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**Class A.**

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**CORRESPONDENCE**

WITH THE

**BRITISH COMMISSIONERS,**

AT

**SIERRA LEONE, THE HAVANA,**

**RIO DE JANEIRO, AND SURINAM,**

RELATING TO

**THE SLAVE TRADE.**

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**1836.**

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*Presented to both Houses of Parliament, by Command of His Majesty,  
1837.*

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**LONDON:**

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THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 354

LECTURE 1

STATISTICAL MECHANICS

LECTURER: JOHN H. COLEMAN

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# Class A. 1836.

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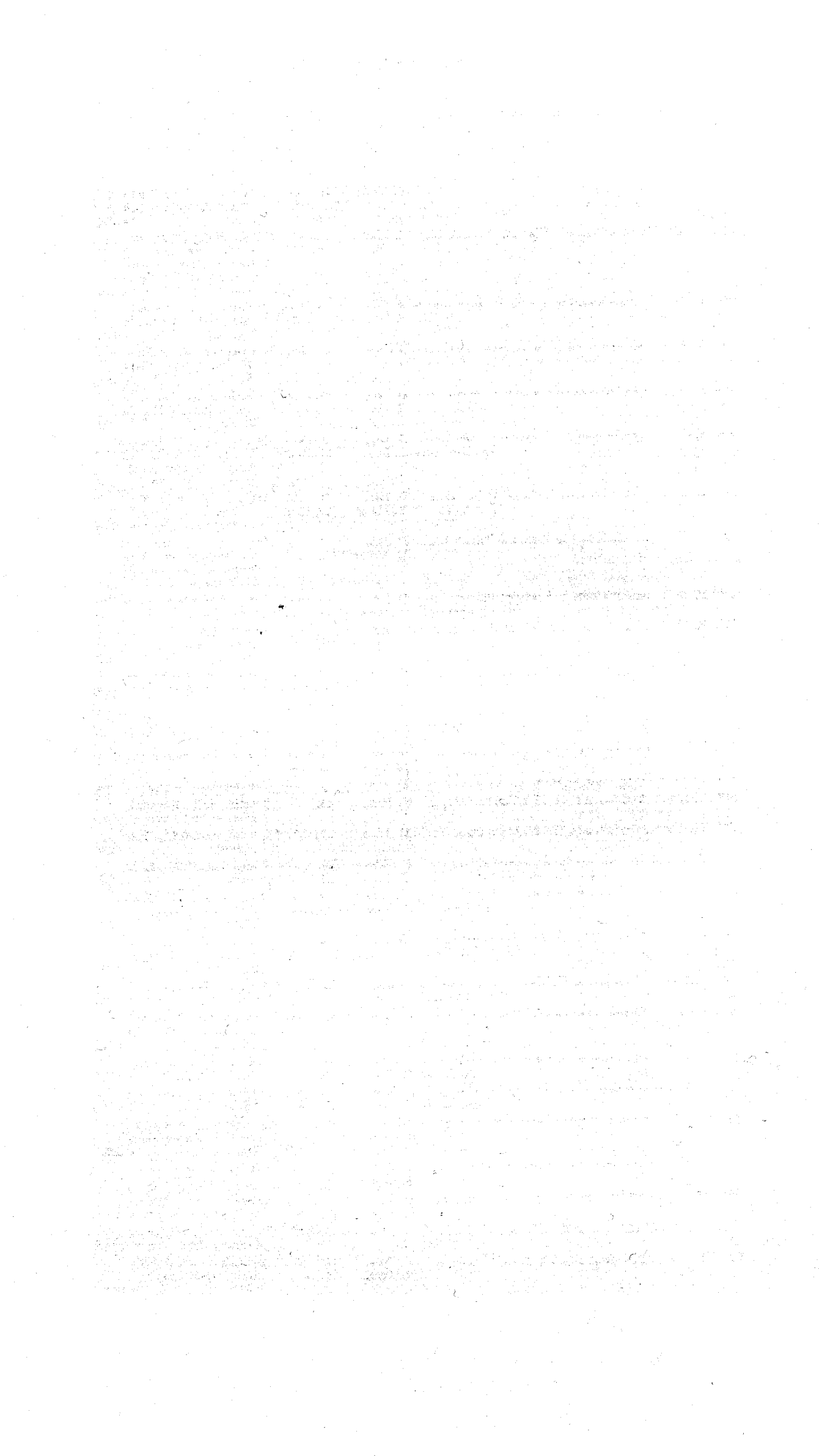
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# Class A.

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## CORRESPONDENCE

WITH THE

# BRITISH COMMISSIONERS.

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## SIERRA LEONE. (*General.*)

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No. 1.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 15th June, 1836.*

I TRANSMIT, for your information, the Extract of a Despatch from His Majesty's Consul-General at Monte Video, enclosing the Copy of a Decree issued by that Government, placing all Vessels coming in *Ballast* from the Coast of Africa under a quarantine, at the direction of the Government.

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

I am, &c.  
(Signed) PALMERSTON.

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Enclosure in No. 1.

*Extract of a Despatch from Mr. Hood, 29th February, 1836.*

(See Class B.)

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No. 2.

*Viscount Palmerston to His Majesty's Commissioners.*

(Circular.)

GENTLEMEN,

*Foreign Office, 15th June, 1836.*

I TRANSMIT, for your information, 2 printed Copies of a Treaty by which the King of Denmark has acceded to the Conventions between His Majesty and the King of the French, for the Suppression of the Traffic in Slaves. The ratifications of this Treaty were exchanged at Copenhagen on the 19th October, 1834.

I likewise transmit to you printed Copies of a Treaty, by which the King of Sardinia has acceded to the beforementioned Conventions between His Majesty and the King of the French. The ratifications of this Treaty, and of the Additional Article, were exchanged at Turin on the 8th December, 1834, and on the 15th May, 1835.

I also transmit to you printed Copies of 2 Additional Articles to the Treaty between His Majesty and the King of Sweden, the ratifications of which were exchanged at Stockholm on the 21st August, 1835.

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

I am, &c.  
(Signed) PALMERSTON.

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No. 3.

*Viscount Palmerston to His Majesty's Commissioners.*

(Circular.)

GENTLEMEN,

Foreign Office, 27th June, 1836.

I HEREWITH transmit to you, for your information, 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. 4.

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

MY LORD,

Sierra Leone, 5th July, 1836.

WE have the honour to forward herewith, for your Lordship's information, a certified Copy of the List of Slaves registered by the Courts of Mixed Commissioners here, in the period from the 1st January 1836 to the 1st instant.

The number so registered was 1738, and the number emancipated 2058; in addition to which there was one conditional decree of emancipation, if alive, passed on a male slave, who had absconded from the Liberated African Hospital, pending the adjudication of the vessel to which he belonged. The difference between the number emancipated and the number registered is accounted for as follows: 307 landed from the Portuguese schooner "*Criolo*" at Nassau, New Providence; 11 deaths after emancipation and previous to registration; and 2 absconded from the Liberated African Department after emancipation and previous to their descriptions being taken.

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

We have, &c.  
H. D. CAMPBELL.  
WALTER W. LEWIS.

Enclosure in No. 4.—(Abstract.)

|                               | Number Registered. | Number died before Registration, but Emancipated. | Number Emancipated. |  |
|-------------------------------|--------------------|---|---------------------|--|
| Norma . . . . .               | 218                | ..  | 218                 |  |
| Segunda Iberia . . . . .      | 233                | 5   | 238                 |  |
| Ligeria . . . . .             | 192                | ..  | 192                 |  |
| Isabel 2a. alias 4a. Estrella | 330                | ..  | 332*                | * Two men absconded prior to being registered. |
| Vandelerio alias Estrella . . | 342                | 1   | 343                 |  |
| Leis Herinanos . . . . .      | 169                | 2   | 171                 |  |
| Mindello . . . . .            | 254                | 3   | 257                 |  |
|                               | 1,738              | 11  | 1,751               |  |

(Mem.)—Number registered up to the 5th January, 1836 . . . . . 35,130  
 " " from the 5th January to the 5th July, 1836 . . . . . 1,738  
 Total . . . . . 36,868

Sierra Leone, 5th July, 1836.

N.B. In addition to the foregoing list of emancipated slaves registered in the period set forth, there were 307 slaves landed from on board the Portuguese schooner "*Criolo*" at Nassau, New Providence, and the survivors emancipated by a decree of the British and Portuguese Court of Mixed Commissions.

These are to certify, that the foregoing is a true and correct Copy of the original List of Slaves registered and emancipated by the Courts of Mixed Commissions established at Sierra Leone, under the Treaties with Foreign Powers for preventing the illicit traffic in slaves, during the period from the 5th day of January to the 5th day of July, 1836.

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 5th day of July, in the year of our Lord 1836.

(L. S.)

(Signed) M. L. MELVILLE,  
Registrar.

No. 5.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 1st September, 1836.*

INFORMATION has reached His Majesty's Government that the Paper, of which a Copy is herewith enclosed for your information, has been issued by Rear Admiral Campbell, to the Officers of the squadron on the Coast of Africa, for their guidance in detaining vessels engaged in the Slave Trade.

This Paper purports to contain the answers given by Mr. Macaulay, His Majesty's Commissary Judge at Sierra Leone, to certain queries said to have been put to him on points connected with the Treaties on Slave Trade; and it has been referred to His Majesty's Advocate-General, for his opinion whether those answers are consistent with the true intent and spirit of the Treaties to which they refer. That Officer has reported that the answer stated to have been made by Mr. Macaulay to the question put to him as to the condemnation of a Portuguese vessel proved to have taken in slaves to the northward of the Line, appears to be correct; but that with respect to Spanish vessels claiming to be Portuguese under the circumstances set forth in the Paper, he does not concur in the observations stated to have been made by Mr. Macaulay: on the contrary, he thinks that a vessel really Spanish is liable to condemnation by a Mixed British and Spanish Court, if she have infringed the Treaty with Spain, notwithstanding she may have colourably assumed a Portuguese character.

The King's Advocate states further, that Spanish vessels may, in his opinion, be lawfully detained and brought in before the Mixed Commission Court, if any of the articles enumerated in the 10th Article of the Treaty are found on board.

I am, &amp;c.

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

(Signed) PALMERSTON.

## Enclosure in No. 5.

(Copy.)

*Mixed Courts of Commission.*

Questions put to Mr. Macaulay, and his answers.—Issued to the squadron for the guidance of Officers in making captures.

The following are replies to, and observations on, certain queries which were recently put to Mr. Macaulay, Commissary Judge of the Mixed Commission Court at Sierra Leone, by Rear Admiral Patrick Campbell, C.B.:—

## QUESTION.

If witnesses can be found on board a Portuguese slaver to swear to her having taken in her slaves to the northward of the Line, would this condemn her?

## ANSWER.

Although this was clearly made out and acknowledged, she cannot be captured to the southward of the Line.

The Portuguese slaver "*Active*," acknowledged to having taken in her slaves at Badagry, 6° N., and was captured in 4° S., but was liberated, although one had broken the Royal Passport.

The "*Perpetuo Defensor*," a Brazilian, the Treaty being then the same as with Portugal, was captured off Anna Bona, and was proved to have taken in her slaves to the northward of the Line, was also liberated, and £10,000 damages awarded to both vessels, and the sentence approved from home.

Schooner "*Sinceridade*" was taken in 0° 8' S., in consequence of having taken her slaves on board in 1° 20' S.; the Portuguese Treaty declaring that slaves were only to be shipped from lat. 5° 12' S. to 18° S. (Art. 2), she was also restored with damages.

The Court acts on Article 4, in the Instructions to Men-of-War, which expressly declares, that "no Portuguese shall, on any pretence whatever, be detained, which shall be found anywhere near the land, or on the high seas, south of the Equator, unless after a chase that shall have commenced north of the Equator."

In the Portuguese Convention, Art. 5, it is stated, that the vessel must be furnished with a Royal Passport; and in Article 6, that she must be commanded by a Portuguese, and that two-thirds of her crew must be Portuguese. Yet it has been established that, should she infringe both the above Articles, a man-of-war has no right to detain her.

The "*Maria da Gloria*" was sent in for not having a Royal Passport, and for acting contrary to her clearance and licence, prohibiting her from taking slaves. She was liberated by the Court, although no damages were given, as she could not claim indemnification for loss of slaves, having no Royal Passport. This vessel shipped her slaves at St. Paul de Leanda, but had it been proved that they had been shipped to the northward of the Line, the decision would have been the same.

If a Spanish vessel, claiming to be a Portuguese, has the Bill of Sale on board, or even a Portuguese clearance without any Bill of Sale, and although her former Spanish Papers be also found on board, and she has her original Spanish Captain and crew on board, she cannot be seized.

Unless a Spanish vessel is evidently fitted up for slaves, does not think that having on board empty casks, unmanufactured iron, and plank, would be sufficient grounds for detention, unless there were boilers of an unusual size, &c. (See Article 10, Spanish Treaty.)

No case of this kind having been yet decided, could not give an opinion.

It is quite sufficient that three of the crew be sent in the Prize: they should be the Captain, Boat-swain, or Supercargo, and Cook.

No. 6.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 17th October, 1836.*

I HEREWITH send to you the Copies of three Despatches, and of their Enclosures, from His Majesty's Commissioners at Havana, together with two original Affidavits referred to in Mr. Schenley's Despatch of the 1st of August last, relative to the arrest in that port, on board of a Spanish slave-vessel, of the notorious Edward Jousiffe, who has so often been denounced to His Majesty's Government as a trafficker in slaves in the Rio Pongas, on the Coast of Africa.

You will perceive by this correspondence that Mr. Schenley has taken measures to send Jousiffe to Sierra Leone for trial.

His Majesty's Advocate-General, to whom the Case has been referred, is of opinion, that Jousiffe should be prosecuted for a breach of the statute 5th Geo. 4, cap. 113, and His Majesty's Secretary of State for the Colonies has been requested to issue the necessary instructions on this head to the Authorities at Sierra Leone. The Admiralty have also been requested to issue the necessary instructions to the Admiral on the West India station, to provide a passage from Belize to Sierra Leone for the negroes alleged to have been kidnapped by Jousiffe, in order to give evidence against him.

I have to desire that you will give every assistance in your power to the Authorities at Sierra Leone to bring Jousiffe to justice.

The Papers in the handwriting of Jousiffe, found on board the Portuguese schooner "*Nimpha*," and filed in the Registry of the Mixed Courts at Sierra Leone, may be of importance in convicting and bringing Jousiffe to condign punishment.

The Papers above alluded to were communicated to His Majesty's Government by your predecessors in a Despatch marked Portugal, and dated the 20th of December, 1830.

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

I am, &c.  
(Signed) PALMERSTON.

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First Enclosure in No. 6.

(See Havana Commissioners, July 30.)

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Second Enclosure in No. 6.

(See Havana Commissioners, August 1.)

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Third Enclosure in No. 6.

(See Havana Commissioners, August 24.)

No. 7.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 27th October, 1836.*

WITH reference to my Despatch of the 17th instant, relative to Edward Jousiffe, a British subject arrested at the Havana, who is strongly suspected of having been engaged for years in the Slave Trade in the Rio Pongas, on the Coast of Africa, I send to you the Copy of a Letter from the Admiralty, stating that their Lordships had sent directions to Commodore Pell to order Lieutenant Byng, in the "*Pincher*," to Belize, to bring back such of the negroes and the kroomen who can give evidence against Jousiffe, and to proceed with them and Jousiffe to Sierra Leone, in order that the necessary measures may be taken to bring the said Jousiffe to trial on the charges preferred against him.

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

I am, &c.  
(Signed) PALMERSTON.

## Enclosure in No. 7.

*Sir J. Barrow to Mr. W. Fox Strangways.*

SIR,

*Admiralty, 20th October, 1836.*

IN return to your Letter of the 17th instant, with its several Enclosures, relative to "Edward Jousiffe," a British subject, arrested at the Havana, who is strongly suspected of having been engaged for years in the Slave Trade in the Rio Pongas, on the Coast of Africa, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Viscount Palmerston, that my Lords have, in compliance with his Lordship's request, sent directions to Commodore Pell to order Lieutenant Byng, in the "Pincher," to Belize, to bring back such of the slaves mentioned in the Papers transmitted by you, and the kroomen who can give evidence against "Jousiffe," to Jamaica; and having collected the whole, and placed the said Jousiffe in safe custody on board the Pincher, he is to be directed to proceed with that vessel to Sierra Leone, and place himself in communication with the Lieutenant-Governor, and the Commissioners for the adjudication of slave-ships, and take such measures as may be necessary to bring the said Edward Jousiffe to trial on the charges preferred against him, and the negroes are to be left at Sierra Leone and liberated.

I am, &amp;c.

*The Hon. W. Fox Strangways.*

(Signed) JOHN BARROW.

## No. 8.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 8th November, 1836.*

HAVING communicated to Mr. Macaulay a Copy of the Paper which formed the subject of my Despatch to you of the 1st of September last, and which purported to contain the answers given by that gentleman, as His Majesty's Commissary Judge at Sierra Leone, to certain queries put to him by Rear-Admiral Campbell, on points connected with the Treaties on Slave Trade, I now transmit to you the accompanying Copy of a Letter which I have received from Mr. Macaulay in reply to my communication above mentioned; and I have to acquaint you that I am satisfied with the explanations which are offered by Mr. Macaulay upon this subject.

I am, &amp;c.

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

(Signed) PALMERSTON.

## Enclosure in No. 8.

*H. W. Macaulay, Esq., to Viscount Palmerston.—(Received November 2.)*

MY LORD,

*54, Quadrant, Regent Street, 31st October, 1836.*

I HAVE only this morning received, by post, from Geneva, your Lordship's Letter of the 1st September, enclosing the Copy of a Paper which has been circulated by Rear-Admiral Campbell among the Officers of the squadron on the Coast of Africa, for their guidance in making captures of vessels engaged in the Slave Trade.

This Paper would seem to show that queries, in writing, respecting certain points connected with the Treaties on Slave Trade, had been put to me, as His Majesty's Commissary Judge of the Mixed Commission Court at Sierra Leone, by Rear-Admiral Campbell, and that to those queries I had given written replies.

Such, my Lord, is the impression which appears to have been produced on your Lordship's mind, and which it is my object in this Letter completely to remove.

My Lord, I am now aware, for the first time, of the existence of the Paper which forms the subject of your Lordship's Letter; not only had I never seen it before, but the points referred to therein were never in any way submitted for my opinion by Rear-Admiral Campbell, either in the form of written queries, or in any other form whatever, written or verbal. A conversation, only brought to my recollection by the Paper itself, did certainly take place between me and Captain Wanchope, the Commander of His Majesty's ship "Thalia," relative to the Slave Treaties. It occurred during a visit which that gentleman paid to me, as a private friend, not as "His Majesty's Commissary Judge," in my own house, not in the Commissioners' Office; and I had no idea that what I then stated was in any way to be submitted to the Admiral.

I have the highest respect and esteem for Admiral Campbell and Captain Wanchope; but it does appear to me very extraordinary, and rather inconsiderate towards a public Officer in my peculiar situation, that the former should have received as correct the Memorandum of a private conversation, drawn up by a person almost, if not altogether, ignorant of the subject on which he wrote; and that, without submitting this Memorandum for my revision or approval (which, however, I should have decidedly declined giving), should have issued it, with my name attached to it, as a public expression of my opinions on Slave Trade subjects, for the guidance of the Commanders of the West African squadron.

I have ever most cautiously abstained from expressing my opinion, even verbally, on any matter which might possibly come before me judicially, and especially on hypothetical cases under the Slave Trade Restriction Treaties.

But I have not thought it necessary to observe the same reserve with regard to those points of long-acknowledged precedent, established by frequent decisions, approved by His Majesty's Government,

and published to the world in printed Parliamentary Papers. I feel, indeed, that a reference, even to such parts of our printed correspondence, requires caution, but it can hardly be attended with disadvantage.

My Lord, I recollect the conversation with Captain Wanchope, which gave rise to Admiral Campbell's Memorandum. Captain Wanchope began by asking several questions as to what I thought would constitute sufficient grounds of capture under the new Spanish Slave Treaty, which had then lately arrived in Sierra Leone. I replied, that I did not consider myself justified in answering any questions on this subject, but that I should be most happy to direct his attention to those passages in the printed correspondence, where he would ascertain the construction put on the old Portuguese and Spanish Treaties. I then referred him, as appears correctly enough by his own Memorandum, to the cases of the Portuguese slave-vessels "*Active*," "*Perpetuo Defensor*," "*Sinceridade*," and "*Maria da Gloria*."

I am then represented as stating that a vessel, with a Spanish Captain and crew, and Spanish Papers on board, cannot be seized and dealt with as a Spanish vessel, if she can produce a Portuguese Bill of Sale or clearance. I trust it is unnecessary for me to disclaim such an absurd opinion, which is not more opposed to common sense than to the every-day practice of the Courts. I am convinced that misrepresentation was not intended on the part of Captain Wanchope, who is a most excellent and worthy man; but, imperfectly acquainted as he was with the proceedings of the Mixed Commissions, his Memorandum could hardly be expected to be free from error.

Captain Wanchope then referred, a second time, to the subject of the new Spanish Slave Treaty; and here I beg leave respectfully to call your Lordship's attention to the guarded and deprecating manner in which I received his communication, although quite unaware at the time that the particulars of our interview would ever be known to any but ourselves. I take the account from Captain Wanchope's own Memorandum, which, at the same time, I am far from acknowledging to be a correct statement of what passed on the occasion.

To a question respecting "manufactured iron" (an article not mentioned in the Treaty), "empty casks, and planks," I am described as "*thinking*" that, unless a Spanish vessel is evidently fitted for slaves, unless there were boilers of an unusual size, &c. (see Article 10 of the Spanish Treaty), there would not be sufficient grounds for detention. *No case of the kind having yet been decided, could not give an opinion.*"

Captain Wanchope's Memorandum is evidently faulty here: otherwise I first expressed my *thoughts* on the subject referred to me, and then declined giving an *opinion* upon it. But the general purport is correct; I *did* positively decline giving any opinion on the speculative points embraced in Captain Wanchope's question, at the same time that I referred him to the 10th Article of the New Treaty for the information which he required from me.

My Lord, I deeply regret that, owing to my absence from England, and the miscarriage of your Lordship's Letter, I should have been unable, until the present moment, to correct the misapprehension entertained by your Lordship of this part of my public conduct. Had I acted as your Lordship supposed, I should well have merited censure for such gross imbecility and imprudence. But I confidently hope that the explanation which I have now given to your Lordship will prove my innocence of the charge imputed to me, and will remove every unfavourable impression from your Lordship's mind.

In this hope, I take leave of a subject which has caused me the bitterest pain and mortification.

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

I have, &c.  
(Signed) H. W. MACAULAY.

No. 9.

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

MY LORD,

Sierra Leone, 31st August, 1836.

WE have had the honour of receiving your Lordship's Despatch of the 15th June last, and its two Enclosures, on the subject of a Decree issued by the Government of Monte Video placing all vessels arriving there in *ballast* from the African Coast under a quarantine, at the discretion of that Government.

We sincerely hope that the measure adopted by the Monte Videan Government may prove an effective check to vessels employed in slaving transactions resorting to their Ports.

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

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

No. 10.

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

MY LORD,

Sierra Leone, 31st August, 1836.

WE had the honour to receive, on the 12th instant, your Lordship's Despatch of the 15th June, enclosing, for our information, Copies of a Treaty, ratified on the 19th October, 1834, at Copenhagen, by which the King of Denmark

has acceded to the Convention between Great Britain and France, for the suppression of the Slave Trade; likewise Copies of a Treaty with Sardinia, with an Additional Article, the ratifications of which were exchanged on the 8th December, 1834, and 15th May, 1835, by which a similar accession is made to the above-mentioned Convention; and also Copies of the two Additional Articles to the Treaty, relative to the Slave Trade, between His Majesty and the King of Sweden, ratified on the 21st August, 1835.

We beg leave respectfully to express our thanks to your Lordship for the above communications.

We have, &c.

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

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

No. 11.

*Mr. Macaulay to Viscount Palmerston.—(Received November 21.)*

MY LORD,

*London, 18th November 1836.*

I HAVE the honour to enclose, for your Lordship's perusal, an Extract of a Letter on Slave-Trade subjects, dated in the river Nunez, on the 24th August, 1836.

A former Letter from the same writer to His Majesty's Commissioners at Sierra Leone, relative to the Slave Trade carried on in the rivers to the northward of that Colony, appears in the 4th, 5th, and 6th pages of Class A. of the last printed correspondence, and contains a vast deal of valuable information.

Although the present communication possesses comparatively trifling interest, the writer of it is so respectable, and has had so much experience of the plans and practices of slave-dealers on the Coast of Africa, that I think it my duty to forward it for your Lordship's information.

I have, &c.

(Signed)

H. W. MACAULAY.

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

Enclosure in No. 11.

*Extract of a Letter, dated Rio Nunez, 24th August, 1836.*

"My residence in these rivers has enabled me to obtain much information respecting the Slave Trade carried on in the neighbourhood of Sierra Leone, and I have frequently wished to impart the same to you officially; but the risk I run, both in person and property, by so doing, is great, and such as I should not be justified in incurring.

"Notwithstanding the recent Treaty with Spain, the Spaniards seem determined to carry on the traffic. Subsequently to the promulgation of the Treaty in the Havana, two vessels have arrived in the Rio Pongas under Spanish colours. One sailed two months since, bound for Matanzas, with 300 slaves, and I regret to say with the notorious Jousiffe\* and another British subject on board, as passengers, carrying with them about 60 slaves, their own property, on freight.

"The other vessel arrived about ten days since, and I have, as yet, heard no particulars of her, except that she is under Spanish colours, and is to take a cargo of 300 slaves from the river. I ought to mention that the Spaniards regard the Equipment Article as little or no impediment to them; as, when safely in the rivers, their coppers, irons, &c. are landed in a few minutes, and they take care their hatchways shall be only of the ordinary dimensions. By this arrangement the poor slave is eventually a greater sufferer than formerly, for want of sufficient air. I am told their coppers, &c., are always kept in a state of readiness to heave overboard, in the event of their being chased on the outward voyage, and that, at such places as the Galinas, those forbidden articles are kept ready buoyed; and should a man-of-war appear in sight, they are sunk alongside the vessel, and hoisted in again after her departure. The large leaguers are now shipped in shakes, and set up by coopers on the Coast.

"The first vessel mentioned did not come from the Havana, although owned there. She was built at Baltimore on the most approved model for fast sailing, and with a view of lasting only three or four voyages. Thence she proceeded, under American Ownership, to New York, where the principal part of her cargo was laid in, as well as leaguers, coppers, and other appurtenances. She then proceeded to St. Thomas's and Porto Rico, at which latter place her nationality was changed, and her crew partly so. She belongs to the house of Martinez and Co., of the Havana, formerly in partnership with

\* Lately captured on board the Spanish schooner "*Preciosa*," by His Majesty's schooner "*Pincher*," as stated in a Despatch from His Majesty's Commissioners at Havana, dated 30th July, 1836.



Pedro Blanco, of the Galinas, and who are reported to have realized upwards of a million sterling in the Slave Trade during the last ten years. No wonder, then, they continue in the traffic under all risks, particularly as they have not the least idea of moral turpitude attaching to it.

"I feel confident, from all I see and hear, that nothing short of making the trade piracy, and attaching the punishment of death to it, will ever stop the Spaniards, Portuguese, and the unprincipled of all nations, from engaging in it. The lowest rate of wages on board a slave-vessel being higher than the pay of the Master of a respectable British merchantman, is of itself a great temptation, but when they have to risk life on board these vessels, the case will be greatly altered; and to run such a risk they would require such a rate of wages as would render the profits of the voyage very doubtful, even if successful; and our object should be to throw every difficulty in the way of the traffic, in order to render it unprofitable, harassing, and hazardous.

"Since writing the above, I have learned that José Maury,\* whom you well know, has been to the Isles de Loss in a small schooner under Spanish colours. He remained at anchor there four days, in order to procure a pilot and to obtain vegetables. He then sailed for the Rio Pongas. Is it not disgraceful that a Spanish slave-vessel should thus dare to proceed to a British Settlement, and remain there for so long a period?"

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\* The murders and piracies with which this person has been charged are detailed in a Despatch from His Majesty's Commissioners at Sierra Leone, dated 12th September, 1834.

## SIERRA LEONE. (*Spain.*)

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No. 12.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 26th April, 1836.*

I HEREWITH transmit to you the Instrument, bearing date the 9th April, 1836, by which His Majesty has been pleased to appoint Henry William Ma-caulay, Esquire, to be His Majesty's Judge, and Walter William Lewis, Esquire, to be His Majesty's Arbitrator in the Mixed British and Spanish Court of Justice, and Michael Linning Melville, Esquire, to be Secretary or Registrar to the said Mixed British and Spanish Court of Justice, which, under the Treaty with Spain of the 28th June, 1835, for the Abolition of the Slave Trade, and pursuant to the Act of Parliament for carrying the said Treaty into effect, is to be established at one of his Majesty's Possessions or Settlements on the Coast of Africa.

You will, at an early opportunity after the receipt of this Despatch, take, in due form, the Oath prescribed to you by the enclosed Instrument; and you will administer to Mr. M. L. Melville the Oath prescribed to be taken by him, and neither you nor Mr. Melville will perform any other duty until you have respectively taken and administered these Oaths.

You will announce these appointments to the Spanish Members of the Mixed Court of Justice, destined to act with you under the Treaty above mentioned.

You have already been furnished with Copies of that Treaty.

I herewith transmit to you, for your further information and guidance, Copies of the Act of Parliament above mentioned.

I have to signify to you His Majesty's Commands, that you guide your conduct strictly by these Instruments, considering them as forming your chief Instructions.

You will, at the same time, attend to the general tenour of the Directions heretofore given to His Majesty's Commissioners, established at Sierra Leone, under the former Treaty between Great Britain and Spain, of the 23d September, 1817, so far as the same do not militate against the Acts of Parliament herewith sent, and you will receive, from time to time, by His Majesty's Command, such further instructions as may be necessary for your guidance.

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

I am, &c.  
(Signed) PALMERSTON.

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No. 13.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 20.)*

MY LORD,

*Sierra Leone, 2d February, 1836.*

THE Spanish brig "*Tersicore*," Juan Maynoldi, Master, was detained by His Majesty's ship "*Pylades*," William Langford Castle, Esquire, commanding, and we have the honour to inform your Lordship, that we allowed the prosecution of the "*Tersicore*" to proceed, and evidence to be collected and filed, so as to enable us to form a decision on the Case preparatory to judgment being pronounced.

On the 27th ultimo, however, after all the necessary evidence had been taken, a joint Petition from the Proctors for the Captor and Claimant was presented, praying "that the Papers and Documents of the vessel might be delivered up to the Seizor, for the purpose of being restored to the Claimant." The ground of this application was stated to be "that, upon perusing the evidence filed in the Case, in support of the allegations contained in the Seizor's Declaration, the Proctor finds the same insufficient to enable him to proceed to adjudication."

The Petition thus mutually preferred was acceded to as a matter of course, and an end was at once put to the prosecution and the Claim. We cannot but think that the Captor's Proctor exercised a sound discretion in avoiding a trial, which must have resulted in the "*Tersicore's*" restoration; as there was no evidence to prove her

to have been fitted out for the Slave Trade, or that it was the intention of the Claimant to engage in the prohibited traffic during the present voyage.

Under the circumstances which we have stated, it will not be necessary for us to give a detailed Report of a Case, on which we have not been called upon to pronounce any decision. The following are the principal facts.

The Spanish brig "*Tersicore*," of 284 tons burthen, cleared out from Havana, on a voyage of lawful commerce to St. Paul's de Loando, on the 15th October, 1835. She is stated in her Passport to be under the command of Don Joaquin Blanco, and to have a crew of 38 men, including the Captain. There is an endorsement on her list of crew, dated at Bonavista, one of the Cape de Verde Islands, on the 18th December, 1835, and signed by Joaquim Pereira da La, Providor of the Island, certifying that the Captain (Blanco) and one of the servant boys left their vessel at that place in consequence of sickness. From this time the vessel was commanded by Juan Maynoldi, who appears by the list of crew to have been next in command to Captain Blanco. On the 25th December, 1835, a few days after leaving Bonavista, the "*Tersicore*" was fallen in with by His Majesty's ship "*Pylades*," in 8° 22' north latitude, and 14° 37' west longitude, and was detained by Commander Castle for being, as that Officer considered, equipped for the Slave Trade.

In his examination on the standing interrogatories, and in the Claim which he filed for the "*Tersicore's*" restoration, Maynoldi declares himself to be the sole Owner of the vessel, but to have no interest in the cargo. The Consignee of the vessel at St. Paul's de Loando he states to be Antonio Jozé Mesquita, the same person, it will be recollected, who gave Bond to the Portuguese Authorities at Loando, in the case of the "*Maria da Gloria*," that he would pay any penalties which that vessel would incur if she afterwards engaged, as she avowedly did, in the contraband traffic in slaves. Mesquita was also the Owner of the 18 barrels of gum which formed a part of the small lawful lading of the "*Maria da Gloria*." The consignment of the "*Tersicore*" to a man so clearly implicated in former slave-adventures, is certainly a very suspicious circumstance, but not sufficient of itself to bear out the Captor's allegations against the vessel.

The Report of the Surveyors appointed to inspect and report upon the condition and equipment of the "*Tersicore*," particularly as regarded the fittings pointed out in the 10th Article of the New Treaty, completely negatived the charge of equipment, and removed all hope which the Captor's Proctor might have previously entertained, of bringing his prosecution to a successful issue; indeed the publication of that Report was immediately followed by the Petition for leave to stay further proceedings, to which we have already alluded.

The Ship's Papers belonging to the "*Tersicore*," which had been lodged in the Registry when the prosecution of that vessel had been commenced, were delivered up to the Captor's Proctor on the 28th ultimo, a proper Receipt having been first given for the same; and the facts of the seizure, prosecution, and departure of the vessel having been endorsed in the usual form on the Passport, under the seal of the Court.

Whilst the "*Tersicore*" was lying at Sierra Leone, a Bornou man, described in her list of crew as a negro slave, named Pablo Peratta, and shipped as a Baker or Cook, having recognized several of his friends and countrymen in Freetown, was persuaded by them to claim from British law the freedom which they were themselves enjoying. The claim was of course recognized, and the man is now in the full enjoyment of his liberty.

The "*Tersicore*" left the harbour this morning in the prosecution of her voyage.

We have, &c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

No. 14.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 20.)

MY LORD,

Sierra Leone, 6th February, 1836.

WE have the honour to transmit to your Lordship, enclosed, a Report of the Case of the Spanish schooner "*Segunda Iberia*," Mariano Casas, Master,

captured, on the 28th December, 1835, by His Majesty's schooner "Fair Rosamond," Lieutenant George Rose commanding, in 2° 0' north latitude, and 4° 50' east longitude, with 260 slaves on board.

The "*Segunda Iberia*" arrived here on the 21st ultimo, and on the following morning proceedings were instituted against her in the British and Spanish Court of Mixed Commission.

From the evidence taken in this Case, it appeared that the prize had cleared out from Santiago de Cuba on the 13th May, 1835, for a legitimate trading voyage to the Island of Princes, but that she first proceeded to the Danish Island of St. Thomas, in order to procure her cargo, and thence to the river Nun, where she purchased and shipped a cargo of slaves, without attempting to touch at Princes Island at all. The above facts were distinctly acknowledged by Mariano Casas, the Master, who likewise declared that, on her previous voyage, the vessel was freighted with slaves.

On the 3d instant the "*Segunda Iberia*" was condemned as good and lawful prize to the Crowns of Great Britain and Spain, and the survivors of her slaves were emancipated from slavery.

A delay of some days took place in closing this Case, owing to the Master of the detained vessel having charged the crew of the capturing ship with having plundered him of various articles of personal property.

The charge was fully investigated, and all the evidence within our reach which could be brought to bear on the subject was collected and recorded; but in the absence of the explanations which Lieutenant Rose may be able to supply, and which we shall request him to furnish on his next visiting this place, we do not feel justified in expressing any decided opinion whether the accusation is well grounded or otherwise.

On the 14th March, 1835, we condemned the Spanish schooner "*Iberia*," Juan Casas, Master, for a violation of the Slave Trade Restriction Treaties. The name of the vessel in the present instance, "*Segunda Iberia*," and the name of the Master, Mariano Casas, would seem to show that the interests embarked in both Cases are identical.

We have, &c.

(Signed)

H. W. MACAULAY.

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

WALTER W. LEWIS.

&c.

&c.

&c.

#### Enclosure in No. 14.

##### *Report of the Case of the Spanish Schooner "Segunda Iberia," Mariano Casas, Master.*

THIS vessel was furnished with a Royal Passport for a legitimate trading voyage from Santiago de Cuba to the Island of Princes. It is numbered 14, dated at Cuba the 13th May, 1835, and signed, as the Passports from that place usually are, by José Ruiz de Apodaca. She is described as a schooner of 54 tons burthen, carrying a crew of 20 men, besides the Master. Her Bill of Health, which is dated on the same day as the Passport, names St. Thomas as her destination, and states that there were two passengers on board, in addition to the crew. From Cuba the "*Segunda Iberia*" went to the Danish Island of St. Thomas, and received a Clearance from the latter place, No. 1,456, on the 13th June, 1835. She then proceeded direct to the River Bras or Nun, which place she again left on her homeward voyage, on the 21st December last, with 264 slaves on board. An end, however, was soon put to her guilty adventure, for in less than one week after the embarkation of her slaves, she was intercepted and detained by His Majesty's schooner "Fair Rosamond," Lieutenant George Rose commanding.

The "*Segunda Iberia*" arrived in this harbour on the 21st ultimo, with 244 slaves on board, 4 slaves having died previous to capture, and 16 others between the dates of her capture and arrival. The above facts were reported on the 22d ultimo by the Marshal, and on the same morning the slaves were visited by the Surgeon to the Courts, who stated that 14 had died of bowel complaint, and that 2 had been drowned on the passage hither; that there were 9 very severe cases of ophthalmia, several cases of bowel complaint, the exact number of which could not be ascertained, owing to the crowded state of the vessel; and that *craw-craw* prevailed so extensively that the whole of the European crew were affected with it. The slaves generally were represented to be thin and emaciated, and, as the size of the vessel was quite inadequate to their accommodation, it was recommended that the whole of them should be landed as soon as possible. Owing to the absence of his Excellency the Lieutenant-Governor, on a tour of inspection to some distant Liberated African villages, the recommendation of the Surgeon was not carried into effect until the 25th ultimo, and in the mean time 3 more of the unfortunate slaves died.

The Ship's Papers and the Captor's Declaration were filed in Court on the 22d ultimo, having been duly authenticated by Mr. J. G. H. Thain, the Prize-Master, who at the same time deposed as to the facts of capture. The Monition, citing all parties interested in the vessel to appear by a certain day, was then issued, on Petition, and was returned into the Registry on the 29th ultimo, certified by the Marshal to have been properly served. The witnesses in preparatory, produced for the prosecution, were Mariano Casas, the Master, and Manuel, the cabin-boy, of the detained vessel,

who were directed to give immediate attendance at the Registry Office, for the purpose of their being examined on the standing interrogatories. An Affidavit of Mr. Thain was also filed, accounting for the absence of an additional witness, who had been left on board the schooner by the Seizors, but who had died on his passage hither.

The Captor's Declaration is to the following effect:—"I, George Rose, Lieutenant and Commander of His Majesty's schooner 'Fair Rosamond,' hereby declare, that, on the 28th December, 1835, being in or about latitude 2° 0' north, longitude 4° 50' east, I detained the schooner named the '*Segunda Iberia*,' sailing under Spanish colours, armed with 1 iron pivot 9-pounder gun, about 9 feet long, commanded by Don Mariano Casas, who declared her to be bound from the river Nun to Cuba, with a crew consisting of 21 men and boys, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 267 slaves, said to have been taken in at the River Nun on the 21st day of December, 1835."

The evidence of Casas, the Master, Mr. Thain's Affidavit as to the number of deaths which had occurred amongst the slaves, and the Marshal's return of the number of surviving slaves on the day of trial, agree in showing that 260, and not 267 slaves, were on board the "*Segunda Iberia*" at the time of her capture; but it seldom happens that, in the first confusion of a capture, and on the crowded deck of a detained vessel, a correct account of the number of slaves can be taken.

On the 23d ultimo, the Master of the detained vessel was examined on the standing interrogatories, and deposed that "he was born at Barcelona, lives in Cuba, and has resided there for 20 years; is a Spanish subject, and has never served any other State; is not married; appointed himself to the command of the detained vessel, being part Owner of her; purchased her in Cuba about 3 years ago from an American Captain, whose name he does not recollect; believes her to have been built in Baltimore; was present when the vessel was seized for having slaves on board; sailed under Spanish colours, and had none others on board; the vessel is called '*Segunda Iberia*,' which has been her name ever since she came into his possession; she is 54 tons burthen, and has a crew of 20 Officers and mariners, exclusive of himself, who were all Spaniards, and were shipped by himself at Cuba about 8 months ago; is Owner of two-thirds of the vessel and her cargo; none of the Officers or mariners had any interest in either; was Master of the vessel; there were 2 Spanish seamen on board as passengers, who embarked in the River Bras in December last for a passage to Cuba, whither they were going to seek employment, but they had no interest in either vessel or cargo; the present voyage commenced and was to have ended at Santiago de Cuba; the Danish Island of St. Thomas, in the West Indies, was the last clearing port; the vessel went from Cuba to St. Thomas's to take a cargo, and thence to the River Bras, where she shipped slaves; the vessel's Papers were for Princes Island, but she did not go there; is himself Owner of two-thirds of the vessel, and a Spaniard, named Nicolas Grasol, resident in Cuba, is Owner of the other third part; he (witness) is the sole lader and consignee of the cargo, which belongs to him and the said Nicolas Grasol; the last cargo of the vessel was slaves, and her present cargo is slaves, of whom 264 were shipped from the shore at one time in the river Bras; 4 of the slaves died previous to capture, and some have died since, but does not know how many; was taken direct to Sierra Leone; at the time of capture 8 doubloons, 32 Spanish dollars, a little box containing a silver cup, fork, spoon, and knife, a silver watch, a telescope, a gold ring, a pair of razors, a chain, 3 shirt-studs, a pair of pistols, and a looking-glass, were plundered from witness's trunk by some of the man-of-war's people, who broke it open during his absence, with his Papers on board the capturing ship; the Commander of the man-of-war ordered a search, but nothing was discovered except the shirt-studs, the pistols, and the looking-glass."

The evidence of Manuel, the Cabin-boy, is distinct and clear, and verifies the Master's testimony in every respect. With regard to the charge of plundering, this witness deposed that "nothing was taken out of the vessel, to his knowledge, at the time of capture, except what was taken from the Captain's trunk by the man-of-war's men, who broke the trunk open, and abstracted various articles in witness's presence."

On the publication of this evidence, the Captor's Proctor petitioned for leave to file an Affidavit of Mr. Thain, the Prize-Master, for the purpose of showing that, immediately on the Master's loss being made known to Lieutenant Rose, he caused an inquiry into the circumstance. Mr. Thain deposes, "That he perfectly recollects the Master of the said schooner complaining to the Commander aforesaid that 8 doubloons had been stolen from his chest on board the said schooner, by some of the crew of His Majesty's schooner 'Fair Rosamond;' that thereupon Lieutenant Rose immediately caused an inquiry to be made, but was unable to ascertain anything respecting the said complaint; that the result of the inquiry was communicated to the said Master, who then expressed himself satisfied that every endeavour had been used to detect the offender."

To this affidavit are appended two Certificates, marked A. and B., which we give entire.

(Copy.)

A.

His Majesty's schooner "Fair Rosamond," at sea 28th December, 1835.

It appears from the statement of the Captain of the "*Segunda Iberia*," that he has lost money from his trunk to the amount of eight doubloons, and, having made every inquiry among the crew of the "Fair Rosamond," it appears to us that the robbery was committed by one of his own crew, as the strictest investigation has been made on board the "Fair Rosamond," though without success.

Given under our hands on board the above vessel, this 28th December, 1835.

(Signed)

GEORGE ROSE, Lieutenant and Commander.

R. G. WILLES, Second Master.

G. C. R. COLE, Clerk in charge.

(Copy.)

B.

His Majesty's schooner "Fair Rosamond," at sea 28th December, 1835.

I hereby certify that Lieutenant Rose, Commander of His Majesty's schooner "Fair Rosamond," has used every exertion in his power to discover the person who took the money from my trunk, as mentioned on the other side; and that the strict and impartial investigation that took place on board the said vessel occupied upwards of two hours; and I am fully satisfied that Lieutenant Rose could do no more than he has done to discover the person who committed the theft.

Given under my hand on board the said vessel, this 28th December, 1835.

(Signed)

MARIANO CASAS, Master of the "*Segunda Iberia*."

The above Certificates were allowed to be filed, although, according to the practice of the Court, they were not admitted as evidence to disprove the sworn testimony of the witnesses examined in the Case. If produced at all, these Documents should have appeared, according to the prescribed rule in such Cases, and according to the principle laid down in the Instructions for the men-of-war employed in the suppression of the Slave Trade, as accompaniments to the Captor's Declaration, and not have been withheld, until it was discovered that the anticipated complaint had actually been made. The calling upon a person, in the situation in which Mariano Casas stood at the moment of capture, to sign an exculpatory Certificate such as that which we have quoted, is not only an improper but a useless proceeding on the part of the Commander of a capturing ship. It is insufficient in the way of evidence, and it leads to the apprehension, which we have almost invariably found realized, that it is intended to cover some unjustifiable proceeding; and, considering the relative positions of the two parties at the time when such a requisition is made, the Master of a detained vessel can hardly be supposed to be free from all sense of control and coercion.

On the present occasion, we determined to investigate the matter further; and in reply to some special interrogatories put by order of the Court, the Master, Mariano Casas, deposed, "that something was spoken to him in French as to the contents of the Certificate which he signed, which he understood very imperfectly, knowing very little of the French language; that he did not, and does not, consider that the Commander of the capturing vessel used every exertion to recover the stolen property; that he objected to signing the said Paper, but the Commander insisted upon his doing so, and he complied at length, as he considered himself under control."

The Cabin-boy, Manuel, also swore, that "he saw the man-of-war's people abstract from the Master's trunk 1 looking-glass, 1 spy-glass, 1 gold chain, 2 razors, and some money tied in a night-cap; and of the said articles, he only saw the looking-glass returned to the Master."

To disprove this evidence, the Captor's Proctor produced Mr. Thain, the Prize-Master, and George Brown, a seaman of the "Fair Rosamond," who made an Affidavit on the subject, on the 30th ultimo. Mr. Thain deposed, that "he was on board the schooner, 'Segunda Iberia,' at the time of her capture, and saw Lieutenant Rose give a certain Certificate, which has been filed in this Case, to George Brown, a seaman above named; and, at the same time, did direct him to explain the contents to the Master of the said detained schooner; that he heard the said George Brown read the said Certificate, both in French and Spanish, to the said Master; that after the same had been so read, the said Master did immediately sign his name thereto, without making any objection, or showing any reluctance so to do; that he (witness) found the bulkhead of the Master's cabin had been completely stove in and broken; and he (witness) was informed, and verily believes, that the same was effected by the detained crew of the said schooner previously to her capture."

The seaman, George Brown, likewise deposed, that "he was on board the detained schooner at the time of her capture, and was also present when the Master complained of having lost several articles out of his chest; that in consequence of such complaint, Lieutenant Rose did cause a thorough search to be made on board the 'Fair Rosamond,' when every man's bag and mess were strictly examined; that after such search had been made, the said Lieutenant Rose did proceed on board the said schooner, and did direct him, this deponent, to explain the nature of the Certificate before named to the said Master, which this deponent did, by reading the same to him both in French and Spanish; that after the same had been read and explained, the said Master expressed himself satisfied that the contents were true, and that he did immediately, and without hesitation or objection, sign the said Certificate in deponent's presence; that when he (witness) went on board the said schooner after capture, he found the bulkhead of the said Master's cabin completely forced in; and he, this deponent, was then informed, and verily believes, that the same was effected by the crew of the detained vessel previously to her capture; and this deponent further saith, that he has sufficient knowledge of the French and Spanish languages to make himself perfectly understood by the natives of those countries."

On the 1st instant, a further Affidavit of Mr. Thain was filed, stating, that "the looking-glass referred to by the said Master was found in the 'Fair Rosamond's' boat, which conveyed the crew of the detained vessel on board the capturing ship; that the pair of pistols referred to by the said Master was delivered to deponent by Lieutenant Rose, after the capture of the detained vessel, with directions that they should be delivered to the said Master on their arrival at Sierra Leone, and which deponent has done accordingly."

In the absence of Lieutenant Rose, and of the further explanations which it may be in his power to give, we shall refrain from expressing any decided opinion on the subject of the loss sustained by Mariano Casas, and shall content ourselves with remarking, that it appears to be admitted on all hands that a robbery was committed.

Mr. Thain swears, that Casas "expressed himself satisfied that every exertion was used to detect the offender." The other Officers of the "Fair Rosamond" consider "that the robbery was committed" by some not belonging to the man-of-war. The Certificate, which Casas signed in behalf of the Captor, states, "that Lieutenant Rose could have done no more to discover the persons who committed the theft;" indeed the minute investigation which took place on board the "Fair Rosamond," and the examination of every seaman's bag and mess, will sufficiently show the general impression.

It may also be observed that, whilst Mariano Casas distinctly swears that "his property was plundered during his absence, with his Papers, on board the capturing ship;" and whilst the Spanish Cabin-boy swears, with equal distinctness, "that the Master's trunk was broken open by the man-of-war's men, who abstracted various articles in witness's presence;" and again, that "he saw the man-of-war's people take" certain articles which he specified; the only evidence yet produced to rebut this positive testimony is the belief of Mr. Thain and George Brown, that the plunder was committed previous to capture by Casas' own crew; and the supposition of the Commander, Second Master, and Clerk of the capturing ship, that the robbery "was committed by one of the crew of the detained vessel, as the strictest investigation was made on board the 'Fair Rosamond' without success."

The taking the above evidence occupied a long time, and a day of trial was therefore not petitioned for until the 1st instant. The trial was fixed for the 3d instant, on which day, as the illicit employment of the "Segunda Iberia" was fully admitted by her Master and Owner, a sentence of condemnation was pronounced. It was also decreed, that there were on board the detained vessel, at the time of her capture, 260 slaves, and that 22 of that number had died between capture and adjudication, leaving 238 slaves to be emancipated from slavery.

Sierra Leone, 6th February, 1836.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

No. 15.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received May 20.)

MY LORD,

Sierra Leone, 6th February, 1836.

WE have the honour herewith to transmit to your Lordship our Report of the Case of the Spanish brigantine "*Isabella Segunda*, alias *Cuatro Estrella*," Isidro Reynals, Master, which was condemned in the British and Spanish Court of Mixed Commission, established in this place on the 3d instant, for being engaged in the illicit traffic in slaves.

The "*Isabella Segunda*" cleared out from Santiago de Cuba in the middle of last year, for a voyage of lawful commerce to Princes Island, but came direct to the River Bonny, where she embarked 374 slaves, on the 21st December last, and was captured on the following day close to the river where her slaves had been shipped, by His Majesty's sloop "*Trinculo*," Henry Joseph Puget, Esquire, Acting Commander.

The detained vessel arrived in this harbour on the 25th ultimo. The proceedings taken against her were brought to a termination as soon as the forms of the Court would allow, and sentence was pronounced in the Case on the same day that the Monition to all interested parties was returned into the Registry.

The illegality of the vessel's employment was too evident to admit of denial or palliation; the "*Isabella Segunda*" was accordingly condemned as good and lawful prize, and the survivors of the slaves found on board of her at the time of capture, 332 in number, were emancipated from slavery.

We observe, from the Lists kept by His Majesty's Commissioners at Havana of slave-vessels which clear out from the outports of Cuba, that this vessel was employed in the Slave Trade from Santiago de Cuba so long ago as February, 1834.

We have, &amp;c.

(Signed)

H. W. MACAULAY.

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

WALTER W. LEWIS.

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 15.

*Report of the Case of the Spanish brigantine "Isabella Segunda, alias Cuatra Estrella," Isidro Reynals, Master.*

THE above vessel cleared out from Santiago de Cuba on the 25th June, 1835, under the command of Isidro Reynals, who had purchased her two days before, as appears by a Bill of Sale found amongst the Ship's Papers, from Tayme Comas, her former Owner. The Papers which she received from the Cuba Authorities are a Provisional Passport, List of Crew, and Bill of Health. By them she is described as a brigantine of 107 tons, bound on a voyage of lawful commerce to Princes Island, with a crew consisting of 31 men besides the Captain; and she is warned against being engaged in the prohibited traffic in slaves.

Instead of proceeding to Princes Island, the first point on this Coast which she made was the River Bonny, where 374 slaves were embarked from the shore, on the 21st December last; and she was captured with 347 of that number on board, on the following day, off the mouth of the river in which her slaves had been shipped, by His Majesty's sloop "*Trinculo*," Henry Joseph Puget, Esq. Acting Commander: 27 slaves were landed from the vessel by the Spaniards immediately previous to capture.

The arrival of the "*Isabella Segunda*" in this harbour was reported by the Marshal to the Courts on the 25th ultimo; and on the same day she was visited by the Surgeon, who stated that 13 of the slaves had died of dysentery on the passage hither; that there were still 3 severe cases of dysentery, 1 case of ulcer, and a number of cases of craw-craw; and the accommodation of the vessel being very inadequate, it was recommended that the slaves should be landed as quickly as possible. This recommendation was complied with on the same day; the sick slaves were placed in the lower hospital at Kissy, and the healthy were lodged in the Liberated African yard in Freetown.

The vessel was the same morning brought before the British and Spanish Court in the usual form. The Affidavit of the Prize-Master, Mr. Hollinworth, detailing the facts of capture, and authenticating the Ship's Papers, and the Captor's Declaration was received and filed, together with the Documents which it served to verify. The Monition, citing all parties interested in the vessel to appear, was issued; and the Master and Mate of the detained vessel, who were named as the witnesses in preparatory on the part of the prosecution, were summoned to attend at the Registry Office for the purpose of being examined.

The Captor's Declaration is to the following effect:—"I, Henry Joseph Puget, Commander of His Britannic Majesty's sloop '*Trinculo*,' hereby declare that, on this 22d day of December, 1835, being off the River Bonny, I detained the vessel named the '*Isabella Segunda*,' sailing under Spanish colours, armed with 1 gun, a 12-pounder, commanded by Isidro Reynals, who declared her to be bound from the River Bonny to Santiago de Cuba, with a crew consisting of 5 men, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 347 slaves, said to have been taken on board in the River Bonny on the 21st December, 1835."

To this Declaration is annexed a list of stores, mutually signed by the Prize-Master and the Master of the detained vessel.

The examinations on the standing interrogatories took place on the 27th ultimo. The Master, Isidro Reynals, deposed, that "he was born in Catalonia, and has resided there since his birth; is a Spanish subject, and has never served any other State but Spain; is married, and his wife and family reside in Catalonia; appointed himself to the command of the vessel, being the sole Owner of her; took possession of her 9 months since at Santiago de Cuba from Don Francisco C6, a Spanish subject, resident at Santiago de Cuba, and agent of the former Owner, Tayme Comas; was present at the time the vessel was captured for having slaves; had no colours but Spanish on board; the vessel has been called '*Isabel Segunda*, alias *Cuatro Estrella*,' ever since witness purchased her, nor does he know of any other name by which she may have gone; she is 107 tons burthen, and has a crew of 30 persons, exclusive of witness, who are all Spaniards, and were hired and shipped at the same time at Santiago de Cuba by witness, about the 27th June last; was sole Owner of the vessel and her cargo; none of the Officers or mariners had any interest in either; was Master of the vessel; there were no passengers on board at the time of capture; the present voyage commenced and was to have ended at Santiago de Cuba, which was also the last clearing port; the vessel touched at St. Thomas's in the West Indies, to repair her foremast, and thence proceeded to the Bonny, where she took in her slaves; was captured on Bonny bar, whilst lying at anchor on the 21st December last; is the sole Owner, lader, and consignee of the cargo, which he had intended to have landed on the Coast of Cuba, at his sole risk, and for his own profit; does not know what lading the vessel may have had on her last voyage; her present cargo is slaves, whom he shipped altogether in the Bonny from the shore; after capture, was taken direct to Sierra Leone; bulk was first broken in the Bonny; no slaves have been disembarked since capture, but witness sent 27 slaves on shore immediately before capture; since capture, 6,000 cigars and 3 pairs of razors have been taken from the vessel."

The evidence of Manual Bolivard, the Mate, confirms the Master's testimony in all points of which he could be supposed to be cognizant.

On the publication of the above evidence, the Court were desirous, before proceeding to trial, to procure additional information relative to the statement in the Captor's Declaration, that there were only 5 of the Spanish crew on board the detained vessel at the time of her capture; also, with respect to the 27 slaves who were landed in the River Bonny immediately previous to capture; and with respect to the cigars and razors, said by the Master to have been taken from him by the crew of the capturing ship. To special interrogatories on these subjects, the Master deposed, that "the 5 persons referred to were those who were *left* on board the detained vessel by the Commander of the man-of-war, not those who were *found* on board at the time when he was detained; the rest of the crew were all sent on shore in the Bonny; that the 27 slaves were reloaded in the Bonny, in order that, if the '*Isabel's*' people should be sent ashore, as was to be expected, by the man-of-war, those slaves might be the means of procuring subsistence for them; the slaves were left in charge of the native Pilot Brun, who piloted the vessel out, and they were reloaded in his canoe; the Spanish crew were landed afterwards in the man-of-war's boat; the cigars and razors were taken by the crews of the two boats from the man-of-war which seized him in the Bonny. Witness discovered the robbery the morning after capture, on his going down early in the morning to get a cigar, when he found several cigars strewed about the cabin floor; this was before the '*Isabella Segunda*' came up with the man-of-war, which was outside the mouth of the river; the cigars were in boxes of 1,000 each; they and the razors were in the cabin, where witness was not in the habit of sleeping on account of the heat."

The charge of robbery, on the part of the seamen of the detained vessel, was so vague and ill-supported, that we thought it only due to Commander Puget to abstain from making any remarks on the circumstance, until his explanation, which we have no doubt will be satisfactory, can be received.

The Monition, issued on the 25th ultimo, was returned into the Registry on the 3d instant, with the Certificate of the Marshal that it had been duly served; and the trial of the vessel was appointed to take place on the same day. The employment of the "*Isabella Segunda*" in the illicit traffic in slaves was clearly proved by the parties engaged in the illegal adventure; and the Affidavit of the Prize-Master, and the Marshal's return, having shown the number of deaths which had taken place amongst the slaves subsequent to capture, and the number of slaves surviving on the day of trial, the Court pronounced a sentence, condemning the "*Isabella Segunda*" as a good and lawful prize to the Crowns of Great Britain and Spain, and emancipating from slavery the survivors of her slaves, 332 in number; 347 having been on board the detained vessel at the time of her seizure, and 15 having died subsequently.

Sierra Leone, 6th February, 1836.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

No. 16.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 20.)*

MY LORD,

Sierra Leone, 6th February, 1836.

WE have the honour to enclose, for your Lordship's information, our Report of the Case of the Spanish schooner "*Ligera*," Angel Joz6 Canessa, Master, captured by his Majesty's brigantine "*Buzzard*," Lieutenant Thomas Lorey Roberts commanding, on the 24th December, 1835, in 4° 0' north latitude, and 6° 15' east longitude, with 198 slaves on board, who had been taken on board on the former day in the River Nun.

The "*Ligera*" was found by the captors to be quite unseaworthy, and having been taken into Princes Island, a Survey was there held upon her by the Commander and Officers of the "*Fair Rosamond*," who at once pronounced her to be unfit to attempt a voyage to Sierra Leone.

Her slaves were then embarked on board the capturing ship, and the vessel herself and her stores were placed in the custody of the Portuguese Authorities at Port Antonio, who gave ample Receipts for the same.



The "Buzzard" arrived in this harbour on the 26th ultimo, with 194 slaves on board, and the prosecution of the "*Ligera*" commenced on the following morning, and terminated on the 3d instant, on which day a sentence of condemnation was pronounced upon her, and the survivors of her slaves, 192 in number, were emancipated from slavery.

On the same day a Commission of Appraisalment and Sale was issued in blank, and committed to the care of Lieutenant Roberts of the "Buzzard," who left this place for Princes Island immediately after the sitting of the Court; and who was instructed to fill up the blank with the name of some respectable and trustworthy person at Princes Island, notifying to us the name and situation of the person to whom the Commission should be delivered.

Directions were likewise given for the complete destruction of the whole of the slave-coppers and the greater part of the water-leaguers, which had been landed from the "*Ligera*," and left in store at Prince's Island; and, from Lieutenant Roberts's high character for intelligence and correctness, we have no doubt that the directions referred to will be strictly complied with. A Copy of our Letter to Lieutenant Roberts is enclosed.

It is worthy of remark, that the last three vessels which have been condemned in the British and Spanish Court belonged to the port of Santiago de Cuba, and were all bound to the same place when captured, laden with slaves.

The "*Ligera*" is the sixth prize of His Majesty's schooner "Buzzard" which has been condemned during the last twelve months for being engaged in the Slave Trade, and makes up the number of slaves captured by her during that period to 2,364.

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. 16.

*Report of the Case of the Spanish Schooner "Ligera," Angel José Canessa, Master.*

A PROVISIONAL Passport, dated at Santiago de Cuba on the 12th May, 1835, was granted to Angel José Canessa, which authorizes him to employ the Spanish schooner "*Ligera*," of 64 tons burthen, in a licit commercial voyage to Princes Island, and he is particularly warned against engaging in the prohibited Slave Traffic.

The "*Ligera*" is stated by the Master to have called at the American Settlement of Liberia for wood and water, and then proceeded to the River Nun, or Bras, or St. John's (for it is variously called), where she took on board 198 slaves, on the 23d December, 1835, and was captured on the following day by His Majesty's brigantine "Buzzard," Lieutenant Thomas Lorey Roberts commanding.

The "*Ligera*," at the time of capture, was considered by Lieutenant Roberts not to be seaworthy. She was accordingly taken to Princes Island, for the purpose of being calked and repaired, and rendered fit for sea; but whilst there, her leaks increased so rapidly that she was making 3 feet 2 inches of water an hour, lying at her anchors in smooth water.

The wretched state of the vessel led to a Survey being held upon her by the Commander, Second Master, and Carpenter of His Majesty's schooner "Fair Rosamond," which was lying in West Bay at the time. The Surveyors decided that the prize was not in a fit state to make a passage to Sierra Leone; she was therefore hauled aground at Port Antonio, and left in charge of the Portuguese Authorities of the Island, who gave Receipts to Lieutenant Roberts for the vessel and stores left in their charge. The slaves, to the number of 198, were placed on board the capturing ship, and brought up to Sierra Leone.

The Declaration, Certificates, and Surveys, which refer to the above transactions, are so complete and satisfactory, as to leave us nothing further to wish for in regard to them; and we cannot but think that Lieutenant Roberts exercised a sound discretion in the course which he pursued.

The "Buzzard" arrived in this harbour on the afternoon of the 26th ultimo, with 194 slaves belonging to the "*Ligera*" on board, 4 having died during the month which had elapsed since capture; and on the following morning she was fully before the British and Spanish Court.

The usual Affidavit was sworn to by Lieutenant Roberts, detailing the circumstances of seizure, and authenticating the Ship's Papers, which were at the same time lodged in the Registry; and, on the Petition of the Captor's Proctor, the Affidavit of seizure, together with Lieutenant Roberts's Declaration and Certificate of transhipment of slaves, the Receipts for the detained vessel and her stores taken from the Provisional Government of Princes Island, and the Report of the Surveyors, who examined into the state and condition of the "*Ligera*," and condemned her as unseaworthy, were received and filed; the Monition citing all parties interested in the vessel to appear was issued; and the witnesses in preparatory on behalf of the prosecution were summoned to pass their examination on the standing interrogatories.

The Captor's Declaration is as follows:—"I, Thomas Lorey Roberts, Lieutenant and Commander of His Britannic Majesty's brigantine 'Buzzard,' hereby declare that on this 24th day of December, 1835, being in or about latitude 4° 0' north, longitude 6° 15' east, I detained the schooner named "*Ligera*," sailing under Spanish colours, armed with 1 gun (4-pounder), commanded by Angel José Canessa, who declared her to be bound from the River St. John's to Santiago de Cuba, with a

crew consisting of 16 men and boys, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 198 slaves, said to have been taken on board at the River St. John's, on the 23d December, 1835.

"I do further declare, that the said schooner appeared not 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 Santiago de Cuba.

"I do further declare, that the said schooner was in so leaky a state as to oblige me to send her to the Island of Princes to calk and repair; and on her arrival at that Island her leaks had increased to 3 feet 2 inches an hour, lying at her anchors in smooth water. A Survey was consequently held upon her by the Officers of His Majesty's schooner 'Fair Rosamond,' who condemned her as unseaworthy. She was subsequently hauled aground at Port Antonio, and left in charge of the Public Authorities of that place."

The above Declaration is signed by the Commander, Acting Master, and Assistant Surgeon of the capturing ship; and to it there are attached a list of stores landed from the "*Ligera*" at Princes Island, mutually signed by the Officers of the "*Buzzard*" and by the Captain of the detained vessel, also the Report of Survey which condemned the "*Ligera*" as unseaworthy. The Surveyors state for themselves, "that after a strict examination of the bottom of the said schooner, as far as we could ascertain the same by careening, we found the seams and butts to be very open, particularly abreast the channels, where she has been before repaired by nailing copper over the seams; and we found her to make 3 feet 2 inches an hour lying in smooth water at anchor; and we do not deem her in a fit state to make the passage to Sierra Leone."

The Certificate of the necessity of disembarking the "*Ligera's*" slaves is drawn up in the form laid down in the Instructions, and states fully the reasons for their removal on board the "*Buzzard*."

The slaves were landed at the Liberated African Yard in Freetown on the 26th ultimo, and were taken charge of by the Department pending adjudication.

On the 27th ultimo, the Master and Cook of the detained vessel were examined on the standing interrogatories. The Master deposed, that "he was born in Malaga, lives in Cuba, and has resided there for several years; has never served any other State but Spain; is not married; is the Owner of the detained vessel, and appointed himself to the command of her; received possession of her at Cuba, on the 3d of May last, from an American, whose name he does not recollect; she was built at New York; was present at the capture of the vessel for having slaves on board; had no colours except Spanish; the vessel has been called '*Ligera*,' ever since he bought her, but was previously called '*Alpha*;' she is 64 tons burthen, and had 15 Officers and men, exclusive of witness, who are all Spaniards, and were shipped at Cuba in July last by witness; was sole Owner of the vessel and cargo; none of the Officers or mariners had any interest in either; was Master of the said vessel; there was no passenger on board at the time of capture; the voyage commenced and was to have ended at Cuba, which was the last clearing port, and from whence the vessel came to Liberia, where she took in wood and water, and procured a chain for the rigging; from Liberia the vessel went to the Bras river, where she shipped slaves; first saw the capturing ship near the mouth of the Bras, about 3 o'clock in the afternoon on the 24th December last, and was captured about half-past 9 o'clock the same evening; the vessel's Papers were for Princes Island, but she never went there; he (witness) was the sole Owner of the vessel; there was a Bill of Sale from the former Owner, which is now in Cuba; the cargo of the vessel on the outward voyage was flour and other provisions from St. Domingo and North America; the present cargo is slaves, of whom 198 were shipped in the Bras all together from the shore; after capture the vessel was taken to Princes Island, where he believes she now is; bulk was first broken in the Bras, where the cargo was disposed of; the vessel was laid ashore at Princes Island, being very leaky, and all her stores and sails were taken out."

The other witness, José Nicolas Maria, Cook of the detained vessel, was likewise examined on the standing interrogatories; but it is needless to give an abstract of his deposition, which is similar in all respects to that of the Master.

The evidence taken was clearly sufficient to convict the "*Ligera*" of a guilty participation in the Slave Trade at the time of her capture. As soon, therefore, as the necessary Affidavit respecting the deaths which had occurred amongst the slaves had been made and filed, the 3d instant was appointed for the adjudication of the vessel, on which day the Monition, issued on the 27th ultimo, was returned into the Registry certified by the Marshal to have been duly served.

The sentence of the Court was, that the Spanish schooner "*Ligera*," Angel José Canessa, Master, be condemned as good and lawful Prize to the Crowns of Great Britain and Spain, and that the survivors of her slaves, 192 in number, be emancipated from slavery, 198 having been on board at the time of capture, and 6 having died between that period and the present.

After the above sentence had been pronounced, a Commission of Appraisalment and Sale of the condemned vessel and stores was prayed for by the Captor's Proctor in the usual form; in reply to which it was stated that the sale of the vessel and stores would take place at Princes Island, and the proceeds be directed to be thence remitted to the Registry of the Court, for the purpose of being transmitted, through the usual channel, to England.

*Sierra Leone, 6th February, 1836.*

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

### Second Enclosure in No. 18.

(Copy.)

*His Majesty's Commissioners to Lieutenant Roberts.*

SIR,

*Sierra Leone, 3d February, 1836.*

We beg leave to enclose herewith a Commission of Appraisalment and Sale for the Spanish schooner "*Ligera*," Angel José Canessa, Master, captured by His Majesty's brigantine under your command, for illicitly trading in slaves, and condemned this day in the British and Spanish Court of Mixed Commission.

The "*Ligera*" having been left by you at Princes Island, in the custody of the Authorities of that Settlement, owing to circumstances which unavoidably prevented her being sent to Sierra Leone, it has become necessary, in order finally to dispose of the Case, to sell her where she is, and to remit the proceeds to England, for the benefit of the two Governments of Great Britain and Spain.

We have, therefore, to request that you will take charge of the accompanying Commission, and use

your best endeavours to have it speedily and satisfactorily executed, and the proceeds of the sale remitted to us with as little delay as possible.

The name of the party who is to execute the Commission has been left blank, and we trust to you to fill up the blank with the name of some respectable and trustworthy person, to whom, with the Commission, we beg that you will hand this Letter, or a Copy of it, and that you will notify to us to whom the Commission is delivered.

With respect to the slave-coppers and water-leaguers, left by you in store at Princes Island, it is indispensable that the whole of the former should be completely destroyed previous to the sale; and the latter also, except what may be sufficient to hold 700 gallons of water.

For taking inventories, and appraising and selling the property, a commission of 5 per cent. will be allowed to the Auctioneer, as well as the necessary expenses attendant thereon.

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

Lieutenant Roberts,  
Commanding His Majesty's Brigantine "Buzzard."

## No. 19.

His Majesty's Commissioners to Viscount Palmerston—(Received May 20.)

MY LORD,

Sierra Leone, 10th March, 1836.

WE have the honour to transmit herewith our Report of the Case of the Spanish brig "*Vandolero*, alias *Estrella*," Antonio de la Puente, Master, seized by His Majesty's brig "*Lynx*," Lieutenant Henry Vere Huntley commanding, on the 21st January last, in latitude 4° 12' north, longitude 7° 10' east, for having a cargo of 377 slaves on board, shipped the day previous in the New Calabar river.

The "*Vandolero*" reached this port on the 29th ultimo, and on the following morning proceedings were instituted in the British and Spanish Court of Mixed Commission against that vessel, which were, on the 4th instant, brought to a close.

The Court met for the adjudication of this vessel on the 8th instant, when, having heard read the evidence in the Case, by which the guilty employment of this vessel was clearly established, sentence of condemnation was pronounced upon her; and the surviving 343 slaves of her cargo were decreed to be emancipated.

The absence of the Inventory of the stores of this vessel, which should have accompanied the Declaration of the Captor in this Case, was satisfactorily accounted for by the Affidavit of the Prize-Officer, which states that, at the time of the detention of the "*Vandolero*," His Majesty's brig "*Lynx*" was in chase of another vessel, supposed to be a slaver, and in pursuit of which the vessels named lost sight of each other.

We have, &c.  
(Signed) H. W. MACAULAY.  
WALTER W. LEWIS.  
The Right Hon. Viscount Palmerston, G.C.B. &c. &c. &c.

## Enclosure in No. 19.

Report of the Case of the Spanish brig "*Vandolero* (a) *Estrella*," Antonio de la Puente, Master.

THIS vessel, furnished with a Passport, numbered 98, from the Captain-General of Cuba, Don Juan Bautiste de Topete y Viana, and dated St. Jago de Cuba, 10th July, 1835, was authorized to proceed on a lawful commercial voyage from that port to the Island of Princes, under the command of Antonio de la Puente. The usual warning against engaging in the slave traffic is also endorsed on the Passport.

The other Papers obtained at the time of seizure, in addition to the Passport, were a few manuscript Medical Instructions, a Bill of Health, and Muster-roll, from St. Jago de Cuba, and a Log-book of the voyage outward, from St. Jago de Cuba to the Cape de Verde Islands.

The Bill of Sale of this vessel was obtained from the Master, on his examination by the Registrar of the Court. This Document establishes the Ownership of the "*Vandolero*" in her late Master, who, it appears, bought her from one Rafael Deas, of Barcelona, a resident of St. Jago de Cuba, on the 15th May, 1835, for the sum of 2,500 dollars.

When this vessel was the property of Deas, she was named "*San Rafael*;" which title Puente obtained leave from the Authorities of Cuba, on the 8th July, 1835, to change to "*Vandolero* (a) *Estrella*."

The "*Vandolero*," as is usual with most Spanish vessels which leave Cuba bound to St. Thomas or Princes, paid no respect to the directions contained in her Papers, but went at once from St. Jago de Cuba to the New Calabar river, where she shipped a cargo of slaves. Her success in this nefarious transaction was of brief duration; for the day after the slaves were embarked, and on the "*Vandolero*" quitting the New Calabar with the intention of returning to Cuba, she was seen and detained by His Majesty's brig "*Lynx*."

The Declaration of the capturing Officer respecting this transaction runs thus:—"I, Lieutenant Henry Vere Huntley, Commander of His Majesty's brig '*Lynx*,' hereby declare, that on this 21st day of January, being in or about latitude 4° 12' north, longitude 7° 10' east, I detained the '*Vandolero*,' sailing under Spanish colours, commanded by Antonio de la Puente, who declared her to be bound from the New Calabar river to St. Jago de Cuba, with a crew consisting of 34 men and boys, whose names, as declared by them respectively, are inserted in a list accompanying this, and having on board 377 slaves in number, said to have been taken on board at New Calabar on the 20th day

of January, 1836; and I do further declare, that the said brig 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 Sierra Leone."

The "*Vandolero*," after rather a long passage, reached this on the 29th ultimo, and her arrival, together with the circumstances of seizure, and her then condition, were immediately reported to us by the Marshal to the Court. At the same time the Surgeon made his report as to the state of the slaves, whom he found to have suffered much during their voyage, 30 having died from bowel complaint. Among the surviving 347 slaves, there were several cases of crawl-crawl, one of sore eyes, and one of severe and advanced dysentery, and about 50 who were in that emaciated and debilitated condition which usually precedes an attack of dysentery, unless prevented by a timely improvement of diet and fresh air. The Surgeon's recommendation, that these poor people should be immediately landed, we were enabled to carry into effect, the Lieutenant-Governor having consented to their being received at the Liberated African Department in Freetown.

On the 1st of March the Proctor for the Captors prayed that the Declaration of the seizing Officer, with the Papers of the detained vessel, authenticated by the Affidavit of the Prize-Master, Mr. Stephen Johns, should be received and filed, and the usual Monition issue in this Case, which was accordingly done.

The witnesses in preparatory produced by the Captors were, Antonio de la Puente, the Master, and Robert Antonio, the Cook of the detained vessel; who were examined on the standing interrogatories by the Registrar, on the 2d instant.

The substance of the testimony of the said Master was,—“that he was born in Cadiz; has lived at St. Jago de Cuba for the last 12 years, and has never served any State but Spain; is married, and his wife and family reside at St. Jago de Cuba; appointed himself to the command; possession was delivered to him by Don Rafael Deas, a Spanish subject residing in Catalonia; believes the vessel was built in Catalonia; he was on board when the vessel was seized for having slaves; had none but Spanish colours on board; the vessel's name is "*Vandolero (a) Estrella*;" she was, before she came into witness's possession, called "*San Rafael*;" does not recollect her tonnage; had a crew of 32 Officers and men, exclusive of himself, all of whom are Spaniards, and were shipped by him at St. Jago de Cuba in June or July last; is the sole Owner of the vessel and cargo; the present voyage commenced and was to have ended at St. Jago de Cuba, which was also the last clearing port; from thence the vessel proceeded to New Calabar, where she shipped her present cargo (which consists of 377 slaves) from the shore; the capturing vessel was seen immediately as the "*Vandolero*" came out of the New Calabar, about 6 o'clock in the morning of the 21st January last, and was captured about 3 o'clock of the same day; was steering for Cuba when chased; the vessel's Papers were for Princes Island, but she never went there; there are 3 guns, about 24 sabres, and 18 muskets on board, with a small quantity of powder and cartridges for defence against pirates; no resistance was made to capture; there was a Bill of Sale from Rafael Deas to him (witness), which he produced and delivered up; he was the sole Owner of the cargo, as well as lader and consignee; the slaves were to have been landed in Cuba, at his sole risk and profit; and if they should be restored, they will belong to him only; the lading of the vessel on her last voyage was wine from Barcelona to Cuba; bulk was first broken in the New Calabar, where the present cargo of slaves was shipped."

As far as the evidence of the Cook of the captured vessel could be expected to corroborate that of the Master, it did so, and particularly as regards the detention of this vessel with a cargo of slaves, who had been shipped in the New Calabar.

On the 4th instant the Proctor for the Captors brought in two Affidavits to be made by the Prize-Officer, which were allowed to be filed. One of which was to account for the absence of the usual Inventory of Stores found on board the detained vessel at the time of seizure, and which ought to have been attached to the Declaration of the seizing Officer; and the other to show the number of deaths which had occurred amongst the slaves whilst under the Prize-Officer's charge; and which latter evidence established, that 30 of the slaves which had been detained had died during the period in question, and that 1 female child had in the same time been born, and had shortly afterwards expired. Respecting the deficiency of the Inventory of Stores, Mr. Johns, the Prize-Officer, deposed, that "at the time of the seizure of the said brig '*Vandolero (a) Estrella*,' His Majesty's brig '*Lynx*' was in chase of another slave-vessel, and that consequently the Prize crew was hastily put on board, and the chase was continued by His Majesty's brig '*Lynx*,' which rendered it impossible for an Inventory of the Stores of the said vessel to be then taken; and this deponent further saith, that shortly after the seizure of the said vessel he lost sight of His Majesty's said brig '*Lynx*,' and he therefore made the best of his way to this port."

The Captors' Case being now closed, their Proctor prayed publication of the same, which was accordingly granted; and on a further Petition, on the 7th instant, for a day of trial, the next morning was named for that purpose.

The Monition, issued on the 1st, was returned on the 8th instant, on which day the Court proceeded to the adjudication of this vessel.

In so clear a Case of the employment in the illegal Slave Trade as that of the "*Vandolero*," it only remained for the Court to pronounce a sentence of condemnation on the Spanish brigantine "*Vandolero (a) Estrella*," her hull, tackle, apparel, and furniture, and the goods, wares, and merchandize seized on board of her by His Majesty's brig "*Lynx*," under the command of Lieutenant Henry Vere Huntley. The Court further pronounced, that it had been satisfactorily proved there had been 377 slaves on board at the time of detention, of which number 34 had died between that time and the day of adjudication; that 1 female child had been born, and had shortly afterwards died, in the same period; and that there survived 343 slaves, who were then decreed to be emancipated from slavery, and delivered over to the Government of this Colony.

*Sierra Leone, 10th March, 1836.*

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

No. 20.

*His Majesty's Commissioners to Viscount Palmerston.—(Received May 17.)*

MY LORD,

*Sierra Leone, 14th March, 1836.*

WE have the honour to acquaint your Lordship that His Majesty's frigate

"Thalia," Captain Robert Wauchope, fell in with, on the 8th ultimo, the Spanish brigantine "*Seis Hermanos*," Mariano Sintes, Master, bound to Havana from the New Calabar river, with a cargo of 189 slaves on board; which vessel was condemned in the British and Spanish Court of Mixed Commission on the 12th instant, and the survivors of her slaves, in number 171, emancipated from slavery. Our Report of this Case we have the honour herewith to hand to your Lordship.

We have, &c.

(Signed)

H. W. MACAULAY.

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

WALTER W. LEWIS.

Enclosure in No. 20.

*Report of the Case of the Spanish brigantine "Seis Hermanos," Mariano Sintes, Master.*

This vessel, having a cargo of slaves on board on her return voyage to Havana from the New Calabar, was seized, two days after leaving that river, by His Majesty's ship "*Thalia*," Robert Wauchope, Esquire, Captain.

The Ship's Papers found on board the "*Seis Hermanos*" were a Royal Passport for the vessel, issued to José Costa at Havana on the 24th July, 1835, and stating that this vessel was destined to the Islands of Princes and St. Thomas, for the purpose of lawful commerce only; a Muster-roll and Fort Pass, dated at the same time as the Passport, expressing a similar destination for the vessel under Costa's command.

The "*Seis Hermanos*" reached Sierra Leone late in the day of the 3d March, and was immediately visited by the Marshal to the Court, who made his customary Report to us of the arrival of this vessel.

On the following morning the Surgeon to the Courts visited and reported on the condition of the slaves on board of this vessel. It appeared that 189 had been seized, among whom 12 deaths had occurred through dysentery, and that 4 had committed suicide by throwing themselves overboard on the passage hither. A case of small-pox occurred during the voyage which had a favourable termination, and which disease was happily prevented from spreading by the judicious arrangement of the Prize-Officer. Twenty-four cases of disease appeared among the surviving 173 slaves, and as the vessel afforded most inadequate means of accommodation for so great a number, the Surgeon recommended their immediate landing.

Early on the following morning the slaves were disembarked and placed in the care of the Liberated African Department, the healthy ones being retained in the premises in Freetown, and the sickly being placed in the upper hospital at Kissy, as small-pox prevailed at the lower hospital, the usual place at which such people are received.

On the 4th instant, the Captor's Declaration and the Ship's Papers were brought to us, as also the Affidavit of Mr. William P. Jameson, the Prize-Master of the "*Seis Hermanos*," authenticating the same, which were directed to be filed, and the usual Motion was ordered to be issued at the instance of the Captor's Proctor.

The Captor's Declaration is as follows:—"I, Robert Wauchope, Esquire, Captain of His Britannic Majesty's ship '*Thalia*,' hereby declare that, on this 8th day of February, 1836, being in or about latitude 3° 54' north, longitude 5° 17' east, I detained the ship or vessel named the '*Seis Hermanos*,' sailing under Spanish colours, commanded by Don Mariano Sintes, who declared her to be bound from the River Calabar to Havana with a crew consisting of 15 men and boys and 4 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 189 slaves, said to have been taken on board at the River Calabar on the 6th day of February; and 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 Havana."

On the 7th instant the Registrar examined on the standing interrogatories the witnesses produced in preparatory; Mariano Sintes, the successor, in the command of this vessel, of the late José Costa, in whose favour all the Papers from Havana are; and Jorji Lacedonia, the Boatswain of the vessel.

The Master's examination shows that he was born and has always lived at Mahon, and has never served any State but Spain; is not married; took command on the death of the former Master, José Costa, on the 6th February last, at sea; first saw the detained vessel at the Havana in July last; does not know where she was built; he was present at her seizure for having slaves on board; had no colours but Spanish; he has never known any name for the vessel but "*Seis Hermanos*;" believes her to be 132 tons burthen; she had 21 Officers and mariners (exclusive of the former Master) all Spaniards; and he believes they were all hired by the said José Costa in Havana, cannot say when; neither he (witness) nor any of the Officers or mariners had, to his knowledge, any interest in either the vessel or cargo; was First Mate on board until the death of the Master; there were 4 Spaniards on board as passengers at the time of capture; they were taken on board at Calabar for Havana; does not know their names or professions, or what their business at Havana might be; they had no interest in or authority on board the said vessel; the last clearing port was Havana, and the present voyage began and was to have ended there; from thence the vessel proceeded to New Calabar, where she anchored, and the former Master purchased slaves on shore; the capturing vessel was first seen in latitude 3° 30' north, longitude 5° 0' west, on the 8th February, at day-break, and capture took place at half-past 5 o'clock in the afternoon of the same day; she was steering for the Havana when chased; her course was not altered or any additional sail hoisted; the vessel's Papers were for St. Thomas and Princes Island, but she never went there; there was 1 gun mounted, 4 or 5 muskets, and as many sabres, and a small quantity of powder; no resistance was made; there were no instructions to make any, or to avoid or escape capture, or for concealing or destroying any of the vessel's Papers; is wholly ignorant as to the Owner of the vessel; he knows nothing about any Bill of Sale, or the price of the vessel, or who she will belong to if restored, or of any private agreement; knows nothing about either laders, owners, or consignees of the cargo; the slaves were to have been landed at Havana; cannot say for whose account or risk, or to whom they will belong if restored; does not know what lading the vessel had on her last voyage, or where it was shipped; her present cargo is slaves; about 190 were shipped, all in New

Calabar, and from the shore; 1 girl died previously to capture; some slaves have died since, cannot say how many, or of which description; was taken direct to Sierra Leone; knows of nothing to affect the credit of any of the Papers found on board; no Papers were destroyed, concealed, or made away with; is ignorant whether there be in any country any other Papers relating to either the vessel or cargo; knows nothing about any Charter-party; is ignorant whether any part of the vessel or her cargo be insured; the vessel was under José Costa's direction as to her trade; witness has no correspondent as to the vessel or cargo; bulk was first broken in New Calabar, and the cargo disposed of; no slaves have been landed since capture."

The Boatswain confirmed in every respect the testimony of the preceding witness.

On the 10th instant the Prize-Officer's Affidavit, accounting for the diminution of the number of slaves detained, was brought in, and expresses that "the said brigantine was seized for having slaves on board, and that subsequently to her seizure 12 slaves died from disease, and 4 slaves were drowned by throwing themselves overboard, on the several days mentioned in the Schedule hereunto annexed. And this deponent further saith, that every care and attention in the power of himself and crew was afforded to the said slaves; and that the death of the said slaves did not ensue through the neglect of this deponent, or any of his said crew; that this deponent further saith, that on their passage to this port, to wit, on the 11th day of February last, 1 male child was born on board the said vessel, who died on board shortly after its birth."

Publication of the Case of the Captor was granted on the 11th, and on the same day the present Master was specially examined by desire of the Court, with a view to his accounting for the absence of a Log-book on both the outward and homeward voyages. His evidence was, "that José Costa did not keep any Log-book during the said voyage; that he kept the Log-book himself, and, on the arrival of the vessel at Calabar, Costa took it away from him, and desired him to make a new one, which he has on board, and will deliver up; does not know what has become of the old Log, or what Costa did with the same."

The completion of the service of the Monition in this Case occurring on the 12th March, the Court met on that day and passed sentence on the "*Seis Hermanos*," condemning that vessel and her cargo as good Prize to the Crowns of Great Britain and Spain. Of the 189 slaves seized on board the "*Seis Hermanos*," 4 drowned themselves during the vessel's passage to this place, and 14 died from disease; 1 male child, born after capture, also died; leaving surviving 171 slaves, who received a decree of emancipation from slavery.

Sierra Leone, 14th March, 1836.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

#### No. 21.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received May 17.)  
(Extract.) *Sierra Leone, 17th March, 1836.*

HAVING given our serious attention to the provisions of the Treaty between His Majesty and the Queen Regent of Spain for the abolition of the Slave Trade, signed at Madrid on the 28th June, 1835, the following matters have appeared to us worthy of being brought to your Lordship's notice, with a view to our being instructed thereupon.

In the 11th Article of the Treaty authority is granted to the Mixed Courts to pay out of the "Prize-Fund" some sum, which in equity may be required, in the event of a vessel being restored to the Claimant without damages being awarded to him.

The expenses incurred in the reception, maintenance, and care of detained vessels, slaves, and cargoes, the execution of the sentences, and all disbursements occasioned by bringing vessels to adjudication, are, in Cases of condemnation, to be defrayed from the proceeds of the sale of such vessels and their merchandize, agreeably to the first part of the second Article of Annex B. This Article also provides that, in the event of such proceeds not being sufficient to meet the approved demands of the Officers of the Court, the deficiency shall be made good by the Government of the country within whose territories the adjudication has taken place.

In the event, therefore, of the proceeds of condemned vessels being insufficient to meet the expenses contemplated, we are, of course, exceedingly anxious to know whether it would meet your Lordship's wishes that bills should be drawn by us, and upon whom, in each Case, for the amount deficient; which bills we might cause to be negotiated, to enable us to make payments for the services alluded to, on their completion.

The latter part of the 2d Article of Annex B. directs that, if the detained vessel shall be released, the expenses shall be defrayed by the Captors, except in the cases provided for under Article the 11th of the Treaty. With a view to give the Court the authority, which we consider essential in respect to this matter, we have issued an Order, addressed to the Proctors of the Court, desiring them to bear in mind that the Court will consider them as responsible for their respective clients, inasfar as this Article of the Treaty may apply to them. At the same time, my Lord, that the Order referred to was issued, we thought it advisable to

make another, strictly enjoining the Proctors to see that the Affidavits of the Prize-Officers, as to any changes which might have taken place in respect to a detained vessel in their charge, her crew, the slaves, if any, and her cargo, between the period of her detention and the time of making such Affidavit, should be brought in with the Papers of the detained vessels; in conformity with the provisions of Article the 3d of Annex A.

In the Regulations for the Mixed Courts, Annex B., Article the 6th, the Court is directed to furnish the slaves emancipated by its decrees with a Certificate of their emancipation. A similar injunction is contained in the Treaty, signed at Madrid, the 23d September, 1817. Should your Lordship deem it expedient that we should act up to the letter of the Article alluded to, we would beg to observe that it will be useless to furnish the Certificates in question upon paper, which is a very perishable material here, from the dampness of the climate, and is easily and commonly destroyed by many insects peculiar to the Tropics; and also, that it will be exceedingly difficult to convince the emancipated slaves, in this free Colony, that any value can attach to such a document.

On a strict and careful examination of Article the 7th of the Treaty of the 28th June, 1835, it appears to us that, when the Mixed Courts of Justice shall be definitively established under that Convention, the Treaty in question will entirely supersede that of the 23d September, 1817, under which the Mixed Commission was established. A right of appeal, therefore, under certain circumstances, in the event of the death of a Commissioner, cannot be urged under the New Treaty, as it could formerly under Article the 13th of the Regulations for the Mixed Commissions, in the Treaty of September, 1817.

The expiry of the old Treaty will, however, deprive the Mixed Courts of the power possessed by the Mixed Commissions, of adjudicating vessels seized for having had slaves on board during the voyage in which they may have been detained; provided the approach of a cruizer is known by the crew of a slaver in sufficient time to temporarily land their slaving outfit, and thus relieve themselves from the penalty attending a breach of the Equipment Article of the New Treaty.

With a view to facilitate the proceedings requisite in the Cases of vessels seized under the New Treaty for being equipped for the Slave Trade, we have drawn up, in the spirit of the 10th Article of that Treaty, a set of Standing Special Interrogatories (Copy of which we beg leave to enclose), which we have directed shall be put to the witnesses in preparatory in the Cases alluded to, when they are examined on the Standing Interrogatories furnished to us by His Majesty's Government, and ordered to be put in all Cases brought before the Mixed Commissions.

We have, &c.

(Signed)

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

&c.

&c.

&c.

H. W. MACAULAY.  
WALTER W. LEWIS.

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### Enclosure in No. 21.

#### ORDERED.

With a view to facilitate the proceedings requisite in the Cases of vessels seized for being equipped for the Slave Trade, under the Treaty between Great Britain and Spain, signed at Madrid, the 28th June, 1835, the following Interrogatories have been framed in conformity with the provisions of the 10th Article of the said Treaty; and in all cases hereafter presented to this Court for adjudication, on the ground of being equipped for the Slave Trade, it is ordered, that the aforesaid interrogatories be put at the same time the witnesses in preparatory are examined on the Standing Interrogatories supplied by his Majesty's Government for the use of the Mixed Commissions.

#### *Standing Special Interrogatories.*

1. Are the hatches of the said vessel fitted with open gratings? If yea, are those gratings of wood or of iron? For what purpose are they so fitted?
2. Are the combings of the hatchways bored, or otherwise fitted to receive iron bolts or bars? Are there any iron bars on board? If yea, of what description, and in what quantity? Are they intended, or fit, for securing the said hatches?
3. How many divisions or bulkheads hath the said vessel in the hold or on deck?
4. Are there any spare planks on board? If yea, of what description, for what purpose, and in what quantity are they on board? Are they numbered or fitted to any part of the said vessel?
5. Is any part of a slave-deck laid?
6. Were any shackles, bolts, or handcuffs on board the said vessel at the time of her seizure? If yea, state the number and for what reasons they were on board.
7. How many empty or water-casks are there, and what other means of conveying water is the vessel supplied with? Is she fitted with tanks? Are there any, and what quantity of staves on board? If yea, for what purpose are those staves intended? What quantity of water are those casks and tanks capable of receiving? For what purpose was the vessel supplied with the means



of carrying such a quantity of water? What quantity of water was on board at the time of capture?

8. What number of mess-tubs or kids were on board the vessel at the time of seizure? For what reason was such a number on board?

9. Were there any copper or iron boilers on board? State the number and size, and the purpose for which they were intended.

10. Was any rice, flour, maize, or Indian corn on board the said vessel at the time of seizure? If yea, state the quantity of each. For what reason was such a quantity on board?

*Sierra Leone, 9th March, 1836.*

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

(A true Copy.)

M. L. MELVILLE,  
*Registrar.*

No. 22.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 25th May, 1836.*

A DOUBT having been raised whether the Act of 6 William IV. cap. 6, for carrying into execution the recent Treaty between Great Britain and Spain for the abolition of the Slave Trade, contained an authority to compel the Owners of all vessels entering outwards, with casks or vessels intended to contain palm-oil, to give Bond that the said casks or vessels, so shipped, are solely intended to contain palm-oil, or for other purposes of lawful commerce, the Commissioners of Customs have reported, that there is sufficient authority in the said Act to enable the Officers of the Revenue to carry the Treaty into effect, so far as they are concerned; and the Commissioners have accordingly prepared the form of a Bond to be entered into, and the form of a Certificate to be issued to persons who may enter into such Bond, under the 6th Clause of the 10th Article of the Treaty above mentioned.

I enclose, for your information and guidance, Copies of the said forms.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 22.

*Form of Bond.*

KNOW all Men by these Presents, That We

are held and firmly bound unto our Sovereign  
the United Kingdom of Great Britain and Ireland,  
Sum of

, by the Grace of God, of  
Defender of the Faith, in the

Pounds of good and lawful money of Great Britain, to be paid to our said the  
Heirs and Successors; to which payment, well and truly to be made, we bind  
Ourselves, and every of Us, jointly and severally, for and in the whole, our Heirs, Executors, and  
Administrators, and every of them, firmly, by these Presents. Sealed with our Seals. Dated this  
Day of , in the Year of the Reign of said Majesty, and in  
the Year of Our Lord One Thousand Eight Hundred and

Whereas, by the 10th Article of a Treaty, concluded on the Twenty-eighth Day of June, in the  
Year of Our Lord One Thousand Eight Hundred and Thirty-five, between His Majesty the King of  
the United Kingdom of Great Britain and Ireland, and the Queen Regent of Spain, during the  
minority of her daughter, Donna Isabella, the Second Queen of Spain, it was mutually agreed that  
every merchant-vessel, British or Spanish, which shall be visited by virtue of that Treaty, may law-  
fully be detained, and sent or brought before the Mixed Courts of Justice, established in pursuance of  
the provisions thereof, if, in the equipment of any such merchant-vessels, there shall be found an  
extraordinary number of water-casks, or of other vessels holding liquid; unless the Master shall pro-  
duce a Certificate from the Custom-house, at the place from which he cleared outwards, stating that  
a sufficient security had been given by the Owners of such vessels, that a sufficient quantity of  
casks or of other vessels should only be used to hold palm-oil, or for other purposes of lawful  
commerce.

And whereas an Act was passed in the Sixth Year of His Majesty's Reign for carrying the said  
Treaty into effect: And whereas there have been shipped on board the vessel "

Master, bound for

casks beyond the number required for the use of the said vessel.

Now the condition of this Obligation is such, that if the said extra quantity of casks shall only be  
used to hold palm-oil, or for other purposes of lawful commerce, then this Obligation shall be void,  
otherwise to be and remain in full force and virtue.

Signed, sealed, and delivered, being first duly stamped.



## Second Enclosure in No. 22.

Form of Certificate.

Custom House,

1836.

THIS is to certify, that the Owners of the vessel " " of which is at present Master, have given sufficient security, as required by an Act of Parliament passed in the 6th Year of the Reign of His present Majesty King William the Fourth, entitled, " An Act for carrying into effect a Treaty made between His Majesty and the Queen Regent of Spain for the abolition of the Slave Trade."

Casks beyond the amount required for the use of the said vessel shall only be used to hold palm-oil, or for other purposes of lawful commerce.

Given under my hand and seal, the day and year first above mentioned.

## No. 23.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 16.)

MY LORD,

Sierra Leone, 9th April, 1836.

ON the 16th February last we had the honour of addressing to your Lordship a Despatch, marked " Spain, enclosing therein our Report of the case of the Spanish brigantine " *Isabella Segunda*, alias *Cuatro Estrella*," which vessel was condemned on the 3d of the month above mentioned. In the Report of the Case alluded to we felt it our duty to bring to the notice of your Lordship a vague and ill-founded charge of robbery of this Prize by the crew of the capturing ship; at the same time observing that we abstained from remarking upon this circumstance until the explanation of Commander Puget, the capturing Officer, could be obtained, and which we anticipated would prove satisfactory.

The desired explanation from Commander Puget having now reached us, we beg leave to lay a Copy of the same before your Lordship.

We have, &amp;c.

(Signed)

H. D. CAMPBELL.

WALTER W. LEWIS.

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

## Enclosure in No. 23.

Commander Puget to the Mixed Commission.

GENTLEMEN,

His Majesty's Sloop " *Trinculo*," Sierra Leone, 24th March, 1836.

THE Master of the Spanish vessel " *Isabella Segunda*," detained by His Majesty's sloop under my command, having deposed that some Boxes of Cigars were stolen by the crew,

I can only state that, immediately on the vessel being anchored near His Majesty's sloop, I not only ordered every boat to be searched that came from her, but went on board myself, and, before the Master, searched the boats that captured her, and, on asking whether any of my crew had taken away one single thing, his reply was before the Officers: " No; they are a fine set of honourable fellows; but that his own rascally crew had not only robbed him of everything, but threatened and would have murdered him, had not His Majesty's sloop's boats come up with her so quick as they did."

I have, &amp;c.

(Signed)

HENRY JOSEPH PUGET,

Commander.

The Mixed Commission,  
&c. &c. &c.

## No. 24.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 9.)

MY LORD,

Sierra Leone, 5th May, 1836.

WE have the honour of reporting to your Lordship the departure from this Colony, in the manner hereafter described, of a number of foreigners who were brought here in Spanish vessels detained for being equipped for the Slave Trade, agreeably to the provisions of the Treaty signed at Madrid on the 28th June last.

The departure of these Foreigners, as well as of Prize-Officers, or of any other material witnesses in the Cases now pending, was formally objected to by the Court.

Fifteen of the foreigners alluded to, however, took their departure hence for Havana on the 5th ultimo, in the cutter " *Experiment*," under Spanish colours, which had been purchased for that purpose from John Salter, Esquire, the Agent Victualler at this station, who formerly employed this vessel as a yacht.

The "*Experiment*" was commanded by her Owner, Antonio de la Puente, late the Master of the Spanish slave brig, "*Vandolero*, alias *Estrella*," condemned here on the 8th March last.

On the 1st instant, the brigantine "*Alfred*," under command of her Owner, Jean Victor Jastram, sailed hence, bearing the Spanish flag, bound to Havana viâ St. Thomas's Island in the West Indies.

This vessel was formerly the Spanish brigantine "*Seis Hermanos*," condemned for carrying slaves, on the 12th March last, and purchased at public auction by Mr. John Hamilton, the Commissioner of Appraisalment and Sale to the Mixed Commissions, by whom she was lately resold to Mr. Jastram, for the purpose of conveying from this Colony from forty-five to fifty of the detained Spanish crews herein referred to.

Jastram was the Master of the Spanish brig "*Luiza*," now here under charge of being equipped for the Slave Trade, of which vessel and cargo he declares himself to be the Owner.

The name of this man was brought under the notice of His Majesty's Government on the 20th October, 1829, by His Majesty's Commissioners; a French schooner, named "*La Laure*," under Jastram's command, having been seized full of slaves, by the British frigate "*Atholl*."

Jastram took with him as passengers the Masters of 9 of the Spanish vessels now waiting here for adjudication.

We have, &c.  
H. D. CAMPBELL.  
WALTER W. LEWIS.

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

## No. 25.

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

MY LORD,

*Sierra Leone, 26th May, 1836.*

WE had the honour yesterday of receiving your Lordship's Despatch of the 31st March last, conveying your Lordship's approval of our having declined to proceed to adjudication in the Cases of 5 Spanish vessels detained under the Equipment Article of the new Treaty with Spain, and reported in our Despatches of last year, and directing us to pursue a similar course to that adopted by us in respect to the vessels alluded to, should seizures of a like nature come before us.

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

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

## No. 26.

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

MY LORD,

*Sierra Leone, 27th June, 1836.*

IN the Despatch of the 6th February last, which we had the honour of addressing to your Lordship, reporting the condemnation of the Spanish schooner "*Segunda Iberia*," captured by His Majesty's brigantine "*Fair Rosamond*," under the command of Lieutenant George Rose, we had to bring to the notice of your Lordship a serious charge of robbery preferred by her Master against the crew of the seizing vessel.

Our Report of this Case, enclosed in the Despatch above referred to, contains the whole of the evidence which we had at that time received on both sides of the question, and on which we then stated to your Lordship, that we would refrain from the expression of an opinion, until the capturing Officer, Lieutenant George Rose, had had an opportunity of replying to the charges preferred.

The arrival here of the "*Fair Rosamond*" on the 19th instant enabled us to place Lieutenant Rose in possession of the charges alluded to, which we did in the first instance through his Proctor, and ultimately in writing (a Copy of our Letter we beg leave to transmit), finding that the Proctor's communication to his client

had not, towards the close of the second day, produced the desired explanation; and having learned that the next day His Majesty's brigantine was to proceed to sea.

Lieutenant Rose left this late on the 22d instant, without even acknowledging the receipt of the official communication which had been made to him.

The propriety of our asking, after adjudication, for information or explanation from Captors, similarly circumstanced to Lieutenant Rose, has been acknowledged by His Majesty's Government, and Lieutenant Rose, on a former occasion, submitted himself without hesitation to the authority of the Court in a like manner.

This is the first time of the authority of the Court being questioned by capturing Officers, in respect to proceedings of this description, and if unnoticed would, in all probability, form an inconvenient precedent hereafter.

We cannot, under our present impression of duty, refrain, in all future Cases that may come before us, from the adoption, if requisite, of a similar line of conduct, when we may find our applications treated with as little consideration as Lieutenant Rose has granted; the consequences of which will be, as at present, a great and very unnecessary delay in clearing up questionable Cases, and correspondence which could be advantageously avoided.

Whenever charges have heretofore been preferred against Captors by the detained crew, the Captors have thankfully availed themselves of the opportunities afforded them of meeting and refuting, when practicable, such charges, and thus relieving themselves from an unpleasant position; a feeling which we are surprised did not influence Lieutenant Rose in respect to the "*Segunda Iberia*."

It is due to Captors generally that we should remark, that, latterly, the search and seizure of vessels have been conducted in that particular manner by the Commanders of His Majesty's cruisers, that very few well-founded complaints of any importance have been made by the crews of detained vessels.

In conclusion, we think it necessary, with the view of placing your Lordship in complete possession of all the points connected with the matter under consideration and our proceedings thereon, to lay before your Lordship the enclosed Extract of the Judgment pronounced in the Case of the "*Segunda Iberia*."

We have, &c.

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

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

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First Enclosure in No. 26.

*Mr. Melville to Lieutenant Rose.*

*Registry Office, Courts of Mixed Commission,*  
21st June, 1836.

SIR,

I ENCLOSE herewith extracts from the Evidence, taken in the Case of the Spanish schooner "*Segunda Iberia*," captured by His Majesty's brigantine "*Fair Rosamond*," under your command; and I have now to repeat to you the wish of His Majesty's Commissioners (as communicated to you verbally yesterday morning by your Proctor in this Case), that you should render such explanation as the charges contained in those Extracts seem to require; and upon which statements His Majesty's Commissioners have refrained from expressing any opinion, until you should have been afforded an opportunity of replying to them.

*Lieutenant Rose, "Fair Rosamond,"*  
&c. &c. &c.

I have, &c.  
(Signed) M. L. MELVILLE,  
*Registrar.*

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Second Enclosure in No. 26.

*Extract from the Judgment given in the Case of the Spanish schooner "Segunda Iberia," condemned on the 3d February, 1836.*

(Copy.)  
"BEFORE taking leave of this Case, the Court will throw out a hint to the Proctor, who has conducted the prosecution for the Captor, that it would much benefit his Client's interests, if satisfactory remuneration were made to the Master of the condemned vessel, Don Mariano Casas, for the losses which he has clearly sustained.

"That he *was* plundered by the crew of the capturing ship is proved, not only by the evidence of Casas, and his servant, but by the exculpatory Document drawn up by the Captor himself, and by the admission of his own witnesses, that part of the plundered property was recovered and restored. Were it convenient for the Court to order payment to the sufferer out of the proceeds of the vessel and her stores, it would certainly do so. But as the Treaty contemplates the equal distribution of the proceeds between the two Governments, and as any deduction from the British moiety appropriated to the Captors would derange the accounts between the two Governments, it may be our duty to remark upon the unfortunate occurrence to His Majesty's Government, and leave them to adopt

such measures as shall seem to them necessary, to prevent the crews of the capturing vessels from deriving any advantage from their improper conduct.

"The Court has also to remark upon the impropriety of requiring from the Master of a detained vessel such a Certificate as was required from him by the Captor in the present instance. No Document of the kind can be received in evidence, and it only leads to the suspicion, which we have always found realized, that it is intended to cover some very irregular proceeding."

## No. 27.

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

MY LORD,

*Sierra Leone, 5th July, 1836.*

ON the 25th ultimo we had the honour of receiving your Lordship's Despatch of the 26th April last, enclosing the Instrument by which His Majesty had been graciously pleased to appoint Mr. H. W. Macaulay and Mr. W. W. Lewis, His Majesty's Judge and Arbitrator, and Mr. W. L. Melville, to be Secretary or Registrar in the Mixed British and Spanish Court of Justice to be established here, under the Treaty with Spain of the 28th June, 1835, for the total abolition of the Slave Trade, and pursuant to the Act of Parliament for carrying the said Treaty into effect; and of which Act of Parliament your Lordship then forwarded to us 6 Copies.

In obedience to the commands of your Lordship in the Despatch referred to, no time was lost in the administering of the prescribed oaths, and the due establishment of the Mixed Court under the said Treaty and Act of Parliament.

Mr. Macaulay being absent on leave, it remained for Mr. Lewis alone to act upon His Majesty's Warrant of appointment to the said Mixed Court of Justice.

Mr. Lewis accordingly took the oath prescribed for him as Arbitrator by the said Warrant on the 27th ultimo, before the Principal Magistrate in the Colony, the Acting Chief Justice; and then, in conformity with the provisions of the 9th Article of the Regulations for the Mixed Court of Justice, annexed to the Treaty herein referred to, assumed the situation of Judge in the said Court, vacant, as above mentioned, by Mr. Macaulay's absence; the oath of which office Mr. Lewis also took before the Acting Chief Justice.

The Arbitratorship being thus temporarily vacant, Lieutenant-Governor Campbell, in virtue of the said 9th Article of the Regulations for the Mixed Court assumed that office *pro tempore*, the principal oath of which was at the same time administered by the Acting Chief Justice.

We then swore in Mr. Melville to the office of Secretary or Registrar, agreeably to His Majesty's Warrant.

This day the British and Spanish Mixed Court of Justice was formally and publicly opened, and after the Proctors and other Officers of the Court had been sworn in, the adjudication of one vessel was proceeded to: the Report of which will be found in our other Despatch of this date.

The Instructions, with which your Lordship has been pleased to honour us in respect to our conduct in the offices to which we have been appointed, we beg to assure your Lordship, shall be most strictly observed.

We shall shortly have the honour of transmitting to your Lordship a Copy of the Regulations, which we think it necessary to make for the guidance of the Officers of the Court intrusted with the breaking up and selling, in separate lots, the vessels which may be condemned therein.

We have, &c.

(Signed)

H. D. CAMPBELL.

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

WALTER W. LEWIS.

&c.

&c.

&c.

## No. 28.

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

(Extract.)

MY LORD,

*Sierra Leone, 5th July, 1836.*

WE have the honour of acquainting your Lordship, that the Spanish schooner "*Gaceta*" was fallen in with by his Majesty's sloop "*Pylades*," on the 14th January last, not far from the river New Sestos, having a cargo of 225 negroes on board, who had been shipped only 8 days previous in that river and

its neighbourhood, and was, in consequence, detained and sent here for adjudication. The "*Gaceta*" arrived on the 24th following, and the next day was regularly brought before the British and Spanish Court of Mixed Commission, on a charge of a breach of a Treaty between Great Britain and Spain, signed at Madrid on the 28th June, 1835.

The trial of the "*Gaceta*" took place this day, when sentence of condemnation was passed upon that vessel, and the merchandize laden in her; and the emancipation of the 169 slaves surviving of the cargo seized on board of her.

Our Report of this Case we beg leave herewith to hand to your Lordship.

This vessel appears, in the List of the Havana Commissioners, as having sailed for the Coast of Africa from Havana, on the 25th May, 1834, under the Master who lately commanded her; and, as she again sailed from Cuba in May, 1835, on the voyage in which she was detained, it is to be inferred that, during the period mentioned, the "*Gaceta*" made one successful slaving voyage.

The awful mortality which has occurred amongst the slaves of the "*Gaceta*," during the six months they have been here, is attributable, we learn, to the effects of small pox: which destructive disease has prevailed in the Colony for nearly 12 months past, notwithstanding every effort to remove it.

We have, &c.

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

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

#### First Enclosure in No. 28.

*Report of the Case of the Spanish schooner "Gaceta," Joaquin de Andricain, Master.*

This vessel was found, on the 14th January last, in 5° 24' north latitude, and 12° 52' west longitude, with a cargo of negroes on board, by His Majesty's sloop "*Pylades*," Commander William Langford Castles, and by that Officer detained and sent to this Colony for adjudication, on the charge of a breach of the Treaty between Great Britain and Spain; of the 28th June, 1835.

The Papers seized with this vessel were, the Royal Passport under which she sailed, and which was for lawful commerce to the Island of St. Thomas and back to her clearing port Matanzas; numbered 103, and dated 21st April, 1835; a Muster-roll and Fort Pass, dated on the same day; and a complete Log-book of the voyage up to the day previous to capture.

The arrival of the "*Gaceta*" in this harbour on the night of the 16th January last was duly reported by the Marshal on the following morning; at which time she was visited by the Surgeon to the Courts, who found the slaves to be in general appearance healthy; there were, however, among them 2 severe cases of dysentery, 1 of sore eyes, and a few of craw-craw. The healthiness of the slaves, the Surgeon considered, was owing to the short time which had elapsed since their embarkation. The size of the vessel the Surgeon also considered so disproportionate to the number of slaves on board, that a continuance of their health was not to be expected, unless they were immediately landed, which he recommended.

On the 25th January, the Proctor for the Seizors presented to the Court the Declaration made at the time of seizure, with the Ship's Papers, and the Affidavit of the Prize-Officer to authenticate the same; praying them to be received, the usual Monition issued, and the witnesses produced examined.

On the same day the landing of the slaves was effected; the sick being placed in the Lower Hospital at Kissy, and the healthy lodged in the Liberated African Yard in Freetown.

The Captor's Declaration is to the effect following:—"That on the 14th day of January, 1836, being in or about latitude 5° 24' north, longitude 12° 52' west, he detained the ship or vessel named the '*Gaceta*,' sailing under Spanish colours, armed with no guns, commanded by Don Joaquin de Andricain, who declared her to be bound from New Sestos and Sangwin to Matanzas, Cuba, with a crew consisting of 13 men, and 6 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof; and having on board 325 slaves, said to have been taken on board at New Sestos and Sangwin on the 6th day of January, 1836."

The witnesses in preparatory were Joaquin de Andricain, the Master, and José Antonio Garcia, the Mate, of the detained vessel, who were examined on the standing interrogatories on the 28th of January.

The Master deposed, that "he was born at Mahon, lives at Matanzas, in Havana, and has resided there many years; has never served any State but Spain; is not married. He appointed himself to the command, being Owner of the said schooner; possession was given to him about 2 years ago, at Matanzas, by the former Owner, who resided there, but whose name he does not recollect; nor can he say of what State he is a subject; had known the vessel only for a few days previously to purchasing her; first saw her at Matanzas in April, 1834; she was built in New York. He was present when the vessel was seized for having slaves on board; had no colours except Spanish. "*Gaceta*" is the name of the vessel; he purchased her by that name, and knows of no other; she is 41 tons burthen, and had 14 Officers and mariners, exclusive of Master; all Spaniards, except 1 Italian; all were shipped at Matanzas, in last May, by witness. Neither officers nor mariners had any interest in the vessel or cargo; is himself sole Owner of both; was Master of the said vessel; there were 7 passengers on board at the time of capture, 1 Officer, and 6 seamen, all Spaniards; does not recollect their names; they were taken on board at New Sestos on the 1st of January, for Matanzas, as they were all residents of Havana; none of them had any interest or authority regarding the vessel or cargo. The voyage commenced and was to have ended at Matanzas; Matanzas was the last clearing port; from that place the schooner went to St. Jago in the Cape Verdes, to take in provisions, and from

thence to New Sestos, where he disposed of his cargo, and bought slaves from the natives. The capturing vessel was first seen 5° 40' north latitude, at 12 o'clock of the 13th January, and chase commenced about half-an-hour afterwards; was captured the following day, at half-past 5 o'clock in the afternoon, in north latitude 5° 24'. The schooner was steering for Matanzas when first pursued; her course was altered so soon as the capturing vessel was discovered to be a man-of-war, and all sail was made for the purpose of getting away from her; the vessel's Papers were for St. Thomas, but she never went there. There were only 5 muskets and 6 or 7 cutlasses on board, and about 12 pounds of powder; no resistance was made (to capture); had no instructions for making any, or for destroying or concealing any of the vessel's Papers. He is the sole Owner of the vessel. There was a Bill of Sale made in April, 1834, but he does not recollect the name of the party by whom, or of the witnesses; the document is at Matanzas, where he last saw it; the price was 2250 dollars, all paid down at the time of purchase; no security was given; the said sum was the full value of the vessel; the sale was a true one, and if the vessel be restored she will belong to witness; there was no private agreement. He is the sole Owner, lader, and consignee of the cargo; intended to have landed the slaves on the Coast of Cuba, on his own account, and at his sole risk; and, should they be restored, they will belong to him only. The lading of the vessel, on her last voyage, was aguardiente and dry goods from Matanzas to the Coast of Africa; her present cargo is slaves; 227 were taken on board, all from the shore; 2 died previously to capture, and 2 have died since; the vessel was taken direct to Sierra Leone. The vessel's Papers were all true, knows of nothing to affect their credit. No Papers were destroyed, concealed, or made away with. There are no Papers, except the aforesaid Bill of Sale, in any country. Neither the vessel nor cargo is insured; the vessel was under his management, and he corresponds with no one."

All the important parts of the Master's testimony were fully corroborated by the evidence of the Mate, as far as that Officer was acquainted with the affairs of this vessel.

To prove the number of deaths which had occurred among the slaves of this vessel during the time they had been in charge of the Prize-Officer, Mr. Charles James Price Glinn, that gentleman's Affidavit was allowed to be filed on the 28th January, by which it appeared 2 men had died during the period in question.

Publication of the preceding evidence was on the same day granted.

On the 30th following, a Petition for a day of trial was presented, which we endorsed as follows:—

"Not granted, as the Treaty under which this vessel has been prosecuted cannot be fully carried into effect until some legislative enactment be had thereon."

A Petition from the Captor's Proctor came in on the 3d February, urging that, as the adjudication of this vessel would be delayed for some time in consequence of our decision as above quoted, respecting a day of trial, we should "communicate the circumstances of the seizure to the Colonial Government, and express our concurrence for the slaves, landed from the said vessel, being finally placed in its charge, and distributed, so as to save the Captor from any further expense in supporting the pending adjudication."

The communication above requested was made to Lieutenant-Governor Campbell on the 4th February last, and we received on the 5th his Excellency's answer thereto, in which was contained the Lieutenant-Governor's acquiescence in our proposal. The slaves were accordingly finally transported to the Colonial Government on the 6th February last. Copies of both the Letters referred to we have subjoined to this Report.

The Monition, which went forth in this Case on the 25th January last, was returned, certified to have been duly executed on the 8th March following.

A second Petition for a day of trial was presented by the Seizor's Proctor on the 30th ultimo, and the 5th instant was appointed for that purpose. On the day named, the British and Spanish Mixed Court of Justice, established on the 27th ultimo, met for the adjudication of this Case, and pronounced, that the Spanish schooner "*Gaceta*," her hull, tackle, apparel, and furniture, and the merchandize laden therein, were good and lawful Prize to the Crowns of Great Britain and Spain, that vessel having been seized whilst in the commission of an infraction of the Treaty above mentioned; and decreed the emancipation of 169 slaves, being the survivors, at this time, of the 225 slaves seized on board the "*Gaceta*;" no less than 54 of whom have died, chiefly of small pox, during their 5 months' residence in this Colony, and 2 previous to their arrival here.

Sierra Leone, 5th July, 1836.

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

### Second Enclosure in No. 28.

(Copy.)

*His Majesty's Commissioners to Lieutenant-Governor Campbell.*

SIR,

*Sierra Leone, 4th February, 1836.*

We have the honour to report to your Excellency that the Spanish schooner "*Gaceta*," Don Joaquin de Andricain, Master, arrived here on the 24th ultimo; and that her slaves, to the number of 224, were landed on the 26th ultimo, and delivered into the temporary charge of the Liberated African Department, with the permission of your Excellency.

As the Treaty, under which the "*Gaceta*" has been prosecuted, cannot be fully carried into effect until some legislative enactment be had thereon, and, as delay may consequently arise in pronouncing judgment on the Case, we have to request that your Excellency will be pleased to receive the slaves, landed from the "*Gaceta*," under the permanent charge of the Liberated African Department; and that the usual Receipts may be given to the Marshal to the British and Spanish Court of Mixed Commission for the slaves so handed over.

A similar course was pursued in the early part of the year 1830, with the approval of the Secretary of State; and a large number of slaves were then received and located, notwithstanding that it had become necessary to defer pronouncing sentence on the vessels to which they belonged.

It will be necessary for us to ascertain how many of these slaves may be alive on the day of adjudication, which will probably be within 2 months; we have, therefore, to request that, if your Excellency shall accede to our wishes, the said slaves may not be sent out of the Colony previous to their emancipation being decided.

*His Excellency Lieutenant Governor Campbell,*  
&c. &c. &c.

(Signed)

We have, &c.

H. W. MACAULAY.  
WALTER W. LEWIS.

## SIERRA LEONE. (Spain.)

## Third Enclosure in No. 28.

*Lieutenant-Governor Campbell to His Majesty's Commissioners.**Government House, 5th February, 1836.*

GENTLEMEN,

IN reply to your Letter of the 4th instant, this moment received, requesting I would receive the slaves landed from the "*Gaceta*" under the permanent charge of the Liberated African Department, and that they may not be sent out of the Colony previous to their emancipation being decreed, I beg to acquaint you I have given the necessary directions to that effect.

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

I have, &c.  
 (Signed) H. D. CAMPBELL.

## No. 29.

*His Majesty's Commissioners to Viscount Palmerston.—(Received August 31.)**Sierra Leone, 5th July, 1836.*

MY LORD,

IN pursuance of the 75th clause of an Act, passed in the 5th year of His late Majesty's reign, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," 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 this place, in the period from the 1st January to the 1st instant.

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

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

Enclosure in No. 29.  
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, 1836.

| NAME OF VESSEL.                                 | DATE OF SEIZURE.      | WHERE CAPTURED.           |            | PROPERTY SEIZED.               | SEIZOR.   | DATE OF SENTENCE.  | Number of Slaves Captured. | Number died before Adjudication. | Total number Emancipated. | Decretal Part of Sentence; whether Forfeiture or Restitution.                            | Whether Property condemned has been sold or converted; and whether any part remains unsold, and in whose hands the Proceeds remain. |
|---|-----------------------|---------------------------|------------|--------------------------------|---|--------------------|----------------------------|----------------------------------|---------------------------|--|---|
|   |                       | Latitude.                 | Longitude. |                                |   |                    |                            |                                  |                           |  |   |
| Norma . . . . .                                 | 1835.<br>27 November  | 4° 17' N.                 | 7° 10' E.  | { Schooner and<br>234 slaves   | { Thomas L. Roberts,<br>Esq., H. B. M. brigadier<br>" Buzzard." | 1836.<br>6 January | 234                        | 16                               | 218                       | 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.  |
| Tersicore . . . . .                             | 25 December           | 8° 22' N.                 | 14° 37' W. | Brig and cargo                 | { W. L. Castles, Esq.,<br>H. B. M. sloop "Py-<br>lades,"        | 28 January         | ..                         | ..                               | ..                        | Released, and papers delivered up on joint petition of Proctors for Captor and Claimant. | Brig and Cargo delivered up to the Master.  |
| Segunda Iberia . . . . .                        | 28 December           | 2° N.                     | 4° 50' E.  | { Schooner and<br>260 slaves   | { George Rose, Esq.,<br>H. B. M. schooner "Fair<br>Rosamond."   | 3 February         | 260                        | 22                               | 238*                      | 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.  |
| Ligera . . . . .                                | 24 December           | 4° 0' N.                  | 6° 15' E.  | { Schooner and<br>198 slaves   | { Thomas L. Roberts,<br>Esq., H. B. M. brigadier<br>" Buzzard." | 3 February         | 198                        | 6                                | 192                       | Ditto Ditto  | Schooner and Stores left at Princes Island, in charge of the Public Authorities of that place.                                      |
| Isabel Segunda, alias Cuatra Estrella . . . . . | 22 December           | { Off the<br>River Bonny. |            | { Brigantine and<br>347 slaves | { H. J. Puget, Esq.,<br>H. B. M. sloop "Trin-<br>culo,"         | 3 February         | 347                        | 15                               | 332†                      | Ditto Ditto  | Vessel and Stores sold by Public Auction, and the Proceeds paid into the Military Chest.  |
| Vandeleiro, alias Estrella . . . . .            | 1836.<br>21st January | 4° 12' N.                 | 7° 10' E.  | { Brigantine and<br>377 slaves | { H. V. Huntley, Esq.,<br>H. B. M. brig "Lynx"                  | 8 March            | 377                        | 34                               | 343‡                      | Ditto Ditto  | Ditto   |
| Seis Hermanos . . . . .                         | 8 February            | 3° 54' N.                 | 5° 17' E.  | { Brigantine and<br>189 slaves | { R. Wauchope, Esq., H.<br>B. M. ship "Thalia."                 | 12 March           | 189                        | 18                               | 171§                      | Ditto Ditto  | Ditto   |

\* One man, 2 boys, and 2 girls died after emancipation, and previous to their descriptions having been taken to be registered.  
† Two men absconded from the Liberated African Yard after emancipation, and previous to their registration.  
‡ One boy died after emancipation, and before his description could be taken to be registered.  
§ One man and 1 boy died before their descriptions could be effected, and subsequent to emancipation.

(Signed) H. D. CAMPBELL.  
WALTER W. LEWIS.

Sierra Leone, 1st July, 1836.  
(Signed) M. L. MELVILLE, Registrar.



No. 30.

*Viscount Palmerston to His Majesty's Commissioners.**Foreign Office, 20th September, 1836.*

GENTLEMEN,

I HEREWITH transmit for your information the Copies of Despatches from His Majesty's Commissioners at the Havana, reporting the departure from that Port of several Spanish vessels therein named, and which are strongly suspected of an intention to engage in the Slave Trade.

I also transmit to you an Extract from a Despatch from the Acting British Vice-Consul at the Cape de Verde Islands, reporting the fact that Spanish vessels have of late arrived there, for the purpose of obtaining Portuguese Papers and colours, under cover of which it is supposed that they intend to carry on the Slave Trade.

As it is probable that some of the vessels enumerated in the Despatches from His Majesty's Commissioners at the Havana may be brought judicially before the Court of which you are members, the information contained in these Papers may be useful in investigating the real national character of such vessels.

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

(Signed) I am, &c.  
PALMERSTON.

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First Enclosure in No. 30.

(See Havana Commissioners, February 1.)

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Second Enclosure in No. 30.

(See Havana Commissioners, February 29.)

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Third Enclosure in No. 30.

(See Havana Commissioners, March 31.)

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Fourth Enclosure in No. 30.

(See Havana Commissioners, April 30.)

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Fifth Enclosure in No. 30.

(See Havana Commissioners, May 31.)

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No. 31.

*Viscount Palmerston to His Majesty's Commissioners.**Foreign Office, 3d September, 1836.*

GENTLEMEN,

WITH reference to your Despatch, marked Spain, of the 5th May last, reporting the departure from Sierra Leone of two vessels under the Spanish flag, having on board some of the Officers and crews of Spanish slave-ships lying in that Port awaiting adjudication, I have to inform you that it has appeared to His Majesty's Government that, under the circumstances stated by you, those vessels, with the individuals in question on board as passengers, should not have cleared out and have quitted that Port.

His Majesty's Secretary of State for the Colonies will accordingly instruct the Governor of Sierra Leone not to permit a similar transaction to take place in future.

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

(Signed) I am, &c.  
PALMERSTON.

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No. 32.

*His Majesty's Commissioners to Viscount Palmerston—(Received September 15.)*

MY LORD,

*Sierra Leone, 19th July, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 25th May last, forwarding for our information and guidance a Copy

of the Form of Bond which the Officers of His Majesty's Customs are to use when taking security from the Owners of ships, that the casks or vessels for liquid, which they may embark therein in addition to those required for the use of the crew, are intended solely for palm oil, or for other purposes of lawful commerce; and a Copy of the Form of the Certificate of such Security having been given, which is to be granted for the protection of ships so circumstanced, agreeably to the provisions of the Act of Parliament, 6th Wm. IV. cap. 6, for carrying into effect the late Treaty between Great Britain and Spain for the Abolition of the Slave Trade.

We have, &c.

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

H. D. CAMPBELL.  
WALTER W. LEWIS.

No. 33.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 15.)*

MY LORD,

*Sierra Leone, 20th July, 1836.*

WE have the honour of laying before your Lordship a Copy of the Regulations which we have considered it requisite to frame for the guidance of the Marshal and Commissioner of Appraisement and Sale in the British and Spanish Mixed Court of Justice in regard to vessels condemned under the Treaty with Spain of the 28th June, 1835, and to which we alluded in our Despatch to your Lordship of the 5th instant, reporting the establishment and public opening of the said Court.

There is also enclosed herein a Copy of the Conditions of Sale which we have authorized being used on putting up for Sale at Public Auction condemned vessels, their stores, equipment, and cargo.

The manner in which the breaking up of condemned vessels is directed, we hope your Lordship will consider as meeting the provisions of the Treaty on this head. The breaking up might have been more complete we are aware, but the property would thereby have been proportionately reduced in value and nearly unsaleable, whilst the expenses would have been increased.

To the arrangement in question there appeared to us to be but one important objection, the possibility of the two parts of the hull being put together again and the vessels thus reconstructed, which we have endeavoured to remove by causing good security to be given by the purchasers of hulls, that they will not permit a reconstruction of the vessels. Copies of the Bonds to be used, we beg leave to transmit for your Lordship's consideration.

The Spanish schooner "*Gaceta*," reported to your Lordship in our Despatch of the 5th instant, as condemned on that day, has been dismantled, cut up, and sold. The expense attending the dismantling and cutting up of this small schooner was 9*l.* 8*s.* 6*d.* (nine pounds eight shillings and sixpence), being at the rate of four shillings and sevenpence farthing per ton Spanish, as will appear by the Copy of the Account enclosed.

The outlay for this service hereafter will not be so heavy as that above mentioned, through our having entered into a contract with a Mr. Lawson, the Clerk of Ordnance works at this station, by which the whole expense in each Case is to be covered by an allowance of four shillings per Spanish ton for the first fifty tons, and two shillings for every ton above that number, the tonnage of the vessels to be ascertained from the Ship's Papers in each Case.

There is an opinion prevalent, that some of the materials of condemned vessels will be employed here in building small craft for the coasting trade of the inhabitants of this Colony; and as the Collector of Customs has stated that he does not consider that he would be authorized to grant a British Register to a vessel so constructed, although it be owned, and may have been built, entirely by British subjects, we think it our duty to beg your Lordship's attention to this matter. Should the Collector be authorized to grant Registers for the vessels which may be built as above contemplated, it will afford encouragement to the small capitalists and artisans of the Colony, and secure a tolerable market for the materials of condemned vessels.

We have, &c.

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

H. D. CAMPBELL.  
WALTER W. LEWIS.

## First Enclosure in No. 33.

*Regulations for Marshal and Commissioner of Appraisalment and Sale. British and Spanish Mixed Court of Justice, Sierra Leone.*

(Copy.)

Regulations for the Marshal and Commissioner of Appraisalment and Sale, in regard to vessels condemned under the Treaty between Great Britain and Spain, signed at Madrid, the 28th June, 1835.

*For the Marshal.*

1. THE Marshal, on taking charge of a condemned vessel, shall, as heretofore, immediately proceed to the landing of the cargo and stores of such vessel, as well as every other movable article, including the masts, yards, rigging, spars, and sails, the shifting parts of the cabouse, the anchors, cables, hatches, gratings, and boats.

2. On the completion of the foregoing directions, the vessel is to be grounded high up on the sand in Thompson's Bay, near Freetown, and there sawn or cut through the middle into separate pieces.

3. Very heavy masts, yards, spars, anchors, and cables, are, for general convenience, allowed by the Colonial Government to be landed upon the north-west end of the Public Wharf in Freetown.

4. To effect the dismantling and breaking up of condemned vessels in the most advantageous manner, a competent person will be appointed by the Court to aid the Marshal in conducting this service.

*For the Commissioner of Appraisalment and Sale.*

1. The Commissioner of Appraisalment and Sale will sell, in separate and distinct lots, the two parts into which the hulls of the vessels are to be divided by the Marshal: imposing, as one of the Conditions of Sale, that the purchaser of each of the said lots shall give Bond to the Court, that he or she will not, directly or indirectly, employ his or her purchase in the reconstruction of the vessel, of which the said lot formed a part.

2. The amount of the Bond herein required shall be from a resident of this Colony, of known respectability, of the amount of 150*l.* (one hundred and fifty pounds); and every other person, purchaser as aforesaid, shall be required to be joined in such Bond for a like amount by one sufficient resident security of approved responsibility.

3. The several spars, masts, and yards, the parts of the rigging, and the respective sails, are to be divided into lots, and sold separately.

4. The heavy masts, yards, spars, anchors, and cables, landed from such vessels, are, for general convenience, allowed to be placed on the north-west end of the Public Wharf, where they are to be sold, and where they will be permitted to remain, until 3 clear days after their Sale by Public Auction.

*Sierra Leone, 13th July, 1836.*

(Signed) H. D. CAMPBELL,  
*Lieutenant Governor and Arbitrator, ad interim.*  
(Signed) WALTER W. LEWIS,  
*Judge, ad interim.*

## Second Enclosure in No. 33.

*Conditions of the Sale.*

1. THE highest bidder to be the purchaser; and, if any dispute arise between two or more bidders, the lot to be put up again and resold.

2. Every lot to be at the risk of the purchaser immediately it is knocked down.

3. For all lots immediate cash payment.

4. The purchasers of each portion of the hulls of vessels will be required, before he or she be put into possession, to give Bond to the Commissioner of Appraisalment and Sale, that he or she will not, directly or indirectly, employ, or permit to be employed, his or her purchase in the reconstruction of the vessel of which the said lot formed a part. For a resident of respectability, the amount of such Bond will be 150*l.*; for a non-resident or person whose responsibility is doubtful, a joint security will be required, in a like amount.

5. The masts, yards, spars, anchors, and cables, which shall be sold on the Public Wharf, will not be permitted to remain there longer than 3 clear days after the day of the sale; and, if not removed at the expiration of that period, will be taken possession of and sold by the Colonial Authorities.

6. No moneys will be taken, but of the description received by the Commissariat Department.

*Sierra Leone.*

## Third Enclosure in No. 33.

*Form of Bond.*

Know all Men by these Presents, That

held and firmly bound to \_\_\_\_\_, Gentleman, Commissioner of Appraisalment and Sale to the British and Spanish Mixed Court of Justice in this Colony, established for the repression of the Slave Trade, in the sum of \_\_\_\_\_, of lawful Money of Great Britain, and of the said Colony, to be paid to the said \_\_\_\_\_ and his Successors in the said Office of Commissioner of Appraisalment and Sale as aforesaid; for which payment, to be well and truly made, I bind myself, my Heirs, Executors, and Administrators, firmly, by these presents. Sealed with my seal, and dated at Freetown aforesaid, the \_\_\_\_\_ Day of \_\_\_\_\_, in the Year of Our Lord One Thousand Eight Hundred and Thirty \_\_\_\_\_.

Whereas a certain Vessel, called the "\_\_\_\_\_" was recently condemned in the British and Spanish Mixed Court of Justice, established in this Colony, and it was directed by the said Court, that a Commission of Appraisalment and Sale should be issued to the above-named \_\_\_\_\_ Gentleman, for the Appraisalment and Sale of the Hull of the said Vessel (in two separate parts); and

also of her Tackle, Apparel, and Furniture, and the Goods, Wares, and Merchandize laden in the said vessel; and whereas the part of the Hull of the said Vessel, having been exposed this day to Public Auction, was purchased by the said , being the highest bidder for the same:

And whereas it is stated, in the Conditions of the said Sale, that "the Purchasers of each portion of the Hulls of Vessels will be required, before he or she be put into possession, to give Bond to the Commissioner of Appraisalment and Sale, that he or she will not, directly or indirectly, employ, or permit to be employed, his or her purchase in the reconstruction of the Vessel of which the said lot formed part:"

Now the Condition of the above-written obligation is such, that if the above-bounden Heirs, Executors, and Administrators, and each and every of them, shall and will truly perform, execute, and keep all and singular the conditions and stipulations in the above-mentioned condition of Sale contained, and that, in all respects, to the true intent and meaning thereof, then the above-written Obligation to be void, otherwise to be and remain in full force and virtue.

#### Fourth Enclosure in No. 33.

##### Form of Bond.

Know all Men by these Presents, That,

held and firmly bound to , Gentleman, Commissioner of Appraisalment and Sale to the British and Spanish Mixed Court of Justice in this Colony, established for the repression of the Slave Trade, in manner and form following; that is to say, the said , in the sum of ; and the said in the sum of of lawful money of Great Britain, and of the said Colony, to be paid to the said and his Successors in the said Office of Commissioner of Appraisalment and Sale as aforesaid; for which payment, to be well and truly made, we bind ourselves, and each of us, by himself, our and every of our Executors and Administrators, firmly, by these Presents. Sealed with our Seals, and dated at Freetown aforesaid, the Day of , in the Year of Our Lord

One Thousand Eight Hundred and Thirty

Whereas a certain Vessel, called the " , " was recently condemned in the British and Spanish Mixed Court of Justice established in this Colony, and it was directed by the said Court that a Commission should be issued to the above-named , Gentleman, for the Appraisalment and Sale of the Hull of the said Vessel (in two separate parts); and also of her Tackle, Apparel, and Furniture, and the Goods, Wares, and Merchandize laden in the said Vessel; and whereas the part of the Hull of the said Vessel, having been exposed this day to Public Auction, was purchased by the said , being the highest bidder for the same:

And whereas it is stated, in the Conditions of the said Sale, that "the Purchasers of each portion of the Hulls of Vessels will be required, before he or she be put into possession, to give Bond to the Commissioner of Appraisalment and Sale, that he or she will not, directly or indirectly, employ, or permit to be employed, his or her purchase in the reconstruction of the Vessel of which the said lot formed part:"

Now the Condition of the above-written obligation is such, that if the above-bounden Heirs, Executors, and Administrators, and each and every of them, shall and will truly perform, execute, and keep all and singular the conditions and stipulations in the above-mentioned Condition of Sale contained, and that in all respects to the true intent and meaning thereof, then the above-written Obligation to be void, otherwise to be and remain in full force and virtue.

#### Fifth Enclosure in No. 33.

##### Spanish Schooner "Gaceta."

(Copy.)

Account of the Officer employed under authority of the British and Spanish Mixed Court of Justice in unrigging and breaking up Vessels:—

|   | £      | s. | d. |
|---|--------|----|----|
| To allowance to said Officer on tonnage of said vessel, 54 $\frac{3}{4}$ tons English, at the rate of 1s. per ton for the first 50 tons, and 6d. per ton afterwards . | 2      | 12 | 4  |
| To cash paid labourers employed in unrigging and breaking up said vessel, as per pay list annexed . . . . .   | 6      | 1  | 0  |
| To cash paid for boat-hire, as per account annexed . . . . .  | 0      | 15 | 2  |
|   | £9 8 6 |    |    |

Amounting to the sum of 9l. 8s. 6d.

Sierra Leone, 18th July, 1836.

(Signed) A. LAWSON.

Note.—The schooner "Gaceta" being of the burthen of 41 tons, Spanish measurement, the above expense is at the rate of 4s. 7 $\frac{1}{2}$ d. per ton.

#### No. 34.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 12th October, 1836.

I HAVE received your Despatch, of the 20th July last, transmitting a Copy of the Regulations which you considered requisite to frame for the guidance

of the Marshal and the Commissioner of Appraisement and Sale, in regard to vessels condemned under the Treaty with Spain of the 28th June, 1835.

With respect to the method which you have caused to be adopted of breaking up vessels condemned under the above Treaty, I am of opinion that it would be proper to employ at once a more complete and effectual mode of breaking up the hulls of such vessels, and that merely sawing them in two parts is not sufficient.

You will, therefore, cause the condemned Spanish vessels to be so effectually broken up as to prevent the parts from being again put together in the same form as before.

I have caused to be referred, for the consideration of the Lords of the Committee of Privy Council for Trade, the statement made to you by the Collector of Customs at Sierra Leone, that he does not consider that he would be authorized to grant a British register to vessels constructed out of the materials of condemned slave-ships, although they may be owned and may have been built by British subjects. You will perceive by the enclosed Copy of a Letter from the Secretary to the Board of Trade, that the Collector of Customs at Sierra Leone will be informed that vessels built out of such materials are not disqualified from receiving the privileges of British registry, provided "the vessel is not a mere reconstruction of a former vessel in the same or essentially in the same form as before."

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

I am, &c.  
(Signed) PALMERSTON.

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First Enclosure in No. 34.

*J. D. Hume, Esq. to The Hon. W. Fox Strangways.*

*Office of Committee of Privy Council for Trade,  
Whitehall, 1st October, 1836.*

SIR,

I AM directed by the Lords of the Committee of Privy Council for Trade to state to you, for the information of Lord Palmerston, that, after considering the question propounded in your Letter of the 22d ultimo, relative to the employment of the materials of Slave-Trade Prize-Ships, they deemed it right to ascertain the opinion of the Commissioners of the Customs thereon; and, the Report of the Commissioners having been received, I am directed to transmit a Copy of the same to you, whereby Lord Palmerston will perceive that the Collector of the Customs at Sierra Leone will be instructed that the use of such materials in the building of other ships does not disqualify those ships from receiving the privileges of British registry.

*The Hon. W. Fox Strangways.*

I am, &c.  
(Signed) J. D. HUME.

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Second Enclosure in No. 34.

*The Commissioners of Customs to the Board of Trade.*

MR. HUME having, by his Letter dated the 26th instant, signified that he had been commanded by your Lordships to transmit to us a Copy of a Letter from Mr. Strangways, relative to the use of the materials of Slave-Trade Prize-Ships in the building of British vessels, in order that we might be made acquainted with the opinion of our Officer at Sierra Leone, and give him proper instructions for his government; and Mr. Hume having at the same time signified that your Lordships inclined to the opinion that all materials duly imported into a British port are legally applicable to the building of a ship for British registry, provided the proceeding do not consist of the mere reconstruction of a former ship in the same or essentially the same form as before; and that it was your Lordships' desire that we would instruct our Officers at Sierra Leone in accordance with the opinion before expressed, unless we should entertain some opposite opinion, but that in any Case we should report to your Lordships upon the subject, with the least possible delay, for your further consideration and directions:

In obedience to your Lordships' commands, we report,

That we entirely concur in the opinion expressed in Mr. Hume's Letter of the 26th instant above referred to, and have therefore, in accordance with the desire contained in that Letter, issued the necessary instructions to the Collector at Sierra Leone for his government accordingly.

*Custom House, 30th September, 1836.*  
*The Board of Trade.*

(Signed)

E. STEWART.  
H. LEGGE.

H. RICHMOND.  
B. LUSHINGTON.

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No. 35.

*Viscount Palmerston to His Majesty's Commissioners.*

(Extract.)

GENTLEMEN,

*Foreign Office, 15th October, 1836.*

I HAVE received your Despatch of the 17th March last, requesting instructions upon certain points of the Treaty of the 28th June, 1835, between His Majesty and the Queen Regent of Spain for the Abolition of the Slave Trade.

I have referred your Despatch to the consideration of His Majesty's Advocate-General, and having received that Officer's Report, I proceed to give you the following directions for your guidance.

The first point on which you request instruction arises under the 11th Article of the Treaty, which authorizes the Mixed Court, in certain cases in which no sentence of condemnation is pronounced by the Court upon a vessel brought before it, to pay out of the Prize Fund a sum of money which in equity may be proportionate to the demurrage.

Should the Court be called upon to make an award for demurrage according to the circumstances of each Case, as contemplated by the 11th Article of the Treaty, you will reimburse the Claimant by an Order on the Commissariat Officer in charge of the military chest at Sierra Leone, in the manner pointed out in the accompanying Copy of a Letter from His Majesty's Treasury.

