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Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS,

RELATING TO

THE SLAVE TRADE.

1837.

Note.—A further Return, containing the Correspondence from the 1st of January 1838 to the 24th of April 1838, and including the Annual Reports of the Commissioners for 1837, is in preparation. All the Reports have not yet been received, but those still wanting may be expected shortly, and the further Return will probably be presented to the House soon after the Easter Recess.

Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS,

AT

SIERRA LEONE, THE HAVANA,

RIO DE JANEIRO, AND SURINAM,

RELATING TO

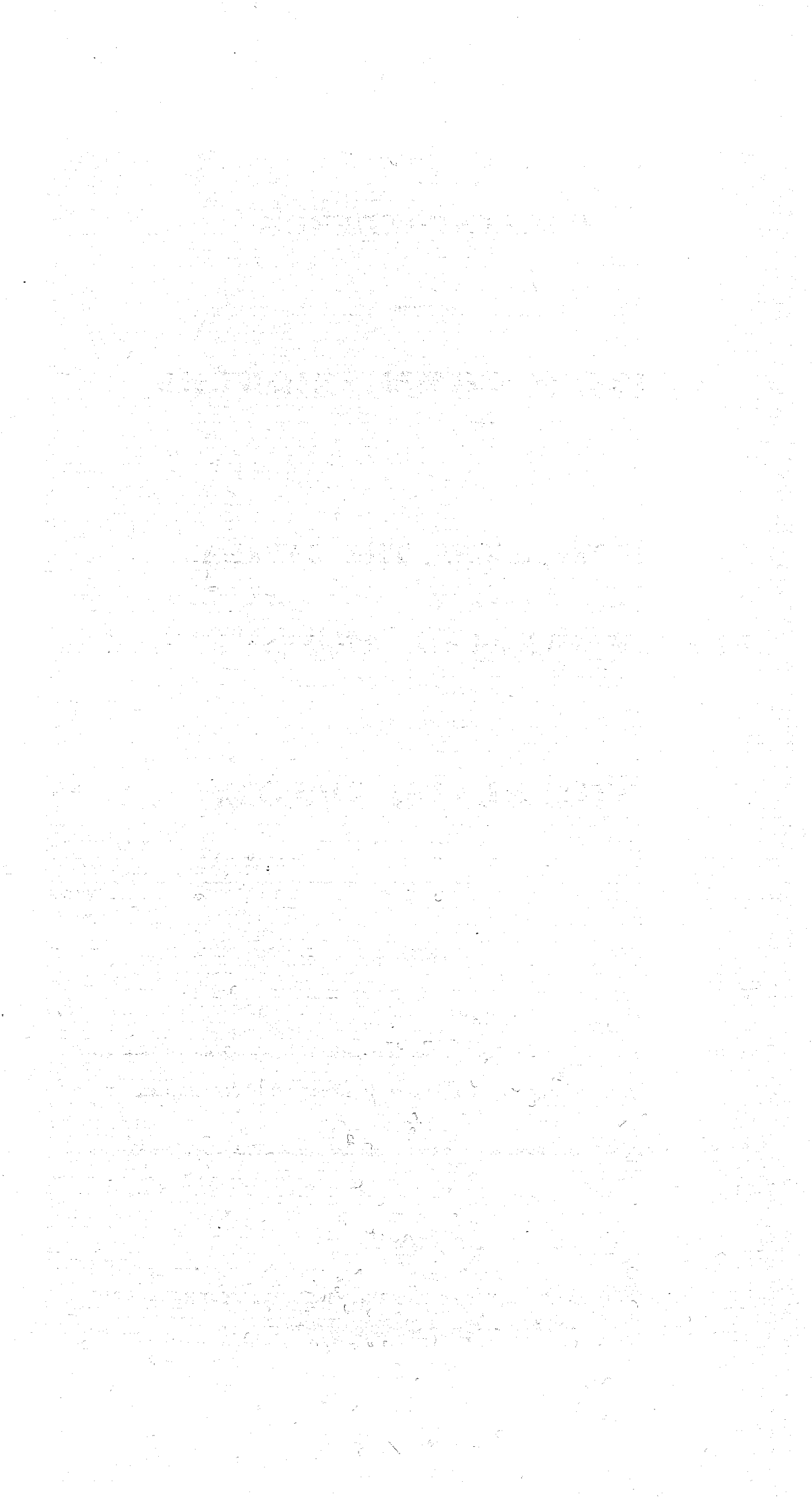
THE SLAVE TRADE.

1837.

Presented to both Houses of Parliament, by Command of Her Majesty,
1838.

LONDON:

PRINTED BY W. CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.



Class A. 1837.

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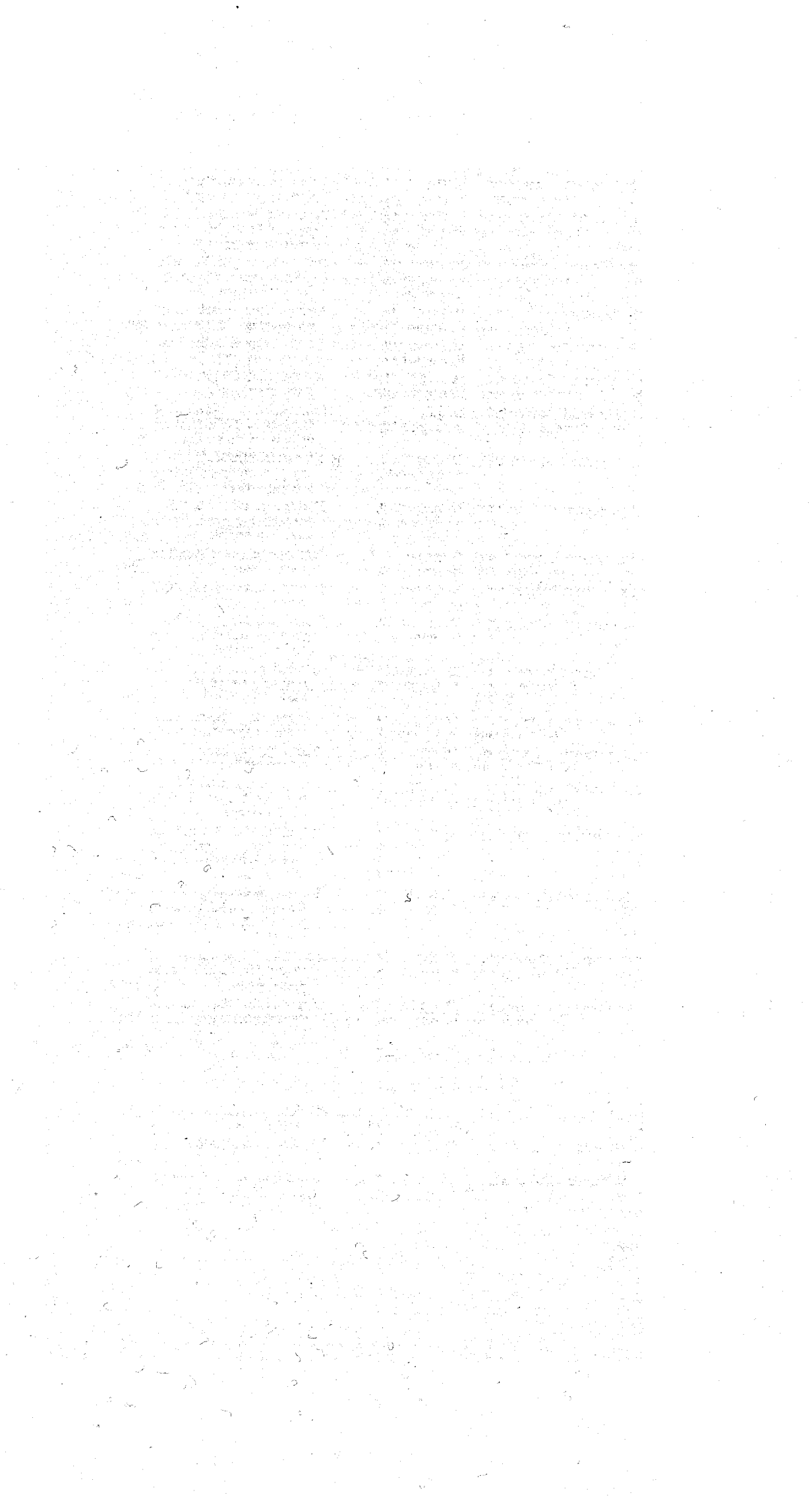
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Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

SIERRA LEONE. (*General.*)

No. 1.

Viscount Palmerston to His Majesty's Commissioners.

(Extract.)

Foreign Office, 15th May, 1837.

YOUR Despatch of 31st December,* 1836, together with other Papers upon the subject of the purchase of the condemned slave-vessel, the "*Esperança*," by Messrs. Rae and Hornell, for the account of Pedro Blanco of the Gallinas, has been referred to His Majesty's Advocate-General, with whose opinion you shall be duly made acquainted.

In the mean time I have to inform you, that, by a Despatch from His Majesty's Consul at Cadiz, it appears that the "*Esperança*" on her arrival at Cadiz, was sold to a merchant of that city named Matteu, who intends employing her as a packet between Cadiz and the Havanna.

No. 2.

His Majesty's Commissioners to Viscount Palmerston.—(Rec. July 5th, 1837.)

MY LORD,

Sierra Leone, 23d March, 1837.

WE were honoured on the 19th instant with the receipt of your Lordship's Despatch of the 21st January last, transmitting the original Letter addressed by Edward Jousiffe to His Majesty's Acting Judge at Havana on the 21st July last; and beg leave to state that we shall take care to bring forward this important Paper in a proper manner, whenever Edward Jousiffe may appear here and be placed on his trial for his crimes.

We have, &c.

(Signed)

H. CAMPBELL.
WALTER W LEWIS.

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

&c.

&c.

&c.

No. 3.

His Majesty's Commissioner to Viscount Palmerston.—(Received June 24.)

MY LORD,

Sierra Leone, 1st May, 1837.

MY colleague in the Mixed Courts, Lieutenant-Governor Campbell, being still absent from the seat of Government, it devolves upon me to report to your

* The Despatch here referred to has been laid before Parliament; Papers of 1837, Supplement No. 14. p. 35.

Lordship, that His Majesty's schooner "Pincher" arrived here on the 23d ultimo, bringing the prisoner Edward Jousiffe, for trial for breaches of the Slave Trade Abolition Act.

Jousiffe was, on the 25th ultimo, brought up before the Local Authorities of the Colony, on the above-mentioned charge, and the witnesses then at Freetown appeared to give evidence in support of it. From the lapse of time which had taken place between the collecting of those witnesses in Freetown whose evidence was considered essential, and the arrival of Jousiffe, many of those persons had left town in pursuit of their ordinary avocations, and much difficulty and delay in re-assembling them has been the consequence.

With the object of avoiding a want of evidence in this case, the Colonial Government has sent off this morning an officer to the Rio Pongas to collect witnesses, where it is supposed several may be found whose testimony may prove valuable.

Every exertion is being used to bring in from the liberated African villages those persons who are understood to be capable of giving testimony, and there is a confident belief, that in a few days a clear and very strong case will be made out against Jousiffe. In the mean while he is remanded from time to time, and the witnesses, as produced, are examined on the days when the prisoner is brought up, which course is to be pursued until a perfect case is made out against him, when he will be committed for trial.

It is hoped that by the end of the present month Jousiffe's trial will have taken place; the result of which the Commissioners will not lose a moment in reporting to your Lordship.

The Africans belonging to the slave-schooner "*Preciosa*," stated in Mr. Schenley's Despatch to your Lordship, of the 24th August last, as believed to have been kidnapped by Jousiffe, not having arrived with the prisoner in His Majesty's schooner "Pincher," as the Commissioners had been led to expect by the terms of your Lordship's Despatches to them on this subject, they were induced to address Commander Byng, in order to learn from him the cause of their non-appearance here. Herewith I beg leave to lay before your Lordship a copy of Commander Byng's reply to the application in question, which will best place your Lordship in possession of the cause of the absence of such apparently important witnesses.

I have, &c.

(Signed)

WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 3.

Commander Byng to His Majesty's Commissioners,

His Majesty's schooner "Pincher,"
Sierra Leone, 25th April, 1837.

GENTLEMEN,

IN reply to your Letter of this date, respecting the non-appearance of the negroes referred to by Mr. Schenley as being on board the "*Preciosa*," I have to acquaint you that Mr. Richard Pridham, the officer in charge of the "*Preciosa*," was sent from Jamaica to Honduras in His Majesty's ship "Wanderer," to recognize and obtain the said negroes, but, from the cholera raging at that port, he was not permitted to go on shore, but Captain Dilke had been informed by the Governor that the only person whom he knew would be likely to give such evidence against Jousiffe had died two or three days previous to their arrival.

I have, &c.

(Signed)

GEORGE BYNG,

Commander.

The British Commissioners,

&c.

&c.

No. 4.

Viscount Palmerston to Her Majesty's Commissioners, Sierra Leone.

GENTLEMEN,

Foreign Office 15th July, 1837.

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

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,

&c.

&c.

&c.

No. 5.

His Majesty's Commissioner to Viscount Palmerston.—(Received August 23.)

MY LORD,

Sierra Leone, 17th June, 1837.

I HAVE the honour of reporting to your Lordship, that Lieutenant-Governor Campbell, His Majesty's Acting Commissioner in the several Mixed Courts established here for the repression of the Slave Trade, under the Treaties with Foreign Powers, took his departure hence for England on the 13th instant.

Arrangements were made on the following day for the Governor, *pro tempore*, assuming the vacant office in the Mixed Courts, which was, however, rendered unnecessary by the arrival here, from London, of Colonel Doherty, the successor of Major Campbell in this command, on the morning of the 15th instant.

Colonel Doherty having been immediately sworn in as Governor, shortly afterwards took the oaths of office as His Majesty's Acting Commissioner in the several Mixed Courts; and, at a public sitting yesterday of those Courts, His Excellency was duly installed in his new situation, and the business of the Commissions immediately proceeded with.

I have, &c.

(Signed)

WALTER W. LEWIS.

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

&c.

&c.

&c.

No. 6.

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

MY LORD,

Sierra Leone, 30th June, 1837.

WE have the honour to forward herewith, for your Lordship's information, a certified Copy of the List of slaves registered in the Mixed Courts established in this Colony, from the 1st January, 1837, to the 30th instant.

The number so registered was 2,956; and the number emancipated during that period was 3,210; of whom 203 were landed at Honduras from the Portuguese slave-vessel "*Carlota*," and could not, therefore, be registered here, and 51 died before their descriptions could be taken for registration.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 6.—(Abstract.)

	Number Registered.	Number died before Registration, but Emancipated.	Number Emancipated.
Lechuguino	49	..	49
Gata	99	2	101
Incomprehensivel	578	8	586
Paquete de Cabo Verde	434	18	452
Temerario	229	7	236
Esperança	89	..	89
Josephina	345	1	346
Latona	318	2	320
Dolores	282	4	286
La Fayette	438	3	441
Cobra de Africa	95	6	101
	2,956	51	3,007

(Mem.)—Number registered up to the 5th of January, 1837 40,584
 " " from the 5th January to the 1st of July, 1837 2,956

Total 43,540

N. B. In addition to the foregoing List of emancipated slaves registered in the period set forth, there were 203 slaves landed from on board the Portuguese schooner "*Carlota*," at Honduras, the

survivors of whom were emancipated by Decree of the British and Portuguese Court of Mixed Commission.

Sierra Leone, 1st July, 1837.

(Signed)

M. L. MELVILLE,
Registrar.

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 1st day of July, 1837.

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

(L. S.)

M. L. MELVILLE,
Registrar.

No. 7.

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

(Extract.)

Sierra Leone, 12th August, 1837.

WE have received your Lordship's Despatch of the 15th May last, and beg leave to thank your Lordship for the information contained therein, as to the arrival and sale, at Cadiz, of the "Esperanza," the British vessel whose departure hence for that port we had the honour of notifying to your Lordship on the 31st of last December; and also for your Lordship's promise that we shall be made acquainted with the opinion of His Majesty's Advocate-General on the several Papers relating to the alleged purchase of a condemned slave-vessel by Messrs. Rae and Hornell, for the account of Pedro Blanco of the Galinas.

No. 8.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 30.)

MY LORD,

Sierra Leone 19th August, 1837.

A SCHOONER, bearing the flag of the United States, having lately visited this port under circumstances of a suspicious character, and all the principal names upon her Papers being those of persons known to have been engaged in the Slave Trade of Cuba, we have thought it our duty to lay before your Lordship such particulars respecting this vessel as we have collected, notwithstanding our having been unable to arrive at any satisfactory conclusion as to her real occupation or intentions.

