as may be practicable. Their want of knowledge of European language may render intercourse with the newly-imported Africans obscure and uncertain, as indeed their total unacquaintance with many of the facts by which their choice ought to be governed may, in one sense, render the expression of their assent little more than a form: yet these considerations should not prevent such efforts as can be made to secure an expression of concurrence in the design, and to impress them with the persuasion that it is really projected for their benefit.

Independently of all other motives recommending this course of proceeding, it is a consideration of no light moment that much temporary alarm and anxiety would thus be spared to these unfortunate people, with all the train of physical evils which are induced by dejection and terror during a sea-voyage, however favourable or commodious in other respects that navigation may be.

As the concurrence of the Africans in the removal, on the existence of some extraordinary necessity, requiring in very peculiar cases even an unwilling removal, could not be ascertained to any good purpose, or perhaps, could not be ascertained at all, except before the commencement of the voyage, the duty of making those inquiries must be devolved upon some British Officer resident at Havana. The only Functionaries of whose assistance His Majesty's Government could avail themselves for this purpose are the British Consul at that Port, or some British Member of the Court of Mixed Commission. It is my purpose to make the necessary arrangements with His Majesty's Secretary of State for Foreign Affairs for addressing to one, or both of those Officers, Instructions for his guidance in this respect, of which Instructions, when so prepared, I shall transmit a Copy to yourself. The general object of them will be to require of the Officer to whom they may be addressed that he should first ascertain, to his own satisfaction, and then certify, for the information of yourself and the Officers of your Government, the facts which it may be necessary for you to learn before you make an order for the reception at Trinidad of any Africans to be brought thither from Cuba. The first subject of the Certificate to accompany any such Africans will be that to which I have already made reference. But the mere assent of the Africans to the transfer is far short of all that is requisite to justify the concurrence of His Majesty's Government in such a measure. Amongst the most afflicting circumstances connected with the Slave Trade, as at present carried on, is the fact that the enhanced risk incurred by the importers induces them to crowd their vessels, even beyond the worst examples of that atrocious system in its former legalized state, and to employ ships, in the structure of which all consideration of health and comfort are sacrificed to the single object of escape from capture by fast sailing. The ordinary sufferings of a slave-ship are aggravated, not only by these means, but by the comparative poverty and by the desperate and hardened character of those who project, and of those who execute, such undertakings. The consequence on the health of the slaves, as proved from the Returns from the Court of Mixed Commission at Sierra Leone, is formidable in the extreme. The great mass of those wretched people who are landed there appear to be in a state of debility or active disease, under which, in the course of the first few weeks, an alarming proportion die, although the utmost efforts are used for their recovery. With the distinct knowledge of these facts, I cannot consent that a transfer should be made to Trinidad of any Africans recently landed at Cuba, unless it shall first be ascertained that at the time of their embarkation they are in good health, or at least exempt from any dangerous or contagious disease. A second subject of the Certificate which should accompany every such vessel must therefore be, that the Officer certifying has been himself satisfied, on the Report of competent Medical Inspectors, that the Africans to be removed were about to quit Cuba in such a state of health as I have mentioned. It is also to be apprehended that the Africans removing to Trinidad may enter upon that voyage under a total misapprehension of the nature of the reception awaiting them. That the Authorities of Cuba are anxious to be relieved from the care of this population is distinctly avowed. That the negroes may be tempted to move voluntarily by flattering representations of the country to which they are to be sent, and by extravagant descriptions of the advantages enjoyed in a colony where slavery is unknown, may not unreasonably be apprehended. To prevent disappointments, which would not only be painful to those who had to sustain them, but dangerous to the peace of the society to which they would be transferred, it will be fit, that before the departure of any Africans from Cuba, the plain truth should be distinctly laid before them, and that they should be taught to expect, on their arrival at Trinidad, adequate maintenance and protection from injury, in return for moderate but habitual labour. That such explanations have been given is another fact which the Certificate to accompany them should embrace. Of persons in a more advanced state of acquaintance with the habits of civilized life it might, under such circumstances, be prudent to require, before their embarkation, an express engagement to perform the conditions to be imposed on them on their arrival. But I fear that to make a stipulation of this kind with a body of Africans recently discharged from a slave-ship would be a mere ceremonial, unmeaning at best, and probably injurious, as laying the foundation for controversies scarcely admitting a solution.

With regard to the due proportion of males and females to be embarked, it would be superfluous to add any thing to the Instructions you already possess. But it may not be useless to require, that the Certificate to be put on board the vessel at Cuba should show, that at the time of her sailing that proportion was accurately observed. There would otherwise be a ready means of evading the rule, by alleging the death of females during the passage.

It is of great moment to take effectual security against the severance, before the departure from Cuba, of any relations, whether conjugal or natural, which ought to be maintained inviolate. Difficult as it may be to find any perfect safeguard against abuses of this kind, and obvious as are the sources of error and of fraud in the present case, yet that which can be done should not be neglected; and the ship's Certificate should state that the Officer so giving it, after having, to the best of his power, inquired into the fact, has reason to believe that no African referred to in that Certificate will leave behind in Cuba a husband, wife, child, or other immediate connection or relative, from whom he or

she ought not to be separated. The Master of every vessel conveying any such Africans to Trinidad should be required first to give Bond to His Majesty that, during the voyage, the negroes shall be provided with such sustenance and accommodations as may be necessary for their health and reasonable comfort. The Certificate should state that such a Bond has been entered into, and before the ship is admitted to enter at Trinidad the Bond itself should be placed in the hands of the Collector of Customs. To prevent the improper crowding of Africans into vessels passing from Cuba to Trinidad, some rule must be established, and none would apparently be more convenient than that which is to be found in the British Passengers Act: the provisions of that Act might be declared applicable to those voyages, by a local Ordinance to be made for that purpose.

No Africans should be sent to Trinidad without such previous notice of their arrival as would enable you to make provision for the proper disposal of them on their reaching the Colony. I do not affect to determine what the limitation of time should be, because on that subject you will of course correspond with the British Authorities in Cuba.

Finally, on the arrival of the Africans in Trinidad, they will of course be entitled to all the privileges of freemen, except so far as any degree of coercion or restraint may be necessary to prevent their abuse of those privileges, to the injury of themselves or of society at large. In the ignorant and helpless state in which many of them will be found, some temporary guardianship may be indispensable to their well-being.

During the continuance of slavery captured negroes were enlisted or apprenticed, to prevent the obvious and easy deceptions which might otherwise have been practised at the expense of their personal freedom. Masters were assigned to them for a limited period, by whom they were to be maintained as apprentices, and to whom they were to render any service in return unconnected with the growth or manufacture of Colonial produce. In the present state of affairs in the West Indies there is happily no longer any motive for taking securities against the risk of Africans being reduced into slavery: but there are still not wanting reasons for jealousy against needless encroachments upon their personal freedom. They will probably be best disposed of either by enlistment in the army and navy, or by a short apprenticeship to any persons capable of giving sufficient security for their instruction and good treatment. Upon this part of the subject, however, I am unwilling to advance beyond this very general intimation of the views I entertain, until I shall be assisted by the advice which it will be in your power to offer for the guidance of His Majesty's Government.

Such are the regulations which I purpose, by the co-operation of the Secretary of State for Foreign Affairs, to establish. I throughout assume the continuance of the system itself, which it is thus proposed to regulate. For the present, and until the arrival of the expected Report from yourself, on the whole subject, I am not prepared to prohibit, but am rather disposed to encourage the continuance of it, as convenient occasions may offer.

Sir George B. Hill, Bart., Governor of Trinidad.

I am, &c.
(Signed) T. S. RICE.

No. 73.

His Majesty's Commissioner to Viscount Palmerston.—(Received Feb. 9, 1835.)

MY LORD,

Havana, 15th December, 1834.

I HAVE the honour to enclose the Translation of a Note, dated the 7th instant, which I received from the Captain-General, requesting me to furnish him a Certificate, to secure from interruption by His Majesty's cruizers, on their voyage to the Havana, the Mate, crew, and seventy-three negroes of the "*Carlota*," who escaped on shore at Punta de la Vaca, and who appear to have been arrested by the Governor of the Province of Cuba.

I also enclose a Copy of my Answer to this Note of His Excellency, pointing out to him that, by the seventh Article of the Instructions annexed to the Treaty, such a Certificate from me was unnecessary.

I have, &c.
(Signed) W. S. MACLEAY.
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 73.

Don Miguel Tacon to His Majesty's Commissary Judge.

(Translation.)

SIR,

Havana, 7th December, 1834.

THE Governor of the Province of Cuba, in his Despatch to me of the 18th ultimo, informs me that he has collected on the Coast of Guarda la Vaca, in the jurisdiction of Holguin, the Mate, crew, and seventy-three negroes, all belonging to the schooner, "*Carlota*;" and as the post sets out to-morrow with my orders that without loss of time they be all forwarded to me by the Puerto de Gibara, in order that they may be dealt with according to Treaty, I hope you will have the goodness to furnish me with a Certificate to secure their not being interrupted on their voyage to this city.

God preserve you many years.
His Britannic Majesty's Commissary Judge. (Signed) MIGUEL TACON.

Second Enclosure in No. 73.

*Mr. Macleay to Don Miguel Tacón.**Havana, 8th-December, 1834.*

The Undersigned, Commissioner of His Britannic Majesty, has the honour to inform his Excellency the Captain-General, in answer to the Note which he has done him the honour to address him, under the date of yesterday, that he would be happy to furnish the Passport required for the seventy-three negroes saved from the "*Carlota*" had it been necessary; but the seventh Article of the Instructions annexed to the Treaty specifies, that the conveyance of slaves from one port in the Spanish possessions to another is legal, provided the vessels in which they are so conveyed be furnished with Passports from the Government for this particular purpose. A Passport, therefore, from his Excellency the Captain-General, is sufficient, in the present case, to protect the vessel appointed to bring these slaves to the Havana from any interruption on the part of a British cruiser.

The Undersigned begs leave to express his gratification at the re-capture of these negroes—an event, indeed, which sufficiently illustrates the vigour of the Actual Government of the Island of Cuba, and he has the honour to avail himself, &c.

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

(Signed) W. S. MACLEAY.

No. 74.

The Duke of Wellington to His Majesty's Commissioner.

SIR,

Foreign Office, 11th February, 1835.

I HAVE received your Despatch of the 27th of November, 1834, and have communicated it to the Colonial Department.

I am glad to acquaint you that His Majesty's Secretary of State for the Colonies is of opinion that you exercised a very sound discretion in the course which you pursued when, on account of the prevalence of the cholera among the negroes of the "*Carlota*," you declined to authorise the départure of those negroes for Trinidad.

I am, &c.

His Majesty's Commissioner,
 &c. &c. &c.

(Signed) WELLINGTON.

No. 75.

His Majesty's Commissioner to Viscount Palmerston.—(Received Feb. 11, 1835.)

MY LORD,

Havana, 26th December, 1834.

THE present Captain-General of the Island of Cuba has, since assuming the reins of Government, not only ameliorated the state of Police, so long a disgrace to this city, but set on foot a number of other improvements, which confer most undoubtedly great credit on his activity and energy. Among other praiseworthy enterprises, he has commenced within the last six weeks the construction of a new public prison, the former one having, from its small size and consequent want of all classification of the prisoners, tended more to produce crime than to diminish it.

I have now the honour to inform your Lordship, that it having come privately to my knowledge that one of his Excellency's proposed plans, for raising funds for the construction of this new prison, was to charge one hundred and two dollars for each emancipated negro let out for work, I thought this so evident a breach of the Treaty under which I have the honour to act, that I addressed the Note to his Excellency under date of the 8th instant, a Copy of which I have now the honour to enclose.

From the Answer which the Captain-General has returned to my Note (a Translation of which, with its printed Enclosures, I also transmit), your Lordship will perceive that the principal fact on which I founded my Note, namely, the charging six ounces for each emancipated negro, is not directly denied, but merely cloaked over, as being a distribution of such negroes "to persons of responsibility who have made voluntary donations in aid of the public works." I am fully convinced that no right is proposed by the Local Government to be given to such persons of responsibility to keep these negroes permanently in their power; but I am nevertheless much afraid that on these negroes arriving at the destined scene of their

labour, little difference will be made between their condition and that of a slave. It is much to be regretted that the Treaty gives no power to His Majesty's Commissioners to interfere, either in the formation or in the execution of the conditions upon which emancipated negroes are distributed to private individuals: and one of the most glaring evils arising from this defect in the Treaty is, that the Local Government assumes the power of altering these conditions at will: even the original conditions were never communicated officially by General Vives to Mr. Kilbee, but merely as a private favour at a personal interview. The consequence is that I have no power to protest against many details in the execution of these conditions, which details I should otherwise feel it my duty to resist.

With respect to the Captain-General himself, I believe him to be personally incapable of an action which would lead one for a moment to suppose his being pecuniarily interested in the affair; but, in his anxiety to get money for a most desirable public work, I cannot but fear that he has confided emancipated negroes to persons far from being so scrupulous as himself as to the means of increasing their wealth.

I have, &c.

(Signed)

W. S. MACLEAY.

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

&c.

&c.

&c.

First Enclosure in No. 75.

Mr. Macleay to Don Miguel Tacon.

Havana, 8th December, 1834.

THE Undersigned, His Britannic Majesty's Commissary Judge, has the honour to acknowledge the receipt of his Excellency the Captain-General's Note of the 3d instant, by which he is informed that the negroes of the "*Carlota*" already emancipated are not, at least for the present, to be sent to Trinidad, in consequence of their general state of bad health, and of some of them being even affected with symptoms of cholera. While, however, the Undersigned relies on the humane assurances of his Excellency the Captain-General, that these poor creatures will be properly attended to, he is obliged to state that he would be guilty of a gross dereliction of his duty, did he not endeavour to come to some immediate explanation on the subject of certain rumours that daily reach his ears, with respect to the negroes that have been formerly emancipated by the Mixed Commission.

His Majesty's Commissioners, during the long period they have been established in this Island, have made it a rule scarcely ever to interfere with the management of such emancipated negroes, and most certainly *never* with what might be considered as administrative measures of the Local Government on the same subject, applicable to the particular conduct of individuals.

With respect, however, to the Treaty in general under which the Undersigned acts, it comes directly within his cognizance, and he is bound, both by his oath and Instructions, to watch over its strict fulfilment. Now, by the seventh Article of the Regulations for the Commissioners, which Regulations form part of the Treaty, it is positively stipulated between the High Contracting Parties, that all slaves emancipated by a Mixed Commission "shall be delivered over to the Government on whose territory the Commission which shall have judged them shall be established, to be employed as *servants* or *free labourers*; and each of the Governments binds itself to guarantee the liberty of such portion of these individuals as shall be respectively consigned to it."

It is therefore the conscientious obligation of the Undersigned, as His Britannic Majesty's Commissioner, to see that this Regulation, laid down in the Treaty for his guidance, be properly attended to; and under this impression his Excellency the Actual Conde de Cuba did, on the 26th December, 1824, communicate to His Majesty's Commissary Judge the conditions in eighteen Articles, according to which slaves brought to this port and emancipated by the Mixed Commission should be distributed. His Majesty's Commissary Judge at the time immediately made the British Government officially acquainted with these conditions, and it is almost needless to state that the latter Government understood that they were from that moment to have been most scrupulously observed.

The Undersigned, however, has been informed by persons of credit, that certain emancipated negroes have been disposed of to private individuals for country labour, at six ounces per head, a price which, if true, although it may be only about one-third of the average price of a negro in the Havana, is still a *price*, and would most assuredly be the means of consigning to hopeless slavery these "servants or free labourers," whose liberty England has not only made the most enormous sacrifices to obtain, but which Spain, moreover, has by the most solemn engagements bound herself to secure. Indeed, such a disposal of emancipated negroes would not only be in direct violation of the Treaty, but would also be in direct opposition to almost every one of those eighteen Articles which his Excellency General Vives communicated to the British Commissary Judge, as a proof that the Spanish Government intended most faithfully to act up to the solemn guarantee it had given England, as to the future liberty of all slaves emancipated by this Mixed Commission.

The Undersigned is instructed to make his Government acquainted with every thing that may come to his knowledge, as appearing to be an infraction of the Treaty, but at the same time to give his Excellency the Captain-General previous notice of his intention to give such information to his Government. He will be happy indeed, therefore, if in answer to this Note, his Excellency the Captain-General will furnish him with an assurance of the above reports on this subject, which are at present too prevalent in the Havana, being altogether false.

It is impossible to suppose that the British Government could overlook the conduct of the Undersigned, were it possible for him to be disgracefully negligent in so obvious a branch of his duty, and did he not take every means in his power to satisfy himself of the real facts, on a question of such vital importance towards the due execution of the Treaty.

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

The Undersigned, &c.
(Signed) W. S. MACLEAY.

Second Enclosure in No. 75.

(Translation.)

Don Miguel Tacon to Mr. Macleay.

Havana, 11th December, 1834.

Sir, I HAVE received your Despatch of the 9th instant, in answer to mine of the 3d, respecting the considerations which render it impossible for me to despatch at present to Trinidad the emancipated negroes of the schooner, "*Carlota*."

You inform me that you would be guilty of a gross dereliction of your duty, did you not endeavour to come to some explanation on the subject of certain rumours with respect to the negroes formerly emancipated by the Mixed Commission; and you say that the maxim followed hitherto by His Britannic Majesty's Commissioners has been, scarcely ever to interfere in the management of these negroes, and certainly never in the administrative measures of the Local Government, but that you find yourself now obliged, as much by your oath as by your Instructions, to watch over the exact execution of the Treaty; and you cite the seventh Article of the Regulations for the Mixed Commissions, in which it is stipulated that these individuals shall be employed as "*servants or free labourers*." You add, moreover, that in the year 1824 eighteen Articles were communicated to His Britannic Majesty's Commissary Judge by the Captain-General, Don F. D. Vives, on the subject of the conditions upon which these said emancipated negroes should be distributed; that notice of the same was duly given to your Government, and that it is almost unnecessary now to say, that from that moment it was understood that these eighteen Articles should be scrupulously observed; that nevertheless you have been informed by persons worthy of credit, that some emancipated negroes have been disposed of to private individuals for country labour, at six ounces per head; and then you offer various reflections on this information, which is altogether false.

In consequence I have now to inform you that, by the fourth Article of the Conditions approved by Her Majesty, which are the same up to the eighteenth which you cite, it is prohibited that the person or corporation to whom the emancipated negroes are confided can take them out of the city or suburbs, without the permission of the Government; that is to say, it belongs to the supreme Authority of the Island to grant or deny this licence; and in the use of this, their authority, my predecessors did certainly allow certain persons to carry some of these negroes into the country, in which proceeding they might be influenced by weighty considerations. But I as yet have had no motive to use my powers on the subject, and I have ever had an eye on those individuals who have emancipated negroes in their service out of the Havana, charging the local Authorities to watch over the execution of the Conditions, giving me a regular Report every six months of their existence and good treatment, so that on this particular head you have my answer.

The Copy I now enclose of the Conditions upon which all the emancipated negroes of the "*Carlota*" have been distributed, and the other Copy of the filiation and receipt for each of these negroes, will convince you that they have been placed in deposit, with reference to the twenty-fourth Article, under the acceptance of these Conditions, which must be signed by the persons to whom they are entrusted.

Her Majesty's Government, in fulfilment of the solemn stipulations of the Treaty, has taken every means in its power to prevent individuals from making attempts on the liberty of the emancipated negroes, making the most prolix investigation, by means of the Registers, into the existence of each negro, without their ever having been delivered up for a price, as you have been maliciously informed; although, perhaps, this information has been given on the ground, that it has been lately preferred to distribute the emancipated negroes, under the same Rules above-mentioned, to persons of responsibility who have made voluntary donations in aid of the public works, and also to lodge them in depôts which are under the charge of the Conde de Reunion and Don Joaquin Gomez, as appears by the Receipts which these same individuals have signed to the contributors, and in which there is not the least expression which can be supposed to give to the persons, to whom emancipated negroes may be confided, any right to keep permanently them in their power, since this will depend on the conduct of those who may receive them, until Her Majesty's determination now pending shall appear, as to the mode and terms on which the Certificates of emancipation are in future to be delivered.

This is all I have to say in answer to your above-cited Note.

God preserve you many years.

His Britannic Majesty's Commissary Judge.

(Signed) MIGUEL TACON.

Third Enclosure in No. 75.

(Translation.)

Conditions on which the Government distributes the emancipated negroes belonging to the Spanish vessels captured by ships of His Britannic Majesty, pursuant to the Seventh Article of the Regulations for the Mixed Commissions established in this city, under the Treaty of 1817 for the abolition of the Slave Trade.

ARTICLE I.

THAT, according to the above Article, the Government guarantees the liberty of the said negroes, who shall be delivered up either to corporations or private persons, on the exclusive conditions hereinafter stated.

ARTICLE 2.

The negroes shall be kept on wholesome and abundant food, and be supplied with clothing and shoes, as menial servants in this country usually are, and shall also be instructed in the principles of our religion, preparatory to their receiving, as soon as possible, holy baptism, and shall be cured and attended when sick with the greatest care and attention, and when they die the expenses of their interment shall be paid. They shall likewise be taught some trade or handicraft. In the same manner shall be treated the children of the negro-women, during the time of their being incapable to work for their maintenance; and information shall be immediately given to Government when any of the said negroes are delivered, in order that it may be entered, and that in the Certificate of baptism their quality of freed women may be noticed.

ARTICLE 3.

On the first Sundays of the months of June and December, all emancipated negroes shall present themselves to the Captain-General, that he may convince himself of their improvement, and may inquire whether they are satisfied.

ARTICLE 4.

On its being ascertained that any one of the negroes meets with bad treatment, he shall be withdrawn from the person or corporation to whom he had been intrusted, he or they being in such a case obliged to afford him clothing and shoes, with the view of his being transferred to some other individual disposed to take care of and instruct him in a proper manner; and it shall not be lawful to take them out of the city and environs without permission of the Government, and they shall at all times be prepared to produce the negroes whenever required.

ARTICLE 5.

On the decease of the person intrusted with any of the negroes, the latter shall be made over by the Government to some other individual on the same terms, and the executor or heirs shall report it to the Captain-General within four days, under the understanding that in default of it he or they shall forfeit one dollar each day for each negro, so long as they have detained him in their custody, over and above incurring the penalty annexed to the non-fulfilment of the Conditions.

ARTICLE 6.

Every minor transgression of the present Conditions shall be subject to a fine of from fifty to one hundred dollars, half of it going to the informer, and the other half to a fund, the object of which shall be to maintain the emancipated negroes who shall arrive sick at the depôt, they being allowed some comforts during the time of their being kept in it. On serious faults being committed by the person intrusted, he shall, in addition to the fine, forfeit the right to the services of the negro, who shall be taken back and given to another on the same Conditions.

ARTICLE 7.

To be able to undertake the trust of one or more negroes, it is indispensably necessary to possess well-known landed property, or to present some substantial person, approved by the Government, who offers to become security for five hundred dollars for each negro whom the former receives.

ARTICLE 8.

If the individual who takes upon himself the care of a negro should sell or make away with him, by pretending his death or escape, he shall, over and above the penalty denounced by the laws for the crime of selling a person of free condition, pay a fine of five hundred dollars for each, half of it to the informer, and the other half into the fund.

ARTICLE 9.

The fines mentioned in these Conditions shall be levied, summarily and by execution, on property of every description belonging to the delinquent whose guilt is manifest.

ARTICLE 10.

The negroes shall be employed in common occupations precisely as they are taught to free persons, and shall not be cruelly punished or ill treated in any way, but shall be reprovved with mildness; and in case they should, from their ill disposition, become incorrigible, notice shall be given of it to the Government, that it may direct what is proper.

ARTICLE 11.

A watchful eye shall be kept over their conduct, by taking such care of them as to prevent them from committing any excesses, inasmuch as their masters will be held responsible for those they are guilty of, with respect to the laws in force relatively to fathers of families, and to persons having others in-dependence on them.

ARTICLE 12.

A Copy of these Conditions shall be addressed to the Commissaries of the city wards, on purpose that after the examination, which they are to institute on the first day of each month, they may report to me whatever they shall observe respecting the good treatment and improvement of the negroes, informing me whether they are satisfied or not. In the public establishment, this Report shall be made, to the best of his knowledge, by the overseer or superintendent of them.

ARTICLE 13.

In case of the sickness of any of the negroes immediate notice shall be conveyed to the Commissary of the ward, for him to inform me what attendance is given to the patient, and what medical practitioner visits him. If he die, the Commissary shall instantly be apprised of it, in order that he in person, accompanied by two men of experience, may proceed to satisfy himself that the deceased negro is the identical one described in the particular. He also shall collect what information he may deem necessary from the inmates of the house, the neighbours, or other persons, till he is convinced of the fact. This information or Report shall, together with the Certificate of the medical practitioner, *ex officio*, and on the same day, be handed to the Captain-General, for him to direct the interment, which, as before stated, shall take place at the expense of the individual or corporation to whom the negro was intrusted.

ARTICLE 14.

The distributed negroes shall be registered in the Secretary's office, beginning with the present Conditions, and inserting afterwards a list of them, a description of their persons, and the names of the individuals to whom they have been intrusted, each list to be tied separately. Some persons shall be directed to collect the Documents containing observations concerning sickness, death, ill treatment, &c., and the steps taken in consequence shall be set down in the book, and every month there shall be framed a General List with the greatest clearness and detail.

ARTICLE 15.

If a negro make his escape, the person who has had the charge of him shall immediately give information of it to the Commissary, that he may draw up a summary and official Statement respecting it, which must be concluded and delivered the same day, after having examined the other negroes and inmates of the house, so as to leave no doubt of the fact.

ARTICLE 16.

The period when negroes are surrendered is that of five years for the adult, and seven for the minors and females having a child incapable of working; but if, on the expiration of this term, the negro is not yet in a state of earning his livelihood alone, it shall be competent for the Government to enlarge the term, for a period not exceeding three years. In such a case, however, the negro shall not be sent back to the same person, unless the latter make it appear from informations, or affidavits, if necessary, of the individuals who have the immediate charge of the negroes, that the state of ignorance of the latter arises from their natural dulness and incapacity, and not from the want of care and remissness of the person to whom he has been intrusted.

ARTICLE 17.

All the preceding Articles shall be literally and clearly explained to each of the individuals receiving the negroes allotted to them on the distribution, and it shall be stated in the respective minutes that they have fully comprehended the contents of them, as well as the express obligation of complying with them exactly and under the strictest responsibility; and there shall also be presented to him a signed Copy of the present Conditions to prevent his pleading ignorance.

ARTICLE 18.

The expenses of maintenance, at the rate of two reals and a half each day, and other smaller ones which he has been obliged to incur, shall be paid by the corporations or persons to whom they are given in charge.

ARTICLE 19.

When any negro, male or female, is allowed to the person applying for them, he shall be interrogated, prior to making out to him the Order for the delivery, whether he is prepared to receive them in the state in which they are, and whether he will engage to take them away and attend to them if they be sick or even dying, and will not object to the number that may fall to his lot, under the penalty of five hundred dollars, in case of his unwillingness to take on himself the charge of carrying them to his house, this being one of the necessary conditions established as essential, and founded on the experience of former cases, in which the Government has been inconvenienced by having the negroes returned on their hands after they had been viewed in the depôt.

ARTICLE 20.

He who receives any one of these negroes is likewise obliged to deliver him up the moment he is required so to do by the Government with the view of his being transported out of the Island, in accordance with His Majesty's Resolution in the Royal Order of the 25th April last.

ARTICLE 21.

If an emancipated negro fall sick while in the custody of the person who has received him, and the latter be destitute of the means of providing for his cure, he shall be at the charge of the surety, who shall pay the compensation due to the Hospital of St. John de Dios, St. Francis de Paula, &c., unless the person who has the care of the emancipated negro enjoys a salary, in which case he must agree to the deduction to be made from it of the sum required.

ARTICLE 22.

To prevent the person whom it does not suit to receive the negro allotted to him from leaving him in the depôt, as has happened several times, the Order for the delivery shall not be issued until he have paid the expenses into the Secretary's office, for which purpose the Superintendent of the depôt shall make out the account and send it beforehand to the Secretary's office.

ARTICLE 23.

If any negroes remain without being allotted, it will be proper to wait to see whether some one will take them all by paying their expenses, and, if none offer for them, their expenses shall be divided among those who present themselves the last.

ARTICLE 24.

The emancipated negroes of the schooners, "*Manuelita*" and "*Joaquina*," and the others who may arrive hereafter, shall be delivered only to the corporations and private persons in the way of deposit, till such time as there shall be an opportunity of sending them to the Island of Trinidad, and not for the period fixed in Article 16; on which account he who receives any of the said negroes shall be obliged, without fail, to deliver him up the moment he is required to do so by the Government.

Havana, 5th December, 1834.

(Signed) MIGUEL TACON.

I accept, and bind myself to comply with, all and each of the Conditions above stated, and to the end that it may be on record I sign the present.

Havana, December, 1834.

[Signature.]

S

Fourth Enclosure in No. 75.

(Translation.)

Particulars of an emancipated Negro belonging to the Spanish schooner called the "Carlota," captured by His Britannic Majesty's ship, "Nimble," Mr. Charles Bolton, Commander, and who is delivered up to ———, in conformity with what is specified in the respective Letter of Emancipation.

| Nation to which he belongs. | Name which he bore in his Country. | Number assigned him in the Depôt. | His Christian Name. | Stature. | Age. |
|-----------------------------|------------------------------------|-----------------------------------|---------------------|----------|--------|
| | | | | Feet. | Years. |
| | | | | | |

I have received and am willing to take charge, on the Conditions prescribed by the Government, of the emancipated negro described above, and who has been allotted to me; and in order that it may be on record, I sign the present along with my surety, to prove that he engages to be answerable for me.

Havana, December, 1834.

No. 76.

His Majesty's Commissioner to Viscount Palmerston.—(Received Feb. 11, 1835.)

MY LORD,

Havana, 31st December, 1834.

ON the 16th instant arrived two Spanish slave-vessels from the Coast of Africa, viz. the schooner "Numero Uno," alias "Rosalia," Leandro Ortiz, Master, and the brig "Zafiro," José Mora; Master; also on the 17th the brig "El Mismo," Juan Pujol, Master; and on the 19th the brig "Deseada," Narciso Esteva, Master. I have not been able positively to learn whether this last landed slaves previously to coming into the harbour.

On the 28th instant, the Spanish brig, "Vigilante," Juan Bautista Menchaza, Master, sailed for the African Coast.

I have, &c.

(Signed) W. S. MACLEAY.

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

&c. &c. &c.

No. 77.

His Majesty's Commissioner to Viscount Palmerston.—(Received Feb. 11, 1835.)

MY LORD,

Havana, 31st December, 1834.

I HAVE the honour to transmit herewith Copies of two Registers of the slaves emancipated by decrees of this Mixed Commission during the year 1834.

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, from on board the "Rosa," one; from on board the "Carlota," three.

I have, &c.

(Signed) W. S. MACLEAY.

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

&c. &c. &c.

Enclosure in No. 77.

Abstract of the Registers of the Negroes who have received their Certificates of Emancipation from the Mixed Commission during the Year 1834.

| No. | Name of the Vessel condemned. | Males. | Females. | Total. |
|-----|-------------------------------|--------|----------|--------|
| 1 | Rosa | 174 | 115 | 289 |
| 2 | Carlota | 102 | 61 | 163 |

(Signed) JUAN FRANCISCO CASCALES, *Secretary.*

No. 78.

His Majesty's Commissioner to Viscount Palmerston.—(Received February 11.)
 My LORD, *Havana, 1st January, 1835.*

IN pursuance of the Act of Parliament, 5 Geo. 4, 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 Case adjudicated in this Court of Mixed Commission during the last six months.

I have, &c.
 (Signed) W. S. MACLEAY.

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

Enclosure in No. 78.

Return of Spanish slave-vessel brought before the Mixed Commission at the Havana for adjudication, between the 1st July, 1834, and the 1st January, 1835.

| 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. |
|-----------------|------------------|--|--|-------------------|--|---|
| Carlota . . . | 30th Oct. 1834. | Schooner run ashore, having on board at the time 346 slaves. | Lieutenant Chas. Bolton, of His Majesty's schooner, "Nimble" | 21st Nov. 1834. | Vessel lost, but 194 slaves, all saved from shipwreck, were emancipated. | (This vessel was run on shore by her crew at Punta de la Vaca, and there totally lost, with the exception of certain sails, tackle, &c., which were afterwards lost at Cayo Verde, in the shipwreck of H. M. ship, "Nimble.") |

(Signed) W. S. MACLEAY.

No. 79.

His Majesty's Commissioner to Viscount Palmerston.—(Received February 11.)
 (Extract.)

My LORD, *Havana, 1st January, 1835.*

IN their General Report to your Lordship, at the commencement of last year, His Majesty's Commissioners ventured to express their hope that, under the new political system which Spain was then happily entering upon, protection would no longer be afforded to slave-traders. It would, of course, give me the greatest satisfaction could I now state that the hope then indulged has been justified by the experience of the year just past; but truth obliges me to declare that never, during

the last ten years of anti-constitutional Government, was witnessed so glaring a disregard of the Treaty for the abolition of the Slave Trade as is now manifested in the Island of Cuba.

According to the List, No. 1, which I have the honour to enclose, your Lordship will perceive that thirty-eight vessels, of which two were Portuguese, sailed from the Havana for the Coast of Africa in the year 1833. Of the thirty-six Spanish vessels, twenty-two safely landed their cargoes, while two have been captured and one destroyed by His Majesty's cruizers on this Coast, and one on the Coast of Africa, so that the fate of only twelve remains unknown.

The number of slave-vessels which have sailed from the Havana in 1834, according to the enclosed List, No. 2, is no less than sixty-one, among which are two Portuguese. Twelve of these have already returned and safely landed their cargoes; one has been run on shore on this Coast by His Majesty's schooner, "Nimble," and totally destroyed, the greater part of the negroes having been brought before the Mixed Commission and emancipated. Another of these Spanish slave-vessels is said to have been carried to England as a supposed pirate. One of the most distressing facts to be noticed in the List is, that, secure of the protection of the Local Government in the event of their not being detained by His Majesty's cruizers, these vessels now openly sail for Lagos, San Pablo de Loanda, and other places on the African Coast; whereas, in the time of General Vives, the whole of this Coast was prohibited to them expressly by their Royal Passport.

By the enclosed List, No. 3, your Lordship will see that, during the year 1834, there have arrived in the Havana from Africa thirty-three slave-vessels, all excepting one having certainly landed slaves on the Coast previously to entering this port in ballast. Four of these were not Spanish; but still there is an increase of five arrivals upon the whole year as compared with last.

I beg to enclose also two other Lists of certain slave-vessels, which have come to my knowledge as trafficking in slaves at the other ports of the island. But these Documents must, from my peculiar situation, be considered as exceedingly defective, and as such I beg leave to lay them before your Lordship.

His Majesty's cruizers on this coast have not been successful during the year just expired, and to this circumstance, as well as to the great demand for African negroes occasioned by the ravages of cholera morbus, must be attributed the lamentable increase of Slave Trade which is detailed above. I believe, however, that nothing whatever has had such a baneful tendency to augment the evil as the protection which the Actual Local Government bestows on African Slave Trade. I hope I do not express myself too harshly when I use the word "protection;" but as it appears certain that the Authorities here are able, as well as empowered, to seize every contraband cargo of slaves that arrives, and that they actually, if common report can be credited, even raise a duty of half an ounce per head on every bozal negro so landed, I confess that I can view the conduct of the Local Government in no other light than as bestowing its protection on the Slave Trade. As to the continual remonstrances of His Majesty's Commissioners on the arrival of every slave-vessel, your Lordship is already aware of the mockery with which they are treated; indeed, I need scarcely repeat that, without some further powers conferred on this Mixed Commission by Treaty, little good whatever can be effected by it towards the annihilation of slave-trading.

The present Captain-General has done infinite service to the Island of Cuba by the various reforms, which he is carrying into execution with a vigorous hand and indefatigable activity. In almost every respect, except what relates to the Slave Trade, his measures seem not only irreproachable, but disinterestedly calculated to promote the public good; and even with regard to the Slave Trade, no imputation of personal interest, I firmly believe, can with the slightest justice be attached to General Tacon. I can myself, therefore, only attribute his extraordinary conduct on the subject of this abominable traffic to Instructions from Spain.

I have, &c.

(Signed)

W. S. MACLEAY.

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

&c.

&c.

&c.

First Enclosure in No. 79.

List of Slave-vessels which have sailed from the Port of Havana for Africa during the Year 1833.

| No. | Date. | Nation. | Class. | Name of the Vessel. | Name of the Master. | Remarks. |
|-----|----------|------------|----------|---------------------|----------------------------|---|
| 1 | 12 Jan. | Spanish | Schooner | Francisca . . . | Juan Ramon de Lustarte | Returned 21 June, 1833 |
| 2 | 13 " | " | Brig | Alerta . . . | Antonio Ferreyra . . . | " 5 Sept. " |
| 3 | 13 " | " | " | Maria . . . | Antonio Palles . . . | " 12 Aug. " |
| 4 | 13 " | " | " | Volador . . . | José Carbo . . . | " 11 June, " |
| 5 | 1 Feb. | " | Schooner | Juanita . . . | Domingo Elorduy . . . | " 16 July, " |
| 6 | 3 " | " | " | Mosca(a)Metemano | N. Eseja . . . | Sailed for Bahia, and said to be destroyed in Africa. |
| 7 | 4 " | " | " | Amistad Habanera | Manuel Fernandez . . . | Destroyed after landing her negroes on the Isle of Pines. |
| 8 | 16 " | Portuguese | Brig | Maria Teresa . . . | Pedro Jozé Netto . . . | Sailed for Bahia. |
| 9 | 24 " | Spanish | Schooner | Pantica . . . | Anselmo Bencomo . . . | Returned 26 Sept. 1833 |
| 10 | 24 " | " | " | Especulacion . . . | José Maria Gonzalez. | |
| 11 | 29 March | " | " | Mosca . . . | Juan Rodriguez . . . | Returned 25 Dec. 1833 |
| 12 | 21 April | " | " | Joaquina . . . | Juan R. Verger . . . | Captured by His Majesty's schooner, "Nimble," with 329 negroes. |
| 13 | 5 June | " | Brig | Llobregat . . . | José Ant. de la Vega . . . | Returned 10 Jan. 1834 |
| 14 | 8 " | " | " | Empresa . . . | José Benito Pardo . . . | " 8 Dec. 1833 |
| 15 | 12 " | " | " | Carlota . . . | Gumesindo Loureiro . . . | " 7 Jan. 1834 |
| 16 | 16 " | " | " | Vengador . . . | Pedro Badia . . . | " 3 Nov. 1833 |
| 17 | 17 " | " | Schooner | Manuelita . . . | José Garay . . . | Sailed for Lagos, and was captured by H. M. schooner, "Nimble," with 485 negroes. |
| 18 | 19 " | " | Brig | Belencita . . . | Santos Alonzo . . . | Returned 3 Jan. 1834 |
| 19 | 20 " | " | " | Abencerrage . . . | Antonio Estevez . . . | " 16 April, " |
| 20 | 15 July | " | Schooner | Pronta . . . | Pedro Manegat . . . | " 31 Dec. 1833 |
| 21 | 15 " | " | " | Francisca . . . | Miguel Martorel . . . | " 6 Jan. 1834 |
| 22 | 22 " | " | " | Narcisa . . . | Antonio Comas. | |
| 23 | 24 " | " | " | Carmen . . . | Mariano Carboa. | |
| 24 | 31 " | " | Brig | Jacinto . . . | Francisco Roviroza . . . | Returned 15 June, 1834 |
| 25 | 11 Sept. | " | Schooner | Mercedita . . . | — Casas . . . | " 1 May, " |
| 26 | 25 " | " | Brig | Temerario . . . | José Maria Moreno . . . | " 7 July, " |
| 27 | 26 " | " | " | Carolina . . . | José Prietor. | |
| 28 | 6 Oct. | " | " | El Mismo . . . | Jacinto Llovet . . . | Returned 24 May, 1834 |
| 29 | 8 " | " | Schooner | San Gabriel. | Pablo Oliver. | |
| 30 | 20 " | " | " | Tres Manuelas . . . | José Marques . . . | Returned 26 Aug. 1834 |
| 31 | 27 " | " | Brig | Alerta . . . | Antonio Ferreyra . . . | " 1 Aug. " |
| 32 | 27 " | Portuguese | Schooner | Deidada . . . | Manuel B. de los Santos | Sailed for Principe. |
| 33 | 5 Dec. | Spanish | Brig | Zafiro . . . | José Mora . . . | Returned 16 Dec. 1834. |
| 34 | 7 " | " | " | Vengador . . . | Ildefonso Garcia. | |
| 35 | 15 " | " | Schooner | Pantica . . . | Mariano Carbo. | |
| 36 | 15 " | " | " | Aquila de Oro . . . | Domingo Prats. | |
| 37 | 15 " | " | " | Clotilda . . . | Manuel Llovet. | |
| 38 | 23 " | " | " | Pepilla . . . | Pablo Oliver. | |

Recapitulation.

| | |
|--|----|
| Returned and landed their cargoes | 22 |
| Condemned at the Havana | 2 |
| Destroyed on the Isle of Pines | 1 |
| Said to have been destroyed on the Coast of Africa | 1 |
| Fate unknown | 12 |

Total . 38

Second Enclosure in No. 79.

List of Slave-vessels which have sailed from the Port of Havana for Africa during the Year 1834.

| No. | Date. | Nation. | Class. | Name of the Vessel. | Name of the Master. | Remarks. |
|-----|----------|------------|----------|--|---------------------------|--|
| 1 | 5 Jan. | Spanish | Schooner | Especulacion . . | José Bravo | Sailed for Cape de Verds. |
| 2 | 10 " | " | Brig | Empresa | Estevan Gattel. . . . | Returned 8 Aug. 1834 |
| 3 | 3 Feb. | " | " | Urraca | Gumesindo Loureiro . . | " 10 Nov. " |
| 4 | 3 " | " | " | Solitario | José de Inza. . . . | |
| 5 | 6 " | " | " | Diogenes | Juan Maqueda. . . . | Returned 16 Nov. 1834 |
| 6 | 16 " | " | Schooner | Pronta | Pedro Manegat | " 27 Aug. " |
| 7 | 23 " | " | Brig | Feliz | Guillermo Pons. | |
| 8 | 4 March | " | Schooner | {Numero Dos, (a)} {La Paz, (a) Carlota} | Francisco Loureiro | {Destroyed by H. M. S. "Nimble," and con- demned at the Havana. |
| 9 | 6 " | " | " | Conchita | Victoriano Laguna. | |
| 10 | 17 " | " | " | Belencita | Santiago Alonzo | Returned 8 Sept. 1834 |
| 11 | 24 " | " | " | Julita | Gabriel Perez. . . . | |
| 12 | 24 " | " | " | Mosca | Juan Rodriguez | " 6 Oct. 1834 |
| 13 | 2 April | " | Brig | Isabel Segunda | Benito Pereyra. . . . | " 10 Dec. " |
| 14 | 18 " | " | " | Marinero | R. Nosedal | {Sailed for San Pablo de Loanda. |
| 15 | 18 " | " | " | Chubasco | Geronimo Garcia | {Sailed for Cape de Verds. Said to have been taken for a pirate by one of H. M. cruisers. |
| 16 | 21 " | " | " | Clemente | Miguel Bertinotti | Returned 23 Oct. 1834 |
| 17 | 23 " | " | Schooner | Bella Ines | Francisco de los Reyes | " 15 Nov. " |
| 18 | 4 May | " | " | Paulina | Feliciano Sust | Sailed for Capede Verds. |
| 19 | 11 " | " | " | Sutil | Juan Tremuel | Returned 16 Dec. 1834 |
| 20 | 11 " | " | " | {Numero Uno, alias} {Rosalia} | N. Vaher | " 19 " " |
| 21 | 19 " | " | " | Deseada | Narciso Esteva | |
| 22 | 21 " | Portuguese | Brig | Fenix | — Barbosa. | |
| 23 | 21 " | Spanish | Schooner | Mariposa | Blas Garcia Vior. | |
| 24 | 25 " | " | " | Gazeta. . . . | Joaquin Andrecain. | |
| 25 | 25 " | " | Brig | Volador | Antonio Marquez. | |
| 26 | 6 June | " | " | Formidable | José Benito Pereyra. | |
| 27 | 16 " | " | Schooner | Carmen | Juan Capdevila. | |
| 28 | 26 " | " | Brig | El Mismo | Juan Pujol | Returned 17 Dec. 1834 |
| 29 | 26 " | " | Schooner | Lucecita | Antonio Estevez. | |
| 30 | 27 " | " | " | {Bienvenida (a) Mer- cedita} | José Diaz Rivera. | |
| 31 | 30 " | " | " | Minerva | Andres Puig. | |
| 32 | 3 July | " | Brig | Llobregat | José Anto. de la Vega. | |
| 33 | 17 " | " | Schooner | Tita | Juan Acosta. | |
| 34 | 23 " | " | Brig | General Laborde | Ramon Trillo. | |
| 35 | 27 " | Portuguese | " | Fortuna | Domingo Dargues. | |
| 36 | 5 Aug. | Spanish | Ship | Socorro | Juan Paoli. | |
| 37 | 9 " | " | Schooner | Iberia | Juan Casas. | |
| 38 | 11 " | " | " | {Traga Millas, alias {CorreoNumero Uno} | Sebastian Rigo Rivera. | |
| 39 | 14 " | " | Brig | Temerario | Angel Ximenes. | |
| 40 | 25 " | " | Schooner | Especulacion | Francisco Vinent. | |
| 41 | 21 Sept. | " | Brig | Alerta | | {Sailed for San Pablo de Loanda. |
| 42 | 21 " | " | " | Empresa | | {Sailed for Bahia de todos Santos. |
| 43 | 21 " | " | Schooner | Centinela | | Ditto. |
| 44 | 21 " | " | " | Francisca | | Ditto. |
| 45 | 21 " | " | Brig | Portenta | | {Sailed for San Pablo de Loanda. |
| 46 | 3 Oct. | " | Schooner | Antonica | Antonio Fernandez. | |
| 47 | 13 " | " | Schooner | Tres Manuelas | José Marquez | {Sailed for Bahia de todos Santos. |
| 48 | 13 " | " | Brig | General Mina | — Moreno | |
| 49 | 16 " | " | " | Alcatras | — Alamilla | Sailed for Cape de Verds. |
| 50 | 18 " | " | Schooner | Tres Tomasas | José Costa | Ditto. |
| 51 | 20 " | " | Brig | Manuel | José Carbo. | |
| 52 | 23 " | " | " | Isabel | Francisco Montero | {Sailed for San Pablo de Loanda. |
| 53 | 5 Nov. | " | Schooner | Pronta | — San Martin | Sailed for Lagos. |
| 54 | 8 " | " | Brig | San Nicolas | Carlos Botta | {Sailed for Bahia de todos Santos. |
| 55 | 28 " | " | Schooner | Bella Ines | J. Pujol. | |
| 56 | 28 " | " | " | Dido | — Moreno. | |
| 57 | 1 Dec. | " | " | Nueva Amistad | Tomas Cearrote | {Sailed for Bahia de todos Santos. |
| 58 | 7 " | " | Brig | Rapido | José Maria Alcain. | |
| 59 | 7 " | " | " | Jacinto | F. Roviroza | {Sailed for Bahia de todos Santos. |
| 60 | 13 " | " | " | Mercedita | Vicente Sancho | Sailed for Lagos. |
| 61 | 28 " | " | " | Vigilante | Juan Bautista Menchaza | {Sailed for Bahia de todos Santos. |

Third Enclosure in No. 79.

List of Slave-vessels which have arrived in the Port of the Havana from Africa during the Year 1834.

| No. | Date. | Nation. | Class. | Name of the Vessel. | Name of the Master. | Remarks. |
|-----|----------|------------|----------|---------------------------------------|--------------------------|---|
| 1 | 3 Jan. | Spanish | Brig | Belencita | Santiago Alonzo. | |
| 2 | 6 " | " | Schooner | Francisca | Miguel Martorell. | |
| 3 | 7 " | " | " | Carlota | Gumesindo Loureiro. | |
| 4 | 10 " | " | Brig | Llobregat | Antonio de la Vega. | |
| 5 | 29 " | " | " | Marinero | Gabriel Perez. | |
| 6 | 2 Feb. | Portuguese | " | Fortuna | Francisco Pinto Viana. | |
| 7 | 16 " | Spanish | " | Volador | José Maria Pequeno. | |
| 8 | 20 March | Portuguese | " | Veloz | Juan Gualberto de Mattos | |
| 9 | 2 April | Spanish | Polacca | Rosalia | José Legrand. | |
| 10 | 16 " | " | Brig | Abencerrage | Antonio Esteves. | |
| 11 | 1 May | " | Schooner | Mercedita | Juan Casas. | |
| 12 | 24 " | " | Brig | El Mismo | Jacinto Llobet. | |
| 13 | 15 June | " | " | Jacinto | Francisco Roviroa. | |
| 14 | 7 July | " | " | Temerario | Joaquin Blanco. | |
| 15 | 1 August | " | " | Alerta | Antonio Muzard. | |
| 16 | 4 " | " | " | Francisca | Antonio S. Martin. | |
| 17 | 8 " | " | " | Empresa | Estevan Gatell. | |
| 18 | 20 " | Portuguese | " | Teresa | J. J. Correa. | |
| 19 | 26 " | Spanish | Schooner | Tres Manuelas | José Marquez. | |
| 20 | 27 " | " | " | Pronta | Pedro Manegat. | |
| 21 | 8 Sept. | " | Brig | Belencita | Santiago Alonzo. | |
| 22 | 6 Oct. | " | Schooner | Mosca | Leoncio Rivera. | |
| 23 | " | " | " | Bella Ines | Francisco Montero. | |
| 24 | 10 Nov. | French | Ship | Réparateur | J. de Beaupré | Arrived from Whydah. |
| 25 | 10 " | Spanish | Brig | Urraca | Gumesindo Loureiro. | |
| 26 | 15 " | " | " | Paulina | Feliciano Lust. | |
| 27 | 16 " | " | " | Diogenes | Juan Maqueda. | |
| 28 | 2 Dec. | " | Schooner | Rana | Fortunato Romero. | |
| 29 | 10 " | " | Brig | Isabel II. . . . | Benito Pereyra. | |
| 30 | 16 " | " | Schooner | {NumeroUno, alias Rosalia} | Leandro Ortiz. | |
| 31 | 16 " | " | Brig | Zafiro | José Mora. | |
| 32 | 17 " | " | " | El Mismo | Juan Pujol. | |
| 33 | 19 " | " | " | Deseada | Narciso Esteva | {This vessel is said not to have brought slaves. |

Fourth Enclosure in No. 79.

List of some Arrivals of Slave-vessels at the Out-ports of the Island of Cuba.

| No. | Port of Cuba at which the Vessel has arrived. | Date. | Nation. | Class. | Name of the Vessel. | Name of the Master. |
|-----|---|----------|------------|----------|-----------------------|----------------------|
| | | 1834. | | | | |
| 1 | Matanzas | 14 April | Spanish | Schooner | Gazeta | — Escura. |
| 2 | Matanzas | 9 June | " | Brig | General Manso | — Capo. |
| 3 | Trinidad | 5 July | Portuguese | " | Opposicion | Manuel Santos Silva. |
| 4 | Trinidad | 29 " | Spanish | " | Cazador | José Jover. |
| 5 | Trinidad | 11 Sept. | " | Schooner | Galana Josefa | Sebastian de Renia |
| 6 | Santiago de Cuba | 10 Dec. | " | " | Numero Dos | José Vaurel. |

Fifth Enclosure in No. 79.

List of some Departures of Slave-vessels for the Coast of Africa, from the Out-ports of the Island of Cuba.

| No. | Port of Cuba from which the Vessel has sailed. | Date. | Nation. | Class. | Name of the Vessel. | Name of the Master. |
|-----|--|---------|---------|----------|--|---------------------|
| | | 1834. | | | | |
| 1 | Santiago de Cuba | — Feb. | Spanish | Brig | {IsabelSegunda(a) Quarta Estrella } | — |
| 2 | Santiago de Cuba | " | " | Schooner | Maria Isabel | — |
| 3 | Trinidad | " | " | " | Galana Josefa | S. de Renia. |
| 4 | Matanzas | 1 May | " | " | Gazeta | — Andreacain |
| 5 | Matanzas | 25 July | " | Brig | General Manso | — Capo. |
| 6 | Matanzas | 10 Aug. | " | Schooner | Carmen | — Escurra. |

No. 80.

His Majesty's Commissioner to Viscount Palmerston.—(Received February 11.)

MY LORD,

Havana, 6th January, 1835.

IN support of my Despatch of the 1st instant, in which I assert my belief that the present Captain-General is able to seize every cargo of bozal negroes that arrives in Cuba, I beg to enclose a Copy of the "*Diario*" of yesterday, by which your Lordship will perceive that his Excellency is willing, and considers himself able, to prevent the clandestine introduction of slaves from foreign Colonies.

I have, &c.

(Signed)

W. S. MACLEAY.

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

&c.

&c.

&c.

Enclosure in No. 80.

Extract from the "Diario," 5th January, 1835.

(Translation.)

"Circular to the Governor and Magistrates of the Island.

"NOTWITHSTANDING the very decided measures taken by my predecessors in this Government, and approved of by His Majesty, for the prevention of the importation of slaves, negroes, and free mulattoes, from foreign colonies and the main land, I have received information, that in defiance of this prohibition some are introduced by the coasts. Accordingly, I have again ordered to be enforced the exact fulfilment of the Circular of 28th July, 1832: for the infraction of which I shall hold the Authorities whose duty it is to watch over its punctual observation strictly responsible, as well as for the consequences of a procedure by which public tranquillity is so much endangered.

"God preserve you, &c.

"Havana, 3d January, 1835.

(Signed)

"MIGUEL TACON.

"A True Copy.

"A. M. DE LA TORRE Y CARDENAS, *Secretary.*"

No. 81.

The Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 27th February, 1835.

I HAVE received your Despatches up to that of the 10th of January, 1835.

I herewith transmit, for your information, the Copies of two Despatches which I have recently addressed to His Majesty's Envoy at Madrid, upon the subject of the Slave Trade at Cuba.

I have, &c.

His Majesty's Commissioners,

(Signed)

WELLINGTON.

&c.

&c.

&c.

Enclosure in No. 81.

The Duke of Wellington to Mr. Villiers.

Foreign Office, 27th February, 1835.

" " 27th " "

(See Class B.)

No. 82.

The Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 16th March, 1835.

I HEREWITH transmit, for your information, the Copies of three Despatches which I have received from His Majesty's Envoy at Lisbon, containing the account of two vessels, the "*Minerva*," alias "*Esperança*," and the "*Hercules*," which have recently been fitted out at that port, apparently for the Slave Trade.

I have, &c.

His Majesty's Commissioners,

(Signed)

WELLINGTON.

&c.

&c.

&c.

Enclosures in No. 82.

Lord Howard de Walden to the Duke of Wellington.

Lisbon, 12th February, 1835.

" 21st " "

" 26th " "

(See Class B.)

No. 83.

His Majesty's Commissioner to Viscount Palmerston.—(Received April 11.)

MY LORD,

Havana, 15th January, 1835.

I AM honoured by the receipt of your Lordship's Despatch, addressed to His Majesty's Commissioners on the 8th July last, with five Copies of Papers, marked A and B, on the Slave Trade, which had been on that day presented, by His Majesty's command, to both Houses of Parliament.

I have, &c.

(Signed)

W. S. MACLEAY.

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

&c.

&c.

&c.

No. 84.

His Majesty's Commissioner to Viscount Palmerston.—(Received April 11.)

MY LORD,

Havana, 15th January, 1835.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of 24th July last, and the accompanying Copies of a Correspondence which has passed between the Foreign and Colonial Departments, on the subject of the removal of emancipated negroes from the Island of Cuba to Trinidad, which Copies have been transmitted for the information and guidance of His Majesty's Commissioners in the Havana.

I have, &c.

(Signed)

W. S. MACLEAY.

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

&c.

&c.

&c.

No. 85.

His Majesty's Commissioner to Viscount Palmerston.—(Received April 11.)

MY LORD,

Havana, 15th January, 1835.

I AM honoured by the receipt of your Lordship's Despatch of 16th August last, in which are transmitted, for the information of his Majesty's Commissioners, Copies of the Instructions which had been addressed to His Majesty's Envoy at Madrid, during the preceding six months, on the subject of the suppression of the African Slave Trade of Spain.

I have, &c.

(Signed)

W. S. MACLEAY.

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

&c.

&c.

&c.

No. 86.

His Majesty's Commissioner to Viscount Palmerston.—(Received April 11.)

MY LORD,

Havana, 15th January, 1835.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated 25th August last, in which is transmitted, for the information of His Majesty's Commissioners, the Copy of a Letter from the Colonial Department, conveying Mr. Secretary Spring Rice's opinion upon the subject of the equality of sexes in the numbers of emancipated negroes transferred to Trinidad, and also on

the propriety of employing a Medical Officer to inspect these negroes, prior to their embarkation at the Havana for the above-mentioned Island.

I have, &c.

(Signed)

W. S. MACLEAY.

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

No. 87.

His Majesty's Commissioner to Viscount Palmerston.—(Received April 11.)

MY LORD,

Havana, 15th January, 1835.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 27th September last, in which is transmitted, for the information of His Majesty's Commissioners, the Copy of an Instruction which your Lordship had recently addressed to His Majesty's Envoy at Madrid, respecting the protection given to the Slave Trade by the Spanish Authorities at the Havana.

I have, &c.

(Signed)

W. S. MACLEAY.

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

No. 88.

His Majesty's Commissioner to Viscount Palmerston.—(Received April 11.)

MY LORD,

Havana, 30th January, 1835.

ON the 14th instant His Majesty's sloop, "Cruizer," James Vashon Baker, Esq., Acting Commander, when off Salt Key, in the Old Bahama Channel, fell in with the Spanish schooner, "Maria," Francisco Garcia, Master. After a short chase she was found to be a slave-vessel from Bonny, on the Coast of Africa, armed with two twelve-pounders, and having on board a crew of twenty-four men, and three hundred and forty-six negroes. Commander Baker arrived here on the 18th instant with his prize, which was immediately placed in quarantine—a circumstance that occasioned some little delay in the proceedings of the Mixed Commission. However, on the morning of the 26th instant the Sentence was signed, condemning the vessel, and emancipating the three hundred and forty-two negroes then remaining alive, according to the official Reports. Nevertheless, only three hundred and forty-one were actually delivered into the charge of the Captain-General, one having died about the moment of their disembarkation, as will appear by the enclosed Copy of the Captor's Certificate, which, being erroneous as to the whole number, was afterwards rectified in the country, at the Government Depôt, according to the enclosed Copy of the Receipt of Don Ramon Morales, who acknowledges three hundred and forty-one negroes to have been deposited in his charge from on board the "Maria."

I have now the honour to enclose a Copy of the Captor's Declaration, an Abstract of the Evidence, and a Translation of the Sentence.

I have, &c.

(Signed)

W. S. MACLEAY.

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

First Enclosure in No. 88.

Captor's Certificate.

I HEREBY certify, that of the three hundred and forty-six slaves said to have been on board the Spanish schooner, "Maria," detained by me, five have died, viz., four men and one woman, in the interval between the detention and the delivery of the remainder to the Captain-General. But the remainder, when counted on shore this day, before the persons appointed by the Captain-General, and before Lieut. Hamilton, R.N., on my part, amounted only to three hundred and forty, leaving a deficiency of one, which deficiency I am unable to account for, after the most diligent inquiry.

Given under my hand, on board His Majesty's ship, "Cruizer," this 25th day of January, 1835.

(Witness)

CHAS. HEWS HAMILTON,

Lieutenant in Charge.

(Signed)

JAS. VASHON BAKER,

Acting Commander of His Majesty's ship, "Cruizer."

Second Enclosure in No. 88.

(Translation.)

Amended Certificate.

RECEIVED from James Vashon Baker, Esq., Commander of His Britannic Majesty's brig, "Cruizer," three hundred and forty-one negroes, belonging to the cargo of the Spanish schooner, "Maria," seized by him; of which, seventy-nine are females, and two hundred and seventy-two males—of all sizes. And that this fact may be established where it is requisite, I give him these presents in duplicate.

Dated, *En el pescante de la Punta estramuros de la Havana,*
January, 25, 1835.

(Signed) RAMON MORALES.

341 Negroes.

Third Enclosure in No. 88.

Captor's Declaration.

I, JAMES VASHON BAKER, Commander of His Britannic Majesty's sloop, "Cruizer," hereby declare that on this 14th day of January, 1835, being in or about latitude, 22° 10' north, longitude 75° 50' west, I detained the schooner named the "Maria," sailing under Spanish colours, armed with two guns, twelve-pounders, commanded by Francisco Garcia, who declared her to be bound from the River Bonny, on the Coast of Africa, to Havana, with a crew consisting of twenty-four men, and having on board three hundred and forty-six slaves, said to have been taken on board on the Coast of Africa, between the 1st day of September and the 4th day of December, 1834, and are enumerated as follows, viz.—

| | <i>Healthy.</i> | <i>Sickly.</i> |
|-----------------|-----------------|----------------|
| Men | 196 | 1 |
| Women | 28 | 3 |
| Boys | 76 | 3 |
| Girls | 38 | 1 |

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 Havana.

(Signed) JAS. VASHON BAKER,
Commander of His Majesty's brig, "Cruizer."

(Witnesses.)

CHARLES FITZGERALD, *Lieutenant* } of His Majesty's ship, "Cruizer."
THOMAS W. JEWELL, *Surgeon* }

Fourth Enclosure in No. 88.

Abstract of the Evidence in the Case of the "Maria."

ACTING-COMMANDER JAMES VASHON BAKER, of His Britannic Majesty's brig, "Cruizer," having shown his Instructions, and being sworn, deposed, that the state of the Spanish schooner, "Maria," the number of slaves she had on board, and various other particulars respecting her, are truly set forth in this deponent's Declaration, now given into Court in the English language; that the Papers now produced are the true Papers of the schooner, "Maria," found on board by this deponent, and are duly numbered and endorsed by him, without further addition or subtraction; viz.—

1. The Provisional Passport of Navigation;
2. The Contraseña;
3. Contract between the Master and Crew;
4. The Muster-roll;
5. Register of the Cadiz Custom-house;
6. and 7. Two Gibraltar Bills of Health;
8. Log-book; together with five other Papers of no material importance in these proceedings.

Lieutenant Charles Fitzgerald, of His Majesty's sloop, "Cruizer," and Mr. Thomas W. Jewell, Surgeon of the said vessel, being sworn, identified their respective signatures as witnesses to the truth of the matters set forth in the Captor's Declaration.

Don Francisco Garcia, aged forty-seven, a native of Cadiz, a Catholic, and married, being sworn, deposed, that he is Master and First Mate of the Spanish merchant-schooner, "Maria;" that the deponent, having an interest in the schooner, took upon himself the offices of Captain and First Mate; that he embarked in the port of Cadiz, from which he sailed on the 25th of July last, with a cargo of spirits; that he touched at Gibraltar, and took there on board cotton goods, some fowling-pieces and powder; that he then intended to sail either for St. Thomas or the Havana; that in sailing for the Island of St. Thomas he was driven by stress of weather on the Coast of Africa, near Bonny, where he landed his cargo, in return for which he found himself under the necessity of taking slaves on board; that he remained at Bonny two months; that he took on board three hundred and sixty-eight slaves; that although he is not positive to the exact number of either sex, he thinks about seventy females were embarked; that he sailed from Bonny on the 25th of November last, for the Coast of Cuba, but was detained on the Bank of Bahama, by the English brig-of-war, "Cruizer;" that three hundred and forty-six slaves were alive at the time of the detention; that one negro afterwards died previous to their arrival in this port, and that three more have died in the bay; that some pieces of blue and white cotton goods may possibly still remain on board, but that this deponent cannot state the exact quantity; that this deponent was, in fact, the only Owner and Supercargo of the vessel, on which account he appointed himself also the Master and First Mate; that after the detention they came direct to this port without touching anywhere; that the Papers, Nos. 1 to 8 inclusive, now produced, namely the Passport, the Contraseña, the Contract, the Muster-roll, the Cadiz Custom-house Register, the Bill of Health of the Spanish Consul at Gibraltar, the Bill of Health of the Local Authorities of that place, and the Log-book, are truly the Papers with which the "Maria" was sailing at the period of her detention.

Don José Terry, aged forty-five, native of Seville, a Catholic, and married, in the Havana, being sworn, deposed that he is Second Mate of the Spanish schooner, "Maria;" that the Master, Don Francisco

Garcia, appointed this deponent to be Second Mate; that he embarked at Cadiz for Gibraltar, St. Thomas, and the Havana; that they sailed with aguardiente from Cadiz, but took on board, at Gibraltar, dry goods and other merchandise, and then sailed for St. Thomas, but, by reason of bad weather, were forced to make Bonny, on the Coast of Africa; that they there landed the cargo, and the Captain was obliged to take, in payment, a cargo of slaves; that three hundred and sixty-eight negroes were embarked for the Havana; that of these more than seventy were females; that they sailed from Bonny on the 25th November last; that they were detained by an English brig-of-war, about one hundred and twenty-five leagues from this port, having then on board three hundred and forty-six slaves; that one died afterwards outside, and three since within, the port of the Havana; that the Owner of the "*Maria*" is Don Francisco Garcia, the Master; that the Papers now produced, numbered 1 to 8 inclusive, are truly those which the English Officer found on board at the time of detention, but that this deponent has no exact knowledge of Nos. 6 and 7, the Bills of Health, although he has no doubt they belonged to the "*Maria*;" that after detention they touched at no place until they arrived in the Havana; that one or two pieces of cotton goods may still possibly remain on board.

Don Basilio Escobar, aged thirty-six, native of Carril, in Galicia, a Catholic and unmarried, being sworn, deposed that he is Boatswain of the Spanish schooner, "*Maria*," to which place he was appointed by the Captain, Don Francisco Garcia; that he sailed from Cadiz for St. Thomas and the Havana, touching at Gibraltar; that at Cadiz they took on board aguardiente, and at Gibraltar dry goods, some firearms and gunpowder; that they were driven on the Coast of Africa, at Bonny, by the tempestuous weather; that there they took on board negroes in return for their cargo; that three hundred and sixty-eight were embarked for the Island of Cuba; that they sailed from Africa on the 25th November last, and were detained on the Bank of Bahama, near Cayo Sal, in the Old Channel, by the English sloop-of-war, "*Cruizer*;" that three hundred and forty-six slaves were then alive; that four have since died; that the schooner came direct to this port after detention; that this deponent knows no other Owner or Supercargo than Don Francisco Garcia, the Master; that almost nothing of the original cargo remains now on board, and that the Papers now produced, numbered 1 to 8 inclusive, are known by this deponent to be truly those of the "*Maria*," except Numbers 5, 6, and 7, which this deponent has never before seen.

Fifth Enclosure in No. 88.

Sentence in the Case of the Spanish schooner, "Maria."

In the Always Most Faithful City of the Havana, on the 26th day of January, 1835, the Most Excellent Señor Don José Maria de Herrera y Herrera, Conde Fernandina, Procer of the Kingdom, Grandee of Spain of the First Class, Grand Cross of the Royal Order of Isabel la Católica, and Knight of that of Charles III., Gentilhombre de Camara con ejercicio, Supernumerary Colonel of the Havana Regiment of Cavalry, and Spanish Commissary Judge in this Mixed Commission, with Don William Sharp Macleay, the British Commissary Judge, and Don Manuel Garcia y Muñiz, Knight of the Royal and Military Order of San Hermenegildo, Colonel of Infantry, Chief of the Military Depôt of this City, and Spanish Commissioner of Arbitration, being assembled together in consequence of the absence, by order of his Government, of Señor Don Charles Mackenzie; and having taken into their consideration the proceedings consequent upon the detention which the English brig-of-war, "*Cruizer*," commanded by Don James Vashon Baker, made on the 14th of this month in latitude 22° 10' north, and longitude 75° 50' west, of the Spanish merchant-schooner, "*Maria*," Master, Don Francisco Garcia, armed with two twelve-pounders, and having on board a cargo of three hundred and forty-six bozal negroes at the time of the said detention, of whom four have since died; and it being completely proved, as well by the Declaration of the Spanish Master, and other witnesses examined, as by the Documents found on board the Spanish schooner at the time of her capture, that the said schooner sailed from the Port of Cadiz on the 28th July last, with Papers and cargo for the Island of St. Thomas, touching on her said voyage at Gibraltar to complete the said cargo, and that she directed her course for the River Bonny, on the Coast of Africa, where she took on board three hundred and sixty-eight slaves of both sexes, who were reduced by death, at the time of detention, to three hundred and forty-six, of whom, in consequence of the death of four since the capture, only three hundred and forty-two remain alive. Whereupon the Commissioners said that they ought to declare, and do declare, with all due regard to the merits of the Case, and according to the usual brief and summary mode of proceeding that has been adopted in all similar cases, on the truth being made known, that the capture of the said schooner, "*Maria*," is good and legal, as well as that of the above-mentioned three hundred and forty-two negroes, and that the said schooner is now subject to the penalty of confiscation, with all her tackle and apparel, and other effects on board, as appearing in her Inventory, all except the above-mentioned negroes now remaining alive, who are hereby declared free from slavery and captivity. In consequence of which it is now ordered that the condemned vessel, and all that belongs to her, be forthwith valued by the principal Masters of the Royal Dock-yard, who shall previously take an oath to perform this duty faithfully, and that she be then brought to sale by public auction, before the Public Scrivener, Don Manuel Fornari, who is commissioned for that purpose; and the vessel being sold, the produce of such sale shall be applied to the benefit of the two Governments, the said schooner 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 by formal Inventory. And the Commissioners shall proceed, without further loss of time, to deliver to the above-mentioned negroes, or such of them as may remain alive, their respective Certificates of emancipation, by the hands of their Secretary, according to custom, and shall address an official Note, with a certified Copy of this Sentence, to his Excellency the Governor and Captain-General, in order that he may take the necessary measures to give it effect, and because the crew of the said schooner 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.
MANUEL GARCIA Y MUNIZ.

(Signed) JUAN FRANCISCO CASCALES,

Secretary.

No. 89.

His Majesty's Commissioner to Viscount Palmerston.—(Received April 11.)

MY LORD,

Havana, 31st January, 1835.

I AM sorry to be obliged to state that the Slave Trade is carried on in this port with unabated vigour.

In the course of the present month five Spanish slave-vessels have arrived from the Coast of Africa, and have been duly denounced by me to the Captain-General, viz., the schooner "*Manuelita*," Laureano Lopez, Master, which arrived on the 4th; the schooner "*Mariposa*," Guillermo del Cerro, Master, which arrived on the 6th instant; the schooner "*Lucecita*," Antonio Esteves, Master, which arrived on the 9th instant; the brig "*Terrible*," alias "*Andaluz*," Gaspar Prats, Master, on the same day; and the brig "*Marinerito*," Ramon Nosedal, Master, on the 23d.

No less than eight Spanish vessels have sailed for Africa during the present month, viz., the polacca "*Minerva*," Juan Domenech, Master, on the 2d instant; the brig "*Urraca*," Francisco de los Reyes, on the 19th instant; and on the same day the schooner "*Flor de la Mar*," Fortunato Romero, Master; the brig "*Aguila Vengadora*;" — Equiguren, Master, on the 23d; the brig "*Ramoncito*," — Urquijo, Master, on the 25th instant; and on the same day the schooner "*Desseada*," — Barnadas, Master; the brig "*Severo*," D. Maqueda, Master, on the 28th; and the brig "*Diogenes*," Eustaquio Noriega, Master, on the 29th instant.

I have, &c.

(Signed)

W. S. MACLEAY.

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

&c.

&c.

&c.

No. 90.

His Majesty's Commissioner to the Duke of Wellington.—(Received April 11.)

MY LORD DUKE,

Havana, 18th February, 1835.

I HAVE the honour to inform your Grace that His Majesty's sloop, "*Racer*," James Hope, Esq., Commander, has sent into this port the Spanish slave-schooner, "*Julita*," Gabriel Perez, Master, with three hundred and forty-three slaves on board, who arrived on the 29th ultimo. The witnesses who arrived in the Havana have all been examined; but owing to the Instructions which the Spanish Commissioners have received from their Government, as to the proper interpretation of the Treaty on the subject of the presence of the Captor, the Sentence has not yet been signed; the Mixed Commission having been ever since the 5th instant in daily expectation of the arrival of Commander Hope.

I have the honour to enclose the Translation of a Note from the Captain-General, in which his Excellency proposes to send away all the negroes, male and female, of the schooner "*Maria*," to Trinidad, and I also beg leave to enclose a Copy of my Answer.

I understand privately that the Local Government will adopt my proposal, as far as regards the females of the two vessels last captured, who will be sent away with an equal number of males. It is much to be lamented that the rules laid down by His Majesty's Government, requiring the rigorous equality of sexes, will not permit all the males to be sent away. Lieutenant-Colonel Colebrooke, the new Governor of the Bahamas, who arrived in the Havana, on the 14th instant, on the way to his post, informs me, that on some of the islands pertaining to his Government, there is an excess of females among the black population, and his Excellency proposes that part of the males emancipated by this Mixed Commission shall be entrusted to his charge. Of course this must depend on the Instructions I may have the honour to receive from your Grace, but I cannot help stating that I am most anxious that none of these poor creatures should remain under the present Local Government, which is actually, as I have already had the honour of stating to His Majesty's Government, re-apprenticing out negroes long since emancipated at the rate of six and three ounces per head. I may here, however, observe, with reference to my Despatch to Viscount Palmerston, of 26th December last, that I have ascertained, upon inquiry, that the Conde de Reunion de Cuba and Don Joaquin Gomez are no farther concerned with the care of the negroes emancipated by the Mixed Commission than as receiving the above-mentioned sums of

money from those persons to whom they may be re-apprenticed, and giving Receipts for the same.

I have, &c.

(Signed)

W. S. MACLEAY.

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

First Enclosure in No. 90.

(Translation.)
SIR,

Don Miguel Tacon to Mr. Macleay.

Havana, 10th February, 1835.

IN conformity with the stipulations already agreed upon, I have resolved to send to the Island of Trinidad the three hundred and thirty-nine emancipated negroes who remain alive out of the cargo of the Spanish schooner, "*Maria*," detained by His Britannic Majesty's brig, "*Cruizer*;" and in order that they may be embarked without further loss of time, I beg you will have the goodness to name a Medical Officer to inspect the state of their health, it being understood that I send away this cargo as it has arrived, and that always, as in future detentions, a greater number of females than males may arrive, I shall take care to replace the present deficiency of females until the numbers of each sex may be equal.

It will be determined by the medical inspection how many of the above can be embarked, and then I will transmit you the Certificates of emancipation, with the name of the vessel and Captain, in order that you may furnish her with the necessary Passport.

God preserve you many years.

(Signed)

MIGUEL TACON.

The Commissary Judge of His Britannic Majesty,
&c. &c. &c.

Second Enclosure in No. 90.

Mr. Macleay to Don Miguel Tacon.

Havana, 11th February, 1835.

THE Undersigned, Commissioner of His Britannic Majesty, has the honour to acknowledge the receipt of his Excellency the Captain-General's Note of the 10th instant, informing him that it is his Excellency's intention to send forthwith to Trinidad the three hundred and thirty-nine negroes of the "*Maria*," being the whole of the cargo of that schooner who remain alive, and that, in proportion as a greater number of females than males may arrive in future detained vessels, his Excellency will replace that number of females which is necessary to compensate for the inequality of the sexes in this cargo.

The Undersigned begs leave to observe that he has very lately received a Despatch from the British Government, instructing him that His Majesty's Secretary of State for the Colonies insists upon His Majesty's Commissioners in the Havana observing most rigorously the condition of the equality of sexes in the emancipated negroes sent to Trinidad; and as the Undersigned is well aware that in perhaps no case does there ever arrive a slave-vessel with more females than males, he feels that it would be utterly inconsistent with his duty, as having an effect contrary to the end proposed by His Majesty's Government, were he to close with the plan which his Excellency the Captain-General has now done him the honour of proposing. The Undersigned, however, humbly conceives that this insurmountable difficulty might be avoided, either by sending off to Trinidad the females of the "*Carlota*," "*Maria*," and "*Julita*," with an equal number of males, or by a mutual understanding between his Excellency and the Undersigned, that the deficiency of females arising from this cargo of the "*Maria*," being sent away entire, shall be made up within some specifically stated period. As the British Government is most anxious not to increase the disproportion of sexes which already exists in Trinidad, it is most necessary that this condition should be established without further loss of time, and when once it shall be settled the Undersigned engages to do every thing in his power to expedite the remission of the negroes to Trinidad. It is with these sentiments that the Undersigned has named Dr. Meikleham to inspect the negroes of the "*Maria*," and he begs now to acknowledge the receipt of his Excellency's authority for this medical gentleman to visit the Depôt in San Antonio el Chiquito. He conceives, however, that it would only be a loss of time and expense for Dr. Meikleham now to visit the negroes of the "*Maria*," before his Excellency the Captain-General shall have been pleased to decide upon the above-mentioned point of the equality of sexes, which the Undersigned truly regrets that the peculiar circumstances of Trinidad at present render absolutely essential.

The Undersigned has the honour, &c.

(Signed)

W. S. MACLEAY.

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

No. 91.

His Majesty's Commissioners to the Duke of Wellington.—(Received April 11.)

MY LORD DUKE,

Havana, 23d February, 1835.

I HAVE already had the honour of informing your Grace that on the 22d ultimo His Majesty's brig, "*Racer*," James Hope, Esq., Commander, fell in, close

to Tortuga, with the Spanish schooner, "*Julita*," Gabriel Perez, Master, having on board a crew of twenty-three men, three passengers, and a cargo of three hundred and forty-three slaves. Commander Hope having taken out of the slaver part of her crew, sent his prize to the Havana, under charge of Lieutenant Chambers, who arrived here on the 29th ultimo, and who, as his Commander had proposed to remain at sea cruising until the 5th instant, immediately on his arrival begged of me to proceed with the adjudication.

The usual quarantine of five days, to which all detained slave-vessels are now subjected, made it impossible for Lieutenant Chambers to present himself to the Mixed Commission before the 5th instant, when the Prize-Master and Crew of the "*Julita*" were examined, and the Spanish Commissioners decided on the 7th, that, according to the Instructions they had received from their Government, and which had ever ruled their conduct on this head, they could not sign the Sentence until the Commander of the capturing vessel had presented himself. But, although Commander Hope had informed his Lieutenant that he might be expected in the Havana on the 5th instant, he did not arrive until the 21st, when the proceedings in the Case of the slave-vessel were resumed, and this Sentence signed, by which the "*Julita*" is condemned, and all her existing negroes emancipated.

I have the honour to enclose to your Grace a Copy of the Captor's Declaration, an Abstract of the Evidence, and a Translation of the Sentence.

It is much to be regretted that this question, so long pending, respecting the alleged necessity of the presence of the Commander of the capturing vessel, should never have been arranged with the Spanish Government. Scarcely a year passes away without my having to lay a statement before my Government of the grave inconveniences that arise from the Instructions issued to British Naval Officers being at variance with the Spanish interpretation of the Treaty. More than ever convinced of these inconveniences, I hope I may venture now to state to your Grace my firm conviction that the settlement of this long agitated question offers, at present, less difficulties than in former years; because the system of sending away emancipated negroes to Trinidad makes it the interest of the Spanish Government that the final adjudication of a detained slave-vessel should take place as speedily as possible after her arrival in the Havana. In the present case, indeed, both the Captain-General and the Intendant urged the Spanish Commissioners not to wait for the Captor, but to unite with me in condemning the vessel, or at least to sign with me the Sentence under a Protest against the absence of the Captor. The two Spanish Commissioners, however, under the plea of their oath and Instructions, refused to do either, and we were obliged to wait for the arrival of Commander Hope:

I ought in justice to mention, that on the Passport of the "*Julita*" an entry is made, which states that, although allowed to trade to the Cape de Verdes and St. Thomas, she was, under no pretext, to engage in the prohibited traffic in slaves.

I have, &c.

(Signed)

W. S. MACLEAY.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

Enclosure in No. 91

Captor's Declaration in the Case of the "*Julita*."

I, JAMES HOPE, Commander of His Britannic Majesty's sloop, "*Racer*," hereby declare, that on this 22d day of January, 1835, being in latitude 20° 26' north, longitude 72° 36' west, I detained the schooner named the "*Julita*," commanded by Gabriel Perez, who declared her to be bound from St. Thomas to Havana, with a crew consisting of twenty-three men, exclusive of the Commander, no boys, no Super-cargo, and three passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board three hundred and forty-three slaves, said to be taken on board at Ayudah, on the 2d day of December, 1834, and are enumerated as follows, viz.—

| | <i>Healthy.</i> | <i>Sickly.</i> |
|-----------------|-----------------|----------------|
| Men | 110 | 7 |
| Women | 66 | 0 |
| Boys | 124 | 0 |
| Girls | 33 | 0 |

N. B. These numbers were distinctly counted; but the Master stated the total number to be *three hundred and forty-three*.

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 Havana.

I do further declare, that the vessel is clean, and the slaves apparently in good condition; and I have been further informed by the Master that the vessel makes five inches of water per hour.

She has no chronometer.

Given under my hand, on board His Majesty's sloop, "Racer," this 22d day of January, 1835.

(Witnesses.)

W. CHAMBERS, Senior Lieutenant.

J. ROBERTSON, Surgeon.

(Signed) J. HOPE,
Commander.

(Here follow the names of the crew and passengers.)

Second Enclosure in No. 91.

Abstract of the Evidence in the Case of the "Julita."

5th February, 1835.

LIEUTENANT WILLIAM CHAMBERS, of the English sloop-of-war, "Racer," being sworn, deposed, that he has written and signed the Letter addressed to the Mixed Commission, dated the 3d instant, and which is now produced; that the Declaration of the Captor, now also produced, and the Documents, No. 1 to 7, which the deponent delivered up to the British Commissioner, are the same as his Commander gave him, as having been seized on board the detained Spanish schooner, "Julita;" that this deponent did not count the number of slaves who were on board the detained schooner at the time of her detention; but that afterwards, in the passage to this port, one died, and another in this port; and that this deponent has since delivered up, taking the proper Receipt, three hundred and forty African negroes to the Spanish Authorities; that, consequently, the deponent concludes, that three hundred and forty-two must have existed at the time of detention; that although at the time of detention the Spanish Captain stated the number of the negroes on board to be three hundred and forty-three; he afterwards stated to this deponent that he had, in the agitation of the moment, forgotten to take into the account one negro that had died the morning previous; that this deponent knows not yet whether there be any part remaining of the outward cargo on board, but that as soon as he has made the proper search he will insert every thing in the Inventory.

6th February, 1835.

Gabriel Perez, aged thirty-five, a native of St. Domingo, the capital of the island of that name, a Catholic, and married, being sworn, deposed, that he is Master and Mate of the Spanish merchant-schooner, "Julita;" that his vessel was taken by His Britannic Majesty's brig, "Racer;" that Lieutenant Chambers, in His Britannic Majesty's service as Prize-Master, brought in the deponent to the Havana, in the said schooner, "Julita," which this deponent formerly commanded; that the cause of this deponent's being so brought into the Havana was that bozal negroes were found on board the "Julita;" that this deponent embarked in the Port of Havana; that the command was given to this deponent by the Owner of the vessel, Don Juan Bertinotti; that this deponent sailed for the Island of St. Thomas on the 24th or 25th of March last; that his outward cargo was composed of spirits, cotton goods, and some silver in specie; that he certainly made at first for St. Thomas, but happening by chance to touch at Ayudah, on the Coast of Africa, this deponent was induced there to land his cargo; that in the end he there took on board three hundred and fifty-three negroes, and sailed with them for this island on the 2d December last; that there were taken on board two hundred and fifty-four males, great and small, and ninety-nine females; that only three hundred and forty-two of these slaves remained alive at the time of detention, eleven having previously died on the voyage; that the "Julita" was captured between Tortuga and Enagua Grande, on the 22d January last; that in the interval between the time of the detention, the day when this deponent was lodged a prisoner in the Castle de la Fuerza, two negroes had died; that this deponent knows not how many have died afterwards; that the English Commander gave this deponent a Receipt for the "Julita's" Papers; that the Papers (now produced), namely; 1, the Muster-roll; 2, the Act of Sale; 3, the Provisional Passport of Navigation; 4, The Contraseña; 5, the Custom-house Register; 6, the Contract between the Officers and sailors of the vessel; and 7, the Log-book, are truly the Papers with which the "Julita" was sailing at the moment of her detention; that no part of the outward cargo of the "Julita" is now remaining on board, all having been landed in Africa.

Andres Mejos, aged thirty-eight, a native of the kingdom of Galicia, a Catholic, and married, being sworn, deposed that he is Mate of the Spanish merchant-schooner, "Julita;" that he was appointed to this place by the Master, Don Gabriel Perez; that the deponent went on board on the 19th of March, last year; that the "Julita" sailed from the Havana, on the 24th following, for the Coast of Africa, that the cargo consisted of various merchandise; that they arrived at Ayudah, where the Master ordered the cargo to be immediately landed; that three hundred and fifty-three negroes of both sexes were there sent from the land on board; that they sailed from Ayudah on the 2d of December last for this island; that they were detained by a brig under French colours, between Tortuga and Enagua, on the 22d January, when three hundred and forty-two slaves were still alive; that after the detention the capturing vessel hoisted English colours; that afterwards, and before this deponent was lodged in the Havana prison, two negroes died; that this deponent has heard nothing since of them; that the Papers now produced, and numbered 1 to 7 inclusive, appear to be truly the Papers of the "Julita," particularly the Log-book, because it is in the deponent's own hand-writing, and the vessel's detention has there been by him regularly entered; that no cargo remains on board; that the Owner, so far as this deponent knows, is the Captain D. Gabriel Perez.

Francisco Calderin, aged twenty-one, a native of the City of the Havana, a Catholic, and unmarried, being sworn, deposed, that he is Third Mate on board the Spanish schooner, "Julita;" that this place was given the deponent by the Captain D. Gabriel Perez; that this deponent went on board the said schooner in this port; that he sailed from the Havana on the 24th March last, with a cargo of aguardiente and dry goods; that they made for Ayudah, on the Coast of Africa, but were not able to meet there with any gold-dust or ivory for sale, and, consequently, in return for their cargo, took on board three hundred and fifty-three slaves of both sexes, as being the only articles to be procured in that country;

that they sailed from Africa on the 2d December last, for the coasts of this island, but were met by His Britannic Majesty's sloop, "Racer," on the 22d January last, between Tortuga and Enagua Grande; that three hundred and forty-two negroes remained alive at the time of detention; that two negroes died afterwards; that no part of the cargo remained on board at the time of detention; that after detention they came here direct without touching anywhere; that the Papers now produced, and numbered 1 to 7, are those with which the "Julita" was sailing at the time of her capture, and which the Commander of the capturing vessel gave a Receipt for to Don Gabriel Perez.

21st February, 1835.

James Hope, Esq., Commander of His Britannic Majesty's brig, "Racer," being sworn, and having exhibited his Instructions, deposed, that the contents of the Declaration now produced are true; that the said Declaration is signed by this deponent, and was given by him to Lieutenant Chambers; that the Papers now produced, viz.—

1. The Muster-roll,
2. The Act of Sale,
3. The Provisional Passport,
4. The Contraseña,
5. The Custom-house Register,
6. The Contract between the Master and Crew,
7. The Log-book,

are truly those which this deponent gave a Receipt for to Don Gabriel Perez, and afterwards delivered to Lieutenant Chambers.

Third Enclosure in No. 91.

(Translation.)

Sentence in the Case of the Spanish schooner, "Julita."

IN the Always Most Faithful City of the Havana, on the 21st day of February, 1835, the Most Excellent Señor José Maria Herrera y Herrera, Conde de Fernandina, Procer of the Kingdom, &c., Spanish Commissary Judge in the Mixed Commission, together with the British Commissary Judge, Don William Sharp Macleay, and Don Manuel Garcia y Muñiz, Knight of the Royal and Military Order of San Hermenegildo, &c., the Spanish Commissioner of Arbitration, being assembled in consequence of the absence, by order of his Government, of the British Commissioner of Arbitration, Don Charles Mackenzie, and having taken into their consideration the proceedings consequent upon the capture which the English brig-of-war, "Racer," commanded by Don James Hope, made on the 22d January last, in latitude 20° 26' north, and longitude 72° 36' west, of the Spanish merchant-schooner, "Julita," Don Gabriel Perez, Master, which schooner had on board at the time of her detention a cargo of three hundred and forty-two negroes, of whom two have since died, either on the passage here or in this port, and it being completely proved, as well by the Declarations of the Spanish Master as by those of the other witnesses examined, and by the Documents found on board this Spanish schooner at the time of her detention, that the said schooner sailed from this port on the 24th March last, with Papers and a cargo for the Island of St. Thomas, but made direct for Ayudah; on the Coast of Africa, where she took on board three hundred and fifty-three slaves of both sexes, who were reduced by deaths to three hundred and forty-two at the time of detention, so that by the death of two more, as aforesaid, the whole number of such bozal negroes now alive amounts to three hundred and forty. Whereupon the Commissioners resolve that they ought to declare, and hereby do 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 manifest, that the capture of the said merchant-schooner, "Julita," and of her three hundred and forty bozal negroes now remaining alive, is good and legal, and that the said schooner, with all her tackle, apparel, and whatever may be mentioned in her Inventory, are subject to confiscation, all except the above-mentioned three hundred and forty negroes, who are hereby declared free from all slavery and captivity. And the Commissioners in consequence order that the condemned vessel and all that belongs to her be valued forthwith by the principal Masters of the Royal Dock-yard, they being previously sworn to a strict performance of their duty, and that she be sold by public auction before the Public Scrivener, Don Manuel Fornari, in order that the proceeds be applied to the benefit of the two Governments, the said vessel being for the present placed in deposit with Don Jayme Andreu, who shall likewise swear faithfully to execute the charge, and shall receive her from the Captor according to formal Inventory. The Commissioners shall likewise proceed without loss of time to deliver, as usual, by the hands of their Secretary, to the above-mentioned three hundred and forty negroes, their Certificates of emancipation, and they shall also address a Letter 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; the crew of the said schooner, "Julita," remaining 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.
MANUEL GARCIA Y MUNIZ.

(Signed)

JUAN FRANCISCO CASCALES,

Secretary.

No. 92.

His Majesty's Commissioner to the Duke of Wellington.—(Received April 11.)

MY LORD DUKE,

Havana, 24th January, 1835.

I HAVE the honour to inform your Grace, that on the 19th instant I received a Note (of which a Translation is enclosed) from his Excellency the

Captain-General, informing me that in consequence of the non-arrival of His Majesty's brig, "Racer," and in order to avoid a further increase of enormous expense, he had determined to despatch, without further delay, to Trinidad, all the females now alive of the schooner, "Maria," and an equal number of males, and requesting me to lose no time in getting them examined by a medical Officer. I accordingly appointed Dr. Meikleham to visit them, and this gentleman reported six females to be in such a feeble state of health as to be altogether unfit for the voyage; in consequence, on the 20th, I informed the Captain-General that I could only allow one hundred and twenty negroes of the "Maria" to be sent; but as His Majesty's brig, "Racer," was reported to be entering the Havana, I stated that his Excellency had thus the opportunity of making up a full cargo out of the negroes of the "Julita."

I received on the 21st instant, from his Excellency, two more Notes on the subject, Translations of which I have the honour to enclose, as well as two Copies of Dr. Meikleham's General Certificates, and two Lists of the negroes sent.

I have also to enclose the Copy of my Despatch to his Excellency the Governor of Trinidad, with which, and the proper Certificate to secure her from interruption on her voyage, the Spanish ketch, "Moratin," sailed this morning, having three hundred and four sound negroes on board, that is one hundred and fifty-two females and as many males.

I have, &c.
(Signed) W. S. MACLEAY.

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

First Enclosure in No. 92.

Don Miguel Tacon to His Britannic Majesty's Commissary Judge.

(Translation.)
S R,

Havana, 19th February, 1835.

ALTHOUGH I had proposed, in consequence of the receipt of your Despatch of the 11th instant, to send to the Island of Trinidad an equal number of males and females of the schooner "Julita," I have not been able to carry this idea into execution, by reason of the delay which has occurred in the arrival in this port of the Captain of His Britannic Majesty's brig, "Racer," who, according to the Conditions of the Treaty, and repeated Royal Orders of the Spanish Government, ought to be examined by the Mixed Commission before the signature of the Sentence. In consequence of this circumstance, and as the vessel is already freighted by his Excellency the Intendant, that is to transport the individuals of both sexes of the first cargo to be sent, in order that no greater expense may occur by longer delay in her sailing, I find myself now under the necessity of determining that she shall depart with only one hundred and thirty-two negroes of the "Maria" in equal number of sexes, and I hope you will have the goodness to direct the Medical Officer without delay to examine the state of their health, in order that they may sail if possible to-morrow.

God preserve you many years.

His Britannic Majesty's Commissary Judge,
&c. &c. &c.

(Signed) MIGUEL TACON.

Second Enclosure in No. 92.

Mr. Macleay to the Captain-General.

Havana, 20th February, 1835.

THE Undersigned, Commissioner of His Britannic Majesty, has the honour to acknowledge the receipt of his Excellency the Captain-General's Note of yesterday, and in answer begs leave to inform his Excellency, that the Medical Officer has this day examined the one hundred and thirty-two negroes of the "Maria" whom his Excellency proposes to send to Trinidad; but this gentleman reports to the Undersigned, that six of the women are not, in his opinion, in a fit state to proceed on their voyage, so that only one hundred and twenty Certificates have in fact been endorsed by him. The Undersigned understands, however, that His Majesty's brig, "Racer," has just come into port; and therefore, perhaps, it may seem to his Excellency more advisable, for the interests of the Spanish Treasury, to send with these one hundred and twenty of the "Maria" a number of the negroes of the "Julita," sufficient to make up a full cargo. However this may be, the Undersigned will thank the Captain-General to supply him with a List of those negroes who are to be sent.