You will take particular care to insert in such Order the name of the British cruiser which may have detained the vessel, in order that the Lords Commissioners of His Majesty's Treasury may have the option of causing the amount of the award to be deducted from the proceeds of vessels which may have been, or may hereafter be, condemned as lawful Prize to that cruiser.

In your Reports to this Office of such Cases, you will specify the particular circumstances which, in the opinion of the Mixed Court, may have entitled the Claimant to compensation for demurrage.

Upon the second point referred to in your Despatch, relative to the proceeds of condemned vessels proving insufficient to meet the expenses incurred for the reception, maintenance, and care of detained vessels, slaves, and cargo, the execution of sentences, and all disbursements occasioned by bringing vessels to adjudication, I have to instruct you in such Cases to draw upon the Commissariat Officer at Sierra Leone for the amount of such deficiency, in the mode pointed out in the beforementioned Letter from His Majesty's Treasury; this arrangement being, in the opinion of His Majesty's Government, preferable to that suggested by you.

I have further to instruct you to follow the course pointed out in Assistant Commissary M'Lean's Letter, in regard to the supply of provisions to the crews of condemned slave-vessels.

Upon the third point adverted to in your Despatch, namely, that an opinion prevails at Sierra Leone that the provisions of Article 2 of Annex B. contemplate that the Court shall remunerate, out of the proceeds of condemned vessels, the professional gentlemen who may be employed by Captors to conduct prosecutions, I have to acquaint you that His Majesty's Government do not concur in that opinion. The provisions of the 2d Article of Annex B. apply only to Officers belonging to and acting under the orders of the Mixed Court, and to no other. The employment of a Proctor by either Captor or Claimant is a matter of private arrangement between the parties; and in this view of the case, the scale of Fees adverted to in your Despatch, although extremely proper with reference to the business transacted, must be left to be adopted or not according to the pleasure of the parties interested.

Upon the fourth point adverted to in your Despatch, namely, the latter part of the 2d Article of Annex B., which stipulates that if the detained vessel shall be released, the expenses shall be defrayed by the Captors, I have to remark that the only proper mode of securing the payment of these expenses is that which has hitherto been adopted by the Mixed Courts, viz. that of furnishing to the Claimants a Decree of the Court against the Captor for the amount of damage sustained.

The Order, therefore, which you have addressed to the Proctors of the Court, desiring them to bear in mind that the Court will consider them responsible for their respective clients, in so far as this Article of the Treaty may apply to them, should be rescinded, the Court having, in the opinion of His Majesty's Government, no authority to enforce such an Order.

The regulation which you have promulgated directing that an Affidavit of the Prize-Officer, as to any changes that may have taken place in the vessel under his charge, during the period between her detention and her arrival at Sierra Leone, shall be filed in Court with the Ship Papers, is perfectly correct and proper; and the special interrogations which you have prepared to be put to witnesses under examination, seem well calculated to elicit all the important particulars of a Case.

Notwithstanding what you have stated respecting Certificates of emancipation, I am of opinion that the letter of the Treaty should be observed in this respect.

You will, therefore, deliver to such negroes as may be emancipated under the

Treaty, those Certificates of emancipation which they are entitled to receive from the Court, by virtue of the 6th Article of Annex B.; and, as you state paper to be a perishable material in the climate of Sierra Leone, these Certificates should be written or printed upon parchment.

I am at a loss to conceive how you can have arrived at the conclusion, that the operation of the new Treaty with Spain will deprive the Mixed Court of the power formerly possessed by the Mixed Commissions, of adjudicating vessels seized for having had slaves on board during the voyage on which they may have been detained, provided the approach of a cruizer is known by the crew of a slaver in sufficient time to enable them to land temporarily their slaving outfit, and thus relieve themselves from the penalty attending a breach of the Equipment Article of the new Treaty.

The Treaty of the 28th of June, 1835, neither annuls nor supersedes the Treaty of the 23d of September, 1817; but, on the contrary, it extends the power given by the latter instrument to suppress the Slave Trade. It might perhaps be difficult to render a vessel liable to the penalty of condemnation, if she had succeeded in landing the whole of her slaving equipment; but she could not escape that penalty, whether she was fitted for that traffic or not, if clear and undeniable proof were obtained that, during the voyage in which she was captured, she had a slave on board for the purposes of the traffic.

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

I am, &c.  
(Signed) PALMERSTON.

First Enclosure in No. 35.

*A. Y. Spearman, Esq., to J. Backhouse, Esq.*

SIR,

*Treasury Chambers, 16th May, 1836.*

I AM commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you an Extract from a Letter of the Acting Commissary-General Maclean, at Sierra Leone, dated the 1st February last, relating to the supply of such funds as may be required under the provisions of the Treaty with Spain, to make good deficiencies of proceeds of condemned vessels to meet the expenses charged thereon, and to the supply of rations for crews of vessels under adjudication; and I am to request that you will submit the same for the consideration of the Viscount Palmerston; and that you will observe to his Lordship, that it appears to my Lords that it would be advisable to adopt the course therein suggested, in regard to the supply of the additional funds that may be required under the provisions of the Article 2, Annex B., of the Treaty, and likewise in regard to the supply of rations, in all Cases in which His Majesty's Government may eventually be called upon to make good the expense of detention or adjudication. You will therefore move Lord Palmerston to favour my Lords with his Lordship's opinion upon these propositions; and you will also state to his Lordship, that my Lords will be prepared to convey any necessary directions to the Commissary, upon being apprized of the instructions his Lordship may issue for the guidance of the Officer of the Mixed Commission Court charged with the care of detained vessels.

*John Backhouse, Esq.*

(Signed) A. Y. SPEARMAN.

Second Enclosure in No. 35.

*Extract from a Letter of the Acting Commissary-General Maclean, at Sierra Leone, dated 1st February, 1836.*

As the new Treaty entered into, between His Majesty and the Queen Regent of Spain, for the abolition of the Slave Trade, provides, by Article 2 of the Regulations for the Mixed Courts of Justice residing here, that, in those Cases where the proceeds arising from the sale of the vessel, when broken up, should not prove sufficient to defray the expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place; and as I apprehend frequent Cases of this kind may now occur, which will render it necessary that the Mixed Court should be in possession of funds to make good the deficiencies, I have the honour respectfully to suggest, for the consideration of the Lords Commissioners of His Majesty's Treasury, that in place of the Registrar of the Court drawing Bills for the amount on His Majesty's Government, and disposing of them here (which appears to be the idea at present entertained, as to the mode to be adopted in providing the funds), he should be supplied with such moneys as may be from time to time requisite from the military chest, on the same footing as other Public Departments of Government, as a higher rate of premium is generally obtained by the Commissariat for Bills on their Lordships' Board, than those of private individuals, or even of a public department, for small amounts, which in the case of the Registrar might frequently happen.

I beg leave also to be permitted to bring under their Lordships' observation, that the crews of such vessels as may be allowed to draw provisions for their support, wherever the expense may eventually fall, can be supplied from the Commissariat stores with a cheaper ration, consisting of a pound of fresh beef and a pound of bread daily, value sixpence, than can well be provided in any other manner.

No. 36.

*His Majesty's Commissioners to Viscount Palmerston.—(Received November 18.)*  
MY LORD, *Sierra Leone, 10th August, 1836.*

WE have the honour to acquaint your Lordship that, on the 18th Novem-

ber last, His Majesty's brig "Curlew," then under the command of Lieutenant the Honourable Mr. Denman, detained the Spanish brigantine "*General Manso*," Antonio Capo, Master, and brought that vessel to Sierra Leone for adjudication, where she arrived on the 28th of that month.

After the "*General Manso*" had been here a few days, Mr. Denman restored her to the Master and Owner, Antonio Capo, having at the same time received from him a release from all the consequences attending her detention, on the ground of her being equipped for the Slave Traffic, by a British cruizer, armed only with instructions under the Treaty of September, 1817, between Spain and Great Britain.

This restoration took place on the 2d December last; and the "*General Manso*" was to have proceeded on her voyage the day following, but did not however do so until the 4th, on the evening previous to which day His Majesty's brig "Leveret" arrived here from England; and when the "*General Manso*" attempted to get clear of this river, she was followed by the "Leveret," by which vessel she was detained anew off Cape Sierra Leone. The new Commander of his Majesty's brig "Curlew," Lieutenant Norcots (who superseded Mr. Denman on his promotion), was on board of the "Leveret" when she went in chase of and detained the "*General Manso*," and appeared as a joint Seizor with Lieutenant Bosanquet, of the "Leveret," in the proceedings ultimately taken before the Mixed Court.

The ground of the second seizure was, that the "*General Manso*," even whilst in the act of leaving this, a British Colony, was equipped for the abominable Slave Traffic, a fact no less extraordinary than true.

The "*General Manso*" was duly brought before the Mixed Commission Court on the 4th January, 1836, and proceedings in the customary form instituted; which were brought to a conclusion, and on the 18th ultimo the "*General Manso*" was decreed by the British and Spanish Mixed Court of Justice to be restored to the Claimant: that vessel having been seized a second time under circumstances which, on a fair and equitable construction of the late Treaty between Spain and Great Britain, would not sanction her condemnation; although the second Seizors were justified, in our opinion, to a certain extent, in their proceedings toward this vessel, she having been found by them equipped for the Slave Trade.

We have the honour to enclose to your Lordship our Report of this Case, which is a perfectly novel one in the proceedings of the Mixed Commission Court, and also in the practice of the High Court of Admiralty, as far as we had the means of reference to the Reports of Cases adjudged in that Court.

The only Case which we could find that appeared at all in point was that of the Brazilian slave-schooner "*Doña Barbara*," which was illegally detained by the Prize-Officer of another Brazilian slave-vessel, and brought into this Port, where she was re-seized by the "Paul Pry," tender to the British frigate "Sybille," and by the Commander of that tender prosecuted before the Mixed Commissions to condemnation on the 13th of April, 1829.

The particulars of this Case are in the archives of your Lordship's Office.

As, however, the High Court of Admiralty refused, on appeal by the Captors of the "*Doña Barbara*," to decree the usual prize-money to them, which the Captors claimed on the ground of the condemnation of this vessel by the Mixed Commissions, that sentence of the Commissioners was virtually pronounced to have been irregular, and therefore afforded us no precedent in the present Case; the more so as this judgment of the Admiralty Court had been officially furnished to the Commissioners for their guidance on the 9th August, 1831.

In our Report of this difficult Case, we have endeavoured to bring every particular respecting it fully before your Lordship's notice, so that if, in our anxiety to do that strict and impartial justice, which it is no less our inclination than our duty to administer to all parties, we may have erred in judgment, your Lordship's instructions upon this occasion may enable us to avoid the like in future.

It was with no little distress of private feelings, that we pronounced a sentence of restitution of the "*General Manso*," by which the notorious slave-dealer, Antonio Capo, became again possessed of his vessel, fitted as she was for the Slave Trade. We could not, however, allow ourselves to be led into the effecting even a good object, which we believe the condemnation of the "*General Manso*" would have been, when that was only to be brought about by what we conscientiously considered would be unlawful means. It had been clearly established by the evidence tendered in this Case, that the original seizure of this vessel was an illegal act, and that by that act the "*General Manso*" had been thrown into the



power of the second Seizors, which therefore gave to her re-seizure, a measure that could be viewed only as a consequence of the original unlawful detention, a character unfavourable to the condemnation of this vessel.

To that part of our Report of this Case, on the subject of the payment of costs and expenses attendant on bringing this vessel to adjudication by the Claimant, as decreed by us, we respectfully beg your Lordship's attention.

It appears that, under the concluding paragraph of the 2d Article of the Regulations for the Mixed Courts of Justice, and the 2 other Articles therein referred to, if a vessel be proved to have been equipped according to the 10th Article of the Treaty at the time of her detention, although that equipment may have been for lawful purposes, or if the Master of a detained vessel shall, by his fault, have led the Seizors into error, and thus caused the detention of his vessel, that in neither of these Cases shall the Seizors be liable to the expenses of the prosecution, which must therefore fall on the opposite party, as in this instance.

Any inconvenience arising from this arrangement being remediable by the power given to the Court of awarding, from the Prize Fund, such sum as in equity may be required according to the circumstances of the Case.

There were on board the "*General Manso*," when seized, scantling and plank (not forming part of the cargo), which the sworn Surveyors to the Court declared was of a description suitable for making a slave-deck. The planks were not numbered or fitted, as is usual with regularly prepared slave-decks; but that this material was really intended for the purpose named there cannot be a doubt, when we look to the other fittings of this vessel.

The 3d Section of the Equipment Article distinctly alludes only to a slave-deck regularly numbered and prepared for use; and vessels therefore having the rough material for the purpose in question may, we are of opinion, safely carry it without even taking the trouble to clear it at their Custom-houses as cargo.

The "*General Manso*" was purchased by Antonio Capo from Silvester de la Sevo, of Havana, in October, 1833, and appears in the Havana Commissioners' Lists to have returned, under Capo's command, to Matanzas on 9th June, 1834, after making a successful slaving voyage. With the like objects, she appears in the said Lists to have sailed again for this coast on the 25th July following; after which, her proceedings have not been reported to His Majesty's Commissioners at Havana. As, however, it is shown in her Papers that she sailed again from Matanzas in September, 1835, it may fairly be inferred that she made another successful slaving voyage during the period alluded to.

The Ship's Papers were delivered up to Antonio Capo, and his receipt taken for the same on the 28th of July, previous to which the Passport was formally endorsed by the Registrar of the Court with the particulars of the detention and subsequent release of the "*General Manso*."

All the slaving outfit and equipment of this vessel were landed under permit from the Collector, and sold by public auction at the Custom-house; and her hatchways are so altered as to make it safe for her to proceed to sea.

On the 30th ultimo, the "*General Manso*" cleared out at this Custom-house with a cargo of 140 pipes of brandy for Havana, and sailed hence on the following day, ostensibly bound for that port, after having been carefully examined by the Collector of Customs.

We have, &c.

(Signed)

WALTER W. LEWIS.

H. D. CAMPBELL.

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

#### Enclosure in No. 36.

*Report of the Case of the Spanish brigantine "General Manso," Antonio Capo, Master.*

This vessel sailed from Matanzas under a Royal Passport, dated at that port on the 15th September, 1835, on a voyage thence to St. Thomas, on the Coast of Africa, and under the customary prohibition not to engage in the illicit traffic in slaves; she was likewise provided with a Muster-roll, Fort Pass, and Manifest of the cargo laden in this vessel, dated like the Passport: which Papers establish, that she is 130 Spanish tons burden; that she sailed with a crew of 28 persons; was armed with an 18-pounder and 12 muskets, with suitable ammunition for the same; and that her cargo consisted of

140 pipes of rum,  
3 boxes of sugar,

3 bags of coffee,  
4 pipes of wine.

She had on board also, in addition to the above-mentioned articles, a lot of leaguer staves and hoops, and 2,000 feet of plank, which are not alluded to in any of the Ship's Papers.

This vessel having been twice seized and brought before the notice of the Commission, although

under the first detention no prosecution actually took place, it seems requisite, in order to have the history of this Case clear, that the first seizure now alluded to should be fully described previous to entering upon the particulars of the second detention; with the decision on which the legality or otherwise of the first capture appears to be essentially connected.

Evidence in respect to the first detention was given in the prosecution before the Court under the second seizure of the "*General Manso*," and was to the following effect.

In the Affidavit of the Master and Owner of that vessel, annexed to his Claim for her and the cargo on board, it is stated that, about the 18th November last, the "*General Manso*," in the prosecution of her voyage from Matanzas to St. Thomas, on the Coast of Africa, came to an anchor off Gallinas, and the Master was there using his efforts to procure water and other necessaries, when His Majesty's brig-of-war "*Curlew*," then commanded by the Honourable Joseph Denman, a vessel duly authorized under the Treaty between Great Britain and Spain of the 23d September, 1817, detained the said brigantine, although she and her cargo were duly protected by the said Treaty, not having any slave or slaves on board, and not having had any on board during the said voyage; and thereupon did conduct the said "*General Manso*" to Sierra Leone, to be proceeded against according to law; and that Commander Denman, by his Proctor, Mr. Dougan, entered into an agreement with the said Master for the release of the said vessel, the Master granting a release to Commander Denman from all claims for costs, damages, and expenses, arising out of the before-mentioned detention, and which mutual releases were duly executed by both parties.

This important statement of the Master of the "*General Manso*" is supported by the Affidavit of Mr. W. H. Savage, his Proctor; who stated that the said Master, in December last, applied to him, as a Proctor, to manage his defence against the seizure of the said brigantine by His Majesty's brig "*Curlew*," Commander Denman; and that, while documents necessary for this purpose were preparing by him, Proctor Dougan, on behalf of the said Seizor, made an offer to give up the said brigantine, if a release was given the said Seizor against all claims for costs, damages, and expenses, on account of the said seizure; which offer, after having consulted his client, was accepted, provided that a Document was given the said Master, which might have the effect of preventing the said brigantine or vessel from being again seized for a certain period; that the proposed release was prepared by Mr. Dougan, in his character as Notary Public in this Colony, and executed by the said Master, who received a Document, under Commander Denman's hand, admitting the illegality of the said seizure by him, and expressing that five days were allowed for the said brigantine to arrive off the place where she had been originally detained, and that during that period it was expected she should be free from further or other seizure.

To establish this part of the Master's Case, the Proctor for the Seizors on both occasions of the "*General Manso's*" detention, Mr. Robert Dougan, was examined on special interrogatories; the result of which was, that the Claimant's statements were confirmed in respect to the negotiation of the mutual release before mentioned, and the granting of the Certificate alluded to by the Claimant's Proctor, and which is to the effect following:—

"These are to certify, that the brigantine called the '*General Manso*,' sailing under Spanish colours, whereof Antonio Capo is Master, was detained by His Majesty's brig-of-war '*Curlew*,' then under my command, on the 18th day of November, 1835, off the Gallinas, in or about latitude 7° 3' north, and longitude 11° 46' west, and was released this day, the seizure having been made under circumstances which could not be taken cognizance of by the Courts of Mixed Commissions. I therefore request any British ship-of-war boarding the said vessel within 5 days from this date, a term I consider sufficient to restore her to the place of seizure, will not molest her, as she is to be placed in the same situation in which I found her.

"Dated at Freetown, Sierra Leone, this 3d day of December, 1835.

"Witness,

(Signed) "R. DOUGAN,  
Not. Pub."

(Signed)

"JOSEPH DENMAN,  
Commander R.N."

Mr. Dougan deposed, that "he was employed by Commander Denman as his Proctor, when His Majesty's brig '*Curlew*' brought the '*General Manso*' to Sierra Leone. He did offer to enter into an arrangement relative to that vessel at Mr. Savage's house in the beginning of the month of December last; the offer was to restore the vessel, if the Master would grant Commander Denman a release and pay all expenses. A release was executed and delivered to him as a Notary Public, and that document was delivered by witness to Commander Denman."

The "*General Manso*," having been accordingly released from detention by Commander Denman on the 3d December last, got under weigh on the morning of the 4th, to proceed to sea under the direction of one of the "*Curlew's*" Officers (as had been agreed upon between Commander Denman and the said Master), who remained with the "*General Manso*" until she was clear of Cape Sierra Leone; shortly after which she was re-seized by the British brig-of-war "*Leveret*," which had followed her out of this harbour evidently for that purpose. Lieutenant Norcott, the Officer who superseded the Honourable Joseph Denman in the command of the "*Curlew*," was on board of the "*Leveret*" on this occasion, and joined the Commander of the "*Leveret*" in this proceeding.

In the evening of the 4th December, 1835, the "*General Manso*" was brought back into this harbour by his Majesty's brig "*Leveret*;" and on the 5th it was desired to institute proceedings against this vessel before the British and Spanish Court of Mixed Commission, on the ground of her having been seized equipped for the Slave Trade, contrary to the provisions of the Treaty between Great Britain and Spain, of the 28th June, 1835, for the abolition of the Slave Trade.

On the 4th January, 1836, the Proctor for the Seizors came before us with the Papers in this Case, stating that he had been informed we had now received the necessary instructions to carry the Treaty of the 28th June, 1835, into effect; he therefore prayed that the Ship's Papers of this vessel, authenticated by the Prize-Officer's Affidavit, be received into Court with the Seizor's Declaration, which was granted. The usual Monition was also directed to be issued, and the evidence in preparatory to be taken.

The only additional Papers found in the "*General Manso*" on her second seizure to those previously described were, the Certificate of the release of this vessel by Commander Denman, which has been quoted at length in the account of the first seizure, and 2 accounts, which were attached to that Certificate, of Antonio Capo, with his Agent and his Proctor in this port.

The Declaration of the Seizors is hereunder:—

"We, Lieutenants Edmund Norcott and Charles John Bosanquet, commanding His Majesty's sloops 'Curlew' and 'Leveret,' hereby declare that, on this 4th day of December, 1835, being off Cape Sierra Leone, we detained the brigantine 'General Manso,' sailing under Spanish colours, armed with 1 gun, an 18-pounder, commanded by Don Antonio Capo, who declared her to be bound from Matanzas to the Island of St. Thomas, with a crew consisting of Captain, Mate, and 6 men, having on board cooking coppers of a larger size than requisite for a merchant-vessel, a greater quantity of water-casks than requisite, planks for forming a slave-deck, hatches not fitted as a merchant-vessel, and slave-irons; and having admitted landing others at Sierra Leone. We do further declare, that the said brigantine appeared to be seaworthy, and was supplied with a sufficient quantity of water and provisions for the crew on their destined voyage to St. Thomas. We do further declare, that we are of opinion that the said brigantine was intended for the unlawful traffic in slaves in her present voyage."

The witnesses in preparatory, Antonio Capo, the said Master, and his First Mate, Lorenzo Barcelo, were examined by the Registrar on the standing interrogatories, on the 8th January, 1836.

Antonio Capo stated, that "he was born at Mahon, in Minorca, lives at Matanzas, in Havana, has resided there about 5 or 6 years; is a Spanish subject, has never served any other State; is not married; he appointed himself to the command, being sole Owner; received possession in Havana, in October, 1833, from her former Owner Don Silvestre de la Sévo, who then lived at Havana, and was a Spanish subject; has known the vessel many years; first saw her in Havana, but cannot say when; does not know where she was built. He was not present when the vessel was seized, he was ashore in the Gallinas; is ignorant of the cause of her seizure; had Spanish colours, and no others. Her name is 'General Manso;' has been so called since witness took possession; she was previously called 'Manuelita;' is 130 tons burthen; had a crew of Officers and men (exclusive of himself) of about 28, all Spaniards; all came on board at Matanzas, on the 18th September, 1835, and were hired by witness. He is the sole Owner of the vessel and cargo; none of the Officers or mariners had any interest in either; there was no passenger; the present voyage commenced and was to have ended at Matanzas, which was also the last clearing port; sailed direct for St. Thomas, but was obliged to go into the Gallinas for water, and, a few hours after his arrival there, the vessel was captured, on the 18th November, about 4 o'clock in the afternoon; there was no chase, the vessel being at anchor; the vessel's Papers were for St. Thomas, and he was going there when forced to call at the Gallinas for water; never altered his course on any other occasion. There was 1 gun, an 18-pounder, mounted, 10 or 12 muskets, 4 or 5 cutlasses, no ammunition; bought those arms with the vessel, and they have continued on board ever since; no resistance was made to capture; had no instructions to that effect, or for avoiding or escaping capture, or for destroying or concealing any of the Ship's Papers. There was a Bill of Sale from Don Silvestre de la Sévo, made in October, 1833, at Havana, where the said Bill now is; does not recollect the witnesses' names; the price was 3,000 dollars, all paid in cash at the time of sale; no security was given; the said sum was a fair equivalent for the vessel; the sale was a true one, and if the vessel be restored, she will belong to witness, and to him only; there was no private agreement. He intended to have disposed of the cargo at St. Thomas, on his own account, and for his own risk and benefit, being the Owner, lader, and consignee of the same; and if the cargo be restored, it will belong to him only. The vessel's last cargo was sugar and coffee, shipped at Havana; the present cargo is agaurdiente; believes the vessel was carried direct to Sierra Leone, but he was not with her. All the Papers were true; knows of nothing to affect their credit. No Papers whatever were destroyed, concealed, or in any manner made away with. There are no Bills of lading or other Papers relative to the vessel or cargo in any country, except the Bill of Sale aforesaid. There was no Charter-party. No part of the vessel or cargo is insured. Bulk was not broken previously to capture; cannot say whether it has been broken since."

Lorenzo Barcelo's testimony fully supported that of the Master, Capo.

On the 14th January, Antonio Capo and Lorenzo Barcelo, the First Mate, were again examined on special interrogatories, put on behalf of the Captors by the permission of the Court.

Antonio Capo's evidence was, that "the hatchways are not fitted with open gratings. There are only those bulkheads which separate the cabin and fore-castle from the hold. There are some rough planks on board, but they are neither fitted nor numbered. There are neither shackles, bolts, nor handcuffs on board. There were 25 or 30 pipes of water, which was not sufficient for the crew. There were no empty casks on board. There were about 11 casks of different sizes full of water. There were about 40 tin mess-pans; they were for sale. There was one large copper boiler on board; it was intended for purifying palm-oil. There were about 15 quintals of rice for the use of the crew; the vessel would have gone to St. Thomas, the port of her destination, had she not been captured. The hatchways are bored. There are no bars for securing the hatches. The vessel is not fitted with grooves or other means to receive a slave-deck. There is no slave-deck laid."

The replies of the Mate, Lorenzo Barcelo, to the same interrogatories as those put to the Master, were in every respect similar, excepting as to the quantity of water and mess-pans on board, of which he professed to be ignorant.

The Seizors' Proctor obtained publication of the foregoing evidence on the 14th January; after perusing which, he prayed that he might be allowed to re-open his Case, and have a Commission issued for the survey and inspection of this vessel, so that the allegations contained in the Seizors' Declaration might be thereby established.

The Commission went forth on the 19th January, and on the day following the Report of the three Surveyors came in: the substance of which was, that "the after, main, and fore hatchways have holes athwart ship on each side of the combings for introducing iron bars, the said bars being found on board. Found scantling and plank of sufficient length and thickness to form a spare deck. A large quantity of iron-hoops and shakes of leaguers are stowed in the wings of the vessel, ready for setting up; we have not been able to ascertain the exact number of casks they would make when put together, they being stowed partly as dunnage for the cargo, the whole of which would require to be removed to obtain the precise quantity; and as we consider there has been found sufficient on board to prove that the said vessel is fitted for the Slave Trade, we are of opinion that it is unnecessary to incur the expense in removing the cargo, which consists principally of spirits. A greater quantity of mess-pans than requisite for the crew, namely 66. The cabouse on deck of a larger size than usually seen on board merchant-vessels. A large spare copper boiler found in the wake of the after hatchway, quite out of proportion to the size of the vessel and the number of her crew."

To this Report the Surveyors were sworn, by order of the Court, on the 23d March following.

The Proctor for the Seizors, on the 8th February, presented a Petition with special interrogatories annexed, to be put to the Master and Prize-Officer of that vessel, which we granted; and they were accordingly examined, the Master on the succeeding day, and the Prize-Officer on the 11th of that month.

Antonio Capo, the said Master, deposed, that "he was present at the last seizure of the '*General Manso*,' near Cape Sierra Leone, on the 4th December, 1835, about 10 o'clock in the morning; the vessel went to sea that morning under the charge of Mr. Sturdie, an Officer of His Britannic Majesty's brig '*Curlew*,' having been released from a former seizure by Lieutenant Denman, the capturing Officer; and when she had got out a little way, was recaptured by the Officer commanding another English vessel-of-war, which had followed him apparently for that purpose, and the same moment Mr. Sturdie quitted the '*General Manso*' the Commander of the '*Leveret*' came up her side. Witness states, though his vessel was released by Lieutenant Denman, charge was retained by Mr. Sturdie till the moment he quitted her; and during the time he conducted her out, he kept constantly luffing, and witness considers did all in his power to enable the '*Leveret*' to come up with the '*General Manso*.' When the '*General Manso*' was last captured, she was proceeding to St. Thomas, the port of her destination; and is in ignorance under what pretence she was re-seized. That a quantity of money having been seized by the Commander of the '*Leveret*,' he went on board the '*Victorina*' with the said Commander to see the money counted in the presence of the Commander of the '*Curlew*,' Lieutenant Norcott, who was on board the '*Victorina*;' and that the said Lieutenant Norcott did then and there, to the best of witness's recollection, but if not, certainly on the same day, namely, the said 4th December, on board the '*Leveret*,' whither witness had gone to receive the joint receipt of the said Commanders for the said money, state to witness, that when the '*Curlew*' first captured the '*General Manso*,' she was not furnished with the instructions under the New Treaty, but that now she was, and that he had got them the night before; and the said Lieutenant Norcott made this observation in reply to questions witness had put to him, namely, Why he had allowed the '*General Manso*' to weigh anchor? Why he had not seized her in the harbour? He recollects no stipulation as to any defined period for his leaving the harbour; that people came on board from the '*Curlew*' the day preceding capture to assist in getting the vessel out, but they only weighed 1 anchor, in consequence of there being at the time neither wind nor tide to carry the vessel out, but witness was quite ready to go; and the second anchor was not weighed by the direction of the said Mr. Sturdie, who had the management and charge of the vessel; witness interfered in no way whatever, but while the said Officer was on board considered himself as having no more authority than he would have had had he been a mere passenger."

The Prize-Officer, Mr. Frederick Ranny Sturdie, Master's Assistant of His Majesty's brig "*Curlew*," stated, on his examination, that "the '*General Manso*' was detained, on the 18th November last, by Lieutenant Denman, and brought to Sierra Leone, where she arrived on the 28th of the same month. He was placed in charge of the vessel by Lieutenant Denman, at the time of her capture, and remained on board of her 12 days. To the best of his recollection, the said vessel was detained in this harbour by Lieutenant Denman only for 3 days after her arrival; there was an arrangement made for her release; she was to be ready to proceed to sea on the 3d December, when an Officer was to be sent from the '*Curlew*' to pilot her out beyond the Carpenter Rock (off Cape Sierra Leone). An Officer, Mr. Barker, Senior Mate of the '*Curlew*,' was sent accordingly, about 6 o'clock in the morning of the 3d, with a party; and witness has been informed by Mr. Barker, that the second Officer of the '*General Manso*' stated to him, that the Master was not on board, and things were not ready, but that he would let him know so soon as they were; about 10 o'clock the Master of the brigantine reported himself ready to go, and the same Officer was again sent to render every assistance, but it falling calm, the brigantine was obliged to remain at anchor. He (witness) was sent on board the said vessel on the 4th December, about 7 o'clock in the morning, for the purpose of piloting the vessel clear of the Carpenter Rock. Received instructions from Lieutenant Norcott to take the vessel out of the harbour, and to keep company with the '*Victorina*,' as Mr. Barker, who was in charge of that vessel, had a boat in which witness was to come ashore. He got the said vessel under weigh between 7 and 8 o'clock in the morning of the 4th, and proceeded with her outside the Carpenter. He did not steer the vessel direct out; had occasion to lay her to; the object was to detain the vessel, and keep company with the '*Victorina*,' on board of which was witness's senior Officer, who had the boat in which he was to come ashore. In going out, he passed under the stern of His Majesty's brig '*Curlew*;' was not hailed by any person on board the said brig. Messieurs Savage and Cathcart, and several Spaniards not belonging to the '*General Manso*,' were on board the said vessel at the time witness piloted her out. Mr. Savage remarked to witness and Mr. Cathcart how easy the pilotage was; neither Mr. Savage nor Mr. Cathcart offered to pilot the vessel out. To the best of his recollection, he left the said vessel at about 11 o'clock; gave up possession to the Captain; was at least 3 or 4 miles distant from Cape Sierra Leone when he quitted the vessel. He left the said vessel in a boat belonging to the '*Curlew*;' there was another boat alongside at the time, one in which Mr. Savage had come on board. He knows Lieutenant Bosanquet; he was not on board or alongside the said brigantine when witness quitted her. He (witness) joined the said brigantine again on the same day, being ordered to do so by Lieutenant Bosanquet, for the purpose of piloting her in, as the Master's Assistant of the '*Leveret*' knew nothing of this harbour. He has continued in charge of the said vessel from that time until now. He knows of nothing material further in the matter."

With a view to prove the nature of the agreement entered into between Commander Denman and the Master of this vessel for her release, and to show that the Master had not fully acted up to the same, the Seizor's Proctor prayed, on the 13th February, that the two Affidavits of Mr. Barker and himself, hereunder transcribed, might be received and filed, which was granted.

"Appeared personally Robert Dougan, of Freetown, in the Colony of Sierra Leone, one of the Proctors of this Honourable Court, who, being duly sworn, maketh oath and saith, that he was present when the terms of the agreement for the release of the said brigantine were entered into between Commander Denman and the Master of the said brigantine; and that, among other stipulations, it was agreed, in the presence of the said Commander Denman, and of this deponent, as Proctor for the said Commander Denman, and of Mr. William Henry Savage, as Proctor for the said Master, that the said brigantine was to be ready to proceed to sea at daylight in the morning of Thursday, the 3d day of December last past."

"Appeared personally Charles Barker, Mate of His Majesty's brig-of-war 'Curlew,' who, being duly sworn, maketh oath and saith, that, on the 3d day of December last past, he was directed to proceed on board the said brigantine 'General Manso,' with a boat's crew, for the purpose of getting her under weigh, and that the agreement entered into between Commander Denman and the Master thereof for her release might be carried into effect. And the deponent further saith, that he did accordingly proceed on board the said brigantine for such purpose as aforesaid, about half-past 5 o'clock in the morning of the said day; at which time there was a strong ebb-tide, and a fine land-breeze, when he, this deponent, was then informed by the second Captain of the said brigantine, that the Master was on shore, that his things were not yet on board, and that he, the said second Captain, was uncertain whether or not it was the Master's intention to proceed to sea that day. And this deponent further saith, that he did then request the said second Captain to inform the Master, so soon as he came on board, if he wished his vessel to leave the harbour that day, to report himself on board His Majesty's said brig-of-war 'Curlew' (then lying at anchor close to the said brigantine) without delay; and that this deponent would then return with a party of hands to assist him in getting his said vessel under weigh. And this deponent further saith, that, about half-past 9 o'clock in the morning of the said day, the said Master did come on board His Majesty's said brig 'Curlew,' and report himself ready for sea; when this deponent did again proceed on board the said brigantine for the purpose of getting her under weigh, but, before he was able so to do, the land-breeze had died away, and the flood-tide was making, which rendered it impossible to take the said vessel to sea that day."

These proceedings completed the Case of the Seizors, and publication thereof was decreed on the 15th February.

The Case of the Claimant came before us in the manner following:—On the 12th January, Antonio Capo, the Master of the said vessel, presented a Petition through his Proctor, Mr. William Henry Savage, praying that the Claim and Affidavit in support thereof, annexed to this Petition, might be admitted, which request was acceded to; and on the 13th, Antonio Capo having been sworn thereto, his Claim was filed in the cause. The Claim was in the words following:—

"The claim of Antonio Capo, the Master of the said brigantine or vessel, called 'General Manso,' a subject of Her Catholic Majesty the Queen of Spain, for the said brigantine or vessel, her tackle, apparel, and furniture, goods, wares, and merchandize, laden on board the said brigantine or vessel at the time of the seizure and detention thereof by his Britannic Majesty's brig 'Curlew,' Edmund Norcott, Lieutenant, Commander, and His Britannic Majesty's brig-of-war 'Leveret,' Charles John Bosanquet, Lieutenant, Commander, and brought back to Sierra Leone; for the said brigantine or vessel, her tackle, apparel, and furniture, and her cargo, as the sole property of himself, the said Antonio Capo, an inhabitant of Matanzas, and native of the Island of Minorca; and also for 880 doubloons, the private moneys of him, the said Antonio Capo, seized and taken into the charge of him the said Charles John Bosanquet, and as protected by the Treaty or Convention between His Britannic Majesty and Her Catholic Majesty, dated the 28th day of June, 1835, and for all 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 brigantine or vessel and her cargo as aforesaid."

The Affidavit in support of the said Claim was as follows:—

"Appeared personally the said Antonio Capo, the Master and Owner of the said brigantine or vessel, and maketh oath and saith, that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said brigantine at the time of the seizure and detention thereof by His Britannic Majesty's brig-of-war 'Curlew,' Edmund Norcott, Lieutenant, Commander, and His Britannic Majesty's brig-of-war 'Leveret,' Charles John Bosanquet, Lieutenant, Commander; and that the said brigantine or vessel was so detained in the prosecution of her voyage from the Colony of Sierra Leone to St. Thomas's Island, on the Coast of Africa, with a general assorted cargo of merchandize, and brought back to Sierra Leone, on the 4th day of December now last past. And he further maketh oath, that himself, the said deponent, a subject of Her Catholic Majesty, was at the time of the said seizure and detention, and now is, the true, lawful, and sole Owner and proprietor of the said brigantine or vessel, her tackle, apparel, and furniture, and of the cargo laden on board the same. And the deponent further maketh oath, that he verily believes the said brigantine or vessel, and her cargo, are protected by the Treaty or Convention between His Britannic Majesty and Her Catholic Majesty, bearing date the 28th day of June, 1835. And deponent further maketh oath that, on or about the 18th day of November last, the said brigantine or vessel 'General Manso,' being in the prosecution of her voyage from Matanzas to St. Thomas, on the Coast of Africa, came to an anchor off the Gallinas, and there this deponent was using his efforts to procure water and other necessaries, when His Britannic Majesty's brig-of-war 'Curlew,' then commanded by the Honourable Joseph Denman, a vessel-of-war duly authorized under the Treaty or Convention between His late Britannic Majesty and His late Catholic Majesty the King of Spain, dated the 23d day of September, 1817, to seize and detain vessels found illegally carrying on the African Slave Trade, seized and detained the said brigantine or vessel, although the said brigantine and her cargo were duly protected by the said Treaty or Convention, not having any slave or slaves on board, and not having had any on board during the said voyage, and thereupon did conduct the said brigantine or vessel, 'General Manso,' to Sierra Leone, to be proceeded against according to law. And deponent further maketh oath, that the said Honourable Joseph Denman, by his Proctor, Robert Dougan, gentleman, a Proctor in this Honourable Court, did enter into an agreement with this deponent, and did acknowledge that the said capture and detention were illegal, and could not be supported, and that the capturing vessel was not, at the time of the said detention of the said brigantine or vessel, furnished with the Instructions under the New Treaty of the 28th day of June, 1835; and that therefore he, on behalf of the said Honourable Joseph Denman, the Seizor as aforesaid, would release the said vessel, and permit her to proceed on her voyage, provided this deponent would release him, the said Honourable Joseph Denman, from all claims on account of the said detention, to which this deponent did consent, and executed a release accordingly; and thereupon the said brigantine or vessel 'General Manso' was got under weigh, by an Officer belonging to His said Britannic Majesty's vessel-of-war 'Curlew' (who it was understood was to keep charge of the said detained vessel until she should be clear of Sierra Leone), and was proceeded with gradually out of the harbour of Freetown, on the 4th day of December last; and that soon after His Britannic Majesty's vessel-of-war 'Leveret,' Charles John Bosanquet, Lieutenant, Commander, having also on board Edmund Norcott, Lieutenant, Commander of the 'Curlew,' in command of which vessel he had lately superseded the Honourable Joseph

Denman, got under weigh, and stood after the said brigantine or vessel '*General Manso*;' and the said Charles John Bosanquet came on board, causing the Officer heretofore in charge to go into a boat alongside, and declared the said brigantine or vessel '*General Manso*' to be a prize to the said vessels-of-war '*Curlew*' and '*Leveret*;' that this deponent then showed him, the said seizing Officer, the Memorandum delivered to deponent, under signature of the Honourable Joseph Denman, whereby 5 days were allowed to deponent to get off the original place of seizure, but that the said seizing Officer declared he would pay no attention thereto. And deponent further maketh oath, that the said brigantine or vessel was found and detained near Cape Sierra Leone in charge of the British Officer, who had been put on board by the said Honourable Joseph Denman, and while under his control and command, and that had this deponent been in full command of the said brigantine or vessel, the said vessel might have gone away from the said capturing vessel, and proceeded on her voyage; but that the said Officer, by laying-to, and refusing to make sail, enabled His said Britannic Majesty's brig-of-war to pursue and overtake the said brigantine; and that the said capture and detention at the time and place, and in manner as herein set forth, was all occasioned by the illegal act of him the said Honourable Joseph Denman, the same being contrary to the provisions of the Treaty of the 23d September, 1817, under which alone the said Commander Denman was entitled to search and detain vessels under the Spanish flag; having slaves on board, thus seizing and bringing the said brigantine or vessel within the power of the present Seizors. And deponent further maketh oath, that fully perceiving that the said brig-of-war '*Leveret*' was following, as this deponent verily believes, was concerted with the Seizors, to overtake and detain the said brigantine or vessel '*General Manso*,' he caused some of his clothes, and 880 doubloons, being his private moneys, and which for safety he brought with him from Matanzas, to be put into a boat belonging to the shore, but that the said Charles John Bosanquet searched the said boat, and took therefrom the said moneys. And he further maketh oath, that no person or persons other than himself have any right, title, or interest in the said brigantine, her tackle, apparel, and furniture, goods, wares, and merchandize, on board the same at the time of the seizure and detention thereof, and that he is duly authorized to make the Claim hereunto annexed, and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof."

The Proctor for the Claimant, with the desire of supporting the statements contained in the Affidavit annexed to and authenticating the Claim, prayed that special interrogatories, which he then submitted, might be put to Mr. Robert Dougan and Mr. John Charles Cathcart; to which the Court assented, and those gentlemen were accordingly examined on the 18th January. Mr. Dougan deposed, "he was employed by Commander Denman as his Proctor, when his Majesty's brig '*Curlew*' brought the '*General Manso*' to Sierra Leone. He did call on Mr. Savage for the purpose of ascertaining whether he was at liberty to treat relative to the Case of the '*General Manso*.' He did offer to enter into an agreement relative to that vessel at Mr. Savage's house in the beginning of the month of December last: the offer was to restore the vessel, if the Master would grant Commander Denman a release, and pay all expenses. A verbal assent was at once given by Mr. Savage, who subsequently, but on the same day, wrote to witness agreeing that the Master should grant a release upon the vessel being given up to him, and upon Commander Denman signing a Memorandum to the effect that a certain number of days should be allowed to the vessel to enable her to reach the place where she had been captured; and embodying a request that no British man-of-war should molest her during that period. It was finally agreed that 5 days should be allowed to the vessel to reach her place of seizure, and that she should leave Sierra Leone at a stated period in charge of Commander Denman, who was to see her safe out to sea from this port, upon the release before mentioned being executed. It was not expressed or understood by witness that the Prize-Officer was to keep charge. There was no acknowledgment of the illegality of the detention of the '*General Manso*' in the Memorandum signed by Commander Denman, which stated that the seizure had been made under circumstances which could not be taken cognizance of by the Courts of Mixed Commission; that the vessel should be allowed 5 days from the 3d December to arrive off the place of her detention; and requesting that she might not be molested during that period by any of His Majesty's ships-of-war. A release was executed and delivered to him as a Notary Public, and that Document was delivered by witness to Commander Denman. Of his own knowledge he cannot say, whether Commander Denman wrote to the Officer commanding the '*Curlew*,' or whether he applied to have the time of the '*General Manso*'s' sailing fixed, or that the Officer on board should conduct her. Commander Denman left this Colony about the middle of December last; does not recollect the particular day."

The evidence of Mr. Cathcart was, "that he was on board the '*General Manso*' on the 4th December last, and proceeded in her to about two miles beyond Cape Sierra Leone. One of the Officers of His Majesty's brig '*Curlew*' piloted the vessel out. After the '*General Manso*' was got under weigh, she waited about half an hour for the '*Victorina*,' which vessel was taking in powder from the '*Josefa*,' and subsequently during the passage out the said Officer repeatedly lay the '*General Manso*' to. Both he and Mr. Savage remarked upon the delay occasioned by this repeated laying to, and the said Officer replied that his superior was on board the '*Victorina*,' and that he must wait for her. He was in the '*General Manso*' when the Commander of the '*Leveret*' boarded her: the Officer who had piloted her out had just pushed off from the larboard side in a boat, as Lieutenant Bosanquet came up the starboard side. The Commander of the '*Leveret*' stated, on boarding, that he came to look at the vessel's Papers, and, after perusing them, said he would search the '*General Manso*;' the Spanish Master remonstrated, and said that she had been released by Commander Denman, and showed him a Document signed by that individual to that effect. The Commander of the '*Leveret*,' however, refused to read the Paper, and proceeded to search the vessel, which he eventually detained. The '*Leveret*' was laying at anchor in the harbour when the '*General Manso*' got under weigh, and that the latter vessel proceeded to about two miles beyond Cape Sierra Leone before she was overtaken by the '*Leveret*.' There was a favourable land-breeze at the time the '*General Manso*' got under weigh, and witness considers that, if all sail had been made, she would not have been overtaken by the '*Leveret*.' He saw a bag or pillow, containing money, taken by Lieutenant Bosanquet from the stern-sheets of a boat belonging to Mr. Stober, the Pilot, and which witness and Mr. Savage had borrowed from that person. The British Officer on board the '*General Manso*' was hailed, whilst passing under the stern of the '*Curlew*,' by an Officer on board the latter vessel; does not know what was said on the occasion. He considers that, if impediments had not been put in the way of the sailing of the '*General Manso*,' or if Mr. Savage had been permitted by



the British Officer in charge of her to pilot that vessel out, as he offered to do in witness's hearing, she would not have been overtaken by the 'Leveret.'"

To prove the amount of moneys seized at the time of the "*General Manso's*" detention off this port, the Claimant's Affidavit and the Seizor's Certificate on this subject were received by the Court on the 20th January, by which Documents it was established, that 880 doubloons had been so seized; and which circumstances had not previously come regularly to our notice.

On the 25th following the Claimant's Proctor moved, that his Affidavit, as to certain proceedings which had taken place in consequence of the original seizure of this vessel by Commander Denman, might be received as evidence in the Case, which being granted, he was sworn on the next day.

The Affidavit in question is to the following effect:—"That Antonio Capo, the said Master, in December last, applied to this deponent, as Proctor, to manage his defence against the seizure made of the said brigantine or vessel by His Majesty's vessel-of-war 'Curlew,' Lieutenant the Honourable Joseph Denman, Commander; that while Documents necessary for this purpose were preparing by this deponent, Robert Dougan, gentleman, as Proctor on behalf of the said Seizor, called upon this deponent, and after ascertaining that this deponent was engaged as Proctor for the said vessel, and other two Spanish detained vessels, proceeded on behalf of the said Honourable Joseph Denman to make an offer to give up the said brigantine or vessel; and stated that, provided a release was given the said Seizor against all claim for costs, damages, and expenses, on account of the said seizure, the same should be carried into effect; that deponent, having required time for consulting the said Master, did, after having done so in writing, inform the said Robert Dougan that the said offer was accepted, provided also that a Document was given the said Master, which might have the effect of preventing the said brigantine or vessel from being again seized for a certain period; that the release being duly prepared by the said Robert Dougan, in his character as Notary Public within the Colony aforesaid, the same was approved of and consented to by this deponent, and executed by the said Master, and a Document admitting the illegality of the said seizure, and that 5 days were allowed for the said brigantine or vessel to arrive off the place where she had been originally detained, and that during that period it was expected she should be free from further or other seizure, was delivered to this deponent with the Ship's Papers for the use of the said Master. And deponent further saith that, unless this said Document had been given, this deponent would not have caused the said release to have been executed; and that in verity it was fully understood that the said release was only to stand good, if the said restitution with the said Document was valid and effectual. And deponent further saith, that the time for the sailing of the said brigantine or vessel having been agreed on between the said Robert Dougan and this deponent, the said Robert Dougan informed this deponent, that application would be made by the said Honourable Joseph Denman to the new Commander of the said vessel-of-war 'Curlew,' for the British Officer then in charge, or some other British Officer, to conduct the said vessel as far as the limits of the harbour of Freetown. And this deponent saw the said brigantine or vessel so proceeding to sea under the conduct of the said British Officer. That soon after the said brigantine or vessel was again seized by His Majesty's vessels-of-war 'Leveret' and 'Curlew,' this deponent had occasion to call at the Office of the said Robert Dougan, when this deponent was shown a note from the said Honourable Joseph Denman, addressed to him, the said Robert Dougan, to give up or cancel the said release, under the circumstances which had taken place contrary to the intentions of him, the said Honourable Joseph Denman, and that this deponent, seeing that such was the understanding of the said Honourable Joseph Denman, considered that he, as Proctor aforesaid, was not called upon to do anything further relative to the same."

On the 11th July, the Petition which had been presented for a day of trial was backed, and the 13th appointed for that purpose; on which day the Court met, and having heard read all the evidence filed in the cause, and been addressed at considerable length by the Proctors for the Seizors and Claimant, deferred pronouncing judgment until the 18th, when the Court again assembled for that purpose.

Very many Cases were cited by the Proctor for the Seizors, from Reports of decisions in the High Court of Admiralty, none of which, we thought, were to be received as Cases in support of his demand for the condemnation of the "*General Manso*;" all those quoted being Cases wherein the legality of the first seizure was not questioned, and, consequently, any proceedings subsequent thereto were adjudged solely on their own merits.

The only Case at all in point brought to the notice of the Court by the Seizor's Proctor, was that of the Brazilian schooner "*Doña Barbara*," condemned in the British and Brazilian Court of Mixed Commission on the 13th April, 1829; in respect to which vessel that Court ruled that, though the "*Doña Barbara*" had originally been detained by an unauthorized Officer and vessel, according to the terms of the Treaty between Great Britain and Brazil, and by that Officer brought to Sierra Leone, yet her re-seizure in this port by the "Paul Pry," tender to his Majesty's frigate "Sybille," commanded by Lieutenant Harvey, duly authorized to seize vessels engaged in the illicit traffic in slaves, was sufficient to remove the obstacles arising out of the "*Doña Barbara*" having been originally illegally detained, and thrown into the power of Lieutenant Harvey, by whom she was prosecuted to condemnation.

As all the proceedings had in respect to the vessel in question form an important feature in the reasons assigned by us in the judgment we have given in the Case of the "*General Manso*," and must therefore necessarily be treated of at length in its proper place hereafter, we will not now enlarge thereon.

The Proctor for the Claimant, Mr. Savage, urged strongly the restitution of this vessel, on the ground of her having been illegally brought here by Commander Denman, and that therefore she was not legally or equitably liable to the detention, against which he now appealed; and made some unsuccessful attempts, in the way of assertion, to induce a belief, that the saving equipment, with which this vessel was seized, was on board for lawful purposes.

Mr. Savage also pressed strongly on the notice of the Court the fact of the "*General Manso*" having sailed from Cuba before the Treaty with Spain, of the 28th June, 1835, was heard of in that Island, and that she should therefore be considered as not liable to its provisions, but be looked upon as one of those Cases of exemption, for which the former Treaty with Spain, of the 23d September, 1817, fully and specially provided in the 2d Article thereof, by granting 6 months for the completion of voyages commenced previous to the ratification of that Treaty.

And, in conclusion, urged that, whatever might be the fate of this vessel, and her cargo and equipment, the 880 doubloons seized on board of her should be restored to the Claimant, as his own private moneys, unconnected in any way with the voyage in which his vessel had been detained.

To this proposition Mr. Proctor Dougan, for the Captors, objected; and prayed the Court that this

money should be pronounced to have formed a part of the adventure in which the vessel was employed at the time of seizure, a course which had been pursued on all similar occasions by the Courts of Mixed Commissions.

In examining into the merits of this novel and peculiar Case, when pronouncing judgment, we proceeded in the order which we have adopted in drawing up this Report, commencing with the evidence adduced by the Claimant as to his vessel having been originally unlawfully detained and brought to Sierra Leone; such statement, if well founded, raising a question in our consideration of great importance as regarded the final sentence which we had to pronounce in this instance.

In respect to the original seizure, we found, that the allegation of the Master of the "*General Manso*," contained in the Affidavit in support of his Claim, was, that His Majesty's brig "*Curlew*," when commanded by the Honourable Mr. Denman, a vessel duly authorized under the Treaty between Spain and Great Britain of the 23d September, 1817, had seized the "*General Manso*," although she had not any nor had had any slaves on board during the voyage in which she had been detained; and that the Seizor had acknowledged the detention to have been illegal, and had therefore restored the said vessel to her Master, on the condition of the Master granting to him (the Seizor) a release from all costs and damages arising out of this transaction.

That the "*General Manso*" was seized and brought to Sierra Leone, where, after a short time, she was released from detention by Commander Denman, is made evident by the testimony of Mr. Savage, the Claimant's Proctor, and that of Mr. Dougan, Commander Denman's Proctor. The evidence of both these gentlemen has been previously given at length, as well as the Certificate granted by Commander Denman on restoring possession to the Master of this vessel. The same evidence also establishes, that a period of 5 days' exemption from seizure was promised to the said Master for his vessel, so as to enable her to reach the place of detention.

The Proctor for Commander Denman, it will be observed, when examined in regard to the first seizure of this vessel, desired to avoid admitting that the detention in question was acknowledged by his client to have been illegal; but we could come to no other conclusion than that such was, by a natural and reasonable inference, the case, when we saw proof before us that Antonio Capo, the said Master, had, in the presence of a Notary Public, executed a formal release in favour of Commander Denman from all costs and damages which might arise out of Commander Denman's act on this occasion. It could not for a moment be entertained the belief, that any one, who felt he had acted properly, and who considered himself therefore free from responsibility in a transaction, would seek the protection to be derived from a legal instrument, such as the release or indemnity in this instance appears to have been. Neither was it possible to entertain the idea, that Commander Denman would have committed such a dereliction of duty, as to have allowed this vessel, equipped for the Slave Traffic when he seized her, to escape the chance of that punishment which might have been expected to fall upon her in the shape of condemnation, provided the seizure and detention by him had been beyond litigation.

We, therefore, felt bound to declare, that the before-stated allegations of Antonio Capo were so far proved, as to establish that his vessel, the "*General Manso*," had been seized by Commander Denman on the 18th November last, under some circumstances not contemplated in or sanctioned by the Treaties between Great Britain and Spain of 1817 and 1835; under which Treaties alone this Spanish vessel could be considered as liable to detention on a charge of engaging in the Slave Trade, and be brought before either of the British and Spanish Mixed Courts of Justice for adjudication.

The evidence upon the point under notice also establishes, that the restitution which was intended to be effected by the parties on both sides in this matter, was according to the legal and equitable meaning of that term; namely, that the injured party should be placed, as near as circumstances would admit of, in his original condition; the Seizor, Commander Denman, having been entirely wrong in the course pursued by him in detaining the vessel.

The second seizure of the "*General Manso*" by his Majesty's brigs "*Curlew*" and "*Leveret*," the particulars of which are fully set forth in the Captors' Declaration on that occasion, previously quoted, occurred on this vessel attempting to leave this port on the second day after her being relieved from detention by Commander Denman; and, if the only question arising out of this proceeding had been that of deciding whether or not this vessel was equipped for the Slave Trade, as she was charged with being by the second Seizors, little difficulty could have been experienced. For it had been satisfactorily proved, that the British cruisers "*Curlew*" and "*Leveret*," when they detained the "*General Manso*" on the 4th December last, off Cape Sierra Leone, were duly authorized to make seizures of this description, under the Treaty of the 28th June, 1835.

As also had it been proved, by the sworn Report of the Surveyors, who examined the equipment of this vessel, that she was fitted out in a manner proscribed by the aforesaid Treaty.

It, however, appeared to us that the illegal proceedings of Commander Denman, in seizing and bringing to this port the "*General Manso*," had created a question, as to this vessel having been, at the time of her second detention, in that situation which would warrant her seizure and ultimate condemnation, under a proper and liberal interpretation of the Treaty under which she had been prosecuted.

Our belief is, that the High Contracting Parties, by whom this Treaty was framed, intended that the vessels of their subjects should only be liable to detention and ultimate condemnation for being equipped for the Slave Traffic, when fallen in with in the due and ordinary prosecution of their voyages as merchant-vessels, and not when seized, as this vessel had been, in a position into which she had been forced by Commander Denman, who had no authority whatever for originally taking possession of this vessel on the plea of her equipment, and bringing her into the situation in which she was ultimately found by the second Seizors. If this view be not correct, then the provisions of the Treaty, in regard to cruisers being furnished with the signed Instructions to authorize them in detaining British and Spanish merchant-vessels on the ground of their being engaged in the Slave Trade, and the particular directions as to the manner and circumstances under which such vessels may be detained, appear to a great extent unnecessary.

We could not admit that (which was in point of fact contended for on behalf of the second Captors) a British naval Officer might in the first instance violate the Treaty by which we are governed, in order to secure the punishment, under that Treaty, of a Spanish merchant, who had committed only a similar offence to that of which the British Officer had been guilty. Neither could we consider, that the interference of a third party, although that party might be in every way authorized to act under the said Treaty, could qualify such unlawful proceeding, so as eventually to render it agreeable.



to the spirit and meaning of the said Treaty. The proceedings commenced unlawfully, and the consequences thereof must be also unlawful, according to our sense of the principles of equity, which we consider the Treaty directs the Mixed Courts strictly to pursue.

The Case of the Brazilian schooner "*Doña Barbara*," which was brought forward by the Captors' Proctor as a precedent for our condemning the "*General Manso*," was one in some degree calculated to create doubts in our minds as to the opinions above expressed by us. In the Commissioners' Report in the Case of the "*Doña Barbara*," under date of the 13th April, 1829, views are stated very dissimilar to those entertained by ourselves in respect to re-seizure in Cases wherein the original detention was unlawfully made, and which views remained unapproved and unnoticed for upwards of two years. The Commissioners then received for their guidance a Copy of the Judgment of the High Court of Admiralty, on an appeal to its decision as to the title of the Seizors to a moiety of the proceeds of the sale of this vessel, and bounty on the slaves found on board of her, and which decision was against the appeal of the Seizors. As the proceedings in the Admiralty Court were instituted on the condemnation of this vessel in the British and Brazilian Mixed Commission Court, the refusal of the Admiralty Court to grant the Seizors' appeal was, in our opinion, equal to an express declaration that that condemnation was illegal. The inference to be drawn from the fact of His Majesty's Government disputing in the "*Doña Barbara's*" Case the payment of the reward held out to British Officers for the capture of slave-vessels, is, that the seizure and condemnation of the said vessel were not in accordance with the spirit of the Treaty under which the "*Doña Barbara*" had been detained and condemned.

It was represented by the Seizor's Proctor, that the decision above named, of the High Court of Admiralty, had been, in January, 1834, on a further appeal, reversed by the High Court of Delegates, but of which no authentic proof had been tendered. Two London Gazettes, of the 19th and 26th December, 1834, were produced, in which notices from Mr. Goode, the Navy Agent, appeared; and which stated that the bounty on the slaves of the "*Doña Barbara*" would be paid; but the circumstances under which this bounty had been granted or obtained were not in those notices declared, and the statement of the Seizor's Proctor, as to the reversal of the Judgment of the High Court of Admiralty, was therefore unsupported by the Gazettes which he had produced.

It was our duty, we considered, to act upon the decision of the High Court of Admiralty in this Case of the "*Doña Barbara*," as it had been furnished to us for our guidance; being fully satisfied that, had a reversal of that sentence taken place in the High Court of Delegates, as stated, and it had been the desire of His Majesty's Government that the Commissioners should have been governed thereby, it would have been accordingly notified to us with that object.

Although we could not consider the re-seizure of the "*General Manso*," by His Majesty's brigs "*Curlew*" and "*Leveret*," whilst that vessel was in the act of being placed, as near as might be, in the condition in which she was, when illegally detained (in pursuance of the terms of restoration agreed upon by Commander Denman with her Master), would, under all the circumstances of the case, justify us in pronouncing a sentence of condemnation upon this vessel, notwithstanding it had been proved that she was at the time of such second detention equipped for the Slave Trade, in contravention of the 10th Article of the Treaty with Spain of the 28th June, 1835; the knowledge of this illegal transaction having been acquired by unlawful means, and our firm belief being that, where the original seizure is illegal, it is not competent for any one to proceed upon, or in consequence of it. We were, nevertheless, of opinion, that this second seizure was forced upon the Commanders of the "*Curlew*" and "*Leveret*," by the unadvised proceedings of the Master of the "*General Manso*," in attempting to leave the harbour of Sierra Leone with a considerable portion of his slaving outfit remaining on board; and that in so detaining the "*General Manso*," the Commanders of the British vessels-of-war only performed their duty, according to the letter and spirit of the Treaty of June, 1835, which could not be construed to sanction the passing unnoticed under the guns of a British cruiser of a vessel prepared for the Slave Trade.

We can have no doubt that, had the Master of the detained vessel at any time professed his willingness to discharge the equipment of his vessel, and which he knew, from the first hour of his arrival here, was illegal according to the laws of his own country, the second Seizors would have made little, if any, objection to his release from their detention. But this desire seems not to have been entertained at any time by Antonio Capo, as no offer of the kind was made by him. His object and hope were to get back his vessel, equipped as she was for the Slave Trade, and that damages might have been awarded against the second Seizors.

Upon the agreement of the Claimant's Proctor, that the provisions of the Treaty of the 28th June, 1835, should not be applied to the Case of this vessel, as no knowledge of the ratification of the said Treaty had reached Havana previous to the sailing of the "*General Manso*," we briefly observed that, had the High Contracting Parties contemplated such an exemption, a provision to that effect would have been included in the Treaty. And that this opinion is well founded, it is only necessary to refer to the preamble of the said Treaty, wherein we find it expressed that the present is grounded on the former Treaty, in the spirit of which it has been concluded, and which clearly shows the impossibility of the article of exemption having been omitted in the present Treaty otherwise than intentionally.

For the reasons previously assigned, we gave therefore judgment to the effect, that there appeared to be some good grounds for the joint seizure of the "*General Manso*," by the "*Curlew*" and "*Leveret*," the Commanders of which vessels-of-war were justified in their having so done; but that those grounds would not, under a fair and equitable view of the Treaty between Great Britain and Spain of the 28th June, 1835, in our opinion, warrant the condemnation of this vessel. We, therefore, decreed that the Spanish brigantine "*General Manso*," her cargo, and stores, and equipment, should be restored to Antonio Capo, the Master and sole Owner thereof, who had duly claimed the same before this Court. And with respect to the 880 doubloons, absurdly alleged by the said Master to have been brought as his private money from Matanzas, with the object of security, and for which he had made a separate claim, we declared our opinion that the money in question had formed a part of the cargo of the detained vessel, and ordered that as such it should be restored to him. In this latter proceeding we were acting in strict conformity with the practice of the Mixed Commissions for years past.

The consideration of the costs and damages claimed by Antonio Capo for the second detention of his vessel was deferred until another sitting of the Court, at the request of the Proctors on both sides.

On the 23d July the Court met for the disposal of the reserved question of costs and damages. The

chief arguments of the Claimant's Proctor in support of the demand for remuneration were his having been unwillingly and illegally brought into a position, whereby he had been subjected to a detention here of eight months, by which the Claimant had suffered severe losses; and that, therefore, under the four heads of the second section of the 7th Article of the Regulations for the Mixed Courts, they were entitled as alleged. If, however the Court should not consider his title well founded in law, he argued that remuneration must then be granted to him in equity, in conformity with the 11th Article of the Treaty.

Against these opinions the Seizors' Proctor urged, that the second detention of the "*General Manso*" was forced upon his clients, who would have grossly neglected the duty for which they are employed, had they allowed the detained vessel to leave this, a British port, equipped for the slaving-voyage. He also quoted several Cases from the practice of the High Court of Admiralty in England, which formed good precedents in not granting remuneration in this instance, as well as for calling upon the Claimant to pay the Captors' expenses, which had arisen out of the Claimant's wilful misconduct.

In reply to which the Claimant's Proctor stated little of importance. He was anxious to induce a belief, that the Master had had no means of getting rid of the illegal equipment of his vessel, through the original Seizor's keeping a nominal possession of the "*General Manso*" until she left this Port. Of this statement no proof, however, was tendered to the Court; whilst the Court could only view the assertion as perfectly unreasonable. No British Officer would or could have objected to the removal of the slaving outfit of any vessel, in which, by the Claimant's own showing, in his Affidavit annexed to his Claim, the British Officer was only in nominal charge, and that too for the advantage of the Claimant himself, by keeping out other and competent seizing Officers.

In going into the consideration of the heavy demand preferred for costs and damages in this Case by the Claimant (a copy of his claim is subjoined), our attention was first directed to those parts of the Treaty which point out the mode in which such remuneration is to be made, and the precise circumstances under which such consideration may be sought.

In the 7th Article of the Regulations for the Mixed Courts we find that, if a vessel shall not be condemned as a legal prize by those Courts, complete indemnification is to be awarded for the losses sustained by detention of such vessels, excepting when a vessel may have been restored under the circumstances contemplated in the 11th Article of the Treaty, and also in the event of the Judges being satisfied, without a reference to the Arbitrator, that the Master of the detained vessel had by his fault led the Captor into error.

Now with regard to the two exceptions referred to, we consider that they both apply, to a certain extent, to this Case.

It has been proved beyond the possibility of a doubt, that the "*General Manso*" was seized equipped, according to the terms of the Treaty, for the Slave Trade; and therefore cannot, in consequence of the provisions of the 11th Article of that Treaty, be entitled to compensation for losses or damages, even though the Mixed Court has not pronounced any sentence of condemnation in consequence of her detention. The most convenient course which the second Seizors could have, perhaps, pursued in respect to this peculiarly circumstanced vessel, would have been to have removed her slaving outfit, and allowed the vessel to proceed on her voyage. If, however, they did not act in the matter as could have been desired, it can only be viewed as an error in judgment, into which they were evidently led by the fault of the Master of the detained vessel in attempting to leave this Colony equipped for the Slave Traffic; a proceeding which the said Master well knew was illegal. The conduct of the Master, in this instance, rendered the re-seizure of this vessel a matter of unavoidable necessity on the part of the Commanders of the "*Curlew*" and "*Leveret*;" and thereby he has deprived himself of all title to legal claim for compensation for any damage or inconvenience arising therefrom.

The claim for costs and damages remained then to be considered in an equitable point of view, agreeably to the concluding part of the 11th Article of the Treaty, which directs remuneration from the Prize Fund, if justice should require such a proceeding.

Ignorance of the provisions of the Treaty of June, 1835, when the "*General Manso*" left Havana, was again urged as a ground for remuneration in equity; without considering that the Treaty of September, 1817, had entirely abolished the Slave Trade throughout the dominions of Spain from the 30th May, 1820, after which it should not be lawful for any Spanish subjects to trade in slaves upon the Coast of Africa. The provisions of the Treaty of 1817, agreeably to the 6th Article thereof, were made to form a part of the Spanish laws; and we could not, therefore, upon any reasonable principle, bring ourselves to look upon the voyage in which the "*General Manso*" had been detained, as other than one which had for its sole object a breach of Spanish law and of the Treaty between Great Britain and Spain, by carrying back to Cuba, as her return cargo, slaves; her cargo and equipment would admit of no other conclusion.

The present Treaty, which must in like manner have become a part of the law of Spain as it has of that of Great Britain, seems to us entirely opposed to the granting remuneration to any Claimant who fails to prove that he has had his vessel equipped for purely lawful objects, which has been even scarcely attempted in this Case. It is clear then, that Antonio Capo fitted out his vessel with the ultimate intention of breaking through the laws of his own country, which were in force when he left Cuba; whilst it is beyond a doubt, that the laws of his country have been, subsequent to his departure therefrom, so altered as to place his vessel in a worse situation than when he commenced his voyage.

We therefore decreed, in consideration of the reasons herein given, that Antonio Capo was not legally or equitably entitled to the costs and damages which he had claimed; and also in virtue of the concluding paragraph of the 2d Article of the Regulations for the Mixed Courts, and of the 11th Article of the Treaty, that the expenses of bringing this vessel to adjudication should be borne by the Claimant. In deciding upon the Claimant bearing the Seizor's expenses in this Case, we had no hesitation, as from the statements which we have previously made at length, those expenses were solely caused by the Claimant's own wilfully illegal proceedings, and ought therefore, only in fairness, to fall upon himself, and not upon the Captors, who had no election allowed them in the matter.

Sierra Leone, 10th August, 1836.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

ABSTRACT of Claim (as in a Case not of total loss), Spanish Schooner "*General Manso.*"  
Antonio Capo, Master.

A.—*Special Damage and Expenses.*

|   | £.  | s. | d. | £. | s. | d.      |
|---|-----|----|----|----|----|---------|
| Fifty barrels bread, 15 cwt. rice, beans, codfish, and other provisions, spoiled.   | 150 | 0  | 0  |    |    |         |
| Two originally new chains, but now ruined by vessel's lying eight months, being destroyed by the copper                   | 100 | 0  | 0  |    |    |         |
| A foretopmast studding sail boom, lost by the Prize-Officer   | 2   | 0  | 0  |    |    |         |
| Hire of cutter " <i>Susannah</i> " to bring up part of the crew left at Galinas by Captor, 15 days                        | 20  | 0  | 0  |    |    |         |
| Hire of boat and crew to bring up the Captain from Galinas, left there by Captor  | 7   | 0  | 0  |    |    |         |
| Amount paid Don Ramou, for subsistence of the men left at Galinas   | 21  | 0  | 0  |    |    |         |
| Doctor Fergusson's account, for medical attendance on the crew of the " <i>General Manso</i> "                            | 16  | 0  | 0  |    |    |         |
| Amount of Proctor's bill, defending the " <i>General Manso</i> ," from the period of her first arrival to her restoration | 170 | 0  | 0  |    |    |         |
| Eight months' interest on 5,000 dollars, value of the cargo, at 5 per cent.   | 26  | 0  | 0  |    |    |         |
| Eight months' interest on 880 doubloons taken by captors  | 96  | 0  | 0  |    |    |         |
|   |     |    |    |    |    | 608 0 0 |

B.—*Demurrage.*

|  | £. | s. | d. | £.       | s. | d. |
|--|----|----|----|----------|----|----|
| Value of three awnings spoilt by exposure during her detention in Sierra Leone | 85 | 0  | 0  |          |    |    |
| Seamen's wages, eight months, viz.   |    |    |    | Dollars. |    |    |
| First Mate, 70 dollars per month   |    |    |    | 560      |    |    |
| Second and Third Mate, 60 dollars per month each                               |    |    |    | 960      |    |    |
| Carpenter 55 dollars   |    |    |    | 440      |    |    |
| Boatswain, cooper, cook, and steward, 50 dollars per month each                |    |    |    | 1600     |    |    |
| Nine sailors, 45 dollars per month each  |    |    |    | 3240     |    |    |
| Two boys, 30 dollars per month each  |    |    |    | 480      |    |    |
|  |    |    |    | 7,280    |    |    |
|  |    |    |    | 1577     | 0  | 0  |
| Captain's expenses during his eight months' detention, at five dollars per day |    |    |    | 267      | 0  | 0  |

Or Demurrage for eight months, at £6 per day, vessel being 130 tons, as allowed in Treaty

Real loss £1,929 0 0

1,452 0 0

C.—*Deterioration of Cargo, &c.*

Leakage of rum, as per inspection by Mr. Sturdie, at least 4,500 gallons, at 1s. 6d. 337 0 0

D.—*Premium of Insurance.*

Insurance at Havana on the cargo and money, valued at 19,000 dollars, at 5 per cent. per month 1,647 0 0

Total £4,044 0 0

(Signed)

W. H. SAVAGE,  
Proctor for Claimant.

Sierra Leone, July 21st, 1836.

No. 37.

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

MY LORD,

Sierra Leone, 10th August, 1836.

THE Spanish schooner "*Victorina*," under the command of José German, which had sailed from Havana bound to St. Thomas, on this coast, on the 22d June, 1835, was, whilst prosecuting that voyage, fallen in with off Cape Mesurado, on the 17th November last, by His Majesty's brig "*Curlew*," then commanded by the Honourable Mr. Denman, and by him sent up to this Colony for trial by the Mixed Commissions.

The circumstances under which the "*Victorina*" was detained and sent here by Lieutenant Denman, and the grounds of and manner in which she was released by him from seizure, and delivered back to her Master, are so exactly like in every respect to those which attended similar proceedings in the Case of the Spanish brigantine "*General Manso*," reported in our previous Despatch of this date, that we think it better to refer your Lordship thereto, than occupy your Lordship's invaluable time by repeating the facts in question here.

The "*Victorina*," like the "*General Manso*," was proceeding to sea on the 4th December last, after her release by Commander Denman, when she was also seized off Cape Sierra Leone by His Majesty's brigs "*Curlew*" and "*Leveret*," on the ground of being equipped for the Slave Trade.

Proceedings were instituted by the joint Seizors against the "*Victorina*" on the 4th January, which when closed clearly proved the correctness of the allegation of the Seizors, that this vessel was prepared for a slaving-voyage when in the act of leaving this port. The Seizors therefore only did their duty in detaining a vessel so circumstanced.

In the Report of the Case of the "*General Manso*," which we have had the honour this day to transmit to your Lordship, we stated the causes why we could not consider vessels originally illegally seized, as the "*General Manso*" and "*Victorina*" had been, liable to condemnation, although such vessels had been found in the commission of an infraction of the Treaty between Great Britain and Spain, the knowledge of that unlawful act having been acquired by equally unlawful means. It will not therefore be necessary here to transcribe our reasons for the conclusions at which we have arrived on this subject.

A sentence of restitution of the "*Victorina*" and her cargo to the Claimant was passed on the 29th ultimo, in which he was directed to pay all the expenses which had been incurred in bringing this vessel to adjudication, on the same grounds as had influenced the Court in the previous Case of the "*General Manso*," wherein a similar order was given.

Our Report of this Case we have the honour herewith to transmit to your Lordship.

We have, &c.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

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

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Enclosure in No. 37.

*Report of the Case of the Spanish schooner "Victorina," Antonio Rulan, Acting Master.*

THIS vessel sailed from Havana with the Papers mentioned hereunder, on the 22d June, 1835 :—

1. Royal Passport.
2. Fort Pass.
3. Official Copy of Marine Laws.
4. Muster-roll.
5. Agreement with crew.
6. Certificate as to the Ownership of this vessel.

From these Papers it appeared, that the "*Victorina*," a vessel of 81½ Spanish tons, was bound on a lawful commercial voyage to St. Thomas on the Equator, under the command of José German, having a crew of 25 persons, and that the vessel was licensed to carry 2 8-pounders, 16 muskets, 16 cutlasses, and the necessary ammunition for the same. Also that Fidel Grace was the Owner of this vessel, having purchased her for 2000 dollars of Francisco Pallares, at Havana, in June, 1835, of which city they are both residents.

This vessel was found, on the 17th November last, off Cape Mesurado, by His Majesty's brig "*Curlew*," then commanded by Lieutenant the Honourable Joseph Denman, who detained and sent her up to Sierra Leone for adjudication by the British and Spanish Mixed Commission Court.

The "*Victorina*" reached here on the 28th November, and was duly reported by the Marshal on that day.

No judicial proceedings were instituted against the "*Victorina*" by Mr. Denman, but she was released by him and delivered over to the Master of her, under circumstances precisely similar to those detailed, in our previous Report of this date, in the Case of the Spanish brigantine "*General Manso*," and with which, therefore, we do not think it necessary to swell this Report by repeating them here.

The "*Victorina*," like the before-named vessel "*General Manso*," was got under weigh on the 4th December last, and was proceeding in company therewith towards their original places of destination, when they were both re-seized, off Cape Sierra Leone, by His Majesty's brigs "*Curlew*" and "*Leveret*," and brought back to this harbour in the manner and under the circumstances which we have so fully detailed in the said Case of the "*General Manso*."

On the 4th January, 1836, the Case of the "*Victorina*" was regularly brought under our notice by the Seizor's Proctor, who tendered the joint Declaration of the Commanders of the "*Leveret*" and "*Curlew*" as to this re-seizure, which he prayed might be filed, together with the Ship's Papers and the Prize-Officer's Affidavit authenticating the same, which were granted. The usual Monition was at the same time directed to be issued, and the evidence in preparatory to be taken.

The Captors' Declaration is as follows :— "We, Lieutenants Edmund Norcott and Charles John Bosanquet, Commanders of His Majesty's sloops '*Curlew*' and '*Leveret*,' being off Cape Sierra Leone, detained the schooner named the '*Victorina*,' sailing under Spanish colours, armed with 2 guns, 9-pounders, commanded by Antonio Rulan, who declared her to be bound from Havana to St. Thomas, with a crew consisting of a Captain, Boatswain, and 5 men and a boy, and having on board a part of a larger description of cooking coppers than requisite, plank for slave-deck, hatches with open gratings, instead of the close hatches which are usual in merchant-vessels, a larger quantity of water-casks than is requisite for a merchant-vessel of that description, having landed slave-shackles on the Coast during her present voyage. We do further declare, that the said schooner was unlawfully employed in the traffic in slaves in her present voyage."

On the 13th January, the Master, Antonio Rulan, was sworn to the Claim and Affidavit annexed:

thereto, which he had the previous day presented to the Court. The Documents referred to are as follows:—

“ The Claim of the said Antonio Rulan, now Acting Master of the said schooner or vessel, a subject of Her Catholic Majesty the Queen of Spain, for the said schooner or vessel, her tackle, apparel, and furniture, goods, wares, and merchandize, on board the said schooner at the time of the capture or seizure thereof by His Britannic Majesty’s brig-of-war ‘Curlew,’ Edmund Norcott, Lieutenant, Commander, and His Britannic Majesty’s brig-of-war ‘Leveret,’ Charles John Bosanquet, Lieutenant, Commander, for the said schooner or vessel, her tackle, apparel, furniture, and her cargo, as the sole property of José German, an inhabitant of the Island of Cuba, and native of the Island of Minorca, and of Fidel Grace, an inhabitant of the said Island of Cuba, and a native of Catalonia in Spain, and as protected by the Treaty or Convention between His Britannic Majesty and Her Catholic Majesty, dated the 28th day of June, 1835; and for all costs, losses, charges, damages, demurrages, and expenses, as have arisen, or shall or may arise by means of the capture and detention of the said schooner or vessel and her cargo as aforesaid.”

The Affidavit runs thus:—

“ Appeared personally the said Antonio Rulan, the Acting Master of the said schooner or vessel, and maketh oath, that he is a subject of Her Catholic Majesty the Queen of Spain, and was, as chief Officer, in charge of the said schooner or vessel at the time of the capture or seizure thereof by His Britannic Majesty’s brig-of-war ‘Curlew,’ Edmund Norcott, Lieutenant, Commander, and His Britannic Majesty’s vessel-of-war ‘Leveret,’ Charles John Bosanquet, Lieutenant, Commander; and that the said seizure and detention took place on the 4th day of December last past, while the said schooner or vessel was about to proceed from Sierra Leone, to which place the said schooner or vessel had been brought by His Britannic Majesty’s said vessel-of-war ‘Curlew,’ while commanded by the Honourable Joseph Denman, and bound to St. Thomas on the Coast of Africa, having on board a general cargo of merchandize, and brought back to Sierra Leone. And he further maketh oath, that he verily believes that, at the time of the said seizure and detention, and at this present time, the said schooner or vessel and her cargo are the property of José German, an inhabitant of the Island of Cuba, and native of the Island of Minorca, and of Fidel Grace, an inhabitant of the said Island of Cuba, and native of Catalonia in Spain. And he, the said deponent, further maketh oath, he verily believes the said schooner or vessel and her cargo are protected by the Treaty or Convention between His Britannic Majesty and her Catholic Majesty, bearing date the 28th day of June, 1835. And that at the time the said schooner or vessel was detained by His Britannic Majesty’s brig-of-war ‘Curlew,’ the Honourable Joseph Denman, Lieutenant, Commander, the Master, José German, before mentioned, was on shore at New Sess, on the Western Coast of Africa, and this deponent, as chief Officer, was left in charge of the said schooner or vessel. And deponent further maketh oath, that the said Honourable Joseph Denman, by his Proctor, Robert Dougan, did enter into an arrangement with this deponent, and did admit that the said seizure and detention of the said schooner or vessel by him the said Honourable Joseph Denman, was illegal, and could not be proceeded in, forasmuch as the said seizing Officer and vessel were not, at the time of the said seizure and detention, furnished with the necessary powers so to seize and detain any vessels under the said last Treaty or Convention between Great Britain and Spain, dated the 28th day of June, 1835; and that therefore the said Honourable Joseph Denman, as Seizor aforesaid, would release the said schooner or vessel, and permit her to proceed on her voyage, provided this deponent would execute a release to him, the said Honourable Joseph Denman, from all Claims relative to the said seizure and detention; to which this deponent having consented, the same was prepared, and by him the said deponent executed accordingly, and therefore the said schooner or vessel was, by the British Officer, who was in charge of the said vessel, and who, it was agreed between the said Proctor of him the said Honourable Joseph Denman and this deponent, was not to quit charge of the said schooner or vessel until she was clear of Cape Sierra Leone, got under weigh to proceed on her voyage to St. Thomas on the 4th day of December last past; and that whilst still in view of the harbour of Sierra Leone, His Britannic Majesty’s vessel-of-war ‘Leveret,’ having got under weigh, came within hail of the said schooner or vessel, and a British Officer, whom this deponent believes to have been Edmund Norcott, Lieutenant and Commander of His Britannic Majesty’s vessel-of-war ‘Curlew,’ boarded the said schooner or vessel, and declared her to be a Prize to His Britannic Majesty’s vessels-of-war ‘Curlew’ and ‘Leveret;’ at which time the British Officer, who had been put on board by the Honourable Joseph Denman, the former Commander of His Britannic Majesty’s brig-of-war ‘Curlew,’ left the said schooner or vessel, and another British Officer was sent on board, and the said schooner or vessel re-conducted to her anchorage off Freetown, in the said Colony of Sierra Leone, although this deponent exhibited unto the said seizing Officer the Document this deponent had received under the signature of the said Honourable Joseph Denman, whereby the said schooner or vessel was allowed 10 days, then just commenced, to arrive off the place where she had been originally detained. And he further maketh oath, that he, the deponent, is not aware, nor does he believe, that any other persons, other than the said José German and the said Fidel Grace, have any right, title, or interest in the said schooner or vessel, her tackle, apparel, and furniture, and merchandize, being the cargo laden on board the same at the time of the said seizure and detention by His Britannic Majesty’s vessels-of-war ‘Curlew’ and ‘Leveret’ as aforesaid; and that in the absence of the said Master, José German, he, this deponent, for and on the part and behalf of the said proprietors thereof, is duly authorized to make the Claim hereunto annexed, and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof.”

The evidence in preparatory was not at once taken, in consequence of a joint Petition from the Proctors on both sides, on the 13th January, expressing “ that the circumstances which have led to the seizure and detention of the schooner ‘Victorina’ and the schooner ‘Josefa,’ under adjudication in this Honourable Court, being similar to those under which the Spanish brigantine ‘General Manso’ is now prosecuted, your petitioners pray that the proceedings in the 2 first-named Cases may be delayed until judgment has been pronounced in the latter Case.”

On the 29th January the Monition, which had been issued on the 4th of that month, was returned into Court by the Marshal, certified to have been duly served.

The evidence had not been taken for the reasons previously assigned, when it came to the knowledge of the Commissioners that the Master of the “Josefa” had, after a protracted illness, died. And, as the “Josefa” was a vessel similarly circumstanced to the “Victorina,” as well in regard to her first

seizure as her second detention, we intimated our desire that no more delay should take place in respect to taking and filing the requisite evidence in both these Cases.

A joint Petition from the Proctors on both sides accordingly came in on the 31st May, and the witnesses produced were ordered to be examined by the Registrar on the standing interrogatories, and on the special questions framed for use in Equipment Cases.

The Master, Antonio Rulan, and the Boatswain of the "*Victorina*," Vicente Vello, were examined on the 4th July. The Master's evidence was, that "he was born in Majorca, and has lived at Havana for the last six years; has never served any State but Spain, and is unmarried. He took command in August last (being third Officer on board), by desire of the former Master, who went ashore at New Sestos to buy rice and water, and took the First Mate (who was sick) with him. The said José German is a Spanish subject; does not know his usual place of residence; first saw the said vessel at Havana in June last; does not know where she was built. He was on board at the time of capture; does not know for what reason the vessel was detained; had no colours but Spanish. He knows of no name but "*Victorina*;" is 90 tons burthen; and had 24 Officers and mariners, exclusive of the Master, all Spaniards, shipped and hired at Havana, in June last, by the said José German. Neither he nor any other of the Officers or mariners had any interest in either the vessel or cargo; was Second Mate on board until he took the command; there was no passenger on board at the time of capture. The last clearing Port was Havana, and the voyage began and was to have ended there; from thence she went to the Coast of Africa, and the first place she made was New Sestos, where the Master went ashore to buy rice and water, and endeavoured to procure a spar for a bowsprit, and took the Mate, Fidel Grace, who was sick, with him; stayed there about six weeks, when, by the Master's desire, witness proceeded to Cape Mesurado to procure an anchor, and get the masts repaired; and, while at anchor there, was seized and taken to Sierra Leone by His Majesty's brig '*Curlew*.' He first saw the capturing vessel at Sierra Leone the 5th December last; capture took place the same day as the '*Victorina*' was leaving the Port of Sierra Leone for the purpose of rejoining the Master, José German, at New Sestos, having been released from her first seizure; she was followed out of Port by His Majesty's brig '*Leveret*,' and recaptured. The vessel's Papers were for St. Thomas; the reason she went to New Sestos was, that she was short of water. There are 2 guns, and a few muskets and sabres, and 1 barrel of powder for defence against pirates; no resistance was made; there were no instructions to make any, or to conceal or destroy any of the vessel's Papers. He knows nothing about any Bill of Sale, or the price of the vessel, or who she will belong to if restored. He knows nothing of Owner, lader, or consignee of the cargo; does not know where the cargo, now on board, was to have been delivered, nor for whose account, risk, or benefit; and does not know to whom the said cargo will belong, should the same be restored. He knows nothing about the last voyage; the present cargo is a general one of aguardiente, powder, muskets, cloth, and tobacco; was taken to no place but Sierra Leone after capture. All the Papers are true and fair. No Documents were destroyed, concealed, or in any manner made away with. He knows of no Papers in any country relating to either the vessel or cargo. He knows nothing of any Charter-party. He does not know whether the vessel or cargo was insured; she was under the direction of José German, in respect of her employment in trade."

In answer to the special interrogatories, the Master further deposed, that "the hatches are not fitted with open gratings. The coamings of the hatchways are bored, but he does not know whether there are any iron bars in the vessel or not. There are the bulkheads of the cabin and fore-castle only. There are some spare planks on board; does not know the quantity, or whether they be marked or numbered, or for what purpose they were there. There is no part of a slave-deck laid. There are no shackles, bolts, or handcuffs. He does not know the number of casks on board, or the quantity of water they would contain if filled; there was no tank nor any staves; does not know how much fresh water there was on board at the time of capture. There were no mess-tubs or kids. There was no boiler on board. There were about two bags of rice for the use of the crew."

The Boatswain's testimony was nearly a reiteration of the Master's. It confirmed it in every respect, except as to the Ownership of the vessel and cargo, of which the Boatswain professed entire ignorance.

A Commission of Survey and Inspection was prayed for on the 3d June, by the Seizors' Proctor, with a view to establish the allegations in the Seizors' Declaration, that this vessel was equipped for the Slave Traffic. The Commission accordingly went forth, and the Surveyors' Report, on oath, under it, was received by us on the 8th June, the substance of which Report is as follows:—

"We found the main hatchway larger than usually seen on board vessels of her size, the forepart of which we observed pierced with holes for the admission of iron bars. Also found iron bars on board for same.

"We found a bulkhead dividing Captain's cabin from the main-hold; also one dividing fore-castle from ditto.

"Found a sufficiency of plank and scantling numbered to make a complete slave-deck.

"No shackles found.

"We found twelve leaguers and fourteen very large pipes, in all capable of containing about seven thousand gallons of water, a quantity more than sufficient for the crew; part of the above casks filled with fresh water.

"An extraordinary number of water-casks for a vessel of her size.

"Found on board four mess-kids.

"The cabouse, in its present state, is not larger than usually seen on board merchant-vessels of her class, but is constructed in such a manner as to allow its being drawn out to double its size; also found two spare iron boilers.

"No provisions found on board."

With this proceeding the Case for the Seizors closed, and publication thereof was granted the same day.

The day of trial was fixed for the 28th July, when the Court met for the adjudication of the "*Victorina*."

"The Proctors on both sides stated, that they were unwilling to occupy the time of the Court by making any remarks upon the Case of the "*Victorina*," that vessel being circumstanced precisely similar to the before-mentioned Spanish brigantine "*General Manso*," already decreed to be restored to her Claimant by this Court. That at the adjudication of the "*General Manso*," they had used

every argument which they considered applicable to the case of that vessel, and they now, therefore, awaited the passing of a sentence on the "*Victorina*" similar to that on the "*General Manso*."

The reasons which influenced us in restoring the "*General Manso*" to her Claimant are set forth at length in our Report of the Case of that vessel, it will, therefore, not be necessary that we should here repeat them; the more so, as the present Case does not, in any one feature, differ from that of the "*General Manso*."

A sentence of restitution of the "*Victorina*," her cargo, and apparel, was passed, by which Antonio Rulan, the Master, was placed in possession of the property in question, for the benefit of those on whose behalf he had claimed the same. It was also decreed, that the said Claimant should pay the expenses which the Captors had been put to in bringing this vessel to adjudication; that measure having been forced upon the Captors by the Claimant attempting to leave this harbour fitted for the Slave Trade. A like decision, on this point, was come to in the previously adjudged Case of the "*General Manso*," in the Report of which, the reasons by which we were influenced in so doing are given at large.

Sierra Leone, 10th August, 1836.

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

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

No. 38.

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

MY LORD,

Sierra Leone, 10th August, 1836.

WE have the honour to represent to your Lordship that the Spanish schooner "*Josefa*," Miguel Calvert, Master, was fitted out at Porto Rico in August of last year, for a commercial voyage to St. Thomas and the Coast of Africa, in the prosecution of which she was found off Cape Mesurado, on the 17th November, by His Majesty's brig "*Curlew*," Lieutenant the Honourable Joseph Denman commanding, by whom she was detained and sent to Sierra Leone for adjudication by the Mixed Commissions established there.

This vessel arrived here in the night of the 27th November, and was duly reported by the Marshal on the following morning.

The "*Josefa*" having been seized under circumstances precisely similar to those which had led to the detention of the Spanish vessels "*General Manso*" and "*Victorina*," by the same British Commander already reported under this date, and the amplest details thereof having been furnished in the Case of the "*General Manso*," as well also as in respect to those points connected with her subsequent restoration to her Master, in the like manner as this vessel, the "*Josefa*," was restored on the same date to her Master; we have, therefore, refrained from going into the details thereof, with the view of avoiding repetition.

In the whole Case of the "*Josefa*" there is but one feature at all differing from those of the "*General Manso*" and "*Victorina*" before mentioned, which is, as to the place of second seizure. The second detention of this vessel took place by the "*Curlew*" and "*Leveret*," whilst the "*Josefa*" lay at anchor in the harbour of Sierra Leone, from which she had not attempted to depart since her release from detention by Commander Denman, on the 2d December last.

This circumstance did not make any material difference in the general character of the Case of this vessel.

The "*Josefa*" came formally before the Court on the 4th January last; and the usual proceedings were, after unavoidable delays, brought to a termination on the 22d June following.

Several matters, however, occurred, after this Case had been closed by the Proctors on both sides, to prevent its being brought on for trial before this day, when the British and Spanish Mixed Court of Justice met for the adjudication of this vessel.

The sentence in this Case, of the schooner "*Josefa*," was precisely similar to those passed in the corresponding Cases of the "*General Manso*" and "*Victorina*,"—restitution of vessel and cargo to the claimant thereof, who was directed to pay the expenses of bringing the said vessel to adjudication.

Our Report of this Case we beg leave to lay before your Lordship with this despatch.

We have, &c.

(Signed)

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

WALTER W. LEWIS.  
H. D. CAMPBELL.



## Enclosure in No. 38.

*Report of the Case of the Spanish schooner "Josefa," Miguel Calvet, late Master.*

The "*Josefa*" sailed from Porto Rico, for a lawful commercial voyage, to the Island of St. Thomas and the Coast of Africa, about the 23d August, 1835. She was provided with the Official Papers, named hereunder, at Porto Rico :—

1. Provisional Passport.
2. Countersign.
3. Certificates of admeasurement, and Ownership of the vessel.
4. Agreement as to the hire of the crew.
5. Muster-roll.

In these Documents the "*Josefa*" is shown as a vessel of 55 tons burthen, bound, under the direction of Miguel Calvet, for St. Thomas and the Coast of Africa, and navigated by 21 persons.

In the professed prosecution of this voyage, the "*Josefa*" was fallen in with on the 17th November last, off Cape Mesurado, by His Majesty's brig "*Curlew*," Lieutenant the Honourable Joseph Denman commanding, by whom she was detained and sent to Sierra Leone.

The "*Josefa*" arrived here in the night of the 27th November, as appeared by the Report of the Marshal, made the morning following.

The circumstances under which Commander Denman had detained the "*Josefa*," differed in no one respect from those which led to his seizing the "*General Manso*" and "*Victorina*," which have been previously reported under this date ; and the "*Josefa*" was, like the two vessels named, restored by Commander Denman to her Master, on the 2d December following. For the particulars of the transaction above alluded to, we beg leave to refer your Lordship to the Case of the "*General Manso*," in the Report of which they are set forth at large.

The only point wherein a difference exists between the Case of the "*Josefa*" and those of the "*General Manso*" and "*Victorina*," is in the place where the "*Josefa*" was a second time detained, after her release by Commander Denman.

The re-seizure of the "*Josefa*" took place in the evening of the 4th December last, whilst at anchor in this harbour, by the British brigs-of-war "*Curlew*" and "*Leveret*;" whilst the "*General Manso*" and "*Victorina*" were detained when in the act of leaving this port, a few miles outside of Cape Sierra Leone.

At the instance of the Commanders of those British vessels-of-war, proceedings were instituted before us on the 4th January, 1836, when the joint Declaration of the Seizors was filed, with the Ship's Papers, and Affidavit of the Prize-Officer authenticating them. On the Petition of the Seizors' Proctor the usual Monition went forth, and directions were given to examine the witnesses in preparatory produced by the Seizors, Miguel Calvet, the Master, and Joseph Dominick, the Cooper of the said vessel.

The Declaration of the Seizors was as follows :—

"We, Lieutenants Edmund Norcott and Charles John Bosanquet, Commanders of His Majesty's sloops '*Curlew*' and '*Leveret*,' hereby certify, that on this 4th day of December, 1835, being at Sierra Leone, we detained the schooner '*Josefa*,' sailing under Spanish colours, armed with a brass gun, 6-pounder, commanded by Miguel Calvet, who declared her to be bound from Porto Rico to St. Thomas, with a crew consisting of a Captain, Boatswain, and 8 men, having on board slave irons, a greater quantity of material for, and water-casks than requisite, and planks for a slave-deck. We do further declare, that it is our opinion the said schooner was intended to be employed, during her present voyage, in the unlawful traffic in slaves."

On the 13th January, the Master of the "*Josefa*" was sworn to his Claim and Affidavit in support thereof for the vessel and her cargo, as his sole property.

The Claim is worded as under :—

"The Claim of the said Miguel Calvet, the Master of the said schooner or vessel, a subject of Her Catholic Majesty the Queen of Spain, for the said schooner or vessel, her tackle, apparel, and furniture, goods, wares, and merchandize, on board the said schooner or vessel at the time of her capture or seizure by his Britannic Majesty's brig-of-war '*Curlew*,' Edmund Norcott, Lieutenant and Commander, and by his Britannic Majesty's brig-of-war '*Leveret*,' Charles John Bosanquet, Lieutenant and Commander, while laying at anchor in the harbour or roadstead of Sierra Leone; for the said schooner or vessel, her tackle, apparel, and furniture, and her cargo, as the sole property of himself, the said Miguel Calvet, an inhabitant of Porto Rico, and native of Catalonia; and as protected by the Treaty or Convention entered into between His Britannic Majesty and her Catholic Majesty, dated the 28th day of June, 1835; and for all costs, charges, losses, damages, demurrages, and expenses, as have arisen, or shall or may arise, by means of the capture and detention of the said schooner or vessel, and her cargo, as aforesaid." Then follows the Affidavit.

"Appeared personally the said Miguel Calvet, the Master and Owner of the said schooner or vessel, and maketh oath, that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said schooner or vessel at the time of her capture and seizure by His Britannic Majesty's brig-of-war '*Curlew*,' Edmund Norcott, Lieutenant, Commander, and by His Britannic Majesty's brig-of-war '*Leveret*,' Charles John Bosanquet, Lieutenant, Commander; and that the said schooner or vessel was so seized and detained on the 4th day of December last past, while laying at anchor in the harbour of Sierra Leone, in the prosecution of her voyage from Porto Rico to St. Thomas, on the Coast of Africa, with a general cargo of merchandize laden on board. And he further maketh oath, that himself, the said deponent, a subject of Her Catholic Majesty, was, at the time of the said seizure and detention, and now is, the true, lawful, and sole Owner and Proprietor of the said schooner or vessel, her tackle, apparel, and furniture, and of the cargo laden on board the same. And the deponent further maketh oath, that he verily believes the said schooner or vessel, and her cargo, are protected by the Treaty or Convention between His Britannic Majesty and Her Catholic Majesty, bearing date the 28th day of June, 1835. And deponent further maketh oath, that the Honourable Joseph Denman, while Commander of His said Britannic Majesty's brig-of-war '*Curlew*,' had, on the 17th day of November last, seized and detained the said schooner or vessel called the '*Josefa*,' off Cape Mesurado, on the western Coast of Africa, and caused her to be brought to Sierra Leone; and that, on or about the 2d day of December last, he, the said Honourable Joseph Denman, by Robert Dougan, gentleman, a Proctor of the Courts of Mixed Commission, did enter into an agreement with



this deponent, and did admit that the seizure and detention of the said schooner or vessel was illegal and could not be supported, on the ground and by reason that the said capturing vessel was not, at the time of the said seizure, furnished with the necessary instructions and authority, under the said Treaty of the 28th day of June before alluded to; and that, therefore, the said Proctor, on behalf of the said Honourable Joseph Denman, would release the said schooner or vessel called the 'Josefa,' and permit her to proceed on her voyage, provided that this deponent would execute a release to him, the said Honourable Joseph Denman, renouncing all claim on him for and on account of the said seizure and detention; to all which this deponent did consent, and did give the said release accordingly: although the said schooner or vessel still remained under the charge of an Officer belonging to the said brig-of-war 'Curlew,' and who had been put on board at the time of her seizure and detention by the said Honourable Joseph Denman; and that the said schooner or vessel, being still at anchor in the place where she had been brought by the Officer so in charge, when first the said schooner or vessel arrived within this Colony, the said schooner or vessel was boarded on the 4th December last by another British Officer, and a document was put into the hand of this deponent, stating, that the said schooner or vessel, being at Sierra Leone, was detained by His Britannic Majesty's sloops-of-war 'Curlew' and 'Leveret,' the same being signed by Edmund Norcott, Lieutenant and Commander of the 'Curlew,' and Charles John Bosanquet, Lieutenant and Commander of the 'Leveret,' who took away the Papers which had been returned to this deponent, and belonging to the said schooner or vessel, together with the Document from the said Honourable Joseph Denman, in proof of the agreement, before set forth as entered into, relative to the release of the said schooner or vessel called the 'Josefa.' And he further maketh oath, that no person or persons, other than himself, the deponent, have any right, title, and interest in the said schooner or vessel called the 'Josefa,' her tackle, apparel, and furniture, goods, wares, and merchandize, laden on board the same at the time of the seizure and detention thereof by His Britannic Majesty's vessels-of-war 'Curlew' and 'Leveret;' and that the deponent is duly authorized, so as aforesaid, to make the Claim hereunto annexed; and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof."

The evidence in preparatory was not taken, as before directed, in consequence of a joint application from the Proctors on both sides, similar to that described in the Case of the "*Victorina*," that the proceedings in the Case of the "*Josefa*" should be delayed until judgment had been pronounced upon the prosecution of the "*General Manso*,"—a Case in every respect like the present.

On the 29th January the Monition, issued on the 5th, was returned into Court by the Marshal, certified to have been properly executed.

The Case remained in the state previously described, all parties expecting the trial of the "*General Manso*;" by the decision on which Case the fate of this vessel and of the "*Victorina*" might be understood, they being exactly similarly circumstanced to the "*General Manso*;" and by which the Proctors might be regulated in the evidence requisite for the trial of this Case and that of the "*Victorina*."

The Court, however, having learned that the Master of this vessel had, after a long illness, died, intimated to the Proctor for the Seizors their desire that this Case should no longer be kept open, fearing that further delay might possibly lead to a total want of evidence. As it was, on the Case being resumed, it was found that of the two witnesses produced in the first instance, one, the Master, had died, and the other, the Cooper of the vessel, had absented himself, after waiting here many weeks, and in consequence of the Prize-Officer not considering himself at liberty to detain him.

The only witness who could be produced belonging to the vessel, and who was present at the second seizure, was a Manuel Cordosa, the Cook, who was examined by the Registrar on the standing and special interrogatories on the 2d June last.

Cordosa deposed, that "the Master's name was Miguel Calvet; has known him since a little before last Christmas; does not know where he was born, or lived, or if he was married. He does not know who appointed the said Master; has heard he took possession at Porto Rico; but does not know who gave it to him; first saw the vessel in Sierra Leone about six months ago; does not know where she was built. He was on board at the time of capture; had no colours but Spanish. He has never heard of any name but '*Josefa*;' does not know her tonnage; does not know how many Officers and seamen she had originally; when witness joined her, and at the time of seizure, besides the Master, there were only the Cooper and another man. Has heard the others all left the vessel at Sierra Leone before witness shipped in her. The Cooper belonged to St. Thomas (West Indies), the other was a Frenchman; does not know where they came on board, or who shipped them. The Cooper has since gone to the West Indies, and the Frenchman to the Galinas. Neither he nor any of the other people to his knowledge had any interest in either the vessel or cargo; was Cook on board; there was no passenger. The Master has told him that the voyage commenced at Porto Rico, and witness believes was to have ended there, as he was hired to go with the vessel to that place; does not know what was the last clearing port; nor anything with regard to her voyage, as witness joined her in Sierra Leone, where she was seized. He first saw the capturing vessel in Sierra Leone about six months ago, and capture took place while the '*Josefa*' was at anchor there; does not recollect the time of capture; does not know to what port the vessel was destined by her Papers. There was one gun mounted, two or three muskets, one cutlass, and some ammunition; does not know for what purpose; no resistance was made; there were no directions to make any, or to conceal or destroy any of the vessel's Papers. He is quite ignorant as to who is the Owner of the vessel. He knows nothing of any Bill of Sale, or the price, or who she will belong to if restored. He knows nothing of either Owner, lader, or consignee of the cargo, or where it was to have been delivered, or who it will belong to if restored. He knows nothing about the last voyage; does not know of what the present cargo consists. He knows nothing about the validity of the vessel's Papers. No Papers were destroyed, concealed, or made away with to his knowledge. He knows of no Papers in any country relating to either the vessel or cargo, except those given up to the Prize-Officer. He knows nothing of any Charter-party. He cannot tell whether the vessel or cargo be insured."

Cordosa's replies to the special questions regarding equipment are to the following effect: "The hatches are not fitted with open gratings. The combings of the hatchways are not bored, and there are no iron bars in the vessel to his knowledge. There are the bulkheads of the cabin and fore-castle, and a place before the cabin at present filled with cargo. There are spare planks on board, but does not know the quantity, or for what they were intended. There is no part of a lower deck laid. There are some leg-irons; does not know the quantity; believes they were for the sailors. He does not know

the number of empty water-casks on board, or the quantity of water they would contain; there are two small tanks on deck, but no staves; does not know how much water there was on board at the time of capture. There were no mess-tubs or kids on board to his knowledge. There were two small iron boilers for the use of the crew. There were two or three bags of rice on board, believes for the use of the crew."

A Commission for the Survey of this vessel was issued on the 3d June, at the instance of the Seizors, with the object of proving, by the examination of the vessel, that she was equipped for the Slave Trade, as alleged by them. The usual return came in from the Surveyors on the 8th June, and was on that day sworn to. The substance of their Report was, that "they found the main and after hatchways not larger than usually seen on board merchant-vessels of her class.

"Found a bulkhead dividing the Captain's cabin from main hold, also one dividing fore-castle from the same.

"Found a perfect set of unnailed plank, fitted fore and aft the Captain's cabin, all numbered, also a sufficient quantity of plank and scantling, numbered, in the main hold to form a complete slave-deck fore and aft. There are cleats nailed in the sides to receive the slave-deck beams.

"We found 59 pairs of shackles fitted with forelocks.

"We found eleven leaguers, one puncheon, and two small casks, in all, capable of containing about 3,350 gallons of water, a quantity more than sufficient for the crew. The said casks were empty.

"An extraordinary number of water-casks for a vessel of her class.

"We found 11 mess-kids.

"The cabouse is fitted to receive in the back a part of a large boiler; but we only found the cover of one on board.

"We found two barrels and two half barrels of rice, a quantity not more than sufficient for the crew."

Publication of the foregoing evidence was decreed on the 8th June.

On the 17th following, the Court sanctioned special interrogatories being put to the Prize-Officer, Mr. Alexander F. Reid, on behalf of the Claimant, and that Officer was, on the subsequent day, examined. His evidence was, that "he was on board the 'Curlew' when commanded by Lieutenant Denman. He was present when Lieutenant Denman detained the 'Josefa' at Cape Mesurado, thinks on the 11th of November last; does not know for what reasons she was detained. The 'Josefa' was taken to Sierra Leone after capture in charge of witness. The 'Josefa' has never left the harbour of Sierra Leone since she was brought in here by witness. The 'Josefa' was detained a second time, thinks in December last, while at anchor in this harbour, by Lieutenant Bosanquet, commanding His Majesty's brig 'Leveret'; believes the reason for the second seizure was, that the crew were attempting to smuggle goods on shore. He considers he was in charge when the second seizure was made (though he was doing duty on board the 'Curlew'); but was at the time of the second seizure removed to his own vessel altogether, and did duty for three weeks; after which he was again placed in charge of the 'Josefa,' and during the said three weeks, witness believes a Master's Assistant (Mr. Jackman, of the 'Leveret') was in charge of the 'Josefa.' He has heard, but does not recollect from whom, that Lieutenant Denman had given up the 'Josefa,' and understood the reason to be, that Lieutenant Denman did not consider the seizure of the 'Josefa' a legal one. He was not withdrawn from the 'Josefa' until after he had understood that she was given up; he was relieved of his charge by the Officer of the 'Leveret' above named on the evening of the day the 'General Manso' and 'Victorina' were brought back into the harbour by His Majesty's brig 'Leveret.'"

A joint Petition for a day of trial was presented by the Proctors on both sides on the 26th ultimo, in which they expressed their willingness that a judgment should pass on the "Josefa" like that which had already been given in the case of the "General Manso," the circumstances attending the seizure of these vessels being similar.

The Court could not, however, proceed to trial with the Case as it then stood, and accordingly directed the Prize-Officer to be examined on special interrogatories which had been prepared for the purpose.

Mr. Reid's illness caused his examination not to be proceeded with till the 1st August, when he stated that "he considered himself nominally in charge of the schooner, though doing duty on board the 'Curlew'; witness slept on board the 'Josefa'; does not recollect the day he went to do duty on board the 'Curlew'; there was always a marine or a seaman of the 'Curlew' on board the 'Josefa' during the time witness was absent on duty in his own vessel; one man and witness composed the whole prize-crew; witness never received any directions from Lieutenant Denman as to giving up charge of the 'Josefa.' He has stated that he was not withdrawn from the charge of the 'Josefa' till after he understood she was given up; witness knew nothing positive on the subject, or more than a report which was at the time current amongst the 'Curlew's' people, that Lieutenant Denman had given up the three prizes. And saith he never meant to be understood to say, that he had continued in uninterrupted charge of the 'Josefa' from the time of her seizure in this harbour. On the evening of the seizure, witness, while on board the 'General Manso' (in which vessel he had been placed to assist in working her after capture), received orders from Lieutenant Norcott to proceed on board the 'Josefa' in the 'Curlew's' cutter, and take out the man belonging to the latter vessel. On reaching the 'Josefa,' witness found Lieutenant Bosanquet walking the deck, and, not knowing him, challenged him; upon an explanation, witness asked Lieutenant Bosanquet who had charge; Lieutenant Bosanquet replied, 'I have;' and witness then left the vessel with the marine of the 'Curlew:' subsequently, he ascertained that Lieutenant Bosanquet had placed a Mr. Jackman in charge of the 'Josefa.'"

On the same day the Court allowed an Affidavit of the Seizor's Proctor to be filed, and which was as under.

"Appeared personally Robert Dougan, of Freetown, in the Colony of Sierra Leone, one of the Proctors of this Honourable Court, who, being duly sworn, maketh oath and saith, that upon the first seizure of this vessel the deponent was retained by the then Seizor, the Honourable Commander Denman, as a Proctor in the cause, and in such capacity the deponent did agree to the restoration of the said vessel, upon the Master's signing a release indemnifying the said Commander Denman against all costs and charges incurred by the said detention. And the deponent further saith, that such release was executed by the said Master on the 2d day of December last past, and on the same day the vessel was restored to him, and the Ship's Papers were at the same time delivered to

him by this deponent, and it was understood and agreed to, that the said Commander Denman was only to have the nominal charge of the said vessel, so as to prevent any annoyance from the Custom-house, until she proceeded to sea, which was further agreed that she should do so on the following morning. And the deponent further saith, that upon the second seizure of this vessel by Lieutenants Norcott and Bosanquet, he was again retained to act in their behalf, and that as this Honourable Court had then received no instructions to act upon the Treaty under which this vessel was detained, proceedings could not be immediately commenced in the cause, but that so soon as those instructions were received, the cause was brought before the said Court, and the names of the witnesses in pre-paratory were endorsed as usual upon the Petition, praying that a Monition may issue. And the deponent further saith, that when the second seizure was made, the Master and the Cook were the only persons belonging to the said vessel found on board by the said Seizors; that as the said Cook had only joined the said vessel in this harbour, the deponent preferred having the evidence of the Cooper, who had quitted the said vessel and was living on shore, as he had been shipped on board at the commencement of the voyage, and consequently the names of the Master and Cooper were so endorsed as witnesses to be produced in the cause; that before the deponent was able to communicate with the said Cooper he had left the Colony, the Seizors imagining they had not the power of detaining him here against his will, and the deponent was thus compelled to proceed with his cause upon the examination of the Cook alone."

A Petition was granted on the 3d August, permitting Claudio Alvarez, the First Mate of this vessel, to appear as Claimant in the room of the late Master, and as being the next in command to the deceased. Alvarez was not here when the vessel was re-seized, neither was he on board of her when originally detained by Commander Denman, having been on shore on business at New Sestos. These circumstances are alluded to merely to show the reason why he was not made a witness in the present prosecution. We transcribe the Affidavit received in support of the application of this said Mate, who was, from his first arrival here, admitted by the Seizors to have been sufficiently authenticated in the character he claimed to have been received by them in it.

"Personally appeared Claudio Alvarez, Pilot, and Manuel Mojica, Boatswain of the said vessel, who being severally duly sworn, make oath and say. And first the said Claudio Alvarez for himself saith, that the deponent sailed from Porto Rico as second in command of the said schooner on her present voyage, and proceeded in the said schooner to the Coast of Africa, where, in the month of November last past, the said schooner was found at anchor off or near Cape Mesurado, and seized by a British vessel-of-war, and, as this deponent afterwards learned, was proceeded with to Sierra Leone. That this deponent was, at the time, ashore procuring provisions for the crew of the said schooner. That deponent commenced travelling towards Sierra Leone; and while so doing learned from a messenger sent from the said schooner, that the said Miguel Calvet had died after his arrival in this Colony. That this deponent arrived in Freetown on or about the 27th day of April last, and found the said schooner in charge of His Britannic Majesty's vessels-of-war 'Curlew' and 'Leveret,' and the said Master and Claimant dead. And the said Manuel Mojica for himself says, that he sailed from Porto Rico in the said schooner as Boatswain, the late Miguel Calvet, Master, and Claudio Alvarez, second Officer, or Pilot of the said schooner; that the said schooner was detained by His Britannic Majesty's brig-of-war 'Curlew,' then under the command of Lieutenant Denman, and brought to Sierra Leone. That the said Claudio Alvarez was, at the time of the said capture, on shore procuring necessaries for the crew of the said vessel. That the late Miguel Calvet died on or about the 16th day of February last, and that the said Claudio Alvarez arrived in this Colony on or about the 27th day of April following, and is, by the laws of Spain, for this present voyage the lawful representative of the said deceased Master, and all others who may be concerned, or have any right, title, or interest in the said schooner and her cargo laden on board."

The Case being now completed as far as it was practicable so to render it, the trial of the "*Josefa*" was fixed, on Petition, for this day, when the Court met for that purpose.

From the evidence in this Case it appeared, that the restitution to the late Master (Calvet) of this vessel took place on the 2d December last, and her re-seizure on the 4th of that month; during which time no one of the articles of slaving equipment, with which she had arrived here, was attempted to be landed from her. The only inference which we could draw from such a proceeding was, that there was no intention of removing the illegal equipment from the "*Josefa*," a conclusion which is fair and reasonable, when the circumstance is viewed in conjunction with the Petition presented to us at the same moment that the Master filed his Claim herein, and which expressed that the Case of this vessel differed in no respect whatever from those of the "*General Manso*" and "*Victorina*," which two vessels did attempt to leave this river illegally equipped.

The Proctor for the Claimant of the "*Josefa*" also conducted the Cases of the Claimants of the above-named two vessels, and must therefore have been in full possession of the intentions of the parties interested in all these vessels; and as the Claimant's Proctor in asking for a day of trial, as before mentioned, repeated the above stated expression, as to the perfect similarity of the present to the two Cases of the "*General Manso*" and "*Victorina*," we could only conclude, under all the circumstances, and in the absence of further means of learning what the late Master's intentions were, that the only point was set at rest wherein the Case of this vessel differed in any way from those of the "*General Manso*" and "*Victorina*."

We therefore passed a judgment upon this vessel, the same as those which had been given in the two Cases alluded to, and which have this day been reported; by which the schooner "*Josefa*," her cargo and stores, were decreed to be restored to the Claimant then before the Court, who was directed to pay all the expenses which had been incurred in bringing this vessel to adjudication; her re-seizure and present prosecution having been forced upon the Seizors by the wilful negligence of the parties interested in the said vessel, in keeping her nearly three days in a British harbour illegally equipped, according to the Treaty between Great Britain and Spain of the 28th June, 1835.

In addition to the grounds previously stated for our decision in this Case, we were influenced by other reasons, which, having been set forth at large in our Report of this date in the Case of the "*General Manso*," we have therefore thought it unnecessary here to repeat.

Sierra Leone, 10th August, 1836.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

No. 39.

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

MY LORD,

Sierra Leone, 16th August, 1836.

WE have the honour to inform your Lordship, that His Majesty's brig "Curlew," Lieutenant Edmund Norcott commanding, detained, on the 19th December last, the Spanish schooner "*Tres Tomasas*," for being unlawfully equipped for the Slave Trade.

On the 25th December the "*Tres Tomasas*" arrived in this harbour, and on the following day was visited and reported by the Marshal. Proceedings on the part of the Captors were commenced on the 4th January, and on the 9th of the same month the Master, Nicolas Echeandia, filed a Claim for his vessel. The various other steps, taken by both Captor and Claimant to prepare their Case for the final decision of the Court, are fully detailed in our Report of this Case, which we have now the honour to hand to your Lordship.

After the receipt of the Act of Parliament to carry the new Treaty into effect, together with your Lordship's instructions to us on the subject, we proceeded, on the 18th July last, in accordance with a joint Petition from the two Proctors for a day of trial, to adjudicate the "*Tres Tomasas*." The principal points of equipment, as specified in the 10th Article of the Treaty, that of having a slave-deck on board, hatchways bored, and iron bars for gratings, a larger quantity of water than requisite for the crew, an extraordinary number of water-casks, and more than one boiler of the ordinary size, having been clearly established against the detained vessel, a decree of condemnation was pronounced by the Court.

The "*Tres Tomasas*" is mentioned in the Havana Commissioners' List of slave-vessels as having left that place on the 18th October, 1834, under the command of José Costa, for the Coast of Africa. From this circumstance, and from the present Master, Nicolas de Echeandia, having deposed in his examination in chief that he bought this vessel in June, 1835, at Havana, from Don Francisco Riera, a Spanish subject, it is to be inferred that the "*Tres Tomasas*" had made one successful slaving-voyage, prior to her detention in December last.

This vessel was detained on her passage to the Cape Verde Islands, where she was ostensibly proceeding to get her mast repaired; but, no doubt, with the object of obtaining, when there, a Portuguese flag and Papers, in the like manner to the Spanish schooner "*Carissimo*," which was condemned under the name of "*Criolo*," having Portuguese colours, and with Papers supplied at Porto Praya, and which we reported to your Lordship in our Despatch, of the 25th June last.

We have, &amp;c.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.*The Right Hon. Viscount Palmerston, G.C.B.*

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

## Enclosure in No. 39.

*Report of the Case of the Spanish schooner "Tres Tomasas," Nicolas Echeandia, Master.*

THIS vessel was met with by His Majesty's brig "Curlew," Lieutenant Edmund Norcott commanding, about 100 miles from this port, on the 19th December, 1835, and by that Officer detained, on the ground of being equipped for the Slave Trade, contrary to the Treaty between Great Britain and Spain of the 28th June, 1835.

The Ship's Papers delivered up to the capturing Officer were a Royal Passport, numbered 90, for this vessel when under the command of one José Costa, and was issued to him at Havana on the 5th October, 1834. An endorsement is upon this Document stating that, on the 17th July, 1835, this Passport was re-issued to Nicolas Echeandia, who had then become the Master and Owner of the "*Tres Tomasas*," and which was bound for Cape Verde Islands and Princes. Echeandia explained this apparent irregularity of issuing a Passport for the second voyage to have arisen from the want of the requisite forms in the Office of Marine at Havana.

A Fort Pass.

A Muster-roll, with a Licence attached, to carry 12 muskets, as many cutlasses, and 6 pistols, with suitable ammunition.

And 2 Log-books for the voyage, 1 of which had been kept by the Master, the other by the Mate.

The Manifest of the vessel from Havana was obtained from the Master some time after the vessel's arrival here, and under circumstances extremely unfavourable to its character for authenticity, as will be hereafter explained.

The "*Tres Tomasas*" arrived in this harbour on the night of the 25th December last, and was reported to us on the following morning by the Marshal to the Court.

On the 4th January following, the Proctor for the Seizors brought in the Declaration made at the time of detention, the Ship's Papers obtained, and an Affidavit of the Prize-Officer to authenticate

the same, which were directed to be filed; the usual Monition was issued, and the witnesses in preparatory ordered to be examined.

The Declaration of the Captor states that, "on the 19th day of December, 1835, being in or about latitude 7° 12' north, and longitude 14° 46' west, he detained the schooner named the '*Tres Tomasas*,' sailing under Spanish colours, commanded by Nicolas Echeandia, who declared her to be bound from Grand Bassa to St. Jago, Cape de Verdes, with a crew consisting of 17 men, 1 boy, and 2 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof.

"He further declares that, at the time of detention, she had a larger quantity of water in leaguers than requisite for the use of her crew; slave-deck completely laid fore and aft; open hatchways, fitted for the reception of iron gratings; a large quantity of kids, mess-pans, mugs, &c.; a large quantity of rice; a boiler much larger than is requisite for the use of the crew as a merchant-vessel. Which being in direct violation of the Treaty of the 28th June, 1835, he hereby sent her to the Mixed Commission Court for judgment accordingly."

The witnesses produced by the Captors to be examined on the standing interrogatories were the Master of the vessel, Nicolas de Echeandia, and the Boatswain, Andres Condesa, who were examined by the Registrar on the 7th January last.

Echeandia deposed that "he was born at Biscay, lives at Havana, and has resided there 3 or 4 years; is a Spanish subject, and has never served any other State; is married; his wife and family live at Bilboa. He appointed himself to the command of the captured vessel, being the Owner of the same; took possession at Havana in June from the former Owner, Don Francisco Riera; he lives at Havana, and is a Spanish subject; has known the vessel only since he purchased her; saw her then and there (Havana) for the first time; cannot say where she was built. He was present at the vessel's seizure; does not know why she was captured; had Spanish colours only. The vessel is called '*Tres Tomasas*,' has been so called since he bought her; thinks she was formerly called '*Namitin*;' is 70 tons burthen; had a crew of 18 Officers and men, exclusive of witness, all Spaniards, and were shipped at Havana on the 16th July by witness. He is the sole Owner of the vessel and her cargo; was Master on board; there was 1 passenger on board; none were secreted at the time of capture; passenger's name was S. de Diliz, formerly Master of the '*Semiramis*,' a Spanish vessel lately condemned here; took him on board at the Galinas for the Cape Verdes and Havana; believes his business at those places was to look for a vessel to take him to Spain; Santiago de Diliz had no concern or authority regarding either vessel or cargo. The present voyage commenced at Havana, and was to have ended there; Havana was the last clearing port; sailed for St. Thomas, but called at the Galinas to try to sell his cargo; sold some of it there to Don Panche Ramon; had no communication with the natives there. The capturing vessel was first seen 40 leagues to the west of Sierra Leone, about 8 o'clock in the evening of the 18th December last, and was captured on the following day at half-past 12 at noon; the captured vessel was steering for the Cape Verdes when she was first pursued; she did not tack, nor was any additional sail made, but so soon as he saw the man-of-war lower her boats he lay to for them; the vessel's Papers were for St. Thomas, but at the time of her capture she was steering for the Cape Verdes to repair part of her rigging which was injured. She had no guns, had 8 muskets, 12 cutlasses, about 35 cartridges for defence in her trade; made no resistance. There was a Bill of Sale from Don Riera, made in Havana on the 16th June, 1835, does not recollect in the presence of what witness; the said Document is now in Havana with the Secretary of Marine; the price was 2100 dollars, it was all paid in cash, and was a fair equivalent for the vessel; the sale was a true one, and the vessel, if restored, will belong to him only; there was no private agreement for the return of the vessel to her former Owner. He is the sole Owner, lader, and consignee of the cargo; it was his intention to sell it at different places along the Coast for rice and palm-oil, and for his sole account, risk, and benefit; if the cargo be restored, it will belong to him, and to him only, as it did and does. Does not know what cargo the vessel carried on her last voyage, or where it was shipped; the present cargo consists of tobacco, cloth, and other merchandize; the vessel was brought direct to Sierra Leone. All the Papers were true, and knows of nothing to affect their credit. No Papers were destroyed, concealed, or in any way made away with. There are no Bills of Lading or other Papers in any country relating to the vessel or her cargo. There was no Charter-party. Neither the vessel nor her cargo is insured. Bulk was first broken at the Galinas, where part was sold, and the rest at Cape Mount, Grand Bassa, and another place to the southward of Grand Bassa."

The testimony of the Boatswain was in every way corroborative of that of the Master, with the exception of his being ignorant of the Ownership of the vessel or her cargo.

These proceedings closed the Case for the Captor, whose Proctor prayed publication thereof on the 14th January, which was granted.

The Case of the Claimant was commenced on the 19th January last, on which day he presented his Claim and Affidavit in support of it, which we directed to be filed, and to both of which Documents he was then sworn.

The Claim is as follows:—

"I, Nicolas Echeandia, the Master of the schooner or vessel called '*Tres Tomasas*,' a subject of Her Catholic Majesty the Queen of Spain, for the said schooner or vessel, her tackle, apparel, and furniture, goods, wares, and merchandize, on board the said schooner or vessel at the time of seizure or capture thereof by His Britannic Majesty's brig '*Curlew*,' Edmund Norcott, Lieutenant, commanding, and brought to Sierra Leone, for the said schooner or vessel, her tackle, apparel, and furniture, and her cargo, as the sole property of him the said deponent, an inhabitant of Havana, and native of Bilboa, as protected by the Treaty or Convention between His Britannic Majesty and Her Catholic Majesty, dated the 28th day of June, 1835; and for all 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."

The Affidavit in support of the foregoing Claim is as hereunder.

"Personally appeared the said Nicolas Echeandia, the Master of the said schooner or vessel, and maketh oath, that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said schooner at the time of the capture or seizure thereof by His Britannic Majesty's brig '*Curlew*,' Edmund Norcott, Lieutenant, commanding; and that the said schooner was so captured on the 19th day of December, 1835, in the prosecution of her voyage from Grand Bassa, on the Coast of Africa, to St. Jago Island, and brought to Sierra Leone. And he further maketh oath, that no person or persons other than himself the deponent, a subject of Her Catholic Majesty, was, at the time

of the said capture, and now is the true, lawful, and sole Owner and Proprietor of the said schooner 'Tres Tomasas,' her hull, tackle, apparel, and furniture, and of the said cargo on board the same. And the deponent further maketh oath, that he verily believes that the said schooner and her said cargo are protected by the Treaty or Convention between His Britannic Majesty and Her Catholic Majesty. That at the time of the said capture the said schooner or vessel was on her way to the Cape Verde Islands, having sprung her fore-mast and fore-yard, under the hope of getting the same repaired; this deponent having resolved, provided he found the report of the new Treaty relative to the Slave Trade between Great Britain and Spain confirmed at the said Islands, and that its provisions endangered the said schooner or vessel, if found on the Coast of Africa, to return to Havana with what lawful articles of merchandise he might be able to purchase or procure on freight among the said Islands; and deponent maketh oath, that the said schooner or vessel left the Havana on the 19th day of July last, and at that time no intimation or notice had been given of the Treaty of the 28th June, 1835. And he further maketh oath, that no person or persons other than himself have any right, title, or interest in the said schooner, her tackle, apparel, and furniture, and the goods, wares, and merchandize on board the same at the time of the capture and seizure thereof; and that he is duly authorized to make the Claim hereunto annexed; and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof."

The Proctor for the Claimant, on the 19th following, brought in a Petition, which expressed that, in order to show to the said Court, that of the quantity of casks found on board this vessel a large portion were shipped for lawful traffic on this Coast, he prayed that the Affidavit and Official Document annexed should be allowed to be filed, to which the Court assented.

The Official Document referred to above was the Manifest of the cargo, which was issued at Havana on the 18th July, 1835, and in which we found had been interpolated these words,

"*Twenty-four Casks for Palm-Oil.*"

The bungling manner in which this interpolation had been made, at once exposed to view the fraudulent intentions of the Master of the said vessel, whose Affidavit states that "the Document annexed is the clearance which this deponent received from the Custom-house at Havana, and that the *same doth show*, that a large quantity of the casks put on board the said vessel were so shipped by permission of the Authorities at that port to be used in receiving palm-oil. And that the said Document was produced by this deponent in his examination in chief."

On the 11th of the same month the Master and Boatswain were again examined on special interrogatories, put at the instance of the Captors.

The Master then stated, "that the hatches are not fitted with open gratings. There is no division or bulkhead on deck or below, except those which separate the cabin and fore-castle from the hold. There are no spare planks on board. There are neither shackles nor handcuffs on board. There are about 36 pipes of fresh water, partly for the crew and partly to keep the casks, which he intended to fill with palm-oil, from getting leaky. There are about 6 or 8 empty beef and rum casks, and 28 casks of different sizes; cannot tell their particular descriptions; had those casks for holding palm-oil. There are about 15 or 20 mess-tins on board, for the use of the crew only. There were no copper boilers on board; has a cabouse only large enough for the use of his crew. There were about 250 quintals of rice, no yams, half a barrel of flour, no jerk beef, no maize nor Indian corn; the rice was cargo for Havana, unless he could sell it well at the Cape Verdes. The vessel would have gone to the Cape Verdes, had she not been captured. The hatchways are bored for the reception of iron bars, and have been so ever since he bought her. There are no bars or bolts on board to secure the hatches; has iron bars on board, but not for that purpose, being intended for trade. The vessel is not fitted with grooves. There is a deck laid, but not for slaves, but for stowing the rice upon in bags."

The Boatswain, to whom the same questions were put as those to which the Master had replied, gave answers in strict accordance with those of the Master. The Boatswain, however, could not remember the number of water-casks on board, and professed ignorance of the object with which the rice seized on board had been shipped.

A Petition was presented by the Captor's Proctor on the 9th January, which stated that, in order to prove the allegations contained in the Seizor's Declaration, and to ascertain the nature of this vessel's outfit, particularly as regarded the equipment for the Slave Trade, it was necessary that a Commission of Survey and Inspection should be issued. This was granted; and the 3 Surveyors, on the 13th following, sent in their Report as under, viz. :—

"1st. The main hatchway is of greater length and width than usual for merchant-vessels of her class, viz. length 9 feet 10 inches, breadth 4 feet 6 inches; the fore-part of the hatchway is grated over, the other part is perforated with holes for introducing iron cross-bars, which were found on board. The after part of the vessel had an open scuttle fitted in a similar manner to the main hatchway.

"2d. A bulk head, dividing Master's cabin from the main hold.

"3d. Slave-deck, fitted fore and aft.

"4th. Fore-locks and pins for the hatchway bars, but no shackles nor handcuffs found.

"5th. That there were 24 leaguers, containing about 10,000 gallons of water, a quantity more than sufficient for the crew.

"6th. A number of small casks, capable of holding liquid.

"7th. Mess-pans 29, and 16 kids or buckets.

"8th. A larger boiler than usual, also an iron boiler found on board, not fitted, in addition to the one now in use.

"9th. A great quantity of rice in bags, equal to 6 tons, also an extraordinary quantity of fire-wood.

"And we do hereby declare, that we have taken this Survey and Inspection so minutely, impartially, and correctly, that we are ready to make oath to the same, if required."

To this Report the 3 Surveyors were sworn on the 28th of the same month.

The Affidavit to authenticate the same runs thus :—"The said Arthur A. Speck, Charles Cole, and Nathaniel Thomson, were sworn to the truth, impartiality, and correctness of the foregoing Report of Survey, this 28th day of January, 1836."

On the following day a Commission of Survey and Inspection went forth, in order to ascertain the state of the fore-mast and fore-yard of this vessel, the Claimant considering that his interest would be advanced thereby.

The Report of the 3 Surveyors was made on the 21st January, and they were sworn to the same on the 23d March following: it is as below quoted.



"That, having got on board, we proceeded to inspect the fore-mast and fore-yard, both of which are badly sprung. The fore-mast had wooden fishes up and down the mast from the cross-trees, about 12 feet in length, wound round in 4 different places with 2-inch rope. The fore-yard was secured in the like manner to the mast; we conceive the foregoing spars to be very badly sprung, and to have recently taken place, from the appearance of the rope and plank which secure them; the fore-mast seems to have been shook very much; and we are of opinion, that for the vessel to carry her usual quantity of canvass which the mast is supposed to carry, that the same would endanger the safety of the said schooner, more effectually if she met with anything like boisterous weather. And we beg most respectfully to report that, in addition to the above injuries, the fore-gaff had been very badly sprung, and we found it also fished; that being attached to the fore-mast would, consequently, if sail were required, lay on the fore-mast an additional pressure."

The Claimant's Proctor, having completed his side of the Case, prayed publication might be granted, which was done on the 22d January.

The Monition, which was issued on the 4th January, was returned into Court, certified to have been duly served on the 29th following.

In order to clear up this Case as far as we could, special interrogatories were put, by order of the Court, to the Master of this vessel, on the 30th January, when the following evidence was obtained.

"That the Passport was returned into the Office of Marine, and was re-issued to witness on his applying for a fresh one, there being no blank Passports in the Office. He knows nothing about the last voyage of the '*Tres Tomasas*;' or who was in command. The first place he reached, after he left Havana, was the Galinas; he arrived there on the 16th September, and left it on the 7th October; from thence he went on to Grand Bassa, which he reached on the 14th; and from that place proceeded on the 27th to Betu, where he arrived on the 23d November, and left on the 1st December for Grand Bassa, which he reached on the 4th, and quitted for Galinas on the 11th; he arrived at Galinas on the 14th, left it on the 16th, and was captured on the 19th December. He sold 2 rolls of tobacco, 8 or 9 bales of cloth, 26 or 27 iron bars, a box of alfanges, containing about 100, and about 50 muskets, to Don Panche Ramon, whom he believes to be a Spaniard; does not know how long he has resided at Galinas; Don Ramon paid him by an order (letter) on Havana, which he transmitted thither a few days afterwards by an American vessel. He sold no goods to any person at Galinas except Don Ramon; sold only a few trifling articles at Cape Mount to procure wood and water from the natives; at Grand Bassa he sold 50 or 60 looking-glasses, and 100 or 200 musket-flints, for which he received some rice, wood, and water; at Betu he sold the remainder of his cargo, but does not recollect the description or quantity; was paid in rice, which he has on board, and live stock. It was his intention to proceed from St. Jago to Havana. None of his cargo is left, except a few iron bars and alfanges, the last kept to split wood, and some casks, which, not having succeeded in obtaining palm-oil, he has still filled with water. A small quantity of the rice was got at Grand Bassa, and the rest at Betu from the natives; the rice which he brought from Havana (and which was in 2, not in 12 hogsheads) he sold to Don Ramon at the Galinas; shipped it all for the crew, as, if he had proceeded to St. Thomas or Princes Island, he could have got none at those places; only a small quantity was used on the passage out; the price of rice is higher at Havana than at Galinas, but the quality of the article at the former place is greatly superior. He never heard any rumour at Havana about a new Treaty. He heard a rumour of a new Treaty from his passenger, Santiago de Diliz, on the passage from the Galinas to Cape Verdes; Diliz told him merely that there was a new Treaty on foot about the Slave Trade; he intended to inquire at the Cape Verdes about the Treaty, but did not consider it possible that his vessel could be affected by it, and had no dread of the man-of-war when he fell in with her. There is no debt due to him on the Coast. He has stated that the Authorities at Havana gave him no intimation on the subject of the new Treaty; but if they had, he should nevertheless have traded on the Coast. The Document produced is the Custom-house Clearance, which he received at Havana, and there is therein no change, alteration, subtraction, or addition, since it was signed by Don Sebastian de Ayala. The Clearance was made out at the Custom-house before he spoke about the 24 casks; and that the words in question were added afterwards at the Custom-house; and that he has not made any alteration in it, nor has any other person. That if there be more than 4 or 5 empty casks on board, it is requisite to clear them. To the best of his knowledge and belief, the words referred to are in the Copy of the Manifest now in Havana. He did not consider it necessary to give the Manifest to the Captor; he did not ask for it. He knows it is customary to seal Papers of a similar description in an envelope, and he opened the envelope in this instance, as he considers he was authorized to do, when he was about to land his cargo; the envelope is now on board. When he was asked about his cargo, he said 'tobacco and cloth;' and when he was asked what other articles, said 'merchandize;' and when the particulars were required, he pulled the packet referred to out of his pocket, in order that he might refer to it to answer the query; but the Registrar told him it was not necessary for witness to refer to it, he was to answer the question; that he intended to show it to the Registrar afterwards, but forgot it; he never intended to give the Paper up, and it was never opened during his examination in chief."

The conduct of the Claimant's Proctor in presenting to the Court an Official Document which had evidently been interpolated, and that with the ostensible object of benefiting his client's cause, we thought called for some explanation; and we accordingly directed a special interrogatory to be put with that object to Mr. Savage.

Mr. Savage's reply thereto, on the 5th February, states that "he saw the Document on the arrival of the '*Tres Tomasas*;' and has seen it repeatedly since; that on his first examination thereof he noticed what he thought to be an erasure, and expressly and at once put the question to the Master of the said vessel, whether it was such, but he positively asserted, that it was in the same state in which he had received it at Havana, in proof of which it would be found the Custom-house had the same entry; witness was not satisfied with this assurance, and called Juan Maynoldi, and a passenger on board the '*Tersticore*,' and also Antonio Capo, and they all agreed that it was an original Document; and that though there appeared to be an erasure therein, they did not consider that it was a recent one. Therefore witness has no reason whatever to believe that the words alluded to have been inserted subsequently to the issuing of the said Document, or by any other person than the one who originally drew out the same."

On the 16th July, both the Proctors presented a joint Petition for a day of trial, which was named

for the 18th instant, when the Court assembled for the adjudication of the "*Tres Tomasas*." The evidence produced by the Captors was of the clearest and most conclusive character, establishing in a strong manner the illegal equipment of the detained vessel; while, on the other hand, the Claimant's defence appeared to be devoid of truth, and of a most frivolous nature.

His attempts to deny having on board his vessel the articles which constitute illegal equipment, were as false as they were improbable. He declares that the hatchways were not fitted with open gratings, and that there were no hatchway bars on board; both of which statements met with decided contradiction in the sworn Report of the Surveyors. Then again, with much effrontery, he denies having on board a copper boiler, when it was afterwards proved that the said boiler was not indeed of copper, but of iron.

The next ground of charge was, that of having 36 pipes of water on board, and 28 empty casks. This fact of equipment being undeniable, the Claimant experienced some difficulty in evading its truth; he therefore admitted it, but even then with some qualification, which he vainly imagined would have glossed over his illegal intentions. For this purpose he offered, in the most barefaced manner, to the Court the Custom-house clearance of his vessel from Havana, which has evidently been interpolated to answer his own ends. In this Document, as before alluded to, there is an awkward attempt made to insert the words "Twenty-four casks for Palm-Oil;" but had such insertion been official, a regular postscript would have appeared to that effect, which we have always noticed to have been the case hitherto, when any alterations have taken place after the clearance of a vessel. But in addition to the 24, the shipment of which he has thus attempted to make appear legal, he admits that there were 40 other water-casks (making in all 64), a number far too great for the use of the crew.

Such is the abstract of the Claimant's defence.

The Court, however, having considered that it had been clearly proved by the Captors, that there was a slave-deck on board, a larger quantity of water than was requisite for the crew, an extraordinary number of water-casks, and more than 1 boiler of the ordinary size, decreed the condemnation of the Spanish schooner "*Tres Tomasas*," Nicolas Echeandia, Master, with the goods, wares, and merchandise on board of her, as a legal forfeiture to the Crowns of Great Britain and Spain, for an infraction of the 10th Article of the Treaty, signed at Madrid on the 28th June, 1835.

*Sierra Leone, 18th July, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

No. 40.

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

MY LORD,

*Sierra Leone, 16th August, 1836.*

WE have the honour to acquaint your Lordship that the Spanish brigantine "*Rosarito*" was seized at anchor in Accra Roads, on the 2d January last, by His Majesty's brig "*Curlew*," Lieutenant Edmund Norcott commanding, on the ground of the "*Rosarito*" being equipped for the Slave Trade, contrary to the late Treaty with Spain for the abolition of that traffic.

The delay in the formation of the Court, under the Treaty in question, caused the trial of this vessel to be deferred until the 23d ultimo, on which day sentence of condemnation was passed upon the "*Rosarito*" and her cargo.

Our Report of this Case we beg leave herewith to enclose to your Lordship; the only remark thereupon which we think it requisite to make to your Lordship is the attempt of the Claimant to impress upon the Court, that he had slave-irons on board as a part of his cargo, which cargo he alleged he was lawfully selling up to the time of seizure; evidently in the hope of relieving himself of the responsibility of having slave-irons in the vessel. This statement of the Master and his Boatswain (who but echoed his employer's evidence) the Court referred to in giving judgment, declaring that under no circumstances could they consider shackles, bolts, or handcuffs as articles of lawful commerce, an opinion in which we believe we shall be confirmed by your Lordship's decision.

The "*Rosarito*" is mentioned in the Havana Lists as having sailed from that port on the 29th of June last, the day on which the Log-book commences for the present voyage in which she has been detained.

We have, &c.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

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

&c.

&c.

&c.

Enclosure in No. 40.

*Report of the Case of the Spanish brigantine "Rosarito," José Maria Farraguera, Master.*

THE Spanish brigantine "*Rosarito*," under the command of José Maria Farraguera, left Havana on the 29th July, 1835, destined to Lagos, ostensibly for the purposes of legitimate commerce.

The Authorities at Havana furnished this vessel with the usual Official Documents to legalize her



voyage, videlicet, a Royal Passport, No. 164, of 27 June, 1835, Fort Pass, Muster-roll, Certificate of Bill of Sale, and a Clearance of the cargo. The only Paper, however, which calls for any particular notice is the Bill of Sale, dated at Havana on the 6th June, 1835.

The name of the seller is stated to be Antonio Guerrero, a resident of Havana, and that of the purchaser, a merchant of the same city, Juan Esteres. The amount of the purchase-money was 5,800 dollars, a sum equal to £1,256. 13s. 4d. (one thousand two hundred and fifty-six pounds, thirteen shillings, and fourpence.)

It appears also that this vessel was formerly called the "*Caroline*," and that Guerrero purchased her from Pablo A. Crok, of the Island of St. Thomas.

After having landed part of her cargo at Lagos, Aqué, Popo, Badagry, and Mina, different coasting places in the Bight of Benin, and notorious haunts for the pursuit of the illicit Slave Traffic, she was seized at anchor in Accra Roads on the 2d January, 1836, by His Majesty's brig "*Curlew*," Lieutenant Edmund Norcott commanding, for being found equipped for the Slave Trade.

The "*Rosarito*" arrived at Sierra Leone on the evening of the 1st of February, and the Marshal visited and reported her on the following morning.

On the same day the Captor's Proctor commenced his proceedings in prosecution of the detained vessel, by petitioning that the Ship's Papers and Captor's Declaration, with the Prize-Officer's Affidavit in their authentication, might be received and filed; that the Monition might be issued; and that the witnesses in preparatory be produced for examination. To these measures the Court gave its sanction.

The Commander of His Majesty's brig "*Curlew*" avers in his Declaration, made at the time of seizure, that, on "the 2d day of January, 1836, being at anchor in Accra Roads, he detained the brigantine named the '*Rosarito*,' sailing under Spanish colours, armed with 2 guns, 19-pounders, and commanded by Don José Maria Farraguera, who declared her to be bound from Havana to Lagos, with a crew consisting of 23 men, 1 boy, and 1 passenger, whose names, as declared by them respectively, are inserted in a list at the foot hereof.

"And further that, at the time of detention, she had a larger number of water-leaguers on board than necessary for the use of her crew as a merchant-vessel; a great quantity of plank for laying a slave-deck; mess-tins for the use of slaves; hatchways larger than usual for a merchant-vessel; and fitted for iron bars to be put in."