The schooner "*Terrible*," under the United States' colours, arrived in the harbour of Sierra Leone on the 9th instant, the Master of her declaring that he had put into this port in consequence of a want of wood and water, in his voyage from Havana to Galinas. On examination, however, the Collector found that there was on board of the schooner far more wood than could have been required during the time she would occupy in reaching her destination, even after working into this river; whilst the water actually on board would have afforded 1 gallon daily for each person. This being the season when the very heavy rain falls, gallons might have been daily caught on the schooner's deck by the most common means; the pretext under which she came in was therefore soon exposed. A strict examination of the vessel and cargo was made by the Collector, but nothing material resulted therefrom. After shipping some wood and water, she sailed on the 14th instant for Galinas.

From her Papers, to which the Acting Collector of Customs was so obliging as to allow us reference, it appears she was called the schooner "*Terrible*," and said to be of 40 tons burthen. She had no regular Register or sailing Licence, but merely a Bill of Sale, officially authenticated, from one of the Civil Courts of New Orleans, to José Prats, of that city, who has appeared on former occasions as the seller of vessels purchased for the Slave Trade of Cuba.

Prats consigned her to the house of Pedro Martinez and Company, of Havana (the Owners of many slave-vessels which have been reported), who despatched her thence on an ostensible voyage to the Cape de Verde Islands, under the command of Philip Grinnel, who declared himself to be an Englishman, but to have naturalized himself as an American. There was 1 Englishman amongst the 5 men, of whom the crew consisted

The schooner did not visit the Cape Verdes, for which she had cleared out, but came at once to this port.

In the Letter of Instructions from Martinez and Company to the Master of the schooner, which was written in very bad English, the Master was directed to consign himself to Pedro Rodriguez of the Galinas (an agent there for the supply of slave-ships), who was, if he wished it, to "have the vessel at his command," and should he desire "to change the colours," he was to do so for himself. The crew were in this case to be paid off, with 2 months additional wages.

The lading of the schooner [consisted of 30 half-pipes of aguardiente, and 53 small packages of tobacco, a cargo by no means sufficiently assorted for carrying on lawful commerce on this part of the Coast.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

No. 9.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 30.)

MY LORD,

Sierra Leone, 23d September, 1837.

WE beg leave to make reference to the replies, which we have had the honour of addressing to your Lordship's Despatches of 1836, and of the present year, on the subject of the detention at Havana by the British Commissioner, Mr. Schenley, of the notorious Edward Jousiffe, and his having been sent here for trial for his offences in connexion with the Slave Trade of the Rio Pongos; and to report to your Lordship, that the trial of that man has at length taken place.

In order to give a clear account of this man since his arrival here, we beg leave to repeat to your Lordship, that Her Majesty's schooner "Pincher" did not reach this port until the 23d of last April with the prisoner "Jousiffe," although he had been seized and shipped in this vessel for a passage hither so far back as July of last year; and that when he did arrive, considerable difficulties offered themselves, in making out a clear and strong case against him, to the Colonial Authorities, before whom he was, in the first instance, taken for examination, owing to nearly all the witnesses in the Case, who had been for weeks previously collected and kept in Freetown, in daily expectation of the arrival of Jousiffe, having dispersed themselves to pursue their ordinary occupations so as to procure the means of subsistence, the Local Government not feeling itself authorized to grant these persons the means of support.

These obstacles were, however, gradually overcome by the effective measures taken by the executive Government for obtaining the presence of the required witnesses; and having secured their attendance before the Magistrate who conducted the Inquiry, Jousiffe was ultimately fully committed on the 17th May last to take his trial, as a British subject, for having (as the commitment expresses), in places beyond the jurisdiction of this Colony, knowingly and wilfully aided and assisted in carrying away, conveying, and removing certain persons, natives of Africa, as well British subjects as others, as slaves, or for the purpose of their being imported or brought as slaves, into some place or places beyond the seas; and for the purpose of their being sold, used, and dealt with as slaves; and for having also purchased, embarked, received, detained, or confined, or assisted in so doing, on board of some ship or vessel, certain natives of Africa, as well British subjects as others, on the high seas and on shore, contrary to the Statute.

Respecting the emancipated negroes of the Spanish schooner, "*Preciosa*," whom Mr. Schenley represented to your Lordship in his Despatch of the 24th of August, 1836, as likely to be able to give evidence against Jousiffe, it was communicated to us by Commander Byng on his arrival here with the "Pincher," in reply to our inquiries, that Mr. Pridham, who had conducted the "*Preciosa*" to Honduras, had been sent from Jamaica to that settlement in His Majesty's ship "Wanderer" to identify the people required; but from the cholera raging there at the time of their visit no communication was allowed with the shore. The Superintendent of Honduras, however, acquainted the Commander of the "Wanderer," that the only negro he knew likely to give the evidence sought for, had died of the disease alluded to.

The 5 blacks found on board of the "*Preciosa*," who were called Kroomen, and who seemed unwilling to give any evidence respecting the prisoner Jousiffe, or the vessel in which they had been seized, when brought before Mr. Schenley at Havana, proved on examination here to be natives of the Rio Pongos, and other places

on this Coast to the northward of the Colony, and were unable or unwilling (we think the latter) to give any satisfactory information. They were, however, kept here until the prisoner had been tried, in the hope of their being ultimately useful in the prosecution, but in this we received only disappointment.

About the time of Jousiffe's committal for trial a notification reached this Colony, that the Chief Justice was on his way hither from England, having arrived at the Gambia, a dependency of this place, where he had to remain to hold the Courts of that settlement. This had the effect of relieving the gentleman who was temporarily acting as presiding Judge of our Law Courts, and rendered the presence of the Chief Justice necessary to the Courts again proceeding in their ordinary course.

As it was doubtful whether an opportunity would offer for the Chief Justice to reach this Colony at an early date, the Government called upon the Commander of the "Pincher" (who had to await the trial of Jousiffe, being a witness for the prosecution) to proceed to the Gambia to convey the Judge hither in His Majesty's schooner; with which requisition Commander Byng readily complied, and left the harbour accordingly on the 20th May last.

No communication with the Gambia took place between that time and the 3d ultimo, when a merchant-vessel arrived here from that settlement, having the Chief Justice on board as a passenger. Of the "Pincher," it was reported that she had proceeded to England; and Mr. Pridham, one of her Officers, was sent down in the merchant-vessel alluded to as a witness to prove Jousiffe's handwriting.

An accumulation of business had unavoidably arisen in the several Law Courts through the long absence of a presiding Judge, and the Sessions for criminal offences did not in consequence commence until the 5th instant.

On the 7th instant a true Bill, on an indictment of 5 counts, was found by the Grand Jury, and the following day appointed for the trial by the Petty Jury. When the preliminary forms had been gone through, and the Case was about to be entered upon, the Counsel for the prisoner made a legal objection to the indictment, as charging the prisoner with distinct acts of felony, and the Court decided, after hearing argument, that the Crown prosecutor must make his election as to which particular offence he would proceed upon, when he named the 3 counts for the minor charge, under the 10th section of the 5th George IV., cap. 113; the Court having previously observed that there was some legal defect in the wording of the 2 counts laid for the capital offence under the 9th section of the said Act.

The witnesses whom the Crown prosecutor brought into Court to support the charge in which he proceeded were 4 men who had formed part of the cargo of the condemned Portuguese schooner "*Nympha*," viz. William March, John Brown, Mousa, and John Macauley.

March proved that he had been bought by Jousiffe as a slave, and sold, or bartered in exchange, for a girl, with one of the natives of the Pongos.

The evidence of Mousa and Macauley established their having been purchased by Jousiffe, and by him conveyed to John Ormond's factory, whence they were embarked in the "*Nympha*."

John Brown's evidence was to the effect of having seen 12 slaves in irons in the premises composing Jousiffe's factory or mercantile establishment.

Other witnesses were in attendance, but not called, as the Crown prosecutor thought the testimony of those above-mentioned sufficient to support the indictment.

An European resident, named George Sanson, swore to the prisoner Jousiffe having admitted to him that he was an Englishman, at the time when the prisoner and the witness were in the employment of a Mr. Parker of this Colony.

Mr. Parker, a respectable coloured trader in this river, deposed to nothing material in support of the prosecution. Indeed his testimony was, as far as it went, favourable to the prisoner; of whom he stated, that when in the employ of himself and partner, in the year 1826, at the Rio Nunez, he had redeemed with his employers' goods a boy from slavery. With this witness's evidence the Case for the Crown closed.

For the defence it was ingeniously attempted to establish that Jousiffe had kept a school in the Rio Pongos, in addition to dealing in the articles of lawful produce only which that river affords, and to have refused several offers to trade in slaves made by the natives. Three Mandingo men were put into the witness's box for this purpose. Their testimony, however, was very defective in point of time, as in their anxiety to clear their friend, one of them, who had a singular knowledge for an

African of the European mode of calculating time, declared that he and Jousiffe were living together in the Pongos, when Mr. Lewis knew the prisoner to have been a domestic of the late General Turner. One of these witnesses particularly alluded to a light-coloured man, said to be a Foulah, bearing a similar name to the prisoner, who is a great slave-dealer, an allusion apparently intended to support the assertion made in the defence, that the prisoner had been mistaken for this Foulah through their names being alike. Of the prisoner's identity, however, the witnesses for the prosecution had removed all doubt.

A fourth Mandingo man, who had resided a month with Jousiffe at his factory in the Pongas about 4 years since, stated he had never seen slaves there; and a fifth man deposed, that on paying a visit to Jousiffe he had neither seen slaves at his establishment, nor any offer made to the prisoner to purchase any.

William Brown, a liberated African, the person alluded to by the witness Parker, as having been redeemed by the prisoner from slavery in the Rio Nunez, was produced, and gave evidence to that effect. This witness said that his redemption took place about 8 years since, which was most probably incorrect, as Mr. Parker had stated on his examination that it occurred in 1826. Brown appeared to be a perfectly credible witness.

The occurrence to which he testified was, however, of date long prior to the regular settlement of Jousiffe in the Pongos.

John Thompson, also a liberated African, was the last witness called for the defence. He swore that he was sold into slavery by Duncan Campbell, Tom Cooke, and others, and was afterwards redeemed by Jousiffe in the Rio Pongas; whence he was sent to Sierra Leone by the prisoner, after he had remained at his factory for a period of 3 months. Of the parties concerned in conveying this witness into slavery, he added, that Duncan Campbell and Tom Cooke were tried and executed in November, 1831.

That portion of this witness's statements which applied to the above-named conviction of Campbell and Cooke appears confirmed by the Records of the Colony; but of the other portion no corroboration could be found.

The date of this alleged occurrence, your Lordship will observe, must have been soon after the condemnation of the Portuguese schooner "*Nympha*," in December, 1830, and at a time when the name of the prisoner was constantly publicly spoken of in connexion with the shipping of the slaves seized on board of that vessel.

It is, therefore, somewhat strange that so unexpected an act of humanity from Jousiffe as the one under notice should not have been made public. Had it been so, some one, at least, of the public Officers who were here at that date would have a recollection of the occurrence; but none of the persons of whom we have inquired ever heard of it. We cannot imagine that Jousiffe's friends would have been silent upon the subject at that particular moment; and the inference cannot, therefore, but be unfavourable to the character of the statement.

The public Prosecutor did not reply on the closing of the defence.

The statements of the two witnesses, who had been redeemed by Jousiffe, produced a very favourable impression upon the minds of the Jury by whom he was tried, and induced them, when giving a verdict of "Guilty," strongly to recommend the prisoner for mercy. The decision of the Jury was not given until after some length of time had been occupied in the consideration of their verdict, and was not received by the Court until 11 o'clock at night: the sentence was, in consequence, delayed.

In the mean time, on the 14th instant, another indictment was preferred against the prisoner for the offence of granting a Promissory Note, under date of July 3d, 1830, to pay to Francisco Morales three prime slaves (a Paper mentioned in the Report of the Case of the "*Nympha*"); and the Grand Jury returned thereon a true Bill.

The Crown Prosecutor named the 18th instant for bringing on the trial for this offence; but as, at the opening of the Court on that day, the prisoner was brought up under his previous conviction, and received a sentence of 14 years' transportation, the full term permitted by the law, the Queen's Advocate thought it unnecessary to proceed further against the prisoner, and declined prosecuting under the second Bill found against him.

For the sake of example in Sierra Leone, it seems almost a matter of regret that some punishment could not have been awarded which would have taken effect here

The nature of the punishment of transportation is far from being understood among the population of this infant Colony; and the benefit to be expected from the public punishment here of so notorious an offender as Jousiffe will, we fear, cease on his departure hence for some penal settlement.

In Mr. Schenley's Despatch to your Lordship, of the 30th July last, respecting Jousiffe's seizure, that gentleman mentions his having communicated with us upon this subject; and we now beg leave to acquaint your Lordship that we have, in replying to that Letter, given Her Majesty's Commissioners at Havana, a full account of the arrival here of Jousiffe, as well as of the manner in which his trial was conducted and has terminated.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

&c.

&c.

&c.

SIERRA LEONE. (*Spain.*)

No. 10.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 22d.)

Sierra Leone, 18th January 1837.

MY LORD,

WITH this Despatch we have the honour of handing to your Lordship our Report of the Case of the Spanish brig, "*San Nicolas*," Angel Calsamilia, Master, condemned, on the 2d instant, for being unlawfully equipped.

The "*San Nicolas*" was detained by His Majesty's brig "*Rolla*," at anchor at the Sea-bar, in the river Sherbro, where she had been laying for the previous six months, without any apparent object; as, with the exception of a few water casks, and some pieces of plank, she was entirely empty, though the Master of her declared he was preparing to go to sea.

The Commander of the "*Rolla*," in his Declaration, stated, that he seized the "*San Nicolas*," for having more bulkheads than requisite for her as a merchant vessel; a small portion of a slave deck and fittings; and hatches, with open gratings, the last of which charges only the evidence produced was sufficient to establish, and upon which she was ultimately declared to be a good prize to the Governments of Great Britain and Spain.

The unlawful hatch of this vessel was one of rather a peculiar description; it was, in fact, a fore and a main hatch placed together, and forming one hatch, or hatchway, of a very extraordinary size, even for a slave vessel. This circumstance suggested a novel point, as to the application of the first section of the Equipment Article, which declares that suspected vessels must have *hatches* of the kind prohibited; whereas, in this instance, there was but one. In giving our decision herein, we observed, that were we to admit that strict and literal reading of the part of the Treaty referred to, which would place this vessel beyond its operation, we should thereby entirely lose sight of the spirit of the Treaty, and render it, to a certain extent, a nullity. We, therefore, stated our conviction, that the equipment of the "*San Nicolas*," in respect to her large main hatch, brought her within the meaning of the first part of the Equipment Article.

The Master entirely failed in proving her to have been engaged in a lawful voyage; as we think will fully appear in the Report of this Case, where we have given our reasons at length for this conclusion.

We hope that our reading of the first part of the 10th Article of the Treaty, as applied in this instance, will be considered by your Lordship as according to the true spirit of the Convention; and, as a different construction would have led to the inconsistency of our defeating the declared object for which the solemn compact in question was entered into, we felt unable to take any other view than the one upon which we have acted.

Throughout the course of this vessel's employment under her late Master, her proceedings have been of a very suspicious character. On leaving the Port of Trinidad de Cuba, to which she belonged, instead of pursuing the route given in her official Papers, and proceeding to St. Paul de Loando, she went to New York, and the rig of the vessel was there changed from that of a schooner to a brig, which she was when brought in here. Subsequently, she went to Danish St. Thomas, where a new crew was shipped, and the cargo brought to the Sherbro was embarked. From the time of her departure from Cuba she had but one Officer (the Boatswain), besides the Master, an arrangement which is extremely unusual, even in small vessels. The prevarication of the Master as to where the voyage would terminate was very pointed, and, when connected with the numerous other questionable circumstances of the Case, led to a conviction of the "*San Nicolas*," having been

CLASS A.

engaged in a prohibited pursuit, and which could on this Coast have only been the Slave Trade.

The "*San Nicolas*" was an American built vessel, and formerly bore the name of "*Grande Marie*," when she was in the Columbian service as a Privateer.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. CAMPBELL.

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

&c.

&c.

&c.

Enclosure in No. 10.

Report of the Case of the Spanish brig, "San Nicolas," Angel Calsamilia, Master.

This is the Case of a vessel found under Spanish colours, and with the Papers hereunder mentioned, showing that she belonged to the Port of Trinidad de Cuba:

1. A Royal Passport, No. 135, dated 26th October, 1835, stating that the brig was bound on a lawful commercial voyage to St. Paul de Loando, New York, and St. Thomas. The usual prohibition against engaging in the Slave Trade is on the back of the Passport.