For this purpose he has the honour to return herewith the Certificates of emancipation of those negroes who have been examined by the Medical Officer, and entreats his Excellency to have the goodness to send them back, together with such Certificates of the negroes of the "Julita" as his Excellency may think proper to send, if any; in order that the Undersigned may address them all, as in the former cases, to the Governor of Trinidad, with his official Despatch, and the Undersigned will then, if his Excellency the Captain-General will favour him with the name of the vessel, and her

Master, lose not an instant in making out that Passport which will secure her from interruption on the voyage.

If the Undersigned be supplied with the above necessary Documents and information, he begs to assure his Excellency that, so far as he is concerned, there will be no impediment to her sailing forthwith for the Island of Trinidad.

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

The Undersigned has the honour, &c.
 (Signed) W. S. MACLEAY.

Third Enclosure in No. 92.

(Translation.) *Don Miguel Tacon to His Majesty's Commissary Judge.*

SIR, *Havana, 21st February, 1835.*

HIS Majesty's brig, "Racer," having at last arrived in this port, I have suspended the embarkation of the one hundred and twenty emancipated negroes of the schooner, "Maria," in order that a complete cargo of sound individuals, in an equal number of sexes, may now be sent to Trinidad in the Spanish ketch, "Moratin," D. Juan Ferrer, Master. You will, therefore, please to have the goodness, without loss of time, to direct a medical gentleman to visit the negroes of the "Julita," and to set apart such of them as may be fit for the voyage; and I trust that, taking into consideration the expenses arising from the delay caused by the detention of the "Racer," you will cause this operation to be executed speedily.

As soon as I shall receive the Certificates of emancipation of the cargo of the "Julita," I will address those to you that appertain to the individuals set aside by the Medical Officer, in the same way as I have already sent you the one hundred and twenty Certificates of the negroes belonging to the "Maria."

His Britannic Majesty's Commissary Judge,
 &c. &c. &c.

God preserve you many years.
 (Signed) MIGUEL TACON.

Fourth Enclosure in No. 92.

Don Miguel Tacon to His Majesty's Commissary Judge.

(Translation.)

SIR, *Havana, 21st February, 1835.*

BEFORE I received your official Note of yesterday I had already written to you stating my resolution, now that the "Racer" had arrived, to send to Trinidad an equal number of males and females of the emancipated negroes of the "Julita," who might be all certified fit for making the voyage to Trinidad, and I begged of you to direct the Medical Officer to lose no time in examining them, in order that all further expense might be saved to the Royal Treasury.

I have also sent you the one hundred and twenty Certificates of emancipation of the "Maria's" negroes destined for Trinidad; and now I enclose a List showing the name, age, number, stature, and particular nation of each.

The vessel which is chartered to take these negroes to Trinidad is the Spanish ketch, "Moratin," D. Juan Ferrer, Master, to whom, as soon as the negroes of the "Julita" shall have been separated for this voyage, you will please to give a Passport, which he will deliver up to his Excellency the Governor of Trinidad.

As soon as I receive the Certificates of emancipation of the sound negroes of the "Julita" who may be, in an equal number of sexes, destined by the Medical Officer for this voyage, I shall send them to you with the proper List.

His Britannic Majesty's Commissary Judge,
 &c. &c. &c.

God preserve you many years.
 (Signed) MIGUEL TACON.

Fifth Enclosure in No. 92.

Medical Officer's Certificate.

I, David Scott Meikleham, M.D., do hereby certify that I have examined the one hundred and twenty negroes to whose Certificates of emancipation I have affixed my initials, and have found them sound and healthy.

Havana, 20th February, 1835.

(Signed) D. S. MEIKLEHAM, M.D.

Sixth Enclosure in No. 92.

Medical Officer's Certificate.

I, David Scott Meikleham, M.D., do hereby certify that I have examined the one hundred and eighty-four negroes, to whose Certificates of emancipation I have affixed my initials, and have found them sound and healthy.

Havana, 21st February, 1835.

(Signed) D. S. MEIKLEHAM, M.D.

Seventh and Eighth Enclosures in No. 92.

[Lists of Negroes.]

Ninth Enclosure in No. 92.

His Majesty's Commissioner to Sir George Hill.

SIR,

Havana, 23d February, 1835.

THE state of the public health in this city a few months ago was so bad that I found myself, with great regret, under the necessity of preventing the shipment of a set of emancipated negroes, whom the Captain-General of this island proposed to send to Trinidad in November last. An unusually cold winter has destroyed, at least for the present, every symptom of cholera, and I am happy to say that the Havana is at present unusually free from disease. I therefore have with pleasure agreed to three hundred and four emancipated negroes being now sent to your Excellency in the Spanish ketch, "Moratin," Don Juan Ferrer, Master, which has been chartered by this Local Government for that purpose, and by which your Excellency will receive this Despatch. The present shipment is composed of all the females of the condemned schooners, "Maria" and "Julita," who have been reported to me by Dr. Meikleham as proper for the voyage, together with an equal number of males. I herewith send Dr. Meikleham's two General Certificates, together with three hundred and four original Certificates of emancipation, endorsed by the said medical gentleman, by which your Excellency will perceive that sixty females and sixty males formerly belonged to the cargo of the Spanish schooner, "Maria," and ninety-two females and ninety-two males formed part of the cargo of the Spanish schooner, "Julita." The two Lists, which I have likewise the honour to enclose, and which give the number of each of these negroes as entered in the Registers of the Mixed Commission, their stature, age, country, African and baptismal names, may be considered as a recapitulation of the particulars explained more at length in the Certificates. The vessels these Africans belonged to have been very lately condemned; the "Maria" having been detained on the 14th ultimo by His Majesty's sloop, "Cruizer," and the "Julita," on the 22d ultimo, by His Majesty's sloop, "Racer."

The Spanish Authorities here have promised to me to comply most strictly with the Conditions laid down by His Majesty's Government, in respect to the treatment of these Africans on the voyage; but nevertheless I beg of your Excellency to have the goodness to describe to me the state in which they may arrive at their destination. I also have to request of your Excellency to take possession of the Certificate of Security or Passport, which I have given to Don Juan Ferrer, in order to secure her from interruption on this voyage.

I regret exceedingly that the peculiar circumstances of the Island of Trinidad should render necessary the strict observance of the equality of sexes, in the shipments of Africans to be made from this city to Trinidad.

*His Excellency the Right Hon. Sir George Hill, Bart.
Governor of the Island of Trinidad.*

I have, &c.
(Signed) W. S. MACLEAY.

No. 93.

His Majesty's Commissioner to Mr. Backhouse.—(Received April 11.)

SIR,

Havana, 25th February, 1835.

I HAVE the honour to acknowledge the receipt of your Despatch, dated 10th November last, addressed to His Majesty's Commissioners, and transmitting, for their information, by direction of Viscount Palmerston, the Copies of a Correspondence which has passed between the Foreign Office and His Majesty's Envoy at Madrid, on the subject of Spanish Slave Trade.

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

I have, &c.
(Signed) W. S. MACLEAY.

No. 94.

His Majesty's Commissioner to the Duke of Wellington.—(Received April 11.)

MY LORD DUKE,

Havana, 28th February, 1835.

I HAVE the honour to inform your Grace that in the course of the present month three Spanish schooners have sailed for the Coast of Africa, viz., on the 12th instant, the "Luisita," Juan Pujol, Master; on the 19th instant, the "Felix Vascongada," — Olaquirel, Master; and on the 27th the "Mariposa," Juan José Rodriguez, Master.

Two Spanish slave-brigs have also arrived from Africa—the "Llobregat," José Antonio de la Vega, Master, on the 13th; and the "Traga-millas," alias "Correo Numero Uno," Pascual Garcia, Master, on the 24th instant. Both these vessels have been denounced by me without any good result.

On the 6th instant a Portuguese brig, the "Firmeza," A. J. Frias, Master, came into the port, after having landed her slaves on the Coast.

*His Grace the Duke of Wellington, K. G.
&c. &c. &c.*

I have, &c.
(Signed) W. S. MACLEAY.

No. 95.

The Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 14th April, 1835.

I HEREWITH transmit to you the Copies of a Letter and of its Enclosures which have been received at this Office from the Colonial Department, upon the subject of an arrangement proposed to be made, by which a portion of captured Africans, liberated under sentence of the Mixed Commission Court at the Havana, may be transferred to Honduras.

I have to desire that you will receive the proposals which will be made to you by Colonel Cockburn, under the sanction of His Majesty's Government, in the spirit and upon the principles laid down in the accompanying Letter from Mr. Gladstone, for carrying into effect the views of His Majesty's Government upon this subject.

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

I am, &c.
(Signed) WELLINGTON.

First Enclosure in No. 95.

Mr. Gladstone to Viscount Mahon.

MY LORD,

Downing Street, 6th April, 1835.

I AM directed by the Earl of Aberdeen to transmit to you herewith a Copy of a Despatch from the Superintendent of Honduras, enclosing a Petition which has been addressed to him by parties who are desirous that the sanction of His Majesty's Government should be obtained to an arrangement, by which a portion of captured Africans, condemned by the Mixed Commission at the Havana, may be transferred to that Settlement.

I likewise enclose a Draft of a Despatch, which Lord Aberdeen proposes to address to Colonel Cockburn in reply to his Despatch.

In requesting you to lay these Papers before the Duke of Wellington, I am to remark, that Lord Aberdeen is not aware of any objection to the extension to Honduras of the arrangement which has already received the sanction of His Majesty's Government in the case of Trinidad. His Lordship is of opinion, that the introduction of a body of negroes into that Settlement would not only be beneficial at the present moment, but might eventually be attended with very great advantage, should the attention of the settlers be hereafter directed to agricultural pursuits.

His Grace will remark that there are some material variations between the proposal of the Honduras petitioners and the plan which has been adopted in Trinidad. The enclosed Despatch to Colonel Cockburn will explain those points in which Lord Aberdeen is of opinion that the proposition of the Honduras settlers is open to objection. His Lordship has, however, transmitted to Colonel Cockburn Copies of the Correspondence which has passed between this Department and the Foreign Office, and with the Governor of Trinidad, in order that the measures which Colonel Cockburn may adopt may be regulated in conformity with the views entertained by His Majesty's Government upon this subject.

With a view to carry this measure into effect, I am to request that you will move the Duke of Wellington to communicate to the Commissioners at Havana the substance of Colonel Cockburn's proposition, directing them to receive the proposals which will be made to them by that Officer under the sanction of His Majesty's Government, recommending them to transfer the Africans to Honduras in preference to Trinidad, should the terms offered by that Settlement be *more* advantageous to them than those which are held out in the Colony of Trinidad; and, in case no such superior advantages be proffered, to make the distribution between Honduras and Trinidad, with due regard to the demand for labour, and the probability of advancement in their moral and social as well as physical condition, in each. It should further be proposed that in no case should any negroes be sent to Honduras without a sufficient stipulation for their comfortable reception, and for the reasonableness of the terms on which they shall be called upon to labour.

With reference to the conditions of transport, Lord Aberdeen thinks that the principle which has been adopted in the case of Trinidad may be with propriety acted upon in regard to Honduras.

Viscount Mahon,
&c. &c.

I am, &c.
(Signed) N. E. GLADSTONE.

Second Enclosure in No. 95.

Lord Aberdeen to Colonel Cockburn.

SIR,

Downing Street, April, 1835.

I HAVE the honour to acknowledge the receipt of your Despatch, of the 21st of January last, enclosing a Petition which had been addressed to you by certain inhabitants of Honduras, who are desirous that an arrangement should be made for transferring to that Settlement a body of captured Africans, condemned by the Mixed Commission at Havana.

In reply I have to acquaint you, that considering much present and prospective good may be anticipated from the adoption of some well arranged plan for the introduction of negro labourers

into Honduras, I am disposed to lend the sanction of His Majesty's Government to the measure which has been proposed. In the case of Trinidad, the most beneficial effects may be anticipated from the influx of captured Africans from the Havana; and I am willing that the experiment should be tried in Honduras also. At the same time I am of opinion, that the scheme you have transmitted is in some points objectionable. In the first place, I consider the term of the proposed apprenticeship too long. It would be unreasonable to expect an African, just liberated, to be capable of providing and contracting for a future of sixteen, or even of eight years' duration. For the security of the negro, as well as of the master, it is necessary that some such contract should be entered into; but the object would be equally gained by confining the apprenticeship to a shorter term. Indeed, whatever may be the term specified in the Indenture beyond that which would suffice to reimburse the expenses of introducing and establishing the negro in the Settlement, it would seem expedient to reserve to the Superintendent the right of cancelling the instrument, when it should appear to him that the apprentice no longer needed the instruction and protection of his master, and would be enabled to provide independently for his own subsistence. The avoidance of the Indenture should also be resorted to in any case in which the conduct of the master might appear to render him unfit to be entrusted with the care of the apprentice.

In the second place, the proportion of the sexes is much too unequal to be compatible with a sound condition of population. I collect from the Population Return, in the Blue Book for 1833, that the slave population of Honduras, in that year, consisted of one thousand one hundred and thirty-two males, and six hundred and fifty-one females. With so great a disproportion of the sexes already existing, I cannot think it justifiable to admit any adventitious population into the Settlement, of which the female portion should not be at least equal to the male.

Provision must be made by the Settlement for the expenses attendant upon the adjudication of disputes between masters and servants. Independently of the obvious objection to the payment by this country of a magistracy to exercise jurisdiction over these liberated Africans, the duties of the Stipendiary Magistrates, under the Abolition Act, should be confined to the control of the negroes apprenticed under that Act. On this point, however, I do not anticipate any difficulty. I am advised that the duties of the special magistracy have, since the Act came into operation (pending the appointment of Magistrates from home), been executed gratuitously by gentlemen in the Settlement. In furtherance of a measure which is calculated to be so beneficial to the settlers, individuals will no doubt be found who will be equally ready to afford their gratuitous services for the enforcement of good order amongst this newly-imported negro population.

It is indispensable that due security should be given for the immediate maintenance and reception of these Africans on their arrival. Distress, or dissatisfaction at the commencement of their change of condition, would endanger that good understanding between the master and servant, the establishment of which, on their first introduction to each other, is so essential to the comfort of the one and the efficient discharge of his duties by the other.

I have thus briefly adverted to the different points upon which I am led to dissent from the proposals of the Petitioners. Subject to modifications upon these points, you are authorised to adopt such measures as you may consider best for carrying their wishes into effect. With a view to facilitate your arrangements, I transmit to you Copies of the Correspondence which has passed between this Department and the Foreign Office, and with the Governor of Trinidad, on the subject of the introduction of Africans from the Havana into that Colony. The details of that measure, as applied to Trinidad, you will consider as the basis of the arrangements you will make in the case of Honduras.

I have made the necessary communication upon this subject to the Secretary of State for Foreign Affairs, with a view to the Commissioners of Arbitration at the Havana being prepared to receive from you the proposals which you will make to them under the sanction of His Majesty's Government.

I enclose a Copy of that Letter for your information.

Colonel Cockburn,
&c. &c.

I have, &c.
(Signed) ABERDEEN.

Third Enclosure in No. 95.

Mr. Cockburn to Lord Aberdeen.

Government House, Honduras, 21st January, 1835.

SIR,

I HAVE the honour to enclose herewith a Petition which has been addressed to me with a view, through your interference and authority, of obtaining an arrangement for a portion of the captured Africans, condemned by the British and other Commissioners at the Havana, being sent to this Settlement. The signatures to this Petition, you will perceive, are very numerous, and, I must not omit to add, include the names of our most influential and respectable inhabitants, whether mahogany-cutters or merchants. I do not, therefore, hesitate in recommending it to your early and favourable consideration. If you approve of the arrangement requested, and are pleased to direct its being carried into effect, I feel convinced that great benefit will result to this Settlement; and of this you may rest assured, that there is no country to which these liberated Africans could be sent with a fairer prospect of humane and generous treatment.

The Petition specifies, generally, the terms on which it is proposed to receive them; but any further arrangements you might think necessary or proper would, I am satisfied, be readily acceded to. The term of years of the apprenticeship, it is wished, should be from eight to sixteen, at the option of the employer; but it is only in a few instances that the Africans thus applied for would be indentured to artisans; their services being more generally required in the cutting of mahogany, or as domestic servants. From the great interest which is taken in the result of this application, may I venture to solicit as early a reply to it as possible. I have apprised Mr. Macleay, the British Commissary Judge at the Havana, of having made it.

I have, &c.
(Signed) FRAN. COCKBURN.

P. S. On reading over this Despatch, I find that I have omitted to state that I should not deem it prudent to recommend the total number of Africans applied for (nearly eighteen hundred), being sent at once; but that in the first instance five hundred men, seventy-five women, one hundred and fifty boys, from twelve years of age to sixteen, and one hundred girls of the like age, would be sufficient.

Lord Aberdeen,
&c. &c.

(Signed)

F. C.

Sub-Enclosure in No. 95.

To His Excellency Francis Cockburn, Esq.

The Memorial of the Undersigned, Cutters of Mahogany, and others, inhabitants of Belize,

HUMBLY SHEWETH,

That your Memorialists, in consequence of the paucity of slave and free labourers inhabiting this Settlement, were, some years ago, under the necessity of availing themselves of the labour of charibs and others, subjects of the neighbouring Republics of Mexico and Central America.

That your Memorialists were for a time enabled, in some degree, by such foreign aid, to remove the embarrassments caused by the scarcity of British slave and free labourers, although such assistance was purchased at an exorbitantly high rate of wages.

That your Memorialists have cause to regret that the foreign labourers referred to, having in the course of a few years formed numerous plantations on the banks of the different rivers and along the sea-coast, now find themselves so wholly independent of their former employers, to obtain a subsistence for themselves and families, that they have, to the extent of at least one-half of their number, withdrawn themselves from the employment of cutting mahogany, to seek once more that state of indolence to which they had been habituated during their residence in Truxillo and the Mexican provinces.

That, in consequence of this change of occupation of a large proportion of the labouring class of this community, there is now a very great and increasing scarcity of labourers; while such foreigners as do still reluctantly hire themselves demand so high a rate of wages, that the cutters of mahogany must, in another year, either wholly abandon their present occupation, or carry it on on a very limited scale; more especially as the increased distance which mahogany is now to be procured from the banks of the rivers demands a far greater number of hands than heretofore to extract the same quantity of wood.

That, such being the state of difficulty and embarrassment to which the Undersigned are reduced, and which, from the interest your Excellency has always taken in the future welfare of the Settlement, your Memorialists are assured has not escaped your Excellency's knowledge and observation, we, the Undersigned, have most humbly and respectfully to solicit your Excellency's influence in drawing the attention of His Majesty's Government to the existing evil which your Memorialists have to lament, and to the suggestion which they have now the honour to lay before your Excellency, namely,—

That your Memorialists, understanding that His Majesty's Government have authorised the importation into Trinidad and other Colonies, of the liberated Africans from on board slave-ships, under certain conditions entered into on the part of the planters of such Colonies, beg to suggest the great and manifest advantage that would arise to the settlers of Belize, generally, from the introduction of the number, as stated in the annexed Document*, opposite to their respective names, of such labourers; and to state their readiness to place them under the treatment provided by Government, for the free apprentice-labourers of this Settlement, as regards clothing, labour, medical attendance, and food; the first consisting of three suits of Osnaburg, one red or blue frock and one cap, annually; and the last of four and five pounds of pork, as customary, and seven quarts of flour, or an equivalent proportion of rice, maize, or plantains, weekly; independently of which your Memorialists will ensure to the said labourers 8*l.* currency, or 24 dollars, annually, for their Saturday's labour.

That your Memorialists would, moreover, be willing, in cases of differences arising between master and servant, in the instance of the liberated Africans, that such differences be referred either to the local Courts of the Settlement or to the special Magistrates, as provided by the Act of Parliament in the case of free-apprenticed labourers.

That your Memorialists, desirous to maintain as much as lies in their power the equal distribution of male and female blacks in this Settlement, would suggest that a number of female Africans, equal to one-fourth or one-third of the number of labourers applied for, be imported along with the male labourers.

That your Memorialists having expressed their readiness to comply, in behalf of the liberated Africans, with all the conditions established for their apprenticed labourers, it may not be unimportant to add that it is by no means intended thereby to claim any right on the part of those to whom they are originally apprenticed, of hiring out or transferring during their lifetime the labour of the liberated Africans; but consider that in equity such services or labour should, in the event of the decease of their first employers, pass to their heirs-at-law, or be liable to be transferred by will or otherwise, as a part of or along with the estate of such deceased.

Your Memorialists likewise consider that such liberated Africans, being under the protection of the British Government, should not be liable to be placed on the soil of the neighbouring Republics, to be worked thereon by the *bonâ-fide* proprietor of such soil, whether he be a British subject or a foreigner, for the purpose of cultivating the soil or otherwise; but that they may be so placed for the temporary purposes of the cutters of mahogany, residents of Belize, who may purchase the trees of mahogany growing thereon, and for the removal of which to the banks of the rivers the labour of the liberated Africans may be required; with the understanding, nevertheless, that they are so placed by their first employers, or such as succeed to them in the manner above-stated, with the consent of His Majesty's Superintendent.

And your Memorialists, as in duty bound, will ever pray, &c.

(Here follow the signatures of two hundred and fifty persons.)

* This Document is a tabular List of the names of persons requiring the services of the apprenticed Africans, and the numbers required; distinguishing male and female, adults and children.

No. 96.

His Majesty's Commissioner to the Duke of Wellington.—(Received May 11.)
 MY LORD DUKE, *Havana, 31st March, 1835.*

Two Spanish brigs have arrived in this port during the month, after having landed slaves on the Coast, viz., the "*Cazador*," Angel Eloriaga, Master, on the 21st instant; and the "*General Laborde*," Ramon Trillo, Master, on the 28th. Both vessels have been duly reported by me to the Captain-General.

I grieve to be obliged to state to your Grace that the departures for the African coast continue to be as numerous as ever, no less than ten Spanish slave-vessels having sailed from the Havana during the month, as will be seen by the List which I have the honour to enclose.

I have, &c.

(Signed) W. S. MACLEAY.

His Grace the Duke of Wellington, K.G.
 &c. &c. &c.

Enclosure in No. 96.

List of Spanish Slave-vessels which sailed from the Havana during the month of March, 1835.

| Date of Sailing. | Class. | Name of the Vessel. | Name of the Master. |
|------------------|----------|-------------------------|---------------------|
| 4 March | Schooner | General Mina . . . | — Soto. |
| 4 " | Brig | Eloisa, alias Corsa . . | — Bonmati. |
| 7 " | Schooner | Matilde | — Presas. |
| 8 " | Brig | Isabel Segunda | Antonio Marques. |
| 8 " | " | Volador | Benito Pereyra. |
| 8 " | Schooner | Numero Uno (a) Rosalia | Manuel Espinosa. |
| 8 " | " | Manuelita | Geronimo Villar. |
| 13 " | Polacca | Pepita | Narciso Macia. |
| 15 " | Brig | Feliz | Antonio Alvarez. |
| 22 " | " | El Mismo | B. Pereira. |

No. 97.

His Majesty's Commissioner to the Duke of Wellington.—(Received May 11.)
 MY LORD DUKE, *Havana, 1st April, 1835.*

I HAVE the honour to acknowledge the receipt of your Grace's Despatch, dated 31st January last, and its Enclosures, by which His Majesty's Commissioners are instructed as to the proper measures to be adopted by them, before any more emancipated negroes ought to be allowed to leave the Havana for Trinidad; and, in obedience to your Grace's commands, no time shall be lost in reporting to His Majesty's Government the result of the steps I intend immediately to take, in furtherance of the objects which His Majesty's Principal Secretary of State for the Colonies is desirous to attain.

I have, &c.

(Signed) W. S. MACLEAY.

His Grace the Duke of Wellington, K.G.
 &c. &c. &c.

No. 98.

His Majesty's Commissioner to the Duke of Wellington.—(Received May 11.)
 MY LORD DUKE, *Havana, 1st April, 1835.*

I AM this day honoured by the receipt of your Grace's Despatch, dated 11th February last, and it affords me most peculiar satisfaction to learn from it that His Majesty's Government is pleased to approve of the course I pursued, when, on account of the prevalence of the cholera among the negroes of the "*Carlota*," I declined to authorise the departure of these negroes for Trinidad.

I have, &c.

(Signed) W. S. MACLEAY.

His Grace the Duke of Wellington, K.G.
 &c. &c. &c.

No. 99.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 26th June, 1835.

I HAVE received your several Despatches on the subject of the Spanish slave-vessel, "*Carlota*," condemned by the Mixed British and Spanish Court of Commission at the Havana, upon a charge of having been concerned in the illegal trade in slaves.

I have referred to His Majesty's Advocate-General that portion of the Case which refers to the seventy-three negroes who had escaped on shore from the "*Carlota*," while chased by His Majesty's ship, "*Nimble*," and who had been arrested afterwards in Cuba, by order of the Governor of that province.

The King's Advocate is of opinion that you acted prudently and discreetly in refusing to proceed to the adjudication of those negroes; because the jurisdiction of the Court of Mixed Commission, in a matter of this peculiar kind, is by no means free from doubt, and because, moreover, the sentence of the Commissioners upon those negroes was unnecessary, if, as is stated by you, the negroes had, under the circumstances of the Case, already become free, by virtue of the Royal Spanish Order of the 2d February, 1826.

The King's Advocate has stated himself to be likewise of opinion, that, for the reasons which you advance, you acted with great propriety in refusing to grant a Certificate to secure these negroes from interruption, by British cruizers, on their passage to the Havana.

The King's Advocate is further of opinion that you acted rightly in declining to reimburse the payment of the freight and other expenses incurred on account of the negroes in question.

I have, &c.

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

(Signed) PALMERSTON.

No. 100.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 26th June, 1835.

I HAVE referred, for the opinion of His Majesty's Advocate-General, your Despatch of the 26th December, 1834, upon the subject of the fund stated by you to be raised by the Local Authorities of Cuba for their own purposes, from a charge on persons who have the benefit of the labour of the emancipated negroes.

The King's Advocate is of opinion that the proceeding in question is a departure from the spirit of the Treaty entered into between the two Countries; and that it was very properly noticed by you in your Letter to the Governor, of which a Copy was enclosed in that Despatch.

The distribution of the negroes and the treatment of them is doubtless a subject of great nicety, and one which requires to be narrowly watched.

A negotiation is now in progress with the Spanish Government, for delegating to the British Commissioners, in common with the Local Authorities, such power in respect to the emancipated negroes as may secure to them the advantages intended by the Treaty.

In the mean time, although, by the letter of the Treaty of 1817 the Commissioners themselves are not invested with special authority to interfere, you will nevertheless consider it always to be a part of your duty to furnish to His Majesty's Government such information as you may acquire, in order that, if any important departure from the stipulations of the Treaty should take place, a remonstrance thereupon may be addressed by His Majesty's Government to the Spanish Authorities.

I have, &c.

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

(Signed) PALMERSTON.

No. 101.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 3.)
 MY LORD DUKE, Havana, 11th April, 1835.

ON the 27th ultimo His Majesty's sloop, "Arachne," James Burney, Esq., Commander, being on her way home from Vera Cruz to England, fell in with the Spanish polacca-schooner, "Joven Reyna," about thirty leagues to the westward of the Havana, and at a short distance from the Coast. Commander Burney having found on board two hundred and fifty-four African negroes, brought her into this port on the evening after the capture, when the prize was immediately placed under quarantine.

The Mixed Commission met on the 31st ultimo, but was obliged to suspend its proceedings in this Case of detention until the 6th instant, when the "Joven Reyna" was admitted to *pratique*. As Commander Burney had a considerable sum of money on board for England, he was anxious to proceed on his voyage; every measure was therefore taken to expedite the Sentence, which was accordingly signed on the 7th instant.

I have now the honour to transmit to your Grace a Translation of this Sentence, which condemns the vessel, and emancipates the two hundred and fifty-four negroes remaining alive at the period of detention.

I also have the honour to enclose a Copy of the Captor's Declaration and an Abstract of the Evidence, by which your Grace will perceive that these negroes were taken on board in the River Congo, in February last. The Owner of the "Joven Reyna" is said to be a Don Buenaventura Martorell, the father of the Master.

There was a Brazilian negro taken on board on the Coast of Africa, as interpreter, at a fixed salary. This man claimed his liberty of the Captors at the moment of detention, and the British Prize-Officer, who remained for eight days in quarantine with the crew and slaves, having every reason to believe the man's statement to be correct, delivered him up to the Captain-General as a prisoner along with the crew. Although these black interpreters are in fact no other than the persons employed by the slave-traders on the Coast of Africa to procure them their negroes, and consequently little deserving of protection, the Mixed Commission thought it right to call the Captain-General's attention to this man's case, in the official Note which accompanied the Copy of their Sentence. A Translation of this official Note I have now the honour to enclose.

I have, &c.

(Signed)

W. S. MACLEAY.

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

&c.

&c.

&c.

 First Enclosure in No. 101.

Captor's Declaration.

I, JAMES BURNEY, Commander of His Britannic Majesty's sloop, "Arachne," hereby declare that on this 27th day of March, 1835, being in or about latitude 23° 18' north, and longitude 83° 18' west, the Saddle-Hills of Cuba bearing south, distant seven leagues, I detained the ship or vessel named the "Joven Reyna," sailing under Spanish colours, not armed, commanded by Don Miguel Martorell, who declared her to be bound from the River Congo in Africa to Cabañas in Cuba, with a crew consisting of sixteen men, one boy, and one passenger, whose names, as declared by them respectively, are inserted in a List at foot hereof, and having on board two hundred and fifty-four slaves, said to have been taken on board at the River Congo in Africa, on the 8th day of February, 1835, and are enumerated as follows, viz.—

| | <i>Healthy.</i> | <i>Sickly.</i> |
|------------|-----------------|----------------|
| Men..... | 101 | 2 |
| Women..... | 30 | 2 |
| Boys..... | 93 | 3 |
| Girls..... | 30 | 1 |

NOTE.—There is a negro-man on board beyond this number; but he claims his freedom as interpreter—he was received on board on the Coast of Africa.

I do further declare, that the said ship or vessel appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew, on their destined voyage to Cabañas in Cuba.

I do also further declare, that by the information given to me on board the detained vessel, "Joven Reyna," the deaths which have occurred since she left the Havana are three of the crew, and, since leaving the Coast of Africa, eight slaves.

(Here follow the names of the crew.)

Dated on board His Britannic Majesty's sloop-of-war, "Arachne," at sea, off the Island of Cuba, this 27th day of March, 1835.

(Signed)

JAMES BURNEY,

Commander.

Witnesses,

J. CALDWELL, *Lieutenant.*JOHN B. HATTON, *Surgeon.*

Second Enclosure in No. 101.

Abstract of the Evidence in the Case of the "Joven Reyna."

31st March, 1835.

JAMES BURNEY, Esq., Commander of His Britannic Majesty's sloop, "Arachne," having shown his Instructions, and being sworn, deposed, that the state of the Spanish polacca-schooner, "*Joven Reyna*," the number of slaves she had on board at the time of detention, as well as other particulars concerning her, are truly set forth in the deponent's Declaration, dated the 27th instant, and which is now given into Court in the English language; that the Papers now produced are truly the Papers which this deponent collected on board the detained vessel, and for which he gave a Receipt to the Spanish Master; that, among these Papers, those numbered 1 to 6 inclusive are considered by the deponent as more essential, viz.—

1. Contraseña;
2. Muster-roll;
3. Havana Custom-house Register;
4. Instructions of the Havana Captain of the Port;
5. Royal Passport;
6. Log-book;—the other seven Papers being deemed of no material importance in these proceedings.

Mr. J. B. Hatton, Surgeon of His Britannic Majesty's brig, "Arachne," being sworn, deposed that the contents of the Captor's Declaration are true, and identified his own signature thereto as witness.

6th April, 1835.

Mr. James Caldwell, Lieutenant of the English sloop-of-war, "Arachne," and Officer in charge of the Spanish polacca-schooner, "*Joven Reyna*," during her quarantine, deposed that the contents of the Captor's Declaration are true, and identified his own signature thereto as witness. The deponent further said that he had delivered up two hundred and fifty-four negroes to Don Ramon Morales, who had been appointed by the Governor to receive the slaves, and delivered into Court the Receipt of the said Morales for the said number. He further deposed that he had not thought proper to comprise in the said number of negroes so delivered up to Morales, the negro interpreter, who had claimed his liberty of the Captor at the time of the detention, but had given him up as a prisoner with the crew to the Captain-General; that this deponent had judged it right so to do, because the said negro not only told the deponent that he had been free in Brazil, but because this deponent observed that he really interpreted between the bozal negroes and the crew; that this deponent does not exactly know whether this interpreter spoke in Spanish or Portuguese; that the deponent recollects this negro having shown him some Papers, in proof, as he said, of his being a free man.

Miguel Martorell, aged twenty-nine, a native of Barcelona, in Catalonia, a Catholic, and unmarried, being sworn, deposed that he is Master and Mate of the Spanish merchant-polacca, "*Joven Reyna*," which has been brought into this port by an English sloop-of-war, on account of having bozal negroes on board; that the "*Joven Reyna*" was detained on the 27th March last, about twenty-five or thirty miles to the west of Bahia Honda, and about seven leagues from the coast; that at the time of the detention there were existing on board two hundred and fifty-four slaves; that two other negroes were likewise on board, namely the Cook, who was a native of Galicia, in Spain, and another, named Juan Cabinda, who was engaged by this deponent on the Coast of Africa, at a salary of twenty dollars per month, to act as interpreter to the cargo of two hundred and sixty-one slaves, which this deponent took on board at Amberis and the Rio Congo; that sixty of these slaves were females; that this deponent embarked on board the "*Joven Reyna*" in this Port of the Havana; that this deponent cannot declare the name of the Owner of the vessel, or of the person who appointed the deponent to the place of Master; that the vessel sailed from the Havana with Spanish Papers; that the cargo was composed of aguardiente, gunpowder, muskets, and dry goods; that the "*Joven Reyna*" cleared out for San Pablo de Loanda, but arrived at Amberis, which is distant from San Pablo about twenty leagues; that they did not make San Pablo, in order to avoid the heavy charges there, but that they sent their cargo from Amberis to the Consignee at San Pablo in small boats; that this Consignee answered that he could not pay for the cargo except with a cargo of negroes, to be taken on board at the place where the vessel then was, and in the Rio Congo; that the deponent was really obliged to take the negroes in this manner, against his will; that he sailed from Africa on the 10th February last; that he has no Documents to prove these facts, because the Letters of the Consignee were lost or destroyed; that the name of the Consignee is Mezquita, a Portuguese; that this deponent delivered up to the English Officer, the Royal Passport, the Muster-roll, Contraseña, the Custom-house Register, and a Log-book, and got a Receipt for them, which is now in possession of deponent's father, D. Buenaventura Martorell, who lives in this city; that the Papers now produced are the same which this deponent gave to the English Officer, and are truly the Papers of the "*Joven Reyna*;" that, when this deponent was landed yesterday a prisoner from his vessel, scarcely any part of the vessel's outward cargo remained on board, except about six hundred Toledo sword-blades, which are stowed away under the water-casks.

José Serda, aged twenty-four, a native of Carthagena, in the kingdom of Murcia, a Catholic, and unmarried, and seaman on board the "*Joven Reyna*," being sworn, deposed that the above-mentioned vessel, in which the deponent was sailing, has been detained by an English brig-of-war, on account of having bozal negroes on board; that there were two hundred and fifty-four on board at the time of detention; that the vessel was detained to the west of this port, on the 27th of March last; that the slaves were taken on board in the River Congo, on the Coast of Africa, to the number of two hundred and sixty-one, as well as this deponent recollects; that this number has been reduced by deaths to two hundred and fifty-four; that the Captain, Don Miguel Martorell, engaged this deponent as sailor; that the "*Joven Reyna*" sailed from the Havana on the 28th May last, with a cargo of dry goods and gunpowder for San Pablo de Loanda; that they did not arrive there, but made for Amberis, and from that place passed to the Rio Congo, where they took on board, in return

for their cargo, the bozal negroes; that this deponent cannot recollect the day of their sailing from the Rio Congo; that they took on board in the Rio Congo a free negro to serve as interpreter, at a salary which the Captain offered him; that this deponent does not recollect the amount; that this interpreter speaks the Portuguese language; that he was able to make himself understood by the Captain and crew of the schooner, particularly by this deponent; that his name his Juan Cabinda; that he is now a prisoner in the Castle de la Fuerza; that nothing of the outward cargo remains on board except some sword-blades in the hold; that this deponent knows nothing of the Papers now produced except the Log-book.

Jorge Lacedonia, aged twenty-two, a native of Carthagena, in the kingdom of Murcia, a Catholic, and unmarried, being sworn, deposed that he is a seaman on board the Spanish schooner, "*Joven Reyna*," which has been detained by an English brig-of-war; that this deponent does not recollect the day of the month on which the schooner was detained; that the detention took place to the west of this port, between Bahia Honda and Cabañas; that the detention was made on account of the "*Joven Reyna's*" having two hundred and fifty-four African negroes on board; that a greater number was taken on board in the Rio Pongo, but the deponent does not recollect this number; that some died on the passage, which reduced the whole number as above to two hundred and fifty-four; that the master, Don Miguel Martorell engaged this deponent as seaman on board the schooner; that they sailed from this port on the 28th May last, with a cargo of dry goods, gunpowder, and sword-blades; that they cleared out for San Pablo de Loanda; that they made for the Rio Congo, where they took on board, in return for the cargo, the above-mentioned slaves; that of the Papers now produced this deponent only recognises the Log-book, numbered 6; that nothing of the outward cargo remains on board except some sword-blades.

(Translation.)

Third Enclosure in No. 101.

Sentence in the Case of the Spanish schooner, "Joven Reyna."

In the Always Most Faithful City of the Havana, on the 7th day of April, 1835, the Most Excellent Señor Don José Maria de Herrera y Herrera, Conde de Fernandina, Procer of the Kingdom, &c., &c., and Spanish Commissary Judge in the Mixed Commission, together with Don William Sharp Macleay, the British Commissary Judge, and Don Manuel Garcia y Muñiz, &c., Spanish Commissioner of Arbitration, being met in consequence of the absence, by order of his Government, of the British Commissioner of Arbitration, Don Charles Mackenzie, and having taken into their consideration the proceedings consequent upon the detention which the English brig-of-war, "*Arachne*," made of the unarmed Spanish merchant-polacca-schooner, "*Joven Reyna*," Don Miguel Martorell, Master, in latitude 23° 18' north and longitude 83° 18' west, at the distance of about seven leagues from Saddle-Hill, in this Island of Cuba, and which schooner had on board at the time of detention, that is, the 27th day of March last, two hundred and fifty-four slaves, of whom none have since died, as appears by the Receipt of Don Ramon Morales, the person appointed by the Spanish Government to take charge of them; and it being fully proved, as well by the evidence of the Spanish Master as by that of the other witnesses examined, and by the Papers found on board the said polacca-schooner at the time of her detention, that she sailed from this port of Havana, on the 28th May last, with Papers and a cargo for San Pablo de Loanda, and made direct for Amberis and the Rio Pongo, on the Coast of Africa, where she took on board two hundred and sixty-one negro-slaves of both sexes, which number was reduced to the above-mentioned two hundred and fifty-four at the time of the detention. Whereupon the Commissioners resolved that they ought to declare, and accordingly do declare, with all due regard to the merits of the Case, and according to the brief and summary mode of proceeding adopted in all such cases, on the truth being made known, that the capture of the aforesaid polacca-schooner, "*Joven Reyna*," and whatever may have been on board her, including the two hundred and fifty-four bozal negroes, is good and legal, and that the said polacca-schooner is now subject to the penalty of confiscation, with all her tackle, apparel, and other effects she may have on board, according to her Inventory, all except the above-mentioned two hundred and fifty-four negroes now remaining alive, who are hereby declared free from all slavery and captivity. In consequence of which it is now ordered that the condemned vessel, and all that belongs to her, be forthwith valued by the principal Masters of the Royal Arsenal, who shall likewise take an oath to perform this duty faithfully, and that she be then brought to sale by public auction before the Public Scrivener, Don Manuel Fornari, who is commissioned for that purpose; and the vessel being sold, the net produce of such sale shall be applied to the benefit of the two Governments, the said schooner 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 by formal Inventory. And the Commissioners shall proceed, without further loss of time, to deliver to the above-mentioned negroes now remaining alive their respective Certificates of emancipation by the hands of their Secretary, as is customary, and shall address an official Note, with a certified Copy of this Sentence, to his Excellency the Governor and Captain-General, in order that he may take the necessary measures to give it effect, and because the crew of the said schooner 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.

MANUEL GARCIA Y MUNIZ.

(Signed) JUAN FRANCISCO CASCALES,

Secretary.

(Translation.)

Fourth Enclosure in No. 101.

The Members of the Mixed Commission to the Captain-General.

MOST EXCELLENT SIR,

Havana, 7th April, 1835.

YOUR Excellency will learn from the accompanying certified Copy of the definitive Sentence of this Mixed Commission, in the Case of the Spanish merchant-polacca-schooner, "*Joven Reyna*,"

detained with a cargo on board of bozal negroes, by the English brig-of-war, "Arachne," that the detention of the said schooner has been declared good and lawful, and the slaves on board free from all slavery and captivity. In virtue of this sentence we shall proceed now to deliver to each of these negroes his or her respective Certificate of emancipation, according to the customary form; these negroes then remaining at your Excellency's disposal, as well as the crew of the "*Joven Reyna*." Among the latter we would call your Excellency's attention more particularly to a free negro, named Juan Cabinda, whom the Master of the "*Joven Reyna*" took on board as interpreter when he left the River Pongo.

God preserve your Excellency many years.

(Signed)

EL CONDE DE FERNANDINA.
W. S. MACLEAY.
MANUEL GARCIA Y MUNIZ.

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

No. 102.

His Majesty's Commissioner to the Duke of Wellington.—(Received July 3.)

MY LORD DUKE,

Havana, 18th April, 1835.

WITH reference to my Despatch, dated 24th February last, I have now the honour to enclose to your Grace the Copy of a Letter from his Excellency the Governor of Trinidad, announcing the safe arrival in that island of the Spanish ketch, "Moratin," with three hundred and two emancipated negroes, two having died on the voyage from this port.

I have, &c.

(Signed)

W. S. MACLEAY.

His Grace the Duke of Wellington, K. G.
&c. &c. &c.

Enclosure in No. 102.

Sir G. F. Hill to Mr. Macleay.

SIR,

Trinidad, 23d March, 1835.

I HAVE the honour to acknowledge the receipt of your Letter of the 23d ultimo, with the two accompanying Lists, descriptive of three hundred and four Africans, embarked on board the "Moratin," at the Havana, by the Mixed Commission, for location in this island.

The vessel arrived here on the 11th instant, and I am happy to inform you that, with very few exceptions, these people landed in tolerable health.

The sick were immediately sent to the hospital: there were only two deaths during the passage.

When this vessel arrived, I was occupied with the Council of Government in framing an Ordinance for the treatment and a temporary apprenticeship of these people, which prevented my distributing them sooner than the 21st instant. This Ordinance has been passed, a Copy of which I herewith forward, by which I shall have the means and pleasure of being enabled to land and distribute immediately upon arrival any future cargo that may be sent.

I am much gratified to find the Island of Cuba is at last relieved from that dreadful scourge the cholera.

I have much pleasure in acquainting you that the humanity and kindness evinced by Don Juan Ferrer, towards the unfortunate beings placed under his charge, entitle him to my best thanks.

The Certificate which you granted for securing the uninterrupted passage of the "Moratin" has been delivered to me.

I shall be glad to receive many more Africans. I should not have the least difficulty in locating several thousands, to whom would be secured humane and kind treatment, in return for moderate and habitual labour, by which this interesting colony would be much benefitted.

I have, &c.

(Signed)

G. F. HILL.

P. S. These Africans landed with a blanket, and a new suit, consisting of a cap, shirt or shift, and a wrapper.

No. 103.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 3.)

MY LORD DUKE,

Havana, 29th April, 1835.

WE have the honour to inform your Grace, that on the 14th ultimo the Spanish brigantine-schooner, "*Chubasco*," of 83½ tons, came into this port, under charge of an Officer belonging to His Majesty's sloop, "Racer," she having been detained on the 12th ultimo, off Anguilla, by that vessel-of-war, on account of having on board a cargo of two hundred and fifty-three African slaves. Imme-

diately on her arrival the Captain of the port sent her to the quarantine-ground in the harbour, at Marimelena, on account of the small-pox prevailing among the negroes; and the Captain-General, as will appear by the Translation now enclosed of his Excellency's Note, of the 15th ultimo, to His Majesty's Commissary Judge, having taken the opinion of the Superior Board of Health, ordered that the Africans should be landed at an estate to leeward of the city, and there remain insulated, with every necessary medical attendance, while the crew should return to this port, and there remain in quarantine, at Marimelena, on board the detained vessel, for the space of forty days.

On the 16th ultimo the "Racer," James Hope, Esq., Commander, arrived in the Havana; and Commander Hope having stated the necessity of his instantly proceeding to Jamaica, the Mixed Commission met on the 18th to receive the Captor's Declaration, but was obliged immediately to suspend its proceedings on account of the quarantine. On the 19th the "Racer" left the Havana, hoisting the quarantine-flag, on account of having taken out of the "Chubasco" her prize-crew, and merely leaving on board a Mate and three men to take charge of the detained vessel.

On the 23d instant, the Captain-General communicated to the Mixed Commission that the "Chubasco" was out of quarantine, and on the same day the proceedings in this Case of detention were resumed, so that the Sentence of condemnation was signed on the 24th instant.

We have the honour to enclose a Translation of this Sentence, by which the two hundred and fifty-three negroes who were received by the Captain-General are emancipated. We also beg leave to transmit a Copy of the Captor's Declaration, and an Abstract of the Evidence, by which your Grace will perceive that two hundred and seventy-five negroes were taken on board in the River Congo, in February last, and that the deaths on the voyage to Cuba had reduced their number, at the time of detention, to two hundred and fifty-three, the number delivered up at the lazaretto established for them by orders of the Captain-General.

There were on board the "Chubasco," as passengers, at the time of her detention, four Danes, who had been shipwrecked on the Coast of Africa; these men were recommended by the Mixed Commission, and by His Majesty's Commissary Judge, in his separate capacity, to the humanity of the Captain-General. Commander Hope had at first considered them as part of the crew of the slave-vessel; but the truth is, that the sickly state in which she was found has necessarily rendered the Captor's Declaration very inaccurate.

We have, &c.

(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

First Enclosure in No. 103.

Don Miguel Tacon to Mr. Macleay.

SIR,

Havana, 15th March, 1835.

THE Captain of the Port has just informed me of the arrival, last night, in this port, of the Spanish brig, "Chubasco," which, on her voyage from Africa, was detained by His Britannic Majesty's sloop, "Racer," on account of having bozal negroes on board. The Captain of the Port likewise informs me that he has ordered her to the usual quarantine-ground in the harbour, not only on account of her having no Bill of Health, but because she has arrived in a state of pestilence from the small-pox. I have also received from the Superior Junta of Medicine a Letter on the same subject, which I now transcribe for your information:—"Most Excellent Sir,—We, the Undersigned, Dr. Don Tomas Romay, and Dr. Don José Ant. Bernal, having met together in the absence, through sickness, of the third Member of this Board, and having taken into consideration the Communications made to this Junta Superior of Medicine, on the subject of the proper measures to be adopted with respect to the Spanish brig, 'Chubasco,' proceeding from Africa, and brought into this port with bozal negroes on board, by His Britannic Majesty's brig, 'Racer,' and which Spanish vessel has been already ordered to the quarantine-ground at Marimelena, on account of having no Bill of Health, and her being infested with the small-pox; and we, considering that to leave the negroes on board the vessel would not only be to expose them all to destruction by this disease, but also subject the Havana to the contagion, particularly if, during the prevailing easterly winds, these negroes are allowed to remain in the quarantine-ground, to the windward of the city, and that like danger may occur from forming any lazaretto for them in this harbour, have now, therefore, judged that no place is so proper for receiving them in deposit as the estate called Vedado, to leeward of the Havana, and which is quite insulated and sufficiently distant from the Fort of Principe, and every habitation on that side of the city;

“but at the same time we recommend the most absolute ‘incommunication,’ and also, in order that they may not pass through the city, that they be taken from this port in the ‘Chubasco’ to the Chorrera, and there landed, when the crew will return in the said vessel to the harbour, and there remain in the quarantine-ground, at Marimelena, forty days, without communication.”

And I, being quite of the same opinion as the Superior Board of Health, now transcribe this Note for you, in order that you may have the goodness forthwith to issue the necessary orders for the brig “Chubasco” to land her negroes in the Chorrera, and there to deliver them up to Don Ramon Morales, whom I have charged to receive them, and to conduct them to the Vedado, where they will be assisted with humanity, and the sound separated from the unhealthy, and all instantly vaccinated.

I beg that you will inform me of the hour when the “Chubasco” will leave the harbour, in order that I may take the necessary steps to the above effect.

God preserve you many years.
(Signed) MIGUEL TACON.

His Britannic Majesty's Commissary Judge,
&c. &c. &c.

Second Enclosure in No. 103.

Captor's Declaration in the Case of the “Chubasco.”

I, JAMES HOPE, Commander of His Britannic Majesty's sloop, “Racer,” hereby declare that on this 12th day of March, 1835, being in or about latitude 23° 0' north, and longitude 78° 54' west, I detained the ship or vessel named the “Chubasco,” sailing under Spanish colours, armed with no guns, commanded by Geronimo Garcia, who declared her to be bound from the River Pongo, on the Coast of Africa, to the Island of Cuba, with a crew consisting of seventeen men, no boys, no Super-cargo, no passengers, whose names, as declared by them respectively, are inserted in a List at foot hereof, and having on board two hundred and fifty-one slaves, said to have been taken on board at the Rio Pongo, on the 9th day of February, 1835, and are enumerated as follows, viz.—

| | <i>Healthy.</i> | <i>Sickly.</i> |
|------------|-----------------|----------------|
| Men..... | — | — |
| Women..... | — | — |
| Boys..... | — | — |
| Girls..... | — | — |

NOTE.—From the statement of Lieut. Chambers and the Master of the vessel, it appears that the negroes are in such a state of sickness as renders it impossible to count them.

I do further declare that the said ship or vessel appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew on their destined voyage to the Island of Cuba.

From the causes already mentioned, it has been found impossible to ascertain the names of the crew of the vessel.

Master, Geronimo Garcia.
Mate, Miguel Arozena.

Witnessed by,
W. CHAMBERS, Lieutenant.
THOMAS ROBERTSON, Surgeon.

(Signed) J. HOPE,
Commander.

Third Enclosure in No. 103.

Abstract of the Evidence in the Case of the “Chubasco.”

Havana, 18th March, 1835.

JAMES HOPE, Esq., Commander of the English brig-of-war, “Racer,” having shown his Instructions, and being sworn, deposed that the state of the Spanish ship or vessel, “Chubasco,” at the time of her detention, the number of slaves on board, the number of her crew, as well as other particulars concerning her, are truly set forth in this deponent's Declaration, dated the 12th instant, and which is now given into Court in the English language; that the Papers now produced are truly the Papers which this deponent collected on board the detained vessel, as the Papers of the “Chubasco;” and that this deponent gave a Receipt to the Spanish Master for all of them except the Log-book; that these Papers are,—

1. The Provisional Passport of Navigation.
2. The Contraseña.
3. The Muster-roll.
4. The Custom-house Register.
5. The Log-book.

Lieutenant William Chambers of His Britannic Majesty's sloop-of-war, “Racer,” being sworn, deposed that the contents of the Captor's Declaration are true, and identified his own signature thereto as witness.

Mr. John Robertson, Surgeon, of His Britannic Majesty's sloop, “Racer,” being sworn, deposed that the contents of the Captor's Declaration are true, and identified his own signature thereto as witness.

Havana, 23d April, 1835.

Geronimo Garcia, aged thirty-five, a native of Ferrol, in Galicia, a Catholic, and unmarried, being sworn, deposed that he is Master and First Mate of the Spanish brigantine-schooner, "*Chubasco*," that the deponent has been brought into this port by the English brig-of-war, "*Racer*," which detained the "*Chubasco*," between Anguilla and Laguna la Grande, in latitude 23° 12' north; that the bozal negroes found on board by the English were the cause of the "*Chubasco*'s" detention; that these negroes were taken on board the brigantine-schooner in the Rio Pongo, on the Coast of Africa; that two hundred and seventy-five were there embarked, but that only two hundred and fifty-three of these remained alive at the time of detention; that the "*Chubasco*" sailed for Africa from this Port of Havana; that this deponent, as Owner of the brigantine-schooner, took the command of her as Master; that they sailed from the Havana, on the 18th of April, 1834, clearing out with a cargo and Papers, as appears by the Custom-house Register, for the Island of St. Thomas; that this deponent, nevertheless, made direct for Gallinas, and thence for the River Pongo, where he landed his cargo, and took on board the above-mentioned number of African negroes, that the Papers now produced, and numbered 1 to 5 inclusive, being the Provisional Passport of Navigation, the Contraseña, the Muster-roll, the Register, and the Log-book, are truly the Ship's Papers with which the brigantine-schooner, "*Chubasco*," was sailing at the time of her detention, that no part whatever of the outward cargo remains on board the "*Chubasco*," and that she has brought nothing whatever from the Coast but negroes.

Miguel Arozena, aged thirty-four, a native of St. Sebastian, in the province of Guipuscoa, a Catholic, and married, in this city, being sworn, deposed that by profession he is Second Mate on board the brigantine-schooner, "*Chubasco*," that this deponent embarked on board the said brigantine-schooner in the Havana; that the place of Second Mate was given to this deponent by the Master and Owner, Don Geronimo Garcia; that they sailed with Papers and a cargo for the Island of San Tomas, on the 18th April, 1834; that they arrived at Gallinas; that they sailed thence for the Rio Pongo, where they took on board, in return for the cargo, about two hundred and seventy slaves; that this deponent does not recollect the exact number; that they sailed from Africa for the Coast of Cuba, on the 8th of February last; that they were detained, as well as this deponent recollects, on the 14th ultimo, in the longitude of Laguna la Grande, by an English brig-of-war, having at the time existing on board two hundred and fifty-three negroes, the others having died; that the Papers now produced, and numbered 1 to 5 inclusive, are truly those of the "*Chubasco*;" that no effects whatever remain on board the brigantine-schooner.

Antonio Rulan, aged twenty-nine, a native of Palma, in the Island of Majorca, a Catholic, and unmarried, being sworn, deposed that he is Steward of the brigantine-schooner, "*Chubasco*;" that the "*Chubasco*" was, on account of having African negroes on board, captured by an English brig-of-war, between Anguilla and Laguna la Grande; that the number of bozal negroes on board at the time of the detention was two hundred and fifty-three, the remainder of two hundred and seventy-five who were taken on board in the Rio Pongo; that this deponent embarked, as Steward of the "*Chubasco*," in this port; that on the 18th April of last year she sailed thence, with Papers and a cargo, as for the Island of St. Thomas; that the bad weather forced the "*Chubasco*" to make the Coast of Africa, where, in the Rio Pongo, she took on board her slaves; that she previously touched at Gallinas, but did not remain there to land her cargo, because they found no means at that place of repairing certain damage which the brigantine-schooner had received in a gale; that this deponent recognises the Papers now produced, and numbered 1 to 5 inclusive, as those of the "*Chubasco*," but more particularly the Log-book.

Fourth Enclosure in No. 103.

Sentence in the Case of the "Chubasco."

In the Always Most Faithful City of the Havana, on the 24th day of April, 1835, the Most Excellent Señor Conde de Fernandina, Procer of the Kingdom, Honorary Grandee of Spain of the First Class, Grand Cross of the Royal Order of Isabel la Catolica, Knight of the Order of Charles III., Gentilhombre de Camara, con ejercicio, Supernumerary Colonel of the Havana Regiment of Cavalry, and Spanish Commissary Judge in the Mixed Commission; and also Don William Sharp Macleay, the British Commissary Judge; and Don Manuel Garcia y Muñiz, Knight Commander of the Royal Order of Isabel la Catolica, Colonel, &c., and Spanish Commissioner of Arbitration, being assembled together by reason of the absence, by order of his Government, of Don Charles Mackenzie, the British Commissioner of Arbitration; and having taken into their consideration the proceedings consequent upon the detention of the Spanish merchant-brigantine-schooner, "*Chubasco*," which the English brig-of-war, "*Racer*," commanded by Don James Hope, made on the 12th day of March last, in latitude 23° 0' north, and longitude 75° 54' west, on account of her having on board a cargo of two hundred and fifty-three bozal negroes alive, at the time of the said detention, who have all been delivered up to Don Ramon Morales, the individual named by the Spanish Authorities to take charge of them, as appears by the two Receipts of the said Morales, dated the 16th and 17th of March last, and it being completely proved, as well by the Declaration of the Captain of the said Spanish brigantine-schooner, Don Geronimo Garcia, as by the evidence of the other witnesses examined, and by the Documents found on board at the time of the capture, that the said brigantine-schooner, "*Chubasco*," sailed from the Havana on the 18th of April, 1834, for the Bahía de todos Santos and St. Thomas, and made direct for Gallinas, and thence sailed for the River Pongo, on the Coast of Africa, where she took on board two hundred and seventy-five slaves, who were reduced, at the period of the detention, to the above-mentioned two hundred and fifty-three negroes. Whereupon the Commissioners resolve that they ought to declare, and do hereby declare, with all due consideration of 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 brigantine-schooner, "*Chubasco*," and of the two hundred and fifty-three negroes now remaining alive, is good and legal, and that the aforesaid brigantine-schooner, "*Chubasco*," with all her tackle and apparel, and whatever else may remain on board, according to Inventory, are subject to confiscation, all except the above-

mentioned negroes now alive, who are hereby declared free from all slavery and captivity. And the Commissioners order that the condemned vessel 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 before the Public Scrivener, Don Manuel Fornari, in order that the proceeds be applied to the benefit of the two Governments, the said vessel being, for the present, placed in deposit with Don Jayme Andreu, who shall likewise swear faithfully to perform his duty, and shall receive her from the 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 the Commissioners shall likewise address an official Letter, with a 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 remain in prison at his Excellency's disposal, together with certain Danish passengers alluded to in the Answer which this Mixed Commission made to the Captain-General's official Note dated the 29th of March last. 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.
MANUEL GARCIA Y MUNIZ.

(Signed) JUAN FRANCISCO CASCALES,
Secretary.

No. 104.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 3.)
MY LORD DUKE, *Havana, 30th April, 1835.*

DURING the present month no less than six Spanish vessels have sailed from the Havana for the Coast of Africa, viz., on the 1st instant the brig, "*Zafiro*," José Mora, Master, and the schooner, "*Amable Salomé*," José Terri, Master; on the 5th instant the polacca, "*Catalina*," Ramon Clavel, Master; on the 15th the brig, "*Esplorador*," José Inza, Master; on the 18th the brig, "*Cazador Santurzano*," Elorriaga, Master; and on the 19th the brig, "*Lorencita*," Gabriel Molina, Master.

We have also the honour to inform your Grace, that two Spanish brigs have been denounced to the Captain-General as having safely landed their respective cargoes of slaves on the Coast of Cuba, namely, the "*Belencita*," Antonio Muzard, Master, which arrived here in ballast on the 17th instant, and the "*San Pedro*," alias "*Vengador*," which arrived in like manner on the 23d instant.

A Portuguese brig, the "*Maria Segunda*,"—Farias, Master, also came into the Havana, on the 9th instant, after having landed a cargo of slaves on the Coast.

We have, &c.
(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

No. 105.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 3.)
MY LORD DUKE, *Havana, 11th May, 1835.*

WE have the honour to acknowledge the receipt of the Despatch, of 27th February last, in which your Grace has been pleased to transmit, for our information, the Copies of two Despatches recently addressed by your Grace to His Majesty's Envoy at Madrid, on the subject of the Slave Trade of Cuba.

We have, &c.
(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

No. 106.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 3.)
MY LORD DUKE, *Havana, 11th May, 1835.*

WE have the honour to acknowledge the receipt of your Grace's Despatch, of the 16th March last, and of its several Enclosures, relating to two Por-

tuguese vessels, the "*Minerva*," alias "*Esperança*," and the "*Hercules*," which have, according to the Report of His Majesty's Envoy at Lisbon, recently been fitted out at that port, apparently for the Slave Trade.

We beg leave to assure your Grace that we shall keep a strict eye on the proceedings of these vessels, in the event of their coming into the Havana.

We have, &c.
 (Signed) W. S. MACLEAY.
 EDWARD W. H. SCHENLEY.

His Grace the Duke of Wellington, K.G.
 &c. &c. &c.

No. 107.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 3.)

MY LORD DUKE,

Havana, 13th May, 1835.

WE have the honour to inform your Grace that, on the 17th ultimo, the Spanish brig, "*Marte*," arrived in this port, under the charge of Mr. Morrill, Mate, R. N., and a prize-crew, she having been detained in latitude 20° north and longitude 80° 15' west, by His Majesty's schooner, "*Skipjack*," Lieutenant Sidney H. Ussher, Commander, for having on board four hundred and forty-two slaves, who were all that remained alive out of more than six hundred that had been embarked at Loango, on the Coast of Africa, on the 25th February last. The "*Marte*" is a very fine brig, pierced for twenty and mounting eight guns, and was taken on the 8th ultimo, after an action and chase which continued from ten o'clock A. M. to eight P. M. of the same day. His Majesty's schooner received no damage; but on board the "*Marte*," according to the statement of her Surgeon, one Spanish seaman and ten negroes were killed, and six Spanish seamen and nineteen negroes were wounded. We have the honour to enclose a Copy of Lieutenant Ussher's Statement on the subject. The "*Marte*," on her arrival in the Havana, was immediately placed in quarantine, in consequence of the negroes being affected with dysentery and symptoms of the small-pox. As in the case of the "*Chubasco*," the vessel was immediately ordered by the Board of Health round to the Chorrera, and there, on the 19th ultimo, deposited four hundred and three slaves, being all then remaining alive, into the charge of Don Ramon Morales, the Officer appointed by the Captain-General to receive them; and then she returned to the Havana to occupy the quarantine-ground at Marimelena.

The "*Skipjack*" being immediately after the action, according to her orders, under the necessity of proceeding to Jamaica, did not arrive here until the evening of the 29th ultimo. On the 2d instant the Mixed Commission received the Papers of the "*Marte*" from the Captor, and took the necessary Declarations, but was obliged to suspend its proceedings until the 4th, on which day the "*Marte*" was admitted to pratique. On the 8th instant the Sentence was signed, condemning the vessel and emancipating the four hundred and three negroes still remaining alive.

We have the honour to enclose herewith a Translation of this Sentence, with an Abstract of the Evidence, a Copy of the Captor's Declaration, and of the Receipt of Don Ramon Morales.

We have, &c.
 (Signed) W. S. MACLEAY.
 EDWARD W. H. SCHENLEY.

His Grace the Duke of Wellington, K.G.
 &c. &c. &c.

First Enclosure in No. 107.

Lieutenant Ussher to Mr. Macleay.

*His Britannic Majesty's schooner, "Skipjack," at sea,
 8th April, 1835.*

SIR,

I HAVE the honour to inform you that, on the 8th instant, on my passage from Belize to Jamaica, in His Majesty's schooner, "*Skipjack*," under my command, I fell in with and chased a brig under Spanish colours; and firing a gun a-head to bring her to, which she refused to do, and

continuing the chase with an occasional gun, she then shortened sail, and on our coming up returned to get away. We immediately made sail in chase, keeping up a running fire, which she returned with her stern-chaser, and on coming up with her she bailed that she had surrendered, and was immediately taken possession of. She proved to be the "*Marte*," of Barcelona, mounting eight guns, and having a crew of fifty-five men, with a cargo of negroes from Loango to the Isle of Pines. She lost in action one seaman killed, seven negroes killed, and six seamen and eleven negroes wounded.

The orders I was under not allowing me to proceed immediately to the Havana, I put a prize-crew on board under the charge of Mr. George Morritt, Mate of the said schooner, with orders to proceed immediately to that place, and communicate with you for his future proceedings until my arrival. I have likewise forwarded by him the "*Marte's*" Papers.

I found it necessary to take part of her crew into the "*Skipjack*," from my not being able to spare sufficient hands from the "*Skipjack*" to manage so many prisoners. I am now proceeding to Jamaica, and most probably the Commodore will immediately despatch us for the Havana.

His Britannic Majesty's Commissary Judge,
&c. &c. &c.

I have, &c.
(Signed) SIDNEY H. USSHER,
Lieutenant and Commander.

Second Enclosure in No. 107.

(Translation.)

Sentence in the Case of the Spanish brig, "Marte."

IN the Always Most Faithful City of the Havana, on the 8th day of May, 1835, the Most Excellent Señor Don José Maria de Herrera y Herrera, Conde de Fernandina, Procer of the Kingdom, &c., Spanish Commissary Judge in the Mixed Commission, and Don William Sharp Macleay, British Commissary Judge in the same Court, having taken into their consideration the proceedings consequent upon the detention, made on the 8th day of April last, in latitude 20° north and longitude 80° 15' west, by the English schooner-of-war, "*Skipjack*," commanded by Lieutenant Sidney H. Ussher, of the Spanish merchant-brig, "*Marte*," Don Juan Sagrera, Master, the said detention having been made after an action in which several persons were killed and wounded on board the detained vessel, which was armed with eight guns, six of them being eighteen-pounders and two twelve-pounders, and which vessel had on board alive, at the time of her detention, a cargo of four hundred and forty-two bozal negroes of both sexes, of whom four hundred and three, being all remaining alive at the period of their arrival in this port, were delivered up into the charge of Don Ramon Morales, as appears by his Receipt at page 42 of these Proceedings; and it being fully proved, as well by the Declaration of the Spanish Master, and by the evidence of the other witnesses examined, as by the Documents found on board the Spanish brig at the time of her detention, that she sailed from the Port of Barcelona, in Spain, on the 11th of August last year, with Papers and a cargo as for St. Thomas, and that she made direct for Loango, on the Coast of Africa, where she took on board about six hundred slaves, who were by death reduced to four hundred and forty-two at the time of the detention, and who finally, by further deaths afterwards on the voyage to this port, were reduced to four hundred and three, which is the number received by the aforesaid Don Ramon Morales. Whereupon the Commissioners resolve that they do declare, and hereby have declared, with all due regard to the merits of the Case, according to the brief and summary mode adopted in all such cases, on the truth being made known, that the capture of the above-mentioned merchant-brig, "*Marte*," is good and legal, and also that of the four hundred and three negroes now alive, and that of everything that may happen to be aboard of her: and that the said vessel, with all her tackle, apparel, and every thing, according to her Inventory, on board of her, are now subject to the penalty of confiscation, all except the above-mentioned four hundred and three negroes now remaining alive, who are hereby declared to be free from all slavery and captivity. And the Commissioners order that the condemned vessel, and all that belongs to her, be valued by the principal Masters of the Royal Dock-yard, who shall be previously sworn to perform this duty faithfully, and that she be afterwards sold by public auction before the Public Scrivener, Don Manuel Fornari, who is hereby commissioned for that purpose, in order that the proceeds of the sale may be applied to the benefit of the two Governments, the said brig being for the present placed in deposit with Don Jayme Andreu, who shall likewise swear faithfully to perform his duty, and who shall receive her from the Captor by 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 alive, their respective Certificates of emancipation; and they shall also address a Letter to his Excellency the Captain-General, with a certified Copy of this Sentence, in order that he may take the proper measures to give it effect, and because the crew of the aforesaid brig, "*Marte*," 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) J. F. CASCALES,
Secretary.

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

Third Enclosure in No. 107.

Abstract of the Evidence in the Case of the "Marte."

2d May, 1835.

LIEUTENANT SIDNEY H. USSHER, commanding His Britannic Majesty's schooner, "*Skipjack*," being sworn, and having shown his Instructions, deposed, that the contents of the Declaration now produced, and signed by this deponent, are just and true as to the state of the detained brig, "*Marte*," at the time of her capture, the place of detention, the state of the crew and of her negroes; that the

Documents, No. 1 to 6 inclusive, now presented to the Court, are those which this deponent collected on board the "*Marte*" at the moment of detention, viz.—

1. Health-Certificate of the Spanish Consul in Gibraltar;
2. Register of the Custom-house at Barcelona;
3. The Contraseña;
4. Muster-roll of the brig "*Marte*,"
5. Health-Bill of the English Authorities at Gibraltar;
6. Royal Passport of Navigation;

that for the above Papers this deponent gave his Receipt to the Captain of the "*Marte*," but that he afterwards discovered on board the Log-book now produced, and which this deponent has numbered 7.

Mr. John Charles Folds, Assistant-Surgeon of the said schooner-of-war, "*Skipjack*," being sworn, deposed that the Declaration of the Captor, now produced, is signed by this deponent as a witness to the truth of its contents.

Mr. William Hanse Reeves, clerk of the said schooner-of-war, being sworn, deposed that he is a witness to the truth of the contents of the Captor's Declaration, and identified his signature.

6th May, 1835.

Don Juan Sagrera, forty-three years of age, a native of the City of Mahon, in the Island of Minorca, married, and a Catholic, being sworn, deposed that he is by profession Master and Mate of the Spanish brig, "*Marte*;" that he has been detained by the English schooner-of-war, "*Skipjack*," off Cayman Grande, on account of bozal negroes having been found on board; that these bozal negroes were taken on board at Loango, on the Coast of Africa, to the number of six hundred, between males and females, but that only four hundred and forty-two of these existed at the time of the detention; that this deponent went on board the "*Marte*" at Barcelona; that no one gave this deponent the place of Master and Mate, because he took upon himself the said place, as being Owner of the "*Marte*;" that the "*Marte*" sailed with Spanish Papers; that her cargo was put on board through the Custom-house at Barcelona; that the "*Marte*" sailed from Barcelona as for the Island of St. Thomas, on the 11th or 12th of August of last year, as well as this deponent recollects; that they touched at Gibraltar; that then, following his course for St. Thomas, this deponent found himself, by reason of the bad weather, under the necessity of making for Loango, on the Coast of Africa; that this deponent did not ever afterwards proceed to St. Thomas, because the King and the Chiefs of Loango did in a certain way oblige him to land his cargo, offering to pay immediately for the same with two thousand quintals of ivory; that this deponent did not yield to this proposition till after three months and a half; that no ivory, nevertheless, was delivered to this deponent; that to this deponent's urgent demands to be paid with ivory, and allowed to depart, he was answered, that the King could not deliver the said quintals of ivory, and could only pay for the landed cargo with negroes; that thus the deponent had no option except to take the said negroes; that he knew they were prohibited, but conceived no evil could happen to him, considering the good faith with which he had acted; that this deponent took the negroes in order to deliver them up to the Government of the Havana, with a full statement of what had occurred; that on account of this intention, this deponent made no protest against the proceedings of the Chiefs of Loango; that this deponent would really have delivered them up to the Authorities of the Island if he had not been detained by the "*Skipjack*;" that no part of the outward cargo from Barcelona, nor of the effects which they took on board at Gibraltar, now remains on board; that some provisions taken on board on the Coast of Africa may possibly remain; that the Papers now produced, viz.—1, the Certificate of the Spanish Consul at Gibraltar; 2, the Custom-house Register of Barcelona; 3, the Contraseña; 4, the Muster-roll; 5, the English Bill of Health; 6, the Royal Passport; and 7, the Log-book, are truly the Papers with which the "*Marte*" was sailing at the moment of her detention, and which the English Officers collected on taking possession of her; that this deponent was Supercargo as well as Owner of the "*Marte*;" that this deponent was not at first sure that the capturing schooner was an English schooner-of-war, but took her for a pirate; that as she first fired upon the "*Marte*," this deponent certainly did give orders for a slight defence, which was made until they were certain that she was an English schooner-of-war; that they were in fear of pirates, because there have been many of late in the Gulf of Mexico; that the "*Marte*" had several of her crew wounded, and one killed, whose name was José Mestre; that several negroes were killed and wounded; that this deponent, in his defence, proceeded with the greatest moderation, as is proved by no injury having been received by the English schooner-of-war.

Don Mariano Sintis, thirty-three years of age, a native of Minorca, unmarried, and a Catholic, being sworn, deposed that he is by profession Mate of the Spanish brig, "*Marte*," on board of which he embarked at Barcelona; that the Captain, Don Juan Sagrera, gave this deponent the place of Mate; that the "*Marte*" sailed from Barcelona for St. Thomas on the 11th or 12th of August last, with Spanish Papers and a cargo of aguardiente; that they touched at Malaga and Gibraltar; that at the former place they took nothing on board, but at Gibraltar they embarked dry goods of an ordinary quality; that they did not arrive at St. Thomas by reason of bad weather; that they arrived at Loango, on the Coast of Africa, where they landed all their cargo; that they took on board in return bozal negroes; that the deponent had no concern in this, but only the Captain; that the deponent cannot specify the exact number of negroes so taken on board; that the object in going to Loango was not to buy slaves; their object was to procure ivory, gold-dust, or other effects of the country; that the "*Marte*" was detained by an English schooner-of-war near the Caymanes; that four hundred and forty-two negroes were then alive; that many died afterwards on the passage to this port; that only four hundred and three were alive, so as to be delivered up by the English Officers to the person appointed by this Government to receive them; that the Papers now produced, and numbered 1 to 7 inclusive, are truly known to this deponent as the Ship's Papers of the Spanish brig, "*Marte*," all except Nos. 1, 2, and 5, which this deponent has not before seen; that nothing remains of the cargo on board, except a small quantity of *farinha de maiz* and peas; that the English schooner-of-war fired first on the "*Marte*;" that on this account this deponent and his comrades doubted her being English, and even thought she might be a pirate; that they made a short defence, answering her fire; that several of the "*Marte*'s" crew were wounded and one killed; that this deponent knows not how many of the negroes were killed and wounded.

Don Sigismundo Noguera, twenty-nine years of age, a native of Vich, in the Principality of Catalonia, unmarried, and a Catholic, being sworn, deposed that he is Surgeon of the Spanish merchant-brig, "*Marte*," which has been brought into this port by an English schooner-of-war; that this deponent knows nothing of shipping, but was told by the Captain that the capturing vessel was an English schooner-of-war; that for the same reason he knows not when the "*Marte*" was detained, nor the cause of her detention; that bozal negroes were certainly on board the "*Marte*" at the time; that these negroes were taken on board at Loango, on the Coast of Africa, to the number of six hundred or more; that this deponent cannot specify the exact number so taken on board, but knows that about four hundred and forty were alive at the moment of her detention; that about forty more died in the interval between the detention and their arrival in this port; that the deponent was appointed in Barcelona to be Surgeon of the "*Marte*," by the Master, Don Juan Sagrera; that he was appointed for a voyage to the Havana; that the "*Marte*" sailed from Barcelona on the 11th August last; that the deponent knows nothing of the Papers with which she sailed; that her cargo was aguardiente and dry goods; that they touched at Malaga and Gibraltar; that thence they proceeded to Loango, where they landed the said effects; that they took on board negroes, but this deponent had no concern whatever in the affair; that they sailed for the Island of Cuba on the 25th of February last; that the English schooner detained them after an action, in which one sailor was killed and six wounded; that ten negroes were killed, and about nineteen wounded; that the Spanish Captain made a very short defence, under the belief that the schooner was a pirate; that they could not distinguish this English schooner's colours; that they surrendered as soon as they were sufficiently near to make her out to be an English vessel-of-war; that the only effects remaining on board the "*Marte*" are some few provisions which they had embarked at Loango.

Fourth Enclosure in No. 107.

Captor's Declaration in the Case of the "Marte."

His Britannic Majesty's schooner, "Skipjack," Havana, 30th April, 1835.

I, SIDNEY H. USSHER, Lieutenant and Commander of His Majesty's schooner, "*Skipjack*," hereby declare that on the 8th day of April, 1835, being in or about latitude 20° 0' north, and longitude 80° 15' west, I detained the brig "*Marte*," sailing under Spanish colours, and armed with eight guns, namely, six eighteen-pounders (Congreves) and two twelve-pounders (long), fifty cutlasses, and fifty muskets, commanded by Don Juan Sagrera, who declared her to be bound from Loango to the Isle of Pines, with a crew consisting of fifty-six men, whose names, as taken from the Muster-roll, are inserted in a List at foot hereof, and having on board four hundred and forty-two slaves, said to have been taken on board at Loango on the 25th day of February, 1835, and are enumerated as follows, viz.—

| | |
|----------------------|-----|
| Men and Boys..... | 344 |
| Women and Girls..... | 98 |
| Total..... | 442 |

NOTE.—From the confusion and hurry at the time of taking possession of the "*Marte*," it was found impossible to separate the grown-up persons from the children, or to make a more particular statement.

And I do further declare that the said vessel appeared to be seaworthy, and was supplied with a sufficient stock of water, provisions, and fuel, for the support of the said crew and negroes on their destined voyage to the Havana.

I do further declare that the negroes were suffering from dysentery, several of them dying daily; also that during the action one seaman and seven negroes were killed, and six seamen and eleven negroes wounded, and that the vessel received some damage in the hull, rigging, &c., which was repaired by the crew of the "*Skipjack*" before parting company. I likewise took out of her thirty-seven of her crew, one of whom escaped at Jamaica, and two in this port.

(Here follow the names of the crew.)

In consequence of the nature of the "*Skipjack's*" orders not allowing her to proceed directly to the Havana, the "*Marte*" was given in charge to Mr. George Morritt, Mate, belonging to His Majesty's schooner under my command, with directions to proceed with her to the Havana without delay, reporting himself on his arrival there to W. S. Macleay, Esq., Commissary Judge, &c., for further Instructions for his guidance, until the arrival of the "*Skipjack*."

(Signed) SIDNEY H. USSHER,
Lieutenant and Commander.

(Signed) CHARLES FOLDS, *Assistant-Surgeon.*
WILLIAM HANSE REEVES, *Clerk in charge of the Victualling, &c.*

Copy of the Receipt delivered in to the Mixed Commission by Mr. Morritt, Mate, in charge of the "Marte."

Recibi del Fente. Com. Geo. Morritt, Frescientos diez y seis negros varones y ochenta y siete hembras de todos tamaños, pertenecientes al Cargamento del Bergn. Espanol "*Marte*," apresado por la goleta de S. M. B. "*Skipjack*," y para su resguardo le doy el presente por duplicado en la Chorrera, a veinte de Abril de 1835.

| | |
|--------------|-----|
| Varones..... | 316 |
| Hembras..... | 87 |
| Total..... | 403 |

(Signed) RAMON MORALES.

No. 108.

His Majesty's Commissioners to the Duke of Wellington.—(Received July 7.)
 MY LORD DUKE, *Havana, 20th May, 1835.*

IMMEDIATELY on being honoured with the receipt of your Grace's Despatch of the 31st January last, His Majesty's Commissary Judge addressed to the Captain-General the Note dated 2d ultimo, a Copy of which we now have the honour to enclose.

In this Note Mr. Macleay recapitulated the duties of the new Functionary, whom His Majesty's Government requires to be named for the superintendence in person of the embarkation in the Havana of emancipated negroes for Trinidad. In pursuance also of your Grace's Instruction, Mr. Macleay named Mr. R. B. Jackson for the new employment, and called on the Spanish Authorities to pay one-half of the whole expense to be incurred by the salaries of Mr. Jackson and Dr. Meikleham, and by the cost of negro-interpreters.

As it is barely just to this Local Government to declare that it has ever, as yet, faithfully observed the conditions under which His Majesty's Commissioners proposed that every removal of emancipated negroes to Trinidad should take place, Mr. Macleay conceived he would not exceed his duty by an attempt to counteract the feelings with which he thought it very possible that the Authorities of the Havana might receive these new regulations of His Majesty's Government. The Bond to be required of the Master of every vessel conveying Africans to Trinidad seemed more especially to require explanation, in order that no imputation, certainly unintended on the part of His Majesty's Government, might appear thereby to fall on the Intendant. The fact is, that the Master has little more to do on the voyage to Trinidad than to navigate his ship, and superintend the daily distribution of food to the negroes. It is the Spanish Treasury that supplies the provisions, and hitherto it has always put thirty days' more provisions on board than is deemed necessary for a voyage to Trinidad. If, therefore, there should be any cruel economy in the distribution of provisions to the negroes during the voyage, it is clear that, unless the Master of the vessel be dishonest, as well as inhuman, such economy can only advantage the Intendancy of the Havana. Now, we humbly venture to assert our belief, that this Department has ever been most anxious that the negroes should arrive at their destination in such a condition as to do credit to Spanish humanity. In one case only did a cargo of emancipated negroes arrive in Trinidad in such a state as not to give entire satisfaction to his Excellency Sir G. F. Hill; and this case, there is great reason to believe, proceeded more from ignorance of the proper mode of managing African negroes on a long voyage than from any intentional neglect or cruelty. The vessel in question was a schooner-of-war, and the Officers of His Majesty's Navy know the difficulty, nay almost the impossibility of keeping, after detention, large cargoes of African negroes in health on their voyage to the Havana, without availing themselves of the assistance and experience of captured Spaniards in the art of feeding them. It is a truth sufficiently attested, that a vessel with Africans is as likely to become unhealthy from too profuse as from too scanty a distribution of food. His Majesty's Commissary Judge, therefore, taking these various circumstances into consideration, and moreover the inconvenience of doing any thing that might, even by inference, unintentionally and unjustly offend the feelings of the Spanish Authorities, on a subject with reference to which he is of opinion they have hitherto acted with scrupulous good faith, thought it right to leave the amount of the Bond to be required of the Masters of Spanish vessels employed to convey negroes to Trinidad open for the opinion of the Captain-General. In like manner Mr. Macleay thought that as, by your Grace's Instruction, half at least of the charge of the new system of inspection was to fall on the Spanish Government, it was only just that the Local Authorities should have some voice in fixing the amount of remuneration to be given to Mr. Jackson and Dr. Meikleham. That in this respect His Majesty's Commissary Judge was right is proved by the circumstance that the Spaniards proposed a larger salary than he, under the terms of your Grace's Instruction, conceived himself entitled to sanction.

The Captain-General, immediately on receiving the above-mentioned Note of His Majesty's Commissary Judge, dated the 2d April last, communicated it to the Intendant, as the Officer to whom, in fact, the decision of the expenditure to be incurred in consequence of it more properly belonged. We have the honour to

enclose a Translation of his Excellency's Answer to the Captain-General. By this your Grace will perceive that the Intendant proposes that each Master shall become bound for one dollar per head for each negro embarked in the Havana for Trinidad, and shall forfeit the whole in the event of any negro appearing on his arrival to have been ill-treated. In this sense, for the present, we intend that the Bond shall be drawn up, that is, unless your Grace shall honour us with other Instructions on the subject.

With regard to the amount of remuneration to be given to Dr. Meikleham and Mr. Jackson, the Intendant proposed that the question should be referred to the decision of the Mixed Commission, which was accordingly done by the Captain-General. We have now the honour to transmit the opinion of the Mixed Commission, as contained in their Note to the Captain-General, dated the 13th ultimo. According to the opinion of the Members of that Court a permanent salary was deemed most advisable, at least for the present; and following the Spanish system here of paying public servants monthly, they agreed that twelve dollars per month from each Government to each of the new Functionaries would be sufficient remuneration. This is equivalent to an entire salary of about £64 a year to each of these Gentlemen. If, however, your Grace should not approve of the arrangement, we apprehend that it may be easily altered.

On the 13th ultimo His Majesty's Commissary Judge officially announced to Mr. Jackson his appointment, but found that this Gentleman, although most willing and even desirous to undertake the duties of the new office, entertained the most serious objections to receiving any remuneration from the Spanish Government, and in fact declined altogether, although respectfully, the salary, as it was offered. Copies of the two Letters are enclosed.

We do not think ourselves called upon to offer any opinion to your Grace as to whether these conscientious difficulties of Mr. Jackson are just or not; but we may venture to affirm that we know them to be founded on high principle. Without pretending to know whether it be possible that, in consequence of this addition to his ordinary duties, any remuneration can, with propriety, be afforded him by his own Government, we have no hesitation in assuring your Grace that in our humble opinion he will, at least, show himself well deserving of it by industry and strict integrity in the duties of his new office.

The Intendant, having been in the country, did not act upon the opinion of the Mixed Commission until the 9th instant, when he addressed the Note to the Captain-General, a Translation of which we have the honour to enclose, and in which, by making his consent to the proposal of the Mixed Commission depend on the state of the accounts of the Spanish part of it, it would appear that he intends that this expenditure shall be defrayed out of the fund which is formed by the Spanish moiety of the proceeds of condemned vessels.

On the 11th instant the Captain-General sent his Answer to the Note of His Majesty's Commissary Judge, dated the 2d ultimo. A Translation of this we have the honour to enclose, and by it your Grace will perceive that his Excellency is most anxious to relieve himself from the slightest imputation of inhumanity or bad faith in the removal of emancipated negroes to Trinidad. As we have not, indeed, any cause, so far as we are aware, to impugn his conduct on this head, but on the contrary, are much inclined to approve of it, we addressed his Excellency on the 14th instant the Note which we have the honour to enclose, and we took the opportunity therein, first, to secure that the amount of the Bond to be signed by the Masters of vessels conveying negroes to Trinidad may be increased, in the event of it being, at any future time, deemed necessary; and secondly to propose that Dr. Meikleham be paid by the Spanish Treasury his whole salary of twenty-four dollars per month. In this way, unless your Grace should think fit to take Mr. Jackson's peculiar case into consideration, no expense whatever will fall upon His Majesty's Government by the new plan, except a trifling charge arising from the half of the expense of negro-interpreters.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

His Grace the Duke of Wellington, K. G.

&c.

&c.

&c.

First Enclosure in No. 112.

*Mr. Macleay to Don Miguel Tacon.**Havana, 2d April, 1835.*

THE Undersigned, His Britannic Majesty's Commissary Judge, has the honour to transmit herewith to his Excellency the Captain-General the Copy of a Despatch, dated the 31st January last, which has been addressed to His Majesty's Commissioners by His Grace the Duke of Wellington, His Majesty's Principal Secretary of State for Foreign Affairs.

By this Despatch His Excellency the Captain-General will perceive that His Majesty's Government has decided on the continuation, until further decision, of the present system of allowing emancipated Africans to be introduced into the Island of Trinidad. But in consequence of His Majesty's Secretary of State for the Colonies deeming it necessary that such introduction should take place under certain precautions, the Duke of Wellington considers that this object can best be effected by a person acting under the immediate orders of His Majesty's Commissioners, and who is to be appointed by them for the execution of the following duties, viz.—

1. This Functionary is to ascertain to his own satisfaction the concurrence of the emancipated Africans themselves in their projected removal to Trinidad, or at least that there exists some extraordinary necessity for any peremptory removal.

2. He is likewise to ascertain to his own satisfaction, on the report of competent medical inspectors, appointed by His Majesty's Commissioners, that the Africans are at the time of their embarkation for Trinidad in good health, or at least exempt from any dangerous or contagious disease.

3. He is to satisfy himself as far as possible that the Africans, prior to sailing for Trinidad, perfectly understand that, on arrival at their destination, they will have to give regular but moderate labour in return for a livelihood and protection from injury.

4. He is to ascertain that no greater number of males than of females are embarked on board the vessels destined to convey such Africans to Trinidad.

5. He is to satisfy himself, to the best of his ability, that no African removing to Trinidad will leave behind in Cuba any immediate connection or relative from whom he or she ought not to be separated.

6. He is to require of the Master of every vessel conveying such Africans to Trinidad to give Bond to His Majesty, that during the voyage these negroes shall be provided with such food and accommodation as may be necessary for their health and reasonable comfort; and he is to state to the said Master that such Bond must be placed in the hands of the Collector of the Customs at Trinidad, before the vessel can there be admitted to entry.

His Majesty's Principal Secretary of State for Foreign Affairs directs moreover that the new Functionary to be appointed, after having satisfied himself on the above-mentioned six points, shall certify the same to His Majesty's Commissioners, as well as any other facts of which it may be necessary that they should be informed, previously to the said Commissioners being authorised, either to make out an order for the reception in Trinidad of any emancipated negroes or to issue any Certificate for the purpose of securing the vessel from interruption on her voyage.

His Grace likewise directs that the Officer in question shall make out his Certificate in triplicate, one as above for His Majesty's Commissioners, one to be retained by himself, and the third to be delivered, on a Receipt, to the Captain of the vessel, or other person in charge of the Africans, for the purpose of being placed by him in the hands of the Authorities of Trinidad.

With respect to the several points above mentioned, on which the new Functionary will be required to certify, the Undersigned thinks it right to offer a few observations, in order that no misconception may exist as to the true object of the Duke of Wellington's Despatch.

In the first place, the Undersigned can assure his Excellency the Captain-General that, so far from His Majesty's Government wishing to throw difficulties in the way of the removal of the negroes emancipated by this Mixed Commission, they are most sincerely desirous to relieve the Government of Cuba from the care and burthen of them. But His Majesty's Principal Secretary of State for the Colonies finds that these Africans cannot legally be treated otherwise than as persons of free condition, who, if subjected to any peculiar coercion, can only have this coercion, to a certain degree, justified, as in the analogous case of children, by that deficiency of knowledge and civilization which renders it impossible for them to be competent judges of the measures most conducive to their ultimate advantage; and His Majesty's Government therefore requires, in order to avoid consequences that might be dangerous to the peace of the society to which they are to be transferred, not only that these Africans should express, as distinctly as may be practicable, their concurrence in the projected removal, but also that they should be made to understand, as far as may be possible, the nature of the life which they will have to lead in Trinidad, where of course they must labour, in order to obtain their livelihood.

It is for the like reason, of securing the tranquillity of the society to which these Africans are to be removed, as well as their own reasonable comfort, that the Secretary of State for the Colonies insists on no forced separation of families taking place; and indeed this was one of the original seven conditions under which His Majesty's Commissioners, in their official Note to his Excellency the Conde de Villanueva of the 10th January, 1833, stated that His Majesty's Government could alone consent to the removal of emancipated negroes from Cuba.

His Majesty's Commissioners likewise originally proposed to the predecessor of his Excellency the Captain-General, that a British Agent should accompany each vessel employed to convey emancipated negroes to Trinidad; and the Junta of Supreme Authorities of this Island did, in December, 1833, resolve that such a proposition was not only just, but also advisable for the interests of both Nations to be adopted. That such a decision of their Excellencies was founded on an accurate anticipation of the future soon appeared, since before six months had elapsed, although the liberal manner in which these vessels are supplied by the Spanish Government with every necessary is well known, the Undersigned had to transmit to his Excellency General Ricafort a formal complaint on the part of his Excellency the Governor of Trinidad, as to the emaciated state in which a cargo of emancipated negroes arrived at their destination from the Havana. His Majesty's Government, however, con-

sidering that the appointment of a British Agent to accompany such vessels to Trinidad will not only produce trouble and expense, but also in all probability lead to disputes and bickerings on board, which may be prejudicial to the grand object of the Contracting Parties, have devised a plan by which these evils are completely avoided; and the Undersigned thinks that, by every Master of such a vessel coming under a Bond to His Majesty for a certain sum, to be forfeited in the event of the negroes being inhumanly treated or improperly fed, all those objects may be secured which the Supreme Junta of the three Chief Authorities of the Island, as well as His Majesty's Commissioners, originally wished to attain by the appointment of a British Agent to accompany the Africans on their voyage to Trinidad. It appears to the Undersigned that the amount of the Bond ought to vary in proportion to the number of negroes in charge; but he will, nevertheless, be happy to learn from the Captain-General what amount his Excellency thinks most adapted to secure the above most desirable ends, and begs, therefore, to leave this part of the question open for his Excellency's opinion, it being a matter, in fact, in which both Governments are alike interested.

With respect to the two remaining points on which the new Functionary has to certify, namely, the equality of sexes, and the good health of all the negroes prior to embarkation, the Undersigned has no new remark to make, since these points have long since been mutually understood as necessary to be established before any removal of emancipated negroes from Cuba can take place.

And now the Undersigned begs leave to inform his Excellency the Captain-General that he has named Richard Belgrave Jackson, Esq., for the execution of the aforesaid duties, not merely in pursuance of the indication of this Gentleman by His Majesty's Principal Secretary of State for Foreign Affairs, but because the Undersigned firmly believes that his long experience in the island, and his intimate acquaintance with the business of the Mixed Commission render him the most proper person that could be appointed for the end proposed by His Majesty's Government. The Undersigned, above all, is sure that Mr. Jackson will throw no captious difficulty in the way of the removal of such emancipated negroes as his Excellency the Captain-General may destine for Trinidad.

His Grace the Duke of Wellington has commanded His Majesty's Commissioners to make application to the Spanish Government for a moiety of the expenses to be incurred under the above-detailed Instructions, but little, if any, new or additional charge will, in the opinion of the Undersigned, thus result to Spain; for the British Government now undertakes to defray one-half of Dr. Meikleham's remuneration as Medical Inspector, which remuneration his Excellency the Intendant-General had previously engaged to pay entirely out of the funds of the Royal Spanish Treasury. The Undersigned trusts therefore that his Excellency the Conde de Villanueva will, in lieu of the former plan, see no difficulty in consenting that one-half of the whole expense occasioned by Mr. Jackson's and Dr. Meikleham's remunerations, and by a trifling additional charge for the necessary interpreters, may be in future borne by the Spanish Government.

The Undersigned will feel grateful to the Captain-General for an Answer to this Note at his Excellency's earliest convenience, in order that he may report it to His Majesty's Government.

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

The Undersigned, &c.
 (Signed) W. S. MACLEAY.

Second Enclosure in No. 108.