The day after the filing of these Papers, the Proctor for the Captor prayed that a Commission of Survey and Inspection might issue, in order to establish the allegations made in the above Declaration with respect to the nature and illegality of the equipment of the detained vessel. With this object a Commission went forth on the 4th February to 3 gentlemen, requiring them minutely and carefully to inspect the outfit of the "*Rosarito*." Their Report, which was received on the 6th February, strongly corroborates the statements of the Captor.

It is as follows, videlicet:—

"We first proceeded to inspect the cabouse, which we found so constructed as to enlarge considerably by drawing out, so that yams or other food could be cooked conveniently for at least 200 individuals.

"The hatches are of proportionate lengths, in which are holes for iron rods to form a grating; bundles of the rods being found in the main hatchway, of considerable strength and corresponding lengths.

"There were found also planks sufficient for a slave-deck complete, all numbered; 96 pairs of slave-irons; a large bag of wooden spoons, containing about 400; 40 large mess-pans; a considerable quantity of fire-wood; a quantity of rice and peas.

"There were about 36 leaguers in the hold, each capable of containing about 400 gallons of water."

The witnesses in preparatory, José Maria Farraguera, the Master, and Miguel Barros, the Boat-swain, were examined on the 4th February, by the Registrar, on the standing interrogatories.

The former deposed that "he was born in Grenada, lives at Corunna, and has resided there these 21 years; has never served any State but Spain. He was appointed to the command by Don Juan Esteres, the Owner, who lives at Havana, and is a Spanish subject; took possession on the 26th June, 1835, at Havana; possession was given by Don Juan Esteres; has known the vessel only since last June; cannot say where she was built. He was present when the vessel was captured; does not know why she was seized; had no colours on board except Spanish, and a few signal flags. The vessel's name is '*Rosarito*,' has been called by no other name since he has known her; is about 91 tons burthen, and had a crew of 22 Officers and mariners, exclusive of himself, all Spaniards, shipped and hired in June last, at Havana, by witness. Neither he nor any of the Officers and mariners had any interest in the vessel or cargo; was Master of the said brigantine; there were 3 passengers taken on board at Lagos in December, one was named Jesuina Batista de Carballo; does not recollect the names of the others; they were palm-oil traders, and destined for Accra; none of them had any interest or authority regarding either the vessel or cargo. The present voyage commenced and was to have ended at Havana; Havana was the last clearing port; from thence she went to Lagos to purchase ivory and palm-oil; he afterwards touched at Aqué, where he bought ivory; Popo and Badagry, where he bought live stock; and Mina, where he again purchased palm-oil. First saw the capturing vessel at anchor at Accra on the 2d of January, about 12 o'clock, and capture took place about 2 or 3 in the afternoon. Witness went to Accra, and dropped anchor close to the man-of-war, after which, the latter sent 2 boats and captured him. The vessel's Papers were for Lagos, whither she went direct, and, not having succeeded in obtaining ivory, traded afterwards at the places he has named. The vessel had 2 guns mounted, 12 muskets, 2 pistols, 17 sabres, and a few cartridges; no resistance was made, nor had he any instructions for making any, or for escaping capture, or destroying or concealing any of the vessel's Papers.

"The Owner's name is Don Juan Esteres; knows it because he appointed witness Master. There was a Bill of Sale, which he produced and gave up; believes, if the vessel be restored, she will belong to Esteres. The Owner of the cargo, he believes, is Don Juan Esteres; does not recollect the names of the laders. They are in the Register of Cargo (Manifest, No. 4). The consignee at Lagos was Mattias Battista de Carballo, brother of the aforesaid passenger, a Portuguese; cannot say how long he has resided at Lagos; the cargo on board was to have been delivered at Lagos, believes on account of Esteres, but Carballo directed witness to trade with the part which remains on board down the Coast; believes, if it be restored, it will belong to Esteres, because he gave witness charge of the vessel and cargo. The vessel was taken direct to Sierra Leone; all the Papers were true. Does not know

of any Papers belonging to either the vessel or cargo being in any country. The vessel has been under the management of the consignee, De Carballo."

The evidence of the Boatswain is merely an echo of that of the Master, with the exception of his ignorance as to the names of the Owners, laders, and consignees of the vessel.

These interrogatories, however, not having elicited the special points requisite in proof of the fact of illegal equipment, a Petition was presented, at the instance of the Seizors, on the following day, for permission to put additional questions to the Master and Boatswain, with the view of obtaining the requisite evidence.

This second examination of the Master is of that evasive character, which the well-known disregard of truth, exhibited by such men whenever they consider their interest concerned, naturally leads to the expectation of. The reasons assigned for having illegal articles of equipment on board are not only frivolous, but might be pronounced absurd. The examination is hereunder quoted.

"The hatches are not fitted with open gratings; there are only the bulkheads which separate the cabin and fore-castle from the hold. There are few rough planks on board for the repairs of the vessel. They are not fitted to any part of the vessel, or numbered to his (the Master's) knowledge. There were about 80 or 100 shackles on board at the time of seizure. They were part of the cargo, and were for sale. There were about 30 or 40 pipes of water; had so much water for ballast in the palm-oil casks, and the reason it was fresh was because salt-water spoiled palm-oil casks. He had casks to carry 60 or 65 pipes of water; cannot tell the number of those casks; they are of various descriptions, and were for palm-oil. There were 10 or 12 mess-tubs, not more than he should require for the use of the crew on their voyage. There was no copper boiler on board. There were about 4 bags of rice for the use of the people. The hatches are bored; there are only 3 or 4 bars; cannot say whether they fit the holes; found them on board. The vessel is not fitted with grooves or otherwise for a slave-deck. There is a small loose deck below for storing provisions, sails, and goods upon."

The Boatswain's testimony was of the same stamp as that of the Master. The falsehood of many of these statements will be made apparent in the judgment given in this Case.

The Seizor's Case was closed by his Proctor on the 8th February, when its publication was prayed for and granted by the Court.

On the same day the Master of the "*Rosarito*" put in his Claim, with an Affidavit in its support, for the restitution of his vessel and her cargo, and the Court allowed it to be filed. The Affidavit, as it fully develops the nature and grounds of the Claim in question, is inserted hereunder.

"Appeared personally the said José Maria Farraguera, the Master of the said brigantine, and maketh oath, that he is a subject of her Catholic Majesty the Queen of Spain, and was Master of the said brigantine at the time of the capture thereof by His Britannic Majesty's brig-of-war '*Curlew*,' Edmund Norcott, Lieutenant, commanding; and that the said brigantine was so captured on the 2d day of January last past, in the prosecution of her voyage from Havana to Lagos, and other ports on the Coast of Africa, while at anchor in Accra Roads, laden with a general cargo of merchandize, and brought to Sierra Leone. And he further maketh oath, that Juan Esteres, a subject of Her Catholic Majesty the Queen of Spain, was, at the time of the said capture, and now is, the true, lawful, and sole Owner and proprietor of the said brigantine '*Rosarito*,' her tackle, apparel, and furniture, and of the cargo laden on board the said brigantine. And the deponent further maketh oath, that he verily believes the said brigantine and her cargo are protected by the Treaty or Convention between His Britannic Majesty and His Catholic Majesty, dated 23d September, 1817, and also by the Treaty or Convention between his present Britannic Majesty and Her Catholic Majesty, dated 28th June, 1835. And deponent further maketh oath, that the said brigantine sailed from Havana on the 29th day of June, in the year 1835, and that he the deponent was never made aware, either by report or otherwise, that any new Treaty or Convention was intended or about to be entered into between Great Britain and Spain, prior to his departure as aforesaid from Havana, which made it necessary to confine Spanish vessels resorting to the Coast of Africa to a certain and particular equipment, or that anything other than slaves would be considered unlawful, if found laden on board; and that he the deponent, not conscious of his having committed any offence, while in command of the said brigantine, against any law or existing Treaty, or the laws of nations, did, in the prosecution of his lawful voyage, and for the purpose of traffic in lawful merchandize, enter the Roads of Accra on the Coast of Africa, and bring the said brigantine to anchor within less than a musket-shot from His said Majesty's brig-of-war '*Curlew*.' That no slave or slaves had been received on board the said brigantine during the said voyage of the said brigantine.

"And the deponent further maketh oath, that no person or persons, other than the person before mentioned, hath any right, title, or interest in the said brigantine, her tackle, apparel, and furniture, goods, wares, and merchandize, laden on board the same at the time of the capture and seizure thereof; and that he is duly authorized to make the Claim hereunto annexed, and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof."

Before the return of the Monition (which had been issued on the 2d of February, and was not filed until the 8th March), the 2 Proctors sent in a joint Petition for a day of trial, to which the Court, in obedience to the instructions they had received, did not accede, as no legislative enactment had been passed to give effect to the new Treaty with Spain.

Notwithstanding the unavoidable delay in the adjudication of the "*Rosarito*," no change had taken place in the state of the vessel or cargo up to the 1st April.

Two months having elapsed since the filing of the Claim, the Claimant's Proctor, on the 25th April, deemed it right to petition the Court to be allowed to record a Protest for his client against the fact of no judgment having been pronounced upon the detained vessel within 2 months, as stipulated in the 3d Article of Annex B. A formal Protest, under notarial seal, accompanied the Petition. The Court, however, under the peculiar circumstances of the Case, did not consider it right to permit a Protest to be recorded against its proceedings, and upon this view rejected the Petition of the Claimant's Proctor.

Mr. Savage, the Proctor for the defence, brought another Petition under the notice of the Court on the 29th of April. The purport of it was, to obtain permission to receive and act upon a Power of Attorney, given to him by the Master, José Maria Farraguera, when he was on the eve of quitting the Colony; a measure which he ultimately took in opposition to the expressed wishes of the Court.

For this reason the Petition was not granted, as such a step might have led to inconvenience.

It was found necessary on the 20th May, in order to prevent exposure and consequent detriment to

the cargo, to land 13 casks of spirits belonging to the "*Rosarito*," which remained stowed on deck without any protection. The Commissioner of Appraisalment and Sale was, therefore, directed to sell the spirits when landed, and furnish the usual account of Sales, which orders he duly executed.

No further proceedings were adopted by either Proctors, until the receipt of the Act of Parliament with your Lordship's instructions.

On the 21st July, the Proctors presented a second joint Petition for a day of trial, which was fixed for the 23d ultimo. The Court then assembled to take into consideration the case of the "*Rosarito*." It appeared that, to counterbalance the clear and conclusive evidence which had been adduced by the Captors, the Claimant had only brought forward his Claim and Affidavit. On such slender grounds did he rest his Case; and though it be admitted that the Affidavit contains strong assertions in favour of the legality of the Claimant's intentions, yet it must also be remembered, that he has not only neglected to produce any testimony to confirm and establish these allegations, but that these very allegations have been met and refuted by the Captors with opposite proof, in every way undeniable,—the testimony of the Master himself, which was confirmed by his Boatswain, the other witness in the cause.

The Court, in giving judgment in this Case, observed upon the deviation from truth made by the Master and Boatswain of this vessel when examined, in regard to her equipment for the Slave Traffic; in their denial of facts, of which it is impossible to believe they could be ignorant,—that there were on board bundles of rods or bars for placing over the hatchways, which were fitted to receive such bars, so as to make them open hatchways, as is usual only in vessels employed in the Slave Trade. That there was a second or slave-deck on board; and that there were but 10 or 12 mess-tins, whilst the number found on board proved to be no less than 40: a quantity sufficient for the negroes which this vessel could have carried.

The absurdity of the attempt to impose on the Court by stating that there were 96 pairs of slave-irons remaining on board of the outward cargo for sale on this Coast, is only alluded to with the object of removing, at once, an erroneous opinion, which appears to have obtained ground, that had such an item as slave-irons appeared in the Custom-house Clearance of the cargo of this vessel, she would have been relieved from the responsibility of having such an article on board. The Treaty has distinctly stated which of the things enumerated in the 10th Article shall be considered lawful, when duly passed through the Custom-house where the vessel may have cleared, on board of which they shall be found; and none other than those so particularized can be, by us, deemed lawful.

It having been proved to our satisfaction there were numbered planks on board to form a slave-deck, hatches bored for gratings, 96 pairs of shackles on board, a larger quantity of water than needful for the consumption of the crew, and an extraordinary number of water-casks, we decreed the condemnation of the Spanish brigantine "*Rosarito*," José Maria Farraguera, Master, together with her cargo, as lawful prize to the Crown of Great Britain and Spain.

The usual Commission of Appraisalment and Sale was immediately afterwards issued; and, on the several Officers of the Court proceeding to take the customary inventory of the stores and cargo, they found the latter much damaged from ill stowage, and therefore deemed it necessary to report its state to the Registrar.

A Copy of the official Report alluded to we have subjoined, together with the Prize-Officer's explanation of his conduct in regard to his charge. It is our duty to observe, on Mr. Howell's explanation, that his having failed closely to examine the state of the valuable cargo which had been committed to his charge at regular and stated periods, as far as circumstances would admit, appears to us, from our experience, to exhibit a carelessness or indifference to the interests confided to his care, which it is quite impossible satisfactorily to account for. Had Mr. Howell been under any erroneous impressions of his responsibility in this matter, which may indistinctly be inferred from his allusion to the sealing down of the hatches of the prize, this difficulty he could have readily surmounted, as the capturing vessel, the "*Curlew*," was twice in this harbour during Mr. Howell's stay here, and on both occasions remained for many days; any doubts or difficulties might have been removed, therefore, had Mr. Howell applied to his senior Officer.

We also confess, that it is difficult for us to comprehend how Mr. Howell could remain for months in this harbour, constantly opening the hold of the prize he had in charge for provisions and other necessaries, and yet be ignorant that bales of wet salt were packed upon cotton goods, and that the deck was leaky; unless, indeed, he left the most responsible part of his functions, that of opening the sealed hatches of the hold, where the valuable cargo was stowed, to be performed by those under him, he (Mr. Howell) having no other employment than the charge of this vessel, and being the only person responsible for the same after it had been intrusted to him as Prize-Officer.

*Sierra Leone, 16th August.*

(Signed)

WALTER W. LEWIS,  
H. D. CAMPBELL.

Sir,

*Sierra Leone, 1st August, 1836.*

We have the honour to report to you that, on taking the usual Inventory of stores and cargo on board the Spanish brigantine "*Rosarito*," we found the latter in a very damaged state. The articles mentioned in the Inventory to be in this condition were, 22 bales of white cloth, 1 loose bale of the same article, and a quantity of roll-tobacco. We attribute the injury sustained by the cargo principally to its being ill-stowed in the vessel.

The cloth was placed near the main hatchway, and immediately under a leak in the deck, which necessarily exposed it to the wet; and, in addition to this, several bags containing salt, a large quantity of which had dissolved, were stowed away near the bales of cloth. The tobacco, we suppose, must have been much injured by the spirits on board, many casks of which had leaked out close to it, and were empty.

We have, &c.

(Signed)

E. BAFLIE, *Marshal.*

(Signed)

NATHANIEL THOMSON,

(Signed)

C. B. BIDWELL,

(Signed)

JOHN HAMILTON,

*Commissioner of Appraisalment and Sale.*

*M. L. Melville, Registrar,*  
&c. &c.

(A true Copy)

(Signed)

M. L. MELVILLE, *Registrar.*

SIR,

*Sierra Leone, 3d August, 1836.*

I BEG to acknowledge the receipt of your letter of yesterday's date, calling on me to give a detailed statement of the cause of the damage that has occurred to the cargo on board of the detained Spanish schooner "*Rosarito*," lately under my charge.

On my taking charge of the "*Rosarito*," her hatches were sealed down by the Commander of the "*Curlew*," in which state they remained for the greater security of the cargo, save being occasionally opened for water and provisions. On these occasions the cargo appeared in good order; but it was not until I was visited by the Appraisers of the Mixed Commissioned Court, when it was necessary to get everything upon deck, that I found several bales of dry goods and a quantity of tobacco damaged, occasioned by the damp state of the hold from a quantity of salt being stowed in it, a leak in the deck, and leakage of some badly-coopered casks of aguardiente.

I beg further to add, that every attention was paid to the hatchways, by keeping the tarpaulins constantly over them, and that the damage has been occasioned by the above-mentioned causes.

To Commander Henderson,  
His Majesty's Sloop "*Columbine*."  
(A true Copy.)

(Signed)

I have, &amp;c.

JOSEPH H. M. HOWELL.

(Signed)

M. L. MELVILLE, Registrar.

No. 41.

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

MY LORD,

*Sierra Leone, 16th August, 1836.*

WITH this Despatch we have the honour to lay before your Lordship our Report of the Case of the Spanish schooner "*Atafa Primo*," of which José Julia was Acting Master, and which was condemned in the British and Spanish Mixed Court of Justice on the 23d ultimo.

The "*Atafa Primo*" was seized, on the 25th January last, by His Majesty's brig "*Leveret*," Lieutenant Charles John Bosanquet commanding, in 5° 2' north latitude, and 9° 0' west longitude, on the charge of being equipped for the Slave Traffic.

Of this charge we had the most satisfactory proof in the prosecution which took place before us, and the condemnation of the "*Atafa Primo*" necessarily followed.

This vessel was prosecuted by Commander Webb, of His Majesty's sloop "*Medina*," in October, 1830, before the British and Spanish Mixed Commission, for having had six kroomen on board, who were, as the Captor declared, treated and dealt with as slaves. Commander Webb, however, failed in establishing his Case against the "*Atafa Primo*," and she was on that occasion restored, with small damages, to her Claimant, the Master, José Maury, a notorious character, who has been fully described in the Despatches marked Spain, of the 12th September, 1834.

We have, &amp;c.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

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

Enclosure in No. 41.

*Report of the Case of the "Atafa Primo," José Julia, Acting Master.*

THE "*Atafa Primo*" was furnished with a Provisional Passport from the Authorities of Cuba, numbered 23, and dated at St. Jago de Cuba, the 21st October 1835, in favour of Don Antonio Molina, for a voyage of lawful commerce to the Islands of Princes and St. Thomas. She had likewise a Bill of Health and Muster-roll of the same date.

This vessel took her departure on the following day from St. Jago, and, on her passage to this Coast, put into Danish St. Thomas, where she took on board her cargo; and which place she left on the 17th November 1835, and arrived at Cape Mount early in January following.

At Cape Mount, the Master and Owner, Don Antonio Molina, landed himself and part of the cargo, and then sent the vessel down the Coast, under the command of the Mate (now acting as Master), to purchase, as is alleged, provisions and ivory, while he remained to trade for palm-oil at Cape Mount; and shortly after leaving the said Master, this vessel was detained by His Majesty's brig "*Leveret*," Lieutenant Charles John Bosanquet commanding, for being equipped for the traffic in slaves.

The "*Atafa Primo*" arrived in this harbour on the 11th February, on which day she was visited by the Marshal, who reported her accordingly.

The Proctor for the Captor brought the Case of this vessel before the notice of the Court by Petition, praying that he might be allowed to file an Affidavit of the Prize-Master, Mr. Henry Bond, to authenticate the Ship's Papers, and the Captor's Declaration; that the Monition, citing all parties interested in the vessel to appear, might issue, and the witnesses in preparatory be examined; all which was granted.

The Captor's Declaration states, that "on the 25th day of January, 1836, being in or about latitude 5° 2' north, longitude 9° 0' west, he detained the schooner named the '*Atafa Primo*,' sailing under

Spanish colours, armed with 1 gun, 6-pounder, commanded by José Julia, who declared her to be bound from St. Jago de Cuba to the Coast of Africa, with a crew consisting of a Captain, a Mate, or Boatswain, and 10 men; having on board a larger number of water-casks than requisite for her as a merchant-vessel; spare planks for laying down a second or slave-deck; hatches with open gratings, and fitted with iron bars; a part of a boiler of an unusual size, and larger than requisite for the use of the crew of a merchant-vessel; and it was his opinion that the schooner was evidently intended for the unlawful traffic in slaves during her present voyage."

The witnesses produced by the Captors were the Acting Master, José Julia, and the Boatswain of this vessel, Juan Guardia, who were examined by the Registrar on the standing interrogatories, on the 12th of February.

José Julia, the Master, deposed, that "he was born at Barcelona, has lived at St. Jago de Cuba for the last year; has never served any State but Spain, and is not married; he was placed in command at Cape Mount, on the 8th January, by the former Master, Antonio Molina, who remained at that place to trade for ivory; the said Antonio Molina is a Spanish subject, and resides at St. Jago de Cuba; he (witness) first saw the said vessel at St. Jago de Cuba about five months ago; cannot say where she was built; he was present at the seizure of the said vessel; cannot say why she was detained; had no colours but Spanish; he knows of no name that the said vessel has had except '*Atafa Primo*,' she is 62 tons burden, and had a crew of 12 Officers and men (exclusive of the Master), all Spaniards, all hired and shipped by the said Antonio Molina, in October last, at St. Jago de Cuba; the whole of the said vessel and cargo belonged to Antonio Molina; at present witness is Master; was First Mate of the said vessel; there were three Spanish sailors, passengers, on board at the time of the capture; they were taken on board at Cape Mount to work their passage to St. Jago de Cuba, about the 11th January last; they had no interest in the said vessel or cargo; the present voyage commenced and was to have ended at St. Jago de Cuba, which was the last clearing port, and from thence the vessel went to St. Thomas (West Indies), where she shipped cloth, tobacco, trade knives, and powder; from St. Thomas she went to Cape Mount, where Antonio Molina landed with part of the cargo to make trade, and despatched witness in the vessel with the remainder of the cargo to trade for provisions and ivory down the Coast; anchored at Sestos and Grand Betu for that purpose, and purchased rice and live stock from the natives; the capturing vessel was first seen near Grand Betu, and capture took place about two hours afterwards, at 10 o'clock in the morning; does not recollect the day; was going down the Coast trading at the time; no attempt was made to escape; no additional sail was hoisted, nor was the vessel's course altered on sight of the capturing vessel; the Ship's Papers were for Princes Island; there was 1 gun, a few muskets and sabres, and a little ammunition, for the protection of the vessel; no resistance was made; there were no directions to make any, nor to avoid capture, or destroy, or conceal any of the vessel's Papers; Antonio Molina was the Owner of the vessel; knows of no other person; believes Molina resided in Galicia before he lived at Cuba; he knows nothing of a Bill of Sale, nor about the price of the vessel; believes the vessel and cargo, if restored, will belong to the said Antonio Molina; knows nothing of any private agreement; he knows only of Antonio Molina in connexion with the cargo; part of the cargo now on board was to have been disposed of, as before stated, for provisions and ivory on the Coast; and the remainder at Princes Island, on account of the said Antonio Molina; he knows nothing of the last voyage; the present cargo is aguardiente, cloth, trade knives, powder, and tobacco; was brought direct to Sierra Leone; all the Papers are true and fair; no Papers were destroyed, concealed, or made away with; he knows nothing of any Paper relating to the vessel or cargo being in any other country; he knows nothing about any Charter-party; he cannot say whether the vessel or cargo be insured; the vessel has been under the management of Antonio Molina; corresponds with him only in the concerns of the vessel and her cargo; bulk was first broken at Cape Mount; bulk has not been broken since capture."

The evidence of the Boatswain, Juan Guardia, was corroborative of that given by the Master.

On the 12th February, the Captor's Proctor brought in a Petition with special interrogatories, which he prayed might be put to the Master and Boatswain of the said vessel, to which the Court acceded, and they were accordingly examined thereupon the same day.

The Master deposed, that the "hatches are not fitted with open gratings; there are only two bulkheads, those of the cabin and fore-castle; there are 18 or 20 spare planks on board for stowing ivory upon; they are not fitted nor numbered to any part of the vessel to his knowledge; there were no shackles, bolts, nor handcuffs on board; there was only about half a pipe of fresh water on board; he does not recollect the number of casks; altogether they may contain 40 pipes, some of them were for palm-oil, and some for water; there were only 5 or 6 mess-tubs on board for the use of the crew; there was no copper boiler; there are only about 2½ bags of rice for the use of the crew; the hatchways are not fitted for iron bars; there are 4 or 5 iron bars on board, but not calculated for securing the hatches; the vessel is not fitted to receive a slave-deck; there are a few loose planks laid below for stowing goods upon."

The Boatswain confirmed, in every way, the above examination of the Master.

The Surveyors, on the 15th of February, sent in their Report, under the Commission of Survey of this vessel, which had been issued at the instance of the Seizors on the 12th, wherein they stated that "the main hatchway was larger than usually seen on board merchant-vessels, the after part of which was fitted with iron bars; the fore part of the grating was of wood boarded over; after hatchway grating was of wood boarded over; a bulkhead dividing steerage from main hold; a slave-deck laid and fitted fore and aft; 3 pairs of iron shackles fitted complete, also 6 spare iron bolts for shackles; 31 water-casks, of which 14 are leaguers, 16 puncheons, and 1 cask; in all, capable of containing 6000 gallons of water or thereabouts, a quantity more than sufficient for her crew; the cabouse much larger than usual for such a sized vessel; no boilers found on board; there were about 6 bushels of rice."

On the same day, the Proctor for the Captor prayed for the publication of the evidence taken in this cause, which was granted.

A Petition for a day of trial was presented on the 20th February, by the Captor's Proctor, which was indorsed by the Court, "Not granted, as the Treaty under which this vessel has been prosecuted cannot be fully carried into effect until some legislative enactment be had thereon."

The Monition, which was issued on the 11th February, was returned into Court on the 8th March last, certified by the Marshal to have been duly executed.

On the 21st July, the Proctor for the Captor again petitioned the Court for a day of trial, when the

23d was named for that purpose, and the Court met accordingly, and gave judgment herein to the effect following:—

This vessel has been seized and prosecuted by the Commander of the "Leveret" for being fitted, contrary to the recent Treaty with Spain, with a slave-deck, hatches with open gratings, and fitted with iron bars, and having more casks on board than were requisite for the crew; charges which, in our minds, are completely established by the evidence of the three sworn Surveyors who examined and reported upon this vessel.

In opposition to this testimony from three such perfectly disinterested witnesses as the Officers of the Court must be in such matters, we had only the denial of the Master and his Boatswain, and that, too, of facts respecting the equipment which were indisputable, and their unsupported assertions that the extra casks on board were for palm-oil.

We therefore pronounced, that the Spanish schooner "*Atafa Primo*" had been lawfully detained, and condemned her, together with the merchandize and stores laden therein, as good prize to the Crowns of Great Britain and Spain.

Sierra Leone, 16th August 1836.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

No. 42.

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

MY LORD,

Sierra Leone, 20th August, 1836.

WE have the honour of notifying to your Lordship that the Spanish schooner "*Zema*," under the command of her First Mate, José Zumarum, was detained on the 25th of last January, in 5° 0' north latitude, and 8° 57' west longitude, on the ground of being equipped for the Slave Trade, by His Majesty's brig "*Leveret*," Lieutenant Charles John Bosanquet commanding.

The "*Zema*" arrived here on the 12th February, and proceedings were immediately instituted against her, which were, in the ordinary time, brought to a conclusion. Her adjudication, however, was delayed until the 29th ultimo; when, upon the most satisfactory evidence, the "*Zema*" was condemned.

Our Report of this Case we beg leave herewith to transmit to your Lordship.

We have, &c.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

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

#### Enclosure in No. 42.

*Report of the Case of the Spanish schooner "Zema," José Zumarum, Acting Master.*

This vessel, belonging to the Island of Porto Rico, was navigated under the Official Documents described hereunder:

1. Royal Passport.
2. Fort Pass.
3. Muster-roll.

4 and 5. Certificates of Admeasurement, and that the "*Zema*" was allowed to sail under the Spanish flag, in consequence of having been purchased, with official permission, by the firm of Capetillo and Okeri, of Porto Rico. She was formerly the property of Rafael Pocaterra, of Danish St. Thomas, who sold her, as above mentioned, for 2,500 dollars.

6. Agreement with the crew.

Her destination, in all these Papers, was for St. Thomas and this Coast, to which she was to proceed direct, with which object she left Porto Rico on the 28th June, 1835.

The "*Zema*," however, put into Danish St. Thomas, on the plea of repairing her fore-mast, on the 1st, and sailed again on the 7th July following, and reached Cape Mount on the 29th of the subsequent month.

On the 25th January last the "*Zema*" was seen by His Majesty's brig "*Leveret*," Lieutenant Charles John Bosanquet commanding, near Setra-Kroo, and detained by that Officer for being equipped for a slaving voyage.

This vessel arrived in the harbour of Sierra Leone in charge of Mr. Jackman, as Prize-Master, on the 12th February, and the Marshal to the Court duly reported her on the same day.

The Proctor for the Captor presented a Petition, praying to be allowed to file an Affidavit of the Prize-Master, authenticating the Ship's Papers, with the Seizor's Declaration in the Case, and that the Monition be issued, and the witnesses in preparatory be examined on the standing interrogatories, which the Court allowed.

The Captor's Declaration stated that, "being on the 25th day of January, 1836, in or about latitude 5° 0' north, longitude 8° 57' west, he detained the schooner named '*Zema*,' sailing under Spanish colours, armed with 1 gun, a 9-pounder, commanded by Don Augustín Morales, José de Zumarum, First Mate, in charge, who declared her to be bound from the Island of Porto Rico to the Coast of Africa, with a crew consisting of a Captain, a Mate, a Boatswain, and 14 men, having on board a larger quantity of water, in casks, than was requisite for the consumption of the crew of the vessel; hatches with open gratings; a portion of plank fitted as a slave-deck; part of a boiler or galley larger than requisite for the use of her crew; and a great quantity of rice. And he further declared, that he considered her to be engaged in the unlawful traffic in slaves."

On the 15th February the witnesses in preparatory, José Zumarum, the Acting Master, and Pierre Christian, a seaman of this vessel, were examined.



The Master deposed, that he was born at San Fernando, near Cadiz, has always lived there, and has never served any State but Spain. The former Master, Augustin Morales, a Spanish subject, gave him the command about two months ago, at New Sestos. He was present when the vessel was seized; cannot say why she was captured; the vessel was under Spanish colours. Had a crew of 16 Officers and mariners (exclusive of the Master); only 4 are Spaniards, the rest are Dutch; all were hired at Porto Rico, in June last, by the said Augustin Morales. Neither he nor any other of the Officers or mariners had any interest in either the vessel or cargo. He was Mate on board until the command was given to him by the former Master Morales, whose illness obliged him to leave the vessel. The last clearing port was Porto Rico, and the present voyage commenced and was to have ended there; from Porto Rico the vessel went to St. Thomas (West Indies) to repair her fore-mast, and from thence to the Coast of Africa; touched first at Cape Mount, but did not anchor; went on to New Sestos and other places down the Coast, trading with the natives for ivory, rice, and live stock. The vessel's Papers were for St. Thomas and the Coast of Africa. The Owner of the vessel is Don Cassimero Capetillo, a Spaniard, residing with his wife and family at Porto Rico; knows him to be the Owner, because witness was hired by him. He knows only of Capetillo in respect to the cargo, and believes him to be the Owner. The cargo now on board was to be disposed of on the Coast of Africa or at St. Thomas, as they might find trade, believes on account of Capetillo. The vessel and cargo, if restored, will, he believes, belong to Capetillo, as he knows of no one else. He knows nothing about the last voyage. The present cargo is powder, muskets, cloth, aguardiente, cutlasses, and tobacco. He believes the Passport and other Papers to be true and fair. No Papers were destroyed, concealed, or in any manner made away with. He thinks bulk was first broken at Grand Bassa. Was captured on the 25th January last, and brought direct to Sierra Leone. Bulk has not been broken since the vessel was detained."

Pierre Christian corroborated the foregoing evidence of the Master, except as to the Ownership of the vessel and cargo, of which he stated himself to be ignorant.

The Proctor for the Captor, on the 15th February, petitioned for leave to have the witnesses in the cause examined on special interrogatories, which was carried into execution the same day.

José Zumarum, the Master, stated, that "the hatches are fitted with open gratings, but they are slight wooden ones for the purpose of admitting air to the provisions, and are not fitted for the reception of iron bars or bolts. There are no bars nor bolts on board for securing the hatches, to his knowledge. There are only two bulkheads, those of the cabin and fore-castle. There are only 3 or 4 spare planks on board for the necessary repairs. The vessel is not fitted to receive a slave-deck; no part of a slave-deck is laid. There are no shackles, bolts, nor handcuffs on board. There are about 15 or 20 pipes of water for the use of the vessel and for ballast. There may be 6 or 7 water-casks; cannot say how much they may hold; had them partly for the vessel's use and partly instead of ballast; that article being very expensive at Porto Rico. There are only 3 or 4 mess-tubs on board. There is no copper boiler on board. There are about 80 bags of rice, which were purchased on the Coast as cargo for Porto Rico."

The seaman, Pierre Christian, confirmed the above statements of the Master.

In order to prove the allegations set forth in the Captor's Declaration, as to the equipment of this vessel, his Proctor, on the 16th, petitioned that a Commission of Survey and Inspection be issued, which was acceded to.

The Surveyors in their Report under that Commission, dated the 18th February, declared, that "the main hatchway is larger than usually seen on board of merchant-vessels of her size, and fitted with wood gratings, with 3 iron hatch-bars for securing the same; after hatchway also fitted in like manner; a bulkhead dividing Captain's cabin from the hold of the vessel; a small quantity of boards were on board, but not sufficient to make a slave-deck. There are 35 water-casks, 11 of which are leaguers, 19 pipes, and 5 hogsheads, capable of containing 6000 gallons, or thereabouts, the greater part of which are now filled with water, a quantity more than sufficient for her crew; an extraordinary number of water-casks for a vessel of her size. A cabouse was found on board, but not larger than is required for a vessel of her size. Ninety bags of rice are on board, in all about 225 bushels, a quantity more than sufficient for her crew."

These proceedings closed the Captor's Case, and his Proctor then prayed publication of the evidence taken, which was granted on the 20th.

A Petition for a day of trial was presented on behalf of the Captors, which the Court refused, not being then constituted for completely carrying into effect the Treaty under which this vessel had been prosecuted.

The Monition, issued to the Marshal on the 13th February, was returned by that Officer into Court on the 8th March, certified to have been duly served.

On the 28th ultimo the Proctor for the Captor put in another Petition for a day of trial, which the Court granted: having received the requisite authority for the adjudication of Spanish vessels detained under the Treaty of June, 1835.

The 29th having been named for this purpose, the Court met, and after having heard read the evidence taken which clearly established that the schooner "*Zema*" was, when detained by His Majesty's brig "*Leveret*," equipped for the Slave Trade, contrary to the provisions of the Treaty between Spain and Great Britain of the 28th June, 1835, decreed the said schooner, her cargo and stores, to be lawful prize to the Crowns of Great Britain and Spain.

When this vessel was taken charge of, after her condemnation, by the Marshal to the Court, it was ascertained that some pieces of trade-cloth, a bale of tobacco, and 9 muskets, were missing, as appeared by the Inventory attached to the Seizor's Declaration. The last Prize-Officer, Mr. Henry Bond, gives the following explanation on this subject, with which we have reason to be satisfied:—"Mr. Jackman, who had charge of this vessel, died on the 24th July last, on which day I took charge, and everything then found on board was delivered over to the Marshal after her condemnation. I am aware there were several pieces of trade-cloth on board this schooner at the time of her capture, but I found none on taking charge of her."

*Sierra Leone, 20th August, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

No. 43.

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

MY LORD,

*Sierra Leone, 20th August, 1836.*

ENCLOSED we have the honour to lay before your Lordship our Report of the Case of the Spanish schooner "*Matilde*," José Maria de Arrate, Master, which was seized on the 5th of February last, off the Island of St. Thomas, on the Equator, for being equipped for the Slave Traffic, by His Majesty's brig "*Char-ybdis*," Lieutenant Mercer Commander; and upon which vessel sentence of condemnation was passed, on the 29th ultimo, by the British and Spanish Mixed Court established in this Colony.

The circumstances attending the detention, prosecution, and condemnation of the "*Matilde*" were very similar to those which appeared in the Cases of the "*Tres Tomasas*," "*Rosarito*," "*Atafa Primo*," and "*Zema*," which immediately preceded this vessel in the Court, and upon which vessels condemnation passed.

In the Bill of Sale of the "*Matilde*," which was found on board, it appeared that the late Master, Arrate, purchased her on the 19th February, 1835, from one Manuel Manzareda, and that on the 6th of October following he resold it to Roque de Aurmensa, who is described as a merchant of Havana. Arrate hired, as he alleges, this vessel from the new Owner, for a voyage to St. Thomas, for 5,000 dollars, equal to 1,083*l.* 6*s.* 8*d.* sterling; being at the rate of £10 per ton for the vessel, the said Owner shipping himself, as is frequently the case, in the capacity of First Mate.

Whilst the "*Matilde*" was the property of Arrate, she made one successful slaving-voyage, as appears by the Havana lists, wherein she is shown as sailing on the 7th March for this Coast, and returning thence to Havana on the 13th September, 1835, under the command of Jacinto Presas, whose name appears in the Royal Passport of this vessel.

We beg your Lordship's attention to the statement in the Official Report of the Surveyors to the Court, that this vessel was provided with a cooking apparatus not larger in appearance than usually seen in merchant-vessels of her size, but so constructed with slides and bolts as to admit of its being made double the size, which they found it. Our object in bringing this circumstance under your Lordship's notice is to request instructions as to whether we ought not to consider that a cooking apparatus of the description above mentioned, although not coming within the literal meaning of the wording of the 8th Section of the 10th Article of the Treaty with Spain, yet as being within the true intent and meaning of the spirit of the Section of the Article referred to.

The evasion adopted on this occasion has not given rise to any important point in the adjudication of this vessel, as she came fully and clearly within the meaning of several other Sections of the Equipment Article, and her condemnation passed as a matter of course. It is, however, with a view to regulate our conduct in future Cases, when we may reasonably anticipate the practice of every evasion and trickery which human ingenuity or cupidity can devise in pursuit of riches; and when, therefore, it will be incumbent on the Mixed Courts to put that liberal construction on the provisions of the Treaty which only a knowledge of the intentions of the High Contracting Parties in respect thereto will permit of their doing.

We have, &amp;c.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 43.

*Report of the Case of the Spanish schooner "Matilde," José Maria Arrate, Master.*

The Spanish schooner "*Matilde*" left Havana with a general assortment of merchandize, on the 8th November 1835, destined to the Island of St. Thomas, on the Coast of Africa, with an avowed intention of pursuing legitimate commerce.

This destination, as well as the object of the voyage, is mentioned in all her Ship's Papers which were furnished by the Colonial Authorities at Havana, and are of the usual form and description.

They consist of a Royal Passport, No. 125, originally issued at Havana, on the 2d March 1835, to Jacinto Presas; the Passport was altered in favour of the late Master, José Maria de Arrate, on the 4th November following; Muster-roll, Fort Pass, Official Manifest of the cargo, Articles of Agreement with crew, and Certificate of Bill of Sale.



The voyage of the "*Matilde*" was not direct to St. Thomas, as she touched at Accra, where bulk was first broken, for the alleged purpose of purchasing provisions, and afterwards at Calabar to repair the rigging. After reaching St. Thomas, the Master was not allowed to dispose of all his cargo, as had been his original intention; he therefore left that Island in consequence of the adventure having proved unsuccessful, and was, as he alleges, on his way to Havana, when detained by Lieutenant Mercer, Commander of His Majesty's brig "*Charybdis*," on the 5th February, 1836, for being furnished with illegal articles of equipment.

The Marshal to the Court reported the arrival of the "*Matilde*" on the 4th March; and on that day the Captor's Case was commenced by his Proctor. The Court then granted a Petition to file the Papers of this vessel, with the Prize-Officer's Affidavit that they were delivered up in the condition in which they were when seized; for the usual Monition to issue; and for the examination of the witnesses in the Case, on the standing interrogatories, to be proceeded with. The Captor, Lieutenant Mercer, states in his Declaration that, "on the 5th day of February, 1836, being in or about latitude  $0^{\circ} 10'$  north, longitude  $7^{\circ} 20'$  east, he detained the schooner named the '*Matilde*,' sailing under Spanish colours, armed with 2 guns, 8-pounders, commanded by José Maria de Arrate, who declared her to be bound from Havana to St. Thomas on the Coast of Africa, with a crew consisting of 22 men, 1 boy, and 30 Spaniards, said to be the crews of other slavers, but not satisfactorily accounted for, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and not being noticed in the Muster-roll; and having on board an extraordinary number of water-casks, without any Certificates from the Custom-house; a greater quantity of mess-kids than are requisite for the use of the crew of the vessel; a number of shackles and bolts; an extraordinary quantity of farina more than sufficient for the use of the crew, the same not being entered on the Manifest as part of the cargo for trade; also a quantity of spare planks."

To support the allegations set forth in the before-mentioned Declaration, the Captor's Proctor petitioned, on the 7th of March, that a Commission of Survey and Inspection might be issued, with the view of ascertaining the real nature of the outfit of the detained vessel. A Commission was accordingly prepared on the 8th, and the sworn Report of the three Surveyors appointed to carry it into execution received two days afterwards. The result of this investigation terminated in a strong corroboration of the statements made by the Captor in his original Declaration. The Report is to the following effect:—

"We found the main hatchways much larger than usually seen on board merchant-vessels of her size, with holes in the sides to admit hatch bars, at present boarded over to avoid suspicion; after-hatchway fitted in the like manner; found a small quantity of boards marked, but not sufficient to make a slave-deck.

"We found  $10\frac{1}{2}$  pairs of shackles; we found 30 water-casks, 16 of which were leaguers, and 14 pipes and puncheons, the whole capable of containing 9,000 gallons, the greater part filled with water, a quantity more than sufficient for her crew.

"An extraordinary number of water-casks for a vessel of her size.

"We found 28 mess-kids; the cabouse not larger than usually seen on board of merchant-vessels of her size, but constructed with slides and bolts, so as to admit of its being made double its size.

"We found a quantity of farina in casks and bulk, in all about 3 tons weight, a quantity more than sufficient for her crew."

The examination of the witnesses in preparatory on the 14th March, on the standing as well as on special interrogatories, formed by the Court to meet the question of equipment, constituted the next stage in the proceedings of the Seizors. The Master, José Maria de Arrate, deposed, that "he was born at Biscay, but has lived in Havana for the last 5 years; has never served any State but Spain.

"He appointed himself to the command, having hired the vessel from the Owner, Roque Aurmensa, who was First Mate on board, and who was put ashore by the capturing Officers with others of the detained people; is a Spanish subject, and resident of Bilbao; witness took possession from Aurmensa, in Havana, in October last; he does not know for what reason the said vessel was captured; was on board at the time; had no colours but Spanish; he has never heard of any name for the said vessel but '*Matilde*;' she is 106 tons burthen, and has 23 Officers and marines (exclusive of witness), all Spaniards, and shipped and hired by witness, at Havana, in the beginning of last October; the said Roque Aurmensa is the sole Owner of the said vessel; and witness himself sole Owner of the cargo; none other of the Officers or mariners had any interest in either; there were 29 passengers; 23 were put on board by his Britannic Majesty's brig '*Lynx*,' near the Calabar, in January last, to be taken to St. Thomas, being the crew of the Spanish vessel '*Vandolero*,' captured by the '*Lynx*;' witness took the said 23 men to St. Thomas, but the Government of that Island would not allow him to land them, and he was forced to take them away again; and at the same time, 4th February, he took on board other 6 Spanish seamen, who begged a passage to Havana; the last clearing port was Havana, where the present voyage began and was to have ended; from Havana the vessel proceeded to Accra, where she anchored, and took in fresh provisions; from thence proceeding on towards St. Thomas, witness found it necessary to anchor on the Calabar Coast to repair his rigging; had no communication with the shore, but in 2 days went on to St. Thomas, where he shipped a quantity of water, wood, farina, and pigs for the passengers; and, not being allowed by the Government of St. Thomas to dispose of his cargo on that Island, he was making the best of his way back to Havana when captured; the capturing vessel was first seen about 15 leagues east of St. Thomas, at daybreak, the morning after they had sailed thence, and capture took place about an hour and a half afterwards; there was no chase, and it was quite calm, and witness made no attempt to escape; the vessel's Papers were for St. Thomas, and her course was always, weather permitting, for that place; no resistance was made; there were no instructions to make any, or to avoid or escape capture, or to destroy or conceal any of the vessel's Papers; there is a Bill of Sale of the vessel amongst the Ship's Papers; he (witness) is the sole Owner, lader, and consignee of the cargo; it was to have been disposed of on witness's sole account at St. Thomas; the present cargo is a general one, and particularized in the vessel's Papers; was taken back to the Coast of St. Thomas, and thence to Sierra Leone; all the Papers are true and fair; the agreement between himself and Aurmensa was a verbal one; witness was to give 5,000 dollars for the voyage; neither the vessel nor cargo is insured; the vessel has been under the management of witness."

In continuation of the Master's examination on the special interrogatories regarding the equipment of his vessel, he further states, that "the hatches are not fitted with open gratings; the combings

of the hatchways have been originally bored, but the holes are now plugged up; there are no iron bars on board except 3, one to go across each hatchway to lock it down, common in all merchant-vessels; there are only the bulkheads of the cabin and fore-castle; there are no spare planks on board; there is no part of a slave-deck laid; there are  $10\frac{1}{2}$  pairs of leg-irons on board to keep the crew in order; there are 16 large and 8 small casks; there is no tank nor any staves on board; those casks could contain about 45 pipes; they were intended chiefly to be used, when filled with water, as ballast; there might be about 15 pipes of fresh water on board at the time of capture; there were about 25 mess-tubs for the crew to eat out of; there was 1 small copper boiler on board, used as a place of safety for the vessel's powder, and intended for that purpose only; there was 1 pipe of rice; about 35 bags of Cassada flour for the crew and passengers; the Cassada flour was purchased at St. Thomas, expressly for the purpose of feeding the people put on board the said vessel by the 'Lynx.'"

Nicolas de Echevarria, the Second Mate, underwent the like examination as the Master, in which he corroborated the most important points elicited by the evidence of his superior Officer, with but two exceptions, his ignorance of the Owner of the vessel, and of the existence of a Bill of Sale; the testimony of this witness, however, on the question of the "*Matilde's*" outfit, whether intentional or unintentional, is in some measure less conclusive than that of the Master, as his admissions on this subject are much less numerous, and much more indistinct.

With the proof which has just been detailed at length, the Captor's Proctor completed his client's case; for the publication of which he petitioned on the 17th March, which was granted.

On the 14th April the Monition was returned into the Court, with the Marshal's Certificate of its due execution. But as this vessel was subjected to the same delay as others in similar circumstances, in consequence of the non-arrival of the Act of Parliament, the Court could not grant the Petition for a day of trial, which was presented by the Captor's Proctor on the 25th April.

In accordance, however, with a second Petition, which had been brought under the notice of the Court on the 25th of July by the Seizor's Proctor, for a day of trial, the Court met for the adjudication of the "*Matilde*" on the 28th ultimo. It then appearing, on satisfactory proof which had been previously read by the Registrar, that the hatches of the vessel were larger than usual in merchant-vessels, and also fitted for the reception of iron bars; that there were some numbered planks on board; that there were  $10\frac{1}{2}$  pairs of shackles; 30 water-casks capable of containing 9,000 gallons of liquid; the cabouse so constructed as to admit of considerable enlargement; and about 3 tons weight of farinha, a quantity more than requisite for the consumption of the crew; the Court pronounced the Spanish schooner "*Matilde*" to have been illegally equipped, according to the 10th Article of the new Treaty, when detained by His Majesty's brig "*Charybdis*," and therefore decreed her condemnation, together with her cargo and stores, as a good and lawful prize to Great Britain and Spain.

Sierra Leone, 20th August, 1836.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

No. 44.

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

MY LORD,

Sierra Leone, 20th August, 1836.

WE have the honour to report to your Lordship, that the Spanish brigantine "*Felicia*," José Martinez Viademonte acting as Master, was detained off the entrance of the Bonny, on the 2d ultimo, by His Majesty's brigantine "*Buzzard*," under the command of Lieutenant P. Campbell, with 395 slaves on board, who had been embarked from the shore on the same day.

On the 25th ultimo, the day of the "*Felicia's*" arrival here, the usual proceedings were commenced against this vessel in the British and Spanish Mixed Court of Justice, and brought to a termination on the 2d instant, when the Court met for her adjudication. The clear and explicit nature of the evidence produced on the part of Captors fully established the fact of the illegal employment of the "*Felicia*," when detained by His Majesty's brigantine "*Buzzard*;" and that vessel was therefore pronounced a legal forfeiture to the Crowns of Great Britain and Spain, and a decree of emancipation passed on the 355 slaves.

Immediately before the capture of the "*Felicia*," the Master and supposed Owner of her, Manuel Prendes Heira, deserted his vessel in the Pilot's canoe, taking with him 24 of the slaves, and the most important Ship's Papers,—the Passport, Muster-roll, and Manifest of the cargo from Havana. The evidence, however, of the 2 Mates of this vessel was so satisfactory, as to obviate any inconvenience which might have arisen from the absence of these Documents in the adjudication of this vessel.

The Report of this Case we have the honour to enclose herewith for your Lordship's information.

We also beg leave to lay before your Lordship Copy of a Letter which Mr. Benjamin Fox, the Prize-Officer of the "*Felicia*," has obligingly written to us at our request; by which your Lordship will observe, that this vessel was fitted out in a manner well calculated to avoid seizure under the Equipment Article of the new Treaty with Spain, on her voyage from Havana to this Coast, and even until the actual embarkation of the slaves with which she was seized, as previous to that occurrence the Master would not, of course, have shipped any of the slaving-equipment, which he had had prepared in the Bonny.

We have, &c.

WALTER W. LEWIS.  
H. D. CAMPBELL.

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

## First Enclosure in No. 44.

*Report of the Case of the Spanish brigantine "Felicia," José Martinez Viademonte acting as Master."*

THIS vessel, with a cargo of slaves on board, was seized by His Majesty's brigantine "Buzzard," Lieutenant Patrick Campbell commanding, in the entrance of the river Bonny, on the 2d July, and sent here for adjudication.

On the approach of the boats of His Majesty's brigantine to board the "Felicia," Manuel Prendes Heira, the Master, under whose command she had come to the Bonny from Havana, embarked in the Pilot's canoe about 24 of the slaves, with whom he proceeded on shore, carrying with him the Passport, Muster-roll, and Fort Pass of this vessel, which had been granted to her on leaving Havana.

The only Papers which Lieutenant Campbell found on board of his prize were 2 Log-books of the voyage in which the "Felicia" had been seized, and a Certificate of the nautical qualifications of the First Mate, now acting as Master.

The "Felicia" reached this port on the 25th ultimo, and was on that day duly reported by the Marshal to the Court, and the slaves on board of her visited at the same time by the Surgeon.

The general appearance of the slaves in this vessel the Surgeon reported to be healthy; there were, however, a great number of cases of *craw-craw*, of a type of more than ordinary severity, 3 cases of confirmed mania, 7 of purulent ophthalmia, exclusively among the women and girls, and a few cases of ulcer. From these causes, and the inadequate accommodation of the vessel, the Surgeon strongly recommended the immediate landing of the slaves, in number 359, which was effected on the usual application being made to the Colonial Authorities, who received the healthy at the Liberated African Department at Freetown, and the sick at the Lower Hospital at Kissy.

On the 26th ultimo, proceedings on the part of the Captors were instituted against the "Felicia," and that vessel regularly brought before the British and Spanish Mixed Court of Justice. The vessel's Papers, with the Prize-Officer's Affidavit authenticating them, and the Captor's Declaration, were received and filed; the usual Monition citing all interested parties to appear was issued; and the witnesses in preparatory directed to be examined.

The Captor's Declaration states, "that on the 2d day of July, 1836, being in latitude 4° 24' north, longitude 7° 0' 8" east, he detained the brigantine named the 'Felicia,' sailing under Spanish colours, armed with 2 carronades, commanded by the First Mate, Martinez Viademonte, in the absence of the Master, who was on shore in the Bonny, who declared her to be bound from Jeu-Jeu town, River Bonny, to Havana, with a crew consisting of 24 men and 4 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof; and having on board 401 slaves, said to have been taken on board at Jeu-Jeu town, River Bonny, on the 2d July, 1836."

The witnesses in preparatory, José Martinez Viademonte, the Acting Master, and Jayme de Michalena, the Second Mate, underwent examinations on the standing interrogatories on the 27th ultimo.

The Master's deposition was to the following purport, viz:—"That he was born at Ferrol, and lives there; has never served any other State but Spain, and is unmarried. He took the command on the former Master quitting the vessel in the Pilot's canoe on sight of the man-of-war's boats; this took place in the Bonny on the 2d instant; the name of the other Master was Manuel Prendes Heira, a Spanish subject, and a resident of Asturias; witness first saw the said vessel in March last at Havana; she is American built. He was on board when the vessel was captured for having slaves; had no colours but Spanish. The vessel has borne no other name to his knowledge than 'Felicia;' she is 126 tons burthen, and had 28 Officers and mariners, exclusive of former Master, all Spaniards, shipped and hired by the former Master in Havana in March last. Neither he nor any of the Officers and mariners had any interest in either the vessel or cargo; was First Mate on board; there were 2 Spanish seamen passengers, does not recollect their names; neither of them had any interest or authority in regard to the vessel or cargo. The last clearing port was Havana, and the voyage commenced and was to have ended there; from the Havana the vessel went direct to the Bonny, where she lay about 32 days, and 425 slaves were shipped from the shore; of these about 24 were taken ashore by the Master when he quitted the vessel. The capturing vessel was first seen off the mouth of the Bonny, the day after her boats had captured the 'Felicia,' as that vessel was coming out of the river; capture took place about 11 o'clock on the 2d July; the vessel's Papers were for the Bonny, and she went nowhere else; she was returning to Havana when captured. There were 2 guns, 22 muskets, and a few cartridges, for defence; no resistance was made; there were no instructions to make any, or to avoid capture, or to conceal or destroy any of the Papers. The former Master was (witness believes) the Owner of the vessel; he is a Spaniard by birth. He does not know whether there was any Bill of Sale, and is quite ignorant of everything connected with the purchase of the vessel; believes the vessel, if restored, will belong to the Master. He is ignorant who are the laders, Owners, and consignees of the cargo; believes the slaves were to have been landed on the Coast of Cuba; does not know for whose account, and cannot say who they will belong to if restored. He knows nothing of the last voyage; 425 slaves were shipped altogether; none died before capture; about 34 have died since; after capture the vessel was taken direct to Sierra Leone. He believes the Papers found on board were all true and fair. The Master, when he went ashore, took the vessel's Papers with him, viz., the Passport, the Muster-roll, and the Contraseña; they were Spanish Papers, issued in Havana. He knows of no Papers in any other country relating to the vessel or cargo, except those carried away by the Master. He does not know whether the vessel or cargo be insured; the vessel was under the management of the former Master in regard to her trade."

The evidence of the Second Mate, Jayme de Michalena, corroborated every material point elicited in the examination of the Master of the "Felicia."

On the 28th July, 1836, another Petition, with the Prize-Officer's Affidavit annexed to it, to account for the number of deaths which had taken place amongst the slaves in the passage hither and prior to adjudication, was presented and allowed to be filed. It appeared from the Affidavit in question, that 34 slaves, 4 of whom committed self-destruction, had died during the voyage to Sierra Leone, and 2 subsequent to the arrival of the "Felicia" in this port, but before measures could be taken for landing and placing them in the custody of the Colonial Government.

The Captor's Proctor then petitioned for the publication of his client's Case, which was granted by the Court on the 28th July.

After these proceedings had been executed, nothing remained to complete the Case but the customary

Petition for a day of trial, which was presented and endorsed for the 2d August, on which day the Monition would expire. The Monition, which was issued on the 26th July, was returned, with the Marshal's Certificate of its having been duly served on the 2d August, when the Court met for the adjudication of this vessel.

This is the second Spanish vessel taken on this Coast with a cargo of slaves since the new Treaty with Spain has come into operation, and presents in all its features a clear and simple Case. The evidence adduced by the Captor's Proctor in substantiation of the fact of illegal Slave-trading on the part of the detained vessel, coupled with the admissions of the Acting Master and the Second Mate of the "*Felicia*," in their examinations in chief, was perfectly conclusive against this vessel. The Court therefore pronounced the condemnation of the Spanish brigantine "*Felicia*" as good and lawful prize to the Crowns of Great Britain and Spain, and decreed the emancipation of the surviving slaves, in number 335; and it declared, that it had been proved that there were 401 slaves on board at the time of this vessel's capture.

*Sierra Leone, 20th August, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

### Second Enclosure in No. 44.

(Copy.)

*Mr. Fox to His Majesty's Commissioners.*

GENTLEMEN,

*Sierra Leone, 3d August, 1836.*

IN answer to your inquiries regarding the state in which the "*Felicia*" left Havana, I beg to give the following statement, told me by the Second Mate of the above vessel.

On her sailing from Havana she had the usual closed hatches; but had on board, as part of her cargo, bar iron, which was converted into bars for securing the hatches in the River Bonny.

In this river also she cut the small hatches for admitting the air to the slave-rooms.

Shackles were stowed underneath all the cargo.

A clearance had been regularly taken from the Custom-house in Havana for the water-casks, for the purpose of holding palm-oil.

A large quantity of rice and farina was also entered on the Manifest as part of the cargo.

Her boiler was so attached to the usual ship's copper, as to be easily disconnected; and, in case of being chased by a man-of-war, would, together with the mess-kids, have been thrown overboard.

She had a large quantity of plank, but not fitted or marked.

I have, &c.

(Signed)

BENJAMIN FOX.

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

### No. 45.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30.)*

MY LORD,

*Sierra Leone, 5th September, 1836.*

His Majesty's brigantine "*Fair Rosamond*," under the command of Lieutenant George Rose, fell in with, on the 29th January last, in latitude 4° 17' north, and longitude 2° 10' east, the Spanish brig "*El Explorador*," which vessel Lieutenant Rose detained on a charge of being equipped for the Slave Trade.

Upon this charge the "*Explorador*" was prosecuted before the British and Spanish Mixed Court to condemnation on the 10th ultimo, upon evidence of the clearest character, as our Report of that Case, which we have the honour to transmit to your Lordship herewith, will show.

This vessel sailed from Havana in April, 1835, under the command of José de Inza, the late Master of the "*Solitario*," a slave-brig belonging to the same Owners as the "*Explorador*," and in which vessel Inza made a successful voyage.

From the 2 Letters of Instructions from the Owners of "*El Explorador*" to Inza, the late Master, Copies of the translations of which are subjoined in our Report of this Case, much information is to be obtained.

It appears in those Papers, that the notorious Pedro Blanco, of the Gallinas, is the chief partner in the Slave-trading firm of Blanco and Carballo of Havana; from which city he returned to this coast as passenger in "*El Explorador*," on her outward voyage, in April of last year. The Papers in question also exhibit Char Char, *alias* Francisco Feliz de Souza, as a correspondent and debtor of the house of Blanco and Carballo, and who has a share in this vessel, but who does not rank highly in the estimation of the firm, if their instructions can be any guide on the subject.

The correspondents of this eminent Slave-trading firm at Havana are described as being Pedro Muir and Company of Matanzas; Peter Harmony and Company, New York; Robert Barry, of Baltimore; Pedro Cuarch, of Porto Rico; Rafael de Maio and Brothers, of St. Jago de Cuba; and Fernandez Barteda and Company, of Trinidad (de Cuba).

In Pedro Blanco's Letter of advice, Inza is cautioned against landing his cargo

irregularly at St. Paul's de Loando, and enjoined not to ship 1 "package" previous to his getting outside the harbour of that port. Beans and peas, which could only be needed as food for a cargo of slaves, he was instructed to ship at Ambriz on his way down to Loando; and as the evidence establishes that he landed part of his cargo from Havana at St. Paul's, and shipped nothing in return, the only inference that can be drawn is, that slaves formed the return cargo at Loando.

To Bahia this vessel went from Loando. No cargo whatever, it is alleged, was landed at Bahia; but rum, tobacco, and provisions were shipped there, with which "*El Esplorador*" returned to this Coast; a statement which is quite confirmatory of the supposition of her having carried slaves from Loando to Bahia.

The "*Esplorador*" was formerly the "*Emilio*," and was built at Catalonia in January, 1834. She was sold by her original Owners, Messieurs Pedro Sust and Sisa, and Francisco Roig and Roig, of Havana, and José Prats, of New Orleans, to Cenon Ignacio de Aldecoa, on the 17th March, 1835, for 9,250 dollars, a sum equal to £2,004. 3s. 4d. Aldecoa shipped himself as First Mate of the "*Esplorador*," under Inza, the late Master, and was in command of her when she was captured.

We have, &c.

(Signed)

WALTER W. LEWIS.

H. D. CAMPBELL.

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

&c.

&c.

&c.

#### First Enclosure in No. 45.

*Report of the Case of the Spanish brig "El Esplorador," Cenon Ignacio de Aldecoa, Acting Master.*

THE Papers furnished to the Spanish brig "*El Esplorador*" are similar to those usually granted to vessels of her description; some of these were detained at Havana, and others at the Spanish Vice-Consulate at Bahia.

The Documents alluded to are of the following description:—

1. Royal Passport.
2. Muster-roll.
3. Fort Pass.

4. Bill of Sale: to which are attached a Custom-house Manifest, given at Havana; a Certificate of Admeasurement from the Consulate at Bahia; and Papers purporting to be Certificates of the payment of duties there.

5. A Letter of Instructions to the Master, signed by the firm of Blanco and Carballo, of Havana, his employers; the former of whom is a resident of Gallinas, near this Colony, and is notorious amongst slave-dealers as Pedro Blanco, which appears to be his correct name.

6. A second Letter of Instructions, bearing merely the private mark, or "rubrica," of Pedro Blanco, a practice common among Spaniards. This Letter was written at the Gallinas on the 3d of June, 1835. As both these Documents tend to throw considerable light on the mysterious transactions of those who pursue the traffic in slaves, and to identify the names of the various Agents whom they employ to aid them in their nefarious adventures, we have attached Copies of them to this Report.

7. A Log-book of the voyage.

From these Documents it appears, that this vessel made 2 voyages to the Coast of Africa with the same customary Ship's Papers; such as the Passport, Muster-roll, and Fort Pass, without returning to Havana; and that the additional Papers obtained at Bahia were given to her by the Spanish Vice-Consul at that port, after her return from St. Paul's de Loando, whither she had been directed to proceed from the Gallinas by Pedro Blanco, who landed there in June, 1835. The course of these 2 voyages to the Coast of Africa, one of which may be inferred to have been successful, can be thus traced by the Papers, and more particularly by the Log-book, which were delivered up at the time of her detention by the Acting Master.

The "*Esplorador*" left Havana on the 15th April, 1835, bound for St. Thomas, on the Coast of Africa. She, however, proceeded direct to the Gallinas, where the senior partner of the said firm of Blanco and Carballo was landed, and from whom the Master received the before-mentioned instructions (Enclosure No. 2.), under date of the 3d June, 1835, for the future direction of the voyage. The vessel then went to Whydah, whence she left for St. Paul's de Loando on the 28th June. At Loando she was detained until the 21st August, when "*El Esplorador*" left the Coast of Africa: thus effecting her first visit, crossed the Atlantic, and arrived at Bahia on the 9th September. At this time and place the other Papers were procured from M. Machado, the Spanish Vice-Consul. On the 26th of the same month "*El Esplorador*" departed from Bahia, and a second time reached the Coast of Africa. After touching at various places on the Coast, as is usual with slave-vessels, and with an intention of revisiting Whydah, this vessel was detained, on the 29th January, 1836, by His Majesty's schooner "*Fair Rosamond*," Lieutenant George Rose commanding, for being equipped for the Slave Trade.

On the 4th March the Marshal reported the arrival, and the circumstances attending the capture of the "*Esplorador*;" and on the following day this vessel was regularly brought before the Court, when the Ship's Papers and the Captor's Declaration, with the Prize-Officer's Affidavit of authentication, were filed; the Monition was issued, and the witnesses in preparatory directed to be examined.

Lieutenant Rose made the following Declaration at the time of capture:—"That on the 29th day of January, 1836, being in or about latitude 4° 17' north, and longitude 2° 10' east, he detained the brig named the "*Esplorador*," sailing under Spanish colours; had no guns; in charge of the Mate, who

stated that the Captain was on shore, that he neither knew where he was from, or where he was bound; but afterwards stated that he was 1 day from Aqué, bound to Whydah, with a crew consisting of 28 men, 1 boy, no supercargo, no passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof; and having on board no slaves, but being equipped for the Slave Trade."

The Proctor for the Captor, on the same day, presented a Petition for the issue of a Commission of Survey and Inspection. The object to be gained by this proceeding was a correct knowledge of the equipment of the detained vessel, in order to substantiate the Seizor's allegations on this point. The Surveyors, appointed to execute this Commission, sent in their Report on the 8th March, and it was then attested on oath before the Registrar. Its substance was strongly conclusive of the Captor's charges of equipment for the Slave Traffic; for it proved that there were on board  $1\frac{1}{2}$  pair of shackles; that beams were laid and fitted for a slave-deck, with planks marked and numbered to complete the same; that there were 56 casks on board capable of containing 12,500 gallons of water, which casks were then full of water; and that she had on board 150 bushels of farina, about 40 bushels of rice, and about 80 bushels of beans: thus establishing that she was fitted out according to 5 of the 9 Sections of the 10th Article, which specify the articles constituting illegal equipment.

The 2 witnesses produced for examination were, the First Mate, Cenon Ignacio Aldecoa, who took command in the absence of José de Inza, who was on shore at Whydah at the time of capture, and Tomas de Arbeta, the Boatswain of the detained vessel.

Cenon Ignacio de Aldecoa deposed, that "he was born and has always resided at Bilbao; has served no State but Spain. Was placed in command by the former Master, José de Inza, when he went ashore at Whydah in November last, for the purpose of trading. Inza is a Spanish subject, resident at Malaga; he first saw the said vessel in January last, at Havana; she was built in Catalonia. Was present at the time of capture; does not know upon what pretence the vessel was seized; she had no colours but Spanish. The vessel has been called '*El Explorador*' since April last; her former name was '*Emilio*;' is about 116 tons burthen, and had 28 officers and mariners (exclusive of Inza), all Spaniards except 2, the Second Mate and a mariner, who are Portuguese; they were all hired and shipped in April last, by the said Inza, at Havana. He himself was the sole Owner of the vessel, and believes Inza to have been the Owner of the cargo; none of the Officers and mariners had any interest in either; there was no passenger. Witness was First Mate until the Master Inza went ashore, when he took temporary command. The present voyage commenced and was to have ended at Havana; the last clearing port was Bahia; from Havana the vessel went to Gallinas, where she lay about 4 or 5 days, and the Master Inza took some biscuit, wine, and hams on shore, a present to a Spaniard residing there, whose name witness is not acquainted with; from Gallinas the vessel proceeded to Whydah, where she stayed 6 or 7 days, and the Master went ashore, but did not trade; thence they proceeded to St. Paul's de Loando and landed part of the cargo, and after remaining there 20 days proceeded to Bahia, where Inza purchased some tobacco, rum, and provisions; and after staying there about 3 weeks returned to the Coast of Africa, and anchored at Elmina, and disposed of some tobacco for gold-dust; and in 4 or 5 days weighed for Whydah, where the Master went ashore with the cargo to trade, and witness went to Cape St. Paul's and purchased fresh provisions, and was proceeding to Elmina, for the purpose of endeavouring to procure more gold-dust, when he was captured. The capturing vessel was first seen about 6 in the morning of the 28th January; does not recollect the latitude; capture took place about 8 in the evening of the same day; the vessel was proceeding towards Elmina when pursued; her course was altered and additional sail hoisted, as witness did not know but that the vessel in chase was a pirate; the vessel's Papers were for St. Thomas, Princes, and the Coast of Africa. There were no guns, but about 20 muskets, and as many cutlasses on board; no resistance was made; there were no instructions to make any, or to escape or avoid capture, or for destroying or concealing any of the vessel's Papers. He is the sole Owner of the captured vessel. There is a Bill of Sale which was given up at the time of capture; the whole of the price was paid when the Document was signed; the sale was a true one. He knows only of the said Inza in connexion with the cargo; the cargo now on board was to have been bartered at Elmina for gold-dust, ivory, country cloths, &c., and for the account and risk of the said Inza. The cargo of the vessel, on her last voyage, was flour from New Orleans; her present cargo is aguardiente and a little tobacco; the vessel was carried after capture to Princes Island, and thence to Sierra Leone. The Passport and other Papers were all true. There are no Papers relating to either the vessel or cargo in any country to his knowledge, except the agreement between himself and Inza for the hire of the vessel. There was a Charter-party between Inza and himself, signed at Havana, in April last; witness's copy was left at Havana with one José Maria de los Rios; that belonging to Inza he has on shore with him at Whydah; the agreement was, that Inza should pay 5,000 dollars for the hire of the vessel upon her discharging cargo at Havana. Bulk was first broken at St. Paul's de Loando."

With all these particulars of evidence, the Boatswain's testimony accorded, save in his ignorance of the price paid for the vessel, and of the existence of a Bill of Sale and Charter-party.

The First Mate, Cenon Ignacio Aldecoa, underwent, on the same date, another examination as to the equipment of his vessel, which, notwithstanding his evident reluctance and evasion, forms a convincing support of the similar evidence elicited by the sworn Report of the Surveyors. He states, that "the hatches are not fitted with open gratings; that they are not fitted for the reception of iron bolts or bars: that there are no bolts and bars on board for the purpose of securing the hatches. There are the bulkheads of the fore-castle and cabin only. There are about 100 planks on board, not fitted or numbered to any part of the vessel, but intended to be laid above the palm-oil casks to stow country cloths, and other articles to be purchased on the Coast, and to keep them clean; that the vessel is not fitted with grooves for the reception of a deck for the stowage of dry goods; and that there is no part of a slave-deck laid. There were neither shackles, bolts, nor handcuffs on board. There were about 80 pipes of fresh water, chiefly taken on board at Cape St. Paul's for ballast, and the use of the crew; fresh water generally being difficult to be had on the Coast. Cannot say exactly the number of casks that are filled with water; but, besides them, there were 20 empty aguardiente and beef barrels. There are only 3 or 4 mess-tubs on board for the use of the crew. There is no copper boiler on board. There were about 14 bags of rice and 1 barrel of flour on board, for the use of the crew."

The examination of the Boatswain on the same subject terminated in a clear corroboration of Aldecoa's testimony.

The mass of evidence in support of the Captor's charges being thus collected, his Proctor, on the 10th March, petitioned for and obtained the publication of his Case. Two days subsequent to this proceeding, the Monition, with a proper Certificate of its execution, was returned into Court by the Marshal.

In this Case, as in many others which preceded it of a similar bearing, the first Petition for a day of trial, which was brought under the notice of the Court on the 30th March, could not be granted, from the delay in the legal operation of the Treaty of June, 1835. But when this obstacle had been removed, the Court, in accordance with a second Petition for a day of trial, under date of the 9th August, proceeded on the following day to adjudicate the "*Esplorador.*"

Upon a deliberate review of the evidence adduced, the Court could come to no other conclusion than that the Seizors had succeeded in proving their charges against the detained vessel. For it satisfactorily appeared that there was a slave-deck on board;  $1\frac{1}{2}$  pair of shackles; that there were 56 casks on board which would contain 12,500 gallons, and which were filled with fresh water at the time of seizure; and that there was a quantity of provisions on board, when she was detained, far more than requisite for the use of the crew. With such strong facts before them, and without any testimony to establish that such equipment was for lawful purposes, it only remained for the Court to pronounce the condemnation of the Spanish brig "*El Esplorador,*" and the forfeiture of her cargo and stores to Great Britain and Spain, for having been found transgressing the 10th Article of the Treaty of the 28th June, 1835.

*Sierra Leone, 5th September, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

### Second Enclosure in No. 45.

(Translation.)

*Letter of Instructions.—No. 1.*

DEAR SIR,

*Havana, 14th April, 1835.*

The brigantine schooner "*Esplorador*" being now loaded, we have conferred the command upon you, and now proceed to give you our instructions.

You will take immediate measures for proceeding to sea early to-morrow morning, weather permitting, as we wish you to proceed before the two vessels "*Cazador*" and "*Lorencita,*" now loading here, to Ayudá, which is the point you are to direct yourself to, touching at Gallinas to leave the principal partner of this firm, and receive any new instructions he may deem it necessary to give you for the good success of the voyage.

You are already aware that Mr. Francis Felis de Sousa has one-fourth share in the voyage, consequently it will be necessary to dispose of the whole Invoice, which it is calculated will give at least 520 packages, costing about 44,000 dollars when embarked; but, notwithstanding the interest of the said Sousa, you must not deliver to his agent any portion of his interest, for, should you be detained upwards of 3 months on the Coast, it will be preferable that you endeavour to make a contract at some other point, which our Mr. Peter may suggest to you, for often the great delays ruin the voyage in this kind of business; and, as Mr. Sousa, to complete his fourth interest in the voyage, has borrowed from us to the amount of 5,000 dollars, it will be well that you send by all vessels sailing from Ayudá to this, any packages you have on freight, to enable us to reimburse ourselves the advance to Mr. Sousa.

It is necessary to avoid touching at any port if possible; but, in case of accident, our correspondents are,—at Matanzas, Messrs. Peter Muir and Co.; in New York, Messrs. Peter Harmony and Co.; in Baltimore, Robert Barry, Esquire; in Porto Rico, Mr. Peter Cuarch; in Santiago de Cuba, Messrs. Rafael Maio and Brothers; and in Trinidad, Messrs. Fernandez Bartida and Co.; taking care to draw upon us on account of the expedition for what any of the foregoing houses may supply you.

We recommend prudence and discretion, also particularly good order on board, to avoid the evil consequences resulting from those individuals who do not conduct themselves properly, and of which you have a very recent example from what took place with the Boatswain in the "*Solitario.*"

Many recent examples you also have of the bad result of voyages in consequence of the Captains not being sufficiently on their guard; therefore, whatever the appearance may be of those you descry, particularly on your return, to keep clear of them, and use every means in your power to escape.

In the cargo of the "*Solitario*" the greater part of the packages arrived with scurvy, and in all probability was the cause of the cholera; consequently we recommend you will take every care, cleanly and regular in their food, making them wash their mouths fasting every morning with a few drops of vinegar or lime in the water, which is a known antidote for the scurvy.

Regarding your return. You will lighten yourself of the packages at the place our Mr. Peter may determine on at Gallinas; and you will take great care to forward an express to us that we may take charge of the cargo with the least possible delay.

Herewith you will receive the Invoice of goods embarked on board; also, separate, the Register, Royal Patent, Roll, the Bond showing the Ownership of the vessel, and Passes, that nothing may prevent your sailing early to-morrow morning. Until God shall be pleased to see you return safe as quick as possible, we are your affectionate friends, who kiss your hands,

*Mr. Joseph de Yuza.*

(Signed)

BLANCO AND CARBALLO.

(True Copy.)

(Signed)

M. L. MELVILLE, *Registrar.*

### Third Enclosure in No. 45.

(Translation.)

*Letter of Instructions.—No. 2.*

DEAR SIR,

*Gallinas, 3d June, 1835.*

SHOULD you be obliged to go to Saint Paul's, bear in mind your business with the greatest reserve, and keep secret that it has to be contraband. Do not lighten anything at St. Paul's irregular, nor take on board a single package, for your leaving the harbour the Custom-house make a very strict search.



In Ambriz you can provide yourself with beans and flour, and only pay one-half for the packages until delivered at Barracon. If you could agree that they should be answerable for the packages until embarked, it would be a great advantage.

If you should have any of the Invoice not disposed of, purchase wax and ivory, as much as you can stow on board; regarding these, you will understand, with my partner Carballo, either to land them where you lighten the vessel, or take them on to the Havana.

Wishing you a happy voyage,

Your affectionate and obedient Servant, who kisses your hand,

Mr. Joseph de Yuza.

(Signed)

BLANCO AND CARBALLO.

(True Copy.)

(Signed)

M. L. MELVILLE, Registrar.

No. 46.

*His Majesty's Commissioners to Viscount Palmerston—(Received November 30.)*

MY LORD,

*Sierra Leone, 9th September, 1836.*

WITH the present Despatch we have the honour of transmitting to your Lordship our Report of the Case of the Spanish schooner "*Golondrina*," Juan Domingo Zavala, Acting Master, which vessel was seized at anchor in Loango Bay, on the 9th February last, by His Majesty's brigantine "*Forester*," on the ground of being equipped for the Slave Trade; on which charge she was condemned in the British and Spanish Mixed Court of Justice established here, on the 10th ultimo.

The "*Golondrina*" appears by her Papers to have been bound to St. Thomas on the Line, near which Island she did not go, but went direct to the notorious slaving haunt Ambriz, where the large quantity of slave provisions with which she was captured was in all probability shipped; from Ambriz she went at once to Loango, which has latterly proved a safe port for the shipping of slaves in Spanish vessels, as the attention of the squadron has been mainly directed to the Bights of Benin and Biafra, which used formerly to be the principal places of resort for the Spaniards.

Among the Papers found by the Captor on board of this vessel was a Bill of Lading, in English, for certain goods shipped at Kingston, Jamaica, for the use of the "*Golondrina*," by a person there of the name of Richard Wilson. The goods were embarked at Kingston in a Spanish vessel called the "*Princesa Heredera*," to be by her conveyed to Cumberland harbour, in the Island of Jamaica, and there transhipped to the "*Golondrina*." Of this circumstance no notice was taken by the 2 witnesses when examined, as they both swore positively the detained vessel came direct to this Coast, and we therefore thought it useless to question them thereupon, conceiving that the result would have been a repetition only of their first false statement. A Copy of the Document in question we have placed with our Report of this Case.

We have, &c.

WALTER W. LEWIS.

H. D. CAMPBELL.

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

&c.

&c.

&c.

First Enclosure in No. 46.

*Report of the Spanish schooner "Golondrina," Juan Domingo Zavala acting as Master.*

THE schooner "*Golondrina*" sailed from St. Jago de Cuba at the close of September, 1835, under the command of Juan Roche, on a voyage avowedly of lawful commerce to Princes Island, having the Official Papers usually furnished to vessels of her description.

These Papers consisted of—

1. Provisional Passport.
2. Muster-roll; and
3. and 4. Certificates of qualification as seamen of Roche, and the late Acting Master, Zavala, who was originally First Mate.

When this vessel was seized by His Majesty's brigantine "*Forester*," Lieutenant George Gover Miall commanding, in Loango Bay, on the 9th February last, on a charge of being equipped for the Slave Trade, there were two other Papers found on board of the "*Golondrina*," a Log-book of the voyage from St. Jago de Cuba to Loango *via* Ambriz, and a Bill of Lading of the cargo of the "*Golondrina*," which was shipped by an English house in Jamaica, and conveyed to this vessel when she was in Cumberland harbour in that Island, by the Spanish schooner "*Princesa Heredera*," which will appear by the Copy of the said Document, which we think it our duty to hand to your Lordship with the Report.

Juan Roche, who commanded this vessel, is alleged to have gone ashore sick at St. Paul's de Loando,



where he was left at the time of seizure; and the First Mate, Juan Domingo Zavala, was brought to this place as Master of the "*Golondrina.*"

The detained vessel arrived here on the 4th March, and was regularly reported by the Marshal.

On the following day, the Case of this vessel was presented to the British and Spanish Mixed Court of Justice, in the accustomed form, by the Proctor for the Seizors, when the Captor's Declaration was filed with the Ship's Papers, and the Prize-Officer's Affidavit authenticating them. The Monition issued, and the witnesses in preparatory were directed to be examined by the Registrar on the standing interrogatories, as well as on special questions prepared to elicit from the witnesses facts as to the equipment of the vessel.

The Declaration of the Captor was to the effect that, being on the 9th day of February, 1836, in Loango Bay, in latitude 4° 39' south, and longitude 11° 42' east, he detained the schooner named the "*Golondrina,*" sailing under Spanish colours, armed with 2 guns, 12-pounders, commanded by Don Juan Roche, who declared her to be bound from Loango to St. Jago de Cuba, with a crew consisting of 24 men, and having on board the principal part of a trade cargo; stanchions and planks for a slave-deck; a quantity of water in casks; firewood, and farina, such as is generally used for feeding slaves.

A Commission of Survey of this vessel, with the object of ascertaining the manner in which she had been fitted out, went forth, at the instance of the Seizor's Proctor, on the 5th, and was, with the Report of the Surveyors, returned into Court on the following 8th March.

The substance of the Report in question was, that the main hatchway was not larger than usually seen on board merchant-vessels of her size, and not fitted with iron bars or gratings; that there were bulkheads dividing Captain's cabin and fore-castle from main hold; a part of a slave-deck was found laid from the fore-castle to about 4 feet abaft her fore-mast, and a part from the main-mast to Captain's cabin, with a sufficient quantity of plank and scantling for completing the whole of the same fore and aft, all numbered, with cleats nailed ready for receiving the slave-deck beams; there were 1 pair of irons and shackles found; there were 30 water-casks on board, 14 of which were leaguers, 8 pipes, and 8 puncheons, capable of containing about 6,300 gallons, the greater part of which are now filled with fresh water, a quantity more than sufficient for her crew; an extraordinary number of water-casks for a vessel of her description; 8 mess-kids were found; the cabouse is not larger than usually seen on board of merchant-vessels of her class; 96 bags of farina, capable of containing 2½ bushels each, and 64 bushels of rice were seen on board, forming a quantity of provisions more than necessary for the use of her crew.

The witnesses produced for examination by the Captors were the Acting Master, Zavala, and Juan Batista Bias, the Boatswain of the said vessel, who were examined on the 11th March last.

Zavala deposed, that "he was born and lives at Bilbao; has never served any State but Spain; is unmarried; he took the command by desire of the former Master, Juan Roche, who was detained by sickness on shore at Loango on the 8th of February last; Roche is a resident of Cuba, but cannot say what countryman he is; first saw the said vessel in Cuba about 8 months ago; she was built in Baltimore; he was on board at the time of the capture; does not know upon what pretence she was seized; had no colours but Spanish; he has never heard of any name borne by the said vessel except '*Golondrina,*' she is 120 tons burthen; and had 23 Officers and mariners (exclusive of Juan Roche), all Spaniards, except 2 or 3 American mariners; all were hired and shipped at St. Jago de Cuba, in September last, by the said Juan Roche; neither he nor any other of the Officers or mariners had any interest in either the vessel or cargo; was Mate on board till he took command as above stated; there were no passengers; St. Jago de Cuba was the last clearing port, and the voyage began and was to have ended there; from Cuba the vessel went direct to Ambriz, on the Coast of Africa, where they anchored for the purpose of trading for ivory, but without success; and after staying 4 days, went to Loango, where Juan Roche went ashore and traded for ivory; and whilst there was taken sick as before stated; the capturing vessel was first seen about 2 o'clock in the afternoon of the 9th February, and capture took place about half-past 3 of the same day, whilst the vessel lay at anchor at Loango; there was no chase or endeavour to escape; the vessel's Papers were for Princes Island; she did not go to that place; there were 2 guns, 16 muskets, 8 sabres, 2 pistols, and a small quantity of ammunition for the defence of the vessel; no resistance was made; there were no instructions to make any, or avoid capture, or destroy or conceal any of the vessel's Papers; Juan Roche before named is the Owner of the said vessel; believes it, because the said Roche has so informed him; he knows nothing of any Bill of Sale, or the price of the vessel, or whether the same be paid; believes the vessel will belong to Juan Roche, if restored; knows nothing of any private agreement; he knows only of Juan Roche in connexion with the cargo, and believes him to be the Owner, because he has told witness so; the cargo now on board was to have been landed and disposed of at any part where they might find trade, but cannot say on whose account and risk; believes, if the cargo be restored, it will belong to the said Roche; he knows nothing about the last voyage; the present cargo consists of powder, muskets, cloth, knives, aguardiente, looking-glasses, padlocks, beads, razors, flints, cutlasses, and iron bars; the vessel was taken direct to Sierra Leone after capture; all the Papers were entirely true and fair; no papers were destroyed, concealed, or made away with; he knows of no Papers except those delivered up (No 3, which he states to be a private and personal document, which he prays may be restored), unless it be the vessel's Log, which he has on board, and is ready to give it up when the same shall be required; he knows nothing about any Charter-party; he is ignorant whether the vessel or cargo be insured; the vessel was under the management of Juan Roche, and witness corresponds with him only in regard to the said vessel and her cargo; bulk was first broken at Loango, and has not been broken since capture."

In answer to the special interrogatories before mentioned, Zavala stated, that "the vessel had only close hatches of wood; they were not fitted for the reception of iron bars; there were no bars or bolts on board for the purpose of securing the hatches; there are merely the bulkheads separating the cabin and fore-castle from the hold; there are some spare planks employed in forming half decks in the after and fore parts of the vessel, for the stowage of the dry goods, and the said planks are fitted and numbered for that purpose; the vessel is fitted to receive a lower deck fore and aft; there are those parts of a lower deck laid as before stated; there was a single pair of leg-irons for the punishment of any refractory seaman; there were about 6,000 gallons of fresh water on board at the time of the seizure; the principal reason was to keep the palm-oil casks tight and clean, as salt water spoils them; there were about 20 or 22 casks of different sizes, principally for holding palm-oil; there were only 4 mess-

kids on board; there was no copper boiler; there were 5 casks of Carolina rice, containing altogether about 36 quintals, and 2 casks of American flour for the crew; there were also 96 bags of farina, purchased from an American vessel, and intended for sale to any vessel that the 'Golondrina' might fall in with in want of such an article."

The evidence of the Boatswain differed only from that of Zavala in not being so clear as to the Ownership of the vessel and her cargo, and some other points not of moment; upon which it may be reasonably imagined he could not have been well informed from the inferior station he filled in the "Golondrina."

The Monition in this Case, which was issued on the 5th, was returned on the 12th March last into Court by the Marshal, who had duly executed the same, on which day, likewise, publication of the Seizor's Case was decreed.

On the 22d March we allowed an Affidavit of Mr. Haile, the Prize-Officer of this vessel, to be filed, which showed that every exertion had been used by the Seizor to induce Juan Roche, the Master of the "Golondrina," to return to his vessel; Mr Haile swears, that "at the capture of the said schooner, the First and Second Mates, Boatswain, Cook, and a boy were left on board of her, and brought in the said schooner to this port; that the Master was stated by the detained crew to be sick on shore at Loango; and although two applications were made for him to come on board, he refused to do so, alleging that he was too unwell."

A Petition for a day of trial was presented on the 30th March, and refused, like many other similar Cases, through the Court not being able to carry the Treaty fully into effect.

After this vessel had been before the Court for a period of 2 months, Zavala, the Acting Master, presented a Petition, praying that he might be allowed to file a Claim on behalf of Juan Roche, the original Master, for the vessel and her cargo, which Zavala stated were both the sole property of Roche. The practice of the Court in respect to filing Claims has been, for years past, that such Documents should be presented to the Commissioners for that purpose within 8 days after proceedings in the Case have been instituted; and, if no reasonable excuse could be tendered for not abiding by this regulation, the Claim has been rejected.

In this instance the causes of delay are alleged to have been want of funds, and a desire to await Juan Roche's arrival here from Loango. Both these excuses the Court overruled: the first as a highly improbable circumstance, his being without means to prosecute the claim; and the last as an absurd expectation, knowing, as Zavala must have done, that there is no communication between Loango and Sierra Leone by which the Master could have come here, had he even desired it.

The Claim was therefore not allowed to be filed.

Another reason for our refusing in this Case to receive the Claim was, that in nearly every case of equipment under the new Treaty with Spain, where a Claim has been tendered, it has been brought forward at a very late stage of the proceedings, or after they had been closed, from which much inconvenience in the business of the Court resulted; and it was therefore necessary that a check should be put to such a practice, which would also have the effect of preventing our deciding the Cases brought before us as summarily as possible, as directed by the 3d Article of the Regulations for the Mixed Courts.

The only advantage which could follow the admission of such irregularity, we consider, would be to afford greater facilities than now exist for those concerned in slaving transactions of maturing their plans for attempting to impose upon the Court. If a true and just claim has to be made, it can without difficulty be produced within the prescribed period; and no injury whatever can possibly arise by the rule on this subject being rigidly adhered to, as, whether the formality of a Claim being filed be observed or not, the decision in the Case will be the same, the Court invariably having all doubtful points in Cases cleared up by special interrogatories prepared by them for that purpose, previous to forming the judgment therein.

On a second application for a day of trial, the 10th ultimo was named for that purpose, when the Court met, and after having heard read the satisfactory evidence which has been herein described, and by which this vessel was clearly proved to have committed a breach of the Treaty between Great Britain and Spain of the 26th June, 1835, pronounced the Spanish schooner "Golondrina" and her cargo a good and lawful prize.

Sierra Leone, 9th September, 1836.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

### Second Enclosure in No. 46.

#### Bill of Lading.

R. W. "Shipped in good order and condition, by Richard Wilson, Parke, and Singleton, in and upon the good ship or vessel called the 'Princesa Heredera,' whereof Balber is Master for this present voyage, and now lying in the harbour of Kingston, and bound for Cumberland harbour, viz. 40 cases, 56 bales merchandize, 251 kegs gunpowder, 500 half bars iron, 1 firkin butter, and 1 spy-glass, being marked and numbered as per margin, and are to be delivered in the like good order and condition, at the aforesaid port of Cumberland harbour (all and every the dangers and accidents of the seas and navigation of whatsoever nature and kind excepted), into the Spanish schooner 'Golentino,' or to freight for the said goods as agreed upon, with average accustomed. In witness whereof, the Master or Purser of the said vessel hath affirmed to 4 Bills of Lading, all of this tenour and date; one of which being accomplished, the rest to stand void.

Dated in Kingston, Jamaica, this 26th day of September, 1835.

Ignoro contenido,

(Signed)

ESTEBAN BALBER.

(True Copy.)

(Signed)

M. L. MELVILLE, Registrar.

### No. 47.

His Majesty's Commissioners to Viscount Palmerston.—(Received November 30.)

MY LORD,

Sierra Leone, 9th September, 1836.

WITH this Despatch we have the honour to transmit to your Lordship our Report of the Case of the Spanish brig "Luisa," which was seized on the 9th

February last in Loango Bay, on a charge of being equipped for the Slave Trade, by His Majesty's brigantine "Forester," Lieutenant George Miall commanding, and by that Officer prosecuted to condemnation on the 10th ultimo, in the British and Spanish Court in this Colony.

The "*Luisa*" was in the early part of last year under the Sardinian flag, and then bore the name of "*Duke of Genoa.*" She was sold at St. Thomas, West Indies, by her former Owner, Francisco Fontana, to Esteban Balaguer, of Porto Rico, who granted a fourth part or share in the said vessel to the Master of her (Juan Victor Jastram), as he has alleged. Jastram declared on his examination his belief that the "*Luisa*" had been formerly the "*Jules*," a vessel which had been seized under very questionable circumstances, having the double character at command of a French or Dutch vessel, under the flag of which latter nation she was condemned for being equipped for the Slave Trade, in the Mixed Court established here, on the 24th June, 1829. In the proceedings against the "*Jules*," Ferrand, the Master, declared her to have been built at Nantes. Jastram has deposed to the "*Luisa*" having been built at that port, and the Official Papers of this vessel describe her as of French construction.

On the condemnation of the "*Jules*," she was sold at public auction to a Mr. John Bradisco, for 150*l.* Bradisco was then a resident of the Colony, and was considered to have been a Frenchman. He subsequently quitted the place, and was absent many years therefrom; he, however, made his appearance here with a general cargo of merchandize in 1833, in a vessel said to have been his own private property, and which carried the Sardinian flag.

Bradisco called the "*Jules*" by the name of "*Diana*," on his purchasing her, and subsequently sold her to the agent in this Colony of José Alves de Cruz Rios, of Bahia, an individual well known in the Slave Trade. The "*Diana*," as Rio's property, cleared out here in October, 1829, for Bahia; and although this destination does not clearly connect her with Sardinia, yet, when the frequent changes and scenes are remembered which are resorted to by those engaged in slaving-adventures to cover their plans, it is not under all the circumstances improbable, that the "*Luisa*" was originally the "*Jules*," and condemned in 1829 for a similar offence to that which lately led to a like sentence being passed upon her. To the last sentence, however, was added the direction that this vessel should be broken up entirely; the "*Jules*" and "*Luisa*" will therefore be unheard of again in the annals of slaving history.

Jastram, the Master of this vessel, is a person of some notoriety in the Slave Traffic, in which debasing employment he has acquired a perfect indifference to the solemn obligation of an oath. In October, 1829, this man was brought here in the French schooner "*La Laure*," having a cargo of slaves on board; the circumstances attending the seizure and eventual restoration of which vessel His Majesty's Commissioners duly reported home, under date of the 20th October, 1829. In the examination of Jastram on that occasion he swore that he was born at Guadaloupe, and became a naturalized Spaniard at Porto Rico, in March, 1829, in order to legally qualify himself to take command of "*La Laure*," which he swore was Spanish, but which he eventually stated, when prosecuted in the Vice-Admiralty Court here, was a French vessel. The expense of his naturalization was 64 dollars, equal to 16*l.* On his late examination, he seems to have forgotten his former deposition, for he swore he was born in France, and produced his certificate of naturalization as a Spaniard (a second time) at Port Rico, on the 12th July, 1835.

His perjury to make up a defence for the vessel we have pointed out in our Report of the Case, to which we only now refer as an additional proof of the debased character of this man, and the utter worthlessness of any statement he may make, wherein his interest is in any way concerned.

The ease with which foreigners can bring their vessels and themselves legally within the meaning of the Spanish Marine Laws, will be evident in this Case; and, with such facilities, it is not to be wondered that the Spanish flag is found continually covering slaving transactions.

We have, &c.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

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

&c.

&c.

&c.

## Enclosure in No. 47.

*Report of the Case of the Spanish brig "Luisa," Juan Victor Jastram, Master.*

THE Spanish brig "*Luisa*," commanded by Juan Victor Jastram, sailed from the Island of Porto Rico on the 17th July 1835, ostensibly bound to the Island of St. Thomas, on the Coast of Africa, for the alleged purpose of legitimate commerce. Previous to this departure, both the vessel and her Master changed their respective nationality; the one, foregoing her Sardinian name and character, received Spanish Papers at Porto Rico; and the other, a Frenchman by birth, obtained a Certificate of naturalization as a Spanish subject, at the same place and from the same Authorities.

The "*Luisa*" was furnished with the following Papers for her voyage:—

1. Muster-roll.
2. Custom-house Manifest.
3. Royal Passport.
4. Fort Pass.
5. Certificate of admeasurement.
6. Certificate of security, having been taken from the Master to observe the Marine Regulations of Port Rico.
7. Articles of agreement with the crew.

These Documents show that the present Owner of the "*Luisa*," Esteban Balaguer, purchased her from one Francisco Fontana, a resident of St. Thomas, West Indies, when the vessel was under Sardinian colours, and bore the name of the "*Duke of Genoa*." The amount of the purchase-money is stated to have been 3,000 dollars, equal to 750*l.* and that the vessel was French built. The facility also with which this vessel and her Master assumed, under the sanction of Spanish Authorities, national characters so well adapted to give effect to their unlawful intentions, forms a just criterion, which similar facts have repeatedly confirmed, to judge of the lukewarmness these Authorities evince towards the observance of those laws which tend in any way to offer a check to the Slave Trade.

Although the destination of this vessel was St. Thomas and the Coast of Africa, it does not appear that she touched at that Island during the progress of her voyage. Grand Bassa was the first place the "*Luisa*" made on the Coast, and thence she afterwards sailed for New Sestos; but, in all probability, being unable to procure a quick and profitable return of slaves in exchange for the outward cargo, the vessel next proceeded to the southward of the Equator, and commenced trading in Loango Bay. It was at this place that the detention of the "*Luisa*" occurred, on the 9th February, 1836, Lieutenant Miall, of His Majesty's brigantine "*Forester*," having found her in many respects equipped for the Slave Trade.

The arrival here of the "*Luisa*" was officially reported by the Marshal on the 5th March. Two days subsequently, the Seizor's Proctor began his proceedings against the detained vessel. The Ship's Papers, authenticated on oath by the Prize-Officer, were filed with Lieutenant's Declaration, the usual Motion went forth, and the evidence in the Case directed to be taken.

Lieutenant George Gover Miall's Declaration gives the following statement of the facts attendant upon the detention of the "*Luisa*," namely, that this vessel was detained on the 9th February, 1836, whilst sailing under Spanish colours, in Loango Bay; that she was under the command of J. V. Jastram, and bound to Porto Rico, and that the "*Luisa*" had on board, when detained, plank for a slave-deck, an extraordinary number of water-casks, and a larger quantity of provisions than requisite for the use of the crew.

A Commission of Survey and Inspection was executed on the 8th March, on the Petition of the Captor's Proctor. The investigation of the Surveyors, embodied in their sworn Report, was confirmatory of the charges of illegal outfit advanced by the Captor. They found the main hatchway larger than customary; also wooden gratings, as well as iron bolts for securing both hatchways; a part of a slave-deck laid with boards to complete it; 38 water-casks, which would contain 7,000 gallons of water; and, in the shape of provisions, 155 bags of farina, and 380 bushels of beans on board. This evidence, derived as it was from sources so disinterested and unquestionable, tended much to strengthen the Captor's Case.

The Registrar, on the 18th March, took the examinations of the witnesses in preparatory, the Master, J. V. Jastram, and the Second Mate, Juan Galiber, both on the standing and special interrogatories. Jastram stated, in answer to the standing interrogatories, that "he was born in France, and has lived at St. Thomas and Port Rico, West Indian Islands, for the last 11 years; is a Spanish subject, having been naturalized by deed, dated at Porto Rico the 12th July, 1835, (which deed he produced, and declined giving up); was formerly a subject of his own nation France; is not married; was appointed to the command by Esteban Balaguer, a resident of Port Rico, and a Spanish subject; the said Balaguer delivered possession to witness in Porto Rico in July last; first saw the vessel at Porto Rico in May last; she was built at Nantes in France; was on shore when the vessel was captured; was informed by the Commander of the capturing vessel that she was seized under the new Treaty, and on account of the number of her water-casks, and having a part of a lower deck laid; her present name is '*Luisa*;' in July she was called the '*Duke of Genoa*;' believes she was formerly a slaver, and called the '*Jules*;' is Owner of one quarter of the said vessel and her cargo; none of the Officers nor mariners had any interest in either; the last clearing Port was Port Rico, and the voyage commenced there and was to have ended at New York; from Port Rico the vessel went to the Coast of Africa, and anchored at Grand Bassa, to take in wood and water; thence the vessel went to New Sestos, to look for palm-oil and ivory, but got none; and thence went to Loango Bay, where she was again anchored and captured; the capturing vessel was first seen whilst the '*Luisa*' lay at anchor in Loango Bay, by witness, while witness was ashore on the 8th of last month, and capture took place the following day; there was no chase; the vessel's Papers were for the Coast of Africa and St. Thomas; no resistance was made; had no instructions to resist or escape capture, or to destroy or conceal any of the vessel's Papers; Esteban Balaguer is owner of three-fourths of the vessel; knows it, because he is aware that Balaguer purchased the vessel in May last, and witness has bought one-fourth from him since that time; Balaguer is a Spaniard by birth; there is a Bill of Sale amongst the Papers delivered up; there was also a written agreement between witness and Balaguer, the purport of which was that, on consideration of witness paying one-fourth of the amount, to which the price of the said vessel, her cargo, and equipment came, namely 34,000 dollars, he should possess one-fourth of the vessel and cargo; this

Document, signed at Porto Rico in June last, witness has left behind him; knows that Balaguer paid the price of the vessel in cash; as for the agreement between witness and Balaguer, he paid 2,000 dollars in cash, and the remainder in notes of hand, payable on demand; believes the said sale to have been a true one; he and Balaguer are the sole Owners of the cargo, and it was consigned to witness; the cargo on board was to have been disposed of for ivory and coffee on the Coast and at St. Thomas; the present cargo consists of dry goods, powder, muskets, rum, cutlasses, and a general assortment for trade; the vessel was taken direct to Sierra Leone after capture; all the Papers are entirely true and fair; no Papers have been destroyed or concealed; there was no Charter-party, except the aforesaid agreement between witness and Balaguer; neither the vessel nor cargo is insured to witness's knowledge; bulk was first broken at Loango.

In continuation of his examination on the special questions, which bore upon the point of the "*Luisa's*" equipment, Jastram deposed, that "the hatches are not fitted with gratings of any description; the combings of the hatchways are not bored or fitted in any manner for the reception of iron bolts or bars; there are iron bars on board, part of witness's unsold cargo, but they are 18 or 20 feet long, and not intended or fit for securing the said hatches; there are only the bulkheads of the cabin and fore-castle; there are spare planks on board, cannot state the quantity, some are planed, and some rough; they were intended to form a lower deck to stow the coffee upon; cannot say whether they are numbered; part of them have been fitted and laid by witness's orders; there is a small portion of a lower deck laid in the after part of the vessel; there were neither shackles, bolts, nor handcuffs on board; the vessel was not fitted with tanks; the only means of conveying water is in casks; cannot tell how many casks were on board; had a number of rum barrels filled with fresh water for ballast, and for which witness had a permit from the Customs at Porto Rico, which Document was amongst the vessel's Papers, and must have been delivered up to the Captors; there were no staves on board; thinks the water-casks and barrels aforesaid might contain about 15,000 gallons; cannot say what quantity of water was on board at the time of capture; there might be 8 or 10 mess-tubs on board for the use of the crew; there was no copper or iron boiler on board; there were 16 or 18 bags of rice for the use of the crew, and 10 or 12 bags of Indian corn, and some Cassada flour, which was intended for sale."

The examination of the Second Mate, Juan Abely Galiber, closely resembled that of the Master in its principal features. The only material point of difference observable in it was his ignorance of the Certificate, which Jastram stated he had received from the Customs at Porto Rico, granting him authority to carry an extra number of water-casks, and which he avowed on oath had been given up to the capturing Officer, together with the Ship's Papers, at the time of seizure. The improbability of this assertion, however, is quite obvious; and it can only be viewed as one of those false statements which generally characterize the evidence of men who, like Jastram, have been detected in slaving-adventures.

But as this circumstance tended to throw a shadow of doubt upon the otherwise clear form of the Captor's Case, his Proctor petitioned, on the 22d March, that questions might be put to the Pilot or First Mate; José Antonio Carretero, with a view to prove that no other Documents belonging to the "*Luisa*" were delivered up to Lieutenant Miall than those already filed in Court. Fortunately this man proved to be the very individual who gave up the Papers to the seizing Officer on his taking possession of the detained vessel. The result of this investigation completely set aside Jastram's allegations as to the disappearance of the official permission to carry extra water-casks. This witness admitted his having given up the Ship's Papers to Lieutenant Miall, and further, that he recollected no other Documents connected with the vessel than those which had already been produced by the Prize-Officer.

The Affidavits of Lieutenant Miall and of the Purser of the capturing vessel were also filed in refutation of Jastram's assertions as to the missing Certificate. These Affidavits were most distinct and satisfactory; and established that Jastram himself had indirectly admitted that the Certificate in question was not in existence, by declaring that, if he had been aware of its utility, "he would not have been such a fool as to have sailed without it."

The Captor's proceedings were terminated on the 30th March, by his Proctor having obtained permission for the publication of his Case; and on the 14th April, the Marshal returned the Monition into Court, which bore that Officer's Certificate of due execution. The delay, however, which has been previously explained in other and like Cases, arose also in the adjudication of the "*Luisa*."

On the 4th April, Jastram tendered his Claim in this Case, which the Court then rejected, as the same had not been produced within the prescribed time, and no excuse offered for this neglect. Subsequently, however, Affidavits were produced, which satisfactorily accounted for the delay; and on the 23d April, ulterior to all the measures adopted by the Captor to perfect his charges, Jastram was allowed to file a Claim, with the necessary Affidavit, for the restitution of his vessel and her cargo. We have inserted Jastram's Affidavit in proof of the legality of his Claims, as it embraces all the grounds which formed the basis of his demand. It is as follows:—

"Appeared personally Juan Victor Jastram, the Master of the said brig, and maketh oath, that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said brig at the time of the capture thereof by His Majesty's brigantine '*Forester*,' George Gover Miall, Esquire, Commander; and that the said brig was so captured on the 9th day of the month of February last past, in Loango Bay, in the prosecution of her voyage from Porto Rico to the Coast of Africa, and back to New York in the United States of America, with a cargo consisting of general merchandise, ivory, bees'-wax, palm-oil, and other articles of African produce, and brought to Sierra Leone. And he further maketh oath, that Esteban Balaguer, of Porto Rico, a subject of Her said Catholic Majesty, and deponent, were at the time of the said capture, and now are, the true, lawful, and sole Owners and proprietors of the said brig '*Luisa*,' her tackle, apparel, and furniture, and of the said cargo on board the same. And the deponent further maketh oath, that the said brig and cargo are protected by the Treaty or Convention between His Britannic Majesty and Her Catholic Majesty, the said brig being at the time of capture engaged in a legal traffic; and he further maketh oath, that no person or persons other than the persons before mentioned have any right, title, or interest in the said brig, or her cargo on board the same, at the time of the capture and seizure thereof, and that he is duly authorized to make the Claim hereunto annexed, and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof."

In this state the Case of the "*Luisa*" was presented for the final decision of the Court; the 2

Proctors having filed a joint Petition for a day of trial on the 9th August, which was named for the following morning.

On reviewing the evidence of the Captor and Claimant, the Case in the aggregate assumed the following form, upon which the Court framed its judgment.

The Captor had proved, and that too with testimony altogether undeniable, that the "*Luisa*" had on board, at the time of detention, hatches fitted with open gratings; a greater quantity of water than requisite for the crew; a number of casks uncleared by the Customs; a slave-deck; and a large quantity of slave provisions. Thus were established 5 of the circumstances of equipment mentioned in the 10th Article of the Treaty, which is so peremptory as to ordain, that "any one or more of these several circumstances, if proved, shall be considered as *primâ facie* evidence of the actual employment of the vessel in the Slave Trade."

The efforts of the Claimant, on the other hand, in the way of refutation, laid bare his unblushing perjury. It will suffice to allude to his denial of the fact of the hatches of his vessel not being fitted with gratings, and to the deliberate falsehood to which he unhesitatingly resorted, in order to account for the alleged loss of the Custom-house Paper which authorized him to carry an extra number of casks. The latter statement, however, did not receive the slightest corroboration even from his own Officers. If such a Document was ever in existence, it is not probable that it would have been allowed, important as it was, to the safety of the "*Luisa*," to have been neglected by Jastram or his crew, when delivering up the Ship's Papers at the time of seizure. The evidence produced by the Captor on this point satisfied us that no such Paper had ever been in Jastram's possession.

With such proof as that above mentioned of the total falsity of the chief part of the Claimant's defence, we could only consider that the remaining portion was equally unworthy of belief; and, therefore, that Jastram stood convicted of having his vessel illegally equipped, in violation of the Treaty of the 28th June, 1835, without having been able, on satisfactory evidence, to prove that, when the "*Luisa*" was detained, she was employed in some legal pursuit.

The "*Luisa*" was therefore condemned, together with her cargo and equipment, as good and lawful prize to the Crowns of Great Britain and Spain.

*Sierra Leone, 9th September, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

No. 48.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30.)*

MY LORD,

*Sierra Leone, 12th September, 1836.*

WE have the honour to state to your Lordship that His Majesty's brig "*Charybdis*," Lieutenant Mercer commanding, detained, in Loango Bay, on the 19th February last, the Spanish brig "*Tridente*," of which Juan Julian Paqué was Master, for being equipped for a slaving-voyage.

The "*Tridente*" arrived in this port on the 18th March, and on the following day was regularly proceeded against in the British and Spanish Mixed Court of Justice established here. The Case of this vessel was brought to a termination on the 23d March, but her adjudication was of necessity delayed until the Court was duly constituted for such purpose. Her trial, therefore, did not take place until the 23d ultimo, when, upon the clearest evidence, a sentence of condemnation was passed on the brig "*Tridente*," her cargo and equipment.

The "*Tridente*" appears to have been nearly a new vessel, she having only been purchased into the Spanish marine in September, 1835. She was originally the American vessel called the "*Resource*," and was sold by the American house of Wright, Shelton, and Co., residing in St. Jago de Cuba, on behalf of Moses Tailor, of New York, to Paqué, the late Spanish Master of her, for 4,000 dollars, a sum equal to 1,000*l.* sterling.

Our Report of this Case we beg leave herewith to enclose to your Lordship.

We have, &c.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

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

&c.

&c.

&c.

Enclosure in No. 48.

*Report of the Case of the Spanish brig "Tridente," Juan Julian Paqué, Master.*

THE brig "*Tridente*" sailed from St. Jago de Cuba in October last, with the Official Papers hereunder named:—

1. Provisional Passport from the Governor of Cuba.
2. Muster-roll.
3. Six Custom-house Papers relating to the clearance of the cargo.
4. Certificate of the sale and nationality of the vessel.
5. Certificate of admeasurement.

By these Papers the "*Tridente*" appeared to have been originally the American vessel "*Resource*," and was sold for 4,000 dollars to Paqué, the late Master, by the American house of Wright, Shelton, and Co., of St. Jago de Cuba, agents of Moses Tailor, of New York, in September, 1835; that she

was 123 Spanish tons burthen, manned with a crew of 29 persons, and bound on a lawful commercial voyage to the Island of St. Thomas, on this Coast.

The "*Tridente*" did not visit St. Thomas, but went direct to a place called Gabina, where she shipped a black Pilot, as is alleged, and then proceeded to Loango; at which port the vessel had only been about 3 days when His Majesty's brig "*Charybdis*," under the command of Lieutenant Mercer, arrived there, and detained the "*Tridente*" for being equipped for the Slave Trade.

At the time of seizure of the said vessel, there was found on board a Log-book of the voyage in which she had been detained, in addition to the before-mentioned Official Documents.

After seizure, on the 19th February last, the "*Tridente*" was immediately despatched to Sierra Leone, at which port she arrived on the 18th March following, and was on that day reported by the Marshal to us in the ordinary form.

The day subsequent to the "*Tridente's*" arrival here, her Ship's Papers, with the Prize-Officer's Affidavit respecting them and the seizure of this vessel, were filed with the Captor's Declaration, in the British and Spanish Mixed Court of Justice; the customary Munition issued; and the witnesses in preparatory produced for examination.

The Declaration of the seizing Officer, Lieutenant Samuel Mercer, stated, that on the 19th February, 1836, whilst at anchor in Loango Bay, in latitude 4° 39' south, longitude 11° 42' east, he detained the brig "*Tridente*," sailing under Spanish colours, armed with 2 guns, 8-pounders, commanded by José Julian Paqué, who declared her to be bound from St. Jago de Cuba to St. Thomas, on the Coast of Africa; and having on board an extraordinary number of leaguers as water-casks without any Certificate from the Custom-house; a boiler of an unusual size, besides the one requisite for the use of the crew; a slave-deck; hatches with open gratings; and an extraordinary quantity of farina, more than requisite for the use of the crew; the same not being entered in the Manifest as part of the cargo for trade.

The witnesses produced by the Seizor were Juan Julian Paqué, the Master, and Vincente Sanchez, the Mate of the detained vessel, who were, on the 22d March, examined on the standing interrogatories, and on the special interrogatories used in equipment Cases.

Paqué's evidence was, that "he was born at Nantes; has lived at Cuba for the last 14 years; is a naturalized Spanish subject; was formerly a subject of his own nation, France; is not married. He is the Owner of the vessel, and appointed himself to the command and received possession at Cuba in August last, from the former Master, an American, whose name he does not recollect; first saw the said vessel in May last at Cuba; believes she was built at New York. He was on board at the time of capture; cannot say why the vessel was seized; had no colours but Spanish. The vessel's name is '*Tridente*,' she was formerly called the '*Resource*;' is 125 tons burthen; and had 28 Officers and mariners (exclusive of witness), all Spaniards, all shipped and hired at Cuba by witness on the 6th October last. He is the sole Owner of both the vessel and cargo. The last clearing port was St. Jago de Cuba, and the voyage began there and was to have ended at New York; from St. Jago de Cuba the vessel went to Gabina, on the Coast of Africa, where he remained 2 days, took on board a black Pilot, and proceeded from thence to Loango, where she was captured on the 3d day after arrival. He first saw the capturing vessel on the 18th February, and capture took place the same night whilst witness's vessel lay at anchor in Loango; the vessel's Papers were for Princes Island and St. Thomas; he did not go there, but endeavoured to trade on the Coast for ivory and palm-oil, and intended to have gone to St. Thomas afterwards. He has 2 guns mounted, 10 muskets, and 4 cutlasses for defence; no resistance was made; there were no instructions to make any, or to avoid capture, or conceal or destroy any of the vessel's Papers. There was a Bill of Sale made by the former Owners, Wright and Shelton (an American house established at St. Jago de Cuba), to witness in August last; the witnesses were the former Master, whose name he does not remember, and the Clerk of Marine at St. Jago de Cuba; the said Document is in Cuba, not considering it necessary to bring it to sea, and witness last saw it there in September; 4,500 dollars was the price, paid down in cash; there was no security given for any part of the price; the said sale was a true one, and if the vessel be restored, she will belong to him only; there was no private agreement for the return of the vessel at a future period. He is the sole Owner, lader, and consignee of the cargo, which he intended disposing of on the Coast and at St. Thomas, for his sole account; and, if the same be restored, it will belong to him (witness) and to him only. The last voyage was from New Orleans to Cuba with beef, butter, and other provisions; the present cargo consists of cloth, powder, muskets, iron bars, looking-glasses, beads, rum, and tobacco; the vessel was carried direct to Sierra Leone. All the Papers were true and fair. No Papers whatever were destroyed, concealed, or made away with. There are no Papers relating to the vessel or cargo, excepting the aforesaid Bill of Sale, in any country. There was no Charter-party. No part of the vessel or cargo is insured; the vessel was under his sole management. Bulk was broken at Loango, and a small part of the cargo sent ashore; bulk has not been broken since.

"The hatches are not fitted with open gratings. The hatchways are not bored or fitted for iron bars; there are about 300 pieces of iron bars on board; but they are part of the cargo, and not intended or fit for securing the hatches. There are only the bulkheads of the cabin and fore-castle. There are about 50 spare planks fitted for forming a lower deck to stow goods upon. There is no part of a lower deck laid. There are about 160 pairs of shackles and handcuffs for sale on the Coast. He does not know what number of casks there are on board; there is no tank; there are the staves of about 14 casks; the whole number of empty and water-casks on board might contain about 13,000 gallons; part of those casks were intended for palm-oil, and kept filled with water to prevent leakage; there were about 4,000 gallons of fresh water on board at the time of capture. There were about 60 mess-kids on board for the use of the vessel, and for making presents in trading. There was 1 iron boiler on board for boiling palm-oil, capable of holding about 80 gallons. There were about 8 barrels of rice, part of the cargo, and for sale; 55 bags of Cassada flour, which he purchased from an American vessel at Loango, with a view of selling it again and making money of it."

The testimony of the Mate was a confirmation of that of the Master, excepting only as to his not being positive who were the Owners of the vessel and cargo, and whether they were insured; and an immaterial difference respecting the quantity of rice found on board the "*Tridente*" when she was detained.

The Proctor for the Seizor, with a view of proving that the equipment of the detained vessel was contrary to the provisions of the Treaty of the 28th June, 1835, requested a Commission of Survey



and Inspection of this vessel, which was granted, and the Report of the Officers appointed to execute the same came in on the 22d March, the substance of which is hereunder.

"The main hatchway was found to be larger than usually seen on board of merchant-vessels of her size. There were two small gratings on board, but not belonging to either hatchways. The after hatchway not larger than usually seen on board vessels of her class. There were bulkheads dividing the cabin and fore-castle from the main hold; a sufficient quantity of boards and scantling to form a complete slave-deck. One hundred and sixty-eight pairs of shackles and bolts for the same on board. In addition to the above were also found 12 large and 30 small leaguers, capable of containing 14,000 gallons, a part of which were filled with fresh water, and being a quantity more than sufficient for her crew; an extraordinary number of water-casks for a vessel of her size; 60 mess-kids. A cabouse larger than usually seen on board vessels of her size, with screws attached thereto for allowing a boiler to be fitted. Two small and 1 large boilers were found on board. There were also 50 bags of farina, and 20 bags of rice, each containing about 2½ bushels, a quantity more than sufficient for her crew."

Publication in the Case passed on the 23d March.

The Monition, issued on the 19th March, was returned, duly certified by the Marshal, on the 4th April.

A first Petition for a day of trial was presented on the 26th April, which was necessarily refused on the like grounds that similar applications had been rejected in the previous prosecutions under the New Treaty.

The second Petition for this object came in on the 22d ultimo, when the following day was appointed for the adjudication of this vessel.

The only excuses tendered for the illegal equipment of the "*Tridente*" were, that the slave or second deck was for stowing dry goods upon; that the shackles were for sale; the excessive number of casks on board were for palm-oil; the spare mess-kids were for the extraordinary and novel purpose of giving as presents in trading; and the 80-gallon boiler for boiling palm-oil.

Had the above explanations been proved to our satisfaction, which was very far indeed from being the case in the present instance, the only proof of them being the bare assertions of the Master and Owner of the vessel and cargo, and his First Mate, they could not have been deemed sufficient to place the "*Tridente*" beyond the application of the 10th Article of the late Treaty between Great Britain and Spain; and the Court therefore condemned the Spanish brig "*Tridente*" as a good and lawful prize.

*Sierra Leone, 12th September, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

No. 49.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30.)*

MY LORD,

*Sierra Leone, 12th September, 1836.*

THE Spanish brig "*El Cazador Santurzano*," Angel de Elorriaga, Master, was fallen in with, cruising off Whydah under the command of her First Mate, on the 6th February last, by His Majesty's brig "*Water Witch*," Lieutenant John Adams commanding, who detained that vessel for being equipped for the Slave Trade.

We have now the honour to report to your Lordship that the condemnation of "*El Cazador Santurzano*" took place on the clearest possible evidence on the 23d ultimo, and to forward herein our Report of that Case.

The "*Cazador*," by her Papers, appears to have been built by Messieurs Andres Desconde, senior, and Son, ship-builders, of Bayonne, and sold by them, on the 9th December, 1833, to the late Master, Elorriaga, who was also the Owner of her.

Elorriaga obtained the requisite Papers for "*El Cazador*" at Cadiz, in May, 1834, whither he resorted from Bayonne after his purchase.

The only satisfactory account which we have been able to obtain of this vessel previous to the present voyage, since her leaving Cadiz, is in what appears respecting her in the Lists from Havana, wherein she is shown as having arrived from the Coast of Africa on the 21st March, 1835, when she had in all probability completed a successful slaving-voyage. Within a month after this occurrence she sailed again for this Coast and St. Thomas, with an avowed ultimate destination to Cadiz; but this time the success of the voyage has been prevented by the New Treaty coming unexpectedly into existence and operation.

An attempt was made to file a Claim in this Case, which was characterized by so much evident imposition as to render necessary its rejection; the particulars of which appear in the Report.

We have, &c.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

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

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## Enclosure in No. 49.

*Report of the Case of the Spanish brig "El Cazador Santurzana," Angel de Elorriaga, Master.*

THIS vessel, under the command of the alleged Owner, Angel de Elorriaga, cleared out at Havana in April, 1835, for St. Thomas and Cadiz. To neither of these ports did the "*Cazador*" direct her course, but proceeded at once to Whydah, where bulk was first broken, and Elorriaga went on shore to prosecute his trade.

The Papers found on board this vessel by the capturing Officer were as follows:—

1. Royal Passport, originally issued at Cadiz in May, 1834, with a destination to St. Thomas and Havana. Re-issued at Havana on the 5th April, 1835, by the Conde de los Andes, when the vessel was declared to be bound to St. Thomas and Cadiz.

2. Certificate of the Ownership of the vessel, dated at Cadiz, 13th May, 1834. By which Document it appeared that the late Owner was Angel de Elorriaga, who also commanded her, and that he purchased her from the ship-builders, Andres Desconde, senior, and Son, of Bayonne, on the 9th December, 1833, under the Spanish Consul's Certificate of that city. Elorriaga navigated this vessel to Cadiz, where he obtained Official Papers in due form for her as a Spanish vessel.

3. Fort Pass, obtained in the first instance at Cadiz, and not renewed for the second voyage.

4. Muster-roll, given at Havana in April, 1835.

5. Custom-house Manifest of goods shipped at Havana in April, 1835.

6. Log-book of the voyage in which the "*Cazador*" was detained.

While the "*Cazador*" was cruising off Whydah, under the command of the First Mate in the absence of the Master, who still remained on shore trading with the natives, His Majesty's brig "*Water Witch*" fell in with and detained her on the 6th February, 1836, for being in many respects fitted for the illegal traffic in slaves.

The detained vessel reached this harbour on the 19th March, and was then visited and reported by the Marshal. On that day the Captor's Case was opened by filing the Prize-Officer's Affidavit of the seizure, the Ship's Papers, and Captor's Declaration. Permission was also given for the usual Monition to be issued, and the evidence in the cause to be prepared.

Lieutenant John Adams's Declaration, made on taking possession of the "*Cazador*," is of a very minute and perspicuous character. It represents the capture to have been on the 6th February, 1836, in latitude 5° 35' north, and longitude 4° 20' east, and it details fully the illegal articles which then constituted the outfit of the "*Cazador*," and which are mentioned in the 1st, 3d, 4th, 6th, and 7th Sections of the 10th Article of the Treaty of 1835.

These allegations of the Seizor met with decided corroboration from the sworn Report of the Surveyors, received on the 22d March, by whom a Commission of Survey and Inspection had been executed. The following forms the substance of the Report in question:—

The main and fore hatchways were larger than usual and fitted with wooden gratings, with the coamings bored for the reception of iron bars, a great quantity of which were found on board. Three bulkheads partitioned off the interior of the vessel; part of a slave-deck had been laid, with marked planks to complete the remainder. Two pairs of shackles and one bolt were found. A quantity of water more than necessary for the crew's use, with 44 water-casks, which would hold 12,000 gallons of water, were on board; there were 66 mess-kids; the cabouse was so constructed with slides and bolts as to admit of great enlargement. The vessel's provisions, however, were not more than adequate to the wants of the crew.

It has been before stated, that the Master and Owner, Angel de Elorriaga, was on shore at Whydah at the time when his vessel was first seized. The evidence of this material witness was thus lost. But there were still two important witnesses produced for examination,—Bernardino Ugueda, the First Mate, who had assumed the temporary command of the "*Cazador*," and Juan Fors, the Second Mate. The Registrar examined both these persons on the 31st March, as well on the standing interrogatories as on the special questions rendered necessary by the provisions of the 10th Article.

Bernardino Ugueda deposed, that "he was born at Biscay, lives there with his wife and family, has never served any State but Spain. Angel de Elorriaga, who was left on shore, appointed him Master at Whydah on the 4th February last; the said Elorriaga usually lives in Biscay, and is a Spanish subject; first saw the said vessel at Cadiz about 23 months since; does not know where she was built; was present at the time, but does not know for what reason she was captured; had no colours but Spanish. Her name is '*El Cazador Santurzano*;' has never known of any other name. Neither he nor any of the Officers and mariners had any interest in the vessel or cargo; was second Officer on board until he took the command on Elorriaga's going on shore to trade. The last clearing port was Havana, and the voyage began and was to have ended there; thence the vessel proceeded direct to Whydah, where she anchored and remained about 2 months, and Elorriaga went ashore and traded for ivory and palm-oil; from Whydah the vessel went to Accra (the said Elorriaga being in command), and purchased shells (cowries), and after remaining there 15 days went to Cape Coast; stopped 8 or 10 days taking in water, and then returned to Whydah, where the Master went ashore again; staid about 5 months there; and witness put to sea on account of the vessel having lost her anchor and cables, and remained at sea about a month, while Elorriaga was seeking others; witness then returned to Whydah, and about 6 days afterwards, a piratical looking vessel being seen outside, witness put to sea again in order to escape her; and the next day as the vessel was returning to Whydah she was captured by His Majesty's brig '*Water Witch*.' First saw the capturing vessel about 40 or 50 miles to the north-west of Cape Formoso, and capture took place about 6 hours afterwards, 10 or 11 leagues from the Coast; was steering in the direction of Cape Formosa when chased by the '*Water Witch*;' altered their course, and stood towards the Coast, concluding the capturing vessel to be the piratical looking vessel they had seen the day before; the vessel's Papers were for St. Thomas and Havana; does not know why Elorriaga took her to Whydah instead of St. Thomas. There was no resistance made. The said Elorriaga was the sole Owner of the detained vessel; knows so from the contract he made with the seamen; the said Elorriaga is a Spaniard by birth. Knows nothing of any Bill of Sale, or the price of the vessel; knows only of the said Elorriaga in connexion with the cargo; does not know where the cargo now on board was to be delivered. The present cargo consists of iron, aguardiente, and cloth; was taken, after capture, first to Princes and then to Sierra Leone. All the Papers are true and fair; no Papers were destroyed, concealed, or made away with. Does not know whether the vessel or cargo be insured."

Ugueda, in continuation of his examination on the special interrogatories, made the following clear admissions as to the outfit of the "*Cazador*," namely, that "the hatches were fitted with open gratings of wood; the combings of the hatchways were bored, but the holes are plugged up; there were 40 or 50 iron trade bars on board, but they were not fit or intended for securing the hatches; there were three bulkheads, that of the fore-castle, the cabin, and a place before the cabin for stowing provisions in; there were spare planks, but cannot say what quantity, or for what they were intended; they were on board when he embarked; does not know whether they were fitted to any part of the vessel; there was no part of a slave-deck laid; there was 1 pair of shackles only on board for punishment; does not know how many casks were on board; there was no tank, nor any staves; the whole of the casks are capable of containing about 120 pipes of water, and there might have been about 40 pipes on board at the time of capture; the said water was chiefly for ballast; there were 50 or 60 tin pans; does not know for what reason such a quantity was on board; there were only 2 small iron boilers for cooking the ship's provisions; there were about 8 hogsheads of rice for the crew, and 15 or 20 casks of Cassada flour for the same purpose."

The general tenour of the Second Mate's testimony assimilated closely to that of Bernardino Ugueda; he, however, appeared ignorant of the connexion of the vessel with Cadiz, as he had only joined the "*Cazador*" at Havana, in April, 1835.

Publication of the Seizor's Case was granted on the 2d April, and the Monition returned into Court 2 days afterwards, having been duly served by the Marshal.

The first Petition for a day of trial, brought under the notice of the Court on the 13th April, could not, at that period, be acceded to, the British and Spanish Mixed Court of Justice not being then definitively established.

Angel de Elorriaga, who had been left behind at Whydah, followed his vessel to Sierra Leone, after having ascertained the circumstance of her capture. On the 30th April Elorriaga presented a Claim, with his own Affidavit in support of it, for the recovery of his vessel. There was also annexed thereto an Affidavit of the First Mate, Bernardino Ugueda, declaring that the said Affidavit of the Master, Elorriaga, which had been explained to him through an interpreter, was just and true, as far as applied to the said Master having been left on shore at Whydah, and the circumstances attending the said vessel having parted from her cables. The portion of the Affidavit of the said Master, thus confirmed by his First Mate, was as follows:—"That, on the 5th day of February last, the said vessel, being in the charge of the Mate, Bernardino Ugueda, during a violent gust of wind parted her cable, and before another bower-anchor could be got ready to let go, she was swept by the current rapidly to leeward, and was some time afterwards lost sight of from the shore." To this Elorriaga added, that he remained in ignorance of the fate of his vessel "until the 4th March, when he, for the first time, was informed that she had been captured and sent to Sierra Leone."

The confirmed statement, above quoted, being in direct opposition to what the Mate, Ugueda, had sworn to on his first examination, the Claimant's Proctor, with the apparent object of patching up his Case, tendered a second Affidavit of the said Mate, which we allowed to be sworn, in the hope that, by giving such witnesses as the Master and his Mate in this Case the fullest latitude, they might expose the real state of their affairs. As this second Affidavit was evidently drawn to support the previous one which the Mate had made, it closely agreed, therefore, with the wording of Elorriaga's, as before quoted. It, however, failed, like its predecessor, to explain away the false swearing which the Mate had been thus made to commit.

These circumstances chiefly induced us to reject the Claim which Elorriaga had tendered.

The very late stage of the proceedings in which this Claim had been brought forward was also taken into consideration, when coming to the above decision; as well as that the Mate, who was a very competent representative of the Master during his absence, had allowed 2 months to pass away without taking any steps in the matter; although, on his first examination, he declared the Master to be the Owner of the vessel, and that he knew of him only in connexion with the cargo also.

The trial of the "*Cazador Santurzano*" took place on the 23d August, on a second Petition to this effect. Most of the articles of illegal equipment had been proved to have been on board this vessel at the time of her detention. There was not a shadow of a doubt as to the validity of the testimony adduced by the Captors. This testimony established that the hatchways of the vessel were larger than usual, and fitted with wooden gratings; that there were 3 bulkheads, being 1 more than usual in merchant-vessels; that there was a part of a slave-deck laid, and numbered planks to render it perfect; that there were 2 pairs of shackles, 44 casks capable of holding 12,000 gallons, a cabouse which would admit of enlargement, and 66 mess-pans. All these facts remained uncontradicted by the detained crew. The Court, in consequence, condemned the Spanish brig "*El Cazador Santurzano*," as legal forfeiture to the Crowns of Great Britain and Spain.

Sierra Leone, 12th September, 1836.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

No. 50.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Nov. 30.)

MY LORD,

*Sierra Leone, 17th September, 1836.*

ENCLOSED we have the honour to transmit to your Lordship our Report of the Case of the Spanish schooner "*Mosca*," Juan Esifa, Master, which vessel was condemned on the 7th instant, on the charge of being equipped for the Slave Trade.

The "*Mosca*" was detained by His Majesty's brig "*Britomart*," Lieutenant William Henry Quin commanding, whilst at anchor in the Roads of Whydah; at which town the Master, Esifa, was residing, whilst purchasing his return cargo. This vessel belongs to Havana, from which port she sailed in February, 1833, with the usual Official Papers, on a voyage to Bahia and Whydah.



The Captor's Declaration, made at the time of seizure, was, with the Ship's Papers and Affidavit of the Prize-Officer as to their condition, brought in on the following morning; when the usual Monition was issued, and the examination of the witnesses produced directed to be proceeded with.

The Declaration of the Seizor was, that on the 6th day of February, 1836, being in 6° 17' north latitude, and 2° 50' east longitude, he detained the ship or vessel named the "*Mosca*," sailing under Spanish colours, armed with 2 6-pounders, commanded by Juan Esifa, with a crew consisting of 19 men, having on board a cargo of provisions for slaves; and he further declared that he found her to be in the following condition as to fittings, stores, provisions, and cargo: a schooner of about 80 tons, nearly new, fitted with long hatchways and open gratings, 13 leaguers filled as water-casks, a number of irons, shackles, bolts, &c., 30 bags of farina, several instruments for punishing slaves, a quantity of rice and jerked beef, with spare bulkheads numbered ready for fitting, and planks for a slave-deck. In conclusion, the Seizors added, that the Master of the vessel was on shore sick, and the rest of the crew took to the boat on the vessel being captured, excepting only the Mate and the Cook.

The person described by the Seizor in his Declaration as the Mate of the "*Mosca*," eventually proved to be the Boatswain, an error into which the Seizor is supposed to have fallen, through having no one in His Majesty's brig acquainted with the Spanish language.

The Proctor for the Seizor petitioned, on the 7th March, that a Commission for the Survey of this vessel should go out, as he expected thereby to prove facts in support of the Declaration, that this vessel was equipped for the Slave Traffic. The Report under this Commission, which came in on the 10th of that month, established that the main hatchway was very long, and the hatches fitted with wooden gratings boarded over, with 5 iron bars for securing the same; the after-hatchway was fitted in like manner; a bulkhead dividing the Captain's cabin from the hold of the vessel. There was a small quantity of plank found on board, but not sufficient to make a slave-deck; the plank was in 7 pieces, each about 10 feet long, 11 inches wide, and 2 inches thick, not numbered or marked, and did not appear to have been fitted or used as a second or slave-deck. There were 6½ pairs of shackles on board; 10 water-casks, which could contain about 120 gallons each, a greater part of which were filled with fresh water, a quantity not more than required for her crew in the opinion of the sworn Surveyors. The Surveyors found 9 tin mess-kids, a number not more than sufficient for the crew. The cabouse was not larger than usually seen on board vessels of her size, but was fitted with slides, &c., and thereby capable of being enlarged to double its present size. The quantity of provisions on board was not deemed more than sufficient for her crew.

The witnesses produced by the Captor were Juan Rosenal, the Boatswain, and Manuel Gonsalves, the Cook, of the said vessel, who were examined by the Registrar, on the 16th March, on the standing interrogatories, and on the special questions framed to meet the points under the Equipment Article of the Treaty.

Rosenal deposed, that "the Master's name is Juan Esifa; has known him only about 7 months; believes he was born at Malaga, and that he resides with his family at Bahia. He believes the Owner of the vessel to be Don Juan Sangron, a resident of Havana, who appointed the said Master; believes gave possession to him at Havana about 3 years since; first saw the said vessel at Bahia about 9 months ago; believes she was built at the Canaries. He was present at the time of capture; he cannot say for what reason she was detained; she had no colours but Spanish. He has never heard of any name but '*Mosca*;' cannot tell her tonnage; had 14 Officers and mariners, exclusive of the Master, all Portuguese, except witness, who is an Austrian (a Ragusan), all shipped and hired at Bahia by the Master about 7 months since. Neither he, nor, he believes, any of the Officers and mariners, had any interest in either the vessel or cargo; was Boatswain on board; there were no passengers on board at the time of capture. The last clearing port was Bahia, and the present voyage began and was to have ended there; from thence the vessel went to Accra, where she took in water, and from that place to Adjudah, where the Master went on shore sick; the cargo was landed, and 12 bags of farina were shipped for the Portuguese sailors, and 2 bags of beans. The capturing vessel was seen as they lay at anchor off Adjudah on the 4th February, and capture took place the day following at the same place; there was no chase nor attempt made to escape; witness believes the vessel's Papers were for Princes and St. Thomas, but she did not go there. There are 2 small guns, about 8 cutlasses, and a small quantity of powder for defence; no resistance was made, there were no instructions to make any, or to avoid capture, or to destroy or conceal any of the vessel's Papers. He believes Juan Sangron aforesaid to be the Owner of the said vessel, and a Spaniard; does not know whether Sangron be married; he has a son residing at Adjudah. He is quite ignorant whether there was a Bill of Sale, and, with regard to the price of the vessel, believes, if the vessel be restored, she will belong to Sangron; knows of no private agreement. He believes Sangron to be the Owner of the cargo; Vincente de Paul, a Brazilian merchant, resident at Bahia, was the lader, and he believes it was consigned to Juan Sangron the younger, residing at Adjudah; believes the said Sangron, junior, to be a Spanish subject, and that he has resided previously at Bahia and Havana. There is no cargo on board at present. He knows nothing about the last voyage; the cargo which was landed at Adjudah was tobacco, aguardiente, and cloth; the vessel was taken after capture to Rio Sestos, and from thence to Sierra Leone. He knows of nothing to affect the credit of the vessel's Papers; no Papers were destroyed, concealed, or made away with; there are no Papers relating to either the vessel or cargo in any place that he knows of, except the vessel's Log, which is on board, and ready to be delivered up; he has never hitherto been asked for it; he knows nothing of any Charter-party. He is ignorant whether the vessel or cargo be insured; the vessel was under the orders of Sangron, junior, at Whydah; witness corresponds with no one in regard to either the vessel or cargo. Bulk was first broken, and the cargo landed at Adjudah. Nothing was taken out of the vessel at the time of capture except 12 swabs, which were taken on board the man-of-war by some of her seamen.

"The hatches have wooden gratings common in merchant-vessels, but they are at present boarded over; the hatches are not bored, and there are no iron bars on board for securing the hatches, except a single one for locking down each; there are only the bulkheads of the cabin and fore-castle; there are only 5 spare planks on board, with which they were repairing the deck of the vessel when captured; there are 6½ pairs of very old shackles, which he supposed were for punishing the crew, and which he found on board, when he was shipped at Bahia, in the place where nails are kept. There are only 10 half-pipe water-casks, and 3 or 4 empty aguardiente barrels; there is no tank or other means of conveying water, or any staves on board; the said casks and barrels might

hold altogether 6 or 7 pipes of water; the said 10 half pipes were full of fresh water at the time of capture. There were 5 large and 4 small mess-pans for the use of the crew. There was only 1 small boiler capable of holding 2 or 3 gallons of water, and for the use of the crew. There was 1 bag of rice, 25 bags of Cassada flour for the use of the crew, and for feeding live stock, farina and water being a common food for hogs."

The evidence of the Cook, Gonsalves, differing in several points from that of the Boatswain, and exhibiting an apparent disposition to speak the truth, not very common amongst persons who engage in the Slave Trade, we have thought it advisable to transcribe it here.

Gonsalves stated, that "the Master's name is Don Juan; has known him only since he shipped with him about 5 months ago; does not know where he was born or lives; believes he is not married. He believes Juan Paul, a Brazilian, resident at Bahia (and whom witness considers to be the Owner of the said vessel), appointed the Master; cannot say where or when the said Master took possession, or who delivered the same to him; first saw the said vessel at Bahia about 5 months since; does not know where the said vessel was built. He was on board at the time of capture; believes she was seized because there was Cassada flour and some shackles on board; she had no colours but Spanish. He has never heard of any other name but '*Mosca*;' does not know the tonnage; she had 23 Officers and mariners, exclusive of the Master, some Genoese, Italians, Portuguese, and Brazilians, and were all hired and shipped by the said Master at Bahia about 5½ months since. Neither he nor any other of the Officers and mariners had any interest in either the vessel or cargo; was Cook on board; there were no passengers. The last clearing port was Bahia, and the voyage commenced and was to have ended there; from thence the vessel proceeded to the Coast of Africa, and called at Accra for fresh water, and from that place to Adjudah, where the Master went ashore sick, and the whole of the cargo was landed. The capturing vessel was seen, whilst witness's vessel was lying at anchor off Adjudah about 2 months ago, and capture took place the following day; there was no chase nor attempt made to escape; believes the vessel's Papers were for Adjudah. There were 2 guns, 1 musket, about 15 cutlasses, and a small quantity of powder for defence; no resistance was made; there were no orders to make any, or to escape or avoid capture, or to destroy or conceal any of the vessel's Papers. Juan Paul is the Owner of the said vessel; believes so because he has seen him disburse for the vessel; cannot say whether the said Paul be married; believes him to be a native of Brazil. He knows nothing about any Bill of Sale, or the vessel's price; believes, if restored, she will belong to the said Juan Paul. He knows nothing whatever of lader, Owner, or consignee of the cargo; there is no cargo on board at present; the party to whom the cargo was delivered at Adjudah was Char Char; cannot say upon whose account it was landed. He knows nothing about the last voyage; the cargo taken out to this Coast consisted of tobacco, cloth, and 1 cask of aguardiente; the vessel was taken after capture direct to Sierra Leone. He knows nothing about the Papers; no Papers were concealed or made away with to his knowledge; he knows of no Papers in any country relating to the vessel or cargo; he knows nothing about any Charter-party. He does not know whether the vessel or cargo be insured; the vessel was under the direction of Char Char in regard to her employment in trade. Bulk was broken at Adjudah, and the whole cargo was landed. Nothing was taken out of the vessel at the time of capture.

"The hatches have wooden gratings boarded over; the hatchways are not bored, and there is only a single bar for each to secure them; there are only the bulkheads of the cabin and fore-castle; there are only 5 planks on board, believes they have been fitted, and were intended for forming a lower slave-deck; there is no part of a slave-deck laid; there were some shackles on board, but cannot say how many, or for what purpose they were there; there are 10 water-casks, and that is all the means the vessel is supplied with for carrying water, but there were 7 leaguers sent ashore at Adjudah; the said 10 casks were pipes, and they were full of fresh water at the time of seizure. He thinks there were 10 or 11 mess-tins on board for the use of the crew. There was no boiler on board at the time of seizure; but there was 1 on shore which the vessel had brought from Bahia, an iron one of large dimensions, capable of holding about 20 buckets of water, and which witness believes was intended to cook the food of the slaves on the vessel's passage back to Bahia. There was 1 bag of rice, and about 10 bags of Cassada flour on board at the time of seizure for the use of the crew; has heard from the Mate that there was a large quantity of Cassada flour on shore to be shipped, and believes the same to have been for the purpose of feeding the slaves; witness voluntarily declares that he believes the vessel to have been engaged on a slaving-voyage, as he knows Spanish vessels come to the coast for that purpose only; witness believes Char Char intended to have shipped slaves in the said vessel, as he has heard the Mate speak about the slaves not being ready."

Publication of the evidence quoted was granted, on the 17th March, to the Seizor's Proctor.

On the 2d May, a Petition came in on behalf of the Boatswain, through Mr. Proctor Dougan, praying that he might be allowed to file a Claim for this vessel and her cargo, on behalf of the Owner thereof, Juan José Zangroniz, senior, of Havana (in Boatswain's examination the Owner's name is spelt Sangron), which was accompanied by Affidavits in explanation of the same not having been presented in the regular course. The explanation stated, that he expected either the Master or Mate would have found means of reaching this place from Whydah; and that whilst he had reason to look for the arrival of either of them, he did not feel himself authorized to make the application in question; but having learned from Angel de Elorriaga, the Master of the detained Spanish brig "*Caçador Santursano*," who had made his way here from Whydah in search of his vessel, that the Master of the "*Mosca*," Juan Esifa, had died at that place on the 5th March last, and that the Mate of his vessel, José Lorenzo, still remained there (these facts appeared in Elorriaga's Affidavit), he, the Boatswain, considered he should no longer delay the request to file a Claim as above mentioned, which we, under all the circumstances of the Case, gave him permission to do.

The Claim runs thus:—that "Juan Rosenal, the Boatswain, and chief Officer of the said schooner, a subject of Her Catholic Majesty the Queen of Spain, for the said schooner, her tackle, apparel, and furniture, and goods, wares, and merchandize, on board the said schooner at the time of the capture thereof by His Britannic Majesty's brig-of-war '*Britomart*,' Lieutenant William Henry Quin commanding, and brought to Sierra Leone; and for the value of the said schooner, her tackle, apparel, and furniture, and her cargo, as the sole property of Juan José Zangroniz, senior, an inhabitant and native of Havana, and as protected by the Treaties or Conventions entered into between Great Britain and Spain for the Abolition of the Slave Trade, signed at Madrid on the 23d day of September, 1817, and the 28th day of June, 1835; and for all costs, charges, losses, damages, 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."