2. Muster-roll, and Arm Licence for 23 men, and 6 guns, 2 12-pounders, 3 18-pounders, and 1 4-pounder. It is peculiar that in this Roll the Master and Boatswain are the only Officers mentioned to belong to so large a vessel and crew.

The Endorsements on this Document are dated at the Spanish Consulate at New York, on the 4th, and 27th February, 1836, and describe that the vessel arrived there on the 21st November, 1835; that many changes had taken place amongst the crew; and that the rig of the vessel had been changed from that of a schooner to a brig.

3. Is a Muster-roll, showing that the "*San Nicolas*" cleared out from Danish St. Thomas, on the 28th April, 1836, having still 23 men on board.

4. Bill of Health, from New York, dated 2nd February, 1836.

5. A similar Document from St. Thomas, dated 27th April, 1836.

6. Custom-house permit for departure from St. Thomas, dated 28th April, 1836, and stating the detained vessel was bound to St. Paul de Loando.

7. A Log-book, written occasionally in Spanish, but chiefly in French; bearing date from the 28th April, to the 7th June, 1836, and describing a voyage, direct from Danish St. Thomas to the river Sherbro.

From these Papers it appears, that the "*San Nicolas*" did not proceed from Trinidad de Cuba, to St. Paul de Loando, which is the first Port named in the destination assigned to her in the Royal Passport, but went first to New York, and then to Danish St. Thomas, the other 2 places mentioned in that Document. Ultimately she came, as before stated, to the river Sherbro; at which place she was found lying at anchor, by Lieutenant Glasse, Commander of Her Majesty's brig, "*Rolla*," who, conceiving her to be fitted for the Slave Trade, detained, and sent her here for adjudication.

The Marshal to the British and Spanish Mixed Court, reported, in the usual manner, the arrival of this vessel on the evening of the 10th ultimo.

On the 12th December, the Captor's Proctor brought in the Papers of the said vessel, duly authenticated by the Captor; at whose instance the Monition, calling upon all parties interested to appear, went forth, and the witnesses produced were ordered for examination.

The Declaration of Lieutenant Glasse states that, on the 2d of December 1836, being at the Sea-bar, an outlet of the Sherbro river, he detained the brig or vessel named the "*San Nicolas*," sailing under Spanish colours, armed with 4 guns, 18 and 9-pounders, commanded by Angel Calsamilia, who declared her to be bound from *St. Thomas to Trinidad*; and that he had detained her for having hatches with open gratings instead of the close hatches, which are usual in merchant-vessels, and also for having divisions or bulk-heads in the hold in greater number than necessary for a vessel engaged in lawful trade, and having also a small portion of a slave-deck and fittings for the same, being contrary to the 10th Article of the Spanish Treaty of the 28th of June, 1835.

A Commission of Survey of the detained vessel was issued at the request of the Captor's Proctor, in order to support the statements of illegal equipment contained in the Declaration respecting the seizure, the first Report under which was made on the 13th ultimo; an addition to it was subsequently made on the 22d, to clear up some points which the Captor considered essential to his case; and a second on the 30th ultimo, for the satisfaction of the Court. The substance of these three Reports, which we have embodied, is as follows:—The Surveyors found the main-hatchway larger than usually seen on board merchant-vessels of the class of the detained brig, fitted with hatches of wood-grating boarded over. It bore no marks of recent enlargement on the fore-part, but the after-part of the coamings appeared to have been repaired a long time since. The fore-part of the present main-hatchway appeared to be in the place where the fore-hatchway usually is in vessels of her class; and the said main-hatchway was about the size of a fore and main-hatchway together, of the description usually seen in merchant-vessels of her size: the gratings of the said hatchway appeared to have been boarded over about 4 months. There was no fore-hatchway, but the fore-scuttle (or entrance from the deck into the fore-castle), was fitted for an open grating, which was, however, not found on board; the after-hatch not larger than usual. Two scuttles cut, one on each side of the deck a little before the main-mast, but which appeared to have been some time boarded up; a bulk-head dividing fore-castle from main-hold, one dividing the main from the after-hold, and another separating the former Captain's cabin from the after-hold. The division or bulk-head, dividing the main from after-hold or steerage, was not a temporary one, but appeared firmly fixed and to have been nailed a considerable time, and was such an one as is usually seen in merchant-vessels; and the Surveyors believed the said after-hold to have been intended for a steerage. Found a large opening (not a doorway) and two small scuttles or windows in the bulk-head, dividing Captain's lower cabin from the steerage. The large cabin on deck had a scuttle communicating with the cabin below, and through the steerage with the main-hold, making in all one hatchway and two scuttles, besides the main-hatchway. The

after-hatchway was not fitted for gratings. The surveyors were of opinion, that the number of bulk-heads was not in greater number below than was necessary for such a vessel engaged on the coast of Africa in a lawful trading voyage. A shifting or unnailed deck laid in the fore-castle, or fore-part of the hold; and 5 pieces of spare plank, in all about 70 feet, were also found on board; the planks were not marked or numbered. The Surveyors were of opinion that the plank was intended for repairing the vessel. The height from the deck in the fore-castle to the deck-beams was 2 feet 8 inches. There were observed on each side of the hold marks where cleats had been nailed, which cleats appeared to have been some time removed. The height from the said cleat-marks to the deck beams was 3 feet. Two leaguers and two puncheons only were on board, and which formed an unusually small number of casks for a vessel of her class: they were, in all, capable of containing about 740 gallons of water, a quantity not sufficient for her crew. The two leaguers were filled with salt water, and contained about 500 gallons. The puncheons were empty. The cabouse was larger than usually seen on board merchant-vessels of her class, the back of which was fitted for a large boiler. The Surveyors were of opinion that, from the present appearance of this cabouse, it had been in use about 4 years, and that the back part of it was fitted to receive a boiler sufficiently capacious to cook, at one time, enough provisions for a meal for 400 slaves.

The witnesses in preparatory, produced by the seizer's Proctor, were the Master of the detained vessel and two of his seamen; who were all examined by the Registrar, on the 19th ultimo, on the standing as well as on the special interrogatories.

The Master, Angel Calsamilia, deposed as follows:—"He was born at San Augustin, in Florida; has lived at Trinidad de Cuba for the last 11 years; has never served any state but Spain, and is not married. He appointed himself to the command; received possession in Trinidad de Cuba in October, 1835, from Juan Martin Hidalgo, a resident of Trinidad de Cuba, and a Spanish subject; first saw the vessel there and then; believes she was built at Baltimore. He was present when the vessel was captured; does not know for what reason she was detained; had no colours but Spanish. The vessel's name is '*San Nicolas*;' believes she was formerly called '*Gran Maria*,' but cannot say when; she is 226 or 227 tons burthen, and had 22 officers and mariners exclusive of witness, all Spaniards except a few mariners, whom he believes belonged to St. Thomas' (West Indies); all shipped and hired by witness in April last, except two mariners whom he had hired at Trinidad in October, 1835. None of the officers or mariners had any interest in the vessel; there is no cargo; was Master on board; there was no passenger except the man who is acting cook, whose name is Luis; took the said Luis on board at St. Thomas', on condition that he worked his passage to St. Paul de Loando. The present voyage commenced at Trinidad; cannot say where it was to have ended, as he was under the direction of the Supercargo, Pedro Lafarque; the last clearing port was St. Thomas' (West Indies); from Trinidad the vessel went to New York, in ballast, and from thence with a freight of merchandise to St. Thomas'; and, having discharged the cargo there, took another freight, from a different party, of powder, muskets, cutlasses, &c., for St. Paul de Loando; from St. Thomas' the vessel then proceeded to Sea-bar, where the cargo was landed, and the Supercargo went ashore to trade. He first saw the capturing vessel about 8 days after her boats had seized the '*San Nicolas*;' capture took place on the 2d of December, while the vessel lay at anchor in Sea-bar. There are 4 guns mounted; and about 40 or 45 muskets were purchased with the vessel at Trinidad, for defence against pirates; does not know what quantity of cutlasses and ammunition there might be; there was no resistance made; there were no instructions to make any, or to avoid or escape capture, or to conceal or destroy any of the vessel's papers. He is himself sole owner of the vessel; resided at Havana before he lived at Trinidad de Cuba. There was a Bill of Sale from Juan Martin Hidalgo to witness, dated in October at Trinidad de Cuba; does not recollect the witnesses names. The said Document witness had with him; but some time before he was captured, whilst confined to his bed with fever, his trunk was broken open and the Papers named taken out; the price of the vessel was 2,000 dollars, paid in cash, and was a fair equivalent for the vessel; the sale was a true one, and the vessel will belong to witness if restored, and to no other person; there was no private agreement. There is no cargo on board. The cargo shipped at St. Thomas', witness believes was the property of the Supercargo, Lafarque, as he laded it and hired the vessel; believes Lafarque to be a resident of Porto Rico, but knows nothing further about him. The lading from New York to St. Thomas' was chiefly bales of cloth. This is the first voyage witness has been in the vessel, and knows nothing of her former voyages. The Papers delivered up were all true and fair. No Papers were concealed, destroyed, or made away with to his knowledge. He cannot say whether there are any Papers in any country relating to the vessel or cargo. The Bill of Sale, Charterparty, Registro, and some other Papers which he does not particularly recollect, were stolen, as he has already stated, while he was ill; but he does not know by whom they were taken or whether they were destroyed. The Charterparty was between witness and Hidalgo (on behalf of Lafarque) for 5,500 dollars: it was dated at Trinidad de Cuba in 1835. The vessel is not insured; does not know if the cargo was. The vessel was under the management of the Supercargo in regard to her trade. Bulk was broken at Sea-bar, and the cargo landed.

"The hatches are fitted with gratings of wood, but they are boarded over; cannot say what the gratings were for; has heard the vessel was once a Columbian privateer, and supposes the hatches were grated on account of the 'number of the crew.' The coamings of the hatchways are bored, but there are no iron bars for securing the hatches. There is a round-house on deck, and there are the bulk-heads of the cabin and fore-castle below. There are two or three planks on board, does not know their description, they are not fitted to any place, and were intended for necessary repairs. There is no part of a slave-deck laid; the floor of the fore-castle is a moveable one, but was not intended or fit for a slave-deck; the place below was used for stowing blocks, ropes, and other stores. There were no shackles, bolts, or handcuffs. There were only four water casks, and there were no other means of conveying water; cannot say how much water the said casks might contain. There were twelve or fourteen bundles of staves cleared from St. Thomas' for palm-oil; they were sent ashore at Sea-bar with the rest of the cargo; they were entered in the Registro which was stolen, but no security was given at the Custom-house, none was required. He does not know how many mess tins there might be; thinks about two or three. There was only one boiler on board for the use of the crew, and fit for no other purpose; cannot state the size; the cabouse is made to receive a large boiler, but there has never been one since witness purchased the vessel; supposes the cabouse must have been made so on account of the number of the crew of the vessel when she was a privateer. There was a very small quantity, about half a bushel, of rice on board."

Louis Courent, one of the seamen of the detained vessel, confirmed by his evidence the Master's testimony in the most important points, and particularly as regarded the "*San Nicholas*" going direct from St. Thomas' in the West Indies to Sea-bar, and there landing the outward cargo, and its alleged Owner, Lafarque. This witness contradicted the Master as to Lafarque's place of residence, which he declared was St. Thomas'. He also knew more of the vessel's history than her Master and alleged Owner, stating that he first saw her in 1832, when she was a Columbian privateer, and named "*Grande Marie*." Of the vessel's papers, Courent swore he was totally ignorant.

In reply to the special questions touching the vessel's equipment, Courent deposed similarly to the Master; excepting as to the number of water-casks; of which he stated there were never more than 5 altogether, 1 of which, of 150 gallons, had been sent ashore at Sea-bar to the Supercargo, leaving 4 on board.

José Cordovo, the other seaman produced as a witness, was, like the previous one, embarked at St. Thomas'. He appeared to be very ignorant of the affairs of the vessel, the object of her voyage, and of what the outward cargo had consisted. Of the Ship's Papers and the ownership of the cargo he declared he knew nothing whatever. He, however, confirmed the evidence of the 2 witnesses who had been examined as to the vessel having come direct to the Sea-bar from Danish St. Thomas', and having landed her cargo in that river.

Respecting the vessel's equipment he differed a little from the other witnesses. He stated that, in addition to the 4 water-casks then on board, they had had 6 or 8 others, which were sent ashore at the Sherbro to be "*repaired*," and that he had never seen any staves on board.

With this evidence the case for the prosecution closed.

The Master and alleged Owner of this vessel appeared as claimant of her, and on the 17th ultimo presented a petition to be allowed to file a claim and his affidavit in support thereof.

The claim in question having been tendered by his Proctor in an irregular manner according to the practice of the Court, and containing also much irrelevant matter respecting a cargo, said to have been on board of this vessel; which cargo, however, did not appear by the proceedings in the case to have been brought before the Court; and the ownership of the vessel being differently stated in the claim to what it was in the affidavit; the prayer of the petition to file these Papers was not granted.

On the 21st ultimo the Claimant's Proctor brought in an amended claim and affidavit, which he requested permission to file, explaining, that the difference which had appeared as to the ownership of this vessel between the former claim and affidavit in verification of the same was entirely the error of the lad he employed as his copying clerk. This petition was in consequence granted.

The affidavit in support of the claim exhibits the defence of the Master against the prosecution instituted by the Seizor, and is to the following effect:—

"Appeared personally the said Angel Calsamilia, the Master of the said Brig or vessel, 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 her capture or seizure by His Britannic Majesty's brig-of-war "*Rolla*," F. H. H. Glasse, Lientenant and Commander, and that the said Brig was seized and detained on the 2d day of this present month of December, while lying at anchor in the Sea-bar river, in the prosecution of her voyage from St. Thomas' along the Coast of Africa. And he further maketh oath, that he 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 and lawful Owner and Proprietor of the said Brig, her tackle, apparel, and furniture; and that Pedro Lafarque is the Owner of the cargo, which was on board the same at the time of her departure from St. Thomas', and that he acted as Supercargo of the said vessel. And the deponent further maketh oath, that he verily believes the said Brig and her cargo are protected by the Treaty or Convention between His Britannic Majesty and Her Catholic Majesty, bearing date the 28th of June, 1835. And deponent further maketh oath, that the said Brig has been detained in the said Sea-bar river ever since the month of June last by the illness of this deponent, and the greater part of the crew of the said Brig, that the said Pedro Lafarque, as Supercargo aforesaid, and for greater security, caused the cargo on board the said Brig, with which she arrived in the said Sea-bar river, to be landed, with the intention of trading in the produce of the country if possible, and that a little while before the said seizure and detention as aforesaid, deponent being partly recovered, repaired on board with his crew in order to make preparations to leave the said Sea-bar river. And he further maketh oath, that no person or persons other than himself have any right, title, or interest in the said Brig. And he verily believes that the said Pedro Lafarque was the sole Owner of the cargo laden on board at the time of the departure of the said vessel from St. Thomas', and which was landed as aforesaid. And deponent further saith, 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."

On the same day that the amended claim came in, permission was granted to file, on behalf of the Claimant, an Affidavit of one of the seamen of the detained vessel, which is here transcribed.

"Appeared personally Antonio Ribeiro, who being duly sworn, makes oath and says, that he is a seaman belonging to the said Brig, that he has known the said Brig upwards of 3 years, she was formerly a brig schooner, and employed between the Havana and North America. Has heard also, and which he verily believes, that she was a Columbian Privateer. At the time the present Captain purchased her she had a revolving gun, this the Captain sold at St. Thomas', heard him say he had no need of it on his intended voyage to the Coast of Africa; cannot observe any alteration in her fittings than what the said Brig had before she was purchased by the present Master; deponent fully believes she once had open gratings, on account of her being a Privateer, but thinks they must have been boarded over when she left that service, is positive she is in the same state now as when she came into possession of the present Master."

Publication of the Claimant's Case was granted, on his application to that effect, on the 23d ultimo; and a joint Petition from the Proctors on both sides for a day of trial, was received on the 27th following.

The Monition, issued in the Case on the 12th, was returned on the 19th, with the Marshal's Certificate of its having been regularly served.

On the 2d of January the Court assembled for the trial of this vessel, when the various Documents which had been filed in evidence in the Case having been read, the Proctors on both sides were heard on behalf of their clients.

The Proctor for the captors argued, that the report of the Surveyors who had examined the fittings of this vessel, so far supported the charge made against her of being illegally equipped as to establish,

according to the meaning of the 10th Article of the Treaty of the 28th June 1835, a *prima facie* Case of unlawful equipment; and that it was for the Claimant, therefore, to convince the Court, if such were practicable, that he was legitimately employed when detained by His Majesty's Brig "Rolla."