(Translation.)

The Conde de Villanueva to Don Miguel Tacon.

MOST EXCELLENT SIR,

Havana, 6th April, 1835.

THE TWO POINTS to which I ought to confine my Answer to your Excellency's Despatch of the 4th, in which you have been pleased to enclose to me the official Note of the British Commissary Judge on the subject of the Instructions which he has lately received from his Government, on the system hereafter to be pursued with respect to the removal of emancipated negroes to Trinidad, are, first, the Bond to be required from each Master of a vessel employed to convey such negroes to their destination, for the security of their good treatment during the voyage; and, secondly, the payment of the half of the expense occasioned by the newly-appointed Inspector of those Africans, by the Medical Officer, and by the interpreters.

Considering that no less number of negroes ought to be sent at a time than two hundred, in order that a heavy expense may not uselessly fall on the Royal Treasury, I think it sufficient that each Master should become bound for one dollar for each negro embarked, in the event of the above number being complete, and for one dollar more for each negro sent above the two hundred. This seems to me required not only by reason, justice, and humanity, but also to secure us against the embezzlement of those supplies which the Royal Treasury has furnished, and will continue to furnish, with liberality and abundance, for the necessary time of the voyage, and even for forty days after arrival in Trinidad.

With respect to the salary of the new Functionary, considering that he is to be paid in the same way as the Medical Officer, that is only one-half by the Spanish Government, I have nothing to remark, except that it is necessary for me to know whether these two new offices are to be considered permanent, and what sum the Mixed Commission thinks they ought to be paid, since the nature of the office is accidental in some measure, and because the sum proposed to be assigned to them may be one which I should exceed my powers in granting without the authority of the Sovereign.

For the rest, as well the Spanish Government as this Intendancy, most abundantly sharing in the sentiments of humanity and justice which appear to actuate the Government of His Britannic Majesty, have endeavoured as above to conciliate the interests of this Country with the considerations due to the condition of the above Africans, while at the same time they observe a strict conformity to the Instructions conveyed by the British Government to their Commissioners.

God preserve your Excellency many years.

(Signed) EL CONDE DE VILLANUEVA.

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

Third Enclosure in No. 108.

(Translation.)

Don Miguel Tacon to the Mixed Commission.

MOST EXCELLENT SIR AND GENTLEMEN,

Havana, 9th April, 1835.

I BEG that you will have the goodness to return, after perusal, the accompanying Translations of the official Note and its Enclosures, which, under date of the 2d instant, the British Commissary Judge has addressed to me on the subject of certain Instructions which he has received from his Government, with respect to the proper mode of removing emancipated negroes from this Island to Trinidad. I also have the honour to enclose the original Answer of his Excellency the Intendant, dated the 6th instant, in order that the Mixed Commission, taking this likewise into consideration, may, as one-half of the expense is to be defrayed by the Spanish Government, make me acquainted with its opinion as to the amount of salary to be assigned to the new Functionary, and to the Medical Inspector, and also whether these two situations ought to have a fixed salary. I ask this opinion of the Mixed Commission, because on their opinion the future decision of this Government will depend.

God preserve your Excellency and the other Members of the Mixed Commission many years.

(Signed) MIGUEL TACON.

*His Excellency the Conde de Fernandina, Procer of the Kingdom,
and the other Members of the Mixed Commission.*

Fourth Enclosure in No. 108.

(Translation.)

The Mixed Commission to Don Miguel Tacon.

MOST EXCELLENT SIR,

Havana, 13th April, 1835.

THE MIXED Commission has taken into consideration your Excellency's Despatch of the 9th instant, and its several Enclosures, on the subject of the new system which the British Government directs to be adopted with respect to the removal of emancipated negroes to Trinidad, and with reference to his Excellency the Intendant's Note, of which your Excellency has been pleased to transmit to us the original, we beg leave to state that in our opinion the salary of the new Functionary and of the Medical Inspector had better be considered permanent for the present, or at least until experience shall have shown the inconveniences of the plan, which it is not easy for us to perceive now. The Mixed Commission finds this opinion on its experience, inasmuch as a moderate calculation being made of the average number of adjudications during several years, it may be considered to amount to three prizes in the year; so that we may reckon that about six hundred or seven hundred emancipated negroes will have to be annually examined by the Medical Officer, with the assistance or under the inspection of the new Functionary, at the distance of a league from the Havana, on the estate where the actual Depôt of such negroes is now situated. It is not unlikely, indeed, that the other mode of remuneration by fees would eventually prove more expensive than such a fixed salary, graduated according to the intentions of the British Government, that is, with a due regard to economy, and we therefore have not hesitated to propose twelve dollars per month to be paid by each Government to each of these two Functionaries. This arrangement will, it is thought, lead to the more prompt execution of their several duties, as laid down in the Instructions of the British Government—a fixed salary being generally regarded, even by the persons interested, as more respectable than a remuneration by fees, which usually in this country does not lead to the more prompt expedition of the public service. We have thus answered your Excellency's aforesaid Despatch, and now return the several Papers which it accompanied.

God preserve your Excellency many years.

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

Fifth Enclosure in No. 108.

Mr. Macleay to Mr. Jackson.

SIR,

Havana, 13th April, 1835.

I HAVE to refer you to the enclosed Copy of a Despatch from his Grace the Duke of Wellington, addressed to His Majesty's Commissioners, recommending them to name you for the performance of certain duties therein specified. This I have now great pleasure in doing; and you will perceive from the aforesaid Despatch that half of your remuneration is to be paid by the Spanish Government.

And I have now to inform you that this day I have agreed with the Spanish Commissioners to propose to the Local Government of the Havana that you should, according to the Spanish mode of paying public servants, receive twelve dollars per month from the Royal Intendency, as the Spanish moiety of your remuneration.

*R. B. Jackson, Esq.*I have, &c.
(Signed) W. S. MACLEAY.

Sixth Enclosure in No. 108.

Mr. Jackson to Mr. Macleay.

SIR,

Havana, 14th March, 1835.

I HAVE the honour to acknowledge the receipt of your Letter of yesterday, acquainting me that, in consequence of the Duke of Wellington's recommendation, you have named me for the performance of certain duties specified in his Grace's Despatch to His Majesty's Commissioners of the 31st January

last, a Copy of which you are pleased to enclose to me; and in expressing my satisfaction at being pointed out in the aforesaid Despatch as a proper person to perform the required duties, and assuring you of my earnest desire to execute them to the best of my ability, I beg leave to decline receiving the remuneration proposed to be attached to the new office, not on account of its inadequacy, but because I should feel that in receiving any remuneration whatsoever from the Spanish Treasury, not to mention a salary of twelve dollars per month, the independent character of the situation, as well as the respectability I should desire to maintain in it, would be materially affected in the eyes of the Spaniards. I have, therefore, only to request that you will be pleased to obtain the consent of the Spanish Government to defray the expense of interpreters and volante-hire, which will be necessarily attendant upon the performance of my new duties, which I shall enter upon as soon as you may deem proper.

W. S. Macleay, Esq.
&c. &c. &c.

I have, &c.
(Signed) R. B. JACKSON.

Seventh Enclosure in No. 108.

(Translation.)

The Conde de Villanueva to Don Miguel Tacon.

MOST EXCELLENT SIR,

Havana, 9th May, 1835.

WITHOUT prejudice to the possibility of any alteration which may become necessary when I shall see the accounts which have to be presented by the Mixed Commission, I have given the necessary orders to pay the salaries proposed by the Gentlemen of the Mixed Commission, to be assigned as well to the new Functionary as to the Medical Officer, who both of them are now appointed to inspect the emancipated negroes who are in future to be sent to Trinidad. And I now acquaint your Excellency with this, in answer to your two Notes on this subject, the one dated the 15th ultimo, and the other the 8th instant.

May God preserve your Excellency many years.

(Signed) EL CONDE DE VILLANUEVA.

His Excellency the Governor and Captain-General,
&c. &c. &c.

Eighth Enclosure in No. 108.

(Translation.)

Don Miguel Tacon to Mr. Macleay.

SIR,

Havana, 11th May, 1835.

In order to be enabled to answer the Note, dated the 2d of last month, which you were pleased to address me, with a Copy of a Despatch dated 31st January last, addressed to you by his Grace the Duke of Wellington, relative to the precautions to be taken in the removal of emancipated negroes to the Island of Trinidad, I arranged that his Excellency the Intendant-General of this Island should make me acquainted with his opinion as to the most convenient measures to be adopted with respect to those particulars of His Grace's Despatch which more immediately concern the Royal Treasury, and his Excellency, under date of the 6th ultimo, informed me, that with respect to the Bond which is to be required of the Master of the vessel conducting emancipated negroes to the said Island, he considers the sum of one dollar per head sufficient to secure the good treatment which humanity and justice requires; and that in what relates to the remuneration to be given to the new Functionary, in respect that as, in the case of the medical man, the Spanish Treasury will only have to pay one-half, his Excellency has no remark to offer, except, that the Mixed Commission should fix the amount of such remuneration, and should state whether it is to be permanent or not. I accordingly applied to the Mixed Commission on the subject, and received its Answer, dated the 13th ultimo. On a due consideration of this Answer of the Mixed Commission by the Intendant, his Excellency has informed me, that, without prejudice to any alteration which may perchance become necessary, when he shall have seen the accounts which have to be presented to him by the Spanish part of the Mixed Commission, he has now issued orders that the salaries proposed by the Members of the Mixed Commission be paid, as well to the new Functionary as to the Physician; and I have agreed with his Excellency in his opinion, and now beg to enclose Copies of the three above-mentioned Documents, for your more complete information.

The humanity with which the emancipated negroes have always been treated has occasioned me, from the beginning, never to separate parents and children, nor even brothers and sisters, and in the last set of negroes despatched to Trinidad, not only were all the stipulated conditions most scrupulously observed, but the Captain of the ketch, "Moratin," which conveyed them, merited that his Excellency the Governor of the said Island, in his Answer of the 18th April, should have informed me that he had good reason to be satisfied with his humanity, and that the care with which he had executed his duty had even excited his Excellency's gratitude. And you may rest assured, Sir, that you will always find me disposed to do every thing that may be necessary for the more punctual fulfilment of the several conditions that have been agreed upon for the removal of emancipated negroes to the said island. And with this, I have answered your aforesaid official Note of the 2d instant; and may God preserve you many years.

(Signed) MIGUEL TACON.

His Britannic Majesty's Commissary Judge,
&c. &c. &c.

No. 110.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 27th July, 1835.

WITH reference to your Despatch of the 1st of January, 1835, containing your General Report on the Slave Trade of Cuba during the year 1834;—

I herewith transmit to you, for your information, the Copy of a Despatch from His Majesty's Commissioners at Sierra Leone, together with an Account, therein enclosed, of such vessels, reported by you to have sailed from the Havana for Africa in 1833 and 1834, as have subsequently been adjudicated at Sierra Leone by the Mixed Commission established in that Colony.

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

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 110.

His Majesty's Commissioners at Sierra Leone to the Duke of Wellington.

23d April, 1835.

(See No. 25.)

No. 111.

His Majesty's Commissioners to the Duke of Wellington.—(Received August 3.)

MY LORD DUKE,

Havana, 22d May, 1835.

WE have the honour to enclose herewith Copies and Translations of a Correspondence which we have lately had with the Captain-General, and from which your Grace will perceive, that, the Asiatic cholera having unfortunately re-appeared in the Havana, we have considered it to be our duty, however disagreeable to our feelings, to prevent another cargo of emancipated negroes from being shipped off for Trinidad.

We have, &c.
 (Signed) W. S. MACLEAY.
 EDWARD W. H. SCHENLEY.

His Grace the Duke of Wellington, K.G.
 &c. &c. &c.

First Enclosure in No. 111.

(Translation.)

Don Miguel Tacon to His Majesty's Commissioners.

GENTLEMEN,

Havana, 13th May, 1835.

THERE result from the three last cargoes of emancipated negroes, viz., those of the brig "Chubasco," the schooner "Joven Reyna," and the brig "Marte," a number of one hundred and eighty-eight females, who, with an equal number of males, make a whole number of three hundred and seventy-six emancipated negroes, whom I have determined to send away to the Island of Trinidad, in conformity with the stipulated conditions. I beg therefore you will cause them to be visited by the Inspector and the Medical Officer, in order that, the sound being separated, I may be made acquainted with their number, and so enabled to charter a vessel of the proper size to take them to the aforesaid Island. I trust that you will have the goodness to lose no time in this operation, inasmuch as not only may enormous expense be thus avoided, but also danger to the health of these negroes, who are much exposed as long as they remain assembled so many together. I have already issued the proper Instructions to the Captain of San Antonio el Chiquito.

God preserve you many years.

(Signed) MIGUEL TACON.

The Commissioners of His Britannic Majesty,
 &c. &c. &c.

Second Enclosure in No. 111.

*His Majesty's Commissioners to Don Miguel Tacon.**Havana, 14th May, 1835.*

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to acknowledge the receipt of his Excellency the Captain-General's Note, dated yesterday; and they have, in consequence, given directions that Mr. Jackson and Dr. Meikleham shall proceed forthwith to San Antonio el Chiquito, in order to inspect the emancipated negroes who are destined by his Excellency to be

sent to Trinidad. As rumours have prevailed in this city during the last few days of a new appearance of cholera, and as the Undersigned have received the most particular Instructions from their Government, to ship off no negroes to Trinidad during the time that cholera may exist in the Havana, they most earnestly request to be informed by his Excellency the Captain-General whether any cases of cholera have lately prevailed in this city or its neighbourhood.

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

The Undersigned, &c.
 (Signed) W. S. MACLEAY.
 E. W. H. SCHENLEY.

Third Enclosure in No. 111.

(Translation.)

Don Miguel Tacon to His Majesty's Commissioners.

Havana, 20th May, 1835.

GENTLEMEN,

IN order to be able to answer your Note of the 14th instant, in which you ask me to inform you if there have been any cases of cholera lately in this city or its suburbs, I deemed it right to have the opinion of the Superior Junta of Medicine and Surgery. The President of this Board has to-day written me as follows:—

“Most Excellent Sir,—The Superior Junta of Medicine, in its Extraordinary Session of to-day, being made acquainted with the Despatch which, under this day's date, your Excellency was pleased to address to them, with the accompanying Note received by your Excellency from the British Commissioners, as being authorised to send to the Island of Trinidad part of the emancipated negroes now existing in San Antonio el Chiquito, and the other two depôts in the vicinity, in which Note the said Commissioners ask your Excellency to inform them whether in this city or its suburbs there have lately occurred any cases of Asiatic cholera morbus; this Board have agreed to reply to your Excellency that in the few last days they have certainly received some reports of Medical Officers, stating cases of cholera morbus that have occurred in this city and its suburbs, but that to-day they have received as yet no report of a case of this disease. At the same time we beg to inform your Excellency that the Medical Officer, appointed to attend the emancipated negroes in San Antonio el Chiquito and the two neighbouring depôts, transmits to this Board a daily Report of those who are sick, of the diseases they labour under, and of the number of deaths; and in none of these Reports has he stated that any one of the emancipated negroes has been attacked by or died of the Asiatic cholera. We may further add that these negroes did not pass through this city or its suburbs when they were carried to their present places of deposit, the same vessel which brought them to this port having landed them in the Chorrera, from which place they passed directly to the depôts.”

I now transcribe this official Communication for your information, in order that you may definitively acquaint me, as soon as possible, with your intentions as to the removal of these emancipated negroes to Trinidad, and that I may in consequence issue the necessary orders for their embarkation, it being very dangerous, as well to their health as to the health of the public, that they should any longer remain together in a body. And I now await your Answer, in order that I may reply to your other official Communication to me, dated the 15th instant, on the subject of the inspection of the negroes and the opinion of the Medical Officer.

God preserve you many years.
 (Signed) MIGUEL TACON.

The Commissioners of His Britannic Majesty,
 &c. &c. &c.

Fourth Enclosure in No. 111.

His Majesty's Commissioners to Don Miguel Tacon.

Havana, 20th May, 1835.

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to acknowledge the receipt of his Excellency the Captain-General's Note, dated this day, in which he is pleased to transcribe the Report made to his Excellency by the Superior Board of Health. By this Document the Undersigned grieve to learn that cases of cholera morbus are occurring in the Havana and its suburbs; and in compliance, therefore, with the Notification made to them by his Excellency the Governor of Trinidad, and more especially in obedience to more particular Instructions lately received on this subject from his Grace, His Majesty's Principal Secretary of State for Foreign Affairs, they beg to decline consenting to the removal, for the present, of any emancipated negroes to the Island of Trinidad, at all events until the cholera shall again have disappeared from the Havana.

The Undersigned, &c.
 (Signed) W. S. MACLEAY.
 E. W. H. SCHENLEY.

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

No. 112.

His Majesty's Commissioners to the Duke of Wellington.—(Received August 3.)

MY LORD DUKE,

Havana, 28th May, 1835.

WE have the honour to acknowledge the receipt of your Grace's Despatch, dated 14th April last, and of its various Enclosures, on the subject of the proposed arrangement for transferring to the Honduras negroes emancipated by this Mixed Commission.

In obedience to your Grace's Instructions, we shall be ready, on receiving Colonel Cockburn's proposals, to act upon the principles laid down by His Majesty's Government in the above-mentioned Documents.

We have, &c.
(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

His Grace the Duke of Wellington, K. G.
 &c. &c. &c.

No. 113.

His Majesty's Commissioners to the Duke of Wellington.—(Received August 3.)
 MY LORD DUKE, *Havana, 31st May, 1835.*

ON the 30th ultimo, the Spanish ship, "*Socorro*," Juan Paoli, Master, came into port in ballast, after having landed on the coast of this Island, near Matanzas, an immense body of slaves; and during the present month four other Spanish slave-vessels have likewise arrived from the Coast of Africa, viz.—on the 20th instant, the brig, "*Portento*," Juan Bautista Sustacha, Master; and the schooner, "*Bella Ines*," Juan Pujol, Master; on the 23d, the schooner "*Francisca*," Fulgencio Martin, Master; and on the 24th, the brig "*Isabel*," Francisco Montero, Master. All these vessels were duly reported by us to the Captain-General, but with the usual success. The "*Bella Ines*" is said to have landed her slaves on the Island of Puerto Rico.

It is with regret that we also have to state to your Grace, that during the course of this present month no less than *seven* Spanish slave-vessels have sailed from the Havana for the Coast of Africa, viz.—on the 2d instant, two schooners, "*Gazetta*," Joaquin Andrecaín, Master, and "*Semiramis*," Santiago Deliz, Master; on the 10th, the brig "*Argos*," Narciso Esteban, Master; and on the 19th, the brig "*General Laborde*," Ramon Trillo, Master; on the 23d, the schooner "*Felicidad*," — Aldecoa, Master; on the 28th, the brig, "*Cristina*," Antonio Esteves, Master; and on the 31st, the polacca "*Reforma*" — Vinent, Master.

In addition to this distressing statement of Slave Trade now being carried on in Spanish vessels, we have to mention the arrival in this Port, after having landed her slaves on the coast, of the Portuguese brig, "*Hercules*," M. Diaz, Master, which vessel may very possibly be one of those to which your Grace was pleased to call our attention in the Despatch of the 16th March last. The description, however, of the "*Hercules*," fitted out at Lisbon, as given in the Despatches of His Majesty's Envoy at that Court, is not sufficiently explicit to allow us to ascertain the identity of these two vessels.

We have, &c.
(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

His Grace the Duke of Wellington, K. G.
 &c. &c. &c.

No. 114.

His Majesty's Commissioners to the Duke of Wellington.—(Received August 22.)
 MY LORD DUKE, *Havana, 30th June, 1835.*

WE have the honour to inform your Grace, that the four following vessels have arrived from the Coast of Africa this month, viz.—the schooner "*Antoñica*," Jacinto Derinzas, Master, on the 1st instant; the brig "*Alerta*," — Allende, Master, on the 8th; the brig, "*Empresa*," — Garcia, Master, on the 14th; and the schooner "*Traga-Millas*," Pascual Garcia, Master, on the 15th. All these arrivals were duly reported by us to the Captain-General.

We are sorry to state, that since our last monthly Report of departures for the Coast of Africa no less than six vessels have sailed, viz.—the brig "*Vengador*," A. Ximenes, Master, on the 2d instant; the brig "*Clarita*," Geronimo Villar, Master, on the 5th; the schooner "*Carmen*," Juan Capdevila, on the 10th; the ship "*Socorro*," A. Muzard, Master, on the 21st; the schooner "*Victorina*," — German, Master, on the 22d; and the brig "*Rosarito*," — Tarraguerra, Master, on the 29th instant. It seems to us to be very desirable that the attention

of His Majesty's cruisers on the African station should be called to the large slave-vessel, "*Socorro*," which, although she cleared out for Madagascar, is certainly destined for the Slave Trade of the west coast of Africa.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

His Grace the Duke of Wellington, K. G.

&c.

&c.

&c.

No. 115.

His Majesty's Commissioners to the Duke of Wellington.—(Received August 22.)

MY LORD DUKE,

Havana, 1st July, 1835.

IN pursuance of the Act of Parliament, 5 Geo. 4, 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 six months.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

His Grace the Duke of Wellington, K. G.

&c.

&c.

&c.

Enclosure in No. 115.

Return of Spanish Slave-vessels brought before the Mixed Commission at the Havana for adjudication, between the 1st of January, 1835, and the 1st of July of the same year.

| Name of the 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. |
|---------------------|------------------|-------------------------------------|---|-------------------|---|---|
| Maria . . | 14 Jan. | { Schooner, with 346 negroes | { Acting Commander J. V. Baker, of H. M. schooner, "Cruizer" | 26 Jan. | Forfeiture | { This vessel, tackle, &c. were sold at Public Auction, nothing remaining unsold, and the British moiety of the Proceeds were remitted to the Lords of His Majesty's Treasury. |
| Julita . . | 22 Jan. | { Schooner, with 343 negroes | { Commander Jas. Hope, of H. M. schooner, "Racer" | 21 Feb. | Ditto | Ditto. |
| Chubasco | 14 March | { Brig.-schooner, with 253 negroes | Ditto | 24 April | Ditto | { This vessel, with tackle, &c., has been sold by Public Auction; but the expenses attending the Proceedings have not yet been liquidated. |
| Joven Reyna | 27 March | { Polacca-schooner with 254 negroes | { Commander J. Burney, of H. M. schooner, "Ariadne." | 7 April | Ditto | { This vessel, tackle, &c., were sold at Public Auction, nothing remaining unsold, and the British moiety of the Proceeds have been remitted to the Lords of His Majesty's Treasury. |
| Marte . . | 17 April | { Brig. with 442 negroes | { Lieutenant Sidney Ussher, of His Majesty's schooner, "Skipjack" | 8 May | Ditto | { This vessel, with tackle, &c., has been sold by Public Auction; but the expenses attending the Proceedings have not yet been liquidated, so as to allow the British moiety of the net Proceeds to be remitted home. |

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

No. 116.

His Majesty's Commissioners to Viscount Palmerston.—(Received August 22.)
 MY LORD, *Havana, 13th July, 1835.*

WITH reference to the Despatch, dated 14th April last, which His Majesty's Commissioners had the honour of receiving from the Duke of Wellington, we now beg leave to transmit to your Lordship the Copy of a Letter which we have lately received from His Majesty's Superintendent at the Honduras, by which it appears that, on account of the Conditions laid down by His Majesty's Government for the removal of emancipated negroes from the Havana to that Colony, the mahogany-cutters are not inclined, at least for the present, to persist in their claim for such negroes.

We have, &c.
 (Signed) W. S. MACLEAY.
 EDWARD W. H. SCHENLEY.

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

Enclosure in No. 116.

Mr. Cockburn to Mr. Macleay.

SIR,

Government-House, Belize, 27th June, 1835.

ON the 21st January last I had the pleasure of addressing you, on the subject of the proposed measure of removing a portion of the captured Africans from the Island of Cuba to this Settlement, and at the same time informing you that it was my intention to address His Majesty's Government on the subject.

I have now to apprise you that, in answer to my Communication to the Secretary of State, I received, by the last packet, Despatches approving of the measure; but at the same time imposing certain modifications to the terms which had been proposed by the settlers here.

On the receipt of this Communication I drew up the terms contained in the Enclosure, and submitted them to the Magistrates and principal inhabitants of the Settlement. It would appear, however, that these terms do not meet the views of the former Petitioners, as I have yet received but two applications, and those for so small a number of labourers that I should not feel justified in requesting them to be sent.

As Lord Aberdeen informed me that it was the intention of His Majesty's Government to communicate with you on the subject, I have considered it necessary to acquaint you with the above.

I shall feel obliged by your informing me, by the first conveyance, how far the accompanying Terms would have been acceptable to the Africans, and whether any, or what proportion, of the expense of transport would have fallen on the applicants.

I would also trespass on your kindness for information as to the terms on which these African labourers are supplied to the Colony of Trinidad, and any other information which you may consider useful to me in the event of any future application.

As a very short period has elapsed since the receipt of Lord Aberdeen's Despatch, it is possible that the settlers here may yet alter their opinion on this subject, in which case I shall not fail to give you immediate information.

You are doubtless aware that the packet for this place touches at Havana on her way out; and I trust to be soon favoured with your Reply.

W. S. Macleay, Esq.
 &c. &c. &c.

I have, &c.
 (Signed) FRANCIS COCKBURN.

Sub-Enclosure in No. 116.

Conditions.

1st. Each person applying for the services of liberated Africans to be sent from Cuba, and employed as apprentices in this Settlement, shall, to the extent of such application, or for any less number which may be sent, be bound to provide the said liberated Africans, from the date of their arrival in this port, with bedding and food, the same as the apprenticed labourers, and with clothing, at the rate of four common suits and one of a better description per annum, for the first three years; and at the end of that time to be placed on the same footing as the apprenticed labourer, viz. three suits and Saturday's pay; women, for the whole period, with five suits, viz. four common and one of a better description per annum; and which regulation for the supply of lodging, food, and clothing, shall continue to be in force during the whole period for which any liberated African may have been apprenticed, unless his apprenticeship shall have been cancelled by His Majesty's Superintendent or other sufficient authority.

2d. That the number of males and females to be apprenticed to each applicant shall be in the proportion of three males to two females, or as nearly as possible.

3d. That the term of apprenticeship shall in no case exceed seven years.

4th. That the proportion of work to be exacted from the apprenticed liberated African shall be the same, but in no case exceed that which employers are now authorised to exact from apprenticed labourers.

5th. That no employer shall send or take his or her liberated African apprentice beyond the limits of the Settlement, without a previous consent for so doing under the hand and seal of His Majesty's Superintendent, or person acting as such. In the event of any deviation from this regulation, it will rest with

the Superintendent, or person acting as such, to cancel the indenture of such apprentice, or to transfer the remainder of his services to another employer, or to inflict a penalty of not less than 5*l.* or more than 50*l.* currency, or to put in force the whole or any two of the said penalties.

6th. That no transfer of the services of apprenticed liberated Africans shall be made, except with the full and entire consent of the apprentices, and under the sanction of His Majesty's Superintendent, or person acting as such, and which sanction is to be duly signed and sealed and then recorded in the Courts of the Settlement; and in the event of any deviation from this regulation, it will rest with His Majesty's Superintendent to cancel the indenture of such apprentice, or to transfer the remainder of his services to another employer, or to inflict a penalty of not less than 5*l.* or more than 50*l.* currency, or to put in force the whole or any two of said penalties.

7th. In the event of its appearing to His Majesty's Superintendent, or person acting as such, that any liberated African apprentice has received any gross or aggravated ill-treatment from his or her employer, it shall rest with His Majesty's Superintendent, or person acting as such, to cancel the indenture of such apprentice, or to transfer the remainder of his services to another employer, or to inflict a penalty of not less than 5*l.* or more than 50*l.* currency, or to put in force the whole or any two of said penalties.

8th. That whenever it shall appear to the satisfaction of His Majesty's Superintendent, or person acting as such, that a liberated African apprentice shall have acquired that degree of information and knowledge which renders him capable of obtaining for himself, his wife, and children, the means of a sure and comfortable livelihood, it shall remain with His Majesty's Superintendent, or person acting as such, to cancel his or their indenture of apprenticeship, at a period of no less than six months from the date of such His Majesty's Superintendent's intention so to do being made known to the employer; and provided that in no case shall the indenture be so cancelled unless it can be previously shown, to the full and entire satisfaction of the Superintendent, or person acting as such, that the employer has been fully remunerated for every reasonable expense, which he may have incurred for each and every apprentice so to be freed from apprenticeship.

9th. That every reasonable facility and encouragement shall be afforded by the employers, for the education and moral instruction of the liberated African apprentices, their wives, and children.

10th. That all complaints and disputes from and between liberated African apprentices and employers, on subjects upon which no specific fine or punishment is awarded in these Articles, shall be referred to the decision of a Bench of Magistrates, who shall have power to fine or punish either employer or African apprentice, to the same extent as the Special Magistrates of this Settlement are now invested with respecting owners and apprenticed labourers, under the Order in Council of the 5th June, 1834, and the Proclamation of His Majesty's Superintendent of 30th July, 1834.

Provided also, that in the event of any disputes arising in places at a greater distance from Belize than twenty miles, it shall be at the option of the party complaining to refer the matter to the nearest Magistrate, who in such case is to have the same power of deciding it individually as a Bench of Magistrates is otherwise invested with.

11th. In the event of the death or insolvency of employers, the services of liberated African apprentices to be considered as part of the estate.

12th. Children of liberated African apprentices, when parents are unable or unwilling to provide for them, to be subject to the same regulations (under directions of a Bench of Magistrates) as children of apprenticed labourers now are under the authority of Special Justices.

13th. An annual return, stating the number of deaths amongst the liberated African apprentices, and also showing any births which may have occurred, to be sent in during the month of December by each employer.

14th. On the arrival of the liberated Africans the applicants shall on a day to be appointed by His Majesty's Superintendent, assemble and elect three individuals, who shall allot the apprentices to the different employers.

15th. That a Bond shall be given by the persons applying for the services of the liberated Africans, binding themselves under a penalty of £250 currency to abide by each and all of the stipulations laid down in these Articles, and that said Bond shall be in force from the date of its signature until the expiration of the whole period for which the liberated apprenticed Africans may be indentured, except in the event of any apprenticed liberated African whose indentures may have been cancelled by His Majesty's Superintendent or person acting as such, in which latter case the cancelling the indenture of any apprenticed African or Africans shall cancel the terms of the Bond as far as such liberated apprenticed African or Africans is or are concerned. In each and every case concerning which the penalty specified as the forfeiture of this Bond shall be claimed, the circumstances thereof shall be left to the decision of a Bench of Magistrates, decision thereon shall be final, and with whom a discretionary power shall remain of mitigating the penalty to a sum not less than £50 currency.

16th. That it be further provided that the foregoing regulations shall apply and be binding on the part of the employer, with respect to such negroes as, at the time of their embarkation at Cuba, shall be of sound mind and body, not suffering from any deformity, and not beyond the age of thirty-five, and transported to this Settlement free of expense to the employers.

No. 117.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 3d September, 1835.

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

I am, &c.

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

(Signed) PALMERSTON.

No. 118.

His Majesty's Commissioners to Viscount Palmerston.—(Received September 13.)

MY LORD,

Havana, 19th July, 1835.

ON the 6th instant His Majesty's sloop, "Serpent," Evan Nepean, Esq., Commander, came into the Havana, accompanied by the Spanish schooner, "Tita," Juan Costa, Master, which vessel Commander Nepean had, on the 29th ultimo, detained, in latitude 21° 20' north, and longitude 74° 23' west, on account of three hundred and ninety-four African slaves having been found on board.

The "Tita" belonged to the Port of Matanzas, from which she sailed on the 10th of July, 1834, and from the Havana on the 17th of the same month, for Whydah, or Ayudah, on the Coast of Africa, where she took on board four hundred and two slaves, of whom eight died previous to the detention, and one after.

We have the honour to enclose a Copy of the Captor's Declaration, an Abstract of the Evidence, and a Translation of the Sentence, signed on the 14th instant, which condemns the vessel, and emancipates the three hundred and ninety-three negroes still alive.

An attempt was made by the Master of the slave-vessel to have one of these negroes considered as belonging to the crew, in the quality of a free interpreter, but as Costa did not represent him as such to Commander Nepean at the time of detention, as the negro was on board treated exactly like the rest, and his name was not entered on the Muster-roll—as, moreover, the assertions of the Spanish Master, while giving his evidence, were contradictory, and entirely unsupported by any concurring testimony, the Mixed Commission decided that this negro, at the moment of detention, formed part of the cargo of the "Tita."

His Majesty's sloop, "Serpent," after arrival in this port, was in quarantine three days, and the "Tita" seven.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 118.

Captor's Declaration in the Case of the "Tita."

I, EVAN NEPEAN, Esq., Commander of His Britannic Majesty's sloop, "Serpent," hereby declare, that on this 29th day of June, 1835, being in or about latitude 21° 20' north, longitude 74° 23' west, I detained the schooner named the "Tita," sailing under Spanish colours, armed with guns, pounders, commanded by D. Juan Costa, who declared her to be bound from Whydah, west coast of Africa, to Matanzas, in Cuba, with a crew consisting of twenty-two men, boys, Supercargo, and nine passengers, having on board three hundred and ninety-four slaves, said to be taken on board at Whydah, west coast of Africa, on the 25th day of May, 1835, and are enumerated as follows, viz.—

| | Healthy. | Sickly. |
|-------------------|---------------|---------|
| Males | 257 | 2 |
| Females | 134 | 1 |

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 Matanzas, in Cuba.

I do further declare, that the crew and slaves appeared to be as healthy as circumstances would admit.

(Signed)

EVAN NEPEAN,

Commander.

Witnesses,

W. B. OWEN, Senior Lieutenant

H. MAHON, Acting Surgeon

} of His Majesty's brig, "Serpent."

Second Enclosure in No. 118.

Abstract of the Evidence in the Case of the "Tita."

Havana, 10th July, 1835.

EVAN NEPEAN, Esq., Commander of the English brig-of-war, "Serpent," having shown his Instructions, and being sworn, deposed, that the state of the Spanish schooner, "Tita," at the time of her detention, the place of her detention, the number of slaves on board, as well as the other particulars concerning her, are truly set forth in this deponent's Declaration, dated the 29th day of June last, and which is now given into Court, in the English language; that the Papers now produced are truly the Papers which this deponent collected on board the detained vessel as the Papers of the "Tita;" that these Papers are,—

1. The Royal Passport ;
2. The Muster-roll ;
3. The Contraseña ;
4. Two Log-books ; together with various other Log-books, Letters, and Papers, not having any reference to this present voyage of the "*Tita*."

Lieutenant William B. N. Oliver, of His Britannic Majesty's sloop-of-war, "*Serpent*," being sworn, deposed that the contents of the Captor's Declaration are true, and identified his own signature thereto as witness.

Mr. Henry Mahon, Acting-Surgeon of His Majesty's sloop-of-war, "*Serpent*," being sworn, deposed that the contents of the Captor's Declaration are true, and identified his own signature thereto as witness.

Francisco Mayner, aged thirty-eight, a native of Villanueva, in the Principality of Cataluña, now resident in this city, a Catholic, and unmarried, being sworn, deposed that he is Mate and Steward of the Spanish merchant-schooner "*Tita*," that this schooner has been brought into this Port by an English brig-of-war, which this deponent believes to be named the "*Serpent*;" that this deponent believes the cause of the "*Tita's*" having been detained was that bozal negroes were found on board; that these bozal negroes were taken on board at Ayudah, on the Coast of Africa; that this deponent cannot state the exact number so taken on board, nor does he recollect how many were alive on board at the moment of capture; that this detention took place on the 29th June last; that previous to that date several slaves had died on the voyage from Ayudah, but this deponent cannot state how many; that the "*Tita*" was detained about forty miles to the west of Enagua Grande; that afterwards she touched at no place until her arrival in the Havana; that this deponent's place of Mate was assigned to him, three voyages before, by the Commandante de Matriculas; that this deponent embarked on board her in the Port of Matanzas, for the Islands of St. Thomas and Principe; that on account of a long voyage out, and a scarcity of water and provisions, the Master, D. Juan Costa, made direct for Quita, and finally for Ayudah; that they sailed from Matanzas with Spanish Papers; that the outward cargo was composed of dry goods and aguardiente; that the Captain, Costa, negotiated with the King of Dahomay, and landed his cargo, with an understanding that he was, in return, to have palm-oil, ivory, &c.; that the said Captain afterwards informed this deponent that he was told by the King that he would not deliver up any of the articles agreed for, so that Costa was, by necessity, obliged to take negroes on board; that they arrived at Ayudah on the 23d or 24th of last September; that they sailed from thence on the 25th May last; that the "*Tita*" sailed from Matanzas on the 10th of July last year, and on the 17th of the same month from the Havana, having stayed here four days, to take in dry goods for St. Thomas; that this deponent does not recognise, of the Papers now produced, the Passport, Muster-roll, and Contraseña, because they belonged to the Captain; that he does recognise the Log-books, because they are in this deponent's hand-writing; that the Captain, Costa, always told this deponent that he was Owner and Supercargo of the "*Tita*;" that no part of the outward cargo now remains on board; that this deponent is bound, by virtue of his oath, to declare that the Log-book marked No. 5, is a fictitious one, this deponent having written it in the supposition of a voyage to, and return from, the Island of St. Thomas; that the true Log-book of this voyage is that marked No. 4.

Havana, 13th July, 1835.

Juan Costa, aged twenty-six, a native of Mahon, in the Island of Minorca, now a resident in the City of Matanzas, a Catholic, and unmarried, being sworn, deposed that he is Master and Mate of the Spanish schooner, "*Tita*," which the British brig-of-war, "*Serpent*," detained, and has brought into this port; that this deponent presumes the cause of her detention to have been the bozal negroes found on board; that the "*Tita*" was detained on the 29th of June last, between Enagua Grande and the Cayo de Santo Domingo, there being at the time on board three hundred and ninety-four negroes; that one of these negroes, named Manuel, is not of the cargo, having been taken on board at Ayudah as interpreter; that this negro understands Portuguese and a little Spanish; that he was engaged by this deponent at a salary of two hundred dollars; that this deponent has paid these two hundred dollars to Don Francisco Sousa; that Don Francisco Sousa is a Portuguese who resides at Whydah as a merchant; that nevertheless this deponent has always considered the negro as free; that this deponent is engaged to Sousa to take him back to his country; that this deponent possesses no Paper proving the freedom of Manuel; that he has no Receipt for the two hundred dollars, nor any other written Document to prove the truth of his assertion; that he took no Receipt because he is convinced that Sousa is incapable of deceiving the negro on his return to the Coast, or of denying that he has received the two hundred dollars; that no individual on board knows anything of these circumstances; that not only did this deponent, at the time of the detention, declare this negro to the English Commander as free, but always, on the reviews of the negroes made by the Prize-Master, this deponent objected to his being classed with the other negroes; that the "*Tita*" sailed from Matanzas on the 9th of July last year; touching at the Havana, from which port they sailed on the 17th of the said month, with Spanish Papers and a cargo for St. Thomas; that the cargo consisted of aguardiente and dry goods, part of which was taken on board at Matanzas, and the rest at the Havana; that through scarcity of water and provisions they were obliged to make for Ayudah, on the Coast of Africa, where they took on board these negroes; that this deponent landed his cargo in virtue of a contract with the King of Dahomay, this King engaging to give in return palm-oil and ivory; that at the end of some months the King declared that he could only pay with negroes; that this deponent therefore saw himself under the necessity of taking on board four hundred and one negroes; that the interpreter is not included in this number, because he was not bought; that knowing this cargo to be unlawful they sailed from Africa on the 25th May last, with the intention of delivering up the negroes to the Governor of the Havana, and were only prevented from carrying this intention into effect by their being detained by the English Commander; that previous to the detention eight negroes had died; that this deponent has no Document whatever to prove the above assertions; that at sea this deponent received no Certificate from the English Commander; that after arrival in this port, and while in quarantine, two Papers were offered to him by the English for his signature, but as this deponent observed the number of negroes found on board the "*Tita*" to be stated in these Papers at three hundred and ninety-four, he refused to have any thing to do with them; that the true number found on board was three hundred and ninety-three, together with a free negro who acted as interpreter; that this deponent returned the Papers to the Prize-Master; that this deponent is the Owner and Supercargo of the "*Tita*;" that, however, he is ignorant if Don Francisco Morel, a merchant of Matanzas, be not now the true Owner of the "*Tita*,"

in company with the house of Estebanella and Culbat, of New Orleans, as they may have, during the deponent's absence, become the Owners, he having left, on sailing from the Havana for St. Thomas, powers to that effect in the hands of the aforesaid Morel; that only one negro has died on board since the detention, and this negro died in the harbour; that nothing remains on board of the cargo they took out to Africa; that this deponent gave the two hundred dollars to Sousa instead of the negro Manuel, because Sousa is a kind of broker on the Coast, to whom all persons engaged in this traffic apply when they have necessity for an interpreter; that the Papers now produced, viz., the Royal Passport, the Muster-roll, the Contraseña, and the Log-book, No. 4, are truly the Ship's Papers of the "*Tita*," which the English Commander took possession of at the time of detention; that the Log-book, No. 5, this deponent does not recognise, but believes it to be in the hand-writing of the Mate, and to have been found on board the "*Tita*" by the Captors.

José Mus, aged forty-two, a native of Mahon, a Catholic, and unmarried, being sworn, deposed that he is a seaman by profession, and is actually Boatswain of the Spanish schooner, "*Tita*," which was detained on the evening of the 29th ultimo by the English sloop-of-war, "*Serpent*," on account of having bozal negroes on board; that there were on board at that time three hundred and ninety-three slaves, and one other negro, who was called the interpreter; that the Captain told this deponent that this interpreter was free, but that this deponent knows nothing further on the subject; that four hundred and one negroes were taken on board at Whydah, who would make with the interpreter a total number of four hundred and two, of whom eight died previous to the detention; that this deponent never heard the interpreter, or any of the crew say that he was free, nor ever heard of his having a salary, nor of this salary having been paid to Don Francisco Sousa; that this deponent knows nothing further of the freedom of the interpreter than that he heard the Captain speak of it; that the said interpreter came on board along with the rest of the negroes, and in the same state in every particular as those negroes; that the "*Tita*" sailed from Matanzas on the 7th or 8th of July last year, with a cargo of aguardiente; that they came first to the Havana, where they took on board dry goods, and sailed for St. Thomas; that want of provisions obliged them to make for the Coast of Africa, where they landed the cargo and took on board the negroes; that this deponent does not recollect the day of their sailing from Africa; that this deponent was never on shore in Africa, and consequently knows no merchant resident there; that he never saw the negro called the interpreter until he came on board naked like the other negroes; that no part of the outward cargo remains on board; that no ivory or palm-oil was taken on board at Ayudah, but only negroes.

Third Enclosure in No. 118.

Sentence in the Case of the Spanish schooner, "Tita."

IN the Always Most Faithful City of the Havana, on the 14th day of July, 1835, the Most Excellent Señor Don José Maria Herrera y Herrera, Conde de Fernandina, Procer of the Kingdom, Honorary Grandee of Spain of the first Class, &c., &c., and Don William Sharp Macleay, the Spanish and English Commissary Judges in the Mixed Commission which has been established in this city, in virtue of a Treaty between their Britannic and Catholic Majesties, being met together, and having taken into their consideration the proceedings consequent upon the detention which the English brig-of-war, "*Serpent*," commanded by Don Evan Nepean, made of the Spanish merchant-schooner "*Tita*," Juan Costa, Master, on the 29th day of last month, in latitude 21° 20' north, longitude 74° 23' west, while she had existing on board, at the time of her detention, three hundred and ninety-four bozal negroes, of whom one died afterwards in this port; and it being completely proved, as well by the Declaration of the Spanish Master as by the Declarations of the other witnesses examined, and by the Documents found on board the Spanish schooner at the time of her detention, that she sailed from Matanzas on the 9th day of July, 1834, touched at this port of the Havana, from which she sailed on the 17th of the same month, with Papers and a cargo for St. Thomas, and made direct for Ayudah on the Coast of Africa, where, according to the Spanish Master's aforesaid Declaration, she took on board four hundred and one negro-slaves, for although the total number of negroes taken on board amounted to four hundred and two, one of these, according to the said Costa, is a free negro, named Manuel, whom he engaged as interpreter, at a salary of two hundred dollars, which salary was paid in advance on the Coast to the merchant Don Francisco Sousa, who acts there as a broker; the said Costa, however, in proof of these assertions, producing to the Court no Document whatsoever, nor being supported by the testimony of any of his crew in his Declaration, which states that the slaves on board at the time of detention ought to be reckoned only three hundred and ninety-three, so that the number now alive, in consequence of one having died in port, only amounts to three hundred and ninety-two, instead of three hundred and ninety-three, the number stated by the Captor. Whereupon the Commissioners resolve that they ought to declare, and hereby do declare, with all due consideration to the merits of the Case, and according to the brief and summary mode of proceeding that has been adopted in all similar cases, on the truth being made known, that the capture of the aforesaid Spanish schooner is good and legal, as well as that of the whole three hundred and ninety-three negroes now existing, according to the Declaration of the Captor, after the death of one in this harbour, no account being taken of the assertions of the Spanish Master, as given in his evidence; in the first place, because he is not supported by other evidence, and, next, because his Declaration deserves not the least credit or faith, in consequence of his manifest contradictions, in violation of the oath he had taken, his object being, as it would appear, not to secure the liberty of the aforesaid negro, Manuel, but in some way or other to prevent his ultimately obtaining it in the manner pointed out by the Treaty. And the Commissioners declare the said schooner with all her tackle, apparel, and every thing else in her Inventory, to be subject to the penalty of confiscation, all but the aforesaid three hundred and ninety-three negroes now remaining alive (Manuel being included) who remain free from all slavery and captivity. In consequence thereof the Commissioners order the condemned vessel, and all that belongs to her, to be valued by the Masters of the Royal Dock-yard, who shall be previously sworn to perform the duty faithfully, and that she be then brought to public sale by auction before the Public Scrivener, Don Manuel Fornari, who is hereby appointed for that purpose, and, being sold, that the net proceeds shall be applied to the benefit of the two Governments, the said vessel being, for the present, placed in deposit, under the charge of Don

Jayme Andreu, who shall likewise be sworn to perform his duty faithfully, and shall receive her from the Captor by formal Inventory. And 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 three hundred and ninety-three negroes their Certificates of emancipation; and they shall likewise address an official Letter, with a 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 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*.

No. 119.

His Majesty's Commissioners to Viscount Palmerston.—(Received September 13.)

MY LORD,

Havana, 31st July, 1835.

WE beg leave respectfully to call your Lordship's attention to the unprecedented height to which the Slave Trade has arrived in this port during the last month. The representations we make on the subject to the Local Government are of no use whatsoever, as your Lordship will perceive by the enclosed List of no less than seventeen vessels, which, during this present month, have sailed for the Coast of Africa. We may observe that the last vessel in this List is commanded by a person, who, we find by the Papers presented to Parliament last year, on the subject of the Slave Trade, claimed the mercy of His Majesty's Government.

Two slave-vessels have also safely arrived from Africa during the month, namely, the schooner "*Tres Tomasas*," José Costa, Master, on the 8th instant; and the brig "*General Mina*," Juan B. Moreno, Master, on the 17th instant.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

Enclosure in No. 119.

List of Slave-vessels which have sailed from the Havana for the Coast of Africa during the Month of July, 1835.

| No. | Date. | Nation. | Class. | Name of the Vessel. | Name of the Master. |
|-----|--------|------------|----------|-------------------------|---------------------|
| 1 | 1 July | Spanish | Schooner | Traga Millas | Pascual Garcia. |
| 2 | " | " | " | Francisca | José Mora. |
| 3 | 6 " | " | " | Bella Ines | Juan Pujol. |
| 4 | " | " | Brig | Portento | — Saura. |
| 5 | " | " | " | Isabel | Francisco Montero. |
| 6 | " | " | " | Casimiro | — Tremuel. |
| 7 | 11 " | " | " | Joven Maria | José Garay. |
| 8 | " | Portuguese | " | Margaret | — Moura. |
| 9 | 12 " | Spanish | Schooner | Norma | — Echevarria. |
| 10 | 19 " | " | " | Tres Tomasas | — Echandia. |
| 11 | 20 " | " | " | Empresa | — Calamasas. |
| 12 | " | " | Brig | Llobregat | J. A. de la Vega. |
| 13 | 23 " | " | " | Alerta | — Allende. |
| 14 | 28 " | " | Schooner | Seis Hermanas | — Prieto. |
| 15 | " | " | " | Agripina | — Bocalandos. |
| 16 | " | " | " | Belencita | — Hevia. |
| 17 | " | " | " | Isabelita | Felipe Rebel. |

No. 120.

His Majesty's Commissioners to Viscount Palmerston.—(Received October 24.)

MY LORD,

Havana, 27th August, 1835.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated 26th June last, in which your Lordship is pleased to communicate to us that our several Despatches on the subject of the Spanish slave-vessel, "*Carlota*," having been referred to His Majesty's Advocate-General, that

Officer has approved of the conduct pursued by this Commission, with respect to the seventy-three negroes who escaped from that vessel.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 121.

His Majesty's Commissioners to Viscount Palmerston.—(Received October 24.)
 MY LORD, *Havana, 28th August, 1835.*

WE have had the honour of receiving your Lordship's Despatch, dated 26th June last, in which your Lordship is pleased to communicate to us the approval by the King's Advocate of the line of conduct which was pursued by this Commission in December last, with respect to the emancipated negroes. And we beg leave to inform your Lordship, that we shall always consider it part of our duty to furnish His Majesty's Government with such information as we may be able to procure with respect to the treatment of these unfortunate Africans. It may be proper at the same time to observe, that the system of letting out, for country labour, males at six ounces per head and females at three, and which was complained of in Mr. Macleay's Despatch, of 26th December last, still continues in full operation.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 122.

His Majesty's Commissioners to Viscount Palmerston.—(Received October 24.)
 MY LORD, *Havana, 31st August, 1835.*

DURING the month which expires this day four slave-vessels have entered this port from the Coast of Africa; one Portuguese, viz., the brig, "*Fenix*," José Antonio Barbosa, Master, on the 15th instant; and three Spanish, viz., the schooner, "*Luisita*," Juan Pujol, Master, on the 19th instant; the brig, "*Feliz Vascongada*," Juan Tomas Olaquiver, on the 21st; and the schooner, "*Numero Uno*," alias "*La Rosalia*," Manuel Espinosa, Master, on the 27th.

We also have the honour to inform your Lordship, that three vessels have sailed from the Havana for the African Coast, viz., the schooner, "*Antonica*," Jacinto Derisanz, on the 3d; the brig, "*Diligencia*," — Durant, Master, on the 8th; and the schooner, "*Recompensa*," — Mateu, Master, on the 12th.

We have just heard that, in consequence of intelligence which has arrived in the Havana of certain new Articles respecting the Slave Trade having been signed at Madrid, on the 28th June last, between the British and Spanish Governments, the Insurance Offices here have refused to insure from capture any slave-vessel about to sail for the Coast of Africa. When, a few months ago, the first rumour prevailed in this city of such a new Treaty being under negotiation, the premium on such vessels rose to upwards of forty per cent.; but soon afterwards, in consequence of private intelligence from Spain, it fell again to the ordinary premium, which, as was stated in the Despatch which His Majesty's Commissary Judge had the honour of addressing to your Lordship on the 1st November last year, is twenty-two per cent. There can be no doubt that the extraordinary increase of Slave Trade during the last twelve months is principally owing to the impetus given by the establishment of these unprincipled Insurance Companies.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 123.

Viscount Palmerston to His Majesty's Commissioners.

(Extract.)

Foreign Office, 29th October, 1836.

I HEREWITH transmit to you twelve Copies of the Treaty which was concluded, on the 28th of June last, between His Majesty and Her Majesty the Queen of Spain, having for its object the entire suppression of the Slave Trade of Spain.

The Ratifications of this Treaty were exchanged on the part of the two High Contracting Parties at Madrid, on the 27th of August last.

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

I am, &c.
(Signed) PALMERSTON.

No. 124.

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

MY LORD,

Havana, 30th September, 1835.

THREE Spanish schooners; viz., the "*Primera Gallega*,"—Martinez, Master, on the 1st instant; the "*Carisima*,"—Legrand, Master, on the 2d instant; and the "*Ligera*,"—Podesta, Master, on the 4th instant,—all sailed for slave-trading expeditions. Since the 4th instant, however, no vessel, so far as we are aware, has sailed for the Coast of Africa—a circumstance which we attribute entirely to the effect that the new Treaty, which is reported to have been signed between Great Britain and Spain on the subject of the Slave Trade, has produced, as well on the minds of the slave-traders as of the Insurance Companies which were accustomed to protect their guilty speculations.

During the present month four slave-vessels have arrived in port, after landing their negroes on the Coast, viz., the Portuguese schooner, "*Diligencia*," L. Marquez, Master, on the 5th instant; and three Spanish schooners, viz., "*Matilde*," José Maria Arrarte, Master, and the "*General Mina*," Andres Soto, Master, both on the 13th instant; and the "*Flor de la Mar*," Fortunato Romero, Master, on the 24th instant. All these vessels were denounced by us to the Captain-General on their respective arrivals; and some circumstances which have since come to our knowledge respecting the "*Matilde*" and "*General Mina*" deserve to be stated. Both these schooners arrived on the same day in Cojimar, a small bay about two leagues to the east of the Havana, and began to disembark their negroes to the number of about seven hundred, under the protection of the Commandant of a small *torreon*, or castle, which defends the fishing-village at the bottom of the bay. As this village is in the jurisdiction of Guanabacoa, a town about a mile and a half from the Havana, the Alcaldes of this town, on receiving notice of the landing, hurried off to Cojimar, and found about four hundred and eighty Africans already on shore. The subaltern administration of justice in this island is so corrupt, that we are not sure that the Alcaldes had any other object in interfering than their own private interest; but, however this may have been, the Military Commandant of the castle resisted the seizure of the negroes, notwithstanding a formal Protest of the Alcaldes, and urged that he had authority for his proceeding. The Alcaldes accordingly retired, and immediately represented the circumstances to the Captain-General, since which time we have had reason to know that the only Answer they received from his Excellency was an acknowledgment of the receipt of their Communication, and a laconic intimation that, as the affair was one of the Supreme Government (*del Alto Gobierno*), his Excellency would proceed in the matter as he thought proper.

We only mention this circumstance as it serves to corroborate the rumour that the Local Government receives half an ounce for each negro landed, which money is applied to the public works.

Notwithstanding these facts we are grieved to state that, according to his Excellency's customary form, the Captain-General has declared to us that, although the above-mentioned two vessels were subjected to an investigation on our denunciation, no appearance whatever has been detected of their having been engaged in illicit Slave Trade.

Unfortunately we cannot, in any remonstrance to his Excellency, make use of the information we have received without in all probability injuring our informant.

The affair, however, was to a certain degree so notorious in the Havana, that for two or three days a report prevailed that the Alcaldes of Guanabacoa were arrested.

We have, &c.
(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

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

No. 125.

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

MY LORD,

Havana, 17th October, 1835.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated 27th July last, and of the Documents it enclosed, and we beg leave respectfully to return our thanks for this Communication, which strongly tends to strengthen the opinion we had previously formed of the accuracy of our List of arrivals and departures of slave-vessels.

We have, &c.
(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

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

No. 126.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 27th January, 1836.

I HEREWITH transmit to you the Copy of a Communication from the Colonial Department on the proposed transfer of emancipated negroes from Cuba to the British West-Indian Colonies, and to British Guiana.

I have to desire that you will afford every facility within your reach towards carrying into effect the arrangements indicated in these Papers.

I am, &c.
(Signed) PALMERSTON.

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

First Enclosure in No. 130.

Sir George Grey to Mr. Backhouse.

SIR,

Downing Street, 12th January, 1836.

WITH reference to your Letter of the 12th ultimo, and to previous Correspondence relative to the Africans liberated by the Court of Mixed Commission at the Havana, I am directed by Lord Glenelg to acquaint you for the information of Viscount Palmerston, that his Lordship cannot consent to relax the rule which forbids the importation of a greater number of males than females into any Colony in which the disproportion already exists. His Lordship cannot therefore recommend that any fresh Instructions, on this head, should be sent to His Majesty's Commissioners at the Havana.

I am to enclose, however, the Copy of a Despatch which his Lordship has addressed to the Lieutenant-Governor of British Guiana, authorising him, under certain conditions therein mentioned, to receive in that Colony a portion of those who, according to the existing arrangement, would be sent to Trinidad; and also of a Circular Despatch to the Governors of several of the West-India Colonies, by which Viscount Palmerston will be apprised in what manner it is proposed to dispose of the male Africans now remaining in Cuba.

His Lordship trusts that Viscount Palmerston will approve of the arrangements indicated in the above-mentioned Despatches, and will give such Instructions to His Majesty's Commissioners as may be necessary for carrying them into effect.

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

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

Sub-Enclosure A. in No. 126.

Lord Glenelg to Sir J. C. Smith.

SIR,

Downing Street, January, 1836.

I HAVE received your Despatch, No. 40, of the 6th of August, enclosing an Ordinance enacted at Trinidad, relative to indented Africans, and inquiring whether, if a similar Ordinance were enacted in British Guiana, a proportion of the Africans in question might be sent thither.

I have the honour to enclose, for your information, the Copy of an Order in Council dated 15th July, confirming that Ordinance with various amendments; and to acquaint you that should an Ordinance of the same tenor with the amended Ordinance be passed in British Guiana, I shall not object to that Colony receiving its fair proportions of these persons, and you will be at liberty to make such arrangements with His Majesty's Commissioners at the Havana, and with the Lieutenant-Governor of Trinidad, as may seem most convenient for effecting the transfer.

*Sir J. C. Smith,
British Guiana.*

I have, &c.
(Signed) GLENELG.

Sub-Enclosure B. in No. 126.

15th July, 1835.

WHEREAS, by an Ordinance enacted on the 5th day of March last, by the Lieutenant-Governor of Trinidad, with the advice and consent of the Council of Government thereof, for the protection of and promoting the industry and good conduct of Africans transferred to that island, it is, amongst other things, provided that every employer of any such African, or the manager or other person in charge of such African, shall, during the month of January in each and every year, make out and deliver to the Colonial Secretary a return in writing, to be proved in manner therein mentioned for the purpose of verifying such returns as are therein mentioned; now it is hereby ordered by His Majesty, by and with the advice of his Privy Council, that such returns as aforesaid shall be made to some person being a Stipendiary Special Magistrate appointed by His Majesty, or by the Lieutenant-Governor of the said island, under His Majesty's authority, for carrying into effect within the said island the provisions of the Acts passed in the third and fourth year of His Majesty's reign, for the abolition of slavery throughout His Majesty's Dominions, and that it shall be the duty of such Stipendiary Special Magistrate to satisfy himself by a personal inspection of, and by communication with, the various persons comprised in every such return, that the same is in every respect true: and being so satisfied of the truth thereof, he shall certify the same by an endorsement on every such return subscribed with his hand; which return, so attested and subscribed, shall by him be transmitted to the Colonial Secretary for the time being; and any person who shall refuse or neglect to deliver to some such Stipendiary Special Magistrate as aforesaid, within the said month of January in each year, such return as aforesaid, or to take and subscribe before such Stipendiary Special Magistrate, the oath in the said Ordinance mentioned, shall forfeit and pay to His Majesty a sum of £10 sterling money for each and every month during which such refusal and neglect shall continue, which sum shall be considered as a debt due to His Majesty, and shall be recoverable in the said island by warrant under the hand and seal of the Governor thereof, which warrant he is hereby authorised to issue upon a Certificate, upon oath of any such Stipendiary Special Magistrate, of any such refusal or neglect; provided always that for receiving every such return, and for certifying the truth thereof, every such Stipendiary Special Magistrate shall be entitled to receive from such employer, manager, or other person in charge of any such African, or of any number of such Africans, the sum of 5s. for and in respect of every African comprised in every such return; and provided also, that the Governor of the said island shall assign to each Stipendiary Special Magistrate within the same a district within which he shall perform the duties hereby assigned to such Stipendiary Special Magistrates; and shall, from and out of the public revenues of the said island, defray all such moderate and reasonable expenses as such Stipendiary Special Magistrate shall incur in the performance of that duty.

And it is further ordered, that all and every the regulations contained in a certain Order made by His Majesty in Council, on the 6th day of June, 1834, for giving effect to the said Act of Parliament within the said Island of Trinidad, so far as relates to the provisions to be allowed, or the lands to be assigned, and the other Articles to be provided for the maintenance and support of the apprenticed labourers therein mentioned, shall be and the same are hereby applied and extended to all and every the apprenticed Africans mentioned and referred to in the said before-recited Ordinance.

And whereas it is by the said Ordinance, amongst other things, enacted that it shall be lawful for the Governor of the said island to execute certain indentures for the indenting any such Africans as aforesaid to such employer or employers as to the Governor shall seem meet, subject to such rules and regulations as the Governor, with the consent and authority of the Council of Government, shall think proper to make for that purpose; now it is hereby ordered, that so much of the said Ordinance as last aforesaid as relates to the rules and regulations to be made by the Governor, with the consent and authority of the Council, shall be and the same is hereby disallowed and annulled; and it is further ordered, that the person for the time being administering the Government of the said island shall select the employer or employers to whom every such African is to be indented at his discretion, adverting, in such selection, first and chiefly, to the facilities which such indented African will enjoy in the service of the proposed employer, for obtaining religious instruction and proficiency in such arts as may be best calculated to enable such African to earn an independent subsistence on the expiration of the apprenticeship; and in every such selection careful attention shall also be given to the health of the Africans so to be apprenticed; and subject and subordinate to the considerations aforesaid, the Officer administering the Government shall, in making such selection of employers, have regard to the interests of the different candidates for the services of such apprentices, avoiding all partiality and undue favour in such distribution.

And whereas, by the said recited Ordinance, various powers and authorities are confided to the Alcaldes in ordinary, Commandants and joint Commandants, and other persons exercising the authori-

ties of a Magistrate or Justice of the Peace in the said island, and it is expedient that such powers and authorities should be vested in such Stipendiary Special Magistrates in the said island, and in the Judges of the Court of First Instance, and in the Commandants of Quarters in the said island, and in no other persons; It is therefore further ordered that all powers and authorities, which in and by the said Ordinance are confided to the Alcaldes in ordinary, Commandants and joint Commandants, and other persons exercising the authority of the Magistrate or Justice of the Peace in the said island, shall, save as hereinbefore specially provided, be vested in the Stipendiary Special Magistrates, the Judges of the Court of First Instance of Civil Jurisdiction, and the Commandants of the respective Quarters of the said island; each of whom shall be and is hereby required to denounce to the Attorney-General of the said island for prosecution any offence against the Provisions of the said Ordinance or of this present Order which may come to his knowledge.

And it is further ordered that so much of the before-mentioned Ordinance as is in any respect repugnant to or at variance with, or inconsistent with the operation of this present Order, shall be and the same is hereby disallowed; and that, save as aforesaid, the said Ordinance shall be, and the same is hereby confirmed and allowed.

And the Right Honourable the Lord Glenelg, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

Sub-Enclosure C. in No. 126.

To the Governors and Lieutenant-Governors of British West-India Colonies.

(Circular.)

SIR,

Downing Street, January, 1836.

You are probably aware that an arrangement, for transferring from Cuba to Trinidad as many of the captured Africans liberated by the Court of Mixed Commission at Havana as may be sent in equal proportions of male and female, has received the sanction of Government, and has been acted for a considerable period to the satisfaction of both parties.

In the cargoes of slave-ships, however, it is generally found that upwards of two-thirds are males. The stipulation therefore, which requires that each shipment shall contain an equal number of either sex, does not admit of the reception in Trinidad of more than half of those liberated from to time by the Mixed Commission.

My attention has recently been drawn to the consideration of the surplus males who remain under the protection of the Authorities in Cuba. All persons who have witnessed it concur in representing to me that they are treated little better than slaves; that no real interest for their permanent welfare is anywhere manifested; that no effectual measures are taken to prevent their relapsing into actual slavery; that even the express conditions of the Treaty are reluctantly complied with; and, upon the whole, that their removal to any British Colony would certainly be an act of substantial benevolence.

Although no considerations of this nature would justify me in consenting to any arrangement which should have the effect of increasing the disproportion between the sexes which now exists in Trinidad, and from which wherever existing evils have arisen, which it is the paramount duty of the Government to prevent, I would gladly promote any measure by which they might be removed from their present situation, without introducing into any British Colony a source of moral or political evil.

On examining the returns of the slave population in the West Indies, I find that the excess of males is confined to four colonies. In each of the remaining twelve the number of females preponderates; and in all together the number of females amounts to about three hundred and forty thousand, that of males to three hundred and thirty-five thousand. Among such a population, scattered about in islands generally of great fertility, I can hardly doubt that ten thousand male Africans might be distributed annually without causing any evil or inconvenience.

In what proportions they might probably be distributed with most advantage it is obviously impossible for me, in the absence of local knowledge and experience, to form an opinion. In order to ascertain this with as much accuracy as the case admits, I have the honour to enclose, for your information, three Documents, which will put you in possession of the particulars of the arrangements now in force between Cuba and Trinidad; and to request that you will lose no time in making the necessary inquiries as to the facilities which the colony under your charge supplies for disposing (under the same regulations (*mutatis mutandis*) which are now observed in Trinidad,) of male Africans; and that you will send me an answer as early and as precise as possible, stating,—

1st. Whether, if any considerable number of such persons were imported annually, employment could be found for them on such conditions.

2d. And if so, for what number, and what kinds of employment would admit of their being so dispersed through the country, that the absence of females would cause no inconvenience; in considering which you will have regard, not only to the total number of each sex, but to the proportions in which the marriageable part of each is now distributed, and to any local circumstances, habits, or prejudices which may affect the question.

3d. Whether there be any reason to apprehend that permanent moral connections would not be found between native Africans and Creole women.

4th. Whether the colony could pledge itself to provide for them *permanent* maintenance in some capacity or other, as labourers, servants, artisans, or tradesmen; or if not, whether the circumstances of the colony afford, in your opinion, a sufficient security that such permanent maintenance would be provided.

5th. Whether such an importation would be attended with advantage to the colony; and if any, in what degree.

You will observe that the Spanish Government bears the whole expense of the passage, and provides also for their maintenance during any interval of not more than thirty days which may intervene before situations can be found for them in the colony.

I have, &c.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 11, 1836.)

MY LORD,

Havana, 31st October, 1835.

THE effect of certain explanations, as reported in the "*Times*" Newspaper to have been made by your Lordship in the House of Commons, with respect to a new Convention, signed in Madrid, on the subject of the slave trade, was to paralyse, on the instant, this illicit traffic in the Havana. Subsequent information, however, from England, having led the slave-traders to believe the report in the "*Times*" to have been incorrect, Spanish vessels have commenced again to sail for the Coast of Africa for the purposes of their iniquitous commerce.

On the 13th instant, the schooner "*Atalaya*," — Lust, Master; on the 15th, the brig, "*Pilar*," — Domenech, Master; on the 20th, the schooner, "*Felix Vascongada*," — Olaquivel, Master; and on the 29th, the schooner, "*Luisita*," — Estevez, Master, all sailed for Africa.

On the 13th the Portuguese schooner, "*Diligencia*," L. Marquez, Master, also sailed for Africa.

We have also reported to the Captain-General our intention to inform your Lordship of the arrivals of two Spanish vessels with cargoes of slaves during the present month, viz.,—on the 13th, the schooner, "*Mariposa*," — Rodriquez, Master; and on the 15th, the brig, "*El Mismo*," alias "*Centinela*," — Pereira, Master.

The only satisfactory consideration that can be derived from such a state of things is, that it appears now sufficiently evident that additional articles, such as those alluded to in the "*Times*" Newspaper, would effectually tend to repress that shameful traffic which, in contempt of the Treaty, and of so many Spanish laws, prevails here at present.

We have, &c.

(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

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

&c. &c. &c.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 11, 1836.)

MY LORD,

Havana, 3d November, 1835.

WE have the honour to inform your Lordship, that the "*Siete Hermanas*" has returned here from Trinidad, after having landed there two hundred and sixty-two emancipated Africans; and we beg leave to enclose a Copy of the very satisfactory Despatch which we have received on the subject from His Excellency the Lieutenant-Governor of Trinidad.

We have also the honour to enclose an Extract from a private Letter which His Excellency has written to His Majesty's Commissary Judge, because the postscript annexed to that private Letter makes such Extract official.

We have, &c.

(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

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

&c. &c. &c.

First Enclosure in No. 128.

Sir G. F. Hill to His Majesty's Commissioners.

GENTLEMEN,

Trinidad, 23d September, 1835.

I HAVE the honour to acknowledge the receipt of your Letter of the 4th ultimo, by the "*Siete Hermanas*," which vessel arrived here on the 14th instant, with two hundred and sixty-two Africans, six males having died on the passage.

I am happy to be able to state, that those landed were generally in good health, and I have every reason to feel satisfied that every necessary attention was paid to them during the voyage by Don Pedro Salas. They were landed each with two suits of clothing and a blanket.

I am obliged to you for the Copy of the Despatch from His Grace the Duke of Wellington. I had already been furnished with one.

The several Certificates, viz.—from Mr. Jackson, Dr. Finlay, those of emancipation, and the Bond which Captain Salas had entered into, have been duly delivered to me.

I have also received the Certificate of Security which you had given to secure the "*Siete Hermanas*" from interruption during her voyage from the Havana to this Port.

I regret as much the cause which prevented your forwarding the negroes of the condemned vessels, viz.—the "*Chubasco*," "*Joven Reyna*," and the "*Marte*," as I do not having received the people themselves; but I rejoice to find, from a subsequent part of your Letter, that that scourge, the cholera, had disappeared; or, at all events, had ceased to exist in an epidemic form.

I feel quite assured, from past experience, that you will, on all similar occasions, protect the Colony, as far as may lay in your power, from any dangerous or contagious disease, and that you will not lose an opportunity to supply it with as many of these people as may be placed at your disposal, and be fit to send.

I have much pleasure in being enabled to communicate to you that the people by the "*Siete Hermanas*" went cheerfully with the individuals to whom they were allotted, and I have no doubt they will be contented and happy.

I have, &c.

(Signed)

G. F. HILL.

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

Second Enclosure in No. 128.

Extract from a Private Letter from His Excellency the Lieutenant-Governor of Trinidad to His Majesty's Commissary Judge, dated 23d September, 1835.

"MY DEAR SIR,

"I HAVE received your Letter of the 4th of August last.

"Of the shipment of two hundred and sixty-eight Africans embarked at the Havana, six males died on the passage here. But permit me to refer you to my official Replies to the official Letters transmitted with them.

"In order, pursuant to your suggestions, to facilitate the transfer of these people to Trinidad, Certificates of Health, similar to those which accompanied this present cargo, shall be accepted here as satisfactory, without mention of cholera. Let the words of the Duke of Wellington's Despatch be used—'exempt from any dangerous or contagious disease,' which will be quite sufficient.

"I do not require previous notice of the intended transmission of Africans to Trinidad, having all the means ready for their reception the moment the vessel that brings them comes to anchor.

"With respect to the rule requiring equal numbers of males and females, I do not feel justified in absolutely dispensing with it, but the observance of it may be rendered convenient by sending very young females, of which many of this last shipment consisted.

"Where the equality of sexes cannot be made up by sending female children, you had better report the difficulty; but be sure to send the males, and credit Trinidad with so many females due, to be supplied in a future shipment.

"P. S. Although this Letter is marked private, yet with reference to what regards the Certificates of Health, the omission of the notice of cholera, the dispensing with the previous notice from the Havana of intended shipments of Africans from thence to Trinidad, and the mode I suggest for equalising the sexes, you will consider these paragraphs as addressed by me and to you, in our respective official capacities."

"His Majesty's Commissary Judge,
&c. &c. &c."

No. 129.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 11, 1836.)

MY LORD,

Havana, 6th November, 1835.

IN the "*Times*" Newspaper of the 25th August last we have seen an Article, copied from the American Papers, which imputes an "Insurrection in the Havana," on the 12th July last, to the Africans emancipated by this Mixed Commission.

We have the honour to assure your Lordship, in the first place, that this riot, which took place in the suburbs of the city, has been grossly exaggerated into an insurrection; and secondly, that the emancipated negroes had not the least concern with it whatever. It is true that the prejudice which prevails here against these poor people made them at first to be reported the authors of it, but it was soon found in reality that the rioters were some slaves and free negroes belonging to a tannery, who had got intoxicated in consequence of the holiday.

The whole Article in the "*Times*" is a tissue of misrepresentation, and evidently penned under the influence of that fear which too often produces in these slave-colonies first exaggeration, and then cruelty. We have ventured to address

your Lordship on the subject, because we know how anxious the supporters of the Slave Trade are for any facts whereon to found their arguments.

We have, &c.
(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

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

No. 130.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 11, 1836.)

MY LORD,

Havana, 17th November, 1835.

WE have repeatedly been under the painful necessity of declaring to your Lordship, that never has the Slave Trade been so prevalent in the Havana as since the period when the present Captain-General of this Island assumed the reins of Government. As the slave-traders are confident not only of escaping with impunity, but of almost meeting with open protection from his Excellency, their shamelessness has of late risen to a most unusual pitch. As a proof of this we have the honour to enclose a Copy of the "*Noticioso*," one of our daily Newspapers, in which your Lordship will perceive a public advertisement of the sale of bozal negroes. Immediately on noticing this advertisement we addressed the Captain-General on the subject in the Note, a Copy of which we now have the honour to enclose. On the following day, the 4th instant, we received his Excellency's Answer (a Translation of which is also enclosed) promising that the several matters of which we had complained should be inquired into. Since that date we have learned little more on the subject, except that such infamous advertisements no longer appear in the public Journals. We are, however, in daily expectation of receiving his Excellency's full explanation. In his Note (of which the Translation is now sent) the Captain-General appears to wish it to be thought that the advertisements complained of have been put into the Papers by his enemies; his Excellency having of late, in consequence of certain measures, become exceedingly unpopular among the creoles.

We have, &c.
(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

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

First Enclosure in No. 130.

(Translation.)

Extract from the "Noticioso y Lucero."

Havana, Monday, 2d November, 1835.

"A YOUNG negro, of the Ganga Nation, from sixteen to eighteen years of age, a tolerable cook, understands ladies' shoe-making, and very active at all-work; to be treated for at the rope-shop in the Plaza del Cristo, under the house of Dr. Manuel Echeverria."

"Bozal negroes to be sold. Information to be had in the Street de Cuba, No. 61, facing the Church de la Merced."

Second Enclosure in No. 130.

His Majesty's Commissioners to Don Miguel Tacon.

Havana, 3d November, 1835.

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to inform his Excellency the Captain-General, that their attention has been directed to a most extraordinary advertisement in the "*Noticioso*," of yesterday, which is to the following effect: "Se venden negroes bozalones; en la Calle de Cuba, No. 61, frente à la Iglesia de la Merced, daran razon."

Although the Undersigned cannot for a moment suppose, from his Excellency the Captain-General's well-known energy and activity in the execution of the laws, that the authors of this infamous advertisement will escape the condign punishment which is awarded to such crimes by various Royal Orders, but more particularly by that of the 2d January, 1826, yet they regret that it will be their most painful duty to send a Copy of this "*Noticioso*" to their Government, in order to prove how glaringly the solemn Treaty between Great Britain and Spain is violated by certain unprincipled individuals in the Havana; and how indecently the Spanish Laws on this particular subject are set at nought.

The Undersigned have the honour to enclose a Copy of the "*Noticioso*," in which they have marked

out with a pen the above-mentioned advertisement; and they may take this opportunity of observing that the young negro alluded to in the advertisement immediately previous, as "de Nacion Ganga de sixteen à eighteen años de edad," is by the Spanish law in all probability free, as he from his age seems also to have been imported since the signature of the Treaty for the abolition of this nefarious traffic.

The Undersigned have the honour, &c.

(Signed)

W. S. MACLEAY.

E. W. H. SCHENLEY.

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

Third Enclosure in No. 130.

Don Miguel Tacon to His Majesty's Commissioners.

(Translation.)
GENTLEMEN,

Havana, 4th November, 1835.

YOUR Note of yesterday has made me acquainted with the advertisements in the "Noticioso" of the 2d instant, which announce the sale of bozal negroes, and also that of a young negro of the Ganga Nation, from sixteen to eighteen years of age, who from this circumstance appears to have been introduced since the signature of the Treaty for the abolition of the Slave Trade. On these heads I have ordered the proper investigation to be made, so as to discover the good or bad faith of those who gave in to the editors of the Paper these two advertisements, which are not subject to the censorship, and of the result I will give you due notice.

God preserve you many years.

(Signed)

MIGUEL TACON.

The Commissioners of His Britannic Majesty,
&c. &c. &c.

No. 131.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 11, 1836.)

MY LORD,

Havana, 25th November, 1835.

ON the 26th ultimo the Spanish schooner, "*Amalia*," arrived in this port, under charge of Mr. Henry C. Hawkins as Prize-Master, appointed by Captain Jones, of His Majesty's ship, "*Vestal*," who on the 7th ultimo detained the said schooner to the west of the Island of Grenada, on account of having on board two hundred and three negroes, one of whom died immediately after the capture. As two more died on the passage here, Mr. Hawkins only delivered up two hundred to the Captain-General.

The "*Amalia*" was fitted out for the prohibited traffic in Trinidad de Cuba, from which port she sailed, on the 11th March last, for the Coast of Africa. Two hundred and seven negroes were taken on board at the Rio Congo, which river she left on the 3d September last. Death had reduced the number to two hundred and three at the time of her detention.

This slave-vessel was subjected to the orders of the Supercargo, Juan Bautista Galleano, who appears in the Papers only as passenger. This person, as well as the greater part of the crew, was transferred on board the "*Vestal*" at the time of capture.

The Mixed Commission met on the 27th ultimo, but were obliged to suspend proceedings in consequence of the Captor's absence. The "*Vestal*" arrived in the Havana on the evening of the 21st instant, when the proceedings were resumed, and the Sentence signed on the 23d. We have the honour to enclose a Copy of the Captor's Declaration, and of the Certificate thereto annexed, an Abstract of the Evidence, and a Translation of the Sentence, which condemns the schooner and emancipates the two hundred negroes now remaining alive.

In his Despatch, dated 23d February of this year, His Majesty's Commissary Judge had the honour to call the attention of his Government to the serious inconveniences that were daily arising to the public service by the question not having been settled, which has so many years been pending, as to the necessity of the Captor of a slave-vessel appearing before the Mixed Commission. His Majesty's Commissioner ventured to state that no moment could be more favourable than the present for prevailing on the Spanish Government to recal the Instructions which they have given on this subject to their representatives in the Mixed Commission; and he grounded his opinion on the fact that, while the transfer of negroes to Trinidad had changed entirely the aspect of the question, so far as Spain is concerned, the stipulations which His Majesty's Commissioners, on the subject of such transfer, had the honour of concluding with this Local Government, made the Royal Order, which insisted on the presence of the Captor at the Havana, to be considered as peculiarly prejudicial to the Spanish Treasury.

In the present Case of the "*Amalia*," the Captor was at the time in command of the windward station, and yet, notwithstanding the disturbed state of Venezuela, which imperatively required his presence on the South American Coast, he found it necessary to present himself at the Havana in order to procure the condemnation of this small Spanish schooner. It is true that, although His Majesty's Commissary Judge announced his readiness to condemn the "*Amalia*" without any other evidence than that which was produced in Court before the arrival of the "*Vestal*," there was no *legal* evidence before the Court to prove that Captain Jones was entitled to seize the "*Amalia*;" so that, in fact, even had the presence of the Captor been decided by the two Governments not to be necessary to the final adjudication, the Spanish Commissioners would have been still justified in deferring the Sentence. We, therefore, venture to hope that some measures may be taken to render a Communication from the Admiral on the West India Station to the Mixed Commission to be sufficient evidence of those particular vessels, which he shall mention to be provided with Instructions to capture slave-vessels, being duly entitled to make such captures. The British Commissioners know that all vessels on this station, under the Admiral's orders, are supposed to be provided with these Instructions; but it does not follow that their Spanish colleagues ought to be equally convinced of this.

On looking over the Papers of the "*Amalia*," His Majesty's Commissary Judge observed that, according to the Muster-roll, one Englishman and one Irishman were on board among the crew. We, therefore, in conformity with the Instructions conveyed to us in the Earl of Aberdeen's Despatch, dated 11th October, 1830, addressed a Letter to Captain Jones, so that it should be delivered to him at the moment of his entering the harbour. We beg leave to enclose Copies of our Letter and of Captain Jones's Answer, which last proves that it would be very injudicious in us to send home for trial the only one of the two individuals in question who now remain among the crew; he was, therefore, delivered up with the rest to the Captain-General.

Your Lordship will perceive that, according to the Captor's Declaration, only two females were found among the Africans. This circumstance of course renders it impossible, according to the regulations of His Majesty's Government for the Authorities of the Havana, to forward this cargo to Trinidad.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

P. S. It appears from the "*Amalia's*" Papers, that she was boarded in the Congo, on the 13th August last, by His Majesty's brig, "*Charybdis*."

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

&c.

&c.

&c.

First Enclosure in No. 131.

Captor's Declaration in the Case of the "Amalia."

I, WILLIAM JONES, Esq., Captain of His Britannic Majesty's ship, "*Vestal*," hereby certify that, on this 12th day of October, 1835, being in or about latitude 12° north and longitude 62° 55' west, I detained the vessel named the "*Amalia*," sailing under Spanish colours, fitted with a sweep for a pivot-gun, which gun the Master of the schooner declares to have been thrown overboard during the chase, about three p. m. of this day, commanded by Don José Ramon Manene, who declared her to be bound from Rio Congo (Coast of Africa) to St. Jago de Cuba, with a crew consisting of the nominal Captain, eighteen men, and one pretended passenger, and having on board two hundred and one living, and one dead, slaves, viz.—

| | Healthy. | Sickly. |
|------------|----------|---------|
| Men..... | 33 | — |
| Women..... | — | — |
| Boys..... | 164 | 2 |
| Girls..... | 2 | — |

And that the Papers and Documents signed by me on board the said vessel, marked from No. 1 to No. 14, are enumerated in the following List, viz.—

1. List of "*Amalia's*" ship's company and armament.
2. Permission to sail from Admiral Gaston.
3. Naval Passport from Admiral Gaston.
4. Bill of Health.
5. Passport to Señor Baptist Galleano.
6. Contract between Galleano, as real Captain of "*Amalia*," and Manene as second Officer and supposed Captain.

7. Certificate from a Captain Maqueda, of the brigantine, "*San Severo*," that a slave did not die of ill-usage, but of illness and sulkiness.
8. Packet of private Letters, six in number.
9. A Code of Signals between ship and shore concerning the embarkation of slaves.
10. Captain's Baptismal Certificate.
11. A Certificate of the Captain's being able to take charge of a ship from the Commandant at Ferrol.
12. Passport from the Naval Commandant at Santander.
13. A Certificate of his having sailed from Havana to Spain as Mate, &c.
14. A Medal of St. James, with a printed Address from the Canon of Santiago.

Witnessed by
R. BURGESS WATSON, *Lieutenant*.
JON. J. LANCASTER, *Surgeon*.

(Signed) **W. JONES**,
Captain.

Certificate.

I, Henry C. Hawkins, the Officer in charge of the Spanish schooner, "*Amalia*," do hereby certify that, on delivering up this day the negroes to the person authorised by the Captain-General to receive them, there were found on counting them, as will appear by the Receipt annexed to this Certificate, to have been one hundred and sixty-five healthy boys on board at the time of detention; so that at that moment the whole number of living Africans on board was two hundred and two, and not two hundred and one, as was erroneously counted at first, and so stated in Captain Jones' Certificate.

Havana, 26th October, 1835.

(Signed) **H. C. HAWKINS**.

Copy of the Receipt given by Don Felix de Villiers to Mr. Hawkins for the negroes of the "Amalia."

He recibido del Comte. de la goleta apresada, Don Enrique Hawkins, doscientos negros á saber:—

33 varones grandes.
 165 id. pequeños.
 2 mugeres pequeñas.

200

A bordo de la goleta, "*Amalia*," 26 de Octubre de 1835.

(Firmo) **FELIX DE VILLIERS**.

Translation.

I have received from the Officer in command of the captured schooner, Mr. Henry Hawkins, two hundred negroes, viz. thirty-three men, one hundred and sixty-five boys, and two girls.

On board the schooner, "*Amalia*," 26th October, 1835.

(Signed) **FELIX DE VILLIERS**.

Second Enclosure in No. 131.

Abstract of the Evidence in the Case of the Spanish schooner, "Amalia."

27th October, 1835.

MR. HENRY C. HAWKINS, Mate of His Britannic Majesty's frigate, "*Vestal*," and Prize-Master of the "*Amalia*," being sworn, deposed that the Papers which, with the Captor's Declaration, he now delivers into Court, are those which the Captain of the "*Vestal*" delivered to this deponent, as those found on board the detained schooner; that the deponent has not seen the "*Vestal*'s" Instructions to take slave-vessels; that the deponent after leaving the "*Vestal*" came straight to the Havana, without touching anywhere on the way; that two negroes died after the "*Amalia*" left the "*Vestal*," so that the whole number is now reduced to two hundred, which was the number given up to the Captain-General, as appears by the Receipt now delivered in of Don Felix Villiers, authorised by the Spanish Government to receive them; that the Certificate annexed to the Captor's Declaration is signed by this deponent.

José Ramon Manene, aged twenty-nine years, native of Plenche, in the Lordship of Biscay, a Catholic, married, and settled in the place of his birth, being sworn, deposed that he is by profession Mate and actually Master of the Spanish schooner, "*Amalia*;" that this schooner was detained by the English frigate, "*Vestal*," about twenty leagues to the west of the Island of Grenada; that the cause of the detention was the negroes who were found on board; that the said negroes were taken on board in the Rio Congo, on the Coast of Africa, in number two hundred and seven; that they sailed from Africa direct for Trinidad de Cuba; that at the moment of detention two hundred and three slaves remained alive; that on the day following the detention one negro died, and two more on the passage to this port or after arrival in it, so that the whole number alive now is two hundred. That this expedition was originally fitted out at Trinidad de Cuba, from which port the "*Amalia*" sailed on the 11th March last, with Spanish Papers and a cargo of cotton goods, aguardiente, and other articles which this deponent does not at the moment recollect; that nothing of cargo remains now on board except some flour and palm-oil, and this may perhaps have been consumed; that the Papers now produced, viz.—1, the Muster-roll; 2, Contraseña; 3, Royal Passport; and 4, Contract between the deponent and Don Juan Galleano, are truly the Ship's Papers with which the schooner, "*Amalia*," was sailing at the moment of her detention, and which the Captors then took possession of; that four sailors, whose names are in the Muster-roll, deserted at San Tomas, from which Island the "*Amalia*" proceeded to the Coast of Africa; that on the return, previous to detention, the Cook died; that on the Coast of Africa a free negro call Leandro was embarked, and a white boy at St. Thomas, who was known on board by the name of Puerto Rico, he having been born there; that the Owners of this vessel are Don Juan Hidalgo, his wife, and sons, who live in Trinidad; that the Supercargo is Don Juan Galleano, who was in the "*Amalia*" as passenger at the moment of detention; that the deponent was appointed Captain of the "*Amalia*" by this Galleano.

Juan Lorenzo, aged fifty years, native of Savoy in Italy, and resident in Trinidad de Cuba, unmarried, and a Catholic, being sworn, deposed that he is Boatswain of the merchant-schooner, "*Amalia*," which was detained to the west of the Island of Grenada; that the deponent has arrived in this port in the said schooner, under charge of a Prize-Master, the vessel having been seized by the English frigate, "*Vesta*," on account of having African negroes on board; that two hundred and seven such negroes had in fact been taken on board in the Rio Congo, from which they sailed for Trinidad in this Island, on the 2d or 3d of September; that from the said Port of Trinidad the "*Amalia*" had departed on the 11th March last, with a cargo of dry goods, aguardiente, gunpowder, &c., and Spanish Papers; that two hundred and three negroes were alive at the time of the detention; that one died the day after and two since, so that only two hundred are now alive; that the "*Amalia*" sailed direct from Trinidad for the very place on the Coast of Africa where they landed her cargo and took on board the slaves; that the Captain of the "*Amalia*" is José Ramon Manene, the Supercargo Don Juan Galleano, and the Owner a merchant of Trinidad de Cuba, called Don Juan Hidalgo; that no cargo remains at this moment on board, the little there was having been articles for the use of the negroes and crew, and which have been consumed.

23d November, 1835.

William Jones, Esq., Captain of His Britannic Majesty's frigate, "*Vestal*," being sworn, and having exhibited his Instructions to detain slave-vessels, deposed that the Declaration now produced, and written in the English language, and dated the 7th of October last, is signed by this deponent, and is the same which this deponent gave to Mr. Henry C. Hawkins, as Prize-Master of the Spanish schooner, "*Amalia*." That the mistake in the number of negroes on board at the time of detention, as stated in this deponent's Declaration, has been mentioned to this deponent by Mr. Hawkins; that it can only be accounted for by the inevitable confusion which occurred on board the schooner at the time of her detention; that Mr. Hawkins must be right, since he delivered up two hundred slaves to the Captain-General, whereas, had the deponent's Declaration been correct, the number of slaves to be delivered up could only have amounted to one hundred and ninety-nine, since he understands two negroes died on the passage to this port.

Mr. John J. Lancaster, Surgeon of the "*Vestal*," and Mr. Rundel Burges Watson, Lieutenant, identified their respective signatures to the Captain's Declaration.

Don Juan Bautista Galleano, aged thirty years, a native of Genoa, and resident in Trinidad de Cuba, a Catholic, and unmarried, being sworn, deposed that he is by profession Supercargo of the Spanish schooner, "*Amalia*," although in the Muster-roll he is only entered as passenger; that the bozal negroes found on board have been the cause of the "*Amalia's*" detention when off Grenada, by the British frigate, "*Vestal*;" that two hundred and seven negroes had been taken on board in the Rio Congo, on the African Coast; that two hundred and three were alive at the moment of detention; that the deponent knows not how many have died since, as he was, at the time of the capture, transferred with the greater part of the "*Amalia's*" crew on board the "*Vestal*;" that this deponent sailed from Trinidad in this Island, but forgets the exact day of their departure; that they had Spanish Papers for San Pablo de Loanda, and a cargo of dry goods, spirits, gunpowder, and muskets; that they touched at the Island of St. Thomas, but never were at San Pablo de Loanda; that from St. Thomas they proceeded direct to the Rio Congo, where they landed their cargo and received in lieu thereof two hundred and seven negroes; that of the Papers now produced, viz., the Muster-roll, Contraseña, Passport, and Contract, the deponent only recognises the Muster-roll as being that of the "*Amalia*," and the Contract as being signed by him; that the Captain, according to the Ship's Papers, is Don José Ramon Manene, but that in fact, as well appears by the aforesaid Contract, and a Paper now produced in Court by the deponent as an engagement of the "*Amalia's*" crew to obey his orders, the true command of the "*Amalia*" was vested in this deponent, who was nominally passenger and Supercargo; that the Owners are various, but this deponent only recollects the name of Don Juan Martín Hidalgo, the Consignee; that no inhabitant of Jamaica, or individual of the English Nation is interested in the expedition; that there was no cargo remaining on the voyage home; that the deponent and his companions have been treated with the greatest humanity on board the "*Vestal*."

Third Enclosure in No. 131.

Sentence in the Case of the Spanish Slave-schooner, "Amalia."

(Translation.)

In the Always Most Faithful City of the Havana, on the 23d day of November, 1835, the Most Excellent Señor Don José Maria de Herrera y Herrera, Conde de Fernandina, Procer del Reyno, Grandee, &c., and Don William Sharp Macleay, the Spanish and English Commissary Judges of the Mixed Commission established in the said city, in virtue of that Treaty between their Britannic and Catholic Majesties which prohibits their respective subjects from entering upon the traffic in African slaves, being met together, and having taken into their consideration the proceedings consequent upon the capture which the British frigate, "*Vestal*," commanded by Captain William Jones, made of the Spanish merchant-schooner, "*Amalia*," Don José Ramon Manene, Master, in latitude 12° north, longitude 75° 32' west, near the Island of Grenada, on the 7th day of October last, when she had on board, at the time of detention, a cargo of two hundred and three bozal negroes, of whom one died the following day, and two afterwards; and it being completely proved, as well by the Declaration of the Spanish Captain as by those of the other witnesses examined, and above all by the Documents found on board the aforesaid schooner at the moment of her detention, that she sailed from the Port of Trinidad de Cuba, on the 11th of March of this present year, with Spanish Papers and a cargo, for San Pablo de Loanda, and that she made straight for the Rio Congo, on the Coast of Africa, where she took on board two hundred and seven slaves, who were reduced by deaths to two hundred and three at the time of detention, and afterwards to two hundred, which was the number received by the Spanish Authorities, as appears by Receipt dated the 26th October of the present year. Whereupon the Commissioners resolved that they do declare, and ought to declare, with all due regard to the merits of the Case, and according to the usual brief and summary mode of proceeding adopted in all

such cases, on the truth being made known, that the capture of the above-mentioned schooner, "*Amalia*," is good and legal, as well as that of the two hundred negroes who still are alive; and that the said schooner is subject to confiscation, with all her tackle, apparel, and every thing that may have been on board, all except the aforesaid two hundred negroes, who are declared hereby to be free from all slavery and captivity.