The Affidavit annexed to the foregoing states, "that Juan Rosenal maketh oath and saith, that he is a subject of Her Catholic Majesty the Queen of Spain, and was Boatswain of the said schooner at the time of the capture thereof by His Majesty's brig-of-war 'Britomart,' Lieutenant William Henry Quin commanding; and that the said schooner was captured on the 6th day of February last past off Adjudah, in the prosecution of her voyage from Bahía to the Coast of Africa, and back to Bahía, and brought to Sierra Leone. And he further maketh oath, that no person or persons other than Juan José Zangroniz, senior, was, at the time of the said capture, and now is, the true, lawful, and sole Owner and proprietor of the said schooner, her tackle, apparel, and furniture, and of the cargo on board the same; and that he verily believes the said schooner and her cargo are protected by the Treaties or Conventions entered into between Great Britain and Spain for the Abolition of the Slave Trade, signed at Madrid on the 23d day of September, 1817, and on the 28th day of June, 1835. And he further maketh oath, that the deponent never heard of the last-mentioned Treaty having been entered into as aforesaid until the seizure of the said schooner; that at the capture of the said schooner, the late Master, Juan Esifa, was sick ashore at Adjudah, and no notice was given to him, the Master, by the Seizor, of the said schooner being detained; that the Mate, José Lorenzo, who was in charge of the said schooner at the time of seizure, was sent ashore at Adjudah aforesaid by the said Seizor; and that the deponent was the only Officer left on board the said vessel, after she was taken possession of by the Seizors as aforesaid. And the deponent further saith, that the seizure was made by an Officer of inferior rank, belonging to His Majesty's brig-of-war 'Britomart,' and not by the Lieutenant commanding; and that the said boarding Officer did not, either before or after the search of the said schooner, furnish the deponent or the said Mate with a Certificate signed by him, stating his rank in the Royal Navy; the name of the Commander by whose order he proceeded to make the search, or the object of such search, as required by the last-mentioned Treaty, under which the said vessel was so detained. And he further maketh oath, that on the 29th day of April last, he, the deponent, was informed by Angel de Elorriaga, the Master of the Spanish vessel 'El Cazador Santurzano,' who had lately arrived here from Adjudah, that Juan Esifa, the above-named Master, departed this life at Adjudah aforesaid, on or about the 5th day of March last, and that the Mate of the said schooner was still remaining at that place. And he further maketh oath, that no person or persons other than the said Juan José Zangroniz, senior, as aforesaid, have any right, title, or interest in the said schooner, her tackle, apparel, and furniture, and the goods, wares, and merchandize, on board the same at the time of the seizure thereof; and that he is authorized as the chief Officer now on board the said schooner, in the absence of the said Mate, to make the Claim hereunder annexed; and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof. And he lastly saith, that the said Claim would have been presented by him, the said deponent, to this Honourable Court in due course; but from the circumstances of the deponent expecting the said Master might have recovered from his illness after the said schooner had left Adjudah as aforesaid, and been able to have found his way to this port for the purpose of presenting the same himself, or that the Mate would have been able to have found means of coming up here for that purpose; and also from the deponent not considering himself authorized to take this step, until the uncertainty of their arrival had been removed by the intelligence received from the Master of the Spanish brig 'El Cazador Santurzano' as aforesaid."

A Petition from the Claimant was received on the 30th July requesting to file another Affidavit, which was granted, and which declared that, whilst "the said schooner ('Mosca') was lying at anchor off Adjudah, His Majesty's brig 'Britomart' arrived there, and came to an anchor under Spanish colours; that an Officer from the said brig then boarded the said schooner, and after searching the said vessel he quitted her; and that, on the following day, 2 Officers from the said brig again boarded the said schooner, when a further search was made, and she was seized and detained by them, the said brig having still Spanish colours flying. And the deponent further saith that, after the detention of the said schooner, the said Seizors, in getting her under weigh, never attempted to weigh her anchors, but slipped both her chain cables, whereby both anchors and cables were entirely lost."

This closed the Claimant's Case.

The Proctor for the Captor, on the 2d August, prayed to re-open his Case, and have the Cook examined on the special interrogatories which he then tendered, and which the Court granted. Gonsalves was examined accordingly on the 4th ultimo.

As, however, the Cook's testimony on this occasion was entirely respecting facts of which he had no personal knowledge, we think it needless to transcribe his replies, as they could not be received as evidence.

On the same day, the Seizor's Proctor obtained publication of the additional portion of his Case, and presented a Petition for a day of trial. The last-named Petition we were obliged to refuse, in consequence of the Proctor, Mr. Lake, having neglected to take any notice whatever of the charges made by the Claimant, of wantonly slipping the anchors and cables of this vessel at the time of detention; and of the several alleged irregularities respecting the mode in which the seizure of the "Mosca" was effected, as well as the charge of removing 12 swabs into the capturing ship at the time of capture. Mr. Lake was, therefore, directed on the 9th ultimo to complete his Case as far as he had the means of so doing.

These matters could only have been otherwise cleared up, as far as they ultimately were previous to adjudication, by the Court framing special interrogatories to elicit the desired information; which, as there were Proctors engaged on both sides of this Case, we considered it unnecessary to do, and also that such a proceeding would have formed an inconvenient precedent in the practice of the Court hereafter.

At the sitting of the Court on the 10th ultimo the "Mosca" was necessarily passed over, and 3 vessels which stood next under her on the list of vessels for trial were adjudicated.

On that day, Mr. Lake tendered an Affidavit of the Prize-Officer, which was drawn up in such a confused manner, that it was necessary to desire that it should be amended. In consequence of the subsequent ill-health of the Seizor's Proctor, as well as of the Prize-Officer, the amended Affidavit required could not be completed until just before another sitting of the Court on the 23d ultimo, and the adjudication of this Case therefore stood over till the 7th instant.



We have been thus particular in remarking upon these occurrences, as they formed the subject of an entirely novel application in the practice of the Mixed Courts, namely, that the Seizor's Proctor should be directed to pay the costs alleged to have arisen to the Claimant by the before-mentioned delays, which had taken place through the said Proctor's neglect; our decision thereupon will be reported in a separate communication, as the question has not yet been finally disposed of.

The amended Affidavit previously referred to, which was filed on the 23d ultimo, was as follows:—

“Appeared personally Mr. George William Slaughter, Prize-Master of the said schooner, and Master's-Assistant of His Majesty's brig ‘Britomart,’ who, being duly sworn, maketh oath and saith, that he was present at the capture of the said schooner by two boats from His Majesty's brig, under the command of the senior Mate of the said brig. That the cables of the said schooners were slipped immediately after capture, by order of that Officer, as deponent verily believes, in order the more speedily to rejoin the ‘Britomart,’ then at a considerable distance in chase of another vessel. That the aforesaid Officer on his boarding the “*Mosca*,” in deponent's presence, exhibited to the Mate of the said schooner a copy of the New Treaty between Great Britain and Spain, as his authority for boarding and detaining the said vessel. That some swabs were removed from the “*Mosca*” by some of the ‘Britomart's’ seamen, as deponent believes, for the use of the latter vessel. And lastly, that the Spanish flag is sometimes hoisted on board the ‘Britomart’ as a private signal.”

This closed all the proceedings had in the Case, and the Court met for its adjudication on the 7th instant; when, after having heard the evidence read, and the addresses of the Proctors on both sides, judgment was given therein.

The alleged irregular manner in which the seizure had been effected was particularly dwelt upon by the Proctor for the Claimant, Mr. Dougan, who desired that the Court should put the most rigid construction upon those parts of the Treaty, which granted the right of search and detention, and directed the mode in which seizures should be conducted under that Treaty and that it should be decreed by us, that the slightest deviations from the provisions of the Treaty on these subjects should render unlawful every proceeding connected therewith. Mr. Dougan, however, urged in the same breath, that we should put the most liberal construction upon the Equipment Article of the Treaty, and pronounce that trifling infractions thereof, such as appeared in this Case, could not be considered sufficient grounds for condemnation.

The evidence in the Case as to the seizure of the “*Mosca*” appeared, on the one hand, to be, that the Seizing Officer did not exhibit his authority to the senior Officer of the detained vessel at the time of her seizure, nor grant the Certificate of the particulars of the seizure, both of which are strictly enjoined of him in the Treaty, and the instructions for cruisers attached thereto. On the other hand, the Prize-Officer swears that his senior, Mr. Cox, exhibited a Copy of the New Treaty to the Mate of the “*Mosca*” at the time of her seizure. Whether this was a certified Copy of the New Treaty and Instructions as required, or whether Mr. Cox, or the Seizor, Lieutenant Quin, ultimately gave the necessary Certificate respecting the detention, we had no means of ascertaining in the absence of both these Officers.

It was, however, undisputed that the seizure of the “*Mosca*” had been made by an Officer and men belonging to and in the boats of His Majesty's brig ‘Britomart,’ a vessel-of-war duly authorized to make such a seizure. The deviations from the directions and provisions of the Treaty alleged to have taken place at the time of seizure were found on close investigation only to consist of not granting the required Certificate of seizure to the chief Officer of the detained vessel; and not exhibiting an authenticated Copy of the Instructions under the Treaty, furnished to his Majesty's brig: two allegations supported only by the Boatswain's oath; whilst opposed to that we had before us the Prize-Officer's Affidavit, that a Copy of the “New Treaty” was shown at the time of capture, as the authority for that proceeding. If any irregularities had taken place, therefore, as to the mode of making this seizure they could not, even on the Claimant's own showing, have been of a very important description, or led to any injury; and bearing in mind that it had been already laid down by His Majesty's Government, in the Case of the Spanish Schooner ‘*Fabiana*,’ that the Commissioners should not consider every deviation from the Treaty as necessarily invalidating a capture, we ruled in this instance, that the alleged irregularities complained of should not be held to affect the legality of the detention of the “*Mosca*.”

As to the “Britomart” having had Spanish colours flying when the “*Mosca*” was seized, we observed that it appeared to us a question of not the slightest moment; as the practice of vessels-of-war of all nations using the colours of different countries indiscriminately when cruising is, we believe, universal.

The question which then remained for decision was, whether the “*Mosca*” had been found by the “Britomart” equipped for the Slave Trade. Upon this point, after the hope expressed by the Claimant's Proctor, that a liberal construction would be put by the Court upon the Equipment Article of the Treaty, we thought it incumbent to observe that the smallest infraction of any of the Sections of the 10th Article would be considered as bringing a vessel fully within the meaning of that Article, as was evidently intended should be the case by the last paragraph of the Article in question.

The evidence in this Case clearly established that, at the time of seizure, there were on board 6½ pairs of shackles, and that the “*Mosca*'s’ hatches were fitted with wooden gratings, over each of which there were 5 iron bars placed, for which equipment no lawful excuse had been tendered; either one of which circumstances was sufficient to ensure condemnation. In addition to these circumstances, however, there was a large quantity of farina on board, respecting which very contradictory statements had been made by the Boatswain; and the cabouse was of that peculiar construction used only in slave-vessels.

We therefore condemned the Spanish Schooner “*Mosca*,” her cargo, and equipment, as lawful prize to the Crowns of Great Britain and Spain.

The charge which had been preferred of wantonly slipping the cables of this vessel, by which they had been with the anchors lost at the time of seizure, we gave no opinion upon, in the absence of explanation from Mr. Cox (by whom they were alleged to have been lost), who is daily looked for here, and from whom, on his arrival, we anticipate a satisfactory statement as to this charge, as well as to other matters of complaint in the present Case.

Sierra Leone, 17th September, 1836.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

## No. 51.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Nov. 30.)

MY LORD,

*Sierra Leone, 17th September, 1836.*

WE have the honour of transmitting to your Lordship our Report of the case of the Spanish Schooner "*Feliz Vascongada*," Juan Tomas de Olaquibel, Master, condemned, on the 7th instant, for a breach of the Treaty between Great Britain and Spain of the 28th June, 1835.

This vessel, bound from Havana to St. Thomas, on this Coast, which Island she did not of course visit, was found at anchor in the Bonny River, where she had discharged the major part of her outward cargo, by His Majesty's sloop "*Trinculo*," Henry Joseph Puget, Esq., Acting Commander, who, finding the schooner equipped for the Slave Traffic, detained and sent her to this port for trial.

By the Papers in this Case it appears, that this vessel made one voyage from Cuba to the Coast between February and October of last year; and as the Master stated in his examination that the last voyage of this vessel was a similar one to the present, and that he returned therefrom to Havana "in ballast," it is to be concluded that she made one successful slaving-voyage during that year. What the nature of the last voyage really was the enclosed Copy of a Translation of an original Letter, found in the possession of Santiago de Diliz, the late Master of the condemned slave-schooner "*Semiramis*," will, it is submitted, clearly establish, and which Letter was addressed to Olaquibel during the time he was on this Coast in the "*Feliz Vascongada*," as is shown by his own testimony, and the Ship's Papers of his vessel. The expression in the Letter in question, of its not being the desire of his employer that Olaquibel should delay his return "for 15 or 20 blacks," cannot be misunderstood.

In the examination of the Master, he mentioned, that he first saw this vessel at Sierra Leone in November, 1834, when he embarked in her as a passenger for Havana.

On application at the Custom-house here, it was ascertained that, on the 5th November, 1834, a Spanish vessel, named "*Deceada*," under the command of Manuel de Maria, cleared out for Havana, and the result of further inquiries on this point established that this must have been the vessel by which Olaquibel returned to Cuba.

The "*Deceada*" was originally the Portuguese slave-vessel "*Despique*," condemned here on the 1st September, 1834, and reported in our Despatch, No. 38, of the 5th September, 1834. The "*Despique*," after her condemnation, was sold at public auction to Mr. Cathcart, one of the merchants of this Colony, and ultimately became the property of a Spaniard named Campo, who took her hence to Havana, where, it seems, she again changed Ownership, and her name was altered to "*Feliz Vascongada*."

We have, &c.

(Signed)

WALTER W. LEWIS.

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

H. D. CAMPBELL.

&c.

&c.

&c.

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First Enclosure in No. 51.

*Report of the Case of the Spanish schooner "Feliz Vascongada," Juan Tomas de Olaquibel, Master.*

This vessel, ostensibly bound to St. Thomas on a voyage of lawful commerce, sailed from Havana in October 1835, with the under-mentioned Official Papers:—

1. Royal Passport, originally issued on the 17th February, 1835, and re-issued on the 5th October following, to the same Master.
2. Muster-roll.
3. Fort Pass.

The "*Feliz Vascongada*," as is usual with vessels of her description belonging to Cuba, did not proceed to the destination assigned in her Papers, but went direct to that notorious slaving-place the Bonny, where she discharged nearly all her cargo, and was found at anchor by His Majesty's sloop "*Trinculo*," Acting Commander Puget, on the 28th January last, and by that Officer detained for being equipped for the Slave Trade.

The arrival here of this vessel was regularly reported by the Marshal to the Court on the 3d March, but she did not then come before it, in consequence of the want of a Declaration of the seizure by the capturing Officer, and the absence of that Document not being accounted for.

On the 21st March, the capturing ship arrived in this port, and 2 days subsequent thereto, the Ship's Papers and a proper Declaration were brought in and authenticated by the Seizor himself, the usual Monition issued, and the witnesses in preparatory produced.



The Declaration of the Seizor was to the effect, that he had detained the "*Feliz Vascongada*" at the time and place previously mentioned, in consequence of her "being fitted for slaves in breach of the Treaty entered into by the Governments of Great Britain and Spain, and dated 28th June, 1836, she having had her slave-deck laid, and an unusual quantity of water-casks on board, mostly filled with water."

On the 25th March the witnesses, Juan Thomas de Olaquibel, the Master, and Manuel de Ascorra the Mate of the said vessel, were examined by the Registrar on the usual interrogatories.

Olaquibel deposed, that "he was born in Biscay; has lived at Havana for the last 3 years; and has never served any State but Spain; is married, and his wife and family reside in Biscay; he took the command, having hired the vessel; possession was delivered to him in Havana in the beginning of October last, by Don Manuel Ascorra, a resident of that place, and a Spanish subject, and at present second Officer on board the detained vessel; first saw the detained vessel last November 12 months at Sierra Leone; he does not know what her name was at that time; witness took a passage in her to Havana; cannot say where she was built; he was present at the time of capture; does not know for what reason she was seized; had only Spanish colours; he has never heard of the vessel going under any other name than '*Feliz Vascongada*'; is 105 tons burthen; he is the sole Owner of the cargo, and the said second Officer, Manuel Ascorra, is the sole Owner of the vessel; the last clearing port was Havana, and the voyage commenced and was to have ended there; the first place the vessel anchored at was the Bonny, where she went to trade for ivory and palm-oil; and witness had been there trading as aforesaid about 25 days when he was captured; the vessel's Papers were for St. Thomas, but the strength of the currents obliged witness to go to the Bonny, where the vessel was captured in January last; no resistance was made; there were no instructions to resist or avoid capture, or to destroy or conceal any of the vessel's Papers; the said Manuel Ascorra is the sole Owner of the captured vessel; knows that he is the Owner, as witness hired her from him; cannot tell whether he be married; he is a Biscayan by birth, and believes he resided in Biscay previously to the Havana; he (witness) is the sole Owner, lader, and consignee of the cargo; the portion of the cargo now on board he meant to have disposed of in trade as aforesaid in the Bonny, for his sole account and risk; and swears that at the time of lading, at the present time, and in the event of the said cargo being restored, the same did, does, and will belong to him only, inasmuch as he bought and has paid for it; he was Master of the said vessel last voyage, which was a similar one to the present; the cargo on that occasion was a general one of aquardiente, tobacco, and cloth, shipped at Havana, and disposed of at St. Thomas for cash, and the vessel returned to Havana in ballast; the present cargo is muskets, aguardiente, powder, cloth, beads, and rice; was taken direct to Sierra Leone; all the Papers were entirely true and fair; when witness was first seized there were four, the Escritura (Bill of Sale), Patenta (Passport), El Roll (Muster-roll), and Registro (Manifest), which he delivered to the Lieutenant commanding the capturing boats, who gave them to one of the British seamen; and in the bustle which ensued on board witness's vessel, in consequence of the said Lieutenant pointing her gun and firing on the shore (for what purpose witness does not know), 2 of the said Papers were lost, and witness does not know what has become of them; there are no Papers relating to either the vessel or cargo in any country to his knowledge, except the Countersign, which is on board, and which he is ready to deliver up; there was also a Log-book which was not given up with the other Papers, but witness does not know what has become of it; has never seen it since the vessel was captured; there was no written Charter-party; there was a verbal agreement to pay 4000 dollars to Ascorra for the voyage; neither the vessel nor cargo is insured; the vessel was under witness's sole management in regard to her trade; bulk was first broken in the Bonny.

"The hatches are not fitted with open gratings of wood or iron; the coamings of the hatchways are bored, but he does not know for what purpose; there are 100 and odd round and flat iron bars, for ballast and for salé; cannot say whether they are fit for securing the said hatches; they were not intended for that purpose. There are the bulkheads of the cabin, steerage, and fore-castle. There are about 40 or 50 planks on board intended for stowing the cargo upon; they are numbered and fitted for that purpose. There is no part of a slave-deck laid. There were neither shackles, bolts, nor handcuffs on board. There are about 20 empty and water casks; there is no tank, nor any staves; the said casks might contain about 8,000 gallons; there were about 10 or 12 pipes of fresh water on board at the time of the seizure. There were 8 or 10 mess-tins for the use of the crew. There is no copper or iron boiler on board, except a small one of 4 or 5 gallons for cooking the ship's provisions in. There were about 20 quintals of rice on board for the crew and for sale."

The evidence of the Mate, Ascorra, was in every way confirmatory of the Master's deposition. He, however, added the exceedingly absurd statement respecting his Ownership of the vessel, that there was a Bill of Sale, which he delivered to the Master when they were leaving Havana, but that he, the sworn Owner of the vessel, could "not recollect the name of the party by whom it (the Bill of Sale) was made, or of either of the witnesses" of the purchase and transfer of this vessel to him. The only inference therefore is, that the Master and Mate had on this point deposed to what is untrue, with the object of covering the parties who were the *bonâ-fide* proprietors of the "*Feliz Vascongada*."

At the request of the Seizor's Proctor, a Commission of Survey of this vessel was executed; the Report under which came in on the 25th March, and was duly attested by the 3 Surveyors on the following day. This Report established, that the "*Feliz Vascongada*" had a main hatchway larger than usually seen on board vessels of her size, the sides of which were bored with holes, and bars for the same were also found on board; that the after-hatchway was fitted in like manner; 2 places, 4 feet long and 2 feet wide, were cut in the deck and fitted with bars; 2 bulkheads of the cabin and fore-castle, and a third dividing the main from the after hold; a slave-deck laid fore and aft; 23 leaguers, in all capable of containing 9,500 gallons, the greater part filled with fresh water, being a quantity more than sufficient for her crew; an extraordinary number of water-casks for a vessel of her class; the cabouse not larger than usually seen in vessels of her size, but constructed in such a manner as to be easily enlarged; 20 bags of rice, and 1 leaguer full, containing in all about 3 tons, a quantity more than sufficient for her crew.

Publication passed in this Case on the 26th March, and the Monition therein was returned into Court on the 4th April, certified to have been properly executed.

In proof that the Ship's Papers delivered into Court were the only Documents obtained at the time of seizure, the Affidavit of Mr. John Fiddes, Master's Assistant of the capturing vessel, was subsequently brought in and filed.

On the 4th of April a Claim, prepared by one of the Proctors of the Court, was brought in by the Master of the detained vessel, setting forth that the schooner was the property of the First Mate, and the cargo his (the Master's) own; and that when detained they were engaged in a legal traffic. As this application had not been made within the period directed by the Rules of the Court, and no excuse even tendered for this irregularity, the Claim was not then allowed to be filed. Affidavits having, however, been presented to and admitted by the Court, satisfactorily accounting for the delay above mentioned, the Claim was ultimately received.

The Affidavit annexed to the Claim, containing the substance of that paper and the grounds of the application, was as hereunder:—

“That Juan Tomas de Olaquibel, Master of the said schooner, maketh oath, that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said schooner at the time of the capture thereof by His Majesty's brig ‘Trinculo,’ Henry Joseph Puget, Esquire, Commander; and that the said schooner was so captured on the 23d day of the month of January last in the River Bonny, in the prosecution of her voyage from Havana to St. Thomas and the Coast of Africa, and back to the Isle of Cuba, with a cargo consisting of general merchandize, which deponent was in the act of bartering with the natives for a return cargo of palm-oil, bees'-wax, ivory, and other articles, and brought to Sierra Leone. And he further maketh oath, that Manuel Ascorra, of Havana, a subject of Her Catholic Majesty, was at the time of the said capture, and now is, the true, lawful, and sole Owner and Proprietor of the said schooner ‘La Feliz Vascongada,’ her tackle, apparel, and furniture; that deponent is the true, lawful, and sole Owner and Proprietor of the said cargo on board the same. And the deponent further maketh oath, that he verily believes the said schooner and cargo are protected by the Treaties or Conventions between His Britannic Majesty and Her said Catholic Majesty, the said schooner being at the time of seizure engaged in a legal traffic. That at the sailing of the said schooner from Havana no official notice whatever had been promulgated by the Authorities at that place of the existence of a New Treaty, and of which this deponent was not aware of until the day of seizure. And he further maketh oath, that no person or persons, other than the persons before mentioned, have any right, title, or interest in the said schooner, her tackle, apparel, and furniture, goods, wares, and merchandize on board the same, at the time of the capture and seizure thereof; and that he is duly authorized to make the Claim hereunto annexed, and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof.”

The trial of this vessel took place on the 7th instant, when sentence of condemnation of the “*Feliz Vascongada*,” her cargo and equipment, was pronounced on the very clear and conclusive evidence which has been transcribed and referred to in this Report.

Sierra Leone, 17th September, 1836.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

### Second Enclosure in No. 51.

(Translation.)

SIR,

Havana, 1st May, 1835.

MEETING with the favourable opportunity of sailing from this port, our friend and countryman of yours, Mr. James Dilis, I have the pleasure of informing you of our good state of health, hoping that you in your transportation enjoy equally as good.

I sincerely hope you will make a speedy return, not delaying the vessel for 15 or 20 blacks. Since you left we have heard of several vessels being captured, some to the north, others to the south. We trust to your diligence and good fortune that we may reap the fruits of a successful voyage, and without more to write, except that Manuel and Luis desire to be remembered to you, and hope with myself soon to see you here.

Mr. John Thomas de Olaquibel.

(Signed)

FELIX DIAS CELIS.

(True Copy.)

M. L. MELVILLE, Registrar.

### No. 52.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Nov. 30.)

MY LORD,

Sierra Leone, 17th September, 1836.

ENCLOSED we have the honour to transmit, for your Lordship's information, the Report of the Case of the Spanish brigantine “*Diligencia*,” Juan Duran, Master, prosecuted and condemned in the British and Spanish Mixed Court of Justice, on a general charge of illegal equipment for the Slave Trade.

This vessel was detained by His Majesty's sloop “*Trinculo*,” Henry Joseph Puget, Esq., Acting Commander, on the 8th of January, 1836, in the River Bonny, whither she had proceeded from Havana, after touching at Cape Verdes, the Island of Annabona, and Ambriz, in opposition to the destination mentioned in the official Ship's Papers, which was Saint Paul's de Loando.

Ample details of the proceedings had in this Case are contained in the accompanying Report. It will there be perceived, that the Seizors succeeded in establishing their charges of unlawful outfit; that the Master's defence was inefficient as regarded the refutation of these points of accusation; and that the Court, on full and satisfactory proof, condemned the “*Diligencia*,” on the 7th September, as prize to Great Britain and Spain.

On a reference to the Lists furnished from Havana for the year 1835, your Lordship will observe, that the vigilance of His Majesty's Commissioners stationed there detected the departure of this vessel from that port on the 8th August, 1835, which was the commencement of the present voyage.

This vessel was originally one of the Spanish Royal Navy, and called "*Amalia*," and was purchased, on her being rejected from the public service, by José Antonio de Trigoyen, of Havana, who resold her soon afterwards to her last Owner, the late Master of her.

The Case of the "*Diligencia*," in its general character, bears so clear a resemblance to those of the vessels already prosecuted under the Equipment Article of the Treaty of the 28th June, 1835, that we deem it quite unnecessary to trespass upon your Lordship's attention with any remarks connected with it,

We have, &c.

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

WALTER W. LEWIS.  
H. D. CAMPBELL.

### Enclosure in No. 52.

#### *Report of the Case of the Spanish brigantine "Diligencia," Juan Duran, Master.*

In the month of August, 1835, this vessel sailed from Havana, on a voyage professedly of lawful commerce, to St. Paul's de Loando. The route pursued by this vessel was to go direct to Cape Verde Islands, on the plea of obtaining an anchor there; thence she proceeded to Annabona for provisions; from which Island she went to the notorious slaving-port of Ambriz, at which the Master was unsuccessful in his arrangements, and in consequence departed for the Bonny, as a more certain place for obtaining a cargo of slaves on the most advantageous terms.

After the "*Diligencia*" had remained in the Bonny nearly three months, she was seized whilst at anchor there by Acting Commander Puget, of His Majesty's sloop "*Trinculo*," on the 8th January, 1836, on the ground of being equipped contrary to the Treaty between Great Britain and Spain.

The Papers found by Commander Puget on board of this vessel were:—

1. Royal Passport.
2. Muster-roll.
3. Fort Pass.
4. Certificate as to the Ownership of the vessel.
5. and 6. Log-book of the voyage.

The arrival here of the "*Diligencia*" was duly reported by the Marshal on the 3d March last, on which day the Proctor for the Seizors brought this Case before the notice of the British and Spanish Mixed Court of Justice. The absence, however, of the authentic Declaration of the Seizor, exhibiting the state in which this vessel was found at the time of detention, which should have accompanied the other Papers relating to her seizure, not having been accounted for, we declined allowing this vessel to come so irregularly before us.

The arrival of the capturing vessel soon afterwards enabled the Seizor's Proctor to present the Case in the approved form, which was accordingly done on the 23d March; on which day the Ship's Papers, the Seizor's Declaration, and the Affidavit of the Prize-Officer, were lodged in Court, the Motion issued, and the witnesses in preparatory produced for examination.

The Declaration of the Seizor was, that on the 28th day of January, 1836, being in the River Bonny, he detained the ship or vessel named the "*Diligencia*," sailing under Spanish colours, armed with 2 guns, 9-pounders, commanded by Juan Duran, who declared her to be bound from the River Bonny to the Island of Cuba; the said vessel being fitted for slaves, having a slave-deck laid, and an unusual quantity of water on board, in breach of the Treaty entered into by the Governments of Great Britain and Spain, dated the 28th June, 1834.

To substantiate the charge against this vessel being illegally equipped, a Commission of Survey went forth, at the request of the Captor's Proctor; the return to which established, that the main hatchway was larger than usually seen on board vessels of her size, the sides of which were bored with holes to admit hatchway bars, several of which were found on board; the after hatchway fitted in like manner; 4 scuttles cut in the deck, each about 5 feet long and 2 feet wide, with iron bars across; bulkheads dividing cabin and forecabin from the main hold, also one dividing main hold from fore hold; a slave-deck laid fore and aft; 30 leaguers on board capable of holding about 13,000 gallons of water, the greater part filled with fresh water, a quantity more than sufficient for her crew; an extraordinary number of water-casks for a vessel of her class; that the cabouse was larger than usually seen on board vessels of her size, and constructed with slides to admit of its being enlarged, and 2 boilers on board for the same. There were 26 bags of rice on board, in all about 1 ton, with 17 bags of farina, and a very large number of yams; the quantity of farina and yams being more than requisite for her crew.

The replies of the Master of this vessel (Juan Duran) to the standing interrogatories, and to the special questions put in all cases of equipment, were as under:—

"He was born at Barcelona; has lived at Havana for the last 13 years; has never served any State but Spain; his wife resides in Havana. He took the command, having hired the vessel; José Maria Aguirre, the second Officer of the said vessel, a Spanish subject, and resident of Havana, and who is the Owner of the vessel, delivered possession to witness in Havana in July last; first saw the vessel there in 1824; does not know where she was built. He was on board at the time of capture; does not know for what reason the vessel was seized; had no colours but Spanish. Her present name is '*Diligencia*;' has been so called since last June; previously she was a vessel belonging to the Spanish Navy, and called '*Amalia*;' is 152 tons burthen, and had 33 Officers and mariners exclusive of witness, all Spaniards, except 5 or 6 of the mariners, who were Portuguese; all hired by witness in Havana in August last, except 3 shipped at Porto Praya, Cape Verdes, in September. He is the sole Owner of the cargo, and the first Mate, Aguirre, is sole Owner of the vessel; was Master on board; there were no passengers. The voyage commenced and was to have ended at Havana; that was the last clearing port; from thence the vessel went to Porto

Praya to get an anchor, and stayed there 8 or 9 days; and from thence to Annabona, where she remained 4 days taking in fresh provisions, and from that proceeded to Ambriz, where she anchored for the purpose of trading, but, not being successful, proceeded, after a stay of 4 days, to the Bonny, where he was captured about 12 weeks after his arrival. The capturing vessel was first seen 2 or 3 days after capture in the Bonny, in which river capture took place, whilst witness's vessel lay at anchor on the 23d January last; the vessel's Papers were for St. Paul's de Loando, but witness pursued the course stated with a view of getting trade, and intended to have proceeded from Bonny to St. Paul's. There were 2 guns, about 20 muskets, and a dozen sabres, and 6 or 8 barrels of powder; had these arms for defence; no resistance was made; there were no instructions to make any, or to avoid capture, or to destroy, or conceal, or make away with any of the vessel's Papers. José Maria Aguirre is the sole Owner of the vessel; knows it from the Bill of Sale; Aguirre is a Spaniard by birth, and is unmarried. There is a Bill of Sale from Don Juan or José Antonio Trigoyen to the said Aguirre; does not recollect the witness's name or the date; the said Bill is on board in witness's possession; believes the price was 3,500 dollars; believes the same was paid down at the time of purchase, and was a fair equivalent for the said vessel, and that the sale was a true one, and that, if the said vessel be restored, she will belong to the said Aguirre only; knows of no private agreement. He is sole lader, Owner, and consignee of the cargo; the merchandize now on board he intended to dispose of at the Canaries on his way home, and the cargo, if restored, will belong to him only. This is her first voyage since she belonged to the Spanish navy; the present cargo consists of cloth, muskets, powder, rum, and beads; was taken direct to Sierra Leone after capture. The Papers were entirely true and fair; those delivered up to the Captors were the Patente and Roll. No Papers were destroyed, concealed, or made away with; there are no other Papers any where than those delivered up, except the Countersign and Bill of Sale aforesaid, and the Log-book, which are on board, but have not hitherto been demanded, and consequently witness did not consider it necessary to give them up with the other Papers. There was only a verbal agreement between Aguirre and himself, by which he was to pay 6,000 dollars for the hire of the vessel for 1 voyage. Neither the vessel nor cargo is insured; the vessel was under witness's sole management in regard to her trade. Bulk was first broken in the Bonny; and has not been broken since capture.

"The hatches are not fitted with open gratings. He does not know whether the combings of the hatchways are bored. There are no bars or bolts on board for securing the said hatches. There are but 2 bulkheads, those of the cabin and forecastle. There are spare planks in sufficient quantity, and fitted and numbered, for forming a lower deck, with which she was furnished when a vessel of war, and which was sold with her. The whole of the said lower deck is laid. There were no shackles, bolts, nor handcuffs on board. There are about 29 casks; no tank nor staves; the said casks would hold about 100 pipes altogether; the said casks were chiefly for palm-oil; there were about 60 pipes of fresh water on board at the time of capture for keeping the casks tight and for the use of the crew; the said casks were on board at the time of the purchase, and bought with the vessel. There were only 5 or 6 mess-tubs on board. There was no boiler on board, except a small iron one for the use of the crew. There were 30 or 40 small bags of rice for the use of the crew and for sale."

The evidence of the First Mate and ostensible Owner of this vessel, José Maria de Aguirre, was a perfect counterpart of that of the Master, except in regard to the alleged Charter-party or Agreement, which the Master declared was a verbal one, whilst the Mate insisted it was in writing, and had been left by him at Havana in charge of his friend Juan Alvarez.

This closed the Case of the Captors, publication of which was given on the 30th March.

The Monition was returned, with a Certificate of having been duly executed, on the 4th April.

On the same day the Master tendered a Claim for the vessel and cargo, which was not then allowed to be filed; but which was ultimately admitted, on satisfactory Affidavits being brought into account for the delay which had taken place in presenting the said Claim.

As the substance of the Claim, and the grounds of defence put forward by the Claimant, appear fully in the Affidavit annexed thereto, we have here transcribed the said Affidavit, which states, that "Juan Duran, the Master of the said brigantine, maketh oath, that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said brigantine at the time of the capture thereof by His Majesty's sloop 'Trinculo,' Henry Joseph Puget, Esquire, Commander, and brought to Sierra Leone; and that the said brigantine was so captured on the 23d day of the month of January last, in the River Bonny, in the prosecution of her voyage from Havana to St. Paul's de Loando and the Coast of Africa, and back to Havana, with a cargo consisting of general merchandize, which the deponent was in the act of bartering for a return cargo of palm-oil, bees'-wax, ivory, and other articles. And he further maketh oath, that José Maria Aguirre, of Havana, a subject of Her Catholic Majesty, was, at the time of the said capture, and now is, the true, lawful, and sole Owner and proprietor of the said brigantine 'Diligencia,' her tackle, apparel, and furniture. That deponent is the true, lawful, and sole Owner and proprietor of the said cargo on board the same. And the deponent further maketh oath, that he verily believes the said brigantine and her cargo are protected by the Treaty and Convention between His Britannic Majesty and Her said Catholic Majesty, the said brigantine being at the time of seizure engaged in a legal traffic. That at the sailing of the said brigantine from Havana, no official notice whatever had been promulgated by the Authorities of that place of the existence of a new Treaty, and of which this deponent was not aware until the time of seizure. And he further maketh oath, that no person or persons other than the persons before mentioned have any right, title, or interest in the said brigantine, her tackle, apparel, and furniture, goods, wares, and merchandize on board the same; and that he is duly authorized to make the Claim hereunto annexed, and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof."

The trial of this vessel was unavoidably delayed by the incomplete establishment of the British and Spanish Mixed Court of Justice, until the 7th instant, on which day the Court met for that purpose, when sentence of condemnation was recorded against the brigantine "*Diligencia*," her cargo and stores.

Sierra Leone, 17th September, 1836.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30.)*

MY LORD,

*Sierra Leone, 24th September, 1836.*

WE have the honour to report to your Lordship the condemnation of the Spanish schooner "*Eliza*," Felipe Bareno, Master, which took place on the 20th instant. Acting Commander Joseph Henry Puget, of His Majesty's sloop "*Trinculo*," seized this vessel in the well-known and much frequented depôt for the Slave Traffic, the River Bonny, on the 28th January, 1836. An open infringement of the 10th Article of the new Treaty with Spain constituted the grounds of this seizure.

The whole of the Captor's proceedings in this Case, as well as an attempt on the part of the Master, Felipe Bareno, to file a Claim for the detained vessel and her cargo, which the Court rejected on the plea of unnecessary delay in its presentment and false statements having been made to account for that delay, are embodied at length in our Report, which we now beg leave to enclose for your Lordship's information.

We cannot close this otherwise simple Case of illegal equipment, without drawing your Lordship's attention to a singular circumstance, which formed the subject of one of the Ship's Papers—a Custom-house Clearance, obtained by the Master at St. Jago de Cuba, prior to his departure for this Coast. This Clearance grants permission to the "*Eliza*" to carry a case containing 120 leg-irons, as part of her cargo, although she is destined, as is mentioned in her Royal Passport, for a voyage of lawful commerce. We cannot but regret to bring under the notice of His Majesty's Government a fact, which so strongly develops the spirit with which the New Treaty has been met, not only by those personally engaged in slaving adventures, but also by the Spanish Colonial Authorities at Cuba. If the practice of such evasion be adopted so soon after the first operation of the New Treaty, what may we not expect when additional experience and matured observation shall come to the aid of the Spanish slave-trader.

We have, &c.

(Signed)

WALTER W. LEWIS.

H. D. CAMPBELL.

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

#### Enclosure in No. 53.

*Report of the Case of the Spanish schooner "Eliza," Felipe Bareno, Master.*

THIS is the Case of a Spanish schooner belonging to St. Jago de Cuba, which vessel cleared out at that port in July, 1835, for a voyage of lawful commerce to the Island of Princes on this Coast. The Official Papers granted to the vessel consisted of,

1. Provincial Passport from the Governor of Cuba.
2. Muster-roll.
3. Clearance of the cargo.

In this latter document (which was delivered up whilst the vessel was before the Court), there is a Clearance of a package containing 120 leg-irons; in consequence of which extraordinary circumstance, we have thought it right to subjoin to this Report a Copy of the Clearance in question, from the conviction that such a proceeding could only have originated in the most determined spirit of opposition to the Treaty between Great Britain and Spain for the suppression of the Slave Trade, as well on the part of those interested in this vessel, as of the Custom-house Authorities of Cuba.

From St. Jago de Cuba the "*Eliza*" proceeded direct to the River Bonny, where she discharged her outward cargo, for the return to which she was waiting at anchor in that river, when she was seized by Acting Commander Puget, of His Majesty's sloop "*Trinculo*," on the 28th January last, in consequence of her being unlawfully fitted out.

The "*Eliza*" reached this port on the 2d March, and was regularly reported by the Marshal to the British and Spanish Mixed Court of Justice; before which, however, the detained vessel did not appear until the 23d of the same month, when the Case came forward in the customary manner. This delay, we believe, was owing to the Seizor having omitted to send the usual Declaration as to the seizure, in the like manner as he had done in the Cases reported of the Spanish vessels "*Feliz*," "*Vascongada*," and "*Diligencia*."

The Ship's Papers, authenticated by the Prize-Officer's Affidavit, were, with the Seizor's Declaration, lodged in the Court on the day above mentioned; at which time the Monition issued, and the witnesses for examination were produced.

The Declaration referred to of Commander Henry Joseph Puget was to the effect that, being on the 28th January, 1836, in the River Bonny, "he detained the ship or vessel named the '*Eliza*,' sailing under Spanish colours, armed with 2 guns, 6-pounders, commanded by Felipe Bareno, who declared her to be bound from the River Bonny to St. Jago de Cuba; she being fitted for slaves; having spare planks fitted for laying down a slave-deck, an unusual quantity of water on board, and a slave-deck laid, in breach of the Treaty entered into by the Governments of Great Britain and Spain, dated 28th June, 1835."

The Report under the Commission of Survey of this vessel which the Seizor's Proctor had obtained with the object of supporting the charges made against her, by an inspection of the vessel by three perfectly indifferent parties to the cause, came in on the 26th March, and was in substance as follows:—that the Surveyors found the main hatchway much larger than usually seen on board vessels of her size, the after part of which was fitted with wood gratings; with holes bored in the combings of the hatchway to admit iron bars, several bars for which were found on board. The after hatchway larger than usual, and fitted in like manner to the main hatchway. A bulkhead dividing Captain's cabin from main hold. A slave-deck laid fore and aft; 17 pairs of shackles with bolts and forelocks. Sixteen leaguers and 8 smaller casks were found on board capable of containing about 9,000 gallons, the greater part being filled with fresh water; a quantity more than sufficient for her crew. An extraordinary number of water-casks; a cabouse larger than usually seen on board vessels of her size, and constructed in such a manner so as to admit of its being made a great deal larger. Two small boilers were also found on board.

The Monition, issued on the 23d March, was returned, certified by the Marshal to have been executed, on the 4th April, on which day the Registrar examined the witnesses in the Case on the usual interrogatories.

The Master of the said vessel, Felipe de Bareno, deposed, that "he was born and lives with his wife and family in Biscay, and has never served any State but Spain. He appointed himself to the command, having hired the vessel, and possession was delivered to him in Cuba, in July last, by the Owner Rumaldo Gonzales, a Spanish subject, residing in that place; first saw the said vessel in Cuba in July; she was built in Jamaica. He was on board at the time, but cannot tell why the vessel was seized; had Spanish colours only. He has never heard of any other name than '*Eliza*;' is 82½ tons burthen, and had 26 Officers and mariners, exclusive of the Master; all Spaniards except 2 or 3 Dutchmen; all hired and shipped in Cuba by witness in July. Neither he nor any of the Officers or mariners on board had any interest in the vessel; witness himself is the sole Owner of the cargo; was Master on board; there were no passengers. The last clearing port was St. Jago de Cuba, and the voyage began and was to have ended there; from St. Jago the vessel went direct to the Bonny, where she stayed 3 months trading for ivory, palm-oil, and leopard skins. The capturing vessel was first seen in the Bonny 3 days after her boats had seized the '*Eliza*;' capture took place in the Bonny on the 23d January, whilst witness's vessel lay at anchor there; there was no attempt made to escape; the vessel's Papers were for Princes Island; did not go there because he understood the trade there was indifferent. There were 2 guns mounted, 14 muskets, 6 or 7 cutlasses, and no ammunition, except the powder, which composed part of the cargo; found those arms on board when he hired her; there was no resistance made; there were no instructions to make any, or to avoid capture, or destroy or conceal any of the vessel's Papers. Rumaldo Gonzales is the sole Owner; knows it because he hired her from the said Gonzales; does not know whether he be married. He knows nothing about any Bill of Sale, or the price of the vessel; believes, if the vessel be restored, she will belong to Rumaldo Gonzales only; knows of no private agreement regarding her. He is the sole lader, Owner, and consignee of the cargo; the cargo now on board was to have been landed in the Bonny at his sole risk, and if the same be restored, it will belong to him only. He knows nothing about the last voyage; the present cargo is powder, muskets, aguadiente, tobacco, and cloth; the vessel was taken direct to Sierra Leone after capture. All the Papers found on board the said vessel were entirely true and fair. No Papers were destroyed, concealed, or made away with. There are no Papers in any Country that he knows of relating to either the vessel or cargo; the Papers delivered up by him were the Patent and El Rol; there was also a Log-book which was not given up, being lost, he supposes, in the confusion. There was no Charter-party signed; there was a verbal agreement between the said Gonzales and witness, that the latter should pay 5,500 dollars for the use of the vessel for her voyage. The cargo is not insured; does not know whether the vessel be or not; she was under his sole management, in regard to her trade. Bulk was broken in the Bonny, and not since. Nothing was taken out of the vessel at the time of capture; an anchor and chain were left in the Bonny, not having been weighed by the Captors.

"Part of the hatches are fitted with open gratings of wood. The combings of the hatchways are bored, and there are iron bars for the purpose of being passed through the same; cannot tell what quantity. There are the bulkheads of the cabin and fore-castle only. There is a sufficient quantity of plank for forming a lower-deck. There is a lower-deck laid fore and aft. There are shackles on board, does not know how many; they formed part of the cargo, and were *permitted* in the Custom-house Clearance, which he has already produced to the capturing Officer, but he said he did not want it; witness did not mention this Paper in (his reply to) the 18th interrogatory, because he considered it a private Document. There are 11 large and 8 small water-casks, capable of containing 10,000 gallons; there is no tank, nor any staves; the said casks were partly for holding palm-oil, and were all filled with fresh water at the time of capture. There were 6 or 7 tin mess-pans, and 3 or 4 of wood, for the use of the crew. There were only 2 small boilers, capable of containing 3 gallons each, and intended for the use of the crew. There were about 15 quintals of rice for the use of the crew."

The testimony of the Second Mate of this vessel, José Tomas de Bidaurozaga, exhibited much want of knowledge of the general affairs of the vessel, but was quite confirmatory of the Master's evidence as to her equipment. Of the nature of the voyage in which the vessel had been seized, as far as he would admit that he was informed, he gave evidence in accordance with that of the Master.

Publication in this Case passed on the 5th April.

A Claim was preferred by the Master, who declared therein, that the vessel was the sole property of Rumaldo Gonzales, an inhabitant of Cuba, and a native of Spain; and that the cargo was his own. This application was in the first instance refused, in consequence of not having been presented within the period allowed for this purpose, and no reason being assigned for the delay; but was ultimately and finally rejected on the ground of one of the statements, accounting for the delay in question, being untrue. For the said Master, in the 2 Affidavits connected with his Claim for this vessel and her cargo, stated that his knowledge of proceedings having been instituted against his vessel originated in his undergoing examination by the Registrar on the 4th April, and that he never received in any other way any intimation whatsoever of such proceedings.

In opposition to which Mr. Dougan, the Seizor's Proctor, a gentleman personally uninterested in the result of the Case, and whose credibility was unquestionable, swore that, in his office and presence, Commander Puget (the Seizor), on the 25th March, only 2 days after the Monition had issued in this

Case, told the Masters of this and of other prizes to His Majesty's sloop "Trinculo," that their vessels were then before the Court for adjudication; and in Mr. Dougan's Petition, with this Affidavit, he added, that Commander Puget made some other observations to the said Masters as to the defence of their vessels, but to the extent of which he did not apparently seem to be sufficiently satisfied to be enabled to make oath. Had there been means of setting aside Mr. Dougan's testimony, they would have been without doubt resorted to, as it was competent for the Claimant to do; but such was not practicable, and the subject was thus left for the Court to determine upon, which it did in the manner above mentioned by rejecting the said Claim.

The adjudication of the Case was not proceeded to with the ordinary despatch, through the incomplete establishment of the Mixed Court. On the removal of this obstacle, a Petition for a day of trial was presented in due course, and the 20th instant named for that purpose, when the Court met, and sentence of condemnation was pronounced upon the schooner "Eliza," her cargo and stores, for having been found equipped in a manner declared to be unlawful by the Treaty between Great Britain and Spain, of the 28th June, 1835.

*Sierra Leone, 24th September, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

(Translation.)

*To the Administrator of the Royal Custom House.*

BE pleased to include in the Register of the Spanish schooner "Eliza," Captain Varino, which you have open for the Island of Princes, the following.

13. Thirteen cases with 270 muskets.

3. Three cases with 275 sabres, rejected from the service of the 2d Catalonian Regiment.

1. One case with 120 shackles.

*Santiago Cuba, 18th of July, 1835.*

PHILIP DE BARENO.

Confer with the Principal, and embark them, in the mean time, by permission of the Government; exhibit Document of payment.

(Signed) SUENE.

I permit the embarkation.

(Signed) RAMOS.

Complied with.

(Signed) COUTIN.

(Signed)

JOHN KNOWLES, *Translator.*

(True Copy.)

(Signed)

M. L. MELVILLE, *Registrar.*

No. 54.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30).*

MY LORD,

*Sierra Leone, 24th September, 1836.*

THE Spanish brig "Maria Manuela," of which Juan Tomas de Ugaste was Master, was detained for being equipped in violation of the existing Treaty between Great Britain and Spain as to the Slave Trade, on the 28th of January last, in the River Bonny, by His Majesty's sloop "Trinculo," Acting Commander Puget.

The detained vessel reached this on the 3d March last, and after some little delay, arising out of the want of the requisite Declaration by the Captor as to the circumstances under which the seizure had been made, she was proceeded against before the Mixed Court in the manner usual in such Cases.

Adjudication of this vessel took place on the 20th instant, when sentence of condemnation was passed upon her and her cargo. Our Report of this Case we have the honour to transmit herewith for your Lordship's information.

An individual of the name of Sagaora was stated by the Master of this vessel to have sold her to him in September of last year, at St. Jago de Cuba; but of Sagaora's place of residence the Master professed to be ignorant. The name of this man is similar to that of the person who commanded the "Felix," or "Pelicano," in 1825 (reported in Class A., 1834, pp. 25, 26), the piratical vessel supposed to have recaptured the prizes "Isabella" and "Disuniao," and murdered the British crews. José Sagaora, the Commander of the "Felix," lives near St. Jago de Cuba, and from his former engagements in piracy and slave-trading, as well as other circumstances, appears to be in many respects identified with the individual who sold the "Maria Manuela" to her late Master.

In one of the Custom-house Clearances of this vessel for "50 pipes of rum," there have been added, in a bungling manner, the words "and water," with the evident intention, had such been deemed practicable, of passing the Paper thus interpolated upon the Court as a Clearance or authority for the extra number of casks found on board of her. As the Document referred to had been kept back, with three other Clearances of the cargo, by the Master, until after his examination by



the Registrar, the alteration above mentioned, it is to be presumed, was made subsequent to the capture, and that it could only have been done with some fraudulent intention.

We have, &c.

(Signed)

WALTER W. LEWIS.

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

H. D. CAMPBELL.

&c.

&c.

&c.

### Enclosure in No. 54.

*Report of the Case of the Spanish brig "Maria Manuela," Juan Tomas de Ugarte, Master*

THIS was a vessel fitted out at St. Jago de Cuba in the manner customary for vessels of her description, intended, as she was ultimately proved to have been, for the trade in human beings. Her ostensible destination was the Island of Princes, on a voyage of legitimate commerce, as appears by the undermentioned Official Papers; but to which Documents no attention was shown by those who were bound to follow and respect them, if it lay in their power so to do. The Papers in question were:—

1. An official substitute for a Royal Passport issued by the Commandant of the Province of Cuba, at St. Jago de Cuba.

2. A Muster-roll.

3. A parcel containing 4 Custom-house Clearances of the cargo.

The Master of the "*Maria Manuela*," well knowing where he might advantageously effect the object for which he visited this Coast, went direct to the River Bonny from Cuba, in which his vessel was found at anchor, awaiting a return cargo of slaves, on the 28th January last, by His Majesty's sloop "*Trinculo*;" the Commander of which vessel, Lieutenant Henry Joseph Puget, detained her for being equipped in violation of the Treaty of the 28th June, 1835, for the suppression of the Slave Trade, and despatched her for this place. At the time of seizure there was found on board of this vessel a Fort Pass in her favour, bearing date at Santander, the 14th November, 1834, from which it may be inferred she made a voyage from Old Spain to Cuba previous to her coming to this Coast.

The Marshal made his usual Report of the arrival of this vessel on the 3d March, 1836, on which day this Case was presented to the Court; but like its 3 predecessors in the list of Cases adjudged, and which were prosecutions under seizures made by the same naval Commander as the present, effected at the same time and place, and under precisely similar circumstances, was refused to be received whilst the requisite Declaration was unaccounted for.

Acting Commander Puget reached this a short time afterwards, when the deficiency alluded to having been remedied, the Case of the "*Maria Manuela*" came forward in proper form on the 23d March, when all the usual Papers were filed, the Monition issued, and the witnesses produced directed to be examined.

The Declaration of the Seizor runs as follows:—"That on the 28th day of January, 1836, being in the River Bonny, he detained the ship or vessel named the '*Maria Manuela*,' sailing under Spanish colours, armed with 1 gun, 9-pounder, commanded by Juan Tomas de Ugarte, who declared her to be bound from the River Bonny to St. Jago de Cuba, being fitted out for slaves in breach of the Treaty entered into between the Governments of Great Britain and Spain, and dated the 28th June, 1835, and having her slave-deck laid, and an extraordinary quantity of water-casks, mostly filled with water."

A Commission of Survey and Inspection of this vessel was executed; and the Report of the Surveyors appointed under that Commission, which came in on the 26th March, showed that the "main hatchway was larger than usually seen on board of merchant-vessels of her size, with holes bored in the sides of the same, for which hatch-bars were found; after hatchway fitted in like manner to the main hatchway; there were also 2 scuttles in the deck, about 3 feet long and 2 wide, grated over; a slave-deck was laid and fitted fore and aft; 1 pair of slave-irons was found; there were 23 leaguers capable of containing 9,000 gallons, a greater part filled with fresh water, a quantity more than sufficient for her crew; an extraordinary number of water-casks; the cabouse larger than usually seen on board of vessels of her size, and fitted with slides so as to admit of its being made much larger. There were also on board 400 weight of rice and a very large quantity of yams, being a quantity of provisions more than sufficient for her crew."

On the 4th April the Monition was returned into Court certified to have been properly executed.

The witnesses in the Case were the Master of the said vessel, Juan Tomas de Ugarte, and his Mate, José Benito Eyzaguirre, who were examined on the standing and special interrogatories used in all Equipment Cases, on the 6th April.

The Master swore, that "he was born in Biscay, where he resides with his wife and family; and has never served any State but Spain. He appointed himself to the command, being the Owner; possession was given to him on his purchasing the vessel, in August last, in Cuba, by the former Owner, one Sagarra, who, he believes, is a Spaniard, but does not know where he lives; first saw the said vessel in August last and in Cuba, and believes she is North American built. He was on board at the time of detention; does not know why she was seized; had no colours but Spanish. He has never heard or known of any other name than that the vessel now bears, '*Maria Manuela*;' she is 70 tons burthen, and had 20 Officers and mariners, exclusive of the Master, all Spaniards, shipped and hired in Cuba in September last. He is himself the sole Owner of both the vessel and cargo; none of the crew had any interest in either; was Master on board; there was no passenger. The last clearing port was St. Jago de Cuba, and the present voyage began on 1st to have ended there; from thence the vessel went direct to the Bonny, being short of water, but finding the trade in palm-oil and other African produce good, he staid there, and about 40 days after his arrival was captured. He first saw the capturing vessel 2 days after her boats had seized his vessel in the Bonny, while she lay at anchor there; capture took place on the 23d January last; there was no chase or attempt made to escape; the vessel's Papers were for Princes Island, but he went to the Bonny for the reason before stated, being short of water. There was 1 gun, 20 muskets, and 16 cutlasses, but



no ammunition, except the powder, which composed part of the cargo; had those arms for defence; no resistance was made; there were no instructions to make any, or to avoid capture, or to destroy or conceal any of the vessel's Papers. He is the sole Owner of the captured vessel. There was a Bill of Sale from Sagarra to witness, signed in September last; does not recollect the witnesses' names; left the said Bill at St. Jago de Cuba for security; the price was 1,500 dollars paid down, and was a fair equivalent for the vessel; the sale was a true one, and the vessel, if restored, will belong to him only; there was no private agreement for returning the vessel. He is the sole lader, Owner, and consignee of the cargo; there is no cargo now on board. He knows nothing about the last voyage; the cargo which he shipped at Cuba for the present one consisted of cloth, powder, muskets, and aguardiente; was taken direct to Sierra Leone after capture. All the Papers were true and fair. No Papers were destroyed, concealed, or in any manner made away with. There are no Papers in any country relating to either the vessel or cargo, except the Bill of Sale which he has spoken of before, the Patenta, and El Rol, which he delivered up at the time of capture; the Countersign, which he since gave to the Officer in charge; and the Manifest (Registro), which is still in his possession; there was also a Log-book, but it got wet, and witness does not know what has become of it. There was no Charter-party. Neither the vessel nor cargo is insured; the vessel was under witness's sole management in regard to her trade. Bulk was first broken and the whole cargo landed in the Bonny.

"The hatches are not fitted with open gratings; the combings of the hatchways are not bored, and there are no iron bolts and bars in the vessel; there is only the bulkhead of the cabin; there are no spare planks on board; there is a lower deck laid fore and aft; there was 1 pair of shackles only for punishing the mariners; there are 23 empty water-casks; there is no tank nor any staves; the said casks, if full, would contain about 4000 gallons, but part were intended for palm-oil; there was about 1,500 gallons of fresh water on board at the time of capture; there was no mess-kid on board; there were only 2 small iron boilers for cooking the ship's provisions; there were only 2 bags of rice for the use of the crew."

The Mate declared himself to be ignorant of many of the points upon which he was examined, but wherever he deposed positively to anything, such statements exactly coincided with those of the Master on his examination.

Publication of the foregoing evidence was granted on the 17th April.

The Master presented a Claim for this vessel and her cargo, as his sole property, on the 9th April, which being beyond the period assigned for this purpose, it was not allowed to be filed.

Affidavits to account for the delay in bringing forward the Claim as above stated were afterwards brought in. Part of the excuse tendered by the Master was, that his vessel had been detained many days here without proceedings having been instituted against her; and that he first heard of such proceedings on being taken up to the Registrar for examination on the 4th April. A refutation of this statement having been given by the Seizor's Proctor's Affidavit, which showed that Commander Puget had personally acquainted, on the 25th March, in the presence and at the office of his Proctor, the said Master, that proceedings had been taken against his vessel; the Master then swore, that on the 25th March, and for several days both before and after the said day, he was confined to his bed on board of the said vessel by a violent fever.

The Master's recollection of dates and circumstances was, however, peculiarly unhappy, as Mr. John Fiddes, Master's Assistant of the "Trinculo," deposed, that at the time of the Master being, as he alleged, confined on board his vessel by a violent fever, he, the Master, was actually residing in lodgings on shore, being then convalescent of the said fever, which had taken place soon after their arrival at Sierra Leone, and not at the time mentioned. Mr. Fiddes added that, on or about the 25th March, he conveyed a message from Commander Puget to the said Master, expressive of the wish of the Commander to see the Master on the subject of the proceedings which had been instituted against this vessel, on which occasion he found the Master at his lodgings eating his breakfast, apparently in as good health as he usually enjoyed; and that he frequently before and after the visit in question met the said Master walking in the streets of Freetown. Under these circumstances, the final rejection of the said Claim followed as a matter of course.

On the usual Petition, the 20th instant was named for the adjudication of this vessel; on which day the Court declared, that the brig "*Maria Manuela*," her cargo and equipment, were lawful prize to the Crowns of Great Britain and Spain, it having been proved by undeniable testimony that the said brig had been seized equipped for the Slave Trade.

*Sierra Leone, 24th September, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

No. 55.

*His Majesty's Commissioners to Viscount Palmerston.—(Received November 30.)*

MY LORD,

*Sierra Leone, 26th September, 1836.*

IN the Despatch which we had the honour of addressing to your Lordship on the 17th instant, reporting the condemnation of the Spanish schooner "*Mosca*," we acquainted your Lordship that charges had been preferred by the Claimant against the Captors of serious irregularity as to the manner in which the detention of this vessel had been made; that 2 anchors and cables had been unnecessarily slipped, when getting the detained vessel under weigh, whereby the anchors and cables had been lost; and that a dozen of swabs had been removed from her into the capturing ship.

At the time of the adjudication of the "*Mosca*," the Officers who could have replied to the charges in question were not present, and therefore, as we stated in our Report of the Case, we could not, of course, offer an opinion upon them. The capturing ship, His Majesty's sloop "*Britomart*," having lately arrived

here, we received on the 24th instant the Affidavits of the boarding Officer, Mr. Cox, and of his Commander, Lieutenant Quin, in refutation of the charges which had been advanced against them by the Claimant of the "*Mosca.*" Inclosed we beg leave to lay before your Lordship Copies of the Affidavits alluded to, which we consider to be perfectly satisfactory.

We have, &c.

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

WALTER W. LEWIS.  
H. D. CAMPBELL.

First Enclosure in No. 55.

*Affidavit of Mr. Cox.*

APPEARED personally Mr. Henry Laird Cox, Mate of His Majesty's brig "*Britomart,*" who, being duly sworn, makes oath and says, that he was present in command of 2 boats detached from His Majesty's said brig on the 6th day of the month of February last, at the seizure of the said schooner in Whydah Roads. That shortly after deponent had taken possession of the said schooner, he observed 2 suspicious vessels standing towards him; that the "*Britomart*" being at a considerable distance in the offing, and deponent knowing that she was unprovided with boats or men to render deponent assistance, in case of an attack, considered it prudent to join the "*Britomart*" with all possible expedition. That there being a considerable surf in the roadstead, which would greatly impede and delay the raising of the anchors, deponent ordered them to be slipped. That deponent, at the time of seizure, produced a Copy of the necessary Instructions, and tendered to the Mate, and afterwards to the Boatswain, the usual Certificate required by the New Treaty, which they both separately refused to accept.

(Signed) H. L. COX.

Second Enclosure in No. 55.

*Affidavit of Mr. Quin.*

APPEARED personally William Henry Quin, Esq., Commander of His Majesty's brig "*Britomart,*" who, being duly sworn, makes oath and says, that the said schooner was detained by two boats detached from the said brig. That on the said schooner joining the "*Britomart,*" deponent proceeded on board of her, and exhibited to the Boatswain (the only Officer on board) the original Instructions, with a Copy of the Treaty annexed, by which deponent detained the said schooner, as his authority for having so acted.

And deponent further saith, that a few swabs were removed from the said schooner to the "*Britomart,*" for the use of His Majesty's service.

(Signed) W. H. QUIN.

No. 56.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 7th December, 1836.*

I HAVE received your Despatch of the 16th of August, 1836, containing your Report of the Case of the Spanish brigantine "*Rosarito,*" condemned in the Mixed British and Spanish Court, of which you are members, on a charge of being fitted for the illegal Slave Trade; and I have to inform you, that I entirely approve of the Declaration contained in the judgment pronounced on that vessel, that the Court could under no circumstances consider shackles, bolts, and handcuffs, to be articles of lawful commerce.

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

I am, &c.  
(Signed) PALMERSTON.

No. 56\*.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 21st December, 1836.*

I HEREWITH transmit, for your information, the Copy of a Despatch from His Majesty's Consul at the Havana, reporting that several vessels, destined to be employed in the Slave Trade, have departed from that port to the Coast of Africa.

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

I am, &c.  
(Signed) PALMERSTON.

Enclosure in No. 56\*.

*Mr. Consul Tolmè, 15th October, 1836.*

(See Class B.)

No. 57.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 23d December, 1836.*

I HAVE received your Despatches up to the date of the 6th of October last. With reference to your Despatch of September 17, reporting the condemnation of the Spanish schooner "*Mosca*," I am of opinion that the Mixed Court acted properly in rejecting the Claim for the restoration of that vessel, founded as that Claim was upon the alleged ignorance of the parties concerned in her as to the existence of the Equipment Article, and upon the plea that the Seizors had not, at the time of detention, complied with all the forms prescribed by the Treaty.

I entirely approve of the rejection of this latter plea by the Mixed Court, and that rejection is in accordance with the Report of His Majesty's Advocate General, communicated to the British Commissioners at Sierra Leone, May 29th, 1824, in which that Officer states his opinion, that "although His Majesty's Government may be answerable for losses occasioned by deviations from the Treaty, still every deviation does not necessarily invalidate a capture."

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

(Signed) I am, &c.  
PALMERSTON.

No. 58.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 24th December, 1836.*

WITH reference to your Despatches of the 10th August last, stating the grounds which had induced the Mixed Court to restore the Spanish brigantine "*General Manso*," the Spanish schooner "*Victorina*," and the Spanish schooner "*Josepha*," detained under the Equipment Article of the Treaty of the 28th June, 1835, with Spain, I have to acquaint you that, under the peculiar circumstances of these Cases, the Mixed Court were justified in restoring these vessels.

Respecting the scantling and plank found on board the "*General Manso*," I am of opinion that, by a fair interpretation of the object and spirit of the Treaty, scantling and plank found on board Spanish vessels under the circumstances mentioned in your Despatch, No. 55, may properly be considered as forming part of a slaving equipment.

With reference to that part of your Despatch, No. 62, reporting the condemnation of the Spanish schooner "*Matilde*," in which you draw my attention to the fact, that the "*Matilde*" was provided with a cooking apparatus so constructed as to admit of its being increased to double its apparent size, I have to acquaint you that a Spanish merchant-vessel provided with a cooking apparatus similar to that which you describe as having been found on board the "*Matilde*," may be considered as equipped for the Slave Trade, according to the true intent and meaning of the 8th Section of the 10th Article of the late Treaty with Spain for the suppression of the Trade.

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

(Signed) I am, &c.  
PALMERSTON.

SIERRA LEONE. (*Portugal.*)

No. 59.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 6th May, 1836.*

I TRANSMIT, for your information and guidance, the Copy of a communication from the Admiralty upon the subject of a practice, said to exist at Rio de Janeiro, of transferring Brazilian vessels to Portuguese subjects, and of placing such vessels under the flag of Portugal, in order to employ them with impunity in the Slave Trade. I also transmit the Copy of a Despatch, which I have addressed to His Majesty's Envoy at Rio de Janeiro, instructing him to present a Note to the Brazilian Government, urging them to pass a Law forbidding, within the territories of Brazil, the equipment of vessels for the Slave Trade; the transfer of vessels so equipped; and the entry and departure of vessels equipped for that traffic.

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

I am, &c.  
(Signed) PALMERSTON.

## First Enclosure in No. 59.

*Sir John Barrow to John Backhouse, Esq.*

SIR,

*Admiralty, 8th March, 1836.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Viscount Palmerston, a Copy of a Letter from Rear-Admiral Sir Graham Hamond, reporting the detention of a slave-vessel called the "*Vencedora*," otherwise the "*Cambuïha*," by the "*Hornet*" packet, on the 8th of January last, in the neighbourhood of Rio Janeiro.

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

I am, &c.  
(Signed) JOHN BARROW.

## Second Enclosure in No. 59.

*Sir Graham E. Hamond to Charles Wood, Esq.*

SIR,

*Dublin, Rio de Janeiro, 11th January, 1836.*

I HAVE to acquaint you, for their Lordships' information, that having learned, on the 7th instant, a suspicious vessel was hovering upon the Coast, I sent out the "*Hornet*" branch packet, which had arrived on the 2d from the River Plate; and on the evening of the 8th she found at anchor upon the Marini Islands, a little to the northward of this port, a *lumaca*, called the "*Vencedora*," completely fitted as a Slave Trader, which had evidently just landed her cargo of slaves. She was brought into this port, and the Papers found in her have been laid, with Lieutenant Coughlan's Report, before the Mixed Commission.

This vessel is Brazilian built, was in June last under Brazilian colours, with the name of "*Cambuïha*," and sailed from Rio Janeiro for Loando on the 12th July, under the Portuguese flag, having changed her name to "*Vencedora*," after one of the usual mock transfers. She has none of the regular Documents which a Portuguese vessel ought to have.

On this subject I beg to call their Lordships' attention to the following circumstances.

It is the general impression here that the Treaty with Portugal still permits the traffic in slaves south of the Line; and, under this impression, vessels are fitted out here, and sail almost daily from this port under the Portuguese flag for that traffic.

It does not appear that the Portuguese Treaty authorizes the condemnation of vessels fitted for the trade which have not actually negroes on board; and this Government recognises the loose and irregular transfers of Brazilian vessels to the flag of Portugal with the utmost unconcern; all that is required being the payment of certain fees.

In the newspaper of this day no fewer than 4 transfers of this sort are announced: 3 from the Brazilian, and 1 from the United States' flag, with changes of names, &c.; and each of these vessels is intended, no doubt, for the African Slave Trade, being of the particular class employed for that traffic.

These are notorious facts; and I beg to impress on their Lordships my firm conviction, that it will be impossible to prevent the Slave Trade being carried on upon this Coast, under cover of some flag or other, unless some much stronger mode of repression is adopted than that at present existing.

*C. Wood, Esq.*  
&c. &c.

I am, &c.  
(Signed) GRAHAM E. HAMOND,  
*Rear-Admiral.*

No. 60.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received May 20.)

MY LORD,

*Sierra Leone, 6th February, 1836.*

IN our Despatch marked "Spain," of this day's date, we had the honour to report the departure of His Majesty's brigantine "Buzzard," Lieutenant Thomas Lorey Roberts commanding, on the 3d instant, for Princes Island.

As Lieutenant Roberts would necessarily be brought into communication with the Authorities of that Settlement on the subject of the prize "*Ligera*," and her stores, which had been left in their custody a few weeks since, we took advantage of the opportunity offered by this circumstance to renew our application to the Provisional Government of Princes relative to the 2 small Portuguese schooners "*Magdalena*" and "*Maria Piquena*," alluded to in the Despatch marked "Portugal, No. 34," of the 19th July, 1834. These vessels were left in charge of the same Government some years since, but no account of them has been received, nor any return made to 3 Commissions of Appraisalment and Sale which have been issued at different times from the Registry.

Under these circumstances, we wrote to the Governors of Princes Island for information, and requested Lieutenant Roberts to take such steps as might lead to an explanation how the 2 vessels in question were disposed of.

We have the honour to enclose a Copy of the Letters referred to, for your Lordship's information.

We have, &amp;c.

(Signed)

H. W. MACAULAY.

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

WALTER W. LEWIS.

&amp;c.

&amp;c.

&amp;c.

## First Enclosure in No. 60.

SIR,

*Sierra Leone, 3d February, 1836.*

We beg leave to enclose the Copy of a Letter which we have addressed to the Provisional Government of Princes Island on the subject of the Portuguese schooners "*Magdalena*" and "*Maria Piquena*," which were left in charge of the Governors of that Island in 1822 and 1824.

From the Enclosures contained in our Letter, you will perceive that we have neither received the Account Sales and Proceeds of these two prizes, nor even heard of their fate, from the time when they were placed in the custody of the Portuguese Authorities at Princes up to the present moment; and as we have requested you to take measures to receive the sale of your own prize, lately left at the same Island in the custody of the same Authorities, we further beg that you will have the goodness to take such steps as may lead to some information as to the disposal of the 2 vessels we have named.

In March, 1823, a Commission of Appraisalment and Sale, in the Case of the "*Magdalena*," was issued to a Mr. Dewar, Purser of his Majesty's ship "Bann," which, however, was never executed, as Mr. Dewar died shortly afterwards; and the "Bann," then under the command of Captain Phillips, did not return to Princes Island.

Acting Registrar George Rendall, seeing that no return had been made to the first Commission, issued another on the 9th August, 1824, addressed to Mr. Joseph Gray, also Purser of the "Bann," under the command of Captain George Courtenay, for the Appraisalment and Sale of the "*Magdalena*;" and a second Commission was at the same time issued to the same party, for the Sale of the other small vessel, "*Maria Piquena*." No return, however, has yet been made to either Commission, owing, it is supposed, to Mr. Gray's death.

We have, &amp;c.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

*His Majesty's Commissioners to Lieutenant Thomas Lorey Roberts,  
commanding His Majesty's ship "Buzzard,"*  
&c. &c. &c.

## Second Enclosure in No. 60.

MAY IT PLEASE YOUR EXCELLENCIES,

*Sierra Leone, 3d February, 1836.*

We beg leave to enclose, for your Excellencies' information, the Copy of a Letter addressed to the Provisional Government of your Island, on the 30th September, 1822, by Charles Phillips, Esquire, Captain of His Britannic Majesty's ship-of-war "Bann," and of the reply of the Provisional Government, on the subject of the Portuguese schooner "*Magdalena*," captured by the aforesaid vessel-of-war, for being engaged in illegal Slave Trade, and condemned by the British and Portuguese Court of Mixed Commission established here, on the 23d January, 1823.

We have further the honour to enclose a Copy of another Letter addressed by the Provisional Government of Princes Island, on the 10th May, 1824, to Captain Scott, Commander of His Britannic Majesty's schooner "Victor," on the subject of the Portuguese schooner-boat "*Maria Piquena*,"

captured by the aforesaid vessel-of-war "Victor," and condemned by the Mixed Commission Court at this place, on the 14th July, 1824, for being illegally employed in the Slave Trade.

Your Excellencies will perceive that both these small vessels were left in the custody of the Government of Princes Island, and we are very anxious to ascertain their fate; not that we expect, at this great distance of time, that they are even in existence, but that we may be able to account, in some way or another, for their disposal. We have therefore respectfully to request, that your Excellencies will be pleased to give us all the information in your power respecting the above-named Portuguese vessels "*Magdalena*" and "*Maria Piquena*."

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

*His Majesty's Commissioners to their Excellencies the Governors  
of the Portuguese Islands of Princes and St. Thomas,  
&c. &c. &c.*

### Third Enclosure in No. 60.

*Captain Phillips to Provisional Government of Princes Island.*

*His Majesty's ship "Bann," off Princes Island, 30th September, 1822.*

MAY IT PLEASE YOUR EXCELLENCY,

HIS Most Faithful Majesty the King of Portugal having agreed, in conjunction with His Britannic Majesty and other Potentates, to suppress, as much as in his power lies, the traffic in negroes to the northward and southward of the Equator, excepting in such places as are mentioned in the Treaties relative thereunto, such as Molembo, Cabinda, &c., I have therefore to request you will be pleased, as a Portuguese Officer, to take charge of the Portuguese schooner "*Magdalena*," which has been detained by His Britannic Majesty's ship "*Bann*" for a breach of the aforesaid Treaties, in having on board 38 negroes not shipped in the places above specified; and as the danger of the sea renders it unsafe to send the "*Magdalena*" to Sierra Leone, I shall carry the negroes and the other part of her cargo, together with her Papers, for adjudication to the Mixed Court of Commission residing at that place, whilst the vessel remains in your custody, either to be released or condemned, as the verdict of the Court may direct, and which I shall take care will be notified to you as early as possible.

*The Governor of Princes Island,  
&c. &c. &c.*

I have, &c.  
(Signed) CHARLES PHILLIPS.

### Fourth Enclosure in No. 60.

*Provisional Government of Princes Island to Charles Phillips, Esq.*

SIR,

THIS Government has received your Despatch of the 30th instant. As there is not in this Island any translator of the English language, the Officer, who was the bearer of the Despatch, read it, and explained to us that you wished to leave at anchor in this port the schooner "*Magdalena*," prize made by you, with 33 slaves, which you intend to take, with whatever else was on board, to Sierra Leone, in order to their adjudication, leaving only the said schooner at anchor in this port, until the decision of the Court at Sierra Leone be given.

We, as subjects of the Crown of Portugal, ought to render every assistance that may be asked for by you, or by any others of the Commanders of His Britannic Majesty's vessels provided with proper Instructions, and having in view the lawful object of the fulfilment of the stipulations of the existing Treaty. We assure you that you will find the said vessel in the place where you may direct her to be anchored, except in case of accidents occasioned by tornadoes.

This is all we have to acquaint you with. May heaven preserve you many years.

Palace of the Provisional Government of the Capital and Island of Princes, 1st October, 1822.

(Signed) JOZE XAVIER GOUR DE SO, *President.*  
JOZE M<sup>A</sup>. DE SO<sup>A</sup>. CONTET.  
BERNARDO JOZE RAPZO.

*To Charles Phillips, Esquire,  
&c. &c. &c.*

### Fifth Enclosure in No. 60.

*Provisional Government of Princes Island to Captain Scott, Commander of the "Victor" schooner.*

SIR,

THIS Government received your Despatch of the 9th instant. As there was not in this Island any person conversant with the English language, the Officer who brought the Despatch read it, and explained to us that you had detained, at 5 miles distance from this Island, a decked launch, named the "*Maria Piquena*," and owned by Leonardo Guaresma, which left this place in February, bound to Gaboon for ivory and wax, and which was, on the 8th instant, on its return with some slaves. The Officer further explained to us, that you had detained the said schooner in consequence of the illicit traffic in which her Master, Leonardo Guaresma, had been engaged, and that you would leave her with this Government, with the articles belonging to her, mentioned in the List signed by yourself, until the decision of the Court at Sierra Leone should be known.

We inform you that the said launch has been delivered to this Government.

We cannot but remark the effrontery of the Master of the launch in daring to engage in a traffic of a contraband nature, when he well knew that he could not come to this Island in defiance of the existing Treaty and of the Papers under which he sailed.

If it was the intention of the Master to land the slaves outside of the harbour, or at any other place, he was deceived, as, our vigilance being so active in regard to this contraband traffic, we ourselves would be his executioners to punish him for his crime, and the slaves would be disposed of according to Treaty.

May Heaven preserve you many years.- At the Assembly of the Government of the capital and Island of Princes, 10th May, 1824.

To Captain Scott,  
&c. &c.

(Signed)

JOZE XAVIER GONZAGA DE SILOA.  
BERNARDO JOZE RAPOZA.  
JOZE GOMEZ D'ANDRADE SILOA.

No. 61.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 2d June, 1836.*

I HEREWITH transmit, for your information, Copies of 3 Despatches, and their Enclosures, which I have received from His Majesty's Minister at Lisbon, containing information respecting Portuguese vessels which are said to be fitting out in the Tagus for slave-trading expeditions.

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

I am, &c.  
(Signed) PALMERSTON.

No. 62.

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

MY LORD,

*Sierra Leone, 9th April, 1836.*

IN the Report of the condemnation of the Portuguese brig "*Tamega*," which His Majesty's Commissioners had the honour of transmitting to your Lordship, in their Despatch marked "*Portugal*," of the 16th July, 1834, they had occasion to draw your Lordship's attention to the evidence given in that Case respecting the removal of certain stores into the capturing ship out of the prize at the time of detention.

The Commissioners then stated to your Lordship that, from the conflicting evidence respecting the transaction in question, and the capturing Officer not being present to afford any explanation, they refrained from the expression of any opinion upon this subject, at the time of passing sentence on the detained vessel.

The capturing Officer, Lieutenant Mercer, in command of His Majesty's brig "*Charybdis*," having at length arrived in this port, we called his attention to the charge alluded to, with the view of obtaining any explanation he might desire to give respecting it, and we now beg leave herewith to hand to your Lordship a Copy of Lieutenant Mercer's Letter to us on this subject.

Coupling the statement of Lieutenant Mercer with the Affidavit made by the Master of the "*Tamega*," that "he had not, on a former examination, meant to charge or impute the removal of the said stores to any of the Officers or crew of the capturing ship, but on the contrary firmly believes the said articles were taken by the crew of the '*Tamega*,' more especially as the said articles were conveyed in the same boat with the detained seamen," we feel bound to declare to your Lordship our opinion, that the transaction has been satisfactorily explained.

We have, &c.

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

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

Enclosure in No. 62.

*Lieutenant Mercer to M. L. Melville, Esq.*

SIR,

*His Majesty's Brig "Charybdis," Sierra Leone, 8th April, 1836.*

I HAVE to acquaint you, for the information of His Majesty's Commissioners of the Mixed Commission Court, that part of a cask of wine was taken out of the "*Tamega*" with my sanction, at the request of the Supercargo and Owner, which wine was deposited in the spirit-room of the "*Charybdis*," and landed in Church Bay, Princes Island, with the prisoners, in the same state as when received, and that no other article was taken from the "*Tamega*," either with my sanction or knowledge.

I have also to add that, since the receipt of your Letter, I have inquired of the gun-room Officers respecting the other articles enumerated, who state that some vermicelli was brought on board by the Officers of the detained vessel, and consumed by them in the gun-room where they messed.

*M. L. Melville, Registrar,*  
&c. &c. &c.

I have, &c.  
(Signed) S. MERCER.

No. 63.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 22d July, 1836.*

I HAVE received your Despatch, marked Portugal, of the 31st December last, reporting the Case of the Portuguese schooner "*Thereza*," condemned for illegal slave-trading.

As it appeared that the Master of the vessel had obtained Papers from the Authorities at Princes Island to proceed to the Costa da Mina, I instructed His Majesty's Minister at Lisbon to represent the facts connected with the Case of that vessel to the Portuguese Government, and to express the expectation of His Majesty's Government that the Government of Portugal would no longer permit the Authorities at Princes Island to afford facilities to the prohibited trade in slaves; but that, on the contrary, the Government would take effectual measures to put down that trade wherever it may be in their power to do so.

I now send, for your information, the Copy of a Note which the Portuguese Minister has addressed to Lord Howard de Walden, in reply to his representation.

I am, &amp;c.

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

(Signed) PALMERSTON.

No. 64.

*His Majesty's Commissioners to Viscount Palmerston.—(Received August 13.)*

MY LORD,

*Sierra Leone, 17th June, 1836.*

WE have the honour to enclose to your Lordship our Report of the Case of the Portuguese brigantine "*Mindello*," Jozé de Freitas Chaves, Master, seized, on the 4th ultimo, with a cargo of slaves on board, in 3<sup>o</sup> 18' north latitude, and 8<sup>o</sup> 55' east longitude, by His Majesty's brigantine "*Buzzard*," Lieutenant Patrick Campbell commanding.

The "*Mindello*" arrived here late in the evening of the 2d instant, and was on the following day brought before the British and Portuguese Court of Mixed Commissions for trial. The adjudication of this vessel, however, did not take place with that promptness which usually marks such clear Cases as the present, in consequence of the contradictory and generally fabricated evidence of the detained crew.

The illegal position of the "*Mindello*" at the time of detention was happily, however, so far beyond question, as not to admit of the depravity of the Master, Chaves, and of the alleged Part Owner, Manoel Caitano de Castro, who were the witnesses produced by the Captors, being made available for disputing this point.

The deliberate manner in which these 2 witnesses have perjured themselves, will be apparent on a single glance of their evidence, as transcribed in our Report of this Case; and it would therefore be useless, minutely to analyze, or even to make any lengthened observations thereupon.

It is, however, we think, important to solicit your Lordship's attention to some points, which we are of opinion are worthy of notice. We believe that the "*Mindello*" is Brazilian property, and not Portuguese, as has been alleged; our reasons for this impression being based on the peculiar evidence the 2 witnesses have given on the subject of her Ownership.

The Master, when first examined, delivered up a Certificate of the Registration, at the Portuguese Consulate at Rio de Janeiro, of the transfer of this vessel from the Brazilian to the Portuguese flag (a Copy of which Paper and its Annexes we beg leave to enclose), and swore that from the Certificate in question he learned, that Manoel Caitano de Castro (the other witness) was the Owner of the "*Mindello*," and that he knew nothing of the sale, except from the Document alluded to. On a second and special examination, however, he declared that his reason for thus swearing was, that De Castro had told him that he was the Owner, when showing so him the Certificate referred to, but that he, the Master, had never read it; indeed, that this Certificate of change of Ownership was never in his custody till requested to produce it to the Court, when he obtained it from De Castro. The latter part of this statement is wholly incorrect, as the Master went in company with the other witness, De Castro, to the Registry Office for their examination in



chief; during which examination the Master stated, that the Paper in question was in his pocket, from which it was removed by the Official Interpreter, and handed over to the Registrar.

The alleged Part Owner, Manoel Caitano de Castro, who might reasonably be supposed qualified to speak correctly of his own property, prevaricates equally with the Master on this subject. At his first examination he declared, that Jozé Vieira de Mattos, Joao Antonio Miranda, and Jozé de Sylva Paranhas (all residents of Rio de Janeiro), and himself, were the Owners of this vessel; and that a Bill of Sale to that effect from Mattos to the other 3 Owners had been delivered up to the Court by the Master. On being closely questioned, however, on this head at special examinations; he declared that the vessel was bought in the name of De Mattos only, although the other 3 alleged Owners had equal shares in the property with De Mattos, but that there had been *no written agreement* between them; and that he never meant to have been understood there was ever any Bill of Sale except that from Bernardino Pereira da Veiga to Jozé Vieira de Mattos, alluded to in the Consular Certificate enclosed. De Castro assigned, as a reason for the names of all the Owners not having been entered in the Bill of Sale, that that Document was made out to De Mattos before that person applied to the others to assist him in the purchase.

From such testimony we could only infer, that the object of the witnesses was to create erroneous impressions respecting the Ownership; for it is not to be supposed that if the ostensible Owner, Jozé Vieira de Mattos, a Portuguese, was the *bonâ-fide* proprietor, any anxiety would have been betrayed. We think, therefore, that the alleged seller of this vessel, Bernardino Pereira da Veiga, a Brazilian, residing in Rio de Janeiro, still continues to be the real Owner of her.

In connexion with our supposition that the "*Mindello*" is Brazilian property, we may appropriately refer to the statement of De Castro, that the slaving-outfit of this vessel was shipped in the day time at Rio de Janeiro.

This Case is very similar to that of the Portuguese ship "*Maria da Gloria*," reported to your Lordship on the 31st March, 1834. Both the vessels named were equipped for the Slave Trade at Rio de Janeiro; went to St. Paul's de Loando; and, with their illegal equipment on board, there received new Passports with the same expressed destination—Monte Video. It is clear, then, my Lord, that the Brazilian, as well as the Portuguese Custom-house Authorities in the ports named, must be exceedingly neglectful, or are participators in acts which should bring down punishment upon those concerned.

We beg leave to transmit to your Lordship a Copy of the Passport granted to the "*Mindello*" at St. Paul's de Loando; and which was issued at the time this vessel lay inside the bar of that port, and therefore under the immediate view of the Authorities. The Log-book of the vessel, from the time of her arrival at St. Paul's de Loando, 25th January last, appears to be faithful. The remaining portion of this Document, from the 25th April to the 4th May last, has been written apparently at 3 different times; and, with the exception of the last 4 days, we believe, was prepared to serve the vessel's purpose the moment she might, as was hoped, get to the south of the Equator, and thus far be free of liability to seizure.

No Log was kept in this vessel between the 25th January and the 24th April last; during which time De Castro says he was too much occupied in his private affairs to attend to this matter. We have vainly endeavoured to learn the cause of the Master and De Castro prevaricating so systematically in regard to the proceedings of the vessel after her arrival at St. Paul's de Loando; as none of their statements could produce benefit to a Portuguese vessel captured where the "*Mindello*" was, and with slaves shipped from parts of the Coast north of the Equator.

The "*Mindello*" was not provided *with a complete slave-deck*, as has hitherto been customary with vessels of her description; but had mats spread on the tops of the water-casks, on which the male slaves were placed.

The substitution of *mats for a slave-deck* is, we learn, likely to be adopted by *Spanish vessels*, in order to avoid the *Equipment Article of the New Treaty with Spain*. This plan seems to be better calculated for the comfort of the slaves than the old one of a deck; as this vessel, with so many negroes on board, and after a month's passage in the commencement of the rainy season, arrived here in an extremely clean and orderly condition, and having lost but 4 slaves during the voyage.

We trust your Lordship will not think we have been too particular in our account

of this Case, about which there is so much mystery, and which we have most anxiously, though not very successfully, endeavoured to clear away.

The "*Mindello*" was condemned on the 14th instant; and the survivors of her slaves, 257 in number, emancipated.

A conditional decree of emancipation was passed on 1 male slave, if alive, who had absconded from the Hospital at Kissy pending adjudication.

We have, &c.

(Signed) WALTER W. LEWIS.  
H. D. CAMPBELL.

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

#### First Enclosure in No. 64.

*Report of the Case of the Portuguese brigantine "Mindello," Jozé de Freitas Chaves, Master.*

THIS is the Case of a Portuguese vessel captured with a cargo of slaves on board to the north of the Equator, by His Majesty's brigantine "*Buzzard*," under command of Lieutenant Patrick Campbell, who found on board of her the three undermentioned Papers:—

A Passport numbered 175, and dated 3d February, 1836, from the Junta of Government of Angola, in favour of the said Master, José de Freitas Chaves, for the "*Mindello*" to proceed from Loando to Mozambique, touching at Monte Video;

A Muster-roll of the crew of the said vessel, dated at Loando, the 3d February, 1836, with the like destination as the Passport;

And a Log-book for a voyage from Rio de Janeiro to St. Paul's de Loando, between the 18th December, 1835, and the 25th January, 1836, and for a second voyage from St. Paul's de Loando to the north of the Equator, between the 24th April and the 4th May last; on which latter date the "*Mindello*" was detained, in the manner before mentioned.

In addition to the foregoing Papers, we are in possession of some which were delivered up by the Master on his examination in chief, and which consist of a Bill of Sale of the "*Mindello*" to the present alleged Portuguese Owner, Jozé Vieira Mattos, who resides in Rio de Janeiro, and who appears to have purchased this vessel from the Brazilian subject, Bernardine Pereira de Vieiga, at Rio on the 24th November, 1835. Vieiga called this vessel, when under the Brazilian flag, "*Parobé*," and in three Custom-house Papers, dated between April and August, 1835, at Rio, she is described as Vieiga's Property, and of the burthen of 122 tons. To all these Papers there is affixed a formal note, dated at Rio, the 14th of December, 1835, by the Officers of Customs, expressing that the vessel has now become Portuguese property. There is also a receipt showing that Mattos, the apparent Portuguese Owner, had paid the usual Government per-centage on the amount for which this vessel was sold to him.

The "*Mindello*" arrived in this harbour on the 2d June instant, late in the evening, and was not, therefore, reported to the Court by the Marshal until the following morning, when she was visited by the Surgeon to the Courts.

The Surgeon reported that there were 267 slaves on board the "*Mindello*" when she was detained, whereof 4 had died on the passage hither; and among those now on board there were 20 cases of sore eyes, 6 of which were cases of such severity as to peril the eyesight, 8 cases of diarrhoea, 1 very large ulcer, and 1 case of yaws. That the size of this vessel appeared to be quite inadequate to the proper accommodation of the number of persons embarked, and he therefore respectfully recommended that the slaves should be all landed as soon as possible.

On the 3d instant, the slaves were disembarked, the healthy being received by the Lieutenant-Governor in Freetown, and the sickly placed in the upper Hospital at Kissy.

On the same day, previous to the landing of the slaves, the Proctor for the Seizors brought in the Captor's Declaration, the Ship's Papers, and the Affidavit of the Prize-Officer, Mr. Halcrow, authenticating them; and petitioned that the usual Monition, citing all parties interested in this vessel to appear before the Court, might issue. The Monition accordingly went forth the same day, and was returned into Court on the 10th instant by the Marshal, certified to have been duly served.

The Declaration of Lieutenant Campbell, made at the time of detention of this vessel the 4th May last, states, "that being in or about latitude 3° 18' north, and longitude 8° 55' east, he detained the brigantine '*Mindello*,' sailing under Portuguese colours, armed with 2 9-pounder guns and 2 swivels, commanded by Jozé de Freitas Chaves, who declared her to be bound from the River Cameroons to Rio de Janeiro, with a crew consisting of 18 men, no boys, and 5 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 268 slaves, said to have been taken on board at the River Cameroons."

The examination of the witnesses in preparatory was gone into by the Registrar on the 6th instant, when the Master of the said vessel, Jozé de Freitas Chaves, deposed as follows:—"He was born at Oporto, and resides there; has never served any State but Portugal; is unmarried. Manoel Caitano de Castro, a Portuguese subject, and resident at Oporto, appointed him to the command, and he received possession from the said De Castro, in Rio de Janeiro, in December last; first saw the said vessel then and there; she is North American built. He was on board at the time of capture; the vessel was seized for having slaves; had no colours but Portuguese. He has never heard of her being called by any name but '*Mindello*;' she is about 163 tons burthen, and had 16 Officers and mariners, exclusive of himself, all Portuguese, shipped and hired at Rio de Janeiro in December last by the said De Castro. Neither he nor any other of the Officers and mariners had any interest in either the vessel or cargo, except the Boatswain, who owned 6 of the slaves (boys); was Master on board; there was no passenger. The last clearing port was St. Paul's de Loando, and the voyage commenced at Rio de Janeiro, and was to have ended at Monte Video; from Rio de Janeiro the vessel went to Angola, where some of the cargo was landed, and after remaining 15 days proceeded to Ambriz, where 3 slaves were shipped from the shore, and then went on to the Gaboon, where 25

slaves were taken in; from thence proceeded to Cape Lopes, and shipped the remainder of his cargo. He first saw the capturing vessel off Fernando Po on the morning of the 4th of last month, and capture took place the same afternoon; there was no chase or attempt to escape, the weather being quite calm, and the 'Mindello' was taken by the boat of His Majesty's brigantine 'Buzzard,' the vessel's Papers were first for St. Paul's de Loando, and at that place she got a new Passport, leaving the old one there, for the Coast of Africa and Monte Video. There are 2 guns, 12 muskets, 3 cutlasses, and a little ammunition for defence; there was no resistance made, nor were there any instructions given to make any, or to escape capture, or to destroy any of the vessel's Papers. De Castro before named is the Owner of the vessel; knows it from the Bill of Sale, which is in his possession; De Castro is a Portuguese by birth, and resides with his wife and family at Oporto. There was a Bill of Sale (which witness produced and delivered up); knows nothing of the transaction except from that Document; believes the sale to have been a true one, and that the vessel, if restored, will belong to De Castro, and to him only; knows of no private agreement. The cargo, with the exception of the 6 slaves above mentioned, is the joint property of De Castro and another person, whose name he is unacquainted with; De Castro was the lader of the cargo at Rio de Janeiro, and Juan Antonio Morais Faeoa, the consignee at St. Paul's de Loando; Faeoa is a Portuguese merchant residing at St. Paul's, and he was the lader of the cargo of slaves now on board; the said slaves were to have been delivered at Monte Video for the account of the said Faeoa and De Castro; if the slaves be restored, they will belong to Faeoa, De Castro, and the Boatswain, Bernardo da Costa; believes so because they purchased them. He knows nothing about the last voyage; the cargo shipped at Rio consisted of rum and cloth; the present cargo is slaves; 268 were shipped altogether, mostly children; does not know the particular description; none died before capture, 4 (2 boys and 2 girls) have died since; was taken direct to Sierra Leone. All the Papers are true and fair; no Papers were concealed, destroyed, or made away with; he knows of no Papers in any country relating either to the vessel or cargo; there was no Charter-party to his knowledge. He does not know whether the vessel or her cargo be insured; she was under the direction of De Castro in regard to her management in trade."

On the same day Manoel Caitano de Castro, who has been variously described in the proceedings as Mate, passenger, and Part Owner, gave the following evidence.

"The Master's name is Jozé de Freitas Chaves; has known him about 2 years; he was born at Oporto, and lives at Rio de Janeiro; he is not married; he appointed the Master, being Part Owner of the vessel, and gave him possession at Rio de Janeiro in December last; first saw the said vessel at Rio de Janeiro in November last; she was built in North America. He was on board when the vessel was seized for having slaves; had no colours but Portuguese. He has never known the vessel to have any other name but that of 'Mindello;' she is 120 tons burthen, and had 19 Officers and mariners, exclusive of the Master, all Portuguese, shipped and hired at Rio de Janeiro in December last by witness. He had one-fourth of the vessel and of the cargo; the Boatswain, Bernardo da Costa, had, he believes, 10 slaves, and a seaman, Francisco dos Santos, 1 slave; none of the Officers or mariners had any interest in either vessel or cargo; was passenger on board the said vessel himself; there was no other passenger; is a native of Portugal, and lives with his family at Oporto. The present voyage commenced at Rio de Janeiro, and was to have ended at Monte Video; the last clearing port was St. Paul's de Loando; and from thence down (up) the Coast for slaves, touching at Ambriz, Cabinda, and other places, the names of which he does not recollect; remembers that they touched at the Gaboon, and shipped slaves there, and also at the Cameroons, where 78 slaves were taken on board. The capturing vessel was first seen off Fernando Po on the 4th May, and capture took place on the same day; there was no chase or attempt to escape, there being no wind; the vessel's Papers being for Mosambique and Monte Video, her course, as has been described. There were 2 guns, 12 muskets, 2 cutlasses, and a little ammunition for defence; there was no resistance made or instructions to make any, or to avoid or escape capture, or to destroy or conceal any of the Papers. Jozé Vieira de Mattos, Joao Antonio Miranda, Jozé de Silva Paranhas, and witness, are the Owners of the said vessel, all Portuguese, and (except witness) residing at Rio de Janeiro; Paranhas alone is married; his wife lives at Rio de Janeiro; Mattos, Paranhas, and Miranda resided at Oporto formerly. There was a Bill of Sale from Jozé Vieira de Mattos in favour of Miranda, Paranhas, and witness; it is in the possession of the Court, having been delivered up by the Master; the sale was a true one, and the price was paid in cash at the time; if the vessel be restored, she will belong to the 3 persons above named and to witness, and to no others; there was no private agreement; Mattos, Miranda, Paranhas, and witness were sole Owners of the cargo, with the exceptions stated in the answer to the seventh interrogatory; witness was the sole Owner and consignee; the cargo now on board was to have been delivered at Monte Video on the risk and account of the said 4 Owners, and, if it be restored, it will belong to them, and to no others. The last voyage was with jerk beef from Rio Grande to Rio de Janeiro; the cargo shipped at Rio de Janeiro consisted of cloth and rum; the present cargo is slaves; 268 were shipped altogether from the shore; none died before capture; 5 or 6 have died since; does not know their particular description; was taken direct to Sierra Leone. All the Papers are true and fair; no Papers were destroyed, concealed, or made away with; there are no Papers in any country relating either to the vessel or the cargo. Neither the vessel nor cargo is insured; she was under witness's direction in regard to her trade."

Publication of the preceding evidence was granted on the 7th instant, and at the same time was received the Affidavit of the Prize-Officer, accounting for the decrease of the number of slaves in the "Mindello's" cargo. The Prize-Officer deposed, that 4 slaves died from disease on the several days mentioned in the Schedule, which he subjoined; and added, that every care and attention in the power of himself and crew were afforded to all the said slaves, and that the death of the said 4 slaves did not ensue through the neglect of him or any of his said crew.

A Petition was presented by the Captor's Proctor on the 10th instant, praying that 2 Affidavits annexed thereto might be received, in order to prove the shipment, in the river Cameroons, of the slaves with which the "Mindello" was detained.

The Affidavits in question were as hereunder quoted:—

1. "Appeared personally, William H. Pike, Second Master of His Majesty's surveying cutter 'Raven,' Lieutenant George Augustus Bedford commanding, who maketh oath and saith, that, in the latter part of the month of April last past, they were employed in surveying the River Cameroons,

and on the 22d day of that month, he, the deponent, boarded a brig lying at anchor at the head of the river, and found her to be the Portuguese brig called the '*Mindello*,' and that, at the time the deponent boarded the said brig, there were no slaves on board of her, but she had nevertheless the appearance of being engaged in that illicit traffic. And the deponent further saith, that the said brig '*Mindello*' is now lying at anchor in this harbour, and that he hath been on board of her since her arrival in this port; and he, the deponent, is certain that she is the same vessel he boarded in the River Cameroons on the 22d day of April last as aforesaid."

2. "Appeared personally, John Halcrow, Acting Master of His Majesty's brigantine '*Buzzard*,' Lieutenant Patrick Campbell commanding, and Robert Stride, able seaman on board His Majesty's said brigantine, who make oath and say. And first this deponent, John Halcrow, for himself saith, that the said brig, above named, was captured in the afternoon of the 4th day of May last, off Fernando Po, by His Majesty's said brigantine '*Buzzard*;' and that on the following morning he received orders from the Commander to take charge of the said brig with a prize-crew, and proceed with her to Sierra Leone for adjudication; when he accordingly proceeded on board for that purpose, and found that the copper boiler, intended for cooking the provisions for the use of the slaves who were on board, had not been shipped in the cabouse, but was then lying in the gangway of the said vessel filled with ship's stores. And this deponent, John Halcrow, further saith, that a passenger on board the said vessel, who has been brought to this port as a witness in the cause, and has been examined upon the standing interrogatories before this Honourable Court, did then inform him, this deponent, that the said slaves had had nothing to eat since they had been put on board in the Cameroons, and that they had sailed from thence early in the morning of the day of capture. And this deponent, John Halcrow, further saith, that so soon as the said slaves were made acquainted with his being in charge of the said vessel, they flocked around him and informed him, through the interpretation of one of the said slaves who could talk a little English, that they had ate nothing since they had been shipped on board in the Cameroons, and that they were quite exhausted for want of food; whereupon this deponent did immediately have the said copper boiler fitted in the cabouse, and did order provisions immediately to be cooked for them."

"And this deponent, Robert Stride, for himself saith, that he was one of the prize-crew sent on board the said vessel after capture, and that he was present, and did hear, on the morning after capture, the said passenger, who was brought to this port as one of the witnesses in the cause, inform Mr. John Halcrow, the above-named deponent, that the slaves on board the said vessel had not ate any food since they had been put on board in the Cameroons, which place they had left early in the morning of the day of capture; and that shortly afterwards the said slaves surrounded the said Mr. John Halcrow, the above-named deponent, and told him, through one of the slaves who could talk English, that they had had nothing to eat since they had been put on board the vessel in the Cameroons. And this deponent, Robert Stride, further saith, that Mr. John Halcrow, above named, did thereupon order the copper boiler, which was lying in the gangway of the said vessel filled with stores, to be cleared and fitted in the cabouse, and that provisions should be immediately prepared for feeding the said slaves, which was accordingly done."

The day following the receipt of the foregoing Affidavits, special interrogatories were put, by direction of the Court, to the Master Chaves, and to the Mate or passenger De Castro.

Chaves stated, "that De Castro, as Owner, gave him charge and possession of the said vessel; there was no passenger; De Castro was Mate on board, though not in the Roll of the vessel from Loando; he was in that from Rio de Janeiro; De Castro went with the vessel to take charge of her, in case anything happened to witness, as there was no other Officer shipped; De Castro took a Passport from St. Paul's de Loando as for a passenger; does not know the reason he did so; the Log-book delivered up to the Captor was the only one kept from the time that the '*Mindello*' left St. Paul's de Loando; De Castro kept it, and witness supposes he did not think it necessary to enter therein the names of the particular places touched at; the vessel's Passport, obtained at Rio de Janeiro, was only for St. Paul's de Loando; and he delivered it at the Custom-house there, together with the Muster-roll, it being necessary in Portuguese ports to obtain a new Muster-roll, with a new Passport; those 2 documents were the only ones received at Rio de Janeiro, and delivered up at Loando; witness made a mistake when he said the Passport was for the Coast of Africa; it was from Mosambique to Monte Video; the reason he said he knew De Castro to be the Owner of the vessel from the Bill of Sale delivered up, was that De Castro had told him so, and shown him the Paper, but he never read it himself; the Bill of Sale delivered up was never in his custody till he was required to produce it on his examination, and he then received it from De Castro, and he knows nothing personally of its contents. Faeoa did not personally superintend the embarkation of the slaves; some were procured from his correspondent (a black man) at Ambriz, and others were purchased by De Castro with goods, which De Castro had told witness the said Faeoa had an interest in; Faeoa is now at St. Paul's de Loando; 3 slaves were shipped at Ambriz, 25 at Gaboon; he then went back to Cape Lopez, where 100 were shipped, and from thence to Bimbia, near the Cameroons, where all the remaining part of the cargo (140) was taken in; the Log-book was kept by De Castro; the entries were made daily; witness does not know who took out of the Log-book the leaf alluded to; it is the first he has seen or heard of it; he was only 15 days at anchor at Loando; arrived there in February, but does not recollect the particular day; does not know why there is no entry in the Log-book between the 25th January and the 24th April; the Log from Rio de Janeiro was kept by De Castro; the only way he is able to account for the difference of the latitude, as marked in the Log on the 3d May, and that in which the vessel was captured on the 4th, is by allowance for the very strong currents, and supposing there must have been some error in the Log reckoning; De Castro was always, from the time of leaving Rio de Janeiro till capture, Mate on board of the vessel, and acted as such."

De Castro, the Mate or passenger, deposed, that "the vessel was bought in the name of De Mattos only; but Miranda, Paranhas, and witness contributed equally with the said De Mattos towards the price and equipment of the vessel; but there was no written agreement between the said parties on the subject; he was Mate on board the '*Mindello*' from Rio de Janeiro to Loando, and was entered on the Muster-roll as such; he did not take a Passport at Rio as passenger, because it would have cost too much money; at St. Paul's, however, he took a Passport as such, and his name was not entered in the Muster-roll obtained there; went with the vessel to look after his own interest and that of the other Owners; the vessel was about 12 days at anchor within Loando Bar. and about 20

days outside of that place; arrived there about the 24th January, and left in March (does not recollect the day), and went to Ambriz, and returned from thence and lay at anchor again outside the bar at Loando, and there she remained till final departure about the middle of April; there was but one Log-book, and that was kept by witness, and delivered up to the Captors; the commencement of the Book contains the Log from Rio de Janeiro till arrival at Loando; the Log was discontinued from first arrival at till final departure from Loando; witness was too much occupied with his private business to attend to it during that period; the leaf torn out was removed by witness in consequence of its being blotted with ink; Antonio Morais Faeoa is a friend and correspondent in trade of witness, a Portuguese by birth, and resident merchant of Angola, but has no interest in either the vessel or cargo, and had nothing to do with the shipping of the slaves; the Master must have been mistaken, and have supposed from witness's intimacy with Faeoa that he had something to do with the cargo, but it was not the case; witness purchased and took on board the whole of the slaves himself, and none were bought from or by Faeoa, or any person connected with him; the slaves were not shipped at one time or place; 78 were taken on board at Cameroons, and that is the only place that he recollects the exact number shipped at."

On the 14th, De Castro was again examined, and stated, that "he was not on board the '*Mindello*' during her voyage from Rio Grande to Rio de Janeiro; that he knew nothing of Da Vieiga, except that he was the former proprietor of the '*Mindello*;' no connexion exists between them; that he has known De Mattos about 2 years; has no connexion with him except in regard to the vessel; that De Mattos is a merchant, and resides in Rua da Quitanda in Rio de Janeiro; that he never meant to be understood that there was any Bill of Sale, except that from Da Vieiga to De Mattos; the reason the names of Miranda, Paranhas, and himself were not in the Bill of Sale, is that that Document was made out before De Mattos applied to the other parties to assist him in the purchase; that the whole of the slave-fittings of the vessel were shipped at Rio de Janeiro in December last by witness during the day; that the only way he can account for the apparent discrepancy in regard to the latitude in the Log-book, and that in which he was captured, is on the presumption that he must have made an error in his calculations, which might easily have happened, as he does not pretend to any great knowledge of navigation."

It was our intention to have interrogated the Master as to the place and time of shipment of this vessel's slaving-outfit, but his illness prevented our doing so.

From the generally contradictory and evidently fabricated testimony which these depraved men, Chaves and De Castro, had given on the sacred responsibility of an oath, the Court, however, elicited two material facts in the case:—that of the "*Mindello*" having been seized with a cargo of slaves on board off Fernando Po, which is in about latitude 3° 0' North of the Equator; and that part, if not all, of these slaves were shipped in the same latitude, or at places without the limits, where Portuguese slave trafficking is still permitted. This, however satisfactory, was not essentially necessary in order to a judgment being pronounced in the Case, as the same points had been established by the affidavits of Messrs. Pike and Halcrow, and the seaman, Robert Stride, whose testimony is beyond question.

A Petition for a day of trial came in on the 13th instant, and the following day was named for that purpose, when the Court, under all the circumstances detailed, felt no hesitation in pronouncing the condemnation of the Portuguese brigantine "*Mindello*," her hull, tackle, apparel, and furniture, and the goods, wares, and merchandize seized on board of her, and decreed the emancipation of 257 slaves of this vessel's cargo, now in charge of the Liberated African Department, and also of 1 other slave of that cargo, if then alive, who had absconded, pending adjudication, from the upper Hospital at Kissy, and whilst in custody of the Colonial Government. It was also pronounced, that 266 slaves had been proved to have been on board of this vessel at the time of her seizure, 8 of whom had died between that date and their emancipation.

*Sierra Leone, 17th June, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

## Second Enclosure in No. 64.

### *Translation of Bill of Sale.*

BERNARDO RIBEIRO DE CARVALHO, Chancellor of the General Consulate of Her Most Faithful Majesty at this Court.

I do hereby certify, that there is registered, at the 26th page of the third Book, the following Certificate.

Bill of Sale of the Brazilian brigantine "*Parobe*," of which Bernardino Pereira da Vieiga is proprietor, to José Vieira de Mattos, Portuguese subject.

On the 24th November, 1835, in the office of the Consulate-General of Her Most Faithful Majesty, at the Court and Province of Rio de Janeiro, appeared together before me, the Chancellor, as actual seller, Bernardino Pereira de Vieiga, and as actual purchaser, José Vieira de Mattos, Portuguese subject, residing at this Court, known by the witnesses, whose names are hereunder signed, in presence of whom the actual seller stated that he, the Owner and possessor, disposed of the Brazilian brigantine "*Parobe*," which is at present anchored in this port, with her national flag, as appears by the Documents produced, of which brigantine, and everything appertaining to her, an actual sale is made from this day forward to José Vieira de Mattos, for the sum of 3 contos of reis, in bank notes, which I acknowledge to have received; and he binds himself to make this sale conclusive for ever, and safe and secure from all future debt whatever.

By the purchaser it was declared, that he accepts of this Bill of Sale with all the conditions which it contains, requesting that the brigantine may be called henceforth the "*Mindello*;" he swears that no foreigner has any share in her, and makes payment by Excise and value of wood, estimated at 450,000 reis, which sum was noted in the proper account.

The seller further declares, that this Certificate gives a full and general acquittance, never more to require the 3 contos of reis, for which this sale was effected, as before mentioned; and, as agreed upon and negotiated, they have requested that they might have this Certificate, which they have signed, in presence of the witnesses, Jeronime Joze Duarte Silva, and Antonio Joze de Rocha Miranda.

I, Bernardo Ribeiro de Carvalho, Chancellor, wrote and signed this.

(Signed) BERNARDO RIBEIRO DE CARVALHO, *Chancellor.*  
BERNARDINO PEREIRA DA VIEIGA.  
JOZE VIEIRA DE MATTOS.  
JERONIME JOZE DUARTE SILVA.  
ANTONIO JOZE DA ROCHA MIRANDA.

There is nothing further herein contained.

In testimony of which these presents are given, which are sealed with the Royal Arms of the General Consulate of Portugal, at Rio de Janeiro, 28th November, 1835.

(Correct Translation.) (Signed) BERNARDO RIBEIRO DE CARVALHO, *Chancellor.*  
(Signed) W. HAMILTON.

(Translation.) No. 1994.

At this Custom-house was paid by Bernardino Pereira da Vieiga the sum of 12 dollars, 200 reis, harbour dues, for the national brigantine "*Parobe*," lying in this harbour, of 122 tons; which sum is entered, on account of the Treasurer, at 159th page of the 7th Book, at Rio de Janeiro, on the 14th April, 1835.

(Signed) JOZE CASTANO ROCHA, *Treasurer.*  
JOAQUIM JOAO BRUSCO D'OLURA, *Secretary.*

On the Back of No. 1994.

Became Portuguese property, and is now called the "*Mindello*," and the proprietor José Vieira de Mattos.

14th December, 1835.

(Signed) AZIRIDO.  
BRUSCO.

(Translation.) No. 404.

At this Custom-house was paid, by Bernardino Pereira da Vieiga, the sum of 9,600 reis, of new Duties due upon the financial years of 1835 and 1836, payable upon the national brigantine "*Parobe*," which sum is entered on account of the actual Treasurer of this Office, at the 33d page of the 8th Book, at Rio de Janeiro, 25th August, 1835.

(Signed) JOZE CASTANO ROCHA, *Treasurer.*  
JOAQUIM JOAO BRUSCO D'OLURA, *Secretary.*

*Endorsed.*

Became Portuguese property, and is to be called the "*Mindello*;" Owner, José Vieira de Mattos.

14th December, 1835.

(Signed) AZIRIDO.  
BRUSCO.

(Translation.)

We, the undersigned, do hereby certify, that the national brigantine "*Parobe*," Owner Bernardino Pereira da Vieiga, is of the following dimensions: is  $72\frac{2}{10}$  feet; length measured on the fore-castle  $23\frac{1}{10}$  feet; breadth  $25\frac{3}{10}$  feet; across the hatches  $26\frac{1}{10}$  feet; depth  $13\frac{1}{10}$  feet.

Rio de Janeiro, 9th April, 1835.

(Signed) AZIRIDO.  
JOAQ<sup>M</sup>. ROIZ S<sup>O</sup>.

By the foregoing dimensions, the tonnage of the aforesaid vessel is 122 tons.

(Signed) BRUSCO.  
JOAQ<sup>M</sup>. PEREIRA OLLANBE MUZZI.  
MANRICIO JOZE FERREIRA.

Became Portuguese property, and is called the "*Mindello*," Owner José Vieira de Mattos.

14th December, 1835.

(Signed) AZIRIDO.  
BRUSCO.

(Translation.)

No. 55.

At this Custom-house was paid by José Vieira de Mattos, Portuguese subject, the sum of 150,000 reis, of the 5 per cent. arising from the 3 contos of reis, the value for which was sold (in bank notes) by Bernardino Pereira da Vieiga, the national brigantine "*Parobe*," which is now called the "*Mindello*," the Register of which is to be lodged at the Portuguese Consulate.

Which sum is entered on account of the Treasurer of this Office, at the 16th page, and 14th book, at Rio de Janeiro.

24th November, 1835.

(Signed) JOZE CASTANO ROCHA, *Treasurer.*  
JOAQUIM JOAO BRUSCO D'OLURA, *Secretary.*

### Third Enclosure in No. 64.

#### *Translation of Passport.*

LEONARDO JOZE VILLELA, Governor of this Bishopric, and President of the Provisional Junta of the Government of this kingdom of Angola; Candido Francisco da Silva, Major of the Forces; and Innocencio Mattozo d'Andrade Commara, members of the said Junta, &c.

In conformity with the Royal Orders despatched by the Secretary of State for Affairs of the Marine, and beyond the seas,

We cause to be made known to those who may see this Passport, that, from the port of Loando, the brigantine called the "*Mindello*" is prosecuting her voyage to Mozambique, touching at the port of Monte Video; of which vessel José de Freitas Chaves is Master, and José Vieira de Mattos is Owner, both Portuguese subjects, as appears by Documents; as well as that no foreigner has any share or interest in her. And as, in the course of her voyage, she may be fallen in with in distant seas, or

ports beyond the Capes, and by Officers of ships, and other Portuguese vessels, Her Most Faithful Majesty orders that she may meet with no impediment. And she recommends to the armed vessels, squadrons, and other vessels of kings, princes, republics, potentates, friends and allies of the Portuguese Crown, that she may not be prevented from the prosecution of her voyage, but, on the contrary, that they should give her every necessary assistance and favour, under the assurance that vessels so recommended by their Princes would be similarly and equally treated.

In faith of which we have ordered the present Passport to be issued, which is signed by us, and sealed with the Seal of the Royal Arms. Given at this City of St. Paul of Assumption of Loando, 13th February, 1836.

(L.S.)

(Signed)

LEONARDO JOZE VILLELA.

CANDIDO FRANCISCO DA SILVA.

No. 175.

Paid 480 reis for the Seal Loando, 5th February, 1836.

By order of His Excellency.

(Signed)

MORADA.

(Signed)

MANOEL ANT. JORGE DE CARVALHO E SOUZA.

(Endorsed)

Registered at the back of folio 69 of the Book appropriated for the entry of similar Passports. Office of the Secretary of the Government of the Kingdom of Angola, 3d February, 1836.

(Signed)

A. L. CARVALHO E SOUZA.

No. 65.

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

MY LORD,

*Sierra Leone, 25th June, 1836.*

THE schooner "*Criolo*," Gregorio Alexandre Medina, Master, arrived here on the 16th instant, from the West Indies, where she had been captured by His Majesty's sloop "*Gannet*," Commander Maxwell, on the 1st April last, with a cargo of 315 slaves on board, whilst sailing under the flag of Portugal.

The vessel was duly brought before the British and Portuguese Court of Mixed Commission on the morning following her arrival; when it appeared from the Papers filed that, in consequence of the emaciated condition of the slaves captured, they had been landed at Nassau, New Providence, the Governor of which Island gave a receipt for the survivors, in number only 307. The necessity for the early landing of these wretched creatures was thus too clearly demonstrated, no less than 8 having died in the 7 days occupied after capture, in reaching the Bahamas, and their being delivered into the charge of the Authorities there.

The Case of the Seizors against this vessel having been clearly made out, her condemnation this day took place; and the emancipation of the 307 slaves left at the Bahama Islands, or those surviving of them, was accordingly decreed.

This is the first of a description of Cases which we expect, from the information we have received, will be numerous, now that Spanish vessels may be condemned if their equipment is shown to be illegal.

The "*Criolo*" was at the Gallinas in November last, fitted for the Slave Traffic, and sailing under the Spanish flag; at which time she was called "*Carissimo*," and was commanded by one José Gonçalves, who finding that some Spanish vessels, with equipment and intentions similar to his own, had been on the 18th November last seized, under the New Treaty with Spain, left the Gallinas about 3 days afterwards for Cape Verde Islands, which he reached in the following month.

Gonçalves, on his arrival at Porto Praya, Cape de Verdes, there effected a nominal sale of the vessel under his command, by which she was transferred from the Spanish to the Portuguese flag. A Portuguese Master, who declared to the Registrar his total ignorance of Charts, when asked to point out therein the place of capture of the "*Criolo*," and who is extremely young, was put in the command of this vessel, and Gonçalves shipped ostensibly in the inferior capacity of Second Mate; possessing, however, at the same time, as both witnesses have stated in their examinations, the superior authority of a Supercargo.

A Copy of the Papers found on board this vessel, in reference to her sale, and also of the Portuguese Passport granted, we think it our duty to lay before your Lordship, together with our Report of the Case.

Gonçalves having died on the Coast during the time the slaves were collecting, the chain of evidence is necessarily incomplete; although, at the same time, sufficiently clear to convince us that there are the most reasonable grounds for believing that she has always been a Spanish vessel; and that the Portuguese flag has only been obtained to afford some protection to the nefarious engagements of the owners of the "*Carissimo*," otherwise the "*Criolo*."



We have indirectly learned that, in January last, when the "*Criolo*" was seen at anchor in Porto Praya, there were 4 or 5 other suspicious looking vessels, with the Portuguese flag flying, lying there; and which vessels, there is good reason for believing, were then under similar circumstances, and with the like object as the "*Criolo*."

In the Despatch of the 17th instant, it was our duty to bring to your Lordship's notice the granting of a Portuguese Passport to the vessel "*Mindello*," which had arrived at St. Paul's de Loando, as the "*Criolo*" did at the Cape Verdes, completely equipped for the Slave Trade.

The apathy or connivance of the Portuguese Colonial Authorities on this Coast respecting anything connected with the inhuman traffic in our fellow-men, has been so frequently established against them, without bringing down on them that punishment they so richly deserve, or benefiting the cause of humanity, that it is almost disheartening to advance fresh facts concerning them.

We have, &c.

(Signed)

WALTER W. LEWIS.

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

H. D. CAMPBELL.

&c.

&c.

&c.

### First Enclosure in No. 65.

*Report of the Portuguese schooner "Criolo," Gregorio Alexandre Medina, Master.*

This vessel, provided with a general sailing Licence from the Governor of "the Province of Cape Verde and the Coast of Guinea," was found on 1st April last off the Island of St. Domingo, under the Portuguese flag, with a cargo of slaves on board, and there seized by His Majesty's sloop "Gannet," Commander John B. Maxwell, who despatched her for adjudication to this Colony, after having first landed the slaves of the "*Criolo*" at New Providence.

The only Custom-house Paper found in this vessel was a Muster-roll from the Cape Verde Islands, in which a destination was assigned to her, and which expresses that she was bound to the Malaguita Coast. Although the cargo, with which the slaves were purchased, was stated to have been shipped at Porto Praya by the ostensible Portuguese Owner, Ignacio Carlos de Fonseca, a resident merchant of that City, yet no Clearance of that cargo at the Custom-house seems to have taken place, and no Manifest or other Document respecting it is forthcoming.

The "*Criolo*" reached this harbour late on the 16th instant, and the Marshal duly reported her arrival on the following morning.

On the same day the Proctor for the Seizors brought in the Captor's Declaration and Ship's Papers, with the Affidavit of the Prize-Officer, Lieutenant Henry Wright, to authenticate the same, and prayed that they might be received, and that the usual Monition, calling on all interested parties to attend, should go forth; and that the witnesses produced be examined on the standing interrogatories, which were granted.

The Seizor's Declaration is to the effect following:—"That on this 1st day of April, 1836, being in or about latitude 20° 16' north, longitude 72° 22' west, he detained the vessel named the "*Criolo*," sailing under Portuguese colours, not armed, commanded by Gregorio Alexandre Medina, who declared her to be bound from Malaguita, Africa, (on the Grain Coast,) to the Havana, with a crew consisting of 17 men, 1 boy, 1 Pilot or Supercargo, and 4 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof; and having on board 314 slaves, said to have been taken on board at Malaguita, on the 13th day of March, 1836."

Another Affidavit of Lieutenant Henry Wright was, on the same day, brought in to prove, that 8 of the slaves captured died between the date of seizure and the vessel's arrival at Nassau, New Providence, where the survivors of her cargo, in number 307, were landed on the 7th April last, and delivered over to the Colonial Authorities in consequence of their debilitated condition. All the circumstances attending this transaction are very satisfactorily set forth in the Declaration on the occasion, as well as in the Official Report of the Surgeons of His Majesty's sloop "Gannet," and in the Receipt of Lieutenant-Governor Colebrooke for the slaves thus delivered over to him; and which 3 Papers are hereunder transcribed.

"I, John B. Maxwell, Commander of His Britannic Majesty's sloop 'Gannet,' do hereby certify, that, on the 1st day of April, 1836, being in latitude 20° 16' north, longitude 72° 22' west, I detained the vessel named the '*Criolo*,' sailing under Portuguese colours, not armed, and commanded by Gregorio Alexandre Medina, who declared her to be bound from Malaguita, Africa (on the Grain Coast), to the Havana, with a crew consisting of 17 men, 1 boy, 1 Pilot or Supercargo, and 4 passengers, and having on board 314 slaves.

"I do further declare that, finding it necessary to disembark the whole of the said slaves before the vessel could arrive at Sierra Leone, to which place it was my intention to send her for adjudication, on account of their emaciated and debilitated state, arising chiefly from the crowded state of the vessel, and privations they had undergone, and also from the length of the voyage to Sierra Leone, I did, on the 7th day of April, disembark the whole of the said slaves at Nassau, New Providence, where they remained."

The Official Report of the Surgeons of His Majesty's sloop "Gannet" is as follows:—"The '*Criolo*' sailed a month ago from the Coast of Africa with upwards of 320 slaves, chiefly children, of both sexes; on the 1st instant, the day of capture, she had on board 314 slaves, many of them sick, several in a dying state; since then 8 have died, and there are at present 36 on the sick list, 4 dangerously ill.

"The prevailing disease is bowel complaint, in most cases showing a dysenteric character; there is no fever among them, nor any contagious disease, but great numbers are in a most deplorable state of weakness and emaciation from the privations they have undergone; and it is our decided opinion that,

from protracted suffering, the slaves generally are reduced to such a debilitated condition, that their further confinement on board the schooner will be attended with an immense sacrifice of human beings."

The Receipt from the Lieutenant-Governor of the Bahamas is to the following purport:—

"Received from Lieutenant Henry Wright, of His Majesty's sloop 'Gannet,' in charge of the Portuguese schooner '*Criolo*,' the number of Africans undermentioned, captured in the said schooner by His Majesty's said sloop 'Gannet,' on the 1st April instant, and landed here this day; namely:—

|                 |     |
|-----------------|-----|
| Men . . . . .   | 99  |
| Women . . . . . | 30  |
| Boys . . . . .  | 106 |
| Girls . . . . . | 72  |

Total landed . 307

(Signed) "W. M. G. COLEBROOKE."

The witnesses in preparatory produced were Gregorio Alexandre Medina, the Master, and Jozé Legrand, the First Mate, of the "*Criolo*," who were examined by the Registrar on the 20th instant.

The Master deposed that "he was born at St. Jago in the Cape Verdes, and has always lived at Porto Praya; has never served any State but Portugal; is unmarried. The Owner, Ignacio Carlos de Fonseca appointed him to the command, and gave him possession at Porto Praya, in January last; De Fonseca, is a Portuguese subject, and lives at Porto Praya; first saw the said vessel at that place in December last; does not know where she was built. He was on board at the time of capture; the vessel was seized for having slaves on board, and had no colours but Portuguese. He has never heard of any name but '*Criolo*;' does not recollect her tonnage; she had 18 Officers and mariners, exclusive of witness; some were Portuguese, and some Spaniards; they are described accordingly in the Muster-roll; all were hired and shipped at Porto Praya in January by the Owner, De Fonseca; none were hired by witness. Neither he nor any of the Officers nor mariners had any interest in either the vessel or cargo; was Master on board; there were 4 passengers, 3 Portuguese and 1 Spanish seamen; does not remember their names; they were destined for Havana, and had no interest or authority in regard to either the vessel or cargo. The present voyage commenced at Porto Praya, which was the last clearing port, and was to have ended at the Havana; from Porto Praya the vessel went to Grand Bassa, where she remained about 2 months, and shipped slaves from the shore, and afterwards proceeded to Cape Mount, where they were about 6 days, and took in the remainder of the cargo of slaves; the vessel then proceeded to the Havana. The capturing vessel was first seen on the 1st April off Monti Christi, in St. Domingo; the vessel was steering for Havana when pursued; and the chase commenced at 7 a. m., and capture took place at 5 p. m. of the same day, and within sight of St. Domingo; the vessel's Papers were for the Malagueta Coast only. There were no guns, 12 muskets, as many cutlasses, and a little ammunition; no resistance was made; there were no instructions to make any, or to escape capture, or to conceal or destroy any of the vessel's Papers. Ignacio Carlos de Fonseca was the sole Owner of the vessel; knows it from the vessel's Papers; Fonseca is a native of Porto Praya, where he has always lived; he is not married. There was a Bill of Sale from one José Gonçalvez, a Spaniard, to Fonseca, the original of which is in the Public Office at Porto Praya, and a Copy was given to witness by Fonseca, and which was delivered up with the other Papers; Gonçalvez arrived in command of the vessel under Spanish colours at Porto Praya in the beginning of December, and there sold her to Fonseca, who shipped him in the said vessel as Second Mate, and he died in February, at Grand Bassa; witness knows nothing whatever of the transaction, except from the said Bill of Sale; does not know whether the price was paid, or whether there was any private agreement; believes, however, if she should be restored, she will belong to Fonseca. Fonseca is sole Owner of the cargo; the slaves were all purchased by Gonçalvez from the natives with powder, tobacco, and other goods, shipped in the vessel by Fonseca for that purpose; the said slaves were to have been sold in Havana for the account of the said Fonseca, but were not consigned to any person there in particular; Gonçalvez, had he lived, was to have had the disposing of them; to the best of his belief, the said slaves will belong to Fonseca, should they be restored, and to no other person. He does not know what lading the vessel brought out on her last voyage, or where it was shipped, or anything about the former voyage; when witness took the command the vessel had no cargo on board; subsequently Fonseca shipped in her powder, tobacco, and muskets, for the purpose mentioned; 325 slaves were shipped altogether, all either at Grand Bassa, or Cape Mount; does not know the particular descriptions; 8 died before capture, and some (but does not know how many) since; after capture the vessel was taken to New Providence, and from thence here. All the Papers were true and fair; knows of nothing to affect their credit. No Papers were destroyed or otherwise made away with. He knows nothing of any other Papers in any country relating to either the vessel or cargo. He knows nothing of any Charter-party. He does not know whether any part of either the vessel or cargo be insured; Gonçalvez had the management of the vessel's trade during his life; afterwards witness took charge; corresponds with Fonseca only in regard to the concerns of the vessel and her cargo."

The testimony of the Mate, Legrand, went in support of the Master's evidence, as to the vessel's having been captured off St. Domingo, under the Portuguese flag, with a cargo of slaves on board, which had been shipped at Grand Bassa and Cape Mount, places no great distance from this Colony. In other respects the Mate's evidence was unimportant.

Publication of the Case was decreed on the 21st instant, at the request of the Seizor's Proctor; and on the 23d following he presented a Petition for a day of trial to be fixed, which was granted for the 25th instant.

The Monition, issued on the 17th, the Marshal returned into Court, certified to have been duly served on the 25th instant, on which day the Court met, as appointed, for the adjudication of this vessel.

The clearest proof having been exhibited that the "*Criolo*" had committed a breach of the additional Convention of the 28th July, 1817, between Great Britain and Portugal, by engaging in the illicit traffic in slaves, the British and Portuguese Court of Mixed Commission condemned that vessel and her cargo as good and lawful prize to the Crowns of Great Britain and Portugal, decreeing the emancipation of the 307 slaves, or the survivors of them, who had been landed at Nassau, New Providence, on the 7th April last, and received by Lieutenant-Governor Colebrooke. The Court also

pronounced, that there were on board of the "*Criolo*," when she was captured, 315 slaves, of whom 8 died before their landing at Nassau above referred to.

*Sierra Leone, 25th June, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

### Second Enclosure in No. 65.

(Translation.)

No. 4.

*Copy of a Bill of Sale of a schooner called the "Carissimo," and from henceforth the "Criolo," which José Gonçalves causes to be sold in virtue of the powers invested in him by José Garcia, both of the Spanish nation, to Ignacio Carlos de Fonseca.*

BE it known unto those whom this Public Instrument of Bill of Sale may concern, that in the year of the birth of our Lord Jesus Christ, 1835, on the 10th day of the month of December of the said year, in this City of Praya, in the Island of St. Jago de Cape Verd, at my Office, before me and the undersigned witnesses, appeared on one part as seller, José Gonçalves, of the Spanish nation, and on the other as purchaser, Ignacio Carlos de Fonseca, merchant in this city, and enters into recognizance, of which I approve; and by the aforesaid José Gonçalves it was said that, by the powers with which he is invested by José Garcia, of the city of Havana, Owner and possessor of the schooner "*Carissimo*," to be called henceforth the "*Criolo*," anchored in the harbour of this Island, which authority was produced before me in this act, of which I approve, he sells, henceforth and for ever, to the said Ignacio Carlos de Fonseca, the before-mentioned schooner, for the price and sum of 1 conto and 600,000 reis, a sum which, at the time of this act, was delivered to him in current coin. In consideration of which he states, that he transfers to the purchaser all right, control, and possession which he has in the said schooner, with all her appurtenances, as well as of 12 muskets and 12 swords; at the same time to take judicial and extra-judicial responsibility. And the seller, Owner, and possessor consents that, in the event of not being so taken charge of, Francisco Cardozo de Mello, as security, who was also present, shall be bound to make good and maintain the purchase, when called upon to do so by proper authority.

At the same time by the purchaser was produced before me a Certificate of the duty upon wood, of the following tenour.

(Signed) CANDIDO PAULO DE MEDINA,

*Secretary at the Custom-house of the Island of St. Jago of Cape Verd, and the Interior.*

I hereby certify that, in the Book of Receipts of this Custom-house, at the 70th page, is to be seen entered a Certificate of the following tenour:—

10th December, 1835.

Received from Ignacio Carlos de Fonseca, for the 5 per cent. duties upon wood from the Spanish schooner "*Carissimo*," which he purchased from José Gonçalves on this day, as appears by the terms of an Affidavit in the Book of Securities kept at this Custom-house, at the 48th page, the sum of 800 mil reis.

(Signed) CORDEIRO.  
MEDINA.

In testimony of which I have caused the present Document to be made, which is signed by me.

*Praya, 10th December, 1835.*

(Signed)

CANDIDO PAULO DE MEDINA.

In conformity to the original, which is in my possession.

After this was written, it was read before the seller and purchaser, who mutually subscribed and certified to it; and I, as a public Officer, drew up the conditions, and certified to it in favour of the two absent parties, to which the persons whose names are hereunto attached were present as witnesses: Manoel Antonio Martino, José da Silva Pereira, Luis Pereira de Mello; and as security, Francisco Cardozo de Mello; and it is signed by Antonio José da Silva Macedo, Secretary to the Judge, and Notary, who wrote and signed it; Antonio José da Silva Macedo, José Gonçalves, Ignacio Carlos de Fonseca, Mauris Antonio Martins, José da Silva Pereira, Luis Pereira de Mello, Francisco Cardozo de Mello. And there is nothing further contained in the said writing than what is to be found in the same Book of Notices, which is lodged in my Office, and in my possession, and from which this is extracted, confirmed, and found to be in conformity to the original. Signed with my name and public seal which I use.

In testimony of the truth.

*Praya, 10th December, 1835.*

(Signed)

ANTONIO JOZE DA SILVA MACEDO.

### Third Enclosure in No. 65.

*Translation of Passport.—No. 1.*

JOAQUIM PEREIRA MARINHA, Commander of the Order of Christ, Colonel-in-Chief of Artillery, and Governor-General of the Province of Cape Verd and the Coast of Guinea, for Her Most Faithful Majesty Donna Maria the Second, &c. &c.

BE it known, that the schooner "*Criolo*," of Spanish build, and of the size and dimensions as hereunder, is Portuguese property, belonging to Ignacio Carlos de Fonseca, as was authentically proved in the Office of this Government; and as such I grant unto him the privilege, and guarantee to him the free navigation of the seas, sailing under the Portuguese flag, and with a crew two-thirds of whom at least shall be Portuguese, which he will be required to prove according to the Navigation Register, which must be verified before the Police Magistrates.

Schooner "*Criolo*," length from the stern-post to the stem 74 feet, extreme breadth 20 feet, extreme depth 10 feet, armed with 12 muskets and 12 swords, Captain Gregorio Alexandre Medina. And because in her voyages she may be fallen in with by Officers of ships and other vessels of the empire, I request them all, in the name of Her Majesty, that they offer no impediment to her; and I recommend to the armed vessels, squadrons, and other ships of kings, princes, republics, potentates, friends, and allies of the Crown of Portugal, that they do not prevent her from prosecuting her voyage, but rather that they will give her every assistance and favour which she may stand in need of, under the assurance that the same would be done to, and equal treatment received by those recommended by such princes.

In witness whereof I have caused the present Passport to be made, which is signed by me, and signed with the seal of the royal arms of this Government.

Office of the Governor-General of the Province, in the City of Praya, of the Island of St. Jago, 15th January, 1836.

Registered. (Signed) JOAQUIN PEREIRA MARINHA, *Governor-General.*  
(Signed) PROQUE COLLACO DA VIEGA VIDAL,  
*Chief Secretary to the Government.*

No. 66.

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

MY LORD,

*Sierra Leone 5th July, 1836.*

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 enclose a Return of the 2 Portuguese vessels which have been brought to adjudication before the British and Portuguese Mixed Court in the period from the 1st January to the 1st July, 1836.

We have, &c.

(Signed) H. D. CAMPBELL.  
*The Right Hon. Viscount Palmerston, G.C.B.* WALTER W. LEWIS.  
&c. &c. &c.

Enclosure in No. 66.

*Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commissions established at Sierra Leone, betwixt the 1st day of January and the 1st day of July, 1836.*

| Name of Vessel. | Date of Seizure.    | Where captured. |            | Property Seized.             | Seizor.   | Date of Sentence. | Number of Slaves Captured. | Number died before Adjudication. | Total number Emancipated. | Decretal part of sentence whether forfeiture or restitution.    | Whether Property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the Proceeds remain.  |
|-----------------|---------------------|-----------------|------------|------------------------------|---|-------------------|----------------------------|----------------------------------|---------------------------|---|--|
|                 |                     | Latitude.       | Longitude. |                              |   |                   |                            |                                  |                           |   |  |
| Mindello        | 1836.<br>4th May,   | 3° 18' N.       | 8° 55' E.  | { Brigantine and 266 slaves. | { P. Campbell, Esq.<br>His B. M. brig " Buzzard." | 1836.<br>14 June, | 266                        | 8                                | 257*                      | { Condemned for being engaged in the illicit traffic in slaves. | { The brigantine and stores in charge of the Commissioner of Appraisalment and Sale, the same being ordered to be sold by Public Auction, and the proceeds paid into the Registry twenty-one days from the date of condemnation. |
| Criolo          | 1836.<br>1st April, | 20° 16' N.      | 72° 22' W. | { Schooner and 315 slaves.   | { J. B. Maxwell, Esq., His B. M. sloop " Gannet." | 1836.<br>25 June, | 315                        | 8                                | 307†                      | { Ditto Ditto   | { Ditto Ditto.   |

\* Two men and 1 boy died after emancipation and before their descriptions could be taken to be registered, and 1 man absconded from the Liberated African Hospital prior to adjudication, and is not included in the number emancipated, a conditional decree only of emancipation, if alive, having been passed on him.

† The slaves belonging to the "Criolo" were landed at New Providence, Bahama Islands, on the 7th of April, 1836. The survivors of 307 were emancipated.

(Signed) H. D. CAMPBELL.  
WALTER W. LEWIS.

*Sierra Leone, 1st July, 1836.*  
(Signed) M. L. MELVILLE,  
*Registrar.*

No. 67.

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

MY LORD,

*Sierra Leone, 5th July, 1836.*

WE have the honour of acknowledging the receipt of your Lordship's Despatch of the 6th May last, transmitting, for our information and guidance, the Copy of a communication from the Admiralty on the subject of a practice, said to exist at Rio de Janeiro, of transferring Brazilian vessels to Portuguese subjects, and placing such vessels under the flag of Portugal in order to employ them with impunity in the Slave Trade; and a Copy of a Despatch, which your Lordship had addressed to His Majesty's Envoy at Rio de Janeiro on this subject, instructing

him to urge the Brazilian Government to pass a Law, forbidding in the territories of Brazil the equipment of vessels for the Slave Trade, their transfer when so equipped, and the entry and departure of such vessels.

The apparently nominal transfer of the Brazilian vessel "*Combinha*" to the Portuguese flag, under the name of "*Vencedora*," alluded to by Rear Admiral Hamond in his Despatch to the Secretary to the Admiralty, closely resembles the transfer of the brigantine "*Mindello*," lately condemned under the flag of Portugal, as reported in our Despatch, No. 38, of the 17th ultimo.

In our Report of the Case of the "*Mindello*," it became our duty to request the attention of your Lordship to another proof of the necessity for the interference of the Brazilian Government in the manner lately requested of it by your Lordship; and which, we anxiously hope, may be productive of the desired result.

The deliberate and open manner in which slaving-adventures are countenanced by all the Colonial Authorities of Portugal, from the highest to the lowest, has been already so frequently established as to be indisputable; and on this subject we would therefore only remark that the before-mentioned Case of the "*Mindello*," and that of the Portuguese schooner "*Criolo*," reported in our Despatch, No. 39, of the 25th ultimo, afford additional proofs on this point.

We have, &c.

(Signed)

H. D. CAMPBELL.

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

WALTER W. LEWIS.

&c.

&c.

&c.

No. 68.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 17.)*

MY LORD,

*Sierra Leone, 19th July, 1836.*

WE have been honoured with the receipt of your Lordship's Despatch of the 2d ultimo, covering Copies of 3 Letters and their Enclosures, which had lately been addressed to your Lordship by His Majesty's Minister at Lisbon respecting Portuguese vessels said to have been fitted out in the Tagus for slave-trading expeditions.

Immediately on receiving this Despatch we communicated with the senior Naval Officer in the port thereupon; from whom we learned that official information had reached him giving the description and probable intentions of the "*Clementine*," lately a French brig, but now under Portuguese colours. It therefore only remained for us to bring to the notice of the squadron the circumstances relating to the other vessel (the "*Paqueta de Madera*"), mentioned in Lord Howard de Walden's Despatch, No. 11, which we accordingly did in a Letter to the senior Officer here, Lieutenant Miall; and at the same time requested his attention to the statement of his Lordship, that a depôt existed at the Cape de Verde Islands for supplying slaving equipment to vessels from the port of Lisbon.

We have, &c.

(Signed)

H. D. CAMPBELL.

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

WALTER W. LEWIS.

&c.

&c.

&c.

No. 69.

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

MY LORD,

*Sierra Leone, 31st August, 1836.*

HEREWITH we have the honour to lay before your Lordship our Report of the condemnation of the Portuguese brigantine "*Joven Carolina*," which was seized with a cargo of 421 slaves on board, by His Majesty's brigantine "*Buzzard*," Lieutenant Patrick Campbell commanding, on the 22d July, in the mouth of the Old Calabar River.

The capture of this large vessel, with a crew of 23 Officers and men and 8 Spanish passengers, was gallantly, and at the same time peaceably, effected by Mr. Samuel Otway Wooldridge, in a small gig-boat belonging to the "*Buzzard*," in which he had only 4 seamen with him; the capturing vessel being, if at all,

barely visible on the horizon at the time, did not come up with the prize for 11 hours after her seizure.

In the evidence your Lordship will observe that mention is made of the boat of the "Buzzard" having been brought close to the "*Joven Carolina*" by a merchant steamer, from which the boat proceeded for the purpose of boarding the condemned vessel.

The merchant steamer alluded to is the property of a British merchant named Beecroft, who now resides at the Island of Fernando Po, and who kindly towed the man-of-war's boat in the direction of the Old Calabar (whither she was herself bound), in order to save the boat's crew the toil and exposure of pulling, under a tropical sun, a distance of from 15 to 20 miles, which they had to go in order to reach that river.

The Master and Owner of this vessel, Joaquim Telles de Menezes, was also sole Owner of the Portuguese schooner "*Theresa*," the condemnation of which vessel we had the honour to notify to your Lordship on the 31st of last December. In that Despatch we brought to your Lordship's notice that Menezes is the son-in-law of the notorious slave-dealer of Whydah, Francisco Feliz de Souza, with whom he resides.

We have, &c.

(Signed)

H. D. CAMPBELL.

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

WALTER W. LEWIS.

&c.

&c.

&c.

#### Enclosure in No. 69.

##### *Report of the Case of the Portuguese brigantine "Joven Carolina," Joaquim Telles de Menezes, Master.*

THE Papers delivered up to the Captor, by the Master and Owner of this vessel, at the time of her seizure, were only 2, a Provisional Passport from the Provisional Government of Princes Island, and a Muster-roll of the crew, dated 23d May, 1836. The Passport, which bears date of the 21st May last, is for a lawful voyage to the Coast of Africa only.

The "*Joven Carolina*," after leaving Princes Island with a cargo of rum, cloth, muskets, and powder, proceeded direct to the Old Calabar River, and shipped a cargo of slaves, with which she was on her way to Havana, when happily a boat of His Majesty's brigantine "*Buzzard*," Lieutenant Patrick Campbell commanding, detained her at the mouth of that river.