The Proctor for the Claimant endeavoured to throw doubt upon the judgment of the Surveyors to the Court, so as to weaken, if possible, their evidence as to the equipment of the vessel, and contended that the fittings, which were considered unlawful, and adapted to the Slave Trade, were never intended for that purpose, but had been placed in the vessel previous to her being the property of her present owner. In conclusion, the Proctor dwelt upon several points of the evidence which had been received on behalf of his client, and which he declared were, to his mind, so satisfactory and clear, as entirely to exonerate the claimant's vessel from the charges brought against her.

The Court then gave judgment in the Case.

The charges which had been preferred against the "San Nicolas," by her seizer, were her having hatches fitted with open gratings, a greater number of divisions or bulkheads than were necessary for a vessel engaged in lawful trade, and having a small portion of a slave deck, and fittings for the same on board.

One only of the three charges of illegal equipments abovementioned we considered has been at all supported by the evidence adduced in the Case, viz., that of having an unlawfully fitted hatch; and which charge we therefore proceeded to investigate, in order to decide the fate of this vessel. The testimony of the sworn Surveyors upon this point was, that the main hatchway "was very much larger than usually seen in merchant vessels of her class, and fitted with hatches of wood grating boarded over."

The explanation of the Master and alleged Owner of this vessel respecting the main hatchway being thus fitted consisted simply of an acknowledgment of its being in the state represented, and an assertion of his ignorance of what the said gratings were for; adding, that "he supposed they might have been so fitted when she was a Columbian Privateer on account of the number of her crew."

From this statement it was plainly desired, that we should infer the detained vessel was then in the same condition as when she came into the possession of the Master; his not speaking out openly and fairly on this point, upon which he could not pretend ignorance, we thought might have been with some sinister object. The Master probably imagined that, if he could first impress the Court with a belief that the vessel was precisely in the same state as when he bought her, the difficulty as to the open grated hatch with which his vessel was supplied was partially, at least, got over; and that as there existed no other direct and established charge against her, her empty state, and the absence of positive proof as to the employment of the "San Nicolas" in the Sherbro, might have led to acquittal.

The only witness produced in the defence by the Master was a seaman named Antonio Ribeiro, who supported the abovementioned equivocal testimony of his Captain by very direct swearing. Ribeiro deposed, that the vessel's equipment was then the same as it was before the Master bought her, excepting only as regarded a revolving gun, which the Master had sold out of the vessel at St. Thomas'. With this meagre explanation and defence the Master left his Case for the Court's decision.

In this prosecution there appeared a novel feature, to which, as it apparently admitted of some degree of doubt respecting the application of the first section of the Equipment Article of the Treaty, we deemed it advisable to allude at the time of adjudication. The point in question was, that in this instance it had been proved the *main hatchway* only was fitted with open gratings, whilst the part of the Treaty above referred to expressly declares that a suspected vessel must have "hatches fitted with open gratings." In coming to the determination to consider the fitting of the "San Nicholas" main hatch or hatchway, as sufficient to bring her within the operation of the above quoted first section of the Equipment Article, we were influenced by the following consideration:—That it is an admitted principle that the interpretation of a Treaty should ever be in accordance with the intention of the framers thereof, so that it may have its real effect, and not prove vain or nugatory. Under this impression we referred to the Treaty to ascertain the object therein declared to have been contemplated by the High Contracting Parties in framing that Convention, and found that the intention therein expressed was "effectually to abolish the traffic in slaves." In order to effect an object of such importance with greater certainty, the equipment of a vessel in that peculiar manner which is only required for a slaving voyage, was declared by that Treaty to constitute *prima facie* evidence of the guilty occupation of a vessel so fitted. If, therefore, a vessel so equipped in respect to her hatches as this one appeared to have been, the fore and main-hatch being actually combined in one, and thus forming an extraordinary large hatchway capable of affording as much air to those who might be placed on a lower deck, as though the usual fore and main-hatches had been adopted, were to be considered as excluded from the operation of the Treaty, an opening would be at once made for the frustration of the object for which the Treaty had specially been entered into. Such a literal interpretation of the words of the Treaty, we felt would have been very narrow and imperfect, and particularly so when it is expressed in the said Equipment Article, that "any one" of the circumstances specified therein shall be considered sufficient evidence whereon to found a *prima facie* case of unlawful employment against a vessel.

The more we looked into the Treaty, the more firmly were we impressed with the conviction, that the expressed and implied intentions of the High Contracting Parties in making that Treaty were, that no British or Spanish vessel should be to any extent whatever prepared for, or should engage in the Slave Trade, without being thereby made liable to the penalty prescribed by that Treaty for such proceedings.

In that part relating to the hatches of a vessel, it is declared unlawful to have other than "the close hatches usual in merchant vessels;" thereby evidently implying, according to our reading of the section in question, that the hatches should, in addition to being close, be of the *size* usual in merchant vessels, and which was not the case on board of the "San Nicolas," her main hatchway being twice the *size* of the hatches usually met with, and which large hatches are requisite only where it is intended to carry a human cargo.

In deciding, as previously mentioned, that the open grated main-hatch of the "San Nicolas" brought her fairly within the meaning of the first section of the Equipment Article, we were under the firm belief, that we were only acting up to the real intentions of the framers of the Treaty, and which Treaty forms the rule of our proceedings in the British and Spanish Mixed Court of Justice.

Respecting the boarding over the open gratings of the main hatchway of this vessel, which was particularly dwelt upon by the Claimant's Proctor as making them a close hatch for the purposes of the Treaty, we briefly remarked, that the rejection of this perfectly indefensible excuse would in this instance take place upon the same principle as had been laid down in the cases of the "General Mina" and "Luisita," to which particular reference has been made in the Report of the last-named case. We could not deem it a lawful excuse, even if it had been satisfactorily proved that the vessel was only equipped in the same manner as when she was bought by her present Master. It is the duty of an Owner to have his vessel fitted out and navigated in strict conformity with the laws of his own country, and the fact of his avoiding or neglecting to do so, entails upon him when detected the consequence of that transgression. In dismissing this point we thought it as well to observe, that the evidence of the Surveyors proved, that the boarding over of the gratings was of recent date; a statement which the personal inspection of one of ourselves served to confirm.

A clear *prima facie* case of equipment for the Slave Trade was thus made out by the seizor of the "San Nicolas," and it only remained to ascertain how far the Master and Owner of the "San Nicolas" had, in compliance with the 10th Article of the Treaty, attempted to clear his vessel of the charge in question, by establishing on satisfactory evidence, that she "was at the time of detention, or capture, employed in some legal pursuit."

To the claim of the Master we naturally looked for some information on this head; but only observed therein the following scanty explanation, that the vessel when detained at Sea-bar was in "a voyage from St. Thomas' along the Coast of Africa." The vessel's Papers state, that she was bound direct from St. Thomas' to St. Paul de Loando; and the Master, at his examination in chief, also declared, that the cargo from St. Thomas', which was landed in the Sherbro, was shipped for Loando.

At the time of [detention the Master stated he was bound from St. Thomas' to Trinidad de Cuba; when first examined, that he did not know the destination of his vessel; and in his claim, that he was bound along the Coast of Africa.

The Papers which might have thrown light upon the employment of the vessel, and shown who were really interested in her, viz. the Charterparty, Bill of Sale, and Custom House Clearance, are said by the Master to have been stolen, with other documents, whilst he was ill in the Sherbro; and thus the inconvenience which may have reasonably been anticipated by their production in Court, was readily and conveniently got over.

The absence of the Supercargo was not, however, so easily explained as that of the loss of some of the Ship's Papers. From that man, evidence of importance might have been expected as to the particular objects for which the "San Nicolas" went into the Sherbro. The Master in his claim, without giving any information on this point, only remarks, that the Supercargo Lafarque landed the cargo in that river "for greater security, and with the intention of trading in the produce of the country, if possible."

The absurdity of placing a cargo of goods in the hands of a Native Chief for protection is too great to need further observation, than that the very opposite result to that anticipated would have followed such a course. The other portion of the sentence, as to the Supercargo's intention "to trade in the produce of the country if possible," is very equivocal. It was not attempted to show what kind of produce was sought by them, or what course would have been pursued had the Supercargo's alleged very laudable intentions been frustrated, if the productions of the soil had been unobtainable, and which may be imagined was the case, as it was declared that the Brig was found empty at the time of seizure, although preparing to go to sea.

The "San Nicolas" having been six months at one of the most notorious slave marts on the coast, without having, as far as could be learned, collected any thing in the shape of a lawful return cargo; we think the only reasonable inference to be drawn from these facts is, that the vessel was intended to carry a cargo of slaves thence. If a legal voyage only had been contemplated, the Master would not have neglected to bring forward the Supercargo, who was within a short distance of this place, to assist by his evidence in establishing the legality and honesty of their engagements. The Master's neglect of proving that the voyage in which he had been seized was lawful, we held to be a proof of his incapacity so to do; conceiving that no one would thus knowingly have so far lost sight of his real interest, if the opposite course could have been followed. The whole of the Defence, excepting as to the boarding over of the gratings for the main hatch, rests upon the statements of the Master, which are mainly unsatisfactory, when it might and ought to have been supported by other witnesses, who could have been produced had such been the wish of the Claimant. Connecting the foregoing circumstances with the corroborative evidence afforded by the fact of this vessel being equipped with a regular slave cabouse, complete in all respects except as to the large slave boiler, for the reception of which, however, it was prepared; the sides of the main hold bearing the marks where slave deck cleats have been fixed, and respecting which the Master has taken no notice whatever; the coamings of the main hatchway being bored for hatch-bars, and the present state of the original cabin through a round house having been built over it on the deck, and which has rendered the lower cabin unfit for the habitation of human beings not treated and dealt with as slaves usually are, we could come to no other conclusion than that the "San Nicolas" was engaged in a slaving voyage when seized.

This opinion is to a considerable extent confirmed by the contradictory and confused evidence given by the witnesses in the Case as to the means they had of carrying water in this vessel, and which it was evident had been fully sufficient for her use as a slave vessel.

The empty state in which this vessel was found when detained; the absence of several of her Official Papers, and of a log-book containing the vessel's proceedings during her stay in the Sherbro; the declaration of the Master that he bought the detained vessel for 2,000 dollars, and that through the same man who sold her, he immediately negotiated the Charterparty for the present voyage, which was to produce him the exorbitant amount of 5,500 dollars; and the conflicting statements made by the Master as to the termination of the voyage in which she had been met; were circumstances well calculated to arouse in our minds unfavourable suspicions as to her employment.

With such evidence before us respecting this vessel, we felt it was utterly impossible to come to the conclusion, that it had been satisfactorily proved the detained vessel was engaged in some lawful pursuit when seized by the Commander of His Majesty's brig "Rolla" at Sea-bar; and which conviction it was necessary should have taken place in order to relieve the said vessel from the consequences of having been found with a hatch declared by the Treaty of 28th June, 1835, to be unlawful.

We therefore passed a Sentence on the Spanish brig "San Nicholas," condemning her as good prize to the Governments of Great Britain and Spain.

(Signed)

WALTER. W. LEWIS.
H. D. CAMPBELL.

Sierra Leone, 18th January 1837.

No. 11.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 22d.)

MY LORD,

Sierra Leone, 18th January, 1837.

In this dispatch we have the honour to forward our Report of the Case of the Spanish pilot-boat, "Lechuguino" José Maury, Master, condemned on the 10th instant, on the prosecution of Lieutenant Glasse, commanding His Majesty's brig "Rolla," and seizor of the detained vessel.

The Master, José Maury, is well-known to the Courts as an old and determined slave trader, having been now no less than four times brought under their notice. His Majesty's Commissioners have already laid before your Lordship the full history of this notorious individual in their Dispatch marked "Spain," of the 12th September, 1834, to which we would beg to draw attention. The 4 Spanish vessels with which Maury has been proved to have been connected, namely the "Gazeta" in 1820, the "Atafa Primo" in 1830, the "Maria Isabel" in 1834, and lastly, the "Lechuguino," all belonged to St. Jago de Cuba, of which place Maury declares he has been a resident for the last thirty years; and at which these vessels were furnished with the necessary papers for their respective voyages. It would be difficult to adduce a more convincing instance of the inutility of the Spanish penal laws respecting the Slave Trade, than the one afforded by the often repeated adventures of this Spaniard.

The "Lechuguino" was captured in the Rio Pongas, a river in the immediate vicinity of this colony, after having embarked 49 slaves, all of whom were living at the time of their emancipation.

The "Lechuguino" did not, as Maury has stated in his examination, proceed direct from Cuba to the Cape de Verdes, but went first to Danish St. Thomas', and there embarked some part of her outward cargo.

This vessel was called the "Oriente" at the time of her purchase by Maury from one Pablo Frexas, a Master-mariner of St. Jago de Cuba, in April of last year.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

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

&c.

&c.

&c.

Enclosure in No. 11.

Report of the Case of the Spanish pilot-boat, "Lechuguino," José Maury, Master.

The "Lechuguino," bearing the flag of Spain, was, on the 27th December, 1836, found at anchor in the Rio Pongas by His Majesty's brig, "Rolla," under the command of Lieutenant Glasse, who detained that vessel for having on board 49 slaves, embarked 2 days previously at Bangala in that river.

The Papers delivered up to the Seizing Officer were as follows:

1. Provisional Passport from the Governor of Cuba, for the "Lechuguino" to make a voyage of lawful commerce to the Cape de Verde, and St. Thomas' islands. This document is numbered 39, and dated at St. Jago de Cuba, 12th April, 1836; and contains a prohibition against engaging in the Slave Trade.
2. Muster Roll.
3. Custom-house Clearance; and
4. Bill of Health; all from St. Jago de Cuba.
5. Certificate of the Bill of Sale, dated St. Jago de Cuba, 9th April, 1836; wherein José Maury appears as the purchaser, and a Spanish Master-mariner of Cuba, named Pablo Frexas, as the seller of the vessel, for the sum of 410 dollars. The "Lechuguino" under her late Owner bore the name of the "Oriente."
6. A Clearance from Danish St. Thomas' in the West Indies, dated 18th June, 1836.
7. A Log-book of the voyage from Cuba to the Cape Verdes, and during the vessel's stay in the Rio Pongas.

The "Lechuguino" reached this harbour on the 2nd instant, when the Marshal and Surgeon to the Court visited her and made their usual Official Reports. The Surgeon found the slaves clean and healthy, and that no casualty had occurred amongst them, but from the disproportionate size of the vessel to the number embarked, he recommended the slaves being landed as soon as possible; which was carried into effect the following day, the Proctor for the Seizor having that morning brought in a petition to that effect, together with the Ship's Papers duly authenticated, and the Captor's declaration

respecting the seizure of this vessel. At the same time the customary Monition went forth, and the evidence in the case was directed to be taken.

From the Declaration of Lieutenant Glasse, it appeared that he had detained the "*Lechuguino*" as above-mentioned in the Rio Pongas, having Spanish colours flying, and commanded by José Maury, who declared her to be bound to St. Jago de Cuba, with the 49 slaves then on board, and who had been shipped at Bangala in that river.

On the 6th January the witnesses produced by the Seizor, José Maury, the Master, and Francisco Franka, the Boatswain of the detained vessel, underwent examination on the standing Interrogatories.

The Master deposed that he "was born in Catalonia, has lived with his wife and family at St. Jago de Cuba for the last 30 years; has never served any state but Spain. He appointed himself, being Owner; received possession at St. Jago de Cuba in April last from the former Owner, Don Pablo Frexas, a Spanish subject residing in Cuba; first saw the said vessel there and then; she is North American built. He was present when the vessel was captured for having slaves on board; had no colours but Spanish. The vessel has never been called by any other name than "*Lechuguino*;" she is 40 tons burthen; and had 9 officers and mariners exclusive of witness, all Spaniards, hired and shipped by witness in Cuba in April last. He is himself sole Owner of both the vessel and cargo. The present voyage commenced, and was to have ended, at St. Jago de Cuba, and the last clearing port was St. Jago Cape Verdes; from Cuba the vessel went to Cape Verdes, where she remained 2 days, and not finding an opportunity to trade went to the Rio Pongas, where he purchased slaves. He first saw the capturing vessel outside the bar of the Pongas 4 days after her boats had seized witness's schooner; capture took place on the 27th December, whilst the "*Lechuguino*" lay at anchor in the Pongas; there was no chase, or attempt made to escape. There were only 10 muskets, and as many cutlasses, for the defence of the vessel; no resistance was made, there were no instructions to avoid capture, or for concealing, or destroying, any of the vessel's Papers. He lived in Catalonia before he resided in Cuba. There was a Bill of Sale from Frexas, which was given up at the time of capture; the price was 400 dollars (the vessel being in bad condition when witness purchased her), and was paid down; if the vessel be restored she will belong to witness only, there was no private agreement. He is sole Lader, Owner, and Consignee of the cargo; the slaves now on board he intended to land at St. Jago de Cuba on his sole account and risk; and if restored they will belong to him only. He knows nothing of the last voyage; the cargo shipped at Cuba on the present occasion consisted of rum, tobacco, and cloth; 49 slaves were shipped altogether, all from the shore; does not know their descriptions, none died before or since capture; was taken direct to Sierra Leone after capture. The Papers were all true and fair. No Papers were destroyed, concealed, or made away with. There are no Papers besides those delivered up. Bulk was broken in the Rio Pongas, no slaves have been disembarked since capture."