In consequence the Commissioners resolve that this condemned vessel, and all that belongs to her, shall be valued by the principal Masters of the Royal Dock-yard, they being previously sworn to perform the duty faithfully; and further, that she be brought to public sale before the Public Scrivener, Don Manuel Fornari, who shall be commissioned to that effect, and that when she is so sold, the produce of such sale shall be applied to the benefit of the two Governments; the said schooner being for the present placed in deposit under the charge of Don Jayme Andreu, who shall likewise take an oath to perform his duty faithfully, and who shall receive her from the Captors by formal Inventory. And the Commissioners shall proceed without further loss of time to deliver, by means of their Secretary, to the above-mentioned two hundred negroes their respective Certificates of emancipation, according to the customary form, and they shall address a Letter with an official Copy of this Sentence to his Excellency the Governor and Captain-General, as well that he may take the proper measures to give it effect as because the various individuals of the crew of the aforesaid schooner, "*Amalia*," remain at his Excellency's disposal. And by this their sentence, definitively deciding, thus have the Commissioners provided, ordered, and signed in the presence of their Secretary, who certifies.

(Signed) JUAN FRANCISCO CASCALES,
Secretary.

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

Fourth Enclosure in No. 131.

His Majesty's Commissioners to Captain Jones.

SIR,

Havana, 4th November, 1835.

On the inspection of the Papers of the Spanish schooner, "*Amalia*," which you have sent in here for adjudication, we have observed that, unfortunately, according to the Muster-roll, there would appear to have been two British subjects on board this slave-vessel at the time of her capture. In conformity with the particular Instructions which we have received from Government on this subject, we have to request that you will forthwith make the necessary examination with respect to the individuals of the "*Amalia's*" crew, who may have been transferred by your orders on board His Majesty's ship, "*Vestal*," and that if you should conceive, on such examination, the two persons in question to be native-born subjects of His Majesty, you will not deliver them up with the Spaniards to the Authorities of this Island, but place them at the disposal of the Commander-in-Chief of His Majesty's squadron on this station, in order that they may be sent to England for trial by the first convenient opportunity.

In the event of your deeming them to be British subjects, it will be our duty then to transmit to His Majesty's Government a duly certified Copy of the aforesaid Muster-roll.

Captain Jones, R. N.
His Majesty's ship, "Vestal."

We have, &c.
(Signed) W. S. MACLEAY.
E. W. H. SCHENLEY.

Fifth Enclosure in No. 131.

Captain Jones to His Majesty's Commissioners.

GENTLEMEN,

*His Majesty's ship, "Vestal," off Havana,
21st November, 1835.*

I HAVE the honour to acknowledge the receipt this day from Mr. Hawkins of your Letter to me of the 4th instant, relative to two supposed British subjects having been among the crew of the "*Amalia*," Spanish schooner, at the time of her capture.

I have, in compliance with your request, examined anew into this matter, and I have no reason to suppose that the Muster-roll of the "*Amalia*" is more correct on this point than on several others, which we found to be erroneous. I have no proof whatever that any of her crew are native-born subjects of His Majesty. The only one remaining here, who is described on the Muster-roll as belonging to England, declares that he was born at New York; another who appeared there as being from Ireland, quitted the "*Amalia*" on the Coast. I therefore, in the absence of all proof of the fact, beg leave to decline any proceedings against any of this crew, as being native-born subjects of His Majesty.

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

I have, &c.
(Signed) W. JONES,
Captain.

No. 132.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 11, 1836.)

MY LORD,

Havana, 30th November, 1835.

SIX slave-vessels have arrived here from Africa during the present month, viz., five Spanish, the brig, "*Alcatras*," — Alamella, Master, on the 3d instant;

the schooner, "*Tres Manuelas*," — Marquez, Master, on the 8th instant; the brig, "*Severo*," Joaquin Maqueda, Master, on the 12th; the schooner, "*Amable Salomé*," José Rivez, Master, on the 23d; with the schooner "*Cristineta*," — Viol, Master, on the 24th; and one Portuguese brig, the "*Fortuna*," A. Angueira, Master, on the 12th instant.

On the subject of the five Spanish vessels we have received the usual form of answer from the Captain-General.

We are sorry to say that six Spanish vessels have sailed from Africa during the month, viz., the brig, "*Vencedor*," — Cabrera, Master, on the 6th instant; the two schooners, "*Flor de la Mar*," Manuel Espinosa, Master, and "*Matilde*," — Arrarte, Master, both on the 8th instant; the "*Atalaya*," — Sust, Master, on the 16th; and the corvette, "*Adelaide*," — Pullor, Master, on the 22d.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

P. S. The schooner "*Atalaya*" had sailed for Africa on the 13th ultimo, but was obliged to put back into port, in consequence of stress of weather.

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

&c.

&c.

&c.

No. 133.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 11, 1836.)

MY LORD,

Havana, 1st December, 1835.

WITH reference to our Despatch, No. 81, dated 17th ultimo, on the subject of certain advertisements which lately appeared in the "*Noticiosa y Lucero*," announcing the sale of bozal slaves, we now have the honour to enclose the Translation of a Note we have received from the Captain-General, transmitting a Notarial Copy of the Proceedings adopted in consequence of our remonstrance.

It is unnecessary for us to make any remark on such an extraordinary Document, except that it is one among a thousand existing proofs how little His Majesty's Commissioners ought to rely on receiving any aid from the Authorities of the Havana towards suppressing this abominable traffic.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

Enclosure in No. 133.

Don Miguel Tacon to His Majesty's Commissioners.

GENTLEMEN,

Havana, 18th November, 1835.

I ENCLOSE herewith a Notarial Copy of the Proceedings adopted, in consequence of your official Note of the 3d instant, informing me that in the "*Noticioso*" of the day previous bozal negroes were announced for sale, at No. 61, Calle de Cuba, in front of the Church of La Merced, and you will by them learn the result of the search made by my orders, under the advice of the first Assessor-General, *ad interim*, and Lieutenant-Governor, and I hope that you will be convinced as well of the zeal with which I have proceeded, in conformity with the views of both Governments, who have resolved on the abolition of the traffic in slaves, as of my desire to punish the delinquents.

God preserve you many years.

The Commissioners of His Britannic Majesty.

(Signed)

MIGUEL TACON.

Sub-Enclosure in No. 133.

(Translation.)

Proceedings.

Begin with the insertion of the Despatch of His Britannic Majesty's Commissioners, dated 3d November, 1835.

Decree, Havana, 4th November, 1835.

Let the Despatch of His Britannic Majesty's Commissioners, dated the 3d, be instantly referred to the first Assessor-General of Government, in order that he may advise me thereon.

(Signed)

TACON.

Opinion.

MOST EXCELLENT SIR,

IN order to do that which is right in this weighty affair, it is indispensable that the "Noticioso" of the 2d instant, which is mentioned by the British Commissioners in their Note of the 3d, be annexed to the Proceedings, and that the Printer of that Journal appear in the Chambers of the Assessor, in order to be examined on the questions that may be convenient, and also the authors of the advertisements, in order that these proceedings may advance with the greatest secrecy, and in presence of a Public Scrivener, who will return the Documents to the Secretary of the Government when it is necessary. At the same time, it will be advisable that persons of your Excellency's confidence pass instantly to the houses in which the negroes are said to be, in order that they may apprehend them, and deposit them, as well as the Owners, in the event of such negroes being found, and that afterwards the Proceedings be returned to the Secretary's Office, for consultation, in the event of your Excellency not deciding otherwise.

Havana, 5th November, 1835.

(Signed) JOSE ILDEFONSO SUAREZ.

Decree, Havana, 6th November, 1835.

I conform to the above opinion; and, in order that it may be done as therein expressed, let the "Noticioso" in question be annexed to the Proceedings, and the cause be put in the hands of the Scrivener, D. Pedro Vidal Rodriguez, whom I name for that purpose, and I charge the Comisario del Barrio de San Isidro, Don Jorge Labarga, with the duty of surprising the houses and persons mentioned.

(Signed) TACON.

(Here follows Copy of the Captain-General's Note to His Majesty's Commissioners, dated 4th November, 1835.)

Copy of Order to the Comisario de Barrio, Havana, 6th November, 1835.

To D. Jorge Labarga, Commissary of the Ward of San Isidro.—"An advertisement having appeared in the 'Noticioso' and 'Lucero' of the 2d instant, announcing the sale of a Ganga negro, from sixteen to eighteen years of age, in the linen-draper's shop, under the house of Dr. Don Manuel Echevarria, in Plaza del Cristo, and also the sale of bozal negroes in the Calle de Cuba, No. 61, in front of the Church of La Merced, I order you to go directly to the houses in which these negroes are said to be, in order that you may apprehend them, as well as their Owners, in the event of their being found. And you will give me due notice of this duty being performed without loss of time."

(Here follow the two advertisements in the "Noticioso.")

Declaration.

In the Always Most Faithful City of the Havana, on the 7th November, 1835, appeared before the first Assessor-General, *ad interim*, of the Government, Don Carlos Escassi, a native of Cadiz, inhabitant of this city, and Editor of the "Noticioso" and "Lucero," married, and thirty-three years of age, who, in the presence of me the Scrivener, took the oath according to law, under which he promised to say the truth on the following questions which were asked him, viz.—Being asked if the two numbers of the "Noticioso," annexed to these proceedings, at folio 13, and now produced, were published at the deponent's Printing-Office; he said, that they are truly the Papers which this deponent gave to the public on the days that their dates designate. Being asked who had brought to his office the orders or manuscripts which announce, according to the folios 7 and 9, the sale of bozal negroes in one, and of a young negro of the Ganga Nation in the other, he answered, that he has no knowledge whatever of the individuals who brought these Papers, nor can he form any idea as to his person, because it is not the custom that such advertisements should come signed or warranted by any one, and that such Papers are not always received directly by this deponent, since many are left to the first person met with in the office, and that this deponent never takes charge of them until the very moment of correcting the press. Being asked, if in his Publication some regular mode of proceeding be not followed, in order to ensure the responsibility of the press, he answered, certainly, but that his responsibility refers to subjects political, literary, &c., all which have previously to pass through the censorship established by the Government; but that it never has been understood that likewise should be subjected to the censors advertisements of sale, and other notices of like nature, purely domestic, because in these there is no room for malice, nor can they be supposed to give rise to complaints of any sort. Being asked, who of the people of his printing-office usually received such manuscripts, he answered, Don Antonio Ferrer, the chief of the printing-office. And he said, that what he has declared is the truth, in virtue of his oath, and, having read this Declaration, he signed it in the presence of his Lordship, as I testify (a Rubrica).

Before me,

PEDRO VIDAL RODRIGUEZ.

(Signed) CARLOS ESCASSI.

Declaration.

In the Always Most Faithful City of the Havana, on the 7th day of November, 1835, was made to appear, in pursuance of the same cause, Don Antonio Ferrer, a native of Seville, and resident in this city, unmarried, and foreman of the printing-office of the "Noticioso" and "Lucero," about twenty years of age, who, in presence of me, the Scrivener, took the oath according to the legal form, under which he promised to say the truth; and being questioned on the subject of the reference made to him by Don Carlos Escassi, the deponent said, that it is truly his office to receive advertisements, but that sometimes other individuals, who may be more at hand, receive them. Being asked if the two advertisements now produced were given directly into this deponent's hands, he answered, that he cannot recollect, and that it is not easy to answer such a question affirmatively, as every day from forty to fifty persons come to the office with advertisements. And he said that what he has declared is the truth, in virtue of his oath, and having read over his Declaration, he signed it in the presence of his Lordship, as I testify (a Rubrica).

Before me,

PEDRO VIDAL RODRIGUEZ.

(Signed) ANTONIO FERRER.

Declaration.

In the Always Most Faithful City of the Havana, on this 7th day of November, 1835, the Señor First Assessor-General, assisted by me, the Scrivener, and likewise accompanied by Don Antonio Ferrer, foreman of the printing-office of the "Noticioso" and "Lucero," did forthwith pass to the linen-draper's shop of Don Antonio Pumariega, native of the Asturias, and married, whose said shop is at the corner of the Plaza del Cristo, under the house of Doctor Don Manuel Echevarria, and having taken the oaths of the aforesaid Ferrer and Pumariega, according to the legal form, and according to which they offered to declare the truth, Ferrer was asked if the said Pumariega, now present, or his shopman, Don Felix Gorostiza, also present, were either of them the person who brought the advertisement, and Ferrer answered that this is the first time he has ever seen them; and the master of the shop being then interrogated on the same subject, answered, that he not only never sent any such notice to the printing-office, but has no male slave of whom he wishes to get rid, and, consequently, that the said advertisement is false, and perhaps forged by some private enemy. And both these deponents said, that what they have declared is the truth, in virtue of their respective oaths, and having read over their Declarations in presence of his Lordship, as I testify (a Rubrica).

Before me,
PEDRO VIDAL RODRIGUEZ.

(Signed) ANTONIO PUMARIEGA,
ANTONIO FERRER.

Declaration.

In the Always Most Faithful City of the Havana, on the 7th day of November, 1835, and in pursuance of the same cause, the Señor Assessor-General, assisted by me the Scrivener, and by Don Antonio Ferrer, passed forthwith to the house, No. 61, Calle de Cuba, in front of the Church of La Merced, and which is inhabited by the Lady Doña Felipa Alcazar, of honourable station in life, and of whom, as well as the afore-mentioned Ferrer, the oath was taken according to law, and they having both promised to say the truth, the Lady was asked if she had sent to the printing-office of the "Noticioso" any advertisement in which it is expressed that in this house there are bozal negroes for sale: and she answered that she neither has, nor ever has had, bozal negroes for sale—her only slaves being daily labourers whom she possesses with the proper Papers of dominion in due form; that so far from any one having a right to suppose that she is interested in speculations as to bozal negroes, it is sufficient for her to state she is an unmarried Lady, who has enough to do in managing to receive her dues from her negroes who work out for daily hire; that in consequence she supposes there is some mistake in the said advertisement, or perhaps it is the jest of some friend, founded on this circumstance of her possessing daily labourers; that she most solemnly denies having any concern with the advertisement. This Lady being then for greater certainty asked if the mistake could have arisen from any person whom she was in the habit of employing as servant in the house, called a negro named Fulgencio, her coachman, and who she said was the only one she employed for messages; and this negro being placed before Ferrer, this latter said that he had never before seen him, nor did he recollect ever to have received any Paper from his hand. And both these deponents said that what they have declared is the truth, in virtue of their oaths, and signed this Declaration in the presence of his Lordship, as I testify (a Rubrica).

Before me,
PEDRO VIDAL RODRIGUEZ.

(Signed) FELIPA DE ALCAZA,
ANTONIO FERRER.

Writ, Havana, 7th November, 1835.

Let these Proceedings now pass to the Secretary's Office, in order that they be consulted upon, and the proper measures in consequence be taken according to law.

(Signed) TACON.—SUAREZ.—PEDRO VIDAL RODRIGUEZ.

Letter, Office of the Commissary of the Ward of San Isidro.

Most-Excellent Sir,

Havana, 6th November, 1835.

As soon as I received the Despatch your Excellency was this day pleased to send me, I proceeded direct to the linen-draper's shop, in the Plaza del Cristo, and situated at the corner, under the house of Dr. Don Manuel Echevarria, and also to the house No. 61, in the Calle de Cuba, in front of the Church of La Merced, as being the two places mentioned in the "Noticioso" of the 2d instant, the first as the shop in which a Ganga youth, from sixteen to eighteen years of age, is for sale, and the second as the house in which are sold bozal negroes; and as I went with the intention of apprehending these negroes, and their masters, if I could find them, I ought now without loss of time to inform your Excellency that, in company with the Commissary of the Wards of La Fuerza and Santo Angel, I have made a most scrupulous search of both places, and with the full consent of the owners, and have found no negro either in the above-mentioned house or shop.

God preserve your Excellency many years.

(Signed) JORGE LABARGA.

His Excellency the Captain-General and Procer of the Kingdom.

Decree, Havana, 7th November, 1835.

Let the above Letter be added to the Proceedings.

(Signed) TACON. (a Rubrica.)

Decree, Havana, 9th November, 1835.

Let these Proceedings, together with a Copy of the Royal Order of 2d January, 1826, be taken to the Señor Lieutenant-Governor, First Assessor-General, *ad interim*.

(Here follows a certified Copy of the above-mentioned Royal Order.)

Opinion, Havana, 10th November, 1835.

Most Excellent Sir,

These Proceedings have been occasioned in consequence of an official Note from the Commissioners of His Britannic Majesty, dated the 3d instant, and your Excellency having ordered the proper summary investigation to be made, according to my advice given on the 5th instant, and this investigation having been entered upon with the greatest secrecy and promptitude, it has resulted

that neither the Commissary of the Ward, who was charged with the apprehension of the negroes, was able to find them, as appears by his official Note of the 6th instant, nor could I, by means of the foregoing Declarations, which were received on the following day, discover any other fact than the falsehood of the denounced advertisements which appeared in the "Noticioso." Neither the Printer knows the persons who brought them to his office, nor do those individuals, in whose houses the negroes are stated to be for sale, know anything of the advertisements; nor does the profession of one of these individuals, nor the sex of the other, give reason to suspect either of them of selling bozal negroes. Besides they have made their respective denials on oath; while the Printer, on being confronted with them, has declared his not knowing them; so that it is absolutely necessary to suppose that some evil-intentioned person, through the easy medium of the said advertisements, sent anonymously, has endeavoured thus to procure motives for accusing this Government of tolerating the traffic in slaves, and to give rise to the just remonstrances of the British Commissioners; although I may observe that the claim of these Gentlemen with respect to the Ganga negro of the Plaza del Cristo can never be well founded, since, if this negro were of the age announced, it is clear that he could have come into this country before the year 1826, which is the period fixed by the Royal Order of the 2d January of that year. Wherefore the Assessor-General thinks that these proceedings may be superseded, and that a Copy of them ought to be sent to Her Majesty, whom God preserve, for her sovereign information and decision, while another Copy ought to be sent to the British Commissioners, in order that, informed of the result of their denunciation, they may be convinced of the zeal with which your Excellency has thought proper to proceed in this affair, in conformity with the views of both Governments, as to the absolute extinction of the slave traffic; and with this object, and for the purpose of punishing any one who may be guilty of such crimes, and at the same time of preventing false and wicked accusations, the Printers of this city ought to be warned that in future when any one shall bring to their offices like advertisements they shall not insert them in their Papers, but immediately give notice to the Government, in order that such delinquents may be arrested and punished; and in event of not so doing the said Printers should be made to incur a fine of five hundred dollars, and such other punishment as they may be legally liable to. Such is the opinion of the Assessor, with all due deference to the decision which your Excellency may adopt.

(Signed) JOSE ILDEFONSO SUAREZ.

Decree, Havana, 12th November, 1835.

In conformity with the preceding opinion, let the Alguazil Mayor of this Captain-Generalcy, Lieutenant Don Juan José Guerrero, inform the Printers and Editors of the "Diario" of this city, and of the "Noticioso y Lucero," that they are in future to print no advertisements respecting sales of bozal negroes without acquainting themselves first as to the names of the authors, so that the Government, being informed, may direct their being arrested and punished; and that if they, the said Printers and Editors, fail in so doing they shall incur a fine of five hundred dollars, in addition to whatever punishment the law may besides have destined for such proceedings; and let this Decree be annexed to the Proceedings, and delivered to the Scrivener of Government, so that he may forthwith make three Copies, in order that one may be forwarded to Her Majesty, another sent to the Commissioners of His Britannic Majesty, in answer to their Note of the 3d instant.

(Signed) TACON.

Decree, Havana, 12th November, 1835.

The Alguazil Mayor of this Captain-Generalcy, Lieutenant Don Juan José Guerrero, will warn the Editors and Printers of the "Diario" and of the "Noticioso" that, in future, when any person shall bring them an advertisement concerning sales of bozal negroes, they shall not insert them in their respective Papers without first ascertaining the names of their authors, so that the Government, being informed, such persons may be arrested and punished; and that if they, the said Printers and Editors, shall fail in so doing they shall incur a fine of five hundred dollars, in addition to the punishment to which they may be already subject by law. And in order that they may not plead ignorance they shall sign the Notification, and a Copy of this Decree shall be left with them.

(Signed) TACON.

Notification, Havana, 12th November, 1835.

I am informed of the preceding Order, and a Copy of it is left in my possession, as ordered by his Excellency the Captain-General.

(Signed) JOSE TORIBIO DE ARAROSA.

Another, Havana, 12th November, 1835.

I am informed of the preceding Order, and a Copy of it is left in my possession, as directed by his Excellency the Captain-General.

(Signed) CARLOS ESCASSI.

Most Excellent Sir,

Havana, 12th November, 1835.

About two o'clock this day, according to the orders of your Excellency, I went to the printing-offices of the "Diario" and "Noticioso," and left there a Copy of your Excellency's Decree, certified with my own rubrick, and I now communicate the fact for your Excellency's information.

(Signed) JUAN JOSE GUERRERO.

The above is conformable to the originals, which I have returned to the office of the Secretary of Government, and in virtue of superior orders, I have taken the present Copy, in the Always Most Faithful City of the Havana, this 17th day of November, 1835.

(Signed) MANUEL AYEDA.

No. 134.

His Majesty's Commissioners to Viscount Palmerston.—(Rec. Feb. 11, 1836.)

MY LORD,

Havana, 23d December, 1835.

WE are informed by Robert Fair, Esq., Commander of His Majesty's sloop, "Champion," that there are British cruisers on this coast, furnished with Admiralty Instructions to detain Spanish vessels, under a Treaty signed this year between Great Britain and Spain, on the subject of the Slave Trade. Commander Fair has more particularly instanced His Majesty's schooner, "Pincher," Lieutenant Byng, Commander; and he has even claimed the right, according to an Admiralty Letter, dated September last, of acting under this new Treaty himself.

As we have received no authority to act except under the Treaty of 1817, and its additional Articles, signed in December, 1822, we lose not an instant in representing to your Lordship the distressing situation in which we shall be placed by any cruiser not abiding strictly by these particular stipulations. There is no appeal at present from this Mixed Commission, and yet we shall be, according to our oath, bound to condemn the Captors in demurrage, damages, and costs of suit, when in fact, according to Commander Fair's statement, these Officers may only be executing the orders of the Admiralty.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 135.

His Majesty's Commissioners to Viscount Palmerston.—(Rec. Feb. 29, 1836.)

MY LORD,

Havana, 29th December, 1835.

ON the evening of the 12th instant, His Majesty's sloop, "Champion," Robert Fair, Esq., Commander, came into this port with the Spanish schooner, "Diligencia," Don Adolfo de Wallex, Master, which vessel was detained on the 7th instant, on the north coast of this island, in latitude 20° 44' north, and longitude 75° 12' west, on account of having one hundred and thirty-one negroes, from Africa, on board at the time of detention.

It appears from this vessel's Papers that she sailed from the Port of Nuevitas, in this island, on the 9th November, 1834, under the command of Don Felix Casas, with a crew of six men. She then proceeded to the Islands of St. Thomas and Puerto Rico, and at these places took on board eighteen more men, thus making up her complement of twenty-five. She afterwards sailed for the Island of Annabona, and from that place passed to Mayumba, on the African Coast, where she lost her Master, and took on board two hundred and ten slaves, with whom she took her departure back for Nuevitas, on the 21st October last, under the command of the Mate, Don Adolfo de Wallex. There appears to have occurred on board during this voyage back a most dreadful mortality, as of the two hundred and ten negroes only one hundred and twenty were brought alive into the Havana. The unhealthy state of the negroes and crew obliged this Local Government to place the vessel in quarantine on arrival, so that the Mixed Commission was not able to issue its Sentence before the 28th instant. A Copy of this Sentence, condemning the vessel, and emancipating the one hundred and twenty negroes brought alive into the Havana, we have now the honour to enclose to your Lordship, together with an Abstract of the Evidence, and a Copy of the Captor's Declaration.

Although the vessel, and those of the crew on board, were kept in quarantine until the 23d, it is due to the Captain-General to state that the negroes were landed on the 17th instant, which was as soon as his Excellency could establish a temporary lazaretto for them.

The vessel, in order to escape the "Champion," was run on shore near the Punta de Mula, and four of the crew, with sixteen negroes, contrived to get off safely in their boat. We have, however, the honour to enclose a Copy of a Letter

from the Captain-General to His Majesty's Commissary Judge, in which his Excellency states that he has given directions for the apprehension of these fugitives.

Owing to the intervention of the holidays it was necessary to give validity to the proceedings of the Mixed Commission by a Special Act of "habilitacion;" and we take this opportunity of declaring that we have ever found the Spanish part of the Mixed Commission most ready to sacrifice their holidays at the request of His Majesty's Commissioners.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 135.

Sentence in the Case of the Spanish schooner "Diligencia."

In the Always Most Faithful City of the Havana, on the 28th day of December, 1835, the Most Excellent Señor Don José Maria de Herrera y Herrera, Conde de Fernandina, Procer of the Kingdom, Honorary Grandee of Spain of the First Class, &c., &c., and William Sharp Macleay, Esq., the Spanish and British Commissary Judges in the Mixed Commission, established in this city for the Abolition of the Slave Trade, having taken into their consideration the proceedings consequent upon the capture which the English sloop-of-war, "Champion," Don Robert Fair, Commander, has made of the Spanish merchant-schooner, "Diligencia," Don Adolfo de Wallex, Master, in latitude 20° 44' north, and longitude 75° 12' west, with two four-pounders, and a cargo on board of one hundred and thirty-one negroes of both sexes alive, on the 7th of this present month of December, the time of the detention, of whom eleven have since died previous to her entry into this port; and it being fully proved, as well by the Declaration of the Spanish Master as by that of the other witnesses examined, and by the Documents found on board at the time of detention, that this Spanish schooner sailed from the Port of Nuevitas in this island, with Papers for the Island of St. Thomas, where she took on board a cargo of goods proper for the traffic in slaves, and made for the Island of Annabon, where she touched for provisions, and thence sailed direct for Mayumba, on the Coast of Africa, where she took on board two hundred and ten slaves, who were at the time of the detention reduced by death to the above-mentioned number, one hundred and thirty-one, of whom eleven died previous to her arrival in this port, so that there now remain alive only one hundred and twenty. Whereupon the Commissioners resolve that they ought to declare, and hereby do declare, with all due consideration to the merits of the case, and according to the brief and summary mode which has been adopted in all such cases, on the truth being made known, that the capture of the above-mentioned schooner, "Diligencia," as well as everything on board, including the one hundred and twenty bozal negroes of both sexes, is good and legal, and that the said vessel is subject to the penalty of confiscation, together with all her tackle, apparel, and everything in her Inventory, all except the above-mentioned negroes now alive, who are hereby declared free from all slavery and captivity. In consequence thereof it is hereby ordered that the condemned vessel, and all that belongs to her, be valued by the principal Masters of the Royal Dock-yard, they having previously taken an oath to perform the office with fidelity, and that she be then brought to sale by public auction before the Public Scrivener, Don Manuel Fornari, who is hereby duly commissioned for the purpose; and it is ordered that, when sold, the produce of the sale of this vessel be applied to the benefit of the two Governments, she being for the present placed in deposit under the charge of Don Jayme Andren, who shall likewise take an oath to perform his duty faithfully, and shall receive the vessel from the Captor by formal Inventory. The Commissioners shall also proceed, by means of their Secretary, without loss of time, to deliver to the above-mentioned negroes now alive their respective Certificates of emancipation, according to the customary mode, and shall address a certified Copy of this Sentence to His Excellency the Governor and Captain-General, in order that he may take the proper steps to give it effect, and because the crew of the aforesaid schooner now 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.

(Signed) JUAN FRANCISCO CASCALES,

W. S. MACLEAY.

Secretary.

Second Enclosure in No. 135.

Abstract of the Evidence in the Case of the Spanish schooner, "Diligencia."

14th December, 1835.

ROBERT FAIR, Esq., Commander of His Britannic Majesty's sloop-of-war "Champion," being sworn, and having exhibited his Instructions, deposed that the time and place of the detention of the Spanish schooner, "Diligencia," the number of slaves on board, the state of the detained vessel, and all other particulars relative to the said capture, are truly set forth in the Declaration in the English language now given in and signed by this deponent; and, finally, that the Papers now given into Court by the British Commissary Judge, numbered 1 to 4 inclusive, and endorsed by this deponent, are the same Papers found on board the slave-vessel, without addition, subtraction, or alteration whatever, viz. :—

1. Royal Passport;
2. Muster-roll;
3. Paper of MS. Calculations;
4. Log-book;

That this deponent knows not whether any negroes have died in this port on board the "*Diligencia*," as she is in strict quarantine.

Lieutenant Philip Hast, of the said sloop-of-war, "*Champion*," being sworn, deposed to the truth of the contents of the Captor's Declaration, and identified his signature as witness to the same.

Mr. John S. Hampton, Surgeon of the "*Champion*," being sworn, deposed to the truth of the contents of the Captor's Declaration, and identified his signature as witness to the same.

24th December, 1835.

Adolfo de Wallex, native of Bordeaux, in France, a Catholic, and unmarried, deposed that he is Mate of the Spanish schooner, "*Diligencia*," which has been detained to windward on the coast of this island, off the place called Punta de Mula; that the cause of the detention was the African negroes who were found on board: that the schooner was detained and brought into this port by an English sloop-of-war; that two hundred and ten slaves were taken on board the "*Diligencia*" at Mayumba, on the Coast of Africa; that there were very few females among them; that they sailed from Mayumba on the 21st October last; that this deponent does not recollect the exact day on which the vessel was detained; that four sailors escaped in the boat, named Vicente Fujaz, Miguel Sagui, — Machipot, and Juan Herrera, with various negroes, but how many this deponent cannot exactly tell; that more than forty had already died on the voyage previous to the detention; that this deponent thinks there must have been about one hundred and thirty negroes alive on board at the time of detention, but cannot exactly say; that he knows not how many died after the detention, and prior to the arrival in this port, but thinks that, from the day of detention to the time when the Africans were landed in the Havana out of the schooner, twenty may have died; that this deponent sailed from Nuevitas in the said schooner with Spanish Papers, but cannot recollect the day; that the vessel was then commanded by Don Felix Casas, who died on the Coast of Africa, when this deponent took the command as being First Mate; that on leaving Nuevitas they went to St. Thomas, where they completely fitted out the vessel for Africa; that they touched at the Island of Annabon for provisions, and from thence passed to Mayumba, where they landed their cargo, and took on board the slaves who have been detained; that their outward cargo consisted of linen and cotton goods, of gunpowder and a few muskets; that no part of this now remains on board except about thirty muskets and some sabres; that they took on board in Africa sufficient provisions, but owing to a tedious voyage these began, before the detention, to become scarce, and in fact they were at length supplied by the Captors; that the Owner, Master, and Supercargo, was the late Captain, Don Felix Casas, who was also First Mate of the vessel prior to his death, this deponent, who had been Second Mate, merely by that event becoming First Mate, and succeeding to the command; that the Papers now produced, viz., the Muster-roll, Royal Passport, and Log-book, are truly those with which the vessel was sailing at the time of her detention.

José Fricon, native of Marseilles, in France, but residing with his family in the Island of St. Thomas, being sworn, deposed that he is a Catholic, and married, being by profession Third Mate of the Spanish schooner, "*Diligencia*;" that the English sloop-of-war, "*Champion*," detained this schooner on the coast of this island, near Punta de Mula, on account of her having African slaves on board; that two hundred and ten negroes had been embarked at Mayumba on the African coast; that on the day of detention, which was the 7th of this present month, only one hundred and thirty-one Africans remained alive; that at the moment of detention four of the crew escaped with some negroes; that this deponent cannot state how many; that the only names of the four men who escaped which this deponent recollects are Vicente Fujaz and Miguel Segui; that the schooner sailed from Mayumba on the 21st October last; that many negroes died on the voyage previous to detention; that this deponent cannot state how many, nor how many die dafter, prior to their arrival in this port; this deponent thinks, however, that more than twenty-one must have died between the day of detention and the 17th instant, when the negroes were taken to the Lazaretto; that this deponent embarked on board the "*Diligencia*" in St. Thomas; that he does not remember the day; that the Papers of the vessel are Spanish; that this deponent saw them in the hands of Don Felix Casas; that this deponent knows not whether any part of the outward cargo was taken on board at Nuevitas; that the cargo for trade in slaves was certainly taken on board at St. Thomas, and consisted of linen and cotton goods, fire-arms, and gunpowder; that the two hundred and ten negroes were taken on board at Mayumba, on the coast, but that before her arrival there the "*Diligencia*" touched at the Island of Annabon for provisions; that fifteen or sixteen of the fire-arms may still remain on board, with some sabres and two barrels of gunpowder; that all this, with two four-pounders, with which the schooner was armed, have been removed by the Captors; that the Owner, Master, and Supercargo, was Don Felix Casas, who died on the Coast of Africa; that Don Adolfo Wallex succeeded to the command, as being first Officer of the vessel; that the Papers now produced, viz., the Passport, Muster-roll, and Log-book, are truly the Papers of the "*Diligencia*."

Juan Guillermo, native of St. Thomas, and resident there, a Catholic, and unmarried, being sworn, deposed that he is sailor on board the Spanish schooner, "*Diligencia*," which has been brought into this port by the English sloop-of-war, "*Champion*," for having had bozal negroes on board; that these negroes were taken on board at Mayumba, on the Coast of Africa, to the number of two hundred and nine; that the schooner was detained near the Punta de Mula of this island; that this deponent does not recollect on what day they sailed from Mayumba, nor how many negroes died on the voyage back, or after the detention; that some of the crew did certainly escape with several negroes; that perhaps thirteen negroes may have died on board since the detention; that this deponent knows this expedition to have been originally despatched from Nuevitas, but that he embarked on board at St. Thomas, whence they sailed for Africa with a cargo also taken on board at St. Thomas; that this deponent has always understood Don Felix Casas, who died on the Coast, to have been the true Owner, Master, and Supercargo; that Don Adolfo de Wallex succeeded to the command, as being next Officer in command; that not being able to read or write this deponent knows nothing of the Ship's Papers.

Third Enclosure in No. 135.

Captor's Declaration in the Case of the Spanish schooner, "Diligencia."

His Majesty's sloop, "Champion," 12th December, 1835.

I, ROBERT FAIR, commanding His Britannic Majesty's sloop "Champion," hereby declare that on the 7th day of December, 1835, in or about latitude 20° 44' north, and longitude 75° 12' west, I detained the schooner named "Diligencia," sailing under Spanish colours, armed with two guns, namely two four-pounders, thirty-nine muskets, and thirty-nine sabres, commanded by Don Adolfo de Wallex (her late Captain Don Felix Casas having died on the passage home) who declared her to be bound from Mayumba, on the Coast of Africa, to Nuevitas, in the Island of Cuba, with a crew consisting of twenty-two men (seven of whom are said to have embarked at Nuevitas and fifteen at St. Thomas) whose names, as declared by them respectively, are inserted in a List on the other side hereof, and having on board one hundred and thirty-one slaves, said to have been taken on board at Mayumba on the 21st of October, 1835, and are enumerated as follows:—

| | Healthy. | Sickly. | Dead. |
|-----------------|----------|---------|-------|
| Men | 50 | 3 | 7 |
| Women | 19 | 0 | 1 |
| Boys | 10 | 1 | 0 |
| Girls | 35 | 2 | 3 |
| Total | 114 | 6 | 11 |

I do further declare the names of the crew to be as follows:—

| Names. | Quality. | Names. | Quality. |
|---------------------------|----------|---------------------------|----------|
| Adolfo de Wallex | Captain | José Alcalá | Seaman. |
| Pedro Roiser | | Vicente Romero | " |
| Dominic Pavon | Cook | Juan Dalí | " |
| Benito Castillo | Seaman | Antonio Andrade | " |
| Juan Pubit | " | Juan Dominguez | " |
| Clemente Gonzalez . . . | " | Baltazar Lorenzo | " |
| José Fricon | Mate | Juan Vicente | " |
| Juan Guillermo | Seaman | Eduardo Guzman | " |
| Baptiste Bertrand | " | Francisco Ponce | " |

I do further declare that the Paper-Writings and Documents annexed, endorsed by me, and marked from No. 1 to 4 inclusive, were delivered to me by the Master of the said schooner, and that the same are now given in to His Britannic Majesty's Commissary Judge in the same plight and condition as when so received by me, without any fraud, addition, subduction, alteration, or embezzlement whatever, save the numbering and marking thereof.

I do further declare that the said schooner appeared to be seaworthy, and was supplied with a sufficient stock of water, but not of provisions (the "Champion" having to supply her during her passage to the Havana) for the said negroes and crew on their destined voyage to Nuevitas.

I do further declare that the said schooner was in a clean state, but the appearance of the negroes unhealthy.

I do further declare that in the interval between the capture of the said schooner and her arrival in the harbour of Havana eleven negroes have died.

And I do further declare that, from the testimony of the crew detained, four men (part of the crew) with sixteen negroes, escaped to the shore in the boat, the schooner having been run upon a reef of rocks, previous to the "Champion's" boats being able to get on board and take possession of her.

(Signed) ROBERT FAIR,
Commander.

Witnessed by
PHILIP HAST, *First Lieutenant.*
J. S. HAMPTON, *Surgeon.*

Fourth Enclosure in No. 135.

His Excellency the Captain-General to the British Commissioners.

(Translation.)

SIR,

Havana, 14th December, 1835.

I HAVE issued the proper Order to one of the Commandants of Patrol, directing him to pass immediately on board His Britannic Majesty's corvette, "Champion," and take the thirteen individuals of the crew of the schooner, "Diligencia," who are in the vessel-of-war, to the Castle de la Fuerza, there to be held at the disposal of the Mixed Commission during its proceedings in this cause. The said Officer is likewise ordered to obey the directions of the Most Excellent Señor Conde de Fernandina, so that these individuals may be brought forward to give their evidence whenever it may be required. The five other men of the "Diligencia's" crew who remain on board the detained schooner will land under the same orders and circumstances, as soon as the vessel can be admitted to *pratique*. As to the four men who have escaped on shore at Cape Moa, carrying with them sixteen negroes, I

have issued the requisite Instructions to the Most Excellent Señor Governor of the Province of Cuba, directing him to seize them and transfer them to this capital. All which I now state to you in answer to your Communication of the 12th instant.

God preserve you many years.

(Signed)

MIGUEL TACON.

His Britannic Majesty's Commissary Judge,
&c. &c. &c.

No. 136.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 29, 1836.)

MY LORD,

Havana, 31st December, 1835.

WE have the honour to inform your Lordship that during this present month five Spanish slave-vessels have sailed for the Coast of Africa, viz. the brig, "*El Mismo*," J. B. Pereira, Master, and the schooner, "*Mariposa*," P. Oliver, Master, on the 3d instant; the schooner, "*Segunda Gallega*," ——— Rodriguez, Master, on the 6th; the brig, "*Aguila*," ——— Fernandez, Master, on the 9th; and the schooner, "*Amable Salome*," Miguel Hernandez, Master, on the 19th.

We have also to inform your Lordship of the arrival of six Spanish slave-vessels from Africa, which have all been regularly denounced by us to the Captain-General, viz.:—the schooner, "*Pronta*," ——— Sanmarte, Master, on the 4th; the polacca, "*Catalana*," Ramon Clavell, Master, on the 13th; the two schooners, "*Mosca*," Leoncio Ribero, Master, and the "*Deseada*," ——— Bernardo, Master, both on the 16th; the brig, "*Vengador*," A. Ximenes, Master, on the 17th; and the schooner, "*Tragamillas*," P. Garcia, Master, on the 26th instant; the Portuguese slave-schooner, "*Josefina*," ——— Carrera, Master, also came into port on the 25th instant.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 137.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 29, 1836.)

MY LORD,

Havana, 31st December, 1835.

WE have the honour to transmit herewith Copies of the Registers of the slaves emancipated by decrees of this Mixed Commission during the year 1835.

In the interval between the delivering up of the Africans by the Captors to the Captain-General, and the issuing of their respective Certificates of emancipation, there have died according to the reports of the Captain-General, viz.:—

| | | |
|--------------|-------------------------|-----|
| On board the | "Maria". | 1 |
| " | "Tulita" | 4 |
| " | "Chubasco" | 0 |
| " | "Joven Reyna" | 0 |
| " | "Marte". | 77 |
| " | "Tita". | 1 |
| " | "Amalia" | 0 |
| " | "Diligencia" | 26 |
| | Total | 109 |

The mortality on board the "*Marte*" and "*Diligencia*," has been dreadful. Out of more than 600 embarked on board the former vessel, only 326 lived to receive their Certificates of emancipation.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

Enclosure in No. 137.

Abstract of the Registers of Negroes who have received their Certificates of Emancipation from the Mixed Commission during the Year 1835.

| No. | Names of Vessels condemned. | Males. | Females. | Totals. |
|-----|-----------------------------|--------|----------|---------|
| 1 | Maria | 271 | 69 | 340 |
| 2 | Tulita | 238 | 98 | 336 |
| 3 | Chubasco | 146 | 84 | 230 |
| 4 | Joven Reyna | 194 | 60 | 254 |
| 5 | Murte | 257 | 69 | 326 |
| 6 | Tita | 257 | 135 | 392 |
| 7 | Amalia | 198 | 2 | 200 |
| 8 | Diligencia | 70 | 24 | 94 |
| | Total | 1,631 | 541 | 2,172 |

No. 138.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 29, 1836.)
 My LORD, *Havana, 1st January, 1836.*

IN pursuance of the Act of Parliament, 5th Geo. IV., entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade,"

We have the honour now to enclose a Return of the Cases adjudicated in this Court of Mixed Commission during the last six months.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

Enclosure in No. 138.

Return of Spanish Slave-vessels brought before the Mixed Commission at the Havana, for Adjudication, between 1st July 1835 and 1st January 1836.

| Name of the Vessel. | Date of Seizure. | Property Seized. | Name of Seizor. | Date of Sentence. | Decretal part of the Sentence, whether Forfeiture or Restitution. | Whether Property Condemned has been Sold or remains Unsold, and in whose hands the Proceeds remain. |
|----------------------|------------------|-----------------------------|---|-------------------|---|--|
| Tita | 29 June 1835 | Schooner, with 394 Slaves. | Commander, Evan Nepean, of H. M.'s Ship, "Serpent." | 14 July 1835 | Forfeiture. | This vessel, tackle, &c., were sold at public auction, nothing remaining unsold, and the British moiety of the proceeds has been remitted to the Lords of the Treasury. |
| Amalia | 7 October | Schooner, with 200 Slaves. | Capt. W. Jones, of H. M.'s Frigate, "Vestal." | 23 November | Ditto. | This vessel, tackle, &c., have been sold, but the accounts are not yet closed so as to admit of the British moiety of the proceeds being remitted to His Majesty's Government. |
| Diligencia | 7 December | Schooner, with 131 Slaves. | Commander, R. Fair, H. M.'s Sloop, "Champion." | 28 December | Ditto. | This vessel, tackle, &c., remains in deposit under the charge of Don Jayme Andreu. |
| General Laborde | 23 December | Brigantine, with no slaves. | Ditto. | None yet given. | Undecided. | This property is still unadjudicated. |

W. J. MACLEAY.

EDWARD W. H. SCHENLEY.

No. 139.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 29, 1836.)
(Extract.)

MY LORD,

Havana, 1st January, 1836.

NEVER since the establishment of this Mixed Commission has the Slave Trade of the Havana reached such a disgraceful pitch as during the year 1835.

In the year 1834, according to the List No. 1, which we have the honour to enclose, 62 slave-vessels, of which two were Portuguese, sailed from the Havana. This is twice the number that sailed in 1832. Of the 60 Spanish vessels, no less than 33 have safely landed their cargoes; while 12 have been captured by His Majesty's Cruizers, and the fate of 15 remains to be ascertained. The two Portuguese vessels landed their slaves in safety.

In the year 1835, as your Lordship will perceive from the enclosed List No. 2, no less than 80 vessels have sailed from the Havana, of which two are Portuguese. This is by far the greatest number of slave-vessels that has ever sailed for the Coast of Africa from this Port in any one year. Of the Spanish vessels, 17 have already returned and landed their cargoes.

By the 3d List, which we have the honour to enclose, it will be seen that 50 slave-vessels have safely arrived in this port during the year just expired. Of these, no less than eight are Portuguese. In 1833, there were 27 arrivals, and in 1834, thirty-three; but 1835 presents a number, by means of which there must have been landed, at the very least, upwards 15,000 negroes.

We beg leave also to enclose No. 4, a List of Departures during 1835 from the Out-ports of the Island, and No. 5, a List of Arrivals at the same. These two documents, however, ought, for obvious reasons, to be considered very imperfect.

It is extremely difficult for us to point out how far this unfortunate increase of the traffic may be owing to the conduct of the present Captain-General, and still more difficult is it for us to separate the effect of His Excellency's own peculiar feelings on the subject from that of any private instructions which he may have received from his Government.

We are satisfied that His Excellency is himself too pure and disinterested to have personally any pecuniary concern with the traffic; but the universally credited fact of money being raised for Public Works, on every negro clandestinely landed, must doubtless contribute in the eyes of the Slave Traders to give a legal aspect to this commerce in human flesh.

The actual high price of Colonial Produce, which has risen here most remarkably in value since the Emancipation of the Negroes in the British Colonies, is, without doubt, one of the principal causes of the increase in the demand for Africans. To this we may add, the security afforded to such illicit speculations by the unprincipled Insurance Offices, and the general feeling that the great decrease of Cholera Morbus around the Havana now enables the planters, without danger, to replace those slaves who perished during 1833 and 1834 in consequence of that devastating scourge.

But we believe that no cause is more powerful in occasioning the present demand for Africans, than the universal belief, now prevailing among the planters, that this disgraceful Traffic is at length drawing near to its close. The proprietors of estates are now buying before, as they imagine, it may be too late; and the Slave Traders, irritated at the new Treaty, continue the traffic, not only from the great additional value attached by it to their importations, but from the feeling that, if they now run greater risks, they also gratify their rancour against England.

It must be confessed that this last-mentioned class of persons do not appear to think that their favourite career can be so readily arrested. Some of them have even been heard to say that Great Britain in vain labours to extinguish this commerce as long as the American Government refuses to aid in the cause of Abolition, and while American vessels are ever ready to assist the Spanish Slave Trader in his various schemes to elude punishment.

On the first report of a new Treaty having been concluded between Great Britain and Spain on the subject of the Slave Trade, the Insurance Offices refused to insure for the African trade, and slave-vessels for a time ceased to sail for the coast. An Article in the "Times" newspaper produced this remarkable change in the Havana; but, soon after, private letters arrived from Madrid which altered the public opinion. The Insurance Offices recommenced their operations by engaging

only to ensure the voyages of slave-vessels alone; vessels instantly began to sail for Africa, and now the only visible effect of the reported new Treaty, is an increased rate of premium out and home, with an augmented price of negroes.

Whether this low estimate of the efficacy of the new Treaty be owing to any hope in the minds of the Slave Traders that they will be able to avoid its effects by means of the Americans, we know not; but the Havana has been some time in possession of its stipulations, as they appeared in a Madrid newspaper, called the "Abega." Many of the Slave Traders, however, still believe that this Treaty will never be ratified; although His Majesty's Commissioners are informed that several British Cruizers on the coast are already provided with instructions under it to make seizures.

We observe from the Papers laid before Parliament, that the Spanish Government has been interceding with your Lordship in favour of the masters of two vessels condemned at the Havana. We cannot help thinking this to be little better than mockery on the part of those who urged the Court of Madrid to make this application. We believe we may venture to affirm that neither of the individuals in question was ever sent to the Philippine Islands, and we suspect the true motive for this appeal to His Majesty's clemency to have been no other than that they might thus be allowed to return to the command of slave-vessels. Accordingly one of them, Don Felipe Rebel, did actually sail on the 28th of July last, in command of the slave-schooner "*Isabeleta*," for Africa.

In the spring of last year, an American agent from Texas purchased in the Havana 250 newly imported Africans, at 270 dollars per head, and carried them away with him to that district of Mexico, having first procured from the American Consul here Certificates of their freedom. This perhaps would have been scarcely worth mentioning to your Lordship, had we not learned that within the last six weeks considerable sums of money have been deposited by the American citizens in certain mercantile houses here, for the purpose of making additional purchases of bozal negroes for Texas. According to the laws of Mexico, we believe such Africans are free, whether they have Certificates of freedom or not, but we doubt much whether this freedom will be more than nominal under their American masters, or whether the whole system may not be founded on some plan of smuggling them across the frontier into the Slave States of the Union. However this may be, a great impulse is thus given to the illicit traffic of the Havana; and it is not easy for us to point out to what Government remonstrances ought to be made on the subject, since the American settlers in Texas are almost as independent of American authority, as they are of Mexico. These lawless people will, doubtless, moreover assert that they buy negroes in the Havana with a view to their ultimate emancipation. We thought the first experiment to be of little consequence, but now that we perceive fresh commissions arriving in the Havana for the purchase of Africans, we cannot refrain from calling your Lordship's attention to the fact as being another cause for the increase of Slave Trade in the Havana.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 139.

List of Slave-vessels which have sailed from the Port of Havana for Africa during the Year 1834.

| No. | Date. | Nation. | Schooner. | Name of the Vessel. | Name of the Master. | Remarks. |
|-----|----------|-------------|-----------|---|---|---|
| 1 | 5 Jan. | Spanish. | Schooner | Especulacion | Jose Bravo | Sailed for Cape de Verds. |
| 2 | 10 " | " | Brig | Empresa | Esteban Gattel | Returned 8th August 1834. |
| 3 | 3 Feb. | " | " | Urraca | Gumesindo Loureiro | Returned 10th Nov. 1834. |
| 4 | 3 " | " | " | Solitario | Jose de Inza | Sailed for Santomé. |
| 5 | 6 " | " | " | Diogenes | Juan Maqueda | Returned 16th Nov. 1834. |
| 6 | 16 " | " | Schooner | Pronta | Pedro Maegat | Returned 27th August 1834. |
| 7 | 23 " | " | Brig | Feliz | Guillermo Pons | Sailed for Santomé. |
| 8 | 4 March. | " | Schooner | { No. 2, alias la Paz, alias Carlota } | F. Loureiro | { Destroyed by His Majesty's ship "Nimble," and con- demned at the Havana. |
| 9 | 6 " | " | " | Conchita | Victoriano Laguna | Sailed for Santomé. |
| 10 | 17 " | " | " | Belencita | Santiago Alonzo | Returned 8th Sept. 1834. |
| 11 | 24 " | " | " | Tulita | Gabriel Perez | { Captured by His Majesty's ship "Racer," and con- demned at the Havana. |
| 12 | 24 " | " | " | Mosca | Juan Rodriguez | Returned 6th Oct. 1834. |
| 13 | 2 April | " | Brig. | Isabel II. | Benito Pereyra | Returned 10th Dec. 1834. |
| 14 | 18 " | " | " | Marinero | R. Nosedal | Returned 23d Jan. 1835. |
| 15 | 18 " | " | " | Chubasco | Geronimo Garcia | { Captured by His Majesty's ship "Racer," and con- demned at the Havana. |
| 16 | 21 " | " | " | Clemente | Miguel Bertmotti | Condemned at Sierra Leone. |
| 17 | 23 " | " | Schooner | Bella Inez | Francisco de los Reyes | Returned 23d Oct. 1834. |
| 18 | 4 May | " | " | Paulina | Feliciano Sust | Returned 15th Nov. 1834. |
| 19 | 11 " | " | " | Sutil | Juan Tremuel | Condemned at Sierra Leone. |
| 20 | 11 " | " | " | No. 1, alias Rosalia | N. Vaher | Returned 16th Dec. 1834. |
| 21 | 19 " | " | " | Deseada | Narciso Esteva | Returned 19th Dec. 1834. |
| 22 | 21 " | Portuguese. | Brig | Fenix | — Barbosa | Returned 15th Aug. 1835. |
| 23 | 21 " | Spanish. | Schooner | Mariposa | Bias Garcia Vior | Returned 6th Jan. 1835. |
| 24 | 2 " | " | " | Gazeta | Joaquim Andreacain | Returned to Matanzas. |
| 25 | 2 " | " | Brig | Volador | Antonio Marques | Sailed for Santomé. |
| 26 | 28 " | " | Polacca | Joven Reyna | Miguel Martorell | { Captured by His Majesty's sloop "Arachne," and con- demned at the Havana. |
| 27 | 6 June | " | Brig | Formidable | Jose Benito Pereyra | Condemned at Sierra Leone. |
| 28 | 16 " | " | Schooner | Carmen | Juan Capdevila | Returned to Matanzas. |
| 29 | 26 " | " | Brig | Elmismo | Juan Pujol | Returned 17th December. |
| 30 | 26 " | " | Schooner | Lucecita | Antonio Esteves | Returned 9th Jan. 1835. |
| 31 | 27 " | " | " | { Bienvenida, alias Mercedita } | Jose Dias Rivera | Condemned at Sierra Leone. |
| 32 | 30 " | " | " | Minerva | Andres Puig | Condemned at Sierra Leone. |
| 33 | 3 July | " | Brig | Slobregat | Jose Antonio de la Vega | Returned 13th Feb. 1835. |
| 34 | 17 " | " | Schooner | Tita | Juan Acosta | { Captured by His Majesty's ship "Serpent," and con- demned at the Havana. |
| 35 | 23 " | " | Brig | General Laborde | Ramon Trillo | Returned 23th March 1835. |
| 36 | 27 " | Portuguese | Ship | Fortuna | Domingo Dangues | Returned 12th Nov. 1835. |
| 37 | 5 August | Spanish | Ship | Socorro | Juan Paoli | Returned 30th April 1835. |
| 38 | 9 " | " | Schooner | Iberia | Juan Casas | Condemned at Sierra Leone |
| 39 | 11 " | " | " | { Tragamillas, alias Correo, No. 1. . . . } | Sebastian Rigo Rivera | Returned 24th Feb. 1835. |
| 40 | 25 " | " | Brig | Temerario | Angel Ximenes | Sailed for Santomé. |
| 41 | 14 " | " | Schooner | Especulacion | Francisco Vinent | Sailed for Santomé. |
| 42 | 21 Sept. | " | Brig | Alerta | — Allende | Returned 8th June 1835. |
| 43 | 21 " | " | " | Empresa | — Garcia | Returned 14th June 1835. |
| 44 | 21 " | " | Schooner | Centinela | | Sailed for Bahia. |
| 45 | 21 " | " | " | Francisca | Fulgencio Martin | Returned 23d May 1835. |
| 46 | 21 " | " | Brig | Portento | Juan B. Sustache | Returned 20th May 1835. |
| 47 | 3 Oct. | " | Schooner | Antonica | Antonio Hernandez | Returned 1st June 1835. |
| 48 | 13 " | " | " | Tres Manuelas | Jose Marques | Returned 8th Nov. 1835. |
| 49 | 13 " | " | Brig | General Mina | — Moreno | Returned 17th July 1835. |
| 50 | 16 " | " | " | Alcatras | — Alamilla | Returned 3d Nov. 1835. |
| 51 | 18 " | " | Schooner | Tres Tomasas | Jose Costa | Returned 8th July 1835. |
| 52 | 20 " | " | Brig | Manuel | Jose Carbo | Condemned at Sierra Leone. |
| 53 | 23 " | " | " | Isabel | Francisco Montero | Returned 24th May 1835. |
| 54 | 5 Nov. | " | Schooner | Pronta | — San Martin | Returned 4th Dec. 1835. |
| 55 | 8 " | " | Brig | San Nicolas | Carlos Botta | Sailed for Bahia. |
| 56 | 28 " | " | Schooner | Bella Inez | J. Pujol | Returned 20th May 1835. |
| 57 | 28 " | " | " | Dido | — Moreno | Sailed for Bahia. |
| 58 | 1 Dec. | " | " | Nueva Amistad | Tomas Cearotti | Sailed for Bahia. |
| 59 | 7 " | " | Brig | Rapido | Jose Maria Alcaín | Sailed for Santomé. |
| 60 | 7 " | " | " | Jacinto | F. Roviroza | Sailed for Bahia. |
| 61 | 13 " | " | " | Mercedita | Vicente Sancho | Sailed for Lagos. |
| 62 | 28 " | " | " | Vigilante | { Juan Bautista Men- chaza } | Sailed for Bahia. |

Recapitulation.

| | | |
|----------------------|---|----|
| Portuguese | Returned and landed cargoes | 2 |
| | { Returned and landed cargoes | 33 |
| Spanish | Condemned at the Havana | 5 |
| | { Condemned at Sierra Leone | 7 |
| | { Fate unknown | 15 |
| | Total | 62 |

Second Enclosure in No. 139.

List of Slave-vessels which have sailed from the Port of the Havana during the Year 1835.

| No. | Date. | Nation. | Class. | Name of the Vessel. | Name of the Master. | Remarks. |
|-----|----------|------------|------------|------------------------------|-----------------------------|--|
| 1 | 2 Jan. | Spanish | Polacca | Minerva | Juan Domenech | Sailed for Maranham. |
| 2 | 19 " | " | Brig | Urraca | Francisco de los Reyes | Returned 24th Sept. 1835. Returned to Trinidad de Cuba. |
| 3 | 19 " | " | Schooner | Flor de la Mar | Fortunato Romero | |
| 4 | 23 " | " | Brig | Aquila Vengadora | Antonio Equigurren | |
| 5 | 25 " | " | " | Ramoncito | — Urquijo | Sailed for Bahia. |
| 6 | 25 " | " | Schooner | Deseada | — Barnadas | Returned 16th Dec. 1835. |
| 7 | 28 " | " | Brig | Severo | J. Maqueda | Returned 12th Nov. 1835. |
| 8 | 29 " | " | " | Diogenes | Eustaquia Noriega | Sailed for San Pablo de Loanda. |
| 9 | 12 Feb. | " | Schooner | Luisita | Juan Pujol | Returned 19th Aug. 1835. |
| 10 | 19 " | " | " | Feliz Vascongada | J. T. Olaquiver | Returned 21st August. |
| 11 | 27 " | " | " | Mariposa | Juan Jose Rodriguez | Returned 13th October. |
| 12 | 4 March | " | " | General Mina | Andres Soto | Returned 13th September. |
| 13 | 4 " | " | Brig | Eloisa, alias Corso | — Bonmati | Returned 13th September. Sailed for Bahia. |
| 14 | 7 " | " | Schooner | Matilde | — Presas | |
| 15 | 8 " | " | Brig | Isabel II. . . . | Antonio Margues | Sailed for Bahia. |
| 16 | 9 " | " | " | Volador | Benito Pereyra | Returned 27th August. Sailed for Lagos. |
| 17 | 9 " | " | Schooner | No. 1, alias Rosalia | Manuel Espinosa | |
| 18 | 9 " | " | " | Manuelita | Geronimo Villar | Sailed for Maranham. |
| 19 | 13 " | " | Polacca | Pepita | Narciso Macia | Returned to Matanzas. |
| 20 | 15 " | " | Brig | Feliz | Antonio Alvarez | Returned 15th October. |
| 21 | 22 " | " | " | El Mismo | J. Pereyra | Returned 23d November. |
| 22 | 1 April | " | Schooner | Amable Salome | Jose Terri | Sailed for Bahia. |
| 23 | 1 " | " | Brig | Gafizo | Jose Mora | Returned 13th December. |
| 24 | 5 " | " | Polacca | Catalina | Ramon Clavell | Sailed for Lagos. |
| 25 | 15 " | " | Brig | Esplorador | Jose Inza | |
| 26 | 18 " | " | " | Cazador Santurzano | Angel Eloriaga | Sailed for Lagos. |
| 27 | 19 " | " | " | Lorenzita | Gabriel Molina | |
| 28 | 27 " | " | " | Marmerito | Gaspar Prals | A Matanzas vessel. Sailed for Cape de Veras. |
| 29 | 2 May | " | Schooner | Gaseta | Joaquin Andrecain | |
| 30 | 2 " | " | " | Semiramis | Santiago Deliz | Returned 23d Dec. 1835 ; detained by His Majesty's ship Champion. |
| 31 | 10 " | " | Brig | Argos | Narciso Estevan | |
| 32 | 19 " | " | B.Schooner | General Laborde | Ramon Trillo | Sailed for San Pablo de Loanda. Ditto. |
| 33 | 23 " | " | Schooner | Felicidad | M. Aldecoa | |
| 34 | 28 " | " | Brig | Cristina | Antonio Esteves | Returned 17th Dec. 1835. |
| 35 | 31 " | " | Polacca | Reforma | Francisco Vinent | A Matanzas vessel. Sailed for Madagascar. |
| 36 | 2 June | " | Brig | Vengador | A. Ximenes | |
| 37 | 5 " | " | " | Clarita | Geronimo Villar | Returned 26th Dec. 1835. |
| 38 | 10 " | " | Schooner | Carmen | Juan Capdevila | |
| 39 | 21 " | " | Ship | Socorro | Antonio Muzard | Sailed for Bahia. |
| 40 | 22 " | " | Schooner | Victorina | — German | |
| 41 | 29 " | " | Brig | Rosarito | — Terragueira | Returned 26th Dec. 1835. |
| 42 | 1 July | " | Schooner | Tragamillas | Pascual Garcia | |
| 43 | 1 " | " | " | Francisca | Jose Mora | Sailed for Madagascar. |
| 44 | 6 " | " | " | Bella Iaes | Juan Pujol | |
| 45 | 6 " | " | Brig | Portento | — Saura | Sailed for San Pablo de Loanda. |
| 46 | 6 " | " | " | Isabel | Francisco Montero | |
| 47 | 6 " | " | " | Casimiro | Juan Tremuel | Sailed for Bahia. |
| 48 | 11 " | " | " | Joven Maria | Jose Garay | |
| 49 | 11 " | Portuguese | " | Margarita | — Moura | Sailed for Lagos. |
| 50 | 12 " | Spanish | Schooner | Norma | — Echavarría | |
| 51 | 19 " | " | " | Tres Tomasas | — Echandia | Sailed for Bahia. |
| 52 | 20 " | " | " | Empresa | — Coloman | |
| 53 | 20 " | " | Brig | Llobregat | J. A. de la Vega | Sailed for Lagos. |
| 54 | 23 " | " | Ship | Alerta | — Allende | |
| 55 | 28 " | " | Schooner | San Hermanas | — Prieto | Sailed for Tenerife. |
| 56 | 28 " | " | " | Agripina | — Bocalandro | |
| 57 | 28 " | " | " | Belencia | — Hevra | Sailed for Tenerife. |
| 58 | 28 " | " | " | Isabelita | Felipe Rebel | |
| 59 | 3 August | " | " | Antonica | Jaccuto Deresauz | Sailed for Tenerife. |
| 60 | 8 " | " | Brig | Diligencia | — Durant | |
| 61 | 12 " | " | Schooner | Recompensa | Manuel Mateu | Sailed for Tenerife. |
| 62 | 1 Sept. | " | " | Primera Galliga | — Martinez | |
| 63 | 2 " | " | Pailebot | Carisima | — Legrand | Sailed for Tenerife. |
| 64 | 4 " | " | Schooner | Ligera | — Podesta | |
| 65 | 13 Oct. | Portuguese | Pailebot | Diligencia | L. Marques | Sailed for Tenerife. |
| 66 | 15 " | Spanish | Brig | Pilar | J. Domenech | |
| 67 | 16 " | " | " | Terpsichore | J. Blanco | Sailed for Tenerife. |
| 68 | 20 " | " | Schooner | Feliz Vascongada | J. T. Olaquiver | |
| 69 | 29 " | " | " | Luisita | — Esteva | Sailed for Tenerife. |
| 70 | 6 Nov. | " | Brig | Vencedor | — Cabrera | |
| 71 | 8 " | " | Schooner | Flor de la Mer | Manuel Espinosa | Sailed for Tenerife. |
| 72 | 8 " | " | " | Matilde | J. M. Arrarte | |
| 73 | 14 " | " | " | Atalaya | Feliciano Sust | Sailed for Tenerife. |
| 74 | 16 " | " | " | Titi | — Carbo | |
| 75 | 22 " | " | Corvette | Adelaida | — Pullar | Sailed for Tenerife. |
| 76 | 3 Dec. | " | Brig | El Mismo | J. B. Pereyra | |
| 77 | 3 " | " | Schooner | Mariposa | P. Oliver | Sailed for Tenerife. |
| 78 | 6 " | " | " | Segunda Gallega | — Rodriguez | |
| 79 | 9 " | " | Brig | Aguila | — Fernandez | Sailed for Tenerife. |
| 80 | 19 " | " | Schooner | Amable Salomé | Miguel Hernandez | |

Recapitulation.

Spanish 78
Portuguese 2

Third Enclosure in No. 139.

List of Slave-vessels which have arrived from Africa in the Port of the Havana during the Year 1835.

| No. | Date. | Nation. | Class. | Name of the Vessel. | Name of the Master. | Remarks. |
|-----|----------|------------|----------------------|--|------------------------|---|
| 1 | 4 Jan. | Spanish | Schooner | Manuelita | Laureano Lopez. | |
| 2 | 6 " | " | " | Mariposa | Guillermo de Cerro. | |
| 3 | 9 " | " | " | Lucita | Antonio Estevez. | |
| 4 | 9 " | " | Brig | Terrible, <i>alias</i> Andaluz | Jasper Prats. | |
| 5 | 23 " | " | " | Marinerito | Ramon Nosedal. | |
| 6 | 6 Feb. | Portuguese | " | Firmeza | A. J. Frias. | |
| 7 | 13 " | Spanish | " | Llobregat | J. Antonio de la Vega. | |
| 8 | 24 " | " | Schooner. | { Tragamillas, <i>alias</i> Correo, No. 1 . . } | Pascual Garcia. | |
| 9 | 21 March | " | Brig | Cazador | Angel Eloriaga. | |
| 10 | 28 " | " | " | General Laborde | Ramon Trillo. | |
| 11 | 9 April | Portuguese | " | Maria II | — Farias. | |
| 12 | 17 " | Spanish | " | Belencita | Antonio Muzard. | |
| 13 | 23 " | " | " | { San Pedro, <i>alias</i> Ven- gador } | Ildefonso Garcia. | |
| 14 | 30 " | " | Ship | Socorro | Juan Paoli. | |
| 15 | 1 May | Portuguese | Brig | Margarita | — Castello. | |
| 16 | 17 " | " | " | Hercules | M. Dias. | |
| 17 | 20 " | Spanish | " | Portento | J. B. Sustache. | |
| 18 | 20 " | " | Schooner | Bella Ines | Juan Pujol | { Landed her slaves in Puerto Rico. |
| 19 | 23 " | " | " | Francisca | Fulgencio Martin. | |
| 20 | 24 " | " | Brig | Isabel | Francisco Montero. | |
| 21 | 1 June | " | Schooner | Antonica | Jacinto Devinzas. | |
| 22 | 8 " | " | Brig | Alerta | — Allende. | |
| 23 | 14 " | " | " | Empresa | — Garcia. | |
| 24 | 15 " | " | Schooner | Tragamillas | Pascual Garcia. | Second arrival in year. |
| 25 | 8 July | " | " | Tres Tomasas | Jose Costa. | |
| 26 | 17 " | " | Brig | General Mina | Juan B. Moreno. | |
| 27 | 15 Aug. | Portuguese | " | Fenix | Jose A. Barbosa. | |
| 28 | 19 " | Spanish | Schooner | Luisita | Juan Pujol. | |
| 29 | 21 " | " | " | Feliz Vascongada | Juan Tomas Olaquiver. | |
| 30 | 27 " | " | " | No. 1, <i>alias</i> la Rosalia | Manuel Espinosa. | |
| 31 | 5 Sept. | Portuguese | Pailebot | Diligencia | L. Marquez. | |
| 32 | 13 " | Spanish | Schooner | Matilde | Jose Maria Arrarte. | |
| 33 | 13 " | " | " | General Mina | Andres Soto. | |
| 34 | 24 " | " | " | Flor de la Mar | Fortunato Romero. | |
| 35 | 15 Oct. | " | Brig | { Elmismo, <i>alias</i> Cen- tinela } | Jose Pereyra. | |
| 36 | 22 " | " | Schooner | Mariposa | Juan Jose Rodriguez. | Second arrival in 1835. |
| 37 | 3 Nov. | " | Brig | Alcastraz | — Alamilla. | |
| 38 | 8 " | " | Schooner | Tres Manuelas | — Marquez. | |
| 39 | 12 " | " | Brig | Severo | Joaquin Maqueda. | |
| 40 | 12 " | Portuguese | " | Fortuna | A. Angueira. | |
| 41 | 23 " | Spanish | Schooner | Amable Salomé | Jose Rivas. | |
| 42 | 24 " | " | " | Cristinita | — Viol. | |
| 43 | 4 Dec. | " | " | Pronta | — Sanmartin. | |
| 44 | 13 " | " | Polacca | Catalana | Ramon Clavell. | A Matanzas vessel. |
| 45 | 16 " | " | Schooner | Mosca | Leoncio Rivero | |
| 46 | 16 " | " | " | Deseada | — Bernardo. | |
| 47 | 16 " | " | Brig | Vengador | A. Ximenes | Second arrival in 1835. |
| 48 | 25 " | Portuguese | Schooner | Josefina | — Carrera. | |
| 49 | 26 " | Spanish | " | Tragamillas | — P. Garcia | Third arrival in 1835. This vessel arrived in the Havana from Trinidad de Cuba, which she en- tered, and from which she sailed in ballast. |
| 50 | 23 " | " | { Brig Schooner } | General Laborde | Ramon Trillo | |

Recapitulation.

| | |
|----------------------|----|
| Spanish | 42 |
| Portuguese | 8 |
| Total | 50 |

Fourth Enclosure in No. 139.

List of some Departures of Spanish Slave-vessels for the Coast of Africa from the Outports of the Island of Cuba.

| No. | Port of Cuba, from which the Vessel sailed. | Date. | Class. | Name of the Vessel. | Name of the Master. |
|-----|---|----------|----------|---------------------------|--|
| | | 1835. | | | |
| 1 | Trinidad | 3 March | Schooner | Amalia | { — Manene, afterwards con- demned at the Havana. |
| 2 | Santiago | — April | Brig | Iberia | — Pujol. |
| 3 | Matanzas | 20 May | " | Ninfa Matanzera | — Bardet. |
| 4 | Trinidad | 31 May | Schooner | Galana Josefa | Francisco Sarria. |
| 5 | Santiago | 21 Sept. | " | Esmeralda | — Casanova. |
| 6 | Santiago | 28 Sept. | " | Golondrina | — Roch. |
| 7 | Santiago | 7 Oct. | Brig | Tridente | — Paque. |

No. 141.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 29, 1836).
(Extract.) *Havana, 10th January 1836.*

IT will appear from the translation of a Note from the Captain-General, which we have the honour to enclose, that this Local Government has received no communication whatever from Madrid respecting the Treaty, so that for the present there could be no *mixed* tribunal formed in the Havana for the adjudication of vessels sent, or brought in, for having a Slave Trade equipment.

We venture, therefore, to suggest the necessity of His Majesty's Minister at Madrid being instructed to insist on this Treaty being forthwith officially communicated to the Captain-General and to the Spanish Commissioners. We cannot forget that the Additional Articles, signed in December 1822, were only communicated officially to the Havana in the year 1826.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

Enclosure in No. 141.

His Excellency the Captain-General to the British Commissary Judge.

(Translation.)

SIR,

Havana, 10th January 1836.

HAVING transmitted to the Señor First Assessor-General of this Government for his advice your Note of yesterday, which was accompanied by a Copy of Viscount Palmerston's Despatch to you, and also by a Copy of the Treaty concluded on the 29th June last, between their Majesties the Queen of Spain, and the King of Great Britain, having for its object the Total Abolition of the Slave Trade, I have been informed as follows, viz.:

“ Most Excellent Sir,

“ Your Excellency may, by way of answer to the official Note of this date, which you have just received from His Britannic Majesty's Commissary Judge, be pleased to declare, that you remain duly informed of its contents, but cannot permit or even take any steps towards the fulfilment of its object until such Treaty be officially communicated to you by the Supreme Government of Her Majesty, whom God preserve. In virtue of which the British Commissioner will be pleased to suspend the execution of the orders he has received from his Government, until your Excellency may think proper to inform him that you have received such orders from your Government.”

And now having found the aforesaid opinion to be correct, and bearing in mind that the laws of these realms absolutely prohibit my giving effect to any sovereign command that has not been communicated to me through the proper Minister, I beg to inform you of the same by way of answer, in order that you may take such steps in the matter as are most convenient.

God preserve you many years.

(Signed)

MIGUEL TACON.

His Britannic Majesty's Commissary Judge,

&c.

&c.

&c.

No. 142.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 29, 1836).

MY LORD,

Havana, 11th January 1836.

WHILE the schooner “ *Diligencia* ” was in quarantine, the Commander of His Majesty's sloop “ *Champion*,” by which that slave-vessel was detained, applied to His Majesty's Commissary Judge to obtain permission for him from the Local Government to take certain individuals of the prize crew out of the detained vessel. This leave was granted on condition that such persons should not be allowed to land in the Havana. Commander Fair proceeded consequently on a cruise to sea, from which he returned on the 23d ult. bringing into port with him the Spanish brigantine schooner “ *General Laborde*,” Don Ramon Trillo, Master, which he had detained that same morning off the mouth of the River Jaruco, a few leagues to the eastward of the Havana. This seizure was founded on his belief, to use Commander Fair's own words, “ that from all and every appearance of the vessel there was the strongest presumptive proof of her being a regular slave-trader, and of her cargo having been but very lately landed from her.”

As this was the first time since the establishment of the Mixed Commission at the Havana that a vessel had been brought in for adjudication merely on account of her equipment, without slaves either having been actually found on board, or having been seen by the Captors to land from her, the detention of the “ *General* ”

Laborde" occasioned considerable excitement in the Havana, since she was at first generally thought to have been detained under the New Treaty. Immediately on receiving Captain Fair's first communication, a Copy of which we have the honour to enclose, His Majesty's Commissary Judge transmitted it to the Captain-General with the request, which is usual on placing the crew of a slave-vessel at his Excellency's disposal, "that such of them might be forthcoming as should be required to give their evidence before the Mixed Commission." We have the honour to enclose a Translation of his Excellency's answer, in which he transcribes the opinion of his First Assessor, advising him to refuse the request of His Majesty's Commissary Judge, and to ask for the instant liberation of the "*General Laborde*," as being a vessel that could not be brought before the Mixed Commission according to the Treaty of 1817, because no negroes had actually been found on board. His Majesty's Commissary Judge answered, that of himself alone he had no power to set the vessel at liberty, and that she could only now be absolved by a decree of the Mixed Commission; that the jurisdiction of the Mixed Commission was extended by the Additional Articles of 1822 to cases of detention where even no slaves might be found on board; and finally he repeated his request that the Mixed Commission might be allowed to examine such witnesses as they might think proper to call for among the crew. A Copy of this Note, dated the 24th ult., is also herewith enclosed, as well as a Translation of the Reply to it, dated the 29th ult. In this last the Captain-General transcribes another opinion of his legal Assessor, in which, as before, the jurisdiction of the Mixed Commission is confined to the cases of vessels detained with slaves actually on board; and the Captain-General is advised to direct the Mixed Commission to declare itself to be incompetent to take cognizance of the case of the "*General Laborde*."

During the whole of this time the crew were neither taken to the prison as His Majesty's Commissioner had requested, nor yet were set at liberty, the Captain-General keeping them on board under pretext of quarantine.

On finding that the Local Government was obstinately resolved to take the case, if possible, out of the hands of the Mixed Commission, and feeling that neither the Governor, and much less his Assessor, had any right to dictate to us our public duty, we thought it full time to express ourselves in strong terms, which produced their proper effect; for on the 2d inst. leave was given by a Note to the Mixed Commission, although in rather a laconic manner, to examine the crew of the "*General Laborde*." We have the honour to enclose a Copy of our Note, dated the 30th ult., and a translation of the Captain-General's Note to the Mixed Commission, dated the 2d inst. This last, in fact, was a reply to a Note which the Mixed Commission addressed to his Excellency on the 30th ult., and of which we also enclose a Translation.

It is due to our colleague, the Conde de Fernandina, to say that his Excellency was all along inclined to sustain the jurisdiction of the Mixed Commission, as will appear by the last-mentioned Note of the 30th ult., which claims the cognizance of the case of the "*General Laborde*" for the Mixed Commission. But on the 2d inst., after the whole of the Prosecutor's case had been fully stated, and the British Officers all examined, the Spanish Commissary Judge declared that such a singular case of prosecution before the Mixed Commission ought, in his opinion, to proceed no further, as there was nothing but the suspicion of Commander Fair to support it. His Excellency proposed to dismiss the charge at once, without issuing a sentence; and in this view of the matter he refused to call upon the crew of the "*General Laborde*" for their evidence, on the ground that as there was no fact whatsoever made out against them, according to the Treaty of 1817, and its additional Articles, the Captor had no right to call upon them to give such evidence against themselves as might subject them to punishment under Spanish law. His Majesty's Commissary Judge refused his assent to the Conde de Fernandina's proposal, on the ground that it would be equivalent to a denial of the Court's jurisdiction; were the Mixed Commission not to issue its sentence; and although he felt it to be rather hard on the accused that the only proofs against them should be made to rest on their own testimony, he nevertheless insisted on the full execution of Art. 3 of the Regulations annexed to the Treaty, which states that the Master, and two or three of the principal individuals of the crew, must, at least, be examined, before the Commissioners can be entitled to issue a sentence.

It had almost been agreed between the Commissary Judges that recourse

should be had to the decision of an Arbitrator on this question, when the Conde de Fernandina demanded an adjournment of the Court, the result of which was that on Monday the 4th inst. the mode of proceeding originally proposed by his Majesty's Commissary Judge was completely acted upon.

We felt during the course of this difference of opinion with the Captain-General in the first case, and with the Conde de Fernandina in the second, that either of their plans would be more advantageous for the Captor than that pointed out by His Majesty's Commissary Judge; but we also knew that it was our paramount duty to sustain the authority of the Mixed Commission at the risk of being obliged to sentence a British Officer for having made an illegal capture.

We have the honour to enclose a Copy of the Captor's Declaration, an Abstract of the Evidence, a Copy of the Opinion which the British Commissary Judge gave into Court upon this case of detention, and a Translation of the Sentence signed on the 5th inst., which liberates the vessel and adjudges the Captor to pay demurrage and other costs, according to Art. 8 of the Regulations annexed to the Treaty.

The Captor sailed for Jamaica on the 6th inst., having left a Letter for the Mixed Commission, enclosing a Certificate from the Master and Owner, Don Ramon Trillo, by which he refuses to claim any compensation whatever for the detention.

There was no "clear and undeniable proof" whatever against the "*General Laborde*" except her equipment, which was certainly that of a slave-trader, and would have subjected her to condemnation under the New Treaty of June last. But under the Treaty of 1817 slave-vessels in this state have been constantly visited by His Majesty's cruisers, and have often been denounced to His Majesty's Commissioners by the Commanding Officers, as in the cases of the "*Maria Isabel*," "*Dèchosa*," "*Primera*," "*Chumica*," and "*Segunda Gallega*;" no one however ventured ever before now to detain them. Commander Fair himself, before going out on this cruise, was particularly warned against meddling with such vessels, and his attention was particularly directed to the conduct of Captain Phillips, of His Majesty's ship "*Ariadne*," as detailed in the Despatch which His Majesty's Commissioners had the honour of addressing to your Lordship on the 18th July 1833. But the knowledge that other cruisers on the station possessed instructions under the New Treaty by which the "*General Laborde*" would have been infallibly declared a prize, and a confidence, perhaps, in the accuracy of his own mode of interpreting the First Additional Article of December 1822, induced the Commander of the "*Champion*" to capture a vessel that, so far as he could prove, had nothing against her but her slave-trade equipment.

It is said, however, in the Havana, upon good authority, that she landed upwards of 300 negroes a few leagues to the eastward of Trinidad the day before she entered that port in ballast; that is on the 10th ult. But the procuring any legal evidence of this fact is quite out of the question; and, besides, her subsequent stay of nearly a week in Trinidad, and fresh Custom-house clearance in ballast, would have made it impossible for us, according to our interpretation of the Treaty, to condemn the vessel, even had we legal proof of her having landed her slaves at the time when there is every reason to believe that she did land them. We beg leave to enclose a Translation of the Trinidad Custom-house clearance.

We have the satisfaction to think that the New Treaty, when brought into play, will effectually render the escape of such vessels as the "*General Laborde*," after capture, to be impossible; and if this case has produced no direct benefit to the cause of Abolition, it has, at least, shown the Spaniards the impartiality of the Court of Mixed Commission, and also afforded His Majesty's Commissioners an occasion of successfully vindicating the authority of their Tribunal, as will appear by the enclosed Translation of a Note which we received on the 8th Inst. from the Captain-General.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 142.

Commander Fair to His Majesty's Commissary Judge.

(Copy.)

SIR,

His Majesty's Ship "Champion," Havana, 23d December 1835.

I HAVE the honour to inform you of my arrival at this port, bringing in with me the Spanish schooner, "General Laborde," which I detained this morning off the coast of Cuba, it appearing to me that she had been on her late voyage engaged in the Slave Trade, and there being on board her every evidence of a cargo of slaves having but lately been landed from her.

I have, &c.

(Signed) ROBERT FAIR, Commander.

W. S. Macleay, Esq.
&c. &c. &c.

Second Enclosure in No. 142.

His Excellency the Captain-General to His Majesty's Commissary Judge.

(Translation.)

SIR,

Havana, 24th December 1835.

IN the proceedings which have been commenced on the subject of the Spanish schooner "General Laborde" by His Britannic Majesty's sloop "Champion," the Lieutenant-Governor and First Assessor-General, *ad interim*, has addressed me as follows:

"Most Excellent Sir,

"The Assessor has examined the official Note of the English Commissioner, dated the 23d instant, in which he encloses a copy of that addressed to him by Commander Fair of His Britannic Majesty's sloop "Champion," in which this latter announces to him his arrival in this port with the Spanish merchant schooner "General Laborde," as appearing to him to have been engaged in the Slave Trade, and on account of there having been found on board every evidence of her having landed a cargo of slaves in this island. The English Commissioner requests your Excellency to be pleased to direct, that such of the crew be forthcoming before the Mixed Commission as may be required to give their evidence towards her confiscation and sale. The Assessor has taken both these Notes into his most careful consideration, as well as the Treaty which refers to the subject, and in no way can he understand the reasons on which the Commissioner of His Britannic Majesty finds his request, since the Treaty signed between their Catholic and Britannic Majesties on the 23d September 1817, and which was communicated to this Government by the Royal 'Cedula' of the 19th December of the same year, is the only rule which ought to govern in this matter, and no other has been received to alter it. By Art. 1. the only vessels declared legal prizes are those on board which Negroes are found from the Coast of Africa, without one word being said throughout, or the least thing specified, with respect to vessels in different circumstances, even although these may be such as are expressed by Commander Fair, in virtue of which silence, and the Treaty being a penal instrument, far from this law being strained, it ought to be restricted and limited to its strict letter, no one being allowed to extend it, or to interpret it with a view to such extension.

"For these reasons, therefore, the Assessor thinks that your Excellency, far from conceding the above-mentioned request of the British Commissary Judge, ought to answer him, asking him to desist from it, and that, complying with the terms of the Treaty, he will be pleased to decree the absolute liberty of the vessel and her crew, hoping that he will so act in observance of the good harmony which reigns between both Powers, the Commissioner resting assured that your Excellency will give account to Her Majesty of all that has happened, so that she may resolve and determine as to what may be her sovereign pleasure. This is my opinion, with due deference to your Excellency's better judgment."

And now, having conformed with the foregoing opinion, I transcribe it for your information, in answer to your Note of yesterday, and for the aforesaid object.

God preserve you many years.

(Signed) MIGUEL TACON.

His Britannic Majesty's Commissary Judge,
&c. &c. &c.

Third Enclosure in No. 142.

His Majesty's Commissary Judge to His Excellency the Captain-General.

(Copy.)

Havana, 24th December 1836.

THE Undersigned, His Britannic Majesty's Commissary Judge, has the honour to acknowledge the receipt of the Captain-General's Note of this evening, in which his Excellency is pleased to transcribe the opinion of the Lieutenant-Governor, and First Assessor-General of Government, *ad interim*, on the subject of the communication which the Undersigned had the honour of addressing yesterday evening to his Excellency.

The Undersigned observes, that the Señor First Assessor advises his Excellency not to concede the request made yesterday, that such of the crew of the schooner "General Laborde" shall be forthcoming as may be required to give their evidence before the Mixed Commission, and, moreover, conceives, that the British Commissary Judge, ought of himself,—as if he were either her prosecutor, or sole judge,—to issue immediate orders for this vessel's complete liberation.

The Undersigned, however, is convinced, that when he shall have explained the grounds on which his request of yesterday was made, his Excellency the Captain-General will have no difficulty in revising the opinion which has been laid before him by his Assessor.

Commander Fair, has, like every other Captor, entirely upon his own responsibility, brought the schooner "General Laborde" before the Mixed Commission, and the Undersigned, who is only one of her judges, has, of himself, no power to liberate the vessel, even were he convinced of her innocence. This case of detention may indeed in its present incipient state, as it appears to the Under-

signed, be withdrawn from the cognizance of the Court by the joint consent of the Claimant and Captor; but the vessel can now, if Spanish property, only be legally absolved by a formal sentence of the Mixed Commission. But whether she is to be absolved or condemned, in order to procure this sentence of the Mixed Commission it is absolutely necessary that the forms prescribed by the Treaty should be scrupulously observed. Now, as the Treaty directs that certain witnesses shall be examined in the case of every detention, the Undersigned, on receiving Commander Fair's Note of yesterday, had the honour of addressing the usual request to his Excellency the Captain-General, that the witnesses required might be forthcoming, not for her confiscation, as the Señor Assessor is pleased to say, nor yet for her acquittal, but merely for her adjudication.

The Undersigned must, with all due deference, here beg permission to remind the Señor Assessor, that the Mixed Commission is authorized to act not only under the Treaty of 23d September 1817, but also under the Additional Articles signed at Madrid on the 10th December 1822. The proof of which is, that more than one slave-vessel have been condemned in the Havana under these very Additional Articles. The Undersigned, however, is fully aware that he has no authority whatever to give judgment in any case of detention except in virtue of the above stipulations; and he perfectly agrees with the Señor Assessor, that he has no right to stretch or strain the words of the Treaty, and its Additional Articles, beyond that fair meaning which he may conscientiously believe them to bear. Having been now resident as His Majesty's Commissioner more than ten years in the Havana, the Undersigned, relying on his past conduct, trusts that there is no one person in this Island who can believe him to be capable of any such breach of his solemn oath.

The Note, a Copy of which the Undersigned had the honour to transmit yesterday evening, contains the only positive or official information which as yet he has received with respect to the "*General Laborde*." He has not yet inspected the schooner's Papers, nor has even seen the Captor's declaration. The Undersigned has been occupied throughout the day with the examination of the crew of the detained schooner "*Diligencia*," so that he has not himself seen the Captor since yesterday evening, but he has been this afternoon informed by His Majesty's Commissioner of Arbitration, that Commander Fair cannot produce these various documents until he shall be placed in communication with his First Lieutenant, who is now in quarantine on board the "*General Laborde*." On these various accounts the Undersigned is totally ignorant under what particular provision as contained in the Treaty of 1817, and above-mentioned Additional Articles, this vessel is now brought before the Mixed Commission. But sure he is, that, in conformity with their oath, his Excellency the Conde de Fernandina, as well as himself, will, when this affair may come properly before them, endeavour to judge fairly and faithfully according to the above-mentioned Stipulations, having no preference either for the Captor or Claimant.

The Undersigned, therefore, respectfully repeats his request, that the Stipulations of the Treaty of 1817, and its Additional Articles signed in 1822, may be allowed their due course, and that such of the witnesses as may be required may be forthcoming to give their evidence before the Mixed Commission.

The Señor First Assessor has thought proper to warn the Undersigned, that thus persisting in his request, he may be the means of interrupting the good harmony now happily subsisting between the two Governments. No one would lament the interruption of this harmony more than the Undersigned, but it is utterly impossible to imagine how that strict, faithful, and just observance of the Treaty of 1817, and its Additional Articles, which he has ever proposed to himself as his true line of conduct, should have any such effect.

The Undersigned has, &c.
(Signed) W. S. MACLEAY.

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

Fourth Enclosure in No. 142.

His Excellency the Captain-General to His Majesty's Commissary Judge.

(Translation.)
SIR,

Havana, 29th December 1835.

In the course of the proceedings that have been commenced in this Captain-Generality, in consequence of the detention of the Spanish schooner, "*General Laborde*," by His Britannic Majesty's sloop "*Champion*," the Senior First Assessor of this Government, *ad interim*, and Lieutenant-Governor, has advised me as follows in his communication dated the 27th inst. :—

"Most Excellent Sir,

"His Britannic Majesty's Commissary Judge, in his official note of the 24th inst., has discussed the propriety of the reasoning which I, as your legal adviser, had addressed to your Excellency on the same day, and as your Excellency has been pleased to transcribe his Note for my information, I find that he insists on his first solicitation, dated the 23d inst., and rests it on the ground that the powers of which he demands the use are prescribed by the Treaty on this subject. He says that being neither the only judge, nor yet the Captor of this vessel, he has no power of himself to liberate her. The British Commissioner appears, by the way, to have misunderstood some points of my opinion, as for instance where he imagines me to have said that the question now agitated may change the friendly relations which subsist between the two Governments. The Assessor, towards the conclusion of the above-mentioned opinion, merely advised your Excellency to ask for the liberty of the vessel, in obsequiousness (the words are '*en obsequio de la buena armonia de ambas naciones*,') to the good harmony which exists between both nations, which is very different from what the British Commissioner has expressed, although, without doubt, the mistake has arisen involuntarily in the translation.

"The Assessor, therefore, entering now on the particular question under consideration, must insist on the validity of his first opinion, for the reasons which he will assign. It is possible that he may be mistaken, but if so it is with good faith; and, being animated with the greatest zeal for the complete execution of that Treaty which forms the only rule for our guidance, he has a second time profoundly meditated on it.

"No tribunal whatever can possess powers to take cognizance of more business than that which is specially assigned to it in the charter of its erection; this principle is recognised throughout the whole civilized world, and it is that which directed the pen of the Assessor in his first advice to your

Excellency on this subject. Articles IX. and X. of the Treaty of 23d September 1817, only authorize ships of war to search and detain merchant vessels on board of which slaves may actually be found, so that the object and jurisdiction of the Mixed Commission is merely to take cognizance of the captures and detentions of those vessels which may be seized and detained with slaves on board. Were it otherwise, an extension would be given (as is wished to be given in the present case) to the Treaty, which it possesses not. Moreover, this Treaty might extend itself beyond all bounds, and the commander of a vessel, like the 'Champion,' might arbitrarily detain any vessel without slaves, while the Mixed Commission would proceed to decide on the legality of such a detention, although it is only when a vessel is detained with negroes on board that she can be, or is subject to, its jurisdiction. Nevertheless the Assessor acknowledges that these answers ought not to be made in this case to the English Commissary Judge in particular, but to the Mixed Commission, as the body which unites, and alone possesses its jurisdiction; and as that Court will now have to take into consideration the reasons which I have set forth, it may declare itself incompetent on account of the vessel not having been detained with negroes on board. In order to ascertain this fact formally, some preparatory steps to clear up the doubt may perhaps be necessary; but I am of opinion that your Excellency should be pleased to suspend all correspondence on this subject, merely writing an official letter to the above-mentioned tribunal, charging it, as soon as it shall have made its declaration as above, to communicate it to your Excellency, in order that it may be forwarded to Her Majesty, agreeably to the terms of Article XII. of the Regulations for these Commissions which are annexed to the Treaty; and I think this, my opinion, ought to be communicated to the British Commissary Judge, in order that in this way all further altercation may be avoided, as well as damages which may eventually be of much consideration, if we do not proceed in this affair with promptitude and the necessary prudence."

And now, I, having conformed with the above opinion, transcribe it for your information, in answer to your note of the 24th.

May God preserve you many years.

(Signed)

MIGUEL TACON.

His Britannic Majesty's Commissary Judge, Don W. S. Macleay,
&c. &c. &c.

Fifth Enclosure in No. 142.

His Majesty's Commissary Judge to His Excellency the Captain-General.

(Copy.)

Havana, 30th December 1835.

THE undersigned Commissioners of His Britannic Majesty have the honour to acknowledge the receipt of His Excellency the Captain-General's Note, addressed to His Majesty's Commissary Judge, and dated yesterday, wherein His Excellency is pleased to transcribe the opinion of the Señor First Assessor of Government, *ad interim*, which opinion is dated the 27th instant.

The undersigned will decline discussing whether His Majesty's Commissary Judge was mistaken or not in his interpretation of the meaning of the first opinion of the Señor First Assessor. They will even allow that the Commissary Judge may have possibly misunderstood the true force of the expression used by this gentleman when he alluded to the harmony which happily subsists between our two nations. The undersigned will now, therefore, confine themselves to a very different question, which is no less than the independence of the Mixed Commission—a tribunal that would be utterly useless for its particular purpose could it be dictated to by any separate British or Spanish authority whatsoever.

The undersigned, with the most profound respect for the high powers and the legitimate authority of the Captain-General, cannot see in what stipulation of the Treaty, or those additional Articles which *together* form the only law which they can acknowledge for their conduct as Commissioners, the jurisdiction of this Mixed Commission is to be limited in the manner which the Señor First Assessor proposes. They most formally deny that the powers of their Court are confined to the cognizance only of detentions of vessels having slaves actually on board. The Señor First Assessor takes no account whatever in either of his opinions of the explanatory and additional Articles signed in 1822, yet His Majesty's Commissary Judge has most distinctly asserted that he is not only authorized to act, but has, moreover, already acted under these Articles. For the accuracy of this assertion, which the Señor Assessor treats with such extraordinary silence, the undersigned beg leave to refer to the condemnations of the "*Golondrina*" and "*Carlota*," in both which cases *there was no Negro found on board the detained vessel*. Now Commander Fair having specially traduced the "*General Laborde*," under the first of these explanatory and additional Articles, the question most clearly comes under the cognizance of the Mixed Commission.