The "*Joven Carolina*" arrived in the harbour of Sierra Leone on the 12th August, after the short passage of 21 days. The Marshal and Surgeon to the Court proceeded on board of this vessel immediately on her anchoring here; the former notifying to the Court the particulars of the seizure, and the latter reporting the state of health in which he found the slaves of this vessel.

The Surgeon stated that the general aspect of these slaves was not good, craw prevailing amongst them in a very uncommon degree; that he had separated and marked 102 persons for hospital treatment; there were 20 cases of bowel complaint, about an equal number of ulcers of various sizes, 2 cases of sore eyes, and 1 case of yaws. From the very crowded state of the vessel, he recommended that all the slaves should be landed as soon as possible. They were, therefore, on the Petition of the Captor's Proctor to that effect, disembarked and delivered over to the Liberated African Department on the 13th August; the sickly persons being placed in the Kissy Hospital as usual.

The Proctor for the Captor had previously on the same day brought in the Ship's Papers, which he prayed might be filed with the Affidavit of the Prize-Master, Mr. Wooldridge, authenticating the same, and the Captor's Declaration, and that the usual Monition should be issued, which was granted. The Monition was returned into Court by the Marshal on the 20th instant, certified to have been duly served.

The Captor, in his Declaration, stated, that "being, on the 22d day of July, 1836, in or about latitude 4° 33' north, and longitude 8° 20' east, he detained the brigantine named the "*Joven Carolina*," sailing under Portuguese colours, commanded by Joaquim Telles de Menezes, who declared her to be bound from the Old Calabar River to Havana, with a crew consisting of 23 men, and 9 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having a cargo of slaves on board, said to have been taken in at Duke's Town, on the 21st July, 1836; and he further declared that the said brigantine appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the slaves and crew on their destined voyage to Sierra Leone."

On the 15th the Master, Joaquim Telles de Menezes, and the Steward, John Jackson, were examined on the standing interrogatories.

The Master deposed that "he was born at Princes Island, has lived at Adjudah for the last 5 years; is married, and his wife and family reside at Adjudah. He is Master and sole Owner of the detained vessel; possession was given to him at Princes Island, in February last, by one Captain Faust, an American from Boston, where he believes the vessel was built. He was on board when the vessel was seized for having slaves. The vessel was under Portuguese colours. The name of the detained vessel is '*Joven Carolina*;' she was formerly, he believes, called the '*Wind*.' The present voyage commenced at Princes, and was to have ended at Havana; the last clearing port was St. Antonio, in Princes Island, where he took on board cloth, rum, powder, and muskets; from Princes the vessel proceeded to the Calabar River, where she shipped slaves. He first saw the capturing vessel a few hours after her boat had seized the '*Joven Carolina*;' capture took place on the 22d July at the mouth of the Calabar; witness was steering for Havana at the time; there was no chase; the boat of

the brig-of-war was brought close to witness's vessel unsuspectedly by a merchant steamer. The vessel's Papers were for the Coast of Africa and Havana. There was a Bill of Sale for the vessel made at Princes in February last, by the said Faust, on account of the proprietor, a resident at Boston, whose name he does not remember; the Bill of Sale was witnessed by Jasinto Pereira Carneiro, Joao Barjos, and Nicolao de Santos, residents of Princes; this Document witness left at Adjuda; the price was 8,500 dollars, which was a fair equivalent for the vessel; the sale was a true one. He is sole lader, Owner, and consignee of the present cargo, which consists of 421 slaves, shipped altogether from the shore at Calabar, which he intended to have landed at Havana on his sole account, risk, and benefit. The vessel and cargo, if restored, will belong to witness only. The Papers found on board are entirely true and fair. No Papers were destroyed, concealed, or made away with in any manner. There are no Papers except the Bill of Sale in any country relating to the vessel or cargo. There was no Log, witness had no time to keep one. There was no Charter-party. Neither the vessel nor cargo is insured."

The Steward, John Jackson, throughout his examination, confirmed the Master's evidence in all the material points.

On the 16th instant, we received the Affidavit of the Prize-Officer as to the number of deaths which had occurred amongst the slaves of this vessel whilst under his care, by which it appeared that 23 of them had fallen victims to disease. This having closed the Seizor's Case, on the same day publication thereof was decreed.

The Court met for the adjudication of the "*Joven Carolina*" on the 23d instant, when clear proof which had been adduced of her employment in the illicit traffic in slaves was heard, read, and condemnation decreed of the said vessel as good and lawful prize to the Crowns of Great Britain and Portugal, as taken by the boats of His Majesty's brigantine "*Buzzard*," Lieutenant Patrick Campbell commanding. The emancipation was also decreed of 383 slaves, being the survivors of the 421 slaves who were found on board of the "*Joven Carolina*" at the time of her capture, 23 having died between the day of detention and their being landed in this Colony, and 15 subsequent to their landing and previous to their emancipation being decreed.

*Sierra Leone, 31st August, 1836.*

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

No. 70.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 15th December, 1836.*

I HEREWITH transmit, for your information, the accompanying Copy of a Letter which I have addressed to Mr. Bécroft, at Fernando Po, returning to him my thanks for the assistance which the Commander of his steam-boat afforded to the Officer in charge of the boat of His Majesty's brigantine "*Buzzard*," and which enabled that Officer to effect the capture of the Portuguese slaver "*Joven Carolina*," as reported in your Despatch, marked Portugal, No. 64, of the 31st of August last.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in No. 70.

*Viscount Palmerston to Mr. Bécroft.*

SIR,

*Foreign Office, 9th December, 1836.*

I HAVE been informed by His Majesty's Commissioners at Sierra Leone, that the capture of the Portuguese slave-ship "*Joven Carolina*," with 421 slaves on board, was mainly owing to the obliging conduct of the Commander of a steam-vessel of yours; that Commander having towed, for a considerable distance, the boat of His Majesty's brigantine "*Buzzard*," by which the "*Joven Carolina*" was taken; and I beg that you will accept my thanks for the opportune and effectual aid which your steamer thus afforded to His Majesty's Naval Officer in the performance of an important service.

I am, &c.

*Mr. Bécroft.*

(Signed)

PALMERSTON.

No. 71.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30.)*

MY LORD,

*Sierra Leone, 1st October, 1836.*

YOUR Lordship's Despatch of the 22d July last, in reply to ours of the 31st December, 1835, we had the honour of receiving on the 27th ultimo, and were exceedingly gratified in learning from the enclosed Copy therein of a Letter from Lord Howard de Walden, that the representations he has so constantly made, under your Lordship's directions, to the Court of Lisbon, as to the frequent and glaring violations of the Treaty between Portugal and Great Britain for the suppression of the Slave Trade, by the Portuguese Colonial Authorities, and particularly those of Princes Island, have at length had some good effect, and that a new



Governor is destined for that Island, off which a Portuguese vessel-of-war is to be sent to cruize against slavers.

We sincerely hope that the new Governor of Princes will prove a friend to humanity, and have sufficient authority to put an end to the constant infractions of the Treaty which have heretofore taken place so systematically under the Provisional Government of that Island; an additional instance of which will be found in our Despatch to your Lordship of the 31st August last, reporting the condemnation of the Portuguese brigantine "*Joven Carolina*," belonging to Princes Island.

We have, &c.

(Signed)

H. D. CAMPBELL.

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

WALTER W. LEWIS.

&c.

&c.

## SIERRA LEONE. (*Netherlands.*)

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No. 72.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 8th, 1836.*

I HEREWITH transmit, for your information, the Copy of a Despatch which I have received from His Majesty's Minister at the Hague, reporting the intention of the Government of Holland to send a Mission to the King of the Ashantees, for the purpose of raising negro troops from among his subjects to serve in the Dutch Possessions in the East Indies.

I also send you the Copy of a Letter which has been received from the Colonial Department; together with the Copy of a Letter from the Admiralty on the subject.

I am, &c.

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

(Signed) PALMERSTON.

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First Enclosure in No. 72.

*Sir A. Malet to Viscount Palmerston, the Hague, 10th June, 1836.*

(See Class B.)

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Second Enclosure in No. 72.

*Mr. Stephen to Mr. Strangways.*

*Downing Street, 22d June, 1836.*

SIR,

I HAVE laid before Lord Glenelg your Letter of the 16th instant, with the Copy therein enclosed of a Despatch from His Majesty's Minister at the Hague, in which it is stated that a General Verveer is about to proceed to the Ashantee country, for the purpose of raising a body of negroes to be employed as troops in the Dutch East India Possessions; a proceeding which His Majesty's Minister contemplates as liable to the provisions of the Treaty subsisting between Great Britain and Holland for the suppression of the Slave Traffic.

Lord Glenelg requests that you will state to Viscount Palmerston that he will not fail to apprise the Magistrates of Cape Coast Castle of the intended proceeding of the General Officer in question, and will instruct these Magistrates to watch the course of that Officer's negotiation with all practicable vigilance; but, as no part of the Ashantee country is within His Majesty's dominions, his Lordship apprehends that it may not be in the power of the Magistrates to do more than to transmit to His Majesty's Government any information by which it should appear that any subjects of the King of Ashantee are to be transported from Africa as slaves.

I have, &c.

*The Hon. W. Fox Strangways.*

(Signed) JAMES STEPHEN.

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Third Enclosure in No. 72.

*Mr. Wood to Mr. Strangways.*

*Admiralty, 4th July, 1836.*

SIR,

HAVING laid before my Lords Commissioners of the Admiralty your Letter of the 30th of last month, with its Enclosures, relative to the intention of the Government of Holland to send a Mission to the King of the Ashantees, for the purpose of raising troops from among his subjects for service in the Dutch Possessions in the East Indies, I am commanded by their Lordships to acquaint you, for the information of Viscount Palmerston, that they have directed Copies of these Papers to be transmitted to the senior Officer of His Majesty's ships on the western Coast of Africa for his information.

I am, &c.

*The Hon. W. Fox Strangways.*

(Signed) C. WOOD.

No. 73.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 22d July, 1836.*

WITH reference to my Despatch to you of the 8th instant, upon the subject of an intended Mission from the Government of Holland to the King of the Ashantees, for the purpose of raising troops for service in the Dutch Possessions in

the East Indies, I herewith transmit, for your information, an extract from a Despatch from Sir A. Malet, reporting the approaching departure of General Verver on the Mission in question.

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

I am, &c.  
(Signed) PALMERSTON.

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Enclosure in No. 73.

*Sir A. Malet to Viscount Palmerston, the Hague, 11th July, 1836.*

(See Class B.)

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No. 74.

*His Majesty's Commissioners to Viscount Palmerston.—(Received August 31.)*  
MY LORD, *Sierra Leone, 5th July, 1836.*

WE have the honour to report to your Lordship, that no Case has come before the British and Netherlands Mixed Court of Justice for adjudication in the half year ending on the 1st instant.

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

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

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No. 75.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30.)*  
MY LORD, *Sierra Leone, 1st October, 1836.*

WE were honoured, on the 27th ultimo, with the receipt of your Lordship's Despatch of the 8th July last, informing us of the intention of the Government of Holland to send a General Verveer on a Mission to the King of the Ashantees, for the purpose of raising negro troops from among his subjects to serve in the Dutch Possessions in the East Indies.

We beg leave to return our thanks to your Lordship for the above information.

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

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

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No. 76.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30.)*  
MY LORD, *Sierra Leone, 1st October, 1836.*

ON the 27th ultimo we had the honour to receive your Lordship's Despatch of the 22d July last, in which your Lordship is pleased to acquaint us, that it had been reported General Verveer was about departing on his Mission from the Government of Holland to the King of the Ashantees, for the purpose of raising negro troops in the Ashantee country to serve in the Dutch Possessions in the East Indies, and which Mission formed the subject of your Lordship's Despatch of the 8th of July last.

Should intelligence of any moment of the proceedings of the Mission reach us in so direct a manner as to render it worthy of being reported to your Lordship, we will not fail to do so.

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

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

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## SIERRA LEONE. (*Brazil.*)

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No. 77.

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

MY LORD,

*Sierra Leone, 26th April, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 2d February last, forwarding, for our information and guidance, Copies of Correspondence with his Majesty's Envoy at Rio de Janeiro; in which is expressed the acquiescence of the Brazilian Government in the opinion pronounced by His Majesty's Government respecting the jurisdiction which the Court of Mixed Commission established in that City ought to exercise over the 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.*"

We have, &c.

|   |          |                  |
|---|----------|------------------|
|   | (Signed) |                  |
| <i>The Right Hon. Viscount Palmerston, G.C.B.</i> |          | WALTER W. LEWIS. |
| &c.   | &c.      | &c.              |

No. 78.

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

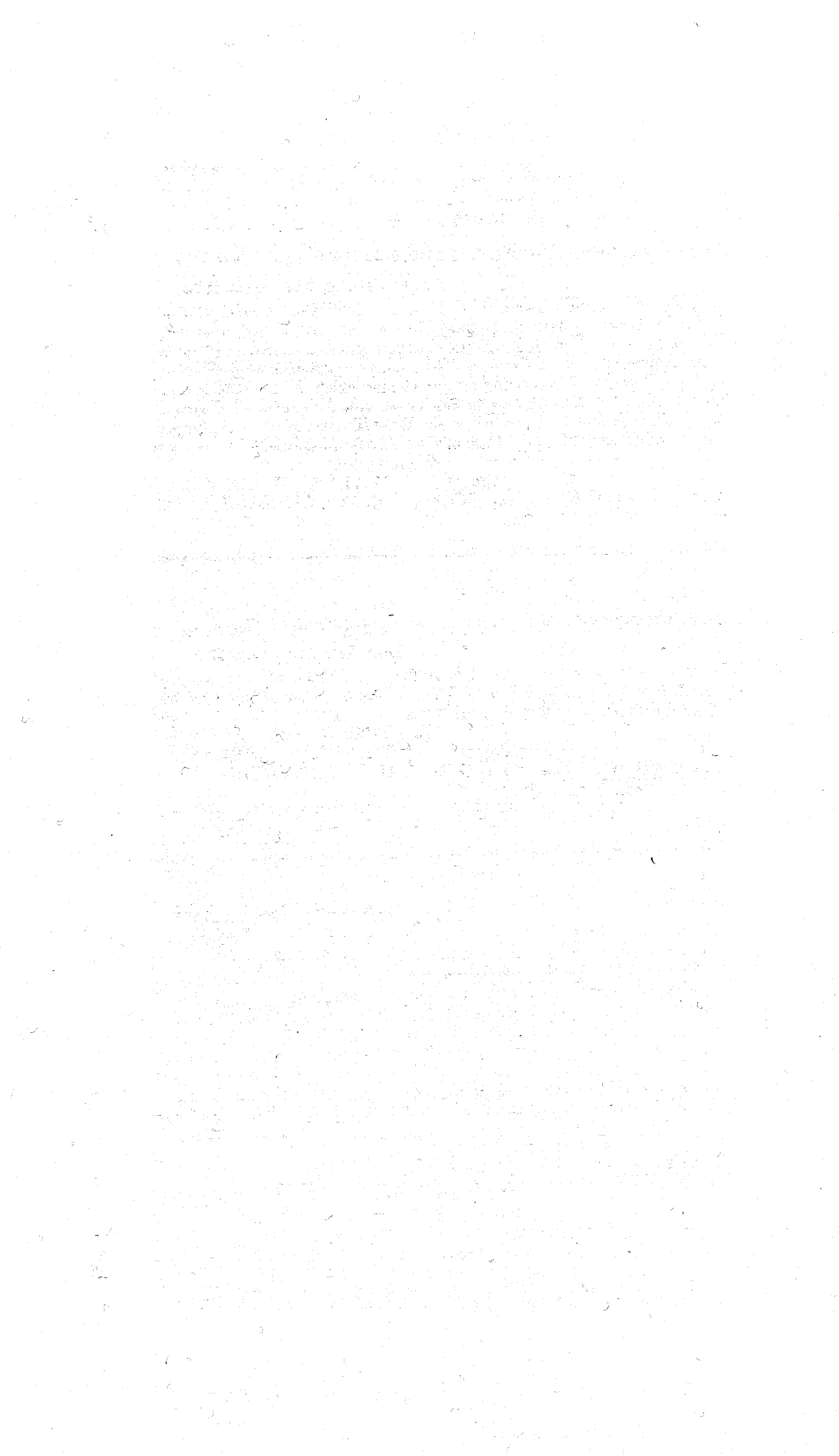
MY LORD,

*Sierra Leone, 5th July, 1836.*

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

We have, &c.

|   |          |                  |
|---|----------|------------------|
|   | (Signed) |                  |
| <i>The Right Hon. Viscount Palmerston, G.C.B.</i> |          | WALTER W. LEWIS. |
| &c.   | &c.      | &c.              |



## H A V A N A.

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No. 79.

*His Majesty's Commissioners to Viscount Palmerston.—(Received April 4.)*

MY LORD,

*Havana, 18th January, 1836.*

WE have the honour to enclose to your Lordship the answer of the Spanish Commissary Judge to our request, that the Mixed Commission might proceed forthwith to adjudge, without appeal, on the basis of the Treaty signed between Great Britain and Spain on the 28th June last.

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. 79.

(Translation.)

GENTLEMEN,

*Havana, 14th January, 1836.*

By your official Note of the 9th instant, you have been pleased to make known to us the communication addressed to you by Lord Viscount Palmerston, His Britannic Majesty's principal Secretary of State for Foreign Affairs, and with which his Lordship transmitted 12 Copies of the Treaty, concluded, on the 28th June last, between their Catholic and Britannic Majesties for the entire suppression of the Slave Trade, the ratifications of which Treaty were exchanged on the 27th of August last.

You have enclosed to us a Copy of this New Treaty, accompanied with the request to be informed whether we are ready on our part to carry into effect its stipulations; and having duly considered the matter, we are sorry to inform you that we cannot adjudge according to these provisions, however well calculated for effecting their object they may appear to be, because we should fail in our duty were we to separate ourselves from the Treaty of 23d September, 1817, and its additional Articles, while they as yet are the only stipulations which have been communicated to us by our Government, and consequently form the only law by which we are able to judge such cases of detention as may come before the Mixed Commission.

It is indeed indispensable that the New Treaty of 28th June last should be officially communicated to us by our Government, in order that we may give it effect. In the mean time we grieve not to be able for the present to accede to your wishes; and having thus answered your above-mentioned Note, we pray God to preserve you many years.

(Signed)

EL CONDE DE FERNANDINA.

*The Commissioners of His Britannic Majesty.*

No. 80.

*His Majesty's Commissioners to Viscount Palmerston.—(Received April 4.)*

MY LORD,

*Havana, 23d January, 1836.*

ON the 20th instant His Majesty's schooner "Pike," Lieutenant Arthur Brooking, Commander, brought into this port the Portuguese brig "*Esperança*," which he detained on her voyage from Trinidad de Cuba to Lisbon, on account of her being equipped as for the Slave Trade, and also on account of irregularity in her Papers.

Not being aware that Portugal has entered into any engagement with Great Britain analogous to the late Treaty between the latter and Spain, which was signed in June last, we could not advise Lieutenant Brooking to send her on for adjudication to Sierra Leone. He has, therefore, sailed with her this morning for Jamaica, intending, we believe, to take her before the Admiralty Court there, as a vessel carrying 8 guns, without being duly commissioned for that purpose by any established Government.

We have the honour to enclose a Copy of Commodore Pell's Instruction to Lieutenant Brooking, and of the latter's Letter to us, as well as our reply.

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. 80.

*Lieutenant Brooking to His Majesty's Commissioners.**His Britannic Majesty's Schooner "Pike" at Sea, 12th January, 1836.  
in Latitude 21° 9' North, and Longitude 82° 58' West.*

GENTLEMEN,

ON Tuesday, this 12th instant, whilst cruising in pursuance of orders for the suppression of piracy and slave-dealing (a Copy of which I herewith enclose), I boarded the brig "*Esperança*," under Portuguese colours, from Trinidad, Island of Cuba, 5 days out. On examination found her to be armed with 8 guns, complete with carriages, breechings, tackles, &c., a quantity of powder and shot, powder-horns fitted, tube-boxes, pruning-wires, &c. *hidden*. Being asked to show their Commission for carrying guns, they had none; and having positive information that a brig of her description, full of slaves, spoke a schooner off Jamaica, and from another information that she had landed those slaves near Trinidad, after the report of the boarding Officer, Mr. Graham, Second Master, I boarded her myself, and felt convinced it was the same vessel, as the time of her arrival corresponded, and not having landed any *legal cargo*.

It appears she sailed from Lisbon on or about the 4th August, 1835, for Benzuella, Coast of Africa, with beans (food for negroes), but no appearance amongst the Papers of landing them. She sailed from thence, *by their account, without cargo*, to Trinidad, and, after remaining some time there, clears out for Lisbon without cargo again.

On first examination, it was declared she was bound to Havana, also that no guns or ammunition were on board: every person differed in his account of the proceedings of the vessel, and of his station on board. I was referred to an elderly man, Manuel Pedro de Carvalho, as Captain, whereas by their Muster-roll a young man named Carlos Estevao Lassette is stated to be; and by her Papers I perceive that no less than 3 persons on board have passed officially as Captains or Commanders of this vessel since she left Lisbon. Altogether their conduct was most evasive. She left Lisbon with 36 men, 26 of whom are remaining. In every respect I observed she was fitted up as a slaver; and on search found parts of beans, and plank of a lower or slave-deck, a very large quantity of water-casks, in proportion to her crew, also staves and hoops of several others ready for putting together, which were not in her Clearance or Manifest; her fore hatchway fitted for gratings, and no proper hatches fitted such as are used on board merchant-vessels, and also evident proof that the middle of her deck was fitted for shifting; her cooking apparatus on a larger scale than used by merchant-vessels; and she has sweeps for propelling the vessel—things *never used* by merchant-ships.

All which is prohibited by various Treaties, and particularly explicit in Article 10 of the Treaty between His Majesty and the Queen Regent of Spain, signed 28th June, 1835, *the latest*.

As it is evident by the conducting of this vessel, not taking (by their own account) cargoes from either of the last ports she cleared at, and going such very long passages (allowing they had not dealt in slaves), their being manned and armed in so very superior a manner, to a peaceable merchant-vessel, is a convincing proof that piracy or slave-dealing is their occupation. And from orders received by me from the senior Naval Officer at Jamaica, I consider myself in duty bound to detain this vessel, and submit the cause to your honourable and legal jurisdiction, to be proceeded against according to the Law of Nations, or under the Acts for the abolition of slavery.

I have, &amp;c.

(Signed) ARTHUR BROOKING, *Lieutenant and Commander.*

## Second Enclosure in No. 80.

*Commodore Pell to Lieutenant Brooking.*

You are hereby required and directed to put to sea in His Majesty's schooner under your command, and proceed to cruise from Cape Catoche, in latitude 21° 15' north, longitude 87° west, to Cape de Cruz, in the Island of Cuba, to suppress piracy and slave-dealing. All armed vessels which you may meet on the high seas not duly commissioned by established Governments, contrary to the Law of Nations, must submit to legal adjudication.

In the event of your capturing a slave-vessel, you will proceed to the Havana with her.  
Given on board the "*Forte*," at Jamaica, this 3d day of December, 1835.

(Signed) W. O. PELL,

*Commodore in Command of the Jamaica Division of the West Indies, &c.*

## Third Enclosure in No. 80.

*His Majesty's Commissioners to Lieutenant Brooking, R.N.**Havana, 20th January, 1836.*

SIR,

WE have the honour to acknowledge the receipt of your Letter of the 12th instant, announcing your having detained the brig "*Esperança*," sailing under Portuguese colours, and your intention to bring her before this Court of Mixed Commission for adjudication. As we find, upon examination of her Papers, that she is truly a Portuguese vessel, it is impossible for us to give you any other opinion than that such a Case cannot come under the cognizance of this Mixed Commission.

As you acknowledge that there were no negroes found on board, we cannot recommend you to send this vessel before the Mixed English and Portuguese Commission at Sierra Leone; the more particularly, as you have verbally stated to us that you are furnished with no Instructions to seize Portuguese vessels.

With respect to your charge against the "*Esperança*" for piracy, you will of course adhere strictly to the Instructions which you may have received on this head from your superior Officers.

We have, &amp;c.

(Signed)

W. S. MACLEAY.

E. W. H. SCHENLEY.

*Lieutenant Brooking, R.N.*

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



No. 81.

*His Majesty's Commissioners to Viscount Palmerston.—(Received April 4.)*

MY LORD,

*Havana, 26th January, 1836.*

ON the 14th instant His Majesty's schooner "Pincher," Lieutenant George Byng, Commander, came into this port with the Spanish brigantine-schooner "Ninfa," alias "Matanzera," which he detained on the 7th instant, when going into Matanzas with 450 African slaves on board.

This slave-vessel was subjected to 6 days' quarantine on her arrival in the Havana. On the 21st the Court of Mixed Commission met, and on the 25th signed the sentence which condemns the vessel, and emancipates the 433 negroes who remained alive at the time of being delivered up to the Captain-General.

The "Ninfa" was commanded by Augustin Barcet, and is a Matanzas vessel, which, having taken in her cargo in the Havana on the 17th May last, sailed for Bemba on the Coast of Biafra, where she embarked 518 negroes.

We have the honour to enclose a Copy of the Captor's Declaration, an Abstract of the Evidence, and a Translation of the Sentence.

The "Ninfa" was condemned under the Old Treaty, because the Spanish Commissioners have received as yet no communication from the Government respecting the Treaty signed on the 28th June last.

We have, &amp;c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&amp;c.

&amp;c.

&amp;c.

## First Enclosure in No. 81.

*Captor's Declaration in the Case of the "Ninfa."*

I, GEORGE BYNG, Lieutenant and Commander of His Britannic Majesty's schooner "Pincher," do hereby declare, that on the 7th day of January, 1836, being in or about latitude 20° 10' 50' north, longitude 75° 30' west, I detained the brigantine named the "Ninfa," sailing under Spanish colours, armed with 3 carronades (12-pounders), commanded by Augustin Barcet, who declared her to be bound from Bemba to Camarioca, with a crew consisting of 27 men and 5 passengers; all of whose names will be found in the Muster-roll, with the exception of the passengers; and having on board 450 slaves, said to have been taken on board at Bemba, and who are enumerated as follows, viz. :—

|                    |     |
|--------------------|-----|
| Men . . . . .      | 132 |
| Women . . . . .    | 92  |
| Children . . . . . | 226 |

Total . . . . 450

I do further declare, that the said vessel appeared to be seaworthy, and was supplied with a sufficient stock of provisions and water for the support of the said negroes and crew on their destined voyage to Camarioca.

(Signed)

GEORGE BYNG,

*Lieutenant and Commander.*

Witnesses.

GEORGE D. MACLAREN, *Assistant Surgeon.*SUTTON REEGE, *Second Master.*

## Second Enclosure in No. 81.

*Abstract of the Evidence in the Case of the "Ninfa."*

LIEUTENANT GEORGE BYNG, Commander of His Britannic Majesty's schooner "Pincher," being sworn, and having shown his Instructions, deposed, that the state of the vessel "Ninfa," at the time of her detention, the number of slaves on board, and all other important particulars concerning her, are duly set forth in the Declaration of the deponent, now presented, in the English language; that the Papers of the "Ninfa," which this deponent delivered to His Britannic Majesty's Commissary Judge are only three, viz. :—

1. Royal Passport.
2. Contraseña.
3. Muster-roll.

That these three Papers are the only Documents which this deponent found on board the detained vessel. That of the 450 slaves, of both sexes, who were captured, 17 died after capture, so that only 433 were delivered up to the Captain-General, as appears by the Receipt now delivered into Court. Mr. George D. Maclaren, Assistant-Surgeon of the English schooner-of-war "Pincher," being sworn, deposed to the truth of the contents of the Captor's Declaration, and identified his signature to the same as witness.

Mr. Sutton Reege, second Master of the "Pincher," deposed to the truth of the contents of the Captor's Declaration, and identified his signature to the same.

Augustin Barcet, 34 years of age, a native of Planes, in the Principality of Catalonia, and resident there, a Catholic, and unmarried, being sworn, deposed, that he is by profession First Mate, and actually Master of the Spanish brigantine-schooner "Ninfa," alias "Matanzera," which has been detained and

brought into this port by the English schooner-of-war "Pincher;" that she was detained in latitude 22° 10' 50" north, and longitude 69° 12' west of the meridian of Cadiz; that she was detained on account of the bozal negroes found on board; that these Africans were taken on board at Bembia, on the Coast of Africa; that 518 of both sexes were there embarked; that they sailed on the 16th of November last from Bembia for the Havana, in order to give up the negroes to his Excellency the Governor; that this was really the deponent's intention, because this cargo of negroes had been put on board against his will; that the deponent's object in making a voyage to the African Coast had been merely palm-oil and ivory, certainly not the Slave Trade; that the King of Bembia bought this deponent's outward cargo, consisting of dry goods, gunpowder, muskets, and aguardiente, and promised to pay for it in ivory and palm-oil; that the time when the said King ought to have fulfilled the terms of his contract passed away, and on the deponent's at length representing to the King the heavy loss incurred in consequence of his long stay on the Coast, the King said that he had neither oil nor ivory for the deponent, but only slaves, and the deponent saw himself thus under the necessity of taking 518 Africans on board, with whom he was sailing for the Havana, with the above intention of delivering them up to the Captain-General, when he was captured by the English schooner-of-war; that the "Ninfa" was detained the 7th of this month, having 450 Africans on board then alive, 68 having died at sea on the voyage, prior to the detention; that they died of fever and dysentery; that 17 died after the detention, so that only 433 were delivered up by the Captors to the Captain-General; that this deponent sailed from Matanzas on the 2d May last, with Spanish Papers, for this port; whence, having shipped a cargo, he sailed on the 17th of the same month for San Tomas; that bad weather prevented the deponent from making the Island of St. Thomas, and drove him on the African Continent at Bembia, which circumstance was the cause of all the deponent's misfortune. That the Papers now produced, viz. the Royal Passport, Contraseña, and Muster-roll, are truly the Papers with which the "Ninfa" was sailing at the time of her detention, and which this deponent delivered up to the English Officers; that this deponent is the Owner and Supercargo of the vessel; that there is no cargo on board, except the above-mentioned negroes; that nothing remains of the outward cargo.

Juan Barba, 25 years of age, native of Vilasa, in the Principality of Catalonia, but resident at Matanzas, a Catholic, and unmarried, being sworn, deposed, that he is Second Mate of the Spanish schooner "Ninfa," alias "Matanzera;" that the English schooner-of-war "Pincher" detained the said vessel in longitude 69° 12' west of the meridian of Cadiz, and latitude 22° 10' 40" north; that she was detained on account of the African negroes found on board; that these negroes, to the number of 517, were embarked at Bembia, on the Coast of Africa; that she sailed from Bembia on the 17th November last; that this deponent knows not for what place they were bound; that 449 Africans were alive at the moment of detention; that this deponent knows not how many died after detention, as he was on board the capturing vessel; that the "Ninfa," alias "Matanzera," sailed from this port, on the 17th May last, with Spanish Papers and a cargo of aguardiente, cotton goods, and gunpowder, for the Island of St. Thomas; that they made the Island of St. Thomas, and thence proceeded to Bembia, on the Coast of Africa, where they took on board the slaves; that the Master, Don Augustin Barcet, is the Owner and Supercargo of the vessel; that no part of the cargo remains on board; that the 3 Papers now produced are truly the Papers of the brigantine-schooner "Ninfa."

Francisco Labanadeyra, aged 22 years, a native of Ferrol, a Catholic, and unmarried, being sworn, deposed, that he is Third Mate of the brigantine-schooner "Ninfa," alias "Matanzera," which was detained in latitude 22° 10' north, and longitude 69° 12' west of the meridian of Cadiz, by the English schooner-of-war "Pincher;" that the cause of the detention was the bozal negroes found on board; that 517 negroes were taken on board at Bembia, on the African Coast; that only 450 of them remained alive at the time of detention; that this deponent is ignorant how many died after the capture, as he was removed on board the schooner-of-war; that Don Augustin Barcet gave this deponent his place of Third Mate; that this took place in the port of Matanzas; that the deponent embarked there for the Havana; that the "Ninfa" sailed from this port on the 17th May last, with a cargo of gunpowder, dry goods, and spirits, for the Island of St. Thomas; that by reason of bad weather they did not reach St. Thomas, but made for Bembia, where they took on board the negroes; that the Papers now produced, viz., the Royal Passport, Contraseña, and Muster-roll, are truly the Papers with which the "Ninfa" was sailing at the moment of her detention; that Don Augustin Barcet is the Master and Owner of the "Ninfa," and was the only person who, as Supercargo, went on shore at Bembia, and who returned on board with the negroes.

### Third Enclosure in No. 81.

*Sentence in the Case of the Spanish brigantine-schooner "Ninfa," alias "Matanzera."*

(Translation)

IN the Always Most Faithful City of the Havana, on the 25th day of January, 1836, 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, Grand Cross, &c.; and Don William Sharp Macleay, the Spanish and British Commissary Judges in the Mixed Commission established in this city for the abolition of the Slave Trade, being met together, and having taken into their consideration the proceedings consequent upon the detention which the English schooner-of-war "Pincher," commanded by Lieutenant George Byng, has made of the Spanish merchant brigantine-schooner "Ninfa," alias "Matanzera," Don Augustin Barcet, Master, in latitude 20° 10' 50" north, and longitude 75° 30' west, with a cargo of 450 negroes of both sexes, alive at the time of detention, which took place on the 7th of the present month of January, and of whom 17 died after detention; and it being completely proved, as well by the Declaration of the Spanish Master and other witnesses examined, as by the Papers found on board the said brigantine at the time of detention, that she sailed from the port of Havana on the 17th May last, with Papers and a cargo for the Island of St. Thomas, and made direct for Bembia, on the Coast of Africa, where she took on board 518 slaves, who were by death reduced at the time of detention to 450, of whom 17 died afterwards, so that only 433 remained for delivery up to the Captain-General. Whereupon the Commissioners resolved that they ought to declare, and hereby do declare, with all due regard to the merits of the Case, according to the usual brief and summary mode of proceeding on the truth being made known, that the capture of the Spanish brigantine schooner "Ninfa," alias "Matanzera," is good and legal, as well as that of everything on board her,

including the above-mentioned 433 negroes, who are hereby declared to remain free from all slavery and captivity. And thereupon the Commissioners direct that the condemned vessel, and everything belonging to her, be valued by the principal Masters of the Royal Dock-yard, who shall be sworn to perform their duty faithfully, and that she shall be then brought to sale by public auction before the Public Scrivener, Don Manuel Fornari, who is hereby commissioned for the purpose; and being sold, that the produce of her sale be applied to the benefit of the 2 Governments, the said vessel being, for the present, placed in deposit with Don Jayme Andreu, who shall likewise take an oath to perform his duty faithfully, and shall receive her from the Captor by formal Inventory. And the Commissioners shall proceed without loss of time to deliver, by the hands of their Secretary, to each of the aforesaid negroes now alive, their respective Certificates of emancipation, according to the customary form; and shall also address a Letter to his Excellency the Captain-General, enclosing a certified Copy of this Sentence, in order that he may give it effect, and also because the crew of the said brigantine-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) J. F. CASCALES, Secretary.  
(Signed) EL CONDE DE FERNANDINA.  
W. S. MACLEAY.

## No. 82.

*His Majesty's Commissioners to Viscount Palmerston.—(Received April 4.)*

MY LORD, Havana, 1st February, 1836.

ON the 4th ultimo, the Spanish schooner "*Tres Manuelas*," — Marquez, Master, sailed for the Coast of Africa, as did the Portuguese brig "*Fenix*," J. A. Barbosa, Master, on the 17th ultimo.

The affair of the "*General Laborde*," and the knowledge acquired by the slave-traders of our having received the New Treaty, has certainly paralyzed the traffic.

Four slave-vessels have arrived from Africa during the last month: the Portuguese brig "*Maria Teresa*," J. Pereyra, Master, on the 1st ultimo, and 3 Spanish vessels, viz., the brig "*Isabella Segunda*," A. Marquez, Master, on the 2d; the ship "*Socorro*," A. Muzard, Master, on the 10th; and the brig "*Jacinto*," Francisco Rubeiro, Master, on the 30th ultimo.

The "*Socorro*" arrived from the Mozambique Coast, and landed no less than 605 slaves, according to report.

We have, &c.  
(Signed) W. S. MACLEAY.  
EDWARD W. H. SCHENLEY.

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

## No. 83.

*His Majesty's Commissioners to Viscount Palmerston.—(Received April 4.)*

(Extract.)

MY LORD, Havana, 16th February, 1836.

WE have notified to Colonel Cockburn, His Majesty's Superintendent of the Colony of the Honduras, that, acting upon our Instructions, we now see no objection to emancipated negroes being sent to Belize.

We have, &c.  
(Signed) W. S. MACLEAY.  
EDWARD W. H. SCHENLEY.

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

## No. 84.

*His Majesty's Commissioners to Viscount Palmerston.—(Received April 4.)*  
(Extract.)

MY LORD, Havana, 17th February, 1836.

WE have the honour to enclose the Copy of a Note which we addressed to the Captain-General on the 9th instant. In this Note we informed his Excellency that he might send 300 of the Africans lately emancipated to the Honduras on the same conditions as those which were observed with respect to the negroes sent to Trinidad. We beg leave to enclose a translation of his Excellency's answer.

We have made strict inquiries respecting the destination of the Africans lately emancipated, and we grieve to have to state to your Lordship that almost all have been despatched into the interior for country labour at 9 ounces per head, that is,

exactly one-third of the actual price of a newly imported African slave, which price has, by the way, much risen in consequence of the New Treaty. It is true that the emancipated Africans are only given for a fixed period of 5 or 7 years, but these negroes may be considered as in reality *sold*, since the periodical inspection by the *Capitanes de Partido* in the country, is a mere form.

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. 84.

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

*Havana, 9th February, 1836.*

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to inform his Excellency the Captain-General, in the event of his being desirous to send away any of the Africans who have been lately emancipated by the Mixed Commission, that they have received authority from their Government to state to his Excellency that a cargo of not more than 300 may be despatched to the Honduras on the same terms as those upon which negroes have been hitherto sent to Trinidad. This proposition is made to his Excellency as likely to meet with his concurrence, the expenses of a voyage to the Honduras being trifling in comparison of one to Trinidad.

The Undersigned have the honour to be,

(Signed) W. S. MACLEAY.  
E. W. H. SCHENLEY.

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

Second Enclosure in No. 84.

(Translation.)

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

*Havana, 16th February, 1836.*

GENTLEMEN,

I HAVE received your Note of the 9th instant, in which you inform me that you have been authorized by your Government to acquaint me that, in the event of my wishing to send away from the Island any of the Africans lately emancipated by the Mixed Commission, I may send to the Honduras a cargo of not more than 300, on the same terms as those adopted with respect to the negroes hitherto sent to Trinidad.

I now acknowledge the receipt of your communication, and shall bear it in mind at the proper opportunity.

God preserve you many years.

(Signed) MIGUEL TACON.

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

No. 85.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 26th April, 1836.*

I HEREWITH transmit to you the Instrument, bearing date the 9th of April, 1836, by which His Majesty has been pleased to appoint William Sharp Macleay, Esquire, to be His Majesty's Judge, and Edward Wyndham Harrington Schenley, Esquire, to be His Majesty's Arbitrator in the Mixed British and Spanish Court of Justice, which, under the Treaty with Spain of the 28th June, 1835, for the abolition of the Slave Trade, and pursuant to the Act of Parliament for carrying the said Treaty into effect, is to be established in a Colonial Possession of Her Catholic Majesty.

You will, at an early opportunity after the receipt of this Despatch, take in due form the oath which, by His Majesty's Commission of Appointment, is prescribed to be taken by you prior to the entering upon your further respective duties, in the characters assigned to you in His Majesty's Commission of Appointment.

You will announce these appointments to the Spanish Members of the Mixed Court of Justice destined to act with you under the Treaty above mentioned.

You have already been furnished with Copies of that Treaty.

I herewith transmit to you, for your further information and guidance, Copies of the Act of Parliament above cited.

I have to signify to you His Majesty's Commands, that you guide your conduct strictly by their Instruments, considering them as forming the body of your Instructions.

You will, at the same time, not neglect the general tenour of the directions heretofore given to His Majesty's Commissioners at the Havana under the former Treaty

between Great Britain and Spain, of 23d September, 1817, wherever they do not militate against these latter Instruments; and further Instructions will, by His Majesty's Command, be transmitted to you, according as it may be deemed necessary, for your guidance, that you should receive them.

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

No. 86.

*Viscount Palmerston to His Majesty's Commissioners.*GENTLEMEN, *Foreign Office, 4th May, 1836.*

WITH reference to a Letter from Mr. Macleay, dated the 9th February last, stating that he intended to avail himself in the spring of this year of the leave of absence which he had received to come to England, I have to state, for your information and guidance, that an individual will be officially appointed from hence to act in the Commission jointly with Mr. Schenley during the absence of Mr. Macleay, so that it will not be necessary to revert to that provision of the Treaty which provides for the temporary supply of Commissioners at the Havana in the case of the absence of any one of the Commissioners.

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

No. 87.

*Viscount Palmerston to His Majesty's Commissioners.*GENTLEMEN, *Foreign Office, 5th May, 1836.*

WITH reference to my Despatch to you, of the 27th January last, on the proposed transfer of liberated Africans from Cuba to the British West Indian Colonies and to British Guiana, I have to acquaint you that it appears to His Majesty's Government that, under the provisions of Article 2 of Annex C. to the recent Treaty with Spain, it has become necessary that an Officer should be appointed by His Majesty's Government to take charge of all the negroes who may be captured by English cruizers and emancipated by the Mixed Commission at the Havana.

His Majesty has been pleased to select Dr. Richard Robert Madden for this appointment; and I have to desire that you will afford to Dr. Madden all the assistance in your power to enable him to execute the duties confided to him under the beforementioned Article of the recent Treaty between His Majesty and the Queen of Spain.

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

No. 88.

*Viscount Palmerston to His Majesty's Commissioners.*GENTLEMEN, *Foreign Office, 9th May, 1836.*

WITH reference to your Despatch of the 10th of January last, enclosing Copy of a Note from the Captain-General of Cuba, stating that he had received no communication whatever from Madrid respecting the Slave-Trade Treaty, concluded between His Majesty and the Queen of Spain in June, 1835, I transmit, for your information, Extracts from two Despatches, with their Enclosures, from His Majesty's Envoy at Madrid.

By these Papers you will perceive that, in reply to the representations made by Mr. Villiers, Mr. Mendezabel states, that "the necessary Royal Orders and Instructions were addressed, under date of the 25th of July, 1835, to the Captains-General of the Havana and Porto Rico, enjoining them the faithful execution on their part of the before-mentioned Treaty; that those Orders have been lately

repeated to the before-mentioned Authorities;" and that the Spanish Government will again send them to the Captains-General of Cuba and Porto Rico.

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

I am, &c.  
(Signed) PALMERSTON.

Enclosures in No. 88.

*Mr. Villiers to Viscount Palmerston.*

Madrid, 24th January, 1836.

„ 7th February, „

(See Class B, 1835, Nos. 29 and 30, pages 18 and 19.)

No. 89.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 13th May, 1836.*

WITH reference to your Despatches of the 13th July, the 12th October, 1835, and the 16th February, 1836, relating to the proposed transmission of emancipated negroes from the Havana to Honduras, I enclose, for your information, the Copy of a Letter from the Colonial Department upon this subject.

The Treaty recently concluded between Great Britain and Spain will make it necessary to revive the Instructions under which liberated Africans were to be sent to the British Colonies. In your Despatch of the 16th February, 1836, you state that, "acting upon your Instructions, you now see no objection to emancipated negroes being sent to Belize on the terms proposed by Colonel Cockburn's Letter of the 22d January last." It is not clear from this passage that the arrangement has been actually concluded, or whether you wait for authority to carry it into effect.

If the arrangement be concluded, it is not necessary to interrupt its execution at present, by insisting upon such modifications as the New Treaty will eventually render expedient; but if the arrangement be not concluded, it will be better to let it drop.

I have accordingly to instruct you to allow those arrangements, which are already in operation for the transmission of liberated Africans from the Havana to the British Colonies, to be acted upon as usual; but you will not enter into any fresh engagement for that purpose, until after the arrival at the Havana of the Officer who has been recently appointed to take charge of the liberated Africans, and to provide for their disposal under the Treaty; and whose appointment was announced to you in my Despatch of the 5th instant.

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

I am, &c.  
(Signed) PALMERSTON.

Enclosure in No. 89.

*J. Stephen, Esq. to J. Backhouse, Esq.*

SIR,

*Downing Street, 9th May, 1836.*

I HAVE received and laid before Lord Glenelg your Letter of the 20th ultimo, enclosing a communication from His Majesty's Commissioners at Havana relating to the transmission of emancipated Africans from Havana to Honduras.

In conformity with the Instructions drawn up before the present Treaty with Spain, it is stipulated in the proposed arrangement that none shall be sent but the young and healthy, and that no expense shall fall upon the Settlement. The Treaty recently concluded with that country will, however, make it necessary to revise these Instructions. The charge of such entire cargo is now devolved upon Great Britain, without exception as to age, sex, or condition.

As the advantage, therefore, of such selection cannot henceforward be granted to all our Colonies, Lord Glenelg is of opinion that it ought not to be offered to any without due consideration and due reason for the preference.

The Commissioners state that they have notified to Colonel Cockburn that, "acting upon their Instructions, they now see no objection to emancipated negroes being sent to Belize," on the terms proposed in his Letter of the 22d January. From this sentence Lord Glenelg does not exactly infer whether they have already concluded the arrangement, or whether they still wait for authority from Viscount Palmerston to carry it into effect. If it be already concluded, his Lordship does not think it necessary to interrupt it at present, by insisting upon such alterations as the altered state of the case will eventually render expedient. But if not, he is of opinion, for the reason above given, that it would be better to suspend it; and he would therefore request Viscount Palmerston to instruct His Majesty's Commissioners to allow those arrangements, which are already in operation for the

transmission of captured Africans from the Havana to the British Colonies, to proceed as usual; but not to enter into any fresh engagements for that object until after the arrival of the Officer recently appointed to take charge of the liberated Africans, and provide for their disposal.

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

I am, &c.  
(Signed) JAMES STEPHEN.

No. 90.

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

MY LORD,

Havana, 27th February, 1836.

IN our Despatch of the 1st of January of this year, we had the honour of stating to your Lordship, that Africans newly imported from their native country were purchased in the Havana for the purpose of being transported to Texas.

Since the date of that Despatch, Mr. Trist, the American Consul, has arrived here from the United States, and he has lately put up at his Consulate the notice of which we have the honour to enclose a Copy.

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. 90.

Notice.

Consulate of the United States, Havana, February 23d, 1836.

IT being understood that several *American vessels* have lately been chartered for the transportation of Africans or black men from this Island to TEXAS;

Notice is hereby given to American ship-masters, and to all others concerned, that any and every such proceeding is in direct violation of the laws of the United States.

In no case whatsoever is it lawful for any American vessel to carry a slave, or a black or coloured person held to service or labour, except only in going from one port in the United States to another.

Except, as just stated, no American vessel can lawfully sail with any black or coloured person whatsoever, unless such black or coloured person be really and truly, to all intents and purposes, FREE. To take or have on board any negro or coloured person whatever, who may in any way be "held to service or labour," no matter whether such coloured person be called by the name of apprentice or any other, is strictly forbidden by law. The law is just as certainly violated in carrying Africans, no matter under what name, from this Island to Texas, as in bringing Africans from any part of their own Coast to this Island.

In any case of the violation of the law, the vessel and cargo are sure to be condemned, if seized while on the voyage to Texas, or elsewhere, with any such coloured person on board, or if prosecuted after her return to the United States. And the Master, and every person employed in said vessel, are moreover subject to the heaviest penalties, the least of which is fine and imprisonment for three years, and in some cases amounting to DEATH.

No. 91.

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

MY LORD,

Havana, 29th February, 1836.

We have the honour to inform your Lordship of the arrival in this port of the following 11 Spanish slave-vessels from the Coast of Africa; viz. the schooner "*Bella Ines*," Juan Pugol, Master, and the ship "*Atenas*," — Castres, Master, on the 1st instant; the ship "*Alerta*," Juan Allende, Master, on the 8th instant; as well as the brig "*Mercedita*," Vicente Sanchez, Master, and the brig "*Isabel*," Franco Montero, Master, on the same day; the schooner "*Dido*," — Grandel, Master, on the 10th; and the schooner "*Carmen*," — Gonzalez, Master, on the 12th; the brig "*Ramoncito*," Dionisio Urquijo, Master, on the 14th; the brig "*San Pedro*," alias "*Marinero*," Gaspar Prats, Master, on the 20th; the brig "*Belencita*," Manuel Prendez, Master, on the 21st; and the schooner "*Francisca*," Fulgencio Martin Mora, Master, on the 23d instant.

We also have reason to think that the Spanish brig "*Rosario*," — Alcian, Master, sailed from this port on the 27th instant, with an intention of slave-trading.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 92.

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

MY LORD,

*Havana, 9th March, 1836.*

ON the night of the 3d instant, His Majesty's sloop "Champion," R. Fair, Esq., Commander, came into this port with the Spanish brig "Zafiro," detained about 36 miles to the eastward of the Havana, for having a cargo of Africans on board. The "Champion" and detained brig were immediately placed in rigorous quarantine; and we accordingly, in a Note of which we beg to enclose a Copy, asked the Captain-General for the reason of His Majesty's sloop being now subjected to quarantine, when in December last, having come into port with a much more unhealthy slave-vessel, she was instantly admitted to *pratique*. We have the honour to enclose Translations of his Excellency's Answer, and its Enclosures, and a Copy of our reply. It would appear that the present proceedings with respect to the "Champion" are founded on a decision of the superior Board of Health, dated 15th January last.

The day after his arrival, it appears that Captain Fair made a direct complaint to the Captain-General, not only of the quarantine, but also of want of the usual courtesy shown to British ships-of-war on their arrival. We have the honour to enclose a Translation of the Captain-General's Note to us on the subject, and of its various Enclosures.

We cannot help calling your Lordship's attention to the absurdity of slave-vessels, on their arrival in the Havana, being subjected to a quarantine of 7 days, when cargoes of negroes are often landed in the immediate vicinity of the city, and sometimes marched through it. Such circumstances are very irritating to his Majesty's Officers, because they necessarily are led to think that measures nominally sanitary are in reality intended to inconvenience them, and retard the due execution of His Majesty's service.

We have, &amp;c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&amp;c.

&amp;c.

&amp;c.

## First Enclosure in No. 92.

*His Majesty's Commissioners to the Captain-General.**Havana, 5th March, 1836.*

THE undersigned Commissioners of His Britannic Majesty have the honour to request that his Excellency the Captain-General will inform them, for the satisfaction of His Majesty's Government, of the reason of His Majesty's ship "Champion" being now subjected to quarantine; that she has brought in a healthy slave-vessel, in which only 12 have died since she left the Coast of Africa, when, a few weeks ago, although at that time she brought in an unhealthy vessel, she was allowed immediate and free communication with the shore.

We have, &amp;c.

(Signed)

W. S. MACLEAY.

E. W. H. SCHENLEY.

## Second Enclosure in No. 92.

*The Captain-General to His Majesty's Commissioners.*(Translation.)  
GENTLEMEN,*Havana, 6th March, 1836.*

I HAVE received your communication of the 5th instant, in which you are pleased to ask to be informed by me, for the satisfaction of your Government, why His Britannic Majesty's sloop "Champion" should be subject to quarantine when she has brought in a healthy slave-vessel, while a few weeks ago, having brought in an unhealthy slaver, she was instantly admitted to free *pratique*. In answer, I beg to enclose you a Copy of the Resolution of the Superior Board of Health, dated the 15th January last, in which it is directed, in conformity with the Sovereign Orders of Her Majesty, and the existing regulations, that all merchant-vessels that arrive without Bills of Health shall be subjected to an observation of at least 7 days; and as the "Champion" had communicated with the detained brig coming from Africa, and as part of the "Champion's" crew is even still on board the said brig, it is clear that she should be subjected to the same precautions. I likewise enclose you a Report, given to me by the Captain of the Port, on the subject of your above-mentioned official Note, in which you desire to be enabled to inform your Government of the motives which occasioned the sloop-of-war to be subjected to observation.

God preserve you many years.

(Signed)

MIGUEL TACON.



## Third Enclosure in No. 92.

(Translation.)

MOST EXCELLENT SIR,

Havana, 6th March, 1836.

I ENCLOSE your Excellency a Copy of the Resolution of the Superior Board of Health, under date of the 15th January last, and relative to the Spanish schooner "*Ninfa*," captured by His Britannic Majesty's schooner "*Pincher*," on account of having a cargo of bozal negroes on board. By this Document remain proved not only the grounds which moved the Junta to dictate the resolution for landing the negroes in a temporary lazaretto, but also those for the quarantine of both vessels afterwards. Your Excellency will allow me to add that, as well by Article 26 of the Regulations of the said Board as by the general and repeated provisions of the same, it is ordered that all vessels which have no Bill of Health shall be rigorously subjected to a certain number of days' observation, which shall never be less than 7. It being moreover ordered by the Supreme Government, and very recently, that in these matters consideration is to be had for no one, as impartiality is so necessary for the public health. This is all I have to observe to your Excellency in answer to your official Letter of to-day.

God preserve your Excellency many years.

(Signed) DR. ANGEL JOSE COWLEY.

(Signed)

ANT<sup>o</sup>. M<sup>o</sup>. DE LA TORRE Y CARDENAS.

(A true Copy.)

## Fourth Enclosure in No. 92.

(Translation.)

Havana, 6th March, 1836.

IN the Session of the Superior Board of Health, held on the 15th January last, under the Presidency of the Most Excellent Senor Governor and Captain-General, it was, after discussion, agreed upon as follows:—

"This Junta having taken into its consideration the original Letter, dated to-day, which His Britannic Majesty's Commissary Judge, Don W. S. Macleay, had addressed to his Excellency (and also the authorized translation of the same which accompanied it), in which this gentleman begs that both the schooner '*Pincher*' and brig '*Ninfa*,' captured by the former, may be kept in observation the shortest time possible, these 2 vessels having been placed in quarantine on their arrival in this port on the 14th, by reason of the '*Ninfa*' having had between crew and cargo 80 deaths on board, and of the '*Pincher*' having necessarily come into personal contact with her prize. The Junta, satisfied of the grievous dangers which are consequent on the heaping together a multitude of sick, cooped up in so narrow a space as the hold of a schooner, and above all of the danger proceeding from an evil like dysentery (of which 76 of the negroes have died) if once it becomes malignant and contagious, as may happen from the intensity of the symptoms under which many of the sick labour, determined that it was proper forthwith to land the Africans, depositing them in the same place in which other cargoes in like situation had been lodged; because it is both sufficiently distant from the city, and, under favourable circumstances, might serve even as a temporary lazaretto. And as it may be convenient to separate the sick from the healthy, it was likewise arranged that Dr. Bernal should take upon himself the charge of directing this operation. But with respect to the vessels and their crews, it was resolved that they should remain in absolute incommunication with the shore for at least 7 days, according to the regulations, and that during this time their clothes should be ventilated and chlorured."

(Signed) DR. ANGEL JOSE COWLEY.

## Fifth Enclosure in No. 92.

(Translation.)

MOST EXCELLENT SIR,

Office of the Captain of the Port,  
Havana, 6th March, 1836.

I HAVE received your official Note of yesterday, in which your Excellency has been pleased to transcribe for me another, addressed to you by His Britannic Majesty's Commissioners, asking an explanation as to the motive why the sloop-of-war "*Champion*" is in quarantine; asserting at the same time that a few weeks ago, although she brought in a vessel in a bad state of health, she was immediately admitted to free communication with the land. There are two chief points to which the Commissioners refer. First, they desire to know the reason why the sloop is in quarantine. It is for the simplest possible reason. The Superior Board of Health having determined that all vessels which may arrive in this port from any other without Bills of Health shall suffer 7 days of observation, and, in the event of her having any death on board during the voyage, that the Subaltern Board is authorized to prolong the said period as much as it may deem convenient. The Superior Board also resolved, that all vessels which should have personal contact with the former should likewise be refused free *pratique*. This last precautionary measure is evidently only a corollary of the former, and is that which prevails in all parts of the civilized world. Wherefore, if the brig which was captured by the sloop-of-war, and on board of which remain part of the latter's crew, brings no Bill of Health, and besides has had 12 deaths on the passage here, it is clear that both vessels ought to be placed in quarantine, in execution of the orders of the Superior Board of Health.

I now pass to the second point, being only sorry that I cannot understand the Commissioners' arguments so clearly as I could have wished, and which I therefore copy anew, as being one from which these gentlemen seem to deduce an unfavourable consequence, namely, that a few weeks ago, although the "*Champion*" brought in a vessel in an unhealthy state, she was immediately admitted to free communication with the shore. Your Excellency will be pleased to observe, that the expression "a few weeks ago" is too loose and indeterminate in a matter of this sort. If these gentlemen refer to the Case of the Spanish brig "*General Laborde*," which in effect was lately brought in by the sloop-of-war "*Champion*," this did not take place during my time of being Captain of the Port; and, besides, I have heard that the said vessel brought a clean Bill of Health from the Port of Trinidad de Cuba. If the Commissioners allude to the Spanish brig "*Ninfa*," captured by His Britannic Majesty's schooner "*Pincher*," no one can give them an answer better than the Secretary of the Superior Board of Health—an answer grounded on what was resolved upon at that time. What your Excellency may assure the Commissioners is, that from the 10th of January last, when I entered upon this office of

Captain of the Port, various ships, brigs, and smaller vessels have arrived without Bills of Health, and even with Bills of Health, but without the proper Certificate of a Spanish Consul resident at the place of departure, and all have suffered 7 days of quarantine, and most assuredly without showing such reluctance and refusal to execute the precepts of the Board of Health as has been manifested by this sloop-of-war. She has not even now gone to the proper anchoring place pointed out by the Authorities as the quarantine ground, and where is stationed a vessel placed there by the Custom-house for the object of observation. Your Excellency knows by my official Note of the 15th of January how great opposition the schooner "Pincher" made before to anchoring in this place.

It is extremely easy to satisfy His Britannic Majesty's Commissioners, by means of a nominal and very detailed list of all the vessels (and they are not a few) of various nations which have undergone the 7 days of this quarantine since I have become Captain of the Port. I am also ready to dispel any doubt which may exist in the minds of these gentlemen, being confident and certain that they will find my impartiality in this affair to be proved in the most complete manner. It only, therefore, remains for me to request your Excellency to ask of those gentlemen the name and place of departure of the vessel to which they have referred in their Despatch, in order that when these are declared, and your Excellency shall have made me acquainted with them, I may without delay explain the matter in such a way as not to leave the slightest imputation on my conduct.

God preserve your Excellency many years.

(Signed) ANTONIO URSAIZ.

(A true Copy.)

(Signed)

ANTO. MARIA DE LA TORRE Y CARDENAS.

### Sixth Enclosure in No. 92.

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

(Copy.)

Havana, 8th March, 1836.

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to acknowledge the receipt of his Excellency the Captain-General's Note of the 7th instant, which encloses a Copy of an explanatory Letter of Señor Don Antonio Ursaiz, Captain of the Port.

This gentleman is mistaken in thinking that His Majesty's Commissioners intended to reflect upon his conduct. They merely asked a simple question, which could not fail to occur to His Majesty's Government on the perusal of these proceedings, namely, why the "Champion" should be now subjected to quarantine? that she has brought in a comparatively healthy slave-vessel, when in December last she brought in the "Diligencia" in a very unhealthy state, and was allowed immediate and free communication with the shore.

The Undersigned are well aware that the "Diligencia" was brought into the Havana before Senor Don Antonio Ursaiz entered upon his office of Captain of the Port. She was at the time, according to the Regulations, subjected to quarantine, but not the "Champion;" and the difference now in the treatment of the capturing vessel naturally excited the attention of His Britannic Majesty's Commissioners.

With this the Undersigned think they have answered the Captain of the Port's question, and avail themselves of the opportunity, &c.

(Signed)

W. S. MACLEAY.

E. W. H. SCHENLEY.

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

### Seventh Enclosure in No. 92.

(Translation.)

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

GENTLEMEN,

Havana, 7th March, 1836.

I ENCLOSE a Translation of a Letter addressed to me, on the 14th instant, by the Commander of His Britannic Majesty's sloop "Champion," in which he informs me that he came to anchor in harbour the preceding evening, and that on approaching this port he had not met with that assistance or reception which he had a right to expect; that he had made the customary signal for a Pilot when lying off the Moro Point, and seeing a boat with the Spanish flag, he had made towards it, in the expectation that a Pilot might be on board; but that, although this Pilot took a rope from the sloop-of-war by the stern of his boat, he would not come on board. On the subject of this complaint I beg to transmit you the Official Note which, under the same date, the Captain of the Port has addressed me, in order that you may be convinced of the promptitude with which the said Pilot and visiting boat went off to the corvette, and of the dangers to which this small pilot-boat was exposed, owing to the shortness of the cable thrown out.

With respect to the charge that the Pilot would not go on board the sloop-of-war, this conduct of his has been in conformity with the Royal Ordinances of the Navy, by which he cannot enter into communication with, or come in personal contact with any vessel, of whatever nation, until the health-boat shall have declared this vessel entitled to free *pratique*.

With respect to the quarantine or observation to which the corvette and prize have been subjected, I enclose you, in a separate Despatch of this date, a Copy of a Resolution of the Superior Board of Health, dated the 15th January last, by which, in execution of the sovereign orders of Her Majesty, and in conformity with the existing Regulations, it is arranged, that vessels arriving in this port without Bills of Health, as is the case of this captured vessel, shall be subjected to the quarantine of observation, as well as vessels which, like the corvette, have had communication with them.

Finally, with respect to the complaint which the Commander of the sloop-of-war also makes in the said Letter, that he was not allowed to communicate with the English packet, and that he had entreated the Officer who placed him in quarantine to place a boat near the "Champion," in order to facilitate the means of communicating with the shore, either by letters, or for any other necessary purposes, I have to inform you that, if the said Commander had gone to the place which the health-boat indicated to him for the quarantine of observation, he would there have found a man-of-war's boat destined for the said purpose; and this was told him by the health-boat, when the Commander answered that he would first rather put again to sea. Nevertheless he has since received all the

assistance he has asked for, and it has been afforded him with the greatest alacrity, although without that courtesy which is due on his part, as you will find by the enclosed statement of the Captain of the Port.

I have judged it right to make you acquainted with the whole of this affair, in order that you may, if you think proper, bring it under the knowledge of your Government.

God preserve you many years.

The Commissioners of His Britannic Majesty,  
&c. &c.

(Signed)

MIGUEL TACON.

### Eighth Enclosure in No. 92.

(Translation.)

*The Captain of the Port to the Captain-General.*

MOST EXCELLENT SIR,

Havana, 6th March, 1836.

IN answer to your Despatch, dated to-day, in which you have deigned to enclose me the Translation of the Official Letter, dated the 4th instant, addressed to you by the Commander of His Britannic Majesty's sloop "Champion," I have to inform your Excellency that, before the Moro had finished hoisting the signal, that an English frigate-of-war and a Spanish brig demanded a Pilot; the Captain of the Port's launch went off with one, and the visiting-boat with another. They started on the instant to give their aid to both vessels. The Pilot who approached the sloop-of-war was Manuel Morazan; and I have already stated to your Excellency, in my Letter of the day before yesterday, the various events that happened on that occasion. At this very moment I conclude his examination, after having charged him with answering the Commander of the "Champion," that he had orders not to go on board English vessels-of-war. His answer to me consists in repeated asseverations that all he replied to the reiterated requests that he would go on board was, that he had my orders not to have any personal contact with ships-of-war or merchant-vessels of any nation, until they had been visited by the health-boat, and admitted to free *pratique*.

This order is founded on what Her Catholic Majesty has ruled in Par. 47, Art. 5, Chap. 7; of the General Ordinances of the Navy. The Pilot repeatedly cried out for more rope, or that they would throw him a longer one, by reason of his so much smaller vessel being in danger of being swamped in a lurch of the frigate; the more particularly as that evening there was a heavy gale and sea. On the "Champion" entering the mouth of the harbour, the Lieutenant of the Navy, Don Genaro Ponce de Leon, asked them where they were from, and if they had had any communication with the Spanish brig which remained outside. The Commander answered, that they came from Belize in 4 days, bringing with them the Spanish merchant-brig "Zafiro," which they had detained with bozal negroes from Africa on board. In consequence, it became indispensable, by reason of the personal contact which happens in such cases, that both vessels should remain in observation until, at least, the Superior Board of Health should inform the inferior one that nothing remained for this last to do. The proper orders were issued; and on this subject I have enlarged in the Official Note which I addressed your Excellency this morning. On the day following her arrival, the health-boat went to make the proper visit, and to point out the place destined for the quarantine, in which place he would have had the boat he wanted; since there is for this very service a small vessel-of-war stationed there, under the command of the Ensign of the Navy, Don Daniel Barrera. The Commander answered, that he would much sooner put again to sea. At the same time, they made him every possible offer of service, but the Commander answered that they wanted nothing. Soon after, His Britannic Majesty's Commissioner, Mr. Schenley, sent me 2 packets for the corvette, and the launch went off immediately in order to deliver them, with the precautions directed by our sanitary laws. The reward for this attention was a refusal to let down a boat from the stern, in which the said packets might be deposited, in order to be afterwards taken on board, so that the launch had to return with them, and I had to restore them, through the medium of Mr. Tolmé. About 11 on the same morning came an Officer of the English packet which sailed yesterday for England, to tell me that the Commander of the "Champion" was in want of provisions; and notwithstanding that this request appeared to me to be quite anomalous, when taken in conjunction with what he had declared early in the morning to the health-boat, I ordered that provisions should be instantly taken on board by the Sergeant of the brigade of Royal Marines, José Clemente. Yesterday morning the health-boat made another visit, and took fresh provisions. To-day the same was repeated; and to conclude, not once has anything been asked for by the said corvette that it has not been on the instant supplied in the most gentlemanly and courteous manner; and the letters have been all delivered at their respective destinations without the least delay. The Commander of the "Champion" takes no account in his Despatch of the capture of the slave-brig, although it is precisely the communication with her that is the sole and exclusive cause why the corvette was placed in observation, according to the orders of the Superior Board of Health. Every respect has been shown here to the flag of His Britannic Majesty, whether hoisted on board a ship-of-war or a merchant-ship, as the Consul of that nation can testify. The Lieutenant of the Navy, Don Genaro Ponce de Leon, and the Lieutenant-Colonel, Don Blas de Castro, on the same evening that he made his entry, felicitated the Commander in the name of the Authorities on his arrival in port; and assuredly, most Excellent Sir, they are not Officers of the Royal Spanish Navy who are the least courteous, polite, and attentive.

God preserve your Excellency many years.

(Signed) ANTONIO DE URSAIZ.

(A true Copy.)

(Signed) ANTONIO MA. DE LA TORRE Y CARDENAS.

### Ninth Enclosure in No. 92.

(Translation.)

*The Captain of the Port to the Captain-General.*

MOST EXCELLENT SIR,

Havana, 4th March, 1836.

YESTERDAY, at 5 in the evening, the Moro signalled that an English frigate and Spanish merchant-schooner were in sight, and soon after that they had asked for a Pilot. Whereupon I ordered one to go off in the Captain of the Port's boat, and another in the visiting-boat. The first approached the frigate, as is directed in Par. 47 of Art. 5, Chap. 1, of the "Ordinanzas Generales de la Armada;" the Pilot, Manuel Morazan, asked for a cable by the stern, in order to pilot in the vessel-of-war at the

distance necessary, by reason of the heavy sea and gale then prevailing from the north, so as not to risk swamping the pilot-boat, as might have happened easily from the lurching of the frigate. This cable was thrown him, but so short that, on various occasions, he had to ask them to throw 12 fathoms more. All this time the people of the frigate were desiring him to come on board, to which he answered that he had no order to that effect; and again urging that they would give him more rope, or throw him a longer one, because it was impossible to keep his position without endangering the pilot-boat. To this request so reasonable, it appears that they answered, according to what the said Morazan has informed me, that if they were to throw him the rope he asked for, it would only be that he might hang himself with it. He continued in this dangerous position a long time, until, on reaching the Moro, Morazan found himself obliged to order the said short cable to be lengthened, in order to avoid the sand-banks to which they were so much exposed. As soon as the signal of the frigate's approximation was made, the health-boat went off to visit her, with the Lieutenant of the Royal Navy, Don Genaro Ponce de Leon, the Medical Officer, Dr. Don Vicente Perez Infante, and the Visiting-Adjutant, Don Blas de Castro. These Officers found, by means of an Interpreter, that the vessel was His Britannic Majesty's sloop "Champion," from Balize in 4 days, and bringing with her the Spanish brig "Zafro," detained with a cargo of bozal negroes about 30 miles from this port. She was placed immediately in observation, as well as the brig "Zafro," in conformity with the resolution of the Superior Board of Health.

God preserve your Excellency many years.

(Signed) ANTONIO DE URSAIZ.

(A true Copy.)

(Signed) ANTONIO MA. DE LA TORRE Y CARDENAS.

Tenth Enclosure in No. 92.

(Copy.)

*Captain Fair to the Captain-General.*

SIR,

*His Britannic Majesty's Ship "Champion," 7 P.M. 4th March, 1836.*

I HAVE the honour to inform your Excellency that, late yesterday evening, His Britannic Majesty's ship "Champion," under my command, anchored in this port.

I regret very much to have to state to your Excellency that, on approaching the harbour, I did not meet with that assistance or reception which I think I had a right to expect, and which I had experienced in my former visits to Havana.

The usual signal was made for a Pilot, and late in the evening, the weather assuming a threatening aspect, I stood close in for the Moro Point; a boat came off with the Spanish flag flying, and we hove to, in expectation of a Pilot coming on board: but, although the boat took hold of a rope, the Pilot would not come on board, and said it was the orders of the Captain of the Port not to go on board the British man-of-war.

Under great responsibility, and at considerable risk, I ran the ship into the harbour, with the signal for a Pilot flying, and fired a gun.

After passing the narrow part of the channel, a boat came along side, which I believe was the health-boat, and I requested a Pilot. The Officer in the boat directed me to anchor where the ship now is, and after having done so, he informed me that I must not communicate with the shore, or with any other vessel, and to hoist the quarantine flag.

I have complied with his request and directions in every respect; but it is now 24 hours since my arrival here, and no accredited Officer, no person from any of the Spanish squadron, or Authorities on shore, have been here to inform me why I am in quarantine, why debarred the indulgence hitherto granted to me on my coming into the Havana, or to offer any of the civilities or attentions usually shown to ships of a friendly nation. The English packet about to sail for England I have not the privilege of communicating with, unless I transgress or disregard orders which have been vaguely given me, I hope, without your Excellency's knowledge or sanction.

I beg leave to state to your Excellency, that the whole of the crew of this ship are in perfect health we have been so ever since we left England; that we have not communicated with any vessels having sick or diseased on board them; that we are only 4 days from Belize, and, at the time of our sailing, that Colony was enjoying perfect health. It is with great pain that I have to call your Excellency's attention to the above facts. Men-of-war and king's ships, even in cases where they have touched at places likely to be infected, are generally treated in a different manner from merchant-ships and trading-vessels, it being well known that the care and attention paid to the health and cleanliness of the crews, and their not having any cargo on board under them less susceptible of infection.

As I requested the Officer who desired me to consider the vessel in quarantine, that a boat might be placed near to the "Champion" (as it is usual in like cases), that I might have the means of communicating, by letter, with the shore, or for any other necessary or proper purpose; but no boat has been sent, nor the smallest disposition shown to offer me any accommodation.

I cannot think for a moment that anything personally offensive is meant to me, and I am at a loss to discover or conjecture why any insult or attempt at degradation could be offered to the flag of Great Britain.

I am willing to believe, and do believe, that your Excellency is not acquainted with the actual situation in which His Britannic Majesty's ship is placed; and I shall wait with great anxiety until I shall have the honour of being informed of your Excellency's pleasure.

With the greatest respect I have the honour, &c.

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

(Signed) ROBERT FAIR, *Commander.*

No. 93.

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

MY LORD,

*Havana, 14th March, 1836.*

His Majesty's sloop "Champion," Robert Fair, Esq., Commander, on her passage from the Honduras to Bermuda, fell in with the Spanish brig "Ricomar,"

on the 2d of this month, and ran her ashore on the north side of the Island near Santa Cruz. The Master and almost all the crew escaped on shore, with the vessel's Papers and the greater part of the Africans. The "Champion," however, contrived to secure 6 whites and 188 negroes, and, having got the brig off, brought her into the Havana on the 3d instant, as we have already had the honour of stating to your Lordship. On their arrival both vessels, as also mentioned in our last Despatch, were kept 7 days in quarantine, in virtue of a late Regulation of the Superior Board of Health, dated January last. On the 10th the Court met, and on the 12th the sentence was signed, condemning the vessel, and emancipating the 186 Africans remaining alive, who were delivered up to the Captain-General by the Captor. Many negroes perished in consequence of the cruel conduct of the "Ricomar's" crew, in forcing them to attempt an escape on shore when the vessel ran aground.

As there were no Ship's Papers, the Spanish witnesses examined swore they were all passengers embarked at Ayudah; that the Master's name was José Uriarte, although there is every reason to believe that the vessel was commanded by Don José Mora; and finally, that the vessel's name was "Ricomar," although she is known to be the "Zafiro" of this port. In short, to save the Owner, Master, and themselves from punishment, their evidence appears to have been little better than a tissue of perjury. By a few private Papers and Letters found on board, it was proved that, when detained, she was on her voyage from Whydah, and she appears to have embarked there a cargo of more than 300 slaves.

This vessel was condemned under the Old Treaty, owing to the Spanish part of the Mixed Commission having received no authority to act under the new one.

We have the honour to enclose a Copy of the Captor's Declaration, a translation of the sentence, and an abstract of the evidence.

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. 93.

Captor's Declaration in the Case of the "Ricomar."

(Copy.)

His Majesty's Sloop "Champion," Havana, 3d March, 1836.

I, ROBERT FAIR, commanding His Britannic Majesty's sloop "Champion," hereby declare that, on the 2d day of March, 1836, in or about latitude 23° 9' north, and longitude 81° 53' west, I detained the brig named "Ricomar," sailing under Spanish colours, commanded by José Varante, with part of her crew, consisting of 6 men, whose names, as declared by them respectively, are inserted in a list on the other side hereof; and having on board, at the time of taking possession of her, 188 slaves, said to have been taken on board at Ayudah, on the Coast of Africa, and are enumerated as follows:—

|            | Healthy. | Sickly. |
|------------|----------|---------|
| Men.....   | 60       | 0       |
| Women..... | 49       | 0       |
| Boys.....  | 27       | 0       |
| Girls..... | 52       | 0       |
|            | 188      | 0       |

I do further declare the names of those of the crew to be as follows:—

| No. | Name.                    | Quality. | No. | Name.                      | Quality. |
|-----|--------------------------|----------|-----|----------------------------|----------|
| 1   | Gregore Giber . . . . .  |          | 4   | José Gonzalez . . . . .    |          |
| 2   | Juan Carriera . . . . .  | 1st Mate | 5   | Francisco Sancho . . . . . |          |
| 3   | Andres Arriaga . . . . . | 3d Mate  | 6   | Juan Francisco de Olivere  |          |

That it appears from the report of those of the crew detained, that the "Ricomar" sailed from Ayudah on the 8th January last, with a cargo of 481 slaves on board, that about 12 died on the passage.

I do further declare, that the said brig was run on shore on the north side of Cuba; that the Master and crew, except those above mentioned, ran away from her, taking with them several of the negroes, forcing them to jump overboard, that several of them (32) were in consequence drowned.

That the packets of Papers marked 1 and 2, and indorsed by me, were found on the beach, having been thrown away by the crew in their anxiety to escape, and that they are now given in to His Britannic Majesty's Commissary Judge in the same 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 brig 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.

I do further declare that the said brig was in a clean state, and the appearance of the negroes healthy.

I do further declare that, in the interval between the capture of the said brig and her arrival in the harbour of Havana, no negroes have died.

Witnesses,

PHILIP HAST, *Senior Lieutenant.*

J. S. HAMPTON, *Surgeon.*

(Signed)

ROBERT FAIR, *Commander.*

### Second Enclosure in No. 93.

#### *Abstract of the Evidence in the Case of the Spanish brig "Ricomar."*

ROBERT FAIR, Esq., Commander of His Britannic Majesty's sloop "Champion," being sworn, and having shown his Instructions, deposed, that the Declaration in the English language, now produced, is signed by this deponent, and is the same which he delivered to the British Commissary Judge; that the state of the vessel detained, the number of negroes on board, and all other necessary particulars, are truly set forth in the said Document; that the private Papers and Letters now produced by the British Commissary Judge are those which this deponent gave into his hands as being collected on board the detained slave-vessel; that those numbered 1, 2, and 3, and indorsed by this deponent, are selected as being important in the present cause; that of the 188 Africans detained, according to the deponent's Declaration, 2, viz. a man and a boy, have since died, so that only 186 remain alive in this deponent's charge.

Lieutenant Philip Hast, being sworn, identified his signature to the Captor's Declaration, and ratified the truth of its contents.

Mr. J. S. Hampton, Surgeon, being sworn, identified his signature to the Captor's Declaration, and ratified the truth of its contents.

Andres Arriaga, 27 years of age, a native of Plencia, in the Lordship of Biscay, unmarried and a Catholic, being sworn, deposed, that he is a seaman by profession, and Third Mate of the Portuguese merchant-brig "*Espadarte*," which was lately taken with a cargo of bozal negroes by an English vessel-of-war, and carried to Sierra Leone; that the deponent and rest of the crew were left by the English on the Coast of Africa, and not taken to Sierra Leone; that he remained 5 days on the Coast after being set on shore, and then spoke to Don José Uriarte, the Master of the brig "*Ricomar*," who agreed to take this deponent to the Havana for merely his services during the passage as Third Mate; that no other person of the crew of the said Portuguese brig came passenger on board the "*Ricomar*" except the deponent; that other passengers did come, namely, all those now detained by the "*Champion*;" that one of these belongs to the Spanish merchant-brig "*Manuel*," which has also been taken by the English on the African Coast; that his name is Juan, but that this deponent knows not his surname; that 6 others belong to the Spanish schooner "*El Conde de los Andes*," also captured by the English; that this deponent knows not the name of any of the English vessels or Officers who made the aforesaid captures; that when the Captain, Uriarte, engaged at Ayudah to give a passage to this deponent on board the "*Ricomar*," the negroes were not yet embarked, but that they came on board the day of the vessel's sailing from Africa, that is on the 8th of last January; that 381 negroes were put on board; that Captain Uriarte was the person who trafficked on shore for the said negroes, and who brought them on board the day of the vessel's sailing; that some of the sailors accompanied the Captain, but this deponent forgets their names; that they left Ayudah for this Island of Cuba; that this deponent knows not on what particular part of the Island this cargo was intended to be landed; that an English sloop-of-war detained them on the north coast of this Island, on the 2d or 3d of this present month, as well as this deponent recollects; that 188 negroes were detained by the Captors, of whom 2 or 3 have died since arrival in this port; that those 188 negroes were all that remained of the 381 originally embarked, as upwards of 20 died on the passage previous to the detention; that as the vessel ran aground, in order to avoid being captured, a number of slaves drowned themselves in the attempt to get on shore, and the rest contrived to escape, together with the crew; that the deponent also escaped on shore, but was caught, with certain other white individuals, on the beach, and brought here prisoners; that a good many negroes were also seized on the beach, but that all did not leave the vessel; that those seized on the beach were returned to the brig, and compose part of the 188 detained; that the Spaniards had no arms, and made no resistance; that the English fired at them on shore, and by force obliged those they captured on the beach to return on board; that this deponent knows not the exact number of those wounded or killed, but that he saw the Boatswain struck down; that he knows not whether he was killed; that the deponent's hat was struck with a ball while he was swimming on shore; that 1 of the prisoners now brought into the Havana by the English is wounded by a ball through the calf of the leg; that, according to what this deponent has heard, the Captain was Owner of the "*Ricomar*," as well as Master and First Mate; that Don José Arregunaga was the Second Mate; that these both escaped; that this deponent knows no other name of the vessel than the "*Ricomar*;" that he knows nothing of the Papers now produced; that as the deponent was removed on board the sloop-of-war, he is ignorant whether there is any cargo remaining on board; that only 1 of the prisoners brought into the Havana belonged to the "*Conde de los Andes*;" that he knows not his name; that he knows him by the name of the Cooper; that he knows not to what vessel belonged the other passengers detained on board the "*Ricomar*."

Juan Doval, 26 years of age, a native of Lisbon, capital of the kingdom of Portugal, unmarried and a Catholic, being sworn, deposed, that he is for the present a sailor belonging to the Spanish brig "*Ricomar*;" that he embarked on board her at Ayudah, on the Coast of Africa; that he was set on shore there by the English, having been taken prisoner by them, first in the Spanish brig "*Manuel*," and secondly in the Portuguese schooner "*Teresa*;" that both the "*Manuel*" and "*Teresa*" were captured by the English on account of the bozal negroes found on board; that the seamen of both vessels were, after capture, put on shore on the Coast of Africa; that this deponent presented himself to Don José (whose surname he knows not), the Captain of the "*Ricomar*," and engaged with him to work his passage as common-sailor to the Island of Cuba; that this deponent cannot specify to what part of the Island of Cuba, as it was not mentioned in the agreement; that they sailed from Ayudah on the 8th day of January last; that on going on board the "*Ricomar*," this deponent found no negroes there; that more than 300, however, were embarked on the day of their departure; that this deponent cannot state the exact number; that the Captain and some sailors brought them on board; that this deponent knows not the names of these sailors; that this deponent knows not from what place the "*Ricomar*" sailed for the African Coast; that he knows not what kind

of cargo she took out; that on going on board, this deponent saw nothing else than water-casks; that they brought no cargo back except the negroes above mentioned; that an English sloop-of-war detained them about the beginning of this month, with more than 170 negroes on board; that this deponent cannot describe or name the place of the detention; that the English sloop-of-war gave chase to the brig, and, on the latter's flying to the shore, the negroes and crew threw themselves into the sea, all except a few negroes who remained on board; that of the rest who reached the beach was the deponent, who was taken prisoner by the English on shore, and returned on board the brig; that this deponent knows not how many persons were drowned, killed, or wounded in the attempt to disembark; that this deponent knows one Spaniard who was wounded by a musket-shot in the leg; that his name is Gregoria Chivert, and he is now in the hospital, having been landed in the Havana by the English; that this deponent never heard speak of the Owner or Supercargo; that the First and Second Mates were called Don José; that this deponent never heard their surnames; that the Third Mate was Don Andres Arriaga.

Francisco Sanchez, 26 years of age, a native of this city of the Havana, and now residing in its suburbs, unmarried and a Catholic, being sworn, deposed, that he is by profession a cooper; that he embarked on board the brig "*Ricomar*" at Ayudah as passenger; that he was to have paid nothing for his passage, engaging to work his way home as Cooper; that he made an engagement to this effect with the Master Don José; that he is not sure as to the Master's surname, but thinks it was Arriaga or Arriarte; that this deponent sailed from the Havana in the Spanish schooner "*El Conde de los Andes*;" that an English vessel-of-war captured this schooner, with a cargo of negroes on board, on the Coast of Africa; that the English, whose names this deponent knows not, put all the crew on shore; that then this deponent applied to the Master of the "*Ricomar*" for a passage to the Island of Cuba; that this deponent learned from the Master that the "*Ricomar*" was coming to the Island of Cuba; that, as he then understood, he was also told that she had sailed from this Island; that he cannot state whether she sailed from the Havana; that he knows not from what part of the Island she sailed for Africa; that this deponent went on board the "*Ricomar*" on the morning of the 8th of January; that on the same evening more than 300 negroes were put on board about the time of her sailing; that this deponent cannot state the exact number; that they were put on board by other negroes in canoes, and not by the Captain, who, with all the crew, was already on board. That the English sloop-of-war "*Champion*" detained the "*Ricomar*" between this port and that of Matanzas, about the beginning of the month; that this deponent knows not how many negroes remained then alive; that the brig ran ashore when pursued by the "*Champion*;" that many of the negroes were drowned; that a number had previously died a natural death on the passage; that the crew of the "*Ricomar*" escaped on shore; that this deponent cannot state where the "*Ricomar*" ran ashore; that the English collected on the beach some of the passengers and negroes, and returned them on board; that some of the negroes never left the "*Ricomar*;" that this deponent knows not the Owner or Supercargo of the "*Ricomar*;" that the Master was First Mate; that a certain Don José was Second Mate; that the Third Mate was a passenger, but this deponent knows not either of their surnames; that this deponent never saw any cargo on board except the above-mentioned negroes.

### Third Enclosure in No. 93.

(Translation.)

#### *Sentence in the Case of the Spanish brig "Ricomar," alias "Zafiro."*

In the Always Most Faithful City of the Havana, on the 12th day of March, 1836, the Most Excellent Señor Don José Maria de Herrera y Herrera, Conde de Fernandina, Procer of the Kingdom, Grande of Spain, &c. &c., and William Sharp Macleay, Esquire, 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 detention which the English sloop-of-war "*Champion*," Don Robert Fair, Commander, has made of the Spanish merchant-brig "*Ricomar*," alias "*Zafiro*," Don José Varante or Uriarte, Master, in latitude 23° 9' north, and longitude 81° 53' west, with a cargo on board of 188 negro slaves alive on the 2d of this present month, the day of the detention, of whom 2 died afterwards and previous to the delivering up of the cargo to the Spanish Authorities, as appears by the Receipt, dated the 10th instant, attached to these proceedings; and it being completely proved, as well by the Declaration of the Third Mate, Don Andres Arriaga, and the other witnesses examined, as by the unofficial Papers found on board at the time of the capture, and by the Captor's Declaration that the brig in her flight for the north Coast of this Island ran on shore, when the Spanish Master, with almost all his Officers and crew, and a great part of the slaves, escaped from the "*Champion*," and it being also proved that the Spanish brig had taken on board more than 300 slaves at Ayudah, on the Coast of Africa, although no legal evidence has been produced to show the place from which this vessel sailed for Africa, owing to her Official Papers having been lost or withdrawn at the time she ran on shore, and when her Captain and crew escaped as above mentioned, and because the Spaniards captured have sworn that they embarked on board the slave-brig at Ayudah as passengers, working their passage home in their several capacities: 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 in all such Cases, on the truth being made known, that the capture of the above-mentioned brig "*Ricomar*" is good and legal, together with that of everything on board, including the 186 bozal negroes; and that this vessel, with all her tackle and apparel, and everything on board, as entered in her Inventory, are now subject to confiscation, all except the aforesaid negroes, who are now declared to be free from all slavery and captivity. And the Commissioners order that the condemned brig, and all that belongs to her, be valued by the principal Masters of the Royal Dock-yard, they being previously sworn to perform their duty faithfully; and that the whole be sold at public auction, in the presence of the Public Scrivener, Don Manuel Tornari, in order that the proceeds be applied to the benefit of the two Governments, the said brig being for the present placed in deposit with and under the charge of Don Jayme Andren, who shall likewise swear faithfully to perform his duty, and shall receive her from the Captor according to formal Inventory. The Commissioners shall likewise proceed, without further loss of time, to deliver, according to the customary form, by the hands of their Secretary, to the above-mentioned 186 negroes, their Certificates of emancipation; and they shall likewise address a Letter, with a certified Copy of this Sentence, to his Excellency the Captain-General, in order that he may take the proper steps to give it effect, and because part of the crew of the said brig



"*Ricomar*" 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. 94.

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

MY LORD,

Havana, 17th March, 1836.

WE have the honour to enclose the Translation of a Note received from the Captain-General by the Mixed Commission, by which it appears that the Spanish Commissioners are now duly authorized to act under the New Treaty, or at least until the Mixed Court of Justice shall have been installed in due form.

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. 94.

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

MOST EXCELLENT SIR AND GENTLEMEN,

Havana, 15th March, 1836.

HIS Excellency the First Secretary of State writes me the following Royal Order, dated 3d January last, viz. :—

" MOST EXCELLENT SIR,

" IN conformity with what my predecessor wrote you by Royal Order on the 25th July last year, I now place in your hands 25 printed Copies of the Treaty for the complete abolition of the traffic in slaves, concluded on the 28th June last year between Spain and England, and which was ratified by Her Majesty the August Queen Regent on the 24th of August last. In conformity with what was stated to your Excellency in that Royal Order, Her Majesty wishes that you would regulate your conduct by the tenour of the contents of this Treaty, and that you will deliver some of these Copies to the Commanders of Spanish vessels-of-war in the Gulf of Mexico, ordering them faithfully and punctually to observe what has been thus stipulated between both nations with respect to the search and detention of vessels engaged in the illicit commerce. It is also the will of Her Majesty that your Excellency give a certain number of Copies to the Spanish Commissioners resident in the Island of Cuba, in order that they may be instructed of the part which concerns them in the stipulations of this Treaty, and also that they may execute the duties assigned to them, with the greater accuracy and care. I communicate this Royal Order to your Excellency for your information, and for punctual execution."

And now, I having passed the above Royal Order to the Senor Lieutenant-Governor, First Assessor-General of Government *ad interim*, he has, under date of the 13th instant, given me his opinion as follows :—

" MOST EXCELLENT SIR,

" THE preceding sovereign determination being respected and duly revered, it is for your Excellency to give it the most exact and punctual execution, communicating it in the proper quarters, and transmitting some Copies of it to the Commanders of the Spanish cruizers in these seas, through the medium of the Commander-in-Chief on the station, and some Copies also to the gentlemen of the Mixed Commission in this city, in order that, from the day of its receipt, they may commence to judge according to the tenour of it, and its 3 separate Annexes A., B., C., of all which your Excellency will please to give account to Her Majesty as soon as possible, merely for the present acknowledging the receipt of the Royal Order."

And I, agreeing with the above opinion, now transcribe it for your information, transmitting 6 Copies of the said Treaty for its more exact observance.

God preserve your Excellency many years.

*His Excellency and the other Members  
of the Mixed Commission.*

(Signed) MIGUEL TACON.

No. 95.

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

MY LORD,

Havana, 21st March, 1836.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of 27th January last, transmitting 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.

We shall obey your Lordship's commands by doing all in our power to facilitate



the arrangements indicated in these Papers being carried into effect. We shall be extremely anxious, however, until we have the honour of receiving from your Lordship those more complete instructions which these Documents seem to promise for our guidance.

We have, &c.  
(Signed) W. S. MACLEAY.  
EDWARD W. H. SCHENLEY.

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

No. 96.

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

MY LORD,

*Havana, 21st March, 1836.*

WE have the honour to enclose the Copy of a Note, which we addressed to the Captain-General on the 11th instant, enclosing one of the 10th, addressed to us by Commander Fair, who, previous to his departure from the Havana, was anxious to know, for the benefit of His Majesty's squadron, whether a British cruizer, which has kept at sea 7 days, after having had direct communication with her prize, will be admitted to *pratique* immediately on entering this port.

Commander Fair could not wait the Captain-General's Answer, which was only written on the 19th. We have the honour to enclose a Translation of it, by which your Lordship will perceive that his Excellency avoids giving a direct reply to Commander Fair's very reasonable demand, and takes occasion to make a very sore complaint against that Officer's conduct.

The Captain-General in his Note has appealed to us; but with respect to the conduct of Commander Fair previous to arrival, when he landed on the Coast of Cuba in pursuit of the "*Ricomar*," we know nothing more than what has appeared in evidence before the Mixed Commission. As to his uncourteous conduct and disrespectful language after arrival, we can of course state nothing on personal knowledge. We beg leave to repeat, however, that while we are aware that it is not for us to attempt any direct collision with the sanitary laws of this port, when stated, as in the present case, to be founded on Royal Orders, it is very desirable that the Court of Madrid should be addressed on the subject, since this useless quarantine, if allowed to continue, will only produce disputes which, when prevailing between persons of impetuous characters, may have the most disagreeable consequences.

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. 96.

(Copy.)

*Captain Fair to His Majesty's Commissioners.*

GENTLEMEN,

*His Majesty's Sloop "Champion," Havana, 10th March, 1836.*

I BEG leave to refer to the conversation which took place at your office yesterday relating to the quarantine of 7 days which has been imposed upon his Majesty's ship under my command by the Spanish Authorities, in consequence (as stated by the Captain of the Port in his explanatory Letter to the Captain-General, and transmitted by his Excellency to you) of a new Ordinance passed by the Supreme Board of Health, on the 15th of January (since my last visit to this port), subjecting all vessels coming from the Coast of Africa, and likewise such as may have communicated with them, to the before-named period of 7 days' quarantine.

It is not necessary for me to enter upon a detail of the courtesy and regulations observed in British ports towards men-of-war in quarantine, nor have I the slightest intention of impugning the conduct of the Local Authorities, or the laws of this Island, notwithstanding I feel it my duty to endeavour to ascertain through you, for the information of the Commander-in-Chief, and the benefit of His Majesty's squadron generally, whether, under circumstances similar to these which have brought me into the port of Havana, the Board of Health will admit to *pratique*, at the expiration of 7 days, His Majesty's cruizers, they having kept at sea during that period. A definitive answer, if in the affirmative upon this point, will enable me to notify the same to the men-of-war on the station, and thereby enable them to avoid the extremely degrading situation in which his Majesty's flag has been placed (as in the case of the "*Pincher*") and is now liable, from the quarantine laws of this port; laws differing so materially concerning men-of-war from those of any other port in the world, that they can only be construed as intending to cast a slur either upon the integrity or capability of His Majesty's Officers, by placing them under the surveillance of the lowest rank in the Spanish Navy; and by

anchoring and classing them amongst the lowest class of merchant-vessels which require this port. I trust that you will consider the reasons contained in this Letter sufficient apology for my troubling you.

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

I am, &c.  
(Signed) ROBERT FAIR,  
Commander.

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Second Enclosure in No. 96.

(Copy.)

Havana, 11th March, 1836.

THE undersigned Commissioners of His Britannic Majesty have the honour to enclose to his Excellency the Captain-General, the Copy of an Official Note which they have received from the Commander of His Majesty's sloop "Champion," and they will feel obliged if his Excellency will favour them with an answer to the question therein contained.

The undersigned have the honour to be, &c.  
His Excellency the Captain-General, (Signed) W. S. MACLEAY.  
&c. &c. &c. EDWARD W. H. SCHENLEY.

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Third Enclosure in No. 96.

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 19th March, 1836.

WITH your Official Note of the 12th I have received a Copy of that addressed to you by the Commander of His Britannic Majesty's sloop "Champion."

In this last, the Commander expresses his desire to be informed whether, under circumstances similar to those which have now brought him into this port, the Board of Health will admit to *pratique*, at the expiration of 7 days, His Majesty's cruizers which may have kept at sea during that period.

The Commander begs a definitive answer on this question, as it will enable him to notify the same to the men-of-war on the station, and thereby enable them to avoid, what he considers to be, the extremely degrading situation in which His Majesty's flag has been placed, in consequence of the quarantine laws of this port; laws differing, in his opinion, from those of all other ports in the world, so that they can be only construed as intending to cast a slur either upon the integrity or capability of His Britannic Majesty's Officers, by placing them under the surveillance of the lowest rank in the Spanish Navy, and by classing them among the lowest class of vessels which frequent this port.

With respect to the Commander's question, I have already answered you in my Note of the 7th instant, in which I enclosed a Copy of the Resolutions of the Superior Board of Health, dated 15th January last, by which, in execution of the Royal Orders on this subject, and in conformity with the now prevailing regulations, a 7 days' quarantine was ordered for all vessels which may arrive in this port without Bills of Health; the vessel taken by the "Champion," and consequently communicated with by her, had no Bill of Health, and it is clear that all vessels for the future, arriving in like circumstances, ought to be subjected to the same quarantine.

As for the rest I can only say, that the imputations made by the Commander of the "Champion" are conceived in very exaggerated language, such as has never been merited by the Authorities of this Island. In this port the British flag has always been received, and is now received, with that respect and those distinctions which are called for by the ties which unite two friendly powers.

The Commanders and other Officers of the British Royal Navy have always from the Authorities met with distinction, assistance, and proofs of regard, which, moreover, they have known also how to return; but the Commander of the "Champion," by his acts before arrival, unequivocally showed that he came disposed to commit injuries in a foreign country, as wide apart from the views of the enlightened Government he serves, as from its character. He continued in this purpose from the first moment of his arrival, making use of uncourteous and disrespectful language, spurning the assistance generously offered him, and then trying to violate the sanitary laws of the port; nay more, he now pretends to identify with the honour due to the British flag imaginary complaints, which only proceed from his peculiar mode of seeing things from his personal sensations, and perhaps also from his natural impetuosity.

You, gentlemen, must know too well the extent of these truths; and I have good reason, a reason founded on your very circumspection, to hope that you will be pleased to lay this affair before your Government, as I shall likewise lay it before that of Her Majesty the Queen Regent.

God preserve you many years.

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

(Signed) MIGUEL TACON.

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No. 97.

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

MY LORD,

Havana, 31st March, 1836.

WE regret to have to state to your Lordship that the slave-traders, after being for a short time checked in their unlawful enterprises by the arrival of the New Treaty in the Havana, have now again commenced to despatch vessels for Africa. No less than 8 sailed this month; viz. 2 Portuguese, the brig "Fortuna," — Maqueda, Master, on the 2d instant; and the schooner "Josefina," — Mentor, Master, on the 19th; also 6 Spanish, the brigs "Marinero," — Milan, Master, and "Isabel," — Montero, Master, both on the 8th; the schooner "Union," — Bergun, Master, and brig "Nazareno," — Camano, Master, both

on the 19th; the brig "*Ramoncito*," — Honsa, Master, on the 20th, and the brig "*Felicia*," — Hevia, Master, on the 28th.

The slave-traders are using every effort to induce American vessels to carry to Africa the articles necessary for a Slave Trade equipment.

Only 4 Spanish slave-vessels have, during this month, arrived in the Havana, after having safely landed their cargoes on the Coast. Of these two are the notorious brig "*Llobregat*," J. A. de la Vega, Master, which arrived on the 9th, and the schooner "*Isabelita*," Felipe Rebel, Master, which arrived on the 16th. Both these slave-traders have been captured by his Majesty's cruizers in the command of slave-vessels, the former when commanding the "*Velox Pasagera*," after an action in which he lost an arm; and the latter, who is a man of colour, while commanding the "*Xerxes*." This Rebel is the person whose pardon was obtained from His Majesty at the special request of the Spanish Government.

The Spanish schooner "*Manuelita*," Geronimo Villar, Master, arrived on the 27th instant, and on the 28th also arrived the Spanish brigantine-schooner "*Urraca*," — Reyes, Master.

We have, &c.

(Signed)

W. S. MACLEAY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 98.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 25th May, 1836.*

A DOUBT having been raised whether the Act 6 William IV. cap. 6, for carrying into execution the recent Treaty between Great Britain and Spain for the abolition of the Slave Trade, contained an authority to compel the Owners of all vessels, entering outwards with casks or vessels intended to contain palm-oil, to give Bond that the said casks or vessels so shipped are solely intended to contain palm-oil, or for other purposes of lawful commerce, the Commissioners of Customs have reported that there is sufficient authority in the said Act to enable the Officers of that Revenue to carry the Treaty into effect, so far as they are concerned; and the Commissioners have accordingly prepared the form of a Bond to be entered into, and the form of a Certificate to be issued, to persons who may enter into such Bond, under the 6th clause of the 10th Article of the Treaty above mentioned.

I enclose, for your information and guidance, Copies of the said forms.

I am, &c.

*His Majesty's Commissioners,*

(Signed)

PALMERSTON.

&c.

&c.

&c.

For Enclosures, see page 23, No. 22.

No. 99.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 2d June, 1836.*

I HEREWITH transmit, for your information, Copies of 3 Despatches and their Enclosures, which I have received from His Majesty's Minister at Lisbon, containing information respecting Portuguese vessels which are said to be fitting out in the Tagus for slave-trading expeditions.

I am, &c.

*His Majesty's Commissioners,*

(Signed)

PALMERSTON.

&c.

&c.

&c.

Enclosures in No. 99.

*Lord Howard de Walden to Viscount Palmerston.*

Lisbon, April 22d, 1836.

„ May 13th, „

„ May 14th, „

(See Class B.)

No. 100.

*Viscount Palmerston to His Majesty's Commissioners.*

(Circular.)

*Foreign Office, 15th June, 1836.*

(See Sierra Leone, General, No. 2.)

No. 101.

*Viscount Palmerston to His Majesty's Commissioners.*

(Circular.)

*Foreign Office, 15th June, 1836.*

(See Sierra Leone, General, No. 3.)

No. 102.

*His Majesty's Commissioner to Viscount Palmerston.—(Received June 24.)*

MY LORD,

*Havana, 23d April, 1836.*

I AM credibly, although not officially, informed that within the last 3 weeks 2 slave-vessels, under Portuguese colours, have been captured by British cruisers, and taken to Nassau, previously to their being sent for adjudication before the Mixed Commission at Sierra Leone.

I have, &amp;c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&amp;c.

&amp;c.

&amp;c.

No. 103.

*His Majesty's Commissioner to Viscount Palmerston.—(Received June 24.)*

(Extract.)

MY LORD,

*Havana, 30th April, 1836.*

I HAVE the honour to acquaint your Lordship that, during this month, the following Spanish slave-vessels have arrived from the Coast of Africa, after having succeeded in landing their cargoes upon the Coast of this Island, viz. on the 18th, the brig "*Clarita*," — Villar, Master; on the 19th, the schooner "*Atalaya*," — Sust, Master; on the 20th, the brig "*Empresa*," — Coloma, Master; and on the 27th, the schooner "*Casimiro*," — Fremur, Master.

I have, &amp;c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&amp;c.

&amp;c.

&amp;c.

No. 104.

*Viscount Palmerston to His Majesty's Commissioners.*

(Circular.)

*Foreign Office, 27th June, 1836.*

(See Sierra Leone, General, No. 4.)

No. 105.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 7th July, 1836.*

MR. W. S. MACLEAY, His Majesty's Judge in the Mixed British and Spanish Court of Justice at the Havana, having left that Colony on leave of absence on account of his health, and Mr. Schenley having in consequence become His Majesty's Judge, I transmit to you a Commission, under the Royal Sign Manual, dated the 29th of June, 1836, by which His Majesty has been pleased to appoint Richard Robert Madden, Esq., to be His Majesty's Arbitrator, *pro tempore*, in the place of Mr. Schenley.

Mr. Madden will, at an early opportunity after the receipt of this Despatch, take, in due form, the oath which is prescribed to be taken by him prior to entering upon his duty in the character assigned to him in His Majesty's Commission.

You will announce this appointment to the Spanish Members of the Mixed Court of Justice destined to act with you under the Treaty of the 28th of June, 1835, for the abolition of the Slave Trade.

You will be guided, in your respective characters of Judge and Arbitrator, by the Instructions which have heretofore been addressed to His Majesty's Commissioners by the Secretary of State; and you will receive from me such further Instructions as His Majesty may judge it necessary to give for your guidance.

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

(Signed) I am, &c.  
PALMERSTON.

No. 106.

*Viscount Palmerston to His Majesty's Commissioners.*

*Foreign Office, 8th July, 1836.*

(See Sierra Leone, Netherlands, No. 71.)

Dutch Enlistments on the Gold Coast.

No. 107.

*His Majesty's Commissioner to Viscount Palmerston.—(Received July 9.)*

MY LORD,

*Havana, 28th May, 1836.*

I HAVE this day been honoured by the receipt of your Lordship's Despatch, dated the 18th March, acknowledging the receipt of the Despatches from this Commission up to that of the 15th January, 1836, and transmitting the Copy of a Letter, which (with reference to our Despatch of the 25th of November last) your Lordship was pleased to direct to be addressed to the Admiralty, requesting that the Admiral on the Jamaica station may from time to time send to His Majesty's Commissioners a List of such of His Majesty's cruisers as shall be furnished with the Instructions under the Treaty with Spain for the suppression of the Slave Trade, with a view to satisfy the Spanish Commissioners of the legality of the capture, and thereby render unnecessary the presence of the Captor before the Mixed Court of Justice, in Cases where sufficient evidence may otherwise exist for condemnation.

I beg leave to return my thanks for the great additional facility which your Lordship is thus desirous to afford the Commissioners in the execution of their duties.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

No. 108.

*His Majesty's Commissioner to Viscount Palmerston.—(Received July 19.)*

MY LORD,

*Havana, 31st May, 1836.*

I BEG leave to report to your Lordship such of the arrivals and departures of slave-vessels during the last month as it has been in my power to procure information of. I wish I could add that this List contained even one-fourth of the number of those which have entered after having landed cargoes, or sailed after having refitted in this harbour; but, as the Commercial Lists and Public Journals no longer report these vessels, it is for the present a matter of some difficulty to obtain any information whatever, both as regards the names of the vessels and of their Masters, the more particularly as slave-vessels have generally a plurality of names.

On the 19th instant sailed the brig "*Segunda Monica*,"—Canil, Master; on the 22d the brigs "*Florentino*,"—Tomas, Master, and the "*Saltador*,"—Botel, Master; on the 26th the ship "*Europa*,"——, Master; and on the 29th the notorious ship "*Socorro*,"—Paoli, Master, all under Spanish colours.

Some of these vessels cleared out for ports in Brazil, for the purpose of obtaining

Portuguese Papers, the prevailing idea being that they will thereby avoid the consequences of the Equipment Article in the New Treaty with Spain.

The 2 following vessels arrived in the course of the month, under Portuguese colours, viz.: the schooners "*Eliza*,"—St. Ana, Master, and the "*Prueba*,"—Campo, Master.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 109.

*His Majesty's Commissioner to Viscount Palmerston.—(Received July 19.)*

(Extract.)

MY LORD,

*Havana, June 11th, 1836.*

IN my Despatch of the 31st ultimo, I had the honour to report to your Lordship the departure from this harbour of the notorious slave-ship "*Socorro*."

The circumstances connected with the equipment and armament of the "*Socorro*," her superior class, as regards her size (365 tons), her extraordinary qualities for sailing, and her hitherto good fortune in escaping (with cargoes averaging between 600 and 700 negroes) the vigilance of His Majesty's cruisers, all tending to give a more than ordinary interest to her present departure, I endeavoured to obtain such information as would enable me to demand an embargo and examination, by the Local Authorities, of her crew and cargo. Being unable, however, to accomplish this my desire, and His Majesty's brig "*Cruizer*" arriving in the harbour, I considered it expedient to furnish Commander Willis with what information I had obtained, in order that he might place his vessel in the outward-bound track of the "*Socorro*," for the purpose of examining her at sea, there being every probability that she was detainable under the Equipment Article.

Having resolved to avail myself of the earliest opportunity to make known to the Captain-General my sentiments relative to the new system of not reporting vessels engaged in the Slave Trade, I addressed a Note to his Excellency, of which I have the honour to enclose a Copy, together with a Translation of his reply. Your Lordship will observe in the latter a discrepancy in the names of the Commander of the "*Socorro*," as reported in the List of departures, which is owing to the custom adopted of hiring a Mate who, for extra wages, bears that character, in order that the real Master may thereby escape the penalty and imprisonment awarded to the Masters of slave-vessels.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 109.

*His Majesty's Commissioner to the Captain-General.*

(Copy.)

*Havana, May 30th, 1836.*

THE undersigned, His Britannic Majesty's Commissioner of Arbitration under the Treaty for the abolition of the Slave Trade, has the honour to acquaint his Excellency the Captain-General, that his attention has been particularly called to the departure from this harbour of the notorious slave-ship "*Socorro*,"—Paoli, Master, which vessel sailed under Spanish colours yesterday morning, carrying at the main a red flag, usually the designating signal of vessels bound to the Coast of Africa upon slaving-expeditions.

As the practice hitherto observed of reporting the arrivals and departures of these vessels in the Public Journals and Commercial Lists has been for some time past abandoned, and the undersigned not having access to the Official Records of the Custom-house, or other fit or credible means whereupon, in the execution of his duty, to make a sufficiently explicit communication to His Majesty's Government, he deems it necessary to request that, in furtherance of the solemn Treaties existing between Great Britain and Spain, his Excellency will have the goodness to furnish him with a Copy of the Custom-house Clearance of the "*Socorro*," being desirous by every means in his power to bring to condign punishment any individuals who may be convicted of slave-trading.

The undersigned has the honour, &c.

*His Excellency the Captain-General,*

&c.

&c.

&c.

(Signed)

E. W. H. SCHENLEY.

Second Enclosure in No. 109.

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

(Translation.)  
SIR,

Havana, 10th June, 1836.

HAVING communicated to his Excellency the Superintendent of the Royal Finance Department your Official Note of the 30th ultimo, on the subject of the departure from this port, on the morning of the previous day, of the Spanish ship "Socorro," Captain Paoli, carrying at the main a red flag, usually the designating signal of vessels bound to the Coast of Africa, that Officer has, in reply, transcribed for me the Report of the Custom-house, which states the destination of the said vessel, according to her register, to be Manilla; and, according to the Report of the *Comandancia de Matriculas*, the said ship is commanded by Don Antonio Eduardo Muzard; all which I now communicate to you in answer to your above-mentioned Note.

God preserve you many years.

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

(Signed) MIGUEL TACON.

No. 110.

*Viscount Palmerston to His Majesty's Commissioners.*

Foreign Office, 22d July, 1836.

(See Sierra Leone, Netherlands, No. 72.)

No. 111.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, 10th August, 1836.

MR. CONSUL TOLME having been instructed to communicate to you the substance of his Despatches, addressed to His Majesty's Secretary of State upon Slave Trade, I now transmit, for your information, the Copy of a Reply to a Despatch which he addressed to me on the 15th of June last, reporting his having affixed his signature as British Consul to the Papers of 3 Spanish vessels, which he apprehended were destined for the Slave Trade.

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

I am, &c.  
(Signed) PALMERSTON.

Enclosure in No. 111.

*Viscount Palmerston to Mr. Tolmé.*

August 10th, 1836.

(See Class B.)

No. 112.

*His Majesty's Commissioner to Viscount Palmerston.—(Received August 20.)*

(Extract.)

MY LORD,

Havana, 30th June, 1836.

I BEG leave to enclose, for your Lordship's information, a List of some of the slave-vessels which have entered the port of Havana during the present month, after having landed their cargoes of slaves upon the Coasts of this Island.

I have not been able as yet to obtain any sufficiently accurate list of the departures during the same period to warrant my making an Official Report of them.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

Enclosure in No. 112.

*List of Slave-vessels which have entered the Port of Havana during the Month of June, 1836.*

| Date.     | Nation.    | Class.   | Name.               | Master.  |
|-----------|------------|----------|---------------------|----------|
| 1836.     |            |          |                     |          |
| June 11th | Portuguese | Schooner | Triunfo . . . . .   | Silva.   |
| " 17th    | Spanish    | Brig     | Cristina . . . . .  | Estevez. |
| " 19th    | Portuguese | "        | Escorpion . . . . . | Carlos.  |
| " 21st    | Spanish    | Schooner | Tres Manuelas       | Marquez. |
| " 25th    | Portuguese | Brig     | Liberal . . . . .   | Riveyro. |
| " 28th    | "          | "        |                     |          |

No. 113.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received August 20.)

MY LORD,

*Havana, 1st July, 1836.*

IN pursuance of the Act of Parliament, 5 Geo. IV., entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," I have the honour to enclose a Return of the Cases adjudicated in this Court of Mixed Commission during the last 6 months.

I have, &amp;c.

(Signed) EDWARD W. H. SCHENLEY.

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

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

## Enclosure in No. 113.

*Return of Spanish Slave-vessels brought before the Mixed Commission at the Havana, for Adjudication, between the 1st of January, 1836, and the 5th of July of the same year.*

| 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.  |
|-----------------------------------|------------------|-------------------------------|--|-------------------|---|--|
| <i>Ninfa, alias Matanzera.</i>    | 7th January      | { Schooner with 450 slaves. } | { Lieut. Byng, H. M.'s schooner "Pincher." } | 25th Jan.         | Forfeiture .  | This vessel, tackle, &c. were sold at public auction, nothing remaining unsold, and the British moiety of the proceeds was remitted to the Lord's of His Majesty's Treasury. |
| <i>Ricomar, alias Zafiro. . .</i> | 2d March         | { Brig, with 188 slaves. }    | { Commander Robert Fair, with 188 slaves. }  | 12th March        | Ditto . .   |  |

(Signed) EDWARD W. H. SCHENLEY.

No. 114.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received August 20.)

MY LORD,

*Havana, 2d July, 1836.*

I HAVE the honour to acquaint you that, agreeably with your Lordship's Despatch, dated March 18th, 1836, Vice-Admiral Sir P. Halkett has transmitted, for the information of His Majesty's Commissioners, a Letter, of which I enclose a Copy, containing a List of His Majesty's ships and vessels under his command, whose Commanding Officers are furnished with Instructions under the Treaty with Spain for the suppression of the Slave Trade.

I beg leave likewise to enclose a Copy of my Reply, wherein I have considered it my duty to inform the Admiral that the Spanish Commissioners, without special Instructions from their Government to that effect, are not disposed to admit the production of this document before the Court of Mixed Commission as sufficient evidence of the legality of the capture to induce them to dispense with the presence of the Captor.

I have, &amp;c.

(Signed) EDWARD W. H. SCHENLEY.

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

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

## First Enclosure in No. 114.

*Sir P. Halkett to His Majesty's Commissioners.*

GENTLEMEN,

*Melville, Bermuda, 17th May, 1836.*

I HAVE the honour to forward to you, for your information, a List (on the other side hereof) of His Majesty's ships and vessels on the North American and West Indian Station under my command, whose Commanding Officers are furnished with Instructions under the Treaty with Spain for the suppression of the Slave Trade.

I have, &amp;c.

(Signed) P. HALKETT,  
*Vice-Admiral and Commander-in-Chief.**His Majesty's Commissioners,*  
&c. &c. &c.



*List of His Majesty's Ships and Vessels furnished with the before-mentioned Instructions,  
17th May, 1836.*

|           |           |          |           |
|-----------|-----------|----------|-----------|
| Melville  | Racehorse | Champion | Pickle    |
| Forte     | Racer     | Snake    | Skipjack  |
| Belvidera | Gannet    | Wasp     | Dee       |
| Rainbow   | Cruizer   | Harpy    | Meteor    |
| Vestal    | Nimrod    | Pincher  | Columbia. |

Second Enclosure in No. 114.

*His Majesty's Judge to Sir P. Halkett, G.C.H.*

*Havana, 2d July, 1836.*

SIR,

I HAVE the honour to acknowledge the receipt of your Letter, dated Melville, Bermuda, 17th May, 1836, enclosing, for the information of His Majesty's Commissioners, a List of the men-of-war under your command, whose Commanding Officers are furnished with the necessary Instructions authorizing them to detain vessels under the Treaty with Spain for the suppression of the Slave Trade.

I wish it were in my power to state in reply, that the production of this official Document before the Court of Mixed Commission would be held by my Spanish colleagues as sufficient proof of the legality of the capture to enable this Court to dispense with the presence of the Captor. This important point has not been conceded, nor do I expect that it will be, until a negotiation takes place upon the subject between His Majesty's Government and the Government at Madrid.

I have, &c.

To Vice-Admiral Sir P. Halkett, G.C.H.  
&c. &c. &c.

(Signed) E. W. H. SCHENLEY.

No. 115.

*His Majesty's Commissioner to Viscount Palmerston.—(Received August 20.)*

MY LORD,

*Havana, 7th July, 1836.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated the 4th May, 1836, stating, for the information and guidance of His Majesty's Commissioners, that, with reference to the vacancy occasioned by the return to England, upon leave of absence, of His Majesty's Commissary Judge, an individual will be officially appointed by your Lordship to act jointly with me during the absence of Mr. Macleay, so that it will not be necessary to revert to that provision of the Treaty which provides for the temporary supply of Commissioners at the Havana, in case of the absence of any one of the Commissioners.

I beg leave to offer my thanks for the assistance which will thus be afforded in carrying on the duties of this Commission.

I have, &c.

EDWARD W. H. SCHENLEY.

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

No. 116.

*His Majesty's Commissioner to Viscount Palmerston.—(Received August 20.)*

MY LORD,

*Havana, 7th July, 1836.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated 5th May, 1836, and its Enclosures, referring to your Despatch of the 27th of January, on the proposed transfer of Africans from Cuba to the British Colonies.

Your Lordship's announcement that His Majesty has been pleased to select Dr. Richard Robert Madden, under the provisions of the 2d Article of Annex C to the Treaty recently concluded with Spain for the abolition of the Slave Trade, to take charge of the negroes who may be captured by British cruizers, and emancipated by the Mixed Court of Justice here, together with your Lordship's desire that His Majesty's Commissioners will afford to Dr. Madden all the assistance in their power to enable him to execute the duties confided to him, shall meet with the strictest attention.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

No. 117.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received August 20.)  
 MY LORD, *Havana, 7th July, 1836.*

I HAVE been honoured by your Lordship's Despatch, of May 9th, 1836, and its Enclosures, relating to the non-arrival or delay in promulgating at Havana the New Treaty of the 28th June, 1835, for the suppression of the Slave Trade.

His Majesty's Commissioners, in their Despatch, No. 20, of the 17th March last, have already had the honour to acquaint your Lordship that a formal communication was made to the Mixed Commission from the Captain-General, bearing date 15th March, 1836, whereby the Spanish Commissioners are empowered to adjudicate under the New Treaty, and acknowledging the receipt thereof.

I have, &amp;c.

(Signed) EDWARD W. H. SCHENLEY.

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

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No. 118.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received August 20.)  
 MY LORD, *Havana, 7th July, 1836.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch (with Enclosure), of May 12th, which refers to the Despatches of His Majesty's Commissioners, of 1835 and of 1836, relative to the proposed transmission of emancipated negroes to Honduras; together with your Lordship's Instructions not to enter into any fresh engagement respecting the distribution of liberated Africans, from the Havana, among the British Colonies, until after the arrival of the Officer who has been appointed to the charge of them.

I beg leave to observe to your Lordship that, hitherto, the Spanish Authorities have considered it optional, with this Local Government, to send away from, or retain in the Island of Cuba, the Africans liberated by sentence of the Mixed Commission; in corroboration of which His Majesty's Commissioners, in their Despatch, No. 15, of the 17th February, 1836, had the honour to call your Lordship's attention to the fate of the last cargoes of Africans liberated under the then existing arrangement.

Happily, however, by the New Treaty, ample provision is made to insure to these unfortunate people the blessings of liberty and protection, during the progress of their civilization.

In thanking your Lordship for the information and assistance afforded to me by the communications contained in your several Despatches, I shall only take the liberty to add, that the prompt arrival of the Superintendent of liberated Africans at his post, will tend materially to facilitate the execution of the public service upon this point, in accordance with the views of His Majesty's Government.

I have, &amp;c.

(Signed) EDWARD W. H. SCHENLEY.

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

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No. 119.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received August 20.)  
 MY LORD, *Havana, 11th July, 1836.*

ON the 2d instant I was honoured by the receipt of your Lordship's Despatch, in Duplicate, of the 26th April, 1836, transmitting to His Majesty's Commissioners the Royal Commission of Appointment, under the New Treaty with Spain, of the 28th June, 1835 (likewise 3 Copies of an Act of Parliament), whereby His Majesty has been graciously pleased to appoint William Sharp Macleay, Esq., to be His Majesty's Judge, and Edward Wyndham Harrington Schenley, Esq. to be His Majesty's Arbitrator in the Mixed British and Spanish Court of Justice, at present established here.

Pursuant to your Lordship's instructions, having previously made arrangements with the Captain-General, I this day waited upon his Excellency, and, after having duly exhibited His Majesty's Commission of Appointment, took the oath which is prescribed therein, in the form contained in the Act of Parliament as requisite, prior to entering upon my further duties as British Arbitrator.

I have addressed a communication to the above effect to his Excellency the Condé de Fernandina, and the other Spanish Members of the Mixed Court of Justice now established here; and, in obedience to His Majesty's Commands, I shall guide my conduct strictly by the present Commission of Appointment and Instructions, with due regard to the general tenour of the directions heretofore given to His Majesty's Commissioners, under the former Treaty between Great Britain and Spain, of the 23d September, 1817, wherever they do not militate against these latter Instruments; also paying the strictest attention to such further Instructions as may, by His Majesty's Command, be transmitted for the guidance of his Majesty's Commissioners.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY,

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

&c.

&c.

&c.

No. 120.

*His Majesty's Commissioner to the Under Secretary of State.—(Rec. Aug. 20.)*

SIR,

*Havana, 16th July, 1836.*

I BEG leave to acquaint you, for the information of Viscount Palmerston, that yesterday, the 15th instant, Lieutenant George Byng, commanding His Majesty's schooner "Pincher," brought into this harbour for adjudication before the Mixed Court of Justice, the Spanish schooner "Preciosa," having detained her off Matanzas with 287 Africans on board, (*i. e.*) 219 males, 68 females, all in a perfectly healthy condition. Both these vessels are at present undergoing 7 days' quarantine.

My principal object in addressing you is to state that, up to this date, Dr. Madden, the Officer appointed to take charge of and distribute the emancipated negroes, has not arrived at his post; the June packet, however, is hourly expected, and I trust that he may be on board it, or, at all events, that I may receive by it some further directions upon this subject, otherwise I must draw largely upon Viscount Palmerston's indulgence, with regard to the line of conduct which I shall be obliged to pursue respecting these negroes.

The provisions of the New Treaty leave me no alternative, but to take upon myself the immediate and whole charge of these unfortunate people the moment they shall receive sentence of emancipation; and local objections, of an insurmountable nature, render it impossible for me to retain them here.

I confess that I feel sensibly the dilemma which the arrival of the Superintendent, or a Copy of his Instructions containing the views of His Majesty's Government, can alone remove; at the same time, I have every confidence in the kindness and support of Viscount Palmerston, where the basis of my conduct shall be humanity.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

*The Honourable W. F. Strangways,*

&c.

&c.

&c.

No. 121.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 23d September, 1836.*

UPON the receipt of your Despatches of the 18th and 22d March last, on the subject of a quarantine which had been imposed upon His Majesty's ships entering the port of Havana in charge of captured slave-vessels, I instructed His Majesty's Minister at Madrid to represent this matter to the Spanish Government; and I now transmit to you the Copy of a Despatch which I have received from Mr. Villiers, enclosing a Note from the Spanish Minister for Foreign Affairs, containing an assurance that Instructions have been issued to the Captain-General of Cuba, desiring that His Majesty's ships which may enter the ports of Cuba, in charge of slave-vessels, shall be admitted to *pratique* without being subject to any quarantine whatever.

I am, &c.

(Signed)

PALMERSTON.

*His Majesty's Commissioners,*

&c.

&c.

&c.

## Enclosure in No. 121.

*Mr. Villiers to Viscount Palmerston.*

September 10th, 1836.

(See Class B.)

## No. 122.

*His Majesty's Commissioner to Viscount Palmerston.—(Received September 28.)*  
(Extract.)

MY LORD,

*Havana, 26th August, 1836.*

ON the 28th ultimo, Dr. R. R. Madden arrived in Havana, and exhibited to me His Majesty's Commission as Superintendent for liberated Africans in the Island of Cuba. The following day I addressed a Letter to the Captain-General, requesting permission to present this gentleman to him preparatory to his entering upon the duties of his office.

His Excellency fixed an early day for that purpose, which was however delayed until the 6th current, owing to Dr. Madden being indisposed.

I have, &amp;c.

(Signed)

EDWARD H. W. SCHENLEY.

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

&amp;c.

&amp;c.

&amp;c.

## No. 123.

*His Majesty's Commissioner to Viscount Palmerston.—(Received Sept. 29.)*

MY LORD,

*Havana, 30th July, 1836.*

ON the 13th instant, Lieutenant George Byng, commanding His Majesty's schooner "Pincher," brought into this port the Spanish schooner "*Preciosa*," which he detained on the morning of the 12th, in latitude 23° 37' north, longitude 81° 11' west, having on board at the time of her capture 287 negroes, intended to be sold as slaves in this Island. Besides these persons, there were 4 negroes, represented as servants to 4 passengers who were on board, and 5 kroomen, whom it appears, in the evidence before the Court, as well as by a minute examination of them through sworn interpreters, as also their general appearance, were hired to navigate the schooner on her voyage.

The Mixed Court assembled on the 21st, the day the vessels were admitted to *pratique*, and on the 26th sentence was pronounced, adjudging the condemnation and destruction of the "*Preciosa*," and emancipating the whole of these negroes.

I have the honour to enclose to your Lordship a Copy of the Captor's Declaration, an abstract of the evidence, and a translation of the sentence.

The "*Preciosa*" sailed under the charge of her Captain, Santiago Comas, from Puerto Rico, on the 4th of December last, from the Coast of Africa, and again from the Rio Pongos, bound to Matanzas, on the 12th June.

In the list of passengers found on board this vessel at the period of her capture, your Lordship will perceive the names of Josef and Ormond, which appear so frequently associated together throughout the Parliamentary Papers in connexion with the Rio Pongos. The other 2 passengers, Boston and Curtis, I believe to be both Englishmen, or at all events Americans, though no proof whatever could be adduced of the fact. Respecting "Josef," I have the honour to address a separate Despatch of this date. John Ormond, a boy of about 14 years old, confesses himself to be the son of the notorious John Ormond, and states that his father is dead, and his mother is possessed of considerable wealth in money, land, and slaves at the Rio Pongos.

Santiago Comas, the Captain, has sworn himself to be the Owner, and is supported in his assertion by the oaths of the Mate and crew; but there is no doubt whatever that the vessel belonged exclusively to Josef; that she was fitted out by him at Puerto Rico; that her cargo is also his, and was put on board at the factory of the widow of John Ormond.

Santiago Comas is well known as an experienced slave-dealer, and was captured by His Majesty's ship "*Primrose*," in the Rio Pongos, on the Coast of Africa.

I fear that, until punishment is really inflicted upon these individuals, little progress will be made towards deterring them from their nefarious undertakings.

I must call your Lordship's attention to two points of some importance which were discussed during this trial. In the first place it was asserted and maintained by the Spanish Judge that, according to his construction of the 3d Rule of Article 4 of the Treaty of the 28th June, 1835, "and at the same time to avoid doubts, disputes, and complaints, whenever a merchant-vessel is searched by a ship-of-war, the Commander of the said ship shall, in the act of so doing, exhibit to the Commander of the merchant-vessel the Document by which he is duly authorized to that end."

Lieutenant Byng having produced the Papers under the authority of which he made the capture, and these consisting only of a Copy of the New Treaty and the Act of Parliament, it was objected that there was not before the Court any sufficient proof of the "Pincher" being duly authorized to detain slave-vessels. Fortunately, however, a few days previously, I had received from the Admiral a List, under Article 5, of the names of those vessels in the squadron under his command possessing the Slave Papers. This Document, a Copy of which I had already sent to the Mixed Commission, was produced in Court, when, finding that it only contained the names of the vessels, without, as is laid down by the 2d Regulation of Article 5, inserting the *force of each*, and the names of their several Commanders, a new difficulty was started, which I at length got the better of by promising to represent the circumstance to His Majesty's Government, and further, to suggest that each of the Officers in command of the several cruisers empowered to detain slavers should be furnished with an authentic Document, signed by the Lords of the Admiralty to that effect, the Court agreeing that the mere possession of the printed Treaty, without any specific authority to carry it into effect, might in some cases be productive of serious inconvenience. Upon this point, therefore, I take the liberty to request that your Lordship will take into consideration the propriety of annexing to the printed Instructions delivered to the commanding Officers of these cruisers an Order to carry the printed Treaty into effect, signed by the Lords of the Admiralty.

The second point discussed was as regarded the important question of the presence of the Captor, and the construction which my Spanish colleagues were disposed to put upon Article 3 of Annex A. to the New Treaty. I am happy to say that this, in many cases, most inconvenient stipulation will no longer be contended for, provided the provisions of the said Article 3 of the Treaty be strictly adhered to, but they will in all cases require the exhibition of the Captor's Instructions and Copy of the Treaty under which he shall have detained the slave-vessel: thus, although the question, as far as regards the delay and inconvenience sometimes experienced in awaiting the arrival of the Captor to proceed to trial will be removed, yet the cruiser so sending away her Papers will be, under the before-quoted Rule, the 3d Article to the New Treaty, incapacitated from making a capture. This, I conceive, can only be remedied by each vessel being furnished with Instructions in duplicate; in which case I feel convinced that the captures will be much more frequent, by preventing the men-of-war from quitting their cruising grounds upon every occasion of taking a prize.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

&c.                      &c.                      &c.

Recapitulation of the 295 negroes found on board the "*Preciosa*" at the period of her capture by His Majesty's schooner "Pincher," and emancipated by sentence of the Mixed Court of Justice.

|   | Males. | Females. | Total. |
|---|--------|----------|--------|
| Sent to Belize . . . . .  | 201    | 60       | 261    |
| Died on board during quarantine . . . . .   | 0      | 1        | 1      |
| Ditto after the sentence was signed, but before }<br>the sick were landed . . . . . | 4      | 2        | 6      |
| Landed sick . . . . .   | 17     | 5        | 22     |
| Kroomen, to be sent to Sierra Leone . . . . .                                       | 5      | 0        | 5      |
|   | 227    | 68       | 295    |

E. W. H. SCHENLEY.

## First Enclosure in No. 123.

*Declaration of the Captor in the Case of the "Preciosa."*

I, GEORGE BYNG, Lieutenant and Commander of His Britannic Majesty's schooner "Pincher," hereby declare that, on this 12th day of July, 1836, being in or about latitude 23° 37' north, longitude 81° 11' west, I detained the schooner named "Preciosa," sailing under Spanish colours, commanded by Don Santiago Comas, who declared her to be bound from the River Pongos to Cuba, with a crew consisting of 17 men and 4 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 286 slaves, said to have been taken on board at the River Pongos on the 12th day of June, 1836, and are enumerated as follows:—

|                  | Healthy. | Sickly. |
|------------------|----------|---------|
| Men . . . .      | 219      | 0       |
| Women . . . .    | 68       | 0       |
| Children . . . . | 0        | 0       |
|                  | 287      | 0       |

Of Passengers:—

Mr. Boston.  
Mr. Josef.  
Mr. Curtis.  
Mr. Juan Ormond.

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 Cuba.

(Signed) GEORGE BYNG, *Lieutenant and Commander.*

Witnesses,

J. MENZIES, *Assistant Surgeon.*  
J. BUTCHER, *Second Master.*

## Second Enclosure in No. 123.

*Abstract of the Evidence in the Case of the "Preciosa."*

## Examination of the Master.

SANTIAGO COMAS, Master, being duly sworn, deposed, that he is a native of New Barcelona, unmarried, 30 years of age, and acted as Captain and Pilot of the Spanish merchant-schooner "Preciosa," which was taken by an English schooner-of-war and brought into this port. That the "Preciosa" was detained for having bozal negroes on board, and the English Commander showed that on this account he was authorized to detain and conduct her to Havana before the Mixed Court of Justice. That there were existing at the period of her detention 286 bozal negroes; that besides there were 5 negroes, known as kroomen of the Coast of Africa, who were taken as seamen and interpreters, and who, according to his recollection, were called "Suma," "Casimba," "Lesandre," "Sias," the names of the other he does not remember, nor does he those of the 4 negroes who were on board, and served in the capacity of servants, although he did not allow them to enter the cabin, and that only the passenger named John had not one; that he does not know about those that died during the passage to this port from the period of their detention, but that he heard to-day that some had died in this port; that he took in the other slaves and negroes in the River Pongos; that he left there on the 12th day of June at dusk; they went to windward of the river in the direction of the Island of Cuba, and that, at the time of their detention by the English schooner, 2 out of the 288 slaves embarked had died, and consequently only 286 remain; that he left the port of St. Juan de Porto Rico on the 4th of last December, with Papers from the Authorities of Porto Rico, and the cargo, a part of which he took in at this same port, and part at St. Thomas, and that it consisted of spirits, powder, guns, looking-glasses, tobacco, &c.; that he discharged it at Pongos, and in return was supplied with slaves, so that no surplus remained of this cargo; that he was the Owner of the cargo and the Pilot of the vessel; that the Papers produced are those with which he navigated the schooner, and it is true that the English Commander gave him a receipt for the same, which he kept for better security; that he was detained in latitude 23° 30' north, and in longitude of the meridian of Cadiz, 74° 55' west; that he agreed with these kroomen for 12 dollars a month current, until they should return to some part of the Coast, and that, besides, some reward should be given to each according to his conduct during the voyage; that he did not execute any Document, nor did the crew know of it, because he alone was on shore when he agreed with other negroes; that he was ignorant whether the 4 negroes, whose names he does not know, were slaves or free; that the cargo was chiefly composed of English cotton goods and earthenware.

## Examination of the Mate.

Miguel Oliver, being duly sworn, deposed, that he is a native of Valma, in the Island of Majorca, unmarried; acted as Pilot, and navigated as Second in the Spanish merchant-schooner "Preciosa;" that the English schooner-of-war called, as he afterwards learned, "Pincher," detained the Spanish schooner in latitude 23° 30' north, and longitude 74° 52' west from the meridian of Cadiz, because she had bozal negroes on board; that when the negroes were embarked he could not count them, because he was sick of a fever; that neither did he count them for the English at the time of detention, but that he heard the Spanish Captain tell them that he had embarked 288, and that at the time of detention there were living 286; that none died from that time till their arrival in this port, but since being here 1 had died; that the negroes were taken on board in the Rio Pongos, on the Coast of Africa; that they set sail on the 12th of last June, bound for the Island of Cuba, and were detained in sight of its shore; that the "Preciosa" left Porto Rico on the 4th of last December, with Spanish Papers, and a cargo of cotton things and some Indian articles, aguardiente, powder, guns, &c.; that the Papers now shown he recognizes as those with which he navigated the "Preciosa;" that Don Santiago Comas is the Owner, Captain, Pilot, and Supercargo; that he himself held the place of second Pilot; that besides, there is another in nomination, called Don Manuel Guorig, and that all the cargo was

disposed of on the Coast of Africa; that besides the 286 slaves, there were 5 negroes, known as kroomen, and 4 more, as servants of the passengers, and that he thought these negroes were free, having heard the Captain say so; that the kroomen had each 12 dollars a month, besides a reward if they behaved well, which they would receive when sent back to the Coast of Africa; and repeats that he learnt all this from the Captain himself, never having seen any Document relating thereto, neither did any appear in the Log-book.

Examination of the Boatswain.

Juan Palma, being duly sworn, deposed, that he is a native of the kingdom of Galicia, province of Ferrol, a seaman, employed as Boatswain in the Spanish merchant-schooner "*Preciosa*;" that he does not know by whom they were detained, or why they were brought to this port, because he was blind, and only since being here has recovered his sight a little, but that he heard his companions say afterwards, that the vessel that detained them was an English schooner; that he embarked at Porto Rico; that the Captain, Don Santiago Comas, gave him the place of Boatswain; that he does not recollect the day on which they set sail; that they told him they were bound for the Cape de Verdes, but that they went to the Rio Pongos, on the Coast of Africa; that they sailed with the Spanish flag; that he knows nothing of what composed the cargo, as the vessel was already laden when he took the situation; that becoming blind immediately after going on board, he could give no account of what was taken on board or anything besides, and only in an imperfect way of his going out; that he knew Don Santiago Comas as the Captain, Owner, Pilot, and Supercargo; that Don Miguel Oliver was likewise Pilot, but that he could not say which of them was the first; and that concerning any other matters he could give no information on account of his before-mentioned blindness.

Third Enclosure in No. 123.

(Translation.) *Sentence in the Case of the Spanish slave-schooner "Preciosa."*

IN the Always Most Faithful City of Havana, on the 25th of July, 1836, the Most Excellent Senor Don José Maria de Herrera y Herrera, Conde de Fernandina, Peer of the Realm, &c., &c., and Edward Wyndham Harrington Schenley, Esq., the first being the Spanish Judge, the second the British Arbitrator (in consequence of the absence of the British Judge) of the Mixed Court of Justice established in this city to prevent the subjects of both nations employing themselves in the traffic in slaves, in completion of the Treaty signed at Madrid on the 28th June, 1835, between their Britannic and Catholic Majesties, having witnessed the execution of the process upon the detention which the English schooner-of-war "*Pincher*," Lieutenant George Byng, Commander, made of the Spanish merchant-schooner "*Preciosa*," Santiago Comas, Master, on the 12th current, in latitude 23° 37' north, and longitude 81° 11' west, with a cargo of 287 bozal negroes of both sexes living at the time of the above-mentioned detention, of whom one has died in this port; and it appearing fully proved by the Declaration of the Spanish Captain, by the witnesses examined, and by the Documents found on board the Spanish schooner, that she left Porto Rico on the 4th of last December, with Papers and cargo for the Cape de Verd Islands, and that he proceeded to the River Pongos on the Coast of Africa, where he embarked, as he asserts, 288 slaves, of whom 2 died previous to the detention, which could not be, 287 having been found alive. That moreover, the Captain took in there 6 negroes, kroomen (of whom only 5 have appeared), in the quality of seamen and interpreters, at the pay of 15 dollars each, to remain owing to them until they might return to their country, of which there is no document or any other proof; neither is there any respecting other 4 bozal negroes, stated to have come as servants of the passengers, some with monthly wages of 2 dollars, and others of 4; there rather results some contradiction with that which these 9 negroes have deposed concerning their liberty, the individuals of the crew being ignorant of this condition, as also of the contract entered into by the Captain and passengers, as indicated: from which it appears that, besides the 286 negroes, there are the 4 servants and 5 kroomen, who compose the totality of 295. The Judges said that they ought to declare, and did declare, after due consideration of the proceedings in this Court, shortly and summarily, to be truly known as good and legal, the capture of the before-mentioned schooner "*Preciosa*," and the 295 negroes taken in Africa and found alive, conformably to the results of the proceedings, without the statement made by the Captain preventing it (and which he ought to have proved by the Papers which he was obliged to have on board, as provided in the 2d Section of the Maritime Code), and also by the passengers concerning the kroomen and servants, without giving any satisfactory reasons for their assertions, but which appears more as a subterfuge to deprive them of the liberty conceded to them by the Treaty than to preserve it to them; and the Judges do moreover declare the schooner to be included in the penalty of confiscation, with her tackle, apparel, and what may besides appear in her Inventory, excepting the aforesaid 295 negroes remaining alive, including the 4 servants and 5 kroomen, who remain free from all slavery and captivity. Consequently they do decree that the condemned vessel be broken to pieces, and that these, with the other chattels belonging to her, shall be appraised by the principal Masters of the Royal Arsenal, sworn to do so faithfully, according to the corresponding Article, and be brought to public auction before the Public Scrivener Don Manuel Fornari, and being sold, the proceeds to be applied, as provided by the Treaty, and the instructions in Annex C.; the vessel being placed for the present in deposit under the charge of Don Jayme Andrew, until the accomplishment of the above determination, who shall also swear to act faithfully, and shall receive a formal Inventory of the prize. The Judges shall proceed, without loss of time, to deliver to the said negroes, through the Secretary, the Certificates of their emancipation, and they will forward an Official Letter to his Excellency the Captain-General, to the end prescribed by the 4th Article of the Rules for the Mixed Courts of Justice, with a declaration that the 5 negroes, of whom there is every probability that they navigated in the quality of freemen, shall be returned to their native country on the first opportunity by means of the Government to whom the prize belongs. They will also address to his Excellency the Captain-General another Official Letter, accompanied by a certified Copy of this sentence, to inform him thereof, and that the passengers and other individuals taken of the crew of the "*Preciosa*" remain at his disposal.

And that this is their definitively adjudged sentence thus they maintain, decree and sign, I the Secretary present do certify.

(Signed)

EL CONDE DE FERNANDINA.

E. W. H. SCHENLEY,

(Signed) JUAN FRANCISCO CASCALES, *Secretary*.

*His Majesty's Commissioner to Viscount Palmerston.—(Received Sept. 29.)*

MY LORD,

Havana, 30th July, 1836.

I BEG leave to refer your Lordship to my other Despatch, of this day's date, respecting the detention and condemnation of the slave-vessel "*Preciosa*."

Upon perusing the Captor's Declaration, together with the vessel's Papers, and a detailed account of all the circumstances connected with her capture, I felt no doubt that, after the expiration of the quarantine, and the period which is usually occupied by these trials before the Mixed Court of Justice, that the cargo of Africans then on board would be pronounced free, and, by the provisions of the New Treaty, be placed at the disposal of His Majesty's Government.

I was recently honoured by the receipt of your Lordship's Despatches, of the 5th and 13th May last, the former acquainting me with the appointment of Dr. R. Madden to take charge of and distribute the emancipated negroes; and the latter directing me not to enter into any fresh engagement for that purpose until after his arrival at Havana. As no further tidings had reached me respecting this Officer, and as I saw the immediate prospect of having these Africans placed in a few days under my charge, I considered it my duty to ascertain the intentions of the Local Government with reference to the application to the New Treaty, of that part of your Lordship's Despatch, of May 13, "to allow those arrangements which are already in operation, for the transmission of liberated Africans from the Havana to the British Colonies, to be acted upon as usual." I beg leave to enclose Copies of the Correspondence which took place upon that subject during the quarantine, whereby your Lordship will perceive that this Government declined acceding to my request to bear the expense of transmitting these negroes to any of the British Colonies, and expressed therein great anxiety that they should quit the Island with the least possible delay; and, at a personal interview with the Captain-General on the subject, he stated that it was impossible for him to take charge of or permit them to be landed in this Island.

Although the health of the cargo generally was most satisfactory, yet the ophthalmia existing, together with some other non-contagious diseases, occasioned by their privations and long voyage, it became absolutely necessary that the sick should be removed from among the healthy negroes. I accordingly determined to make a strong representation to effect this desirable object, and therefore directed Dr. Edward Finlay, Medical Inspector to the Mixed Commission, to proceed on board, the moment the vessel was admitted to *pratique*, to make an inspection of the negroes; and, in order to add as much weight as possible to my application, I requested Mr. Consul Tolmé to accompany him. This gentleman declined doing so, as your Lordship will perceive by his answer, a Copy of which I enclose. I had no alternative, therefore, but to perform this duty myself.

The result of this inspection, as by the enclosed Document, was most satisfactory, and enabled me, upon the termination of the trial, to land 22 of these unfortunate creatures. I also transmit a Copy of my Letter to the Medical Inspector, and his reply upon the subject, of the terms which I have thought proper to accede to for his professional attendance upon these negroes.