Francesco Franka, the Boatswain, confirmed the foregoing evidence, with the exception of that part which has reference to the Bill of Sale, and the price of the vessel, of which he said he knew nothing.

Publication of this Case was granted on the 7th instant, to the Captor, when his Proctor petitioned for a day of trial.

The Monition which had issued on the 3d instant, was returned by the Marshal, certified to have been properly executed, on the 10th; and the Court having appointed that day for the adjudication of the vessel, assembled accordingly. The evidence in the Case fully established the illegal employment of the "*Lechuguino*" at the time of her detention by His Majesty's brig "*Rolla*;" a Sentence of Confiscation was therefore passed on the vessel and her cargo, as well as a Decree of Emancipation on the 49 slaves seized on board of this vessel.

Sierra Leone, 18th January, 1837.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

No. 12.

His Majesty's Commissioners to Viscount Palmerston.—(Rec. April 22d.)

MY LORD,

Sierra Leone, 20th January, 1837.

THE Report, which we have now the honour to enclose herewith, is that of the Spanish schooner "*Experimento*," Joaquim de Andricain, Master; seized by His Majesty's brig "*Rolla*," and condemned in the British and Spanish Mixed Court of Justice, on the 12th instant, for illegal equipment. The place of detention was the Rio Pongas.

This vessel belonged to Matanzas, and was said to have been the property of the Master, who formerly commanded the Spanish schooner "*Gaceta*," condemned here on the 5th July, 1836. The last-named vessel also sailed from Matanzas on the outward voyage. The "*Gaceta*" having been prosecuted under the New Treaty, prior to its full operation, the final decision of the Court upon this Case was necessarily delayed some months; although Andricain quitted the Colony on the prosecution being closed in March last, and was in this way enabled to re-enter at once upon his unlawful pursuits. Thus within a period of 12 months has this same individual been engaged, very near to this Colony, in two slaving adventures, both happily frustrated by the capture of the vessels employed in these illegal transactions.

Andricain had left his vessel, with all her Official ship's Papers, previous to the boarding of the man-of-war's boats. Nor could the Commander of the "*Rolla*" subsequently succeed in obtaining possession of these Documents, or of the person of the Master, who would have been the principal witness in the prosecution. No

difficulty was experienced, however, in arriving at the real merits of the Case: as the evidence of the witnesses was of that clear character as to admit of no question respecting her Spanish character.

The "*Experimento*" had been but recently built in the United States, and as American property went by the name of "*Benjamin.*" Her name and nationality appear to have been changed at the same time in Cuba.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

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

Enclosure in No. 12.

Report of the Case of the Spanish schooner "Experimento," of which vessel Joaquin de Andricain is said to have been Master.

THIS is the Case of a vessel found lying at anchor in the Rio Pongas off the village of Saraby, under Spanish colours, but not having any ship's Papers on board, by the Commander of His Majesty's brig "*Rolla,*" who, seeing that the said vessel was equipped for the Slave Trade in some respects, seized and sent her to Sierra Leone to be tried for that offence.

The "*Experimento*" arrived here on the 2d instant, and was officially reported to the Court by the Marshal.

From what subsequently appeared in evidence, this vessel was shown to belong to the port of Matanzas, at which a regular set of Official Papers had been obtained for her as a Spanish vessel, and at which the present voyage had commenced in July, 1836. She then went to the Cape de Verde Islands for provisions, and ultimately to the Pongas, where she was detained, as the Boatswain and those of the crew remaining with him on board of her admitted readily that their vessel was Spanish property, and navigated as such.

The Captor, who accompanied his prize into harbour, brought forward the Case on the 4th instant, when his Affidavit of Seizure and Declaration were filed, and the prosecution in all other respects opened in the ordinary manner.

The Affidavit of Seizure stated, respecting the absence of the ship's Papers, that, on demanding them from the Boatswain, the only Officer on board, "he was informed by him that the same were in the possession of the Master, who was on shore at the said village of Saraby; the Seizor then made application to the said Master to repair on board bringing with him the Papers of the vessel, as he and they were required to go with her to Sierra Leone for trial; to which application the Master replied by declaring in writing that he was too ill to come off. The vessel's Papers he retained in his possession.

The Captor's declaration stated, that the seizure of this vessel took place on the 27th ultimo in the Rio Pongas, in consequence of her "having a larger quantity of water in casks than was requisite for the consumption of the crew of the vessel as a merchant-vessel; and for having an extraordinary number of water-casks" uncleared at the Custom House of the port from which she had sailed.

On the day that this vessel was brought into Court, the Boatswain delivered up to the Captor a Log-book of her outward voyage, which he stated had been kept by the Mate of the vessel, and he believed to be correct. This Book was subsequently filed with the other Papers in the Case.

The Report of Survey usual in all Equipment Cases, was in this instance made and filed on the 5th instant, which corroborated the allegations contained in the Declaration. The points of illegal equipment substantiated by this evidence were, that 49 water-casks, of different sizes, had been found, in all capable of containing 6,100 gallons of water, a quantity more than sufficient for the crew, and nearly the whole of the said casks were filled with fresh water, of which there was about 6,000 gallons on board—an extraordinary number of water-casks for a vessel of her class; and a cabouse, which, although in its present state not larger than usual, was provided with a spare back and two side pieces for receiving an iron boiler.

The witnesses in preparatory, the Boatswain, José Fornells, and the seaman, Manuel Gomez underwent examination on the 6th instant.

The first witness stated, that "the Master's name is Joaquin Andricain, has known him about 6 years, he was born at Mahon and lives there. The Master is Owner of the vessel, and appointed himself; does not know who gave him possession, believes he got the same about 7 months ago at Matanzas; first saw the said vessel there about 6½ months since; believes she is North American built. Was on board at the time of capture, but does not know for what reason the vessel was seized; sailed under Spanish colours, and had no others. The vessel was called '*Benjamin,*' when Andricain bought her from her former Owner, whose name he does not know, but he was an American; the vessel has since been called '*Experimento;*' does not know her tonnage, believes about 75, and had 14 officers and mariners exclusive of the Master, all Spaniards, hired and shipped by the said Master at Matanzas about 6 months ago. Neither he nor any other of the officers and mariners had any interest in the vessel or cargo; was Boatswain on board. The last clearing-port was St. Jago de Cape Verdes, and the voyage began at Matanzas; does not know where it was to have ended; from Matanzas the vessel went to St. Jago Cape Verdes, and took in some fresh provisions, and after remaining there 4 days went to Rio Pongas, where the Master went ashore being sick; does not know for what reason the vessel went into that river. First saw the capturing vessel outside the bar of the Pongas 3 days after her boat had seized the '*Experimento;*' whilst at anchor in that river; does not know where the vessel's Papers were for; capture took place about 10 days ago. No resistance was made, there were no instructions to make any, or to avoid capture, or to destroy or conceal any of the Papers. The Master, who is a Spanish subject, is sole Owner of the vessel; knows it because the Master told him so. Knows nothing about any Bill of Sale, the price was *three thousand two hundred dollars*, witness saw it paid to the former American Owner, believes the sale to have been a true one, and that the vessel will belong to the said Master if restored; knows of no private agreement. The Master is sole Owner, Lader, and Consignee of the cargo; it was landed in the Rio

CLASS A.

Pongas. Knows nothing of the last voyage, the cargo on this was shipped at Matanzas, and consisted of about 30 barrels of Aquardiente, and 4,000 or 5,000 dollars (gold and silver); the vessel was taken direct to Sierra Leone after capture; there were no Papers delivered up, or on board at the time of capture, except the Log-book written by the Mate, and which he believes to be true. There were no Papers destroyed or concealed; the Master had the whole ashore with him at the time of capture. They were Spanish Papers. Knows of no other Papers relating to the vessel or cargo, besides those in the possession of the Master. There was no Charterparty."

The Boatswain further deposeth as regarded the detained vessel's equipment, that "the hatches are close, and not with gratings of any kind. The coamings of the hatchways are not bored, and there are no iron bars. There are the bulkheads of the cabin and forecastle only. There are no spare planks. There is no part of a slave-deck laid. There were no shackles, bolts, or handcuffs. There are 34 or 35 water-casks, large and small, does not know the quantity of water they could contain, they are all filled with fresh water, most of those casks had been previously filled with Aquardiente; there were only 8 water-casks belonging to the vessel, each capable of holding 120 gallons; the reason they were filled with fresh water was, that the water alongside where they anchored was not salt. There was no mess tub or kid. There was no boiler. There were 8 bags of rice for the use of the crew."

The second witness, the seaman, M. Gomez, gave evidence corroborative of the Boatswain's testimony; confirming in the most direct manner the statements of the previous witness as to the vessel having been fitted out and supplied with Spanish Papers at Matanzas, her sailing under the Spanish flag, and the Master and alleged Owner being a Spanish subject.

The Captor's case was closed by its publication on the 7th instant; and on the 12th the Monition was returned into Court, which had issued on the 4th current.

The Court met on the day of the expiry of the Monition to give a final decision on the case of the "*Experimento*." The evidence which had been received in the case we were of opinion distinctly showed the "*Experimento*" to be unquestionably a Spanish vessel, and therefore within the jurisdiction of the British and Spanish Mixed Court for trial on a charge of being equipped for the Slave Trade. And as that charge of unlawful equipment had been proved to have been correctly founded, she having actually on board more casks or vessels for carrying liquid than were requisite for the crew of such a vessel, as well as more fresh water; a Decree of Condemnation was passed upon the detained vessel as Prize to the Crowns of Great Britain and Spain.

Sierra Leone, 20th January, 1837.

(Signed)

WALTER W. LEWIS,
H. D. CAMPBELL.

No. 13.

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

MY LORD,

Sierra Leone, 20th January, 1837.

THE Case of the Spanish schooner, "*Gata*," the Report of which we beg to inclose, presents the usual features of an unsuccessful slave-trading adventure. A cargo of 111 negroes had been shipped in the *Bonny*, intended for disposal at Havana; and the "*Gata*" was attempting to get over the *Bonny Bar* with them on her return to Cuba, when the boats of His Majesty's sloop, "*Scout*," Commander Robert Craigie, seized her on the 5th December, 1836. After capture, the detained vessel was dispatched to this place for trial.

The condemnation of the vessel and the emancipation of the 101 surviving slaves took place on the 12th January, after the completion of the usual prosecution.

We beg leave to draw your Lordship's attention to a singular passage contained in one of the ship's Papers, the Manifest of Cargo, granted by the Havana Custom-house Authorities. A clearance is therein given to an unusual number of casks, at that time principally filled with water, but intended on the return voyage, as the Document distinctly states, to be used for holding "*palmi christi*," or common castor-oil, an article, we believe, not prepared for exportation by any of the natives of this Coast. It is needless to point out the glaring absurdity of such an intention; but the manifest attempt on the part of the Custom-house Officers, thus to conceal the real intended employment of these water-casks, deserves some notice. Such is one, out of the numerous subterfuges, which the connivance of the Havana Authorities affords to the Spanish slave-trader wherewith to endeavour to shield himself from the operation of the Equipment Article of the new Treaty.

We have, &c.

(Signed)

WALTER W. LEWIS
H. D. CAMPBELL.

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

&c.

&c.

&c.

Enclosure in No. 13.

Report of the Case of the Spanish schooner "Gata," José Vicente Larrazabal, Master.

THIS vessel in the month of May last year, when bearing the Flag of the United States, and under the name of the "*George W. Morris*," was sold by Charles G. Cox, through Messieurs Drake and Co. of Havana, Agents of the firm of Kemp and Farmaham of New York, to Francisco Equilcor, a Spanish resident of that city. In the following month this vessel left Havana, bound to the Bonny, with the undermentioned ship's Papers, all of which, excepting the Bill of Sale, openly declare her destination to be the above notorious slave mart.

1. Provisional Passport from the Governor of Cuba.
2. Muster-roll.
3. Custom-house Manifest.
4. Bill of Sale.

After quitting Havana, it is alleged, that the vessel was compelled to enter the port of Charleston for repairs. Here the Master made some addition to his outward cargo, and procured two American Custom-house Papers, a Clearance, and Bill of Health, the latter of which was authenticated by the Spanish Consul at Charleston. The "*Gata*" then proceeded to the Cape de Verdes for wood and water, and after a short stay sailed direct for the Bonny. One hundred and eleven slaves were collected and shipped in this river on the 5th December, 1836, and in the night of the same day the boats of His Majesty's sloop "*Scout*" surprised the "*Gata*" in the Portuguese channel at the entrance of the Bonny, and captured her. Commander Craigie then despatched this vessel to Sierra Leone for trial.

The Marshal and Surgeon visited the *Gata* on the 4th January, 1837, for the purpose of making their separate Reports. The latter officer pronounced the general aspect of the slaves to have been good, but as 50 of them required medical treatment in various degrees, he recommended their immediate landing. This measure was adopted on the following day.

The prosecution commenced on the 5th instant, when the Motion, which was returned on the 12th, went forth, the Papers and Declaration were filed, and the evidence directed to be taken.

The substance of the allegations, embodied in Commander Craigie's Declaration, is that the "*Gata*" was captured at the entrance of the Bonny on the 5th December, 1836, under Spanish colours; and that she had then on board 111 slaves shipped in that river on the day of capture.

The Registrar took the examinations of the Master, José Vicente de Larrazabal, and of the Mate, Ramon Mendez, on the 7th instant.

The first witness deposed, that "he was born near Bilbao, and has lived at Santander for the last thirteen years, has never served any state but Spain. Was appointed to the command by the owner of the vessel, whose name he does not recollect, but it is in the vessel's Papers; possession was given to witness by the said owner (who is a Spanish subject, and a resident of Havana) on the 1st June last, at Havana. First saw the said vessel there on the 25th May last; she was built in North America. Was present when the vessel was captured for having slaves on board; sailed under Spanish colours; there was also an old American flag, but which was not made use of. The vessel has always been called '*Gata*,' and has no other name; she is 32 tons burthen, and had 11 officers and mariners, exclusive of witness, all Spaniards, hired and shipped by witness at Havana on the 7th June last. Neither he nor any of the officers or mariners had any interest in either the vessel or cargo; was Master on board. The last clearing port was Charleston, but the voyage commenced and was to have ended at Havana; after leaving Havana the vessel was forced to put into Charleston to get a new foremast, the old one having been struck by lightning; remained there 9 days, and shipped 2 hogsheads of tobacco, and from thence proceeded to St. Jago, Cape Verdes, where he took in wood and water, and after remaining 10 days, proceeded to the Bonny, where he made trade with the natives and purchased slaves. First saw the capturing vessel outside the Bonny, on the third day after her boats had seized the '*Gata*;' capture took place on the 5th December last at night, inside the bar of the Bonny; there was no chase, the boats were not seen until they came alongside; witness was steering at the time for Cuba. No resistance was made; there were no instructions to make any, or to avoid capture, or for concealing or destroying any of the vessel's Papers. Does not remember the owner's name; was acquainted with him only a few days before he was appointed to the command; believes him to be the owner from his being employed by him; and believes him to be a native of Bilbao, and that he lived there previous to residing in Havana; does not know if the said owner be married. There is a Bill of Sale amongst the Papers, but he knows nothing further about it, and cannot say if the price be paid; knows of no private agreement. The Owner of the vessel is also Owner and Consignee of the cargo; witness laded the slaves now on board, and they were to have been landed at Cuba for the sole account and risk of the said Owner, who is a merchant at Havana. Knows nothing of the last voyage; the cargo shipped at Havana was rum and a little rice; the present cargo is slaves; 111 were shipped altogether, all from the shore; does not recollect their descriptions; none died before capture, some have died since, believes 9; the vessel was taken direct to Sierra Leone after capture. The Papers delivered up were and are all true and fair. No papers were destroyed, concealed, or made away with. Knows of the existence of no other Papers relating to the vessel or cargo. There was no Charterparty."

The Mate, Ramon Mendez, gave evidence of a like nature to that above recapitulated.

It was shown by a petition filed on the 7th instant, that 9 deaths had occurred amongst the slaves since capture. With this proceeding the case was completed, and publication was granted on the 9th January.