The undersigned, as Commissioners of His Britannic Majesty, are also bound respectfully but solemnly to protest against any Spanish authority whatsoever, without the consent of His Majesty's Government, attempting to interfere with their particular jurisdiction in such cases of capture as a British or Spanish cruiser may bring before the Mixed Commission. The Treaty under which they have the honour to act nowhere says that the British Commissioners are to be so interfered with. If they exceed their powers, a complaint ought to be addressed to their Government; but the undersigned, in the exercise of that authority which has been delegated to them by His Majesty, cannot consent to the least obstacle being thrown in the way of their duty. And if it be now meant that the Mixed Commission is *in limine* to declare itself incompetent to judge the "*General Laborde*," then the undersigned are obliged at once to declare that they will only yield up their jurisdiction when it is recalled by those who gave it, or when they shall be overruled by a force which they have no means of resisting.

The undersigned are convinced that the Mixed Commission, if allowed to act according to the Treaty, that is, to examine the necessary witnesses and to issue its sentence, will perform its duty with perfect impartiality. But in any case, the undersigned beg leave to repeat their protest against all right of the Señor First Assessor, or any other Spanish authority whatsoever, taken alone, to limit the powers of their tribunal, or even to decide on its competency to try a charge of illicit Slave-trading when brought forward by a British naval officer. They hope and trust, however, that with reference to the "*General Laborde*," his Excellency will still be pleased to allow the Mixed Com-

mission, under the Treaty of 1817, and its additional Articles of 1822, to take the evidence of witnesses, and to issue a sentence; because, if not, they will be under the painful necessity of considering themselves forthwith to be virtually, although not by any legal right, suspended in the exercise of those duties which their Sovereign has intrusted to them under his royal sign manual.

The undersigned would be truly happy if they could, as the Señor First Assessor proposes, avoid giving an answer to his Excellency's note of yesterday; but they would, in the eyes of their Government, be guilty of a gross dereliction of their duty, were they in silence to sit still, and witness the independence of the Mixed Commission interfered with in the way proposed by the Señor First Assessor.

The undersigned have the honour, &c.,
(Signed)

W. S. MACLEAY,
E. W. H. SCHENLEY.

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

Sixth Enclosure in No. 142.

His Excellency the Captain-General to the Mixed Commission.

(Translation.)

MOST EXCELLENT SIR, AND GENTLEMEN,

Havana, 2d January 1826.

IN conformity with the opinion of the Subaltern Board of Health, dated the 29th ultimo, I then ordered that from that day the schooner "*General Laborde*," detained by His Britannic Majesty's sloop "*Champion*," should be admitted to free communication with the shore. This I mention to you by way of answer to your Note of the 30th ultimo.

God preserve your Excellency, &c.
(Signed)

MIGUEL TACON.

To the Commissary Judges of the Mixed Commission,
&c. &c. &c.

Seventh Enclosure in No. 142.

(Translation.)

The Mixed Commission to his Excellency the Captain-General.

MOST EXCELLENT SIR,

Havana, 30th December 1835.

AS soon as the Commander of His Britannic Majesty's sloop "*Champion*" informed this Mixed Commission of his having detained the Spanish merchant brigantine schooner, "*General Laborde*," in virtue of the additional Articles of the 10th of December 1822, explanatory of the Treaty concluded on the 23rd of September 1817, between their Britannic and Catholic Majesties, this Court took that cognizance of the case which belongs to it, in order to arrive at a proper judgment. But as the detained schooner remains in quarantine, this Court will not be able to continue its proceedings until she shall be admitted to pratique. It assures your Excellency, however, in answer to your communication of yesterday, that you shall be informed of every step which may be taken in the cause.

God preserve your Excellency many years.
(Signed)

EL CONDE DE FERNANDINA.
W. S. MACLEAY.

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

Eighth Enclosure in No. 142.

(Copy.)

Declaration of the Captor.

I, ROBERT FAIR, commanding His Britannic Majesty's sloop the "*Champion*," declare, that at about 3 P.M., on Tuesday the 22nd instant, the "*Champion*" being then about 10 leagues to the eastward of Havana, a two-topsail schooner was seen in the N.N.W., under all sail, running in for the land. That about the time when she might have recognised the "*Champion*," the said schooner shortened sail and altered her course; that every exertion was made by the "*Champion*" to close with the schooner; but night coming on, she was lost sight of near the land about Jaruco, being then about 6 miles to the westward of the "*Champion*," the wind being at that time from West and N.N.W. That the appearance and manœuvres of the said schooner being very suspicious, the greatest vigilance was observed by the "*Champion*" in cruising close along shore during the night. That at the dawn of day, on the 23rd instant, the said schooner was observed, distant about 4 or 5 miles from the "*Champion*," and 5 or 6 miles from the shore, off that part of the coast of Cuba called Jaruco; that she was making the best of her way towards the Havana, lying under easy sail, with her head to the northward, as if waiting for communications from the shore; that the "*Champion*" instantly made sail towards the said schooner, which vessel immediately altered her position, and made sail towards the land, but not in the course towards the Havana; that the "*Champion*" continued to close with the said schooner, when at a quarter before 7, being then within half gun shot of her, the "*Champion*" fired a-head of the said schooner, and brought her to; being then in latitude about 23° 11' North, longitude about 82° 2' West. That the said schooner was boarded by Lieutenant Philip Hast, who, on examining her, found her to be the Spanish schooner brigantine "*General Laborde*," Don Ramon Trillo Master. That Lieutenant Hast reported to me, that she was fitted up in every respect as those vessels employed in the Slave Trade usually are fitted, that is to say, a regular slave deck, leagres, and large water-casks completely ranged, and occupying all her hold; bolts and shackles, &c. on board her, and one negro boy, as well as a black man, said to be the cook, on board of her, and that

she had all the appearance of a vessel from which a cargo of slaves had very recently been landed. That upon this representation of Lieutenant Hast I went on board of her, and saw, as he had stated, the slave-deck properly laid with shifting planks; that I had some of these planks removed, and saw a large quantity of water-casks stowed beneath them in the hold, completely fitted and arranged for the vessel, in the manner in which the best arranged slave-vessel could be fitted. That there were on board of her a great number of shackles and irons for confining the slaves; that her fittings-up throughout were for the Slave Trade, and no other; that from all and every appearance, there is the strongest presumptive proof that the said schooner is a regular slaver, and that her cargo has been but very lately landed from her; that it appears on the face of her papers, marked 1 to 5, which I enclose herewith, that she sailed from Havana in May last, for St. Thomas's, with a crew consisting of 35 persons, one of whom was a medical officer; that the Master of the vessel has not been able to inform me where he went to, or how the time was occupied, from the period of her sailing from the Havana in May, to her arrival in Trinidad; that she has no log or other documents to produce, or any other papers to give in, except those marked Nos. 1 to 5, as before-mentioned; that several of the persons now on board her say that they are passengers, and only joined her at Trinidad, although they answer to the names in her clearance from the Havana (Document marked No. 4); that the answers given to questions put both by Lieutenant Hast and myself to several of the crew were inconsistent and at variance; that the number of her crew is greater than necessary for the navigating a vessel of her tonnage on any legal voyage; that she has on board one long 12-pounder on a pivot, and two 6-pounder carriage guns, with a crew consisting of 22 men, and 2 passengers, whose names, as declared by them respectively, are inserted in the following list, viz.—

| No. | Names. | Quality. | No. | Names. | Quality. |
|-----|-------------------------|-------------------|-----|---------------------------|------------|
| 1 | Don Ramon Trillo . . . | Captain. | 13 | José Gonzales . . . | Seaman. |
| 2 | José Martin . . . | Second Pilot. | 14 | Guillermo Souro . . . | Ditto. |
| 3 | Eusebio Font . . . | Third Pilot. | 15 | Gervasio de la-Cruz . . . | Ditto. |
| 4 | Don Antonio Peña . . . | Surgeon. | 16 | Juan Robinson . . . | Ditto. |
| 5 | Manuel Santana . . . | Boatswain. | 17 | José Alvarez . . . | Ditto. |
| 6 | Manuel Salomon . . . | Boatswain's Mate. | 18 | Manuel Rodriguez . . . | Ditto. |
| 7 | Rafael Fernandez . . . | Carpenter. | 19 | Salvador Lopez . . . | Ditto. |
| 8 | Joaquim Pinto . . . | Gunner. | 20 | José Suarez . . . | Ditto. |
| 9 | Francisco Alvarez . . . | Cook. | 21 | Antonio Mercon . . . | Ditto. |
| 10 | Pedro Rodriguez . . . | Seaman. | 22 | Edouardo Vilanove . . . | Ditto. |
| 11 | Juan de Mize . . . | Ditto. | | Dr. Francisco O'Rane | Passenger. |
| 12 | Ramon de Bone . . . | Ditto. | | Dr. Miguel de Montano | Ditto. |

That for these reasons, and acting in the spirit of the additional Articles to the Treaty for the abolition of the Slave Trade, I have detained the said schooner "*General Laborde*," and brought her in for adjudication; and I feel that I am also justified in looking for her condemnation, under the late Treaty concluded the 28th of June last; and acting under the orders of the Lords Commissioners of the Admiralty, bearing date the 29th of September 1835. And I do further declare, that I have not the smallest doubt in my mind, or hesitation in saying and declaring, that I do believe that the said schooner has on the voyage on which she was detained (namely, between the time of her sailing from the Havana in May last, to the moment of her detention by His Majesty's sloop under my command) had a cargo of slaves on board, and that she had very recently landed them.

(Signed) ROBERT FAIR, Commander.

Dated on board the "*Champion*," this
24th day of December 1835.

(Witness) R. T. REID, Second Lieutenant.
J. S. HAMPTON, Surgeon.

Ninth Enclosure in No. 142.

Abstract of the Evidence in the case of the Spanish Brigantine Schooner "General Laborde."

29th December 1835.

ROBERT FAIR, Esq., Commander of His Britannic Majesty's sloop "*Champion*," being sworn, and having shown his instructions under the Treaty of 1817, deposed, that the declaration in the English language, now produced and signed by him, is the same which he delivered to the British Commissary Judge, to be laid before the Mixed Commission, and that the whole contents of it are true; that all particulars relative to the detention of the "*General Laborde*," and the state of the vessel when detained, are fully set forth in deponent's declaration; that no Bozal negroes were found on board, nor were any seen by this deponent to be landed from the vessel. That the papers now produced, as numbered and endorsed by deponent, are the same which he delivered in to the British Commissary Judge, as the true papers of the "*General Laborde*," viz:—

1st, Register of the Trinidad Custom-house (with its cover, the seal of which was broken open by the British Commissary Judge).

2nd, The Royal Passport.

3rd, The Contraseña.

4th, The Muster-roll.

5th, The Log-book.

That this deponent, at the moment of detention, removed some shackles on board the sloop-of-war, from the detained vessel, but afterwards returned them; that the "*General Laborde*" is now precisely in the same state as when she was detained; that this deponent, as said in his declaration, possesses instructions under a new Treaty, signed on the 8th of June last. (But these instructions

having been produced, were found by the Court to be only a copy certified by Lieutenant Byng, commanding His Britannic Majesty's schooner "Pincher," of certain instructions given to the said Commander of the "Pincher" by the Lords of the Admiralty.)

Lieut. R. THOMAS REID, of His Britannic Majesty's sloop "Champion," being sworn, deposed that he has put his signature to the Captor's declaration as witness of the same, and certifies to the truth of the contents of this declaration, with the exception of that part of it which relates to the state of the detained vessel, which this deponent has not been on board.

Mr. J. S. HAMPTON, Surgeon of His Britannic Majesty's sloop "Champion," being sworn, deposed that he has signed the Captor's declaration as witness to Commander Fair's signature; but as to the truth of the same, the deponent being Surgeon, knows no farther than that Lieutenant Hast, as therein stated, went on board the detained vessel, and there remains.

2nd January 1836.

Lieut. PHILIP HAST, First Lieutenant of His Britannic Majesty's sloop "Champion," being sworn, deposed that he has read the declaration of the Captor, and certifies every statement therein, as to the state of the detained vessel, "*General Laborde*," to be perfectly correct; that he has no further observation to make, except that so many empty water-casks and spare planks made this deponent certain of her being a Slave Trader. That this deponent cannot, however, upon his oath declare positively that she has landed slaves; but that, in his opinion, from the circumstances above mentioned, he firmly believes that she has disembarked negroes.

4th January 1836.

DON RAMON TRILLO, a native of Puerto Cabello, and resident in this city, a Catholic, unmarried, and 22 years of age, being sworn, deposed that he is Mate, and actually Master, of the Spanish merchant schooner "*General Laborde*;" that this schooner has been brought into this port by the English sloop-of-war "Champion," having been detained by her on the 23rd ultimo, in front of Jaruco; that this deponent is ignorant of the cause of detention; that the papers now produced, viz., the Trinidad Custom-house Register, the Royal Passport, the *Contraseña*, Muster-roll, and Log-book, are truly the papers with which the "*General Laborde*" was sailing at the time of the detention, and which this deponent delivered up to the Captor; that there were other papers on board, although the Captor only took possession of those above mentioned; that the papers which the Captor did not seize were the two now produced, namely, the Log-book for the voyage out from the Havana to St. Thomas, and for the return from St. Thomas to Trinidad de Cuba; and secondly, the Trinidad Bill of Health, which this deponent presented to the Havana Board of Health on arrival in this port. That this deponent sailed from the port of Havana on the 19th of May of last year; that his cargo then consisted of sugar, aguardiente, and other colonial produce; that he landed this cargo in the Island of St. Thomas; that he shipped there no cargo home, there being nothing in that island proper to bring back to the Havana; that the voyage was entirely devoted to legal commerce; that there were iron bolts and shackles on board, found by the Captors, as they say, but that these were not for negroes; that not putting on board any cargo at St. Thomas, this deponent found it necessary to take in ballast, and finding bolts cheap at St. Thomas, he bought them for that purpose; that there certainly are a number of water-casks on board, but that, as much ballast was required at St. Thomas for the vessel, and as it was considered that loose stones and sand might be prejudicial, they provided themselves with casks full of water. That there is on board what may be considered a slave-deck, but that the deponent caused this to be made, and took on board the spare planks, for the greater convenience of his crew in so unhealthy a climate; that he did not require it entirely for his crew, but had been in expectation of a number of passengers, as the rainy season was setting in, and the climate becoming very unhealthy to whites. That this deponent swears that he has had no negroes on board the "*General Laborde*;" that he has not been on the African coast; that he did not seek to avoid the "Champion;" that the two negroes found on board are not part of a cargo of *Boxales*, since their names are in the Muster-roll, among those of the crew of which they form a part; that this deponent is owner of the "*General Laborde*," as will appear by the ship's papers.

JOSE MARTI, native of Barcelona and resident there, a Catholic, unmarried, and 26 years of age, being sworn, deposed, that he is First Mate of the Spanish merchant schooner "*General Laborde*;" that this schooner was detained about two miles from the town of Jaruco by an English sloop-of-war; that she has been brought in here, but for what cause this deponent knows not. That the papers now produced, viz., the Passport, *Contraseña*, Muster-roll, and Log-book, are truly those of the "*General Laborde*," which were given up to the Captors at the moment of detention. That this deponent cannot swear to the Custom-house Register, because he never saw it before; but he knows the cover now produced, except that it always remained sealed when on board the "*General Laborde*." That this deponent recognises the Log-book now produced, from Havana to St. Thomas, and from this last to Trinidad: that it is written out by this deponent in his proper hand writing. That the Trinidad Certificate of Health was presented on arrival to the Captain of this port. That the "*General Laborde*" sailed from this harbour on the 19th of May last for St. Thomas, with a cargo of colonial produce, principally aguardiente and sugar; that this cargo was landed in the said island of St. Thomas; that they found there nothing convenient to take back; that they returned in ballast; that the ballast was water-casks full of water, and a small quantity of iron; that this iron consisted of bolts and shackles taken on board at St. Thomas. That neither on the voyage out nor home have they seen or touched at any place on the coast of Africa; that much less even have they ever had any thing to do with the Slave Trade. That the spare deck was never intended for slaves, but was made by Don Ramon Trillo, the Captain, for the greater convenience of his crew; by which this deponent means that it was made to avoid the severe diseases of that horrid and unhealthy country, which are so easy to be contracted in the rainy season. That this deponent knows no other Owner or Supercargo than the Master, Don Ramon Trillo. That they took no

slaves to the Port of Casilda. That they arrived at Trinidad in ballast. That at the time of the detention there were no remains of their cargo on board. That the two negroes on board were not any remaining part of a cargo of slaves landed in this island; that the two negroes now on board speak Spanish, and are included in the Havana Muster-roll as Cook and Cabin-boy.

DON FRANCISCO O'KANE, a native of Smyrna, but resident in this city, a Catholic, unmarried, and more than 50 years of age, being sworn, deposed that he is a medical man, and was passenger on board the "*General Laborde*" at the time of her detention by His Britannic Majesty's sloop "*Champion*." That this deponent does not know the cause of her having been brought into this port. That this deponent did not sail from this port in the "*General Laborde*" in May last. That he knows nothing of her cargo. That he embarked himself a passenger for the Havana on board this brigantine schooner, for the first time, at the Port of Trinidad, on the 17th of December last, as will appear by the Passport now produced and signed by the Governor of that city. That this deponent never saw any Bozal negroes on board; that he is sure no negroes were landed from her on her voyage from Trinidad to the moment in which she was detained by the "*Champion*." That this deponent never heard that slaves were landed from the "*General Laborde*" previous to her arrival at Trinidad; that he is not aware of there being any signs of her having landed slaves, beyond her mode of equipment.

PEDRO BERNARDO RODRIGUEZ, a native of Cadiz and resident there, a Catholic, unmarried, and 27 years of age, being sworn, deposed that he is by profession a seaman of the Spanish merchant schooner "*General Laborde*;" that he has been brought a prisoner into the Havana by the English sloop-of-war "*Champion*," because the said schooner "*General Laborde*" had on board some old iron which was serving her for ballast. That the "*General Laborde*" sailed from the Havana last year, but this deponent cannot exactly recollect the time; that she took out a cargo of aguardiente and other colonial produce; that they sailed for St. Thomas, and there landed their cargo, and returned in ballast; that their ballast was made principally with casks of water; that they never were at any place on the coast of Africa; that they returned direct from St. Thomas to Trinidad, into which they entered in ballast. That they never were, since leaving the Havana last year, in any other place than St. Thomas and Trinidad. That they never had on board, and much less have landed, any Bozal negroes. That the platform, which the English call a slave deck, was made for the convenience of the crew, by order of the Master, who collected and kept his sick there in shelter from the bad weather. That the excess of water-casks is owing to their having taken in water as ballast at St. Thomas; that the shackles and bolts on board were also there as part of the ballast; that there are also on board, for the same purpose, bars of iron; that the vessel sails better with this kind of ballast. That this deponent knows nothing of the papers now produced, but thinks he has frequently seen the Log-book from the Havana to St. Thomas.

Tenth Enclosure in No. 142.

The Opinion of the British Commissary Judge in the case of the Spanish Schooner "General Laborde."

THE Spanish brigantine schooner "*General Laborde*," of 120 tons, Don Ramon Trillo Master, was furnished by the Marine at Havana with a Passport dated the 13th May 1835, for the Island of St. Thomas, in the Gulf of Guinea, there being a special entry on it, that in virtue of the Royal Order of 13th January 1825, she is, under no pretext, to engage in illicit Slave Trade. According to her Muster-roll, signed by the *Comandante de Matriculas* of the Havana, on the 13th May last she sailed from this port with 35 men, and armed with one 12-pounder, two 6-pounders, and 60 muskets. On the said Muster-roll and Licence there is a new entry dated "Trinidad de Cuba, 17th December 1835," and which is signed by the proper Naval Authorities of that port; by which we find that on that day she sailed for the Havana from Trinidad; having previously landed there twelve of her crew; and it further appears, by another entry on the said Muster-roll, signed by the same Authorities, that the Cook and Cabin-boy are both negroes. That the "*General Laborde*" was at Trinidad de Cuba on the above-mentioned day is further proved by her official clearance at the Trinidad Custom-house for the Havana, *in ballast*, which document is dated the 17th December last, and states that she arrived there in ballast on the 11th of the same month. The only Log-book produced by the Captor is one for the voyage from Trinidad to the Havana, and which is headed as follows,—"*Departure from Puerto Casilda, at 3 in the morning of the 18th December 1835, bound for the Havana*,"—and is carried up to the 22d December. A Log-book from the Havana to St. Thomas, and from St. Thomas to Trinidad, has been also delivered into Court by the Master of the "*General Laborde*."

This vessel was detained on the 23d December on the north coast of the Island, near Jaruco, by His Britannic Majesty's sloop "*Champion*," Robert Fair, Esq., Commander, about 7 in the morning, who brought her into the Havana on the same day for adjudication by the Mixed Commission.

The Master, Mate, one of the Sailors, and a Passenger, have all been examined, and no proof whatever has resulted from their declarations that African slaves have been landed from this vessel on the Coasts of this Island. There is, indeed, no clear and undeniable proof that African negroes have been on board at all for illicit commerce, although her force, equipment, and voyage, all show that the Slave Trade was her object.

The Passenger (Francis O'Kane) has most completely proved that she landed no negroes on the coast since she left Trinidad, and has thus supported the indubitably authentic documents which go to establish the same fact. It is to be lamented that the other witnesses account for the peculiar fitting up of their vessel in a way which is utterly incredible, and so throw doubt on the whole of their evidence.

The Captor, in his declaration, states that he has detained this vessel, having no slaves on board, under the Additional Articles to the Treaty of 1817, which were signed on the 22d December 1822; and also under a certain other Treaty signed in June last. In order to authorize him to seize vessels under this last Treaty, he states that he has in his possession a Copy of certain Instructions from the British Admiralty, dated September last, and which Instructions are directed to the Lieutenant and Commander of His Britannic Majesty's schooner "*Pincher*."

Of course the Captor is bound to obey the Instructions of his Government when they may have

been officially communicated to him through his proper superiors; but the British Commissary Judge, in his quality of a Member of this Court, knows nothing of any Treaty signed in June last, nor of any Instructions that may have been given by the Lords of the Admiralty to carry such Treaty into effect. He is by oath bound to decide fairly and faithfully according to the stipulations of the Treaty between Great Britain and Spain, signed at Madrid on the 23d September 1817, and the Explanatory and Additional Articles signed at Madrid on the 10th December 1822. As Judge in this Mixed Commission, he knows no other rule for his conduct.

Under the first of these Explanatory and Additional Articles must the "*General Laborde*" be tried, since the Treaty itself is opposed to such a detention; the words of the First Article of the Instructions to Captors being as follows:—"Ships on board which no slaves are found for purposes of traffic shall not be detained on any account or pretext whatever."

Now the First Explanatory Article in the Preamble states, that it has, by experience, been found that slave vessels have contrived to avoid forfeiture by putting their slaves momentarily on shore immediately prior to their being visited by ships of war; and then, in order to meet this evil, it provides that, if there be clear and undeniable proof that a slave or slaves has or have been put on board a vessel for the purpose of illegal traffic, in the particular voyage in which the vessel shall be captured, then such a vessel, being detained, shall be liable to condemnation.

The evil which this stipulation was intended to meet, has not occurred in the case of the "*General Laborde*;" since there is no proof whatever that she placed any slaves momentarily on shore immediately prior to her being visited.

But the stipulation itself is a general one, and ought therefore to be considered with reference to its own clear meaning, and not merely with reference to the cause which, according to the Preamble, produced it. Let us apply it then in this, its most general sense, to the case of the "*General Laborde*." Had she at the time of detention a slave or slaves who had been put on board for the purposes of illegal traffic? She had two Congo negroes on board—a man and a boy—but they are shown by the ship's Papers, as well as by the evidence, to have been on board, not as objects of commerce, but as Cook and Cabin-boy; so that, according to the stipulation, and according to the Seventh Article of the Regulations annexed to the Treaty, the vessel cannot on this account be condemned. This was decided in 1828, in the case of the "*Xerxes*."

It is certainly proved that the "*General Laborde*" is provided with the regular Slave Trade equipment; for the British Commissary Judge repeats that he cannot for one moment place any confidence in the truth of the evidence of the Master and Crew of the vessel on this head.

But this Court as yet knows of no law which prohibits Spanish vessels from being fitted out for the Slave Trade, nor from going to the Island of St. Thomas, as it appears by her Papers and the declarations of her Crew that she really did. Nay, she might legally have gone fitted out as a Slave Trader to the Coast of Africa. Even in this case she cannot be condemned under the stipulations which rule the decisions of the Mixed Commission.

The British Commissary Judge is here obliged, in common justice, to observe that he does not approve of Commander Fair resting the whole strength and essence of his case—namely, the fact of negroes having been disembarked—on the evidence of the accused; that is, of persons who, by Spanish law, would be punished severely did they confess themselves before this Court guilty of illicit trading in Slaves. There is something too inquisitorial in this mode of proceeding to agree well with either English or Spanish law; and besides, it has the danger of exciting criminals to add perjury to their other crimes, when they know that they have only to forswear themselves in order to be sure of escaping all punishment.

The Captor, in his declaration, seems to argue that, if it could be proved by the evidence of the crew of the "*General Laborde*" that she has landed a cargo of Bozal negroes on the south side of this island, even although such disembarkation should have taken place prior to her entry in ballast into Trinidad on the 11th ult., still she must be condemned, as she will in that case have put negroes on board "on the particular voyage in which she has been captured." But the British Commissary Judge cannot, according to his oath, give this strained interpretation to the Treaty. He allows, indeed, that a Charter-party, did any such exist, might have given a fixed value to the words "particular voyage" distinct from their more plain and obvious meaning; but there is no Charter-party produced here, and we must therefore look to the meaning which these words bear in common speech: since, were it otherwise, every vessel might, from the day she was built to the day she was broken up as *not sea-worthy*, be considered as on one "particular voyage." The fair and faithful interpretation which the British Commissary Judge thinks he ought to give to these words, is, that where there is no Charter-party fixing the extent of the "particular voyage," each Custom-house clearance makes a new voyage. Thus the voyage on which the "*General Laborde*" was detained was the voyage from Trinidad to the Havana; and she is certainly proved on this particular voyage to have put no slaves on board for purposes of illegal traffic.

But the truth is, that there is no legal evidence whatever to prove that she was on the Coast of Africa at all; and if it be presumed that, from her equipment, she must have been on the African coast, still there is no clear and undeniable proof that she did not leave it in ballast, since she certainly so entered into Trinidad on the 11th of December last. Having staid there six days, she took out a fresh clearance for the Havana, sailed in ballast on the 17th, and was found moreover, at the time of detention, on the 23d, without slaves: so that there is an absolute want of any legal proof that a slave or slaves has or have been put on board this vessel for the purpose of illegal traffic on the "particular voyage" in which this vessel was captured. Indeed, having sailed from Trinidad with a fresh Custom-house clearance, fresh licence of the Marine, and fresh Log; it is clear that the voyage from Trinidad to the Havana was the particular one on which she was captured.

The circumstance of her altering her course on seeing the "*Champion*" is in itself of little consequence, as we know that no slave-vessel—and such from her peculiar equipment the "*General Laborde*" clearly appears to be—likes to be visited or to have her papers endorsed by a British officer. The evasive and inconsistent answers to the Captors may be accounted for in the same way.

On no other grounds than those stated in the Treaty of 1817, and in those Additional Articles which may subsequently have been agreed upon by the High Contracting Parties, and officially communicated through the proper channels to the Mixed Commission, can a sentence of condemnation be passed on a Spanish vessel; and it is the conscientious duty of the British Commissary Judge to bear this in mind. He therefore declares that there is a failure of the proofs legally required for the condemnation of the "*General Laborde*," and is of opinion that her seizure was improper, and ought not to have been made, either under the Treaty of 1817, or its Additional Articles of

December 1822. He therefore considers that she ought to be restored to her Owner, together with all her tackle, apparel, and furniture, and also all the goods, wares, and merchandise with which she was laden at the time of her detention by His Britannic Majesty's sloop "Champion." He also thinks that, according to the 8th Article of the Regulations annexed to the Treaty, the owner is entitled to demurrage and damages; but he begs leave to suggest to the Court, that the Feast-days occurring at this season ought not to be taken into the account of delay, nor yet the quarantine to which this vessel has been subjected since her detention, because Commander Fair is not to be blamed for that, as the Mixed Commission could not legally proceed in the cause on those days, and also because the Owner could not during such periods have made any use of his vessel.

The British Commissary Judge further thinks that such costs of suit as the Owner may have incurred before this Mixed Commission, in consequence of this detention, ought likewise to be paid by the Captor to the Claimant.

As this is the first case since the establishment of this Mixed Commission that the Court has been called upon to sentence the Captor in expenses, the whole affair, in the opinion of the British Commissary Judge, ought, according to the practice of the Sierra Leone Court of Mixed Commission in similar cases, and according to the Regulations for the guidance of these Commissions, which were drawn up by the British Government, and approved of by that of Spain, now to be referred to the Secretary and Registrar, Señor Don Juan Francisco Cascales, in order that he may ascertain the just amount due to the Owner; and if the report of the Secretary should meet the approbation of the Commissary Judges, it ought immediately to be confirmed by a special decree signed by them, distinct from the sentence, which may now at once be drawn up and signed, as it need only adjudge the Captor to restore the vessel, and to pay, as aforesaid, the demurrage allowed by the Treaty, and such costs of suit, and damages to the vessel and cargo, as the Owner may have incurred in consequence of her detention.

(Signed)

W. S. MACLEAY.

Havana, 5th January 1836.

Eleventh Enclosure in No. 142.

(Translation.)

Sentence in the case of the Spanish Schooner "General Laborde."

In the always Most Faithful City of the Havana, on the 5th day of January 1836, the Most Excellent Señor Don José Maria Herrera, Conde de Fernandina, *Procer* of the Kingdom, Honorary Grandee of Spain of the First Class, Grand Cross, &c., &c., and Don William Sharp Macleay, the Spanish and British Commissary Judges in the Mixed Commission, established in this city for the execution of the Treaty concluded between their Britannic and Catholic Majesties, with the object of preventing their respective subjects from engaging in the Slave Trade, being met together, and the said Commissioners having taken into their consideration the proceedings consequent upon the detention of the Spanish merchant brigantine schooner "*General Laborde*," Don Ramon Trillo Master, by the English sloop of war "*Champion*," Don Robert Fair Commander, which detention was made off Jaruco, on the 23d of December last year, and the vessel carried into this port, by reason of her appearing to Commander Fair to have been in her last voyage engaged in the Slave Trade, and because she presented all the marks of having recently landed a cargo of slaves; in which state she was, by a gun fired a-head, brought to, in lat. 23° 11' N. and long. 82° 2' W.; the intention of the Captor being that she should be judged according to the Additional Articles explanatory of the Treaty concluded between their Catholic and Britannic Majesties, on the 23d September 1817; and it being completely proved, as well by the declaration of the Spanish Master and the other witnesses examined, as by the documents found on board the Spanish brigantine schooner at the time of her capture, that she sailed from this port of the Havana on the 19th May last year, with papers and a cargo, as for the Island of St. Thomas; that she returned to the Island of Cuba, entering in ballast the Port of Casilda of the City of Trinidad, where she took out a Custom-house clearance for this place on the 17th December last, and was, as before said, detained on the 23d of the same month; and it being also certain with respect to the above-mentioned Additional Articles of the 10th December, 1822—

1st—That there is no proof of the "*General Laborde*" having put any slaves momentarily on shore immediately prior to her being visited by His Britannic Majesty's sloop "*Champion*:"

2dly—That although this vessel was equipped as for the Slave Trade, there is no clear and undeniable proof that a slave or slaves has or have been put on board her for the purpose of illegal traffic:

3dly—That there is no proof whatever to show, in any way, that in the particular voyage on which this vessel was captured she had taken negroes on board for the purpose of the illegal traffic in slaves:

Whereupon the Commissioners resolved that they ought to declare, and hereby do declare, with all due regard to the merits of the case, this detention which Commander Robert Fair has made of the brigantine schooner "*General Laborde*" to be illegal, and that therefore she ought forthwith to be set at liberty; and the said Commissioners moreover do hereby adjudge, that according to the particular cases specifically stated in Article VIII. of the Regulations for the Mixed Commissions, which are annexed to the Treaty of 23d September 1817, the Captor shall make an indemnification for all losses and damages which the said detention may have occasioned; and the Commissioners do hereby intrust their Secretary with the duty of making out the account of all such expenses, directing him to report the same as soon as convenient for their approval or correction. And the restitution under formal receipt to her Captain and Owner of the detained vessel, with all her tackle, apparel, and everything else belonging to her, is hereby ordered to be made with the least possible delay, in order that all doubts or new claims may thus be avoided hereafter. And by this their sentence definitively judging, thus have the Commissioners provided, ordered, and signed, in the presence of their Secretary, who certifies.

(Signed)

J. F. CASCALES, Secretary.

EL CONDE DE FERNANDINA.
W. S. MACLEAY.

Twelfth Enclosure in No. 142.

Custom-House Clearance.

(Translation.)

[Cover sealed with the Official Seal of Trinidad, and which was unbroken when delivered in by the Captor.]

*From Trinidad de Cuba for the Havana.**Islas de Barlovente.*

REGISTER with which the Spanish brigantine schooner "*General Laborde*," Don Ramon Trillo Master, sails in ballast.

Delivered on the 17th December 1835.

(Signed)

GONZALEZ.

[Official Stamp of Trinidad.]

*Trinidad, Gratis.**Translation of the Contents.*

[Official Stamp of the Government.]

DON JOSE GONZALES LLORENTE, Honorary Provincial Intendant, appointed Treasurer in administration of the Royal Revenues of this city and its jurisdiction by Her Majesty.

I do certify that having entered into this port in ballast on the 11th instant, the Spanish brigantine schooner "*General Laborde*," Don Ramon Trillo Master, proceeding from St. Thomas, she now sails for the Port of the Havana, likewise without any cargo, having paid into this Custom-house the proper dues, which belong to the Registers, of the entry and departure. And in order that this may serve as a Registral Certificate, I despatch the present in Trinidad de Cuba on this 17th day of December 1835.

(Signed)

JOSE GONZALES LLORENTE.

Thirteenth Enclosure in No. 142.

The Captain-General to His Majesty's Commissioners.

(Translation.)

GENTLEMEN,

Havana, 8th January 1836.

IN the proceedings adopted in consequence of the detention of the Spanish brigantine schooner "*General Laborde*," by His Britannic Majesty's sloop "*Champion*," the Lieutenant-Governor and First Assessor-General, *ad interim*, under date of yesterday, has addressed me as follows, viz. :—

"Most Excellent Sir,—Your Excellency has been pleased, by your decree of the 1st instant, to order a translation of the British Commissioners' note of the 30th ultimo, with all the necessary documents explaining it, to be forwarded to the undersigned. Now, the Secretary's Office, until to-day, possessed no more than a Copy of the Treaty of 1817, so that this being the only rule which presented itself to me, it was impossible to give your Excellency any other advice than its strict execution, while the cases cited by the British Commissary Judge necessarily excited my astonishment. In consequence of this, yet acting with prudence, I did not reject them as erroneous or false, contenting myself with not refuting them, in consideration of the respect due to His Britannic Majesty's Commissioner. But the undersigned having this instant received and examined the Royal Order of 10th February 1826, in which the additional Articles, to which the British Commissioner refers, are inserted, the Assessor frankly now confesses the good reason with which that gentleman has proceeded from the beginning; and he thinks it necessary that this therefore should be declared to him as soon as possible, as well as to the Mixed Commission, and that they should be informed that your Excellency not only grants and accedes to the request of the 23d December last, but also in all like cases and on all occasions your Excellency will be ready to fulfil, and to cause to be fulfilled, Her Majesty's Treaties, and that your Excellency will sustain the authority of the Mixed Commission in all cases and events which may belong to your peculiar jurisdiction, with which I shall consider this question finally set at rest, with all respect for what your Excellency may deem most convenient."

And having conformed with the aforesaid opinion, I now translate it for your information and use, in answer to your communication of the 30th December last.

May God preserve you many years.

(Signed)

MIGUEL TACON.

To the Commissioners of His Britannic Majesty,
&c. &c. &c.

No. 143.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 9, 1836.)

MY LORD,

Havana, 15th January 1836.

WE observe with much satisfaction, that according to the new Treaty of 28th June last, the Commander of a capturing ship may either send or bring in the slave vessel for adjudication; yet if he should send in his prize without showing his instructions for detaining such vessels, the Mixed Commission will not perhaps be able to condemn her. We beg leave therefore to suggest that the

Admiralty be requested to furnish from time to time this Mixed Commission with a list of such vessels as are provided with a copy of this Treaty, and are authorized by it to make seizures.

We have, &c.
(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

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

No. 144.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 29, 1836.)

MY LORD, *Havana, 15th January 1.*

WE observe by Article XIII. of the new Treaty of 28th June last, and by Articles II. and III. of its annex C, that all the Negroes found on board a vessel detained by a British cruiser, and condemned by a Mixed Court of Justice, are to be delivered over to the British Government without distinction of sex.

As these stipulations will materially interfere with the Convention which His Majesty's Commissioners made with this Local Government as to the mode of sending emancipated Africans to Trinidad, and which met with the approbation of your Lordship, we are anxiously desirous to know how far the instructions contained in the Duke of Wellington's Despatch to us of 31st January last year, ought to be considered by us as virtually cancelled in consequence of the new Treaty.

We have, &c.
(Signed) W. S. MACLEAY.
EDWARD W. H. SCHENLEY.

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

No. 145.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN, *Foreign Office, March 18, 1836.*

I have received your Despatches up to that of the 15th January 1836. I herewith transmit to you the Copy of a Letter which, with reference to your Despatch of the 25th November 1835, has, under my directions, been addressed from this Office to the Admiralty, requesting that the Admiral on the Jamaica station may be directed to send to you, from time to time, a list of such of His Majesty's cruisers as may be furnished with the Instructions under the Treaty with Spain for the suppression of Slave Trade.

(Signed) PALMERSTON.

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

Enclosure in No. 145.

Mr. Strangways to Mr. Wood.

SIR, *Foreign Office, 25th February 1836.*
I AM directed by Viscount Palmerston to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying Copy of a Despatch which his Lordship has received from His Majesty's Commissioners at the Havana, giving an account of the case of the Spanish vessel "*Emilia*," condemned upon a charge of having been concerned in illegal Slave Trade; and, with reference to the observations of the Commissioners on the expediency of their having some official knowledge of the names of the vessels furnished with Instructions under the Treaty with Spain for the suppression of Slave Trade, I am to request that you will move the Lords Commissioners of the Admiralty to send to this Office, and to desire the Admiral on the Jamaica station to send, formally, to the Commissioners at the Havana, a list of such of His Majesty's cruisers as may, from time to time, be furnished with the Instructions under the Treaty.

(Signed) WM. FOX STRANGWAYS.

To the Secretary to the Admiralty.

RIO DE JANEIRO.

No. 146.

His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 12, 1835.)

MY LORD,

Rio de Janeiro, 10th November 1834.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 8th of July last, transmitting, for our information, five Copies of Papers marked A and B, relating to the Slave Trade, presented on that day, by His Majesty's command, to both Houses of Parliament. We have, &c.

(Signed)

GEORGE JACKSON,
FRED. GRIGG.

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

&c. &c. &c.

No. 147.

His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 12, 1835.)

(Extract.)

MY LORD,

Rio de Janeiro, 10th November 1834.

UNDER the idea that the Legislative Assembly would not close its labours without some further enactment on the subject of Africans illicitly introduced into this Empire, the Minister of Justice determined on placing all such as should be entitled to their freedom in provisional deposit at a new establishment forming in the vicinity of this city, under the name of the House of Correction. No measure of the kind, however, having been decreed, and the expense of their support under this plan rapidly increasing, to the amount, we have been assured, of upwards of £200 per month, his Excellency has reverted to the other alternative allowed by the Alvarà of the 26th of January, 1818, and proposes to let out the greater part, as heretofore practised, reserving only a small proportion for the use of the Government.

We have the honour of enclosing herewith, in original and translation, 1st, a Report from the law officer of the Crown to whom the plan had been submitted; and, 2dly, a Despatch from the Minister of Justice to the Judge of Orphans, who is to be intrusted with the execution of the proposed measure, accompanying the instructions by which it is to be regulated.

In the first your Lordship will observe how greatly embarrassed this officer appears to be in speaking of the two conflicting acts of legislation with regard to the treatment of Africans brought into this Empire, feeling, as he no doubt does, on the one hand, all the force of treaty engagements, and, on the other, anxious to avoid giving umbrage by admitting the incompatibility of the later provisions respecting these unfortunate beings with those engagements.

In the instructions themselves the adherence to the idea of re-exportation will not fail to claim your Lordship's attention, and a still further deviation from the Alvarà, as far at least as regards Africans liberated by decree of the Mixed Commission, is observable in the clause which provides that the amount of the wages shall accumulate, not for the direct benefit of the Blacks thus declared to be free, but as a fund to go towards their re-exportation when effected.

With respect to the conditions under which their services are to be hired out, they appear unexceptionable enough, provided always that the duties of the protector to be appointed be faithfully discharged, except that the wages to be allowed them should be collected at less distant intervals, but we much doubt whether any one will be found to hire them on such terms. We allude particularly to the engagement to return them at any given moment, after having incurred perhaps much trouble and some expense in fulfilling the other parts of the contract, such as clothing, bringing them up, &c. It may, indeed, without referring again to the re-exportation clause, have a contrary effect,—namely, to deter persons from engaging apprentices at all, and thus defeat the benevolent, though hitherto, it must be admitted, uneffected object of the Convention of 1817. We have, &c.

(Signed)

GEORGE JACKSON,
FRED. GRIGG.

First Enclosure in No. 147.

Report of Law Officer.

(Translation.)

MOST ILLUSTRIOUS AND EXCELLENT SIR,

THE Regency, in the name of the Emperor Don Pedro II., having deigned to hear my opinion upon the measure it intends to adopt concerning the Africans illicitly introduced into the Empire, in conformity to the Despatch addressed to me under date of the 13th instant, I have the honour to report to your Excellency, to be made known to the Regency, that, convinced of the actual and continued impossibility of carrying into due effect the provisions of the Second Article of the Law of the 7th November 1831, for the effectual re-exportation of the above-mentioned Africans to some part of Africa in which an asylum might be obtained for them, because of the insuperable difficulties which have prevented the execution of this measure in despite of the good will and acknowledged activity of the Imperial Government, and fully persuaded that the Regency, in the name of the Emperor, finds itself in such case placed in the absolute necessity of adopting some intermediate and provisional measure as a substitute for that decreed in the above-mentioned Law, a measure such as may correspond to, and adequately satisfy, the philanthropic ends which dictated the prohibition of the introduction of Africans, reconciling the good of these wretched beings with the due observance of Treaties and with the interest of the national resources, it appears to me that none more appropriate and expedient could be resorted to than that which is indicated in the above Despatch.

This measure, in fact, fulfils every object, meets the intention of the law, accords with humanity, and, moreover, conforming itself to the provisions of the Fifth Article of the Alvará of the 26th January 1818, has still further in its favour the circumstance of reviving a legal provision, which, assuming it to be revoked in the eye of the law by the promulgation of a later and different legislative measure, cannot still be considered as actually and effectively revoked, so long as the execution and fulfilment of the new regulation depend essentially on the realization of circumstances, without which it cannot take effect. It occurs to me only to add, that the Judge charged with the execution of the proposed measure should be the Judge of the Orphans, and that the Protector should be selected by the same Judge, and approved by the Government.

God preserve, &c.

Rio de Janeiro, 17th October 1834.

(Signed)

JOSE ANTONIO DA SILVA MAIA.

To His Excellency Senor Aureliano de Souza e Oliveira Coutinho.

Second Enclosure in No. 147.

The Minister of Justice to the Judge of Orphans.

(Translation.)

THE Regency acting in the name of the Emperor, Senhor Don Pedro II., seeing that no measure whatever has been taken by the Legislative Body for the prompt re-exportation of the Africans illicitly introduced into the Empire, as had been solicited by the Imperial Government, and in conformity to the Law of the 7th November, 1831; seeing the increase of the expense incurred for those deposited in the House of Correction; considering that a great part of that expense is unproductive, being on account of women and children, who are of no use in the works carried on in the said House, and regard being had to other circumstances, such as the better treatment and civilization of the Africans, orders, that, in concert with the Chief Officer of the Police, to whom notice to that effect is about to be sent, you cause the services of such Africans as are there deposited, and who may not be necessary for the aforesaid works, to be hired out, following in every respect, with regard to this measure, the instructions which accompany this Despatch, signed by the Privy Counsellor, Joáo Carneiro de Campos, Chief Clerk of this Office for the affairs of Justice.

God preserve, &c.

Palace 29th October, 1834.

(Signed)

AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

*To the Senhor Judge Conservator of Orphans in this City.**Instructions accompanying the Despatch of this date.*

FIRST SECTION.

The Africans whom the Chief of Police, in concert with the Inspecting Committee of the works carrying on at the House of Correction, and with the Administrator of the same, shall judge necessary to assist in the said works, being separated, giving the preference to those who are learning trades, and have shown most inclination to labour, the services of the remainder of both sexes shall be hired out under the following conditions:—

Art. 1.—That such persons only belonging to this municipality as may be of acknowledged probity and integrity shall be allowed so to hire, and among these preference shall be given to such as offer the most for the yearly services of the Africans.

Art. 2.—That the persons hiring shall be bound by the articles of the hire to return the said Africans whenever the General Assembly shall decide respecting their fate, or the Government may have to re-export them, and to clothe and treat them with all humanity, permitting the Protector (o Curador) to visit them monthly, to ascertain if the contract in this respect be fulfilled.

Art. 3.—Such persons as hire the services of women shall be obliged to take a child with each, and to educate it with all care, an allowance being made in this case in the wages to be paid by the person hiring.

Art. 4.—That, in case of the death of any of these Africans, the person hiring shall be obliged to give immediate notice thereof to the proper Justice of the Peace, in order to the inspection of the body, in conformity to the Decree of the 12th April 1832, as well as to the Protector, that he may

be present, transmitting an act of the inquest to the Judge who presided at the hiring, to make the necessary declaration. This Judge shall afterwards transmit it to the Chief of the Police to note the reduction in the Book of Inscription for such Africans.

Art. 5.—That, should any abscond, the hirer is immediately to give information to the Justice of the Peace of his District, and to the Chief of the Police, to the end that the necessary orders may be issued for the apprehension of the fugitive; and, in case of not being found, the hirer shall be obliged to prove the fact of the escape, and the measures taken for the recapture. And, as in this respect much abuse may be practised, it is strongly recommended to the Judge to choose persons of strict probity and integrity, whom alone he shall permit to become hirers, even though suspicious persons or doubtful characters should offer more for the services of the aforesaid Africans.

Art. 6.—That, on delivery to the hirer, the Judge, by means of an Interpreter, shall inform the Africans that they are free, and that they are about to lend their services, in return for their maintenance, clothing, and the care of them, and for an allowance of moderate wages, to be collected annually by the Protector, who shall be named for them, and to be deposited in the Chest of the Judge who presided at the hiring, and which shall go towards their re-exportation when effected.

SECOND SECTION.

At the time of hiring the Judge shall cause to be given to the African, enclosed in a small tin case, to be hung round his neck, a written declaration that he (or she) is free, and that his (or her) services are hired to A. B., the marks, name, sex, and presumed age of the African being inscribed in the said declaration.

THIRD SECTION.

The Judge shall appoint a Protector, to be approved of by the Government, whose duty will be:—

1st.—To provide for whatever may concern the interest of such Africans, as well of those whose services may be hired, as of those who remain employed in the public works, proposing to the competent authorities whatever he may consider necessary for their good treatment, and for the preservation of their freedom.

2d. To collect annually the stipulated wages, and deliver the amount, together with the necessary Papers, to the Judge who presided at the hiring. For this duty the Protector shall receive a commission of 10 per cent. on the sum collected. The Judge shall determine the manner of keeping the writings with the necessary exactness, and he shall see that the Protector fully discharge his duty.

FOURTH SECTION.

The hiring being completed, he shall cause to be published in the Papers who the persons are engaging the services of the Africans, how many each person shall have hired, and the name, age, sex, and marks of those engaged by each individual.

(Signed)

JOAO CARNEIRO DE CAMPOS.

Rio de Janeiro, 29th October 1834.

No. 148.

Lord Mahon to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 17th January 1835.

As the completion of the term of apprenticeship of the negroes taken on board of the Portuguese Slave-vessel "*Emilia*," who were emancipated by the Mixed Commission at Rio de Janeiro in May, 1821, is now at hand, I am directed by the Duke of Wellington to desire that you will not lose sight of this matter, but that you will take such measures by previous inquiry, and the necessary representation to the Brazilian Government, as may secure to the survivors of these negroes the full and entire liberty to which they will be entitled, at the expiration of fourteen years from the commencement of their apprenticeship in Brazil.

I am, &c.

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

(Signed)

MAHON.

No. 149.

The Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, January 26th.

I have received your Despatches of the year 1834 up to that of the 22d of November. The correspondence relating to the case of the "*Dois de Marco*" has been referred, under my directions, for the opinion of His Majesty's Advocate-General. I have to acquaint you, for your information on this case, and for your guidance in future cases of a similar nature, that the King's Advocate entirely coincides in the opinion expressed in this case by the British Commissary Judge at Rio de Janeiro, and considers that an erroneous view of it has been taken by the Brazilian Commissary Judge, and by the Brazilian Commissioner of Arbitration.

It appears to the King's Advocate that the transaction, from its commencement to its termination, is essentially Brazilian. The vessel was indisputably clothed

with that national character when she sailed from Rio de Janeiro under the command of a Brazilian master, and returned with the greater part of the original crew to the coast of Brazil, where she landed a cargo of slaves, the former master, a Brazilian subject, continuing on board until the slaves were actually landed, and, according to every presumption, having the real command of the vessel, although the former pilot was nominally master.

The "*Dois de Marco*" also carried Brazilian colours almost down to the moment of her capture. No bill of sale was exhibited, and there was an entire absence of any explanation as to the pretended transfer of the vessel to a subject of Portugal. Under these circumstances the King's Advocate is of opinion that the Portuguese Papers with which she was furnished are to be considered as merely formal, and for the purpose of giving a colour to their proceedings; that the vessel remains substantially Brazilian, and, consequently, that the Commissary Judges and Commissioner of Arbitration ought to have proceeded with the investigation of this case, and to have adjudicated thereon under the Treaty between Great Britain and Brazil.

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

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

No. 150.

The Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 11th February 1835.

I HAVE referred for the opinion of the law officers of the Crown the question which was mooted in your Despatch of September 15th, and in the enclosure to your Despatch of September 8th, 1834, as to the execution of that portion of the Treaty between Great Britain and Brazil on Slave Trade, which declares that the carrying on of Slave Trade by a Brazilian subject "shall be deemed and treated as piracy." I have now to state to you, for your information and guidance, that His Majesty's law advisers are of opinion that the Mixed Commission at Rio de Janeiro is not authorized to determine the degree of punishment due for the offence of carrying on the Slave Trade, which is "to be deemed and treated as piracy," under the 1st article of the Convention with Brazil, and that the offender must be tried by the municipal court of Rio de Janeiro, and punished in conformity with the laws there in force against pirates.

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

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

No. 151.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 25, 1835.)

MY LORD,

Rio de Janeiro, 10th December, 1834.

AN official inquiry having been directed by this Government into the number and fate of all such Africans as have been emancipated by the Mixed Commission from its first installation, the Chief of Police has made the Report, a copy of which we have the honour to enclose herewith, in original and translation.

The shape in which it appears in print is that of an enclosure from the Minister of Justice to the Judge of Orphans, the officer now charged, as your Lordship will have seen by the papers which we had the honour of transmitting in our Despatch of the 10th ult., with the superintendence of Africans. In this enclosure, of which your Lordship will also find the translation, the Judge is instructed to proceed as he may think proper, with a view to the guaranteeing to the Africans their liberty, to the collection of all arrears of their wages, and to the prosecution of whomsoever may have enslaved them.

The result of these documents confirms the more than surmises which it has been the duty of His Majesty's Commissioners, at various times, to present to His Majesty's Government respecting the mal-practices of those to whom the negroes

were consigned, after being declared free by the Mixed Commission, and is well worthy your Lordship's attention, as showing how grievously the humane intentions of the British Government and nation have been, in effect, frustrated.

From this Report it appears that, out of 495 Africans emancipated, the services of 381 only were hired out, and that the amount of wages received, as far as is yet ascertained, does not exceed 3,732 R.dols. 800 fr., whereas the sum due, proceeding on the data of the original number emancipated, and which ought to be forthcoming for the benefit of the freed men, amounts to no less, according to the calculation made in this Report, than 57,063 R.dols. 620 fr.

Another disclosure therein made, and which would hardly be credible on any less formal authority, is that the first treasurer appointed, and who held the office for nine years, has no book of receipt and expenditure to produce for the whole of that period. He has been called upon for the necessary information, but has, as yet, given no answer. The above sum of 3,732 R.dols. 800 fr. is the produce, then, as your Lordship will observe by this detail, of the hiring of 143 Negroes during a term of three years.

Besides these 381 so hired out, whose names, as well as those of their hirers, of their securities, the rates and periods of hiring, &c., are given, sixty-six are mentioned as having been employed by the Imperial Government; and though, owing to the great remissness of the departments to which they were consigned, it cannot be satisfactorily ascertained that that number were really so employed, more especially as regards sixteen sailors said to have been given over to the Marine Arsenal, yet it does appear that some, at least, received such a destination. Still, however, there remains a deficit of forty-eight, who, it is not shown, were either hired to private individuals, or transferred to any public establishment.

The conditions of hiring the Africans, and which, if duly enforced, would have obviated, in a great measure, the mal-practices and neglect complained of, were to serve for fourteen years, the hirers engaging to feed and clothe them; to attend to their health and instruction; to cause them to be vaccinated; to present them every six months, and, in case of death, not to bury them without a previous communication to the proper tribunal; not to punish them to excess, and to pay one year's wages in advance. The individual, your Lordship will perceive, who is principally blamed in this Report, and to whose remissness the non-compliance with the stipulations in favour of the freed men is mainly attributed, is a guardian ("curador") who died only two or three months ago; it is but just, however, to observe that the nomination of this guardian, according to the terms of the Alvara, should have been made and sanctioned every three years, whereas, on the face of this Report, it appears that the deceased, originally but informally appointed, was retained in the situation from the spring of 1823 to the time of his death, since which no other guardian has been named.

In weighing the probability there may be of recovering any considerable amount of the arrears of wages due to these freed men, even after the threatened prosecution of the parties concerned, it is impossible to lose sight of the fact that hitherto no notice has been taken of the inquiries addressed to the treasurer, nor of the summonses directed to the individuals who hired the services of the Africans in question.

A yet more afflicting circumstance which this Report accredits, and which is but a confirmation of what has long been matter of general belief, is the all but certain fact that many of these unfortunate beings, instead of being duly taken care of, and taught to know and appreciate the blessings of freedom, have been again sold into irremediable and unconditional slavery.

We have the honour to be, with the greatest respect,

My Lord,

Your Lordship's most obedient and most humble servants,
(Signed) GEORGE JACKSON,
FRED. GRIGG.

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

&c. &c. &c.

Enclosure in No. 151.

The Minister of Justice to the Judge of Orphans.

(Translation.)

Correio Official, Rio de Janeiro, 27th November, 1834.

THE Regency, in the name of the Emperor, Senhor Don Pedro II., orders to be sent to you the Despatch of the 10th instant from the Chief of the Police, with the papers which accompany it, concerning the emancipated Africans, whose services have been hired out from 1821 forward, and orders that you proceed, with reference to the information on that subject given by the said Chief of the Police, as you may deem proper, to the end that their liberty may be guaranteed, and that the proceeds of such hiring out may be collected; and also that you cause those who may have enslaved them to be proceeded against according to law.

God preserve, &c.

Palace, 24th November, 1834.

(Signed) AURELIANO DE SOCCHA E OLIVEIRA COUTINHO.
To the Judge of Orphans of this City.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

IN pursuance of the communication of the 30th September last I have to inform your Excellency that, entering upon the examination of the books and papers which were presented to me by Joze Leite Periera de Campos, the last clerk under the "Ouvidoria," I ascertained that the superintendence of the emancipated Africans, and the hiring out of their services, were under the charge of the "Ouvidores" of this "Comarca," from 1821, until the promulgation of the Code of Criminal Law, which abrogated that office*. About this latter period the last notification of hiring was drawn up.

The emancipated individuals passed by the Mixed Commission to the "Ouvidoria" amount to 495: namely, 352 brought in the schooner "Emilia," and delivered over on the 1st August, 1821; 72, including 16 sailors, brought in the brig "Africano Oriental," and delivered over on the 7th December, 1830; 21 in the brig "Don Estevão d'Ataide," and placed at the disposal of the "Ouvidoria" on the 16th December, 1830; 50 from the schooner "Destimida," and placed at the disposal of the same tribunal in February, 1831.

Of these 495 emancipated individuals the services of 381 were hired out. Their names, and those of the hirers, of their securities, the rates and the periods of the hiring, are seen in Statement No. 1†.

It is therefore evident that there is no account of the hiring of the services of 114. It appears, however, by a Despatch from the Department of Marine, of the 18th December, 1830, addressed to the then "Ouvidor," that 16 sailors, brought by the "Africano Oriental," were ordered to be delivered to the Arsenal of Marine, the Inspector of which appointed the porter of the establishment to sign the receipt. I addressed that Department, in order to ascertain their ulterior destination; and it is seen by the answer, which I lay before your Excellency in No. 2, that the Chief of that Department places in doubt the actual delivery of these 16 Africans in that establishment; and I ought to add that it does not appear by the books existing that such a delivery was actually made by the "Ouvidoria." By the Book of Register it appears that 50 emancipated individuals were required, on the 12th September, 1821, by the then Intendant-General of the Police—that is, 40 for the service of lighting the city, 3 couple for the Public Garden, and 4 individuals for the Fountain da Barreira, at the average price given for those publicly hired by private individuals.

To ascertain the ultimate destination of these emancipated 50 I addressed to the Secretary's Office of the Police the Despatches Nos. 3 and 4, and I had the enclosed answer; from which documents it is to be concluded that, in fact, there were passed to that Department, if not all the 50, at least some. But it is not equally clear either that their wages were paid, or what was their destination, after the separation of the Police from the inspection of public works, and of the lighting; and it does not appear by the books of the "Ouvidoria," that the person named by the Intendant-General did in fact sign an acknowledgment of the receipt. Having required his presence, in order to receive from himself certain elucidations, I ascertained by the Certificate No. 5 that he was dead.

I therefore addressed the Municipal Chamber, on which that inspection devolved, and I received the answer No. 6. Hoping to obtain some information from the present Administrators of the Lighting and Public Works, I applied to them; and from the answers, which I send under No. 7, it is concluded that of the 6 assigned to the Public Garden none exist, some having escaped, and others been emancipated. From the answer of the Administrator of the Lighting I could obtain no information, there being nothing in that Department upon that subject. It is evident, however, that, deducting from those 114 the 50 required by the Intendant-General of Police, and the 16 sailors said to have been delivered to the Arsenal of Marine, there are still wanting 48, who, it does not appear, were hired to private individuals or transferred to any public establishment. Besides this deficiency it may well be supposed that, in the long course of thirteen years, some of those hired out are not in existence, either by death or escape, or by the malversation of the hirers themselves; but, there being in the archive no book for entries of that nature, it is most difficult to ascertain the fact. I called upon the hirers, by advertisements, to present, judicially, the emancipated individuals in their possession; and I ordered the clerk to arrange a schedule of those which might appear, till he shall have effected which he will not be able to attain a knowledge of those emancipated actually existing; and, as the nature of this business requires time, I cannot at present fulfil this part of the Despatch.

The conditions were as follow:—to serve for 14 years, or for the number of years wanting to complete the same (in case of having been previously hired by another person), the hirer engaging to feed and clothe them, to attend to their health and instruction, to cause them to be vaccinated, to present them every six months, and, in case of death, not to cause them to be buried without a previous communication to the tribunal; not to punish them excessively, and to pay one year in advance.

* Here follows an enumeration of the several "Ouvidores" and Clerks to the beginning of 1833. The registering of the hiring was commenced in December, 1821.

† The enclosures No. 1 or 8, referred to in this document, are not published.

It is, however, unquestionable that it was incumbent on the "Curador," Manoel Joaquim Gonçalves, provisionally named, by the late Board, "do Disembargo do Paço," on the 15th March, 1823, and who died, as I am informed, about two months ago, to promote the welfare of those in his charge; and it is to his negligence that is principally to be attributed the want of exactness, as well in the ascertaining of the personal existence of these emancipated persons and their destination, as in enforcing the payment of their wages. Nor are the clerks, Manoel Fernando Coelho, and João Nepomuceno Cantalice, less reprehensible, for having neglected to make the necessary entries.

It is ascertained that the merchant, Lourenço Antonio Ferreira, appointed in 1821 by the "Dezembargador," Jozé Clemente Pereira, served as Treasurer; but there is no book of receipt and expenditure from that period to 1830, when the "Ouvidor," Francisco Gomes de Campos, nominated the merchant Jozé Fernandez de Oliveira Penna, who continues in the service. By his Book of Receipts it appears that there have been collected 3,732 R. dols. 800 fis.

By the enclosed Report, No. 8, it is seen that the wages due up to the end of the present year, according to a calculation for each of the emancipated individuals, and assuming them to be all in existence, and in the possession of the hirers (the contrary not appearing for want of the requisite registers), amount to the sum of 57,063 R. dols. 620 fis., from which there is only to be deducted at present the 3,732 R. dols., 800 fis., received by the Treasurer Penna. Perhaps there may be much more to deduct, according to the declarations which the hirers, who are to appear in consequence of my summons, may make and substantiate.

To the late Treasurer I have addressed a Despatch, requiring the necessary information in respect to the collection in the nine years of his service; and, as yet, he has returned no answer.

I have named as "Curador" the Graduate Carlos Antonio de Bulhões Ribeiro, of whose probity, talents, and activity, I have promising information. It is his business to cite the ex-Treasurer before the proper tribunal for the amount of whatever sums he may have collected, and which he shall not show that he has legally expended: also to require from the hirers the sums which they may owe, and likewise that they exhibit the emancipated Africans, according to the conditions, accusing those who may not give a satisfactory explanation of a deficiency of the same, it being a current report that some of these unfortunates were sold as slaves.

In return for so much labour it is indispensable that there be assigned to him some compensation, which, if your Excellency should think proper, might be 10 per cent. upon what he may collect, as was established by the Instructions of the 24th of October, in respect to the Africans placed at the House of Correction; and it would also be expedient that the "Curador" assigned to one should also be that of the others. I should likewise point out to your Excellency that the clerk, Jozé Leite Pereira de Campos, whose regularity and order are so conspicuous in his accounts respecting "Os Minas," ("it is presumed emancipated slaves of the Minas nation,") is the person to whom we owe these particulars, such as he has been able to obtain; and I therefore think that he should continue to be the clerk of the late and of the present hirings of the Africans, for which there should be assigned in like manner to him about 4 or 5 per cent. on the sums collected.

The Instructions are silent in respect to the Treasurer; but he is indispensable. The person actually serving is a respectable merchant; and it appears to me that he ought to continue, as well in respect to these as to other Africans, to receive some advantage for the labour and responsibility to which he has subjected himself.

In respect to the Judge, your Excellency has already declared, in the Instructions of the 29th October, that he should be the Judge of Orphans; and considering the Alvará of the 26th January, 1818, in connexion with the Decree of the 3d of June, 1833, I think that the same person should be named for ("Os Minas").

This is as much information as I can give to your Excellency, who will order what may be just.
God preserve your Excellency.

Rio de Janeiro, 10th November, 1834.

(Signed) EUSEBIO DE QUEIEROZ COUTINHO,

To the Most Illustrious and Most Excellent Senhor
Aureliano de Souza e Oliveira Coutinho.

Mattozo da Camara.

No. 152.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 25, 1835.)

MY LORD,

Rio de Janeiro, 18th December 1834.

WE have the honour to lay before your Lordship, in this number, the copy of a Despatch, with its translation, from the President of this province to the Minister of Justice, enclosing a report from the "Juiz de Direito" of Ilha Grande, on the subject of the suppression of the traffic in slaves. This officer was specially selected for this post on account of his acknowledged zeal and energy about two years ago, when the penal code was promulgated; and your Lordship will find the best practical confirmation of the truth of his representations in the fact, which he has himself indeed omitted, but which, we are assured, is not exaggerated, that he lives in his house as in a besieged citadel, in constant fear of assassination, and not daring to stir out but accompanied with an armed force.

The President, who transmits this Report, was lately Minister of Marine, and, from the opportunities which that situation afforded him, is well able to appreciate the attention which such representations merit. Any observations of ours would but weaken the picture thus presented; the utter hopelessness of any better result could hardly be depicted in stronger colours; but another evidence is offered—if any yet were wanting—of the inveteracy of the prejudices entertained on this subject by the ill success which the editor of the "Aurora Fluminense," other

wise a very popular character, has met with at Ilha Grande in his canvass there for a seat in the Provincial Assembly, merely on account of his temperate and rational advocacy in favour of free labour and the gradual extinction of slavery in this empire.

The "Juiz de Direito" above referred to had already addressed similar representations to the Minister of Justice, in which he called for the prosecution of certain Justices in his district implicated in the traffic, and further required that a detachment of at least twenty men should be stationed in the town, as well for its prevention as for his own personal security.

His Excellency, in reply, informs him that the documents he had transmitted had been referred to the public prosecutor for the required purpose, and that orders had been given to furnish whatever immediate military aid the Authorities might stand in need of; it not being possible to send any from hence, as well from motives of expense, as from the corps being already overburdened with duty. If, however, such a force should prove indispensable, the "Juiz de Direito" is instructed to apply to the President of the province for this as for all other measures; and he is moreover informed that the Minister of Marine had been requested to send out an additional number of cruisers,—an application which that Minister replied to by stating that he has already despatched several vessels for the object in view, and is diligently employed in preparing others, which are nearly ready.

We mention these particulars, as well to acquaint your Lordship with the steps said to be taken, as to show how little can be expected from proceedings in themselves very dilatory, and which generally lead to nothing better than a succession of inefficient edicts; so universal, indeed, and widely spread, is the participation in this contraband traffic, that an act of amnesty is beginning to be talked of as a matter of necessity, from the inability of the Executive to enforce the laws and judicial measures directed against it, and from the number and influence of the parties involved.

We have, &c.

(Signed) GEORGE JACKSON,
FRED. GRIGG.

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

Enclosure in No. 152.

(Translation.)

Senhor Torres to Senhor Coutinho.

Correio Official, Rio de Janeiro, 1st December 1834.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

THE "Juiz de Direito" of the district of Ilha Grande having addressed to me, on the 12th of the present month, the representation which I have the honour to send herewith to your Excellency, stating the difficulties which the said Judge has experienced in the execution of the code and other laws intended to suppress the shameful traffic in Africans; which laws, some being impracticable and others inadequate, have proved insufficient to put an end, at once, to such a scandalous commerce, which, unfortunately, still continues in some parts of Brazil; and as I agree, in a great measure, with what the said Judge sets forth, and feel the inadequacy of the law existing for that object, I transmit the said representation to your Excellency, in fulfilment of the twelfth section of the fifth Article of the law of the 3d of October of the present year, to the end that your Excellency may give to it the consideration which it may deserve.

God preserve your Excellency.

*Palace of the Government of the Province of
Rio de Janeiro, 20th of November, 1834.*

(Signed)

JOAQUIM JOSE RODRIGUES TORRES.

*To his Excellency Sr. Aureliano de Souza e
Oliveira Coutinho, Minister and Secretary
of State for the Affairs of Justice.*

Sub-Enclosure in No. 152.

Report from the Juiz de Direito, at Ilha Grande.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

Ilha Grande, 12th November 1834.

IN consequence of the Despatch of the 25th of April of the present year, of which I send a copy to your Excellency, I adopted all the measures which were within my reach to prevent the

detestable traffic in Africans practised on the different estates ("Fazendas") in this district, as the Government had been informed, and as I was ordered. It is not without concern on my part that I proceed to bring under the cognizance of your Excellency all that has occurred upon that subject. It was not without foundation, nor upon false information, that the Most Excellent Minister, Justice drew up the Despatch in question, inasmuch as there is no point where the detestable commerce is more deeply rooted, or the Authorities so much implicated: but the means of repressing it were prepared too late; the more so, as those measures which may be taken, according to our code, cannot, in any way, be efficient, inasmuch as the parties engaged in this contraband being, by their social position and pecuniary means, the influential class, it is from that very class that the Justices of the Peace, Municipal Officers, Members of the Chambers, Juries, Public Prosecutors, and all the other Authorities, to be elected by the people, are to be selected; and as the people are the only ones exposed, this class necessarily make use of them, profiting by their state of indigence, by their want of information, and by their belief that the cessation of the commerce will be fatal to Brazil; a belief which it is very difficult to eradicate, and therefore they indirectly support this crime, and become, if not designedly conniving, at the least tolerating parties, so that they afford no assistance to the Authorities, or to the law, though they may not directly combine to promote the election of the persons of the greatest weight in this circle, and who alone are enabled by their property to enter into this speculation of gain. It is thus that all the measures taken by me, in consequence of the orders of Government, and of the existing laws, have been entirely inefficient, serving only to excite enmities and revenge, and the commission of still greater crimes, the penalties for which would be double those laid down for the punishment of the crime of the importation of Africans; inasmuch as a Judge, who is himself compromised, does not dare to punish his fellow-citizens for other crimes; thus augmenting the number of criminals, and adding to the chance of their impunity.

I see that in the trade in Africans brought to this district are committed almost the whole population of this place, and of the neighbouring districts, wherefore I judge that no measure can be taken either to punish them, or even to impede such a traffic, unless it be that all the views of the Government be directed to the employment of cruisers on a scale sufficiently extensive, and under the inspection of some one Authority. However great might be the number of Judges sent by the Government to this and the adjoining districts, they would prove to be too few for the trial of so many thousands of individuals, who, either from necessity or family connexions, by fear or ill-judged philanthropy, are deemed to be conniving. This, which occurs in this district, and which I have the pain to bring under the cognizance of your Excellency, must be felt to extend to the whole coast of Brazil; for it is hardly to be supposed that the merchants of Rio de Janeiro have been able to engross this commerce exclusively, in defiance of the laws and of the authorities, or that it is only here that men are found ready to yield to crime. Here, since I have been in the district, there have been 22 disembarkations which I can remember; and I can assure your Excellency that an equal, or even greater, number have called off this port; and it is certain that they did not return to Africa.

All that I lay before your Excellency is intended solely to assure your Excellency that, seeing all my endeavours defeated, I meet with no assistance, and, finding the punishment of such a crime morally impossible, I disclaim any and every responsibility which I might have in the eyes of the Government and of the nation, so as to prevent them from being the victims of a law which is totally impracticable in the present circumstances, hoping that the Provincial Assembly will take more efficacious measures for this end, and assist by its wisdom the extremely difficult position in which the province would be placed, should it be attempted to punish one, two, three, or four, exclusively of all the others.

The efforts which I have made, the persecution which I have endured, the want which I have experienced of all assistance, are enough to exonerate me from all responsibility in the impartial judgment of the nation, to which I appeal; which is what I have to lay before your Excellency, whom God preserve.

(Signed) AGOSTINHO MOREIRA GUERRA, *Juiz de Direito.*

*To the Most Illustrious and Most Excellent Senhor,
Joaquim José Rodrigues Torres, President of the
Province of Rio de Janeiro.*

No. 153.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 25, 1835.)

MY LORD,

Rio de Janeiro, 18th December 1834.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 8th October last, acquainting us that the case of the "*Maria da Gloria*" had received the serious attention of His Majesty's Government, making certain observations upon the declaration of the Court of their incompetency to take cognizance of it, and instructing us, in conformity to such observations, to acquaint the Brazilian Commissioners with the opinion entertained by His Majesty's Government, that the Mixed Commission at Rio de Janeiro had jurisdiction in that case, and to use our utmost endeavours to induce our colleagues to adjudicate in cases which may be brought before the Mixed Commission under circumstances similar to those of the "*Maria da Gloria*."

We have taken the earliest opportunity, my Lord, to make the communication to the Court, as thus directed; and having already, in the Despatches to which your Lordship refers, as well as in that of the 27th December, 1833, stated the grounds on which we came to the opinion recorded in the sentence of the Court in the case of the "*Maria da Gloria*," it may not, perhaps, become us to enter into any further argument on the subject.

Should, however, any similar case occur, we shall not fail to bear in mind the Instructions contained therein; but we sincerely hope that the additional Articles which your Lordship informs us His Majesty's Government has proposed to the Governments of Portugal and Brazil, containing all those stipulations which experience has shown to be best adapted to prevent the subjects of either Power from engaging in any way whatever in the Slave Trade, may be as promptly and cordially adopted by both those Powers as the exigency of the case so imperiously calls for, as we feel convinced, from the great sensitiveness evinced by our Brazilian colleagues, and generally by every Brazilian we meet with, on the subject of their independent national character, that we should have the greatest difficulty, as matters now stand, in obtaining their concurrence in adjudicating any case under circumstances similar to those of the "*Maria da Gloria*."

Your Lordship will best learn, from His Majesty's Minister at this Court, how far we may hope that these Articles will be favourably received by this Government and Legislature; but the reception which the proposal of the Minister, Senhor Aureliano de Souza e Oliveira Coutinho, to enlarge the powers and province of the Mixed Commissions, met with in the Chamber of Deputies during the last Session, and the extreme jealousy they evinced of foreign jurisdiction, and what they term interference, augur, we fear, but ill for the success of any proposition of that nature.

(Signed) We have, &c.,
GEORGE JACKSON.
FRED. GRIGG.

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

No. 154.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 25, 1835.)

MY LORD,

Rio de Janeiro, 20th December, 1834.

WE have the honour to enclose herewith, for your Lordship's information, the Copy of a Despatch, with its Translation, from the Minister of Marine to the President of this Province, informing him of the expected arrival of several Slave-vessels on these shores from the Coast of Africa, and that fresh orders had been given, in consequence, for sending out a considerable number of cruisers from hence, and calling upon him to use his best exertions to prevent, on his part, the disembarkation of these cargoes.

One vessel particularly is mentioned as having been run ashore in the vicinity of Ilha Grande, and abandoned by the crew; but nothing is said of the slaves, which may, perhaps, be considered as corroborative of what has been for some time currently reported, that the Instructions now given to the Masters of Slave Vessels were to pay little attention to, and to abandon, or burn, if necessary, the vessels themselves, provided only they succeeded in landing the cargo.

The result of these measures, specially directed against an occurrence distinctly foreseen, will be the best test of their efficacy, and of the good faith with which they may be carried into execution, and it is in this view of the subject chiefly that the above Enclosure merits your Lordship's attention.

(Signed) We have, &c.,
GEORGE JACKSON.
FRED. GRIGG.

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

Enclosure in No. 154.

(Translation.)

The President of Marine to the President of the Province of Rio de Janeiro.

Correio Official, 17th December 1834.

Tr having come to the knowledge of the Regency, in the name of the Emperor, that many vessels with Slaves from the Coast of Africa are expected from the month of November last and forward; and they having, with a view to prevent this traffic, ordered that the number of cruisers should be

augmented by four or six additional vessels, to be constantly stationed on the coast of this province, four to the South and two to the North, as far as Campos, and which are to be still further reinforced within the next eight days, and maintained for a considerable time, in order to put an end to the continuance of so scandalous and inhuman a traffic, carried on in despite of the laws and treaties which prohibit it; they order the same to be communicated to your Excellency, that you may, on your part, encourage the Authorities of the province to impede the disembarkation of such people; informing your Excellency, at the same time, that instructions have been given to get a vessel off which had been run ashore in one of the creeks of Ilha Grande, and abandoned by the smugglers of these African Negroes, which vessel will soon arrive here; and by the account given of her, may be employed for the national service, being new, and of a good construction; hoping, moreover, that your Excellency will communicate whatever measure you may consider desirable for the prevention of these repeated disembarkations.

Palace, 13th December, 1834.

(Signed)

ANTESO JOZÉ FERREIRA DE BRITO.

To Senhor Joaquim Joze Rodrigues Torres.

No. 155.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 25, 1835.)

MY LORD,

Rio de Janeiro, 23d December 1834.

WE have the honour to report to your Lordship the arrival, in this harbour, on the 15th instant, of Lieutenant John Haliburton Murray, in charge of a brig called "*Rio de la Plata*," detained under Montevidean colours by His Majesty's sloop "*Raleigh*," Michael Quin, Esq., Commander, on the 28th November, in latitude 20° 58' South, longitude 17° 49' West, having five hundred and twenty-one slaves on board, bound from Benguela and Loanda to Montevideo.

The information which His Majesty's Government will receive, as well through the Lords Commissioners of the Admiralty, as from His Majesty's Minister at this Court, will acquaint them with the circumstances attending this detention, the reason for the brig being brought here instead of being taken to Sierra Leone, as intended by Commander Quin, as your Lordship will perceive by the enclosed declaration of that Officer, and the steps so judiciously and successfully taken by Mr. Fox for the immediate disembarkation of the slaves. It remains, therefore, for us only on the present occasion, to inform your Lordship that Lieutenant Murray yesterday libelled the "*Rio de la Plata*," in the Mixed British and Brazilian Court of Commission, from the belief that though the above slaves were to have been introduced into Montevideo as "Colonists" under a Licence from that Government, yet that the adventure is, in fact, Brazilian.

We need hardly add that our most diligent and serious attention will be given to this case, and that we shall not fail to give your Lordship the earliest information of the result of the investigation on which the Court is this day about to enter; but as we are on the eve of the holidays, and as no business whatever is transacted during their continuance, we can scarcely hope to have it in our power to make any Report to your Lordship on this case before the sailing of the next packet.

Lieutenant Murray informs us that His Majesty's sloop "*Raleigh*" proceeded, after the detention, to the Cape of Good Hope,

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

Enclosure in No. 155.

Declaration of Lieutenant Quin.

I, Michael Quin, Esq., Commander of his Britannic Majesty's sloop "*Raleigh*," hereby declare, that, on this 28th day of November 1834, being in or about latitude 20° 58' South, and longitude 17° 49' West, I detained the brig, named the "*Rio de la Plata*," sailing under Montevideo colours, armed with four guns, commanded by Don Antonio Cadozo da Siloa, who declared her to be bound from Benguela, Loanda, Nova Redonda, to Montevideo, consisting of seventeen men and boys, one supercargo, and three passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board five hundred and twenty-one slaves, said to have been taken on board at Benguela, Loando, Nova Redonda, on various days, as per book marked "*Caxo*," and are enumerated as follows: viz.—

| | Healthy. | Sickly. | Remarks, if any. |
|-------------|----------|----------|---|
| Men . . . | 93 | 1 = 94 | General appearance healthy. |
| Women | | | |
| Boys . . . | 262 | 7 = 269 | Many much emaciated. |
| Girls . . . | 148 | 10 = 158 | In general, more healthy in appearance than the boys; about fifteen in number; between ages of twelve and sixteen: the remainder between six and twelve years of age. |
| | | — 521 | |

I do further declare, that the said brig appeared to be sea-worthy, and was supplied with a sufficient stock of water and provisions for the support of the said Negroes and crew on her destined voyage to Sierra Leone.

Except a few of the men, the slaves in general are under the age of sixteen; rather less than more: and we are of opinion, taking the majority of the whole, they were not more than from six to nine.

(Signed) MICHAEL QUIN, *Commander.*
JAMES SYME, *Surgeon.*

No. 156.

The Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 11th March 1835.

*I HEREWITH transmit, for your information and guidance, the Copy of an Instruction which I have this day addressed to His Majesty's Envoy at Rio de Janeiro, upon the subject of a proposition for removing to Trinidad the Negroes emancipated under sentences of the Mixed British and Brazilian Court of Commission established at Rio de Janeiro for the suppression of the traffic in slaves.

I am, &c.,

(Signed) WELLINGTON.

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

* See Class B.

No. 157.

Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 11th March 1835.

WITH reference to my other despatch to you of this date upon the subject of the projected removal of liberated Negroes from Rio de Janeiro to Trinidad; I transmit to you the accompanying Copy* of a Letter which has been addressed to this Department by the Under Secretary of State for the Colonies, enclosing Copy of a Despatch addressed to the Lieutenant-Governor of Trinidad on the 2d of November last, upon the subject of the removal of negroes from the Havana to Trinidad.

The object of the letter will, under the present circumstances, equally apply to Rio de Janeiro as to the Havana, and you will take the principle of it, therefore, for your guidance in respect to the removal of the negroes from Rio de Janeiro.

It appears to me that the objects which the Secretary of State for the Colonies is desirous to attain, through the medium of British authorities, at the place where the negroes have been liberated can, so far as relates to the negroes liberated at Rio de Janeiro, be best secured by your superintendence, and by a person under your immediate orders.

If the Brazilian Government feel desirous, therefore, of embracing the opportunity offered to them by His Majesty's Government, of relieving them from the care and burthen of the Africans liberated under sentence of the Mixed Commission at Rio de Janeiro, by the transfer of such Africans to Trinidad, you will select a person on whose fitness for the duties, and in whose exactness in fulfilling them you can confide, to perform the functions which will devolve on him under this Instruction.

The duty of the functionary whom you will select may be stated generally to be that of ascertaining to his own satisfaction, and then of certifying, for your information, and for that of the officers of the British Government in Trinidad, the

* For Enclosure, see No. 72.

facts of which it may be necessary to be informed before an order is made for the reception in Trinidad of any Africans to be brought thither from Rio de Janeiro.

These facts, so far as I am yet aware, are, first, the concurrence of the Africans themselves in their removal to Trinidad, or the evidence of a very extraordinary necessity, requiring, in some cases, even a peremptory removal; and a Certificate upon either of these points, signed by the functionary in question, must accompany any such Africans upon their removal from Rio de Janeiro.

The Colonial Office will not consent that a transfer should be made to Trinidad of any Africans recently landed at Rio de Janeiro, unless it shall first be ascertained that, at the time of their embarkation for Trinidad, they are in good health, or at least exempt from any dangerous or contagious disease. You will, for the purpose of ascertaining this fact, employ some medical gentleman on whose skill and on whose probity you can confidently rely.

The second object of the Certificate which should accompany every vessel with liberated Africans from Rio de Janeiro to Trinidad must, therefore, be, that the functionary certifying has been himself satisfied on the report of the competent Medical Inspector, that the Africans to be removed are, at the period of their quitting Rio de Janeiro, in such a state of health as I have mentioned.

As it may be apprehended that the Africans removing to Trinidad may enter upon that voyage under a total misapprehension of the nature of the reception awaiting them, it will be fit that before the departure of any Africans from Brazil, the plain truth should be distinctly explained to them; and that they should be taught to expect, on their arrival at Trinidad, adequate maintenance and protection from injury in return for moderate but regular labour. That such explanations have been given is the third fact to be attested by the Certificate which is to accompany them.

With regard to the due proportion of males and females to be embarked, it is stated in the accompanying letter that it would be superfluous to add anything to the instructions already given, still it is observed that it may not be useless to require that the Certificate to be put on board the vessel at Rio de Janeiro, should show, fourthly, that at the time of her sailing, that proportion was accurately observed.

It is of great moment to take effectual security against the severance, before the departure from Rio de Janeiro, of any relations, whether of marriage or consanguinity, which ought to be maintained inviolate, and with a view to this point, the Certificate should state, fifthly, that the functionary signing it, after having, to the best of his power, inquired into the fact, has reason to believe that no African referred to in that Certificate will leave behind in Brazil a husband, wife, child, or other immediate connexion or relative, from whom he or she ought not to be separated.

The functionary in question will likewise require of the master of every vessel conveying any such negroes to Trinidad, first, to give bond to His Majesty, that, during the voyage, the negroes shall be provided with such sustenance and accommodations as may be necessary for their health and reasonable comfort; the Certificate should, therefore, state, sixthly, that such a bond had been entered into, and before the ship is admitted to entry at Trinidad, the bond itself should be placed in the hands of the Collector of the Customs.

No Africans should be sent to Trinidad without one month's previous notice of their arrival to the authorities of that place, in order that due provision may be made for the proper disposal of them on their reaching the Colony; or if such notice be impracticable, the vessel must be furnished with one month's extra provisions, so that the Negroes may remain, if necessary, thirty days on board after their arrival in Trinidad; on these points, however, you will come to an understanding with the Government of Trinidad.

The document certifying to the several points enumerated in this Despatch should be drawn up, dated, and signed by the functionary in question, in triplicate, and one original thereof should be delivered to you, one retained by such functionary, and the third delivered over by him to the captain of the vessel, or other person in charge of the liberated Africans.

The person receiving that triplicate original of the Certificate will give a receipt for the same, and will, on the arrival of the vessel at Trinidad, deliver over the Certificate to the authorities of the island. His Majesty's Government feel aware that such remuneration, as with due regard to economy may appear fair, should be made to the civil and medical functionaries who may be employed by you for the service

under this Instruction ; His Majesty's Government think it right that half, if not the whole of this charge should be borne by the Brazilian Government for whose benefit, in the first instance, the service is performed. You will, therefore, endeavour to induce the Brazilian Government to bear the whole. If they should object to bear more than half, then His Majesty's Government will not decline to authorize the payment of the remainder from the resources of Trinidad. You will, however, previously to incurring any expenditure for this service, send home for approval a scale, regulated with due regard to economy, of the remuneration which you think fair, and after consideration and approval of what His Majesty's Government may think right, they will direct the Lieutenant-Governor of Trinidad to accept the Bills which may be drawn for this service agreeably to the proposed scale.

You will report to me the arrangement which you shall have provisionally made upon the several points in this Despatch.

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

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

No. 158.

The Duke of Wellington to his Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 16, 1835.

*I HEREWITH transmit to you, for your information, the Copies of three Despatches which I have received from his Majesty's Envoy at Lisbon, containing the account of two vessels,—the "*Minerva*," alias "*Esperanza*," and the "*Hercules*," which have recently been fitted out at that port apparently for the Slave Trade.

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

* See Class B, Nos. 33, 35, and 36.

No. 159.

His Majesty's Commissioners to Viscount Palmerston. (Received Mar. 21, 1835.)

MY LORD,

Rio de Janeiro, 5th January 1835.

WE have the honour to inform your Lordship that, since our Half Yearly Report of the 5th July 1834, only one vessel has been brought into this port for adjudication by the Mixed British and Brazilian Commission for the Abolition of the Slave Trade, viz.—the brig "*Rio de la Plata*," under Montevidean colours, detained by Michael Quin, Esq., Commander of His Majesty's sloop "*Raleigh*," on the 28th November 1834, having five hundred and twenty-one slaves on board, bound from Benguela and Loanda for Montevideo, and brought into this port on the 15th December last, in charge of Lieutenant John Haliburton Murray, of His Majesty's above-mentioned sloop.

This case, as we have already had the honour to report, was libelled on the 22d December 1834, and is still under the consideration of the Court.

We have the honour to be, &c.,
(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

No. 160.

His Majestys Commissioners to Viscount Palmerston.—(Received Mar. 21, 1835.)

MY LORD,

Rio de Janeiro, 20th January 1835.

A CORRESPONDENCE having been published officially on the 10th instant, shewing the state of the Province of Rio de Janeiro, in respect to the extreme difficulty of preventing the Slave Trade, we have the honour to enclose it herewith, in Original and Translation, for your Lordship's information. It consists of an Extract of a Despatch from the President of this Province to the Minister of Justice, transmitting two others which had been addressed to the President by the "*Juiz de Direito*," of Ilha Grande, and also a communication made by the latter to the Municipal Judge at that place.

We have, &c.,
(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

Enclosure in No. 160.

(Translation.)

Senhor Torres to Senhor Coutinho.

(Extract.)

Correio Official, Rio de Janeiro, 10th January 1835.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

By the Despatches which I have the honour to send to your Excellency, you will learn not only that the "*Juiz de Direito*," of the District of Ilha Grande, has transferred that Office to the Municipal Judge of the same, declaring that he was under restraint; but also that the same Judge asks to resign that Office for the reasons stated by him in the same Despatches. I cannot yet inform your Excellency how far the complaints which I have received against the latter magistrate may be well founded, neither whether what has been stated in different Despatches is sufficient to explain what has occurred in the Town of Ilha Grande. But it appears to me, that, seeing the reciprocal disinclination existing between the said "*Juiz de Direito*," and other authorities and citizens of that place; as also the want (the sad result of our legislation) of efficient means to maintain the public tranquillity in any other way, it is expedient either to change the said Judge, or to accept his resignation, as he requests.

Palace of Government of the Province of Rio de Janeiro, 19th December 1834.

(Signed) JOAQUIM JOSÉ RODRIQUES TORRES.

*To his Excellency Senhor Aureliano de Souza e
Oliveira Coutinho, Minister of Justice, &c.*

Sub-Enclosure A in No. 160.

Senhor Guerra to Senhor Torres.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

Ilha Grande, 12th December 1834.

I ACKNOWLEDGE the receipt of your Excellency's advices of the 20th and 25th of November last, in respect to the contraband of Africans, upon which I again proceed to assure your Excellency that it is not in my power to take any measures upon such a subject, inasmuch as the contraband continues in the same manner, and war is declared against the laws which prohibit it, and against the authorities who endeavour to prevent such traffic; in consequence of which, as I cannot witness acts so revolting and so derogatory to the authority with which I am charged, and not being able to bear any longer with equanimity the insults which are every day reiterated against my person and authority, I hereby tender my resignation to your Excellency, trusting that the person who may succeed me may, perhaps, better discharge the functions with which the law has invested me, and that I may thus live in quiet, convinced as I am that my services in critical conjunctures have been beneficial to my country, which is precisely the recompense which I desire for all my services; thus ending my career as a Magistrate,—not knowing how to compound with crimes and with criminals,—being only sorry that I cannot accompany your Excellency in the arduous undertaking intrusted to you, and thus contribute, as far as my poor abilities may admit, to attain the end which your Excellency has in view.

God preserve, &c.

(Signed) AGOSTINHO MORREIRA GUERRA, "*O Juiz de Direito*."

*To his Excellency Sen. Joaq. José Rodrigues Torres,
President of the Province of Rio de Janeiro.*

Sub-Enclosure B in No. 160.

Senhor Guerra to Senhor Torres.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

Ilha Grande, 12th December, 1834.

I SEND to your Excellency a Copy of a Despatch, which, under this date, I have addressed to the Municipal Judge of this City, José Antonio de Paiva, Collector of the National Revenues of the same, who, from a spirit of caprice and vindictiveness, and to extend the party of the Smugglers of Africans, with whom he is closely connected, has given me just reason to consider myself as completely under restraint, and even to fear that within a few hours I may become the victim of an atrocious assassination. And not having the means of repelling any insult which may be offered to the law and to the authority, I have determined this very day to deliver over to him the jurisdiction, declaring to him that I found myself under restraint; in consequence of which I transferred to him my jurisdiction. It is not, Most Excellent Sir, without reason, or from cowardice on my part, that I avail myself of this last resource, since the Hundred and Seventeenth Article of the Code declares, that threats of violence, sufficient to terrify any man of ordinary firmness, are to be considered as equivalent to the opposition of an effective force; how much the more when the same force is frequently directed against me, and even because it cannot be otherwise, considering that the persons composing it are smugglers, relations of smugglers, or interested in favouring that traffic.

God preserve, &c.

(Signed) AGOSTINHO MORREIRA GUERRA,

"O Juiz de Direito."

*To his Excellency Sen. Joaq. José Rodrigues Torres,
President of the Province of Rio de Janeiro.*

Sub-Enclosure C in No. 160.

Senhor Guerra to the Municipal Judge.

SIR,

Ilha Grande, 12th December, 1834.

BEING convinced that you have employed every means to place me in complete restraint, both by armed force and nocturnal rounds of cavalry, which repeatedly and purposely pass my door, commanded by persons who do not even belong to the National Guard, and by Smugglers of Africans, and Justices of the Peace of various Districts implicated in that contraband, comprehending in this service even criminals; and all this I owe to you, who, with them, and in your own house, plot against my authority, for the sole purpose of protecting this crime. Whereas, if you wished to act with good faith, you ought to do nothing without applying for instructions according to Article Forty-six of the Code, as I have pointed out to you; but so far from this, persons in the neighbourhood, and others in the very streets, have observed the scandalous way in which I am treated by you, and by those auxiliaries; wherefore for the reasons stated, which I proceed to bring under the cognizance of the Government, from whom I solicit, under this date, my dismissal, I declare myself to you as being wholly coerced, and from this time I give up my jurisdiction to you, requiring a speedy answer, in order to transfer the suits to such Clerk as you may appoint.

God preserve, &c.

(Signed) AGOSTINHO MORREIRA GUERRA,

"O Juiz de Direito."

To the "Senhor Juiz Municipal," ad interim, of this City.

No. 161.

His Majesty's Commissioners to Viscount Palmerston.—(Received Mar. 21, 1835.)

MY LORD,

Rio de Janeiro, 4th January 1835.

Another Despatch having appeared on the 22d instant, in the Official Paper of this place, from the President of this Province to the Minister of Justice, describing his utter inability to put a stop to the increasing importation of slaves, we think it our duty to transmit the same, in Original and Translation, for your Lordship's information, conveying, as it does in language not less forcible than true, the hopelessness of any better result under the present system.

We have, &c.,

(Signed)

GEORGE JACKSON,
FRED. GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 161.

(Translation.)