As the expense of transporting the cargo of the "*Preciosa*" was to devolve upon His Majesty's Government, I determined to send them to Honduras, and made inquiries as to the means of accomplishing this purpose. The apparent exigency of the Case was not lost upon the ship-owners, and their demands to execute this service became almost too extravagant to record. The price paid by the Spanish Government for sending the negroes to the Island of Trinidad was 10 dollars per head, that voyage being generally of a month or 6 weeks' duration; whereas the present demand, without provisions, for a voyage averaging from 5 to 10 days, was 17 dollars: thus making an amount of about £1,000 for performing this service. Had I even felt disposed to submit to this imposition, the impossibility of obtaining proper security for its due execution would have deterred me from it. This cargo of negroes was estimated at from 60 to 80,000 dollars; and in this community, where it is so exceedingly difficult to place reliance upon anybody in matters connected with the Slave Trade, I felt great apprehension that the vessel might be run on shore expressly, in which case every negro would have again fallen into slavery. I therefore resolved upon the only course left open to me, and proposed to the Captain-General and the Spanish Commissioners that, in order to meet his Excellency's views, and to send away forthwith the negroes in question, he should consent to my employing the prize-schooner for this service, previous to the final execution of that part of the sentence of the Mixed Court which decrees her destruction. I beg leave to forward, for your



Lordship's information, Copy and Translation of the Correspondence upon this subject; and to assure your Lordship that, in adopting these means for carrying into effect what I consider to be the wishes of His Majesty's Government, I had no intention to remedy an inconvenience by any step which was likely to be construed into an infraction of the Treaty; and that, moreover, according to the view which I take of that part of the sentence which orders the final destruction of the vessel, it can be carried into execution equally well upon the return of the vessel from Belize. Accordingly, having obtained the consent and approval of the Captain-General and my Spanish colleagues, I made a requisition to Lieutenant Byng that he would furnish me with an Officer and crew to take charge of the vessel and cargo upon this voyage; that he would also order a survey upon the vessel, and report to me the deficiencies which existed on board. I beg leave to forward Copies of these Documents.

On the evening of the 28th the negroes having been supplied with a suit of clothes each, such as are given to bozal negroes; provisions and water, calculated for 1 month, delivered on board; as also the deficiencies, as per survey, for navigating the vessel, being supplied, I furnished the Officer in command with a Certificate for free passage, and gave into his charge a Despatch for His Majesty's Superintendent at Belize, a Copy of which I beg leave to forward, and directed him to proceed to sea the following morning.

I must here request your Lordship to justify me for thus interfering with the naval service, which I trust the necessity will sanction.

In my Despatch to the Superintendent at Belize, I have particularly called his attention to the surplus 141 males, the dispositions for whom I have requested him to consider as subject to the final decision of Lord Glenelg.

I must now solicit your Lordship's indulgence, if I have, under the peculiar circumstances in which I have been placed, acted contrary to the wishes of His Majesty's Government, but I have kept in view the securing of liberty and protection to these wretched beings, with the strictest possible attention to economy.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 124.

*His Majesty's Commissioner to the Captain-General.*

MOST EXCELLENT SIR,

*Havana, 16th July, 1836.*

WITH reference to the slave-schooner "*Preciosa*," brought into this port under Spanish colours by His Majesty's schooner "*Pincher*," Lieutenant George Byng, Commander, I beg leave to acquaint your Excellency that it is contemplated by His Majesty's Government to send out an Officer to reside at the Havana, especially charged with the reception and distribution of the negroes captured by British cruizers, and emancipated by sentence of the Mixed Court of Justice. This Officer not having yet arrived at his post, I am desirous to know whether your Excellency will be pleased to act upon the system hitherto pursued for the transmission of the emancipated negroes to British Colonies, and which has given, in all cases, mutual satisfaction to our respective Governments.

In such event it will be my wish, according to the tenour of my Instructions, to send this cargo to Demerara, the capital of the Colony of British Guiana.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

*His Excellency the Captain-General,*

&c.

&c.

&c.

Second Enclosure in No. 124.

*His Majesty's Commissioner to the Captain-General.*

MOST EXCELLENT SIR,

*Havana, 18th July, 1836.*

I HAVE the honour to acknowledge the receipt of your Excellency's reply, wherein you inform me that, under the provisions of Article 2, of Annex C. to the Treaty of the 28th June, 1835, your Excellency will accede to the proposed transmission of the negroes of the "*Preciosa*" to Demerara, recommending at the same time the least possible delay. There is one material point upon which I beg leave again to trouble your Excellency, namely, as to whether the expenses attendant thereupon will be borne by the Spanish Government. I may here refer your Excellency to a correspondence which took place upon this subject between His Majesty's Commissioners and General Ricafort, dated 22d February, 1834, whereby your Excellency will perceive that, by the 11th Article, it is stipulated that, from the date of the sentence to the period of the negroes being delivered over to the Government of Trinidad, they are to be wholly at the charge of the Spanish Government.

The justice of the above arrangement must be obvious when it is remembered that the British Government only acceded to the proposition to which it relates at the repeated and earnest entreaties of the Government of Her Catholic Majesty.

As I cannot, therefore, discover anything in the Treaty of the 28th June, 1835, to abrogate this

Convention, and as I have already had the honour to communicate to your Excellency the intention of His Majesty's Government to send out an Officer with full instructions upon this point, I trust there will be no difficulty in dealing with this particular and probably ultimate cargo in the same manner as those already removed to Trinidad.

I may, however, add, for your Excellency's information, that, according to the tenour of my Instructions, and from a desire to avoid as much as possible causing extra expense to the Local Government of Cuba, at a moment when new arrangements are about to be entered into respecting this particular point, I will take upon myself the responsibility of transmitting the cargo of the "*Preciosa*" to Belize (Honduras) instead of Demerara.

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

I have, &c.  
(Signed) EDWARD W. H. SCHENLEY.

### Third Enclosure in No. 124.

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

Havana, 20th July, 1836.

(Translation.)

His Excellency the Superintendent-General of the Royal Finance Department, to whom I transmitted your communication of the 19th instant, on the subject of the transmission to Honduras of the negroes of the cargo of the schooner "*Preciosa*," which was captured by His Majesty's schooner-of-war "*Pincher*," has written me under date of yesterday as follows:—

"Most Excellent Sir, the Auditor of War, under this day's date, writes me the following,—'Most Excellent Sir, the Treaty for the abolition of the traffic in slaves, concluded and signed in Madrid on the 28th June, 1835, is the only law on the subject, and consequently that which should decide whatever doubts may arise thereupon. Abiding by it, I had the honour to inform your Excellency, under yesterday's date, in my Despatch No. 814, vol. 34, that the expenses incurred by the schooner "*Preciosa*," her slaves and cargo, until the signature of the sentence, should be paid by the Government of Her Catholic Majesty, and reimbursed out of the funds, as far as they reach, produced by the sale of the vessel and her effects in merchandize, as provided by the 2d Article of Annex B. I doubt not that your Excellency will thus determine, and I would also believe that the British Commissioner, as well as his Excellency the Captain-General, will consider this opinion and consequent resolution well founded, since the said British Arbitrator and his Excellency hold by the Treaty in this communication, and laying it down as a sure basis, refer to it as their guide on the particular subject treated of. I am glad of this agreement in principle, as in this manner there will be no difficulty in agreeing as to its consequences. The aforesaid British Commissioner refers to the agreement entered into between his Excellency General Ricafort, and the Commissioners of His Britannic Majesty, on the 22d February, 1834, whereby the expense of the transportation of the emancipated negroes was borne by the Royal Finance Department, but he must know that the force and vigour of such an agreement was ended, and must be void from the time of the existence of the Treaty of the 28th June, 1835; but in reply to this argument, he contests that in the said Treaty he can discover nothing which revokes that agreement. His Excellency the Captain-General has also believed that there is no Article in the Treaty which refers to the transfer of negroes. Nevertheless I see it very clearly, that though it is not expressed or positive, but tacit and negative, and in the second of the Letter C., which thus states:—"Immediately after sentence of condemnation on a vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Court of Justice established under the Treaty to which these Regulations form an Annex; and all negroes who were brought on board for the purpose of traffic shall be delivered over to the Government to whom belongs the cruiser which made the capture." After transcribing this rule I do not believe any one would say otherwise about its genuine meaning than that it is very obvious that immediately, by virtue of the Treaty, on the liberation of the negroes, the Government of the vessel which made the capture acquires the absolute dominion over them; consequently, from that moment to the said Government, in all reason and justice, it belongs to maintain, transfer them, and bear all their expenses, and concerning which no other authority can nor ought to be responsible, whilst they do not share in possessing the liberty of disposing of them; consequently from similar data it is necessary, I maintain, that the Government of Her Catholic Majesty cannot be called upon to bear the costs, nor even assist in the least towards the maintenance either of the negroes taken in the schooner "*Preciosa*," or of any others hereafter similarly situated, or incur the least expense on them or for them, from the very moment of the execution of the sentence of the Mixed Court, when by virtue thereof these negroes must be given up to the Government of His Britannic Majesty. This is my opinion, which I submit with deference to the final decision and correct judgment of your Excellency.'

"And this opinion being formed according to the genuine construction of the Treaty to which reference is made, and according to which the agreement with his Excellency Don Mariano Ricafort remains of no effect, as well any other that may be alleged of a similar class, I inform your Excellency thereof in answer to your Letter of yesterday, in which you had transcribed for me that of the Judge Arbitrator of His Britannic Majesty contesting this point."

And agreeing with the above opinion upon the operation of the last Treaty, I refer you to it in reply to your Official Letter.

God preserve you many years.

To the Commissioner of His Britannic Majesty,  
&c. &c. &c.

(Signed) MIGUEL TACON.

### Fourth Enclosure in No. 124.

*His Majesty's Commissioner to the British Consul.*

Havana, 20th July, 1836

(Copy.)

SIR,

If your consular or other duties are not materially interfered with, you will much oblige me by proceeding to-morrow morning on board the schooner "*Preciosa*," prize to His Majesty's schooner "*Pincher*," in company with Dr. Edward Finlay, the Medical Inspector, for the purpose of acquainting yourself with the actual state of the cargo of Africans on board that vessel, and also to be enabled to

certify to the particulars of Dr. Finlay's inspection insomuch as you may consider yourself competent to judge.

I enclose for your information a Copy of my Letter to Dr. Finlay, and have the honour to be, &c.  
To C. D. Tolme, Esq. (Signed) E. W. H. SCHENLEY.  
&c. &c.

Fifth Enclosure in No. 124.

(Copy.)

*The British Consul to His Majesty's Commissioner.*

SIR,

Havana, 20th July, 1836.

IN reply to your Letter of this date, requesting me, if my consular or other duties are not materially interfered with, to proceed to-morrow morning on board the schooner "*Preciosa*," prize to His Majesty's schooner "*Pincher*," in company with Dr. Edward Finlay, for the purpose of acquainting myself with the actual state of the cargo of Africans on board of that vessel, and also to be enabled to certify to the particulars of Dr. Finlay's inspection, I beg to say that I cannot comply with your wishes.

1st. Because I am utterly ignorant of the diseases of Africans and their treatment.

2dly. Because I consider it, for obvious reasons, desirable to keep the duties of this Consulate as separate as the Treaty admits of it, from those of the Commission of which you are a member; and

3dly. Because, as the only point of the New Treaty in which those duties might of a possibility merge, is one in which I should be called on to act in an official character similar to your own, it would perhaps be as little fitting for me, as it would be for you, to take a part of the survey in question.

I am, &c.

To E. W. H. Schenley, Esq.

(Signed)

C. D. TOLME, *Consul*.

Sixth Enclosure in No. 124.

(Copy.)

*Dr. Finlay to His Majesty's Commissioner.*

SIR,

Havana, 21st July, 1836.

IN compliance with the directions stated in your letter of the 20th instant, I proceeded this morning on board the schooner "*Preciosa*," and made a careful inspection of all the bozal negroes on board, the results of which I have now the honour to acquaint you with.

I found all the negroes of both sexes in a state of complete nudity, and feel it my duty to recommend that such clothing as is worn by bozal negroes should be furnished them without delay, as also a blanket to each individual.

Their general health is exceedingly good, and with a few exceptions, hereinafter detailed, I do not hesitate in stating it as my opinion that they are in a perfectly fit state to proceed on a short voyage in the same vessel that they are now on board of. This opinion is supported by the fact of the unusually small number of deaths that have taken place during the voyage from Africa.

The number of individuals whom I look upon as incapable of supporting any voyage at present, amounts to 20; their descriptions and the nature of their complaints are contained in the enclosed list. Their diseases are chiefly such as would necessarily arise from privations and want of room, &c., operating on weak constitutions. No contagious disease exists among them.

As to the length of time which might elapse before these invalids would be in a fit state to proceed on their voyage, I should state from one to two months on an average.

I have, &c.

(Signed)

EDWARD FINLAY, M.D.

(Copy.)

*List of Bozal Negroes, Invalids on board the schooner "Preciosa."*

| No.   | Classes. | Diseases.                         |
|-------|----------|-----------------------------------|
| 3     | Women,   | General debility.                 |
| 1     | "        | Ophthalmia.                       |
| 5     | Men,     | General debility.                 |
| 1     | "        | Do. do. cutaneous affections.     |
| 1     | "        | Do. do. and diseased hand.        |
| 2     | "        | Hydrocele and diseased testicle.  |
| 5     | Boys,    | General debility.                 |
| 1     | "        | Disease of the lungs.             |
| 1     | "        | Disease of the abdominal viscera. |
| Total | 20       |                                   |

(Signed)

EDWARD FINLAY, M.D.

Seventh Enclosure in No. 124.

*His Majesty's Commissioner to Dr. Finlay.*

SIR,

Havana, 23d July, 1836.

You will have the goodness to state to me, in writing, what sum you may consider an adequate remuneration for your attendance, at least once per diem, at the depôt situated at Casa Blanca, where the Captain-General has deposited the 20 Africans, landed at my request, from on board the prize-schooner "*Preciosa*." I should wish this calculation to include medicines, and it will be desirable that you make a verbal report to me at my office every morning, between 10 and 11 o'clock, respecting the health and treatment of these negroes; also that each week you furnish me with a return, stating their progress towards convalescence, or any casualties which may have come under your notice.

Edward Finlay, M.D.

I have, &c.

(Signed)

E. W. H. SCHENLEY.

## Eighth Enclosure in No. 124.

*Dr. Finlay to His Majesty's Commissioner.**Havana, 24th July, 1836.*

SIR,

IN reply to your Letter of the 23d instant, requesting me to state what I should consider as an adequate remuneration for my medical attendance on the sick negroes at the depôt of San Antonio el Chiquito, including medicines for the same, I have the honour to acquaint you that my charge for the above medical services, &c. would be 8 dollars per diem. This, I think, you will not look upon as otherwise than moderate, taking into consideration the usual medical fees of the place, the distance from town, the number of sick, and the prices of medicines in this town.

I shall, of course, implicitly follow the directions contained in your Letter respecting the reports you desire to receive of the sick.

*E. W. H. Schenley, Esq.*  
&c. &c. &c.

I have, &c.  
(Signed) EDWARD FINLAY, M.D.

## Ninth Enclosure in No. 124.

*His Majesty's Commissioner to the Captain-General.**Havana, 26th July, 1836.*

MOST EXCELLENT SIR,

THE sentence of emancipation upon the negroes of the "*Preciosa*" being now signed, it becomes my duty to comply, as far as lies in my power, with your Excellency's wishes to remove them out of this Island "with the least possible delay." The difficulties which I have experienced in my endeavours to effect this purpose are such as induce me to propose to your Excellency that, previous to the destruction of the "*Preciosa*," she may be permitted to convey the Africans now on board her to the British Colony of Honduras.

I make this request owing to the exorbitant demands of the Owners of merchant-ships to perform this service, and likewise because I feel certain that the spirit of the Treaty between His Majesty's Government and Her Catholic Majesty, which can only have in view to prevent the possibility of these vessels being again used for Slave Traffic, will be equally well carried into effect after the probably short interval which would be occupied in her voyage to and from Honduras, during which period she would be under the charge of an Officer and crew of His Majesty's navy. The Inventory of her stores, of which I have the honour to enclose a certified Copy, may, upon the return of the vessel to Havana, be compared, and your Excellency may rest assured that every care will be taken to restore her in the same condition as when she sails from this port.

I now beg the favour of your Excellency's sanction to this measure upon the part of Her Catholic Majesty, should you not see any inconvenience likely to result therefrom.

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

I have, &c.  
(Signed) E. W. H. SCHENLEY.

## Tenth Enclosure in No. 124.

*The Captain-General to His Majesty's Commissioner.**Havana, 28th July, 1836.*

SIR,

I HAVE received your communication of the 26th, stating to me the difficulties which you experience in complying with my request to send away the negroes of the "*Preciosa*" immediately upon the sentence of the Mixed Court being pronounced, and proposing to me that, previous to the destruction of the condemned schooner "*Preciosa*," she may be permitted to transport the negroes now on board her to the British Colony of Honduras; that the schooner will be placed in the charge of an Officer and seamen of His Majesty's navy; that an Inventory of her effects has been made, of which you send me a Copy; and that the vessel, together with her equipment, as now existing, will be returned into the hands of the Mixed Court of Justice, then to be broken up in conformity with the sentence already passed by that tribunal; that you do not consider, in acting thus, that you are infringing upon the spirit of the Treaty of the 28th June, 1835, the two Governments having only in view to prevent these vessels being again employed in the Slave Trade.

In reply to this proposition, I state to you that I agree entirely with the opinion you have expressed, and I shall be happy that you carry it into effect; but you must consider my acquiescence to be in consequence of the exigency of the case, and not to form a precedent for the future, more especially as your Government are going to take measures for the immediate disposal of the emancipated negroes; which measures I cannot doubt for a moment will be directed towards their immediate departure from this Island, it being impossible for this *Capitania-General* to permit their being landed here, without the greatest inconvenience, which it is their duty to avoid.

God preserve you many years.

*His Britannic Majesty's Arbitrator in the*  
*Mixed Court of Justice, Havana.*

(Signed) MIGUEL TACON.

## Eleventh Enclosure in No. 124.

*His Majesty's Commissioner to Lieutenant Byng, R. N.**Havana, 25th July, 1836.*

SIR,

By virtue of a power vested in me under the King's Sign Manual, bearing date the 9th of April, in the year of our Lord 1836, whereby I am enabled, in the execution of the duties confided to my care, to call upon all and every of His Majesty's Officers for their aid and assistance, I hereby require that you will send on board the schooner "*Preciosa*," which was detained by you, and condemned by sentence of the Mixed Court of Justice as a good and lawful prize, under the Treaty of the 28th June, 1835, for being engaged in the illicit traffic in slaves, an Officer and sufficient number of seamen to navigate her to the British Colony of Honduras; that you will direct this Officer

to deliver the emancipated Africans embarked on board the said schooner, consisting of 201 males and 60 females, into the hands of His Majesty's Superintendent at Belize; then to return to Havana with as little delay as possible, and re-deliver the said schooner "*Preciosa*" to the Mixed Court of Justice to be further dealt with, conformably to the sentence of the Court.

Lieutenant Byng, R. N. Commanding  
His Majesty's Schooner *Pincher*.

I have, &c.  
(Signed) E. W. H. SCHENLEY.

### Twelfth Enclosure in No. 124.

*Lieutenant Byng to His Majesty's Commissioner.*

SIR,

Havana, 25th July, 1836.

IN compliance with your request of the 23d instant, a survey has been held on the "*Preciosa*," and she is found fit for the voyage from hence to Honduras, with the exception of the following stores, which it is necessary should be supplied her, viz.

Tin, 6 sheets for bung-holes of water-casks.

Twine, 2lbs.

A log-line and two glasses, 1 of 14 secs., and 1 of 28 secs.

A lead-line.

Six pounds of sperm candles for binnacle lamps.

Two small hand-pumps for water-casks.

E. W. H. Schenley, Esq.  
&c. &c. &c.

I have, &c.  
(Signed) GEO. BYNG, Lieutenant and Commander.

### Thirteenth Enclosure in No. 124.

*His Majesty's Arbitrator to the Superintendent.*

(Copy.)

SIR,

Havana, 28th July, 1836.

WITH reference to his Grace the Duke of Wellington's Despatch to His Majesty's Commissioners, dated 14th April, 1835, together with the correspondence which has already passed between the Commissioners and His Majesty's Superintendent at Belize, upon the subject of transmitting a proportion of the negroes, emancipated by the sentence of the Mixed Court at Havana, to the Colony of Honduras, I beg leave to state to you that, on the 13th day of July, His Majesty's schooner "*Pincher*," commanded by Lieutenant George Byng, brought into this port the Spanish schooner "*Preciosa*," having on board 287 slaves. The Case was tried before the Mixed Court of Justice on the 21st, and on the 25th these negroes were declared free under the sentence of that Court. By the last packet from England, I received a notification from Viscount Palmerston, announcing to this Commission that His Majesty's Government considered it expedient to appoint an Officer under the immediate orders of the Secretary of State for the Colonies, fully instructed from that Department to receive over, according to Annex C., Article 2, to the Treaty of the 28th June, 1835, all the negroes who may hereafter be emancipated under the said provision, and to make such distribution of them as his Instructions will direct. For the performance of this service, His Majesty has selected Dr. Robert Richard Madden; but as this Officer has not yet arrived at his post, I am obliged to take the responsibility of disposing of this cargo of Africans upon myself. His Grace the Duke of Wellington's Despatch, before referred to, as likewise subsequent Documents from the Foreign Department, conveying to me the sanction of His Majesty's Government for the introduction of these persons into the Colony under your command, I now have the satisfaction, under the stipulations contained in Mr. Gladstone's Letter to Viscount Mahon, dated 6th April, 1835, to place under your charge 120 liberated Africans, viz. 60 males and 60 females.

Besides these people, there will be delivered into your hands 141 males, for whom, under the peculiar circumstances in which I find myself placed by the absence of Dr. Madden, I must solicit your protection, until the wishes of His Majesty's Government shall be made known respecting them.

The Report of the Medical Inspector, of which I have the honour to enclose you a Copy, will inform you that I have found it requisite to detain here 22 of these negroes, viz. 17 males and 5 females, for the recovery of their health.

I need hardly point out to you that, in any dispositions which you may think fit to make for these persons, it will be requisite to bear in mind that they must be subject to the revision of His Majesty's Government, for the repeatedly and strongly expressed orders which have been sent to this Commission, regarding a strict observance of the equality of the sexes, in transmitting these negroes to British colonies, more particularly in Mr. Lefevre's Letter to Sir George Shee, of the 16th April, 1834, which was transmitted by Viscount Palmerston for the guidance of this Commission, renders it impossible for me to sanction any final steps being taken towards the location of this surplus; indeed I fear that I shall have much difficulty in justifying my conduct in soliciting even this temporary asylum and protection under the British flag, but it is the only means I have of ensuring to these unfortunate people the freedom which has been decreed to them.

The responsibility which I have thus taken upon myself in the disposal of these negroes, will, I trust, warrant my making a request in their favour; previous, however, to so doing, I must disclaim every intention to the slightest interference with the internal arrangements of the Colony you preside over—it is that, so far as may be possible, they shall not be employed in the laborious and unhealthy occupation of mahogany cutting. When Mr. Young, the Government Secretary of British Guiana, came here to obtain for that Colony the services of these people, he gave a positive promise, by direction of the Lieutenant-Governor, that they should not be sent into the woods, but distributed as agricultural labourers, and kept, at all events for the first two years, under the immediate observation of the Government. The benefits of such a proceeding are manifest; for if they are removed to the interior of the Colony, and kept at labour in the woods, it will be difficult to make them sensible that any amelioration of their condition is intended by His Majesty's Government, nor will it be at all likely that such a course can tend to the improvement of "their moral and social as well as physical con-

dition," so humanely expressed to be the views of His Majesty's Government towards these unfortunate people by Mr. Lefevre, in the Letter before alluded to.

I have obtained the sanction of my Spanish colleagues and the Captain-General, to avail myself of the services of the "*Preciosa*," to convey these people to Belize; a survey has been held upon her; provisions for one month have been placed on board; and she has been reported to me in every way capable of executing this service.

The negroes have been furnished with a suit of clothing each, consisting of a frock for the females, and a shirt and trowsers for the males, also a cap and blanket each, the same as are usually given to bozal negroes upon their arrival.

The whole is under the charge of Mr. Pridham, of His Majesty's navy, whom I beg leave to recommend to your particular attention. To the humane and judicious arrangements of this Officer I, in a great degree, attribute the present healthy state of the negroes, and it will afford me great satisfaction if, upon the receipt of your Report, I may be possessed of additional grounds for recommending him to the notice of the Commander-in-Chief.

He will exhibit to you the Certificate which I have given him for free passage, and I request that you will have the goodness to facilitate, as much as lies in your power, his immediate return to this Colony, as I am under a promise to that effect to the Captain-General and the Spanish Commissioners, for the re-delivery of the prize-schooner into their hands.

*His Majesty's Superintendent at Belize.*

I have, &c.  
(Signed) E. W. H. SCHENLEY.

P. S. I enclose, for the information of the Medical Department under your command, a Letter written under my directions by the Medical Inspector to this Commission, upon the subject of the treatment of bozal negroes upon their first arrival in this Island.

Dr. Madden arrived yesterday, but is not as yet furnished with his full Instructions.

No. 125.

*His Majesty's Commissioner to Viscount Palmerston.—(Received Sept. 29.)*  
(Extract.)

MY LORD,

*Havana, 30th July, 1836.*

I BEG leave to refer your Lordship to my first Despatch, of this date. Amongst the names in the list of passengers who were found on board the slave-vessel "*Preciosa*" at the time of her capture, your Lordship will observe that of "Josef." Upon receiving the Captor's Declaration containing the above list, my suspicions were particularly awakened by this name, and within a few hours after the vessels were anchored in the quarantine ground, I obtained information of a nature sufficiently strong that this individual was the notorious slave-dealer "Edward Jousiffe," a British subject; that, in obedience to the Instructions to His Majesty's Commissioners in such Cases, I determined to issue a warrant for his detention. Accordingly, I addressed a Letter to the Captain-General, stating my intentions towards this man, a Copy of which, together with his Excellency's reply, I beg leave to transmit for your Lordship's information. I also gave an Order to Lieutenant Byng, for the removal of Jousiffe from on board the slave-vessel to His Majesty's schooner under his command, which Order, upon the termination of the quarantine, was carried into effect.

The "*Pincher*" sailed from this port on the morning of the 29th for Jamaica, with Jousiffe on board, there to be delivered over to the senior Naval Officer upon the station, conformably with the terms of my Order, and of a Despatch to the Admiral upon the subject, of which I have also the honour to enclose a Copy.

I have likewise written a Despatch to His Majesty's Commissioners at Sierra Leone, *via* Jamaica, enclosing Copies of the several Documents alluded to. I beg leave to transmit a Copy; and in conformity with the Instructions of the late Marquis of Londonderry, dated 28th November, 1830, filed in the archives of this Commission, I have addressed a Letter, acquainting His Majesty's Minister at Madrid with the above circumstance.

Some doubts had at first existed in my mind as to the identity of this person with the individual who is denounced in several of the Despatches from His Majesty's Commissioners at Sierra Leone, owing to the circumstance of the name being written "Josef." These, however, were entirely removed by my receiving from him, through the hands of Lieutenant Byng, a Letter of remonstrance at my conduct, which is signed "Edwd. Jousiffe," and is much in the style of the Documents which are stated by the Sierra Leone Commissioners to be filed in the archives of their Court. I enclose a Copy of this Letter, together with Copies of the Affidavits of Lieutenant Byng; and Mr. Richard Pridham, Admiralty Mate of His Majesty's schooner "*Pincher*." These latter Documents prove the fact of the said Jousiffe having written and signed in their presence the above-mentioned Letter.

The originals I also beg leave to forward, through your Lordship's hands, to the Sierra Leone Commissioners, as being the quickest and most secure method for

transmitting to them Papers of so much importance towards the conviction of this man.

Having proceeded thus far, it is my duty to acquaint your Lordship with the grounds upon which I endeavour to justify myself for making him a prisoner.

The first official mention of Jousiffe which I find made in the Parliamentary Papers is in the Sierra Leone Commissioners' Despatch to the Earl of Aberdeen, dated 20th of December, 1830, wherein they enumerate the several Papers filed in the archives, "which seem deeply to criminate an Englishman named Edward Jousiffe," living at a place called Gambia, on the Rio Pongos, as a slave-dealer. Again, Governor Findlay's Despatch of the 22d December, 1830, transmitting the depositions sworn before Chief Justice J. W. Jeffcott, of "John Davis, a king's boy," and "George," a liberated African, gives accounts of his appalling cruelties, together with strong grounds for supposing him guilty of kidnapping His Majesty's subjects. The next mention of him, which I consider of importance as regards my present conduct, is in Mr. R. W. Hay's Letter to Sir George Shee, dated 21st of April, 1831, enclosing the Copy of a Despatch which was forwarded to Lieutenant-Governor Findlay, directing that Officer to use all the means placed at his disposal for seizing and bringing to justice those individuals carrying on the Slave Trade in the Rio Pongos, assuming always that he has proof of their being British subjects. The date of this Instruction is January 28th, 1831. I find that upon the 26th March, 1831, a period of 2 months, and again upon the 28th December, 1831, a period of 11 months subsequent to the date of this caution, "that it was only upon the assumption of his having proof of the individuals being British subjects, that he was authorized to use the force at his disposal to seize their persons." Lieutenant Findlay writes as follows:—"We brought to your Lordship's notice, in our Despatch of the 20th December, 1830, the name of Edward Jousiffe, a *British subject*, who was deeply engaged in carrying on the Slave Trade in the Rio Pongos. That individual, it appears, left that river with a cargo of slaves in a Spanish vessel, about May last, for the Island of Cuba, where he safely arrived, and he returned from thence in October last, in another remarkably fast-sailing Spanish schooner, named the '*Especulacion*,' for a fresh supply of slaves. Lieutenant-Governor Findlay, on learning of Jousiffe's return, and the objects he had in view, promptly despatched a force to intercept and bring him down here to answer the offended laws of his country. We lament, however, to inform your Lordship, that Colonel Findlay's intentions were frustrated: Jousiffe had sailed for the Island of Cuba, with a cargo of 250 Africans, some days before the force despatched hence arrived in the Rio Pongos; and, as we have heard nothing of his movements since, he has doubtless succeeded in getting safely off this Coast with his cargo of unhappy beings. We sincerely hope that he may be fallen in with ere he has completed his execrable voyage, by some of His Majesty's cruizers in the West Indies, and that he may be brought to condign punishment."

When, therefore, your Lordship shall have perused and considered the above statement, I anxiously hope that you will sanction the opinion which I entertain, that it furnishes sufficient grounds for believing that there must exist at Sierra Leone evidence to convict this man; and that, in accordance with the opinion expressed by the Lords Commissioners of His Majesty's Treasury, which I find in Mr. J. Stewart's Letter to Mr. Backhouse, dated the 17th September, 1830, the above "circumstances warrant an affirmative conclusion" that Edward Jousiffe is a British subject, who has been long and deeply engaged in the Slave Traffic, and that I have not exceeded my Instructions, or exposed His Majesty's Government to "the mischief of ineffectual prosecution," in detaining him.

The heavy responsibility which I have taken upon myself, and the long period which must elapse before I can have the honour of receiving any communication from your Lordship in reply to this Despatch, will be one of the greatest anxiety to me. I have only, therefore, to assure your Lordship that I have acted in what I consider to be the conscientious discharge of my duty; and I trust that the capture of Jousiffe on board the first prize that has been brought in under your Lordship's Treaty may be only a forerunner to what I think must prove its final effect—the total abolition of Slave Trade.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

## First Enclosure in No. 125.

*His Majesty's Commissioner to the Captain-General.**Havana, 21st July, 1836.*

(Copy.)

THE undersigned, His Majesty's Arbitrator, has the honour to acquaint His Excellency the Captain-General that, upon examining the list of passengers who were found on board the Spanish schooner "*Preciosa*" at the period of her detention, he perceives the name of "Josef." Having strong grounds for believing this man to be a British subject deeply engaged in the Slave Trade, he has, in obedience to the Instructions from His Majesty's Government for his guidance in such Cases, given an Order to Lieutenant Byng to remove that individual from on board the slave-vessel into His Majesty's schooner under his command, for the purpose of conveying him to Jamaica, and placing him at the disposal of the Commander-in-Chief of His Majesty's squadron on this station.

The undersigned has the honour to be,

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

(Signed) E. W. H. SCHENLEY.

## Second Enclosure in No. 125.

(Translation.)

*The Captain-General to His Majesty's Commissioner.**Havana, 22d July, 1836.*

SIR,

I HAVE received your communication of yesterday, in which you are pleased to inform me that, on examining the list of passengers on board the schooner "*Preciosa*," you have found therein an individual named José, who has declared himself to be a citizen of the United States; but there being strong grounds for believing him to be a British subject, you have considered it your duty to order his detention on board the schooner, in order that he may be placed at the disposal of the Commander-in-Chief of His Majesty's squadron; and, in reply, I beg to state that I have no objection to the said individual being detained on board the schooner for the above-mentioned purpose.

God preserve you many years.

*His Britannic Majesty's Arbitrator.*

(Signed) MIGUEL TACON.

## Third Enclosure in No. 125.

(Copy.)

*His Majesty's Commissioner to Lieutenant Byng.**Havana, 20th July, 1836.*

SIR,

ON examining the list of passengers on board the schooner "*Preciosa*," brought in here for adjudication, I find the name of "Josef." I have strong grounds for believing this individual to be a British subject, who, by repeated acts of slave-dealing on the Coast of Africa, has rendered himself amenable to the laws of his country. I have, therefore, to request that, in conformity with the particular Instructions from His Majesty's Government upon this subject, you will transfer this person from on board the "*Preciosa*" to your own schooner, in order that he may be placed at the disposal of the Commander-in-Chief of His Majesty's squadron upon this station, for the purpose of being sent back to the Coast of Africa by the first convenient opportunity, there to be identified and sent for trial before a competent tribunal.

I have, &amp;c.

*Lieutenant Byng, Commanding His Majesty's*  
*Schooner, "Pincher."*

(Signed) E. W. H. SCHENLEY.

## Fourth Enclosure in No. 125.

(Copy.)

*His Majesty's Commissioner to Admiral Sir P. Halkett.**Havana, 28th July, 1836.*

SIR,

I BEG leave to acquaint you that, at the time of the detention of the Spanish schooner "*Preciosa*," for illicit trafficking in slaves, by His Majesty's schooner "*Pincher*," under command of Lieutenant George Byng, there appeared in the List of Passengers from the Coast of Africa, on board the said slave-vessel, the name of "Josef." During the period of her being in quarantine I received information respecting this individual of a sufficiently suspicious nature to induce me to take measures for preventing his landing at the expiration of it. Having strong reasons for believing that this person was the notorious Jousiffe who, for a series of years, has carried on a successful Slave Trade between this Island and the Rio Pongos, and who is denounced by His Majesty's Commissioners at Sierra Leone in several of their Despatches, more particularly in that to Viscount Palmerston of the 20th December, 1830, as "an Englishman," upon the expiration of the quarantine I forwarded to Lieutenant Byng an Order, of which I beg leave to enclose a Copy, directing that Officer to receive on board His Majesty's schooner under his command the said individual, for the purpose of placing him at your disposal under the above charge, of being a British subject engaged in the Slave Trade, agreeably to the Instructions from His Majesty's Government to that effect.

Although I had no reason to question the source from whence I derived my information respecting Jousiffe, yet, upon reference to the Despatches of the Sierra Leone Commissioners, there appeared a discrepancy in the manner of spelling the name. All reasonable doubt, however, as to the identity of this person was removed upon my receiving from the hands of Lieutenant Byng a Letter, written at the time of that Officer making known to him my determination to detain him as a prisoner on board the "*Pincher*." I enclose, for your information, a Copy of this Letter, which you will perceive bears a similar signature to the Documents mentioned by the Sierra Leone Commissioners in their Despatch of the 20th of April, 1830, and which are stated to be filed in the archives of their Court. The original Letter I have forwarded to Sierra Leone, for the purpose of being compared with the Documents above referred to. Of the Affidavits of Lieutenant Byng and Mr. Pridham I also enclose Copies.

With reference to my Letter of the 26th current, I beg leave to state it as my opinion that the kroomen now sent under Lieutenant Byng's charge, for the purpose of being returned to the Coast of



Africa, ought to be taken before His Majesty's Commissioners there with as little delay as possible; for it appeared evident to me, during the examination of these men before the Mixed Court, that apprehension, and a feeling of uncertainty as to their future fate, alone prevented their making most important disclosures respecting this slaving-voyage and the individual in question. One of these men, named Alessandro or Lessander, feigned a total ignorance of any language but that of his native country (Rio Pongos), whereas it was discovered afterwards that he spoke French, English, and Spanish, having made several voyages in the same employ to and from Matanzas and the Coast of Africa. My own conviction is that Jousiffe is the Owner of the cargo; that beyond all doubt he is the individual so frequently denounced in the Parliamentary Returns; and that Alessandro or Lessander is his slave, and the principal actor and assistant in his nefarious proceedings.

Any further information which I may obtain relative to the subject of this Despatch shall be forwarded to you without delay, and I shall feel obliged by your informing me of the course which you may pursue upon the receipt of it.

Vice-Admiral Sir P. Halkett, Kt., G.C.H.  
&c. &c. &c.

I have, &c.  
(Signed) E. W. H. SCHENLEY.

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Fifth Enclosure in No. 125.

(Copy.) His Majesty's Commissioner to His Majesty's Commissioners at Sierra Leone.

GENTLEMEN,

Havana, 28th July, 1836.

I HAVE the honour to acquaint you that on the 14th instant His Majesty's schooner "Pincher," under the command of Lieutenant George Byng, brought into this port the Spanish schooner "Preciosa," Santiago Comas, Master, which he detained in latitude 23° 37' north, longitude 81° 11' west, with bozal negroes on board, for the purpose of Slave Traffic in this Island.

On the 21st the Case was brought before the Mixed Court of Justice, and on the 25th these Africans, to the number of 286, were declared free under the sentence of the said Court, one having unfortunately died between the time of their capture and that of their emancipation.

The laws of this port require that all vessels arriving from the Coast of Africa, as well as those which may have held communication with them, should perform a quarantine of 7 days. The Captor's Declaration, the vessel's Papers, and a List containing the names of the passengers found on board at the time of capture, were however forwarded to the Commission the day after the arrival of these vessels in port.

Amongst the names in the latter Document, my attention was particularly directed to that of "Josef," which, together with private information, gave me strong reason to believe that the individual so named was the notorious "Jousiffe," denounced in the Sierra Leone Commissioners' Despatches of the 20th December, 1830, March 26th, 1831, 28th December, 1831, and the Havana Commissioners of the 31st March, 1834, as a British subject deeply engaged in the Slave Trade, for whose capture, it would appear by these Documents, so much exertion has already been made.

During the performance of the quarantine, I gathered such further information as it was in my power to obtain respecting this man; still there existed a discrepancy in the manner of spelling the name. Notwithstanding, I resolved upon taking the necessary steps with the Captain-General for securing his person on board His Majesty's schooner, when the prize-schooner should be admitted to *pratique*, and accordingly I furnished Lieutenant Byng with an Order to that effect, a Copy of which I beg leave to enclose.

Jousiffe, upon being made acquainted with my determination, addressed a Letter to me, a Copy of which I also transmit for your information; and I enclose the Affidavits of Lieutenant Byng and Mr. Pridham, Admiralty Mate, to the effect of their having seen him write and address the said Letter to me. The *original* I have sent home, in order that it may be forwarded to you through the Foreign Office, which channel I consider the securest and most immediate.

I attach the utmost importance to your being able to compare this Letter with the Documents seized on board the "*Ninfa*," which, in the Despatch of the 20th December, 1830, are stated to be filed in the archives of your Commission.

Six days elapsed from the period when Jousiffe was made acquainted with my charge and my intentions towards him, yet he did not attempt to produce any evidence of the nature stated in his Letter to me. Learning, however, that he complained of my "not hearing what he had to say," on the 27th I had him brought before me; when, upon informing him that whatever declaration he chose to make must be upon oath, and that it would be transmitted with him to Sierra Leone, he declined making any statement whatever. He then claimed the protection of the American Consul, whose office is under the same roof as that of the British Commissioners; and there stated that "he is a native of Florida, born in St. Augustin, previous to the cession of that territory to the United States," consequently it was impossible for him to be recognized by that functionary.

Upon reference to Mr. Under Secretary Hay's Letter of the 28th January, 1831, to Lieutenant-Governor Findlay, I read, "With respect to those individuals who are carrying on the Slave Trade in the Rio Pongos, you will understand," &c. &c.; "assuming always that you have proof that they are British subjects." Now, so far as regards any positive proof to the above effect, I of course cannot be supposed to be able to furnish it, but I am convinced beyond all doubt, that the person now in custody upon my warrant is the man whom Governor Findlay made several fruitless attempts to capture; and I certainly assume, after a careful investigation of the facts detailed in the Parliamentary Papers, sufficient evidence to convict him of being a British subject engaged in the Slave Trade must exist at Sierra Leone. Upon reference to the date of the caution, contained in Mr. Hay's Letter, I find that a period of 11 months elapsed between that and Governor Findlay's Letter of the 28th December, 1831, wherein he details another unsuccessful attempt having been made under his directions to "intercept and bring him down to answer the *offended laws of his country*," at Sierra Leone.

The description, as given in the deposition of John Davis, sworn before his Honour William John Jeffcott, Chief Justice of Sierra Leone, that "he is a short man in stature," and a white man, is a further proof of his identity.

Although I am fully impressed with the necessity, as stated in the Honourable J. Stewart's Letter to John Backhouse, Esquire, dated 17th September, 1830, of avoiding the mischief of ineffectual

prosecutions, yet, upon a review of the whole of the circumstances of this Case, the Instructions furnished by His Majesty's Government for the guidance of this Commission, and my solemn oath "that I will, according to the best of my skill and knowledge, act in the execution of my office," I cannot hesitate to adopt the present course.

Over and above the number of negroes on board the "*Preciosa*," there were 5 blacks represented by the Captain as kroomen, whom he had hired upon the Coast to assist in the navigation of the vessel. These persons were examined by the Mixed Court, when it appeared evident that they were not "negroes who were brought on board for the purposes of traffic;" consequently, in conformity with a precedent approved of by His Majesty's Government (*vide* case of the "*Planeta*"), I obtained the sanction of the Court and the Captain-General to send these men to Jamaica for the purpose of being forwarded upon the first opportunity to the Coast of Africa.

As, however, upon their examination, I had great reason to believe that *fear* and uncertainty regarding their future fate prevented them from making many important disclosures respecting their recent voyage, I have stated it as my opinion to the Admiral commanding in chief upon this station that these men ought as soon as possible to be taken before you.

Amongst these kroomen, I must call your attention to one who gave his name as Alessandro or Lessander. This man at first feigned only to know the language of his country, but, when questioned *alone*, it was discovered that he spoke French, English, and Spanish very tolerably, that he was a most intelligent negro, and that he had made other voyages in the same employ between Matanzas and Rio Pongos. The other kroomen seemed to be completely under his control, and he was evidently the most useful man on board in taking charge of the unhappy beings who composed the cargo.

I must not to omit to acquaint you that the other passengers on board the "*Preciosa*" consisted of—1st, a white man, calling himself Mr. Boston, who stated that he was a native of New Orleans, and had lived so long (15 years) at the Rio Pongos, that he knew no other language, with the exception of a few words of Spanish, than that which is spoken there. He is of small stature, well and strongly made, though slight, regular features, brown hair, soft hazel eyes, a good deal of whisker about his face, and upon the whole a person of respectable appearance. Upon his examination before the Court it was generally considered that he was an Englishman or an American.

The next upon the list called himself Mr. Curtis, a tall mulatto, with a good figure, slightly pock-marked, speaking English very well, but with an American accent. He stated himself to be a native of the Rio Pongos, where he owns a factory, and that he was on his way to the United States for the purposes of commerce, and to endeavour to recover 2 boys who were sold some time ago at the Rio Pongos as slaves; and of whom he stated that he had some traces.

The last was a mulatto boy about 14, who gave his name as John Ormond, and said that he was son to the notorious slave-dealer, John Ormond, who, he declared, had shot himself some time ago at Rio Pongos; that he had been given by his mother in charge of the Captain of the "*Preciosa*," Santiago Comas, for the purpose of being placed at school at Matanzas; and that he, or rather his mother, was possessed of great wealth in money, land, and slaves at the Rio Pongos.

I cannot help suspecting these persons to be some of the principal delinquents upon the Coast, whom want of precise information has upon this occasion saved from justice.

In future I am resolved to examine every passenger on board slave-vessels, and I shall forward a description of them to Sierra Leone.

I request the favour of your transmitting to me the earliest intelligence upon the subject of this Despatch.

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

I have, &c.  
(Signed) E. W. H. SCHENLEY.

#### Sixth Enclosure in No. 125.

(Copy.) *Mr. Jousiffe to Edward Schenley, His Britannic Majesty's Commissioner.*

SIR,

I HOPE you will excuse the liberty I take in addressing you, but supposing you are mistaken as to my person, I beg to tell you that I can, if you will be good enough to give me time to write to Matanzas, prove to you that I have resided on this Island these 7 years, and that I left Matanzas last February 12 months for the Cape Verd Islands. I presume the mistake has arisen from the Captain of the schooner not giving my right name. I beg to state that I was born in Florida, and am an American. Hoping you will excuse my intruding on your time,

I remain, &c.  
(Signed) EDWARD JOUSIFFE.

#### Seventh Enclosure in No. 125.

(Copy.)

#### *Affidavit of Lieutenant Byng.*

APPEARED personally Lieutenant George Byng, Commander of His Majesty's schooner-of-war "*Pincher*," duly authorized and empowered, according to the provisions of the Treaty of the 29th of June, 1835, between His Britannic Majesty and Her Catholic Majesty, to make seizures of vessels under Spanish colours engaged in the Slave Trade, being duly sworn, maketh oath that, on the 12th day of the month of July, 1836, being in latitude 23° 37' north, and longitude 81° 11' west, he seized and detained the schooner or vessel called "*Preciosa*," whereof Santiago Comas was Master; by reason that the said schooner was employed in the traffic in slaves, contrary to the existing Treaties entered into with His Britannic Majesty and Her Catholic Majesty the Queen of Spain. And this deponent further maketh oath that, at the time of detention, he found on board the said schooner "*Preciosa*" the individual upon a prisoner on board His Majesty's schooner "*Pincher*," who appeared in the List of Passengers by the name of "Josef;" that upon receiving a warrant from the British Arbitrator to make the said Josef a prisoner, and remove him from on board the slave-vessel into the schooner under his command, the said Josef requested to be allowed to address a Letter to the British Arbitrator. Deponent further states, that the Letter now produced without date, and signed

Edward Jousiffe, is the same as that which the deponent delivered to the British Arbitrator, and which the said Josef wrote and signed in this deponent's presence.

(Signed) GEORGE BYNG.

On the 28th day of July, 1836, the said Lieutenant George Byng was duly sworn to the truth of this Affidavit before me,

(Signed) EDWARD W. H. SCHENLEY,

*British Arbitrator in the Mixed Court of Justice at Havana.*

(L.S.)

### Eighth Enclosure in No. 125.

*Affidavit of Mr. Richard Pridham.*

(Copy.)

APPEARED personally Mr. Richard Pridham, Admiralty Mate on board his Majesty's schooner-of-war "Pincher," who, being duly sworn, maketh oath that, at the time of detention by His Majesty's schooner "Pincher" of the Spanish schooner "Preciosa," with a cargo of slaves on board, he found on board the said schooner "Preciosa" the individual now a prisoner on board His Majesty's schooner "Pincher," who appeared in the List of Passengers by the name of Josef; that the said Josef, on being removed from on board the slave-vessel into His Majesty's schooner "Pincher," requested to be allowed to address a Letter to the British Arbitrator. Deponent further states, that the Letter now produced without date, and signed Edward Jousiffe, is the same as that which Lieutenant Byng delivered to the British Arbitrator, and which the said Josef wrote and signed in this deponent's presence.

(Signed) RICHARD PRIDHAM.

On the 28th day of July, 1836, the said Mr. Richard Pridham was duly sworn to the truth of the contents of this Affidavit before me,

(Signed) EDWARD W. H. SCHENLEY,

*British Arbitrator in the Mixed Court of Justice at Havana.*

(L.S.)

### Ninth Enclosure in No. 125.

*His Majesty's Commissioner to Lieutenant Byng.*

(Copy.)

SIR,

*Havana, 28th July, 1836.*

EDWARD JOUSIFFE being placed in your custody under my warrant, upon a charge of felony, you will not deliver him up to any other authority than the Admiral commanding in chief His Majesty's squadron, or the Commodore at Jamaica, unless such a force should be employed to gain possession of him as in your judgment, as a British Officer, it would be an useless sacrifice of life to resist.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

*Lieutenant Byng,  
Commanding His Majesty's schooner "Pincher."*

### No. 126.

*His Majesty's Commissioner to Viscount Palmerston.—(Received Sept. 29.)*

MY LORD,

*Havana, 31st July, 1836.*

I HAVE not been able to ascertain, with sufficient correctness to enable me to make the customary representations to the Captain-General, the names or periods of the sailing or arrival of any slave-vessels at this port during the past month; nevertheless, I have observed several vessels arrive and depart under Portuguese colours, which I have no doubt are all engaged in the Slave Trade. The number of Spanish vessels, I am credibly informed, is decreasing, although this and the two following months are generally the periods of arrival from the Coast. I, however, have great reason to believe that the "Equipment Article" in the New Treaty is the chief reason for this diminution of the equipment of vessels for this dreadful traffic.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

### No. 127.

*His Majesty's Commissioner to Viscount Palmerston.—(Received Sept. 29.)*

MY LORD,

*Havana, 1st August, 1836.*

ON referring to the Case of the "Planeta," as reported in Mr. Macleay's Despatch of 30th April, 1832, when 5 kroomen were found on board that vessel somewhat similarly situated to those now on board the "Preciosa," I have the honour to acquaint your Lordship that, in consequence of the dispositions made for them on that occasion having met with the approbation of His Majesty's Government, I have followed the same plan, and have addressed a Letter to the Admiral, of which I beg leave to enclose a Copy, requesting him to forward these unfortunate

persons by the first opportunity to Sierra Leone, as their evidence may be required by the Commission there in the prosecution of "Jousiffe." Two of these individuals have been unavoidably sent to assist in taking charge of the slaves to Honduras, who, upon their return, I shall also forward to Jamaica.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

Enclosure in No. 127.

(Copy.) *His Majesty's Commissioner to Admiral Sir P. Halkett.*

SIR,

*Havana, 26th July, 1836.*

I HAVE the honour to inform you that, at the period of the detention of the Spanish schooner "Preciosa," by Lieutenant George Byng, Commander of His Majesty's schooner "Pincher," there were found on board 5 kroomen, whom it appears, both in the evidence before the Mixed Court as well as by their own declaration, were hired by the Captain of the slave-vessel at the Rio Pongos, for the purpose of assisting in the navigation on his homeward voyage. It being impossible to consider these persons as "negroes who were brought on board for the purpose of traffic," and as some of them speak a little English and claimed the protection of the British Government, with the consent of the Spanish Commissioners and the Captain-General, I have requested Lieutenant Byng to retain them on board His Majesty's schooner, for the purpose of delivering them into your charge, in order that they may be sent back to their country by the first convenient opportunity; thus rescuing them from the chance of being kidnapped and detained in slavery, they having no legal protection whatever. In pursuing this course, I have followed a precedent which has already met the sanction of His Majesty's Government in the Case of the "Planeta," in the year 1832, when, under nearly similar circumstances, 5 kroomen were found on board that vessel.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

P.S. Upon the representation of Lieutenant Byng, 2 of the kroomen have been sent to assist in taking charge of the negroes on board the "Preciosa" to Honduras. Upon the return of that vessel, they likewise will be placed at your disposal.

*Vice-Admiral Sir P. Halkett, Kt., G.C.H.*

No. 128.

*His Majesty's Commissioner to Viscount Palmerston.—(Received Sept. 29.)*

MY LORD,

*Havana, 2d August, 1836.*

I HAVE the honour to enclose, for your Lordship's information, a Copy of Dr. Finlay's Weekly Report of the sick negroes who were landed from the slave-vessel "Preciosa." By this Document your Lordship will perceive that one male has died, as per Certificate, and that 5 are reported "able to proceed on their voyage."

His Majesty's packet "Eclipse" having arrived this day from Falmouth on her way to Honduras, I have availed myself of the opportunity to forward these five unfortunate creatures to join their companions there, being anxious to relieve myself as soon as possible of the responsibility of their care, as well as to diminish the expense of maintaining them in this city.

I trust that the above arrangement may meet with your Lordship's approbation.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

First Enclosure in No. 128.

*List of the Negroes belonging to the Cargo of the schooner "Preciosa," and placed in the Depot at San Antonio el Chiquito, on the 26th July, 1836, by order of the Judge Arbitrator.*

| Nos. | State of Health.                              | Remarks.                       |
|------|---|--------------------------------|
| 1.   | In an improving state . . . . .               |                                |
| 2.   | Rather better . . . . .                       |                                |
| 3.   | Perfectly well . . . . .                      | Able to proceed on the voyage. |
| 4.   | Convalescent . . . . .                        |                                |
| 5.   | Severe diarrhœa, with much weakness . . . . . |                                |
| 6.   | Convalescent . . . . .                        |                                |
| 7.   | Perfectly well . . . . .                      | Ditto.                         |
| 8.   | In an improving state . . . . .               |                                |
| 9.   | Perfectly well . . . . .                      | Ditto.                         |
| 10.  | Ditto ditto . . . . .                         | Ditto.                         |

| Nos. | State of Health.                               | Remarks.               |
|------|--|------------------------|
| 11.  | Continues the same, although no worse . . .    |                        |
| 12.  | Ditto . . . . .                                |                        |
| 14.  | Attacked with bilious symptoms to-day . . .    |                        |
| 15.  | Well . . . . .                                 |                        |
| 16.  | Severe rheumatic affections in one leg . . .   |                        |
| 17.  | Has had severe diarrhœa, but now better . . .  |                        |
| 18.  | Ditto . . . . .                                |                        |
| 19.  | Ditto, better . . . . .                        |                        |
| 20.  | Convalescent . . . . .                         |                        |
| 232. | Severe ophthalmia, with loss of sight . . .    |                        |
| 288. | Died yesterday of phlegmonous erysipelas . . . | (Certificate annexed.) |
| 290. | Improving . . . . .                            |                        |

Havana, 2d August, 1836. (Signed) EDWARD FINLAY, M.D.

Second Enclosure in No. 128.

(Copy.)

El dia de ayer ha fallecido una negra pieza, marcada con el numº. 288 de las bozales que estan a mi cargo correspondientes al cargamento de la goleta "Preciosa," apresada por la de S. M. B. "Pincher," lo que pongo en el conocimiento de V. S.

Dios que á V. S. Ms. As. Partido de San Anto. Chiquito, y Agosto 1º de 1836.  
(Firmo.) RAMON MORALES.

(Translation.)

SIR, I BEG to inform you that the bozal negress, No. 288, under my charge, belonging to the cargo of the schooner "Preciosa," captured by His Britannic Majesty's schooner "Pincher," died yesterday.

Partido of San Antonio Chiquito, 1st August, 1836. (Signed) I have, &c. RAMON MORALES.

I CERTIFY that the above statement is correct, having personally inspected the corpse.  
1st August, 1836. (Signed) EDWARD FINLAY, M.D.  
To His British Majesty's Arbitrator,  
&c. &c.

No. 129.

His Majesty's Commissioner to Viscount Palmerston.—(Received September 29.)

MY LORD, Havana, 2d August, 1836.

I BEG leave to acknowledge the receipt of your Lordship's Despatch of the 25th May, enclosing the form of the Bond and Certificate to be given by the Owners of all vessels entering outwards with casks or vessels intended to contain palm-oil, that the said casks or vessels so shipped are solely intended for that or other lawful commerce.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

No. 130.

His Majesty's Commissioner to Viscount Palmerston.—(Received September 29.)

MY LORD, Havana, 2d August, 1836.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated June 2d, transmitting, for the information of His Majesty's Commissioners, Copies of 3 Despatches and their Enclosures, from His Majesty's Minister at Lisbon, respecting Portuguese vessels which are said to be fitting out in the Tagus for the Slave Trade.

Every attention will be paid to tracing these vessels, should any of them touch at Havana.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

No. 131.

His Majesty's Commissioner to Viscount Palmerston.—(Received September 29.)

MY LORD, Havana, 2d August, 1836.

I HAVE been honoured by the receipt of your Lordship's Despatch, trans-

mitting the extract of a Letter from His Majesty's Consul-General at Monte Video, together with the Copy of a Decree placing all vessels entering that port in ballast from the Coast of Africa under a quarantine at the discretion of the Government.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 132.

*His Majesty's Commissioner to Viscount Palmerston.—(Received September 29.)*

MY LORD,

*Havana, 2d August, 1836.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated the 15th June last, transmitting 3 printed Copies of a Treaty, by which the King of Denmark has acceded to the Convention between His Majesty and the King of the French for the suppression of the traffic in slaves; likewise 3 printed Copies of a Treaty by which the King of Sardinia has acceded to the before-mentioned Convention between His Majesty and the King of the French; and also 3 Copies of 2 Additional Articles to the Treaty between His Majesty and the King of Sweden on the same subject.

This manifestation by the European Powers of their determination to unite in suppressing the Slave Trade will have a most powerful effect upon the slave-dealers of this Island.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 133.

*His Majesty's Commissioner to Viscount Palmerston.—(Received September 29.)*

MY LORD,

*Havana, 24th August, 1836.*

WITH reference to my Despatch, of the 30th ult., I have the satisfaction to acquaint your Lordship that, on the 23d instant, the prize-schooner "*Preciosa*" returned to this port under the charge of Mr. Pridham, Admiralty Mate belonging to His Majesty's schooner "*Pincher*," after having delivered over to His Majesty's Superintendent at Belize 251 negroes, 10 having unfortunately died upon the passage. I have the honour to enclose a Copy of Major Anderson's Letter addressed to me upon this subject; as also of a communication, and my reply to it, respecting the demand made by Lieutenant Forrester, commanding His Majesty's packet "*Eclipse*," for the conveyance of the 5 convalescent negroes whom I authorized the Consul to procure passages for on board that vessel to Belize.

Major Anderson also forwarded to me several Letters containing the declarations and opinions of the principal merchants and wood-cutters at Honduras, regarding that part of my Despatch to him which implies a supposition upon my part of the unhealthiness of the occupation of mahogany cutting. I have handed over these Documents to the Superintendent, as a matter more particularly regarding his duties than those of the Commissioners. I have learned, with the most lively satisfaction, the humane conduct of the inhabitants of Honduras towards the unfortunate Africans committed to their charge. The details furnished to me by Mr. Pridham upon this subject are of a most affecting nature; and the gratitude evinced by the blacks towards their new Masters, leaves little doubt upon my mind that they will repay in fidelity and labour the kindness which has been lavished upon them. The colonists seem to be justly sensible of the great advantages which these persons possess over the creole negro, for their aptitude to learn every description of handicraft soon places them, as workmen, upon a level with the creole negro; and any knowledge which they have of white men previously to being placed under the British flag is of a nature to enhance the difference of treatment of their British masters, and that which their barbarous kidnappers too frequently pursue; besides, they are totally without that canker which seems to pervade the mind of the hereditary slave in all countries.

I trust that your Lordship will pardon my taking the liberty to express my

approbation of the conduct of Mr. Pridham, the Officer sent in charge of the prize-schooner. His attention to the discharge of the duty confided to him seems to have called forth the approval of the Superintendent at Belize, which is confirmed by my own observation.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

First Enclosure in No. 133.

(Copy.)

*His Majesty's Superintendent to His Majesty's Arbitrator.*

SIR,

*Honduras, 10th August, 1836.*

I HAVE the honour to acknowledge your Letter of the 28th July, with the accompanying Documents relative to certain Africans on board of the captured slave-vessel "*Preciosa*," in charge of Mr. Pridham, R.N.

193 males and 58 females were landed from this vessel on the 6th and 7th instant: 17 males and 1 female were in a very debilitated state. They were immediately placed in hospital, and experienced every possible attention; several, however, died almost immediately upon landing, and the medical gentlemen fear that a large proportion of those still remaining in hospital are irrecoverable. Mr. Pridham will account to you, I suppose, for the number who have died on the passage.

After indenturing an equal proportion of males with the females, I shall reserve the remainder for future decision; in the mean time, however, placing them with persons under the same provisions, as to food, clothing, treatment, and labour, as of those who will be indentured. This arrangement I consider best, as not only obviating a heavy expense to Government, which must otherwise be incurred, but as tending to guard against their falling into habits of idleness, which would be detrimental to their future well-doing. They will be kept in town until their physical condition is such as to preclude any fear of disease, after which it will be advisable that they be intermixed with the native labouring population, and gradually instructed in that species of labour which will enable them to gain a livelihood after their term of servitude shall have expired. In the mean time I shall cause to be explained to them, through interpreters, what will be done for them, as well as what is expected from them.

From one part of your Letter I am induced to apprehend that you are under some misapprehension as to the salubrity as well as to the degree of labour required in mahogany works; I therefore have called for and enclose you Papers numbered from 1 to 4, which, I think, must tend to disabuse your mind of any impression received as to the unhealthiness of such works, or as to an undue quantum of labour being exacted from persons employed in them. I think I may also venture to assure you, from my own observation, that it is infinitely less than that exacted in sugar-works.

Mr. Pridham appears to have anxiously attended, as far as circumstances would permit, to the comfort and cleanliness of these unfortunate people.

I have, &c.

(Signed) J. G. ANDERSON,  
*Superintendent.*

*E. W. H. Schenley, Esq.*  
&c. &c.

Second Enclosure in No. 133.

(Copy.)

*His Majesty's Superintendent to His Majesty's Commissioner.*

SIR,

*Honduras, 11th August, 1836.*

I BEG to acknowledge having received by the packet the Certificates of emancipation for the captured negroes delivered by Mr. Pridham, R.N.

I have issued, as you requested, to 2 kroomen on board the "*Preciosa*," the Certificates numbered 225 and 226, such Certificates corresponding with the numbers in their possession; and after retaining 249 to be distributed here, there will be 16 to return to you. This latter number includes 2 men who died immediately on being landed, whose tickets were inadvertently thrown away.

I have also had delivered to me by the Commander of the packet 5 male negroes, for whose passage in the packet I have caused 190 dollars to be paid, this being the sum named by Mr. Consul Tolmé as the regulated or customary charge from the Havana to this. As, however, this disbursement may be questioned by the Treasury, I shall feel obliged by your acquainting me whether it is a charge that can be correctly brought against the British Government.

I have, &c.

(Signed) T. G. ANDERSON,  
*Superintendent.*

*E. W. H. Schenley, Esq.*  
&c. &c.

Third Enclosure in No. 133.

(Copy.)

*His Majesty's Commissioner to His Majesty's Superintendent.*

SIR,

*Havana, 24th August, 1836.*

I YESTERDAY had the honour to receive from the hands of Mr. Pridham, Royal Navy, your several Despatches relating to the negroes transmitted from hence to Belize on board the schooner "*Preciosa*," under his charge. I regret to perceive that he lost 10 by death on the voyage, as also to be informed by your Letter that several others are in so debilitated a state; taking, however, the whole number of deaths which have as yet occurred into consideration, I am informed by persons very conversant in these matters, that the proportion is exceedingly small, which must be in a great degree attributable to the care and attention of the Officer in charge.

I am by no means prepared to say that the Government will allow the demand of 194 dollars for passage money, made by the Officer in command of the packet, for I consider these poor people can hardly come under the head of "passengers," or be charged for as such, particularly as I in all cases have furnished the *rice* for their subsistence, although I am aware that 38 dollars per head is the amount chargeable by the regulations of the Packet Service for "passengers" from Havana to Honduras. I shall mention the subject in my Despatch to Viscount Palmerston, in order that his Lordship may give such instructions regarding it as he may deem requisite.

I am much obliged by the statements which you have taken the trouble to furnish me with relating to the health of the mahogany cutters, and, agreeably with the wish expressed in your Letter, I have placed them in Dr. Madden's hands, with a view to remove any impression such as existed in my mind previously to reading them.

I shall feel great pleasure in learning from time to time the conduct and progress of these Africans, whose fate, from the peculiar circumstances of the case, I was obliged in a great degree to decide upon; and I assure you, Sir, that the accounts furnished to me by Mr. Pridham, of the humane manner in which they were received and treated by the inhabitants of Belize, to whom they were intrusted, reflect the greatest honour upon the individuals themselves, as well as upon the judicious arrangements which must have emanated from the Government of the Colony to create so desirable a feeling. Such conduct cannot fail to be duly appreciated by His Majesty's Government, and it will be my duty to submit an account of it to Viscount Palmerston.

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

I have, &c.  
(Signed) E. W. H. SCHENLEY.

No. 134.

His Majesty's Commissioner to Viscount Palmerston.—(Received September 29.)

MY LORD,

Havana, 24th August, 1836.

THE morning after the departure for Honduras of the slave-schooner "*Preciosa*," it accidentally came to my knowledge that there were among the emancipated negroes on board several who spoke English, and who, there were reasons for believing, had been kidnapped from the British Settlements upon the Coast of Africa. By His Majesty's packet "*Eclipse*," Lieutenant Forrester, which touched here on her way to Belize on the 1st instant, 3 days after the sailing of the "*Preciosa*," I addressed a Letter to the Superintendent upon the subject, of which I have the honour to enclose a Copy, together with that Officer's reply.

From the account furnished to me by Mr. Pridham, the Mate in charge of the prize, it appears, that when he had left the Havana, and was fairly on his voyage to Belize, several of the negroes of both sexes spoke to him in English, and declared that they had been kidnapped by Jousiffe; that they were British subjects from Sierra Leone; and that fear and menaces of future punishment had kept them silent during the vessel's stay in this port.

I regret exceedingly that these facts did not come to my knowledge at an earlier period; but I trust, nevertheless, that your Lordship will give directions that these individuals may be sent without delay to Sierra Leone, as witnesses to prosecute Jousiffe as a kidnapper of British subjects, in case the evidence of his national character should, by any accident, be found incomplete.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

&c. &c. &c.

First Enclosure in No. 134.

(Copy.)

His Majesty's Judge to His Majesty's Superintendent.

Sir,

Havana, 2d August, 1836.

SINCE the sailing of the "*Preciosa*," it has come to my knowledge that, amongst the emancipated negroes sent down to the Colony under your charge, there may be 1 or 2 British subjects who, it is exceedingly probable, have been kidnapped by the notorious slave-dealer Jousiffe, who was a passenger on board the "*Preciosa*" at the time of her capture, and whom I have arrested and sent to Jamaica as a British subject, under the charge of being engaged in the Slave Trade. I have therefore to request that you will take every care to have any individuals such as I have described at hand, in order that, should his Majesty's Government deem it expedient to send them to Sierra Leone to effect the conviction of the said Jousiffe, they may be forthcoming.

I have, &c.

(Signed) E. W. H. SCHENLEY.

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



Second Enclosure in No. 134.

(Copy.)

*His Majesty's Superintendent to His Majesty's Judge.*

SIR,

*Honduras, 11th August, 1836.*

By the arrival of the packet I have received your Letter of the 2d of August, acquainting me of the probability of there being some kidnapped British subjects among the negroes recently emancipated and sent to this Colony; and requiring, if such should be the case, that they be kept at hand, in case it should be expedient to send them to Sierra Leone as evidence against the slave-dealer Jousiffe.

I shall, without loss of time, cause the inquiry you desire to be made, and, should there be any persons of this description among the Africans received here, they will be kept in readiness to be delivered on your order.

*E. W. H. Schenley, Esq.*  
&c. &c.

I have, &c,  
(Signed) J. G. ANDERSON.

No. 135.

*His Majesty's Commissioner to Viscount Palmerston.—(Received September 29.)*

MY LORD,

*Havana, 25th August, 1836.*

THE enclosed weekly Report of Dr. Edward Finlay, the Medical Officer whom I engaged to take charge of the sick negroes landed from the slave-schooner "*Preciosa*," declaring them in fit state to undertake a further voyage, I have this day availed myself of the opportunity afforded to me, by the arrival from Falmouth, on her way to Belize, of His Majesty's packet "*Linnet*," Lieutenant Downey, Commander, and authorized the Consul to provide passages for 11 of the above negroes. Over and above this number there will remain under my charge a negro boy, whose melancholy fate, I feel assured, will not fail to call forth your Lordship's sympathy. This child is about 10 years old, and when placed on board the slave-vessel, I have little doubt, as has been stated to me, was one of the most valuable of the unhappy victims. The ophthalmia, the existence of which disease on board the "*Preciosa*" I had the honour to report to your Lordship in my Despatch of the 30th ultimo, has left this boy in a state of total blindness since 2 days after his landing. I fear, too, that, as the Medical Report states, his mind has become affected under his misfortunes. I have, therefore, taken the liberty to retain him under my own roof, where I can assure him every attention. Having, by a fortuitous circumstance, a servant who speaks his language, I ascertained, previously to coming to this determination, that he was without parent or relative amongst the cargo sent to Belize. I feel assured that, through your Lordship's humane influence, some permanent provision may be made for this truly melancholy example of the evils of the Slave Trade, while it is almost too horrible to reflect upon the probable fate which this child would have met with had his blindness manifested itself at an earlier stage of the voyage.

As this last shipment terminates the transaction relating to the "*Preciosa*," I must again appeal to your Lordship's indulgence if I have exceeded or improperly construed the powers vested in me as one of His Majesty's Commissioners.

*Recapitulation of the Negroes landed sick from on board the Prize-Schooner "Preciosa," on the 25th July, 1836.*

|   |    |    |
|---|----|----|
| Landed sick from the " <i>Preciosa</i> "    | 22 |    |
| Died  | 5  |    |
| Sent by packet " <i>Eclipse</i> " to Belize | 5  |    |
| Ditto by " <i>Linnet</i> " ditto            | 11 |    |
| Retained in Havana by Mr. Schenley          | 1  |    |
|   |    | 22 |

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

Enclosure in No. 135.

*Report, 23d August, 1836, of Health of the Negroes landed from the Schooner "Preciosa," and placed in the Dépôt at San Antonio el Chiquito, on the 26th day of July, 1836, by order of the Judge Arbitrator.*

| Nos. | Diseases.        | Remarks. |
|------|------------------|----------|
| 1.   | General debility | Cured.   |
| 2.   | Abscesses        | Better.  |

| Nos. | Diseases.                        | Remarks.  |
|------|----------------------------------|---|
| 4.   | General debility . . . . .       | Cured.  |
| 6.   | Ditto ditto . . . . .            | Ditto.  |
| 11.  | Ophthalmia . . . . .             | Ditto.  |
| 12.  | Ditto . . . . .                  | Ditto.  |
| 14.  | Bilious affection . . . . .      | Better.   |
| 16.  | Rheumatic affection . . . . .    | Ditto.  |
| 17.  | Severe bowel complaint . . . . . | Cured.  |
| 20.  | Bilious attack . . . . .         | Ditto.  |
| 232. | Severe ophthalmia . . . . .      | Same state as to the eyes, but in general health not so good. |
| 290. | Diarrhoea . . . . .              | Cured.  |

*General Observations.*

One death has taken place since the last Report, that of No. 18, who, from her arrival, was in a very delicate state, having, in addition to a severe bowel complaint, a serious affection of the lungs. The unfortunate case, No. 232, remains in the same state as to the loss of sight; but I am sorry to perceive that his constitution appears to be suffering from the moral effect of his blindness. On the whole, there is such an improvement in their health, that, unless new cases should present themselves, I should venture to suggest that a visit twice a-week will be now quite sufficient to insure them such medical attendance as they may require until their departure.

E. W. H. Schenley, Esq.  
&c. &c.

I have, &c.  
(Signed) EDWARD FINLAY, M.D.

No. 136.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received September 29.)

MY LORD,

*Havana, 25th August, 1836.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of the 7th July, of this year's series, enclosing His Majesty's Commission, whereby Richard Robert Madden, Esq., is appointed to act jointly with me as British Arbitrator during the absence of Mr. Macleay, whose situation of British Judge is to be filled by myself; which appointments I have notified to the Local Authorities, but sufficient time has not yet elapsed for me to receive the Captain-General's answer.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

No. 137.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 15th October, 1836.*

I HAVE received Mr. Schenley's Despatches, giving an account of his having arrested, on board of the Spanish slave-vessel "*Preciosa*," Edward Jousiffe, a British subject, who has so often been denounced to His Majesty's Government as a slave-dealer in the Rio Pongos on the Coast of Africa.

The measures which Mr. Schenley took in regard to Jousiffe's arrest, and to the subsequent measure of delivering Jousiffe up to the Admiral on the West India station, in order that he might be sent to Sierra Leone for trial, meet with my highest approval.

I also approve of Mr. Schenley's conduct in sending to the Admiral the five free kroomen who were on board the "*Preciosa*," and whose testimony may tend to convict Jousiffe of slave-dealing.

His Majesty's Secretary of State for the Colonies has been requested to instruct the Superintendent of Belize to hold the negroes, alleged to have been kidnapped by Jousiffe, in readiness to be sent to Sierra Leone to give evidence against him; and the Admiralty have been requested to instruct the Admiral to provide these negroes with a passage to that Colony. I have also directed His Majesty's Commissioners at Sierra Leone to give the Colonial Authorities there every assistance in their power to bring Jousiffe to justice.

Jousiffe's original Letter to Mr. Schenley, which is said to have been enclosed to me in his Despatch of July 30, for transmission to His Majesty's Commissioners at Sierra Leone, was not annexed to that Despatch, although the original Affidavits

of Lieutenant Byng and Mr. Pridham, proving Jousiffe to be the writer of that Letter, were with the Despatch.

If it has not been sent direct to His Majesty's Commissioners at Sierra Leone *vid* Jamaica, in Mr. Schenley's Despatch to those gentlemen, perhaps it may yet reach me. This Document may be of importance in proving, by comparison, that the Papers taken on board the Portuguese slave-schooner "*Nimpha*," adverted to by Mr. Schenley, are in Jousiffe's handwriting, and thus tend to convict him of the crime with which he stands charged.

You will therefore institute a search after this Paper, and acquaint me with the result.

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

I am, &c.  
(Signed) PALMERSTON.

No. 138.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 15th October, 1836.*

I HAVE received your Despatches to that of the 26th of August last inclusive.

I approve of the arrangements which, under the peculiar circumstances of the Case, were adopted by Mr. Schenley for sending to Belize, in the slave-vessel "*Preciosa*," the liberated Africans who formed the cargo of that vessel.

One of the acknowledged evils attending the Slave Trade is the crowded state of the vessels engaged therein, owing to which the unfortunate negroes are subjected to the greatest sufferings. For on this ground it would be objectionable to transport the liberated Africans from Cuba to British Possessions, on board of vessels in which they were captured.

It would also be an infringement of the 12th Article of the Treaty, which directs the slave-ship to be broken up *immediately* after condemnation.

If the execution of this important provision of the Treaty with Spain be delayed or deferred by British Officers on the plea of expediency, it will afford ground to Spanish Authorities to attempt to defer or defeat other provisions of the Treaty under the same plea, although for far different objects.

I cannot, therefore, concur in the suggestion made for the partial employment of condemned slave-vessels to transport the Africans who may be liberated by the Mixed Commission at the Havana to British Colonies.

It would be very inexpedient to alter or disregard the 12th Article as it now stands in the Treaty; the provisions of it ought, therefore, to be strictly adhered to; and in breaking up condemned vessels, care should be taken to do it so effectually, as to prevent the parts from being again put together in the same form as before.

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

I am, &c.  
(Signed) PALMERSTON.

No. 139.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 27th October, 1836.*

WITH reference to my Despatch, of the 15th instant, approving of the measures taken by Mr. Schenley to arrest and bring to punishment Edward Jousiffe, a British subject, strongly suspected of having been engaged for years in the Slave Trade in the Rio Pongos, on the Coast of Africa, I send to you the Copy of a Letter from the Admiralty, stating that their Lordships had sent directions to Commodore Pell, to order Lieutenant Byng, in the "*Pincher*," to Belize, to bring back such of the negroes and the kroomen who can give evidence against Jousiffe, and to proceed with them and Jousiffe to Sierra Leone, in order that the necessary measures may be taken to bring the said Jousiffe to trial on the charges preferred against him.

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

I am, &c.  
(Signed) PALMERSTON.

Enclosure in No. 139.  
See Enclosure in No. 7, p. 5.

No. 140.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received November 5.)

MY LORD,

Havana, 31st August, 1836.

I REGRET that, although several arrivals and departures of slave-vessels have taken place during the past month, I have not been able to ascertain with sufficient accuracy the names of any of those which navigated under Spanish colours, to entitle me to denounce them to the Captain-General as engaged in the Slave Trade.

It has been reported to me that the notorious Portuguese slave-brig "*Esperança*" is just upon the point of sailing again for the Coast of Africa upon a slaving-expedition. This is the same vessel which, as reported to your Lordship by His Majesty's Commissioners, in their Despatch, of the 23d January, 1836, was denounced in Lord Howard de Walden's Despatch of the 21st of February, 1835, and which Lieutenant Brooking, of His Majesty's schooner "*Pike*," brought into this port as prize on the 20th of January.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 141.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received November 5.)

MY LORD,

Havana, 2nd September, 1836.

IN pursuance of the Instructions contained in your Lordship's Despatch, dated 7th July, 1836, which accompanied a Royal Commission dated the 29th of June previous, whereby His Majesty has been graciously pleased to appoint us, during the absence of Mr. Macleay, to act *pro tempore* as Judge and Arbitrator in the Mixed Court of Justice established here for the suppression of the illegal Slave Traffic, under the Treaty of the 28th June, 1835, between the King and Her Catholic Majesty, and in conformity with the Act of Parliament which has been passed for carrying the above Treaty into effect, we have the honour to acquaint your Lordship that we called yesterday on the Captain-General, and Dr. Madden, as Arbitrator *pro tempore*, took, in the presence of his Excellency, the oath prescribed by the Treaty. His appointment has also been officially announced to the Spanish Members of the Mixed Court of Justice, as well as to the Authorities of the Havana.

We beg leave to assure your Lordship that we shall strictly follow the Instructions which have heretofore been addressed to His Majesty's Commissioners by the Secretary of State, and also such further Instructions as may from time to time be transmitted to us by His Majesty's commands, for our future guidance.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 142.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received November 5.)

MY LORD,

Havana, 13th September, 1836.

ON the 11th instant the colonial schooner "*Eliza*" arrived in this port from Honduras, conveying the very melancholy intelligence that the cholera morbus had manifested itself with some violence in that Colony, together with a report (we fear too well founded) that this calamity has been occasioned by the premature landing and distribution of the negroes of the "*Preciosa*," which vessel, however, we take the liberty to remind your Lordship, was, in conformity with his Grace the Duke of Wellington's Despatch of the 31st January, 1835, to His Majesty's

Commissioners, furnished by the British Arbitrator, previously to quitting the Havana, with a sufficient quantity of provisions to have enabled her to ride a quarantine of 30 days, had such a course been deemed requisite by the Authorities at Belize upon her arrival there. No official communication has reached this Commission upon the above subject, but the Captain-General has obligingly furnished us with a Copy (herewith enclosed) of the Superintendent's Despatch relating to the mission of the schooner and the demand made for succour and medicines, which met with the most immediate and sympathetic attention from the Authorities of Havana.

His Majesty's Judge, *ad interim*, feels it his duty to acquaint your Lordship that the Captain-General availed himself at an interview, which took place on the arrival of this unhappy intelligence, to allege it as a further justification of the determination which his Excellency has considered it his duty to make in refusing to permit the landing of the emancipated negroes, or the formation of any depôt or lazaretto for them in the neighbourhood of this dense population. And his Excellency added his belief that, unless some efficient measures were adopted by His Majesty's Government to enable these unfortunate beings to be thoroughly re-established after the hardships of their voyage and the numerous diseases engendered thereby, there would always exist a great probability of introducing fatal and contagious maladies into the Colonies of His Majesty, whenever a cargo should be transmitted without full and due precaution having been observed, more especially by such vessels as may arrive during the summer months from the Coast of Africa.

The above remarks, so far as they regard the objections of the Captain-General, would doubtless merit most serious consideration, but for the notorious fact that slaves continue to be landed at all periods of the year throughout the Coasts of this Island, with impunity, and in the full knowledge of the local Government. It is, however, true that the cholera has caused considerable loss this year to the proprietors of those estates which are most contiguous to the places resorted to by the slave-vessels for landing their cargoes.

Should it unfortunately be proved that the cholera morbus has been communicated to Honduras by the introduction of the negroes of the "*Preciosa*," and that the resistance of the Captain-General upon the question of permitting a temporary landing of the emancipated negroes proves ineffectual, His Majesty's Commissioners venture to hope that your Lordship will take into consideration the adoption of some other measures to remedy this impending evil, and to prevent the recurrence of so severe a calamity.

It is lamentable to contemplate the frightful ravages which the extension of this dreadful malady may cause throughout the Continent of America, should its progress not be arrested at the present point; but it furnishes one more and most truly distressing proof for the necessity of an unrestricted combination upon the part of every enlightened Government to pursue the strongest measures for putting an end to the Slave Trade.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

Enclosure in No. 142.

(Copy.)

*His Majesty's Superintendent to the Captain-General.*

MOST EXCELLENT SIR,

*Honduras, 28th August, 1836.*

THE Settlement under my Government is unhappily visited by that dreadful malady the cholera morbus, and we are greatly in want of the medicines which are considered necessary in the treatment of this disorder.

I have, under these circumstances, sent the Colonial Government schooner "*Eliza*" to the Havana, as the nearest port by which I may hope to obtain a supply.

The Master of the vessel has been instructed to display a yellow flag when off the port, and to deliver this Despatch to your Excellency, with which I have enclosed an open Letter for His Britannic Majesty's Consul at the Havana, and another for a merchant to supply the funds requisite for defraying the cost of the medicines.

May I therefore, under the awful calamity under which this place is suffering, entreat your Excellency's aid and assistance in facilitating the attainment of the object for which the vessel is despatched?

I have, &c.

(Signed) J. G. ANDERSON,

*Superintendent and Commandant.*

*The Captain-General,*

&c.

&c.

No. 143.

*His Majesty's Commissioner to Hon. W. Fox Strangways.*—(Received Nov. 5.)  
(Extract.)

SIR,

Havana, 22d September, 1836.

WITH reference to Viscount Palmerston's Despatch to His Majesty's Commissioners, of the 15th June, 1836, transmitting to this Commission Copies of the several Conventions for the suppression of the Slave Trade, which have been acceded to by the Kings of Denmark, Sardinia, and Sweden with His Majesty, I beg leave to acquaint you, for the information of his Lordship, that up to this date no Instructions have reached the Consuls of Denmark and Sardinia, to watch over and restrict the subjects of their nations residing here from engaging in the Slave Trade.

Sweden has no Consul at Havana, although vessels of that nation visit the port, and I have reason to fear that slavers avail themselves of this flag.

Neither the French nor Dutch Consuls-General are furnished with instructions to denounce to their Governments acts of slave-dealing; nor are the French vessels-of-war which visit this port *monthly*, making the round from Martinique to Carthagena, Havana, Tampico, Vera Cruz, and Havana again, provided with the slave suppression Papers.

So soon as I shall have ascertained, in a satisfactory manner, that the agents resident here of any of these *powers*, parties to the Treaty for the suppression of the Slave Trade, are duly instructed to notice acts of slave-dealing upon the part of the subjects of their nations, I shall denounce to the several Consuls every Case that may come to my knowledge upon good authority.

I have, &amp;c.

(Signed) EDWARD W. H. SCHENLEY.

*The Hon. W. Fox Strangways,*  
&c. &c.

No. 144.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received November 5.)

MY LORD,

Havana, 24th September, 1836.

WE beg leave to acknowledge the receipt of your Lordship's Despatch, dated 10th of August, 1836, transmitting to us a Copy of your Lordship's Despatch to Mr. Consul Tolmé, on the subject of that Officer's having, in his capacity of British Consul, incautiously certified the Clearances of 3 Spanish vessels which he had reason to fear were notorious slavers. We deeply lament this occurrence; the more so as, had the slightest intimation of such an intention upon the part of the Consul been communicated to His Majesty's Commissioners, the danger of taking such an imprudent step would have been immediately pointed out.

We have, &amp;c.

(Signed) EDWARD W. H. SCHENLEY.  
R. R. MADDEN.

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

No. 145.

*His Majesty's Commissioner to Hon. W. Fox Strangways.*—(Rec. November 5.)

SIR,

Havana, 28th September, 1836.

SEVERAL weeks having elapsed since the return of the slave-schooner "*Preciosa*" from Belize, I am fearful lest Viscount Palmerston should consider that undue delay has taken place in carrying into effect the final part of the sentence upon that vessel.

I beg leave, therefore, to acquaint you, for his Lordship's information, that considerable difficulty has been experienced in the endeavour to find persons who will, for any moderate sum, undertake to break up this vessel in such a manner as I have felt it my duty to insist upon; and the offers which have been made, in

reply to the advertisements which the Spanish Commissary Judge and myself have caused to be published in the official newspaper of the Government, are universally declined when the precise nature of the operation is explained. No doubt exists in my mind that the intention is, if possible, to take the vessel to pieces in such a way as to preserve her model, in Cases like the present one, when the vessel has proved superior qualities of sailing, and then put her together with a thorough repair for another voyage.

This subterfuge I am resolved to prevent by visiting the yard during the "breaking up entirely" of the vessel; and the present delay is owing to a proposal made to the Royal Marine Department to undertake the operation with Government shipwrights.

I fear, however, that, by whatever means this duty is executed, the expense will be considerable, labour being enormously high, and old fire-wood unsaleable.

I would therefore take the liberty to suggest whether it might not be desirable to burn these vessels, in cases where it can be clearly proved that the expense of breaking up will exceed the amount of the sale of the materials.

I had entertained some doubts upon my mind with regard to the efficacy of this part of the New Treaty, which, however, are now entirely removed by witnessing the attempts made to evade it, and learning that the slave-traders are exceedingly annoyed by the adoption of it, as they are well aware how much of chance there exists in the sailing qualities of vessels.

I trust that, by the next packet to England, I may have it in my power to report to Viscount Palmerston, in a satisfactory manner, the final destruction of the "*Preciosa*."

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

*The Hon. W. Fox Strangways,*  
&c. &c.

No. 146.

*His Majesty's Commissioner to Hon. W. Fox Strangways.*—(Received Nov. 5.)

SIR,

*Havana, 28th September, 1836.*

I BEG to acquaint you, for the information of Viscount Palmerston, that the negro boy, one of the cargo of the "*Preciosa*," whom I detained here in consequence of his being stone blind at the period of the departure of the last shipment of convalescent negroes for Honduras, has, through the unremitting attention of Dr. Edward Finlay, and a course of treatment which I felt myself authorized to sanction, so far recovered his sight as to be able to move about an enclosed garden without assistance. There is reason to hope he may continue to mend; and should he so far recover his sight as, in the opinion of the Medical Inspector, to be fit to follow his companions in misfortune, it is my intention to transmit him by the next of His Majesty's packets to Belize.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

*The Hon. W. Fox Strangways,*  
&c. &c.

No. 147.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 8th November, 1836.*

I HEREWITH transmit, for your information and guidance, a Copy of the Regulations which the Mixed and Spanish Court at Sierra Leone issued to the Officer of that Court in regard to the breaking up of vessels condemned under the Treaty between Great Britain and Spain, of the 28th of June, 1835, and an Extract from a Despatch which I addressed to His Majesty's Commissioners in that Colony upon the subject.

I am, &c.

(Signed)

PALMERSTON.

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

First Enclosure in No. 147.  
(See First Enclosure in No. 33, p. 34.)

Second Enclosure in No. 147.  
(No. 34, p. 5.)

No. 148.

*His Majesty's Commissioners to Viscount Palmerston.—(Received November 28.)*

MY LORD,

*Havana, 30th September, 1836.*

THE only movements of vessels employed in the Slave Trade which His Majesty's Commissioners have been able to obtain information of with sufficient accuracy to report officially to your Lordship during the month are, the departure for the Coast of Africa of the Portuguese brig "*Esperança*," alias "*Minerva*," alias "*Mercury*," — Carvalho, Master, the vessel which Mr Schenley had the honour to report as nearly ready for sea, in his Despatch of the 31st of August, and which has formed the subject of several Despatches from His Majesty's Minister at Lisbon, together with the arrival from the Island of Principe of the notorious Spanish slave-brig "*Galgo*," after having landed in the vicinity of Havana between 500 and 600 negroes.

His Majesty's Commissioners, being assured of the correctness of the name of this vessel, denounced her to the Captain-General. His Excellency has submitted the Case, as is customary, for the investigation of the Marine Department, and His Majesty's Commissioners will have the honour to furnish your Lordship with a detailed account of these proceedings, when they receive the Captain-General's final answer.

His Majesty's Commissioners wish that they could impart to your Lordship any belief that the paucity of their monthly list of arrivals and departures might be taken as evidence of a decrease in the infamous enterprises for slave-trading; the contrary is the fact. But although every obstacle is thrown in the way of the Commissioners to prevent their obtaining the names of slave-vessels, yet it grieves them to assure your Lordship that several have left this port during this past month of September, as well with the Spanish as the Portuguese flag, under more than suspicious circumstances. This latter flag seems now to be made great use of by the vessels from this port, as covering that most important clause in the New Treaty, the Equipment Article, and several transfers of well-known slave-vessels having recently taken place here. His Majesty's Commissioners believe that they have been made in favour of Portuguese subjects, with a view to the benefit which the flag of that nation so shamefully confers upon them, when chased and boarded under the above Article by His Majesty's cruisers.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.  
R. R. MADDEN.

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

&c.

&c.

&c.

No. 149.

*His Majesty's Commissioner to Viscount Palmerston.—(Received Nov. 28.)*

(Extract.)

MY LORD,

*Havana, 4th October, 1836.*

WE beg leave respectfully to refer your Lordship to our Despatch, wherein we had the honour to report the arrival in this harbour of the Spanish brig "*Galgo*," one of the most notorious slavers owned in the Havana, after a successful voyage.

We now transmit, for your Lordship's information, Copies of the Correspondence between His Majesty's Commissioners and the Captain-General relative to this vessel.

Your Lordship will perceive that these Documents exhibit, nearly verbatim, the usual prevaricatory system which, under a studied semblance of legality, continues to be pursued in such Cases.



Although we are aware that strict orders are given by the Owners of slave-vessels to clear them, the moment the slaves are landed, of everything which might be taken as evidence of the nature of the voyage, in the event of falling in with any of His Majesty's cruizers, yet, so short a period had elapsed between the landing of the cargo from the "*Galgo*," her arrival in port, and our denunciation of her, that it is impossible for us to give the slightest credence to the report of, or the alleged examination by, the Marine Department.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

### First Enclosure in No. 149.

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

(Copy.)

*Havana, 21st September, 1836.*

The undersigned Commissioners of His Britannic Majesty, under the Treaty for the suppression of the Slave Trade, have the honour to acquaint his Excellency the Captain-General, that it will be their duty to report to their Government the arrival in this port, yesterday, of the Spanish brig "*Galgo*," from the Coast of Africa, after having landed a large cargo of slaves on the Coast of this Island.

The Undersigned trust that, so short a period having elapsed since the arrival of this vessel in the port of Havana, an immediate inspection of her by the proper Authorities may furnish sufficient traces that she has been engaged in illicit Slave Trade, to enable her to be brought for trial before the competent Court.

We have, &c.

(Signed)

E. W. H. SCHENLEY.

R. R. MADDEN.

*His Excellency the Captain-General,*

&c.

&c.

### Second Enclosure in No. 149.

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

(Translation.)

*Havana, 22d September, 1836.*

GENTLEMEN,

HAVING referred to the Second Assessor-General (First *pro tempore*) of the Government your communication of yesterday respecting the arrival in this port, from the Coast of Africa, of the Spanish brig "*Galgo*," he has this day replied to me as follows:—

"MOST EXCELLENT SIR,

"In virtue of what Her Majesty has been pleased to direct, by Royal Order of the 2d of January, 1836, in Cases like the present, it is my opinion that your Excellency should forward a Copy of the communication of the British Commissioners in the Mixed Court of Justice, established in this Island in virtue of the last Treaty, to the Commandant-General of Marine of this port, in order that he may direct the necessary investigation to be proceeded in, and acquaint your Excellency with the result, which will serve as an answer to the said Commissioners, or whatever your Excellency may deem most advisable."

And I, having conformed with the above advice, now transcribe it for your information, as a provisional answer to your before-mentioned Official Note.

God preserve you many years.

(Signed)

MIGUEL TACON.

*His Majesty's Commissioners,*

&c.

&c.

&c.

### Third Enclosure in No. 149.

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

(Translation.)

*Havana, 3d October, 1836.*

GENTLEMEN,

HAVING referred to the Commandant-General of Marine your Official Note of the 21st September last, respecting the arrival in this port, from the Coast of Africa, of the Spanish brig "*Galgo*," Don Pedro Candal, Master, that Officer has sent me a Copy of the proceedings which he caused to be made, in order to ascertain whether the said vessel had been employed in the prohibited traffic of bozal negroes; and it not appearing therefrom that she has been engaged in this illicit commerce, I enclose, for your information, a certified Copy of the Report of the Fiscal, named for the purpose.

God preserve you many years.

(Signed)

MIGUEL TACON.

*His Majesty's Commissioners,*

&c

&c.

&c.

### Sub-Enclosure in No. 149.

*Senor Commandant of Registers of this Province.*

(Translation.)

FROM the declarations taken in these proceedings and the examination of the Log-book, with which they have been compared, it does not appear that the brig "*Galgo*," Captain Candal, has been engaged in the prohibited traffic in slaves; since his Declaration states, that he made a voyage to San Pablo de Loanda with permitted articles, returning in ballast directly to this port, and anchoring therein without the least novelty. This being the result of the aforesaid Declaration, I consider the said Candal to be free of all responsibility, saving your judgment, to which I defer.

*Havana, 30th September, 1836.*

(Signed)

JOAQUIN ZUAGO,

*Senor Commandant-General of this Station.*

It being proved by these proceedings, composed of the Declarations of 6 individuals of the Spanish brig "*Galgo*," that her Captain, Don Pedro Candal, was not engaged in the illicit traffic in slaves, but carried to the port of their destination a cargo of permitted articles of commerce, I beg to remit to you, with the summary of the proceedings, the Log-book in which the particulars of their voyage are entered.

Havana, 30th September, 1836.

(A true Copy.)

(Signed)  
(Signed)

EL CONDE DE LOS ANDES.  
ANTONIO M<sup>a</sup>. DE LA TORRE Y CARDENAS.

No. 150.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received November 28.)

MY LORD,

Havana, 15th October, 1836.

OWING to the dilatory system which reigns in the public departments of this Island, we are not yet able to furnish your Lordship with any satisfactory account of the final execution of the sentence of the Mixed Court upon the Spanish schooner "*Preciosa*."

We, however, have the honour to transmit Translations of the Official Letters, Nos. 1 and 2, which have passed upon the subject. By No. 2 your Lordship will perceive that the Judges have accepted the offer of Don Jayme Andrew to perform this service for the sum of 440 dollars. As, however, the description of labour requisite in this Case is exceedingly difficult to obtain, and as His Majesty's Judge has thought it his duty to require that the vessel shall be broken up in such a manner as effectually to fulfil the provisions of the Treaty, we fear that several months may consequently elapse before we can forward the final details respecting the sale of the materials.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.  
R. R. MADDEN.

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

&c.

&c.

&c.

First Enclosure in No. 150.

(Translation.) *The Commandant-General of Marine to the Mixed Commission.*

MOST EXCELLENT SIR,

Havana, 8th October, 1836.

HAVING referred to the Chiefs of the Arsenal your Excellency's Official Note of the 5th instant, in which you are pleased to enclose two proposals made for the breaking up of the merchant-schooner "*Preciosa*," captured with a cargo of bonal negroes, they have written me as follows:—

"SEÑOR COMMANDANT-GENERAL,

HAVING examined the two accompanying propositions made by Don Jayme Andrew and Don Feliciano Sanchez, for breaking to pieces the Spanish merchant-schooner "*Preciosa*," and other duties therein expressed, relative to the materials and pieces composing the vessel, we beg leave to acquaint you that we find that of Don Jayme Andrew most proper and admissible, inasmuch as it is 10 dollars below that of Sanchez, and does not demand storage at the end of 6 months, which is all we have to state, in conformity with the superior decree which precedes.

"Royal Arsenal of Havana, 8th October, 1836.

(Signed)

"DIONISIO GUIVAL, P.Y.D.C.P.  
"JOSE NAVARRO."

And as no better means are known for carrying the destination of the vessel into effect than those proposed, the opinion of the two Chiefs could be no other than that one of these two proposals should be adopted; the most favourable, therefore, being chosen as even preferable to the vessel's destruction by this Administration.

God preserve your Excellency many years.

(Signed)

JUAN DE TOPETE.

*His Excellency the President of the Mixed Commission,*

&c.

&c.

&c.

Second Enclosure in No. 150.

(Translation.)

*The Mixed Tribunal to the Captain-General.*

MOST EXCELLENT SIR,

Havana, 13th October, 1836.

By a decree of this day's date, the Mixed Court of Justice has ordered the destruction of the Spanish merchant-schooner "*Preciosa*," which was captured with a cargo of bonal negroes, according to the proposals made by Don Jayme Andrew, which were duly considered and investigated; and in order that the vessel may be delivered to the said individual by formal inventory, and the operation proceeded in with our intervention and knowledge, we request that your Excellency will be pleased to address the Commandant-General of Marine of this Station, for the purpose of his delivering up the

vessel to the before-mentioned Andrew, in the form agreed upon; and also that you will be pleased to remit to us the Inventory to be made, for the purpose of affixing it to the archives.

God preserve your Excellency many years.

(Signed) EL CONDE DE FERNANDINA.  
E. W. H. SCHENLEY.

*His Excellency the President-Governor and Captain-General,*  
&c. &c. &c.

No. 151.

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

MY LORD,

*Havana, 25th October, 1836.*

ALTHOUGH the established custom in this Commission has been to forward, at the expiration of each month, a List of arrivals and departures of vessels engaged in the Slave Trade at this port, yet the circumstances which we have now the honour to lay before your Lordship will, we trust, warrant our departure from this rule.

During the months of August and September there arrived here, for sale, from the United States, several new schooners, some of which were already expressly fitted for the Slave Trade.

Amongst them we have been able to ascertain the names of four, viz. "*Emanuel*," "*Dolores*," "*Anaconda*," and "*Viper*." They vary in size from 50 to 150 tons; their construction is of the slightest possible description; their rig that of the New York pilot-boats, and such as is very much in use by the coasting traders of the ports of this Island. They are furnished with 30 sweeps, are unarmed, of very light draught of water, and certainly a class of vessel admirably adapted for escaping from and deceiving His Majesty's cruisers.

The present system under trial by the slave speculators is, that they shall leave the Coast of Africa in convoys of 3 or 4, trust entirely to speed, and, in the event of being hard pressed by chase, to sacrifice one of their number for the purpose of securing, if possible, the safety of the others.

We considered this information of sufficient importance to make it the subject of a Despatch to the Commander-in-Chief of His Majesty's squadron upon this station, of which we have the honour to transmit, for your Lordship's information, a Copy.

The "*Emanuel*" and "*Dolores*" were purchased, and have since left the port (we believe with other names), on slaving-expeditions, under the Spanish flag.

But to our astonishment and regret we have ascertained that the two latter vessels, the "*Anaconda*" and "*Viper*," the one on the 6th, the other on the 10th current, cleared out and sailed from hence for the Cape de Verde Islands, under the American flag.

These two vessels arrived in the Havana, fitted in every particular for the Slave Trade, and took on board a cargo which would at once have condemned as a slaver any vessel belonging to the nations that are parties to the Equipment Article. It is unnecessary for us to occupy your Lordship's time with a recital of the various evils which will arise, should a continuance of this scandalous and open abuse of the American flag be countenanced by that Government.

It is, nevertheless, our duty to state, that the slave-dealers have conceived great hopes of being able to cover their nefarious speculations in this way, founded upon the definitive determination of the President "not to make the United States a party to any Convention on the subject of the Slave Trade;" and, judging from the observable impetus which their view of the above declaration has given to the Slave Trade, we fear that, before any representation can reach Washington, many similar enterprises will have been embarked in. Thus, my Lord, so far as we are informed, or able to draw an inference from these distressing details, the expression of the above determination by the head of a free Government upon a subject represented as being "an object in which every branch of the Government and the whole people of the United States feel a deep solicitude," has been the means of inducing American citizens to build and fit in their own ports vessels only calculated for praxy or the Slave Trade, to enter this harbour, and, in concert with the Havana slave-traders, take on board a prohibited cargo, manacles, &c., and proceed openly to that most notorious depôt for this iniquitous traffic, the Cape de Verde Islands, under the shelter of their national flag. As a further exemplification of the mistake which we consider that Government to have made in withholding its consent to the

recent Conventions, we may add that, while these American slavers were making their final arrangements for departure, the Havana was visited more than once by American ships of war, as well as British and French.

His Majesty's Commissioners, therefore, are not without a hope that a recital of the above facts, and the return thus made by some of the citizens of the United States to their Government for the jealous care with which it has sought to preserve their "rights and dignity," in refusing to accede to the only efficacious measures yet put into operation for the suppression of the Slave Trade, (*i. e.*) the mutual right of search and the Equipment Article, that Government will be induced to reconsider the consequences thus likely to ensue should it permit the present facilities to exist.

It is true that the mockery of a sale, or transfer to a Portuguese subject, is to be enacted when these vessels reach their present destination; but such an excuse, if offered, can never be admitted in extenuation of the crime which we hold all concerned in the expedition to be guilty of.

As the cargoes of these vessels were placed on board them by the French house of Forcade and Co., established here, His Majesty's Commissioners considered it their duty to address a Letter to the French Consul-General upon the subject, of which we have the honour to enclose a Copy, together with that gentleman's reply.

We also addressed a Letter to the American Consul, of which we beg leave to enclose a Copy, together with the reply made by the American Vice-Consul, the Consul being absent from his post, but expected to return in a few days.

We likewise have the honour to transmit to your Lordship Copies of the Correspondence which has passed relative to these schooners, between His Majesty's Commissioners and the Captain-General. The Documents will furnish your Lordship with a tolerable specimen of the evasions which it is almost universally the lot of His Majesty's Commissioners to contend against. Our Letter is first submitted to the Intendant, who, with a degree of incongruity only Spanish, replies by giving as a reason for his not acquiescing with our demands *now*, that he did so upon a former occasion (*i. e.* in the case of the "*Socorro*"), but without, however, having previously taken the precaution to inquire from the Captain-General whether acceding to our demands would be "important to the service of Her Majesty." This demand, which upon the present occasion he makes, gives the Captain-General an opportunity to submit the case to the Assessor, who replies that he does not comprehend any utility likely to be produced to the royal service, or of admitting the innovation which he considers furnishing the Commissioners with the information they desire would introduce into the Custom-House Department, and the Captain-General, availing himself of this legal opinion, forwards it as his negative to our communication.

The only point gained by our application has been the tacit admission of the truth of the statements which it contains.

The American Vice-Consul having obligingly furnished us with the most important part of the information which we asked from the Captain-General, viz., the names of the Americans under whose charge, as Masters, these vessels quitted the Havana, his Excellency's refusal is of little importance. The subjoined List gives the date of clearance and the names of the Masters, from the books of the American Consulate.

Since the subject of this Despatch has been before his Excellency and his legal advisers, we are enabled to add the names of two more American vessels, the "*Fanny Butler*" and "*Rosanna*," as having proceeded to the Cape de Verde Islands and the Coast of Africa under the flag of that nation, upon the same inhuman speculation.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

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

&c.

&c.

&c.

|                      |                 |         |                             |
|----------------------|-----------------|---------|-----------------------------|
| <i>Anaconda,</i>     | William Knight, | Master, | cleared on the 4th instant. |
| <i>Viper,</i>        | H. Galt,        | ditto   | ditto 8th                   |
| <i>Fanny Butler,</i> | Allen Richard,  | ditto   | ditto 22d                   |
| <i>Rosanna,</i>      | George Chason,  | ditto   | ditto 22d                   |

EDWARD W. H. SCHENLEY.

## First Enclosure in No. 151.

*His Majesty's Commissioners to Admiral Sir P. Halkett.*

Havana, 11th October, 1836.

SIR,

WE deem it right to acquaint you, with the view to informing His Majesty's cruizers, that the Slave Traders in Havana are now adopting a new system for carrying on their nefarious traffic, by employing Baltimore schooners of from 50 to 120 tons. These vessels are of the lightest possible description of build, and are provided with 30 sweeps; their rig is that of the New York pilot-boat, that is to say, flying gaff-topsails upon both masts, and they are for the most part unarmed, their intention being now to trust entirely to speed. As they have much the appearance of the coasting vessels or droguers employed in the trade of this Island; they might easily be mistaken for such, and escape the vigilance of His Majesty's cruizers. The principal reason for adopting these smaller vessels is, that they shall leave the Coast of Africa in squadrons of not less than 3 or 4, and when fallen in with by any one of the men-of-war, one is to be sacrificed to secure the safety of the others.

We have also learnt that there are 3 Dutch-built vessels (galions) at present employed in the Slave Trade, also with a view to deceiving His Majesty's cruizers.

We have, &amp;c.

Vice-Admiral Sir P. Halkett, Kt. G. C. H.  
&c. &c. &c.

(Signed) E. W. H. SCHENLEY.  
R. R. MADDEN.

## Second Enclosure in No. 151.

*His Majesty's Commissioners to the French Consul-General.*

Havana, 10th November, 1836.

SIR,

WE have the honour to acquaint you, under the Treaties which exist between His Majesty and the King of the French for the suppression of the Slave Trade, with its having come to our knowledge that two schooners under American colours, namely, the "*Anaconda*" and "*Viper*," have been despatched from this port to the Cape de Verde Islands, there to be transferred to Portuguese subjects, and, under the colours of that nation, to proceed upon a slaving-voyage to the Coast of Africa.

The equipment, lading, and despatching of these vessels having been executed by the house of Forcade, whom we believe to be a subject of the King of the French, we consequently deem it to be our duty to lay these circumstances before you as being of a nature obligatory upon us to report to our Government.

We have, &amp;c.

(Signed) E. W. H. SCHENLEY.  
R. R. MADDEN.

*Monsieur Mollien, Consul-Général du Roi des Français, à l'Havane.*

## Third Enclosure in No. 151.

*The French Consul-General to His Majesty's Commissioners.*

(Translation.)

Consulate-General of France in the Island of Cuba,

GENTLEMEN,

Havana, 17th October, 1836.

I HAVE the honour to acknowledge the receipt of the Letter which you wrote to me, under date of the 10th instant, relative to the infamous Traffic in Negroes. I trust that you have addressed similar letters to the Captain-General and to the American Consul, and that our united efforts may succeed in putting a stop to these odious undertakings.

Accept, &amp;c.

*The Slave Trade Commissioners.*

(Signed) MOLLIEEN.

## Fourth Enclosure in No. 151.

*His Majesty's Commissioners to the American Consul.*

Havana, 17th October, 1836.

SIR,

WE have the honour to acquaint you with the following circumstances as being intimately connected with your Consulate and the flag of your nation, which it will be our painful duty to report to His Majesty's Government.

During the month of September, there arrived in this port, for sale, from the United States, four new schooners, we believe two from New York and two from Baltimore, all, however, built at the latter place, viz., the "*Anaconda*," "*Viper*," "*Emanuel*," and "*Dolores*," expressly constructed and peculiarly fitted for carrying on the Slave Trade, the two former of these vessels having received on board, from the French house of Forcade and Co., a cargo which, by the Treaty of the 23th June, 1835, would have condemned as a slaver any vessel bearing Spanish colours: cleared out and sailed under the American flag, the "*Anaconda*" on the 6th, the "*Viper*" on the 10th instant, for the Cape de Verde Islands, there to be transferred to a Portuguese subject, and to proceed with the flag of that nation to the Coast of Africa upon a slaving enterprise. The protection which these schooners will receive from the American colours, both as regards their fitting and cargo, will effectually secure them against capture by His Majesty's cruizers until they arrive at the scene of their depredations. The "*Emanuel*" and "*Dolores*" have, we believe, left the port under the Spanish flag; but we have also to inform you that some short time since, the brig "*Martha*," of Portland, which arrived here from Matanzas, took on board in this harbour a cargo which would equally have confiscated as a slaver any Spanish vessel, and sailed direct for the Coast of Africa to deliver it at some of the numerous factories or dens of infamy established there in connexion with the slave-traders of Havana.

The facilities thus afforded by the flag of the United States for carrying on this inhuman traffic, could never, we feel convinced, have been contemplated by your enlightened Government; however, we do not entertain the least doubt but that a knowledge of the above circumstances will instantly

produce measures calculated to remedy so deplorable and flagrant a profanation of the American colours, especially as, during the period that these schooners were taking in their cargoes, the harbour was visited by American men-of-war, which, had any Convention existed between the two Governments, such as has been acceded to by almost every other maritime power, a seizure of the most important nature, as regards these iniquitous expeditions, must have been effected.

N. P. Trist, Esq.,  
&c. &c.

We have, &c.  
(Signed) E. W. H. SCHENLEY.  
R. R. MADDEN.

### Fifth Enclosure in No. 151.

*The American Vice-Consul to His Majesty's Commissioners.*

GENTLEMEN,

*Consulate of the United States, Havana, 19th October, 1836.*

I HAVE the honour to acknowledge the receipt of your communication under date of the 17th instant, addressed to N. P. Trist, Esq., Consul of the United States.

Mr. Trist is now absent on a visit to the United States, and is expected to return here early the next month; I shall, on his arrival here, lay your communication before him.

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

I have, &c.  
(Signed) J. A. SMITH, *Vice-Consul.*

### Sixth Enclosure in No. 151.

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

MOST EXCELLENT SIR,

*Havana, 10th October, 1836.*

IT having come to the knowledge of His Majesty's Commissioners for the suppression of the Slave Trade, that the American schooners "Anaconda" and "Viper," the former on the 6th, the latter on the 10th, despatched by the house of Forcade and Co., have left this harbour under very suspicious circumstances for the Cape de Verde Islands, the Commissioners have the honour to request that your Excellency will be good enough to cause them to be furnished with a Copy of the Custom-house Clearances, together with the names of the Masters of these vessels, in order that their representations to His Majesty's Government of this suspected attempt under the American flag to cover an enterprise for trading in slaves may be as complete as possible.

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

We have, &c.  
(Signed) E. W. H. SCHENLEY.  
R. R. MADDEN.

### Seventh Enclosure in No. 151.

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

(Translation.)

GENTLEMEN,

*Havana, 24th October, 1836.*

HAVING communicated to the Most Excellent Señor Superintendent, &c., your Official Letter of the 10th current, wherein you request from me Copies of the Custom-house Registers of the American schooners "Anaconda" and "Viper," he replied to me on the 14th of this month as follows:—

"MOST EXCELLENT SIR,—On the 9th of June last, upon another pretension of His Britannic Majesty's Commissioner of Arbitration, I stated to your Excellency as follows:—'MOST EXCELLENT SIR,—Your Excellency's Official Letter of the 1st of this month, enclosing that of the Commissioner of Arbitration, dated the 30th of last month, respecting the Spanish ship "Socorro" having been placed before the Royal Custom-house Department, the following was the answer, dated yesterday: Most Excellent Sir, It is not found inconvenient by this general Administration, that your Excellency considers it right that they should provide the British Commissioners with a Copy of the Register with which the Spanish ship "Socorro" sailed; and I inform you that the manifest destination of her trading was Manilla, for which place she took in her principal cargo, wood, aguardiente, money, and cordage, and for that reason she was not included in the Note, which in each Case is forwarded to your Excellency, of the vessels which open a register for the coast of Africa.

"Yet this is a novelty in the system of the Royal Treasury which requires the qualification of your Excellency's superior authority every time to introduce it when there may not be the inclination nor practice to forward similar Documents; on which subject I esteem it indispensable that your Excellency may deem fit to inform me if it is important to the service of Her Majesty, and if so decided, that I may give the consequent order to the said Royal Custom-house Department.'

"And I repeat this to your Excellency in answer to your Official Letter of the day before yesterday, concerning the American schooners 'Anaconda' and 'Viper,' to the same end, and because the terms in which it concludes accord with the suitable decision."

And having forwarded the whole for the opinion of the Second Assessor-General, he explained to me on the 22d current that which follows:—

"MOST EXCELLENT SIR,—The Assessor cannot comprehend any utility likely to be produced to the royal service in introducing into the Department of the Royal Treasury the new arrangements, which would be the result of acquiescing in the request of the British Commissioners of the Mixed Court of this Island; and on that ground I am of opinion, that it be stated in reply to his Excellency the Señor Intendant, that this innovation ought not to be permitted, as likewise to the said Commissioners, in order that they may understand the impossibility of furnishing them with the Documents they wish for.

"Your Excellency will be pleased to direct the adoption of these or any other arrangements which you may esteem more fitting."

And, Gentlemen, agreeing with the above expressed opinion, I herewith transmit it in reply to your before-quoted communication.

God preserve you many years.  
(Signed) MIGUEL TACON.

The Commissioners of His Britannic Majesty,  
&c. &c. &c.

No. 152.

*His Majesty's Commissioner to Viscount Palmerston.*—(Received December 6.)  
MY LORD, Havana, 31st October, 1836.

CONFORMABLY with the Regulations always observed in this Commission to transmit, at the end of each month, a List of the arrivals and departures of slave-vessels at this port, we herewith have the honour to subjoin, for your Lordship's information, the following names :

| <i>Departures.</i> |                         |                  |               |
|--------------------|-------------------------|------------------|---------------|
| American schooner  | Anaconda,               | Spanish schooner | Rosarita,     |
| " "                | Viper,                  | " "              | Emanuel,      |
| " brig             | Martha (since returned) | American ship    | Rosanna,      |
| Spanish schooner   | Manuelita,              | " schooner       | Fanny Butler, |
| " "                | Dolores,                | Spanish "        | Julia,        |
| " ketch            | Moratin,                | " "              | Preciosa,     |
| " schooner         | Carlota,                | " "              | Urraca.       |

*Arrival.*

3d October. Portuguese schooner Maria Theresa.

This is the well-known Portuguese slaver (the only Case of arrival which has reached us) reported to your Lordship by Mr. Macleay, in his Letter of the 19th January, 1833; and there is every ground for believing her to be the same vessel we find mentioned in the Parliamentary Papers for the year 1835, as having, in the month of July in that year, committed an outrage against the town of Winnebah, one of the stations on the Gold Coast. As she entered the harbour under the Portuguese flag, and it being a notorious fact that she never was Spanish property or under the Spanish flag, the Acting Judge, aware that it had never been the practice in this Commission, as well as of the total inutility of denouncing vessels under any other flag than the Spanish to the Captain-General, saw no reason, in this instance, to deviate from the usual regulations of the Commission.

We have, &c.  
(Signed) EDWARD W. H. SCHENLEY.

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

No. 153.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received December 6.)  
MY LORD, Havana, 2d November, 1836.

ON the 17th ultimo His Majesty's Commissioners obtained information, through a channel of a sufficiently authentic description, to induce them to address a Letter to the Captain-General, stating that it would be their painful duty to report to their Government, that there were strong grounds for believing that the shameful resumption of the contracts to supply the province of Texas with bozal negroes had recently been attempted by the Havana slave-dealers. We have the honour to forward a Copy of this Letter, together with a Translation of the Letter which has been addressed by his Excellency to the Commissioners relating to this subject. Your Lordship will readily perceive the attempt upon the part of the First Assessor-General, if possible, to impose upon the Commissioners the odium of public accusers, which, however, in their judicial capacity, would not only be totally incompatible, but contrary to the Instructions of His Majesty's Government upon this head. The Commissioners, therefore, contented themselves with assuring the Captain-General that it was only in the strict fulfilment of their duty, and by no means with any intention to ridicule the laws of Spain, of this Local Government, and of the whole world, that they made a denouncement to his Excellency of a fact to which they, upon their parts, gave the fullest credence.

We have, &c.  
(Signed) EDWARD W. H. SCHENLEY.  
R. R. MADDEN.

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

## First Enclosure in No. 153.

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

MOST EXCELLENT SIR,

*Havana, 18th October, 1836.*

THE Undersigned, His Britannic Majesty's Commissioners for the suppression of the Slave Trade, deem it their duty to acquaint his Excellency the Captain-General, that a report has reached them (namely) that the iniquitous contracts, largely entered into some time back, with the slave-traders here, to supply individuals in the province of Texas with bozal negroes as slaves, and which were only put a stop to by the unsettled state of that country, are again resumed, and that several cargoes have recently left this Island in fulfilment of them.

The Undersigned are satisfied of the great indignation which the Captain-General will feel at the perpetration, within the immediate precincts of his Excellency's authority, of so serious a breach of every law human and divine, not only tending to perpetuate slavery under its worst form, but opening a new and almost incalculable field for the operations of their merciless depredations.

But the Undersigned venture to assure themselves, that the moment the Captain-General shall be aware of the above circumstances, he will, by the exercise of his powerful vigilance, at once put a stop to such nefarious transactions.

The Undersigned avail themselves of this opportunity to manifest to his Excellency their sentiments of high consideration and respect.

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

(Signed)

E. W. H. SCHENLEY.  
R. R. MADDEN.

## Second Enclosure in No. 153.

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

(Translation.)

GENTLEMEN,

*Havana, 29th October, 1836.*

HAVING placed your Communication of the 25th instant before the First Assessor-General for his opinion, he has answered me this date, as follows :

"MOST EXCELLENT SIR,—It appears to the Assessor that your Excellency's zeal that the laws may be executed, and strict justice administered, is very notorious ; but neither that laudable zeal, nor that constant anxiety for the order and preservation of public and private rights, can exercise itself, nor promote the measures of any class, if, meanwhile, certain facts are not laid before you, which might expose your Excellency to commit indiscretions or imprudencies, which might cause the equity or impartiality which prompted them to be suspected. On this ground he thinks it proper to reply to the Señores British Commissioners, that, in order to give directions for the end proposed, it would be necessary for these gentlemen to declare distinctly the cargoes they have made, by what persons, in what vessels, for what part of the Island, and of what negroes ; because, without these data, the Spanish laws, and those of all the world, prohibit a sinistrous proceeding which would ridicule the public authority without benefit."

Your Excellency will be pleased to arrange that thus these gentlemen may be answered, or in any way your Excellency may think fit.

God preserve you many years.

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

(Signed)

MIGUEL TACON.

## Third Enclosure in No. 153.

*His Majesty's Commissioners to the Captain-General.**Havana, 31st October, 1836.*

THE undersigned Commissioners of His Britannic Majesty for the suppression of the Slave Trade, hasten to reply to the official communication of his Excellency the Captain-General, dated this day, and transcribing for the information of the Commissioners the legal opinion, and a series of questions from the Señor First Assessor-General, upon the subject of the official communication of the Commissioners, dated the 25th current, relating to the transmission of negroes from the Island of Cuba to the province of Texas. The Undersigned beg leave to assure the Captain-General that they feel equal regret and astonishment at the possibility of so perverted a construction being given to their Letter, as to suppose them capable of wishing to ridicule the laws of Spain, of this local Government, and of the whole world.

The Undersigned consider it right, in the exercise of those duties which are confided to them by His Majesty's Government, to make known officially to the Captain-General, a report which had reached them upon a subject of the most important and interesting nature, to which the Commissioners gave full credence, and which they conceived might, by a possibility, not have reached the Captain-General.

It is no part of the duty of His Britannic Majesty's Commissioners to bring before or prosecute in Spanish Courts of Justice delinquents against Spanish laws ; but it would nevertheless be highly culpable in them were they to neglect any opportunity of communicating to the Captain-General reports similar to those which form the subject of their Despatch, of the 25th current, particularly when they feel assured that the energy and vigilance of his Excellency the Captain-General can effectually prevent a recurrence, and punish the offenders.

The Undersigned avail themselves of this opportunity, &c. &c.

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

(Signed)

E. W. H. SCHENLEY.  
R. R. MADDEN.



No. 154.

*His Majesty's Commissioner to the Hon. W. Fox Strangways.*—(Received Dec. 6.)

SIR,

Havana, 5th November, 1836.

I HAVE the honour to acquaint you, for the information of Viscount Palmerston, that, on the 26th ultimo, there arrived in this harbour the Spanish brig "*Empresa*," under the charge of Lieutenant Tindal, of His Majesty's ship "*Vestal*" (detained by Captain William Jones commanding that vessel on the 28th of September, off the Island of Granada), having 434 bozal negroes on board, likewise 5 of the Spaniards who composed part of the crew of the "*Empresa*." After performing a quarantine of 7 days, the Case was brought before the Mixed Court on the 3d current, when, after receiving the Captor's Declaration, examining the vessel's Papers, and taking the deposition of Lieutenant Tindal, the Court adjourned until this day, in order to give time for a strict search to be made after the Master, Contra Master, or Chief Pilot, and Second Pilot, who unfortunately escaped from the "*Empresa*" the night after she was released from quarantine. Finding that there was no likelihood of recovering these prisoners, the Spanish Judge, Count Fernandina, obligingly consented to proceed with the examination of the remaining 2 Spanish prisoners. This day the Court assembled, and 1 of the Spaniards having duly recognized the "*Empresa's*" Log-book, as well as establishing in a satisfactory manner the identity of the vessel and the nature of the voyage, the Court came to the resolution of condemning the "*Empresa*" as a good and lawful prize to His Majesty's ship "*Vestal*;" and on Monday the 7th, I have little doubt that the sentence will be signed to that effect. I regret that it is wholly impossible for me to forward any further particulars by this packet, which has arrived here 10 days earlier than any packet that has yet made the round of this voyage; but it gratifies me exceedingly to be able to acquaint you that, on the 28th September, Captain Jones detained and sent to the Bahamas the brig "*Phoenix*," under Portuguese colours, having 480 slaves on board; and again on the 20th September, the schooner "*Negruta*," also under Portuguese colours, with 336 negroes on board; making a total of 1,250 negroes captured by this Officer in 8 days.

The immediate effect of these captures has been to cause the Insurance Companies to decline all further risks; and one of the chief reasons assigned by these speculators is the superior qualities for sailing, which they have at length discovered to their cost, of the cruisers of His Majesty at present upon this station; so great indeed is their dread of His Majesty's brig "*Racer*," Captain Hope, now cruising off this port, that they have despatched, at an enormous expense, 3 fast-sailing vessels in ballast, to endeavour to fall in with and warn the notorious slave-ships "*Socorro*" and "*Palmira*," with any others they may chance to see, of the cruising ground which this vessel occupies; nevertheless, I have every expectation that the "*Racer*" may yet have the good fortune to get a sight of some of these celebrated vessels, in which case I regard their capture almost beyond a doubt.

It is painful to me to add that, by a private Letter I this day received from Major Anderson, the Acting Superintendent at Belize, there remains no longer any doubt that the cholera morbus was communicated to that Colony by the negroes of the "*Preciosa*." I am happy, however, to say that the disease is reported to be diminishing.

You will, I trust, Sir, pardon the irregularity I am guilty of in treating of more than one subject in this Letter; but I am anxious to inform you that Commodore Dallas, commanding the United States' squadron in these seas, came into this port a few days since.

I have communicated very freely with him upon the scandalous abuse of the flag of his nation at this port, as regards slave-trading enterprises; and I am happy to be able to say, that he has promised me to use every exertion in his power to capture any vessels sailing under that flag, and engaging directly or indirectly in the Slave Trade; he further assures me that, in the event of his or any of his cruisers falling in with vessels taking *bozal negroes* (so easily distinguishable) to Texas, he will positively detain them as acting contrary to the laws of the United States.

I have, &amp;c.

(Signed)

EDWARD W. H. SCHENLEY.

*The Hon. W. Fox Strangways,*

&amp;c.

&amp;c.

No. 155.

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

MY LORD,

*Havana, 5th November, 1836.*

ON the 26th ultimo, Lieutenant Tindal of the Royal Navy arrived in this port, having under his charge the Spanish slave-brig "*Empresa*," with 418 bozal negroes on board, which vessel was detained and sent here for adjudication before the Mixed Court of Justice, by Captain William Jones, commanding His Majesty's ship "*Vestal*."

By the arrival in this harbour of the above-named prize, the Acting Judge considered that it became his duty to call upon the Captain-General for the fulfilment of the provisions of the Treaty of the 28th June, 1835, under which His Majesty has been pleased to appoint Dr. Madden as Superintendent of emancipated negroes, to permit that Officer the free exercise of his functions, according to his Instructions, and moreover to furnish such aid as the Superintendent might reasonably demand, in order to enable him efficiently to carry into effect the wishes of His Majesty's Government. The Commissioners accordingly lost no time in addressing a firm but respectful Letter to his Excellency in the above terms, a Copy of which is transmitted for your Lordship's information. On the morning of the 29th, the Commissioners received a reply to this Letter from the Captain-General, which was officially made known by the Acting Judge to the Superintendent, positively refusing their demands, and referring them to his Excellency's answer as already given upon this subject in his Official Letter of the 8th October to the Superintendent. We beg leave to forward a Translation of this Document, as also of the said Letter of the 8th of October, a Copy of which, as is customary, was transmitted to the Acting Judge at the same time that it was sent to the Superintendent. In conformity with the announcement made to the Captain-General by the Commissioners, in their Letter of the 26th October, their formal protest was this day placed in his Excellency's hands, of which we beg leave to enclose a Copy; and we earnestly hope that, while we have endeavoured to give to this Document all the force which we consider so important a matter to require, we have sufficiently guarded against using any expression which could be construed into the least intentional disrespect towards the Captain-General or the Local Authorities.

The strongest, and indeed only argument which his Excellency's Letter contains in support of the line of conduct which he has thus arbitrarily pursued, is furnished to him by the fortuitous events at present passing in Spain; but it is wholly out of the question to admit that any just grounds of fear for the public tranquillity in landing 400 wretched and suffering negroes could exist; and, as regards the *health* of the population of Havana being affected, it fortunately happens that, out of so large a cargo as 414, only 4 are at this moment reported sick.

We trust that your Lordship may approve of the steps which we have taken in the present very unpleasant Case, and that we may consequently be honoured by your Lordship's support towards establishing the due observance of the Treaty of the 28th June, 1835, and of all its provisions and annexes.

We have, &amp;c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

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

&amp;c.

&amp;c.

&amp;c.

First Enclosure in No. 155.

(Copy.)

*His Majesty's Commissioners to the Captain-General.**Havana, 26th October, 1836.*

THE Undersigned, His Britannic Majesty's Commissioners for the suppression of the Slave Trade, have the honour to refer his Excellency the Captain-General to the correspondence which took place between his Excellency and the Acting Judge, upon the subject of his granting permission to the British Commissioners to land from on board the Spanish slave-vessel "*Preciosa*" 20 sick negroes, which permission was afterwards extended to 22.

The British Commissioner had then the honour to inform his Excellency, that an Officer bearing the King's Commission was daily expected to arrive at the Havana, expressly nominated and charged, under Article 2, Annex C. of the New Treaty of 1835, with the performance of the particular duties which formed the subject of correspondence upon that occasion.

Since that period, this Officer, Dr. R. R. Madden, Superintendent of liberated negroes, has arrived at his post; he has been presented to the Captain-General, and his Commission and official capacity and powers duly recognized by this local Government. This appointment was made under the strictest

formalities and adherences to the stipulations of the solemn Treaties existing between His Majesty and the Queen of Spain, entirely with a view (to use the words of the Treaty, Article 7, Annex C.) "for obtaining the same benevolent end," and to ameliorate, so far as shall be possible, the immediate sufferings and future destiny of the victims of the cupidity of those subjects of both nations who so daringly transgress these laws.

Every precaution has been taken upon the part of His Majesty's Government that there should not exist the slightest misunderstanding respecting the duties of the Superintendent; and the Undersigned trust that your Excellency, having been furnished with details of these duties, can only discover an anxiety upon the part of His Majesty's Government to meet, to the fullest extent in its power, the so frequently repeated solicitation of this Local Government to be relieved from the pressure of the negroes emancipated by the Mixed Court.

As it is for the purpose of effecting this object that Dr. Madden has been sent to the Havana, His Majesty's Commissioners feel assured that they may in every way calculate upon the support and assistance of the Captain-General, to enable that Officer efficiently to carry into effect the desires of both Governments, and the particular instruction of his own. For this purpose, the Undersigned have the honour to request that his Excellency will be pleased to permit to be landed from on board the recently arrived Spanish slave-brig "*Empresa*," at the expiration of the quarantine, such negroes as may upon inspection be found unfit to proceed upon a further voyage, as likewise the temporary removal on shore of the negroes of the slave-ship, in those cases wherein an absolute necessity may exist for the Superintendent so doing, due care being taken in all such cases of preventing any such agglomeration as that apprehended in the Letter of the Spanish Minister, and previous information being always given to the Captain-General of any such removal; and that, during their continuance in this Island, the Captain-General will extend that powerful support which can alone secure to the Superintendent a satisfactory result in the execution of his duties.

The Undersigned pledge themselves that there will not, on the part of the Superintendent, be the slightest deviation from the letter of his Instructions, and that the final removal of the negroes so landed to British Colonies, shall be executed with the least possible delay. The British Commissioners, far from wishing to endanger the public tranquillity or health in making the above request, feel too well aware that an indication upon their part of such an imprudent attempt would call forth the severe and just censure of His Majesty's Government. They hope that the Captain-General will not only acquit them of such an intention, but that his Excellency will admit that they are fully justified in making it, by the words of the Royal Order, which desires that there shall not be permitted an "agglomeration" of the emancipated negroes in this Island, clearly implying that a number *not* amounting to an "agglomeration" may (and it is understood will) be permitted to be landed; and the Commissioners feel assured that the Case being now so totally changed from the period when the last correspondence took place upon this subject, by the office of Superintendent having been created with the sanction of the two Governments, by and under the Treaty of the 28th June, 1835, that his Excellency will at once perceive that to refuse permission to this Officer to execute, with due regard to all local and peculiar difficulties which the Commissioners are aware exist in this Island, the duties thus confided by both Governments to his care, will be virtually to suspend his functions, and thereby can only be considered as an infraction of the aforesaid Treaty, against which it will be the imperative, however painful, duty of the British Commissioners to enter their solemn protest; a step which, as tending to interrupt that gratifying and happy understanding which has fortunately so long existed between this Commission and the Local Government, as well as from the high personal respect which the Undersigned must ever entertain towards his Excellency the Captain-General and his opinions, they would most deeply lament.

The Undersigned request that his Excellency the Captain-General will have the goodness at his earliest convenience to favour them with a reply; and in the mean time they have the honour to avail, &c.

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

(Signed)

E. W. H. SCHENLEY.  
R. R. MADDEN.

## Second Enclosure in No. 155.

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

(Translation.)

GENTLEMEN,

*Havana, 28th October, 1836.*

I HAVE received your Official Letter of the 26th current, in which, after different reflections, you are pleased to conclude by asking that I may permit the landing of the African negroes captured in the Spanish brigantine "*Empresa*," who, according to the examination you may make, are found incapable of prosecuting a further voyage; as also of those whom the Superintendent, Dr. R. R. Madden, according to his Instructions, may believe himself obliged to detain and remove to bring on shore; equally stating that, in the contrary case, it is your painful duty to execute a protest.

This pretension is the same as already contended for, and to which I have replied; for this reason I shall not, in this instance, do anything but repeat my answer of the 8th current, addressed to the Superintendent, in all and each of its parts.

The prize being sentenced as good and lawful, the liberated negroes belong to the nation whose vessels made it, and are already placed under the care and at the disposal of the British Officer charged with their transmission to the Possessions of his nation, according to the Instructions he may have for them.

This Captaincy-General cannot, without laying open to danger objects too sacred, particularly under the present circumstances, permit the landing and establishing in this Island of a colony of foreign people of that class under the charge and government of a person deputed, likewise a foreigner, unless I understand what sort of obstacle may prevent the transmission of the negroes now treated of to the Bahama Islands or other of the Britannic Possessions near this port, which navigation ought not to be longer than 2 or 3 days, when that which they have just made may have been of as many months.

Respecting the above arrangement, I have fully represented the advantages to Her Majesty the Queen Regent, without my being permitted to take a different course, or to innovate any thing whilst the royal resolution is unchanged, which in all cases is the guide for my proceedings.

In the mean time, this incident cannot be in any sense a sufficient motive to alter the pleasing understanding which exists between you, Gentlemen, and this Government, which is always disposed to render all the assistance found within the sphere of possibility for the fulfilment of the Treaties.

With such a motive, I again repeat to you, Gentlemen, all the assurances of my consideration.

God preserve you many years.

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

(Signed) MIGUEL TACON.

### Third Enclosure in No. 155.

(Translation.)

The Captain-General to Dr. Madden.

Havana, 8th October, 1836.

SIR,

I HAVE seen your Official Letter of the 25th of last month, and the Copy of the Royal Order of the 21st June, which you enclosed to me, in which, attributing a wrong signification in the translation of my answer of the 17th of August, you suppose the necessity of acceding to the former solicitude to which it refers relative to the Cases that occur successive on the capture of vessels employed in the prohibited trade of negroes from Africa that arrive in this port, that their landing may be allowed, and that the same measures may be observed as were adopted with respect to the brig "*Chubasco*" and the schooner "*Preciosa*;" and although my cited opinion is established in very clear and positive terms, and in the spirit and genuine sense of the existing Treaties, I have decided to enter into some explanations which may conclude an embarrassing discussion in which nothing can advance, there being contained in them the positive right for the negative which you call *apparent*, and having to wait the result of what Her Majesty the Queen Governess may deign to resolve upon the propositions of which I have given a suitable relation. The Royal Order which you transmitted to me in the said Copy, the dispositions of which were directly communicated to me through another of the 21st of last June, far from establishing the attainability of that solicitude, remove even the most remote idea of its attainment; forasmuch as in it and the other which you oppose to me, is grounded the necessity of not permitting, for any time, the duration of the emancipated negroes in this Island, for the security of these dominions, the justice of which, as was to be expected, is recognized by His Britannic Majesty's Government, in communicating to you the necessary Instructions for the performance of your Commission, to which you referred in your Official Letter of the 12th August; so that this works against your intervention in the Case we are treating of, each time that you repeat the sanction in Article 2 of Annex C. of the Treaty of the 28th June, 1835, by which it is established to the effect, that the negroes who may be declared emancipated by the Mixed Court of Justice may be delivered up immediately to the Government to whom the capturing vessel belongs, for their immediate transmission to the Colonies where their residence is to be fixed, Her Majesty at the last charging me, as far as in my power, to avoid the serious inconveniences which would follow from the prolonged stay of the emancipated negroes in this Island; and you already see that my resolution does not alone depend upon my conviction, but on the sovereign will by which I must be circumscribed. It does not appear to me that the precedents you record of the brig "*Chubasco*" and schooner "*Preciosa*" are at all to the purpose for resting on them the proposal of the desired disembarkation of the negroes, from the diversity of circumstances which intervene in them. With respect to the first of the examples quoted, it must be observed that, at the time of its happening, there was only governing the Treaty of the 23d September, 1817, by which all the emancipated people were to remain here; and as their transmission to the Island of Trinidad depended on a special agreement with its Governor, an agreement in which were established restrictive conditions to be observed to sustain its purposes, such as the continuance of its perfect health, not only by the evident cleansing of the vessel, but by the express examination of the negroes by medical men named by the English Commissioners; and the very particular of there not occurring in the whole Island any case of cholera, it was very rationally consequent that the Local Authority took, although it might be with the sacrifice of other important considerations, all the measures that might be sufficient to guard against causes which might frustrate the results of an arrangement then gratuitous, but now necessary and according to justice, in virtue of the recent Treaty of the 28th June, 1835. Although this reigned when the second Case took place, the 23d of July of this year, it must not be lost sight of that there was then no knowledge of the particular Instructions to regulate the march of this affair, communicated by you in the Letter of the 12th August, that I yielded my opposed opinion; and that according to my communication of the said date of the 23d July, I agreed to the disembarkation of the 20 sick negroes for respect and consideration towards His Britannic Majesty's Government, in the name of which the Commissioner earnestly invoked, and because of the reduced number, but under the precise opinion that it should not be considered as a precedent for the future, which consideration has been abstracted to give it an importance foreign to its nature, and which cannot authorize a proceeding in opposition to that established in the last memorable Treaty. In aid of the reasons and principles of humanity which you recommend, and which shall never be prescinded inasmuch as may be compatible with the fulfilment of my duties, I do not believe that rule may prevail that I ought to be inimically cruel to a whole respectable population as that of this Island, in order to be compassionate to a small portion of strangers, as are the negroes that come from Africa, whose destiny is fixed by the High Powers who have taken them under their protection, and who, unfortunately, bring with them the germ of death and desolation by their predisposition to the epidemic sickness of the cholera, which discovers itself among them from the influence of the climate, or from other causes of medical understanding; and as you see, not having any lazaretto in this Island under the rules which constitute them, the said negroes cannot be admitted to land, nor prolong their stay in the port for a longer time than is absolutely indispensable for the instruction of the cause of their capture, and habilitation for going to their destination, much more when, according to what I pointed out to you in my reply already quoted of the 17th of August, these necessities could be reconciled with the good wishes that incite them, stationing them, whilst their proportional distribution in the Colonies is being confirmed, in one of the neighbouring Islands subject to the English dominion, which are two or three days' sail from this port, where the assistance would be more easy and prompt from the Government in whose charge they remain from the moment the sentence of their capture is pronounced and communicated. Such was and is my resolution in the particular treated of, and to which you may accommodate yourself; for, having given an account of these antecedents to Her Majesty the Queen Governess, it is not in my power to vary a point of the

determination whilst Her Majesty may deign to advise the contrary. However, you ought always to rely on the efficacious co-operation of my authority forasmuch as concerns the most exact and punctual accomplishment of the Treaties, and on the personal consideration of my respect.

God preserve you many years.

(Signed) MIGUEL TACON.

*The British Superintendent of Liberated Africans,*  
&c. &c. &c.

#### Fourth Enclosure in No. 155.

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

*Havana, 29th October, 1836.*

THE undersigned Commissioners of His Britannic Majesty, under the Treaties concluded with Spain for the suppression of illicit traffic in slaves, have been honoured by the receipt of his Excellency the Captain-General's final answer in reply to the Official Note of the Commissioners, dated the 26th current, and addressed to his Excellency, in obedience to their Instructions from His Majesty's Government, which expressly direct them to afford to the Superintendent of liberated negroes all the assistance in their power towards executing the duties confided to him under the Treaty of the 28th June, 1835. His Excellency, in the above reply, refers the Commissioners to his communication of the 8th current, made to Dr. Madden, the Superintendent; and further states that he considers that the Commissioners' said Note of the 26th embodies demands which his Excellency having already declined acceding to, he will not in this instance do anything but repeat his answer of the 8th current, addressed to the Superintendent, in all and each of its parts.

The Undersigned, having duly weighed and considered the above reply of the Captain-General, together with the whole of the correspondence which has passed between his Excellency and the Commissioners, as well as with the Superintendent, relating to this Officer's claim to be permitted the free and proper exercise of his duties and Instructions, are of opinion that the Captain-General, in refusing to sanction and assist the Superintendent in the due execution of the duties confided to his care, is guilty of an infraction of the Treaty of the 28th June, 1835, more especially as regards Article 2 of Annex C. to the said Treaty; under which provision, it having appeared to His Majesty necessary that an Officer should be appointed to take charge of all the negroes who may be captured by British cruisers and emancipated by the Mixed Court of Justice at Havana, this Officer was, with the full concurrence of Her Catholic Majesty, sent out to reside at the Havana.

The Undersigned have not omitted to give their most serious consideration to his Excellency's allusion to the present and peculiar political events, which his Excellency adduces as a further ground for his above refusal; but the Commissioners likewise having daily proofs of the highly efficient authority which his Excellency exercises in causing the laws to be respected by all classes, they cannot feel otherwise than convinced that no serious or reasonable apprehension could have been entertained upon the score of the public safety, had his Excellency acceded to the terms of their Official Note of the 26th current; and that upon the plea of endangering the health of the Havana, out of so large a number as 414 negroes there are only 4 sick at present.

The Undersigned, therefore, without recapitulating the arguments already so amply yet ineffectually used by the Commissioners and the Superintendent in their endeavours to impress the Captain-General with the legality and correctness of their demands, beg leave most respectfully to observe, that it is their bounden duty to enter this their solemn protest against the course and consequences pursued by his Excellency the Captain-General, so far and insomuch as it may impede, in the due execution of his Official functions and Instructions, the Superintendent of liberated negroes, an officer appointed under the Treaty of the 28th June, 1835, and who, being so appointed under the aforesaid Treaty, with the mutual consent of the two High Contracting Parties, cannot, they consider, be impeded in the proper fulfilment of his office by any other authority.

The Undersigned, &c.

(Signed)

E. W. H. SCHENLEY.

R. R. MADDEN.

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

#### Fifth Enclosure in No. 155.

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

*Havana, 24th November, 1836.*

(Translation.)

GENTLEMEN,

I HAVE received your Official Letter of the 29th of last month, in which, notwithstanding my replies of the 8th and 26th of the same, you have allowed yourselves the liberty of emitting your opinion that I, having denied the pretensions set forth by the Superintendent, Dr. R. R. Madden, am guilty of an infraction of the Treaty of the 28th June, 1835, more especially as regards Article 2 to Annex C., obliging you to enter a solemn protest against the said course and consequences.

If there were no other precedents in the affair than the said communication, the legality of my proceedings might, according to the manner in which it is expressed, be doubted; but fortunately such do exist; and in them are contained those pretensions relative to the permission to disembark and station in this Island the captured negroes from the Coast of Africa who are declared to be a good prize by the Mixed Commission established for the purpose, as well as the reasons on which I have refused to admit them; which not only proceed from justice, according to the spirit and letter of the Treaty already referred to, but also from political reasons and public utility, which I should not have explained, but for the frankness which distinguishes above all my character.