The Court met on the 12th instant to decide upon the case of the "*Gata*." The evidence then read clearly proved the illicit character of that vessel's voyage and employment; the Court therefore decreed the condemnation of the "*Gata*," and the emancipation of the surviving slaves, in number 101.

Sierra Leone, 20th January, 1837.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

No. 14.

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

MY LORD,

Sierra Leone, 23d January, 1837.

WE have had the honour to receive your Lordship's Despatch of the 7th December, 1836, conveying to us your Lordship's entire approval of a Declaration, contained in our judgment on the case of the Spanish brigantine "*Rozarito*," to the effect that under no circumstances could shackles, bolts, or handcuffs, be deemed articles of lawful commerce; and we beg to assure your Lordship that we have been much gratified by this expression of your Lordship's approbation.

We have, &c.

(Signed)

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

No. 15.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 24th April, 1837.

WITH reference to your Despatch of the 27th June, 1836, on the subject of the charge brought by the Master of the "*Segunda Iberia*," against the crew of the detained vessel, the "*Fair Rosamond*," of plundering various articles of personal property; I herewith transmit to you, for your information, the accompanying Copy of a Letter, and of its Enclosures, from the Admiralty, containing a statement made by Lieutenant George Rose, late in command of the "*Fair Rosamond*," in explanation of the circumstances alleged against him and the crew of that vessel.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in No. 15.

Mr. Wood to the Hon. W. Fox Strangways.

SIR,

Admiralty, 9th April, 1837.

IN return to your Letter of the 22d of September last, with its several Enclosures, upon the subject of the Spanish schooner "*Segunda Iberia*," condemned at Sierra Leone for being engaged in the illegal traffic in slaves, and the charge against the crew of the detaining vessel, the "*Fair Rosamond*," of plundering various articles of personal property; I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Viscount Palmerston, copies of a Letter and its Enclosures from Lieutenant George Rose, late in command of the "*Fair Rosamond*," in explanation of the circumstances alleged against him and the crew of that vessel.

I am, &c.

The Hon. W. Fox Strangways, Foreign Office,
&c. &c. &c.

(Signed)

C. WOOD.

First Sub-Enclosure in No. 15.

Lieutenant Rose to Sir John Barrow, Bart.

SIR,

4, Alie-place, 4th April, 1837.

IN reply to your Letter of the 23d ultimo, I have the honour to enclose, for the information of my Lords Commissioners of the Admiralty, the following statements and accompanying documents, relative to the charge of plunder made against the crew of the "*Fair Rosamond*" while under my command on the coast of Africa.

I beg to submit the following statement of facts as they occurred relative to the capture of the "*Segunda Iberia*" by me on the 28th Dec., 1835. The Master of the condemned vessel, Mariano Caias, came on board the "*Fair Rosamond*" in company with Mr. Glynn, my senior Mate; who, from the time of her capture, had had charge of the detained vessel. Mr. Glynn reported to me, that Mariano Caias had charged the crew of the "*Fair Rosamond*" with having plundered him of certain articles of personal property during his absence; this charge was substantiated by the Cabin-boy of the detained vessel, who deposed to having seen two of my men break open a trunk, and take from thence certain articles, the property of his master. I requested the boy to point out the individuals whom he accused of the act, which he did, but apparently under an impression of doubt. I here beg to observe that Mariano Caias varied his statement of the property he deposed to having lost. Desirous however of giving the matter the fullest investigation, I ordered the two men charged by the boy with the robbery to be placed in irons, and the lower deck to be cleared; the accused persons were searched, but nothing was found on them. I then ordered the lower deck to be searched under the direction of two officers, and every man's bag to be handed up, which was done and searched in my presence,

and in the presence of Mariano Caias and his boy, but nothing was found in the possession of any of my crew. After this I ordered the bags of the Spaniards to be searched; from these were taken several articles of personal property and of trade, challenged by Mariano Caias as belonging to himself; these were delivered to him, also a pair of pistols picked up in the search, but not attached to any one. Having done this much in the presence of Mariano Caias, I inquired of him if he were satisfied that I had done everything in my power for the recovery of his property? He replied, that I had. I again asked him, if he could suggest any further measures that I should adopt for his satisfaction. He replied, No; that he was perfectly satisfied. I then required of him to sign a Document signifying the same, which he did without hesitation. I here beg to remark, that after this scrutiny the general impression on board the "Fair Rosamond" was, that the robbery had not been committed by her crew but by the crew of the captured vessel, and most probably during that period of insubordination which generally prevails when a slaver has no chance of escape. We were further borne out in this belief by the circumstance, that whatever property was discovered belonging to the Master of the captured vessel was found in the possession of his own men; and the testimony of the boy is invalidated by the same circumstance. After the adjudication of the "*Segunda Iberia*," a Letter from my Agent at Sierra Leone informed me that Mariano Caias had preferred in the Court the charge of robbery against the crew of the "Fair Rosamond," and that the Court had recommended my Proctor to make satisfactory remuneration to the Master of the condemned vessel for the losses he had sustained, which of course he declined to do. My Proctor also, I was informed, moved the Court to allow the matter to stand over till my arrival at Sierra Leone, which the Court objected to, on the ground that the time of my arrival was uncertain, and referred the matter to England.

Sometime in the month of March, while at Fernando Po, I fell in with two officers belonging to the squadron, Lieutenant M'Clevelty, of His Majesty's ship "Etna," and Mr. Shears, Mate of His Majesty's ship "Pylades," who had been in Court at the adjudication of "*Segunda Iberia*." These gentlemen had heard the Court strongly censure my conduct in regard to the transaction under discussion, notwithstanding the testimony of the prize-crew that I had used every exertion to detect the robbery, and that nothing had been found in the possession of any of my men. These remarks of the Court excited the surprise and indignation of the two above-named Officers, who reported the proceedings to me; and I could name Officers in command on the Coast who expressed similar feelings on hearing that a British Officer had been censured on such evidence *by the Court*, and that my Agent should have been required to make restitution for the articles when not an individual thing was found in the possession of any of my men; and will it be believed, that 4 months after thus censuring my conduct, the Court should state that they *had refrained expressing any opinion* until I had been afforded an opportunity of replying to them? I beg to call the attention of their Lordships to the Paper, entitled "Extracts of the Judgment given in the Case of the Spanish schooner, '*Segunda Iberia*,'" &c., dated 3d February, contained among the Papers forwarded to me from the Admiralty. It is there stated, that the Court suggested that it would materially benefit my case if my Proctor would make satisfactory remuneration to Mariano Caias for the losses he had clearly sustained. To have done this would have been to acknowledge that there had been, as the Court supposed, "some very irregular proceedings;" but how does the Court arrive at this most logical conclusion? It states that Mariano Caias was plundered by the crew of the capturing vessel is proved not only by the evidence of Caias and his servant, but by the exculpatory Documents drawn up by the Captor himself, and by the admission of his own witnesses that part of the plundered property was recovered and restored. I here beg to remark, that Mariano Caias's evidence only went to prove that he was robbed, *not by whom*; and that it is the boy's evidence *alone* which attaches it to the crew of the capturing vessel; the exculpatory Documents does not, cannot prove the robbery; and surely no other British Court would have come to the conclusion that plundered property found in the possession of the complainant's men proved that the defendant's party were the robbers: yet such is the logic of the Court.

Conscious as I am of having acted in this affair with perfect integrity, and of having used every means within my power to bring the offenders to justice, if such had been detected, I do not feel that the Court respected as it ought to have done the integrity of British Officers, when it evinces a disposition rather to receive the depositions of the criminals who stand before it, than the unimpeached testimony of British subjects.

On my arrival at Sierra Leone in June, 1836, I was called upon by the Court to render further explanations relative to the capture of the "*Segunda Iberia*," which I declined attending to as I was informed that the matter had already been referred to England; this alone was the reason of my refusing to give further information to the Court; and I was supported in this determination by the advice of my Proctor and my Agent. In conclusion, I beg to observe that every effort to detect the robbery was used immediately the charge was made; that I discovered no proof of its having been committed; that there was no circumstantial evidence to corroborate the assertion of the boy who made the accusation, but that there was evidence to invalidate his testimony, and I could not therefore in justice punish the individuals charged with the robbery. My object in the above statement has been to establish these points. I trust their Lordships will not imagine that my conduct has been influenced by any feeling of disrespect towards our established Court, though I must express myself dissatisfied with the decision of that Court in this particular case.

The testimony of my Officers will be sufficient to corroborate the foregoing statement, for the length of which I must apologize to their Lordships. I now submit the matter to their Lordships' consideration, hoping the explanation I have offered will prove satisfactory.

I have, &c.

(Signed) GEORGE ROSE, *Lieut., and late*
Commander of His Majesty's ship "Fair Rosamond."

Sir John Barrow, Bart.
&c. &c.

Second Sub-Enclosure in No. 15.

Mr. R. G. Wills to Lieut. G. Rose.

His Majesty's Schooner "Fair Rosamond,"
Coast of Africa, 25th June, 1836.

SIR,

In answer to your Letter of to-day's date, I beg to state that when the Spanish crew came on board the "Fair Rosamond," by your order I superintended the searching of their bags, clothes, &c.

SIERRA LEONE: (*Spain*)

and found in them a great quantity of trade cloths, tobacco, knives, beads, cheeses, and jars of preserves; the whole of which the Spanish Captain, who was on board at the time, owned to be his and part of the cargo; that the whole was sent back on board the Spanish schooner, although he pressed you to accept some of the latter; and when the Spanish Captain said he had been robbed of some doubloons, &c., I strictly (with the petty Officers) searched the whole of our crew individually, their bags, and the lower deck, and could not find any; and I am of opinion that every exertion was used by you and every individual on board to recover the said money, which I strongly suspect the Captain never possessed, as he equivocated so much about the amount.

Lieutenant G. Rose, (Signed) I have, &c.
commanding His Majesty's Schooner "Fair Rosamond." R. G. WILLS, Second Master.
&c. &c. &c.

Third Sub-Enclosure in No. 15.

Mr. J. G. N. Thain to Lieut. G. Rose.

His Majesty's Schooner "Fair Rosamond,"
23d June, 1836, at Sea.

Sir,

In reply to your Letter of the 22d, I have to state the following: On the 28th December, 1835, about noon, the Captain of the "Segunda Iberia" (prize to this schooner) came on board, and stated that he had lost 2 doubloons and some dollars out of his trunk; also a spyglass and looking-glass. The lower deck was strictly searched, also the ship's company's bags, but nothing found. A looking-glass was found in the boat that brought the prisoners from the prize, also a brace of pistols, which were given to me to deliver to the Captain. On my arrival at Sierra Leone, during the time the vessels were in company, he varied very much about the doubloons, saying at first it was 2 doubloons and some dollars he had lost; and afterwards saying, when you came on board, it was 8 doubloons in gold and dollars.

I never heard him mention a word about the silver fork, spoon, and silver-handled knife, nor anything except those articles mentioned above. The first time I heard it at all mentioned was after his examination by the Court of Mixed Commission by the Proctor.

It is my firm belief that the Captain of the "Segunda Iberia" had not the articles he pretended to miss; or, if he had them, they were taken from the vessel by some of his own crew; and when I was sent on board to take charge of the vessel, I took with me a quantity of cloth which had been brought from her by the prisoners.

Lieutenant G. Rose, (Signed) I have, &c.
commanding His Majesty's Schooner "Fair Rosamond," J. G. N. THAIN, Master's Assistant.
&c. &c. &c.

Fourth Sub-Enclosure in No. 15.

Mr. E. A. Glynn to Lieut. G. Rose.

Sir,

His Majesty's Schooner "Fair Rosamond," Sierra Leone, 22d June, 1836.

In pursuance of your Letter of the 22d inst., I beg to state the following:—On December, 1835, I was sent in charge of the boats to board a strange vessel, apparently a slaver, on our weather beam about 2 miles. On boarding I found her full of slaves, when I ran her before the wind to join the "Fair Rosamond," and remained on board the prize while removing the prisoners, the Spanish Captain having been sent on board with his Papers. On his return he complained to me that his trunk had been robbed to the amount of 40 and odd dollars, saying at the time it was 2 doubloons and the rest in dollars. I immediately took him on board the "Fair Rosamond," and reported it to the Commander, when he altered his statement of the money to 2 doubloons and 40 dollars; and after that said it was 7 or 8 doubloons.

With respect to the silver cup, spoon, fork, silver-handled knife, watch, and telescope, I never heard a word about it until after the arrival of the "Fair Rosamond" in this port.

I remember sending a message to my Commander, saying that the Spanish crew had a great quantity of goods, which I thought was part of her cargo, in their bags.

In answer I received a message to say they would be examined on board the "Fair Rosamond," which was done, and a great quantity of trade cloth and beads was sent back in the same boat with the Spanish Captain.

I also remember some studs being picked up on the "Fair Rosamond's" deck, but cannot say how they came on board.

Lieut. G. Rose, commanding His Majesty's (Signed) I have, &c.
Schooner "Fair Rosamond." E. A. GLYNN, Mate.

Fifth Sub-Enclosure in No. 15.

Mr. R. J. Scriven to Lieut. J. Rose.

Sir,

His Majesty's Schooner "Fair Rosamond," Sierra Leone, 22d June, 1836.

In reply to your Letter of this date I have to state, that a short time after parting company with the "Segunda Iberia," one of the prisoners producing a spy-glass, and wishing to sell it to me for 5 dollars, from previous circumstances I have strong suspicions that it belonged to the Captain of the said vessel, who had complained that he was robbed of several articles by the men belonging to the "Fair Rosamond," some of which were found in the bags of the prisoners; for instance, a looking-glass, some beads, a ring, and some shirt-buttons, which were picked up on the deck.

Lieut. G. Rose, commanding His Majesty's Schooner (Signed) I am, &c.
"Fair Rosamond," Sierra Leone. R. J. SCRIVEN.

Sixth Sub-Enclosure in No. 15.

Mr. John A. Shears to Lieut. G. Rose.

SIR, ON the condemnation of the "*Segunda Iberia*," I heard the censure passed on the officers and crew of the "*Fair Rosamond*" by the Head Commissioner to this effect: The Captain and another man of the slaver "*Segunda Iberia*" having sworn that doubloons and dollars were stolen by the crew of the "*Fair Rosamond*," Mr. Macauley said that he felt sorry to animadvert upon the conduct of those belonging to the "*Fair Rosamond*," but in consequence of the losses having been sworn to by the Proprietors, he had written a Letter to the Admiralty relating the circumstance. Mr. Dougan then rose and requested the Court to suspend their decision of the case until the arrival of Lieut. Rose. In reply to which Mr. Macauley stated his wishes to have Mr. Rose there; but as it was uncertain at what time Mr. Rose would be at Sierra Leone, the case was decided on the oath of the two men above mentioned.

(Signed)

JOHN A. SHEARS,

His Majesty's Schooner "*Pylades*."Lieut. Rose, His Majesty's Schooner
"*Fair Rosamond*."

No. 16.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 30th May, 1837.

WITH reference to your Despatch of the 18th of January last, reporting the condemnation of the Spanish brig "*San Nicolas*," I have to acquaint you that I agree with the opinion entertained by the Court, that a vessel having only one large hatch fitted with gratings, instead of hatches as required by the letter of the Treaty, comes within the provisions of the first section of the Equipment Article, and must be considered as having a *prima facie* case of unlawful employment made out against her; and I, therefore, entirely approve of the sentence of condemnation pronounced by the Mixed Court upon the "*San Nicolas*."

I am, &c.

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

(Signed)

PALMERSTON.

No. 17.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 19th June, 1837.

WITH reference to my Despatch to you of the 3d of September last, informing you that His Majesty's Government was of opinion that the two vessels having on board part of the officers and crews of Spanish slavers, then awaiting adjudication at Sierra Leone, should not have been permitted to leave that Colony, I herewith transmit to you a Copy of a Communication from the Colonial Department, containing a letter from Lieutenant-Governor Campbell upon this subject.

This Paper has been referred to His Majesty's Advocate-General, who has reported, that as it now appears from the Letter of the Legal Adviser of the Lieutenant-Governor, that the witnesses had been examined on the Standing Interrogatories, and that there are no local regulations in the Colony to prevent their departure, he thinks that the Governor would not have been justified in detaining them.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in No. 17.

Mr. Stephen to Hon. W. Fox Strangways.

SIR,

Downing-street, 20th February, 1837.

WITH reference to your Letter of the 3d September last, inclosing a Despatch from His Majesty's Commissioners at Sierra Leone, giving an account of the departure from that port of two vessels under the Spanish flag, having on board part of the officers and crews of Spanish slavers, which had been detained under the Treaty with Spain of the 28th of June, 1834, and were there awaiting adjudication, I am directed by Lord Glenelg to transmit to you, for the information of Viscount Palmerston, Copies of a Despatch, and of its Inclosures, which have been received from the Lieutenant-Governor of Sierra Leone upon this subject.