*Senhor Torres to Senhor Coutinho.*MOST ILLUSTRIOUS AND MOST EXCELLENT SIR, *Correio Official, Rio de Janeiro, 22d Jan. 1835.*

I RECEIVED to-day the Despatch which your Excellency sent to me in date of the 12th of the present month, accompanying the Note addressed to you by the Consul-General of the Argentine Republic, announcing the arrival at Mangaratiba, a few days ago, of the Argentine brig, called "*Domingo*," and that she landed there more than 400 Africans, in order that I, being informed of the whole contents, should take the most energetic measures, not only to effect the apprehension of those Africans, and proceed against the Importers and other persons who may have taken part in this criminal transaction, but that I should also cause the said brig to be removed to the Port of Rio de Janeiro, in case she should still be at Mangaratiba. In answer to which I have the honour to remark to your Excellency, that the only measure which would appear to me to be proper, in order to remove the brig in question to Rio de Janeiro, would be to despatch a ship-of-war to capture her; but not only the long space of time which has elapsed since the landing of the Africans, but also the communications made to me in respect to that disembarkation by the "*Juiz de Direito*" of Ilha Grande, in the Despatches which I sent to your Excellency on the 10th of the present month, render impossible the good result of such a measure. In regard to the apprehension of the Africans, and to the prosecution of their Importers, it does not appear that any measure be within my reach, unless it be the useless formality of writing officially to the Judge or Judges of the Peace of Mangaratiba, recommending to them to make the necessary examinations as to the fact, and to proceed against the delinquents. No other measures do I find in the existing laws, which appear to be the more ineffectual, as it is known what unfortunately occurs in our country in respect to the infamous traffic in Africans. The Despatches from the Public Prosecutor, *ad interim*, for the Town of St. Joao da Barra, which were sent to me by your Excellency; the various communications above mentioned, and particularly the last Reports of the "*Ex-Juiz de Direito*" of the District of Ilha Grande, referring to the same brig "*Domingo*;" the worse than unheard of robbery of 200 Africans, which occurred in the "*Armaçao*," in the night of the 7th of the present month, without its being hitherto discovered what destination they received, independently of many other facts, oppress with grief the heart of every Brazilian who knows how to calculate the mischiefs which will be entailed upon us from such impunity and defiance of the laws of the country; but they will also convince us, that under the present legislation, and with those means only which are now at the disposal of the Government, it is impossible to withstand the torrent which every day hurries us on nearer to the brink of a horrible abyss.

Having little hope of being able to render any service to my country in this respect, and being almost reduced to the character of a mere spectator of crimes, which I can neither check nor punish, I acknowledge to your Excellency that it is not without repugnance that I remain in a position from which I can derive nothing but dissatisfaction and loss of esteem on the part of those who require everything from a functionary, who finds it scarcely possible to do anything with his present means and resources.

God preserve, &c.

*Palace of the Government of the Province of
Rio de Janeiro, 16th January, 1835.*

(Signed)

JOAQUIM JOZÉ RODRIQUES TORRES.

*To his Excellency Sen. Aureliano de Souza e
Oliveira Coutinho, Minister and Secretary
of State for Foreign Affairs.*

No. 162.

*His Majesty's Commissioners to the Duke of Wellington.
(Received April 10, 1835.)*

MY LORD DUKE,

Rio de Janeiro, 9th February 1835.

REFERRING your Grace to our Despatch of the 23d December last, we have now the honour to enclose herewith the Report of the Case of the brig "*Rio da Prata*." We, at the same time, subjoin a Paper containing the opinions delivered on the 24th ultimo, by the respective Commissary Judges in this case, as also, those officers not agreeing in opinion, the vote given by the British Commissioner of Arbitration on the 4th instant, and, finally, a Copy of the definitive Sentence of the Court, promulgated this day.

By a perusal of these Documents, your Grace will perceive that the Brazilian Commissary Judge considered that this Commission was not competent to take cognizance of the case, inasmuch as the brig was sailing under Montevidean colours, and, as he alleges, with all the requisite Papers, and was further authorized by the Government of the Oriental Republic of Uruguay to introduce the cargo of Africans found on board of the brig as "*colonists*," a measure which was prohibited by no law, and which, he further stated as his belief, no other Government had any right to impede or interfere with.

The British Commissary Judge, on the contrary, contended for the competency of the Court, the offence having been committed by a Brazilian subject, and the allegation that these Africans were colonists, and not slaves, appearing to him to be nothing more than a subterfuge.

His Majesty's Commissioner of Arbitration concurred with his Colleague as to

the final sentence to be pronounced, grounding it, as your Grace will see, on the fact that the declared owner of the brig was a Brazilian—on the want of connexion between the contract and the passport—on the probability, from the difference of dates, that the licence originally granted had been already acted upon—and, finally, that, as far as advances of money constitute a right of property, such right was, at the time of detention, in the speculators, and not in the Government of Montevideo.

His Colleague, on the other hand, considered these and other collateral points as immaterial to the main question, and founded the sentence of condemnation exclusively on the fact that the owner of the brig was a Brazilian subject, and that these Africans could be considered only as slaves to all intents and purposes.

Annexed to the Contract, a copy of which we have the honour to enclose, in original and translation, your Grace will find a curious specimen of the sophistry by which the Government of Montevideo pretend to justify this proceeding, and to reconcile it with their own Laws for the total Abolition of Slavery. These Papers are evidently the same which form the subject of Mr. Consul-General Hood's Despatch to His Majesty's Government of the 10th February 1833, and we shall think it our duty to put that gentleman in possession of what has passed by the next packet, the more so as, by a Protest, of which we have also the honour to transmit a copy and translation, addressed by the Montevidean Consul at this place to this Commission, the detention of this brig, and the bringing her for adjudication before this Court, are characterized as unwarrantable acts, and an infringement of the Law of Nations.

As connected with this case, and to show the view taken here of the course of proceeding adopted by the Montevidean Government, we are glad to be enabled to forward to your Grace a copy and translation of a Despatch from the late Minister of Foreign Affairs to the Brazilian Chargé d'Affaires at Montevideo, instructing him to remonstrate against the same.

Notwithstanding the sentiments expressed in that Despatch, it was evidently with considerable reluctance that the Brazilian Commissary Judge put his signature to the above sentence,—a form which, though he dissented from its purpose, is necessary to give it validity, and we should not omit to make your Grace acquainted with the observation which he made on doing so—namely, that this sentence was directly at variance with the principle laid down in Viscount Palmerston's Despatch (No. 4, of the 8th October last), with reference to the decision of the Court in the case of the "*Maria da Gloria*."

In the enumeration of the negroes to be emancipated by the present sentence, your Grace will observe a reference to one hundred and ninety blacks carried off by a *coup de main*, in the night of the 6th January, from a Government deposit in this harbour. Having no official knowledge of the same, and as His Majesty's Government will be fully informed of every particular respecting the transaction from other quarters, we have hitherto purposely refrained from alluding to it; but feeling ourselves now called upon to do so, in illustration of the sentence of the Court, we take the opportunity of directing your Grace's attention to this robbery, as affording a strong additional proof of the state of public feeling here on the subject of slaves, and of the almost absolute impossibility of suppressing the traffic.

We have, &c.,

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

First Enclosure in No. 162.

(Duplicate.)

Report of the Case of the brig "Rio de la Plata," Antonio Cardozo da Silva, Master, taken under Montevidean colours by His Majesty's ship "Raleigh."

THE brig "*Rio de la Plata*" sailed under Montevidean colours, in the month of June last, from Montevideo, with a Passport granted by the Government of that Republic to José Theodoro Villaça, who is therein declared to be the owner of the brig, authorizing him to go to the coast of Africa, and return, for the purposes of commerce.

She there took in a cargo of between 500 and 600 Africans, and was detained on her voyage from thence on the 28th November, 1834, in lat. 20. 58. S., long. 17. 49. W., by His Majesty's sloop-of-war "*Raleigh*," Michael Quin, Esq., Commander, who, in his Declaration, states that the Master of the brig, Antonio Cardozo da Silva, declared to him that the above cargo was embarked at Benguda, Loanda, and Novo Redondo.

The "*Rio de la Plata's*" ship's Papers were filed on the 22d December, 1834, and duly authenticated by the Prize-master, Lieutenant John Haliburton Murray, who, in a supplementary Declara-

tion, certified the number of Africans found on board to have been two more than stated by Commander Quin, namely, 523; and the usual Monition having been duly served, according to the forms practised in this country, the examination of the witnesses commenced.

The three principal ones were—the Master, Antonio Cardozo da Silva; the Pilot, Francisco Pereira; and the Surgeon, Francisco Jozé Pereira Alcantara. The first swore that he was a native of Oporto, and a Portuguese subject; that the brig “*Rio de la Plata*” belonged to the Oriental Republic of Montevideo, and was the property of Jozé Theodoro Villaça, and of Domingo Vasquez; the first a Portuguese, the latter (he believed) a native of the same Republic, and that both were established there as Merchants; that the brig repaired to the coast of Africa to procure Colonists from thence, in conformity to an agreement made with the Government, and which was among the Ship’s Papers: that such Colonists were on account of the Proprietors of the brig, and of some other individuals who were allowed by the Supercargo to embark them: that the brig was American-built, but that she was under Montevidean colours when he took the command: and, lastly, that in 1832 he was Pilot on board of a Brazilian vessel.

The second witness, the Pilot, Francisco Pereira, swore that he was a native of Lisbon, and corroborated the preceding testimony.

The third witness, the Surgeon, Francisco Jozé Pereira Alcantara, swore that he was a native of Elvas: that the licence of the Montevidean Government to introduce Colonists having been shown to him, and the traffic being considered licit, as well in Angola as from letters received from Montevideo, he had also embarked some himself. In other respects the evidence of this witness was to the same effect as that of the two preceding ones.

A claim was filed by the Master on behalf of the Owner, justifying the transaction by the sanction of the Government of Montevideo, and on the allegation that the Africans in question were Colonists, and not slaves, protesting against the right of the Court to take cognizance of the case, praying for the restitution of the brig and cargo, and holding the Members of the Court, as well as their respective Governments, answerable for all losses, &c.

In the same sense a Protest was received from the Consul-General of Montevideo at this place.

The two Commissary Judges came to different conclusions in the view they respectively took of this case, the British considering the pretence that those blacks were Colonists as unworthy of attention; the Brazilian Commissary Judge, on the other hand, being of opinion that that allegation was a valid one, and established the incompetency of this tribunal. Lots being drawn in conformity to the Third Article of the Regulations, and the lot falling on His Majesty’s Commissioner of Arbitration, he coincided with his Colleague in the final sentence to be pronounced, and accordingly on the 6th instant a sentence of condemnation was passed on the brig, as good and lawful Prize to the Crowns of Great Britain and Brazil, and as taken in the illicit traffic in slaves by His Majesty’s sloop “*Raleigh*,” Michael Quin, Esq., Commander; and the emancipation of her surviving slaves, 430 in number, was decreed, the same to be placed at the disposal of the Government of His Majesty the Emperor, as servants or free labourers.

Rio de Janeiro, 9th February, 1835.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

Enclosure Second in No. 162.

(Translation.)

Opinion of Brazilian Commissary Judge.

HAVING examined the Documents respecting the brig “*Rio da Plata*,” taken by the English corvette of war “*Raleigh*,” I am of opinion that this Commission is not competent to take cognizance of this Prize, because the said Commission, being instituted to take cognizance of infractions, committed by English and Brazilian Subjects, of the Treaties entered into by their respective Governments, cannot judge in regard to the detention of this vessel, inasmuch as navigating under the flag of the Oriental Republic of Uruguay, with a Passport and Legal Clearances from the Government of the same, she is not found to be comprehended in the stipulations of the Treaties referred to, notwithstanding that there were found on board upwards of 500 Africans; because, as these were brought as Free Colonists for that Republic, in virtue of a Contract expressly executed between the Government of the same Republic and two Merchants named in the same Contract, they (the Africans) can never be considered as comprehended in the Sixth Article of the Treaty of the 28th June, 1817, which requires, in order to legalize any detention, whether by a Brazilian or by an English vessel, that the slaves who may be found on board of the vessel detained be actually brought for that traffic—a case in which the Africans in question are not found, they being destined, as has been said, as Free Colonists for a country, which, though it have also decreed the abolition of the traffic in slaves, yet by no law prohibits their introduction in the quality of Free Colonists, as is expressed in the said Contract; in addition to which it cannot even be supposed, nor is it found to be proved that the parties concerned, being covered by this Contract, intended to elude the Treaties, and to disembark the said Africans in Brazil; the said brig not having been fallen in with near the coast of the same, endeavouring to carry such disembarkation into effect, and consequently it cannot be inferred that the brig actually intended to deviate from her real destination.

Rio de Janeiro, 24th January, 1835.

(Signed)

JOAO CAMEIRO DE CAMPOS.

(A true Translation)

NATHANIEL LUCOS,

Interpreter (*ad int.*) to the Mixed Commission.

Enclosure Third in No. 162.

Opinion of British Commissary Judge.

AFTER examining the Documents in the case of the brig “*Rio da Prata*,” detained by His Majesty’s sloop of war “*Raleigh*,” in lat. 20. 58. S., long. 17. 49. W., on account of there having been found on board 523 African Blacks, I am of opinion that this Commission is competent to take

cognizance of this Prize, because her Owner being a subject of Brazil, as appears by the very Passport with which the said brig sailed from Montevideo, it ought to be considered as Brazilian property, although navigating under the flag of the Oriental Republic of Uruguay. As to the allegation that these Africans are "Colonists," and not slaves, such a pretext appears to me to be deserving of no credit whatever.

Rio de Janeiro, 24th January 1835.

(Signed) GEORGE JACKSON.

The two Commissary Judges having disagreed, and the Lot having fallen on the British Commissioner of Arbitration, he delivered the following Opinion:—

Enclosure Fourth in No. 162.

Opinion of British Commissioner of Arbitration.

Rio de Janeiro, 4th February 1835.

THE principal Documents in this case of the brig "*Rio da Prata*" are—

First—An agreement made on the 12th of November 1832, between the Government of the Oriental Republic of Uruguay on the one part, and Domingo Vasquez and Jozè Theodoro Villaça on the other part.

Second—A Passport dated Montevideo, 25th of June 1834, given by the President of the said Republic to Jozè Theodoro Villaça, as Owner of the said brig "*Rio da Prata*," in order that the said brig should sail from Montevideo, in ballast, for the coast of Africa, and return to the said port of Montevideo.

On the 1st of July 1834 the said brig sailed for the coast of Africa, whence she departed in the month of November following. On the 28th of that month the said brig was detained by His Britannic Majesty's sloop "*Raleigh*," having on board upwards of 500 Africans, for which reason the brig was ordered to proceed to Sierra Leone in charge of an Officer of the British Navy, in order that the case might be brought before the Mixed Commission in that Colony. But the bad state of the brig, and of the Africans, obliged the said Officer to steer for this port, where he arrived on the 15th of December last, and applied on the 22d of that month to this Mixed Commission to take proceedings as well against the brig as against the Africans.

The Claimants before this Commission affirm that the brig and her cargo are protected on the voyage in question by the above-mentioned Passport; but it is important to observe that there is no connexion between the two Documents, inasmuch as, if such a connexion existed, it would have been absolutely requisite that, in a transaction of so much importance, such connexion should have been specified on one of those Documents, or on both; particularly considering that in the long interval between the month of November 1832, the date of the agreement, and the 25th of June 1834, the date of the Passport, ample time had elapsed for the fulfilling of the agreement, either wholly or in part; and, in fact, it is seen by the correspondence among the Papers brought in, that, antecedently to the date of the said Passport, the same parties had already imported into Montevideo, and sold there, a cargo of Africans.

It cannot be said that the Government of Montevideo had any pecuniary property in the cargo of Africans on board of the "*Rio da Prata*," not having advanced any money in that transaction; but, on the contrary, having stipulated to receive 30,000 dollars as a consideration for the contract.

On the other hand, it is evident that as far as the advance of money can constitute a right of property in Africans, that right was in the persons who sent the "*Rio da Prata*" to the coast of Africa; not only as they had already paid, or contracted to pay, the 30,000 dollars to the said Oriental Republic, but as they had made disbursements in Africa, either in money or in goods, in exchange for the Africans shipped on board of the said brig.

The brig "*Rio da Prata*" is described in the National Passport of the 25th of June 1834 as the property of Jozè Theodoro Villaça, who is acknowledged as a Brazilian subject, in the full enjoyment of all the rights as such, on the 28th of November 1834, when the vessel was detained by His Majesty's sloop "*Raleigh*."

Under these circumstances I am of opinion that the capture of the said brig is lawful, and that she be condemned according to the Treaties.

(Signed) FRED. GRIGG.

Enclosure Fifth in No. 162.

SENTENCE.

FROM a full examination of the proceedings and Documents in this case, it is established that the brig "*Rio da Prata*," detained by His Majesty's sloop of war "*Raleigh*," on the 28th of November 1834, in lat. 20° 58' S., long. 17° 49' W., on account of there having been found on board 523 African Blacks, is Brazilian property, although the brig was then navigating under the flag of the Oriental Republic of Uruguay, inasmuch as it appears by the Passport with which she sailed from Montevideo, and which has been recognised as authentic, not only by the party captured, but also by the Consul of the said Republic at this Court, that her Owner is Jozè Theodoro Villaça; and it is also seen, as well on the authority of the Brazilian Minister of Marine, as by an official Document exhibited by the Defendant's Proctor himself, that the above-mentioned Jozè Theodoro Villaça was a subject of this Empire, not only at the time of the brig's sailing from Montevideo, but even down to a period subsequent to her detention by His Majesty's sloop "*Raleigh*."

On these grounds it appears unnecessary to do more than simply to notice the fact that on board of

this vessel was found a contract between the Oriental Republic of Uruguay and certain individuals, permitting the introduction of upwards of 600 "Colonists" from the coast of Africa into the territories of the Republic; and it is equally unnecessary to enter into many of the arguments arising out of this permission, adduced on both sides, the more so, as they appear to be applicable rather to the general question of the Law of Nations, than to the functions of this Tribunal.

On the same principle it is immaterial to examine some other points not touched upon by the respective Proctors, but which it might otherwise be essential to consider; such as that the above-mentioned contract, on which it is attempted to defend this transaction, was valid only for two years, and that such term had expired; and further, the absence of any Log showing the course which the brig had followed from the time of her leaving the African coast to that of her detention, and which, considering where she was met with by His Majesty's sloop "Raleigh," would seem to raise a strong presumption that this cargo was to have been landed on the shores of Brazil, had the opportunity offered, as already has notoriously happened under the same flag.

But, for the reasons above intimated, these and similar points may be allowed to pass without scrutiny. Neither is it material to inquire how far a Passport dated in 1834, in which there is no reference whatever to a contract said to have been made nearly two years before, and in which no mention is made of any other name than that of José Theodoro Villaçã, nor of the return cargo to be brought from Africa, can be considered as identical with such contract.

These are all questions, which, under other circumstances, it might be of the first importance to investigate with the utmost attention; but the legality or the illegality of this transaction does not appear to depend either on one of them or on all.

The adventure is here avowedly Brazilian,—the Passport declares it to be such,—and in the list of the crew but one subject of the Republic of Uruguay is met with, and that one a common sailor. The First Article of the Convention of the 23d November 1826 declares that "It shall not be lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on of the African Slave Trade under any pretext, or in any manner whatever."

It appears, therefore, that this Commission is competent, and ought to take cognizance of, and to condemn the vessel and cargo, her Owner, a Brazilian subject, having violated the engagements between Great Britain and Brazil for the prevention of the Traffic in Slaves. If to this it be objected that the Africans found on board this brig are "Colonists," and not slaves, and that trading in the latter only is prohibited,—the answer is, that this is a mere subterfuge, and can be regarded only as an attempt to continue the trade under another name, to admit which would be to open the door to a continuous and uninterrupted prosecution of this hateful traffic, and to render illusory as well the Treaty obligations as the actual laws of this country.

A careful perusal of the several Treaties on this subject, signed between Great Britain and the other Foreign Powers, will abundantly show the intentions of the High Contracting Parties. In the French phrase, what is termed in Portuguese "Commercio de Escravos," is invariably rendered "Traité des Nègres." In the Treaty between Great Britain and Sweden, it is called "Traité des Noirs;" and even in the Portuguese and Spanish Treaties the words "Negros" and "Escravos" are promiscuously and synonymously used.

All this sufficiently establishes the *animus* in which the several instruments in question were drawn up. To give an interpretation to the words in the Convention of 1826 different from that which obtains in the Treaty with Portugal and the other Powers, merely because in the one the unhappy objects in question are designated as "Escravos," and in the other as "Negros," would be to render the engagements contracted by Brazil with Great Britain null and without effect,—an interpretation which, according to one of the most general maxims of the Law of Nations, cannot be admitted. The reason of the Treaty, that is, the motive which led to the making of it, and the view there proposed, are laid down by Publicists to be the most certain means of establishing the true sense. As soon as we certainly know the reason, which alone has determined the will of him who speaks, we ought to interpret his words, and to apply them in a manner suitable to that reason alone. If this be true, and assuming the authority on which the dictum rests to be indisputable, can the real meaning of the Convention of 1826 be made a matter of doubt for one single moment?

But to return to the case, and to the Documents before us. These miserable beings are "Colonists," and not Slaves. What constitutes the main distinction between a Colonist and a Slave? Is it not that the one is a free agent, the other not? That the services performed by the one are voluntary, those of the other compulsory? And even the very stipulations in favour of the individuals we are speaking of, however calculated (possibly) to mitigate the severity of their fate, are only so many additional proofs of their state of slavery, inasmuch as they were not parties to the same. Again,—a Colonist may make his own terms, and with whom he pleases; and eventually return to his native land. Can anything like this be predicated of the case before us? In the first place, these poor creatures, to the number of between five and six hundred, are found stowed away in a small vessel of 202 tons burthen, under hatches, and with irons, &c., on board, precisely in the same manner as is practised in all slave-vessels. Secondly,—an examination of the Papers seized on board proves that a large proportion of the above number are not, and even cannot be, comprehended in this contract, such as it is. Thirdly,—that, by one of the clauses of the same, the deed by which the power over these Negroes is acquired is negotiable, and transferable at the sole pleasure of the holder; and, by another, it is expressly stipulated, that any excess beyond the number agreed upon shall be re-exported. And fourthly,—that the importers of these Colonists (so called) were to pay to the Government 30,000 dollars for this exclusive privilege; and that a like cargo, previously introduced, it would seem, under similar authority, was sold on arrival at Montevideo, at a price varying from 250 to 412 dollars per head.

It is surely useless to pursue this comparison or inquiry any further. Is it possible that any one can allow himself to be the dupe of such a subterfuge? Is it possible, under such circumstances, to permit the humane intentions of the British and Imperial Governments to be thus shamelessly and scandalously frustrated?

The British Commissioners, in replying in the negative, decide alike according to their feelings and to what they consider their imperative duty, and have therefore no hesitation in declaring the above-mentioned José Theodoro Villaçã a subject of this Empire at the time of the detention of the brig "Rio da Prata," to have infringed the First Article of the Convention of the 23d November 1826, and they consequently adjudge the detention and capture of the said brig, Brazilian property, by His Britannic Majesty's sloop-of-war "Raleigh," to be lawful and valid, and they condemn as good prize, in conformity to the above-mentioned Convention, the said brig, her sails, apparel, stores, and

whatever goods may be on board of her, the whole for the use of the two Governments—of His Britannic Majesty, and of His Majesty the Emperor of Brazil,—and declare to be emancipated from slavery the Blacks found in the brig, to be placed at the disposal of the Government of His Imperial Majesty, as servants or free labourers, according to the Fifth Article of the Alvarà of the 26th January 1818, comprising, between different sexes and ages, the number of four hundred and thirty, viz., two hundred and forty now alive in the warehouse of the “Amaçao,” and one hundred and ninety, who, it is known, have been stolen, and ninety-three having died in the interval between the capture and the present time.

Rio de Janeiro, 6th February 1835.

(Signed)

GEORGE JACKSON,
FRED. GRIGG,
JOAO CARNEIRO DE CAMPOS, *Sencido*.

Sixth Enclosure in No. 162.

(Translation.)

Montevideo, 2d November 1832.

Proposal made to the Government of the State of Uruguay, by Domingo Vasquez and José Teodoro Villaca, for the Introduction of 650 African Negroes, of both Sexes, as Colonists (Colonos).

1. No kind of tax, whether personal or in money (*numerario*), shall be levied on the introduction of these Colonists upon their cost price (*sobre el valor de sus contratos*).

The harbour duties on the vessels importing them shall be the same as those paid at this date.

2. The Colonists, during the time of their engagement, and their continuance in the service of their employers (*patronos*), shall be exempt from military service, whether active or passive, and from whatever other labour may be imposed on the citizens of the country; but, if any of them should prefer military service, the Government, in case of admitting them, shall make good the amount of their engagement, deducting from it that which may have accrued during the time of their previous service.

3. The contractor may procure the Colonists from whatever part of Africa and under whatever conditions may best suit him, with the sole exception of submitting himself to the obligations imposed by this agreement.

4. The transport of the Colonists shall be regulated in regard to each vessel in proportion to her tonnage and capacity. It shall be the duty of the contractor to victual the Colonists during their voyage, and to take care of them in sickness during the same, and to take all such other measures as morality and decency may require.

5. The Colonists shall pay for their passage, maintenance, and every other expense whatever, the amount of 240 pillar dollars, or (*patacones*); their engagement being to serve only for 12 years. These 12 years shall begin to be counted from the age of 13 years and upwards, and not before, so that the minors shall not be exempt from pupilage till the age when the law allows them to become their own masters.

6. If the above Colonists shall not have paid their engagement 15 days after their disembarkation, or shall not procure employers (*patronos*), who shall, by special contract, answer for them, the importer is authorized to hire out the services of the said Colonists for a sum equal to that specified, as compensation for their passage, maintenance, and expenses, with the sole limitation that the term of the above-mentioned engagement shall not exceed 12 years.

7. The Colonist thus engaged cannot withdraw himself from the service of his employer without having made good his engagement either by personal service, or by returning the amount of his cost (*su importe*). In the latter case he shall certify that he has acquired the said sum justly and honestly.

8. The period during which the Colonists may cease to attend to the service of their employers, either by reason of misconduct, or of time spent improperly, or of any other matter chargeable to them, shall not be reckoned in the engagement, and they shall be obliged to make good such period.

9. It shall be incumbent on the employers to treat the Colonists well, to clothe them suitably, to take care of them in sickness, and to instruct them in the morals and religion of the State; but the expenses which these duties may require shall not be allowed to augment the amount, or extend the time of the engagement.

10. The contracts for the acquisition of the Colonists are negotiable, and transferable at the will of the person who has acquired them (*patron*), and of whomsoever may obtain this right, without this particular contract being allowed to alter either the obligations or the period of the original engagement.

11. The legitimate marriage of the Colonists cannot be prevented, provided the union be within the limits prescribed by the religion and laws of the country.

12. Whatever difference, doubts, or complaints, that may reciprocally arise relative to the fulfilment of the contracts between the “patron” and the Colonists shall be decided by a jury of 5 persons, namely, 2 chosen by the “patron,” 1 by the Colonists, to whom shall be joined the Defender of the Poor, and a 5th, whom the 4 others may name by lot.

13. The risk of mortality incurred in these undertakings being notorious, the importers, in order to cover the deficits arising from this cause, shall be allowed to bring an additional number, which, however, in any and every case, shall not exceed 250.

The deficits arising from this mortality being covered, if it shall be found that there is an excess over and above the 650 Colonists stipulated in the contract, the importer shall be obliged, let the number of such excess be what it may, to re-export them within a period which shall be expressly agreed upon for this case.

14. The contractors for these Colonists shall pay to the Government 30,000 dollars, either in specie or in Government bills, at such reasonable dates as may suit themselves and the Government.

15. The Government shall engage to give a pass (*pasavante*) to the vessels destined for the transport of the Colonists, for the protection of the contractors, in case any one or more foreign vessels should wish to obstruct the transport of the said Colonists.

16. The Government shall engage to give a national pass to one of the vessels destined for the transport of the Colonists, without exacting any duty.

17. The Government shall bind itself to repay to the contractors the amount which may proportionally belong to them, in case of the non-completion of the number of the Colonists stipulated in the preceding clauses of this contract, in specie, either gold or silver.

18. The Government shall agree to allow the term of two years for the introduction of the said Colonists, with the positive obligation to allow no other person to introduce this class of Colonists till the entrance of the number stipulated in this contract shall be effected.

(Signed)

DOMINGO VASQUEZ,
JOSE TEODORO VILLAÇA.

To the Attorney-General.

(Translation).

MOST EXCELLENT SIR,

Montevideo, 9th November 1832.

THE Attorney-General, having seen and examined the proposal of Messieurs Domingo Vasquez and José Teodoro Villaça, considers himself called upon, in frankly setting forth his opinion, to present certain observations.

This is not the first time that the Attorney-General has had occasion to manifest to the Government and to the public in what point of view he looks upon the sudden and absolute prohibition of the commerce in Slaves, respecting which our laws have declared themselves in a manner more worthy of philanthropy than of the presumed intelligence and experience of their authors. This commerce, justly proscribed by the most civilized nations, may be considered as a plague which they themselves inflicted upon America in the first instance, and which, perpetuated by the active cupidity of all commercial people, came to be for us as are certain evils which medicine finds itself forced to respect for fear of causing still greater by their improvident cure. The whole of our industry rested upon the labour of the Slave at the time of our revolution—a fact which is of more consequence than may be supposed. Not only did this class take care of our herds, sow our land, propel our machines, supply our workshops, and have charge of the service of each dwelling, as well as of that of the villages, which has so great an influence on the preservation of the comforts of life; not only this, but our free men being relieved, some from the more laborious, others from the more disagreeable services, by the abundance of food, by the mildness of our climate, by the simplicity of our habits, by the example and natural indolence of our race, it is easily to be imagined that nothing less is necessary to divest them of the habits consequent thereupon than so complete a change in this state of things as shall not leave a vestige of the causes which may have concurred in producing it.

It is necessary we may say, therefore, that our population should multiply; that the consumption should increase; that our wants should acquire their full force; that the factitious dearness should disappear; and that our hereditary pride should lose all its power, so as to enable the poor to occupy without violence the place of the Slaves.

So difficult an enterprise cannot be the work of the laws, less that of philanthropy, and still less that of the good pleasure of those in command. And it is a most remarkable contradiction to see these, on the one hand, anxious to promote industry, and on the other depriving it of its most vital element, labour.

The immediate result cannot but be (and we have already seen it in other parts) that wages reach to a disproportionate height; and that capital, being unable to employ itself at home, goes to enrich other people, who, before arriving at the point where we wish to place ourselves, have for ages been subject to a state of slavery and feudalism.

Easy, fitting, and necessary it is for them, that the theories of liberty should be disseminated, should be accredited and adopted in all parts, but especially in America, which is the general mart for the productions of their industry, because, from these doctrines, they can expect nothing less than an indefinite prolongation of this state of things, under which we may flatter ourselves with anything rather than having conquered our independence, released from all European Power. We shall hold all that we now enjoy, and shall be the continual contributors to that Power which gives us from the vegetables and the milk on our tables to the coverings on our beds, and from the plough which is to break our ground to the pin which is to be placed in the head-dress of our ladies.

Can a people perchance be said to be independent who are unable to rely upon themselves and their own labour for so many and such various wants?

The Attorney-General, upon these premises, has arrived at the conclusion, that among the great absurdities into which we have been drawn by the spirit of servile imitation and revolutionary vertigo, one immeasurable was the law which closed the entrance to the commerce in Slaves; but the prohibition once existing, there is nothing more pleasing than to respect it: no one is more interested in the homage than the Ministry which now speaks. And, indeed, if the proposal of Messieurs Domingo Vasquez and José Teodoro Villaça did not leave the law intact—if it did not, besides, reconcile all that philanthropy requires with that which the true interest of society demands—the Attorney-General would not be the man to counsel its approval for the sake of any interests whatever, although those which the introduction of 700 Negroes, with the payment in advance of 30,000 dollars by way of duty, promise, are sufficiently known.

But the said proposal being analyzed, it is above all things seen that Messieurs Vasquez and Villaça renounce beforehand all right of property over these men, and that confiding them to the tutelage of a people where the African race, treated always with an almost evangelical humanity, find themselves actually called to share the sovereignty of the nation with its own children, it may be said that their benefit has been attended to equally with our own, if it were sure, as it is to a certain point, that the African, withdrawn from his native country, is a victim snatched from barbarism, and restored to civilization by the efforts of mercantile industry. Messrs. Vasquez and Villaça propose to give to our fields a useful population of 700 Colonists, who, by their labour, will repay the expenses of their transport, maintenance, and instruction, for the term of 12 years.

They make the Government the arbiter to guarantee this contract against every species of abuse, and your Excellency will know how to guarantee it, taking care, at the same time, that the benefits shall be all those which the Colonist can promise himself, considering his antecedent condition, and the evils those only which any one will at once see press upon all classes of the labouring population, in other words, of two-thirds of the Europeans, with all the privileges of colour, and with their physical and mental powers cultivated.

The law has not prohibited these contracts, and the Attorney-General is of opinion that by the aid of similar contracts it was that, during the last general war in Europe, more than one colony, in the

metropolis of which an unfeigned horror is professed, although it be sometimes permitted to the husband to sell his wife, and a very common thing for a man to stake his personal liberty at the gaming-table, succeeded in maintaining her industry, and even in improving it. There being no law opposed to this proposal, but rather reasons of great political interest to warrant its approval, the Attorney-General considers it unnecessary to dwell on the enumeration of all the advantages which the prompt and certain receipt of 30,000 dollars promises to the exhausted treasury of the Republic, however history in all times has taught us, that, among civilized nations, what is useful is synonymous with what is licit, and that, unless grounded on this rule, they would never have thought either of trafficking in blacks, while they held colonies, or of abandoning this traffic when North America, being emancipated, it ceased to be useful to certain parent countries to keep it up at the expense of considerable establishments in Africa, of great squadrons in the seas of the New World, and the no small apprehension that slavery might augment beyond bounds the power which the progress made in Mexico and Brazil gave to Spain and to Portugal.

In this, as in other cases, utility undoubtedly triumphed over every species of inconvenience, and, if our own required it, and we had the means, there would be nothing extraordinary that, with the same power with which one Cabinet said "there shall be no more slaves in America," your Excellency should say "I will that there be, when the Government thinks them necessary for the preservation and advancement of society."

Such a decree, in short, would argue nothing more than that America cannot be at the disposal of Europe to admit, or to put an end to a plague, at the caprice of its former despots—than that, assuming the contagion and its origin, in which the New World had no part, the fixing the period for its termination belongs to none so much as to the party who is suffering from it.

Guided by these principles, your Excellency may decide upon the proposition in question, and admit it, or modify it, sure of having done a great good to the industry of the country, and no injury to the African race. Colonists arrive from all parts, and may preferably be brought from Africa, if the Government permits it, as is natural they should; and if it is more convenient to this Government to civilize a black, than to make use of the services of a white far advanced in all those arts which the employer is unacquainted with, and of which such Colonist is, moreover, but too well aware.

(Signed)

L. OBES.

Monte Video, 12th November 1832.

Subject to the agreement of this date let this proposition be accepted, upon condition of giving due notice of it to the Chambers for their approbation, but with the following additions and modifications, the acceptance of which those interested will sign:—

1. The Colonists shall be in equal proportions of the two sexes; and, considering the changes which may be produced by mortality, it is fixed that the number of males shall in no case exceed three-fifths of the total of 650 individuals.
 2. No Colonist shall exceed the age of 16 years at the time of his introduction into the territory.
 3. It being proper to diminish the risk of the mortality by an exact fulfilment during the voyage of the conditions stipulated in favour of the Colonists, the excess which, in consideration of this risk, the contractors may embark, shall not go beyond 150 individuals, in the proportion and of the age already determined.
 4. Colonists of the age of eight years and under shall, for their passage, maintenance, and expenses, pay only 200 *patacones*, or pillar dollars; those above eight years shall pay 225.
 5. The 12 years of their engagement shall be reckoned from their attaining the age of 12 years.
 6. The transfer and negotiation of the contracts referred to in Article X. of the proposal, shall be considered as restricted to within the territories of the State.
 7. All children born to the Colonists during the voyage, and after their introduction, shall enter into the enjoyment of the law of the 20th January 1830.
 8. It is understood by Articles XV. and XVI. of the proposal, that the Government shall grant the patent and testimonials, or authorized copies of the contract, which those interested may require.
 9. The introduction of the Colonists being effected, or the term of two years having expired, the Government is released from all obligation, except that alone of refunding and repaying the sum of 30,000 dollars, which the contractors now offer, should the introduction not be effected, or such proportion thereof as may be right, if only a part is introduced instead of the 650.
- These modifications being admitted, the proposal is agreed to, which shall be considered as a contract in due form so soon as such modifications shall be accepted.

(Signed)

PEREZ SANTIAGO VASQUEZ.

We agree to the foregoing.

(Signed)

DOMINGO VASQUEZ.

JOZÉ THEODORO VILLACA.

Copy from the original. *Monte Video, 22d September, 1833.*

(Signed)

GABRIEL A. PEREIRA.
SANTIAGO VASQUEZ.

Seventh Enclosure in No. 162.

Protest of Monte Videan Consul-General.

(Translation.)

Consulate-General of the Oriental Republic of Uruguay, at Rio de Janeiro, 30th December 1834.

MOST ILLUSTRIOUS SIRS,

THE undersigned Consul-General of the Eastern Republic of Uruguay, at this Court, considers it to be his imperative duty to address himself direct to you, Gentlemen, in order to protest, as in fact he does protest, against the admission by this Commission of a process said to be laid before it at the instance of the commander of the frigate of His Britannic Majesty "Raleigh," Captain Quin, with a view to the taking cognizance of the unjust detention and stoppage of the brig called "Rio de la Plata," Antonio Cardoso da Silva, Captain, arrived in this port as prize to that frigate on the 15th instant.

The said brig being the property of Citizens of the Eastern Republic of Uruguay, navigated with all the legal documents which proved her to be so, and being met with on a voyage not less legal,

inasmuch as it was expressly authorized by the Government of the Republic; it is evident that the aforesaid frigate "Raleigh" had no right to detain, stop, or capture her, much less to refer the cognizance of this its arbitrary, unjust, and transcendently violent act, to the jurisdiction of this Illustrious Commission; its jurisdiction being limited to the judging such ships employed in illicit Slave Trade as may belong to subjects of either of the High Contracting Parties; that is, to Brazil or to Great Britain, the only Powers stipulating parties in the Treaty by which the said Commission was created; and which, consequently, are the only authorities that reciprocally can give effect to the respective stipulations. And this with more especial reason in the present case, the best understanding and harmony existing, as they do, between the Government of the Republic and that of His Britannic Majesty.

The Undersigned, therefore, in the name and behalf of his Government, and in the name and behalf of those wronged by a proceeding as unprecedented as it is contrary to the law of nations, protests in the most formal manner against the said hinderance, capture, and frustration of the voyage, as well as all the proximate and remote consequences; and he no less protests against any other decision of this Illustrious Commission than a declaration of its incompetency to take cognizance of this case, and consequently of a declaration of the release of the said prize, and of its delivery to whom of right it belongs. And the Undersigned, requesting that this Protest may be annexed to the respective Process, avails himself of this occasion to assure you, Gentlemen, of the sentiments of his high esteem and consideration.

(Signed) ANTONIO JOZÉ D'OLIVEIRA CAMPOS.
A true Translation.
NATHANIEL LUCAS,

Interpreter, ad interim, to the Mixed Commission.

To the Illustrious Commissary Judges and Arbiters of the Mixed Brazilian and British Commission at this Court.

Eighth Enclosure in No. 162.

The Minister for Foreign Affairs to the Brazilian Chargé d'Affaires at Monte Video and Buenos Ayres,

Non-Official Part of the Correio Official, Rio de Janeiro, 15th January 1835.

(Translation.)

Palace, Rio de Janeiro, 20th June 1834.

THE Imperial Government, faithful to the Treaties which bind it, and guided by the laws of humanity, has endeavoured, with a zeal which cannot have escaped your observation, to put an end to the horrible commerce in slaves in Brazil.

In the several Reports presented to the General Legislative Assembly, the Ministers of State pointed out the injuries produced by the contraband importation of Africans, and the causes opposing its prevention: one of the most influential is, without doubt, the facility with which the Portuguese Authorities in the Colonies on the Coast of Africa, and even in Brazil, permit any ships to be covered with the Portuguese flag; so that, even if detained with cargoes of blacks, they escape the penalties of the Law of the 7th November 1831, and of the Convention of the 23d November 1826, even if the owners and the crews be Brazilian.

Of such facts there have been recent and repeated instances, whence individuals of that nation continue to carry on an indirect hostility against us, and to injure our rising prosperity. It is also observed that many such ships come provided with passports for the River Plata, and with fraudulent contracts with merchants established there, in order to show that they bring Colonists and are not bound for this Empire.

But, although the laws of that Republic are most severe against such traffic, yet it is not only probable that the Government may experience the same obstacles in their execution as are experienced by the Government of the Regency in the name of the Emperor, but that they may not be aware of this fraud on the part of some of its citizens, who through avarice are contributing to injure a neighbouring and allied nation, whose friendship the Republic no doubt justly appreciates. It will be proper, therefore, that you solicit a conference with the proper Minister, and assure him that the Imperial Government has abundant proofs of what I have stated; and that you urge the rigorous enforcement of the laws against the commerce in blacks, as well as the promulgation of such new measures as may appear to be requisite in order to restrain the Citizens of the Republic who concur in the scandalous continuation of the commerce on our extensive coasts, to the infraction of the laws, and with imminent danger and terrible shock to the morality of our fellow-countrymen.

The Imperial Government has energetically addressed the Chargé d'Affaires of Her Most Faithful Majesty at this Court, and has even solicited the intervention of Great Britain, to the effect that the shipping of Africans in these Colonies for the American Continent may not be allowed, or, at least, that the most scrupulous examination be made into the national character and clearances of the vessels claiming to be Portuguese. The Government, confidently expecting a good result from the pending negotiations, is desirous of exerting itself in every way to obtain the great end which it has in view; and I therefore commit to your zeal the part which relates to you in a business so meritorious, and so much recommended to you.

God preserve, &c.

(Signed) AURELIANO DE SOUZA E OLIVEIRA COUTINHO.

To Señor Manoel de Almeida Vasconcellos,
&c. &c. &c.

N. B.—A Despatch to the same effect was written to Señor Antonio Candido Ferreira, at Buenos Ayres.

No. 163.

His Majesty's Commissioners to the Duke of Wellington.—(Received May 19.)
 MY LORD DUKE, *Rio de Janeiro, 13th February 1835.*

WE have the honour to forward to your Grace, in Original and Translation, a further Report, addressed to the Minister of Justice by the President of the Province of Rio de Janeiro, deploring the continuance of the contraband of Africans within his jurisdiction, and the lamentable consequences resulting therefrom.

The Despatch referred to in this Enclosure from the "Juiz de Direito" of the District of Ilha Grande has not been published. The wish to obtain a Copy of it, but in which we have been disappointed, was one reason for our delaying somewhat the transmission of the Report itself. It is, however, of the less consequence, as your Grace will readily collect from the previous communications made by the same officer, the probable nature of the one in question, the suppression of which may easily be accounted for on the supposition that its details are of a still more disastrous character, and still further calculated to excite that alarm which the Government, and the better and more soundly reasoning part of the community, now, more than ever, entertain on the subject of the further introduction of blacks into this country.

We have, &c.

(Signed)

GEORGE JACKSON.
 FRED. GRIGG.

His Grace the Duke of Wellington, K. G.
 &c. &c. &c.

Enclosure in No. 163.

The President of the Province of Rio de Janeiro to the Minister of Justice.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

10th January 1835.

I HAVE the honour to transmit to you the Despatch which I have just received from the "Juiz de Direito" of the District of Ilha Grande, Agostinho Moreira Guerra, from which, and from the documents which I have forwarded to you on the same subject, your Excellency will see the scandal with which the barbarous contraband in Africans is continually going on in several parts of that district.

Unfortunately, it is not only there that the laws are eluded; the people accustom themselves to despise all authority; and the abyss which threatens us deepens every day,—so much so, that on the night between the 7th and 8th instant, five new blacks were apprehended in our Bay, in the act of being carried off in a canoe to the District of Macacú, and, according to the report of the blacks themselves, there was a considerable deposit of them at the spot where these were embarked. And is it with the existing Legislation, and in general with those intrusted with its execution,—is it, in short, with the disposable Force of the Government of this Province, that effectual measures are to be taken in this business? The "Juiz de Direito" of Ilha Grande thinks it necessary that a force should be sent to that place, which may serve in aid of the Authorities, who may endeavour to carry the Laws into effect; but your Excellency knows that I have barely a detachment of some twenty of the Permanent Guards, which scarcely suffices for the service of the City, and the want that is felt in Ilha Grande is equally experienced in other parts of the Province.

I well know that the General Government can do little or nothing in this respect, but I find myself compelled to submit to your Excellency the report of this Magistrate: besides that, the publication of similar scandalous practices may induce our Legislators to make laws more in harmony with the circumstances of the Country for which they legislate.

(Signed) JOAQUIM JOZÉ RODRIGUES TORRES.

No. 164.

His Majesty's Commissioners to the Duke of Wellington.—(Received May 19.)
 MY LORD DUKE, *Rio de Janeiro, 14th February 1835.*

ALTHOUGH past experience forbids our entertaining any very sanguine expectations from "the most energetic measures" said to be required from the Brazilian Minister of Marine in the accompanying Paper, which we have the honour to enclose in Original and Translation, yet, considering it as the expression of the sentiments of this Government with reference to the disheartening tone which characterized the Report addressed to them by the President of the Province of Rio de Janeiro, enclosed in our Despatch No. 4, of the 24th ult.,

we think it but an act of justice to the present Executive to forward the same to His Majesty's Government.

We have, &c.
(Signed) **GEORGE JACKSON.**
FRED. GRIGG.

His Grace the Duke of Wellington, K. G.
&c. &c. &c.

Enclosure in No. 164.

The Minister of Justice to the President of the Province of Rio de Janeiro.

(Translation.)

MOST ILLUSTRIOUS AND EXCELLENT SIR,

Palace, Rio de Janeiro, 21st January 1835.

I COMMUNICATE to your Excellency for your information, that under this date I request from the Minister of Marine a continuation of the most energetic measures on his part to prevent the disembarkation of Africans on the coast. And, whilst the Government of his Imperial Majesty cannot but feel the same dissatisfaction which your Excellency manifests in your Despatch of the 16th instant at seeing all the steps directed against the traffic in slaves frustrated, they, nevertheless, will never allow themselves to be discouraged in the endeavour to combat it with the means which the Laws have placed at their disposal, in the hope that your Excellency will already have given orders to proceed to the necessary verifications with respect to those who were disembarked clandestinely at Mangaratiba.

(Signed) **MANOEL ALVES BRANCO.**

No. 165.

His Majesty's Commissioners to the Duke of Wellington.—(Received May 19.)
MY LORD DUKE, *Rio de Janeiro, 16th February 1835.*

WE think it right to bring under your Grace's notice the Paper, of which we have now the honour to enclose an Extract.

Your Grace will observe that the "Author" promises a further development of his views in a subsequent Article, which we shall not fail to forward when it appears. In the mean time, without discussing the practicability or adequacy of the several measures he suggests, we may be allowed to state it as our deliberate conviction that, till some means shall be found as a substitute for slave-labour in this country, the introduction of Africans will continue, and that with an aggravation both of misery and crime, in spite of every step hitherto resorted to for its suppression.

The argument drawn from the continuance in slavery of blacks introduced into the country before the publication of the Decree of 1831, as also of creoles, which the present Law fully sanctions, and in consequence of which the sale of slaves is as common as that of any other property, would seem to be unanswerable, and was of itself so obvious an objection to the above-mentioned Decree as to render it liable to the charge of extreme precipitancy, if not of insincerity.

We have, &c.
(Signed) **GEORGE JACKSON.**
FRED. GRIGG.

His Grace the Duke of Wellington, K. G.
&c. &c. &c.

Enclosure in No. 165.

Extract from "O Justiceiro," St. Paulo, December 25, 1834.

(Translation.)

CONSIDERING such facts as these, it is not to be wondered at that so many nations, led by different motives, retain in slavery beings of their own kind, and that this act, iniquitous according to all principle, should ever, and everywhere, produce those most unhappy consequences which always follow a deviation from the path of justice. The Brazilians, born and educated among slaves, observing from their childhood the difference of colour, of hair, and of habits, as well as the bad treatment of the slaves at the hands of their parents, and the abject state in which they are held, and the services to which they are destined—prejudiced by education and habits, they consider slavery as just, particularly when the ministers of religion themselves possess so many slaves, and have never declared from the pulpit of truth that this fact was contrary to nature and the Gospel. Moreover, they consider slaves as indispensable to existence. Agriculture in Brazil is in its infancy; a scythe, a hoe, an axe, are the only implements of husbandry. If the soil is fertile—if Nature is prodigal of her gifts—the brute service of the slave constitutes the riches of his master: but if the ground requires any cultivation, the slave, forced to excessive labour, almost without food or sleep, in a short time loses his life and impoverishes his master, which very frequently happens among us. In this backward state of our agriculture, of the habits and opinions of our countrymen, to do away at once

with the traffic in African blacks is to attempt an impossibility. At first it appeared that morality, at least, would be the gainer, though our interests should suffer; but, on the contrary, every thing has become worse.

The traffic, besides being iniquitous, became illegal; self-interest and a want created by habit and by inveterate opinions resist every endeavour to cause the law to be executed by this or that authority. Hundreds of slaves every day fill the estates of our agriculturists, and the evil increasing as it does, the law must inevitably fall, and the authorities yield. In the mean time, if these miserable Africans heretofore suffered every species of privation and cruelty to which the sordid avarice of these infamous dealers in men subjected them, whether on board or on shore, they are now exposed to every kind of inhumanity which the same avarice, joined to dread, finds it necessary to use. Already among us some facts are related, and it is known what the North Americans practised in similar circumstances: the vessels being subject to search and to heavy penalties, the masters had recourse to every kind of artifice to elude it; at one time concealing the blacks under a load of wood, where many were grievously bruised, at another immersing them in tanks of water, and at another putting them into cases where many expired from suffocation, and, finally, at another time throwing them overboard to be devoured by fish, or in pipes, in order that, the danger being over, those who escaped with life might be turned to the best account.

Humanity, no doubt, dictated the Treaty which the ex-Emperor made with England for the abolition of the traffic in slaves, and our legislators, impelled by the same sentiments, sought to make it effectual by means of the law. But all deceived themselves. Prudence was wanting; the evil increased; and if a remedy be not opportunely applied, the consequences may, perhaps, be truly disastrous.

In our opinion, the first step to be taken is to establish in every Province Elementary Schools of Agriculture. Among other advantages to be derived from this, would be the practical knowledge which agriculturists would acquire, that, from small grounds, and those but little fertile, and with a tenth or even a twentieth of the labour, a greater and a better produce may be obtained with less cost; and their children following this honourable occupation, dependent on more cultivated reason than that possessed by the Africans, an augmentation of riches is to be looked for independently of any great number of such slaves. This object shall be better developed in an article which we reserve for the opening of the Provincial Assembly.

The second step is to empower the General Government to engage Colonists, whose selection and agreement being made with a view to agriculture, they should be conveniently distributed among such agriculturists as are least able to import them themselves, paying at sight, or at reasonable periods, the expenses they may have caused. Our ships of war are rotting at their anchorages without the slightest benefit to the public. Since it is a mania of ours to have a navy without having a mercantile marine, let the former serve at least to transport Colonists to the different Provinces of the Empire; and for this purpose the crew which would be indispensable for working the ship is sufficient, which would render the expense inconsiderable. Besides this advantage, that of exercising the crew would be obtained, and of accustoming some of our young officers to the inconvenience of a sea life, and to see distant countries.

This done, it would then be proper that the legislator should proclaim aloud to Brazilians that it is time to have done with slavery, which so much dishonours our civilization—that it is a shameful contradiction to the liberal principles which we profess, to retain men as slaves, and that for ever. On this occasion let every thing be said which economists, philosophers, and religious people, have written against this most absurd of iniquities; this extinction will be gradually effected according to the age and the origin of the slave, with all those precautions which prudence and policy dictate for the good of the slave himself and that of society.

In this manner we are of opinion that the extinction of slavery may be accomplished practically, rationally, and justly. But to prevent new Africans, the greater part destined to be slaves of their fellows, from being so in Brazil, while those born there, brought up with the children of the whites, educated according to our habits, some of them even with a mixture of European or Brazilian blood, shall continue to be slaves for all future generations, is a miserable contradiction, which escapes not even the mean capacity of our own rustics. In vain slavery may be described in horrible colours, in vain the dealers may be called traffickers in human flesh and blood: how can our agriculturists reconcile these expressions with the continuance in slavery of creoles, which is sanctioned by the law?

If we wish for laws capable of being executed, they must be in every respect just, they must not be palpably contradictory; when the people do not feel the injustice of their proceeding, when they deem their happiness to be compromised by a privation which it is wished to decree, they must first be instructed, and the true and real means of becoming happy must be offered to them.

To conclude: in our opinion the law ought as soon as possible to be repealed, in order to avoid the evils which it is now actually causing, and which it will cause for the future. Let us leave to the vigilance of the English to prevent the embarkation and transport of the Africans, and let us without delay institute Elementary Schools of Agriculture, and for Colonists, in order at once to put an end to the shame and infamy which must otherwise fall upon every nation wishing to be just.

No. 166.

His Majesty's Commissioners to the Duke of Wellington.—(Received May 19.)

MY LORD DUKE,

Rio de Janeiro, 16th February 1835.

IN our Despatch of the 18th Dec. of last year we had the honour of reporting the Communication made by us to the Court of Mixed Commission on the subject of the sentence given in the Case of the "*Maria da Gloria*," in consequence of Viscount Palmerston's Despatch of the 8th October.

This communication being made known by our Brazilian Colleagues to their Government, they received instructions to draw up a Memorandum declaratory of their view of the question. The statement thus made, and which was read to us

confidentially by the Brazilian Commissary Judge, served as the basis of a note delivered to His Majesty's Minister at this Court, a Copy of which was sent to our colleagues for their guidance, and which they, also in confidence, read to us, without however entering it on the Minutes of the Court. We are thus precluded from transmitting to your Grace Copies of either of these papers; but as you will no doubt receive the Note in question through Mr. Fox, it is not material, and it remains for us only to wait respectfully the final decision of His Majesty's Government on the principle involved in this question, which, however, we shall be the more anxious for, because, as was justly observed by the Brazilian Commissary Judge, when he put his name to the sentence in the late case of the "*Rio de la Plata*," as reported in our Despatch of the 9th inst., had the Court proceeded on the principle that the national character of a merchant is to be taken from the place of his residence, that sentence must have been one of release, and not of condemnation.

With regard to the individual himself, we understand that the decree of banishment, of which he was the object under the late Administration, has been withdrawn, and that proceedings are now instituted against him as having infringed the Laws of Brazil directed against the Slave Trade.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

No. 167.

His Majesty's Commissioners to the Duke of Wellington.—(Received May 19.)
MY LORD DUKE, *Rio de Janeiro, 16th March 1835.*

WE have the honour to report to your Grace that on the 26th ultimo the case of the Brig "*Amizade Feliz*," together with the Papers belonging to the same, were transmitted to this Court for adjudication from the Department of Justice.

The "*Amizade Feliz*" was detained on the 12th February by the Brazilian brig of war "*Niger*," sailing under Portuguese colours, near the "*Ilha das Palmas*," with a cargo of 340 Africans on board, which, under pretence of their being Colonists, the master declares he was conveying to Monte Video.

The only difficulty which this case seems likely to present is as regards the national character of the vessel. As far as can yet be ascertained, both vessel and cargo are ostensibly Portuguese property; but possibly in the course of the investigation something may be elicited to show it to be otherwise: at all events your Grace may be assured that every possible diligence will be used on our part in watching the progress of this case, and in tearing off the veil, should it prove to be no more, under which it is attempted to protect an adventure professedly Portuguese, but which, there is great reason to believe, is in fact Brazilian.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

No. 168.

His Majesty's Commissioners to the Duke of Wellington.—(Received May 19.)
MY LORD DUKE, *Rio de Janeiro, 18th March 1835*

WE have the honour to acknowledge the receipt of your Grace's Instructions, conveyed to us in Mr. Backhouse's Despatch of the 17th January, on the subject of the negroes taken on board of the Portuguese Slave vessel "*Emilia*," who were emancipated by the Mixed Commission at Rio de Janeiro in May 1821, and directing us to take such measures, by previous inquiry, and the necessary representations to the Brazilian Government, as may secure to the survivors of these negroes the full and entire liberty to which they will be entitled at the expiration of 14 years from the commencement of their apprenticeship in Brazil.

Your Grace will see in our Despatch of the 10th of last December, an anticipation, in part, of these instructions, and you may rely on no exertions on our part being wanting to give them their fullest effect; but after the statements transmitted in that Despatch, we fear we can entertain but little hope of any very satisfactory result.

We shall, however, take the first opportunity of bringing the subject under the consideration of our Brazilian colleagues, and, in case such communication should prove ineffectual, we shall not fail to solicit the intervention of His Majesty's Minister at this Court.

At the same time we beg leave to remind your Grace, that according to the present constitution of this Mixed Commission the power of the Court ends with the promulgation of their sentence, and that the Alvara of the 26th January 1818, which regulates the ulterior disposal and management of the negroes, gives them, unfortunately, no further jurisdiction or right of superintendence or interference whatever, the same being by the 5th Article of that instrument confided wholly to a guardian, "Curador," appointed for the purpose by the Brazilian authorities. How this officer has hitherto discharged the trust, the details referred to above too lamentably prove.

It would seem hardly possible, considering especially the alarm occasioned by the late insurrection at Bahia, and the apprehension which is felt of similar occurrences in this and other quarters, but that some measure, with reference to a question so replete with difficulty and danger as that of the importation and disposal of negroes in this country, must be speedily adopted by the ensuing Legislature; and it were greatly to be wished that, in any future arrangement which may be determined on, the powers of the Commission could be enlarged so as to embrace not merely the decreeing of the confiscation of the vessel and the emancipation of the negroes, but also the right of superintending and enforcing the due execution of its sentence, progressively, through all its stages, from the first moment of its promulgation to that when the negro shall become entitled to his full and entire freedom; in a word, that those powers which are fully and explicitly given in the 4th and 5th Articles of the above-mentioned Alvara should be vested in the Four Commissioners composing this Court, instead of in any one Brazilian Authority alone. The want of this power has undoubtedly been the cause of considerable loss and delays as regards the sale of the vessels and cargoes, other than slaves, and without some such arrangement there can be no security, we have no hesitation in saying, in this country for the conscientious and efficient execution of the other and by far the most interesting and important part of the whole process; and that means will still be found, as heretofore, by pretended deaths and other frauds, favoured by the negligence, if not actual connivance, of the superintending power, to defeat the main object contemplated in the Slave Trade Conventions, namely, the practical improvement and the *bonâ fide* liberty of the negro.

We are too well aware of the extreme susceptibility of the Brazilian character in all cases where anything like foreign intervention is suggested, not to feel the great difficulties to which a proposal of this nature would be liable; but we consider it nevertheless our duty to state this opinion distinctly to your Grace.

Such a concession will appear still more desirable, if, as was proposed by the Brazilian Minister in his "Relatorio" of last year, all cases of Slave vessels, whether captured by British and Brazilian men of war, or by the local authorities, should equally be brought before this tribunal for adjudication.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

No. 169

His Majesty's Commissioners to the Duke of Wellington.—(Received May 19.)

MY LORD DUKE,

Rio de Janeiro, 18th March 1835.

It is with considerable satisfaction that we perceive by the receipt of your Grace's Despatch of the 26th January last, that the King's Advocate entirely coincides in the opinion expressed, in the case of the "*Dois de Março*," by the British Commissary Judge, and that we are instructed to take this case for our guidance in future cases of a similar nature.

In offering to your Grace our best acknowledgments for this communication, we beg leave to assure you that should such a case occur, we shall not fail to avail ourselves of the authority of the King's Advocate to induce the Brazilian Commissioners to act in conformity to that officer's opinion.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

No. 170.

His Majesty's Commissioners to the Duke of Wellington.—(Received May 11.)
MY LORD DUKE, *Rio de Janeiro, March 24, 1834.*

IT has hitherto been our painful duty to report the constantly increasing importation of slaves into this empire, and we were about to submit to your Grace some of the principal causes which have hitherto so irresistibly contributed to this increase, arising out of the fatal impunity attending the commission of all crime in this country, and more particularly of that which, from long habit, agricultural prejudice, as well as its frequency and notoriety, is scarcely looked upon in the light of crime, and, at most, as the unavoidable violation of an impolitic and obnoxious Decree, when the Enclosures, which we have the honour to transmit herewith, were published.

They consist of three Documents.

The first (A) is an Extract from the Speech with which the President of Bahia opened the Legislative Assembly of that Province on the 1st inst., and which may, probably, have already reached your Grace; but forasmuch as it bears directly on matter within our immediate sphere, we think it right to forward it.

The second (B) is an Extract from the Instructions given to His Excellency in reply to a simultaneous communication made by him to the Central Government.

And the third (C) is the Copy of a Message addressed on the 17th inst., by the Legislative Assembly of the Province of Rio de Janeiro, to the Central Government, on the subject of the late insurrection of blacks at Bahia, and the discovery of attempts to introduce similar disturbances in this Capital and Province.

These several Documents, no less than the facts on which they are founded, speak for themselves; and bringing home, as they can hardly fail to do, to every breast the conviction of the danger which a perseverance in the traffic in slaves must infallibly entail upon this country, will, it is to be hoped, at length accomplish what motives of humanity alone have as yet been insufficient to effect, and will cause so intense and so universal an apprehension on this subject, as shall counterbalance alike the cupidity of speculators and the spirit of intrigue and political hostility, which, in the present feverish state of this country, would be likely to prompt a factious opposition to any measure whatever of Government, independently of its merits.

We feel it, therefore, the less necessary, for the present at least, to dwell on the various causes which have tended to produce the impunity to which we have referred above, such as the very general venality of the Local Authorities on the coast; the want of physical power, even where such venality does not exist, to enforce the law; the fact of the numbers and influence, both from station and property, of the individuals implicated in its infringement; the consequent risk which any one who should denounce the crime would incur; and the disposition to wink at it, either from fear or from affection, even in those who do not themselves, perhaps, actually participate in the guilt.

These, and many similar causes, have hitherto rendered, and would still, we are persuaded, have continued to render abortive every attempt, international or legislative, to put a stop to this traffic; but the circumstances detailed in the Enclosures in our present Despatch seem, at length, to have opened the eyes, not merely of the Executive, but of the public at large, to the mischief which menaces them; and we trust we may, in consequence, venture to predict that His Majesty's Government will in future experience a more ready acquiescence on the part of the former in any measure for the better suppression of this traffic which they may, in their wisdom, think fit to propose; a prediction in which, from the language used by the Minister of Justice in his Instructions to the President of

Bahia, we may not improbably have been anticipated by some direct overtures from hence on this subject.

Beyond the indirect intimation, thus given in the above Instructions, there is nothing which seems to call for particular notice on our part in the Papers (A) and (B), except the suggested prohibition of all trade from Brazil with the Coast of Africa. On this point your Grace will observe that the Minister, in his reply, is altogether silent, confining himself to saying that till the Meeting of the Chambers (in May next) nothing more can be done than to adhere vigorously to the existing Laws. But such is the consternation which appears to be felt that it seems pretty certain some very decisive steps will be taken when that Body assemble; and in this hope it is that we take the liberty of again drawing the attention of His Majesty's Ministers to the paramount necessity of obtaining from Portugal as distinct and absolute a renunciation of the Slave Trade, without any limitation whatever, as to latitude, as has been conceded by this empire, and further the indispensableness of some concert with that Power, whether by becoming a party to the Mixed Commission established here, or otherwise, by which the notorious abuse of her flag may henceforth be prevented, and the crime visited on those of her subjects who may be found guilty of it.

When we inform your Grace that no less than thirty-two vessels sailed from this port alone last year for the Coast of Africa, under the Portuguese flag, though in all probability the property was in whole, or in part, Brazilian, every one of which, there can be little doubt, was destined to bring return cargoes of slaves to these shores (a presumption which advices from that coast strongly confirm), your Grace will at once see how requisite the adoption of some measure of the kind has become.

The same observation applies to the Argentine and Montevidean Republics, whose flags, as we have seen, have already been resorted to by the traffickers in slaves, and would, no doubt, be still more frequently employed in proportion as that of Portugal should cease to be so prostituted.

Armed with this quintuple power, in the present disposition of this Government, and with an increased activity on the part of the naval forces both of Great Britain and Brazil, an activity, the cost of which, when once made sensible that her own interests rather than ours are at stake, this country would, it is to be hoped, be the less averse to incur,—we think we should not be too sanguine in holding out to your Grace a confident expectation that the great object which our most Gracious Sovereign, his Confidential Advisers, and the Country in general, have so long had at heart, would at length be attained.

The question, however, still remains, What is to become of the Africans when taken? As regards those detained by either British or Brazilian cruisers, the engagements between the two countries, at present in force, settle this point; but, to say nothing of the failure, which, as your Grace has seen, has resulted from this mode of disposing of them, and which could only be remedied in the way we took the liberty of suggesting in our Despatch of the 18th March, it is probable, judging from the past, that the Blacks so taken will form but a very small proportion to those which, under the strict execution of the Laws which may now be looked for on this head, will remain at the disposal of this Government, who seem now more than ever inclined to retain that part of the Law of November, 1831, which, in terms, provides for their re-exportation to the Coast of Africa. This, we apprehend, must be what is meant by the Legislative Assembly of Rio de Janeiro by the measure they propose for immediate adoption in the Fourth Article of Enclosure (C), viz. "that all Blacks taken by men of war, whether national or foreign, and declared to be lawful prize, shall be sent out of *the Province*, and a stop be put at once to the prejudicial and impolitic practice of hiring them out, and distributing them among the incautious inhabitants of this Province;" as it is evident such a plan, so limited, would only be to transfer the evil from one part of the empire to another.

This proposal, your Grace will perceive, militates against the course marked out by the *Alvara*, which must be considered an integral part of the Slave Trade Convention, and its fallacy and inhumanity, with no better provisions or guarantee than are contained in the said Law, have been too often and too forcibly pointed out to make it necessary for us to add anything to what the archives of your Grace's office already afford respecting it, more especially as the Message itself does not appear to be very carefully digested, and bears evident marks of the haste and affright in which it was drawn up.

But there is one point connected with this question, which, as more immediately affecting our own national character, we cannot forbear to mention, namely, that though it would be difficult perhaps to bring home to any British subject resident in this country the charge of direct participation in the traffic as such, yet that a very considerable number of the slaves imported into Brazil are in fact employed in establishments conducted and supported by British agents and capital, and that many individuals, claiming British protection, and owing allegiance to His Majesty, are openly seen, under the present system, buying and selling slaves. We would not, we repeat, be considered as accusing any of being actually engaged in the importation of Africans, but, when once the principle is admitted that it is lawful for a British subject, whether professionally, as in the case of auctioneers, or for personal and domestic convenience, or even for the furtherance of objects of extensive public as well as individual interest, such as the working of the mines, &c., to be in any way concerned in the sale, purchase, or hiring of a slave, thereby to all intents and purposes promoting the traffic, it is evident that we, as a nation, must, in principle, be liable to a similar imputation, and we cannot wonder at the incredulity often expressed by the Brazilians as to our sincerity in wishing to see the commerce altogether done away with.

With reference to this view of the subject we may allude prospectively to the various enterprises mainly undertaken by British subjects, under the auspices and favour of the Imperial Government, for the purpose of opening and navigating rivers, &c., which, as matters now stand, necessarily imply the continuation of slave labour, and consequently of successive importation.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

P.S. 24th March. We this moment learn the arrival of another vessel with slaves, under Portuguese colours, in this harbour, prize to a Brazilian man-of-war; but we have no means, by this opportunity, of ascertaining any further particulars.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

First Enclosure in No. 170.

Extract from Speech of the President of Bahia.

Bahia, 1st March 1835.

AFTER giving an account of the late Insurrection, the President goes on to say:—

“The fatal and dangerous consequences which may result from similar attempts should open our eyes, Gentlemen, to the urgent necessity of taking serious and efficacious measures to prevent them.

“The first, in my opinion, should be directed towards preventing entirely the contraband of slaves, which, in spite of the prohibition and of the penalties inflicted by the law, continues to be carried on clandestinely with scandalous recklessness, and you are not ignorant that every slave disembarked on our shores is a fresh barrel of powder thrown into the mine, the explosion of which may produce horrible consequences.

“The erroneous conviction, that without African hands our agriculture cannot prosper, causes many proprietors, and even some of our magistrates, to favour this clandestine traffic, and the Government to whose knowledge information, vague and devoid of documents to prove the crime, is brought, finds itself unable to make the criminals responsible.

“I consider, Gentlemen, the continuance of this illicit traffic is an abuse so pernicious to the public morals, and so dangerous to the tranquillity of the Empire, and of this Province in particular, that, in order at once to put an end to so great a scandal, I do not hesitate to propose to you to solicit from the General Assembly the absolute prohibition of all direct trade with the ports of Africa. This measure, coupled with a treaty (easily obtained) between this Empire and the Argentine and Cisplatina Republics, by which the trade in slaves for any port of South America should be completely interdicted, will be the only effectual way of causing the cessation of this contraband, because then, whenever a vessel with slaves shall be met with on this side of the Line, it might be captured at once and declared good prize, inasmuch as no pretext or artifice resorted to by such traffickers could justify the crime.

“The adoption of this measure would, it is true, diminish the export of some of our produce, such as brandy and tobacco, and in a corresponding manner we should feel the want of some African merchandise, as ivory, palm oil, &c.; but, besides that, the trade in such articles might be carried on indirectly through the channel of other ports and nations, I consider the advantage of the total cessation of the introduction of slaves to be of such consequence that we ought readily to sacrifice the trifling profits of that trade in return for so important a result.

“Another indirect means, not less efficacious to obtain the same end, would be to lay a tax on all slaves indifferently, but which should be heavier on those of African origin, to compensate which the tithe on cattle, and many other smaller imposts, might be abolished.

“This substitution would have still further advantages, among the first of which would be to encourage free labour, rendering it more lucrative than that of slaves; and the second, the easy collection of the tax, because it would be very difficult to subtract any thing from the amount due, the slaves being visible objects not easily to be concealed from the tax-gatherer.

"To these legislative measures I should add that which has already been solicited by me at the hands of the Central Government, namely, a full authority to expel from the Brazilian Territory all free Africans who may become dangerous to our tranquillity; such individuals not being born in Brazil, with a language, religion, and habits different from ours, and having by the late events shown themselves inimical to our peace, ought not to enjoy those securities which the constitution guarantees only to Brazilian citizens."

Second Enclosure in No. 170.

Extract from Instructions of Minister of Justice to the President of the Province of Bahia.

FOURTH Article of Instructions given by the Minister of Justice to the President of the Province of Bahia, in answer to his Despatch announcing the Insurrection. That Despatch is not published, but its purport may be inferred, as well from these Instructions to the President, as from the Speech with which he opened the Session.

Finally, as to the importation of New Africans, which continues in the Province, nothing more can at present be done than to execute, and to cause to be executed, with the utmost rigour, the existing laws and treaties, till such time as stronger and more decisive measures can be obtained, which the Government does not cease to solicit from all the civilized nations of Europe and America, and will also demand from the General Assembly.

Third Enclosure in No. 170.

Message from the Provincial Assembly of Rio de Janeiro to the Central Government.

(Translation.)

SIRE,

17th March 1835.

THE Legislative Assembly of Rio de Janeiro cannot for a single moment delay laying before the Throne of your Imperial Majesty, in this their respectful Message, the cares and the apprehensions which have all at once seized and now occupy them, lest the peace and tranquillity which this Province was enjoying, and under the shade of which they had begun and were prosecuting their legislative labours, should be interrupted and disturbed by the late events at Bahia, where an Insurrection of slaves appears to menace the total ruin, not merely of that beautiful portion of the Empire, but also of all the other Provinces, among which that of Rio de Janeiro cannot fail to be the first to feel the effects of so fatal a cause, whether by its vicinity, by the disproportionate number of slaves it employs in its extensive and opulent agriculture, or by the impolitic mixture of free blacks, who are preserved amongst us.

These apprehensions, Sire, are not groundless. Every one knows that the doctrines of Hayti are here preached with impunity, that the slaves are allured with the bait of liberty and urged on by excited spirits, national as well as foreign, within and without the Empire, to break out into the commotions, of which those of Bahia are furnishing the most fatal example, that there are Secret Societies in this capital which are labouring systematically in this sense, who have funds towards which a great number of members of colour, free as well as slaves, contribute; that from these funds proceed the subsidies by which emissaries are kept up and maintained, charged with propagating revolutionary doctrines among the slaves of the different agricultural estates, where they introduce themselves under colour of selling goods. The members of these societies and their abettors, national and foreign, are pointed out by the public voice, and yet it would seem that the administrative police of the capital either remains ignorant of everything, or in an extraordinary manner slumbers carelessly over the crater of the volcano, and in the mean time the fire is at the door.

A Report from the Justice of the Peace of one of the Districts of the City of St. Salvador de Campos, the most opulent of the Province, has just communicated to the President that the spirit of insurrection has declared itself there among some slaves, who distinguished themselves by the use of a cockade in their hats; that one of these, fortunately for the jurisdiction of the above-mentioned Justice of the Peace, being taken up and interrogated as to the fact, deposed to the Blacks having received orders from Bahia to break out into insurrection on Ash-Wednesday, the first attack being to be made on their own masters. The cockade was the signal of the conspirators, and was to be used by all on that fatal day. These depositions were confirmed by the unanimous confession, without any coercion, of all the others who were taken up, and who used the same signal.

The Legislative Assembly of the Province, to whom this Report was transmitted, occupied itself instantly in taking all those preventive measures resulting from the powers given by them to the law of the 12th August, 1834, in order to prevent an evil, the mischief of which would be irreparable if allowed to go on without impediment or fear; but they are persuaded, considering the proximity of the Municipality of the Capital to the populous parts of the Province, that their efforts in so delicate a matter will be fruitless and possibly pernicious, if the General Government does not employ all that energy which the public safety, the national honour, and the respect due to the Throne require, in order that the spirit of insubordination, and the certainty of impunity, shall not assume that consistency which the want of vigilance on the part of the Police of the Capital, and the continuance of proceedings which augment every day the elements of insurrection, but too surely promise.

It is, Sire, in the anticipated and just hope that this respectful Message will meet with that degree of consideration from the Throne which is worthy of a subject of such transcendent importance, that the Legislative Assembly of the Province has adopted the resolution of addressing themselves to your Imperial Majesty, through the medium of their President, to excite the vigilance, the zeal, and the honour of the Central Government, and to suggest to them, as fit and indispensable measures,

1. That the Police Force required by the Justices of Peace of Campos be forwarded to them without delay.
2. That a prohibition be put at once on the impolitic disembarkation for sale here of old slaves from Bahia, and other northern ports.
3. That the entrance of free Africans, come from whence they may, be forbidden.
4. That all Africans, captured by vessels of war, whether national or foreign, and who may be

judged to be good prize, shall be exported out of the Province, putting a stop at once to the prejudicial and impolitic practice of hiring them out, and distributing them among the incautious inhabitants of this Province.

Sire, crime sleeps not, and this is of such a nature that it is more than ever necessary that the Government should crush it, and should not suffer itself to be caught by narrow considerations of expense or policy.

Brazil menaced claims justice and energy!

No. 171.

Viscount Palmerston to His Majesty's Commissioners.

Foreign Office, 3d June 1835.

GENTLEMEN,

I HAVE received your Despatch of the 9th of February, upon the subject of the vessel, the "*Rio de la Plata*," detained under the Montevidean flag, and condemned, in the mixed British and Brazilian Court at Rio de Janeiro, on a charge of having been concerned in illegal Slave Trade, contrary to the treaties and conventions subsisting between this country and Brazil.

His Majesty's Advocate-General, to whom I referred this case, has reported that the legality of the detention and subsequent condemnation of the "*Rio de la Plata*," depends altogether upon the national character properly to be ascribed to the transaction. If justly characterized as Brazilian, the Mixed Commission Court has done right in confiscating the vessel, and emancipating the slaves.

The King's Advocate has further observed, that the place of capture is so equivocal as to leave it doubtful whether the voyage was to terminate in the Brazils or at Montevideo; that the contract or agreement for the introduction of "colonists," as they are termed, but in reality of slaves, is entirely out of date, and therefore entitled to little or no consideration; and that the assumption of the Uruguay flag is not to be deemed conclusive upon the point, since the true character of the vessel may be averred against the flag and pass, when assumed for colourable purposes, especially in a course of trade in which it is reasonable to expect that every species of stratagem will be resorted to in order to evade the penalties affixed by treaty.

The King's Advocate further remarks, that one fact, however, appears to be free from all doubt, viz., that Jozé Theodoro Villaça, the owner of the vessel, was a Brazilian subject, and as there is no clear and satisfactory proof that he had become a citizen of Uruguay, or had a *bonâ fide* residence and establishment in that country, the King's Advocate is of opinion that the British Commissary Judge and Commissioner of Arbitration have come to a right conclusion in condemning the vessel.

You will take the remarks above cited of the King's Advocate as your guide in cases of a character similar to that of the "*Rio de la Plata*."

I have, &c.

(Signed) PALMERSTON.

His Majesty's Commissioners.

&c. &c. &c.

No. 172.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 25.)

MY LORD DUKE,

Rio de Janeiro, 11th April 1835.

IN a Postscript to our last number we had the honour to state the reported arrival, in this harbour, of another vessel with slaves, prize to a Brazilian man-of-war.

The report proved to be correct. The vessel in question, called the "*Angelica*," was detained off Ilha Grande by the Brazilian brig-of-war "*Dous de Março*," on the 17th ultimo, with a cargo of three hundred and nineteen Africans on board, said to be colonists destined for Montevideo.

This case, with the papers belonging thereto, was transmitted to this Court from the Department of Justice, and libelled on the 30th ultimo. It presents the same doubts as to national character as the preceding one, "*Amizade Felix*," not yet terminated; and we can only at present promise your Grace, with reference to it, the same closeness of investigation which the manifold tricks resorted to by these traffickers in slaves render at once so necessary and so difficult.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

His Grace the Duke of Wellington, K.G.

&c. &c. &c.

No. 173.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 25.)

MY LORD DUKE,

Rio de Janeiro, 11th April 1835.

IN our Despatch of the 16th February last, we had the honour of enclosing an extract from an article on the question of slavery, and the inefficiency of the laws at present existing in Brazil for its suppression, and containing certain suggestions on the subject, a further development of which the author promised in a subsequent Number. This he has failed to give, and, indeed, has since altogether discontinued his Journal; but, a criticism upon the article above mentioned having appeared in the unofficial part of the Government Paper, he replied to it in an article, an extract from which we have the honour to enclose herewith.

We do not trouble your Grace with the criticism itself, because its purport is at once inferred from the reply it has received, in which your Grace will observe, that the repeal of the law of the 7th November, 1831, and the temporary toleration of slave labour are recommended, not from any opinion entertained by the writer in favour of slavery, but from the inconsistency of decreeing the freedom of New Blacks, while those long in the country, and even Creoles, are still retained in a state of slavery; and from his consequent conviction of the impossibility of carrying the law into execution, or of dispensing with further importation, so long as the present state of things is allowed to remain: sentiments which derive their chief interest from the possibility, now, however, seemingly less strong than when we first mentioned the topic, of their author being ere long to be invested with the sovereign power in this country.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.*His Grace the Duke of Wellington, K.G.*

&c.

&c.

&c.

Enclosure in No. 173.

Extract from the "O Justiano San Paolo."

So attacked, we have nothing for it but to speak with greater clearness, to relieve ourselves from the imputation so gratuitously cast upon us, in consequence of the Article on the Traffic in African Negroes. Whoever shall read that article, without prejudice, will find our aversion to slavery expressed in it most explicitly: never did any writer in Brazil declare himself more frankly against slavery, as well of Africans as of Creoles; never did any person more forcibly declaim against such injustice. Yet the "Correio official" says, that we do not escape the force of habit, and that, by it, we have come to legitimize the slavery of beings of our own species—an act iniquitous upon every principle! We know not who is our opponent; we will, however, simplify the question; and reply to what may possibly most tend to lead astray the unwary.

We began our article, by showing the force of habit, with a view to the justification of Brazilians for an Act condemned alike by reason and religion. We showed that slavery became indispensable from the conviction which the Brazilians entertained, that, with slaves alone, could agriculture prosper, and that, even with them, it was not unfrequently unprofitable, and that they regarded such slavery as less unjust, inasmuch as they see that the law and modern philanthropists concern themselves only with Africans, without saying one word respecting Creoles, who, doubtless, have a right a hundred-fold stronger than those savages, who, as is commonly said, pass from brutes to civilized beings, from Pagans to Christians, and, from being slaves of ferocious and inhuman masters, become the slaves of charitable and religious ones. We repeated what all know, that Africans are bought; that the authorities connive at it, or find themselves coerced; and that, it not being possible to prevent the evil, it is better, it is even necessary, to prevent still greater, to repeal the law, to put a stop to the scandalous contempt of it, in order that, at no distant period, these Africans, now introduced, may not appear armed with the force of law, to claim their liberty, the punishment of those who enslave them, the value of the services they may have rendered, &c. &c.,—and then what will be the consequence?

This proposition of ours caused great scandal to our opponent, who, however, describes in very lively and true colours the future which awaits us, and, recognising the insufficiency of the law, asks that it may be repealed and substituted by another which shall better answer its purpose. Why, then, does he not point out the defects of the law, in order to its being amended, and to cause it to produce the desired effect? Such was not our course. We advised what appeared to us to be practicable, rational, and just; that is, that the law should be done away with; that the English, who possess the most means, and who accelerated the period of the extinction of the traffic in Africans, should prevent their being introduced; that the coming of agricultural colonists should be facilitated; that elementary schools of agriculture throughout the empire should be established, in order that Brazilians, better and more practically instructed in their true interests, may, without reluctance, obey the laws which shall put a stop to slavery in Brazil. We thus require the same as our opponent, and even something more; but we desire that what we ask is to be made effective, that still greater mischief be not produced by laws, imprudent, because inopportune. If prudence make it advisable not to agitate, as yet, the question of the liberty of the Creoles, the same prudence still more imperiously requires that Brazilians who have the misfortune to buy Africans shall not be uselessly persecuted. What has such persecution produced? Perjury and contempt of the law, mockery of magistrates, and even insult to the

supreme Government, proved by the recent fact of the robbery of 200 Blacks in the capital, in the face of that same Government. What has been attained by so many recommendations and researches? Has any one been punished? We know not. The negroes enter, and the evil increases every day. Is this a state of things which it can be wished should continue? and does any one persuade himself that his or our reclamations will effect the miracle of changing the opinions of Brazilians in this respect?

No. 174.

His Majesty's Commissioners to the Duke of Wellington.—(Received June 25.)
MY LORD DUKE, *Rio de Janeiro, 13th April 1835.*

THE "Message," a copy of which we had the honour to enclose in our Despatch, of the 23d ult., has given rise to a very warm altercation between this Government and the Provincial Assembly of Rio de Janeiro, begun, in the first instance, by a Despatch from the Minister of Justice to the President of the Province, and forthwith met, by way of rejoinder, by a Report from a Committee, specially appointed by the Assembly to consider that Despatch.

Regarding the general subject as foreign to our functions, we abstain from forwarding these papers, however interesting, *in extenso*, to your Grace, confining ourselves to transmitting the enclosed extract from such parts of the Despatch as bear upon the points immediately connected with our duties, namely, the reply of the Government to the second, third, and fourth measures, proposed by the Legislative Assembly for their adoption.

The first of these measures, *viz.*, the prohibition of the transfer of Blacks for sale from one province to another, the Government declare themselves neither authorized nor willing to concur in.

With regard to the next measure suggested, the forbidding the entrance into the country of all free Africans, it is replied that this, and even more, has already been done; and, as regards the last proposal, that of re-exporting all Africans, the Government state that such had been their wish, but that, from the impracticability of securing them an asylum on the Coast of Africa, a communication to which effect had been made to the General Legislative Assembly last year without producing any result, they were obliged to have recourse to the provisions of the "*Alvara*" of the 26th January, 1818.

In the Report of the Special Committee, appointed by the Legislative Assembly, which is little more than an angry analysis of the Despatch from the Minister of Justice, and a defence of their "Message," they reiterate their previous statements of the existence of secret societies and projected conspiracies among the Blacks, the accuracy of which the Minister of Justice had called in question; and, with respect to the inability professed by the Government to interdict the transfer of Africans from one province to another, ask whether, if such Africans were infected with the plague, they ought to be admitted;—and will a moral plague (say they) be less hurtful than a physical one? And conclude by invoking the execution of the law of the 7th November, 1831, the provisions of which, requiring such re-exportation, justify, they contend, their assertion, that the practice of hiring out the freed negroes is impolitic and prejudicial.

We have, &c.

(Signed)

His Grace the Duke of Wellington, K.G.
&c. &c. &c.

GEORGE JACKSON.
FREDERICK GRIGG.

Enclosure in No. 174.

Extract of a Despatch, 24th March, 1835, from the Minister of Justice to the President of the Province of Rio de Janeiro.

With regard to the second measure, ("proposed by the assembly,") I am to inform your Excellency, that the Government does not find itself authorized to prohibit any licit commerce between one province and another, neither is it disposed to do so, under any circumstances.

With regard to the third, the Government has done more than is asked by the Legislative Assembly, forbidding the entrance into the country, in conformity to the 7th Article of the Law of the 7th November 1831, not only of freed Africans, as called for by the Assembly, but of every freed Black who is not a Brazilian citizen. With regard to the fourth, which calls for the exportation out of the province of such Africans as may be taken, the Government cannot acquiesce in this for very obvious reasons: its wish, indeed, was to cause them all to be re-exported out of the empire, conformably to the second Article of the above-mentioned law; but this arrangement has been impracticable, in spite of the greatest efforts which have been made to treat with those nations who have possessions on the Coast of Africa for an asylum for such Africans, which was last year already laid before the General

Legislative Assembly without producing any result; the Government seeing itself in consequence under the hard necessity of having recourse to the provision of the "*Alvara*," of the 26th January, 1818, which is in full force. This provision is as follows: "And all others emancipated in the manner above decreed, it not being just that they should be abandoned, shall be delivered over to the jurisdiction of the *Ouvidor da Comarca*, and, where there is none, to that charged with the guardianship of the Indians; then to serve as free men for the space of 14 years, either in some public naval service, in the fortresses, in agriculture, and in trades, as shall seem best, (being for this purpose engaged at the respective stations,) or hired to individuals of known standing and probity, the same coming under agreement to feed, clothe, afford them religious instruction, and teach them some trade or labour, as may be agreed upon, for a stipulated time, &c. &c.

Such is the mode of distributing these slaves, which, consequently, is not arbitrary, but founded in a law.

No. 175.

His Majesty's Commissioners to the Duke of Wellington.—(Received August 5.)
(Extract.)

MY LORD DUKE,

Rio de Janeiro, 17th May 1835.

WE have the honour to transmit to your Grace herewith the two Reports which have this session been presented to the Chamber of Deputies by the Ministers for Foreign Affairs and of Justice, having made translations of such parts of both these documents as relate to the Slave Trade.

These extracts, your Grace will be sorry to perceive, concur in representing, in the strongest terms, the continuance of the traffic to an extent at once frightful to humanity, and alarming to the best interests of this country; and, while the one contents itself with acknowledging, in general terms, that the efforts of Government to repress it have been fruitless, the other declares that no year presents a greater number of captures than the past and present years have done, and speaks with great minuteness of the points on the coast where the Africans, it is known, are disembarked, the places where they are publicly sold, and the magistrates who lend to the trade their aid and protection.

Many, however, we must here observe, as have been the cases brought before the Court within the last two years for adjudication, in comparison with any former period, they form but a very small proportion of the vessels, which, it is notorious, are every day pouring forth their wretched cargoes on this coast.

The first of the enclosed Reports ascribes this deplorable state of things to the abuse of the flag of Portugal, and to the prejudices of the agriculturists; the second, that of the Minister of Justice, cites it as a proof, in the opinion of some, of the defect of harmony between the laws and treaties and the wants of the people, and, in that of others, of a deep-rooted corruption to which the most sacred duties are sacrificed.

Without stopping to inquire which of these causes, all more or less adverted to in our previous correspondence, may predominate, it is impossible, we fear, to come to any other conclusion, than that the suppression of this trade in this country is beyond the reach of any enactment, legislative or conventional, and that, even supposing good faith, and a sincere desire to put a stop to it, to exist in the executive, their endeavours will still be frustrated by the weakness of the subordinate authorities, and the operation of individual interests.

But, to return to the Reports: that of Foreign Affairs announces the intended nomination (already, we understand, actually made) of a Brazilian Consul General to reside on the Coast of Africa; and they both again suggest the purchase of a tract of land from the Crown of Portugal, on which to form an establishment for the reception of the re-exported Africans; applications to Great Britain, France, and North America, with a view to this object, having failed. To defray the expense of this, a vote of credit is asked for, such re-exportation becoming, it is stated, every day more urgent, both on account of the difficulty of obtaining the fulfilment of private contracts under the system hitherto followed in virtue of the "*Alvara*" of 1818, and of the late risings threatening the future tranquillity of the empire, and of the danger which must infallibly result from the enjoyment of freedom by new Blacks, whilst those born in the country, and even Creoles, remain in a state of slavery.

On that part of the Foreign Minister's Report, included in our extract, which relates to his negotiations with Great Britain, or with other powers, it is unnecessary for us to trouble your Grace; as, on all these matters, you will doubtless be far better informed by His Majesty's Envoy at this Court. We, therefore, content ourselves with briefly noticing that the Minister states that pressing overtures have been made to the Courts of London and of Lisbon, with a view to obtain from

the latter the most effectual prohibition against fitting out slave vessels in any of the Portuguese Colonies; that representations have been made to the Argentine and Uruguay Republics to induce them to interdict the introduction of Africans into those countries, under the specious title of "Colonists;" a pretence, it appears, from a Despatch from the Brazilian Chargé d'Affaires, since repudiated by the Legislative Assemblies of the latter Republic; and that the Regency had authorized his Excellency to enter on the negotiation of the additional Article so long proposed by His Majesty's Government, as well as to accede to the French Slave Trade Convention, to which the Regency had been invited by the French Chargé d'Affaires at this Court.

The topics noticed in these two extracts from the Brazilian Minister's Reports are, for the most part, common to both; but there are two subjects specially adverted to in that of the Minister of Justice, which will, no doubt, attract your Grace's attention.

The first is the congratulatory tone in which his Excellency speaks of the superior success with which the exertions of the Brazilian Navy have been attended; founding it on the fact that this year two Brazilian and only one English captures have been made—a circumstance on which he grounds the hope of one day seeing the traffic extirpated, and on which also, a far juster conclusion, he urges the expediency of establishing a more extended and constant line of cruising.

The other point, to which we allude, is the admission that the fines and securities imposed by the Law of the 7th November, 1831, as a penalty for the introduction of Africans, and a pledge for their re-exportation, are, from the circumstances of the respective parties implicated, continually eluded.

In another part of his Report, the Minister of Justice treats very lightly the alarms lately expressed by the Legislative Assembly of this province, and almost questions there being any real ground for their existence. This may, in part, be attributed to the altercation which, your Grace is aware, has been going on between the General Government and the Provincial Chamber, arising out of the "Message" of the latter. Certain it is that the accuracy of its statements is still insisted on by those with whom they originated. On whichever side the truth may lie, it is, at all events, clear that the language of the Minister, in proportion to the effect it may have in allaying the uneasiness which was beginning to be so general, will tend to destroy the only grounds on which a cordial and unanimous determination to do away with the traffic in question could be hoped for.

We have, &c.

(Signed)

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

GEORGE JACKSON.
FREDERICK GRIGG.

First Enclosure in No. 175.

Extract from Report of Minister for Foreign Affairs.

(Translation.)

THE mixed British and Brazilian Commission, created in virtue of the Convention of the 23d November 1826, has taken cognizance of various vessels which have been captured by Brazilian and English Ships of War, viz. :—

- " *Duquesa de Braganza,*"
- " *Patacho Dous de Marco,*"
- " *Patacho S. Antonio,*"
- " *Bergantim Rio da Prata.*"

The first was taken by the sloop-of-war "Satellite," with 227 Africans; the second by the brig "Cacique" and sloop "Fluminense," on suspicion of having had Africans on board; the third by the Brazilian sloop-of-war "Lebre," with 144 Africans; the fourth by the English sloop-of-war "Raleigh," with 523 Africans. All these vessels were condemned by the Commission, with the sole exception of the "*Patacho Dous de Marco,*" she having been proved to be Portuguese property, and consequently without the pale of the letter of the treaty from which the Commission derived their authority.

The Government, guided as well by the principles of humanity as by fidelity to the treaties, and the Law of the 7th November 1831, has anxiously endeavoured to prohibit the contraband of Africans, which continues to be carried on so scandalously throughout all Brazil. But their efforts, it is painful to say so, have been all but frustrated by the facility which the fitters-out of these vessels meet with in the Colonies of Portugal, making use of her flag by means of fraudulent sales, and, above all, by the blindness of the majority of our agriculturists, who consider the cessation of the traffic in slaves as very ruinous to the nation; and believe also that Brazil, in concluding the Convention of the 23d November 1826 with the British Government, yielded to force; whereas it is notorious that, since the year 1810, the Government of Portugal—Brazil at that time constituting a part of that kingdom—declared by her Treaty of the 19th February 1810, that the traffic in slaves should be gradually

abolished, and by the Convention of the 22d January 1815, this same traffic ceased to the north of the Line.

The Imperial Government, seeing that our agriculturists cherish most pernicious prejudices on this head, will endeavour to redouble their diligence, in order to put an end to the introduction of African blacks, so much the more dangerous, as there have already been risings in some provinces of the Empire, which may prove very fatal to their future tranquillity.