It is said, with but little exactness, that I did not allow the British Superintendent the free exercise of his duties according to the Instructions which are communicated to him; because in those which were transcribed in your Official Letter to me of the 12th August of this year, which is now before me, far from authorizing the solicited stay of the negroes, at the end of Article 2 it is recommended "that such is the vehemence of the desire of the British Government to remove these liberated negroes, and avoid the inconvenience of making in this place a deposit for them for any time whatever;" so that it is now evident from what party proceeds the infraction complained of—whether from those

who pretend its violation, or from him who has only exacted its punctual and most exact execution ; and this took place when I had not to subject myself to like Instructions, but to those which are directly communicated to me, correlative to the Treaty itself, more especially as regards Article 2 of Annex C., the literal context of which it will be obligatory to repeat, that it may be accomplished, excusing tortuous meanings. "Immediately after sentence of condemnation on a vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, all negroes who were on board of such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruizer which made the capture." Herein are described my obligations, which I have not failed in, nor do I think of failing in, my conviction being founded, as I have said, on other circumstances not less sacred to general interests ; and if, until the sentence is signed, I ought not to make the delivery, and if it can be considered that the Commissioners have any right to interfere in the manner of maintaining them until that event, and if, after sentence is pronounced, I am the party authorized to make the delivery, and it can be exacted of me that it be made ashore or on board the vessel which brought them, in order that they be *immediately* transmitted, as expressed in the Article of the Treaty, and *without their remaining here any time whatever*, as expressed in the Instructions, it must have been painful to you not to have discovered arguments to oppose to the ingenuous disposition I manifested from the commencement of this correspondence, in permitting, to save expense and time, the negroes to be transported in the same vessel in which they were captured, according to the agreement made and proposed by one of you, gentlemen, Mr. W. H. Schenley, on the 27th of June last, or another to the same effect, to Belize or the Bahamas, or any other British port, at the expense and charge of the Commission, where they could remain well attended to and without risk, until their proportional distribution in the Colonies, the usual passage being so short ; and more painful is it for me to behold in this reticence a decided object for their remaining here, a circumstance which I cannot and ought not to permit, according to the Treaty, for the reasons which I have already had the consideration to communicate to you, that they might prevent an useless dispute ; more particularly as I must await the determination of my Government, to whom I had already referred the preceding Correspondence, as I shall also refer the present incident, without in the mean time any innovation of the step I have determined on in this affair.

All which I have considered it proper to make known to you, in reply to your above-mentioned communication, and I repeat to you the personal sentiments of my highest consideration.

God preserve you many years.

*The Commissioners of His Britannic Majesty,*  
&c. &c. &c.

(Signed) MIGUEL TACON.

No. 156.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 9th December, 1836.*

WITH reference to your Despatch of the 17th October last, on the subject of the delay and expense likely to take place in the breaking up of the Spanish schooner "*Preciosa*," I have to acquaint you that it is comparatively of little importance how much the broken pieces of a condemned slave-vessel may sell for ; the essential point is, that condemned vessels should be effectually broken up, and that it should be impossible to reconstruct them.

You will, therefore, use the utmost vigilance in watching the execution of the provision of the Treaty which stipulates for the destruction of the vessels ; and you will take special care that all condemned vessels be effectually and completely taken to pieces.

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

I am, &c.  
(Signed) PALMERSTON.

No. 157.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 15th December, 1836.*

I HAVE received your Despatch of the 2d of November, enclosing Copies of Correspondence with the Captain-General on a report which had reached you that the resumption of the contracts to supply the province of Texas with bozal negroes had lately been attempted by the Havana slave-dealers.

I approve of the course which you took in this Case.

Upon all occasions, on which you may have good reason to think that the Laws of Spain and the Treaties with England against Slave Trade are allowed by the Government to remain unexecuted, it will be your duty to call the attention of the Governor thereto : and, if his Excellency should question, either directly or indirectly, the propriety of your doing so, you will state firmly, but respectfully, that you have no choice in this matter but to obey the imperative orders of your Government. You will observe, that you cannot be deputed to do more, in your

communications to his Excellency, than to state general facts, and to bring under the observation of the Governor circumstances of public notoriety; and that it must rest with his Excellency, who has at his command the administrative organization of the Island, to ascertain those details which may enable him to apply a remedy to existing evils.

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

I am, &c.  
(Signed) PALMERSTON.

No. 158.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 15th December, 1836.*

I REQUEST you to send me a Copy of the Certificates given by you to negroes liberated by sentence of the Commission.

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

I am, &c.  
(Signed) PALMERSTON.

No. 159.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 21st December, 1836.*

WITH reference to Mr. Schenley's Despatch of the 2d of July last, I herewith transmit, for your information and guidance, the Copy of a Note which Mr. Villiers has received from the Spanish Minister, acquainting him that Instructions will be given to the Spanish Commissioners at the Havana to consider the Captor of a slave-vessel duly authorized, provided the name of his ship be found in the List of English cruisers, which the Admiral on the Jamaica station shall send, from time to time, to the British Commissioners at the Havana.

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

I am, &c.  
(Signed) PALMERSTON.

Enclosure in No. 159.

*Mr. Villiers, November 26, 1836.*

(See Class B.)

No. 160.

*Mr. Schenley to Mr. Strangways.—(Received January 16, 1837.)*

SIR,

*Havana, 12th October, 1836.*

I BEG leave to refer to my Despatch of the 30th July last, which relates to the detention of the slave-dealer Edward Jousiffe, and I herewith have the honour to transmit the original Letter of that individual to me.

This Document is mentioned in my Despatch of July 30 as being forwarded therein (for greater security through the Foreign Office) to the Sierra Leone Commissioners, in order that it may be compared by them with those bearing a similar signature, which are stated to be filed in the archives of their Court, as well as with a view to its being used as evidence upon the trial of Jousiffe.

By a neglect, for which I feel myself wholly unable to offer any adequate excuse, this Letter was omitted to be sent home either in the original or duplicate of my Despatch above mentioned; nevertheless, I earnestly trust that the delay which has taken place in forwarding it may not prove injurious to the public service.

I have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

*The Hon. W. Fox Strangways.*

(For Enclosure, see p. 125, Enclosure 6.)



No. 161.

*His Majesty's Commissioner to Viscount Palmerston.*—(Rec. January 16, 1837.)

MY LORD,

*Havana, 10th November, 1836.*

WE have the honour to acquaint your Lordship that, late on the evening of the 6th current, His Majesty's brig "Racer," James Hope, Esq., Commander, sent into this port, under charge of Lieutenant Hunt, the Portuguese schooner "Constitucad."

At 7 o'clock the following morning, Lieutenant Hunt called upon His Majesty's Acting Judge and produced the vessel's Papers, which consisted of her Register as a Portuguese vessel of the year 1834, and her Muster-roll, containing the names of 3 officers and 34 men. The Acting Judge consequently informed Lieutenant Hunt that the Case did not in any way come within the jurisdiction of this Mixed Commission; when that Officer, in obedience to the orders provisionally given by Commander Hope, surrendered up the vessel, with as little delay as possible, to the Master who was in charge of her at the time of her detention. This vessel had landed her slaves upon the Coast a few days prior to being fallen in with by the "Racer," and, feeling secure in the possession of the above Portuguese Papers, her crew did not even take the trouble to throw their slave-shackles overboard. We, however, have the strongest grounds for believing the "Constitucad" to be Spanish property, and that she fitted out from this Island, and was provided, as most of the slave-vessels are, with two sets of Papers, to be used under similar circumstances. We were informed that it was under the above supposition, and that His Majesty's Commissioner might possibly have been able to prove the nationality of the vessel, that Captain Hope considered it advisable to detain her.

This Case is a strong illustration of the extent to which the flag of Portugal continues its protection to this atrocious traffic.

We have, &amp;c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&amp;c.

&amp;c.

&amp;c.

No. 162.

*His Majesty's Commissioner to Viscount Palmerston.*—(Rec. January 16, 1837.)

(Extract.)

MY LORD,

*Havana, 15th November, 1836.*

WE have the honour to acquaint your Lordship that, on the evening of the 8th current, His Majesty's brig "Racer," James Hope, Esq., Commander, sent into this port, under the charge of Lieutenant Seymour, the Spanish schooner "Manuelita," José Marquez, Master, with a crew of 35 men, from San Tomé, in ballast, with all the outward appearances of being a slaver, having detained her immediately off the entrance to this harbour.

Lieutenant Seymour waited upon the Acting Judge on the evening he arrived in port, and stated that, up to that period, he had not found any of the things specified under the 10th Article of the Treaty of the 28th June, 1835, to warrant his bringing the Case before the Mixed Court, having been deceived in his expectation of discovering, beneath a great deal of sand and shingle ballast which was stowed in the fore hold of the vessel, any direct proofs that she had performed or was fitted for a slaving-voyage.

Mr. Schenley then informed Lieutenant Seymour that the foregoing statement rendered it impossible for him to interfere, and, moreover, that an error had been committed in capturing the vessel under the circumstances which he described. It being then late, and this Officer, from the tenour of Commander Hope's orders, not feeling himself justified in surrendering up the vessel that night, he returned on board, trusting that some discovery might yet enable him to prosecute the "Manuelita," having previously settled to meet Mr. Schenley in the Havana at daylight the following morning, then to decide and commit to writing what course he intended to pursue.

Accordingly, Lieutenant Seymour prepared and addressed to the Acting Judge a Letter, a Copy of which we have the honour to enclose; and, failing to obtain any proof that the "Manuelita" had been recently engaged in the Slave



Trade, he immediately surrendered her into the hands of the Master who was in charge of her at the period of her detention.

This Case being the first of seizure which has occurred here under the Equipment Article to the New Treaty, excited considerable interest amongst the slave-dealers. His Majesty's Commissioners denounced the "*Manuelita*" to the Captain-General in the usual form on the 2d current, as having *already* entered this harbour after landing her slaves upon the Coast, which, however, must have been an error; for they subsequently heard, upon tolerably good authority, that immediately after landing her negroes she was run into one of the small harbours or creeks between Havana and Matanzas, and there cleared of every article which could serve as proof of her having been engaged in a slaving-voyage. Moreover, that she was thus cleared to endeavour to obtain damages in case of capture, or, at all events, to cause His Majesty's brig "*Racer*" to quit her cruising ground, as several of the large class of slavers are considerably overdue, and may be daily expected upon the Coast.

The Acting Judge considered it his duty to acquaint Commander Hope with the above circumstance, in order that, for the future, he may make a stricter search before he takes possession of any of these vessels.

The "*Manuelita*," within the last few days, has furnished another example in proof of the importance of the 12th Article of the New Treaty. She has been sold, though a very old vessel, by her former Owner, Don Roque Slopert, for the sum of 10,400 dollars, to Manzanedo, Abrisqueta, and Co., hatters in this city, who likewise own several other slave-vessels. Her original cost could not have amounted to that sum; but, as her qualities for sailing have been proved, she is considered to be well worth this large price for the purpose of Slave Traffic.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&c. &c. &c.

First Enclosure in No. 162.

Lieutenant Seymour to Mr. Schenley.

(Copy.)

SIR,

Havana, 9th November, 1836, 7 A.M.

AGREEABLY to orders received from Captain Hope, of His Majesty's sloop "*Racer*," I have again fully examined the detained Spanish schooner "*Manuelita*," and find in her no more water-casks than sufficient for her crew, the fore part of her hold being stowed with shingle ballast, and nothing beneath it; her coppers of the common construction, no hatches with open gratings, nor any other than are usual in merchant-vessels; nothing that I can see in the shape of a slave-deck, or a sufficient quantity of plank to lay one; no shackles, bolts, or handcuffs; nor can I discover any irregularity or suspicious circumstances on examination of her Log, which is correctly carried up to the date of her detention.

In consequence, I request that I may be permitted to surrender the vessel to her Master, there being in my opinion no *primâ facie* evidence to prove that she has been recently engaged in the Slave Trade, or that you will give me such further Instructions as you may deem requisite for my guidance.

I have, &c.

E. W. H. Schenley, Esq.,  
&c. &c.

(Signed) GEORGE W. SEYMOUR.

Second Enclosure in No. 162.

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 14th November, 1836.

HAVING acquainted the Commandant-General of Marine with your communication of the 2d instant, on the subject of the arrival in this port from the Coast of Africa of the Spanish schooner "*Manuelita*," Captain Don José Marquez, he has remitted to me the summary of the proceedings which he caused to be instituted to ascertain whether the said vessel had been employed in the prohibited traffic of bozal negroes, and it not appearing therein that the vessel has been engaged in the said illicit commerce, I enclose a certified Copy of the Report of the Fiscal named for the occasion.

God preserve you many years.

The Commissioners of His Britannic Majesty,  
&c. &c. &c.

(Signed) MIGUEL TACON.

(Translation.)

SEÑOR COMMANDANT OF REGISTERS OF THIS PROVINCE,

By the Declarations taken in these proceedings, which agree with each other, and with the Log-book, it does not appear that the schooner "*Manuelita*" is engaged in the prohibited traffic in slaves; since the examination proves that she made a round voyage to the Island of San Tomé without any notable occurrence during the voyage or suspicion on her return, which is corroborated by the search they suffered on the 8th instant, made by an English brig-of-war, at the distance of a mile and a half

from the mouth of this harbour; wherefore I consider her Master, Don José Marquez, to be free from all charge, saving your judgment.

Havana, 11th November, 1836.

(Signed)

IGNACIO ZUAZA.

SEÑOR COMMANDANT-GENERAL OF THIS STATION,

IT being proved in these proceedings, composed of 7 Declarations of as many individuals of the Spanish schooner "*Manuelita*," Don José Marquez, Master, that she was not employed in the illicit traffic of negroes, and that she made at that place a consignment of articles of lawful commerce, I beg to remit to you, together with the summary, the Log-book, in which is entered the details of their undertakings.

Havana, 11th November, 1836.

(Signed)

EL CONDE DE LOS ANDES.

(A true Copy.)

(Signed)

ANTONIO MARIA DE LA TORRE Y CARDENAZ.

No. 163.

*His Majesty's Commissioner to Viscount Palmerston.*—(Rec. January 16, 1837.)  
(Extract.)

MY LORD,

Havana, 25th November, 1836.

ON the 28th of September, His Majesty's ship "*Vestal*," commanded by Captain William Jones, detained off the Island of Grenada, in latitude  $11^{\circ} 10'$  north and longitude  $62^{\circ} 15'$  west, the Spanish brigantine "*Empresa*," Manuel Calvo, Master, with a crew of 23 men, bound to the Havana, and having 434 Africans on board to be sold into slavery. Captain Jones carried this vessel into the roads of Grenada, completed her water, &c., &c., and despatched her for adjudication before this Mixed Court, under the charge of Lieutenant Louis Tindal. She arrived here, on the 25th of October, with 418 negroes, 16 having died on the passage. The usual quarantine was imposed upon her, during which the Acting Judge received the Captor's Declaration, the vessel's Papers, and a Letter from Lieutenant Tindal enclosed, in the capacity of Prize-Master.

As Lieutenant Tindal's communications gave reason to believe that the "*Vestal*" could not reach Havana much under a month from the date of the arrival of the "*Empresa*," a procrastination which at this advanced period of the winter season would have exposed the unfortunate blacks to much suffering, Mr. Schenley, therefore, waited upon his Spanish colleagues, who, after several representations, at length consented to proceed with the trial, without insisting either upon the presence of the Captor or the production of the "*Vestal's*" cruising orders.

On the 3d current, the day after the "*Empresa*" was admitted to *pratique*, the Case was brought before the Court; when, owing to the escape in the night of the three principal witnesses, viz., Manuel Calvo, Master, Juan, First Pilot, and Pedro, Second Pilot, the Court was adjourned for 24 hours, after examining the Captor's Declaration and taking Lieutenant Tindal's deposition, in order to give sufficient time for the police to search for these individuals, the Acting Judge having immediately reported the circumstance to the Local Government.

In the interval, Mr. Schenley ascertained that one of the prisoners yet in custody was a person of some intelligence; and accordingly, on the 5th current, the police having failed in their efforts to recapture either of the other three, the Spanish Judge was again induced to proceed with the examination of Estanislao Maro and Matias Joffre. The evidence of these persons proved amply sufficient to show the nature of the voyage; and accordingly, on the 7th current, the Court came to the resolution of condemning the Spanish brigantine "*Empresa*," together with her tackle, stores, and appurtenances, as a good and legal prize to His Majesty's ship "*Vestal*," commanded by Captain William Jones; that the 407 Africans alive at the period of the signing of the above Decree should "remain free from all slavery;" and that the vessel should immediately be dealt with according to the stipulations of the Treaty of the 28th June, 1835. We have the honour to forward a Translation of this Document, together with a Copy of the Captor's Declaration, and an abstract from the depositions made before the Judges by Lieutenant Tindal, Estanislao Maro, and Matias Joffre.

Lieutenant Tindal, in his evidence before the Court, stated that he was obliged, for the safety of the negroes, to put into Montego Bay, in the Island of Jamaica, in order to purchase provisions and water to enable him to continue his voyage to the Havana, and that he had liquidated these expenses by drawing a Bill of Exchange upon the Contractor for His Majesty's Navy at Kingston, not being aware of the provisions of Article 2 of Annex B. to the New Treaty. He, therefore, by the desire of the Acting Judge, addressed a Letter to him to the above effect,

and also wrote to the Contractor at Kingston to have the whole of the vouchers and documents connected with this outlay transmitted to His Majesty's Commissioners at Havana, in order that the account may be settled according to the provisions of the before-cited Article to the New Treaty.

On the 5th current, in consequence of the unusual severity of the north wind and heavy rains, Lieutenant Tindal addressed a Letter (enclosed) to the Acting Judge, requesting that some blankets or clothing might be furnished to the unfortunate people under his care, they being totally destitute of any covering, and the vessel being without awnings. Mr. Schenley received the application on Sunday the 6th, and early on Monday the 7th he explained the circumstance to his colleague, the Conde de Fernandina, who immediately affixed his signature to the Sentence, whereby all impediment was removed from their being furnished with temporary protection against the inclemency of the weather during the period which the registration must necessarily occupy.

On the 11th instant, being 4 days after the signing of the Sentence, his Excellency the Captain-General addressed a Letter, a Copy of which we enclose, and forwarded to the Acting Judge the Certificates of emancipation duly executed for 407 Africans. Mr. Schenley delivered them into the hands of the Superintendent, and also gave an order to Lieutenant Tindal to surrender up the negroes on board the "*Empresa*" to that Officer. The same night they were transferred to on board the Hamburg ship "*Cuba*," Auguste Julius Gutschow, Master, and sailed the following morning, conformably with the arrangements made by the Superintendent, for Providence, Bahamas. His Majesty's Commissioners furnished a Passport for this vessel, addressed to all or any of His Majesty's Officers commanding vessels of war upon the station, requiring that the "*Cuba*" might not only be permitted to pursue her voyage without hinderance, but also that, in case of necessity, they would furnish such aid as she might stand in need of. We also addressed a Letter to the Lieutenant-Governor of the Bahamas, requesting him to possess himself of the above Passport, and to return it to the Commissioners by the first secure opportunity, in order to prevent its being made an improper use of. We have the honour to enclose Copies of these Documents.

On the 21st current, the "*Vestal*" conducted to this port the 18 Spaniards belonging to the crew of the "*Empresa*," and, as is customary in such cases, they were delivered over to the Captain-General the following day. Mr. Schenley having observed by the Declaration of the Captor that 3 passengers were on board at the period of detention, and these individuals not having been produced, he made inquiries respecting them of Captain Jones, who stated in reply, that, owing to his having captured during 8 days two other large slavers, viz., the "*Phoenix*" and "*Negrinha*," under Portuguese colours, and each of these vessels being strongly manned, and having a great many passengers on board (these latter he believes for the most part to have been Spanish sailors, the crews of slave-vessels captured upon the Coast of Africa), he felt himself obliged to put the passengers on shore at St. Thomas's to rid his ship of them, his British crew being so weakened in number by the detaching of 3 prize-crews, that he was obliged to enter negroes to assist in working the ship. So peculiar a case is not likely to occur again; but His Majesty's Commissioners intimated their strong desire that no one may in future be permitted to land from any slave-vessel until after they shall have been brought under the cognizance of the Commissioners.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 163.

Lieutenant Tindal to Mr. Schenley.

SIR,

Brigantine "*Empresa*," Havana, 26th October, 1836.

I BEG to acquaint you that I arrived last night in this port in charge of the "*Empresa*" brigantine, which was taken possession of by His Majesty's ship "*Vestal*" on the 28th of September, having on board 434 negroes. Since leaving Grenada we have had 16 deaths; the remainder are healthy, with the exception of 4; we have water and provisions for nearly 3 weeks.

The Official Papers, &c., &c., concerning her detention, are ready to be sent on shore on receiving a notification to that purpose. I send you a List of a part of the Spanish crew that I have on board.

Manuel Calvo, Master.

Juan \_\_\_\_\_, Contra Master and Chief Pilot.

Pedro \_\_\_\_\_, Second Pilot.

Matias Joffre, seaman.  
Estanislao Maro, ditto.

E. W. H. Schenley, Esq.,  
&c. &c.

I have, &c.  
LOUIS L. TINDAL,  
Lieutenant in charge of the Prize.

### Second Enclosure in No. 163.

(Translation.)

*Sentence in the Case of the "Empresa."*

IN the Always Most Faithful City of Havana, on the 7th of November, 1836, the Señor Don José Maria Herrera y Herrera, Count Fernandina, Peer of the Realm, &c., &c., and Don Edward Windham Harrington Schenley, the first the Spanish Judge, the second the English Arbitrator, and also, by permission of his Government, Judge in the absence of Don William Sharp Macleay, of the Mixed Court of Justice established in this City, to prevent the subjects of both nations from employing themselves in the Slave Trade, in fulfilment of the Treaty signed at Madrid on the 28th June, 1835, between Their Catholic and Britannic Majesties, having seen this suit executed upon the detention made by the English ship-of-war "Vestal," Captain William Jones, of the merchant brigantine-schooner "Empresa," Manuel Calvo, Master, on the 28th of last September, in latitude 11° 10' north, and longitude 62° 15' west, armed with 1 bronze 9-pounder gun, and having 434 slaves of both sexes living on board at the time of capture, of whom 27 have died from that day until yesterday, according to the statement of Lieutenant Tindal, His Britannic Majesty's Officer in charge of the prize; and the Declaration of the Captain of the English ship being proved, which the said Officer had presented on his arrival in this port as his agent, and by the two Spanish individuals, the one named in the pilotage, and the other a sailor, who remained in the said vessel, Captain Calvo having escaped, who was the First Pilot, and took the command instead of Don Andres Coloma, who, as by the Notes on the back of the Royal Passport, and in the 13th and 14th leaves of the Muster-roll, remained on the Coast of Africa; also the Contra Master, Juan Martinez, and one Peter having escaped, and it appearing by the Documents found on board the Spanish brigantine-schooner that she left this port, on the 19th or 20th of May of this current year, with a cargo and Papers for San Pablo de Loanda, where, at the place called Punta de Sena, they embarked 450 slaves of both sexes, of whom 434 were living at the time of their detention, and, deducting the 27 who died between that day and yesterday, are now reduced to 407; with which, and notwithstanding some deficiencies of exactitude with regard to the dispositions of the Treaty of the 28th of June, 1835, or it may be from less zeal which has thus prevented the examination of the principal individuals, the Judges said that they ought to declare, and did declare, by what had been made known, according to the proceedings in these judgments briefly and summarily made as a known truth, the said brigantine-schooner to be a good and legal prize, together with the 407 negroes now living, and that having fallen under sentence of condemnation with her tackle and appurtenances, besides what may appear in her Inventory, excepting the said 407 living negroes, who remain free from all slavery and captivity; and that the Officer, Captain of the prize, may be warned that, should another Case occur, he shall act with the greatest punctuality and exactitude, and concerning which the English Judge shall make the reasonable observations. Consequently it is ordered that the condemned vessel be broken to pieces, and that these, with the other articles, and the anchors which may belong to her, be marked by the Chief Masters of the Royal Arsenal, sworn to fidelity, and that they be brought to public auction before the public writer, Don Manuel Fornari, and sold, the proceeds being applied as directed by the memorable Treaty and its Annexes, the vessel being placed for the present in deposit under the charge of Don Jayme Andrew until the completion of what is determined on. He will likewise be sworn to fidelity, and will receive her from the Captor by formal Inventory. That the Secretary may proceed without loss of time to consign to the said negroes their Certificates of emancipation, which he will remit with an Official Letter to his Excellency the Captain-General, &c., &c., to the end as directed by Article 4 of the Regulations for the Mixed Court of Justice; and that he shall also direct another Official Letter to his Excellency, accompanying a certified Copy of this determination, and that the individuals captured belonging to the crew of the brigantine-schooner "Empresa" remain at his Excellency's disposal. And for this their definitively adjudged sentence thus they decree, command, and sign, I the Secretary being present to certify.

(Signed)

EL CONDE DE FERNANDINA.  
EDWARD W. H. SCHENLEY.

(Signed)

JUAN FRANCISCO CASCALES, *Secretary.*

### Third Enclosure in No. 163.

*Captor's Declaration in the Case of the "Empresa."*

I, WILLIAM JONES, Captain of His Britannic Majesty's ship "Vestal," hereby declare that, on this 28th day of September, 1836, being in or about latitude 11° 10' north, longitude 62° 15' west, I detained the vessel named the "Empresa," sailing under Spanish colours, armed with 1 gun, brass 9-pounder, commanded by Manuel Calvo, who declared her to be bound from Rio Congo to the Island of Cuba, with a crew consisting of 26 men, boys, Supercargo, and 3 passengers, whose names, as declared by them respectively, are inserted in a List at the foot hereof, and having on board 434 slaves, said to have been taken on board at the Rio Congo, on the 20th day of August last, 1836, and are enumerated as follows: viz.—

|                 | Healthy. | Sickly. |
|-----------------|----------|---------|
| Men . . . . .   | 231      | 4       |
| Women . . . . . | 17       | 0       |
| Boys . . . . .  | 146      | 6       |
| Girls . . . . . | 30       | 0       |

I do further declare that the said vessel appeared to be seaworthy, and was not supplied with a sufficient stock of water, but had sufficient provisions for the support of the said negroes and crew, on their destined voyage to the Island of Cuba.

(Here follows a List of the crew.)

Given under my hand this 28th day of September, 1836.

(Signed)

WILLIAM JONES, *Captain.*

## Fourth Enclosure in No. 163.

*Abstract of the Evidence in the Case of the "Empresa."*

IN the Always Most Faithful City of the Havana, on the 3d November, 1836, *Don Luis Tindal*, Lieutenant of His Britannic Majesty's ship "Vestal," and Prize-Master of the captured brigantine-schooner slave-vessel "Empresa," being duly sworn before the Mixed Court of Justice, deposed that the "Empresa" was detained on the 28th of last September, between the Islands of Tobago and Grenada, near Trinidad, to leeward, at half-past 9 or 10 o'clock in the morning, and had living on board 434 negroes. That he recognized the Declaration shown to be the same as was intrusted to him by the Commander of His Majesty's ship to lay before the Mixed Court; that 22 negroes had died from the period of capture to the present time, of which he had informed the English Judge; that he recognized the Letter, dated the 26th October, as the same that he addressed to the British Judge on arriving in this port; but the last name is incorrectly written, and he understands it to be *Estanislao*, but cannot be certain, not being able to speak Spanish; that during the last night 3 of the 5 of his prisoners made their escape by swimming, although 2 were shackled together, viz. *Manuel Calvo*, *Juan*, and *Pedro*; that he recognized the Papers numbered from 1 to 4, and consisting of the Passport, Muster-roll, *Contraseña*, and Log-book, as those taken by the English Commander from the captured vessel; that he was obliged to enter Montego Bay, in the Island of Jamaica, for provisions and water, which he was short of, but no one left the vessel excepting himself. With which, and having proved that the English ship "Vestal" was, according to the List of Vice-Admiral Sir Peter Halkett, Commander-in-Chief on the station of the Antillas, duly provided with Instructions to detain slave-vessels, this examination was concluded, and the same being read to him by the interpreter, he signed it with his Excellency and the British Judge.

IN the Always Most Faithful City of Havana, on the 5th November, 1836, before his Excellency the Spanish Judge and the Senior British Judge, appeared a man apparently white, taken from the prison of La Fuerza, of the crew of the merchant brigantine-schooner "Empresa," detained with a cargo of bozal negroes, who having taken oath, by which he promised to tell the truth concerning all he might know, or that might be asked him, his examination proceeded as follows:—Being questioned, he replied that his name is *Don Estanislao Maro*, a native of *Reciero*, in the mountains of *Santander*; that he is unmarried, and his employment that of a Pilot; his first voyage being that which he took with *Don Andres Coloma*, Captain of the said brigantine-schooner, who remained on the Coast of Africa at a place called *Punta de Seña*, having some ailment in his legs; that they were detained by the English ship-of-war "Vestal," in sight of the Island of Grenada, one day in the month of September, but that he could not be certain if it was the 27th or 28th; that the said captured vessel was brought here by an English Officer as Prize-Master, belonging to the ship, and that the cause of her detention he understood to be her having bozal negroes on board, of whom he believed, although not quite certain, there were then living 435; that the said negroes were taken on board at the *Punta de Seña*, to the number of 450 of both sexes; that they set sail on the 19th of July, ignorant of what place they were bound for; that the "Empresa" left the port of Havana on the 20th of last May, the Captain going direct to the Coast of Africa, without making for any port; that he had neither place nor pay, and that he went to learn to pilot; that he passed muster by his own name of *Estanislao Maro*, as appears by the Muster-roll; that on their way hither after detention, they entered the Bay of Montego, in the Island of Jamaica, on the 16th or 17th day after separating from the English ship; that they did so because they had neither water nor meal for the blacks; that he did not land, but that the English Officer did, and returned on board with all that was required, having been anchored in port 2 days; that he neither knows nor recollects how many negroes died after detention until their arrival here. After having examined the 4 Papers or Documents placed before him, he stated that he only recognized the Log-book, which was the same used by the Chief Pilot, *Don Manuel Calvo*; that he knew nothing about the others, nor had he seen them taken on board for the disposal of the English Commander; that, as already shown, the Captain had remained at *Punta de Seña*, finding himself incapacitated by his legs; and that likewise *Don Felipe Avellanas*, the Second Pilot, remained there, being attacked with fever, the Cabin-boy *Ramond* remaining to assist them; that these were the only persons wanting at the time of detention, and that the whole crew with whom they sailed consisted of from 24 to 25 men, from the Captain to the Cabin-boy; that the English Commander left 5 of the crew of the brigantine in her, in her voyage to Havana, viz. the First Pilot, who came as the Captain, *Don Manuel Calvo*, the Contra Master *Juan*, whose surname he does not know, one *Pedro*, *Matias Joffre*, and himself; that himself and the said *Matias Joffre* were landed, but that the 3 others, viz. the Captain or First Pilot, and the Contra Master, and *Pedro* had escaped 3 days before, without his having the least idea of their destination; that they embarked nothing but the negroes on the Coast of Africa, neither had they any overplus remaining of the cargo which they took out, although he is ignorant of the goods which might be brought to this port; that all that he has declared is the truth, according to his oath, and that when he stated the detention to have been made on the 27th or 28th of September, yet, after well reflecting, he could not be certain if it happened in September or August; that he is 21 years of age, and the above statements were signed by him, &c.

IN the Always Most Faithful City of Havana, on the 5th November, 1836, appeared before the Spanish and British Judges a man apparently white, taken from the public prison of this City, and belonging to the crew of the Spanish brigantine-schooner "Empresa," who, being duly sworn, deposed that his name is *Matias Joffre*, a native of *Villa de Andrache*, in the Island of *Majorca*; that he is married, and his family reside in that place, and that he was a working sailor on board the brigantine "Empresa;" that the brigantine was detained near the Island of Grenada by an English ship, the cause he believes to have been her having bozal negroes on board; that there were 450 negroes embarked, but he cannot tell on what part of the Coast they were taken in; that the cargo which they took to the Coast of Africa consisted of cotton stuffs, aguardiente, guns, powder, &c., which they took in at Havana; that they brought nothing besides the said negroes.

## Fifth Enclosure in No. 163.

*Lieutenant Tindal to Mr. Schenley.*

SIR,

*"Empresa," Havana, 5th November, 1836.*

WITH reference to the conversation which I held with you this morning at your house, I beg leave to acquaint you that the negroes on board the Spanish brigantine "*Empresa*," under my charge, are suffering exceedingly from the existing extreme wet and cold; and I consider that it would be only an act of humanity, and might save the lives of several of them, if, pending the trial before the Mixed Court, and the delay which I understand is likely to take place in registering them, some part of their equipment, such as for instance a blanket each, could be delivered to them, as I understand they are ultimately to be provided with these articles by His Majesty's Government.

I have, &amp;c.

*E. W. H. Schenley, Esq.*  
&c. &c.

(Signed) LOUIS S. TINDAL.

## Sixth Enclosure in No. 163.

*Dr. Madden to Mr. Schenley.*

SIR,

*Havana, 8th November, 1836.*

I HAVE the honour to acknowledge the receipt of your Note of this morning. I beg leave, in reply, to inform you that I am prepared to take charge of the liberated negroes; and that as I understand the Treaty, it specifies they shall be placed at the disposal of the Government which makes the capture immediately after the sentence of the Mixed Court has been pronounced.

I beg further to inform you, the delay of 2 days in placing them under my charge will necessarily increase the expense to Government of their maintenance here, medical attendance, &c., and moreover prevent the chance of obtaining convoy for the transport which takes them, from Captain Foreman, who will probably sail on Thursday. In the mean time, till I am placed in charge of the liberated negroes, I will beg leave to decline sending any supplies on board, till I am present myself to see their proper distribution.

I have, &amp;c.

*E. W. H. Schenley, Esq.*  
&c. &c.

(Signed) R. R. MADDEN.

## Seventh Enclosure in No. 163.

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

(Translation.)

GENTLEMEN,

*Havana, 11th November, 1836.*

UNDER date of yesterday, the Judges of the Mixed Tribunal write me as follows:—"Most Excellent Sir,—This Mixed Court has concluded, by means of its Secretary, the business of consigning to the bozal negroes of the Spanish merchant brigantine-schooner '*Empresa*,' which was captured by the English ship-of-war '*Vestal*,' their Certificates of emancipation in the same form as used in the preceding Cases, which Certificates we beg to remit to your Excellency, to the number of 407, to the end prescribed in Article 6 of the Regulations for the Mixed Courts of Justice; and although they bear the date of the day on which the sentence was signed, they have not been completed until the present."

And in transcribing the above for your information, I herewith send the said Certificates of emancipation for their proper disposal, according to the Treaty.

God preserve you many years.

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

(Signed)

MIGUEL TACON.

## Eighth Enclosure in No. 163.

*Passport.*

WE, the undersigned, Edward Wyndham Harrington Schenley, and Richard Robert Madden, Esquires, British Commissioners in the Mixed Court of Justice at the Havana for the suppression of the Slave Trade, do hereby certify to all whom it may concern, that the barque "*Cuba*," of *Hamburgh*, Auguste Julius Gutschow, Master, a citizen of *Hamburgh*, has the permission of both the Spanish and British Governments to proceed from the Havana to His Britannic Majesty's Island of *New Providence*, with 405 free negroes, *i. e.* 358 males and 47 females; which 405 negroes were detained on board the Spanish brig "*Empresa*," on the 28th September, 1836, by His Britannic Majesty's ship "*Vestal*," Captain William Jones, and have been emancipated by Decrees of the Mixed Court of Justice established at the Havana. They are now, in accordance with the 13th Article of the Treaty of the 28th June, 1835, placed at the disposal of His Majesty's Government, whose cruiser made the capture, and Dr. R. R. Madden, in pursuance of his Instructions as his Majesty's Superintendent of liberated negroes, has embarked, with the consent of the Mixed Court of Justice, these individuals on board the said barque "*Cuba*," of *Hamburgh*, under the charge of the said Auguste Julius Gutschow, who has come under an obligation to proceed direct to *Nassau, New Providence*, and to deliver over these negroes to his Excellency the Governor, together with this Certificate, immediately after his arrival there.

And we, His Britannic Majesty's Commissioners, do hereby request all Officers of whatever rank, commanding His Majesty's squadrons and ships, as well as all others of his subjects to whom it belongs, or may belong, not to give the said barque "*Cuba*," of *Hamburgh*, while proceeding on this mission, any obstruction, or to occasion her any inconvenience or detention whatsoever, but rather to assist her as much as possible to effect this present voyage to *Nassau, New Providence*: for which

purpose we have, under our hands and official seal, given this Certificate, at the City of Havana, on the 10th day of November, in the year of our Lord One thousand eight hundred and thirty-six.

(Signed) EDWARD W. H. SCHENLEY, *British Arbitrator, &c.*  
R. R. MADDEN, *British Arbitrator, pro tempore, &c.*

Ninth Enclosure in No. 163.

*His Majesty's Commissioners to the Governor of the Bahamas.*

SIR,

*Havana, 11th November, 1836.*

WE have the honour to acquaint your Excellency, that we have this day delivered into the hands of Auguste Julius Gutschow, Master of the Hamburg barque "*Cuba*," a Passport duly signed and sealed by us, in order to secure a free navigation of that vessel, with 405 emancipated negroes on board, to the Colony under your command.

We request the favour of your taking possession of the said Document, and returning it to us by the first opportunity, in order to prevent the possibility of its falling into improper hands.

We have, &c.

(Signed) E. W. H. SCHENLEY.  
R. R. MADDEN.

*His Excellency Lieutenant Colebrooke,*  
&c. &c. &c.

No. 164.

*His Majesty's Commissioners to Viscount Palmerston.—(Rec. January 16, 1837.)*

MY LORD,

*Havana, 30th November, 1836.*

WE herein have the honour to insert a List of Arrivals and Departures of such slave-vessels as have come to our knowledge during the present month.

*Spanish.*

Arrivals.

Brigantine "*Mañuelita*."  
Schooner "*Espéculacion*."

Departures.

Brig "*Lanzarote*."  
Brig "*Flor de la Mar*."  
Schooner "*Sirena*."

*Spanish, under Portuguese Colours.*

Arrivals.

Schooner "*Tragamillas*."  
Brig "*Phoenix*."  
Schooner "*Negrita*," or "*Negrinha*."

Departures.

*Portuguese.*

Arrival.

Schooner "*Constituçiao*."

Departure.

Schooner "*Maria Teresa*."

Amongst the vessels which we have ventured to designate "*Spanish, under Portuguese colours*," are inserted the names of the "*Phoenix*" and "*Negrinha*," alias "*Negrita*," the 2 vessels reported to your Lordship in the Despatch, No. 80, as having been captured by the "*Vestal*," Captain William Jones, nearly about the same period as the "*Empresa*," because it is a notorious fact that the "*Phoenix*" was armed in this city by Don José Fernandez, and the "*Negrita*" by Don Pedro Martinez, and we have great reason to fear that all the slave-vessels belonging to these persons are in the same manner protected by Portuguese Papers. We have already had the honour to explain to your Lordship the great protection which this flag continues to afford to the slave-dealers; but it has never, at any former period, been used in so shameless a manner as at present in covering the iniquitous proceedings of vessels that have been long well known as Spanish slavers, and which, only a few months since, quitted this harbour under the Spanish flag.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.  
R. R. MADDEN.

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

&c. &c. &c.

No. 165.

*His Majesty's Commissioners to Viscount Palmerston.—(Rec. January 16, 1837.)*

MY LORD,

*Havana, 30th November, 1836.*

WE have the honour to refer to the Despatch, dated October 25th, 1836, from this Commission, and to acquaint your Lordship that a few days since

Mr. N. P. Trist, the Consul for the United States in Havana, returned from leave of absence to his post. This Officer yesterday addressed a Letter to His Majesty's Commissioners, a Copy of which we beg leave to enclose, returning to them a Communication, a Copy of which forms the Enclosure, No. 4, in the above-mentioned Despatch, and which they considered it advisable to make to the American Consulate upon the 17th October last, respecting the open and extensive enterprises for carrying on the Slave Trade in American vessels, and under the flag of that nation by the Havana slave-traders, in connexion with some citizens of the United States, moreover with crews on board having American protections.

The Consul, upon the ground of the refusal of his Government "to become a party to even any discussion whatever of the subject" of the suppression of the Slave Trade, declines receiving any communication respecting these acts of "piracy" and barbarity upon the part of some American citizens.

The Commissioners cannot conceal their regret at this determination, the more so because from this Officer having left unnoticed, since the month of June last, a Letter which Mr. Schenley then thought it his duty to address to him upon the subject of an American brig which arrived in this port from San Pablo de Loando, under very suspicious circumstances, together with his recent return from Washington, the Commissioners fear that Mr. Trist is now acting in pursuance of the Instructions of his Government.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.  
R. R. MADDEN.

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

&c.

&c.

&c.

Enclosure in No. 165.

*Mr. Trist to His Majesty's Commissioners.*

GENTLEMEN,

*Consulate of the United States, Havana, 29th November, 1836.*

ON my return to this city a few days since from the United States I had the honour to receive your Letter of the 17th ultimo, which would have been sooner acknowledged had not matters of more immediate urgency prevented my bestowing upon it the full consideration which at a glance the importance of its bearings was seen to require.

It has probably escaped your attention that overtures, previously made, for a Convention of the character referred to in the closing paragraph of your Letter, were more recently repeated by His Britannic Majesty's Minister at Washington, and then declined by the Government of the United States in a manner evincing the most decided disinclination to become a party to even any discussion whatever of the subject.

Had this been adverted to, you would have been sensible that, besides the general objection to my holding with any agent of a foreign Government any correspondence not warranted by the very limited official character with which I am invested, the occurrence to which I refer has rendered it particularly incumbent upon me to decline receiving any communication of the nature of that which I now beg leave to return.

I have, &c.

(Signed)

N. P. TRIST.

*His Majesty's Commissioners,*

&c.

&c.

No. 166.

*His Majesty's Commissioners to Viscount Palmerston.—(Rec. January 16, 1837.)*

MY LORD,

*Havana, 1st December, 1836.*

WE beg leave to acknowledge the receipt of your Lordship's Despatch dated the 23d September, 1836, transmitting to us the Copy of a Despatch from His Majesty's Minister at Madrid to your Lordship, and of a Note from the Spanish Minister for Foreign Affairs, containing an assurance that Instructions have been issued to the Captain-General of Cuba desiring that His Majesty's ships which enter the ports of Cuba, in charge of slave-vessels, shall be admitted to *pratique* without being subject to any quarantine whatever.

This remission of a vexatious measure, though very desirable, will, we trust, be now rendered of less importance in consequence of the Spanish Commissioners in the Mixed Court having been induced to abandon the point of insisting upon the presence of the Captor before the Court. We, however, could have wished the extension of it to the *slave-vessels* also, in Cases where no contagious disorder shall exist; for the unfortunate negroes thus cut off from succour and communication during 7 days are frequently exposed to great suffering, whereas, but for the



quarantine imposed upon them, the Mixed Court would, in most cases, proceed to trial in 24 hours after their arrival in port.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.  
R. R. MADDEN.

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

&c. &c. &c.

No. 167.

*His Majesty's Commissioner to Viscount Palmerston.—(Rec. January 16, 1837.)*

MY LORD,

*Havana, 1st December, 1836.*

WE have been honoured by the receipt of your Lordship's Despatch, dated the 15th October, 1836, expressing the gratifying intelligence of your Lordship's approval, under the peculiar circumstances of the Case, of the arrangements which were adopted for sending to Belize, in the slave-vessel "*Preciosa*," the liberated Africans who formed the cargo of that vessel, and favouring us with your Lordship's opinion upon the suggestion made of the employment of slave-vessels to perform this service in future Cases.

We are sensible of the humanity which dictates your Lordship's objections to retain on board these Africans for a longer period than is absolutely unavoidable in the usually crowded state of slave-vessels, as likewise that an alteration of the 12th Article to the New Treaty would, in order to effect the above purpose, be indispensable; and being now honoured by your Lordship's Instructions upon this point we shall strictly adhere to them, as likewise to the full and complete execution of the aforesaid Article, a measure, the efficacy of which we have already had several opportunities of noticing.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

&c. &c. &c.

No. 168.

*His Majesty's Commissioners to Viscount Palmerston.—(Rec. January 16, 1837.)*

MY LORD.

*Havana, 1st December, 1836.*

WE respectfully beg leave to acknowledge the receipt of your Lordship's Despatch, dated 15th October, 1836, expressing your Lordship's approval of the measures which were pursued at this Commission in the Case of Edward Jousiffe, and the disposal of the 5 kroomen found on board the "*Preciosa*;" further acquainting us that His Majesty's Secretary for the Colonies has been requested to instruct the Superintendent of Belize to hold the negroes, alleged to have been kidnapped by Jousiffe, in readiness to be sent to Sierra Leone, to give evidence against him; that the Admiralty have been requested to instruct the Admiral to provide these negroes with a passage to that Colony, and that your Lordship has directed His Majesty's Commissioners at Sierra Leone to give to the Colonial Authorities there every assistance in their power to bring Jousiffe to justice; also informing us that Jousiffe's original Letter, stated to have been transmitted in the Despatch, No. 48, of 1836, from this Commission, did not form 1 of the Enclosures in the said Despatch.

We are deeply sensible of the honour which your Lordship confers in the flattering testimony of approval contained in your Lordship's above Despatch, likewise of the prompt and efficient support extended by your Lordship towards the prosecution of Jousiffe. The original Letter of that individual has already been forwarded by His Majesty's Acting Judge in a separate Despatch to Mr. Strangways, dated the 12th October, and marked Separate, No. 11, it having been accidentally filed in the archives of this office. We earnestly hope that the delay in transmitting this important Document may not prejudice the public service.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.  
R. R. MADDEN.

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

&c. &c. &c.

No. 169.

*His Majesty's Commissioners to Viscount Palmerston.—(Rec. January 16, 1837.)*

MY LORD,

Havana, 12th December, 1836.

WITH reference to the Despatch of the 25th ultimo, we have the honour to acquaint your Lordship that, on the 26th ultimo, the Hamburg barque "*Cuba*" returned to this port after having delivered over to the Lieutenant-Governor of the Bahamas at Providence the 393 Africans, being the survivors out of the 404 who were emancipated by the Decree of the Mixed Court, from on board the Spanish brigantine "*Empresa*," 3 having died in the interval between the 7th and the 11th, when they were transmitted by His Majesty's Superintendent of liberated negroes to that Colony.

We have the honour to forward a Copy of the Lieutenant-Governor's Letter to the Commissioners, as well as a Copy of the Affidavit of the Master of the "*Cuba*" duly executed, respecting 11 deaths which took place during the passage, also a Copy of the Receipt delivered to him for the above 393 Africans.

On the 28th November His Majesty's Superintendent addressed a Letter to the Acting Judge, requesting that the Commissioners would endeavour to obtain from this Local Government a remission of the port-dues chargeable upon the return of the "*Cuba*" to the port of the Havana. The Commissioners accordingly wrote to the Intendant-General, to whose department such matters relate, and on the 12th, this day, a reply was returned, of which, together with the above Documents, we have the honour to transmit a Copy.

We have, &amp;c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

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

&amp;c.

&amp;c.

&amp;c.

## First Enclosure in No. 169.

*Lieutenant-Governor Colebrooke to His Majesty's Commissioners.*

GENTLEMEN,

Government House, Nassau, Bahamas, 19th November, 1836.

THE Hamburg barque "*Cuba*," Auguste Julius Gutschow, Master, arrived at this port on the 17th instant, having on board 393 Africans liberated by your Commission, 11 of the original number of 404 having died during the passage, of whom the Master will render an account to you. Their numbers and the dates of their deaths are noted in the margin, and I enclose a Copy of the Master's Affidavit.

In compliance with your request I have obtained the Passport which was furnished to Captain Gutschow by you, and which will be returned to you by the first safe opportunity.

I have, &amp;c.

(Signed)

M. W. V. COLEBROOKE.

*The British Commissioners in the Mixed Court of Justice at Havana.*

## Second Enclosure in No. 169.

*Affidavit of Captain Gutschow.**Bahama Islands.*

AUGUSTE JULIUS GUTSCHOW, Master of the barque "*Cuba*," being duly sworn, maketh oath that, in his passage from Havana to Nassau, 11 Africans died, as per numbers mentioned in the margin, and on the dates respectively also mentioned in the margin.

(Signed)

AUGUSTE JULIUS GUTSCHOW.

(Signed)

C. R. NESBITT, *Police Magistrate.*

(Signed)

C. R. NESBITT, *Police Magistrate.*

## Third Enclosure in No. 169.

*Receipt.**Port of Nassau, Bahamas.*

THIS is to certify that there have been landed at this port from the barque "*Cuba*," Captain A. J. Gutschow, 393 Africans, according to the numbers, names, and descriptions given in their Letters of emancipation.

(Signed)

THOMAS R. WINDER, S. I.

Nassau, 19th November, 1836.

## Fourth Enclosure in No. 169.

*Dr. Madden to Mr. Schenley.**Havana, 28th November, 1836.*

Sir,

I HAVE the honour to inform you of the arrival from the Bahamas of the barque "Cuba," after landing the survivors of the "cargo" of the "Empresa" at Nassau.

It would be very desirable to have the tonnage duties in this instance of the return of the "Cuba" remitted by the Spanish Government, as I have stipulated that the British Government should share equally with the ship Master in that advantage; I have, therefore, to request you will take what steps may be necessary for the purpose of procuring this remission:

*E. W. H. Schenley, Esq.,*  
*&c. &c.*

(Signed) I have, &c.  
 R. R. MADDEN, Superintendent, &c.

## Fifth Enclosure in No. 169.

*His Majesty's Commissioners to the Intendant-General.**Havana, 28th November, 1836.*

THE undersigned, His Britannic Majesty's Commissioners, have the honour to transmit to his Excellency the Intendant-General the Copy of a Letter which has been addressed by the Superintendent of liberated negroes to the British Acting Judge in the Mixed Court, to the purport that a remission be made by this Government of the duties consequent upon the return of the Hamburg ship "Cuba," which vessel was employed by the Superintendent in the execution of the Instructions of His Majesty's Government to convey the negroes liberated by the Mixed Court of Justice to the Island of Providence, from whence she returned direct in ballast on the 26th current.

The undersigned beg leave to add their request that this application may be acceded to, if his Excellency shall not deem it an infringement upon the Customs' Laws of the Local Government of this Island.

*His Excellency the Intendant-General.*

We have, &c.  
 (Signed) E. W. H. SCHENLEY:  
 R. R. MADDEN.

## Sixth Enclosure in No. 169.

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

(Translation.)

*Havana, 12th December, 1836.*

IN consequence of what you stated to me in your Official Letter of the 28th ultimo, relative to the remission of the Royal tonnage duties on the Hamburg ship "Cuba," in case it should not be opposed to the Royal Orders touching the subject, I have directed, in conformity therewith, that if the articles brought on board the said vessel be the same that she sailed with from this port on her late voyage to Providence, the before-mentioned duties will be remitted, but they will be collected in case she shall have brought any other, on her return from the expedition to which she was destined. I communicate this to you for your information, and in reply to your above-mentioned Letter.

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

God preserve you many years.  
 (Signed) EL CONDE DE VILLANUEVA.

## No. 170.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 27th January, 1837.*

I HEREWITH transmit for your information the Translation of a Decree issued at Lisbon on the 10th December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions.

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

I am, &c.  
 (Signed) PALMERSTON.

## No. 171.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 10th February, 1837.*

I HEREWITH forward to you the Commission bearing date the 10th of February, by which His Majesty has been graciously pleased to appoint James Kennedy, Esq., to be His Majesty's Judge, and Edward Wyndham Harrington Schenley, Esq., to be His Majesty's Arbitrator to the Mixed British and Spanish Court of Justice established at the Havana, under the Treaty concluded on the 28th June, 1835, between Great Britain and Spain, for the prevention of illegal Slave Trade, and pursuant to the Act of Parliament which has been passed for carrying this Treaty into effect.

Mr. Kennedy will, at an early opportunity after his arrival at the Havana, take in due form the oath prescribed to him by the enclosed Instrument previously to entering upon his further duties in the character assigned to him in His Majesty's Commission of appointment.

You will announce the appointment of Mr. Kennedy to the foreign members of the Mixed Court of Justice destined to act with you under the Treaties above mentioned.

You will strictly follow the line of conduct pointed out in the Instructions which have heretofore been given by His Majesty's Secretary of State to His Majesty's Commissioners at the Havana; and further Instructions will, by His Majesty's Command, be transmitted to you, according as Instructions may be necessary for your guidance.

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

I am, &c.  
(Signed) PALMERSTON.

## No. 172.

*His Majesty's Commissioners to Viscount Palmerston.—(Received February 13.)*  
MY LORD, *Havana, 2d January, 1837.*

IN pursuance of the Act of Parliament, 5 Geo. IV., entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour now to enclose a return of the Cases adjudicated in this Mixed Court of Justice during the last 6 months.

We have, &c.  
(Signed) EDWARD W. H. SCHENLEY.  
R. R. MADDEN.

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

## Enclosure in No. 172.

*Return of Spanish Slave-Vessels brought before the Mixed Court of Justice at the Havana for adjudication, between the 1st of July, 1836, and the 1st of January, 1837.*

| 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.   |
|-----------------|------------------|---|--|-------------------|---|---|
| Preciosa.       | 13 July.         | { Schooner, with 287 slaves on board.   | { Lieutenant Geo. Byng, H.M.'s Ship "Pincher." | 26 July.          | Forfeiture.   | { This vessel, conformably with the stipulations of the Treaty of the 28th June, 1835, has been broken up entirely, and sold in separate lots, but the accounts are not yet closed, and the proceeds remain in the hands of the Secretary to the Mixed Court, Don Juan F. Cascales. |
| Empresa.        | 28 Sept.         | { Brigantine, with 414 slaves on board. | { Capt. Wm. Jones, H.M.'s Ship "Vestal."       | 7 Nov.            | Forfeiture.   | { This vessel is in the hands of Don Jayme Andreu, the individual whose tender was accepted for executing the formal part of the sentence of the Mixed Court upon the "Empresa."  |

EDWARD W. H. SCHENLEY.  
R. R. MADDEN.

## No. 173.

*His Majesty's Commissioners to Viscount Palmerston.—(Received February 13.)*  
MY LORD, *Havana, 2d January, 1837.*

HITHERTO the Annual Reports of His Majesty's Commissioners have been accompanied by tolerably accurate returns of the arrivals and departures of slave-vessels which took place at the Havana during the preceding year, and they served as a basis for calculating the increase or diminution of the Slave Trade in this Island.

The effrontery with which such enterprises were carried on until recently rendered the completion of the Lists little more than a matter of form. The case is now, however, materially altered since the New Treaty has come into operation, and its primary consequence has been to induce the slave-dealers of the Havana to adopt other measures, and a degree of secrecy before unknown in executing their execrable speculations. Early in the past year orders were issued not to hoist the red flag, or designating signal of vessels "from the Coast of Africa," at the Moro, where it was usually exhibited to the whole of the Havana, when a slaver entered the harbour. Shortly afterwards the newspapers were forbidden to publish the names of any of these vessels amongst the arrivals and departures; and the practice of inscribing them upon the book at the Commercial Rooms was also abandoned. The next step, of which we have been credibly informed, was a sanction, or at all events no hinderance offered, to their departure from the port after dark; an act which, in all other cases, involves a very severe penalty, even to the destruction of the vessel by the guns of the Moro. Fortunately this clandestine proceeding, though equally permitted, is seldom practised by vessels bound *in*, from the danger of entering the narrow channel after nightfall.

Hereby your Lordship will perceive it to be a matter of some difficulty to ascertain, with the same accuracy as formerly, the proceedings of these vessels. We have taken the liberty to dwell thus upon the subject, in order to account for any discrepancy which may hereafter be found to exist in the Lists which we have now the honour to transmit to your Lordship; and we likewise apprehend that amongst a society where every one, be their station or calling what it may, benefits from the prosperity of the Slave Trade, when once secrecy shall be considered an object towards the prosecution of it, few persons will betray it gratuitously.

However imperfect the enclosed Documents may be, we fear they contain sufficient evidence to prove that the Slave Trade has not abated in vigour during the year 1836. As regards the Spanish flag, the total number of arrivals and departures for that period, when compared with those of 1835, would indicate a decrease; but the extraordinary increase under the Portuguese flag, which, in many cases, we have the strongest reasons for suspecting covers Spanish property, renders it impossible for us to indulge in this conclusion. The use of this flag by the slave-vessels is becoming so flagrant, from the protection which it at present affords against the penalties of the Treaty of the 28th June, 1835, that several of these vessels, *notorious* slavers, which have availed themselves of it, left the Havana only a few months ago under Spanish colours; and though possibly a sale may have been effected at some of the Portuguese Settlements to a subject of that nation, yet they are confidently spoken of as Spanish property.

We have, therefore, ventured to insert their names as "Spanish, under Portuguese colours;" and we may mention, as very flagrant instances, the arrival of the "*Isabel Segunda*," a Spanish slaver, at this port, on the 11th December, with *Portuguese* colours, still retaining the *Spanish name*; and again yesterday (we lament to say) the most notorious ship "*Socorro*," also carrying the Portuguese flag, after another most successful trip to the Mozambique, from whence she brought back and landed upwards of 700 negroes. She sailed from this harbour on the 29th of last May, under the Spanish flag, and with a Clearance from the Custom-house of Havana for Manilla, as reported to your Lordship in Mr. Schenley's Despatch, No. 36, of the 11th June, 1836.

But we must not omit to mention, that the slave-dealers have other motives for assuming a Portuguese character nearly as important to their undertakings as that of evading the Equipment Article. When a Spanish slave-vessel is condemned in this Mixed Court, the Master and crew are placed at the disposal of the Captain-General, to undergo the punishment which his Excellency may be instructed to inflict. It is difficult, without a too direct interference with the Local Authorities, for His Majesty's Commissioners to ascertain precisely the nature or duration of this punishment; but they are credibly informed that, unless a sum of money, generally proportioned to the means of each individual, be "subscribed for the public works," the detention of these persons at hard labour in the Cabañas, or Prison Fort, is for a considerable period.

When, upon the other hand, the capture is made under the flag of Portugal, the Captor usually retains on board the prize only a sufficient number of the crew for the purpose of condemning her at Sierra Leone; the rest, being set at liberty, find their way to the Havana, and not only escape all fine or punishment, but are ready to return (which they almost invariably do) direct to the Coast of Africa, in

the first vessel bound thither. Thus the ostensible Captain and chief offender escapes even the inconvenience of being sent back to Sierra Leone, as an arrangement invariably exists on board these vessels that one of the crew shall represent and undergo any penalties which may attach to that situation in case of capture.

We had strong evidence of this fact in the recent cases of the "*Phœnix*" and "*Negrita*," alias "*Negrinha*," which were captured by His Majesty's ship "*Vestal*" at the same time as the "*Empresa*:" as it was through intelligence brought by the Master of the "*Phœnix*" that the Acting Judge first received correct details respecting those vessels, and the individuals composing the crews of the two former, which were under Portuguese colours, though owned here, reached the Havana in full liberty 16 days previous to the arrival of the "*Empresa*."

Enclosure No. 4, containing a List of American slave-vessels which have sailed from this port for the Coast of Africa, has already formed the subject of a Despatch to your Lordship; nevertheless, we cannot conceal our deep regret at the new and dreadful impetus imparted to the Slave Trade of this Island by the manner in which some American citizens impudently violate every law, by embarking openly for the Coast of Africa under their national flag, with the avowed purpose of bringing slaves to this market. We are likewise assured that it is intended by means of this flag to supply slaves for the vast Province of Texas, Agents from thence being in constant communication with the Havana slave-merchants.

Whatever may at one time have been the feeling of some of the principal landed proprietors in favour of the suppression of the Slave Trade of this Island, we confidently believe that there scarcely exists at the present time any individual who entertains such a wish, nay, who would not do his utmost to sustain it; and the numerous examples of those who are engaged in it amassing great wealth within an incredibly short period, as well as the support given to it by public opinion, must for a long time prove serious obstacles towards its extinction. It is a fact worthy to be recorded, in illustration of the feelings entertained by this community towards the instruments through whose means they acquire their unhallowed gains, that Bernardo de Soto, an individual who was convicted of piracy upon the brig "*Mexican*," and sentenced to death at Boston, United States, in the year 1835, where several of his associates suffered capitally, obtained a reprieve, as we have heard, in a great degree owing to a Petition which was signed in his favour by nearly every merchant in the Havana; and on his return here, he was immediately placed in command of the finest steam-boat belonging to this port; a situation which brings him into contact with the most respectable part of the society.

A longer period must elapse before it will be possible to furnish your Lordship with any detailed accounts of the precise influence and operation of the New Treaty upon the Slave Trade of the Havana. It is obvious, however, that although the persons engaged therein affect totally to disregard the Equipment Article, yet that it has awakened all their ingenuity to escape the consequences of it.

In conclusion, we beg leave to state that, up to the present date, no promulgation of any penal law or punishment, such as is declared in Article 2, or indeed of any of the provisions of the Treaty of the 28th June, 1835, has taken place by this Local Government, since the exchange of the ratifications.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

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

&c.

&c.

&c.

First Enclosure in 173.

List of Slave-vessels which 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 28th March, 1836.                           |
| 3   | 19 "      | "          | Schooner | Flor de la Mar . . . . .              | Fortunato Romero            | Returned 24th Sept. 1835.                            |
| 4   | 23 "      | "          | Brig     | Aquila Vengadora . . . . .            | Antonio Equegurreu          | Returned to Trinidad.                                |
| 5   | 25 "      | "          | "        | Ramoncito . . . . .                   | — Urquijo . . . . .         | Returned 14th Feb. 1836.                             |
| 6   | 25 "      | "          | Schooner | Deseada . . . . .                     | — Barnardas . . . . .       | Returned 16th Sept. 1835.                            |
| 7   | 28 "      | "          | Brig     | Severo . . . . .                      | J. Maqueda . . . . .        | Returned 12th Nov. 1835.                             |
| 8   | 29 "      | "          | "        | Diogenes . . . . .                    | Eustaquio Noriega           |  |
| 9   | 12 Feb.   | "          | Schooner | Luisita . . . . .                     | Juan Pujol . . . . .        | Returned 19th August, 1835.                          |
| 10  | 19 "      | "          | "        | Feliz Vascongada . . . . .            | J. T. Olaquiver . . . . .   | Returned 21st August, 1835.                          |
| 11  | 27 "      | "          | "        | Mariposa . . . . .                    | Juan José Rodriguez         | Returned 13th Oct. 1835.                             |
| 12  | 4 March   | "          | "        | General Mina . . . . .                | Andres Soto . . . . .       | Returned 13th Sept. 1835.]                           |
| 13  | 4 "       | "          | Brig     | Eloisa, <i>alias</i> Corso . . . . .  | — Bonmati . . . . .         |  |
| 14  | 7 "       | "          | Schooner | Matilde . . . . .                     | — Presas . . . . .          | Returned 13th Sept. 1835.                            |
| 15  | 8 "       | "          | Brig     | Isabel II. . . . .                    | Antonio Marquez . . . . .   | Returned 2d January, 1836.                           |
| 16  | 9 "       | "          | "        | Volador . . . . .                     | Benito Pereyra              |  |
| 17  | 9 "       | "          | Schooner | No. 1, <i>alias</i> Rosalia . . . . . | Manuel Espinosa             | Returned 27th Aug. 1835.                             |
| 18  | 9 "       | "          | "        | Manuelita . . . . .                   | Geronimo Villar . . . . .   | Returned 27th March, 1836.                           |
| 19  | 13 "      | "          | Polacca  | Pepita . . . . .                      | Narciso Macia               |  |
| 20  | 15 "      | "          | Brig     | Feliz . . . . .                       | Antonio Alvarez . . . . .   | Returned to Matanzas.                                |
| 21  | 22 "      | "          | "        | El Mismo . . . . .                    | J. Pereyra . . . . .        | Returned 15th Oct. 1835.                             |
| 22  | 1 April   | "          | Schooner | Amable Salomé . . . . .               | José Terri . . . . .        | Returned 23d Nov. 1835.                              |
| 23  | 1 "       | "          | "        | Zafira . . . . .                      | José Mora . . . . .         |  |
| 24  | 5 "       | "          | Polacca  | Catalina . . . . .                    | Ramon Clavel . . . . .      | Returned 13th Dec. 1835.                             |
| 25  | 15 "      | "          | Brig     | Esplorador . . . . .                  | José Inza . . . . .         |  |
| 26  | 18 "      | "          | "        | Cazador Santurzano . . . . .          | Angel Eloriaga . . . . .    |  |
| 27  | 19 "      | "          | "        | Lorençita . . . . .                   | Gabriel Molina . . . . .    | Returned 27th April, 1836.                           |
| 28  | 27 "      | "          | "        | Marmerito . . . . .                   | Gaspar Prats . . . . .      | Returned 20th Feb. 1836.                             |
| 29  | 2 May     | "          | Schooner | Gazeta . . . . .                      | Joaquin Andrecain . . . . . | A Matanza's vessel.                                  |
| 30  | 2 "       | "          | "        | Semiramis . . . . .                   | Santiago Deliz . . . . .    |  |
| 31  | 10 "      | "          | Brig     | Argos . . . . .                       | Narciso Estevan . . . . .   |  |
| 32  | 19 "      | "          | "        | General Laborde . . . . .             | Ramon Trillo . . . . .      | Returned 23d Dec. 1835.                              |
| 33  | 23 "      | "          | Schooner | Felicidad . . . . .                   | M. Aldecoa . . . . .        | Wrecked on the Coast of Africa                       |
| 34  | 28 "      | "          | Brig     | Cristina . . . . .                    | Antonio Esteves . . . . .   | Returned 17th June, 1836.                            |
| 35  | 31 "      | Spanish    | Polacca  | Reforma . . . . .                     | Francisco Vincent . . . . . |  |
| 36  | 2 June    | "          | Brig     | Vengador . . . . .                    | A. Ximenes . . . . .        | Returned 17th Dec. 1835.                             |
| 37  | 5 "       | "          | "        | Clarita . . . . .                     | Geronimo Villar . . . . .   | Returned 18th April, 1836.                           |
| 38  | 10 "      | "          | Schooner | Carmen . . . . .                      | Juan Cap-de-vila . . . . .  | Returned 12th Feb. 1836.                             |
| 39  | 21 "      | "          | Ship     | Socorro . . . . .                     | Antonio Muzard . . . . .    | Returned 10th Jan. 1836.                             |
| 40  | 22 "      | "          | Schooner | Victorina . . . . .                   | — German . . . . .          |  |
| 41  | 29 "      | "          | Brig     | Rosarito . . . . .                    | — Terragueira . . . . .     |  |
| 42  | 1 July    | "          | Schooner | Tragamillas . . . . .                 | Pascual Garcia . . . . .    | Returned 26th Dec. 1835.                             |
| 43  | 1 "       | "          | "        | Francisca . . . . .                   | José Mora . . . . .         | Returned 23d Feb. 1836.                              |
| 44  | 6 "       | "          | "        | Bella Ines . . . . .                  | Juan Pujol . . . . .        | Returned 1st Feb. 1836.                              |
| 45  | 6 "       | "          | Brig     | Portento . . . . .                    | — Saura . . . . .           |  |
| 46  | 6 "       | "          | "        | Isabel . . . . .                      | Francisco Montero . . . . . | Returned 8th Feb. 1836.                              |
| 47  | 6 "       | "          | "        | Casimiro . . . . .                    | Juan Tremuel . . . . .      | Returned 27th April, 1836.                           |
| 48  | 11 "      | "          | "        | Joven Maria . . . . .                 | José Garay . . . . .        |  |
| 49  | 11 "      | Portuguese | "        | Margarita . . . . .                   | — Moura . . . . .           |  |
| 50  | 12 "      | Spanish    | Schooner | Norma . . . . .                       | — Echavarria . . . . .      |  |
| 51  | 19 "      | "          | "        | Tres Tomasas . . . . .                | — Echandia . . . . .        |  |
| 52  | 20 "      | "          | "        | Empresa . . . . .                     | — Colomar . . . . .         | { Captured by His Majesty's ship Vestal.             |
| 53  | 20 "      | "          | Brig     | Llobregat . . . . .                   | J. A. de la Vega . . . . .  | Returned 9th March, 1836.                            |
| 54  | 23 "      | "          | Ship     | Alerta . . . . .                      | — Allende . . . . .         | Returned 8th Feb. 1836.                              |
| 55  | 28 "      | "          | Schooner | Seis Hermanas . . . . .               | — Prieto . . . . .          |  |
| 56  | 28 "      | "          | "        | Agripina . . . . .                    | — Bocalandro . . . . .      | Returned 30th April, 1836.                           |
| 57  | 28 "      | "          | "        | Belencita . . . . .                   | — Hevia . . . . .           | Returned 21st Feb. 1836.                             |
| 58  | 28 "      | "          | "        | Isabelita . . . . .                   | Felipe Rebel . . . . .      | Returned 16th March, 1836.                           |
| 59  | 3 August. | "          | "        | Antonica . . . . .                    | Jacinto Derisaniz . . . . . |  |
| 60  | 8 "       | "          | Brig     | Diligencia . . . . .                  | — Durant . . . . .          |  |
| 61  | 12 "      | "          | Schooner | Recompensa . . . . .                  | Manuel Mateu . . . . .      |  |
| 62  | 1 Sept.   | "          | "        | Primeira Gallega . . . . .            | — Martinez . . . . .        |  |
| 63  | 2 "       | "          | Pailebot | Carisima . . . . .                    | — Legrand . . . . .         |  |
| 64  | 4 "       | "          | Schooner | Ligera . . . . .                      | — Podesta . . . . .         |  |
| 65  | 13 Oct.   | Portuguese | Pailebot | Diligencia . . . . .                  | L. Marquez . . . . .        |  |
| 66  | 15 "      | Spanish    | Brig     | Pilar . . . . .                       | J. Domenech . . . . .       |  |
| 67  | 16 "      | "          | "        | Terpsichore . . . . .                 | J. Blanco . . . . .         | { Returned 11th Dec. 1836, under Portuguese colours. |
| 68  | 20 "      | "          | Schooner | Feliz Vascongada . . . . .            | J. F. Olaquivel . . . . .   |  |
| 69  | 29 "      | "          | "        | Luisita . . . . .                     | — Esteva . . . . .          |  |
| 70  | 6 Nov.    | "          | Brig     | Vencedor . . . . .                    | — Cabrera . . . . .         |  |
| 71  | 8 "       | "          | Schooner | Flor de la Mar . . . . .              | Manuel Espinosa . . . . .   |  |
| 72  | 8 "       | "          | "        | Matilde . . . . .                     | J. M. Arrarte . . . . .     |  |
| 73  | 14 "      | "          | "        | Atalaya . . . . .                     | Feliciano Sust . . . . .    | Returned 19th April, 1836.                           |
| 74  | 16 "      | "          | "        | Titi . . . . .                        | — Carbo . . . . .           |  |
| 75  | 22 "      | "          | Corvette | Adelaida . . . . .                    | — Pullar . . . . .          |  |
| 76  | 3 Dec.    | "          | Brig     | El Mismo . . . . .                    | J. B. Pereyra . . . . .     |  |
| 77  | 3 "       | "          | Schooner | Mariposa . . . . .                    | P. Oliver . . . . .         |  |
| 78  | 6 "       | "          | "        | Segunda Gallega . . . . .             | — Rodriguez . . . . .       |  |
| 79  | 9 "       | "          | Brig     | Aguila . . . . .                      | — Fernandez . . . . .       |  |
| 80  | 19 "      | "          | Schooner | Amable Salomé . . . . .               | Miguel Hernandez . . . . .  |  |

Recapitulation.

|   |    |
|---|----|
| Returned and landed cargoes . . . . .           | 38 |
| Captured by His Majesty's ship Vestal . . . . . | 1  |
| Wrecked . . . . .                               | 1  |
| Fate unknown . . . . .                          | 40 |
|   | —  |
|   | 80 |

## Second Enclosure in No. 173.

List of Slave-vessels which arrived in the Port of the Havana, from the Coast of Africa, during the Year 1836.

| No. | Date.    | Nation.    | Class.                         | Name of the Vessel.      | Name of the Master.      | Remarks.                   |
|-----|----------|------------|--------------------------------|--------------------------|--------------------------|----------------------------|
| 1   | 1 Jan.   | Portuguese | Brig                           | Maria Teresa . . .       | J. Pereyra.              |                            |
| 2   | 2 "      | Spanish    | "                              | Isabel Segunda . . .     | A. Marquez.              |                            |
| 3   | 10 "     | "          | Ship                           | Socorro . . . . .        | A. Muzard.               |                            |
| 4   | 30 "     | "          | Brig                           | Jacinto . . . . .        | Francisco Rubeiro.       |                            |
| 5   | 1 Feb.   | "          | Schooner                       | Bella Ines . . . . .     | Juan Pujol.              |                            |
| 6   | 1 "      | "          | Ship                           | Atenas . . . . .         | — Castro.                |                            |
| 7   | 8 "      | "          | "                              | Alerta . . . . .         | Juan Allende.            |                            |
| 8   | 8 "      | "          | Brig                           | Mercedita . . . . .      | Vicente Sanchez.         |                            |
| 9   | 8 "      | "          | "                              | Isabel . . . . .         | Francisco Montero.       |                            |
| 10  | 10 "     | "          | Schooner                       | Dido . . . . .           | — Grandel.               |                            |
| 11  | 12 "     | "          | "                              | Carmen . . . . .         | — Gonzalez.              |                            |
| 12  | 14 "     | "          | Brig                           | Ramoncito . . . . .      | Dionisio Urquijo.        |                            |
| 13  | 20 "     | "          | "                              | San Pedro (a) Marinero   | Gaspar Prats.            |                            |
| 14  | 21 "     | "          | "                              | Belencita . . . . .      | Manuel Predez.           |                            |
| 15  | 23 "     | "          | Schooner                       | Francisca . . . . .      | Fulgencio Martin Mora    |                            |
| 16  | 9 March  | "          | Brig                           | Llobregat . . . . .      | J. A. De la Vega.        |                            |
| 17  | 16 "     | "          | Schooner                       | Isabelita . . . . .      | Felipe Rebel.            |                            |
| 18  | 27 "     | "          | "                              | Manuelita . . . . .      | Geronimo Villar.         |                            |
| 19  | 28 "     | "          | { Brigantine }<br>{ schooner } | Urraca . . . . .         | — Reyes.                 |                            |
| 20  | 18 April | "          | Brig                           | Clarita . . . . .        | — Villar.                |                            |
| 21  | 19 "     | "          | Schooner                       | Atalaya . . . . .        | — Sust.                  |                            |
| 22  | 20 "     | "          | Brig                           | Empresa . . . . .        | — Colomar.               |                            |
| 23  | 27 "     | "          | Schooner                       | Casimira . . . . .       | — Fremur.                |                            |
| 24  | 4 "      | Portuguese | Brig                           | Esperança . . . . .      | — Souza.                 |                            |
| 25  | 7 "      | "          | Schooner                       | Victoria . . . . .       | — Symony.                |                            |
| 26  | 27 "     | Spanish    | Brig                           | Lorenzito . . . . .      | — Perez.                 |                            |
| 27  | 30 "     | "          | Schooner                       | Agripina . . . . .       | — Bocalan.               |                            |
| 28  | — May    | Portuguese | "                              | Eliza . . . . .          | — St. Ana.               |                            |
| 29  | — "      | "          | "                              | Prueba . . . . .         | — Campo.                 |                            |
| 30  | 11 June  | "          | "                              | Triunfo . . . . .        | — Silva.                 |                            |
| 31  | 17 "     | Spanish    | Brig                           | Cristina . . . . .       | — Esteves.               |                            |
| 32  | 19 "     | Portuguese | "                              | Escorpion . . . . .      | — Carlos.                |                            |
| 33  | 21 "     | Spanish    | Schooner                       | Tres Manueles . . . . .  | — Marquez.               |                            |
| 34  | 25 "     | Portuguese | Brig                           | Livéral . . . . .        | — Riveyro.               |                            |
| 35  | 28 "     | "          | Schooner                       | _____                    | _____                    |                            |
| 36  | — Sept.  | Spanish    | Brig                           | Galgo . . . . .          | _____                    |                            |
| 37  | 2 Oct.   | Portuguese | Schooner                       | Maria Teresa . . . . .   | _____                    |                            |
| 38  | 9 Nov.   | Spanish    | Brig                           | Isabel Segunda . . . . . | — Montero . . . . .      | { Arrived under Portuguese |
| 39  | 11 Dec.  | "          | "                              | Terpsicore (a) Matilde   | — Reyes . . . . .        | Colours.                   |
| 40  | 18 "     | "          | "                              | Egérída . . . . .        | — Domenech.              | Ditto ditto                |
| 41  | 25 "     | Portuguese | Schooner                       | Maria Segunda . . . . .  | — Alburque.              |                            |
| 42  | 26 "     | Spanish    | "                              | Francisca . . . . .      | — Tudela.                |                            |
| 43  | 31 "     | "          | Ship                           | Socorro . . . . .        | Antonio Muzard . . . . . | Ditto ditto.               |

## Recapitulation.

|  |           |
|--|-----------|
| Spanish vessels . . . . .                  | 29        |
| Portuguese . . . . .                       | 11        |
| Spanish under Portuguese colours . . . . . | 3         |
| <b>Total . . . . .</b>                     | <b>43</b> |



Third Enclosure in No. 173.

List of Slave-vessels which have sailed from the Port of the Havana for the Coast of Africa during the year 1836.

| No. | Date.   | Nation.    | Class.   | Name of the Vessel.                           | Name of the Master.                   | Remarks. |
|-----|---------|------------|----------|---|---------------------------------------|----------|
| 1   | 4 Jan.  | Spanish    | Schooner | Tres Manuelas . . .                           | — Marquez.                            |          |
| 2   | 17 "    | Portuguese | Brig     | Fenix . . . . .                               | J. A. Barbara.                        |          |
| 3   | 27 Feb. | Spanish    | "        | Rosario . . . . .                             | — Alcain.                             |          |
| 4   | 2 March | Portuguese | "        | Fortuna . . . . .                             | — Maqueda.                            |          |
| 5   | 8 "     | Spanish    | "        | Marinero . . . . .                            | — Mentor.                             |          |
| 6   | 8 "     | "          | "        | Isabel . . . . .                              | — Milan.                              |          |
| 7   | 19 "    | Portuguese | Schooner | Josefina . . . . .                            | — Montero.                            |          |
| 8   | 19 "    | Spanish    | "        | Union . . . . .                               | — Berguer.                            |          |
| 9   | 19 "    | "          | Brig     | Nazareno . . . . .                            | — Camaño.                             |          |
| 10  | 20 "    | "          | "        | Ramoncito . . . . .                           | — Houza.                              |          |
| 11  | 28 "    | "          | "        | Felicia . . . . .                             | — Hevia.                              |          |
| 12  | 19 May  | "          | "        | Segunda Monica . . .                          | — Canil.                              |          |
| 13  | 22 "    | "          | "        | Florentino . . . . .                          | — Tomas.                              |          |
| 14  | 22 "    | "          | "        | Saltador . . . . .                            | — Botel.                              |          |
| 15  | 26 "    | "          | Ship     | Europa.                                       |                                       |          |
| 16  | 29 "    | "          | "        | Socorro . . . . .                             | — Paoli.                              |          |
| 17  | — Sept. | Portuguese | Brig     | { Esperança (a) Miner-<br>va, (a) Mercury . } | Antonio Eduardo Mu-<br>zard Carvalho. |          |
| 18  | 4 Oct.  | American   | Schooner | Anaconda.                                     |                                       |          |
| 19  | 8 "     | "          | "        | Viper.  |                                       |          |
| 20  | — "     | "          | Brig     | Martha.                                       |                                       |          |
| 21  | 5 "     | Spanish    | Schooner | Dolores.                                      |                                       |          |
| 22  | — "     | "          | "        | Manuelita.                                    |                                       |          |
| 23  | — "     | "          | Ketch    | Moratin.                                      |                                       |          |
| 24  | 22 "    | "          | Schooner | Carlota . . . . .                             |                                       |          |
| 25  | — "     | "          | "        | Rosarita.                                     |                                       |          |
| 26  | — "     | "          | "        | Emanuel.                                      |                                       |          |
| 27  | 22 "    | American   | Ship     | Rosanna.                                      |                                       |          |
| 28  | — "     | "          | Schooner | Fanny Butler.                                 |                                       |          |
| 29  | 1 "     | Spanish    | "        | Julia.  |                                       |          |
| 30  | 4 "     | "          | "        | Preciosa.                                     |                                       |          |
| 31  | 14 "    | "          | "        | Urraca.                                       |                                       |          |
| 32  | — Nov.  | "          | Brig     | Lanzarote.                                    |                                       |          |
| 33  | — "     | "          | "        | Flor de la Mar.                               |                                       |          |
| 34  | — "     | "          | Schooner | Sirena.                                       |                                       |          |
| 35  | — "     | Portuguese | "        | Maria Teresa.                                 |                                       |          |
| 36  | 6 Dec.  | Spanish    | Brig     | Galgo.  |                                       |          |
| 37  | 23 "    | "          | "        | Union.  |                                       |          |
| 38  | — "     | "          | Schooner | Donzella Hermosa.                             |                                       |          |

Recapitulation.

|                      |    |
|----------------------|----|
| Spanish . . . . .    | 28 |
| Portuguese . . . . . | 5  |
| American . . . . .   | 5  |
|                      | 38 |

Fourth Enclosure in 173.

List of American Vessels which have sailed from the Port of Havana for the Coast of Africa, during the year 1836.

| No. | Date.     | Class.   | Name of the Vessel. |
|-----|-----------|----------|---------------------|
| 1   | 4 October | Schooner | Anaconda.           |
| 2   | 8 "       | "        | Viper.              |
| 3   | — "       | Brig     | Martha.             |
| 4   | 22 "      | Ship     | Rosanna.            |
| 5   | — "       | Schooner | Fanny Butler.       |

No. 174.

His Majesty's Commissioner to the Hon. W. Fox Strangways.—(Received Feb. 13.)

SIR,

Havana, 9th January, 1837.

I HAVE the honour to acquaint you, for the information of Viscount Palmerston, that, on the 20th ultimo, His Majesty's schooner "Pincher," Lieutenant George Byng, Commander, brought into this port the Spanish brigantine "General Laborde," which vessel he detained under the 10th Article to the Treaty of the 28th June, 1835, on the 16th of the same month, off the Port of Gibara, upon

the north Coast of this Island, and delivered over for adjudication by this Mixed Court of Justice for being fitted up for Slave Traffic. This is the same vessel which was released by sentence of the Mixed Court, as reported in the Despatch of His Majesty's Commissioners of the 11th January, 1836.

On the 22d the Court met, when it appearing from the evidence of Lieutenant Byng and Mr. Butcher, the second Master of the "Pincher," that a thorough examination of the vessel's hold beneath a large cargo of tobacco with which she was laden would be requisite, a Commission was named by the Mixed Court to superintend this operation, which was accordingly carried on during the days of the 23d and 24th December.

The holidays, which at this season of the year are strictly observed here, have so materially interfered with the proceedings of the Court, that although the evidence in this Case closed on the 7th current, yet I am unable to state what is likely to be the result of this first trial under the *Equipment Article*. One point, however, is, I regret to say, almost beyond a doubt, namely, that the Spanish Judge differs so materially from my views of the subject as to render an appeal to arbitration necessary. It is a Case which will fairly try the validity of the New Treaty; and I most sincerely trust that the opinion I have formed upon the evidence produced to the Court, which upon the general principle is, that a vessel fitted in almost every "circumstance" as prohibited by the New Treaty, cannot be held and taken to be engaged in a *legal pursuit* or in *lawful commerce*. I trust that the line of conduct which I am thereupon determined to pursue may not be disapproved by Viscount Palmerston.

I have, &c.

EDWARD W. H. SCHENLEY.

(Signed)

*The Hon. W. Fox Strangways,*  
&c.            &c.            &c.

## RIO DE JANEIRO.

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No. 175.

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

MY LORD,

*Rio de Janeiro, 10th February, 1836.*

IN our Half-yearly Report of the 6th January last, mention was made of the capture, on the 17th December, 1835, by His Majesty's sloop "Satellite," of the brig "Orion," under Portuguese colours, and having on board 245 slaves.

We have now the honour to enclose to your Lordship the Copy of a Letter addressed by Sir Graham Eden Hamond, Bart., to this Court, covering the Report made to him by Commander Smart of the circumstances of the capture ;

Our Report of the Case ;

A Copy and Translation of the Sentence.

By the Letter it will be satisfactory to your Lordship to perceive, that the Commissary Judges were unanimous in declaring the brig "Orion" to be a good prize, and in emancipating the slaves on board ; two deaths only having occurred between the date of the capture and that of adjudication.

The main points established by this sentence are :—

1st. Upon the authority of the Portuguese Government itself, that all trade whatever in slaves became illicit, on the part of Portugal, from the moment of her separation from Brazil.

2d. That no vessel is entitled to be considered as Portuguese which does not conform to the requisitions of the Commercial Code of Portugal.

The cargo of Africans on board of this vessel being considerable, and of more than ordinary value, owing to the youth and good condition of the slaves, great efforts were made on their behalf by the captured party ; and a very long argument, a Copy and Translation of which we have the honour to enclose, was drawn up in their defence by one of the principal Advocates in this City.

With the exception of a complaint that the flag of Portugal was placed under the British on the entrance of the "Orion" into this harbour, of which, possibly, your Lordship may hear more from other quarters, there is nothing in the first part of paper D. to which we need particularly call your Lordship's attention, as it proceeds entirely on the ground that the vessel was Portuguese, and, consequently, that the transaction was perfectly legal.

The second part, touching the competence of this Commission to try the Case, may, perhaps, be thought worthy of more notice, questioning, as it does, the principle so lately conceded by this Government to the instances of that of His Majesty, namely, that Portuguese subjects resident in Brazil, who should be found engaged in the traffic in Africans, as happened in the Case of the "*Maria da Gloria*," should be amenable to this tribunal ; and pointing out the consequences which this principle, if carried out to its full extent, must necessarily involve, viz. that subjects of other Powers resident in Brazil would, under similar circumstances, be equally liable to the jurisdiction of this Commission.

In adverting to our Report of the Case, we cannot refrain from pointing out, in the most marked manner, the scandalous conduct of the Authorities at Loando, in authorizing the embarkation of Africans under so frivolous a pretext as that they were to be conveyed to Moçambique to be exchanged for others in that Colony.

When the sentence was passed, the captured party asked leave to put in a Demurrer ("Embargo"), the nature and operation of which we have already had occasion to explain to your Lordship ; and, as this course had uniformly been conceded to parties by this Commission, it was so likewise in the present instance.

Against this the Commander-in-Chief of His Majesty's naval forces on this station strongly protested ; and we have the honour to forward herewith a Copy of the Letter which Sir Graham E. Hamond addressed to the Court on the occasion, with a Copy and Translation of the answer returned to him.

At the expiration of the term of 10 days allowed by the Laws of this country, the Court declared that they saw, in the additional arguments of the Claimant, no

reason to revise their sentence, which was accordingly confirmed on the 29th of January, 1836, and remitted, without delay, to the proper Authorities for execution; they having previously received provisional orders to accelerate it as much as possible, and the Government itself having officially published the sentence, with this view, upon its first promulgation.

The above Document required that the "Orion" and her cargo, in the event of their not being restored at once to the Owner, should be remitted for adjudication to the British and Portuguese Court of Commission at Sierra Leone. But, as it contains nothing otherwise particularly claiming your Lordship's attention, we limit ourselves to forwarding a translated Extract from it, in which the argument that the national character of a merchant is to be taken from the place of his residence, and of his mercantile establishment, is adduced in favour of the Owner of the "Orion," whose residence is declared to be at Angola.

We have, &c.

(Signed) **GEORGE JACKSON.**  
**FREDERICK GRIGG.**

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

First Enclosure in No. 175.

*Sir Graham Hamond to His Majesty's Commissioners.*

GENTLEMEN,

*Dublin, Rio de Janeiro, 21st December, 1835.*

I HAVE to acquaint you that a slave-trading brig, called the "Orion," has been sent into this port by Commander Smart, of His Majesty's sloop "Satellite," for adjudication in your Court.

Herewith I transmit Commander Smart's Report to me, observing that the Order dated 24th November, 1834, therein referred to, regards vessels fitted out in ports of Brazil being considered subject to the Laws and Treaties of this country.

I also send the Report of Lieutenant Anson, who has charge of the "Orion," and all the Papers found on board as enumerated in his Schedule, together with a Protest from the Master and the Owner, sent to me since her arrival, and the Owner's Certificate of his being a Portuguese subject.

I have, &c.

(Signed) **GRAHAM E. HAMOND,**  
*Rear-Admiral, Commander-in-Chief.*

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

(Copy.)

*His Majesty's sloop "Satellite," at sea, 17th December, 1835, latitude 20° 28' south, longitude 38° 37' west.*

SIR,

I HAVE the honour to inform you that, while pursuing my route towards Bahia, we discovered a brig at 8 A. M. of this date on the weather bow, and observing shortly afterwards that she endeavoured to evade us by keeping close to the wind and standing to the westward, instead of continuing a course by which she appeared to be going free, I thought it my duty to overhaul her, and in consequence did all in my power to close. About 2 P. M., having tacked and brought her to bear on the larboard bow, a little beyond gun-shot range, I ordered a shot to be fired to make her hoist colours, but as it was not noticed, a second was discharged, also without effect; by this time, as we were on opposite tacks, our distance was so much increased that firing was not repeated.

The chase continued until about 5 P. M., when we came up with and boarded her. She proved to be the "Orion," under Donna Maria colours, with 245 slaves on board, said to be from Moçambique, bound to Rio de Janeiro. Her Papers do not appear to justify her present occupation; and a passenger on board, named Juan Luis Ribeiro, having admitted that he purchased the vessel at Rio de Janeiro from a Brazilian, I consider your Circular addressed to me, dated the 24th November, 1834, is sufficient authority for her detention; and I have, in consequence, appointed Lieutenant Anson to take her to Rio for adjudication.

I have, &c.

(Signed) **ROBERT SMART, Commander.**

(Copy.)

I, ROBERT SMART, K. H., Commander of his Britannic Majesty's sloop "Satellite," hereby declare that, on the 17th day of December, 1835, being in or about latitude 20° 28' south, longitude 38° 37' west, detained the ship or vessel named the "Orion," armed with . . . . ., commanded by Thetonio Flavio da Silveira, who declared her to be bound from Moçambique to Rio de Janeiro with a crew consisting of 7 white men besides himself, and 5 black men, having 1 passenger, who declared his name to be Juan Luis Ribeiro, and having on board 245 slaves, said to have been taken on board at Angola at various times, and are enumerated as follows, viz. :—

|                 | <i>Healthy.</i>                            | <i>Sickly.</i>                             |
|-----------------|--|--|
| Men . . . . .   | 57   | 0  |
| Women . . . . . | 20   | 0  |
| Boys . . . . .  | 88   | 0  |
| Girls . . . . . | 80   | 0  |
|                 | <hr style="width: 50px; margin: 0 auto;"/> | <hr style="width: 50px; margin: 0 auto;"/> |
|                 | 245  | 0  |

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 Rio de Janeiro.

Given under my hand, on board His Majesty's sloop "Satellite," this 17th December, 1835.  
(Signed) ROBERT SMART, *Commander.*

Witnesses hereto.  
(Signed) THOMAS L. MASSIE, *Lieutenant.*  
G. H. DABBS, *Surgeon.*

### Second Enclosure in No. 175.

*Report of the Case of the brig "Orion," taken under Portuguese colours, and condemned on the 18th January, 1836.*

THE brig "Orion," commanded by Theotônio Flavio da Silveira, and said to be the property of Joao Luiz Ribeiro, was captured on the 17th of December, 1835, in latitude 20° 28' south, longitude 38° 37' west, under the colours of Donna Maria Segunda, by His Majesty's sloop-of-war "Satellite," Robert Smart, K. H., Commander, with 245 slaves, taken on board at Angola. She was furnished with a Passport from the Governor of Loanda, declaring her to be owned and commanded by Portuguese subjects, and to be bound for Moçambique.

The Declaration of Commander Smart was transmitted to the Court in a Letter from Sir Graham Eden Hamond, dated the 22d December, 1835, being Enclosure A. in our Despatch of this date.

The Monition having issued, according to the usages of this country, 4 witnesses were examined.

The first, Theotônio Flavio da Silveira, swore that he was a Portuguese subject, native of Fayal; that he was the Master of the "Orion," which vessel was originally Brazilian, and that Joao Luiz Ribeiro, also a Portuguese subject, was sole Owner of her; that she was bound from Loanda to Moçambique with slaves, to be exchanged there for others; that they were the property of a merchant at Angola; and that the change in the vessel's course was owing to bad weather, which rendered it impossible for them to pursue their original destination.

The second witness, Joao Luiz Ribeiro, swore that he was a native and subject of Portugal; that he was sole Owner of the brig "Orion;" that she was bound from Angola to Moçambique; that the slaves on board, the property of an individual at Angola, were to be exchanged for others at Moçambique; and that they were forced by stress of weather to make for Rio de Janeiro.

The third witness, Luis Antonio, swore that he was a Portuguese subject, and Mate of the "Orion," and deposed to the same effect as the preceding witnesses, as to her original destination.

The fourth witness, Manoel do Pezo, swore that he was a Portuguese subject, and a sailor on board the "Orion," and gave the same account as the other witnesses of her proceedings.

Up to the 4th February, 1835, the "Orion," under another denomination, was Brazilian. On that day a Bill of Sale was made out, changing her name, and declaring her to be Portuguese, the property of Joao Luiz Ribeiro, and shortly afterwards she sailed as such from Rio de Janeiro to Angola, where a Passport was given to her for a voyage to Moçambique; but nothing was said therein either of cargo or ballast; and the only Document in which mention was made of the slaves is a Certificate from the Custom-house of Loanda stating that the vessel was carrying 242 blacks, as "colonists," to Moçambique.

On behalf of the Captor, Sir Graham E. Hamond submitted a statement, drawn up by himself, on a view of the Log-book of the "Orion," showing that, from the first, her course had been directed to the Coast of Brazil; that the storm which she is said to have encountered was nothing more than a pretext to cover the accomplishment of that design; and that the state of the vessel was such as by no means to render it necessary to put into port for repairs.

A Claim was preferred on the part of Joao Luiz Ribeiro, who denied the competence of the Court to take cognizance of this Case, the vessel and her Owner being both Portuguese, and offering as proof thereof Consular and other Portuguese Certificates; and further alleging that, such being the case, the transaction in which she was engaged was not illegal.

The Court, however, were of opinion that, even supposing the Owner to be a Portuguese subject, yet that, having neither complied with the 6th Article of the Instructions, which determines the proportion of the crew to be employed, nor with the 9th Article of the same, requiring a Passport *ad hoc*, nor with the Documents enjoined by the Commercial Code of Portugal, the "Orion" could not be considered as Portuguese, but must be deemed to be Brazilian Property, as originally she avowedly was, and therefore unanimously condemned the "Orion," taken in the illicit traffic in slaves by His Majesty's sloop "Satellite," Robert Smart, K. H., Commander, with whatever cargo she may have on board, as good and lawful prize to the Crowns of Great Britain and Brazil, and emancipated her surviving slaves, in number 243 (2 having died between the period of the capture and the adjudication), to be placed, as free labourers, at the disposal of His Majesty the Emperor. In the sentence of emancipation were also included 4 African slaves, who were found on board serving as sailors.

Rio de Janeiro, 10th February, 1836.

(Signed) GEORGE JACKSON,  
FREDERICK GRIGG.

### Third Enclosure in No. 175.

(Translation.)

*Sentence.*

THE present proceedings having been examined, it is ascertained that the brig "Orion," captured by His Britannic Majesty's sloop-of-war "Satellite," in latitude 20° 28' south, longitude 38° 37' west, on account of there having been found 245 Africans on board for the illicit commerce in slaves, sailed from this port, under the Portuguese flag, for that of Loanda, positively to receive the cargo referred to, destined for the ports of this empire; notwithstanding that, among the Clearances given by the Authorities of the Custom-house of Loanda, there is a Document declaring that the vessel was bound for Moçambique, with 242 Africans, as colonists, for the purpose of exchanging them for others to be conveyed to the said port of Loanda; because, besides that this is a mere fiction, not to be credited, and which, moreover, clearly proves to what a pitch the means and subterfuges have reached, to which those engaged in this inhuman traffic have recurred, in despite of laws the most conclusive and of the existing Treaties, in order to gratify their avarice by a sordid gain repugnant to humanity, it

further appears that the Passport, with which she sailed from Loanda, makes no mention whatever of the conveyance of those Africans from the one port to the other, as would have been indispensable if such had been the real destination of the vessel, in pursuance of the 9th Article of the Instructions annexed to the Convention of the 28th July, 1817, and that the Journal of the voyage shows that the same was at once, and from the first day of the departure, direct for the Coast of Brazil. That the Protest, to which recourse was had on occasion of the tempest which the said brig is said to have suffered on the eleventh day of the voyage, and which obliged her to bear up for Rio de Janeiro, is a mere pretence, already well known to be generally had recourse to by Portuguese subjects in command of all vessels employed in this criminal traffic, in order thus to be enabled to cover their real destination, in contravention even of all the laws recently referred to in the Circular addressed by the Government of Her Most Faithful Majesty to the Consuls, under date of the 22d October, 1835, by which it is expressly declared that the Exceptions mentioned in the Alvarà of the 26th January, 1818, published after the Convention of 1817, ceased to have effect from the Independence of Brazil. But, even supposing the truth of such an occurrence, and that this ship thus suffered great damage in her main-mast, as stated in the Protest referred to, it would have been easier, in the supposed latitude of such occurrence, to put back to the very much nearer port from which the vessel had sailed, than to expose her to the risk of a far longer voyage to the ports of Brazil; a circumstance which is sufficiently demonstrated in the statement made by the Admiral of the English squadron in this port, upon a view of the ship's own Log, and which was presented by the Proctor for the Captor, as well as by the Survey made by order of the Admiral on the mast said to be sprung, by which it is ascertained that the actual damage to the mast, besides being of old date, could never have prevented this vessel from proceeding to Moçambique, had such been her real destination.

In consideration, therefore, of what is herein set forth, and without analyzing whether the sale of the ship, in right of which she assumed the Portuguese flag, be real, or a simulated contract, as it appears to be from the difficulty of attaining a real knowledge of similar transactions, but which experience has shown to be very usual in such speculations, seeing that the said brig was navigating without those regular Documents which, according to the principles of public law, are indispensable to obviate any doubt of her real national character; since, besides that the crew did not consist of the number of Portuguese stipulated by Treaty, the Document, as required by the Portuguese Code of Commerce, in Article 30 of the 1st Title of the 2d Part, which determines that all Portuguese ships are to be registered, and that an authentic Certificate of such Register is always to be one of the Ship's Papers on board, does not exist among the Papers of the brig in question; the only attempt to remedy so essential an omission being a Certificate of the Portuguese Consul resident here, declaring that the Regulations required by the second part of the same Code are not yet in operation here, or known to be so in Portugal, according to the Clearances of the ships lately arrived from Lisbon and Oporto, which ships have presented at the Consulate no Document of such Register; an attestation which, by its nature, cannot relieve the vessel in question from the omission which it has incurred, inasmuch as, while it is an incontestable principle that no act of any Government can be annulled or suspended but by another act of the same, it is not shown by the Certificate referred to that the Decree which ordered the immediate execution of the above-mentioned Code, in all its extent, was abrogated by another Decree, as would be indispensable, and only proves that all the ships which have failed to comply with the Injunction, since the publication of the Decree, have fallen into the same omission. Wherefore, as it is not possible to characterize the above-mentioned brig "Orion" as Portuguese, and as she cannot, under such circumstances, but be considered as being still Brazilian, as she was before engaging in the present illicit undertaking, the Commissary Judges of the Mixed Commission declare her detention by His Britannic Majesty's sloop-of-war "Satellite" to be valid, and condemn her as good prize, with all her apparel, and with whatever cargo may be on board, in virtue of the Convention of the 23d November, 1826; to be disposed of according to the 7th Article of the Regulations annexed to the Convention of the 28th July, 1817, exclusive of the Africans, in number 243, now existing (2 having died), whom they declare free and emancipated, to be placed at the disposal of the Government of His Majesty the Emperor to be employed as free labourers; as also the 4 sailors, Joao, Joaquim, Pedro, and Malaquias, who are at present on board, of the 8 enumerated in the Muster-roll, seeing that the same had been already ordered by the Police to be re-exported hence to the Coast of Africa, and who, by fraud, were again employed in the service of this vessel.

Rio de Janeiro, 18th January, 1836. (Signed) JOAO CARNEIRO DE CAMPOS.  
(A true Copy.) GEORGE JACKSON.

(Signed) BRAZ MARTINS DA COSTA PASSOS, *Secretary.*

(A true Translation.)

(Signed) NATHANIEL LUCAS,  
*Interpreter, ad interim, to the Mixed Commission.*

#### Fourth Enclosure in No. 175.

##### *Argument on behalf of the Claimant of the "Orion."*

JOAO LUIZ RIBEIRO, Owner of the Portuguese brig "Orion," and Theotonio Flavio da Silveira, Master of the same, both subjects of Her Most Faithful Majesty, have legal and solid grounds to adduce against the unjust and iniquitous capture of the said brig by the British sloop-of-war called "Satellite," sending her to this port of Rio de Janeiro, where she now is.

By the Documents seized on board it appears that the opponents captured are Portuguese subjects, mariners by profession, and domiciled at Angola, as will be proved, if necessary, by witnesses.

The prisoner Joao Luiz Ribeiro, being in the month of February of last year in this city, bought the said brig "Orion," and taking her to Angola, after staying there many months, chartered her to Valeriano Ramos da Fonseca, a Portuguese subject and a merchant, established at that place, as is public, for the purpose of conveying Africans to Moçambique, at the same time that he constituted the said Owner his consignee, authorized to transact all his affairs in that Colony which circumstances might permit him.

Under this engagement he sailed for the said port of Moçambique. The First Pilot died on the high seas, and the main-mast being sprung, he was rendered incapable to continue the intended

voyage, the difficulties and dangers of which are well known, on account of the storms and bad weather so frequent in those parts. He then resolved, with the concurrence of all the crew, to bear up by constraint for this port of Rio de Janeiro, the only one for which he could with safety steer, considering the latitude he was in; all which more clearly appears by the usual minutes or protest of the bearing up, and by the other Papers seized on board the brig.

When near land, he fell in with the British sloop-of-war "Satellite," which, in manifest contravention of the Treaties existing between the two nations, captured the brig, the process being referred for trial to this enlightened and upright Commission.

The correct statement of the fact being thus made, the first and chief question which we have to examine is,—If, according to the Treaties between the English and Portuguese nations respecting the traffic in slaves, the sloop-of-war "Satellite" could legally capture the brig "Orion" in the latitude where she found her, and upon examination of the Ship's Papers which were presented to her? The second question is,—Supposing her empowered to capture the brig, is this tribunal the competent Judge to adjudicate the prize?

To resolve the first question negatively, much development of the principles and rules established by the Treaties respecting it is not necessary. Suffice it to know, that the brig "Orion" was taken to the south of the Equator, coming from a Portuguese port also to the south, and bound to another one also on the same side of the Line, which circumstances were of themselves sufficient to prevent the capture, agreeable to the 4th Article of the Instructions annexed to the Convention of the 28th July, 1817, in which is ruled as follows:—"No Portuguese merchantman or slave-ship shall, on any pretence whatever, be detained, which shall be found anywhere near the land, or on the high seas, south of the Equator, unless after a chase that shall have commenced north of the Equator."

Unless the most dangerous absurdity could be advanced and maintained, that British men-of-war are not obliged to respect the Treaties actually in force with their Government, and that, on the contrary, they may with impunity violate them, with injury and infamous contempt of the nations in alliance with Great Britain, surely no person will say that the Commander of the corvette "Satellite" did not commit a great aggression by confiscating a friendly vessel, and even by daring to enter this port with the Portuguese flag hoisted under the English, as though we were at war with that nation.

The English Commander knew that the vessel was Portuguese, that she was coming from Angola and going to Moçambique; he knew by the minutes of bearing up, that the brig was coming to Rio de Janeiro; why did he not merely accompany her? How does he dare to confiscate her?

In all times, and amongst all nations, a Ship's Papers have always afforded the best of proofs, the only one which establishes to what nation the vessel belongs. All the Clearances were in due order, the due Bond was given at Angola before departure, what further proof could be presented by the brig "Orion" of the legality of her voyage? The Treaties, moreover, do not require any other; they confine themselves to examine the latitude in which the vessel is met with. If to the southward, that is sufficient to prevent the further possibility of capture, whatever may be the pretext, that is, let the suspicion be what it may, whatever may be the doubts of the legality of the voyage, the Treaties do not admit of capture. The mischiefs which must result from so great a licence to confiscate are considered by the Treaties to be greater, more fatal, and more dangerous, than such as may arise from releasing one or two vessels whose voyages were not lawful; the more so that no Portuguese law whatever can be shown which prohibits the conveying of Africans from one Portuguese port to the southward of the Line to another on the same side. The Circular, dated the 22d October, 1835, addressed to the Consuls by the Government of Her Most Faithful Majesty, has not prohibited it, nor could it do so without the concurrence of the Legislative Chambers. The object of the Circular was, on the contrary, to excite the most religious observance of the laws and of the Treaties existing, as the Circular itself expressly declares. Very far from its being a stratagem, the despatching Africans from Angola to Moçambique, it is well known that, as much more industry is to be found at this latter port, a far greater number of hands are employed; and it not being permitted to bring Africans here or to other ports, it must be presumed that, at Moçambique, a price might be obtained for them that would encourage their importation, in order thus to obtain the productions of this latter country. Finally, those Africans are more or less robust and active, according to the tribe they belong to, or according to the particular part of Africa which they inhabit; consequently, those from the north may be valued according to the higher or lower southern latitude from which they are brought; and the same may happen in the Portuguese ports of Africa as always did in the ports of Brazil, where the exportation and importation of African slaves from one to the other were continually occurring, with the only difference that there new negroes are exported and imported, and here Africans not new, which does not weaken the comparison.

But, supposing for a moment that the said trade were prohibited by the Portuguese laws, are the English men-of-war, peradventure, charged with the punishment of the violations of the laws of the country, or merely to prevent the traffic according to the terms of the Treaties, and solely within them? No person will argue thus; therefore the corvette "Satellite" could not legally capture the brig "Orion."

The dreadful right of war alone can excuse a nation for seizing the private property of a foreigner; and, even in that case, this principle is not now-a-days maintained by the most sound and eminent jurists, who hold that, on the seas, the same should be observed as on land, where individual or private property is always respected, and only public property attacked.

Now, if it be not by virtue of war duly declared that the prize is made, but by virtue of Treaties, which declare a certain object or a cargo to be contraband, and therefore subject to confiscation; then such Treaties should be strictly understood, and always executed without the slightest latitude, considering the odium which they involve, however they may propose to themselves the attainment of a useful object. Upon these principles, from their own nature evident, the iniquitous proceeding of the Commander of the corvette exceeds every degree of injustice, in capturing the brig in question on the high seas, where he could only do so by virtue of Treaties between Portugal and England, inasmuch as there the laws of Portugal alone, or Treaties sanctioned by her Government, could rule Portuguese subjects. All besides would be a positive breach of sovereignty and of the national independence; it would be an affront, as in fact it was, to the dignity of the Portuguese people and Government; finally, it would establish the barbarous and atrocious right of the strongest, under the false principle of affected philanthropy.

If it is not the letter of the Treaties that is to govern the Commanders of the English men-of-

war—if mere suspicions can authorize them to plunder a foreign subject of his property in time of peace,—what limits will cupidity find? What trade can be considered safe? How are the Portuguese and Brazilian Governments to protect their commerce, their commercial navy, their interests, their prosperity, and riches? You have more provisions than the quantity necessary for your intended voyage, the English Commanders will say, therefore you are suspected of trafficking in slaves; and thus they will go on, until they completely annihilate the industry and the navy of their two most favoured allies. Let the illustrious Commission consider well the extremely fatal precedent which it is about to establish. The English cruizers upon the Coast of Africa have already given proofs of how much cupidity is capable, when not restrained by the bridle of the law.

The first question being thus resolved, let us pass on to the second, respecting the competency of this Commission.

This respectable Commission not being appointed by virtue of the Treaties made with the Portuguese Government, but of those which were contracted with the Imperial Government, in order to resolve the second question, it is necessary to examine whether a Portuguese subject and his property can be confiscated on the high seas by virtue of Brazilian Treaties made with the Government of His Britannic Majesty.

In all eras, and in all nations, Treaties bind only the people who stipulated them. This is an axiom never yet to this day called in question. And when it is said that foreigners are liable to the penalties of the laws of the country where they reside, or wherein they committed the crime, this is never understood as regards Treaties which are not considered as being the common law of the country, but merely special contracts, having only in view the particular interests of the people who agree to them; interests these which are most times in manifest contradiction to those of the nations to which the foreigner belongs. Finally, the laws, or the common right of a people is always presumed to be founded in universal justice, the basis of all legislations, whilst Treaties, as already observed, are founded upon the particular interests of the communities which enter into them. To offend against or violate the laws is destructive of the public harmony of the nation; to infringe Treaties, merely destroys the bond of some special interests. Nor let any argument be drawn from what the papers of this capital have published as having occurred at Gibraltar,\* because the question there was not respecting the infraction of a Treaty, but of the 5th Article of George IV. cap. 113, which constituted, and does still, one of the laws of England; and in the next place, the crime was committed within the British territory or dominion, with the knowledge and consent of the delinquent residing in the country. Does the same take place amongst us? We have Treaties with England with respect to the abolition of the traffic, and we have the law of the 7th November, 1831, regarding the importation of Africans and free foreigners into the empire. To the penalties of this law and its stipulations foreigners residing here are subject, but not to the provisions of the Treaties. For example, if a foreigner, native of China or of Montevideo, should traffic in slaves without the empire, he cannot be punished for it here, although this may be his place of residence, and that from hence he may send the funds for the negotiation.

Wherefore, in no case can the Brazilian Treaties apply to the Portuguese, and much less on the high seas.

But it will be said that the voyage of the brig "*Orion*" was not a fair one; that the destination to Moçambique was a stratagem; the object of the brig was to convey slaves to Brazil, and for that purpose the fiction of bearing up was resorted to.

It is necessary, first, to observe, that the contrary of this is superabundantly proved by the Ship's Papers, Clearances, Protests, and Affidavits of the crew. In the second place, the landing not having been effected, and the brig still on the high seas, to confiscate her would be to punish a mere intention, and not an act, which is shocking, and a barbarous principle now expunged from our legislation, and from that of nearly the whole civilized world, as is declared in the Constitution and in the Criminal Code. In the third place, the importation of slaves into the empire is not an offence against the Treaty, but against the law of the 7th November, the punishment of the breach of which belongs to the Criminal Courts of the empire, and not to this illustrious Commission. 4th. Neither are the English men-of-war the police-officers of the empire employed to apprehend and capture the delinquents in virtue of the law of the 7th November, 1831.

By all these arguments it is shown how iniquitous, and the result of cupidity alone, was the detention in question, not founded upon any Convention or Treaty whatever; and at the same time how incompetent is this venerable tribunal to take cognizance of a fact completely foreign to it, and above all, evidently illegal, exorbitant, and atrocious.

Let the Ship's Papers be well examined, also the state of the brig, the immense quantity of provisions which even now are being consumed, and the Bond given at Angola, and it will be seen that the brig, legally despatched, bore up in reality, in consequence of superior power, for which no one can be responsible, and steered for the capital of the empire, more conveniently to repair damages and obtain the assistance she required to enable her to continue on her destination. Where in all this is there proof of criminality in the capture? In what did they violate the laws of Brazil? How did they transgress the Portuguese Treaties? Who authorized the corvette "*Satellite*" to confiscate Portuguese property? How and by what title will this tribunal take cognizance of such a capture? The principle of the incompetency of the Brazilian and British Commission to adjudicate Portuguese prizes is not now one of mere opinion, founded upon the simple judgment of the advocate. On the contrary, it is a principle no longer to be disputed, establishing for this tribunal a Case already determined, in opposition to which neither the laws nor universal justice will allow of a contrary decision being taken; it is an established truth which the Court cannot now revoke. How, where is the difference which shall justify the inconsistency of this illustrious Commission, if, not having taken cognizance of the capture of the vessel "*Maria da Gloria*," it should take cognizance of the "*Orion*," alike Portuguese, and condemn her?

The brig "*Orion*," with her Clearances and Ship's Papers more in order, gave no pretext for accusation. The captured have just made their Protests according to the Maritime Laws, Copies of which they now annex. By them may be seen established the well-founded justice with which they declare before the face of the civilized world the aggression perpetrated against them, not only by the capture, but by sending their process to this illustrious Commission, whose authority cannot be made to extend further than to Brazilian and British subjects, the only circumstances necessary to examine. It being then proved that the captured are Portuguese, their property cannot be subject to the provi-

\* A reported Case of a Mr. Sherwill.



sions of a foreign Treaty, nor be tried by a tribunal created by the same, unless the question is to be decided by the right of force, unless diplomatic intrigues and secret agreements between foreign powers can justify so shocking a proceeding.

The captured therefore, confiding in the enlightened impartiality of this learned and most upright Commission, hope that the sound principles herein laid down in support of the present Claim will be attended to and acknowledged, and then they will soon be at liberty their vessel and the Africans released to follow their destination, and all the indemnifications for the losses and damages suffered in consequence of the detention paid. And thus it is that this noble tribunal will give a proof of its respect for the Treaties, for the dignity of the Governments which it represents, and for the honour and independence of nations.

(A true Translation.)

NATHANIEL LUCAS,  
*Interpreter, ad interim, to the Mixed Commission.*

### Fifth Enclosure in 175.

*Sir G. E. Hamond to the Commissary Judges of the Mixed Commission.*

GENTLEMEN,

*Dublin, Rio de Janeiro, 19th January, 1836.*

SENTENCE of condemnation having at length passed upon the brig "Orion," I have to request that you will be pleased to take measures for the immediate delivery of the vessel and her cargo of blacks to the Brazilian Authorities, in order to release the blacks from their close confinement, and to relieve the Officers and men hitherto in charge of her from their anxious and disgusting duty, as speedily as possible.

As the Treaty declares that the decision of the Court of Mixed Commission shall be "without appeal," I am sure that any delay after the sentence is passed is quite illegal, while it is incurring unnecessary risk as to the health of the blacks, and is highly injurious, as well as expensive, to the Captors. I therefore enter my protest against any delay whatever being allowed in the immediate delivery of the vessel to the Brazilian Authorities.

I have, &c.

(Signed)

GRAHAM E. HAMOND,  
*Rear-Admiral Commander-in-Chief.*

*The Mixed Commission,*  
&c. &c.

### Sixth Enclosure in 175.

*The Commissary Judges to Rear-Admiral Sir G. E. Hamond.*

(Translation.)

SIR,

*Rio de Janeiro, 21st January, 1836.*

ACKNOWLEDGING the receipt of the Despatch which your Excellency has just addressed to us on the subject of the early delivery of the brig "Orion" to the Brazilian Authorities, in consequence of sentence being already passed upon her, we have to inform your Excellency that this Commission has not delayed, and will not delay, a single day beyond those which, according to its Instructions, and to the regulations of this country, are indispensable for the conclusion of this process; and that, as the same Commission has no means of causing a prior delivery of the brig in question to be made, it is impossible for us to enter into any further discussion on the subject.

We have, &c.

(Signed)

GEORGE JACKSON.  
JOAO CARNERO DE CAMPOS.

(A true Translation.)

*Sir Graham E. Hamond, Bart.*  
&c. &c.

(Signed)

NATHANIEL LUCAS,  
*Interpreter, ad interim, to the Mixed Commission.*

### Seventh Enclosure in 175.

(Translation.)

*Extract from the Demurrer presented on behalf of the Owner of the "Orion."*

THE claimant is a Portuguese subject, residing and having his establishment in Angola, as the depositions hereunto annexed prove; and having proved by the Bill of Sale that the brig is his property, his residence in Angola would be sufficient to demonstrate that the brig is Portuguese property, in conformity to the Note of Lord Palmerston, of the 8th of October, 1834, wherein it is laid down that the character of a merchant is to be taken from the place of his residence and of his mercantile establishment.

(A true Translation.)

NATHANIEL LUCAS,

*Interpreter, ad interim, to the Mixed Commission.*

### No. 176.

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

MY LORD,

*Rio de Janeiro, 5th March, 1836.*

YOUR Lordship may recollect that, in the Report "Relatorio," of the Minister for Foreign Affairs, enclosed in our Despatch of the 17th May, 1835, the intended nomination of a Brazilian Consul-General to reside on the Coast of Africa was announced; and we had, at the same time, the honour to inform you that such nomination was actually made.

The individual selected was an Officer in the Brazilian Navy, Lieutenant E. A. da Veiga; and, from the zeal he had displayed in repressing the traffic, while in command of the "Lebre," the vessel which captured the "*Santo Antonio*" in May, 1834, we were led to hope that much benefit would accrue from his appointment.

We are sorry, however, to find that, on the arrival of Lieutenant da Veiga, at Loanda, the Authorities of that place refused to receive him, on the ground that it was a Colony; and the Exequatur having, as we understand, been since denied him for the same reason, at Lisbon, Lieutenant da Veiga has returned to this city.

We have, &c.

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

GEORGE JACKSON.  
FREDERICK GRIGG.

No. 177.

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

MY LORD,

*Rio de Janeiro, 5th March, 1836.*

SINCE the date of our Despatch, July 27, of last year, we have repeatedly, but in vain, asked our Brazilian colleagues for the result of the inquiries which, according to an Enclosure in that Despatch, were directed to be made, relative to the blacks taken on board the schooner "*Emilia*," in the year 1821. Whenever we reverted to the subject, we were told that the Imperial Government had, as yet, received no reply to their inquiries; and we were beginning to despair of obtaining any information respecting it, when we learned that a considerable number, between 200 and 300 of free Africans, were about to embark hence for the Coast of Africa; and that a British vessel had been chartered by them, at an expense of 5 contos of reis, to convey them to their old home—a spot called Onim, 3 or 4 degrees to the north of the Line.

On investigating this matter, we found that the undertaking was chiefly headed by a free black, one of the cargo of slaves brought hither in the "*Emilia*;" and who, having acquired some property and much influence among his emancipated countrymen, had used it in engaging them to return to their native land; and to facilitate which he had sold several slaves, his own property, and given freedom to six others, who were to accompany him.

Of the total number who are going, 60 we have ascertained belonged to the "*Emilia*." These we have personally examined, and their general history appears to be this: that the persons to whom they were originally hired died, and that then the "*Curador*" being himself deceased, and there being nobody to look after or take care of them, they have gained a livelihood as they best could; in some instances their hirers, instead of employing them either for domestic purposes or to labour regularly at a trade, have allowed them to lead a vagabond life, making as much money as they could, and paying their hirers a certain sum per diem; others of the blacks have given a sum of money to redeem what might remain of their time of servitude; but in no case does it appear that any wages have been paid to the parties themselves.

This is the most favourable side of the picture; many, probably, have had a worse fate; but, even this view of the working of the system hitherto adopted, your Lordship will probably be of opinion, is far from fulfilling the humane intentions of His Majesty's Government when that system was framed; and the result would seem to indicate the expediency of subjecting the whole process to a more watchful and efficient control.

Various explanations are given of this singular occurrence on the part of these free blacks. Some persons suppose that the leaders have been implicated in recent plans of insurrection, and that the Government prefer the getting rid of them quietly in this way; others attribute the step to an apprehension on the part of the blacks that they may, eventually, be forced to leave Brazil; while others incline to the belief that their real object is to procure fresh victims to the same nefarious traffic from which they have themselves been rescued.

We would fain hope that such supposition is as unjust as, if true, it would be horrible. We can only assure your Lordship that, when questioned on the subject, they strongly disclaimed any such idea, and one and all declared they were returning with their own free-will, and solely from a love of country.

As connected with this subject, and showing the continued perseverance in the traffic in the province of Bahia, we have the honour to forward herewith an extract, which we have translated, from the speech of its President, on the recent opening of the Assembly.

Your Lordship will see therein that, while the continuance and impunity of the traffic remain the same, the measure taken in that Presidency, of sending out of the country free blacks concerned in former insurrections, has been followed by the voluntary re-exportation of some hundreds of others.

There are parts of the above-mentioned Extracts which may appear to be irrelevant to our duties; but, not to prejudice the President's statement, and as, in fact, the impunity of crime is in a tenfold ratio where Slave Traffic is its object, we have thought it best not to suppress that part of the speech.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

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Enclosure in No. 177.

*Translated Extract of a recent Speech of the President of Bahia.*

A RECENT insurrection of Africans appeared to threaten this capital; frequent informations were laid; some signs observed; and rumours were constantly spread, by which the public mind, not yet recovered from the alarms of January, 1835, was considerably disturbed. The Government could not be indifferent to such reports, and, taking every measure of precaution in their power, gave immediate effect to the provincial law which authorized them to banish all free suspected Africans; and accordingly, 150 of such Africans were sent in a vessel, freighted at the public expense, to the Coast of Africa; 120 of them being banished as suspected persons, and the remainder, part of those taken in the contraband traffic, whom it was indispensable to re-export immediately, in conformity to the same law. The early result of this measure was the voluntary departure of many other Africans, and many more are preparing to leave our territory; so that upwards of 700 passports have, in the last few months, been given by the Government to Africans retiring to their own country, by which the evil has been not a little diminished, and the apprehension of immediate insurrection is now less apparent. It is proper to observe, however, that the danger, if not imminent, is not past; and as long as these barbarians, our necessary enemies, shall exist among us, they will never desist from their dark designs, notwithstanding they may always find them fruitless and abortive.

It is therefore expedient to pay unceasing attention to this subject, and to adopt every means that may contribute to our safety; besides which, it appears to me very urgent that some measure should be adopted with respect to such African slaves as may become dangerous and suspected, especially those concerned in the last insurrection, and who were found guilty by the jury, in order that they may not continue to live in the midst of us, and that their owners should be obliged to sell them, to be sent out of the province.

The administration of criminal justice in the province cannot but feel sensibly the defects of the actual legislation, the reform of which experience has shown to be most necessary. Either for want of means on the part of the police, or by the neglect and fault of some of its agents, its salutary efforts for the suppression and prevention of crime have almost everywhere ceased to be felt. It is with pain I state, that horrible assassinations have been committed in the interior of the province, while the cruel assassins go about with impunity, and sometimes enter the villages in armed gangs, in mockery of the laws, and of every effort of justice.

The contraband of slaves continues with the same scandal, and hitherto none of the parties or abettors of such an abominable and pernicious trade have been punished. Impunity attends almost every sort of crime; sometimes no prosecution at all being instituted, and at others being so conducted that the criminal is not put on his trial; or should he be, he finds ready means of defence, so as to be acquitted by the jury.

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No. 178.

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

MY LORD,

*Rio de Janeiro, 5th March, 1836.*

IN our Despatch of the 10th ultimo we adverted incidentally to a Case then pending before this Commission. It was that of the sumaca "*Vencedora*," taken under Portuguese colours on the 8th January last, in the vicinity of this port, by His Majesty's schooner "*Hornet*," Lieutenant Coghlan commanding.

This detention was made known to the Court in a Letter from the Rear-Admiral Commander-in-Chief on this station, enclosing a Report from Lieutenant Coghlan showing the circumstances of the detention.

Copies of these Papers we have the honour to subjoin.

On the same day, Lieutenant Coghlan personally appeared and ratified his written statement.

By our annexed Report of the Case, your Lordship will perceive that it proceeded with no other intermission than such as arose from the conflicting preten-

sions of the respective parties, till the 20th ultimo, when Lieutenant Coghlan, in a deposition of which we have the honour to transmit an English Copy, declared that he was not furnished with the Instructions required by the 7th Article of the Convention of 1817.

This circumstance the Commissary Judges considered to be fatal to the validity of the detention, and, consequently, although the proof of the "*Vencedora*" having been engaged in the slave-traffic admitted of little or no doubt, they were unanimous in declaring, in a Sentence of which a Copy and Translation are herewith enclosed, that her detention was not lawful, and in adjudging the restoration of the sumaca to her proprietor.

From the final deposition of the Captor, your Lordship will observe that, in the examination of this Case, another question of no small moment was mooted, namely, how far the 2d Article of the Instructions, which declares that no slave-ship shall be detained within the roadsteads of either of the High Contracting Powers, or within cannon-shot of the batteries on shore, had been contravened in the detention of this vessel, she having been found, according to the Captor's Report, at anchor off the Islands of Maricã. The first point, however, that of the want of the Special Instructions, being deemed conclusive by the Brazilian and British Commissary Judges, the former readily proposed to waive the further consideration of the locality of the capture, and to omit all mention of it in their Sentence.

In the mean time, we sincerely rejoice that the failure which has saved the "*Vencedora*" from condemnation did not occur in a Case of greater importance, and where the liberation of the vessel would have been followed by the return of a cargo of human beings to a state of slavery. As it is, we persuade ourselves that the circumstance will not be without its beneficial effects, and that they will more than compensate the trifling consideration of the value of the vessel. In the first place, the sentence in this instance will controvert the idea beginning to be too prevalent here, that this Court, or at least one branch of it, is determined to condemn in every Case, right or wrong; and in the next, it will draw the attention of His Majesty's Government to those points where amendment may be desirable.

In this Case, as in the recent one of the "*Orion*," the defence set up by the Claimant was, that the vessel was Portuguese property, and furnished as such with a Passport from the Portuguese Authorities at Loanda, and that it was only from stress of weather that she had been found on this Coast.

It is unnecessary, however, to dwell at greater length on this Case; the "*Vencedora*" professed to have been bound for Montevideo, but there is every reason to believe that she had just landed a cargo of slaves in the vicinity of the place of her detention, and that she was about to return to the African Coast without entering any port at all, a practice now becoming very common after a successful adventure. And we have only further to submit herewith to your Lordship, in original and translation, the argument offered by the Claimant; the first part of which more particularly refers, as already noticed, to the right of subjecting to the jurisdiction of this Mixed Commission the property and persons of any other than British and Brazilian subjects.

7th March.

The closing of this Despatch, which was written on the first promulgation of the sentence, has been retarded by an application on the part of the Captor to put in a demurrer. This he has done only this day, so that it is impossible for us, my Lord, to forward a Copy of the same by the present packet; but we think it best not to delay the transmission of the proceedings as far as they have gone, reserving ourselves to transmit the argument on the part of the Captor for a revision of the sentence by the next opportunity; the rather as the supplementary sentence of the Court under this date, which we have the honour to annex in original and translation, sufficiently shows the grounds on which such a revision was prayed for.

We have, &c.

(Signed)

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

&c.

&c.

&c.

GEORGE JACKSON.  
FREDERICK GRIGG.

## First Enclosure in No. 178.

Rear-Admiral Sir G. Hamond to His Majesty's Commissioners.

Dublin, Rio de Janeiro, 11th January, 1836.

GENTLEMEN,

HEREWITH I transmit a Report which I have received from Lieutenant Coghlan, commanding His Majesty's schooner "Hornet," showing the circumstances under which he has detained a sumaca called the "Vencedora," evidently engaged in Slave Traffic in the vicinity of this port; and I submit the same, with the 10 papers mentioned in the Lieutenant's Report (being all that could be found on board the sumaca), for your consideration, the vessel and crew being kept awaiting your decision thereon.

The Mixed Commission,  
&c. &c.

I have, &c.  
(Signed) GRAHAM E. HAMOND,  
Rear-Admiral, Commander-in-Chief.

(Copy.)  
SIR,

His Majesty's Schooner "Hornet,"  
Rio de Janeiro, 9th January, 1836.

I HAVE the honour to acquaint you, that cruising off this port in pursuance of your Order of the 7th instant, I found yesterday evening, at anchor off the Islands of Maricà, a sumaca called the "Vencedora," (the Master of which, Antonio Manoel de Barros, says she is a Portuguese vessel,) with no other Document to prove her origin than a Pass from the Custom-house at Loanda for Montevideo.

This vessel has evidently very recently landed a slave-cargo. She is fitted with a platform deck, and has on board 40 very large water-casks, a large cabouse or galley, several pair of shackles, several of the tin tubes used in slave-vessels for sucking water out of casks, a considerable quantity of farina and carne seca (food not used by whites on board merchant vessels.) Her hatches are partially grated, and all are fitted for gratings, but have been lately planked over with old and new plank, nailed entirely with *new nails quite free from rust*, on which the marks of the hammer are still visible, evidently put on since she landed her cargo of slaves.

She has on board only *nine* of the crew out of *ten* with which she cleared out from Loanda on the 24th of November, with permission to touch at *Ambriz*; but her Log shows that, instead of touching there, she went on to the Congo, and she sailed from thence on the 5th December. *By the most direct course*, she made the land to the northward of this port on the 4th instant, *since which day* the Log has not been kept, which would surely have been done if she were bound elsewhere.

It appears that she left Rio de Janeiro for Loanda on the 12th July last, with a Master of a different name, having been, up to the 23d of June, a Brazilian vessel by the name of "*Cambenda*," as shown by Certificate of that date, one of the *ten* papers found on board her, of which I enclose a list, while, by a remarkable irregularity, there is another Certificate of her dimensions and tonnage, wherein she is designated as a *Portuguese vessel*, which bears date *the 17th June*.

Under these circumstances, and there being no doubt whatever on my mind of her being illegally engaged in the Slave Traffic on the Coast of Brazil, I have brought her into this port for adjudication in the Court of Mixed Commission.

I have, &c.  
(Signed) F. R. COGHLAN,  
Lieutenant and Commander.

Rear-Admiral Sir Graham Hamond, Bt., G.C.B.  
&c. &c. &c.

P.S. The Master states that the *Owner* is a Resident at Rio de Janeiro, named Francisco da Silva Santos, and that she is consigned to Villaça, of Montevideo, a man already notorious for Slave Traffic under the flag of Uruguay.

As a collateral proof of her occupation, I have to remark that the Master is seriously affected with the common disorder of the blacks called the *sarna*, and one of the crew is also very ill with it.

(Signed) F. R. C.

## Second Enclosure in No. 178.

Report.

THE sumaca "*Vencedora*," Antonio Manoel de Barros, Master, and the property of Francisco da Silva Santos, both Portuguese subjects, as declared in the Passport given to her at Loanda, was detained by His Majesty's schooner "Hornet," Lieutenant Coghlan commanding, off the Islands of Maricà, on the 8th January, 1836, in the vicinity of this port, on suspicion of being engaged in the Slave Traffic, and of having just landed a cargo of Africans on the Coast of Brazil.

The Monition having duly issued and been returned according to the usages of this country, and the Captor's Report ratified by himself, the Master, Antonio Manoel de Barros, and Pedro da Silva, Mate, were examined before the Court.

They swore that they were subjects of Her Most Faithful Majesty, and born in Portugal; that the sumaca "*Vencedora*" was Portuguese; that she was bound from Angola to Montevideo; that the deviation from her course was owing to bad weather, and to the Master falling ill; and denied most positively that she had had any slaves on board, or that she was equipped, as alleged by the Captor, for the Slave Trade.

This question gave rise to much controversy and delay, the result of which would probably have been the conviction of the Court that there were good grounds for the detention of the "*Vencedora*;" but it appearing on a further examination of the Captor, induced by the fact that His Majesty's schooner "Hornet" was notoriously a branch packet between this port and the River Plate, that he was not furnished with the Special Instructions required by the 7th Article of the Convention of 1817, for all ships of war destined to prevent the illicit traffic in slaves, the Court at once declared that the detention of the "*Vencedora*" was on that account not lawful; and without touching at all

the question either of her national character or employment, decreed, at their sitting on the 26th ultimo, her restoration to her proprietor.

*Rio de Janeiro, 5th March, 1836.*

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

### Third Enclosure in No. 178.

(Translation.)

*Deposition of Lieutenant Coghlan.*

On the 20th day of February, 1836, before this Court of Mixed Brazilian and British Commission respecting the Slave Trade, in the presence and by order of the Commissary Judges of the said Commission, appeared the Commander of the English schooner "Hornet," Francis Rogers Coghlan, and being sworn, he was interrogated, in the absence of the acting interpreter from illness, by the British Commissary Judge, as follows:—

If, when he sailed from England, he was furnished with the Instructions mentioned in the 5th and 7th Articles of the Convention of 1817?—He answered, No; but that he is furnished with Instructions respecting Spanish vessels.

By what authority did he detain the smack "Vencedora," seeing he declared that he was not furnished with the Special Instructions for that purpose?—He answered, that he did so by order of the Commander-in-Chief of the British Naval forces stationed at this port, in consequence of information having been received that the said smack had landed slaves during the night previous to the capture; adding, that it was not his Captor's intention to bring the said smack into this port, even after having boarded her, and that he did so only on receiving, by signal, positive orders to that effect from the said Commander-in-Chief, he acting on this service as any launch belonging to the frigate on board of which the said Commander-in-Chief is embarked, and has his respective flag hoisted.

Being asked what distance there was between the vessel he detained and the shore, as he had declared in his previous Report that he did so whilst she was at anchor within the Islands of Maricá, and if the said distance from the smack to the mainland was or was not within gun-shot range?—He answered that he supposed the distance to be 2 miles between the smack and the shore, but that the guns he had on board his vessel would not reach the land, some of them being 12 and others 9 pounders. And he signed, with the Commissary Judges and his Proctor, David Stevenson, who was also present, after his deposition had been read to him, and having well understood every word and found it correct.

I, Braz Martins Costa Passos, Secretary to the Mixed Commission, wrote it.

(Signed)

F. R. COGHLAN.  
CARNEIRO.  
DAVID STEVENSON.  
G. JACKSON.

### Fourth Enclosure in No. 178.

(Translation.)

*Sentence.*

The present proceedings, in respect to the detention of the Portuguese smack "Vencedora" by His Britannic Majesty's schooner "Hornet," having been examined, the Commissary Judges of the Mixed Commission adjudge that such detention was not lawful, inasmuch as the said schooner, according to the Declaration of her Commander, Lieutenant Francis Rogers Coghlan, was not furnished with the Special Instructions annexed to the Convention of the 28th July, 1817 (which Convention was adopted by that of the 23d November, 1826), and which are required by Articles 5 and 7 of the former, as was indispensable to enable the said schooner to visit and capture vessels employed in the traffic in slaves; and they order that the smack be released and restored to the Owner of the same, in conformity with the 6th Article of the Regulations annexed to the same Convention.

*Rio de Janeiro, 26th February, 1836.*

(Signed)

JOAO CARNEIRO DE CAMPOS.  
GEORGE JACKSON.

(A true Copy.)

(A true Translation.)

(Signed)

BRAZ MARTINS COSTA PASSOS, Secretary.  
(Signed) NATHANIEL LUCAS,  
Interpreter, ad interim, to the Mixed Commission.

### Fifth Enclosure in No. 178.

*Argument on behalf of the Claimant of the "Vencedora."*

(Translation.)

ANTONIO MANOEL DE BARROS, Mate, acting as Master of the Portuguese smack "Vencedora," which was captured near the Islands of Maricá by His Britannic Majesty's schooner-of-war "Hornet," commanded by Francis Rogers Coghlan, seeing the Advertisement of this Illustrious Commission, calling upon whomever may have any Claims to make in respect to the said smack to appear personally, or by their Proctors, presents his Claim as follows:—

He rests it upon two points: the first showing the incompetence of this tribunal to take cognizance of such a prize; and the second demonstrating the injustice and arbitrary nature of the capture, entirely opposed to the rights of nations and to existing Treaties.

First Part.

By the 8th Article of the Additional Convention of the 28th July, 1817, as well as by the Instructions and Regulations under the same date, Mixed Commissions were created, of which one to reside in the dominions of His Most Faithful Majesty, and the other in those of His Britannic Majesty: at that period, however, Brazil was a part of the Portuguese monarchy, wherefore these Commissions were Portuguese and English; after which followed the Independence of Brazil, acknowledged by every nation, and even by Portugal, by the Treaty of the 29th August, 1825, whence it became impossible that Brazilian subjects should be tried by Commissions entirely foreign, inasmuch as their national character and their independence would be chimerical if such a principle should be established: the result was, that it became necessary that Brazil, in order to have a Mixed Commission, should

conclude the Convention of the 23d November, 1826, and it is in virtue of the same that this Illustrious Commission is now organized, to which Portugal neither is nor could be in any way a party.

Nations are, in respect to each other, as man is in respect to man in a state of nature, that is, they are free and independent, equal in rights, equal in duties. This principle, which no one will venture to question, being granted, let me ask, could Brazil consent, without infraction of her Independence, that her subjects (no longer Portuguese) should be tried by an Anglo-Portuguese Commission? Would England choose to expose her subjects to the decision of a Brazilian and Portuguese Commission? The answer arising out of the principle established is the most conclusive demonstration of the incompetence of this Illustrious Commission to judge the present prize, covered by the Portuguese flag, it being certain that, if it (the Commission) should arrogate to itself a jurisdiction which does not belong to it, lamentable consequences of future disagreements might ensue, inasmuch as all nations are jealous, and ought to be so, of their independence and rights. Portugal, in regard to Brazil, is now in the same circumstances as any other nation whatever; and is it to be conceived that it be lawful to this Illustrious Commission to judge ships, French, Spanish, Russian, Austrian, &c.? The consequences may be very easily inferred, and there is no need to dwell any longer upon such a subject, inasmuch as this same Commission, on other occasions, has already given unequivocal proofs of its acknowledgment of the limits of its jurisdiction, and that they do not extend beyond what its denomination indicates—Brazilian and English Commission.

Second Part.

It is well to reflect, that, to enter into the demonstration of this second part is superfluous, inasmuch as the first part renders unnecessary any other argument; yet we proceed without desisting from what we have said. The smack was not employed in the traffic in slaves. It is true that her proximity to the Coast of Brazil might cause some suspicion of her having been thus employed; but the cause of such approximation was the bad state of the vessel, having sprung a leak, and the illness of the Pilot, the only Officer on board, who, getting worse, was desirous of drawing in with the land, intending to bear up, or to show the land to certain sailors of greater experience, who, after having descried it, agreed to go on to Montevideo; and it was during this interval that they were captured by His Britannic Majesty's schooner-of-war "Hornet," no slaves being found on board, because none had been shipped, offering as indications a few loose boards, to which they (the Captors) have given the name of platform-deck, which they are not, but are boards used for stowing the cargo on another voyage; as also 4 pair of irons, the small number of which is sufficient to show that they were not intended for security in a slave speculation, but for the internal police of the crew, which is so far from being extraordinary that a French vessel lately came into this port with the crew in irons, in consequence of their having risen; but this truth will fully appear by the survey which is required, and which will constitute a part of this Claim, by which will be known the bad state of the vessel; and in respect to the state of the health of the only Officer on board (as may be seen by the Muster-roll), this is evident, and the Captors themselves have witnessed it, by the watching which is known to be still requisite on board, and by the use of remedies which can scarcely be applied on shore.

In this way it is shown that the utmost good faith and sincerity are displayed in the present Claim, which it is not doubted will have a happy result, inasmuch as this Illustrious Commission is a lover of reason and justice.

Rio de Janeiro, 26th January, 1836.

(Signed)

JOSE DA COSTA RODRIGUES GUIMARAENS,

*As Attorney.*

(A true Copy.)

(Signed)

BRAZ MARTINS DA COSTA PASSOS, *Secretary.*

(A true Translation.)

NATHANIEL LUCAS,

*Interpreter, ad interim, to the Mixed Commission.*

Sixth Enclosure in No. 178.

(Translation.)

*Final Sentence of the Court.*

NOTWITHSTANDING the demurrer, which is not admitted, because it does not invalidate the grounds of the Sentence demurred to, the Court orders that the same be executed; inasmuch as the arguments drawn from the dispositions of the Alvará of the 26th of January, 1818, could be applicable only if, in consequence of information laid before a competent tribunal, the fact of the smack "Vencedora" having or not been employed in the illicit trade had been subsequently submitted to the cognizance of the Commission.

Rio de Janeiro, 7th March, 1836.

(Signed)

JOAO CARNEIRO DE CAMPOS.

GEORGE JACKSON.

(A true Copy.)

(Signed)

BRAZ MARTINS DA COSTA PASSOS, *Secretary.*

(A true Translation.)

NATHANIEL LUCAS,

*Interpreter, ad interim, to the Mixed Commission.*

No. 179.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 31st May, 1836.*

DELAY and inconvenience having occurred, from the circumstance of His Majesty's Mission at Rio de Janeiro not being immediately apprized by the British Commissioners of the result of Cases brought before the Mixed Court at that port, I have to desire that, in future, you will immediately report to the chief of His Majesty's Mission in Brazil the detention of all slave-vessels, and also that

you will report to him the final decision of the Mixed Commission Court upon all Cases which may be brought before it.

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

(Signed) I am, &c.  
PALMERSTON.

No. 180.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 2d June, 1836.*

I HAVE received your Despatch of the 10th of February last, with its several Enclosures, containing your Report of the Case of the brig "Orion," as brought before the Mixed Commission at Rio de Janeiro and condemned by that Court.

I have also received a Despatch from His Majesty's Chargé d'Affaires at Rio de Janeiro; and a Letter from the Admiralty, enclosing one from Rear-Admiral Sir G. E. Hamond, on the subject of the delay in the adjudication of slave-vessels by the Mixed Court, and with respect to the detention of captured negroes on board slave-vessels at that port after sentence of condemnation has been passed.

The decision of the Mixed Court in the Case of the brig "Orion" is perfectly correct.

Upon the subject of the complaint urged against the Mixed Court, for delay in their proceedings, I have to refer you to my Despatch of the 26th of March last; and in addition to the Instructions therein contained, I have again to desire that, with regard to future Cases which may come before the Court, you will not, under any circumstances, deviate from the directions laid down for your guidance in the Documents enumerated in my before-mentioned Despatch.

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

(Signed) I am, &c.  
PALMERSTON.

No. 181.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 15th June, 1836.*

I TRANSMIT you, for your information, the Extract of a Despatch from His Majesty's Consul-General at Monte Video, enclosing the Copy of a Decree issued by that Government, placing all vessels coming in *ballast* from the Coast of Africa under a quarantine, at the discretion of the Government.

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

(Signed) I am, &c.  
PALMERSTON.

Enclosure in No. 181.

Extract of Despatch from Mr. Hood, 29th February, 1836.

(See Class B.)

No. 182.

*Viscount Palmerston to His Majesty's Commissioners.*

(Circular.)

*Foreign Office, 15th June, 1837.*

(See Sierra Leone, General, No. 2.)

No. 183.

*Viscount Palmerston to His Majesty's Commissioners.*

(Circular.)

*Foreign Office, 17th June, 1837.*

(See Sierra Leone, General, No. 3.)



No. 184.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received June 30.)

MY LORD,

Rio de Janeiro, 11th March, 1836.