I am, &c.

The Hon. W. F. Strangways,
&c. &c. &c.

(Signed)

JAMES STEPHEN.

First Sub-Enclosure in No. 17.

Lieutenant-Governor Campbell to Lord Glenelg.

MY LORD,

Government House, Sierra Leone, 24th December, 1836.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 2d September last, upon the subject of the departure of the crews of certain condemned Spanish slave-vessels from this Colony, and I beg leave to enclose the opinion of my Legal Adviser, by which your Lordship will perceive that the Local Government could not legally have prevented the Spanish purchasing the "Experiment" and "Alfred," or their subsequent leaving this port with passengers.

I have, therefore, to beg your Lordship will be pleased to direct me how to proceed in the event of similar circumstances occurring.

The Lord Glenelg,
 &c. &c.

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

Second Sub-Enclosure in No. 17.

Mr. Savage to Mr. Cole.

SIR,

Sierra Leone, 23d December, 1836.

IN compliance with his Excellency's desire that I should give an opinion on the facts connected with the departure from this Colony of the former British owned vessels, the "Experiment" and "Alfred," with detained foreigners under the Spanish flag, I proceed, therefore, to do so with full reference to the events with which the same was connected, and of which, Sir, you must be aware I am intimately acquainted. From the time of my Lord Glenelg's communication on the subject to his Excellency, I conclude that the information of the 5th May last from the British Commissioners must have been understood as a complaint, and that, consequently, a legal opinion was taken under that impression; and for the purpose of ascertaining if there existed any means of preventing the departure of persons of a similar description and under similar circumstances to those alluded to. I understand the Commissioners, however, to have intended solely to state the facts as they arose, having in reality no cause of complaint, as neither the absence of those persons or the departure of the vessels had the slightest effect upon their proceedings.

It is well known that the evidence against the detained vessels under the New Treaty with Spain is derived almost solely from the vessels themselves, and which no other testimony can invalidate. If the outfit is contrary to the stipulations of the 10th Article, the vessel will be condemned; all before the Court at the time alluded to, with the exception of 3 or 4, were so situated: the Masters and others concerned, therefore, conscious of the fate awaiting them, thought fit to leave the Colony, 1 or 2 employing Proctors to represent them, but the rest abstaining even from making a claim, and especially as the day of adjudication was very uncertain, but generally acknowledged to be distant.

By the Commissioners' Letter to his Lordship, it may, I conceive, be understood also that their Honours made a formal and positive declaration against the departure of these persons. I think this cannot be insisted on; the fact was, several Masters brought the circumstance of their intended departure before the Court, and that the Court instantly declared that it would not sanction any such measures, and that the party who left would do so at his peril. The Proctors of the captors of the detained vessels made no opposition to the departure of the Masters and others, because it was well known the cases were clear after the Standing Interrogatories were taken, which was done always without reference to the time it was likely the vessels would be adjudicated; therefore neither the Court or the Government could take any official notice of the circumstance.

It was highly expedient that this influx of foreign Europeans, exceeding our own European population in number, and many reported to be of known desperate character, should leave the Colony as soon as possible; and when it was known that 2 vessels were purchased by them for the sole purpose of enabling them to do so, it gave general satisfaction.

The only question then is, Could the Government prevent legally these men from purchasing the vessels they did? and was there any law in force to prevent their doing so? and, having purchased, could they be prevented from leaving this port with their passengers?

It must be recollected that the laws of England are those of this Colony almost exclusively, and that no local regulations of any kind are in existence on this subject. A Spanish subject, under the present reciprocal good understanding between the two nations, may therefore legally purchase any vessel in this port, and, having obtained the necessary Passports and Papers, and entered into the usual security not to take debtors from the Colony, may leave it under the Spanish flag.

The late departure of the "Experiment" and "Alfred" from this Colony, the Masters having conformed to the laws in force, was, in my opinion, legal, and could not have been prevented by the Local Government, in the absence of any official information that the Owners or Masters had committed any offence subjecting the vessels to the interference of our Courts of Law.

His Honour Thomas Cole:

I have the honour to be, &c.
 (Signed) W. H. SAVAGE, A.K.A.

No. 18.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 23d March, 1837.

WE were honoured on the 15th instant with the receipt of your Lordship's Despatch of the 21st December last, forwarding for our information Copies of two Despatches from His Majesty's Consul at Havanna; the one reporting the departure thence of several vessels for the coast of Africa destined for the Slave Trade, and the other describing the mode in which it is probable the people of Cuba will now attempt to carry on this traffic.

In offering our thanks for this communication we beg to assure your Lordship, that we shall not fail to make use of Mr. Tolmés' information in every way that is practicable in furtherance of the service with which we are intrusted.

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

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

No. 19.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 23d March, 1837.

WE beg to acknowledge the receipt of your Lordship's Despatch of the 23d of last December, conveying your Lordship's approval of the course pursued by the Mixed British and Spanish Court, in rejecting the claim for the restoration of the Spanish slave trading schooner "*Mosca*," on the ground of the ignorance of the parties concerned in her as to the existence of the new Treaty with Spain, and on the plea that the seizors had not, at the time of detention, complied with all the forms prescribed by the Treaty. The knowledge of our having acted on the occasion in question in a manner, of which your Lordship approves, has given us much pleasure.

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

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

No. 20.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 23d March, 1837.

WE were lately placed in possession of your Lordship's Despatch of the 24th December last, by which we had the satisfaction of learning that the course pursued by the British and Spanish Mixed Court in the contested cases of the Spanish vessels "*General Manso*," "*Victorina*," and "*Josefa*," of restoring those vessels to their claimants, was correct.

Every attention will be paid by us to the opinion of your Lordship, that rough scantling and plank, suitable for making a slave deck, when found in Spanish vessels, the fittings of which vessels are of so questionable character as to lead to the impression of their being intended for the Slave Trade, may be considered, on a fair interpretation of the object and spirit of the Treaty, as forming part of a slaving equipment, notwithstanding that the scantling and plank may have been cleared as part of the cargoes of such vessels, as was the case on board of the "*General Manso*."

On the first suitable occasion we shall not fail to apply your Lordship's instruction, that a vessel found with a cooking apparatus so constructed as to admit of its being considerably increased beyond its apparent size, by which arrangement the requisite accommodation for the use of the slave boiler is obtained, in the manner described in our Report of the condemned vessel "*Matilde*," may be looked upon as equipped for the Slave Trade, according to the true intent and meaning of the Eighth Section of the Tenth Article of the Treaty with Spain, although the slave boiler for such cooking apparatus may not be found in the vessel.

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

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

No. 21.

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

MY LORD,

Sierra Leone, 11th April, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 28th February last, covering a Copy of the explanation made by Mr. Dix, the first Prize Master of the Spanish slave schooner "*Matilde*," respecting certain deficiencies found to exist in the cargo of that vessel, after she had been condemned by the Mixed Court established here.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

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

No. 22.

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

MY LORD,

Sierra Leone, 25th April, 1837.

THE Spanish schooner "*Descubierta*," when in the act of entering the river Bonny on the 14th January last, where she evidently purposed purchasing and embarking a cargo of slaves, was seized by His Majesty's sloop "*Scout*" for being unlawfully equipped.

After an unusually long voyage the detained vessel reached this port on the 29th ultimo, and proceedings were instituted against her in the British and Spanish Mixed Court on the above-mentioned charge, which having been proved in the most distinct manner by the evidence produced, and no explanation having been given of the cause of being so equipped, a sentence of confiscation was in consequence decreed at the sitting of the Court on the 20th instant.

The cause of the delay which occurred in the adjudication of this case arose from the absence from the seat of Government, on the public service, of Lieutenant-Governor Campbell, the Arbitrator, *ad interim*, in the Mixed Court.

Our Report of this Case we have the honour to inclose herewith for your Lordship's information.

This vessel was owned by José Balager, a resident of the island of Porto Rico, who would appear to be some connexion of the chief owner of the Spanish brig "*Luisa*," his name having been stated to be Esteban Balager, and his place of residence the said island, to which also the "*Luisa*" belonged. She was condemned here on the 10th August last.

The "*Descubierta*" was built at Porto Rico, and formerly bore the name of "*Joven Soccoro*."

We have, &c.

(Signed)

WALTER W. LEWIS.
THOMAS COLE.

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

Enclosure in No. 22.

*Report of the Case of the Spanish Schooner "Descubierta;" Pablo Pla, Master.**Sierra Leone, 25th April, 1837.*

THIS vessel, as appeared by the 4 Official Papers found on board of her when detained, and which are hereunder enumerated, was belonging to, and fitted out at, the Spanish island of Porto Rico, where she was ostensibly destined for a lawful commercial voyage to the islands of Prince's and St. Thomas.

1. Royal Passport, No. 31, dated at Porto Rico, 18th October, 1836, for the unlimited navigation of the globe.
2. Matricula, with the destination for the vessel to Prince's and St. Thomas.
3. Fort Pass.
4. Customs' clearance of the cargo.

From Porto Rico this vessel went to the Cape Verdes for provisions, as is alleged, and thence she proceeded direct for the River Bonny, one of the many very notorious Slave Marts on the Leeward coast, off the mouth of which river she was captured on the 14th January last by the boats of His Majesty's sloop "*Scout*," the commander of which cruizer sent her here for adjudication.

The detained vessel did not reach this port until the 29th ultimo, after a tedious voyage, in which calms were very prevalent. On the following day she was brought in the regular manner before the

Court, when the ship's Papers, Captor's Declaration, and Prize Officer's Affidavit of the circumstances of the seizure, were filed in the Registry, the Monition issued, and the witnesses in preparatory produced for examination.

The Declaration of the Captor was, in substance, that on 14th January, 1837, being in Latitude $4^{\circ} 13'$ North, and Longitude $7^{\circ} 7'$ East, he detained, by the boats of his Majesty's sloop "Scout," at the entrance of the Bonny, the Spanish schooner "*Descubierta*," said by her Master to be bound from Porto Rico to St. Thomas's, the said schooner having on board the following unlawful equipment:—Planks fitted, marked and numbered ready for laying down as a slave deck; a larger quantity of casks than necessary for the use of the crew, and the Master not producing the requisite certificate for carrying the same; and a spare boiler of an unusual size, which was hidden in the hold of the vessel under the firewood.

With the object of proving the correctness of the allegations against the detained vessel of her being unlawfully fitted, a Commission of Survey was allowed to go forth at the request of the Captor's Proctor, the Report under which came in on the 31st ultimo, and was the same day attested on oath. By this Report it was established that the main hatchway and after-scuttle were not larger than usually seen on board merchant-vessels of her class. A bulk-head divided the cabin from the main-hold. Plank sufficient to form a slave-deck fore and aft, all marked and numbered; cleats are nailed on each side of the hold for the slave-deck beams to rest upon. Six leaguers and 1 puncheon, in all capable of containing 1,620 gallons, an extraordinary number of water-casks for a merchant-vessel of her class. The 250 gallons of water found on board were not, in the opinion of the Surveyors, more than sufficient for the crew. Four mess-tins were not more than required for the crew's use. The cabouse was much larger than usually seen on board vessels of her class; a large iron boiler, complete, belonging to the same, was also found on board. One bag of beans and 2 half-bags of rice, in all about $3\frac{1}{2}$ bushels, a quantity not more than sufficient for the crew.

The Master and Cook of the detained vessel, the witnesses produced by the Captor, were on the 6th inst. examined on the Standing and Special Interrogatories by the Registrar.

Pablo Pla, the said Master, deposed that "he was born in Catalonia, and lives there with his wife, and has never served any state but Spain. He was appointed to the command, and possession was delivered to witness, at Porto Rico, in October last, by José Balager, a Spanish subject, residing in that island. First saw the said vessel there and then. Does not know where she was built. He was present at the time of the capture, but cannot say for what reason his vessel was seized: she had no colours but Spanish, except a signal-flag. He has never heard of any name but '*Descubierta*;' she was 25 tons burthen, and had 11 Officers and Marines, exclusive of witness: all Spaniards, except 2 or 3, who were Portuguese: all hired and shipped at Porto Rico, by José Balager (witness believes), in October last. Neither he nor any of the Officers or Marines, to his knowledge, had any interest in either vessel or cargo. Was Master on board. There was no passenger. The last clearing-port was Porto Rico; and the present voyage began and was to have ended there. From Porto Rico the vessel went to Cape Verdes to purchase fresh provisions; and, after remaining 3 days, proceeded towards the Bonny for the purpose of disposing of the cargo and buying ivory and wax, when she was captured. The capturing vessel was first seen the day after her boats had captured witness's vessel. Capture took place on the 14th January, at the entrance of the Bonny. There was no chace: it was a calm. The vessel's Papers were for St. Thomas. There were only about 8 muskets, and 3 or 4 cutlasses, and a few cartridges. There was no resistance made, nor instructions to avoid capture or to conceal or destroy any of the vessel's Papers. He believes José Balager is the Owner, as he appointed witness, and gave him possession: he is a Catalonian by birth. Does not know whether he is married, or where he lived before he resided at Porto Rico. He knows nothing about any Bill of Sale, nor whether there is such a Document. Has heard that the price was 2,000 dollars; but knows nothing further. Believes the vessel will belong to Balager only: believes so, because he knows of no other person. Knows of no private agreement. He believes José Balager is the Owner and Lader of the cargo, and considers himself the consignee. Balager is a merchant, and carries on his business at Porto Rico. The cargo was to have been disposed of wherever he could find a market: believes, if restored, it will belong to Balager only: believes so, because he knows of no other person. He knows nothing of the last voyage: the present cargo is tobacco and rum. Was taken direct to Sierra Leone, after capture. The Papers are all true and fair. No Papers have been destroyed, concealed, or made away with. There are no other Papers, that he knows of, besides those delivered up. There was no Charter-party. He does not know whether the vessel or cargo be insured: she was under witness's management, and corresponds with Balager. Bulk was not broken before nor since capture. The hatches are not fitted with open gratings of any kind. The coanings of the hatchways are not bored; and there are no iron bars for securing the said hatches. There is only the bulk-head which divides the cabin from the main hold. There are about 40 planks, marked and numbered: does not know for what purpose they were intended. There is no part of a slave-deck laid: there are no shackles, bolts, or handcuffs. There are six large and one small water-casks, capable of containing about 10 pipes, which he does not consider to be a greater quantity of water than was required by the crew: there is no tank or staves. There was about 6 pipes of fresh water on board at the time of capture. There are only 2 or 3 mess-tubs for the crew. There is a large iron boiler for boiling oil or wax. There is only about half a bag of rice for the use of the crew."

Francisco Gabriel, the Cook of the detained vessel, confirmed, by his deposition, the evidence of the Master in all material points. He added that he had known the said vessel since 1823; that she was built at Porto Rico; had long been owned by José Balager; and formerly had gone under the name of "*Joven Socorro*."

On the filing of these Examinations, publication passed in the case.

The Monition issued on the 30th ultimo was returned on the 6th instant, certified to have been duly executed; and, on the 20th, the Court assembled for the adjudication of the case. The proof adduced having established that the fittings of this vessel were in violation of the 3d, 6th, and 8th sections of the Equipment Article of the Treaty signed at Madrid, 28th June, 1835; and no attempt even at justification or reasonable explanation of the cause of her having been so fitted having been made, the "*Descubierta*" and her cargo were declared good prize to the Governments of Great Britain and Spain.

(Signed)

WALTER W. LEWIS.
THOMAS COLE.

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

MY LORD,

Sierra Leone, 25th April, 1837.

WE have the honour of reporting to your Lordship the capture, by His Majesty's brig "Bonetta," of the Spanish schooner "*Cinco Amigos*," found by that cruizer off New Sestos on the 30th ultimo, equipped in several respects for the Slave Trade.

This vessel arrived here late on the 8th instant, and two days afterwards proceedings were instituted against her on the above-mentioned charge of illegal equipment, of which the most conclusive proof was afforded by the evidence filed on the part of the Seizor, and no defence having been attempted by the Mate, who was found in charge of the detained vessel, the confiscation of the said schooner and the cargo found on board was pronounced at the trial of the case on the 20th instant. Our Report we beg leave to inclose herein for your Lordship's information.

The "*Cinco Amigos*," like the "*Descubierta*," also reported under this date, belonged to the Island of Porto Rico.

In the case of this vessel, as well as in the one just referred to, it will be seen, My Lord, that the Surveyors to the Court have stated that the hatches of both these schooners were only of the size usually met with in merchant vessels, by which novel arrangement the miseries of the negroes intended to have been embarked would have been materially increased, as they must thereby have lost much of the air and light which the large hatches used generally in slave-ships are calculated to afford.