Under this conviction the Imperial Government is about to nominate a Consul-General to reside at Angola, for the purpose of watching the equipment of vessels with African blacks, and has addressed itself in the most energetic terms to the Courts of Lisbon and London, in order that, on their part, efficacious measures may be taken to prohibit the equipment of such vessels in the Portuguese Colonies, establishing there a more vigilant cruising. They have also addressed themselves to the Government of the Argentine Republic, and that of the Oriental State of Uruguay, in order that the sale of Africans, under the specious title of Colonists, may be there prohibited, since this has been one of the means resorted to by the sagacity, or, to speak more properly, by the thirst of sordid gain, of various merchants established in those Republics, to introduce them into Brazil, as is proved by the capture of the brig "*Rio da Prata*."

Our Chargé d'Affaires, accredited to the latter of these Republics, has just reported that the Legislative Chambers there had disapproved of similar speculations, as was to be looked for from their intelligence and philanthropy.

His Britannic Majesty's Envoy at this Court proposed to the Imperial Government an additional article to the Convention of the 23d November 1826, to the effect that Brazilian and English vessels found on the coast of Africa might be visited by their respective ships of war, and condemned in case of there being found in them strong proofs of their being engaged in the contraband of African blacks. The French Chargé d'Affaires also proposed that the Imperial Government should accede to ("adhérasse") the Convention which his Government had concluded with that of Great Britain relative to such visits—a Convention to which their Danish and Sardinian Majesties have already acceded.

The Regency, in the name of His Majesty the Emperor, have authorized me to enter into the negotiation with Great Britain respecting the additional article, and to accede to the Convention with France, considering the urgent necessity of using every means for repressing so nefarious a contraband.

You are already informed of the difficulties which the Government have met with, to carry into effect the second article of the law of the 7th November 1831, relative to the re-exportation of Africans to the Coast of Africa. The surest means for carrying the above article into effect appeared to be, to propose to those European and American Powers which have possessions in that part of the world to receive the Africans who should be re-exported from Brazil. The Government of Great Britain, as her Minister for Foreign Affairs expressed himself in a conference with the Brazilian Envoy, gave it to be understood, that such Africans would be received at Sierra Leone upon payment of their maintenance. The Government of the United States of America declined our proposal, the Colony of Liberia being a private undertaking. The French Government have as yet returned no answer on this subject.

It being to be presumed that the latter Government will come to no determination in this matter, the Imperial Government judges that the most salutary measure that can be adopted on this important subject is to treat with that of Her Most Faithful Majesty for the purchase of a tract of land in her dominions on the Coast of Africa, in order that the Imperial Government may there form an establishment for the reception of the re-exported blacks; but, to attain this object, funds must be placed at the disposal of the same. My predecessor already submitted a proposition to the Chamber of Deputies in this sense on the 9th August 1834.

Second Enclosure in No. 175.

Extract from Report of Minister of Justice.

It is indeed truly painful to be under the necessity of declaring to the Legislative Body, that, in spite of the most efficacious measures against the contraband dealers in Africans, the traffic is continued, the stipulations of treaties have been eluded, the rigour of the laws set completely at nought: facts these, considered, by some, as proof of the entire want of harmony between such laws and treaties and the wants of our people; and, by others, that a deep-rooted corruption has so effectually taken hold of our habits, that the sacrifice of the most sacred duties to his own personal interest is become a matter of indifference to every individual.

The fury of this barbarous traffic, Gentlemen, appears every day to increase with a constantly progressive force.

In fact, since the year 1830, in which only one prize was judged legal, no year presents a greater number of captures than the past year 1834, and the present 1835.

In the year 1831 the schooner "*Destimida*" was taken and condemned; in 1832, the schooner "*Camilla*;" in 1833, the barque "*Maria da Gloria*," which was not taken cognizance of, being Portuguese; in 1834, the brig "*Paquete do Sul*," the schooner "*Duquesa de Braganza*;" patacho "*Dous de Março*," and patacho "*Santo Antonio*;" and, in 1835, before the first six months of the same, three vessels have already been captured, *viz.* the brig "*Rio da Prata*," brig "*Amizade Feliz*," and the schooner "*Angelica*."

It is generally reported, on all hands, that, in different points of the Empire and of this Province, the Justices of the Peace for the most part aid and protect this commerce; and the ports where they (the Africans) are disembarked, and the places where they are publicly sold, are pointed out.

The Government has often ordered examinations to be made, and the delinquents to be sought out, but the summary inquiries thus instituted, and the informations received in reply, represent the whole as the result of falsehood and calumny.

Only one consolatory idea presents itself to every friend of Brazil in this matter, and that is, that the Brazilian navy has not only rivalled, but even exceeded the foreign navy in the activity and zeal shown in combating this inhuman crime.

Of the captures made in 1834, two are Brazilian and two English. Of those of the present year, two are Brazilian and only one English. On this fact it is, Gentlemen, that I ground the hope of

one day seeing the vicious and horrible propensity of sordid speculators eradicated, and from hence may be seen the expediency of continuing the cruising along the whole coast of Brazil.

It has not as yet been possible to re-export out of the Empire any one African of those captured. The Government has been forced to distribute them conformably to the law of 26th January 1818, in consequence of not having yet obtained for them an asylum in Africa, agreeably to the disposition of the law of the 7th November 1831; and, secondly, those nations who could do this refuse to do it gratuitously.

In the mean time the necessity of their being so re-exported becomes more urgent, not only because from day to day it is more difficult to obtain the fulfilment of private contracts, but because such distribution does not meet the great object of delivering the country from a population always dangerous, and now more than ever so, inasmuch as it is certain that these Africans so distributed will, when they shall cease to belong to the class of new slaves, become unbearable, from the idea of their being free among those still doomed to slavery.

The Government, therefore, hopes, from the patriotism, liberality, and religious spirit of the members of this august Assembly, that a Special Vote of Credit will, this session, be granted to it for the purpose of creating an establishment in Africa similar to that of Liberia, belonging to the North Americans, which it appears to me might be made very useful for many other objects to which it might be applied. A special credit also is no less requisite for defraying the expenses of the sustenance, clothing, guard, &c. of the Africans during the period of the proceedings before the Mixed Commission. The English captors always charge themselves with this expense, but our officers refuse it on the ground of want of means.

The measures regarding the fines and expenses of re-exportation, at the cost of those concerned in the adventure, are always defeated by the circumstances of the persons implicated in the contraband. The owners are almost always Portuguese, residing without the Empire; the captain, master, and pilot, always devoid of means.

Under these circumstances, as these unhappy Africans ought not to be abandoned, the Government has ordered them to be supplied; and as it is possible that a great part of this expense cannot be deducted from the premiums awarded by the law to the captors, nor from the wages of the Africans themselves, it seeks and hopes for the approbation of the General Assembly in this respect.

No. 176.

His Majesty's Commissary Judge to the Duke of Wellington.—(Received Aug. 19.)

MY LORD DUKE,

Rio de Janeiro, 18th May and 5th June 1835.

IN our Despatch No. 12 of the 16th March last, we had the honour to state to your Grace that the case of the brig "*Amizade Felix*," sailing under Portuguese colours, and detained by the Brazilian brig of war "*Niger*," had been brought before the Court of Mixed British and Brazilian Commission. We now beg leave to transmit our report of the same. From its perusal your Grace will perceive that a more than ordinary length of time has been occupied in the adjudication of this case, which is to be attributed to the delays arising out of the change which occurred in the members of the Court, the intervention of the Easter holidays, and of certain days set apart in this province for the election of Regent, as well as to the very close and extended investigation which the peculiar and intricate circumstances of the case called for.

The greatest pains, it will be seen, had all along been taken to establish the belief that this vessel was Portuguese. With whatever success, of one fact at least, that of her having been destined from the first for the coast of Brazil, the Report of the Imperial Maritime Commission, coming, as it did, in confirmation of the internal evidence afforded by the ship's papers themselves, left no doubt on the mind of the British Commissary Judge; nor was the ownership of the cargo of slaves found on board, in his opinion, less clearly established. The chief hesitation, indeed, felt by either the Brazilian or the British Commissary Judge in this case, up to the moment of the former ceasing to be a member of the Court, regarded the national character of the vessel; and both were prepared to decree the emancipation of the slaves, upon the ground that they formed part of a speculation headed by an individual who, at the time of its being entered into, was a subject of this Empire when the Brazilian Commissary Judge was summoned to attend a jury.

From this duty, strictly speaking, he was exempt, as Judge in the Court of Mixed Commission; but, as it was not thought proper to enforce his privilege, it became necessary to appoint a successor, and the Commissioner of Arbitration, Monsieur Pereira de Souza, was named in his stead, as appears in the enclosed Despatch from the Brazilian Minister.

This change induced a revisal of the whole proceedings, and the acting Brazilian Commissary Judge differed eventually in opinion as well with that held by his predecessor and by his British colleague conjointly, with respect to the slaves, as with that given singly by the latter with reference to the vessel.

This difference, and the grounds on which the two opinions respectively rest, will

be found in the enclosed papers. The observation which your Grace will, no doubt, notice in the second of these, touching the necessity of the proofs being to be found in the proceedings of each separate case, refers to the information as to the ownership of the slaves being, in this instance, drawn from the documents in a former process before the Court.

With regard to the assertion of the Brazilian Acting Commissary Judge, that the Portuguese Commercial Code (the existence of which had very opportunely been recently made known to the Court) was not yet established, the fact of its having been promulgated without any restriction as to when it should go into operation, and the length of time which has elapsed since it was signed, appeared to the British Commissary Judge to be a sufficient reason for assuming that it was to be considered as the law of Portugal at this moment.

To guard against the appearance of omitting any material part of this case, whichever view of it such particular may favour, we would further beg leave to remark that if, in the opinion delivered by the British Commissary Judge, no notice was taken of the survey which was made to ascertain whether the brig "*Amizade Felix*" had been purposely dismantled or not, it was because that circumstance appeared to him to be comparatively immaterial. Had the fact imputed to the master of this vessel, of having cut away her mast intentionally, been fully established, it would but have added one more to the many frauds practised by this vessel: the main point to be attended to in this part of the case was the course she had steered, and this is proved by the Report of the Maritime Commission, which shows her to have been in such a position, at the time when the accident is stated to have occurred, as could leave no doubt of her intention to make the coast of Brazil, and not that of Monte Video.

In the view, however, taken by His Majesty's Commissary Judge of this case, even this circumstance was irrelevant—the spot where the cargo was to be landed was only a secondary consideration—the essential question was, to whom did the ship and cargo belong? On this non-agreement being made known to the Imperial Government, a Brazilian Commissioner of Arbitration was named *ad hoc*; and lots being then drawn in conformity to the 3rd Article of the regulations, the lot fell on His Majesty's Commissioner of Arbitration, who, after consulting with his colleagues, delivered the annexed opinion, and ultimately agreed with the Brazilian Acting Commissary Judge on the accompanying sentence, asserting the incompetency of the Court to take cognizance of the case, the ship and cargo belonging neither to English nor to Brazilian owners, and directing the papers and proceedings to be remitted to the Imperial Government, to be dealt with according to the laws of this country.

5th June.

The foregoing Despatch was about to be made up when the proctor for the captor presented a petition praying for a revisal of the sentence of the Court. We have the honour of enclosing herewith a copy thereof, with its translation.

Such a concession, my Lord, as we have in our previous correspondence permitted ourselves to remark, appears to be in contradiction to the 8th Article of the Convention of the 28th July 1817; but as it is not looked upon in the light of an appeal, but merely as a petition begging the Court to reconsider their sentence, and as the privilege, originating in the laws of this country, has always been recognised by this Court, it was granted also on the present occasion. A very long paper has been presented by the proctor in consequence, which is now in the hands of the translator, but, as it cannot be ready for some days, we think it best no longer to delay the transmission of this Despatch, but, simply informing your Grace that the Court have refused to alter their sentence, we reserve for the next opportunity the arguments on the part of the captor, as well as the reasons given by the Court for their refusal.

We have, &c.

(Signed)

GEORGE JACKSON.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

First Enclosure in No. 176.

Report of the Case of the "Amizade Feliz."

Rio de Janeiro, 18th May 1835.

THIS vessel, under another name, has for years been in the habit of trading to and fro from the coast of Brazil to that of Africa. Her master died on this last voyage, and she was under the command of the pilot, Damazo Pereira Nunez, when she was detained off Ilha Grande, on the 12th of February last, by the Brazilian brig of war "Niger." She was sailing under Portuguese colours, and furnished with a passport from the Governor of Loanda for a voyage to Monte Video, declaring her to be Portuguese, to be commanded by a Portuguese, and to belong to Portuguese subjects exclusively. The master of the "*Amizade Feliz*," in his application for clearance to the Custom-house at Angola, says she was sailing in ballast, and those authorities attest the same; but she had on board, when taken, a cargo of upwards of 300 slaves shipped at Ambriz on the 5th of January. On the 27th February, the declaration of the captor, together with the ship's papers, were received and sworn to before the Court by the Brazilian Prize-master, and the usual monition having issued, and the other forms being complied with according to the practice of this country, the examination of witnesses commenced.

Of those who were on board the prize, four were examined, namely, the pilot, Damazo Pereira Nunez, and three passengers—Antonio Correa Pinto, Antonio de Moura Soares de Andrade, and José Maria Mattozo.

The first witness swore that he was a subject of Portugal; that the "*Amizade Feliz*" was Portuguese; that her owners were Portuguese residing in Benguella; that no Brazilian subject had any interest in her; that she was destined to Monte Video, and that his engagement as pilot was made for that place; and that, having been dismasted, they were obliged to change their course, and, not being able to reach Rio de Janeiro, were found off Ilha Grande. This witness further deposed that this vessel, formerly he thought called the "*Novo Desengano*," had been in the habit of trading from Rio de Janeiro to Angola and back, but always under the Portuguese flag; that he himself had often been in this city, and that the last time he left it was for Angola, touching at Sao. Sebastiao.

The second witness, calling himself a merchant, born at Angola, swore that he did not know who were the owners of the "*Amizade Feliz*," nor whether they were Portuguese or Brazilian. All he knew was, that, according to the flag, the vessel was Portuguese; that he knew nothing of the voyage to Ambriz, nor of the slaves till he saw them on board; and that their being met with off Ilha Grande was owing to bad weather and the strong currents.

The third witness, describing himself as a merchant and native of Loanda, swore that all he knew of the vessel was her having the Portuguese flag; that he agreed for his passage to Monte Video, and took out his passport for that place in consequence of seeing the ship's papers made out for the same; and that the reason of the vessel being off Ilha Grande was on account of her having been dismasted, and having met with stormy weather.

The fourth witness, a native of Loanda, confirmed the testimony of the first witness, the pilot, as to the "*Amizade Feliz*" being Portuguese, and the exclusive property of Portuguese subjects, as well as that she was forced to make this coast on account of being dismasted.

Of this fact a minute or protest was drawn up and signed by all on board, with respect to which a circumstance appeared, which is, however, no otherwise material than as showing the system of fraud practised in this case, namely, that this minute describes the dismasting of the vessel to have occurred on the 2d February, whereas the storm, which is supposed to have caused the accident, is noted in the log-book as having happened on the following day, the 3d.

The captor, commanding the Imperial brig "*Niger*," who had not at first returned to port, presented himself on the 6th March, and deposed before the Court to his belief that the vessel's mast had been purposely cut, the better to colour the bearing up for Ilha Grande, with a view to land her slaves there—a deviation which he declared was apparent from the log-book.

On the 14th March, therefore, the Brazilian Commissary Judge applied to his Government to have these two points accurately investigated by competent persons, specially appointed, and on the 24th the two reports were received, the first declaring that the vessel appeared to have been dismasted by stress of weather; the second, that the dismasting was purposely contrived, and that the course steered by the "*Amizade Feliz*" clearly proved her to have been all along destined for the coast of Brazil, and not for Monte Video.

The first of these reports was made by the Master Carpenters belonging to this arsenal; the latter by a Post Captain, a Commander, and a First Lieutenant, in the Imperial Navy.

A claim was presented on behalf of the owners, declaring the "*Amizade Feliz*" to be Portuguese property, and as such not amenable to the Mixed British and Brazilian Commission, and protesting consequently against its jurisdiction, praying the release of the ship and cargo, and holding the Court responsible for any loss, &c. Much of the further evidence in this case arose out of this claim, and turned on the way in which the reputed owners of this vessel acquired the property; and many irregularities and suspicious points were apparent in the course of a very long and protracted investigation on this head. It is unnecessary, however, to repeat them here.

The result was that this vessel was finally proved to have been legally sold in this harbour, according to the laws of this country, in April 1834, by Portuguese subjects to Portuguese subjects, and that their consignee, a Brazilian citizen, despatched her in August following to the coast of Africa, from whence she was chartered avowedly for a voyage in ballast to any Brazilian port, instead of which she shipped upwards of three hundred Africans, under the denomination of Colonists, at Ambriz.

The opinion of the British Commissary Judge states the ground on which he proposed to condemn the "*Amizade Feliz*," and to emancipate the slaves. In this opinion the Brazilian Acting Commissary Judge did not concur, and lots being drawn in conformity to the regulations, and the lot falling on the British Commissioner of Arbitration, he was of opinion that the case and the proceedings should be remitted to the Imperial Government, with a view to such proceedings therein as it might deem to be proper; and the subjoined sentence, declaring the incompetency of the Court to adjudicate in respect to the same, was agreed on at its sitting on the 13th instant.

GEORGE JACKSON.

Second Enclosure in No. 176.

(Translation.)

Palace, 1st April 1835.

THE Commissary Judge, Joao Carneiro de Campos, being occupied at the Jury Court, and it being necessary that the functions of the Mixed Brazilian and British Commission should be continued, the Regency, in the name of the Emperor, orders it to be communicated to the said Commission, through the Office for Foreign Affairs, that they have authorized the Commissioner of Arbitration, Joao Pereira de Souza, to act instead of the aforesaid Commissary Judge; and, in case of difference arising between the Judges, another Arbiter shall be named *ad hoc*, as soon as the same be made known.

(A true Copy.)
(A true Translation.)

(Signed)
(Signed)

MANOEL ALVARES BRANCO.
BRAZ MARTIUS COSTA PASSOS.
NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

Third Enclosure in No. 176.

Opinion of the British Commissary Judge.

Rio de Janeiro, 24th April 1835.

THE various frauds practised in this case of the brig "*Amizade Feliz*," as shown in the several documents before the Court—the bill of freight itself, declaring the vessel to be destined to any port of Brazil with a lawful cargo; the Loanda certificate that she sailed in ballast, dated in January 1835, and the document ordering the same hearing date January 1834; the further discrepancy of date between the Protest and the occurrence supposed to have given rise to it, the one being dated on the 2d, and the other marked in the log-book as having happened on the 3d February, and still more the Report of the Imperial Maritime Commission, can leave, in my opinion, no doubt as to the destination of the "*Amizade Feliz*" and her cargo.

The fact, then, of the Africans found on board being intended for the coast of Brazil being thus established, it remains only to inquire—

1. Who was the owner of the aforesaid Africans? and

2. To whom the brig on board of which they were embarked really belonged?

On the former of these points we are not left in uncertainty. A letter from one of the parties, the ostensible owner of one half of the vessel, and who it appears freighted the whole, Donna Victoria Antonia de Moura, declares, fol. 69, that these Africans are on account and for the risk of Luiz Antonio de Carvalho; and, fol. 70, her correspondent at Loanda, Francisco José de Souza Lopes, writes to this same Luiz Antonio de Carvalho: "According to our contract made here, and confirmed by your partners of the Company of Monte Video, I have determined that the brig '*Amizade Feliz*,' belonging to my constituent, Donna Victoria Antonia de Moura, shall sail to-morrow on her voyage to Monte Video, touching at Ambriz, there to receive three hundred and fifty Colonists. You will, therefore, immediately on the arrival there of the said brig, take charge of the Colonists." And, again, fol. 71, we have another letter from Lopes to the officer in command of the brig, confirming the same.

Did the evidence stop here, we might be at a loss to ascertain who this Luiz Antonio de Carvalho was; but his name is too familiar to the Court in the case of the "*Rio da Prata*," recently before it, to leave this a matter of surmise.

By the documents in that case (*vide Copiador de Cartas*, fol. 78—92) it appears that this individual, Luiz Antonio de Carvalho, in conjunction with a Brazilian subject of the name of Joaquim Pereira de Mendonça, at Pernambuco, is the agent of a Company at the head of which is José Teodoro de Villaça, at the time when this transaction commenced a subject of Brazil, resident at Monte Video, and who had contracted with the latter Government for the introduction of a certain number of African blacks into that Republic, under the denomination of Colonists; and further, that for the purpose of superintending and carrying into effect this speculation, this agent, Luiz Antonio de Carvalho, himself repaired to the coast of Africa, from whence he was to have returned in this very vessel, "*Amizade Feliz*," with a cargo of slaves direct from Angola to Ilha Grande, on account of the same parties.

These facts at once suffice, in my opinion, to decide the first of the afore-mentioned inquiries, namely, who was the owner of the Africans in question.

With regard to the remaining point, to whom the brig in which they were embarked belonged, it is to be observed that the Portuguese Commercial Code declares, Art. 30 1st Tit., 2d Part, every Portuguese ship must be legally registered, and as such be navigated. The certificate of registry is one of the ship's documents. Art. 32, that the registry of the ship shall be made at the proper office of the port to which the ship may belong. Art. 33, that the ship's registry shall comprise, first, the name of the ship; second, her tonnage, proved by a certificate of her admeasurement, with reference to the date thereof; third, the name and surname of each of the owners and their respective places of abode; fourth, the period when each of the owners obtained his share in the ship, a declaration of what part, and the date of his title, and also a specific mention of each co-partner's share.

The certificate thus required by Art. 30 the Court has called for, but it has not been exhibited, consequently the brig "*Amizade Feliz*" cannot be recognised as Portuguese. Whatever title she might have had to that national character is, according to the laws of Portugal itself, forfeited by the want of this document, and the non-compliance with the above-cited Article of the Commercial Code of Portugal.

In determining, then, to what nation the brig must be considered as belonging, we can only reason from analogy. It appears from the documents that this vessel has been in the constant habit

of sailing to and fro from the port of Rio de Janeiro, and that she was laden and despatched from hence by José Jorge da Silva, a Brazilian subject, as consignee, in the month of August last, for Benguella, on that very outward voyage which terminated in the introduction of this cargo of Africans into Brazil.

Under a view, then, of the whole of this case, marked as it is throughout its entire progress with a character of fraud, and divested as the brig is, as above explained, of all title to be considered as Portuguese, I am of opinion that this Court is competent to take cognizance of the case, and that the vessel ought to be considered as Brazilian, and condemned as such, and the slaves emancipated in the usual manner.

(A true Translation.)

(Signed)

GEORGE JACKSON,
NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

Fourth Enclosure in No. 176.

OPINION.

Rio de Janeiro, 27th April 1835.

(Translation.)

I CANNOT deem the Mixed Commission, established under the Fourth Article of the Convention of the 23d November 1826, competent in regard to the case of the brig "*Amizade Feliz*," captured with a cargo of slaves on board, off the Ilha das Palmas, by Lieutenant José Mamede Ferreira, commander of the Imperial brig of war "*Niger*."

However great be the frauds which the proceedings present as to the trade and destination of the brig "*Amizade Feliz*," what is certain is, that she was and is Portuguese, and that, even if there were any doubt on that subject, or illegality in her papers, as a Portuguese vessel, it would not belong to this Commission to take cognizance of such a circumstance, but that it would be for the local authorities, who have proper tribunals for taking cognizance of cases of piracy, or of illicit traffic in slaves when carried on by individuals, or under flags which are not represented in the Convention of the 23d November 1826, already referred to.

The illegal points attributed to the papers of the Portuguese brig "*Amizade Feliz*" are either not so important as it is asserted they are, or, even if they applied judicially, cannot constitute a pirate, by the 84th Article of the Criminal Code, to be a Brazilian. The illegality inferred from the "*Amizade Feliz*" being without the Register required by the 30th Article of the 1st Head, 2d Part of the Portuguese Code, does not appear to be of much weight, because, as this formality is required as a document on board in no other way than by the commercial code of that nation, it is to be observed that, not being yet established throughout the kingdom of Portugal and her colonies, so that the departments competent to take cognizance of such formalities might have them fulfilled, it is not with great justice that a requisition is made, the impossibility of which is demonstrated. But, even if this concession could be hazarded, the question would then be, either that the "*Amizade Feliz*" should be judged according to what she was before the last sale of her was made, in which case she would still be Portuguese, as is observed at pages 106 and 176; or, if she were not to be considered according to her former state, the case would fall under the 84th Article of the Criminal Code of Brazil, which also qualifies as guilty of piracy whoever is one of the crew of any vessel navigating without documents to prove the legality of the voyage. Wherefore under neither view can the vessel "*Amizade Feliz*" be subject to the jurisdiction of this Commission. In respect to her cargo I have to say, that, connected as it ought to be with proof in the proceedings, I do not see by them that any person appears as owner of the said cargo, other than Luiz Antonio de Carvalho, as at folios 69, 70, 71, and 98; and as that individual is not proved to be either a Brazilian or an English subject, the immediate consequence is, according to my opinion, that it does not belong to this Commission to take cognizance of such a transaction, which, on the contrary, should, as it appears to me, be transferred to the tribunals of the country, in order that they do justice to the capturing party, as they may determine.

(Signed)

JOAO PEREIRA DE SOUZA,
Acting Commissary Judge.

A true Translation.

NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

Fifth Enclosure in No. 176.

Opinion of British Commissioner of Arbitration.

(Translation.)

Rio de Janeiro, 12th May 1835.

HAVING attentively examined the documents in this case, and considered the vote of the British Commissary Judge, and that of the Brazilian Commissioner of Arbitration acting by authority as Commissary Judge, I submit my opinion to the Court.

One of the documents is a passport under the hands and the seal of the Governor and provisional junta of government of the kingdom of Angola, countersigned by the acting secretary, and dated Loanda, 24th December 1834, authorizing the vessel to proceed to Ambriz and Monte Video, and describing the vessel, her owners, and the [master, to be all Portuguese; and it is well to observe that the date of the document in question is written *in words*.

Another document, being that at page 53 of the proceedings, is an application to the Judge of the custom-house at Loanda for a clearance of the vessel, as proceeding on her voyage in ballast; and it is observable that an attestation, or order, on this subject is dated 3d January 1834, while the custom-house report as to the ballast, at the foot of the *same paper*, is dated the 4th of January 1835; both dates being *in figures*.

Four other documents issued at Loanda, being those at pages 10, 11, 12, and 13, are respectively dated the 29th and 30th December 1834.

The ship's log-book commences on the 6th January 1835, on which day it appears that the vessel sailed from Ambriz for Monte Video, and on the 16th January it is recorded that the master died.

From the 6th January to the 3d February inclusive the log continues to describe the voyage as being from Ambriz to Monte Video. On the 4th, 5th, 6th, 7th, 8th, and 9th February the destination is described as being for one of the ports of Brazil, and, on the 10th February, for Rio de Janeiro. The log closes with an unfinished entry, apparently begun on the 11th February.

On the 12th February the vessel was seen by the Imperial brig of war "Niger" between the point of Marambaia and that of Castilhos, at Ilha Grande; and being visited, and found to have on board a cargo of slaves, she was brought to this port and reported to the Brazilian Government, by whose orders the case is now before this Mixed Commission.

Connecting all these circumstances with another of the documents, that of the log-book of the same vessel, on a voyage in October 1834 from Sao. Sebastiao, in Brazil, to Angola, I think it most probable that the "*Amizade Feliz*" had previously landed a cargo of slaves at Sao. Sebastiao, and that she was generally, perhaps constantly, employed in such traffic.

Other points of great consequence as to the voyage under consideration do not appear to me to be sufficiently established to satisfy this Court that the adventure is Brazilian, or that, if there were an intention to land the cargo of Africans on the coast of Brazil, such intention can be proved by any overt act contemporaneous or subsequent.

It may be said, that as, unfortunately, the Portuguese authorities on the coast of Africa have, in some instances, disgraced themselves and their sovereigns by granting fictitious documents favouring the slave trade, a similar fraud may exist in the present case; but I am unwilling to come to such a conclusion on general surmise, and without incidental proof, especially as the date of the adventure in question coincides with that of an order of things at Monte Video, in respect to the admission of slaves, miscalled Colonists, which, happily, no longer exists in the Republic of Uruguay.

Concerning this voyage of the "*Amizade Feliz*" there are certainly very suspicious circumstances.

First, As the British Commissary Judge has already noticed that, in a document, dated Loanda, 3d January 1835, by which half of the vessel was let on freight to a Portuguese subject, the destination is described as being for any port in *Brazil*.

Second, The deviation from the direct and usual course from Loanda to Monte Video, which is so accurately marked in the chart executed by the Nautical Commission *ad hoc*.

Third, The proximity of the vessel to the Brazilian coast, and especially to one of the usual resorts of slavers, at the time of the detention of the vessel by the "Niger," together with the discrepancy of dates as to the minute of bearing up, and the suspicion that the vessel was purposely dismasted.

It appears to me that the deviation in the course can be accounted for only by supposing an intention to land the slaves on the coast of Brazil; but it also appears to me that the intention was not matured into an act. We have not in this, as in some former cases, proof of signals made from the vessel and answered from the shore; and though the commander of the "Niger" observed that a *sumaca*, just arrived from Rio de Janeiro, was sailing near the brig, he does not report that he saw any communication between the two vessels.

The discrepancy of dates as to the minute of bearing up may arise from an error, or be an indication of fraud, but I cannot attach to it any conclusive import.

The dismasting of the vessel was thought to have occurred by design, but, according to the survey, *ad hoc*, at page 129, signed by ten qualified persons, it was ascertained that the dismasting was not done purposely, but was the consequence of decay of the masts, and by stress of weather.

Assuming as an hypothesis, or even as a fact, that the slaves found on board of the "*Amizade Feliz*" were the property of José Teodoro Villaça, residing at Monte Video, but who, it is said, was a Brazilian subject at the commencement of this adventure, I should have great reluctance in acceding, on such grounds, to a sentence of condemnation, which, as it appears to me, could only apply, in legal strictness, to Brazilian ownership at the time of the capture; and it was expressly on this principle that I thought it my duty to vote for the condemnation of similar property of the same individual in the brig "*Rio da Prata*." But, as far as I can judge, the Court is relieved from difficulty on this point by the absence of proof to bear out the suspicions connecting the ownership of the slaves in the one case with the ownership of the slaves in the present case.

Upon the whole, I am of opinion,

First, That the commander of the Imperial brig "Niger" was quite justified, under the circumstances, in detaining the "*Amizade Feliz*."

Second, That this Commission is not competent to inquire whether a vessel furnished with Portuguese papers, under high authority, and apparently quite in order, is, or is not, navigated according to the maritime law of Portugal.

Third, That, as there is every reason to believe that the "*Amizade Feliz*" and her cargo of Africans are not the property of subjects either of Brazil or of Great Britain, this Mixed British and Brazilian Commission is not competent to adjudicate in respect to the same; and—

Lastly, That this case and the proceedings be remitted to the Imperial Government, with a view to such proceedings therein as it may deem to be proper.

(Signed)

FREDERIC GRIGG.
NATHANIEL LUCAS,

Interpreter ad int. to the Mixed Commission.

(A true Translation.)

Sixth Enclosure in No. 176.

SENTENCE.

(Translation.)

Rio de Janeiro, 13th May 1835.

THE present proceedings having been seen and examined, in regard to the capture of the brig, "*Amizade Feliz*," taken with a cargo of Africans on board, off the Ilha das Palmas, by Lieutenant José Mamede Ferreira, Commander of the Imperial brig of war "Niger" it is seen by them that the said brig and her cargo are neither Brazilian nor English property; the Commission therefore adjudges that it is not competent to decide upon such a capture, and it directs that these proceed-

ings be remitted to the Imperial Government, in order that it may give to them their proper direction according to the laws of this country.

(Signed)

JOAO PEREIRA DE SOUZA,
Acting Brazilian Commissary Judge.

FREDERIC GRIGG,
GEORGE JACKSON, *Vencido.*

(A true Copy.)

(Signed)

BRAZ MARTIUS COSTA PASSOS,

Secretary.

(A true Translation.)

NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

Seventh Enclosure in No. 176.

Petition for a Revisal of Sentence.

Rio de Janeiro, 29th May 1835.

To the Illustrious Members of the British and Brazilian Mixed Commission. José Mamede Ferreira, Commander of the brig "Niger," and captor of the brig "Amizade Feliz" whilst conveying African Negro Slaves, sheweth, that having been informed of the decision pronounced by this Tribunal, in which its incompetency to decree is declared, and Petitioner having to produce important objections to that decision, he requests of you, Gentlemen, that you will deign to admit of his putting in a demurrer, in order that within the period prescribed by law he may present his exceptions; and to allow him a copy of the Sentence, and also of the opinions given by the whole Court, as well those of the Minority as those of the other Members. Petitioner, therefore, prays you, Gentlemen, to order accordingly, and to permit him to substitute his Power of Attorney, attached to the Law Process, otherwise he will present another, should it be necessary.

(Signed, as Attorney)

ESTEVAO ALVEZ DE MAGALHAES.

Five days are granted for the presentation of the exceptions, and the Copies which he requires to be delivered to him.

(Signed)

SOUZA.

FREDERIC GRIGG.

NATHANIEL LUCAS,

Interpreter ad int. to the Mixed Commission.

(A true Translation.)

No. 177.

His Majesty's Commissioners to the Duke of Wellington.—(Received Aug. 18.)

MY LORD DUKE

Rio de Janeiro, 5th June 1835.

WE have the honour to acknowledge the receipt of your Grace's Despatches of the 11th March last, on the subject of the proposed removal to Trinidad of the negroes emancipated under sentences of the Mixed British and Brazilian Court of Commission, established at Rio de Janeiro for the Suppression of the Traffic in Slaves.

We need hardly assure your Grace how anxiously and diligently we shall endeavour to carry these instructions into effect whenever the moment for doing so shall arrive; but having communicated with His Majesty's Envoy at this Court on the subject, we think it best, for the present, to confine ourselves to the acknowledgment of their receipt, observing only, on this occasion, with reference to that part of your Grace's Despatch, which directs us to come to an understanding with the Governor of Trinidad, that there is little or no intercourse between that island and this port, and that, consequently, our only mode of communication with the former must be the very uncertain means which any of His Majesty's Cruisers, belonging to the West India Station, and happening to be stationed off Maranhao and Para, may afford. From hence to those ports there are frequent opportunities.

We have the honour to be, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

No. 178.

His Majesty's Commissioners to the Duke of Wellington.—(Received Aug. 19.)

MY LORD DUKE,

Rio de Janeiro, 5th June 1835.

WE beg leave to acknowledge the receipt of your Grace's Despatch of the 16th March last, transmitting to us, for our information, the copies of three Despatches received by your Grace from His Majesty's Envoy at Lisbon, containing the account of two vessels,—the "*Minerva*," alias "*Esperança*," and the "*Hercules*," which had recently been fitted out at that Port, apparently for the Slave Trade.

It does not seem very probable that these vessels will either of them be met with in this latitude, even were the suspicions attached to them to prove correct. The Cadiz insurance would seem rather to point to the Havana as their probable destination. Should, however, the case occur, we shall bear in mind the particulars with which your Grace has favoured us.

It is with considerable satisfaction that we collect from the Despatches of Lord Howard de Walden, that the Government of Portugal express themselves seriously determined to put a stop to the Slave Trade throughout the whole of their dominions.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.*His Grace the Duke of Wellington, K.G.*
&c. &c. &c.

No. 179.

His Majesty's Commissioners to the Duke of Wellington.—(Received Aug. 19.)

MY LORD DUKE,

Rio de Janeiro, 17th June 1835.

REFERRING to the Postscript to our Despatch of the 5th instant we have the honour to enclose herewith, in Original and Translation, the Paper therein referred to, namely, the Argument by which the Proctor, in the Case of the *Amizade Feliz*, supported his petition, on behalf of the Captor, for a revision of the Sentence of the Court, which, as your Grace will also see, by the Supplementary Sentence at the foot of this Paper, was rejected by them.

We have, &c.

GEORGE JACKSON
FRED. GRIGG.*His Grace the Duke of Wellington, K.G.*
&c. &c. &c.

Enclosure in No. 179.

(Translation.)

*Argument in behalf of the Captor of the "Amizade Feliz."**Rio de Janeiro, 17th June 1835.*

HAD I to investigate this case before a civil tribunal, whose proceedings were regulated by the Code in the Third Book, I should be less confident, as I might entertain some doubt of being able to demonstrate the truth by the means prescribed by the juriconsults of this country; but even so I shall not allow myself to be discouraged, for, by an analysis of the whole process, and by a comparison of the facts therein alleged with the maritime laws, and with the Convention of the 23d November 1826, I can deduce and show that the sentence of the Mixed Commission declaring its incompetency to judge respecting the prize brig "*Amizade Feliz*," should be revoked, inasmuch as this vessel is Brazilian property, and was found to have on board a number of Africans belonging to a Brazilian, and intended to be sold in Brazil; but fortunately this question is before a tribunal in which the chicanery of the courts of law is not known, in which moral equity and good faith are the only guides, in which conclusions deduced from facts are not disregarded, and in which every means is employed in order to discover the truth, or, to use an expression sanctioned in jurisprudence, where judgment is founded on the plain known truth; and, relying upon all this, I venture boldly to assert, that the process must be revised, and that for the reasons which I shall urge, and for those also which cannot escape the penetration of the worthy Commissary Judges, the sentence must be reversed. I ask pardon before hand for any strong expression which may fall from my pen when discussing such a matter; it is impossible for any man of spirit to argue coolly. I may, perhaps, deviate from the path pointed out by serious and mature prudence, but my intentions are always just, and by them my expressions ought to be estimated.

There is not any doubt whatever that the brig "*Amizade Feliz*" was met with between the Point of Murambaia and that of Castilhos, with a cargo of Africans on board; what remains to be ascertained is, the national character of the vessel, the Owner of the cargo, and the destination of it.

I proceed to investigate each of these particulars, and will show that the vessel is Brazilian property, that the cargo was shipped by a Brazilian subject, and that the destination was to Brazil.

National Character of the Vessel.

The Chief Officers of the vessel being interrogated as to her nationality answered that she is Portuguese. I will show the falsehood of this assertion, and afterwards establish her real nationality.

Gentlemen Judges, in the investigation about the existence of an act, and especially of a criminal act, the bare assertion of persons interested in that same act is not sufficient; something more is wanting, an evident proof is necessary; and if this do not appear the assertion should be considered as false. This is the point of departure—is the vessel Portuguese? If it be not clearly proved that she is Portuguese we shall at once have sufficient reason for her condemnation, for one accused of a crime, who in his defence alleges a fact which he does not prove, is by that circumstance held to be confessedly guilty.

To prove that the vessel is Portuguese it is necessary that all the formalities required by the laws of Portugal should be fulfilled, for in this case it is not a question of the simple enjoyment of property, for this natural right is sufficient; it is here a question of a property in which civil right intervenes, and concerning which it has prescribed rules and modifications.

It is necessary to reflect well, and to make this observation—all nations have established rules to define the use of property, they all have laws to limit it for its better security; but, above all, in all civilized countries, rules have been established, according to which ships alone may lawfully be made use of, because respecting them stronger motives exist to determine the legislator. I shall not stop to show this difference, which would be to offend your good sense and penetration. It is enough to say, in the language of some writers on Maritime Law, that a ship is a portion of ambulating territory; and, moreover, that a ship is always subject to the jurisdiction of the power to which she may belong, however remote the seas to which her course may be directed; and to the Commanders of vessels a certain degree of jurisdiction is always delegated. Thus is seen the absolute necessity of the fulfilment of whatever is required by the laws of different nations. Portugal, Gentlemen, has also laws. Let us consider them, and see if, according to these, this vessel can be considered as Portuguese.

The Sixth Article of the second part of the Portuguese Commercial Code, under title first, declares, that the possession of a ship without title of acquisition does not vest the right of property in the possessor, but that the nationality is derived from the ownership, as is deduced from Articles 3d, 9th, and 31st of the same Title. Failing, then, the title of ownership, notwithstanding the existence of possession the title of nationality is wanting; and this want is the more important, because, by the 19th Article of the 4th Title, the Captain is obliged always to have the Certificate of Registry on board his ship. In the process there is a title of ownership of one-half of the vessel, purporting that it belongs to Dona Victoria (we shall presently examine this title), but regarding the ownership of the other half no title whatever is to be found. Besides this, according to the 30th Article of the same Title every Portuguese ship must be legally registered; "the Certificate of Registry is one of the Ship's Papers," as is added in the said Article. This is further corroborated by the rule laid down in the 19th Article of the 4th Title; but this Registry neither exists nor does it even appear that it was sought to be procured. Well worthy of observation is the opinion of one of the Commissioners, who declares that the want of this document causes him no embarrassment, because the Portuguese Commercial Law was not yet in force at Angola. It is impossible to imagine how such an opinion could appear in the mouth of a Judge. The Commercial Code was ordered to be carried into effect by the Decree of the 18th September 1833; the ship sailed from a Portuguese port in January 1835, an interval of almost a year and a half. How, then, can it be said that the law was not, even at that period, put in force at Angola? And how can this be affirmed by a Judge residing in Brazil, and who has not any official correspondence with that country? It is astonishing, but still it is true. Supposing such, however, although not granted, to have been the case, had not yet the Captain some duty to perform? He ought to have provided himself with an authentic title to prove his assertion, and to have presented, together with his Passport and other clearances at the Custom-house, a Certificate from the proper authority of the place, declaring that he had endeavoured to register the title of his ship, but that he did not succeed, because the respective Office of Registry had not yet been opened. And how can it be expected that the Captain should do so, it suiting him to introduce doubt everywhere, in order afterwards to use the flag which might best answer his purpose? And besides, did the Captain present the papers required by the 1,379th section of the Portuguese Commercial Code? No, he neither produced them at the time of his capture, nor afterwards, when required, did he show that he possessed them, from which it is evidently to be concluded that the vessel is not Portuguese.

But the sentence says also, that neither is it proved that she is Brazilian property, and therefore at most she could be only considered as a piratical vessel, and left to be dealt with by the ordinary tribunals. This opinion does not appear to me to be correct, and by some observations which I shall proceed to make, it will be seen that the vessel ought to be considered to be Brazilian. I have already said, and now repeat it, that a criminal always endeavours to evade the penalty he is liable to, but the fallacy of his excuse is most certainly manifest when he does not prove his assertions. This consideration, Gentlemen, is deserving of great weight with you. What did the officers of the vessel declare?—that she was Portuguese; but that character cannot be proved: consequently, according to good criminal jurisprudence, the ship ought to be judged to be precisely that which was denied that she was, and no Judge or tribunal to which this hypothesis may be referred will draw any other conclusion. An innocent man has no hesitation in relating his story truly—the wicked only resort to subterfuges and evasions. One of the Commissioners says, with truly patriotic zeal, and which, upon any other occasion I could not but approve, that one should not make a Brazilian out of a pirate; but that is not the case at present—it is not intended to make a Brazilian out of a pirate—it is sought to know whether a pirate is a Brazilian, for, notwithstanding that the title of Brazilian be worthy of honour and esteem, it is withal upon the present occasion convenient to adopt the negative, and therefore it is necessary to discover if there exists any fraud.

The Property in the Cargo.

If, however, after all that has been said, the brig "*Amizade Feliz*" should still be considered as Portuguese (which is not to be expected), I shall not even then yield. The cargo remains in being, and no doubt whatever can exist respecting its being Brazilian. It does not appear throughout the whole of this process who was the shipper of the cargo. It is to be observed that the vessel was freighted for Brazil with a lawful cargo, and afterwards, nobody knows how, she appears despatched and sailing for Montevideo; consequently there is a defect in the papers, and this defect is nothing less than the declaration of the person who shipped the cargo. Here is fraud, and much discernment is

not necessary to discover it—there is a blank, and this blank shows the whole thread of the affair—it lays open the nature of the transaction, the persons concerned in which, and the clauses and conditions of which, it was intended to conceal. Now this would not be the case except with such persons as were prohibited from trading in Slaves; and this single defect evidently shows that the cargo is liable to the jurisdiction of this Commission.

In further proof it is seen that the principal agent throughout all this business is Luiz Antonio de Carvalho, accustomed to, and a frequent dealer in, this commerce, and whose name alone is sufficient to excite all sorts of suspicions. I shall not take the trouble to repeat here what the Commissioner, Sir George Jackson, says respecting this, nor will I fatigue your eyes and ears, but, Gentlemen, consider his opinion, and give to it all the attention which it merits,—he points out the existence of a great company, for the purpose of carrying on the trade in human flesh, and that it possesses funds, and has partners in Brazil; and, therefore, that the cargo cannot but be considered as Brazilian, seeing that the said Carvalho is one of the agents of that company. And very surprising it is that the Commissioner of Arbitration, admitting the suspicion that arises from the circumstance of the affreightment being intended for Brazil—the ship being despatched for Montevideo—and setting forth to us his reasons for rejecting the other motives for suspicion, should not choose to explain himself respecting this; this fact being an evident proof, and of itself enough to warrant the conclusion, that the shipper is a person subject to the jurisdiction of this Commission. And if he be not so, why does he not appear openly? What is quite certain, is, that the said individual is one of those who, when they intend to go to Rio Grande, take out a passport for Cape Frio.

It further appears that a certain Dona Victoria figures in this; a completely imaginary person, as is proved, because the hand-writing of the letters which are feigned to have been written by her corresponds exactly with that of the petition at page 66; because, in the Contract of affreightment, at page 56, it is declared that she was at Loanda on 2d January, the letters being from Benguela, one bearing date 25th December; because the ship being without any destination, as is proved by the Contract of affreightment having been made afterward, it is stated in these letters that she is going to Montevideo, and that from thence she may come back to Rio de Janeiro; because the vessel being freighted for another destination, no other letter of instructions is to be found; because this vessel was bought on the 4th April 1834, by order dated 4th May; the excuse about this being a duplicate not deserving any notice, as the letter very expressly declares that it is in answer to that of 3d January, and the letter which is produced as the original is dated on the 9th December; because there does not exist any order from the said Dona Victoria to make the purchase, but only one from Justiniano José dos Reis, who directs that the purchase may be made for him in the name of Dona Victoria; and this is not one of the least remarkable occurrences; because the name of the ship was changed without any authority whatever; and when the officious Proctor, in great haste, presented the aforesaid original letter, being questioned about this change of name, said that he was authorized, but never showed by what means; and finally, there appears further, the coincidence of Justiniano, being the same who afterwards made the affreightment, and who now requires the release. Wherefore Dona Victoria possesses no share whatever in this vessel, nor in her cargo; and I always conclude that this proves that the cargo belonged to some person prohibited from engaging in that trade.

Destination of the Cargo.

And that it was coming to Brazil, there cannot be any doubt of. I will commence with the course steered:—

My opinion can have but little weight by the side of that of the Commission appointed by the Imperial Government; I shall, however, add, that ships bound from this port to Montevideo are obliged to stand out to sea, either to avoid the land breezes which sometimes are very scanty, or to escape the banks and reefs that are met with near the land, and also to avoid the currents which very often, on account of the South and South-west winds, set strongly towards the East. This ship alone deviated from the usual course. And let it be observed that the wind was fair, as may be seen by the Log-book, it being constantly E.S.E., and the course steered W.S.W. About this time the story of the dismasting occurs; and, although there is a Report of a Survey made by qualified persons, I will say something respecting this, having leave to impugn that Report. It is therein declared to have been ascertained that the dismasting was not done on purpose, but that it was the effect of some damage in the spars; and what is this? How can it be ascertained if it was sufficient damage, unless it be stated in what it consisted? The Surveyors ought to have described everything very minutely, otherwise they give reason to suspect, either that they do not understand their business, or that they had some motive for giving that opinion. There is yet another reason, which is, that some main ropes were found to have been cut; but what ropes? Were they those belonging to the tackle of the damaged masts, or were they some other ropes? This is what it was necessary to know. But why should I tire myself? the protest respecting the damage being before us, compared with the course steered, obviates all doubt. And to show that the excuse of a mistake in the entry of the day cannot be allowed, let it be observed, that the second witness declares it to have happened on the 3d of February; and the fourth witness, that it occurred on Candlemas day, which everybody knows is the 2d of February.

Do not all these contradictions manifestly show the fraud that accompanied the whole of this transaction. But the Commissioner of Arbitration cannot attribute any importance at all to this matter. It is astonishing that a fraud discovered in any affair whatever should be looked upon as a matter to which no importance is attributed, especially when treating of a business altogether fraudulent. But, notwithstanding this little importance, I wish still more to unmask the imposture. The Pilot declares that the mistake was occasioned by his having made his calculation astronomically. Observe, that in the Log-book the event is noted as having happened on the 3d, at seventeen hours and a half, and the Act (or Protest) on the 2d, at seventeen hours and a half, which of these is the civil reckoning? Is it not all astronomical? and still, withal, there exists the same palpable contradiction. But this, in the opinion of the Judge, was of no importance. I cannot here avoid making two observations,—the first which has already been made is, that Ilha Grande should have been steered for, rather than Rio de Janeiro, to which, I may add, the wind was fair. The second is, that on the Coast of Brazil, at the distance of ten degrees from land, and at the beginning of the month of February, so much northerly wind as the "*Amizade Feliz*" met with will scarcely ever occur again. But this is all chance; the north wind is that which most seldom blows in those parts. Another coincidence to be observed is, that all the passengers were going to Montevideo, from whence they were to come back

again to Brazil. Observe, also, that there was a letter on board, directed to this city. Is not all this convincing proof that the cargo was intended for some part of the coast near to this port? For what did the vessel go to Ilha Grande? For what purpose was the boat out, as noted in the Official Report of the Captor? The Commissioner of Arbitration found the smack in the Report, but he did not discover the boat.

In the whole of this process, as I have already stated, there is no title whatever to show any right of ownership in Justiniano José dos Reis, except the assertions of his Agent, or the Passport, but neither of the documents is authentic for the purpose of admitting a person to plead in a court of law; for this it would be necessary to prove the existence of real ownership, which was not done. Everything, therefore, that has been alleged on his behalf is of no avail, and is null; neither does the contract of affreightment give him this right, since it is therein described to have been for Brazil; and he declares that the vessel was sailing for Montevideo.

Finally, I shall conclude with observing, that, from the whole of this process, it does not appear to be demonstrated, that the owner of the cargo, or even of the vessel, is not a Brazilian; on the contrary, there is every reason to believe that both are so. The most that can be here said in his favour is, that the vessels and the Africans were going to Montevideo, consigned to Luiz Antonio de Carvalho, but that would not be proof that the cargo belonged to him; and, moreover, it is evidently proved that the vessel never was bound to Montevideo. The conclusion must necessarily be, that the cargo was destined for Brazil, and that it belongs to some person who is interested in concealing himself from this Commission.

One final remark, Gentlemen,—In whatever light this business is looked upon, fraud is manifest. If the delinquent were not afraid of aggravating his case, would he not make his appearance?

In consideration of all that is herein set forth, this Commission ought to deem itself competent, and revoke its decree.

(Signed) ESTEVAO ALVEZ DE MAGALHAES.

(A true Translation).

NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

SENTENCE.

We do not admit of the Demurrer, seeing that no fresh matter is adduced; let the sentence demurred to be executed as the law directs.

(Signed) JOAO PEREIRA DE SOUZA.
FRED. GRIGG.

GEORGE JACKSON—overruled.

(A true Copy).

(Signed) BRAN MARTINS CORTA PASSOS, *Secretary.*

(A true Translation).

NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

No. 180.

His Majesty's Commissioners to the Duke of Wellington.—(Received Aug. 19.)
MY LORD DUKE, *Rio de Janeiro, 19th June 1835.*

THE Case of the schooner "*Angelica*," detained under Portuguese colours, off Ilha Grande, by the Brazilian brig of war "*Dous de Março*," on the 17th March last, with a cargo of three hundred and nineteen Africans on board, as reported in our Despatch No. 16, having been brought to a close, we have the honour to forward herewith our Report thereof.

The same impediments and the same length of investigation which protracted the preceding Case, to which this bears a very close resemblance, produced also in this similar delay, and have ultimately issued in a like result.

The two Commissary Judges not agreeing, as appears from their respective opinions hereto annexed, a Commissioner of Arbitration was named, *ad hoc*, by the Brazilian Government, and lots were then drawn, according to the Regulations; when, the lot falling on His Majesty's Commissioner of Arbitration, he delivered the accompanying opinion, and on the 17th instant the final Sentence was given, declaring it to be shown that neither the vessel nor her cargo was either English or Brazilian; that, therefore, the Commission was incompetent to take cognizance of either, and that both should be placed at the disposal of the Imperial Government.

The only material points to which it is necessary to draw your Grace's attention, in reference to the above opinions and Sentence, are, first, the reason which induced the British Commissary Judge to decide differently in this Case, and in that of the "*Amizade Feliz*," with regard to the vessel; the one Case, as your Grace will not fail to remark, being, in all other respects, a *fac-simile* of the other—namely, that the "*Angelica*," although not entitled to be considered as Portuguese, yet could not, on the other hand, be held to be Brazilian, inasmuch as it was fully proved that she had never before traded with this country; and, secondly, the grounds on which both the Brazilian Acting Commissary Judge and His Majesty's Commissioner of Arbitration decided that, even admitting *Villaça*, to whom the Africans were consigned, to have been originally a subject of Brazil, he was no longer so at the date of the capture of the vessel; whereas, it appeared to

His Majesty's Commissary Judge that the speculation having been entered into, and the orders given for this shipment previous to that individual being declared to have forfeited the rights of a Brazilian citizen, and, consequently, at a time when he must have considered himself such, the delinquency ought, in all reason, to be dated from the commencement, and not from the termination, of the transaction.

Your Grace will observe in the opinion of the British Commissary Judge an allusion to a Certificate of the Portuguese Vice-Consul at this Port. This Document, of which we have the honour to enclose a Copy and Translation, was exhibited in consequence of the Court calling upon the Master of the "*Angelica*" to produce the several Papers required by the Portuguese Commercial Code, and it certifies, as your Grace will perceive, that no Instructions had, on the 29th April last, been received at the Portuguese Consulate at this Port, for giving effect to the above Commercial Code, neither in whole nor in part; and that the Article respecting the General Registry of Portuguese Ships was not in operation in the Ports of Portugal and of her Dominions at the date of the last Advices from thence.

In this, as in the preceding Case of the "*Amizade Feliz*," a Maritime Commission was ordered by the Brazilian Government to examine the Log-book and course steered by the "*Angelica*," as also a Survey of the state in which the vessel was. Two Reports were received in consequence, drawn up by the same class of officers as before: the first declared the course steered to have been fraudulent; the second, that the "*Angelica*" was not sea-worthy at the time of her undertaking this voyage.

These points, however, appeared to the British Commissary Judge, for the reasons before given, to be immaterial, and the application for the appointment of both Commissions was only acquiesced in by him in the one case to satisfy his Brazilian colleagues, and, in the other, because the captured party required it.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

His Grace the Duke of Wellington, K.G.

&c.

&c.

&c.

First Enclosure in No. 180.

Report of the Case of the Schooner "Angelica."

Rio Janeiro, 19th June 1835.

THIS Vessel was furnished with a Passport from the Portuguese Governor of Loanda to go from thence to Montevideo.

The Passport declares her to be commanded and owned by Portuguese subjects. She was detained off Ilha Grande, on the 17th of March last, having on board a cargo of three hundred and nineteen Africans—so called Colonists—shipped at Ambriz on the 4th of February, purporting to be for Montevideo.

On the 30th of March, the Declaration of the Captor was received and sworn to, and the usual monition having issued, as practised in this country, the examination of witnesses commenced. Five persons on board the "*Angelica*" were examined, the four first belonged to the vessel, the fifth was a passenger on board. The four first of these witnesses,—namely, the Captain, the Master, and two Pilots, all swore that they were subjects of Portugal—that the ship and cargo belonged to a Portuguese resident on the Coast of Africa—and that they were bound to Montevideo—but that the Schooner having been dismasted in a storm, and in consequence of stress of weather—of which an Act or Protest was drawn up on the 10th of March—they had been obliged to make for the Coast of Brazil. The fifth witness, a passenger on board, native of Oporto, confirmed the foregoing testimony, and further added that the Colonists—as he had heard from the Captain—were to be delivered on their arrival at Montevideo to Villaça. The Master of the "*Angelica*" presented a claim on behalf of the Owner, declaring the vessel and cargo to be Portuguese property, and protesting consequently alike against the whole proceedings—against the jurisdiction of the Court—and against any decision other than a release of the vessel.

The British Commissary Judge was of opinion that the Africans on board the "*Angelica*" should be emancipated, on the ground that they belonged to a Brazilian subject, but that it was not competent to this tribunal to take cognizance of the vessel.

The Brazilian Acting Commissary Judge not agreeing with him as to the former point, and a Commissioner of Arbitration being nominated *ad hoc*, and the lot falling on His Majesty's Commissioner of Arbitration, the subjoined Sentence, declaring the incompetency of the Court to take cognizance of this prize or her cargo, was agreed to at its sitting on the 17th instant; the reasons for the several judgments of the three Commissioners appearing in their respective opinions accompanying this Report.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

Second Enclosure in No. 180.

Opinion of British Commissary Judge.

In this case, as in the former one of the "*Amizade Feliz*," the intention of the parties to land their cargo of slaves on the Coast of Brazil, appears to me to be sufficiently manifest. If any doubt could be entertained on this head, after the Report of the Maritime Commission, we have only to turn to the evidence given by the Master of the smack, "*Marguerida*," summoned at the special request of the Claimant. From this it appears that the Brig "*Angelica*" was left by this smack within three leagues more or less of Ilha Grande, between seven and eight o'clock of the evening of the 15th March, and that, if she had really wished to make that port, four hours, more or less, would have sufficed to reach it, and that at any rate she might have arrived there the next morning. Compare this with the Report of the Captor, who states that he was not applied to by the "*Angelica*" for any assistance (as had been previously sought from the smack), and that she was on the 17th in the morning off Draw Point.

Does not this clearly prove that her object was to land her slaves, and not to get into the first port, although, according to their own and every concurrent testimony, the "*Angelica*" was in a most disabled and critical state?

To whom this cargo of Africans belonged we learn from the Letter of Instructions given by the Owner of this vessel to the Captain, dated Loanda, 31st January 1835. This Letter says distinctly, "On your arrival at the Port of your destination, you will deliver over the Colonists to the Director and Agent of the Company, Messrs. Villaça and Co."

At the period when this speculation must have been entered upon this Villaça was still a subject of Brazil; and on this ground I think the Court is competent to decree the emancipation of the slaves. If it be objected that the above Instructions are inconsistent with the proof I have before insisted on of the intention to land these Africans on the Coast of Brazil, I answer, so far from this two-fold evidence being irreconcilable, that it only strengthens the presumption that the whole speculation was Brazilian from first to last; the real and primary object being to land them on some part of this Coast, and, failing this, to introduce them through the Republic of Uruguay into the Southern Provinces.

With regard to the vessel, although I think, notwithstanding the Certificate of the Portuguese Consul at this Court, which has been filed in this case, that the Commercial Code of Portugal must be held to be the actual law of that country, and that consequently the brig "*Angelica*," not having satisfied the several provisions of that document, is divested of all right to the character of a Portuguese vessel, yet there is this essential difference between this case and that of the "*Amizade Feliz*," that, whereas it was clearly proved that the latter had been for years engaged in a constant and exclusive trade with this and other ports of Brazil, the same thing does not appear with respect to the "*Angelica*;" on the contrary, we have it in evidence, that since the separation, at least, of the two countries, she has never been to any port of Brazil; and, as this vessel appears to have been hired on freight for the purpose of conveying these Africans, and not to belong to the same parties as own the cargo, I am of opinion that this Court can make no Decree respecting her, but must leave her to be dealt with by the Imperial Government, as under the circumstances they may deem proper.

Rio de Janeiro, 30th May 1835.

| | | |
|-----------------------|----------|---|
| | (Signed) | GEORGE JACKSON. |
| (A true Copy.) | (Signed) | BRAN MARTINS CORTA PASSOS, <i>Secretary.</i> |
| (A true Translation.) | (Signed) | NATHANIEL LUCAS, <i>Interpreter ad int. to the Mixed Commission.</i> |

Third Enclosure in No. 180.

(Translation.)

Opinion of Brazilian Commissary Judge.

Rio de Janeiro, 2d June 1835.

It being my duty, above everything, to assure myself of my jurisdiction in this present case of the Portuguese schooner "*Angelica*," taken by the brig of war "*Dous de Março*," commanded by the First-Lieutenant Manoel Francisco da Corta Pereira, in the act of making the Point of Draco, district of Ilha Grande, with three hundred and seventeen Africans on board, I have come to the opinion, after a serious examination of the proceedings, that neither the vessel nor her cargo could come under the jurisdiction of this Commission in the terms in which it is renewed by the Convention of the 23d November 1826.

As respects the vessel, because it is manifestly proved that she is the property of Dona Anna Joaquina dos Santos, a Portuguese subject, without its being shown that any other person has part or interest in the same; and, as regards the cargo, because the Decree of the 9th of December 1834 prohibits me from recognising as a Brazilian subject José Teodoro Villaça, the person whom it is said the Africans on board of the Portuguese schooner "*Angelica*" were consigned to; and also because it is not proved by the proceedings that they were on his account. In this case, therefore, as in that of the "*Amizade Feliz*," I consider this tribunal incompetent to take cognizance of the prize schooner "*Angelica*," and my opinion is, that, as well the vessel as the cargo, should be placed at the disposal of the Imperial Government, to be dealt with as, under all the circumstances, may seem to them to be just.

| | | |
|-----------------------|----------|---|
| | (Signed) | JOAO PEREIRA DE SOUZA, <i>Acting Commissary Judge.</i> |
| (A true Copy.) | (Signed) | BRAN MARTINS CORTA PASSOS, <i>Secretary.</i> |
| (A true Translation.) | (Signed) | NATHANIEL LUCAS, <i>Interpreter ad int. to the Mixed Commission.</i> |

Fourth Enclosure in No. 180.

Opinion of British Commissioners of Arbitration.

(Translation.)

Rio de Janeiro, 17th June 1835.

HAVING examined the Documents in this case, and duly considered the vote of the British Commissary Judge and that of the Acting Brazilian Commissary Judge, I am of opinion,—

First.—That this Mixed British and Brazilian Commission is not competent to take cognizance of the case of the schooner "*Angelica*," she being Portuguese.

Second.—That, as the Africans on board of that schooner appear to be the property of José Teodoro Villaca, formerly a Brazilian subject, the same cannot be adjudged to be Brazilian property at the time of the capture, that is, on the 17th of March 1835, by reason that the same José Teodoro Villaca was deprived of the rights of a Brazilian citizen by a Decree of the Regency of this Empire, dated 9th December 1834, and published in the "*Correio Official*" of the 12th of the same month and year.

Third.—That the Documents in this case be remitted to the Imperial Government, in order that it may proceed, not only in respect to the said schooner, but also to her cargo, as it may deem just.

(A true Translation.) (Signed) FRED. GRIGG.
(Signed) NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

Fifth Enclosure in No. 180.

(Translation.)

SENTENCE.

THE present proceedings in the case of the schooner "*Angelica*," taken with a cargo of Africans on board, off the Point of Draco, district of Ilha Grande, by the First-Lieutenant Manoel Francisco da Costa Pereira, commanding the Imperial brig of war "*Dous de Março*," being seen and examined, it is shown by them that the said schooner and her cargo are neither Brazilian nor English property: this Commission, therefore, judges that it is not competent for it to take cognizance of and to decide upon the aforesaid capture, and orders that these proceedings, after being stamped, be sent up to the Imperial Government to give them the fitting destination.

Rio de Janeiro, 17th June 1835.

(A true Copy.) (Signed) JOAO PEREIRA DE SOUZA,
Acting Commissary Judge.
(Signed) FRED. GRIGG.
(Signed) GEORGE JACKSON, (Overruled.)
(Signed) BRAN MARTINS CORTA PASSOS,
Secretary.
(A true Translation.) (Signed) NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

Sixth Enclosure in No. 180.

(Translation.)

Certificate by the Portuguese Vice-Consul.

JOZE DE MIRANDA, Her Most Faithful Majesty's Vice-Consul, charged with the execution of the affairs of the Consulate General of this City and the Province of Rio de Janeiro:—

I do hereby certify, that, in this Consulate General of Her Most Faithful Majesty, there have not hitherto been received from the Government of Portugal any Instructions respecting the putting into execution the Portuguese Commercial Code, neither in the whole nor in any part of its Articles.

I certify, also, that the 30th and 32d Articles of the 1st Title of the 2d part of the same Code, which treats concerning the general Registry of Portuguese ships, was not carried into effect in the ports of Portugal and her dominions up to the date of the last Advices received from thence. The same is true. In faith thereof, I have caused this to be given, which is signed by me, and bears the seal of the arms of the Consulate General of Rio de Janeiro, the 29th April 1835.

(A true Translation.) (Signed) JOSE DE MIRANDA,
Vice-Consul.
(Signed) NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

No. 181.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 3d Sept. 1835.

I HEREWITH transmit to you for your information ten 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.

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

No. 182.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 17.)

MY LORD,

Rio de Janeiro, 2d July 1835.

IN pursuance of the 75th Clause of the Act passed in the fifth year of the reign of His late Majesty 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 herewith a return of all the cases of vessels adjudicated in the Mixed British and Brazilian Court of Commission, established in this city, from the 1st of January to the 1st of July 1835.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

&c.

&c.

&c.

Enclosure in No. 182.

Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission at Rio de Janeiro, from 1st January to 1st July 1835.

| NAME OF VESSEL. | DATE OF SEIZURE. | WHERE CAPTURED. | | PROPERTY SEIZED. | SEIZOR. | DATE OF SENTENCE. | Number of Slaves captured. | Number died before Adjudication. | Total emancipated. | Declaral 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. | | | | | | | | |
| Rio da Prata . | 1834. 28 November | 20° 58' S. | 17° 49' W. | { Brig with 523 slaves | { H. M. sloop-of-war, "Raleigh," Michael Quin, Esq., Commander | 1835. 6 February | 523 | 93 | 430 | { Condemned as being engaged in illicit traffic of slaves | { Sold, and moiety of the proceeds remitted to His Majesty's Government. |
| Amizade Feliz | 1835. 12 February | not expressed | not expressed | { Brig with 340 slaves | { Brazilian brig-of-war, "Niger" | 13 May | 340 | not reported | . | { Process remitted to the Imperial Government, the Mixed Commission being of opinion that it was not competent to decide thereon | { Proceedings pending before the Brazilian authorities. |
| Angelica . . | 17 March | not expressed | not expressed | { Schooner with 319 slaves | { Brazilian brig-of-war, "Dous de Março" | 17 June | 319 | not reported | . | Ditto Ditto | Ditto Ditto |

(Signed) GEORGE JACKSON.
FRED. GRIGG.

Rio de Janeiro, 24th July, 1835.

No. 183.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 17.)

MY LORD,

Rio de Janeiro, 5th July 1835.

WE did not immediately on its arrival acknowledge the receipt of his Grace the Duke of Wellington's Despatch, on the subject of the degree of Punishment to which Offenders under the 1st Article of the Convention between Great Britain and Brazil, would be liable, because of the absence of the Brazilian Commissary Judge. That Officer having now resumed his duties, we have the honour to report that we have officially communicated to the Court, and have caused it to be entered on their Journals, that His Majesty's Law Advisers are of opinion that the Mixed Commission at Rio de Janeiro is not authorized to determine the degree of Punishment due for the offence of carrying on the Slave Trade, which is to be deemed and treated as Piracy under the 1st Article of the Convention with Brazil, and that the Offender must be tried by the Municipal Court of Rio de Janeiro, and punished in conformity to the Laws there in force against Pirates.

The Brazilian Commissary Judge acknowledged this communication, and stated that such was the course followed at present.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.*The Right Hon. Lord Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

No. 184.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 17.)

MY LORD,

Rio de Janeiro, 5th July 1835.

ON the subject of the completion of the term of Apprenticeship of the negroes taken on board of the Portuguese slave vessel "*Emilia*," mentioned in the Despatch of the 17th January last, and adverted to in our Despatch of the 18th March, we have the honour to inform your Lordship that, having several times brought the subject under the notice of our Brazilian colleagues, the Brazilian Commissary Judge has ordered a memorandum to be prepared of every particular of that case, and has promised to use his best endeavours to obtain every possible information respecting it, with a view to securing to the survivors of such Negroes the full and entire liberty to which they will be entitled at the expiration of fourteen years from the commencement of their Apprenticeship in Brazil. We fear, however, from past experience, that little can be expected from such enquiry; and that it will be found very difficult, if not impossible, to trace the greater number of them.

There is a trifling error in the presumed date of their sentence of Emancipation, which we ought not, perhaps, to omit pointing out. From a reference to the Archives, the sentence in question appears to have been dated the 31st July, 1821, and not in May of that year, as stated in the above-mentioned Despatch.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.*The Right Hon. Lord Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

No. 185.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 17.)

MY LORD,

Rio de Janeiro, 8th July 1835.

THE two enclosed Despatches from the Minister of Justice to the Vice President of the Province of Rio de Janeiro, have been published in the Official Paper. They relate to a fresh importation of upwards of four hundred Africans, which has recently taken place in the vicinity of Ilha Grande, and which, as demonstrating the continued, we might almost say, uninterrupted traffic in slaves

still carrying on on these coasts, we have thought it right to send, in original and translation.

The vessel, it appears, was run ashore, and everybody on board contrived to escape, with the exception of four sailors, who seem to have given a very circumstantial account of the adventure.

One of the parties, who is described as clerk, is avowedly a Brazilian, and is a well-known dissolute character.

Your Lordship will observe, that in the first Despatch of the Minister of Justice, the Vice-President is recommended to use every exertion for the discovery of the Africans; and in his second, reference is made to the reply given by the Vice-President, but the document itself is not published. The nature of it, however, may readily be inferred from the rejoinder, and may well be supposed to corroborate the statement made by the Minister, and which is, in fact, a matter of public notoriety,—of the scandal and impunity with which Africans are frequently disembarked, and exposed to sale in places indicated, without any interference or proceeding on the part of the local authorities,—a negligence or connivance which will, no doubt, frustrate, in this as in other instances, every effort to apprehend the Africans or to bring to justice their importers.

Of the impunity which is almost certain to attend these latter when brought to trial before the ordinary tribunals of the country, two striking instances have lately been afforded,—the one the acquittal of the individual who is publicly pointed out as having been the prominent personage concerned in the robbery of the blacks belonging to the “*Rio da Prata* ;” the other the acquittal of the persons, two of them Brazilian subjects, whom the Sentence of the Court of Mixed Commission, in the case of the patacho “*Santo Antonio*,” dated 4th September 1834, declared to be liable to the provision of the 1st Article of the Convention of 23d November 1826. In the former of these cases the accused party were escorted home in triumph, with drums beating and colours flying.

11th July.

The reply addressed by the Vice-President of this Province to the first of the preceding Despatches of the Minister of Justice, having been published in the Official Paper of yesterday, we have the honour to forward it herewith, together with its translation.

Your Lordship will be fully prepared for its contents. The only surprise is, that publicity should be given to a statement which will hardly fail to draw down upon its author the vengeance of those whom he thus boldly denounces in terms which, though general, are sufficiently unreserved and explicit. We do not trouble your Lordship with the orders to the several local authorities which the Vice-President refers to in his Despatch, as they are merely a repetition of the Instructions contained in that from the Minister of Justice, and of the contents of the reply itself.

The extract of a Despatch from a Justice of the Peace of the city of Angra dos Reis, quoted by the Vice-President as a proof of the persecution to which every one performing his duty in the suppression of the Slave Trade is exposed, does not appear; but the informations and transactions of every day fully confirm the accuracy of the statement.

13th July.

As we are making up this Despatch, the “*Correio Official*,” containing in part the extract above referred to, has appeared. We hasten to make a translation thereof, and to subjoin it to this Despatch.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

First Enclosure in No. 185

(Translation.)

The Minister of Justice to the Vice-President of the Province of Rio de Janeiro.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

Palace, Rio de Janeiro, 4th June 1835.

THE brig-of-war “*Imperial Pedro*,” which was employed in cruising on this coast, has just run aground the brig schooner “*Duque de Braganza*,” on the “*Brava*” shore, after having disembarked on the estate called Laranjeiras, district of Paraty, upwards of four hundred Africans, according to the distinct deposition, before the Justice of the Peace of the 9th district of the city of Angra dos Reis,

of four sailors, the only ones found on board of that vessel, besides the passport and other documents with which she was navigating, and from which it appears that the said brig was the property of the Portuguese subject Antonio Januario da Silva Martins, coming from Angola, and having for Master and First Pilot, José Roberts Pereira da Silva; for Second Pilot, Marcos José Evangelista, both Portuguese; and for Clerk, the Brazilian João Carlos Correia Lemos,—who all made good their escape, as well as the rest of the crew, before they were boarded by the brig-of-war's people.

This event, which is the repetition of many others, and which is ascertained to be very frequent in the districts of Ilha Grande and Paraty, where a complete factory and many persons employed in disembarking these unhappy individuals, are said to exist, in contempt of the laws, of the so oft repeated and positive orders of Government, and what is still more, under the eyes even of the authorities on whom, by the law, it is incumbent to watch over so criminal a traffic, and who thus show themselves to connive at it, obliges me to call the attention of your Excellency to this subject, not only in order to take the necessary steps which may appear proper to you for discovering the destination which the above Africans may have received, which, from their great number, cannot fail to have come to the knowledge of the respective authorities, but also to put a stop to the scandal and impunity with which such Africans are frequently disembarked and exposed to sale in spots pointed out, without its giving rise, as it appears, to the present hour, to the slightest judicial proceeding with regard to it.

It will be right, also, that your Excellency should inquire of the Justice of the Peace of the 9th district of the City of Angra, who interrogated the four sailors, what steps he took to discover and apprehend the four hundred Africans whom the above-mentioned sailors deposed to have disembarked on the estate already named, and whatever further information in this respect may appear expedient to your Excellency.

God preserve, &c.
(Signed) MANOEL ALVES BRANCO.

Second Enclosure in No. 185.

(Translation.)

The Minister of Justice to the Vice President of the Province of Rio de Janeiro.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

Palace, Rio de Janeiro, 22d June 1835.

I LAID before the Regency, in the name of the Emperor Don Pedro II., the Despatch of your Excellency, dated the 11th instant, communicating the steps, which, in consequence of mine of the 4th of the same month, you had taken to discover the destination which the Africans, imported in the brig "*Duque de Braganza*," had received, as also your intention to prosecute all those authorities, who, from neglect or connivance, had rendered themselves responsible for this fact; and the Regency, though they acknowledge with your Excellency how inefficacious are the means of putting a stop to the inhuman trafficking in these unfortunate individuals, and to cause the penalties of the law to fall on those who practice it, may be yet satisfied of the knowledge, patriotism, and recognised zeal of your Excellency, and hope for a good result from the steps you have just taken in this respect.

God preserve, &c.
(Signed) MANOEL ALVES BRANCO.

Third Enclosure in No. 185.

(Translation.)

The Vice President of the Province of Rio de Janeiro to the Minister of Justice.

Government-house, Province of Rio de Janeiro, 11th June 1835.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

I YESTERDAY received the advice addressed to me from the Department in charge of your Excellency, under date of the 4th instant, relative to the disembarkation of upwards of four hundred Africans, in the parish of Laranjeiras, district of Paraty, from the brig schooner "*Duque de Braganza*," belonging to Portuguese, and which was forced to run ashore by the Brazilian brig-of-war "*Imperial Pedro*," which is cruising on the coast.

It is observable that, up to the present date, I have received no communication whatever from the local authorities on this subject.

Your Excellency calls my attention to this scandalous fact, continually repeated in these and many other parts, in order to my taking such steps as I may think fit for discovering the destination which the said Africans received, which, on account of their great number, cannot but have come to the knowledge of the respective authorities, as well as for the purpose of putting a stop to the scandal and impunity with which they are landed and exposed to sale, without its giving rise, up to the present moment, to the least judicial proceeding respecting it.

No one is better able than your Excellency to know how unprofitable and inefficient are the orders and recommendations of the Government, I will not say to put a stop to the traffic, but even to cause the penalties of the law to fall on this or that person who continues it, and to make good the capture of those imported.

Obliged to make use of the Justices of the Peace, to whose hands is confided the whole criminal drawing up of the suit, the disgraceful task falls upon them (the Government), of being a spectator of the contraband, and of making barren and useless recommendations which are laughed at by the well-known immorality of the local authorities.

If any one of them perform, or endeavour to perform, this duty, such is the persecution he is exposed to, that he soon becomes discouraged, as your Excellency will see by the enclosed extract of a Despatch from a Justice of the Peace of the city of Angra dos Reis. The action of Government is reduced to recommending and insisting, and to rendering responsible the prevaricators, who, on being tried by their accomplices and companions, are acquitted. Convinced as it is that this state of things must

continue as long as the present Legislation with respect to it is not placed in harmony with the state of the country and with the counsels of a painful experience, the Government of this Province is the first to mistrust the efficacy of the measures which it can legally take in this and other matters of a similar nature.

Nevertheless, steps which appear from the enclosed orders have been taken,—should they be eluded, I shall enforce the responsibility of the prevaricators; if they are improperly acquitted by the initiatory Judges, these also shall be made responsible; and if in this way no result can be obtained, I shall at least have the consolation of having exhausted all the means which the law has entrusted to me. I should declare to your Excellency that the Judge (de Direito), to whom suitable orders are also given, is deserving of confidence, but that, being unable to search and take the necessary initiatory judicial measures, little utility can be derived from his probity and zeal for the service, in the business in question.

God preserve, &c.
(Signed) PAOLINO JOSE SOAVES DE SOUZA.

Fourth Enclosure in No. 185.

(Translation.)

Extract of Report referred to in the Preceding.

THIS, however, Most Excellent Senhor, is not the only obstacle I meet with in the discharge of my duties, for many are the elements which are, as it were, purposely accumulated upon me to impede the possibility of my following the course pointed out by the law.

The measures which I have taken to oppose in my district the disembarkation from vessels conveying Africans, and to prevent the continuance of so disgraceful a traffic, have been the powerful stimulant to a systematic war which the contraband dealers are making upon me, the ostensible instruments of whom are certain officers of the National Guards, more particularly those whom I am about to mention, who avowedly oppose themselves to the execution of my orders and requisitions, as if to accustom the Guards to despise my authority, and consequently the law, the truth of which is demonstrated by the following fact, &c.

No. 186.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 13.)

MY LORD,

Rio de Janeiro, 13th July, 1835.

WE have the honour to report to your Lordship, that the cases of two vessels captured by the Brazilian sloop-of-war "Dous de Março," have this day been transmitted to the Mixed British and Brazilian Court of Commission, by the Department of Justice, for adjudication.

The one, the "*Continente*," with slaves on board, and belonging to a Brazilian subject, is a clear case for condemnation. The other vessel, the "*Aventura*" professes to be Portuguese, and to have been bound from Angola to Montevideo. She had no slaves on board, and has been detained, as it appears, on suspicion, and in consequence of information obtained.

The Captors' Declaration will be received to-morrow, and the Court will then proceed, without delay, with the investigation of both cases.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

No. 187.

His Majesty's Commissioners to Viscount Palmerston.—(Received October 16.)

MY LORD,

Rio de Janeiro, 27th July, 1835.

REFERRING to our Despatch of 5th July, we have the honour to enclose herewith the translation of a Despatch addressed by the Minister of Justice to the Judge of Orphans in this city, relative to the blacks taken on board of the schooner "*Emilia*," in the year 1821.

This Despatch may be considered as the fulfilment of the promise given us by our Brazilian colleague, and of course we shall not fail to forward to your Lordship a Copy of whatever answer it may receive. In the mean time we think it right, in justification of the suggestions we took the liberty of making in our Despatch of 18th March, to state to your Lordship that the purchase of the dead bodies of blacks is now becoming very common in this city, a practice which, as there is no want of subjects for all anatomical purposes, can only, it would seem, have for its

object to carry off into slavery the Africans so hired out, by alleging them to have died, and producing dead bodies of corresponding appearance in proof of the assertion.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

Enclosure in No. 187.

(Translation.)

Palace, 15th July 1835.

THE Regency, in the name of Don Pedro II., orders to be transmitted to you the enclosed account of three hundred and fifty-two Africans, who were conveyed in the schooner, "*Emilia*," and declared free by sentence, dated the 31st July 1821, of the Mixed Commission, in conformity to the Convention of the 28th July 1817, and whose services were hired out for the term of fourteen years, in virtue of the Alvarà of the 26th of January 1818; and further orders that, proceeding to the most exact investigation respecting this object in order to ascertain to whom the said Africans were delivered in consequence of such hiring out, you will take measures in order that so soon as the above-mentioned term shall have expired, which must be shortly, they may enter into the perfect enjoyment of their liberty, making the most circumstantial Report of the whole proceeding to this Department of Justice.

May God preserve, &c.
(Signed) MANOEL ALVES BRANCO.

To the Judge of Orphans in this City.

No. 188.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 3, 1835.)

MY LORD,

Rio de Janeiro, 28th July 1835.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 3d June, communicating the remarks of the King's Advocate-General upon the subject of the condemnation, by this Mixed Commission, of the vessel, the "*Rio de la Plata*," and the emancipation of the slaves; and stating as his opinion that, under the circumstances of José Teodoro Villaça being a Brazilian subject, and no proof existing that he had become a citizen of Uruguay, or had a *bonâ fide* residence and establishment in that country, the British Commissary Judge and Commissioner of Arbitration came to a right conclusion in condemning the vessel.

We beg leave to return your Lordship our best thanks for this communication, and shall not fail to take the remarks of the King's Advocate as our guide in cases of a character similar to that of the "*Rio de la Plata*," as instructed by your Lordship.

We have, &c.,
(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

No. 189.

His Majesty's Commissioners to Viscount Palmerston.—(Received Oct. 23, 1835.)

MY LORD,

Rio de Janeiro, 29th July 1835.

WE have the honour to report to your Lordship, in this Despatch, the condemnation of the Brazilian patacho "*Continente*," with sixty-two slaves on board, captured by the imperial sloop-of-war "*Dous de Março*," on the 7th ultimo, in the harbour of Sao. Sebastiao. This being a clear case of Brazilian slave-trading, we need do no more than refer your Lordship to the Report of the case, and to the sentence of the court, both of which we have the honour to transmit herewith, the latter in original and translation.

From the former of these documents, your Lordship will perceive that the patacho was, in the first instance, detained only on suspicion, and that the capturing party had had possession forty-eight hours, and had made every possible search, as they supposed, before it was discovered that there were any slaves concealed on board. What the state of these wretched beings, to the number of forty-seven, must have

been, deprived for so long a time of air and food, and packed in the smallest possible compass, like so many bales of goods, we need not pain your Lordship by describing.

This case is so connected with that which is the subject of our following number, that it is difficult to report intelligibly the one without the other.

The "*Continente*," a small vessel, which had only recently sailed from hence on a professed voyage to Rio Grande, was employed for the purpose of transshipping and conveying to other points of this coast the Africans brought by a larger vessel (the "*Aventura*") from the ports of Loanda and Ambriz, and it was the attempt to put on board of the former fifteen blacks from the shore where they had been previously landed, which determined the ultimate capture. The main body had not, as before observed, been at that time discovered.

The officer in command of the "*Dous de Março*" made a statement, in the course of his deposition, which, though not recorded in his testimony, we think we ought not to refrain from reporting to your Lordship. Speaking of the activity with which the Slave Trade is at present practised, and the inefficiency of the means at command to suppress it, he mentioned one estate alone in the neighbourhood of Ilha Grande, where not fewer than sixteen hundred new blacks were openly maintained, the proprietor of the estate keeping up an armed force, and mounting some guns on such points of his grounds as might be supposed to be most accessible, thus setting at defiance every attempt to interfere with him.

We have, &c.,
(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

First Enclosure in No. 189.

Report of the Case of the Brazilian Patacho "Continente."

Rio de Janeiro, 29th July 1835.

THE Brazilian patacho, "*Continente*," was detained on the 6th June last, at anchor in the harbour of Sao. Sebastiao, by the Imperial sloop-of-war "*Dous de Março*." On being visited, no blacks were found on board, but the truth of the suspicions entertained of her being engaged in the traffic of slaves, was manifested by the approach of a canoe with fifteen new blacks, which, on perceiving the patacho to be in possession of an armed force, attempted, but in vain, to put back, and, on being fired upon by the same, was compelled to give itself up.

This vessel sailed from Rio de Janeiro in the month of May, on a professed voyage to Rio Grande, and, on the pretence of having sprung a leak, had been anchored in the harbour of Sao. Sebastiao about a fortnight. On the strength of this attempt on the part of the canoe, the "*Continente*" was definitively captured, and sent to Rio, and, after she had been taken possession of upwards of forty-eight hours, forty-seven more Africans were discovered concealed between decks. It subsequently appeared that these sixty-two blacks formed part of a cargo which had been brought from Africa in the brig "*Aventura*," under Portuguese colours.

The Master, who was also Owner, of the patacho "*Continente*," contrived, after capture, to make his escape, so that the only witnesses to be examined in this case were the boatmen belonging to the canoe. They all denied any knowledge of the transaction, but the fact of her being engaged in the Slave Trade, and also of her being a Brazilian vessel, admitting of no doubt, sentence of condemnation was pronounced at the sitting of the Court on the 28th instant, on the said patacho, her tackle, apparel, and furniture, and the Goods, Wares, and Merchandise laden therein, as good and lawful Prize, to be sold for the profit of the two Governments, and the emancipation of the slaves to the number of sixty decreed on the same day, to be placed at the disposal of the Imperial Government, to be employed as servants or free labourers, two having died between the time of capture and adjudication; and further, the Master and Owner, José Francisco Dutra, a Brazilian citizen, was declared to have been guilty of an infraction of the first Article of the Convention of the 23d November, 1826.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

Second Enclosure in No. 189.

Rio de Janeiro, 28th July 1835.

THE proceedings in the present case being examined, the undersigned Commissary Judges of the Mixed Commission declare to be a good Prize the Brazilian patacho "*Continente*," detained by the Brazilian sloop-of-war "*Dous de Março*," inasmuch as after having been visited at the Island of Sao. Sebastiao, where the sloop met with her at anchor, there were found on board forty-seven Africans, besides fifteen others who were making for the said patacho in a canoe, and which, together, make a total of sixty-two, as is fully proved by the same proceedings,—condemn the said patacho, conformably to the 7th Article of the Regulations annexed to the Convention of the 28th July, 1817, and confirmed by the last Convention of the 23d November 1826, together with all her appurtenances and cargo, to be dealt with as is determined by the said Article; and further, declare José Francisco Dutra, a Brazilian citizen, and Master and Owner of the said patacho, to have been guilty

of an infraction of the 1st Article of this last Convention, and the above-mentioned Africans to be free and emancipated, to the number of sixty, two having died since the capture, and to be placed at the disposal of His Imperial Majesty the Emperor, to be employed as servants and free labourers.

(Signed)

JOAO CARNEIRO de CAMPOS.
GEORGE JACKSON.

(A true Translation)

NATHANIEL LUCAS,
Interpreter (ad. int.) to the Mixed Commission.

No. 190.

His Majesty's Commissioners to Viscount Palmerston.—(Received Oct. 23, 1835.)

MY LORD,

Rio de Janeiro, 31st July 1835.

IN our Despatch of 29th inst. we stated that the case of the brig "*Aventura*," professing to be Portuguese, and to have been bound from Angola to Montevideo, had been remitted to this Court of Mixed Commission for adjudication, having been detained on suspicion by the Brazilian sloop-of-war "*Dous de Março*."

We have now the honour to forward herewith our Report of this case, and to inform your Lordship that the result of the investigation clearly proving the speculation to be Brazilian, the British and Brazilian Commissary Judges at once agreed on a sentence of condemnation against her as such. A Copy of this sentence, and its translation, we have the honour to subjoin.

This vessel sailed from Lisbon in the end of August last year, under the name of the "*Maria Izabel*," and arriving here in due course, was re-dispatched in December following, with the same passport and a fresh cargo, for Angola. This passport was not produced, but the merchant here to whom she was consigned, Joao Militao Henriques, states it to have been a royal passport given at Lisbon for a voyage to Angola, touching at Rio de Janeiro; that the vessel was consigned to him by Francisco Rodrigues Batalha, of Lisbon, and that she belonged to Sebastiao Rodrigues de Moura, clerk of the customs at Angola.

It is possible, supposing the above statement to be correct, that this latter fact, contrary to the laws of Portugal, which forbid any officer of the revenue to be engaged in trade, might not be known at Lisbon; but at Angola no such ignorance could be alleged, and the very fact of this individual signing the clearances for his own vessel is a proof of the negligence, if not criminality, of the port authorities on the coast of Africa.

To counteract such malpractices, the Brazilian Consul-General intended to reside at Angola, whose nomination was mentioned in a preceding despatch, has sailed from hence, and instructions have been sent to Lisbon to request his *exequatur*; but it is thought very doubtful whether it will be granted on the ground of Angola being a colony.

Besides the abuse of the Portuguese flag, which this case of the "*Aventura*" so strikingly exhibits, we would particularly beg leave to call your Lordship's attention to the ground on which the condemnation of this vessel mainly rests, and which, having been fortunate enough to induce the Brazilian Commissary Judge to adopt, as a fixed principle, will, we trust, greatly tend to diminish the facility with which the abuse in question has hitherto been practised.

It is that no vessel assuming to be Portuguese, can be recognised as such by this Commission, which does not appear to have satisfied the several requisites of the commercial Code of Portugal notwithstanding she may be furnished with the pass and flag of that country, which, in such cases, must be considered as obtained under false pretences, to be assumed only for colourable purposes.

We have, &c.

(Signed)

GEORGE JACKSON,
FRED. GRIGG.

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

&c.

&c.

&c.

Enclosure in No. 190.

Report of the Case of the Brig "Aventura," taken under Portuguese Colours.

Rio de Janeiro, 31st July 1835.

THIS vessel, under the name of the "*Maria Izabel*," came to this port under Portuguese colours, from Lisbon, towards the end of last year, with, as is stated, a Royal Passport. Having taken in a fresh cargo, she sailed again from hence with the same Passport for Angola.

Her name was there changed to that of the "*Aventura*," and a Passport given to her by the Governor of Loanda, in the month of April last, declaring her to be the property of a Portuguese subject, Sebastião Rodriguez de Moura, (the same individual to whom she is said to have belonged at the time of her sailing from Lisbon under the former denomination of "*Maria Isabel*,") to be commanded also by a subject of Portugal, and to be bound in ballast to Montevideo. No other evidence or explanation whatever of this change of name was offered, and the Custom-house clearance of the "*Aventura*," at Loanda, is signed by the very person whom the Passport declares to be the Owner.

The "*Aventura*" was met with in the vicinity of Saint Sebastião by the Brazilian sloop-of-war "*Dous de Março*," on the 7th June, and detained on suspicion in consequence of information received on shore that she had landed a cargo of Africans.

The evidence in the case of the patacho "*Continente*" proved this to be the fact, and that the blacks taken on board that vessel were part of those originally brought in the "*Aventura*," and landed by her in the neighbourhood of Saint Sebastião.

In this case, as in that of the "*Continente*," every Officer of the brig was allowed to make his escape after capture, so that here again there were only common sailors to examine. They denied having had any slaves on board, and swore that a Protest had been signed to account for the making for Saint Sebastião; but no such Protest, nor any Log-book, was produced.

The Merchant to whom this vessel, under the name of the "*Maria Isabel*," was consigned on her voyage to this place from Lisbon, João Militão Henriques, and by whom she was also laden from hence to Angola, denying his knowledge as to whether it was one and the same vessel or not, swore that the "*Maria Isabel*" was consigned to him by the Lisbon Merchant Francisco Rodriguez Batalha, and that her Owner was Sebastião Rodriguez de Moura, of Loanda; and that he re-despatched her for the latter port with the same Passport with which she came from Lisbon.

There being no doubt of the "*Aventura*" having imported slaves, as well from the proofs found on board, such as a memorandum of Deaths of Blacks during the voyage, of forty-four elephants' teeth as part of her cargo, the smell, &c., as from the positive evidence of one female slave, who, from having been in service at Angola, is perfectly conversant with the Portuguese language—the only question to be considered was her national character.

Her connexion with the patacho "*Continente*," an acknowledged Brazilian vessel,—a statement in her Lisbon Manifest of Cargo that she was Brazilian built,—the correspondence between the marks of the deceased blacks above referred to with some of the names in the Manifest of Cargo from hence to Angola,—her being said to be the property of an Officer of the Revenue at Angola, a thing contrary to the laws of Portugal, as well as of Brazil,—and her not being furnished with the several Documents required by the Commercial Code of Portugal to constitute her a Portuguese vessel,—were fully sufficient in the opinion of both the British and Brazilian Commissary Judges to divest the "*Aventura*" of all title to be considered as such, and to warrant them in declaring her to be Brazilian, and a sentence of confiscation of the vessel and cargo was accordingly passed upon her, to be sold for the profit of the two Governments, at the sitting of the Court on the 30th July 1835; no slaves having been actually found on board, but a part of those whom she brought from Africa having been taken on board the patacho "*Continente*."

(Signed) GEO. JACKSON.
FRED. GRIGG.

Enclosure in No. 190.

(Translation.)

Rio de Janeiro, 30th July 1835.