WE take the first opportunity of forwarding to your Lordship, in original and translation, the Paper referred to at the close of our last Despatch, praying, on the part of the Captor of the "*Vencedora*," for a reversal of the sentence of the Court in that Case.

We have, &amp;c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

## Enclosure in No. 184.

*Demurrer of the Captor of the "Vencedora" to the sentence of the Court.*

(Translation.)

Rio de Janeiro, 7th March, 1836.

It is seen and proved by the sentence demurred to, that the capture is adjudged to be unlawful, because the Captor was not furnished with the competent special Instructions annexed to the Convention of the 28th July, 1817 (adopted by that of the 23d November, 1826), as would be indispensable to justify the schooner in visiting and capturing ships employed in the Slave Trade; but different will be the sentence, in view of the following considerations.

It is proved that the Commission is bound to judge, not only according to the Treaties and Conventions between Brazil and Great Britain respecting the illicit trade in slaves, but also in conformity to the laws established by the respective sovereigns of the country in which it may be resident, for this was expressly stipulated in the 3d Article of the Additional Convention of the 28th July, 1817, by which it appears that it is not alone by the Conventions and Instructions that the present Commission has to regulate itself.

This being understood, we have the Alvarà of the 26th January, 1818, which ought also to serve as a guide to the decisions of this Commission, inasmuch as it was promulgated in consequence of stipulations in the 3d Article of the said Convention of 1817, which, by the 2d and 3d Articles of the Convention of the 23d November, 1826, were, *mutatis mutandis*, adopted and applied to Brazil.

By this it plainly follows that the respective Governments have, by a two-fold course, established the means of preventing the continuance of the Slave Trade, namely, first, by cruizers specially commissioned to capture ships employed in that trade; and, secondly, by the way determined in the laws of each country.

If, then, a vessel brought before the Commission does not come within either the Conventions, or the laws of the respective country in which it resides, her release will take place; but this is not the case of the Sumaca "*Vencedora*."

This Sumaca was carrying on the illicit trade in slaves, as the Commission acknowledges, and under the Portuguese flag, expressly prohibited as a foreign flag, agreeable to the 2d Article of the said Alvarà of the 26th January, 1818, which prohibition, even in conformity to the Circular of the Portuguese Government of the 22d October, 1835, is acknowledged legitimate and legal with respect to Portuguese subjects.

By the Alvarà referred to, special Instructions are not necessary for the capture of any vessel employed in this illicit traffic: any person has this right, as any person has that of seizing and denouncing articles of contraband. The Alvarà determined Cases of information in the 3d Article, and even fixes the reward due to informers, without depending at all on special Instructions for that purpose, and without distinction as to the quality of the person. It authorizes any ship-of-war whatever to make such prizes, as is deduced from the words used:—"In the Case, however, of a vessel captured by a ship-of-war, with respect to it and her cargo, shall be observed what is ordered by the 7th Article of the Regulations for the Mixed Commissions."

Hence it follows that, in conformity to this so positive law, the vessel being captured by a ship-of-war, the 7th Article of the Regulations is the only one by which the Commission should be guided. This law does not require that the ship making the capture should or should not have the Instructions established in the Convention for cruizers; nor could it require those Instructions, because they were agreed upon for the Case of cruizers, and this was not required by the Alvarà in question.

So little was this contemplated by the Alvarà that, in the 4th Article, it gave full liberty to parties to lay their information before the Tribunals of the country, and even, if they chose, to submit the decision to the cognizance of the Mixed Commission, as is expressed at the close of the said 4th Article referred to.

"Either of the parties may, however, petition the Mixed Commission to decide whether or not it be a Case of Prohibition, and if so, the proceedings shall be remitted, in the state they may be in, to the same (Commission), and whatever it may decide shall be carried into effect."

And, in conformity to this part of the said 4th Article of the Alvarà, the Claimant requires—

That the Commission decide whether the Sumaca "*Vencedora*" be implicated in the illicit Slave Trade.

The Commission has not even authority to require from the Captor the Instructions agreed upon for cruizers, and much less, in default thereof, to liberate a vessel which had been engaged in a prohibited Trade. That the Commission has no authority to inquire of the Captor whether he is or is not furnished with the Instructions, we show by the 5th Article of the Regulations for the Mixed Commission, which enjoins upon the Captor only the obligation to declare his name, that of his ship, the latitude and longitude in which he made the capture, and the number of slaves on board, and nothing more; therefore the Commission has no authority to enact that Declaration about Instructions.

We say—"and much less to release a captured vessel, acknowledged to have been employed in an

illicit trade," inasmuch as, it being certain that the formality as to the Instructions on the part of the Captor does not tend to prove the crime, but merely to prevent resistance on the part of the vessel against being visited, it is absurd to assert that a vessel, proved to have been employed in the commission of a crime, should be declared not to be a good prize, for the want of that formality, a formality which then might have deserved attention, but which, at the present day, no favourable reason can possibly justify.

The Governments affixed that condition to the right of search, but what was the sanction? What penalty did they decree in the event of a ship-of-war, without those Instructions, capturing any vessel employed in that illicit trade? Was it peradventure that the captured vessel should be pronounced innocent, and be liberated? Can that formality on the part of the Captor be, perchance, that which proves the guilt of the captured? If such a doctrine be admitted, if such a terrible precedent be established and authorized, the Commission must recognize that it is lawful for any ship, of whatever nation she may be, to traffic in slaves in our ports, if she can but avoid the ships-of-war which may be furnished with the Instructions—this is a fine idea.

It is necessary to attend to the object for which those Instructions were stipulated, and to acknowledge that, it being agreed that both parties should fit out ships-of-war, to prevent the Slave Trade in certain ports to the north of the Line, it was necessary to identify the said ships so authorized, that they should have those Instructions for the purpose of depriving the Portuguese ships of any prettexts for opposition and resistance to the cruisers in the exercise of that right; but this is not now requisite, since all know that the simple fact of the trading makes the capture lawful, especially when regard is had to the stipulation of the before-mentioned Alvarà of the 26th January, 1818, which, by the mere fact of the trading, renders legal not only the capture, but also the information.

If, then, according to the disposition of the said Alvarà, even independently of the arguments in support of the legality of a prize made by ships-of-war not furnished with the Instructions, the Commission, upon the Petition of either party, is bound to decide, if the vessel captured has been employed in the illicit Slave Trade, how can the said Commission declare that the vessel is innocent, and decree her liberation, without examining into the nature of her employment? Is not this contrary to the express and positive law, and by which the said Commission should also be governed?

We therefore hope, as we have prayed, that, according to the 4th Article of that Alvarà, the Commission will decide respecting the prohibition of the trading carried on by the aforesaid smack, declaring whether she has or has not been employed in the illicit trade in slaves; and thus—

It is proved that, according to law, the present demurrer should be admitted and adjudged as proved, for the purpose of reversing the sentence demurred to, taking cognizance of the criminality of the traffic carried on by the Portuguese Sumaca "*Vencedora*," in conformity to the decision of the 4th Article of the Alvarà of 26th January, 1818.

(A true Translation.)

NATHANIEL LUCAS,

*Interpreter, ad int., to the Mixed Commission.*

No. 185.

*His Majesty's Commissioners to Viscount Palmerston.—(Received June 30.)*

MY LORD,

*Rio de Janeiro, 13th April, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of the 24th of December of last year, informing us that the Papers relating to the Cases of the vessels, the "*Amizade Felix*" and the "*Angelica*," had been referred by your Lordship to His Majesty's Advocate-General, and that that Officer had reported, as his opinion, that this Mixed Commission had acted correctly in declining to adjudicate upon those Cases.

We shall, in all future Cases of the like nature, pursue, agreeably to your Lordship's Instructions, the same course as that adopted in regard to the "*Amizade Felix*" and the "*Angelica*;" at the same time, it is right your Lordship should be aware, that three of the Despatches, enumerated by your Lordship as part of the Papers referred to His Majesty's Advocate-General, viz., that marked separate, of May 25th, that of June 10th, and of June 17th, are not entered in the Archives of this Commission, and have never been seen by His Majesty's Commissary Judge, who, although aware of the intention of his colleague to write separately on the subject, was ignorant, till the receipt of your Lordship's Despatch, even of their existence.

We have, &c.

GEORGE JACKSON.  
FREDERICK GRIGG.

(Signed)  
*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 186.

*His Majesty's Commissioners to Viscount Palmerston.—(Received June 30.)*

MY LORD,

*Rio de Janeiro, 13th April, 1836.*

YOUR Lordship's Despatch, of the 19th January last, has been duly received by us, and we perceive, with satisfaction, that His Majesty's Advocate-

General has reported that the proceedings of the Court of Mixed Commission, in the Case of the Brazilian smack "*Novo Destino*," appear to him to have been correct; and that, with respect to the right of opening the sealed letters found on board the said smack, he is of opinion that upon reference to the circumstances stated, and under the power given by the regulations, it was not possible effectually to oppose 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)  
*The Right Hon. Viscount Palmerston, G.C.B.*  
 &c. &c. &c.

We have, &c.  
 GEORGE JACKSON.  
 FREDERICK GRIGG.

No. 187.

*His Majesty's Commissioners to Viscount Palmerston.—(Received June 30:)*

MY LORD,

*Rio de Janeiro, 14th April, 1836.*

WE have much pleasure in forwarding to your Lordship the enclosed Copy of a Notice published by the Russian Consul General, in the several Journals of this City, by order of his Court, touching the possible abuse of the Russian flag by vessels engaged in the traffic in slaves.

This Document, which we understand has its origin in the recent detection of an attempt of that nature at Cadiz, declares that no one can assume the colours of the Russian mercantile marine, without being formally authorized by the Imperial Government, and that no slave-vessel found sailing under the Russian flag, and seized by any cruizer whatever, can in any Case claim the protection of the Imperial Government, for the purpose of evading the just punishment so incurred.

Bearing on this subject, we may mention that the brig "*Orion*," lately sold by sentence of this Court, has sailed from hence to Montevideo, under the Sardinian flag, an individual of that nation having become the purchaser, and report says, with the object of still carrying on the traffic.

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

We have, &c.  
 GEORGE JACKSON.  
 FREDERICK GRIGG.

Enclosure in No. 187.

(Copie.)

*Rio de Janeiro, 11<sup>th</sup> Mars, 1836.*

Le Gouvernement Impérial de Russie, ayant lieu de soupçonner que des individus, qui, au mépris des loix de leur pays, se livrent encore à la traite des Nègres d'Afrique, ont l'intention d'arborer le Pavillon Russe, afin de soustraire leurs criminelles spéculations aux poursuites des Puissances qui sont convenues entre elles d'un droit de visite, et de saisie réciproque, en cas de contrevention aux loix contre le trafic des Noirs, le Consul Général de Russie au Brésil a reçu l'ordre d'avertir, par les Présentes, les Armateurs et Capitaines de Navires, que nul n'a le droit d'arborer les Couleurs de la Marine Marchande Russe s'il n'en a reçu l'autorisation formelle du Gouvernement Impérial; que cette autorisation doit être constatée par une Patente en bonne et due forme, et qu'elle ne s'accorde qu'à des conditions que les loix de l'Empire ont déterminées. Enfin, que toute contrevention à cette règle, tout emploi illicite du Pavillon Russe, doit être considéré comme une fraude, et exposer celui qui s'en rendrait coupable aux conséquences de son acte illégal.

Que, surtout, un bâtiment négrier, allant sous Pavillon Russe, et saisi par une croisière quelconque, ne saurait, dans aucun cas, se réclamer des couleurs dont il se sera couvert, pour invoquer la protection du Gouvernement Impérial, et se soustraire ainsi au juste châtement qu'il aura encouru.

(Signé) LE CONSUL GENERAL WALLENSTEIN.

No. 188.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 8th July, 1836.*

I HEREWITH transmit for your information the Copy of a Despatch which I have received from His Majesty's Minister at the Hague, reporting the intention of the Government of Holland to send a mission to the King of the Ashantees, for the purpose of raising negro troops from among his subjects, to serve in the Dutch possessions in the East Indies.

I also send to you the Copy of a Letter which has been received from the

Colonial Department, together with the Copy of a Letter from the Admiralty upon the subject.

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

For Enclosures, see No. 72, page 127.

No. 189.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 22d July, 1836.*

WITH reference to my Despatch to you of the 8th instant, upon the subject of an intended mission from the Government of Holland to the King of the Ashantees, for the purpose of raising troops for service in the Dutch possessions in the East Indies, I herewith transmit for your information an Extract from a Despatch from Sir A. Malet, reporting the approaching departure of General Verweer, on the mission in question.

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

For Enclosure, see No. 73, page 127.

No. 190.

*His Majesty's Commissioners to Viscount Palmerston.—(Received July 29.)*

MY LORD,

*Rio de Janeiro, 18th May, 1836.*

THE Reports ("Relatorios") this year of the respective Ministers to the General Legislative Assembly, on the subject of the Slave Trade, present but little novelty; but, for the regularity of our correspondence, we have made Extracts from those of the Minister for Foreign Affairs and of Justice, of such parts as relate more particularly to that subject, Translations of which we have herewith the honour to enclose.

The Report of the Minister of Marine is altogether silent respecting it.

The continuance of the traffic (which, far from meeting with any check, is, we are sorry to be obliged to add, becoming every day more frequent and notorious)—the abuse of the Portuguese flag—the erroneous persuasion of the greater number of the Brazilian agriculturists that the introduction of Africans is beneficial, and the difficulties experienced in carrying into effect the Law of 1831 for their re-exportation, are the chief topics of this part of their Reports; in addition to which the Minister of Justice states, as his opinion, that the abolition of the traffic should have been preceded by the adoption of some measure for the introduction of free labour into Brazil; a subject which engages a good deal of attention at this moment, and to promote which an Association has been formed, foremost amongst which is the celebrated Advocate M. Bivar.

The only information afforded by the Report of the Minister for Foreign Affairs, touching the Slave Trade, which may, perhaps, be new to your Lordship, is, that the Liberian Society, in the United States, have offered to receive blacks, re-exported from this country, upon the payment of 50 Spanish dollars per head; and that the Imperial Government, in the expectation of the decision of the General Legislative Assembly, on the Additional Articles, signed last year by Mr. Fox, have not entered on the proposed negotiation with the French Envoy for acceding to the French Slave Trade Convention.

The anxiety of this Government to rid themselves of the inconvenience of the support, &c. of the free blacks, your Lordship may collect, from the statement made by the Minister of Justice, that the expense attendant thereon, for little more than a year and a half, has amounted to 26,284,975 reals.

(Signed) We have, &c.  
GEORGE JACKSON.  
FREDERICK GRIGG.

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

## First Enclosure in No. 190.

*Translated Extract from the Report ("Relatorio") of the Minister for Foreign Affairs to the General Legislative Assembly, on its Meeting, May, 1836.*

It is extremely painful to see the continued contraband of unhappy Africans, in spite of the cruising of Brazilian and English ships-of-war; in spite even of the notorious fact, that the Imperial Government have given the most positive orders to repress so nefarious a traffic. The infamous smugglers cease not to engage in fresh speculations, availing themselves of the Portuguese flag, and profiting by the opinion of the greater part of our agriculturists, who erroneously suppose that the introduction of such individuals into Brazil is beneficial, unmindful of the fatal consequences which it may in future have for the tranquillity of their families and the security of their property.

Towards extirpating so inhuman a traffic, the Imperial Government has employed every means; at one time addressing themselves to the English and Portuguese Governments; at another, to those of the republics of the Oriental State, of Buenos Ayres, of Chili, and of Peru, proposing to them the framing of a Convention to effect this salutary object. And it is highly satisfactory to me to communicate to you, that all those Governments, with the exception of Chili and Peru, from which no answer has yet been received, testify the greatest readiness to co-operate with Brazil in so philanthropic a work, especially the British Government, which was the first to commence so glorious an undertaking. The "Oriental State" prohibited the equipment of vessels to go to the Coast of Africa for these wretched Africans, designated as "Colonists," but who were not the less brought captives and chained. Among the frauds which are continually employed to cover these dark speculations, this was one of the most cunning, because they (the shippers) by this fraud passed themselves off upon the cruisers whom they met, disembarking the Africans afterwards on our coast, as happened in the cases of the Portuguese brigs "*Amizade Feliz*" and "*Orion*," the Master of which latter had the affrontery to affirm in Court, that the negroes whom he had shipped on board were "Colonists," taken at Angola, to be conveyed to Mozambique.

The Imperial Government have already made known to you, at different times, the difficulty of executing the Law of the 7th November, 1831, in that part which enjoins the re-exportation of the Africans introduced by contraband into Brazil. The obvious means which occurred for this object was for the Imperial Government to propose to such of the European and American Governments as have possessions on the Coast of Africa, to receive the said Africans. My predecessors have already communicated to you what passed on this subject. I will now add that the Government of His Britannic Majesty offers to receive them in the Island of Trinidad on certain conditions, which, not being within the sphere of the Government, shall be laid before you.

Our Chargé d'Affaires at Washington made a similar proposal to the Government of the United States, in order to their being received in the Colony named Liberia, which they have on the Coast of Africa. He was told, however, in reply, that this Establishment belonging to a private Company, the Government could give no orders to it, inasmuch as they only afforded it their protection. In consequence of this answer, our Chargé d'Affaires communicated on this subject with the Directors of the said Company, who told him that the negroes should be received, provided the sum of 50 Spanish dollars were paid for each.

It is right here to remind you, that, having laid before you the Additional Articles to the Convention of the 23d November, 1826, signed at this Court, on the 27th of July, 1835, by my predecessor, and His Britannic Majesty's Envoy, Mr. Fox, with a view effectually to repress the contraband traffic in Africans by means of search on the part of ships-of-war of both nations, the Imperial Government are in expectation of your decision on this subject, and have, therefore, not entered upon a similar negotiation with the Envoy of His Majesty the King of the French.

## Second Enclosure in No. 190.

*Translated Extract from the Report ("Relatorio") of the Minister of Justice to the General Assembly, on its Meeting, May, 1836.*

## CONTRABAND TRAFFIC IN AFRICANS.

WITH a view to put an end to the inhuman and barbarous traffic in Africans, the Law of the 7th November, 1831, which appeared adequate to effect this, was enacted. It served, however, only to excite the covetousness of speculators, who saw in it only means of better advancing their own gains and interest, the which might well compensate all the risks of the enterprize. The want of hands for agriculture associated the agriculturist with the speculator, and the magistrates not having, from the first, employed their full power to impede the contraband of Africans, it very soon became general, and it will now be impossible to remedy the evils, and the continuance of such importation, by means of the law to which I refer. The extinction of the traffic in slaves in Brazil should have been preceded by appropriate and efficacious measures, which might effectually have introduced into our ports free hands to be employed in agriculture, thus remedying the want of them which must necessarily have soon been felt.

In the Report of my predecessor was communicated to you the number of vessels taken and sentenced from the year 1830 to the commencement of 1835. It pointed out to you the difficulties which opposed themselves to the re-exportation of the Africans who were declared free, and asked for such steps as to him appeared most suitable, and which I content myself in claiming afresh.

From that time forward, different justices of the peace have made captures of some few new blacks; besides which His Britannic Majesty's sloop of war "*Satellite*" took the brig "*Orion*," which was navigating fictitiously under the Portuguese flag, but which was proved to be Brazilian property, conveying 243 Africans, who were declared free and emancipated, together with four sailors, who were on board, and who, it was proved, had been previously ordered by the police to be re-exported to the Coast of Africa.

From the want of means to re-export all these Africans, they have been directed to be distributed conformably to the Instructions accompanying the decree of the 19th November of last year.

The sums proceeding from the hire of their services, amounting to 5 contos, 495 mil, 819 reis, are secured in a chest; care having been taken, by an order of the 7th March last, with regard to the registry, collection, and auditing of the same; and the public Treasury has, for the present, supplied the expenses incurred for the clothing, maintenance, and medical treatment of the Africans, previous

to their distribution; expenses which amount, from the 9th July, 1834, to the 20th February of this year, to 26 contos, 284 mil, 973 reis; it being thus manifestly necessary to authorize this expenditure and to assign to such account some credit so long as it shall not be possible to carry into effect the re-exportation spoken of in the second Article of the Law of the 7th November, 1831.

## No. 191.

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

MY LORD,

Rio de Janeiro, 8th June, 1836.

WE have had the honour to receive your Lordship's Despatch of the 26th March last.

To part of its contents, viz., that relating to the sentences of the Court, in the Cases of the "*Amizade Feliz*" and the "*Angelica*," we have already replied in our Despatch of the 13th of April.

It remains for us to advert to the other points to which your Lordship directs our attention, namely, 1st, the deviation from the directions laid down for our guidance in the Conventions and other Instruments under which we act, enjoining the Commissioners to judge the causes submitted to them without appeal; and 2dly, the Regulation which prescribes to them to give sentence within 20 days, if practicable.

On the former topic, we beg leave to observe, that, so entirely does our view of the Instruments in question coincide with what your Lordship is now pleased to state, that on the first opportunity after His Majesty's present Commissary Judge was installed, we took the liberty of pointing out to your Lordship the irregularity, as we deemed it, of admitting "embargoes" at all. But, as that course had been permitted, without comment, in several previous cases, we did not think, while we remained without specific instructions on the subject, that we should be justified in withholding our assent to a similar proceeding in those of the "*Amizade Feliz*" and "*Angelica*," as well as in the more recent instances of the "*Aventura*," the "*Orion*," and the "*Vencedora*."

We rejoice to be empowered by your Lordship's present Instructions to press for an interpretation of the Convention more consonant with its spirit. We shall withhold our individual consent to the future admission of embargoes, and, in communicating those Instructions to our colleagues, we shall do our best to induce them to agree to a formal Minute on the Records of the Commission declaratory of the inadmissibility, in future, of any "embargoes" whatever.

With regard to the second part of our present Instructions, viz., the time within which the Court shall give sentence, we trust we need not assure your Lordship that in no Case have we failed to proceed, and to urge every incidental process, with all possible assiduity; but the very period assigned, 20 days, while it affords a strong argument that, in framing the Convention, no rehearing, under any circumstances whatever, was contemplated, but that every sentence should be final, demonstrates also the impossibility of complying, at present, with what is primarily prescribed on this head by the Regulations.

Connected also with this subject is the number of holidays during which all public business is suspended, as well as the customs of the country, which allot only a small portion of the day to official business; no department, except the Post Office, being open after 2 o'clock.

It is but due, however, to the Brazilian Commissary Judge to add, that, while his own immediate functions, as "Official Maior" in the department of Justice, require him to devote a great part of the day elsewhere, we have ever found him most anxious that that circumstance should interfere as little as possible with the business of the Court.

We have, &amp;c.

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

GEORGE JACKSON.  
FREDERICK GRIGG.

## No. 192.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, 2d September, 1836.

I HAVE received your several Despatches upon the subject of the Case of

the "*Vencedora*," captured under Portuguese colours, and liberated by sentence of the Mixed British and Brazilian Court at Rio de Janeiro, on the 26th February last.

I have also received from the Admiralty a Letter from Rear-Admiral Sir Graham Eden Hamond, complaining of the decision of the Court in this Case.

These Papers have been referred to his Majesty's Advocate-General, who has reported it to be his opinion, that the sentence of the Mixed Commission, liberating the "*Vencedora*," on the ground that the Captor was not furnished with the Instructions required by the 7th Article of the Convention of 1817, is perfectly correct.

The King's Advocate further states, that the "*Alvarà*," of the 26th January, 1818, upon which so much stress is laid in the Argument presented March 7th, on behalf of the Captor, did not confer upon the Commissioners the requisite authority to condemn the vessel, and consequently the sentence of the 7th of March, confirming that pronounced on the 26th of February, is likewise correct.

I am, &c.

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

(Signed) PALMERSTON.

No. 193.

*His Majesty's Commissioners to Viscount Palmerston.—(Received September 5.)*

MY LORD,

*Rio de Janeiro, 5th July, 1836.*

IN pursuance of the 75th clause of the Act passed in the fifth year of the reign of His late Majesty George IV., entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to enclose herewith a return of the Case of the only vessel adjudicated in the Mixed British and Brazilian Court of Commission established in this city, from the 1st January, 1836, to the 1st instant.

We have, &c.

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

(Signed) GEORGE JACKSON,  
FREDERICK GRIGG.

Enclosure in No. 193.

*Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission at Rio de Janeiro, from 1st January to 1st July, 1836.*

| Name of Vessel.   | Date of Sentence.   | Where captured.                | Property seized. | Seizor.   | Date of Sentence.                    | Number of Slaves captured. | Number died before Adjudication. | Total emancipated. | Decretal part of Sentence, whether Forfeiture or Restitution. | Whether Property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the Proceeds remain. |
|-------------------|---------------------|--------------------------------|------------------|---|--------------------------------------|----------------------------|----------------------------------|--------------------|---|---|
| <i>Vencedora.</i> | 1836.<br>8 January. | { Off the Islands of Marica. } | Smack.           | { His Majesty's schooner "Hornet," Lieutenant Coghlan, Commander. } | 1836.<br>{ 26 Feb. }<br>{ 7 March. } | None.                      | None.                            | None.              | Restitution.  | Nil   |

*Rio de Janeiro, 5th July, 1836.*

(Signed) GEORGE JACKSON,  
FREDERICK GRIGG.

No. 194.

*His Majesty's Commissioners to Viscount Palmerston.—(Received September 5.)*

MY LORD,

*Rio de Janeiro, 1st August, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of 31st May last, instructing us immediately to report, in future,

to the Chief of His Majesty's Mission in Brazil, the detention of all slave-vessels, and also the final decision of the Mixed Commission upon all Cases brought before it; delay and inconvenience having occurred from the circumstance of His Majesty's Mission at Rio de Janeiro not being immediately apprized by the British Commissioners of the result of Cases brought before the Mixed Court at that port.

We shall not fail to pay implicit obedience to this direction; and, while we express our regret at the occurrence of any such delay or inconvenience, we hope we may be permitted to add, that we were previously wholly unaware of its existence.

The Instructions in your Lordship's Despatch, of the 5th July, 1833, enjoined us to give our best assistance to His Majesty's Envoy in all Cases referable to the Commission requiring his intervention with the Government; and, generally, upon all occasions to keep him informed upon every point with which it might be desirable that His Majesty's Mission should be made acquainted. That we have fully acted up both to the letter and spirit of this Instruction we think we may with confidence appeal to His Majesty's late Minister at this Court to testify; our communications with him were mutually frequent and confidential.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.                      &c.                      &c.

No. 195.

*His Majesty's Commissioners to Viscount Palmerston.—(Received September 30.)*

MY LORD,

*Rio de Janeiro, 6th August, 1836.*

ON the receipt of your Lordship's Despatch, of the 2d June last, we took the first opportunity of reverting to the subject of the admission of "embargoes" in Cases before the Court of Mixed Commission, and of endeavouring to induce our Brazilian colleagues to agree to a formal recognition of their inadmissibility for the future.

Upon our urging the period prescribed in the first Article of the Regulations for giving sentence, as a proof that the interpretation of the eighth Article of the Convention, for which we were contending, was the true one, we were told that this was only another evidence of the necessity of extreme care in drawing up any public instrument, for that, by the Article of the Regulations in question, the Court was not required to carry its sentence into execution within the time specified, but merely to decide.

Against such a specimen of special pleading it was hopeless to carry on the argument. We therefore contented ourselves with reading to our colleagues those parts of your Lordship's Despatches of March 26th and June 2d which relate to this subject, and requesting them to bring it under the immediate consideration of their Government. This they agreed to do, and we have the honour of enclosing herewith, in original and translation, a Copy of our minutes on this occasion.

What view the Imperial Government may take of this question we cannot pretend to say; but we may fairly hope for the eventual support of our Brazilian colleagues in the deliberation to be taken respecting it, because, in private conversation, we succeeded so far as to obtain from them an acknowledgment of their opinion both that it was the *animus* of the Convention and Regulations that the sentence of the Court should be absolutely final, and that it was desirable, with a view to the object proposed, that such should be the course to be observed.

They stated, however, that the interpretation of the laws belongs exclusively to the legislative body, by whom the point must be decided.

This led us to refer to the "Portaria" recently addressed to this Commission, and signed by the then Minister for Foreign Affairs, informing us of 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*," and we concluded with expressing our hope that a like acquiescence may follow in this instance. The answer was remarkable,—“That was the act of one Minister, and already his successor has declared himself of a different opinion.” And here, my Lord, we may observe, that no notice has ever appeared in the official Paper either



of the above-mentioned 'Portaria,' or of the understanding between the two Governments which forms its subject.

We have, &c.  
(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

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Enclosure in No. 195.

(Translation.)

*Sitting of the 2d August, 1836.*

THE British Commissioners having received Despatches from their Government, in reply to the communication they had made to it regarding the admission of "embargoes" in the sentences of the Commission, before passing through the department of justice,\* stated that, according to the opinion of the Law Officers of the Crown, and in conformity to the existing Treaties, the causes submitted to the Commissioners being to be judged without appeal, it ought to be understood, upon the same principle, that the "embargoes" which it has been permitted to parties to present against the sentences of the same are inadmissible; because such "embargoes" are equivalent to an appeal, or a revision of the primary sentence, from which great inconveniences might result, the first Article of the Regulations prescribing 20 days for the conclusion of the process; and further, that they, the British Commissioners, being resolved to observe henceforward the determination of their Government, in conformity to the Instructions received by them, required to know whether the Brazilian Commissioners agreed with them in this point, to which the latter replied that it was not possible for them to determine anything respecting it, but that they would bring it to the knowledge of their Government to decide whatever might be thought right.

(A true Translation.) (Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*  
(Signed) THEOPHILO DE MELLO,  
*Interpreter to the Mixed Brazilian and English Commission.*

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No. 196.

*His Majesty's Commissioners to Viscount Palmerston.—(Received October 13.)*

MY LORD,

*Rio de Janeiro, 17th August, 1836.*

OUR last number will have informed your Lordship of the steps taken in furtherance of your Lordship's Instructions on the subject of "embargoes."

We have now the honour to acquaint you, that the Brazilian Minister for Foreign Affairs has addressed a Note to the Brazilian Commissary Judge, in reply to our representation of the 2d instant, enjoining him to continue the practice hitherto observed, of admitting "embargoes."

His Excellency, your Lordship will perceive, in this Note, states such practice to be in conformity with the laws of Brazil, and that such has always been the process in all causes, whether civil or criminal, be they ever so summary, the trial of which was submitted to one only Court. He states himself to have come to this decision in concurrence with the opinion of the Law Officer of the Crown, to whom is further given, on this occasion, a title not usually specified, that of Law Officer for the National Sovereignty; and proceeds to argue that there is no parity between appeal and "embargoes," inasmuch as, when the latter are permitted, they are always decided by the same tribunal, a fact militating against the idea of appeal, which is a reference from the sentence of one Court to that of another.

A Copy of this Paper, in original and translation, your Lordship will find in the enclosed minutes of our sitting of yesterday, together with the observations made by us on its being entered. In the few words which fell from the Brazilian Commissary Judge on this occasion, he again insisted on the distinction between giving sentence and carrying such sentence into execution; and, though he no less freely than before admitted his belief as to the *animus* which dictated the engagement, he declared that the point could only be settled by an understanding between both Governments, corroborating the remark we made in our Despatch of June 8, respecting the difficulty which would be experienced by the municipal Judge, who, even were the Court unanimous in rejecting "embargoes," and in directing the immediate execution of its sentence, would hesitate to comply with such direction, till he should receive the necessary warrant from the department of justice.

On the whole, my Lord, we cannot help thinking that, both in the unwonted haste with which the answer of the Foreign Secretary has been given, and in the introduction of the term "National Sovereignty," we see only a fresh evidence of

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\* Vide Commissioners' Despatch of June 8th.

an anxious caution on the part of the executive not to add anything to the jealousy already felt at the existence of this Commission, and of their apprehension of wounding the sensitiveness with which the traffic is now more than ever viewed by the nation.

We have, &c.  
(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

Enclosure in No. 196.

(Translation.)

Sitting of the 16th August, 1836. The Brazilian Commissioners presented a Note from the Minister Secretary of State for Foreign Affairs, as follows:—

“SIR,

“IN reply to the Despatch which you addressed to me, in the date of the 3d instant, respecting the Claim of the British Commissioners not to admit of embargoes, in conformity to our laws, in the sentences of the Mixed Brazilian and English Commission, I have to apprise you, that, in concurrence with the opinion of the Law Officer of the Crown, of Finance, and of National Sovereignty, it will be proper that you continue the practice hitherto followed, inasmuch as there is no parity between an appeal and embargoes, as the above Commissioners pretend, since, though even these latter be permitted, they are always decided by the same tribunal, which certainly militates against the idea of appeal, that is to say, a reference to the decision of another Court; and it moreover happens, that such has always been the procedure in all cases, civil and criminal, however summary they may be, the trial of which was submitted to one only Court.

“God preserve &c.

*Palace, 11th August, 1836.* (Signed) “ANTONIO PAOLINO LIMPO DE ABREU.”

To which the British Commissioners replied, that they would transmit the above Note to their Government, observing, however, at the same time, that it takes no notice of the proof which they claim to deduce in favour of their interpretation of the Treaty, from the period of 20 days prescribed by the first Article of the Regulations for the final sentence, inasmuch as, if “embargoes” were admissible, it would never be possible to comply with that clause.

(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*  
(Signed) THEOPHILO DE MELLO,  
*Interpreter to the Mixed British and Brazilian Commission.*

(A true Translation.)

No. 197.

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

MY LORD,

*Rio de Janeiro, 20th August, 1836.*

THE Paper which we have the honour to enclose herewith, is a translated Extract of a recent Speech of one of the Deputies from Bahia, Senhor Calmon, who formerly held the Office of Minister for Foreign Affairs, and who is considered one of the ablest members of the present Chamber of Deputies.

Its subject is the re-exportation of the blacks, which, in spite of the strong opposite feeling which now prevails in this country, he still maintains to be a necessary measure. But, grounding his opinion on the supposed success which has attended the re-exportation of blacks from Bahia, and the welcome which, he says, awaited them on the Coast, he recommends that neither the conditional offer of His Majesty's Government to receive the freed blacks in the Island of Trinidad, nor that of the United States to admit them in Liberia, should be accepted.

The knowledge of this welcome, he declares, has induced many free blacks voluntarily to return to their native country; and he urges the facilitating the departure of that class of beings, by granting them Passports gratis, and some little aid, when necessary. In this way he anticipates the accomplishment of the double object of freeing this country from the danger of their continuance in it, and of the formation of a Brazilian Colony on the Coast of Africa.

He states the number of Passports already given by the President of Bahia to exceed 400 (the President, in his speech, enclosed in our Despatch, No. 6, speaks of upwards of 700), but what authority he has for the remainder of his statement we know not. It is, we apprehend, but slight, and our chief reason for troubling your Lordship with this Paper, is to apprise you of the little actual probability that the offer of His Majesty's Government to receive freed blacks in Trinidad will be accepted.

We have, &c.  
(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

## Enclosure in No. 197.

*Translated Extract.*

I COME now to the subject of sending our free Africans to the Coast of Africa, and will submit to the judgment of the Chamber, and to the good sense of the Minister, my opinion thereon. It is certainly expedient that these semi-barbarous freed men should return to their native country; this measure is necessary for the advancement of our civilization, for the diminution of the dread of insurrections, and for the encouragement of the introduction into Brazil of more useful hands. With this view, the Government endeavoured to procure for them an asylum in Sierra Leone and in the North American Colony of Liberia, and consulted thereupon the Governments of Great Britain and the United States. The answers of these Governments are to be found in the Records of the Diplomatic Committee: that of London offered to receive them in the Island of Trinidad, provided we sent them thither; that of Washington referred us to the Philanthropic Society which supports Liberia, and it consented to receive them upon paying to it 50 dollars for every freed man sent thither. I am of opinion that neither the one nor the other plan should be admitted by us. I forbear to give the reasons, because they appear to me obvious, and I even think it unnecessary that the Committee should make any report to the Chamber on these answers. In the mean time, gentlemen, Divine Providence, which watches over our country, has, in my opinion, drawn us out of the greatest embarrassment. A provincial Law of Bahia determined that the President of that province should cause those freed Africans who were suspected of having taken a part in the insurrection of January, 1835, to be sent to the Coast of Africa. More than 100 Africans were in consequence put on board a ship, the Master of which had orders to proceed to the Coast of Africa, and to enter such port as might be most convenient. I believe that, at the request of the exiles, the ship entered one of the ports of Upper Guinea, most frequented for the traffic in slaves. One of the chiefs of the country, more enlightened than the others, not only received these freed men, but gave them a spot on which to establish themselves; and, as there were a good number of carpenters and masons among them, it appears that they soon formed a little village, and began to cultivate; this welcome being known, on the return of the vessel, many freed Africans of Bahia began to set about transporting themselves spontaneously to the new Colony; and, in fact, more than 400 Passports were given by the provincial Government to individuals and families requiring them. Two or three expeditions have already proceeded to that establishment, where they live tranquilly and free from the danger which the returned Africans formerly ran, of being either persecuted or robbed by the brutal populace as heretics, and infected with the religion of the whites, or banished to the central Deserts, if not beheaded by the chiefs on suspicion of their being spies.

Thus happily, without spending a ree, without begging favours of any power whatever, we may reckon upon a Liberia, the increase of which it behoves us to promote. I see in this establishment, not only a depôt without expense for our African freed men, but a nucleus of population, and possibly a new State, which, partaking of some civilization, and of our language, will one day contribute to the extension of our commerce and of our rising industry. And while England has preserved Sierra Leone at so great a cost of life and money, while the North Americans are still spending thousands of dollars on their Liberia, may I not say that Divine Providence has saved us the inconvenience of buying a territory, and of employing funds on the Coast of Africa? In calling, however, the attention of the Noble Minister to this object, it is not my wish that the Government should interfere, or lend a hand to the establishment of which I am speaking; this would perhaps injure the new Colony; my only design is to request the Minister to obtain information as to the spot on the Coast of Africa where this Colony exists, and to give instructions to the Presidents of our maritime provinces to facilitate the departure of the several African freed men for that spot, by means of Passports issued gratis, or even of some little succour, if necessary. Nothing more will be required.

## No. 198.

*His Majesty's Commissioners to Viscount Palmerston.—(Received October 13.)*

MY LORD,

*Rio de Janeiro, 27th August, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Circular Despatch of June 15, transmitting, for our information, the Extract of a Despatch from His Majesty's Consul-General at Montevideo, enclosing the Copy of a Decree issued by that Government, placing all vessels coming in ballast from the Coast of Africa under a quarantine at the discretion of the Government.

We have, &c.

(Signed)

GEORGE JACKSON.

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

FREDERICK GRIGG.

&c.

&c.

&c.

## No. 199.

*His Majesty's Commissioners to Viscount Palmerston.—(Received October 13.)*

MY LORD,

*Rio de Janeiro, 27th August, 1836.*

THE last packet brought us your Lordship's Circular Despatch of June 17, covering Copies of the Treaties by which the Kings of Denmark and of Sardinia have acceded to the Conventions between His Majesty and the King of the French for the suppression of the traffic in slaves.

We have the honour to acknowledge the receipt of the above, as also of a

printed Copy transmitted in the same Despatch, of an additional Article to the Treaty between His Majesty and the King of Sweden, signed at Stockholm on the 15th June, 1835.

We have, &c.  
(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

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No. 200.

*His Majesty's Commissioners to Viscount Palmerston.—(Received October 13.)*  
MY LORD, *Rio de Janeiro, 27th August, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 27th June, transmitting, for our information, Copies of Papers marked A. and B., relating to the Slave Trade, which had been presented, by His Majesty's command, to both Houses of Parliament.

We have, &c.  
(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

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No. 201.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN, *Foreign Office, 22d October, 1836.*

I HEREWITH transmit the Copy of a Letter from the Admiralty, enclosing a communication from Sir Graham Hamond, the Commander-in-Chief of His Majesty's Squadron in South America, detailing some of the evils which result from the delays in the adjudication of slave-vessels by the Mixed Court at Rio de Janeiro.

Sir Graham Hamond's statement is deserving of serious attention, and I have accordingly to desire that you will bring the subject of it formally before the Mixed Court, of which you are members, and that you will consult with your Brazilian colleagues as to the best arrangements to be adopted to remedy the evils complained of.

It must be left to the Mixed Court to originate a plan that will provide against the inconveniences detailed in Sir Graham Hamond's Letter, and that will expedite the proceedings of the Court; and I have further to instruct you to press your Brazilian colleagues to submit to the Brazilian Government for its approval any arrangement the Court may think best suited to attain the desired end.

If the law and the custom of Brazil oppose decided obstacles to a more expeditious course of proceeding on the part of the Mixed Court, it appears to me that some merchant-ship might be hired to receive the whole or part of the negroes from the detained vessels, until finally disposed of by the Court. Such a measure would alleviate, in some degree, the inconvenience which the negroes suffer from remaining crowded in the prize, and their security might be provided for by anchoring the vessel alongside the Admiral's ship, with a guard on board.

I am induced to suggest to you some arrangement of this kind, as preferable to landing the negroes.

The case of the "*Rio de la Plata*" offers but too strong evidence that negroes cannot be landed, pending adjudication, without the certainty of being stolen.

Whatever plan the Mixed Court may think most advisable to adopt, you will communicate it to His Majesty's Minister at Rio de Janeiro, who will be instructed to support the representations which the Brazilian Commissioners may make to their Government to induce them to accede to any plan for the amelioration of the evils adverted to in Sir Graham Hamond's Letter.

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

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Enclosure in No. 201.

*Sir John Barrow to Mr. Fox Strangways.*

SIR, *Admiralty, 30th September, 1836.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the

information of Viscount Palmerston, a Copy of a Letter from Rear-Admiral Sir G. E. Hamond, dated Rio de Janeiro, the 6th of last month, No. 126, relative to slave-vessels sent to that place for adjudication.

The Hon. W. Fox Strangways,  
&c. &c.

I am, &c.  
(Signed) JOHN BARROW.

SIR,

Dublin, Rio de Janeiro, 6th August, 1836.

WITH reference to your Letter of 3d June, No. 44, enclosing 2 Despatches from His Majesty's Secretary of State for Foreign Affairs to the Court of Mixed Commission at this place, on the subject of delays in the adjudication of slave-vessels sent in for trial, I have to acquaint you, for their Lordships' information, that I believe the Mixed Commission Court does not, of *its own authority*, interpose any unnecessary delays, but that, at certain seasons, delays arising from *holidays* do greatly prolong the proceedings; and that the *law* and *custom* of the country add much to these impediments, by forms and ceremonies after the decision of the Court, so as greatly to increase the evil.

But I desire to make known to their Lordships what is the true subject of complaint in the matter. The slaves are obliged to be kept on board the vessels which brought them from the Coast of Africa, for a longer period than has already been consumed during the voyage. There is no hospital for the sick, no place of security for them on shore, nor any person appointed to look after or to take charge of them. The Prize Master and crew are exhausted with watching by the time they arrive in port, and ought to be relieved of such a charge; they live on the open deck of the miserable vessel, under such an awning as they can rig to keep off the burning sun by day, and the heavy dews by night; armed, and at all times on the watch against surprize by the desperate outlaws who compose her crew.

In port the vessel is watched by guard boats from His Majesty's ships that happen to be present, sometimes for many successive nights exposed to heavy tropical rains; the smallest relaxation of watchfulness would inevitably be taken advantage of, and the blacks carried off, and none of the inferior Officers of the Government can be depended upon. It is in consequence of this defect that lengthened proceedings in Court are terrific in their consequences. The negroes suffer more than if they had been carried into slavery at once upon their arrival in the country, while the Prize Master and crew are condemned to misery indescribable during the long period of their charge. In the two vessels that have been condemned here lately, one Officer was reduced to the point of death, and another actually became for a long time raving mad, from the effect on mind and body of the distress to which they were exposed as Prize Masters.

Something should be done to abate this enormous evil; and it appears to me that the Brazilian Government, or the Court of Mixed Commission, ought to be responsible for the care and custody of these poor people from the moment they are brought into a Brazilian port for adjudication.

I am, &c.  
(Signed) GRAHAM E. HAMOND, Rear-Admiral.

No. 202.

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

MY LORD,

Rio de Janeiro, 30th September, 1836.

WITH reference to our Despatch of the 6th of January of this year, we have the honour of forwarding herewith, in Original and Translation, a Copy of Instructions which have been issued by the Regent, additional to those mentioned in that Despatch, relative to the care and treatment of newly imported free blacks hired out for a term of years.

This Document does not regard the suppression of the traffic itself, and we trouble your Lordship with it only as showing the anxiety of this Government to secure the welfare and proper treatment of these unfortunate beings, and to rectify certain abuses which have been found to be practised respecting them.

We have, &c.

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

(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

Enclosure in No. 202.

(Translation.)

THE Regent, in the name of the Emperor Don Pedro II., orders, in addition to the Instructions of the 29th October, 1834, and to the amendments to the same of the 19th November of last year, that in case of the death of any persons who may have hired the services of one or more free Africans, his heirs shall be obliged to communicate such death to you, or to their respective Curator, within 30 days, in order to taking such measures as may be proper regarding their destination; such heirs, if they wish it, to have the preference in their transfer, when their property and substance can be depended upon. If, on the contrary, they fail to make such communication within the time specified, they shall not be entitled to the services of such Africans, and then any other person will be preferred, who, having the necessary qualification, shall make the Declaration before you or the Curator, (who shall be obliged to communicate with you immediately,) you recommending the greatest vigilance in this respect to the Justices of the Peace, besides that which the respective Curator is to exercise; and it having come to the knowledge of the Regent that many of those persons who have hired the services of the said Africans, deliver them up subsequently to the Depôt at the House of Correction, to be

they attended to at the expense of the nation when sick, sometimes even of incurable diseases, of which they soon die, either taken incidentally or in consequence of the heavy labour imposed upon them, and even of severe punishment, and it being expedient to put a stop to all these abuses, he orders further, that you take the necessary steps to prevent Africans being received, when ill, at the said House of Correction, even if sent there with a Declaration that they are no longer wanted; because it is clear that whoever takes them to avail himself of their services, is obliged to supply them with every necessary, as also to afford them medical aid in case of sickness, it being for this reason that less attention is paid to the sum required for the hire of their services than to the selection of the persons who, in remuneration thereof, bring them up well and treat them with humanity whether in health or sickness; and on this occasion I am to recommend to you to enjoin to the respective Curator the religious observance of what is laid down in the above-mentioned Instructions, in that part which regards his duty and vigilance in apprising you, whenever it shall come to his knowledge that the prescribed conditions fail in any way to be fulfilled, in order to the immediate removal of the Africans from the power of such persons as do not treat them properly. All which I communicate for your information and for its execution, as also that you do immediately proceed against those who inflict barbarous and severe chastisement on such Africans, who, from their wretched condition, are more deserving of the protection of the Laws and of the Authorities.

God preserve, &c.

Palace, Rio de Janeiro, 15th September, 1836.

The Chief of Police.

(Signed)

GUSTAVO ADOLFO DE AGUILAR PANTOJA,  
Minister of Justice.

Extract from the "Correio Official."

Parte Official—Ministerio da Justiça.

Rio de Janeiro, 21st September, 1836.

O Regente, em Nome do Imperador o Senhor D. Pedro Segundo, Ha por bem, em additamento ás Instrucções de 29 de Outubro de 1834, e ás alterações á estas feitas na data de 19 de Novembro do anno passado, que no caso de fallecer a pessoa, que tiver arrematado os serviços de hum ou mais Africanos livres, os seus herdeiros, ou quem ficar na posse da herança, serão obrigados a communicar aquelle obito a Vm. ou ao Curador respectivo, dentro de trinta dias, para providenciar como for conveniente ácerca do seu destino, devendo os herdeiros, querendo, ser preferidos na transferencia dos sobreditos Africanos, quando haja certeza da sua probidade, e inteireza; mas, se pelo contrario deixar de fazer aquella communicação dentro do prazo aqui marcado, neste caso não poderão haver a si os serviços de taes Africanos; e então será preferida qualquer outra pessoa, que tendo as qualidades exigidas fizer a declaração perante Vm., ou o Curador (que será obrigado a communicar-lhe immediatamente): recommendando Vm. a maior vigilancia a este respeito aos Juizes de Paz, além da que deve ter o respectivo Curador. E constando ao mesmo Regente, que muitas pessoas, das que tem arrematado os serviços dos mencionados Africanos, os vão depois entregar na Casa da Correccão para serem ali tratados, com despendio da Nação; quando se achão doentes, ás vezes de molestias incuraveis, de que logo morrem, ja adquiridas casualmente, ja em consequencia de serviços pezados, de que os encarregão, e até mesmo de rigorosos castigos; e convindo pôr termo a todos estes abusos, Ha outrosim por bem, que Vm. dê as providencias necessarias, para que na referida Casa de Correccão se não recebam jamais Africanos em estado de molestia, ainda que para la os remettão com declaração de os não quererem mais, porque he claro que, quem os toma para utilizar se do seu trabalho, fica obrigado a suppri-los de todo o necessario, e igualmente a cura los nas suas enfermidades, sendo por esta razão que se não exige tanto avultada quantia pela arrematação de seus serviços, como a escolha de pessoas, que, em compensação de taes serviços, lhes dê boa educação, e os trate com humanidade, quer no estado de saude, quer no de molestia: e por esta occasião cumpre me recommendar a Vm., que recommende ao respectivo Curador a religiosa observancia do disposto nas Instrucções acima citadas na parte, que diz respeito ao seu dever, e vigilancia, para participar a Vm., quando venha no conhecimento de que não são cumpridas por qualquer forma, que seja, as condições designadas nas mesmas Instrucções, a fim de fazer immediatamente remover os Africanos do poder daquellas pessoas, que os não tratarem como devem. O que tudo participo a Vm. para sua intelligencia e execução; e bem assim que deve mandar logo proceder contra aquelles que derem castigos barbaros, e violentos nos sobreditos Africanos, os ques pela sua condição de miseraveis, se tornão mais dignos da protecção das Leis, e das Authoridades. Deos Guarde a Vm. Paço em 15 de Setembro de 1836.

Deos Garde a Vm.

Paço em 15 de Setembro de 1836.

Senhor Juiz de Direito, Chefe da Policia.

(Signed)

GUSTAVO ADOLFO DE AGUILAR PANTOJA.

No. 203.

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

MY LORD,

Rio de Janeiro, 30th September, 1836.

YOUR Lordship will have noticed that our last Half-yearly Report contained only one Case of detention. We wish we could see in this result proof of any decrease in the traffic in slaves between this country and the Coast of Africa; but so far is this from being the case, that at no period has it perhaps been ever carried on with greater activity or daring; uninterrupted, as it now is, by the presence of any cruizers, whether British or Brazilian. With respect to the former, it is not for us to do more than notice the fact. The latter have for some time been all engaged in the revolted provinces of this empire to the north and south.

In the 6 months, ending the 30th June last, between 50 and 60 vessels were

despatched from Rio de Janeiro for the Coast of Africa. Of these, by far the greater number sailed under Portuguese colours, 5 only carrying the Brazilian, and 1 the Oriental flag. But as evidence of the character and of the fraudulent nature of these transactions, and that they were in fact for the most part, if not all, Brazilian, it may suffice to remark, that 17 assumed the Portuguese flag only a short time previous to their sailing, and that the cargoes of these vessels, when any cargo at all was manifested, consisted of empty casks, English goods, and, in one instance, of Spanish dollars.

During the same period, 20 vessels entered this port from the Coast of Africa. Of these, 1 only called itself Brazilian; the others all carried the Portuguese flag, came in ballast, and, upon the usual declaration that the Master or Pilot had died on the voyage, were stopped, with scarcely an exception, by the police, on suspicion of having landed slaves on the coast, but, as usual also, were, after a few days detention, released.

We apprehend that similar returns for the current half-year will show a still increasing activity; nor can we make a more favourable Report of the actual moral tone of the country on this subject. The conviction that it has rather retrograded than otherwise, must, we fear, follow the perusal of the several Enclosures in this Despatch.

The first Paper to which we would draw your Lordship's attention, is a Letter dated in December last, but only lately published, from the then Inspector of Customs (who has been since dismissed from that office) to the Minister of Finance.

This Letter gives a statement of facts similar in kind, if not in extent, to those we have submitted above; and assuming from them that the vessels despatched from hence to the Coast of Africa, and returning hither, are all slavers, the Ex-Inspector notices the measure suggested last year by the Legislative Assembly of Bahia, that of putting a stop to all direct commerce with the Coast of Africa, as the most useful and efficacious, and as that from which the inconvenience to ensue would be comparatively small; but as this may depend (he says) on Diplomatic Negotiations, he suggests the prohibition in future of all clearances for transshipment and re-exportation to the Portuguese Colonies and other independent ports on the Coast of Africa, as at present allowed upon payment of only 2 per cent., a measure which would be a great check to the illegal traffic, and which, he goes on to argue at great length, would not be contrary to any Treaty engagements contracted by Brazil.

Without troubling your Lordship by following the ex-Inspector in his argument on this subject, and which, it will be seen, the Minister of Finance controverts in his Reply, it may be sufficient to observe as regards Portugal, that at the time of the Treaty of the 29th August, 1825, between that country and Brazil, the full duties were exacted, and had been so ever since the year 1817. The importance of the suggestion itself will be best seen from a perusal of Enclosure B, which is a Letter from the Minister of Finance to the Chamber of Deputies, and from which it appears that the duty of 2 per cent. levied upon goods exported to the Coast of Africa, produced in the year 1834—1835, 9,818 rs. 157 dollars, and in that of 1835—1836, 23,748 rs. 307 dollars.

We forbear to recapitulate the reasoning in this Paper against the above-mentioned suggestion, because your Lordship will find it distinctly given in the three opinions of the Law Officer of the Crown, of the Comptroller, and of the Inspector-General of the Treasury, on which the Minister grounds its rejection, and which forms the subject of our next Enclosure; but we would be allowed to notice more particularly one of the reasons given by the Comptroller against either of the measures recommended, embodied, as it is, in those of the Minister; namely, that the effect of the prohibition, even if not opposed to Treaties, would be, not so much to put a stop to or impede the introduction of slaves, as to deprive the market, and especially that of Rio de Janeiro, of a lucrative trade, because in the one case, that of entire interdiction, the traffickers would go elsewhere for the goods supplied from hence, and in the other, that of prohibiting transshipment or re-exportation to Africa on payment of 2 per cent., they would despatch for ports belonging to nations bordering on Brazil, and from thence re-export to the African Coast. The Comptroller states, that, according to report, this is now practised, and that thus a precaution lately observed in the Customs, of taking bond in all cases of re-exportation (and which, though some check to the illicit introduction, he considers as prejudicial to the commercial interests of Brazil), is readily eluded.

A further Report, made on Official data, states that two-thirds of the merchandize

re-exported from January, 1833, to June, 1836, at the reduced duty of 2 per cent., were available only for the "traffic in human flesh."

The next Documents we beg leave to submit to your Lordship, are those marked D and E; the former are extracts from an Article published, there can be little doubt, by the Deputy Vasconcellos, taking for his text the Paper from the pen of Padre Feijo, which we had the honour of enclosing in our Despatch, No. 17, of last year; and though something may be set down to the desire to curry popularity with a view to the approaching elections, yet your Lordship will perceive by Document E, that the writer hardly comes up to the expectations of the community. This Document consists of a Motion made in the *Provincial Assembly* of Rio de Janeiro, and of various representations from several of the Municipalities, one and all calling not only for the repeal of the Law of the 7th November, 1831, but also for a full and complete amnesty for all those who may have infringed any one of its provisions; one even going so far as to require that those blacks who have been declared free under that Law, should be deprived anew of their liberty, a proposition which we are sorry to say has been made the subject of a distinct Motion in the House by another of its Members, Deputy from the Province of San Paolo. These representations, one of which, that of Valencia, bears the signature of the Visconde de Baependy, son of one of the largest slaveholders, and a Senator of the Empire, have all, more or less, adopted the language and arguments of the present Regent before his elevation, dwelling particularly on the probable eventual collision between the blacks imported since the promulgation of the Law and those who either existed in Brazil prior to that period, or have been born there since; and hold out, more or less directly, the threat of revolution in case of their demand not being attended to, or of the "dangerous" attempt being made to carry the Law into full practical execution.

To complete this discouraging picture, two facts remain to be added; the one, that Joao Luis Ribeiro, the reputed proprietor of the brig "*Orion*," condemned in this Court in January last, has been adjudged by the Local Tribunals to have incurred no criminality, and has been allowed to proceed again to the Coast of Africa, probably to prosecute afresh his scandalous speculations; the other, that Lieutenant Diogo Jose Cony, who figured so disgracefully in the Case of the "*Novo Destino*," reported in our Despatch, No. 46, of last year, has not only been also acquitted, but has actually been appointed to the command of a small Brazilian man-of-war.

The only redeeming circumstances which it is in our power to report are an order recently issued by the Minister of Finance to cancel the Passport of any Brazilian vessel that may in future be transferred to a foreigner, and to transmit the same to the Department of Marine, and a Motion now before the House of Deputies to prohibit all trade with Africa in vessels under a certain tonnage. The first of these measures would go far to prevent the practice hitherto so common, of vessels thus circumstanced sailing with two sets of Papers and hoisting the one or the other flag, as may best suit the purpose of the moment; and the second would certainly strike a blow at the trade by rendering it more costly and more hazardous: for we see that the vessels chiefly employed are of small burthen, those mentioned in the earlier part of this Despatch scarcely averaging 150 tons each. And this motion, if pressed, will at least have the good effect of showing the real predominant feeling of the present Chambers on the subject; but we fear it will lead to no further result, more especially at this late period of the Session.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

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First Enclosure in No. 203.

(Translation.)

MOST ILLUSTRIOUS AND EXCELLENT SIR,

HAVING observed that a considerable number of "Despachos" for re-exportation to the Coast of Africa are continually issuing from this department, and that the vessels coming from thence bring little more than a few tubs of wax, small quantities of ivory and mats, and that others come only in ballast, and knowing that, from the 1st of July of the present year to this day, 35 vessels have been despatched for different ports of Africa, I cannot help thinking that they are about to be employed in the pernicious traffic in slaves, in order to the introduction of the latter, by contraband, into this province, the Coast of which offers for this object the most convenient means; which, coupled with the connivance of the Local Authorities, and with the impunity which has attended the few traffickers who



have been apprehended and proceeded against, render nugatory the preventive laws which have been promulgated on this head; some measures suggest themselves to me which might, perhaps, be adopted by the Imperial Government, and which will effectually serve, if not to extinguish, at least to diminish and impede this horrible traffic.

The most useful and efficacious measure would, perhaps, be to put a stop to all direct commerce with the Coast of Africa: the commodities which we receive from thence, such as wax, ivory, oil, and others, we might procure indirectly: although we might purchase them dearer, we should be greatly the gainers on the other side; but, if this depends on Diplomatic Negotiations, there is another which, although not so efficacious, seems to me might be adopted. The traffickers in the contraband of slaves have advantageously availed themselves of the facility which now exists of despatching for re-exportation, subject to a duty of 2 per cent., and this offers to them an additional means of profit, and of encouragement to persist in their enterprises with greater advantage: whatever, therefore, tends to embarrass and render more uncertain the gains of such enterprises ought to be had recourse to and put in practice, and one of the most eligible measures to this end within the reach of the Imperial Government is, undoubtedly, the positive prohibition of "Despachos" for transshipment and re-exportation to the Portuguese Colonies and other independent ports of the Coast of Africa. This measure does not appear to me to be contrary to the Treaty of the 29th August, 1835, as might be supposed: the 10th Article thereof does indeed stipulate that "the Commercial Relations between the two nations, Brazilian and Portuguese, shall be forthwith re-established upon the reciprocal payment, provisionally, of 15 per cent. duty of consumption upon all goods; the duties of transshipment and re-exportation remaining the same as obtained before the separation." But here there is neither particular mention made of the Colonies, over which every metropolis has always reserved an unlimited control, nor was anything positive stipulated respecting transshipment and re-exportation; these remaining as before the separation, the unlimited control remained, by which the metropolis can restrict foreign trade with its Colonies, as to it may seem fit, and, reciprocally, the Imperial Government can also adopt the measure of not granting henceforward any more "Despachos" of re-exportation and transshipment to the Portuguese Colonies and the Barbarian and Independent States of the western and eastern Coasts of Africa, admitting only the egress of goods for those parts on paying the duties of consumption. To this may be added that, before the separation, re-exportations to the Coast of Africa were not permitted, and this prohibition continued even many years after the separation, and after the Treaty of the 29th August, 1825, till, by a "Portaria" of the 22d January, 1833, it was declared that the re-exportation of any goods whatever, imported into the ports of the empire, could not be impeded; and that, even in the case of re-exportation, no higher duties than those established by the Law of the 25th September, 1828, could be exacted, notwithstanding the Provision of the Decree of the 11th November, 1817; and it was only after the date of this "Portaria" that re-exportations and transshipments for the Coast of Africa were permitted: thus, at the time of the Treaty, they were not allowed.

Now, the Decree of the 11th November, 1817, had expressly prohibited the transshipment and re-exportation of goods destined for the traffic in slaves and despatched for the ports of the Coast of Africa, and the Law of the 25th September, 1828, did no more than reduce the duties to 2 per cent.; but this reduction applies where re-exportation and transshipments were permitted, but did not determine, neither was it the proper place to determine, that re-exportations and transshipments should be allowed to all parts of the world; consequently the Treaty with Portugal is in no way opposed to the measure now suggested. As regards the Treaties with other nations, it is therein stipulated that they shall have the power of importing and re-exporting their merchandize; but this stipulation cannot but be understood in the same way, that is to say, that they shall have the power of freely re-exporting their merchandize to such ports as Brazil chooses to trade with, and whither she may permit of re-exportations; nor could Brazil, by such Treaties, bind herself to trade with all parts of the world. If, in case of a war, Brazil were to break off her commercial relations with Buenos Ayres, or with Montevideo, for example, she is not bound by the Treaty with England to allow re-exportations of English goods to that country with which she (Brazil) may be at war, and what cannot be disputed in the case of war cannot either be so in any other case where the Brazilian Government may deem the national interest to be concerned; admitting, then, that the facility of re-exportation, established in the Treaties, can only be understood as applicable to those ports whither the laws of Brazil admit of re-exportations in general, no inconvenience will result from the Treaties with other nations in prohibiting "Despachos" of re-exportation to the Coast of Africa. And, as the traffickers in slaves may, as they are at present in the habit of doing, think to evade this measure by presenting their goods to be despatched for re-exportation to the ports of Portugal, with leave to touch at the Coast of Africa, the respective "Despachantes" should be obliged to give bond in the value of the duties of consumption, such bond to be cancelled if, within a given time, they present a Certificate of the entry of such goods in the Custom-houses of Portugal, for which they were destined, authenticated by the Brazilian Consuls or Vice-Consuls, and, failing to do this within the time marked peremptorily by the bond, the payment of the respective duties of consumption should be enforced; and as these traffickers might also, with the same view, present their goods to be despatched for transshipment or re-exportation for some port of the States on this Coast of America, as far as Cape Horn, similar bonds, with provision for their being cancelled, should be exacted, and similar payment enforced in case of default.

To any representation which might be made on the part of any foreign nation, in opposition to the measures here indicated, the principles which I have laid down are a sufficient answer. Further, however, it may be distinctly explained that such measures are only provisional, and that they are adopted solely as precautions for impeding the traffic in slaves, and, as such, cannot fail to meet with the approval of those civilized nations who have declared themselves in favour of the abolition of this inhuman traffic.

I beg your Excellency will be pleased to give these considerations the attention you may think they deserve, and that you will determine what is right:

God preserve your Excellency.

Rio de Janeiro, 4th December, 1835.

(Signed)

SATURNINO DE SOUZA E OLIVEIRA,

Inspector of the Customs.

The Most Illustrious and Excellent Senhor, Manoel do Nascimento Castro e Silva, Minister of Finance, and President of the Public Treasury.

## Second Enclosure in No. 203.

(Translation.)

*Ministry of Finance.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

IN reply to the requisition in the Despatch which your Excellency addressed to me on the 21st May last, by order of the Chamber of Deputies, I transmit, for the purpose of being laid before the same, the enclosed Report from the Inspector *ad interim* of the Customs of this city, under date of the 2d instant, from which it appears that the duty of 2 per cent. levied upon goods re-exported to the Coast of Africa, produced in the financial years 1834—1835, 9,818 rs. 157 dollars; and in that of 1835—1836, 23,748 rs. 307 dollars.

I think it expedient to send to your Excellency, on this occasion, as connected with this matter, the accompanying Despatch of the 4th December, 1835, in which the Ex-Inspector of the Customs of this city represented, that the number of "Despachos" of re-exportation to the Coast of Africa being considerable, and very trifling as regards return cargoes, almost all the vessels coming in ballast, thus affording good ground for suspecting that they were employed in the traffic in human flesh, introducing Africans by contraband, facilitated by the great extent of our Coast, and the connivance of the Local Authorities; it would be very advisable (if not for the purpose of doing away altogether with so horrible a commerce, at least to impede its continuation) to prohibit, provisionally, the "Despachos" for transshipment and re-exportation to the Portuguese Colonies, and to other independent points of the Coast of Africa, subjecting the merchandize despatched to those ports to the payment of the duties of consumption—a measure which, besides considering the justice of its tendency, could not fail to meet with the applause of all civilized nations; and not being, in his opinion, an infraction of the Treaty of the 29th August, 1825, with Portugal, which was already in operation, in virtue of the Decree of the 11th November, 1817, till the "Portaria" of the 22d January, 1833, declared that the re-exportation of any merchandize whatever, existing in the ports of the empire, could not be prevented, nor could higher duties be exacted than those established by the Law of the 25th September, 1828, not even under the Treaties entered into with other nations.

However the Government may be convinced of the necessity of energetic measures for the effectual prevention of the introduction of Africans into Brazil, yet it is of opinion that the one now suggested does not come within its sphere, inasmuch as the Government is persuaded that it is not possible, without interruption to the peace and most perfect harmony established between the empire of Brazil and the kingdoms of Portugal and Algarve, and without violating the 5th and 10th Articles of the Treaty of the 29th August, 1825, to interdict to Portuguese subjects, either actively or passively, the transshipment and re-exportation of foreign goods and merchandize to the ports of Africa. Wherefore the transshipment and re-exportation of goods and merchandize imported into Brazil for whatever ports, without any distinction between the nations with whom we have or have not Treaties, being now permitted, there is no justifiable and valid reason why, making an exception to the general permission, it should be prohibited to Portuguese subjects, to any foreigners, or even to natives, to transship and re-export foreign merchandize to the ports of Africa, upon paying only the duties generally and indiscriminately established by the Law of the 25th September, 1828, a prohibition against which the Government decided on the 22d January, 1833; it being indisputable that all Portuguese Colonies and Dominions are to be considered as contemplated and comprehended in the Articles of the Treaty, in which were stipulated the duties, facilities, and whatever advantages there might be in favour of the kingdom of Portugal and Algarve, and its subjects.

It is of no moment that, before our independence, the prohibition of transshipment and re-exportation of goods destined for the traffic in slaves, and despatched for the ports of Africa, was decreed; and that, even since the independence, the prohibition should have continued in operation till the time that the order of the 22d January, 1833, precisely put a stop to it; because, if this prohibition was adopted as a measure and means of ascertaining and securing the National Duties, whilst the Portuguese Colonies and Dominions of Africa formed a part of the then united kingdom of Portugal, Brazil, and Algarve, the capital of which was here, obliging the exporters of such merchandize to pay in the ports of Brazil, whence they sailed, the duties of consumption which they would have had to pay in those ports, and which they easily evaded; it is certainly no longer admissible with respect to Portuguese subjects, now that such Colonies and Dominions are foreign, and form a part of the Portuguese nation, from which Brazil separated herself, and over which she has no administration to exercise; neither is it admissible even with respect to Brazilian subjects, since the provisions of the Decree of the 11th November, 1817, had no longer any object, when once the traffic was prohibited.

Moreover, it appears to the Government that nothing could be more unjust and irregular than to exact, contrary to the nature of the impost, and contrary to the privilege guaranteed to Portuguese subjects in the 5th Article of the Treaty, the payment of duties of consumption for goods or merchandize not despatched for Brazil, with this singularity attending the procedure, that it would be directed against those transhipped and re-exported to ports of the Portuguese nation.

Finally, the Government is of opinion that, even if no such injustice were to result, and even if the existing Treaties and Laws were not opposed to the total prohibition of the trade between Brazil and Africa, or to the levying of the duties of consumption on goods transhipped or re-exported to the latter, the introduction into Brazil of Africans would still not be by this means diminished or impeded. The effect of either of these measures being rather to deprive us of a lucrative trade for our commodities, in exchange for those of Africa, because the traffickers in human flesh would, on the adoption of the former measure, go elsewhere to seek the goods supplied from hence; and if the latter were adopted by our citizens, would despatch for transshipment and re-exportation to the ports of the nations bordering on Brazil (as report says is now practised), and from thence re-export, eluding in this way the precaution of giving bonds, also suggested by the aforesaid Ex-Inspector.

*Palace, 15th July, 1836.*

God preserve your Excellency, &amp;c.

(Signed)

MANOEL DO NASCIMENTO CASTRO E SILVA.

Sir Bernardo Bellisario Soares de Souza.

&amp;c.

&amp;c.

&amp;c.

## Third Enclosure in No. 203.

(Translations.)

I do not assent to the measure proposed by the Inspector of Customs in this Despatch,

being persuaded that it is not possible, without interrupting the peace and most perfect amity established between the empire of Brazil and the kingdom of Portugal and Algarve, without violating the 5th and 10th Articles of the Treaty of the 29th August, 1825, to interdict to the Portuguese, as is suggested, the active and passive transshipment and re-exportation of foreign goods and merchandize to the ports of Africa.

Wherefore the transshipment and re-exportation of goods and merchandize imported into Brazil, for whatever ports, without any distinction between the nations with whom we have, or have not, Treaties, being now permitted, there is no justifiable and valid reason why, making an exception to the general permission, it should be prohibited to Portuguese subjects, to any other foreigners, or even to nations, to tranship and re-export foreign merchandize to the ports of Africa upon paying only the duties generally and indiscriminately established by the law of the 25th September, 1828, a prohibition against which the Government already advisedly decided on the 22d January, 1833, it being indisputable that all Portuguese Colonies and Dominions are to be considered as comprehended and contemplated in the Articles of the Treaty in which were stipulated the duties, facilities, and whatever advantages there might be in favour of the kingdom of Portugal and Algarve, and its subjects.

It is of no moment that, before the independence of the empire, the prohibition of transshipment and re-exportation of goods destined for the traffic in slaves, and despatched for the ports of Africa, was decreed, and that, even since the independence, the prohibition should have continued in operation till the time that the order of the 22d January, 1833, precisely put a stop to it; because, if this prohibition was adopted as a measure and means of ascertaining and securing the national duties, whilst the Portuguese Colonies and Dominions in Africa formed a part of the then united kingdom of Portugal, Brazil, and Algarve, the capital of which was here, obliging the exporters of such merchandize to pay in the ports of Brazil, whence they sailed, the duties of consumption which they would have had to pay in those ports, and which they easily evaded, it is certainly no longer admissible, now that such Colonies and Dominions are foreign, and form part of the Portuguese nation, from which Brazil separated herself, and over which she has no administration to exercise.

Nothing could be more unjust and irregular than, contrary to the nature of the impost, and contrary to the privilege guaranteed to Portuguese subjects in the 5th Article of the Treaty, to pretend to the payment of duties of consumption on merchandize not despatched for Brazil, and with this singularity attending the procedure, that it would be directed against those transhipped and re-exported to ports of the Portuguese nation. Energetic measures are necessary to give effect to the prohibition of the traffic in slaves in this empire, but none has suggested itself within the sphere of the Government.

*Rio de Janeiro, 7th December, 1835.*

(Signed) MAIA.

It also appears to me that, so long as the Treaties exist, we cannot prohibit those foreign nations, with whom we have them, from freely transshipping and re-exporting their merchandize to the ports of Africa, or any other foreign ports, as in the said Treaties was expressly stipulated; and so long as the Law of the 25th September, 1828, shall not be repealed, the Government cannot order a higher duty than 2 per cent. to be levied on these transshipments and re-exportations, nor even can they by law be raised, as regards the Portuguese, to more than what existed before the independence, as established by the Alvará, of the 26th May, 1812, as was stipulated in the 10th Article of the Treaty of the 29th August, 1825.

The decree of the 11th November, 1817, which ordered the payment in Brazil of the duties of consumption on goods re-exported thence for the slave traffic, could only be in force with regard to the Portuguese, so long as Brazil and Portugal formed a single state, and that foreigners were prohibited from trading with the colonies; on the declaration, however, of independence, it could be binding on Brazilians solely so long as the trade in slaves was allowed; upon this being prohibited, the provisions of the decree remained at once without an object, and if, after these periods, it still continued to be observed, this can only be ascribed, as regards foreigners, to there having been no remonstrance on their part, except that which gave rise to the order of the 22d January, 1833, which precisely put a stop to it; and, as regards natives, to the continuance of the understanding, as it was before understood, both by them and by foreigners, that the purport of the decree extended to all foreign merchandize re-exported to Africa, whether for the Slave Trade or not, which, however, is not enjoined in the decree; on the contrary, it speaks very clearly and explicitly of goods for the slave traffic: it is, however, certain that, unless understood indiscriminately of all goods sent to the Coast of Africa, it would be easily evaded by the Declaration which the traffickers would make, that such merchandize was not for trading in slaves, but for African goods.

Admitting, however, that the Treaties and existing laws were not opposed to the two measures suggested by the Inspector of Customs, namely, either the entire prohibition of trade between Brazil and Africa, or the levying of duties of consumption on the goods transhipped or re-exported thither, it appears to me that the introduction of slaves into Brazil would neither by this means be put a stop to, nor even diminished or impeded; it would rather have the effect of depriving us of a lucrative trade for our goods in exchange for those of Africa, because the traffickers in slaves would, on the adoption of the former measure, go elsewhere to seek the goods supplied by our citizens; and, if the latter were adopted, would despatch for transshipment or re-exportation to the ports of the nations bordering on Brazil (as report says is now practised), and from thence re-export; eluding, in this way, the precaution of taking bonds, lately directed to be observed in the customs in all cases of re-exportation indiscriminately, a precaution which renders the illicit introduction into the interior of the empire somewhat difficult, but which will become prejudicial to the commercial interests of Brazil, and principally to those of Rio de Janeiro, repelling from thence the trade of entrepôt which has hitherto been carried on with foreign and national ports to the advantage of the national duties and of our merchants.

*Rio de Janeiro, 23d January, 1836.*

(Signed) MARIZ.

Of the same opinion.

(Signed) DUARTE SILVA, *Inspector-General.*

## Fourth Enclosure in No. 203.

(Translated Extract.)

WITH the English also originates the cry for the abolition of the traffic, a cry which we began to repeat before studying the circumstances of our country, measuring its necessities, estimating its means, and establishing the mode of substituting or supplying the vacuum which there would be in our commerce, our agriculture, and our workshops. With humanity on our lips, but with cruelty in the heart towards our compatriots, we not only agreed to a Special Treaty for putting a stop to the traffic, but we permitted the imposition therein of the penalty of piracy and the subjection to English tribunals and judges, of the unfortunate Brazilian whom either love of gain or necessity should draw into this traffic, or who should be found engaged in it.

It would certainly appear that this was a good point to stop at in this affair, because we had already done what all nations had done, and this was not a little, taking our circumstances into consideration; but our spirit of exaggeration would not allow us to stop in the career without striking the last blow, however Brazil might groan under the tremendous concussion given to her; but, in short, let every thing be lost rather than sacrifice a principle.

A Law was made ten times more severe, more fatal, even than the famous Treaty,—a Law which passed in the effervescence of the passions, in the delirium of the revolution, in the exaltation of party, the dislocation of everything, and the evanescence of all ideas,—a Law which might light up a fire throughout Brazil—a Law which encourages informers, which gives to robbery the colour of virtue, to crime the appearance of legality. We speak of the Law of the 7th November, 1831, the origin of many evils present and future, and with respect to which various representations have already been addressed to the General Legislative Assembly, and to the Provincial Assembly of Rio de Janeiro. We must, therefore, raise our voice against this Law, to demonstrate the necessity of repealing it, as being incapable of producing any of the benefits which it contemplated, and calculated only to keep whole populations in continual terror, whose fortunes and existence are threatened; to demonstrate, in short, the necessity of adopting the project of the deputy Vasconcellos, a conciliatory medium between the requisitions of these representations and the dictates of prudence.

Already we think we hear resounding on all sides, that we are enemies to humanity, that we are advocating the cause of the traffickers in human flesh, that we are the destroyers of the liberty of the Africans, that . . . Let them say whatever they please; we detest slavery, but we love still more the welfare of our country and of our fellow-citizens. If it be possible to do away at once with this state, opposed to the nature of man, let it be done; if it be possible, consistently with the security of the property of each individual, to concede the inestimable gift of liberty to all slaves, and especially to those born among us, let it be conceded; but if this be not possible, if the nation has not the means of promptly indemnifying the possessors of slaves in such a way that they (the possessors) may adopt new means of subsistence, and even undertake the introduction of foreign colonists to bring into cultivation their neglected lands; if slavery must continue, because our circumstances, our want of hands, our habits, our prejudices, the nothingness of our commerce, the backwardness of our agriculture, the scantiness of our finances—in short, our very existence—require the preservation of the actual state of things, and imperatively enjoin caution with respect to sudden changes,—then let us not affect a ridiculous philanthropy; the entire cessation of the traffic must be the work of time, of the augmentation of the white population, of our own interest, which is the spring of all human actions.

(Translation.)

We advised what appeared to us practicable, rational, and just, that is, let the Law fall, let the English, who have most means, and who hastened the period of the extinction of the traffic in Africans, prevent their being introduced; let us not cause greater evils by laws which are imprudent, because inopportune.

SOR FEIJO, (before he was Regent.)

Since we entered upon the question of the necessity of repealing certain articles of the Law of the 7th November, 1831, several and strong representations have been made to the General Legislative Assembly, in which some of the municipalities of our province have exercised their constitutional right of petition for the repeal of the above "imprudent" and absurd Law, which classed us among the most atrocious of crimes, the clandestine importation of Africans into our ports; imposing penalties upon the buyers; ranking denunciation in the number of laudable and praiseworthy actions; placing in the hands of informers the dagger of treachery and of odium; exalting the robbery of the pocket, and the violation of the interior of the houses of our citizens, into zeal for and defence of the laws; and, what is more, planting the tree of discord and of terrible vengeance in the centre of families and of property. Five years have elapsed since the publication of this "imprudent Law," and the only result of its sanction has been the constant contempt of it, and its constant failure of execution, generally and individually. Such is the fate of all "imprudent" laws, which, from their being "inopportune," do not accord with the habits and wants of the people for whom they are made. If it was not for the vainglory of showing, by a legislative act, that we reprobate that slavery which, in fact, we maintain in our country, we know not what other utility can arise from this "imprudent" Law; which is not and never will be observed, so long as the wants of our exhausted Brazil shall be in contradiction to the "philosophic progressive" theories of the general emancipation of the human race; and so long as the chiefs on the Coast of Africa shall not change the custom of reducing their countrymen to slavery, giving them at a low price to foreigners in want of hands for their arduous agricultural labour, and for the domestic service of their towns.

In truth, neither reason nor experience, which is the teacher of wisdom, could counsel the promulgation of that "imprudent Law," which, instead of a benefit, was to bring upon us so many evils. When Peter the First made his Treaty with England for the extinction of the traffic in slaves, he also endeavoured immediately afterwards to induce the Chamber of Deputies to propose a law similar to this of the 7th November, 1831; and some one was engaged to sound the opinions of the deputies of the then existing legislature, because the Government did not wish to take upon itself the odium of initiating it. They, however, rejected the proposal, giving it to be understood that such a law would only aggravate the evil which it was wished to put an end to, because slaves from the Coast of Africa would find their way into the ports of Brazil, so long as her population stood in need, as it

does, of the help of these hands; and so long as the system of slavery should not be abolished in the native country of the blacks themselves, be the theories and meditations of philosophers what they may, be what they may the repressive laws against this traffic, which is inevitable from its very nature, and approved by the intimate feeling of its necessity, which, in every country, is the first of all laws, and which does not bend to the force of reasonings, or to the inspirations of philanthropy. And has not, perchance, experience already shown us that, in the Spanish Colonies in the Gulf of Mexico, and in those of France, the importation of slaves has always continued, in spite of all penal laws to repress this contraband, and that the Fiscal Authorities there are, as it were, forced to the same connivance which often obtains among us by divers means? How then could we, without listening to cool and impartial reason, without consulting experience, make a law of "philanthropic progressive" exaltation, incapable of execution even on the part of the Government, which is the same as encouraging in the people the idea of disobedience? We say incapable of execution even on the part of the Government, and here is the proof.

In the last financial year, 102 Portuguese vessels left this port for those of Africa; the first, the brig "*Joven Africano*," having sailed in July, 1835; the last, the brigantine "*Generoso Felix*," in June, 1836. The goods re-exported, the greater part English, amounted to 1,187,415 rs. 350 dollars, and paid duties of export to the amount of 23,748 rs. whereas they would have had to pay 178,112 rs. if the duties of consumption of 15 per cent. had been exacted; whence resulted a prejudice to the nation, the only party which was prejudiced, of 157,363 rs. There can be no doubt that those vessels imported at least 25,000 slaves, who plant and gather in coffee and sugar: and of what use was the law? How has the Government carried it into effect, and what avail so many and such rigorous penalties? And why should the unfortunate and peaceable purchasers be the victims of this impracticable and absurd Law? Let us cast a glimpse over all its context, and we shall be convinced that it was the offspring of the ideas of that epoch, and had no other object than to give its authors a false reputation for a philanthropy which, perhaps, did not exist, because, on their return to their homes, they did not give liberty to the slaves they possessed.

The first Article of the Law says,—All slaves who shall enter the territory or ports of Brazil from abroad are free. It appears that the Law recognized that Africans imported from the Coast of Africa are slaves, and that slavery there is allowed, and even so to speak, lawful. Slavery, also, is lawful in Brazil; and the two nations, British and Brazilian, contracting together on this subject, established the principle of "the extinction of the traffic," but not "that of slavery" in Brazil. What then should have been the business of the law? what the business of the Government which formed a Treaty to put an end to the traffic? To fulminate war and extermination against those nations selling their countrymen as slaves; to harass, seize, and proceed against those purchasers in the habit of going there to encourage the commerce, but to leave in peace him who purchased them in the Brazilian territory, and who did so instigated by the hard and irresistible law of necessity, who purchased them in a place where slavery is permitted, where slavery is the basis of private fortune, which is itself the source even of general prosperity. Why this odious sanction, which places the African slaves, newly introduced, in a better condition than the slaves either born or already existing in Brazil? Where the utility of giving to the latter an unconquerable stimulus towards reaction? What the object of constantly reminding them of the violence to which we are subjecting them? Certainly this Article was not well considered, and those who do not hasten to repeal it are lighting a volcano, the eruption of which may be most fatal.

It will be said, perhaps, that to put an end to the purchasers is the direct means of doing away with the traffickers. Oh, how do those, who think so, deceive themselves! Interest, the mainspring of all human actions, does not calculate by the arithmetic of contemplative persons; and, in Brazil, the prospect of the poverty of so many families, the loss of fortune of so many houses, the general convulsion of all social relations, which would result therefrom, must predominate over all such calculations. Force extorts groans, but not love; let the immense empty deserts of Brazil be filled with population, then will slavery cease, then it will be the interest of the Brazilian agriculturist to use labour, free, and at small cost. Laws which accord with the habits, the usages, and the wants of the people are good; speculative laws are for the republic of Plato, &c.

(Translation.)

#### Fifth Enclosure in No. 203.

*Motion made in the Provincial Legislative Assembly of Rio de Janeiro, at their Sitting on the 15th April, 1836, by the Deputy Joao Silveiro do Pillar.*

It being manifest to every one that the Law of the 7th November, 1831, very far from producing the salutary effects which the philanthropic legislator had in view, has served only to accustom the people to the immorality of disregarding the Law, deemed to be opposed to their interests, since it is most notorious that since its promulgation thousands of Africans have been introduced and bought in our country without either the importers or the buyers being visited with any of its penalties, this being owing, besides other causes, to the Authorities being coerced or conniving; it being equally certain that the investigation and knowledge of these truths form a powerful check to the progress of our morals, inasmuch as those who respect the Law, seeing that its violators improve their fortunes day by day without risk or compromise, thus being better off than they are, readily become themselves transgressors of the same; and it being further certain, that since the above-mentioned Law is of no use in impeding the mischief, its repeal, besides other advantages, carries along with it that of at once putting an end to the scandalous disregard of the same, and of preventing our incurring the lamentable misfortune of seeing Africans now introduced, armed with the Law, demanding their liberty, the amount of the services performed, and what is more, the punishment of those who have enslaved them; forcing in this manner the Judicial Authorities either not to act up to the Law, which is in truth an evil, or to fill the prisons with hundreds of opulent citizens, useful to themselves, to society, and the country, who under the 2d, 3d, and 4th Articles of the above Law, and the 179th Article of the Criminal Code, besides passing, together with their innocent and affrighted families from a state of prosperity and grandeur to one of indigence and misery, would have to end the rest of their days in the same prisons: penalties these which, however they may be laid down in the before-cited clauses of the Law, certainly have appeared to those citizens not only too severe, but even revolting, and with which the population feel no sympathy, and which being perhaps to be applied to whole classes, might drive them to desperation, and—who knows?—to the practice of illegal acts.

To obviate and prevent, therefore, these evils, and others also more easily felt than described, I have the honour to propose that an Address be presented to the General Legislative Assembly, grounded on the above-mentioned reasons, and petitioning,—

1st. That the Law of the 7th November, 1831, be repealed in all its parts.

2d. That an amnesty be granted, without any restriction, to all persons who may have been comprehended in any provisions whatever of the above Law.

3d. That all Africans, of whatever condition, sex, or age, who shall have been introduced clandestinely into Brazil since the promulgation of the Law in question, shall be declared to want all and every faculty of recovering their liberty.

(Signed) JOAO SILVEIRA DO PILLAR.

(Translation.)

*Representation addressed to the Legislative Body by the Municipal Chamber da Villa de Valença, in the Province of Rio de Janeiro.*

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE BRAZILIAN NATION,

The Municipal Chamber of the Villa de Valença having, under date of the 6th May of the present year, conveyed their expressions of homage and respect on occasion of your present assembling, renew the same, hoping from your wisdom and patriotism a remedy for the many evils which now afflict us.

August and Most Worthy Representatives of the Nation,—The Municipal Chamber of the Villa de Valença, having already requested you to take measures respecting the Law of the 7th November, 1831, would again to-day remind you to direct your attention to the most respectable and interesting portion of the population of the empire, that the greater part of them are implicated in the infraction of the said Law, because that of necessity has driven them to it. It behoves you, therefore, August and Most Worthy Sirs, to ward off the explosion which threatens us, by repealing it in all its parts, because the execution thereof is impracticable, and because, far from being beneficial to your citizens, it teaches them immorality. Its repeal is of acknowledged utility, and to put it in force would be to incite the people to a rebellion and formal disobedience, because this respectable majority of your citizens will some way or other find means, with all their power, to preserve their fortunes intact, acquired by so much fatigue and labour.

August and Most Worthy Representatives,—The Municipal Chamber of the Villa de Valença, as the faithful organ of the sentiments of the inhabitants of this Municipality, persuades itself that it has fulfilled its duty in thus frankly addressing itself to you requesting the repeal of this Law; because, as already stated, its execution is impracticable, and would draw down the ruin of many families and innumerable misfortunes throughout the whole empire. It leaves, therefore, to your penetration the prompt remedy for so many evils.

God preserve, &c.

*Municipal Chamber, Villa de Valença, 1st July, 1836.*

(Signed)

ANTASTACIO LEITE RIBEIRO, *President.*  
MANOEL DO VALLE AMADO.  
CAMILLO JOZE PEREIRA DE FARO.  
JOZE PINHEIRO DE SOUZA.  
VISCONDE DE BAEPENDY.

(A true Copy.)

(Signed)

INNOCENCIO ALVES FERREIRA DE AZEVEDO, *Secretary.*

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE NATION,

To solicit from the General Assembly that which is of the duty of every great assembly, would be to doubt the solicitude and the wisdom of personages so conspicuous as the chosen of the Brazilian nation; but to lay before them internal evils, which may be fatal to Brazilian citizens and to the country, is the object to which the Municipal Chamber of the town of Rezende applies itself, in conformity with Article 179, § 30, of the Constitution.

August and Most Worthy Representatives,—It does not belong to this Municipal Chamber, neither does it venture to analyze whether the promulgation of the Law of the 7th November, 1831, was or was not premature or inopportune; but it is requisite to observe, either that it did not merit the general assent of the nation, and was not required by public utility, or that by some cause or other the Executive finds itself totally unable to cause the Law to be respected and executed, and that from its non-execution and the laxity, or rather the connivance, of the Authorities has resulted the frightful increase of the number of traffickers in slaves (and the amount of those landed is incalculable); so that we now see compromised citizens of all classes, in short, the greater part of Brazil, and particularly the province of Rio de Janeiro.

A constant mocking of the Law has always been a terrible precedent among enlightened nations, or a want of civilization; if exceptional measures or strong means be used after having allowed the violation of the Law to proceed and to take root, who can anticipate the result? Will it be possible to punish the delinquents? The Municipal Chamber, Worthy Sirs, deplors this unfortunate state of things; and in the actual collision, you alone, with the wisdom, patriotism, and prudence which characterize you, can remedy evils of so great magnitude.

We have but to reflect on the immensity of our deserts, on the nature of our agriculture, on the want of free labour, on the facility with which our workmen avoid toil, the impossibility of applying to them the Law of the 13th September, 1830, the want of all police, and that the riches of Brazil consist exclusively of the productions of the earth, to be convinced that, without Africans, it is not possible even to keep up the state of our commerce, much less to increase it; and if this traffic is barbarous, as the Municipal Chamber does not doubt, nature is horrified when it hears that hundreds of victims exported from Africa have been inhumanly thrown into the sea, only that those so exporting them may escape foreign Judges who have to try them.

Should these considerations not be of sufficient weight for the repeal of the Law before you, August and Worthy Representatives of the nation, deign to apply such legislative measure as an affair of so great delicacy and general interest demands.

God preserve, &c.

*Villa de Rezende, in Ordinary Session of the 5th May, 1836.*

Signed by Five Members.



*Translation of a Representation addressed to the Legislature by the Municipal Chamber of the Town of Barbacena, Province of Minas Geraes.*

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE NATION,

THE Municipal Chamber of Barbacena, terrified at the idea of a general conflagration which menaces the empire if wise and prudent measures be not adopted for the security of the property of its citizens and of the capital employed in the acquisition of slaves for agriculture, the source of the riches of nations, and perhaps the only, or at least, the most important one of the empire of Brazil, hastens to lay before the national representation its wishes for the repeal of the Law of the 7th November, 1831.

The Chamber has long foreseen the evils likely to result from the enactments of that Law, but has suppressed the calls of reason, impatiently waiting for a favourable opportunity to lay its sentiments before you, when it might suppose you more at leisure from the various and important affairs which have occupied your attention.

Now, however, that other municipal bodies have led the way, and that even in your august house a worthy representative of the nation has moved for the repeal of the Law in question, the Chamber would be wanting in its duty, if, adopting as it does all the ideas which have been expressed in the representations made to you, and in the support which the wise deputy from Minas gave to them in making his motion, it were to fail to second with its suffrage so just and salutary a measure.

August and Most Worthy Representatives of the Nation,—Experience has shown that all the measures taken to impede the continuance of the internal trade of slaves have been inefficacious: they inundate the market; the agriculturists buy them without the possibility of discriminating between such as are illegally imported; how then, Sirs, how is it possible to sacrifice Brazilians to future and cruel troubles? Besides which, immorality is a real scourge of nations, and the repetition of acts contrary to the Law induces a habit of violating it; and this once contracted, we may look for the dissolution of the State.

The Chamber flatters itself that it possesses philanthropic sentiments, and that it is not insensible to the lot of human beings who have the misfortune to be slaves, but it feels certain that these beings are perhaps more wretched when being free; they give themselves up to drunkenness and idleness, because from thence they pass to a state of mendicity, from that to robbery, and from robbery to be devoured by vermin, and to end their days in misery and destitution. Deign, then, Sirs, to receive favourably the supplications of the Municipal Chamber of Barbacena, grounded as they are solely on the love of peace, the glory and the prosperity of the country.

August and Most Worthy Representatives of the Nation, God preserve you as Brazil stands in need of.  
At an Extraordinary Sitting on the 26th July, 1836.

(Signed by all the Members.)

(Translation.)

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE BRAZILIAN NATION,

THE Municipal Chamber of the Town of Parahiba do Sul, after presenting to you the most lively expressions of pleasure and satisfaction at seeing you now assembled in deliberation on the means of supporting and promoting the felicity of the Brazilian empire, comes before you to present ardent and respectful entreaties, that, considering the evils which threaten a vast number of families, and, perhaps, the whole empire, you will repeal the Law of the 7th November, 1831, as well as grant an unrestricted amnesty to all persons who may come under any of the provisions of the Law referred to; which, far from bringing any advantageous and salutary results, exhibits to us lessons of the most scandalous demoralization; and what is more, the most fatal disasters for the future, which the Chamber does not enumerate, being persuaded that they will not be lost sight of by such enlightened legislators. The Chamber thus acting, not only presents to you its own sincere conviction, but also fulfils the duties of a faithful organ of the inhabitants of its Municipality, hoping for the utmost attention from the transcendent patriotism of the worthy Representatives of Brazil.

Hall of the Sessions of the Municipal Chamber of the Town of Parahiba do Sul, 1st August, 183  
(Signed by the President and Four Members.)

(Translation.)

*Representation addressed to the General Legislative Assembly by the Municipal Chamber of the Town of St. Sebastiao da Barra Mansa.*

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE BRAZILIAN NATION,

THE Municipal Chamber of the Town of St. Sebastiao da Barra Mansa would deem itself to be wanting in one of its most vigorous duties, if it were to fail to lay before this august Chamber the ardent wishes of this Municipality for the repeal of the Law of the 7th November, 1831.

You are not ignorant, August and Most Worthy Sirs, that agriculture, if not the only, at least the principal source of the riches of all nations, is the sole basis which sustains the social edifice of this empire. The enormous revenue which the article of coffee, this blessed tree, annually yields, certifies this truth; but agriculture cannot support itself without hands, and these will suddenly fail without there being others to substitute them, and the agriculturist certainly cannot see his labour perish for want of hands, when he has undergone so much trouble and fatigue to cause it to prosper; and, in these circumstances, what ought he to do? Seize desperately upon every or any means which may point out a remedy for his necessities. The speculator, the smuggler, presented such to him, and our agriculturists must have been angels not to have availed themselves of it with eagerness. It is thus that our Municipality, that all those of the empire, find themselves encumbered with Africans imported since that Law; and what calamities must we not augur, when these slaves, conscious of their rights, shall attempt to withdraw themselves from the slavery which the above Law puts an end to? what misfortunes, if it were only dreamed of carrying the Law into execution? A general revolution would be inevitable; such is the number of its infractors; such the imperious necessity which has impelled them, and such the desire of preserving their fortunes intact. When the number of criminals comprehend great part of the nation, the Law which was to punish them is no longer law. And for what, August and Most Worthy Representatives, continue this Law in force? To see it trodden under foot every day? Better repeal it. To execute it? It is impossible. Woe to that justice of the peace! woe to that authority that should wish in this, or any other of the neighbouring Municipalities, to put a stop to this contraband! Vengeance would soon follow close upon them; and they do not certainly

wish to risk their lives against so many, and they are right. If the execution of this Law is impracticable; if its existence only produces immorality, and that terrible example which accustoms the people to despise all Law; if, in short, the prudent portion of this Municipality loudly claims from you the security of their lives and fortunes, it is the bounden duty of this Chamber to solicit from you measures of wisdom and of necessity, a repeal which will once more show that you know how to conform to the wishes of your fellow-citizens, and promptly to remedy their misfortunes.

Palace of Municipal Chamber of the Town of Barra Mansa, 2d August, 1836.

(Signed) MANOEL DE SOUZA AZEVEDO, *President*,  
and Six others.}

No. 204.

*His Majesty's Commissioners to Viscount Palmerston.*—(Rec. November 22.)

MY LORD,

*Rio de Janeiro, 3d October, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Despatches of the 8th and 22d July last, transmitting, for our information, the Copy of a Despatch from His Majesty's Minister at the Hague, reporting the intention of the Government of Holland to send General Vermeer on a Mission to the King of the Ashantees, for the purpose of raising troops for service in the Dutch Possessions in the East Indies; and further, enclosing Copies of Letters received from the King's Advocate, the Colonial Department, and the Admiralty, on the same subject.

(Signed)

We have, &c.

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 205.

*His Majesty's Commissioners to Viscount Palmerston.*—(Rec. January 9, 1837.)

MY LORD,

*Rio de Janeiro, 2d November, 1836.*

WE have the honour to inform your Lordship that the Legislative Session has closed, leaving entirely untouched the question of the Traffic in Slaves, which is every day becoming more and more active and notorious on this Coast; and, as if afraid to open the question, neither the motions with a view to its repression, nor those for the repeal of the Law of the 7th November, 1831, were called up. But, after reading the Letter addressed by the Minister of Finance to the Chamber of Deputies, enclosed in our Despatch of the 30th September, your Lordship will be surprised to learn, that the measure proposed by the ex-Inspector of the Customs, and so peremptorily rejected at the time by his Excellency, in the name of the Government, that of exacting the full duty of 15 per cent. on goods transhipped or re-exported to the Coast of Africa, has been actually adopted.

The mode, too, in which this has been done is not the least singular part of the transaction. It was not the result of any motion, either by the ex-Inspector or any other Deputy, carried against the Government, but was introduced at the very close of the Session by the Minister of Finance himself, in the Budget, or "*Lei de Orçamenti*," and passed without comment, and almost without notice.

With what view this measure has been eventually determined upon, we are unable to inform your Lordship. We fear, however, that though undoubtedly it will, in the first instance, be some little obstacle in the way of Slave Trade speculations, yet that, like every other plan hitherto devised for their suppression, means will be found to elude it, by clearing out for other ports, and, possibly, by resorting to other markets.

(Signed)

We have, &c.

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.



No 206.

*His Majesty's Commissioners to Viscount Palmerston.*—(Rec. January 9, 1837.)

MY LORD,

*Rio de Janeiro, 3d November, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 7th of September, informing us of the opinion of His Majesty's Advocate-General in the Case of the "*Vencedora*." It gives us much satisfaction that that Officer has reported the sentence of the Mixed Commission in that Case to be perfectly correct, and we beg leave to return our best acknowledgments to your Lordship for the communication.

We have, &amp;c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

No. 207.

*Viscount Palmerston to His Majesty's Commissioners.**27th January, 1837.**Portuguese Decree for the Abolition of the Slave Trade.*

Lisbon, December 10, 1836.

No. 208.

*His Majesty's Commissioners to Viscount Palmerston.*—(Rec. February 17, 1837.)

MY LORD,

*Rio de Janeiro, 3d December, 1836.*

WE beg leave to send herewith a Copy of a Despatch which we thought it our duty to address to His Majesty's Minister at this Court on the 29th ultimo.

Your Lordship will perceive that the Despatch embodies the substance of information which we had received, through a credible and confidential channel, of the landing, in September last, of a number of new blacks in Botafogo Bay, of the interference of a party of the police from this city, and of the armed resistance of a force, under the orders of a Brazilian Lieutenant-Colonel; notwithstanding which the police brought away several of the blacks in question.

Having succeeded in obtaining an Official Copy of the depositions made on this occasion by the Officers of the police before the "*Juiz de Paz*," we have the satisfaction to state that they fully confirm our information to Mr. Hamilton, and record all the subsequent official proceedings in the Case.

The Document itself being voluminous, we are unwilling to trouble your Lordship with more than the enclosed Extract and Translation; by which your Lordship will perceive that the transaction occurred on the 13th September, and that the principal details of our statement are proved, as well as the identity and conduct of Colonel Vasco Lourenço.

We still hope that, as the fact is established of the scarcely clandestine landing of new blacks under the protection, as it would seem, of an imperial fort, the representation of His Majesty's Minister on the occurrence will induce the Imperial Government at least to endeavour to prevent the repetition of such scandalous infractions of the solemn engagements of Brazil to England on this subject.

We have, &amp;c.

(Signed)

ROBERT HESKETH.  
FREDERICK GRIGG.

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

First Enclosure in No. 208.

*[His Majesty's Commissioners to Mr. Hamilton.]*

SIR,

*Rio de Janeiro, 29th November, 1836.*

IT was only yesterday afternoon that we received intelligence of the following occurrence, which, demonstrating as it does the perfect impunity attending not only the infractions of the Slave Trade Treaties, but also open outrage against all such Brazilian Laws as are connected therewith, we deem it our duty thus to communicate to your Excellency.

Some time last September the police having information that a quantity of African negroes newly imported were concealed in a country house or "*Chacara*," near the fort called St. John, some armed police officers were sent there, and, arriving at daybreak, seized, in the act of bathing, between 30

and 40 negroes; but having been soon overpowered by a number of armed men, they retreated to the boat with only a few of the negroes, abandoning the remainder, and making the best of their way towards Botafogo, where, notwithstanding being chased and fired upon by their assailants, they arrived in safety, landing about 9 in the morning. We are also informed that several persons on Botafogo beach assisted the Officers in retaining possession of the few negroes they had brought over, the armed men above referred to, under the command of a Lieutenant-Colonel, making violent attempts to regain possession of them.

We also learn that this outrage was without delay reported to the proper Authorities by the Chief of Police, and that in an investigation, ordered by the "Juiz de Paz," the evidence of the fact was clear and incontrovertible, so much so that some of the delinquents were arrested.

However, no consequent criminal prosecution followed, and we are assured that the termination of the proceedings before the "Juiz de Paz," was the liberation of the accused parties; but we have not yet learned what became of the negroes retained by the police officers.

Being fully aware of the heinous light the conduct of some high Brazilian Authorities is placed in by the perfect impunity, and indeed protection with which persons, notoriously guilty of such an outrage, are allowed to escape, we naturally feel anxious to substantiate this painful statement by an Official Report of the proceedings above referred to before the "Juiz de Paz."

We are assured that any person has a legal right to obtain such a Report; and, if your Excellency thinks fit, it can be applied for by the British Consul; but some time must elapse before it is prepared, even admitting that no impediments are purposely put against the production of such a Document.

We therefore submit to your Excellency whether, under all the circumstances of the Case, and particularly the serious charge involved therein, it might not prove more advantageous for His Majesty's service, that the application for this Official Report should be made by your Excellency to the Supreme Government, as an indispensable Document to clear up the present very notorious reports.

The Judge before whom the investigation took place was "Juiz de Paz" at Catete.

His Excellency Hamilton Hamilton, Esq.  
&c. &c. &c.

(Signed)

We have, &c.

ROBERT HESKETH.  
FREDERICK GRIGG.

### Second Enclosure in No. 203.

(Translation.)

*Extract from Deposition of the Officers of Police.*

*Rio de Janeiro, 13th September, 1836.*

W<sup>r</sup>, the undersigned Officers of Justice, being credibly informed of the continued landing on Botafogo beach of Africans, comprehended in the Law of the 7th November, 1831, embarked at 3 o'clock in the morning in a boat with two oars; and we went along shore to the said beach, and arrived about daybreak at the place called Pedreira, adjoining the fort of St. John, which place belongs to Lieutenant-Colonel Vasco,\* and we there saw, on the margin of the beach, a few Africans about to wash themselves; and while we were in the act of landing at the spot, they ran off after a white man who appeared to be about 50 years of age; and having effected our landing at the same place, we immediately secured 4 Africans, who were the least capable of following and pursuing the same man, who was calling to some persons in a house, and to others spread about the grounds, "It is too late, they are there; go and tell our Master Vasco." We secured him, and ordered him, in the name of the Chief of the Police, to deliver to us the remainder of those Africans whom we had seen on the beach; and he, being intimidated, gave up to us 5 more blacks, whom, as well as the first 4, we immediately embarked in the boat; and being about to proceed to search a spot of brushwood (hum capao de matto), which appeared to us to conceal more Africans, we discovered a force of 30 men, all armed, who had collected near the fort Saint John, and who were coming down in consequence of the repeated calls and whistling of the same white man before we secured him, and at the head of whom was the said Vasco. And, as our number was too small to repel such a force, we hastened to retire to our boat, and to embark on our return, when we saw launched in the sea 3 boats, which were under a shed, two of them being row-boats, in which part of the said force was about to embark; whereupon we immediately pushed off and exerted ourselves to get to Botafogo, being the nearest place where we could get assistance, and being also pursued by the canoes, which would certainly have reached us if we had tried to go on to the city, especially as the said Vasco was coming in the largest canoe to encourage his people. Yet we landed without difficulty on Botafogo beach, and a few minutes afterwards the said Vasco arrived within 20 paces of the beach, stopped his canoes, and called out to us, "You there, give me my people, and here is money for you;" and as we returned no answer, he insulted us with foul language and threats, and pointed a musket at us, by which time a number of people were collected on the beach; which Vasco seeing, he retired with his canoes and people, leaving one canoe behind the Ponte de Morro, towards the town, as if to wait for us in passing in the boat; which in fact would have happened if we had sent in her the 4 weakest of the Africans, whom we therefore sent in a coach on discovering the canoe; and having already sent the other 5 to the deposit in charge of 2 Officers, we took the 4 before the Chief of the Police, who by this time had sent an Officer and two men to call us. And in order to record the same, we have caused the present act to be drawn up.

(Signed)

LUIZ ANTONIO D'ARANJO.  
DOMINGOS JOSE ROSA.  
JOAO ANTONIO DE ARANJO.  
JOSE DE OLIVEIRA BARBOZA PINTO.

### No. 209.

*His Majesty's Commissioners to Viscount Palmerston.—(Rec. February 17, 1837.)*

MY LORD,

*Rio de Janeiro, 19th December, 1836.*

WE have the honour to enclose a statement of the number of vessels

\* Contraction for Vasco Lourenço de Segueira.

which have sailed from this port for the African Coast during the month of November last, as also of the vessels which have arrived here from the same quarter in the same period; the number of departures being 10, and that of the arrivals 3; the wretched cargoes of the latter having, no doubt, been landed as usual before the vessels entered this port.

These facts prove the determination and increasing activity of those engaged in the Slave Trade, which, though still nominally illegal, is openly carried on without any real obstruction. And such is the amount of capital, and the number of persons engaged in this nefarious traffic, that it is assuming the character of a joint stock company, protecting themselves, to a certain extent, by partial insurances, from loss by seizure.

Thus we apprehend that the range of this baneful traffic is not only extended, but that whatever hope might remain of any beneficial result from Brazilian legislation in the present Legislature is greatly weakened.

The elections for the Assembly in 1838 being now in progress, it is impossible to give a decisive opinion upon their probable result as to the Slave Trade; but as far as we can judge at present, there are prospects that the new Assembly may be more inclined to forward the abolition of the Slave Trade than that which is to re-assemble in May, 1837.

Of the vessels which cleared out last month for Africa, all except 2, and all those that arrived, were under the Portuguese flag. We refrain from any comment on this glaring abuse of all the laws of Portugal affecting her commercial marine; but we wish to express our conviction that the capital employed at this port in the Slave Trade belongs, for the greater part, to subjects of Portugal, claiming to be Brazilians only while their plans detain them in this country.

We have, &c.

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

ROBERT HESKETH.  
FREDERICK GRIGG.

Enclosure in No. 209.

Departures from Rio de Janeiro for Africa, and arrivals at Rio de Janeiro from Africa, during the month of November, 1836.

DEPARTURES.

| Date of Departure. | Description. | Name of Vessel.    | Name of Master.       | Nation.     | Tonnage. | Number of Crew. | Where bound.                           | Reported Nature of Cargo.        | Remarks.             |
|--------------------|--------------|--------------------|-----------------------|-------------|----------|-----------------|--|----------------------------------|----------------------|
| 1836.<br>3 Nov.    | Smack.       | Doze de Outubro.   | T. V. N. Rebeiro.     | Brazilian.  | 87       | 12              | Benguela.                              | General.<br>Brandy<br>and Goods. |                      |
| 5 "                | Brig.        | S. Domingos Eneas. | J. J. Rebeiro.        | Portuguese. | 155      | 20              | Angola.                                |                                  |                      |
| 5 "                | "            | General Cabrera.   | Antonio V. Eonny.     | "           | 160      | 18              | "                                      | General.                         |                      |
| 9 "                | Barque.      | Julio Cesar.       | J. J. da Silva.       | "           | 220      | "               | "                                      | "                                |                      |
| 13 "               | Smack.       | Coriseo.           | V. J. de Freitas.     | "           | 66       | 12              | Benguela<br>and<br>Angola.             | "                                |                      |
| 13 "               | Schooner.    | Sociedade Feliz.   | Antonio Cabral.       | "           | 116      | 16              |  | "                                | Brandy<br>and Goods. |
| 15 "               | Brig.        | D. Maria Segundo.  | J. J. A. Monteiro.    | "           | 167      | 22              | Lisbon, via<br>Angola and<br>Benguela. | "                                |                      |
| 18 "               | Smack.       | Julia.             | J. R. da Silva Lesse. | Brazilian.  | 146      | 13              | Cape Verds,<br>via Africa.             | "                                |                      |
| 23 "               | Barque.      | Constante.         | Antonio Goncalves.    | Portuguese. | 233      | 13              |  | Angola.                          | General.             |
| 26 "               | Schooner.    | Doze de Outubro.   | Antonio L. da Costa.  | "           | 185      | 12              | Benguela.                              | "                                |                      |

ARRIVALS.

| Date of Arrival.  | Description. | Name of Vessel. | Name of Master.     | Nation.     | Tonnage. | Number of Crew. | Where from. | Passage. | Reported Nature of Cargo. | Remarks.  |
|-------------------|--------------|-----------------|---------------------|-------------|----------|-----------------|-------------|----------|---------------------------|---|
| 1836.<br>12. Nov. | Ship.        | Perfira.        | J. B. Duarte.       | Portuguese. | 350      | 21              | Angola.     | 40 days. | Ballast.                  | Reported in the newspaper under quarantine, two men being missing, but evidently having landed negroes before entering the port.<br>Under observation of Police, in consequence of the death of a seaman, but suspected of having landed negroes before entering. |
| 15 "              | Brig.        | Firmeza.        | A. F. de Vascocells | "           | 120      | 13              | Ambris.     | 39 "     | "                         |   |
| 21 "              | "            | Tejo.           | Joao G. Lima.       | "           | 110      | 14              | Angola.     | 36 "     | "                         |   |

(Signed)

ROBERT HESKETH.  
FREDERICK GRIGG.

No. 210.

*His Majesty's Commissioners to Viscount Palmerston.—(Rec. March 23, 1837.)*

MY LORD,

*Rio de Janeiro, 24th December, 1836.*

WE beg leave to enclose, in original and translation, a Copy of an Official Letter, dated 29th November last, from the Municipal Chamber of Mangaratiba, to the President of this Province, recording the recent fact of the landing of 38 new blacks; of their being apprehended by the "Juiz de Paz," and removed to a fort, whence they were re-delivered to the Importers, on payment of a bribe of 2,200 milreis to the same "Juiz de Paz."

This publication originated, no doubt with the Municipal Chamber of Mangaratiba; and, as the great extent of corruption among the Brazilian Authorities, in regard to the Slave Trade, is but too notorious, we are at a loss to account for the official exposure of so gross an instance as the present. Neither can we anticipate how the executive will act with such evidence before them and before the public. It will be our duty, however, to watch their proceedings; and we have already laid the facts of the Case before His Majesty's Minister.

We have, &amp;c.

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

ROBERT HESKETH.  
FREDERICK GRIGG.

Enclosure in No. 210.

(Translation.)

MOST ILLUSTRIOUS AND EXCELLENT SIR,

THE Municipal Chamber of this town, in fulfilment of the 58th Article of the Law of the 1st October, 1828, has the honour to lay before your Excellency the following fact:

On the 14th instant, 2 boats, with 38 new Africans, arrived at the "Praia de Sacco," and as they could not be landed, perhaps on account of their being seen by many persons, they were taken to a "Fazenda," near that of D. Maria Santa de Oliveira, where they were hidden in the brush-wood. The Justice of the Peace, however, Antonio Luiz Vieira, being informed thereof, immediately repaired thither, where he found the Africans in question, (the person who had charge of them having gone off,) and they were immediately taken to the Fort of this town, where they remained till the 16th, guarded by a sufficient escort. On the 17th, they were removed to a private house in the town, where they passed the night, and whence the best African among them disappeared. On the following day they went back to the Fort, and it is quite notorious, that, on that day, the said Justice of the Peace received 2,200 mitreis for delivering the said Africans to the parties who did not effect the landing (at the Praia de Sacco); and it is equally notorious that the same Justice, after having received the money, gave the plan for entering the Fort. On the 18th, the same Justice prohibited any one from going in the night to the Fort, where he allowed only three of the national guards and the gaoler to be, who were conniving with the said Judge and sufficient for the object. At length, in the night between the 19th and 20th, all the Africans disappeared, the bars of the grating being found broken; and, moreover, the same Judge, on the following day, caused the grating to be repaired at his own expense, instead of requiring repayment, as is customary. Of these facts, which are public, there are eye-witnesses. And, Most Excellent Sir, as such prevarication requires due consideration, in order to its being punished as it deserves, your Excellency is requested to take the requisite measures for that purpose.

God preserve your Excellency.

Hall of the Municipal Chamber of the Town of Mangaratiba,  
in ordinary Session, this 29th day of November, 1836.

(Signed)

DOMINGOS JOAQUIM DE ARANJO OZORIO.

To the most Illustrious and most Excellent Senhor  
Paulino José Soares de Souza, President of the  
Province of Rio de Janeiro.

Five others, and the Secretary.

No. 211.

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

MY LORD,

*Rio de Janeiro, 7th January, 1837.*

WE have the honour to enclose a Statement of the intercourse between this port and the Coast of Africa during the month of December last, viz., 3 vessels that have sailed for that quarter, and 13 vessels that have arrived; the whole being Portuguese.

We have, &amp;c.

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

ROBERT HESKETH.  
FREDERICK GRIGG.

Enclosure in No. 211.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of December, 1836.

| Date of Departure. | Description. | Name of Vessel.     | Name of Master. | Nation.     | Tonnage.    | Number of Crew. | Where bound.         | Reported Nature of Cargo. | REMARKS.   |
|--------------------|--------------|---------------------|-----------------|-------------|-------------|-----------------|----------------------|---------------------------|--|
| 1836.<br>3 Dec.    | Brig.        | Ontario.            | J. F. Roza.     | Portuguese. | Not stated. | 22              | Angola and Benguela. | General                   | These vessels generally sail in ballast, taking small assortments of Brazil rum, European piece goods, and hardware. |
| 9 "                | Schooner.    | Triumpho do Inveja. | F. Porfirio.    | "           | 30          | 11              | Angola.              | "                         |  |
| 22 "               | Brigantine.  | Lealdade.           | J. M. Batatha.  | "           | 103         | 13              | "                    | Goods.                    |  |

(Signed) ROBERT HESKETH.  
FREDERICK GRIGG.

Arrivals at Rio de Janeiro from the Coast of Africa,\* during the Month of December, 1836.

| Date of Arrival. | Description. | Name of Vessel. | Name of Master.   | Nation.     | Tonnage. | Number of Crew. | Where from.          | Passage. | Reported Nature of Cargo. | REMARKS.   |
|------------------|--------------|-----------------|-------------------|-------------|----------|-----------------|----------------------|----------|---------------------------|--|
| 1836.<br>5 Dec.  | Smack.       | Jacuby.         | A. J. Monteiro.   | Portuguese. | 89       | 11              | Angola.              | 45 days. | Ballast.                  | Under observation of Police, and strongly suspected of having landed slaves. |
| 7 "              | Schooner.    | Minerva.        | A. J. de Silva.   | "           | 126      | 11              | "                    | 30 "     | "                         | Put in quarantine and also suspected of having landed slaves.                |
| " "              | Brig.        | Adventuraira.   | A. de C. Neves.   | "           | 200      | 13              | "                    | 52 "     | "                         |  |
| 10 "             | "            | Adventura.      | Silviero Antonio. | "           | 140      | 15              | "                    | 47 "     | "                         | In quarantine in consequence of the death of the Master.                     |
| 14 "             | Schooner.    | D. Joanna.      | R. P. da Silva.   | "           | 53       | 8               | Ambris.              | 43 "     | "                         |  |
| 16 "             | Brig.        | Silencio.       | M. J. d a Costa.  | "           | 265      | 15              | Angola.              | 42 "     | "                         | Under observation of Police.   |
| 18 "             | Brig.        | Flor de Rio.    | M. A. de Almeida. | "           | 150      | 13              | "                    | 35 "     | "                         | " "  |
| 20 "             | Schooner.    | S. Joaozinho.   | R. P. do Amiral.  | "           | 90       | 10              | "                    | 36 "     | "                         | " "  |
| 20 "             | Brig.        | Temerario.      | Joao Pereira.     | "           | 120      | 13              | "                    | 40 "     | "                         | " "  |
| 25 "             | "            | Generoso Feliz. | Joao F. Sinaa.    | "           | 250      | 18              | "                    | 40 "     | "                         | " "  |
| 26 "             | "            | Sociedade.      | J. A. de Almeida. | "           | 220      | 13              | Angola and Benguela. | 30 "     | Wax and oil.              | " "  |
| 27 "             | "            | 24 de Julho.    | J. B. Terreira.   | "           | 350      | 16              | Mosambique.          | 77 "     | Cotton, oil, and ballast. | Under observation.   |
| 30 "             | "            | Maria.          | J. J. de S. Anna. | "           | 108      | 15              | Benguela.            | 40 "     | Wax, oil, &c.             |  |

\* On the arrival of each vessel from Africa a pretended investigation is made by the police respecting the voyage, when nothing is ever proved, though the landing of slaves from all vessels is notorious; and this proceeding of the police is merely to exact a bribe, and afford the Authorities this pretended proof of their zeal in enforcing the prohibitory Laws.

(Signed) ROBERT HESKETH.  
FREDERICK GRIGG.

No. 212.

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

MY LORD,

Rio de Janeiro, 16th January, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of 22d October, 1836, enclosing a communication from Rear-Admiral Sir Graham Eden Hamond to the Admiralty, as to the inconvenience of the service, and the great misery to the negroes, occasioned by the present system of guarding detained vessels in this port during the proceedings before the Mixed Commission, and directing us to bring the subject formally before the Court, and to consult with our Brazilian colleagues as to the best arrangements to be adopted to remedy the evils complained of.

In pursuance of these Instructions, we presented to the Court, on the 31st of last month, a minute of which we have the honour to enclose a Copy and Translation.

Your Lordship will perceive that, after enumerating the hardships and miseries so justly complained of by the Commander-in-Chief, we solicited from the Brazilian Government the assistance of a hulk, to be destined for the immediate reception of all detained negroes; and adverted to the desirable object of accelerating the proceedings of the Court, and especially to that of obtaining the intervention of the executive with the legislature, for the abrogation of the present system of "embargoes," as well as of the delay attaching to the execution of the final sentences of the Court by their retention, as in Cases wholly Brazilian, for a certain number of days before the highest department of justice.

On account of the Christmas holidays, and of the absence of the Brazilian Commissary Judge, the Court did not meet till the 13th instant, when the Brazilian Commissary Judge, though he did not deny the existence of the grievance and misery, which form the basis of our Note, yet declined to recommend to his Government objects which he conceives to be solely British, and involving considerable trouble, responsibility, and expense to his Government.

A minute to that effect was recorded in the archives of the Court, and we beg leave to refer to the enclosed Copy and Translation of the same.

On the 7th instant we addressed to His Majesty's Minister at this Court, a Copy and Translation of our Note, 31st December, and we shall lose no time in also laying before his Excellency the rejoinder of the Brazilian Commissary Judge, with a view to such steps, on the part of Mr. Hamilton, as he may deem to be proper.

The opinion of the Brazilian Commissary Judge that the object of relieving the detained negroes, is to be considered as wholly British, appears to us to be without sufficient foundation to that extent; and, with regard to the obstacle arising from the apprehended expense to the Brazilian Government, we may, perhaps, after consulting with His Majesty's Minister, fix on some method of meeting and overcoming that objection, seeing that your Lordship refers to the hiring of a merchant-vessel, to be used as a receiving hulk for the negroes.

We lament our want of success in our first step with our Brazilian colleagues; but we assure your Lordship that our exertions will still be zealously directed, under Mr. Hamilton's guidance, to the attainment of this just and humane object of His Majesty's Government.

We have, &c.

(Signed)

ROBERT HESKETH.

FREDERICK GRIGG.

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

&c.

&c.

&c.

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First Enclosure in No. 212.

*The British Commissioners to the Brazilian Commissioners.*

(Translation.)

THE undersigned, British Members of the Mixed Commission, have received Instructions from their Government, earnestly to solicit the assistance of their Brazilian colleagues in endeavouring to remove, or, at least, to diminish, the great inconvenience and danger to which his Britannic Majesty's Naval Service, and especially the Officers and men who are responsible for the safe custody of African negroes in this harbour, are exposed; and also to protect the same negroes from the protracted misery to which they are liable, pending the proceedings before the Mixed Commission, and until a final sentence and its execution.

On the capture of a vessel with slaves on the high seas, the Prize Master and crew, besides the unremitting and laborious duty of navigating the vessel, become at once harassed by the constant watching and attention required for the security and well-being of such cargo; and on their arrival in this port, they are moreover obliged to be constantly armed and on the alert, night and day, on the ship's deck, to prevent the hostile attempts of the desperate characters interested in this traffic.

In two of such wretched cases, the want of proper shelter and rest brought the Prize Masters and crews to a very dangerous state of illness. Besides these evils, the crews of His Majesty's ships in this port are also harassed by equipping guard-boats every night on the same duty. Moreover, the negroes, during all this time, suffer the greatest misery for want of air, space, cleanliness, and proper attention to the sick, all which has been proved by the disease and mortality on board the vessels detained, so that the extent of the suffering of the negroes being greater than during the voyage, they are actually more wretched than they would have been, if sold as slaves on their arrival.

The British Commissioners have often witnessed with pleasure, the earnest desire of their Brazilian colleagues to avert miseries so evident and so extensive, perceiving that with such an object, their colleagues have never lost an opportunity of accelerating the proceedings before the Court, and of obviating, as much as depended upon themselves, the delay arising from the laws and customs of Brazil.

The undersigned, however, being called upon to fulfil the duty consequent to the orders received, thus again bring the subject officially under the consideration of the Mixed Commission, with the view that the Imperial Government should be earnestly solicited to concede some philanthropic and adequate arrangements.

Such being the importance of the object, the undersigned are anxious to consult with their Brazilian colleagues as to the best mode of obtaining from the executive Government the assistance of a hulk, to be destined for the immediate reception of all detained African negroes, in order to avert the miseries above detailed; and, in like manner, to obtain from the executive their intervention with the Legislature for such measures as may prevent, not only the cruel delays now occasioned by the "embargos," (which, though conformable to the usage of the country, are nevertheless contrary to the spirit of the Treaties for the abolition of this inhuman traffic,) but also obviate those additional delays which intervene between the issuing of the sentence of the Mixed Commission and the delivery thereof for its final execution.

*Rio de Janeiro, 31st December, 1836.*

(Signed)

ROBERT HESKETH.

FREDERICK GRIGG.

## Second Enclosure in No. 212.

(Translation)

MINUTE.

Session, 13th January, 1837.

To which (the Note 31st December, 1836) the Brazilian Commissary Judge, Joao Carneiro de Campos, replied that it did not appear to him to be proper that he should take upon himself to make a representation to his Government upon such an object, because, as the same relates entirely to the particular interest of the English Government, and is foreign to the stipulations forming the rules of this Commission, it appeared to him more proper that its decision (that of the Government) should be solicited through the channel of the Minister Plenipotentiary of Great Britain resident here, and that of the Brazilian Administration. That, in respect to the abolishing of the "embargoes," having already made a representation to the Brazilian Government on that subject, and the same Government having decided thereon on the 11th of August last year, as appears by the Act of the 16th of that month, it also appeared to him that this Negotiation should be recommenced through the channel of the same Minister, in order that the Government should propose the Legislative measures which are indispensable. And, finally, that, in respect to the brief despatching of the decision of the causes, he on his part, will do whatever may be in his power in order that the same may be thus accomplished. The Session was closed.

(A true Copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS, *Secretary.*  
BRAZ MARTINS COSTA PASSOS.

## No. 213.

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

MY LORD,

*Rio de Janeiro, 25th January, 1837.*

A DESPATCH, which we had the honour of addressing to your Lordship on the 24th of December last, will have apprized you that a "Juiz de Paz" at Mangaratiba was officially charged with having received a bribe for delivering 38 new blacks to the Importer.

We now beg leave to inform your Lordship that legal proceedings have, as we are assured, been commenced against the individual in question, and were expected to come on at Mangaratiba in the course of the present month.

We have, &amp;c.

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

ROBERT HESKETH.  
FREDERICK GRIGG.

## No. 214.

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

MY LORD,

*Rio de Janeiro, 25th January, 1837.*

IN pursuance of the 75th clause of the Act passed in the 5th year of the Reign of His late Majesty George IV. entitled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we beg leave to report to your Lordship that no vessel has been brought into this Port, for adjudication by the Mixed British and Brazilian Court of Commission established in this city, between the 1st of July, 1836, and the 5th of January, 1837.

We have, &amp;c.

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

ROBERT HESKETH.  
FREDERICK GRIGG.





## SURINAM.

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No. 215.

*His Majesty's Commissioners to Viscount Palmerston.—(Received April 15.)*

MY LORD,

*Surinam, 10th February, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Circular Despatch, dated October 29th, 1835, transmitting for our information 3 Copies of a Treaty 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.

We have, &c.

JOHN SAMO.

(Signed)

CAMPBELL JAMES DALRYMPLE.

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

&c.

&c.

&c.

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No. 216.

*Foreign Office, 15th June, 1836.*

*Viscount Palmerston to His Majesty's Commissioners.*

(Circular.)

(See Sierra Leone, General, No. 1.)

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No. 217.

*Foreign Office, 15th June, 1836.*

*Viscount Palmerston to His Majesty's Commissioners.*

(Circular.)

(See Sierra Leone, General, No. 2.)

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No. 218.

*Foreign Office, 27th June, 1836.*

(Circular.)

(See Sierra Leone, General, No. 3.)

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No. 219.

*His Majesty's Commissioners to Viscount Palmerston.—(Received June 28.)*

MY LORD,

*Surinam, 18th February, 1836.*

ON the 16th instant, it was notified to the Members of the Mixed Court of Justice, that His Majesty the King of the Netherlands had been pleased to grant a pension to Mr. A. W. F. Lammens, his Commissary Judge, in consideration of the faithful services of that Gentleman, for a long space of time; and, that the functions of Mr. Lammens, in this Court, would terminate on the 1st of April next.

We regret much the departure of this Gentleman, whose amiable and honourable conduct in the discharge of the duties of his office has gained for him the esteem and respect of all classes. We have addressed a Letter to Mr. Lammens, conveying to him our sentiments in thus being deprived of his further assistance.

We have, &c.

(Signed)

JOHN SAMO.

CAMPBELL JOHN DALRYMPLE.

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

&c.

&c.

&c.

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No. 220.

*His Majesty's Commissioners to Viscount Palmerston.—(Received June 28.)*

MY LORD,

*Surinam, 2d March, 1836.*

WE have the honour to enclose a Translation of a Notice, inserted in a Colonial Newspaper, announcing that the two Gentlemen therein named were appointed by the Governor-General of these Possessions, to fill the vacancies in the Mixed Court of Justice, caused by the retirement of Mr. Lammens.

The 9th Article of the regulations for the Mixed Court of Justice, established under the Treaty with the Netherlands, having, as we thought, distinctly pointed out the Officers who were successively to fill the vacancies in this Commission, His Majesty's Commissary Judge had a personal interview with the Governor-General on the subject, when his Excellency informed that Gentleman that the appointment had been thus made in pursuance of a Despatch, received by him from the Minister for the Colonies, deputing the Governor-General to appoint persons to fill up the vacancies in the Mixed Court of Justice.

We deem it our duty to acquaint your Lordship with these particulars, and at the same time we beg leave to state, that neither of the Commissioners appointed by His Netherlands' Majesty have hitherto been furnished with any Commission, or formal instrument of appointment to their respective Offices in this Court.

We have, &amp;c.

(Signed)

JOHN SAMO.

CAMPBELL JOHN DALRYMPLE.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 220.

*Government Secretary's Office, Paramaribo, 18th March, 1836.*

By a resolution of his Excellency the Governor-General of the Netherlands West India Possessions, dated the 16th inst. No. 404, 370, Mr. H. R. Hayunga, at present Arbitrator in the Mixed Court, for the Suppression of the Slave Trade, is nominated and appointed Judge in the said Court, and Mr. P. Fiers Smeeding Arbitrator in his stead.

(Signed)

G. S. DE VEER,

*Adjunct Government Secretary.*

No. 221.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 8th July, 1836.*

I HEREWITH transmit, for your information, the Copy of a Despatch which I have received from His Majesty's Minister at the Hague, reporting the intention of the Government of Holland to send a Mission to the King of the Ashantees, for the purpose of raising negro troops from among his subjects to serve in the Dutch Possessions in the East Indies. I also send to you the Copy of a Letter which has been received from the Colonial Department, together with the Copy of a Letter from the Admiralty on the subject.

I am, &amp;c.

*His Majesty's Commissioners,*

(Signed)

PALMERSTON.

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

For Enclosures, see No. 72. p. 127.

No. 222.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 22d July, 1836.*

WITH reference to my Despatch to you of the 8th instant, upon the subject of an intended mission from the Government of Holland to the King of the Ashantees, for the purpose of raising troops, for service in the Dutch Possessions in the East Indies, I herewith transmit for your information an Extract from a Despatch from Sir A. Mallet, reporting the approaching departure of General Verweer on the mission in question.

I am, &amp;c.

*His Majesty's Commissioners,*

(Signed)

PALMERSTON.

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

For Enclosure, see No. 73. p. 127.

No. 223.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 30th August, 1836.*

I HAVE received your Despatch of the 22d of March, transmitting a Translated Copy of a Resolution of his Excellency the Captain-General of the Dutch West India Possessions, appointing Mr. H. R. Hayunga, Judge, and Mr. P. Viers Smeding, Arbitrator in the British and Netherland Mixed Court of Justice, established in Surinam, and calling my attention to the 9th Article of the regulations for that Court, which, in your opinion, distinctly pointed out the Officers who were successively to fill vacancies that occurred therein.

His Majesty's Advocate-General, to whom the Case was referred, has reported that, in his opinion, the above-mentioned appointments of Mr. H. R. Hayunga and Mr. P. Viers Smeding, by the Governor-General, in virtue of a power conferred upon him by the Supreme Government of the Netherlands, are as valid as they would have been if made by the Government itself. That the 9th Article of the Regulations for the Mixed Court, annexed to the Treaty between the two countries, point out the Officers who are successively to fill, *ad interim*, the vacancies happening in the Commission; but this, he presumes, was merely intended to guard against the inconveniences which might arise from there being no person on the spot ready to act in case of a sudden vacancy, and before the pleasure of the Supreme Government could be known. The King's Advocate further adds, that he apprehends the formality of a Commission from the Sovereign is not absolutely necessary, provided the party is appointed by due authority, and takes the oath prescribed by Treaty.

I have, therefore, to instruct you to recognise Mr. H. R. Hayunga as the Judge, and Mr. P. Viers Smeding as the Arbitrator, on behalf of His Netherlands' Majesty, in the Mixed Court of Justice, of which you are Members, and to act with those Gentlemen in all Cases which may come before you for adjudication.

I am, &amp;c.

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

(Signed) PALMERSTON.

No. 224.

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

MY LORD,

*Surinam, 17th August, 1836.*

WE have the honour to transmit a Copy of a Despatch which we have this day addressed to the Lieutenant Governor of British Guiana, relative to a negro boy, named "John Nantes," who is suspected to have been carried away from Demerara, and sold as a slave in a foreign Colony.

We shall take the earliest opportunity to make your Lordship acquainted with the result of the measures which we conceived it our duty to adopt in this Case, and which we earnestly hope will meet your Lordship's approval.

We have, &amp;c.

(Signed) JOHN SAMO.  
CAMPBELL J. DALRYMPLE.

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

Enclosure in No. 224.

*His Majesty's Commissioners to His Excellency Lieutenant-Governor Sir J. Carmichael Smyth, Bart.*  
Sir,

*Surinam, 17th August, 1836.*

It having been reported to us that a negro boy, supposed to have belonged to Demerara, was found in the possession of a Frenchman, who had been apprehended by the police, and who was accompanied by this boy and a girl, both of whom appear to be slaves, we immediately took measures to investigate the circumstance to the utmost; and, very opportunely, Mr. N. Chapman, who was formerly Harbour Master at Demerara, being in this town, we called on that gentleman to render his assistance, which he most kindly and readily afforded; and, as he will deliver this Despatch, we refer your Excellency to him for further details of this matter.

It appears from the statement made by the boy, who speaks English almost fluently, that he is named "John Nantes," that he is a slave, and formerly belonged to one Fanny Meaghers, who, it is said, is still residing at Demerara; that, about six years ago, Fanny Meaghers sold him to a person residing at Cayenne, with whom he remained subsequently as a slave; that the place where the sale

was effected was either at Cayenne or in Demerara; that he accompanied his present master and a female who is also a slave, but evidently French, to this Colony, where they were all three arrested by the Authorities of this place. This Government having the intention to deliver up these persons to the French Authorities at Cayenne, we have applied to the Governor-General, who has assented to detain the boy, "John Nantes," until we can communicate with your Excellency upon the subject, feeling assured that your Excellency will readily co-operate with us in a humane endeavour to rescue this unfortunate boy from slavery, and likewise be the means of bringing to condign punishment the person or persons who have been concerned in the nefarious transfer of this boy from a British Possession to a foreign Colony for the purpose of his being dealt with and sold as a slave.

We have, &c.

JOHN SAMO.

CAMPBELL J. DALRYMPLE.

Commissioners of Arbitration.

*His Excellency Lieut.-Governor Carmichael Smyth, Bart.*  
&c. &c. &c.

(Signed)

&c.

No. 225.

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

MY LORD,

*Surinam, 28th September, 1836.*

WITH reference to our Despatch to your Lordship of the 17th ultimo, we have the honour herewith to transmit a Letter, with three Enclosures, addressed to us in reply to our communication to the Lieutenant-Governor of Demerara in the Case of the boy "John Nantes."

The opinion of the Lieutenant-Governor of Demerara, that this boy belonged to Cayenne was immediately announced by us to his Excellency the Governor-General of these Possessions; but we most respectfully submit to your Lordship, that it would have been more satisfactory if the Magistrate at Demerara had obtained evidence less questionable than the statement of the same person, Fanny Meaghers, by whom the boy declares himself to have been sold.

We have, &c.

(Signed)

JOHN SAMO.

CAMPBELL J. DALRYMPLE.

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

First Enclosure in No. 225.

(Copy.)

*The Lieutenant-Governor to His Majesty's Commissioners.*

GENTLEMEN,

*Government Secretary's Office, Demerara, 31st August, 1836.*

I AM directed to acknowledge the receipt of your Letter of the 17th instant, addressed to his Excellency the Lieutenant-Governor, and to forward to you a Report thereon by his Honour the High Sheriff of this Colony, with its Enclosures; and I am to state that it appears evident from these Documents that the boy Nantes is a Cayenne boy, and only visited this Colony with his Master, Monsieur Foucon.

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

I have, &c.  
(Signed) H. E. F. YOUNG,  
*Government Secretary of British Guiana.*

Second Enclosure in No. 225.

(Copy.)

*The High Sheriff to the Lieutenant-Governor.*

SIR,

*High Sheriff's Office, 25th August, 1836.*

WITH reference to the subject of the Letter of Messrs. John Samo and Campbell J. Dalrymple referred to me for inquiry and report, I have the honour to lay before your Excellency a Deposition of Fanny Meaghers, the person referred to in that Letter, and who had returned to this Colony from Cayenne a few days since. I have also obtained further information respecting the boy Nantes from Mr. Michael Thompson, Second Officer of Police, who recollects him in the service of Mr. Foucon, and whose Letter on the subject I have herewith the honour to transmit.

*The Lieutenant-Governor,*  
&c. &c. &c.

I have, &c.  
(Signed) GEORGE BAGOT,  
*High Sheriff.*

Third Enclosure in No. 225.

(Copy.)

*British Guiana, High Sheriff's Office,  
Demerara, 23d August, 1836.*

FANNY MEAGHERS, inhabitant of George Town, Demerara, being duly sworn on the Holy Evangelists, deposeth, That in the year 1828, a French gentleman of the name of Joseph Foucon came to Demerara from Cayenne, having a black boy, named Nantes, as servant; he returned to Cayenne the same year, taking the boy with him, and came again to Demerara in 1829, having the boy still with him. That an intimacy took place at this time between this person and deponent (Fanny Meaghers), and she went to Cayenne with him the same year; the boy accompanied them. She lived in Cayenne from 1829 till 1834 with Mr. Foucon. Shortly after going to Cayenne, Fanny Meaghers purchased

the boy Nantes, or rather took him over for money advanced to Mr. Foucon in Demerara, who procured a Bill of Sale for him and a girl, named Janette, from their Owner, Alfonse Prevost, with whom Mr. Foucon had some transactions. In 1834 Fanny Meaghers returned to Demerara, having the said Nantes to attend on her son by Mr. Foucon. In the following year, 1835, Fanny Meaghers returned to Cayenne, and found that Mr. Foucon had left the Colony for France and taken her son with him, and that he had sold her 2 slaves; and that, not wishing to hurt the character of the father of her child, she took no steps to recover them. She states further, that she saw Nantes in Cayenne, and he told her he then belonged to Therese Pausice.

Deponent further declares the Document now laid over is an authenticated Copy of a Return made for the purpose of taxation on those 2 slaves at Cayenne in the year 1833.

(Signed) FANNY MEAGHERS.

Sworn to before me at the High Sheriff's Office, George Town, Demerara, this 25th day of August, 1836.

(Signed) GEORGE BOGOT,  
*High Sheriff of British Guiana.*

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Fourth Enclosure in No. 225.

(Copy.)

*The Police Officer to the High Sheriff.*

SIR,

25th August, 1836.

I BEG leave to state, for your Honour's information, that I knew a gentleman by the name of Foucon, who came down from Cayenne in his own schooner "*La Désiré*," in the year 1828; and I knew he had a black boy with him he used to call by the name of Nat, who could at that time scarcely speak English. Mr. Foucon was living with a Miss Adella Sills when he first arrived in the Colony, and I think it was then I first saw the boy; I have seen the boy since that at Miss Fanny Meaghers, but I do not think since Mr. Foucon last left the Colony.

*The High Sheriff,*  
&c. &c.

I have, &c.  
(Signed) M. THOMPSON,  
*Second Officer of Police.*

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No. 226.

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

MY LORD,

*Surinam, 12th October, 1836.*

WE are honoured by the receipt of your Lordship's Despatch of the 15th of June last, enclosing, for our information, a printed Copy of a Convention and Supplementary Convention between His Majesty and the King of the French for the more effectual suppression of the traffic in slaves; also a printed Copy of a Treaty by which the King of Denmark has acceded to that Convention; likewise a printed Copy of a Treaty by which the King of Sardinia has acceded to the before-mentioned Conventions, with an additional Article thereto; and also a printed Copy of an additional Article to the Treaty between His Majesty and the King of Sweden, signed at Stockholm, June 15th, 1835.

We have, &c.

(Signed) JOHN SAMO.  
CAMPBELL J. DALRYMPLE.

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

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No. 227.

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

MY LORD,

*Surinam, 13th October, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 27th June last, with 5 Copies of Papers, marked A and B, relating to the Slave Trade, which, on that day, had been presented, by His Majesty's Commands, to both Houses of Parliament.

We have, &c.

(Signed) JOHN SAMO.  
CAMPBELL J. DALRYMPLE.

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

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No. 228.

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

MY LORD,

WE are honoured by the receipt of your Lordship's Despatches of the 8th

and 22d of July last, with their respective Enclosures, relative to the Mission of the Dutch Government to the King of Ashantee; and we beg leave to offer to your Lordship our best acknowledgments for this communication, and we shall not fail to transmit any information which may come to our knowledge relative to that subject.

(Signed) We have, &c.  
JOHN SAMO.  
CAMPBELL J. DALRYMPLE.

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

No. 229.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 27th January, 1837.*

I HEREWITH transmit, for your information, the Translation of a Decree issued at Lisbon on the 10th December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions.

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

No. 230.

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

MY LORD,

*Surinam, 17th January, 1837.*

OUR attention being drawn to a rumour in circulation relative to a very suspicious vessel which had lately been seen near this place, and likewise signalized, we endeavoured to ascertain its veracity, and, although our information is supported by collateral circumstances only, we deem it our duty to submit the report to your Lordship.

Our informant states that the vessel in question was a remarkably fast-sailing schooner, under Sicilian colours, about 200 tons burthen, armed with 1 large gun, 24-pounder, 6 carronades, and 8 small brass cannon mounted on carriages, with a crew of 50 persons, commanded by a Frenchman; that she had been chased by one of our cruizers in the vicinity of Tobago, and only escaped by superior sailing; that she came here to try if there was any possibility of disposing of the cargo, at this time consisting of 200 negroes; viz. boys and girls 130, men 40, and women 30.

The Master of the slaver was conveyed clandestinely to Paramaribo, where, it appears, he remained for some days, having left his schooner cruising on and off the land near the entrance of this river; and being unsuccessful in his object, at least it is so asserted, he quitted the town and returned by the same secret means.

Our informant further stated that the vessel had been to Cayenne, at which place, with much difficulty and risk, 80 negroes had been sold; that the Master almost despaired being able to escape the vigilance of the British cruizers hereabouts; and as he had with him the money produced by the sale of the 80 negroes, and to avoid the capture of the vessel itself, by reason of slaves being found on board, that if no other means could be found to dispose of the remainder, he would drown the whole 200 negroes at sea; a threat which this miscreant would doubtless carry into effect.

We beg most respectfully to submit to your Lordship that one of His Majesty's vessels-of-war from the squadron on the nearest station, being instructed to visit this port occasionally, would essentially tend to deter others from making a similar attempt.

(Signed) We have, &c.  
JOHN SAMO.  
CAMPBELL J. DALRYMPLE.

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