THE proceedings in this case having been duly examined, touching the detention of the brig called "*Aventura*," by the Brazilian sloop-of-war "*Dous de Março*," as well in consequence of the Commander of this sloop having been informed at the Island of St. Sebastião that she came from the Coast of Africa, and had landed Africans in the neighbourhood of that Island, as because of the indications that he afterwards found on board; by all which it is fully seen that this vessel, formerly the brig called "*Maria Isabel*," came from Lisbon the latter end of last year under the Portuguese flag, and in the same character was despatched and sailed from this port for Angola, from whence she returned under the altered name of "*Aventura*," with clearances for Montevideo, and in ballast; that on board were a great number of water-casks, more certainly than were necessary for the crew during the voyage, but under the pretence of their serving for ballast. That when detained no Log-book was found, nor any Protest respecting the circumstances that caused her to bear up for the port of the Island of Tamandoa, near to that of St. Sebastião, where the brig had been at anchor; whilst amongst the Papers seized, one is an invoice of forty-four elephants' teeth (otherwise Africans passing under this term, as is very notorious) of various qualities, but of the average price of 378,000 rs.; and another, a memorandum containing the marks and description of the Africans, and the dates of such deaths among them as occurred during the voyage, which dates besides exactly corresponding with the time of the departure of the said brig from the Coast of Africa; and the statement made by an African female who speaks plainly the Portuguese language, from having been employed as a servant at Angola, that she came with many others in the aforesaid brig, and that after having been landed on the Coast of St. Sebastião, she, together with some others, was put on board of the patacho "*Continente*," where she was taken,—do not leave the least doubt respecting the importation of the said Africans; and more especially when from the examination of the marks, as well on that African female, as of those on the other Africans found on board the patacho, some were discovered to be exactly the same as those mentioned in the memorandum of those who had died; to which is to be added, the escape of all the Officers belonging to the brig, and accomplices in this criminal traffic.

It being then proved that the brig in question imported African negroes,—that they were landed in the neighbourhood of the Island of St. Sebastião,—and that some of them were afterwards put on board the patacho "*Continente*," it remains to be shown, that although navigated with Portuguese Papers and under the Portuguese flag, she is, notwithstanding, Brazilian,—which is now to be done.

From a Copy of the Manifest of the Cargo which she had on her last voyage from Lisbon, it appears that she is Brazilian built, and yet without a single Document to show or legalize the manner in which she became Portuguese. She was, notwithstanding, despatched as such at Loanda, and as the property of the Portuguese subject Sebastião Rodriguez de Moura—a fact which fully

No. 193.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Rio de Janeiro, 16th September 1835.

IN our preceding Despatch we reported the acquittal of the individuals concerned in the two recent cases of the "*Amizade Feliz*" and the "*Angelica*."

Emboldened, it appears, by this success, the parties petitioned the Government for the restitution of the vessels, as also of the slaves. This application seems to have considerably embarrassed the Government: at first it was peremptorily rejected, and orders were published in the Official Paper for the distribution of the slaves in the usual manner; but, eventually, the Government referred the parties to the Judge who presided over the Jury which had acquitted them. By him they were told that the question was not within his competency, and that they must apply to the Municipal Judge. In this way they were sent from one authority to another, without any better success, till, at last, a motion on the subject having been made in the Chamber of Deputies—with what view it remains to be seen, but we believe at the instigation of the applicants—it has been finally determined to order the public prosecutor to reconsider the detention of these vessels in all its bearings, and to inquire carefully whether the Africans had embarked voluntarily as colonists, or by compulsion; and whether there had been any other reason for the detention of these two vessels, besides their having Africans on board, with a view either of submitting the case afresh to a superior Court, or of bringing it within the scope of some Edicts of older date against objects of contraband or war.

In contemplation of a restitution, in consequence of the Petition that the same might be submitted, as above stated, to the decision of the Judge before whom its authors had been acquitted, instructions were issued to the Municipal Judge, directing him, in case it should be determined to restore the vessel and slaves, not to carry such determination into effect, unless the claimants should give due security to present, within two or three months, a legal Document, proving the disembarkation of the slaves at Monte Video; and, further, to inform his Government, should such determination be come to, in order that they might take the necessary measures to prevent the said African slaves from being landed on the Coasts of Brazil.

A communication to this effect was addressed at the same time to this Commission by order of the Regency, and signed by the Minister of Justice.

In presenting this Document, of which we have the honour to enclose herewith a Copy, in Original and Translation, the Brazilian Commissary Judge represented it as an attention shown by his Government to this Commission; but as, after the Sentence of this Court, declaring their incompetency to take cognizance of these two vessels, they could have no further business with them whatever, we should rather regard the communication of these instructions as intended to remove the unfavourable impression which the reduction of so large a body of Africans to a state of slavery, and the restoration of the vessels, &c. to their enslavers, could not fail to produce in the mind of His Majesty's Government.

The probable result of this whole business will be, that the claimants, unable to furnish the required security, will desist from the open attempt to get back their slaves.

One advantage is gained by the course this affair has taken, namely, that this Government have now formally, and in a Public Document, admitted the principle, at first rejected by their Commissioner, that Africans embarked under similar circumstances cannot be considered as Colonists.

(Signed)

We have, &c.

GEORGE JACKSON.
FRED. GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 193.

(Translation.)

Palace, 17th August 1835.

THE Regency, in the name of the Emperor, orders the Secretary of State for the Affairs of Justice to communicate to the Mixed Brazilian and English Commission, in regard to the traffic in Slaves, that an order has been sent, under this date, to the Municipal Judge, that, in case of the delivery of the new blacks from the brigs "*Amizade Feliz*" and "*Angelica*" being determined on, he is not to act upon such determination unless the applicants give sufficient security for the produc-

ing, within two or three months, a legal Document, proving the having disembarked them (the slaves) at Montevideo; and further, that the Judge do apprise the Government of such decision, in order that it may take the necessary measures to prevent the same Africans from being disembarked on the Coast of Brazil.

(Signed) MANOEL ALVES BRANCO.
 To the Mixed Commission,
 &c. &c. &c.
 (A true Copy.) (Signed) BRAZ MARTINS COSTA PASSOS,
 Secretary.
 (A true Translation.) (Signed) NATHANIEL LUCAS,
 Interpreter ad int. to the Mixed Commission.

No. 194.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Rio de Janeiro, 16th September 1835.

YOUR Lordship will recollect that it was only in consequence of the application which, on our representation, His Majesty's Minister at this Court made to the Imperial Government, that orders were issued to the Brazilian Navy to bring all slavers taken by Brazilian men-of-war before this Commission for adjudication.

Since that time this has uniformly been done, though not with that attention to the "Instructions" which could be wished, more particularly as regards the persons belonging to the prize, who should be sent with her into Port, and to the leaving the cargo, &c. on board.

Great remissness, with respect to the first of these points, still exists; and your Lordship will have observed that, in most instances, the principal delinquents have been allowed to escape before being brought before the Court; but, with regard to the latter, we have much pleasure in transmitting to your Lordship the enclosed Copy, in Original and Translation, of a Despatch from the Minister of Justice to the Minister of Marine, enforcing the principle of leaving everything on board untouched, and enjoining strict attention to it in future.

We have, &c.
 (Signed) GEORGE JACKSON.
 FRED. GRIGG.

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

Enclosure in No. 194.

(Translation.)

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

Palace, 4th August 1835.

ACKNOWLEDGING the receipt of the Document, dated 13th ult., which accompanied the Despatch addressed to your Excellency by the Inspector of the Naval Arsenal, relative to the placing in deposit the objects belonging to the vessels that may be captured for being engaged in the African Slave Trade, I have to communicate to your Excellency that I concur in the removal to the general deposit of everything appertaining to the Prizes "*Amizade Feliz*" and "*Angelica*" that may have been delivered to the Harbour-Master, but not of such things as may have been taken from the Portuguese brig "*Aventura*," and Brazilian patacho "*Continente*," which should, on the contrary, be restored, in order that the Municipal Judge may take an account of the whole when he has to carry into execution the Sentences of the Mixed Commission upon these two vessels; and that, in future, far from taking from on board captured vessels any objects whatever, it will be proper, in observance of the existing Treaties, that the whole should be kept on board until the final sentence, in order to avoid claims regarding anything missing or dilapidated, to the certain loss of the Public Treasury.

(Signed) MANOEL ALVES BRANCO.
 To Gov. Jozé Pereira Pinto.
 (A true Translation.) (Signed) NATHANIEL LUCAS,
 Interpreter ad int. to the Mixed Commission.

No. 195.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Rio de Janeiro, 16th September 1835.

WITH reference to the latter part of our other Despatch, we have the honour to enclose herewith, in Original and Translation, the Copy of fresh Instructions addressed by the Minister of Justice to the Justice of the Peace within whose

district the House of Correction (the Depôt for the new Africans) is situated, calling upon him scrupulously to fulfil the Regulations there established, in the event of any death occurring, so as to prevent the practice we before adverted to of feigning the decease of a new black, and then substituting another body for interment in his place.

(Signed)

We have, &c.

GEORGE JACKSON.
FRED. GRIGG.

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

Enclosure in No. 195.

(Translation.)

Palace, 4th September 1835.

IT being determined by the 29th Article of the Regulations made for the Management of the Works going on at the House of Correction, that, in case of the death of any African employed there, the corpse shall not be interred without the respective Justice of Peace, to whom notice in writing must be immediately sent, proceeding to make an ocular examination and inquiry, not only of the circumstances and cause of the death, but identifying also the person by the entry in the Book of Registry, making after this a suitable memorandum in the margin of the same, and an Act of the said examination to be deposited in the Office of the Clerk of the Justice of the Peace, which Act the Manager must likewise sign:

In observance of this Article, you are bound to attend for the above purposes whenever you may be required by the Manager to do so.

May God preserve you.

(Signed)

MANOEL ALVES BRANCO.

*To the Justice of the Peace of the Second
District of the Parish of St. Anne.*
(A true Translation.)

(Signed)

NATHANIEL LUCAS,

Interpreter ad int. to the Mixed Commission.

No. 196.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Rio de Janeiro, 17th September 1835.

THE Imperial Government has communicated to this Commission an Extract from a Despatch which it has lately received from the Brazilian Chargé d'Affaires at Lisbon, dated 25th April 1835, covering a Note which he had addressed on the 16th of that month to the Portuguese Minister, on the subject of the abuse of the Portuguese Flag in Slave Trade speculations. This Note will, probably, have already reached your Lordship; but, as these Papers were officially made known to us, we think it right to transmit herewith Copies of both, with their Translations.

The only remark which they seem to call for, beyond the satisfaction which it gives us to find the Duke of Palmella concurring so readily in the measures proposed for remedying this evil, is that the orders which His Excellency states to have been issued to the Governors of Colonies, not to grant Passports to vessels with slaves, by no means meet the exigency of the case; the practice being, as your Lordship will have perceived, to despatch these vessels in ballast, and then to embark the slaves off the Bar, thus reconciling, where the authorities are dishonest, a literal compliance with such orders with the most shameful practical violation 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. 196.

(Translated Extract.)

Despatch from Sergio Teixeira de Macedo, Brazilian Chargé d'Affaires.

Lisbon, 25th April 1835.

I AFTERWARDS entered upon the remonstrance respecting the contraband Trade in Slaves, which I had been instructed to make by the predecessor of your Excellency; and having shown him the scandalous manner in which it is practised, I asked for the adoption of the measures wished for by the Brazilian Government, and we agreed that I should address a note to him, which I did, and your Excellency has herewith a copy of it. Your Excellency will thereby see that I resolved immediately to commit to writing the phrase which dropped from the Duke, that he considered the traffic in slaves to be legally prohibited to Portuguese subjects in virtue of the Treaty with Great Britain—an interpre-

tation of this Treaty which it is very important to establish, that it may not be alleged by the Government of Her Most Faithful Majesty that nothing can be done previously to a Legislative Enactment.

The Duke assured me that the Governors of the Colonies had orders not to grant Passports to vessels carrying negroes to ports where the trade is not permitted, and that the measures which I requested should be adopted. That, with respect to the Legislative Act, the Chambers being on the point of closing, there was no time for passing it, but that the Government had a proposal ready to present immediately on the meeting of the new Session of the Cortes, an extra assembly of which may probably be convoked.

| | | |
|-----------------------|----------|----------------------------|
| (A true Copy.) | (Signed) | BENTO DA SILVA LISBOA. |
| (A true Copy.) | (Signed) | BRAZ MARTINS COSTA PASSOS. |
| (A true Translation.) | (Signed) | NATHANIEL LUCAS, |

Interpreter ad int. to the Mixed Commission.

(Translation.)

Brazilian Legation in Lisbon, 16th April 1835.

THE Undersigned Chargé d'Affaires of His Majesty the Emperor of Brazil has, by order of his Government, the honour to represent to His Excellency the Duke of Palmella, President of the Council of Ministers and Secretary of State for Foreign Affairs, as follows:—

The Government of His Majesty the Emperor of Brazil has constantly endeavoured to put an end to the inhuman traffic in slaves, not only from being bound so to do in observance of Treaties, but also from the firm conviction which it entertains that this insult to the dignity of the human species is productive only of the greatest evils to the country; the contraband nevertheless is still continued on the coasts of Brazil, for the trader, induced by the profit, seeks for means to elude the vigilance of the Magistrates and Agents of the Government, and finds them, owing to the great difficulty, if not impossibility, of extending the necessary vigilance to all the points of such an extensive coast. It is certain, however, that the greater the obstacles that may be opposed to this contraband, the less frequently will it be practised, until at length its total extinction may be effected.

In the Empire of Brazil, the Law of the 7th November 1831 has already imposed heavy penalties on the importers of Africans; and beside the provisions of this Legislative Act, Brazilian ships, according to the Treaty with Great Britain, are liable to be taken on the high seas by British or Brazilian cruisers, and subjected to the summary adjudication of a Mixed Commission. Portuguese ships, however, not having to fear either the British cruisers (supposing them not to be comprehended in the provisions of the Treaty concluded with Great Britain on the 22d January 1815, and the Additional Convention to the same) nor the summary decision of the Commissions, the Brazilian Government sees with pain, that under the Portuguese Flag it is that this detestable crime seeks to shelter itself, and that it is almost exclusively under shadow of the same that the contraband of slaves is continued on the coast. Fictitious sales of Brazilian ships are made in order to assume the Portuguese Flag.

In the Portuguese Colonies in Africa passports are obtained for ships bound to Brazil and other parts of America, whose cargoes are declared to consist of wax, ivory, and other productions of the country, but which are filled with negroes, whom they pour out on the coast of Brazil, coming afterwards into port under appearances of criminality, it is true, but without its being possible to adduce sufficient proof to condemn them before the Tribunals. To consummate the perpetration of these frauds, the negligence, and perhaps connivance, of the Portuguese Consular Agents in Brazil, as also of the Authorities and Governors of the African Colonies, greatly contribute.

The Undersigned being well assured that the Government of Her Most Faithful Majesty does not less detest that inhuman traffic than does the Government of His Majesty the Emperor of Brazil, and that it is fully convinced that it is not more prejudicial to Brazil than to the Colonies of Portugal, by the immorality and idleness which it encourages in both countries, by the repression of industry; and having moreover heard with pleasure from His Excellency the Duke of Palmella that he considers the traffic in slaves to be prohibited to the subjects of Her Most Faithful Majesty, in virtue of the said Treaty between Her and His Britannic Majesty, the necessity of its continuance, therein alleged, in certain parts having ceased on the separation of Brazil, has the honour of requesting His Excellency to endeavour, in laying these considerations before Her Most Faithful Majesty, to take such means as that every obstacle within the reach of the Government of Her August Majesty may be opposed to the traffic in slaves, by ordering its Consular Agents forthwith to take the greatest care, when sales of Brazilian ships to Portuguese subjects occur, to prevent any such being made fictitiously, and with the sole view of covering them with the Portuguese Flag for the purpose of employing them in the contraband Slave Trade, and directing the Governors and other Authorities in the administration of the Colonies, to exert the utmost vigilance to prevent the embarkation of negroes on the Coast of Africa in any ships whatever, and the granting Passports to any ships bound to Brazil or any ports of America, without the most strict inquiry respecting their destination; proposing, as soon as possible, to the competent Authority a Legislative Act, declaring the traffic in Africans to be Piracy, and imposing heavy penalties thereon.

Finally, the Undersigned would wish to inform his Government whether that of Her Most Faithful Majesty has any objection to the establishment of Mixed Commissions to take cognizance of this crime, similar to those existing at Rio de Janeiro and Sierra Leone, created in virtue of the Treaty with His Britannic Majesty.

The Undersigned will close this Note by his acknowledgment and praise of the favourable disposition entertained by His Excellency respecting a matter of such interest to Brazil, and has the honour to repeat the assurances of the high respect and perfect esteem which he has already expressed for His Excellency.

| | | |
|-----------------------|----------|----------------------------|
| | (Signed) | SERGIO TEIXEIRA DE MACEDO. |
| (A true Copy.) | (Signed) | ALVARO TEIXEIRA DE MACEDO. |
| (A true Copy.) | (Signed) | BENTO DA SILVA LISBOA. |
| (A true Translation.) | (Signed) | NATHANIEL LUCAS, |

Interpreter ad int. to the Mixed Commission.

No. 197.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Rio de Janeiro, 21st September 1835.

ON the 11th ultimo the case of the Brazilian smack "*Novo Destino*," detained by the Imperial brig-of-war "Imperial Pedro," in the Harbour of St. Sebastiao, on account of two new blacks having been found secreted on board, was submitted to this Court for adjudication by the Department of Justice.

This case, on examination, was not considered, by either the British or Brazilian Commissary Judges, as one of traffic in slaves, it appearing that the "*Novo Destino*" was a coasting vessel, bound from the Port of Iguape, in the Province of St. Paulo, to this place, and that her owners had no part in the embarkation of the two Africans above mentioned, who were taken on board, either by the Master or by some of the passengers, at an intermediate Port—that of Cananea—without their knowledge or connivance. Such, at least, was asserted to be the fact, as well by the owners themselves as by every other testimony produced; and, as the Court had no means of ascertaining how far the owners of this vessel and the shippers were connected with the aforesaid passengers, and with Papers found on them, disclosing an extensively organized system for introducing new Africans into Brazil under cover of the Portuguese Flag, both the Commissary Judges were of opinion that the case of the "*Novo Destino*" was entirely new, and such as was not contemplated either by the Conventions or the Instruments annexed thereto, and in consequence agreed, unanimously, at the Sitting of the Court on the 18th instant, on a Sentence of Emancipation as regards the two new blacks found on board, to be delivered over to the Imperial Government, and of restoration of the detained vessel and her cargo, without however giving any right to the owners thereof to demand any damages whatever for the detention of the same.

Referring your Lordship to the three Documents which we have the honour to transmit herewith (two of them in Original and Translation), *viz.* The Report or Declaration of the Captor, our Report of the case, and the final Sentence of the Court, we proceed to inform your Lordship that the investigation of this case has brought to light the long-suspected existence of a deliberate plan on the part of several Brazilian citizens, in concert with a subject of France, to carry on the Slave Trade, on a very extensive scale, under the Flag of Portugal, employing for this purpose an Officer in the Brazilian Navy, who was despatched to the Coast of Africa to conduct the speculation, having several vessels under his orders, the names of three of which are distinctly stated.

From the Evidence thus disclosed, the British Commissary Judge was of opinion that there was abundant proof to convict all the parties implicated of the charge of Piracy, as established by the First Article of the Convention of the 23d November 1826; but his Brazilian Colleague considering that the proof, however strong, did not go beyond presumption, except in the case of the Master of the vessel, and proposing that the parties should be denounced by the Court, and the Evidence in question be transmitted to the Imperial Government, in order to their being tried by the Tribunals of the Country, the British Commissary Judge eventually acquiesced in that course, as will appear in the concluding part of the Sentence, following the same also in the instance of the Master—a stipulation which he was induced to make, being unwilling even tacitly to admit the existence of any such difference between the Master's case and that of the other delinquents as should justify the application of the Penalty to one and not to all, or to establish a precedent under which other criminals, against whom Evidence equally strong should on any future trial be adduced, might shelter themselves.

In his general assent to this course, he was guided as well by the desire of acting with that unanimity which, whenever practicable, is so peculiarly desirable under present circumstances, as by the conviction that it was in fact the one best calculated to secure the great object of His Majesty's Government, namely, the suppression of the traffic, and, as a means thereto, the punishment of those engaging in it. Experience has shown us the almost certainty of acquittal on which such persons may reckon when brought before the ordinary Tribunals of the Country; and, even had the British Commissary Judge succeeded in obtaining a general Sentence of Condemnation against all the parties interested, it is more than probable that, under pretence of adjudging the grade of punishment to which they had rendered themselves liable, the opportunity would have been taken, as in former instances, of

reversing that Sentence altogether, and ultimately liberating those against whom it was pronounced.

Now, however, the Imperial Government will have the opportunity, if they think fit, of sifting this whole affair to the utmost, and of having recourse to measures for that purpose not within the reach of the Mixed Commission, especially in a case which is not confined to Brazilian citizens. Among other means, they may seize the vessels denounced, one, at least, of which was at anchor in the port of Cananéa when the "*Novo Destino*" sailed from thence.

We should here inform your Lordship, that His Majesty's Commissary Judge thought it his duty to communicate this latter circumstance to the Commander-in-Chief of His Majesty's Naval Forces on this station, as also that other vessels might be expected; but Sir Graham Hammond informed him in reply that he had no vessels which he could employ at this moment with reference to such an object.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

&c.

&c.

&c.

First Enclosure in No. 197.

(Translation.)

On board the brig-of-war "Imperial Pedro," at anchor off

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR, *the town of St. Sebastião, 29th July 1835.*

I HAVE the honour to inform your Excellency that this brig being at anchor off the town of St. Sebastião, on the 25th instant, about six o'clock in the morning, a smack under Brazilian colours was discovered on the South Bar, steering for the anchorage. Having anchored, I ordered her to be examined by the Officer on duty, and he having returned, reported that she was the National smack "*Novo Destino*," from Iguape, with a cargo of rice, and that she was bound to Rio de Janeiro, her Master José Nunez da Silva, and her Owner Chrispiniano Maximiano, the First Lieutenant of the National and Imperial Navy, Diego José Cony, and the Portuguese José Maria and Francisco Antonio being on board as passengers.

Between ten and eleven o'clock a canoe went alongside the said smack and took in a person, who caused suspicion, and a boat was immediately sent in chase of her, in order to discover who it was; but as the canoe had already got some distance off, that individual landed before the boat reached her, in consequence of which I ordered that the smack should again be examined, when two new Africans were found on board hid in the hold (the scuttle of the same not being visible on the first visit, there being a bed made over it, in which was lying the First Lieutenant Cony), the Master having already left the vessel, carrying away with him all the Papers respecting the cargo, and the clearance, together with the passengers; and, as my instructions were to detain vessels found with Africans on board, I did so, placing her in charge of the Second Lieutenant, Gerardo João Damozo de Louza Treire, one soldier, and nine sailors, requesting the Justice of the Peace of that town to fulfil the course prescribed by the law, which he executed on the morning of the 26th, by commencing the proceedings which are in my possession, as are also thirty-four sealed letters and some open, and thirty-five various Papers and a Manifest, all marked and numbered by me, from folio 1 to 40, found in a box belonging to the First Lieutenant, Cony, some of the letters being addressed to him, and the greater part with the signatures and directions cut off; it is clearly seen, however, that they relate to the Portuguese schooner that is in Cananéa, as I was informed by the crew of the said smack.

The two Africans, three slaves, being part of the crew, one sailor, and the mate, to whom I delivered a copy of the inventory, were brought on board this brig.

The Justice of the Peace having, on the 27th, required that the mate and the sailor should appear before him at his residence, the former declared that there were on board six bags containing copper money, and having been sent for, they were found to be full of copper blanks, to be coined into 20 reis pieces. I therefore wrote again to the Justice of the Peace, to request that he would come on board to proceed as is usual, an act of which process remains in my possession.

May God preserve your Excellency.

(Signed)

ANTONIO FELIZ CORREIA DE MELLO,
First Lieutenant and Commander.

(A true Copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true Translation.)

(Signed)

NATHANIEL LUCAS,

Interpreter ad int. to the Mixed Commission.

To the Most Illustrious and Most Excellent Sr. José Pereira Pinto, Minister and Secretary of State for the Marine Department.

Second Enclosure in No. 197.

(Copy.)

Report of the Case of the Brazilian Smack, "Novo Destino."

THE "*Novo Destino*," José Nunez da Silva, Master, was detained by the Imperial brig-of-war, "*Imperial Pedro*," on the 25th of July, in the harbour of Sao. Sebastião, on account of two new Africans being found concealed on board.

On the 11th August the Papers were sent by the Minister of Justice to the Mixed Commission for adjudication, and on the 19th of the same month the Captor appeared, and made oath to the truth of the statement in his declaration, namely, that on visiting the "*Novo Destino*," a second time, two new Africans were found in the hold, over which, on the first visit, one of three Passengers, who had been taken on board at Canarea, a Lieutenant of the Brazilian Navy, named Diego José Cony, had made his bed, and thus concealed them; that between the two visits the above-named officer, as well as the Master and the other two Passengers, Portuguese, had left the smack, carrying away with them all the Ship's Papers, but leaving behind sundry letters and Papers, some addressed to Cony, others to residents at Rio de Janeiro.

The usual monition, as practised in this country, having issued, the examination of the only two competent witnesses within the reach of the Court commenced. The first, Francisco José dos Santos, swore that he was a subject of Portugal, native of the Azores, and that he was Mate of the "*Novo Destino*;" that she sailed from Iguape laden with rice for Rio de Janeiro; that, on their passage, three Passengers, a Brazilian naval officer and two Portuguese, having with them two slaves, were taken on board at Cananca, but that it was the act of the Master alone; and that the Owners of the smack had no knowledge of or participation in it whatever; that he did not believe the new blacks belonged to them, and that the "*Novo Destino*" was in no way fitted up or prepared for the reception of slaves, and that they were obliged to put into Sao. Sebastiao by stress of weather.

The second witness, José Francisco, a subject of Brazil, and a sailor on board the "*Novo Destino*," confirmed the above testimony, and declared that the whole of the cargo on board belonged to persons residing at Iguape, and no part of it to either of the Passengers.

In addition to the above, two slaves, belonging to the smack "*Novo Destino*," and who it appeared were "Ladinos," not new blacks, were also interrogated, but from their replies, which were to the same purport as the foregoing, nothing further was elicited.

An examination, however, ordered by the Court, fully verified the assertion of the Mate, that the "*Novo Destino*" was in no way equipped for the Slave Trade, nor was there the slightest appearance or indication visible in any part of that vessel of her having had any slaves on board beyond the two in question. On the contrary, the state in which she was found, up to the moment of adjudication, clearly proved the impossibility of her having been employed in conveying slaves.

On the 18th September the Court (whose proceedings had been protracted by the discussion of two incidental questions which arose at the opening of this case) met for the adjudication of the "*Novo Destino*," and a sentence was unanimously agreed to by the respective Commissary Judges, declaring the detention of the vessel, under the circumstances, to have been fully justified, emancipating the two new blacks found on board, to be placed at the disposition of His Majesty the Emperor, but restoring the smack with the whole of her cargo to her Owner, without, however, giving him right to claim any indemnification whatever for the detention.

One of the incidental questions above referred to related to some copper found on board. The Brazilian Commissary Judge claimed it on the part of his Government; the British Commissary Judge thought it could only be considered as forming part of the cargo, and as liable to share the eventual fate of the same. On this point lots were drawn, when the lot falling on His Majesty's Commissioner of Arbitration, he confirmed the opinion of the British Commissary Judge, and the copper was accordingly included in the restitution of the vessel.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

Rio de Janeiro, 21st September, 1835.

Third Enclosure in No. 197.

(Translation.)

By the examination of the present proceedings is proved, 1st, The apprehension of two new Africans, which gave cause for the detention of the Brazilian smack "*Novo Destino*," by the Brazilian brig of war "*Imperial Pedro*."

2. The finding of sundry papers belonging to the First Lieutenant of the Brazilian Navy, Diego José Cony, a passenger in the same smack, who absconded therefrom before the second examination was made on board by the officers of the aforesaid brig.

By the papers relating to the smack, deposition of witnesses, and the examination that was ordered to be made on board, it appears that having sailed from the port of Iguape, laden with rice and other productions of the country, the Master of her, José Nunez da Silva, afterwards, in the port of Cananca, took on board as passengers the aforesaid officer of the navy, two Portuguese, José Maria and Francisco Antonio, and the above-mentioned two Africans; and that continuing on his voyage to this port he put into Sao. Sebastiao, and was there visited and taken by the aforesaid brig.

The detention being warranted by the fact of the two Africans having been found, it not having, however, been proved, by the steps which have been taken, that this vessel was employed in the traffic of Africans, but, on the contrary, it being clearly shown that her destination was direct from the port of Iguape with the cargo already mentioned, as evidently appears even by the Letters of Instructions of her respective owner, who had no concern in the embarkation of the said two Africans, the Commissary Judges of the Mixed Commission, although they consider the detention of the smack to have been justifiable on account of the discovery of the said Africans, yet, being convinced that this vessel was not employed in the illicit traffic in Africans, decree that she be released from the custody in which she is at present, and be delivered to her Owner, with all her cargo, without admitting any right to indemnification, and declare the two Negroes free and emancipated, to be placed at the disposal of the Government of His Majesty the Emperor, in conformity to Article 7 of the Regulation annexed to the Convention of July 28, 1817.

With respect, however, to the papers belonging to the First Lieutenant Diego, José Cony, although it evidently appears from them that this officer went from thence in charge of the speculation of the schooner "*Prudencia*" and "*Flor del Ethiopia*," which sailed from this port under the Portuguese flag for the coast of Africa, and also of a smack "*Flor de Brazil*," that was in the port of Angola, and placed at his disposal, as well as all the cargoes of the above-mentioned schooners, in which some

Brazilian subjects had an interest, and some foreigners residing here; and that there exists the best-founded presumption that the whole of the speculation was designed for the illicit traffic in Slaves, and even that the same were perhaps conveyed to and landed at the port of Cananca; yet the schooner "*Flor da Ethiopia*" not having been seized, although the Captor in his Despatch reported that she was at Cananca, the fact of the importation and landing of the Africans, which rests wholly on presumption, not having been fully proved, and it not being possible for the Commission to recur to other means besides the examination of the papers seized, whilst all the parties concerned in the said speculation may easily be convicted by the ordinary Judges of the land, the aforesaid Commissary Judges order that all the papers relative to this object may be extracted from the Process, and returned to the Imperial Government, in order that it may direct such legal measures to be taken respecting them as the fact may require, in virtue of the laws and existing Treaties, copies of the whole remaining in the Process.

Rio de Janeiro, September 18, 1835.

(Signed)

GEORGE JACKSON.
JOAO CARNEIRO DE CAMPOS.
NATHANIEL LUCAS,

(A true Translation.)

(Signed)

Interpreter ad int. to the Mixed Commission

No. 198.

His Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 23, 1835.)

MY LORD,

Rio de Janeiro, 21st September, 1835.

IN another Despatch of this date we had the honour to inform your Lordship that a Brazilian smack, called the "*Novo Destino*," had been captured by a Brazilian brig of war, and brought before this Court for adjudication, and that the Papers seized on that occasion proved the existence of a plan for carrying on the Slave Trade on a very extensive scale, by persons resident in Rio de Janeiro and its vicinity.

On board of this were also found thirty-two sealed Letters addressed to persons in this city. On presenting this case, the Brazilian Commissary Judge objected to opening these Letters, on the ground that to do so would be a violation of the Constitution, declaring that he had already written (A.) to his Government for instructions, as well respecting the Letters, as concerning Six Bags of Copper Plates ("*Chapinhas de Cobre*") also found on board.

His Majesty's Commissary Judge having urged, that, in such a case, it was more than ever requisite to follow the usual course, and not to make an exception which might have the effect of defeating the ends of justice, and prevent the full discovery of a plan, the most determined and extended, for violating the engagements which Brazil had contracted with Great Britain for the suppression of the Slave Trade, the Brazilian Commissary Judge desired that the trial of the case might be suspended till the decision of the Government should be taken.

In consequence of that application a "*Portaria*" (B.), dated the 17th August, was addressed to the Commission, confirming the objection of the Brazilian Commissioner, on the receipt of which His Majesty's Commissary Judge, being aware of the negotiations pending between the two Governments for the more effectual suppression of the Slave Trade, and of the present unpopularity of any such measures in the Legislative Chambers, thought it advisable, before determining on the course he should pursue, to inquire of His Majesty's Minister how far he would wish that that course should be influenced by the possible effect which the pressing an obnoxious point of this nature might have on such negotiations, adding that the inquiry had in view that contingency alone, and was by no means the result of any doubt entertained by him of the right for which he was contending.

The answer of Mr. Fox being to the effect that he did not at all wish that any such considerations should enter into the decision of the question, but that he would have the Commissary Judge act simply according to his own view of the Convention, and as if no negotiations of the kind were in progress, the latter lost no time in presenting the Note (C.), pressing either for the immediate opening of the Letters, or, if that were refused, the referring the question to arbitration.

It then appeared that the Brazilian Commissary Judge did not consider the Third Article of the Regulations applicable to this case; and, on the above Note being made known by him to his Government in the Letter

(D.), he, on the 31st August, delivered a Second "Portaria" (E.), reiterating the original determination.

In execution thereof he proposed that the Secretary to the Commission should be directed to send immediately the Letters to the Post-office; and upon the British Commissary Judge declaring, that, though he would not carry his opposition farther, he must decline being in any manner a party to that step, against which, moreover, he felt it his duty to protest, the order, with one Signature only, was issued to the Secretary, and the Letters were forwarded accordingly. In consequence, the British Commissioner caused the Protest (F.) to be inserted in the Journals.

Your Lordship will observe that, in the communications between the Imperial Government and its Commissioner, mention is also made of certain Copper Blanks for coining, as not coming under the cognizance of the Commission. The British Commissary Judge, in his view of this part of the question, not considering it to be either the duty or within the competence of the Court to inquire whether the introduction of that article was contraband, and punishable, as such, by the Revenue Laws of the Country, contended that the Court should regard it only as part of the cargo, and therefore liable to the eventual fate of the same. To this argument his Brazilian colleague so far yielded, that he waived the strict execution of the instructions contained in the first "Portaria," and consented to a reference; when the Lot falling on His Majesty's Commissioner of Arbitration, that Gentleman coincided with His Majesty's Commissary Judge, and delivered the opinion contained in the Paper (G.) The result was, that the vessel, with the whole of its cargo, was restored by the sentence of the Commission, without prejudice, of course, to any proceedings which the Imperial Government may think proper to institute against the parties with reference to the introduction of the copper.

These several Papers, from A. to G. inclusive, we have the honour to forward to your Lordship, in original and translation; the two Letters of the Brazilian Commissioner, forming no part of the proceedings of the Court, your Lordship will observe are not certified by its officer, being communicated confidentially.

It remains only for His Majesty's Commissary Judge to express his humble hope that the course he felt it his duty to follow, in the two disputed points above detailed, will meet with your Lordship's approbation.

The principle he contended for appeared to him to be of great importance, and, as regarded the first question, to be fully recognised, as well by the Declarations of the Brazilian Commissary Judge in the Proceedings of the "Eliza," in 1830, as by the first Letter asking for Instructions in the present case—both speaking, not of the Papers of the vessel, but of those found in or on board the vessel. The rejection of this interpretation on the present occasion is the more to be regretted, as by it we have probably deprived ourselves of the means of discovering the full extent of this conspiracy, which was an additional motive with the British Commissioner for persevering to the utmost in his claim; and he was certainly the less prepared for the refusal of his Brazilian colleague to decide the question by arbitration, when he recollected the free use which the Brazilian Branch of the Commission had insisted on in adjudicating the case before named, of the "Eliza."

We have, &c.

(Signed)

GEORGE JACKSON,
FRED. GRIGG.

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

&c.

&c.

&c.

First Enclosure in No. 198.

(Translation.)

THERE being, among the Papers seized on board the smack "Novo Destino," detained by the brig "Imperial Pedro" on suspicion of having been employed in the African Slave Trade, thirty-two letters sealed and directed to sundry persons of this city, and as it may happen that the British Commissary Judge of the Mixed Commission, to which this business is referred, may wish to open them for the better elucidation of the respective proceedings, in order to avoid any discussion respecting it, and to act with the same regularity that I have hitherto observed, I beg leave to request your Excellency's

decision upon this point for my government, since the instructions annexed to the Convention by which the Commission is regulated, requiring that the process regarding the prizes shall be formed of all the Papers found on board, does not, however, specify Letters; and the 93d Article of the Code of the Criminal Process prohibits private letters being received in Court without the consent of the writers, unless such letters furnish proof against them.

Six bags, containing copper blanks for coining, having also been seized on board of the same smack, as is seen by the Act of the First Examination made by the Judge, and this matter appearing to me to be quite out of the jurisdiction of the Commission, and that it ought to be submitted to the proper Judge, I request that your Excellency will be pleased to signify your determination respecting this matter also.

May God preserve, &c.

Rio de Janeiro, 8th August, 1835.

(Signed) JOAO CARNEIRO DE CAMPOS,
Brazilian Commissary Judge.

Most Illustrious and Excellent Governor Manoel Alves Branco,
Minister and Secretary of State for the Affairs of Justice.

(A true Translation.)

(Signed) NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

Second Enclosure in No. 198.

(Translation.)

THE Brazilian Commissary Judge of the Mixed Commission respecting the Traffic in Slaves having requested information as to what he ought to do with the thirty-two sealed letters, and six bags of copper blanks for coining, found on board the smack "Novo Destino," detained by the brig "Imperial Pedro," on suspicion of being employed in the African Slave Trade, the Regency, in the name of the Emperor Don Pedro II., orders it to be noticed to the Mixed Commission, through the Department for Foreign Affairs, that, after an account shall have been taken of the Letters according to their superscriptions, they should be sent to the Post-office of this city, in order that they may, through that channel, reach their destination, no reason, however plausible it may appear, being admissible to warrant the infringement of the stipulations of the Constitution, and of the Laws of the Empire, by the opening of the said Letters, and the violation of the secrets contained in them; neither can any reasoning whatever that it may be attempted to deduce from the provision of the ninety-third Article of the Criminal Code be available, because none has any reference to sealed Letters, nor to such as may be obtained without the consent or authority of the persons who wrote them, or of those to whom they may have been addressed. And, with respect to the bags of copper blanks, the mere finding of which not being sufficient of itself to serve as a basis for the accusation of the crime of coining false money, the said Commission should cause the Act of the Examination made before the respective Justices of the Peace to be extracted from the Process, and to be sent to this Office, in order that the proper destination may be given to it.

Palace, Rio de Janeiro, 17th August, 1835.

(Signed) MANOEL ALVES BRANCO.

To the Mixed Commission,

&c. &c. &c.

A true Copy, (Signed) BRAZ MARTINS COSTA PASSOS, Secretary.

A true Translation. NATHANIEL LUCAS, Interpreter ad int. to the Mixed Commission.

Third Enclosure in No. 198.

(Translation.)

REFERRING to the Declaration of the Brazilian Commissary Judge of the 11th instant, and to the "Portaria" which has since been addressed to the Court on the same subject, that of the opening of the Letters found on board of the "Novo Destino," captured and brought before the Mixed British and Brazilian Commission for adjudication, on account of two new African Slaves having been found concealed on board of that vessel, the British Commissary Judge declares that, in the discharge of his functions, it is not permitted to him to recognise any law, as a rule for his guidance, other than the several Conventions, &c., from which his powers as a Commissioner emanate, and that, consequently, with every respect for the intimation addressed to the Commission by order of the Regency, in the name of the Emperor Don Pedro II., he cannot refrain from insisting on the Letters in question being opened and read, as has been the uniform practice, as well in the British and Brazilian, as in the other Mixed Commissions established at Sierra Leone, and according to the course followed in the recent case, before this Court, of the "Rio da Prata."

In this question the British Commissary Judge considers himself as having no option; it is therefore the less necessary for him to apply himself, as he otherwise would do, on the one hand, to show how important the examination of these Letters found on board of the prize may prove for the more complete detection of the crime, especially in a case where the documents already before the Court prove the existence of an organized system, on the part of certain Brazilian citizens, to set at defiance the engagements between Great Britain and Brazil, employing for that purpose several vessels under the special control and direction of an officer of the Brazilian Navy; and, on the other hand, to demonstrate the inapplicability of the articles adduced in opposition to his proposition, all of these, be it remembered, posterior to the date of the Convention on which he grounds his claim, and which Convention must be deemed as much a part of the law of Brazil as any other legislative enactment whatsoever actually in force.

The first Article invoked against his claim is No. 27 of the 179th Article of the Constitution, under Title 8. It is as follows:—

"The secrecy of Letters is inviolable. The administration of the Post-office is strictly responsible for any infraction whatever of this Article."

Now does not the latter branch of this sentence clearly point out what is meant by the inviolability spoken of in the former, viz., that of Letters confided to the Post-office? How otherwise could that department be made answerable for its infringement?

The second Law said to militate against the claim of the British Commissary Judge is the 7th Section, Chapter 1st, of the 2nd Title of the Criminal Code, specifying the penalties incurred by those found guilty of "maliciously abstracting Letters from the Post-office, or of taking them, in any way, from any private carrier," and is headed "Opening of Letters."

Do not these terms suppose an illegal possession, whether by violence or artifice, of such Letters, for improper purposes? and can these terms apply by possibility to the act of a competent tribunal in prosecution of a criminal, and more particularly in a case where that criminal is taken *flagrante delicto*?

The third and last objection is founded on the 93rd Article, 6th Chapter, of the "Codigo do Processo." It is thus expressed:—"Private Letters shall not be produced in judgment without the consent of the writers, *unless such Letters furnish proof against them.*"

This Article must, of course, relate to Letters already open, and would therefore seem clearly inapplicable to the present case. As far, however, as any argument can be deduced from it, it would appear rather to make for than against the course proposed by the British Commissary Judge, inasmuch as it recognises the principle, that where the contents of Letters tend to prove the accusation, their production is allowable.

At all events, in the case of the inhuman traffic in Slaves, where every artifice is resorted to, and where no cruelty however revolting, no perjury however atrocious, is spared in its pursuit, to refrain from the examination of every document which can, by possibility, throw light on the transaction, appears to the British Commissary Judge to be, not only a gratuitous surrender of the surest means of arriving at the truth, but, with deference he would add, an unwarrantable dereliction of duty, on the part of the Court, in a case involving the best interests of one of the high contracting parties, and the liveliest sympathies of the other.

Such being his conscientious opinion, the British Commissary Judge cannot but again urge the adoption of the course proposed by him, in virtue of the authority given by the Convention; or, supposing his Brazilian colleague still to dissent, that recourse be had to the remedy provided by the same Convention in case of non-agreement on the part of the Commissary Judges, namely, referring the point to the decision of an arbiter.

Rio de Janeiro, 21st August, 1835.

(Signed) GEO. JACKSON.

(A true Copy.)

(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true Translation.)

NATHANIEL LUCAS, *Interpreter ad int. to the Mixed Commission.*

Fourth Enclosure in No. 198.

(Translation.)

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

WHAT I expected has occurred respecting the opening of the Letters seized on board the smack "*Novo Destino*," taken on account of two Africans having been found on board of her, and about which I had the honour to address your Excellency.

The British Commissary Judge, after I presented the "*Portaria*" directed by your Excellency to the Commission, which, in answer to my representation, determined that the said Letters ought not to be opened, because the constitution and the prescriptive laws of the Empire cannot by any means whatever be infringed, and that it would be more proper, after an account of them be taken, that they should be sent to the Post-office, desired to be allowed some days to consider the matter; and at the Session held yesterday he declared, that without wishing to enter into the question as to whether the established forms of the constitution of the Empire and of its respective codes were, or were not, applicable to the stipulations made between the Government of Brazil and that of Great Britain, he required that, for the decision of this question, the provision of the third Article of the Regulations of the Mixed Commissions, annexed to the Convention of the 28th July 1817, for drawing Lots between the Commissioners of Arbitration, might be put in practice. I observed to him that this stipulation did not appear to me to be applicable to the case in question, because it could only be understood with respect to the doubts that might arise between the two Judges touching the final sentence of the process, but never so as to infringe an article of the constitution, and which regards the inviolability of the civil and political rights of Brazilian citizens.

He did not assent to these, nor to many other arguments by which I endeavoured to convince him that, even according to the spirit of the aforesaid Article, Letters never could be comprehended in it, for, in the instructions respecting the form of the proceedings, the ship's papers are alluded to, which appeared to me to be the passport, clearances, log-book, manifests, and all others of a similar description, or that may be found open, but not sealed Letters; and because nothing was sufficient to convince him, and he insisted on the drawing of lots between the Arbitrators, I required that the question should await the further decision of the Government, and for this purpose I have the honour to make the present communication to your Excellency, that you may decide as to how I am to act under such circumstances.

Rio de Janeiro, 22d August, 1835.

May God preserve your Excellency.

(Signed)

JOAO CARNEIRO DE CAMPOS, *Brazilian Commissary Judge.*

To the Most Illustrious and Most Excellent Señor }
Manoel Alves Branco, Minister and Secretary of }
State, ad interim, for Foreign Affairs.

(A true Translation.)

(Signed) NATHANIEL LUCAS, *Interpreter ad int. to the Mixed Commission.*

Fifth Enclosure in No. 198.

(Translation.)

HAVING laid before the Regency, in the name of His Majesty the Emperor, the Despatch which you addressed to me, in date of the 22nd instant, in which you represent that the English Commissary Judge of the Mixed Brazilian and English Commission did not assent to the decision taken by the Imperial Government relative to the not opening the sealed Letters which were seized on board the smack "*Novo Destino*," the same Regency orders it to be communicated to the above Commission, by the Department of State for Foreign Affairs, that there is no express and positive stipulation in the Convention of the 28th of July, 1817, to support the opinion of the above-mentioned English Commissioner; and should there perchance be such, as being contrary to the letter and spirit of the Constitution, it ought to be held as not written, because it would, in its very origin, be null, invalid, and untenable; and supposing even that anything were met with, appearing in any way to support the opinion of the above Commissioner, the interpretation should always be such as to exclude the absurdity of its being opposed to the Constitution, in every case sacred and inviolable; more especially as the Papers of which the said Regulation of the 28th of July makes mention, to the examination of which it is ordered to proceed in the adjudication of Vessels detained, are those only which in reality belong to the same Vessels, such as Cargo-book, Bills of Lading, Passports, Journals, and other Papers appertaining to the lading and direction of the same.

In consideration thereof the opposition made by the English Commissary Judge does not apply, the drawing by lot of Arbitrators not being applicable to the case in question, and it being proper that the "*Portaria*" of the 17th instant be punctually observed.

Palace, 28th August 1835.

God preserve, &c.
(Signed) MANOEL ALVES BRANCO.

To *Señor Joao Carneiro de Campos*.

(A true Copy.)
(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary*.

(A true Translation.)
(Signed) NATHANIEL LUCAS, *Interpreter ad int. to the Mixed Commission*.

Sixth Enclosure in No. 198.

(Translation.)

TAKING into consideration the "*Portaria*" of the 28th instant, and the Resolution which, in consequence of it, the Brazilian Commissary Judge adopted, of taking upon himself the sole responsibility of ordering the Secretary to comply therewith, the British Commissary Judge refusing to take any part in it, and even to sign the usual Document, as being overruled, the said British Commissioner finds himself under the necessity of protesting, as he hereby does:—

First, against his Brazilian Colleague having refused to follow the rule prescribed by the third Article of the Regulations,—“In case the two Commissary Judges should not agree upon any (other) doubt that the stipulations in the Convention might give rise to;” and, secondly, against the adoption of the same responsibility by the Brazilian Commissary Judge ordering the Secretary to deliver up the Letters which have been the subject of discussion, thus violating (as appears to him, for the reasons already expressed) not only the letter and spirit of the different Contracts between Great Britain and Brazil respecting the Traffic in Slaves, but likewise counteracting the express stipulation of the aforesaid Regulation; it being evident that, if one branch of the Commission were permitted to disregard that or any other Article of the Instructions by which the Commission should regulate itself, the same power could not be denied to the other branch, supposing it to have reasons which may appear to it no less strong and conclusive.

Rio de Janeiro, 31st August 1835.

(Signed) GEO. JACKSON.

(A true Copy.)
(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary*.

(A true Translation.)
(Signed) NATHANIEL LUCAS, *Interpreter ad int. to the Mixed Commission*.

Seventh Enclosure in No. 198.

(Translation.)

THE British Commissioner of Arbitration having duly considered the reasons verbally adduced by the Commissary Judges of this Commission as to the question of extracting the Proceedings respecting the six Bags of Copper Blanks found on board of the smack "*Novo Destino*," and the sending them, with the said Copper Blanks, to the Imperial Government, is of opinion that the Copper Blanks should be considered as merchandise, and making part of the cargo of the smack, to be dealt with according to the final decision of the Commission respecting her, agreeable to the opinion of the British Commissary Judge.

Rio de Janeiro, 2nd September 1835.

(Signed) FRED. GRIGG.

(A true Copy.)
(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary*.

(A true Translation.)
NATHANIEL LUCAS, *Interpreter ad int. to the Mixed Commission*.

No. 199.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Rio de Janeiro, 19th October 1835.

WITH reference to the several Enclosures in our Despatch, of the 8th July, we have the honour to transmit to your Lordship herewith Copies and Translations of four other Documents relating to the same subject, viz., the landing of a cargo of new Africans from a Portuguese brig, called "*Duque de Braganza*," which was run aground by the Brazilian brig of war "*Imperial Pedro*," in the vicinity of Ilha Grande.

(A) is the reply of the Justice of the Peace to whom the Vice-President of this Province wrote, expressing his surprise at the silence which had been observed towards him on the subject by the Judicial Local Authorities, and calling for a full Report of the whole transaction; and as, of course, all knowledge of it is denied by the aforesaid Justice of the Peace, we only trouble your Lordship with this Enclosure, as showing how such requisitions are wont to be met, and how futile they uniformly prove.

Enclosures B, C, and D, are Reports from the Judge ("*de Direito*"), of whose probity and zeal in the service the Vice-President spoke so favourably. They detail the various steps taken by him in fulfilment of the instructions he had received, and which would seem fully to warrant the confidence reposed in him by the Vice-President; but his best exertions have had no other result than the fullest confirmation of the notoriety and impunity with which the Slave Trade is carried on along this Coast, and the impracticability, under existing circumstances, of putting a stop to it.

"None," says the Judge, in one of these Reports (B), "will commit themselves; no witnesses will appear, nor will any depose in Court to the truth of their previous statements: neither does there exist any means of enforcing the law." And when your Lordship is informed that this is but too faithful a picture of the state of affairs generally, you will at once perceive with how much greater force it applies to cases relating to the traffic in slaves.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

First Enclosure in No. 199.

(Translation.)

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

IN obedience to the despatch of your Excellency dated the 11th of June last, enclosing a copy of that of the Minister and Secretary of State for the Affairs of Justice of the 4th of same month, in which your Excellency, after expressing surprise at the silence observed by the Judicial Authorities of this place respecting the facts which were the object of the said despatch, orders me to make a full report of what has been ascertained in this respect, I went to the estate called Laranjeiras, and after going into the most rigorous examination and inquiry, and seeking for information from different persons without any satisfactory result, I proceeded to put in force the summary means, summoning witnesses from the different places in the neighbourhood of the said estate, whose testimony appears in the above-mentioned summary Act, which I have the honour to lay before your Excellency.

It is my duty to inform your Excellency that I did not find any proof of such landing having taken place, but merely heard that about the end of May last a vessel had gone ashore on one of the Beaches of the Town of Ubatuba, in the Province of St. Paul; and, as such an event is not unfrequent in those parts, it did not astonish me, and I took no measures respecting the same, as it occurred at a place situated in a different Province, where the respective Justice of Peace must be resident.

I have further to submit to your Excellency that, besides this District being of great extent and of small population, my residence is distant from the Fazenda three leagues in one direction, partly by sea and partly by land, the road being very bad, and by sea from five to six leagues, along a boisterous coast almost without shelter; and for these reasons it is not surprising that events may take place unknown to the competent Authorities, without their being on this account negligent in the performance of their duties, or in connivance with the transgressors of the law.

May God preserve, &c.

First District of the Town of Paraty, 6th of July 1835.

(Signed)

BERNARDINO JOZE BORGES,
Justice of Peace.

*To the Most Illustrious and Most Excellent
Señor Paulino Jozé Soares de Souza, Vice-
President of this Province.*

(A true Translation.)

(Signed)

NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

Second Enclosure in No. 199.

(Translation.)

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

I ACKNOWLEDGED the receipt of the Despatch of the Government, dated the 11th instant, which came to hand by post on the 22nd. I am thereby ordered to report, with all despatch, and minutely, whatever I may know and be able to discover respecting the matters which form the object of the Despatch from the office of the Secretary of State for the Affairs of Justice dated the 4th instant, a copy of which was transmitted to me, by putting in force the power vested in me by the 46th Article, sec. 9, of the Code of Procedure, in order thereby to effect the discovery and punishment of the Importers of, and others interested in the landing of, a considerable number of Africans at the place called Laranjeiras, which forms the limit of the District of Angra dos Reis.

It is extremely painful to me not to be able to make to your Excellency any favourable report concerning this affair, having yet, however, to make some investigations that may be useful. In my Despatch of the 13th of March last I informed his Excellency the President that the absence of pirates or contraband vessels must, unquestionably, be attributed to the constant cruising of the ships of war round the Island. They all make for the southernmost parts of the District, contiguous to that of Santos; I am still convinced of this, and that the landing in question was effected at some of those places to which I refer.

I was upon my circuit at Itaguahy when I heard of the seizure made by the "*Imperial Pedro*," and at the latter end of the month of April I heard that a smuggler coming from the South part of the District to the Pontal landed there between thirty and forty Africans, which I did not doubt were part of those recently landed at the Laranjeiras. This occurrence taking place on the 28th of April, it not being possible for me to adopt any immediate measures, leaving Itaguahy for the Municipality of Mangaratiba on the 30th of the same month, in a conversation with the Justice of Peace who presides in the District of the Pontal I endeavoured to gather some information upon the subject, but which I could not obtain: in consequence of which, on reaching Mangaratiba, I wrote him the Despatch that appears in the Document No. 1; in answer to it I received that numbered 2; all which made me despair of my inquiries respecting the said affair ever proving effectual to the public cause.

On my arrival at this city I heard a vague rumour of some of the Africans having been conveyed into the centre of my District, and others inland towards the mountains, and, moreover, that many of the same perished amongst the waves, into which they were thrown by their cruel oppressors during a storm which they encountered in the neighbourhood of the spot called Laranjeiras, where the landing was effected. I have made use of the expression "vague report," because such it is. Neither a single information nor a formal accusation, nor one weighty and important indication, has ever been transmitted to me. None (according to the general phrase) will commit themselves, nor does a single witness appear; no one will in Court bear witness to that which frequently passes current from mouth to mouth. Should it, on any chance information, be attempted to institute a process, the very persons mentioned in that information profess themselves to be ignorant of the fact. How then can the Law be enforced when opposed by so many obstacles? Supposing even that the Authorities, not suspected, receive information that at some certain point a landing is to take place, or that some Africans are there, how can assistance be sent to the places pointed out? What people are to form the force that is to execute the duty? There are only National Guards. If, however, I should declare to your Excellency, upon oath, that in the Municipality of Angra dos Reis there do not exist, strictly speaking, any National Guards—that the greater part of them perform no duty—that there is no discipline—that they are not dressed in uniform—that the requisitions of the Authorities are not complied with—that having myself, with a month's previous notice, required ten National Guards for the service of the Jury, I was not served in time, and afterwards very badly so—your Excellency will certainly agree with me that there is no resource nor help against these infamous smugglers. But, even should the Justices of Peace be honest, either they cannot surmount the obstacles enumerated, or, when they receive information of the crime having been committed, a long time has already elapsed.

Notwithstanding so many difficulties, I do not cease to make every exertion for the observance of the Laws, sustaining, as far as I am concerned, the interest of the public cause, and thereby obtaining the character of being honest that your Excellency ascribes to me, which I will never sacrifice to a sympathy for crime with which I have never held any concord. Therefore, immediately on the receipt of the Despatch of your Excellency which gives rise to this reply, I remained there only two days, at the end of which the sitting of the Jury was closed, and set out immediately for the Island to consult with the Justice of Peace of the 9th District, from whom I required in writing what he had verbally declared to me, the result of which appears in Document No. 3.

Thus only one resource remains, which is to demand from the Justice of the Peace of the last District to the Southward of Paraty the same information which I required from the other Justices already mentioned. The efficacy, however, of this duty I did not wish should depend upon official Reports, always tardy, and never satisfactory. On the 1st of June I am to set out without fail for the District of Paraty, where the Jury commence their labours on the 10th: it will then be a fit occasion for me to apply to that Justice of Peace, and your Excellency may be certain that I shall do my utmost to fulfil all the instructions which have been transmitted to me:

Angra dos Reis, 28th July* 1835.

Most Illustrious and Most Excellent Señor
Paulino Jozé Soaves de Souza, Vice-
President of the Province.

May God preserve, &c.
(Signed)

JOAO ANTONIO DE MIRANDA,
Judge of the District of Angra dos Reis.

(Signed) NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

(A true Translation.)

Third Enclosure in No. 199.

(Translation.)

ON my arrival at this Municipality, which I intend soon to leave, having fulfilled in it all the duties incumbent upon me, I endeavoured to gain information respecting the landing of Africans at the

* Supposed to be written by mistake for June.

“Laranjeiras or Praia Brava.” Acting in concert with the Justice of Peace of the 1st District, as I promised your Excellency in my Despatch of the 28th of last month, no further good result could I obtain, beyond the fact of the impossibility of punishing the guilty, and those concerned in such a revolting trade.

Besides what the Justice of Peace assured your Excellency in this Despatch of the 6th instant, a copy of which he sent me, it has not been possible to make any further discovery. When I heard that he had already commenced a summary proceeding, examining five witnesses, who all swore that they did not know anything about the matter, I lost the hope of being able to show in an extremely clear and convincing manner the zeal and interest which I take for the punishment of those perverse men, and much more particularly of those in question. I required to have in writing what he had declared to me personally, and it consists of the statement in the enclosed Despatch, by which your Excellency will see that I obliged him to require of his Inspectors information relative to the very painful occurrence. Respecting this demand nothing has hitherto been transmitted to me—no other remedy or recourse is in my power. I should be very fortunate if by that I could renew the Summary Act, according to the terms of the 149th Article of the Code of Criminal Procedure, but I am convinced that a similar requisition will have the same effect as that made by the Justice of Peace of the 1st District of Mangaratiba upon the same subject; and so great is my discouragement in this respect, that I consider it would be impossible to know the truth, or to discover a single delinquent, were it even permitted to put in force the old practice in the examination of witnesses.

Of the result of the last-mentioned attempt I will, however, inform your Excellency, assuring you of my unceasing vigilance that such shameless criminals may receive neither strength nor encouragement.

May God preserve, &c.

Paraty, 28th July 1835.

To the Most Illustrious and Most Excellent Sir,
Paulino José Soares de Souza, Vice-President
of the Province.

(Signed)

JOAO ANTONIO DE MIRANDA,
Judge of the District of Angra dos Reis.

(A true Translation.)

(Signed)

NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

Fourth Enclosure in No. 199.

(Translation.)

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

Angra dos Reis, 21st August 1835.

I HAVE the honour to lay before your Excellency the enclosed Despatches, relating further to the landing effected at the “Laranjeiras,” or rather at “Praia Brava.” From them your Excellency will perceive that I have spared no means in my power, and will likewise see how ineffectual will be any measures that may be adopted for the same purpose. I had only one resource left me, which was to summon before me for examination the inhabitants of the place where the crime was committed. Not only, however, the enclosed Despatch from the Justice of Peace, but also the investigation which I made to become acquainted with the locality of the spot, convinced me of the impossibility of such an event.

Notwithstanding that I yet cherish the hope of receiving the report of the inhabitants of the beach or the place of landing (if by chance the Justice of Peace should find any there), little assistance still do I expect therefrom, considering that the same is situated in a different District, to the Judge of which I intend to communicate everything that has occurred upon this affair.

May God preserve your Excellency many years.

To the Most Illustrious and Most Excellent Sir,
Paulino José Soares de Souza, Vice-President
of the Province.

(Signed)

JOAO ANTONIO DE MIRANDA,
Judge of the District of Angra dos Reis.

(A true Translation.)

(Signed)

NATHANIEL LUCAS,
Interpreter ad int. to the Mixed Commission.

No. 200.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Rio de Janeiro, 20th October 1835.

Two further Decrees of the Regency, respecting the blacks taken on board of the two vessels “*Amizade Feliz*” and “*Angelica*,” having been published, we have the honour to enclose to your Lordship herewith Copies of the same, with their Translations.

The first shows the pertinacity with which the Owners of these vessels persist in their endeavours to get back the Slaves that were shipped in them, and the no less determined resistance on the part of this Government. Of this the idea thrown out of sending the case for adjudication to Sierra Leone, in the event of the parties being disowned by the (Argentine) Cisplatine Government, is a strong, though singular proof, and can only be accounted for in that sense, or as evincing a total ignorance of the constitution of the tribunals established in that colony.

The second Decree (B.) orders that the Parties having failed to enter into the required security that the Africans in question should be conveyed to the Port of Monte Video, such of them as are not wanted for the Public Works should be hired out as usual, and under the special condition of their being re-delivered when called for by the Government.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

First Enclosure in No. 200.

(Translation.)

Palace, 19th September 1835.

THE Regency, in the name of the Emperor Don Pedro II., orders it to be notified to you, in answer to the Petitions of Damasó Pereira and another, Pilots of the brig "*Amizade Feliz*" and the schooner "*Angelica*," that you are to carry into execution the Orders of the 17th and 25th of last month, which the Regency considers to be necessary for the just execution of the Laws and the Treaties.

Notwithstanding the assertion of the Petitioners, that their Contracts with Monte Video were disapproved, they must first go to that Republic, in order to its being ascertained whether the two vessels in question are included in those Contracts, and what, according to them, was to be the condition of the Africans, which was not declared in the proceedings, even by one authenticated Certificate; which moreover was very important for the defence of the Petitioners, in the possible event of their being met with by a cruiser, or their putting into a port of Brazil.

The assertion of the Petitioners respecting the character of Colonists, which they say belonged to the Africans found on board their vessels, being true, the whole will be at the disposal of the Argentine* Government, which will undoubtedly give to the Petitioners full protection, in observance of the faith of its Contracts, receiving the said Africans, or causing them to be re-exported to some port in Africa; and, should that assertion not be true, the Brazilian Government will derive another undeniable reason to cause the Petitioners to be tried before the Mixed Portuguese and English Commission at Sierra Leone, according to the Regulation in the 1st Article, sec. 4, of the Treaty of the 28th July, 1817.

You may, however, prolong the time for the presentation of the Certificate, giving notice to the Government as soon as you shall have taken the security, in order that, beside the same, it may have recourse to all necessary precautions, that its measures may not be thwarted, and the Petitioners not continue to abuse with impunity the Laws and Treaties of the Brazilian nation, and those of their own country.

May God preserve your Excellency.

(Signed) MANOEL ALVES BRANCO.

To the Municipal Judge of this City.

(A true Translation.)

(Signed) NATHANIEL LUCAS,

Interpreter ad int. to the Mixed Commission.

* "Argentine," by mistake, instead of "Cisplatine."

Second Enclosure in No. 200.

(Translation.)

Palace, 9th October 1835.

THE term prescribed to the Shippers of the Africans imported in the brig "*Amizade Feliz*" and the schooner "*Angelica*" having expired, without their having produced before the Municipal Judge the Bond required of them, that the said Africans should be conveyed to the port of Monte Video, whither they alleged that they were destined as Colonists, and it not being proper to detain these unhappy beings any longer on board the same ships where they are in deposit, subject to the sickness which has already broken out, nor that the Public Treasury should continue to be burthened with the expense of their sustenance and medical treatment, already too heavy, the Regency orders, in the name of the Emperor Don Pedro II., that, in concert with the Municipal Judge, you proceed to take charge of all the Africans belonging to the cargoes of those vessels who are on board the transport "*Carioca*," in the House of Correction, or in any other depôts where any of them may exist; and, after separating such as the Manager of the Works there shall select as proper for that labour, that you distribute the remainder among persons resident in this Municipality, in conformity with the instructions and orders lately issued respecting the same, and under the express condition that the Africans must be re-delivered to Government whenever they may call for them; giving finally a circumstantial account of the whole proceeding through this Department.

May God preserve you.

(Signed) MANOEL ALVES BRANCO.

To the Judge of Orphans of this City.

(A true Translation.)

(Signed) NATHANIEL LUCAS,

Interpreter ad int. to the Mixed Commission.

No. 201.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Rio de Janeiro, 28th October 1835.

WE are sorry to have to announce to your Lordship that the Session of

the Chambers has again closed without any fresh measure being enacted for the more effectual suppression of the Traffic in Slaves; and your Lordship will of course learn from Mr. Fox, that the additional Articles which that Minister signed with the Brazilian Secretary of State for Foreign Affairs have not been brought under discussion in either of the Chambers, and remain unratified.

Frequent paragraphs have of late appeared in the Papers deprecating such Ratification, and a representation was addressed to the House of Deputies by the owners of the vessels condemned for slave voyages at Sierra Leone, and for which indemnification has been so perseveringly claimed at the hands of His Majesty's Government, urging the House to take the opportunity to press those claims afresh, and to withhold their sanction to the additional Articles till they should be satisfied.

In the Proclamation just issued by the Regent to the nation, setting forth the principles on which he purposes to administer the Government, the words used, in the only reference to the subject contained in the Proclamation, are the following:—Speaking of the attention to be paid to agriculture, he says, "The prudent introduction of Colonists will render Slavery unnecessary, the extinction of which will be greatly beneficial to the morality and the prosperity of our citizens."

How such prudent introduction, however, is to be effected, appears neither in this Proclamation, where indeed no such detail was to be looked for, nor in the Papers already alluded to from the same pen, except, it is true, that in one of them the use of the Brazilian Navy, for the purpose of transporting Colonists, was suggested; but we apprehend that it will neither be found very practicable to realize such an idea, nor easy, with reference either to the past or to the future, to induce such Colonists as could alone be eligible to emigrate to this country in sufficient numbers to answer the desired object.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

No. 202.

Lord Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 24th December 1835.

I HAVE received your several Despatches, numbered and dated as in the margin of this Letter, containing detailed accounts of the cases of the vessels the "*Amizade Felix*" and the "*Angelica*," brought before the Court of Mixed Commission at Rio de Janeiro, upon a charge of Slave Trade. I have referred these Papers to His Majesty's Advocate-General, and that Officer has reported that the facts and circumstances set forth in those Documents afford no sufficient proof that the vessels in question were the property of British or of Brazilian subjects, or of persons resident in the dominions of Great Britain, or of Brazil.

The King's Advocate has stated that, upon these grounds, he is of opinion that the Mixed Commission sitting at Rio de Janeiro, in virtue of the Treaty between this Country and Brazil, have acted correctly in declining to adjudicate upon these cases, and in referring the Proceedings to the proper tribunals.

I have therefore to desire that in all future cases of the like nature which may come within your judicial cognizance, you will pursue the same course which you adopted in the case of the "*Amizade Felix*" and that of the "*Angelica*."

I am, &c.
PALMERSTON.

(Signed)

To His Majesty's Commissioners, Rio de Janeiro.

No. 203.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Rio de Janeiro, 7th November 1835.

IN the comments which the Manifesto of the Regent, as was to be expected, has met with, the passage referred to in our preceding Number, on the subject of Slavery, has been more particularly criticised by the Opposition Prints, one of which affects to argue from it an intention on the part of the Regent to do away altogether with Slavery during the four years of his Administration. The writer declares it to be his opinion that the extinction of Slavery will not be realized in "our days," and that Slavery is and will continue to be indispensable for years, and perhaps for ages.

We look upon this declaration rather as proceeding from a spirit of political warfare than as the result of mature deliberation or conviction; at all events, whatever attention it might otherwise deserve must necessarily be greatly diminished when the very different language of the same individual on this subject, as reported in former parts of our Correspondence, is remembered; and our chief reason for troubling your Lordship with any notice at all of this Paper is, the answer it has drawn from the Editor of the "Aurora Fluminense," who, quoting the passage in question from the Manifesto, says—"We know not where M. de Vasconcellos finds "that the Regent intends to extinguish Slavery during his four years' Administration. All that the Manifesto says on this subject is limited "to the above words. It is a *desideratum* which has no fixed epoch for its "accomplishment, which may be realized one, two, or three ages hence, "but for the effecting which rational means should be at once applied. "M. de Vasconcellos names, as the time fixed, the four years of the "Regency of Senhor Feigò. He insults our Planters by supposing they "will give credit to so gross an intrigue. He does not deny the principle "that free labour is preferable to, and more productive than, that of "Slaves; but he intrigues!—he falsifies!—relying on the prejudices and "interests—themselves reasonable—of many of our Planters, which are "compromised."

Considering any evidence on the subject of Slavery as particularly interesting at this moment, we have thought it right to give your Lordship the substance of the remarks made in this Reply, forbearing to trouble you with its entire contents, they being mixed up with irrelevant matter, which has no immediate bearing on the question.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.*The Right Hon. Lord Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

No. 204.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Rio de Janeiro, 9th November 1835.

WE hardly know whether we should be justified in omitting to inform your Lordship of the arrival on these shores of any fresh cargo of African blacks from the opposite coast, however frequently such a circumstance may occur; and this feeling it is which induces us, at the risk of seeming to be unnecessarily troublesome to your Lordship, to enclose herewith Copies and Translations of two Documents which have appeared in the "Correio Official," on the subject of a landing of Africans, in September last, in the vicinity of Ilha Grande, although we are sorry to have to add that neither the Despatch from the Judge ("de Direito"), giving an account—a very imperfect and unsatisfactory one—of the transaction, nor the Reply of the Vice-President of this Province, contain anything more than

a confirmation, on the one hand, of the obstacles to be contended against, and, on the other, of the insufficiency of every attempt to counteract them.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

Enclosure in No. 204.

Palace of Government of the Province of Rio de Janeiro,
13th October 1835.

(Translation.)

I ACKNOWLEDGE the receipt of your Despatch of the 27th of last month, in which you communicate the disagreeable intelligence of a landing of Africans having been effected, on or about the 20th of same month, at a place called Dois Rios, the seventh District of the Municipality of Angra dos Reis, and also of the judicious steps taken by you, not only for the apprehension of the said Africans, but also for the discovery and punishment of their importers. Such being the only measures which can be adopted, besides the existing Cruisers, the Provincial Government waits the result, in order to take other means, and commends the zeal, diligence, and judgment, which you have always shown in the public service.

May God preserve you.
(Signed) PAULINO JOZE SOARES DE SOUZA.

To the Judge and Chief of the Police of the District of Angra dos Reis.

(A true Translation.)

(Signed) NATHANIEL LUCAS, *Interpreter ad int. to the Mixed Commission.*

Sub-Enclosure in No. 204.

Despatch referred to in the preceding Document.

Angra dos Reis, 27th September 1835.

It is with the utmost grief that I acquaint your Excellency with the disagreeable intelligence of a landing of Africans having been effected on or about the 20th of the present month at a place called Dois Rios, in Ilha Grande, the seventh District of the Municipality.

I have not received any official Report on this subject; and, were it not for the fearful notoriety of the fact, I might, perhaps, not have had any knowledge of it, and, notwithstanding, it is so vague and uncircumstantial that I can only form an idea of the fact, and of the spot where it happened; consequently it was not possible for me to adopt any preventive measure. The same regulations and instructions pointed out upon former occasions are of no more efficacy than if they never existed. Under these circumstances I have no resource left me but to issue orders again and again. It being impossible for me to remain indifferent to such fearful evils, and to the religious observance of my duties, I wrote officially to several Justices of Peace, requiring and ordering the adoption of certain measures, all which appear by the Copies I transmit enclosed to your Excellency, hoping that your Excellency will approve of them, and concur with me that, in the present state of affairs, none other could be taken.

In other Despatches I have pointed out to your Excellency the obstacles to be contended with regarding this important object. Ilha Grande is of considerable extent; shores almost uninhabited—desert places, frequented only by those interested—afford facilities and advantages for disembarkation which cannot be prevented but by the Cruisers, in defiance of which, however, the arrival in question was effected.

This is all that for the present I can report to your Excellency, waiting for communications and measures on the part of the Authorities to whom I have applied, which I will submit to the consideration of Government as they arrive.

May God preserve your Excellency.
(Signed) JOAO ANTONIO DE MIRANDA,

Juiz (de Direito) and Chief of the Police of the District of Angra dos Reis.

To the most Illustrious and most Excellent Sir, Paulino Jozé Soares de Souza,
Vice-President of the Province of Rio de Janeiro.

(A true Translation.)

(Signed) NATHANIEL LUCAS, *Interpreter ad int. to the Mixed Commission.*

No. 205.

His Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Rio de Janeiro, 10th November 1835.

WE have the honour to forward to your Lordship the Copy and Translation of a "*Portaria*" addressed to this Commission, signed by the Brazilian Minister for Foreign Affairs, which has this day been communicated

to us, intimating, for the information and guidance of the Commission, the acquiescence on the part of the Imperial Government in the opinion entertained by His Majesty's Government with reference to Cases similar to that of the "*Maria da Gloria*," namely, that Portuguese subjects resident in Brazil, who should be found engaged in the Traffic in Africans under circumstances such as marked the case of that Vessel, should be subjected to the jurisdiction of the Mixed British and Brazilian Commission.

The Enclosures mentioned in the above "*Portaria*," namely, the Note presented by Mr. Fox to the Imperial Government, and the Answer it has received, being already in the hands of your Lordship, we consider it superfluous to transmit them afresh.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

Enclosure in No. 205.

(Translation.)

THE Regent, in the name of the Emperor, orders to be transmitted to the Mixed Brazilian and British Commission, through the Department for Foreign Affairs, as well the translation of the Note addressed to him by the Envoy Extraordinary and Minister Plenipotentiary of his Britannic Majesty, notifying that his Government insisted that Portuguese subjects resident in Brazil, who should be engaged in the traffic in Africans, as happened in the case of the vessel "*Maria da Gloria*," should be subjected to the tribunal of the said Commission, as also the answer given to the above-mentioned Envoy, intimating to him that the Imperial Government acceded to that opinion, in order that the aforesaid Mixed Commission may carry into execution what in this respect is determined upon.

Palace, 29th October, 1835.

(Signed) MANOEL ALVES BRANCO.

(A true Translation.)

(Signed) NATHANIEL LUCAS, *Interpreter ad int. to the Mixed Commission.*

No. 206.

Viscount Palmerston to His Majesty's Commissioners, Rio de Janeiro.

GENTLEMEN,

Foreign Office, 19th January 1836.

I HAVE received your Despatches of the 21st September, 1835, containing your Report of the Proceedings of the Court of Mixed Commission at Rio de Janeiro in the case of the Brazilian smack "*Novo Destino*," detained on a charge of illegal Slave Trade.

I have referred the case for the opinion of His Majesty's Advocate-General, who has reported that the Proceedings of the Court of Mixed Commission in this case appear to him to have been correct.

With respect to the right of opening the sealed Letters found on board the "*Novo Destino*," the King's Advocate, upon reference to the circumstances stated, is of opinion that, however desirable it might have been that the contents of the Letters in question should be investigated, you could not, under the power vested in you by the Regulations, have effectually opposed the determination manifested by the Brazilian Government to forward those Letters unopened, through the Post-office, to the persons to whom they were severally addressed.

(Signed)

PALMERSTON.

To His Majesty's Commissioners, Rio de Janeiro.

No. 207.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 17, 1836.)

MY LORD,

Rio de Janeiro, 16th December 1835.

WE are induced to trouble your Lordship with the enclosed Article, because it contains but too faithful a report of the present state of the Slave Trade in this Country.

Such a statement calls for no comment, but we cannot refrain from

expressing our opinion that till some joint arrangement shall be agreed upon between Great Britain, Brazil, and Portugal, by which the abuse of the flag of the latter Power may be obviated, it will be in vain to hope for any abatement of the evil.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

Enclosure in No. 207.

(Translation.)

From "O Fluminense" of the 9th Dec. 1835.

THERE are not wanting people who say that a powerful society has been formed abroad for the purpose of exciting the African Slaves now spread over the entire face of America, and that several emissaries are indefatigably employed in this work, desiring, at the risk of our sufferings, to hasten a benefit which ought to be slow, and prepared with great prudence.

We do not know what degree of credit such a report may be entitled to, but perhaps various movements of such persons in certain parts of Brazil may induce us to believe the account to be true.

However an undertaking of this nature may be covered by the mask of philanthropy, it becomes, at all events, dreadful on account of the dangers to which it exposes the Non-African race, which will have to contend against many evils, and to suffer very serious injuries. But, be the report true or not, it appears that sordid avarice is, besides, plotting in various ways to involve us, in this respect, in many misfortunes; for the introduction of Africans continues perhaps more active than before it was prohibited by a Law which does honour to the wisdom of him who proposed it.

The scandalous effrontery of these Dealers in Human Flesh cannot be greater, induced as they are, by the lure of vile profit, to bring down upon our heads a black and dense cloud of cruel inflictions. We know that there are certain persons who talk of making out a list, by name, of the principal traffickers, even mentioning the streets in which they live, and other particulars; and it is similarly asserted that there are those who are in possession of a positive statement of the vessels that frequent the coast of Africa, all of them being under the Portuguese flag.

There are, moreover, persons who persuade themselves that the contraband Traffic in Slaves cannot be at all lucrative, because, say those who possess love for the country and for humanity, the expenses of bribes to the Justices of Peace, Inspectors, Contractors, and all the other attendant gratuities, must greatly exceed the profits resulting from the sales, which, besides, are often illusory, and disappoint the expectation of the seller, thus verifying the proverb, "The thief who robs a thief obtains a hundred years' pardon;" but this is a mere deception, since formerly the goods cleared at the Custom-house for the Coast of Africa were for consumption, and are now for re-exportation. Slaves imported paid both import and export duties, and now they pay none, and yet neither our public departments nor our delegates have taken the trouble to establish the means of neutralizing the advantages which thus accrue to the contraband traffickers. But it is said that our population is favourable to illicit Trade in Slaves, and that the continual acquittals by the Juries unquestionably prove it. The same argument then may be adduced in regard to all and every crime which we daily see absolved in that popular tribunal; so that, by parity of argument, it may be affirmed that the Brazilian people favour theft, assassination, &c. The truth, tedious to repeat, is that the administration of justice is badly organized; that the Dealer in Slaves possesses more or less money; that he who possesses money, has patrons, and he who has a patron, never dies a Pagan. Who is there that is not aware of the progress made by the Jury among us? A short time ago we saw that in one of the most populous and enlightened Provinces, in a decision of that tribunal, six Jurymen overruled eighteen! Thus much as to the mental capacity of our Peers, not taking into account the well-known defects of the Law, which is of such a nature as to destroy itself: let the following, among many other inconveniences, which, in our humble opinion, is one of the most striking, serve as an example. The Judge of First Instance commits an individual for the commission of a certain crime; the cause goes before the first Jury, which pronounces him guilty; a second Jury classifies the penalty and its degree; the prisoner, thus condemned *in the place where he committed the crime*, appeals to a Jury at some other spot, which ceases to be a Jury, because in such cases it would be to take cognizance of a sentence already given, and this Jury acquits. Here we have the prisoner discharged, and the sentence pronounced at the place *where the crime was committed rendered null*.

But, to continue our first subject, we think, admitting all the defects and inconsistencies of many of our legislative enactments, still that the present Administration, in whom Brazilians have in good faith placed all their hopes, will be able—by exerting themselves to execute and to cause to be executed the Law of the 7th November, 1831—if not to extinguish this infamous commerce altogether, at least to render it less scandalous. Let not such of the officers employed on this service as have already given proofs of their zeal and capacity be changed, as we have perhaps already had instances; let the captors and informers be paid the reward guaranteed to them by the Law, that they may not pay themselves by bargains with the respective traffickers, thus finding their account more in the transgression of the Law than in being subjected to the chicanery which discourages them. Have such Africans as have been taken and liberated been yet sent back, or re-exported to their own country? No. *It is better* that they should be accumulating here by means of the sale, so called, of their services, which, however, is but a name, the result being the same as if the trade were carried on as heretofore; they remain Slaves, and Brazil continues to suffer the *salutary* effects of this *necessary or indispensable colonization!* Certain it is that, if the Law of the 7th November were literally and strictly executed, the impunity attending this object would not be so publicly manifest; neither would the infamous and disgraceful connivance of the Authorities, who are the Traffickers themselves, or else their partners and friends—contributing, in no small degree, towards the demoralization, and the contempt of the Law, the opinion held by ambitious persons, who, intent upon their own interest, at least as regards their continuance in Parliament, publish that it is necessary, in the first

instance, to educate the people, in order afterward to carry the before-mentioned Law into effect; whence arise the inexecution of all the other Laws, the trampling on the most sacred dictates of nature, and, consequently, the shameful manner in which the Traffic in Slaves has, in latter times, been carried on, and this to such a pitch, that, in the Province of Rio de Janeiro alone, upwards of 46,000 have been imported this year. Until a certain time, that is, when a dread of the execution of the Law was entertained, those engaged in that trade carried it on always in fear, and therefore it was undertaken on a small scale; but, latterly, it has increased to such a degree, that not only the Portuguese, who are the principal Traffickers, carry it on largely, but Brazilians also, blinded by avarice, speculate in opposition to the dearest interests of the country; and it is ascertained that other nations likewise bring us their small presents of Negroes. This is the reason why schooners have increased so much in price, that they now cost as much as large ships, and scarcely one enters the port but it is immediately sold. At the present day there are never fewer than fifty vessels on the coast of Africa ready to receive Negroes for Brazil; and the number of vessels to be thus employed is calculated to exceed one hundred and fifty. It is known, without the slightest concealment, both here and at Bahia, when Slave-vessels are fitting out, when they sail, and when they arrive; the Telegraphic Signals plainly announce this, and vessels coming from those parts are shamelessly entered at the Custom-house as "in ballast," or laden with oil, mats, &c. Above all, finally, we repeat that a systematic cruising establishment, with a sufficient number of vessels proper to follow up the landing of Slaves as closely as possible to the shore, should be insisted on, it being essentially necessary that the officers should be worthy of confidence, and not desirous of considering their commission as a mine by which to make their fortune. This, however, may be remedied by inflicting exemplary punishments on such as should thus prostitute their honourable employ; and the Government, if they think proper, may easily repress, to the utmost, the terrible abuse under consideration, by adopting, among many other measures within their reach, that of a well-organized system of secret police, in order to their immediately knowing the Justices of Peace, and other Local Authorities, who enrich themselves at the expense of the incalculable evils of the country, which they thus plunge into a sea of future calamities.

No. 208.

His Majesty's Commissioners to Viscount Palmerston.—(Received Mar. 7, 1836.)

MY LORD,

Rio de Janeiro, 6th January 1836.

WE have to inform your Lordship that since our Half-yearly Report of the 2nd July, 1835, only one vessel has been brought into this Port for Adjudication by the Mixed British and Brazilian Commission for the Abolition of the Slave Trade, viz., the brig "Orion," Theotonio Flavio da Silveira Master, under Portuguese colours, detained by Robert Smart, K.H., Commander of His Majesty's sloop "Satellite," on the 17th December, 1835, having two hundred and forty-five Slaves on board, declared by the said Master, in the declaration of Commander Smart, to be bound from Mozambique to Rio de Janeiro, and brought into this Port on the 20th of the same month, in charge of Lieutenant T. V. Anson, of His Majesty's sloop above mentioned.

This case was libelled on the 22nd ultimo, and is now under the consideration of the Court.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

&c.

&c.

&c.

No. 209.

His Majesty's Commissioners to Viscount Palmerston.—(Received Mar. 7, 1836.)

MY LORD,

Rio de Janeiro, 6th January 1836.

THE present Regent having, with certain modifications, decreed the execution of the Instructions of the 29th October, 1834, for the hiring out of emancipated Africans (which Instructions we had the honour of transmitting to your Lordship at the time), we now beg leave to enclose a translation of the present Decree.

The leading feature of the measure remains the same, viz., the obligation of the hirers to give up the Africans whenever called upon, either for the purpose of re-exportation, or by reason of the non-fulfilment of any of the conditions required of them; and the principal modification regards the removal of the Africans from the respective municipalities. This is now

practicable on obtaining the consent of the Central Government, or that of the Presidents of the Provinces.

The minor alterations respect the mode of distribution, and the number, age, and sex, to be allotted to each hirer. *Cæteris paribus*, the person offering the largest wages to have the preference; but the Judge of Orphans, to whom the distribution is confined, subject to the approval of the Central Government, or of the several Presidents, may use his own discretion upon this subject.

The amount of such wages is to be applied either in aid of the expenses of the re-exportation of the Africans, or for their benefit. Children under twelve years of age are to be received for their maintenance and education only. Curators are to be appointed to enforce exact compliance with the conditions, which, if faithfully attended to, appear to be as favourable to the emancipated negroes as could be desired; although it must be obvious that the facility of removing them from one municipality to another may, if not vigilantly watched, lead to abuse.

We have, &c.
(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

Enclosure in No. 209.

Translation from the "Correio Official" of the 24th of December 1835.

Palace of Rio de Janeiro, 19th November 1835,
14th of the Independence of the Empire.

Decree.

THE Regent, in the name of the Emperor Don Pedro II., has been pleased to approve, and order to be carried into execution, the Instructions of the 29th of October of last year, regarding the hiring of the services of the Africans illicitly introduced into the Empire, with the alterations herewith issued, signed by Antonio Paulino Limpo de Abreo, Minister and Secretary of State for the Affairs of Justice, who accordingly will observe and cause the same to be executed.

(Signed) DIEGO ANTONIO FIEJO.
(Countersigned) ANTONIO PAULINO LIMPO DE ABREO.

Alterations made in the Instructions which accompanied the Order issued from the Department for the Affairs of Justice, dated 29th October 1834, referred to in the Decree of this Date.

- I. The services of the Africans shall be hired out by Auction, in the presence of the Judge, to be employed within the Municipalities of the Capitals. Those persons who may require their services beyond the limits of the said Municipalities, shall not be permitted so to hire them without leave of the Government in the Capital of the Empire, or of the Presidents in the Provinces.
- II. More than eight Africans shall not be allowed to the same person, except when a greater number may be necessary for the service of any National Establishment, in which case the Government in the said Capital, and the Presidents in the Provinces, are to determine this by a Special Act, issued either *ex officio*, or at the request of the Principals of such Establishments.
- III. Any person requiring only two Africans may choose the sex and age; above this number both sexes must be received, and of all ages, in the exact proportion of those existing, and of those he may wish to engage, in order that the distribution of the whole may be effected. Those under twelve years of age to be distributed in consideration of their maintenance and education only.
- IV. The distribution of the Africans shall take place by notice from the Judge, given at least eight days previously in the Public Papers, or, where there are none, by Edicts, that those who require them may attend, who shall declare in their proposals which they must present,—
 - 1st, Their condition of life, and residence;
 - 2d, The employment or occupation by which they subsist;
 - 3d, The purpose for which the Africans are designed, and the place they are going to;
 - 4th, The yearly wages they may offer for their services. Any change of residence to be communicated to the Judge three days at latest after having taken place.
- V. The Judge, at the expiration of eight days, is to make out a list of the names of all the persons who may have applied to him, specifying those amongst whom he considers that the Africans ought to be distributed, the number that each should have of them, he being empowered to decline the applications of those whom he may not consider worthy of attention, notwithstanding they may offer a larger sum for the services of the Africans.
- VI. The list referred to in the preceding paragraph, and its respective documents, shall be sent to the Government in the capital, and to the Presidents in the Provinces, that they may approve of it should they think proper, or alter it in case they perceive injustice or disproportion in the distribution; without, however, being allowed, in the event of making such alterations, to attend to any person whatever who shall not have appeared before the Judge.
- VII. All hirers shall bind themselves, in the agreements they shall sign, to return the Africans whenever the Government in the Capital, and the Presidents in the Provinces, may require them.
- VIII. This determination will be put in force—

- 1st, Whenever a legal destination shall be given to the Africans ;
- 2d, Whenever it may be known by ocular inspection, by a specific representation made at the instance of the Curator, or by any other kind of proof, that the Africans are not clothed, and treated with humanity ;
- 3d, In case of their not being presented to the Curator within three days after the stipulated time, which shall be once in every three months, reckoned from the day when the Judge shall announce, for the first time, that the Curator is about to proceed on his inspection or visitation ;
- 4th, Whenever the amount of the hiring shall not be paid within one month after becoming due ; whenever it may be proved that the hirers, under feigned names, or by a third person, shall have obtained more Africans than the number allowed, or shall have failed in respect to any other of the conditions to which they are bound. This determination shall be preceded only by a hearing of the parties, and by the information which the Government in the Capital, and the Presidents in the Provinces may think proper to take for the discovery of the truth.
- IX. The produce of the hiring shall be applied either in aid of the expenses of the re-exportation of the Africans, or for their benefit.
- X. The inspection, mentioned in the fourth condition of the first paragraph of the Instructions here referred to,* may be made by any inspector of a ward, in the presence of two witnesses, when its object is only to ascertain the identity (of the body).
- XI. The Government in the Capital, and the Presidents in the Provinces, will charge with the execution of these Instructions any Judge in whom they may have the greatest confidence ; and when they permit any Africans to be taken out of the Municipalities of the Capitals, they are to take care that, in the places they may go to, there be Curators to ascertain and promote the due execution of these Regulations, and whatever may be for the benefit of the said Africans.

Palace of Rio de Janeiro, 19th November, 1835.

(Signed)

ANTONIO PAULINO LIMPO DE ABREO.
NATHANIEL LUCAS,

Interpreter ad int. to the Mixed Commission.

(A true Translation.)

No. 210.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 26th March 1836.

I HAVE referred to His Majesty's Advocate-General your several communications to me on the cases of the vessels, the "*Amizade Felix*" and the "*Angelica*," and, having received the opinion of that Officer thereupon, I have to make to you the following observations.

The facts and circumstances set forth in the Papers which you have sent to me do not afford sufficient proof that the vessels in question were the property of subjects of Great Britain or Brazil, or of persons resident in the dominions of either of those Powers, and under those Documents the British and Brazilian Commissioners have acted correctly in declining to adjudicate upon these cases, and in referring the proceedings to other Tribunals.

The Commissioners in the case of the "*Amizade Felix*" acceded to a petition for a revisal of their sentence. By the Convention with Portugal, Article 8, the causes which are submitted to the Commissioners are to be judged by them without appeal, and according to the Regulations annexed to the Convention.

In the Regulations, Article 1, the purpose for which the Commissioners are appointed is stated to be, that they shall decide on the legality of the detention of slave-vessels detained by the Cruisers of the Parties to the Convention ; and the direction is then repeated to the Commissioners "to judge without appeal."

The Commissioners, therefore, cannot safely proceed to rehear a cause, after sentence of restitution or condemnation has once been pronounced by them upon it. A rehearing must be considered, to some extent at least, as being in the nature of an appeal, and the subsequent reversal of a former sentence might possibly lead to very inconvenient consequences.

In the case in question, the Commissioners did not give sentence upon the legality of the detention of the ship and cargo, either by condemning or by restoring them,—they adjudged merely that it was not competent to them to decide upon the capture ; and they directed that the proceedings should be transferred to the local tribunals, so that the case might get into its proper course ; and no danger will arise in this instance from their having

* Viz. those of the 29th October 1834.

acceded to the prayer for a revision, because their second sentence was in entire conformity with their first decision.

It is right, however, and necessary, that I should take this occasion to warn you that your only safe and proper course is to abide most strictly by the Treaty between Great Britain and Brazil of the 23d of November 1826, and the previous Treaty and Convention, and additional Articles therein mentioned, between Great Britain and Portugal, and the Regulations and Instructions annexed thereto ; under which documents alone, together with the Acts of Parliament for carrying them into effect, you are authorized to act ; and you will understand that in future cases which may come before you, you are not in any instance, or under any circumstances, to deviate in the least degree from the directions laid down for your guidance in the Documents above mentioned.

I think it necessary upon this subject to direct your attention to the Regulations, Article 1,* which prescribe to you to give sentence as summarily as possible, and within twenty days if practicable, but in all cases within two months from the day at which the detained vessel is brought into the port, excepting in very special instances, when the parties interested may themselves apply for delay, and give satisfactory security that they will charge themselves with the risk and the expense thereof.

I am, &c.

(Signed)

PALMERSTON.

His Majesty's Commissioners, Rio de Janeiro.

* See Hertslet's Treaties, vol. ii, pp. 105 and 107.

SURINAM.

No. 211.

The Duke of Wellington to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 16th March 1835.

*I HEREWITH transmit to you, for your information, the Copies of three Despatches which I have received from His Majesty's Envoy at Lisbon, containing the account of two vessels, the "*Minerva*," alias "*Esperança*," and the "*Hercules*," which have recently been fitted out at that port, apparently for the Slave Trade.

I am, &c.

(Signed)

WELLINGTON.

His Majesty's Commissioners, Surinam.

* See Class B. Nos. 33, 35, and 36.

No. 212.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 2.)

MY LORD,

Surinam, 24th June 1835.

WE have had the honour to receive the Despatch of his Grace the Duke of Wellington, dated March 16th 1835, enclosing, for our information, Copies of three Despatches from His Majesty's Envoy at Lisbon, relative to two vessels which have recently been fitted out at that port, apparently for the Slave Trade.

We most respectfully return our thanks for the communication of these facts.

We have, &c,
(Signed)

JOHN SAMO,
CAMPBELL J. DALRYMPLE.

The Right Honourable Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 213.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 3d September 1835.

I HEREWITH transmit to you, for your information, five 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, Surinam.

No. 214.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 29th October 1835.

I HEREWITH transmit to you, for your information, three Copies of a Treaty which was concluded on the 28th of June last, between His Majesty, and Her Majesty the Queen Regent of Spain, having for its object the entire suppression of the Slave Trade of Spain.

The ratifications of this Treaty were exchanged on the 27th of August last.

I am, &c.

(Signed)

PALMERSTON.

His Majesty's Commissioners, Surinam.