The direction of your Lordship that a vessel provided with a cabouse capable of enlargement, for the reception and use of a slave boiler or copper, is to be considered as having infringed the eighth section of the equipment article of the New Treaty, notwithstanding the slave boiler for such cabouse may not be found in the vessel, appears to contain a construction of the law evidently requisite to prevent its being rendered a nullity; as, in this instance, both the witnesses swore that the master had landed the slave boiler with the cargo at New Sestos.

The "*Cinco Amigos*" went under the name of "*Moncerratte*" in December last, when she was sold by Pelegrin Tairrés to Pedro Ferrer, her late master.

We have, &c.

(Signed)

WALTER W. LEWIS.
THOMAS COLE.

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

&c.

&c.

&c.

Enclosure in No. 23.

Report of the Case of the Spanish Schooner "Cinco Amigos," Pedro Ferrer, Master.

THE "*Cinco Amigos*" was, as appeared from the several documents seized on board of her, belonging to the Spanish Island of Porto Rico, where slaving adventures have latterly been fitted out with increased activity. She was owned, as well as her cargo, by Pedro Ferrer, the late Master, who is described as a resident of Mayaguez, in the said Island; and was destined, by her papers, on a legitimate trading voyage to the Island of St. Thomas, on this coast, with leave to call at Danish St. Thomas, a permission of which the Master took advantage, and there added somewhat to his cargo.

The papers previously alluded to as having been found in this vessel were:—

1. Royal passport.
2. Muster-roll.
3. Agreement as to the wages of crew.
4. Port pass.
5. Bill of health.
6. Captain of the port's charges.
7. Bill of sale; all of which bear date in December, 1836, and January, 1837, at Porto Rico.
8. to 10. Three Customhouse documents, dated at Danish St. Thomas, the 16th January, 1837.

When this vessel left the West Indies the destination assigned in the official papers was no longer regarded, as, instead of proceeding to St. Thomas's Island on the Equator, she went at once to New Sestos, on the Windward Coast, and there the cargo and the Master were landed to trade, and the Mate dispatched in charge of the schooner to collect rice along the coast; a common practice with vessels employed in the slave traffic.

On the vessel's return from collecting the rice, she was fallen in with on the 30th March, 1837, by His Majesty's brig, "Bonetta," the Commander of which vessel seized and sent her here for adjudication, where she arrived late on the 8th instant.

The Marshal to the Court visited and made his usual Report upon the detained vessel immediately after she had anchored here; and, on the 10th instant, the schooner was brought into the British and Spanish Mixed Court, when the several papers seized, which had been duly authenticated, were filed,

with the declaration of the captor. At the same time the monition was petitioned for and issued, and the witnesses produced ordered for examination.

Lieutenant Deschamps, in his declaration of the circumstances attending the seizure of this vessel, states, that it was effected on the 30th March last, in latitude 5° 32' North, and longitude 9° 59' West, the "*Cinco Amigos*" having been then found under Spanish colours, in a voyage from the Kroo Country to New Sestos, with an equipment contrary to the provisions of the Treaty, signed at Madrid, on the 28th June, 1835.

When the papers above referred to were received into court, a petition was presented with them for a Commission of Survey on the detained vessel, to issue as is usual in equipment cases, which was granted; the sworn report under which proved the "*Cinco Amigos*" to be illegally equipped in the manner hereunder described.

The coamings of the main-hatchway being bored to receive round iron hatch-bars; the bars for which, however, were not found in the vessel.

A large quantity of marked and numbered plank and beams, sufficient to form a slave-deck.

In addition to the casks or vessels holding the water for the use of the crew, there were found by the surveyors 16 other water casks, capable together of containing 3,520 gallons.

The cabouse was fitted to receive a large slave-boiler; the boiler was not, however, met with.

There were on board 50 bushels of rice, and 6 bags of beans, a quantity of such provisions more than was required for the use of the crew; and which formed no part of the cargo cleared at the Custom-houses of Porto Rico or Danish St. Thomas's.

The Master of the detained vessel having remained on shore, at New Sestos, the captors produced, as witnesses, Salvador Selles, the Mate, who was found in charge of her when seized, and a seaman, named Jacobo Dorcas, who were, on the 13th instant, examined by the registrar.

Selles deposed that "the Master's name is Pedro Ferrer, has known him only about 3 months, and does not know where he was born or lives, or if he be married. He does not know who appointed the said Master, or gave him possession, or where, or when, he took the same; the said Master was ashore at New Sestos when the vessel was seized. Witness first saw the said vessel in Porto Rico about 3 months ago; does not know where she was built. He was present at the time of capture; does not know for what reason the vessel was seized; she had no colours but Spanish. He has never heard of the vessel having been called by any other name than '*Cinco Amigos*;' she is 42 tons burthen, and had 18 Officers and Mariners, exclusive of the Master; all Spaniards, except 2 or 3 Mariners; all hired by the Master in January; part shipped at Porto Rico, and part at St. Thomas's (West Indies). He does not know whether any of the Officers or Mariners had any interest in the vessel or cargo; had none himself in either. Was Mate on board; there were no passengers. The voyage began and was to have ended at Porto Rico. The vessel went from thence to St. Thomas's, (which was the last clearing port,) where the cargo and part of the crew were shipped, and from thence proceeded to New Sestos, where the Master went ashore, and the cargo was landed; and witness was dispatched with the vessel along the Coast to purchase rice, and was captured on his return. The capturing vessel was first seen off the mouth of the Rio Sestos on the 30th last month (March), and seizure took place the same day. The vessel was steering into New Sestos when pursued; her course was not altered, nor was any additional sail hoisted. The vessel's Papers were for St. Thomas, (Coast of Africa;) does not know why the Master went to New Sestos. There is 1 gun, 4 or 5 muskets, and a little powder for the defence of the vessel; no resistance was made, and there were no instructions to avoid capture, or to conceal or destroy any of the vessel's papers. He does not know who is the owner of the vessel. He believes there is a Bill of Sale amongst the Papers delivered up, but knows nothing of the contents, having never read it. Knows nothing of the price of the vessel, and cannot say to whom she will belong if restored. He does not know who is the owner, lader, or consignee of the cargo; it was all landed at New Sestos; there is at present some rice on board bought by directions of the Master; cannot say for what purpose, or to whom the same will belong, if restored. He knows nothing of the last voyage; the cargo shipped at St. Thomas's was tobacco and cloth; was taken direct to Sierra Leone after capture. He believes the papers to be all true and fair. No Papers were destroyed, concealed or made away with. He knows of the existence of no Papers, besides those delivered up, relating to the vessel or cargo. There was no charter party to his knowledge. The hatches are not fitted with open gratings. The coamings of the hatchways are bored; cannot say for what purpose. There are no iron bars on board fit, or intended, for securing the said hatches. There are the bulk-heads of the cabin and fore-castle only. There are some spare planks marked and numbered; cannot say what quantity, or what they were intended for. There is no part of a slave deck laid. There are no shackles, bolts, or handcuffs. There are 16 water casks capable of containing 2 pipes each. There is no tank, nor any staves; 4 of these casks were filled with fresh water at the time of capture; does not know why there were so many water casks on board. There were only 4 or 5 mess-tins for the use of the crew. There is no boiler on board. There was one landed by the Master, at New Sestos, with the cargo. There were about 50 bushels of rice on board; does not know for what purpose."

The second witness, the seaman Dorcas, confirmed the testimony of the mate as above quoted.

Publication of the case passed on the 15th instant, and the Monition was returned on the 17th.

At a sitting of the Court on the 20th instant, a sentence of condemnation was passed upon the schooner "*Cinco Amigos*," and her cargo, on the clear evidence herein recited of her having been equipped in violation of the Treaty of June 1835, between Great Britain and Spain, when detained by His Majesty's brig "*Bonetta*."

(Signed)

WALTER W. LEWIS.
THOMAS COLE.

Sierra Leone, 25th April, 1837.

No. 24.

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

MY LORD,

Sierra Leone, 24th May, 1837.

THE case of the Spanish schooner "*Dolores*" (the Report of which is herewith inclosed for your Lordship's information) is one of the ordinary descrip-

tion of Slave Trading adventures, happily frustrated before the guilty intentions of the parties engaged in it could be completed. The "*Dolores*" belonged to Havana, where her Owner, a Spanish merchant, named Francisco Antonio Ruiz, fitted her out in October of last year, ostensibly for lawful commerce on the coast of Africa. Such employment is mentioned in all the Ship's Papers. No sooner had the vessel crossed the Atlantic, than she repaired at once to the Old Calabar, a notorious slave trading mart, where she disposed of the outward cargo, and in return shipped 314 Africans on the 14th ultimo. Within 5 days, however, of this illegal embarkation of slaves, His Majesty's brigantine "*Dolphin*" captured the "*Dolores*," whilst steering for the Island of Cuba, the proposed market for the sale of the wretched cargo.

After the arrival of the Prize in this harbour, she was duly prosecuted by the Captors. On the completion of these proceedings, the Court, deeming the allegations advanced against the detained vessel fully established by evidence, condemned the "*Dolores*," and emancipated the 286 surviving slaves on the 23d instant.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

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

Enclosure in No. 24.

Report of the Case of the Spanish Schooner "Dolores," Francisco Canal, Master.

THE schooner "*Dolores*" was one of the numerous slave-trading vessels belonging to the Port of Havana, from which she sailed on the 4th October last, for the island of St. Thomas' on this coast, ostensibly for lawful commerce, as appeared by the undermentioned Papers, which were found on board at the time of her detention.

1. Royal Passport.
2. Muster-roll.
3. Fort-pass.

On the seizure of this vessel by His Majesty's brigantine "*Dolphin*" on the 19th April ultimo, when leaving the Calabar river, she was, without loss of time, dispatched to Sierra Leone, where she arrived, on the evening of the 14th instant, and was, on the following morning, visited by the Marshal and Surgeon to the Courts, who made their customary Reports.

From the Surgeon's statement we learned, that 21 of the 314 slaves captured, had died of dysentery on the passage hither, and that 34 of them were then labouring under the same complaint; in addition to which there were 11 cases of ophthalmia and other diseases, all of them requiring immediate hospital treatment; in consequence of which, and the exceedingly crowded state of the vessel, the Surgeon considered it essential that they should be at once landed. This recommendation we were enabled to carry into effect the same day; the vessel having been regularly brought before the Court, by the filing of the Ship's Papers, Captor's Declaration, and the Prize Officer's Affidavit respecting the seizure. At the same time the Monition issued, and the witnesses produced were ordered for examination.

The declaration of the Seizor ran as follows: "I, Thomas L. Roberts, Lieutenant commanding His Majesty's brigantine '*Dolphin*,' hereby declare that, on the 19th April, being in latitude 4° 8' North, and longitude 8° 0' East, I detained the schooner named the '*Dolores*,' sailing under Spanish colours, commanded by Francisco Canal, who declared her to be bound from Old Calabar to Havana, and having on board 314 slaves, said to have been taken on board at Old Calabar, on the 14th April, 1837."

On the 17th instant the witnesses brought forward by the Captor were examined on the Standing Interrogatories.

The Master, Francisco Canal, deposed, that "he was born at Santander in Spain, has lived at Havana for the last 14 years, has never served any State but Spain. He was appointed to the command, and possession was given to him by Francisco Antonio Ruiz at Havana, in October last; the said Ruiz is a Spanish subject residing at Havana; first saw the vessel in October last; does not know where she was built. He was present when the vessel was captured for having slaves on board; had no colours but Spanish. The vessel has never been called anything but '*Dolores*' to his knowledge; she is 107 tons burthen, and had 20 Officers and mariners, exclusive of witness, all Spaniards, hired by the said Ruiz at Havana, in October last. Neither he nor any of the Officers or mariners had any interest in either the vessel or cargo; was Master on board; there was no passenger. The last clearing port was Havana, and the voyage commenced and was to have ended there; thence the vessel proceeded direct to the Calabar, where slaves were purchased and shipped. The capturing vessel was first seen off the bar of the Calabar on the 19th April, and capture took place 4 or 5 hours afterwards. The vessel was steering for Havana, when she fell in with the capturing vessel. The vessel's Papers were for Prince's Island, but she did not touch there. There was no gun mounted, and only 9 muskets and 7 cutlasses; no resistance was made; there were no instructions to escape capture, or to conceal or destroy any of the vessel's Papers. The owner of the vessel is Don Francisco Antonio Ruiz; knows it from his having engaged witness; and hired the people; does not know whether he be married, or where he lived before he resided at Havana. He never saw any Bill of Sale, and cannot tell whether there be such a document; knows nothing about the price of the vessel, but believes if restored she will belong to the said Ruiz; knows of no private agreement. Ruiz is the owner of the slaves, and witness was himself the lader of them, there is no consignee. Ruiz is a merchant of Havana; the slaves were to have been landed on the coast of Havana, and if restored, will belong to Ruiz; knows of no other person. He knows nothing of the last voyage. The cargo shipped at Havana was dry goods, powder, and rum; 315 slaves were shipped altogether, all from the shore,

does not know their particular descriptions, none died before capture, but some have died since, does not know how many; was taken to Sierra Leone after capture. The Papers delivered up were all true and fair. No Papers were destroyed, concealed, or made away with. He knows of no other Papers, relating to either vessel or cargo, besides those delivered up. There was no Charter-party, to his knowledge. He does not know whether the vessel or cargo be insured. The vessel was under witness's management, in regard to her trade. Bulk was broken in Old Calabar; no slaves have been disembarked since capture."

Antonio Hoyo, the Cook of the detained vessel, on his examination, gave evidence confirming that of the Master in every respect.

The Prize Officer's Affidavit respecting the mortality amongst the slaves, whilst they were under his charge, proved that 21 of them had died.

With the filing of this Paper the Seizor's case closed, and his Proctor obtained publication thereof, on the 19th current.

The Monition, issued on the 15th, was returned into Court duly certified on the 22d instant; and on the following day the trial of this vessel took place, when the condemnation of the schooner, "*Dolores*," was decreed, as well as the emancipation of the surviving slaves, amounting to 286 persons.

(Signed)

WALTER W. LEWIS.

H. D. CAMPBELL.

Sierra Leone 24th May, 1837.

No. 25.

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

Sierra Leone, 10th June, 1837.

MY LORD,

A FEW days since, we were honoured by the receipt of your Lordship's Despatch, of the 30th March last, approving of the British and Spanish Mixed Court having refused, in the Case of the Spanish schooner "*Luisita*," to consider open gratings boarded over as closed hatches, within the meaning of the Treaty of the 28th June, 1835; and forwarding to us a Copy of the Despatch, which your Lordship had addressed to His Majesty's Minister at Madrid, instructing him to press upon the Spanish Government the expediency of adopting some form of Bond and Certificate, for Spanish vessels clearing out for the Coast of Africa with casks on board, of a like nature to those in use by the British Custom-house, for British vessels engaged in the commerce of this Coast.

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, 23.)

Sierra Leone, 10th June 1837.

MY LORD,

WE beg leave to acknowledge the receipt of your Lordship's Despatch, of the 31st March last, conveying the approbation of His Majesty's Government of the amended plan adopted for the cutting up of vessels, condemned under the Treaty between Great Britain and Spain; and to assure your Lordship, that we have had much pleasure in learning, that the measure in question has been considered satisfactory.

We have, &c.

(Signed)

H. D. CAMPBELL.

WALTER W. LEWIS.

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

&c.

&c.

&c.

No. 27.

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

Sierra Leone, 10th June, 1837.

MY LORD,

WE have the honour of acknowledging the receipt of your Lordship's Despatch, of the 8th April last, upon the subject of the deficiencies discovered in the cargo of the Spanish schooner "*Josefa*," on her restoration to the Claimant, and which had taken place during the charge of Mr. Reid, Prize Master of that vessel; and acquainting us, that there was nothing unjust or inequitable in the position in which the Claimant's application for remuneration for the losses in question had been left by the decision given therein by the Mixed Court.

The information which your Lordship has been pleased to communicate to us, of a Seizor being civilly answerable for the conduct of his Prize Officer or Agent, we shall bear in mind, on any future application of a like nature to the one above alluded to.

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

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

No. 28.

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

MY LORD.

Sierra Leone, 30th June, 1837.

IN pursuance of the the 75th Clause of an Act passed in the 5th year of His late Majesty's Reign, entitled, "An Act to amend and consolate 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 Mixed Court of Justice, established here from the 1st January, to the 30th June, 1837.

We have, &c.
(Signed) WALTER W. LEWIS.
R. DOHERTY.

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

Enclosure in No. 28.

Return of Spanish Vessels adjudicated by the British and Spanish Mixed Court of Justice, established at Sierra Leone, betwixt the 1st day of January and the 1st day of July 1837.

NAME OF VESSEL.	NAME OF MASTER.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZOR.	DATE OF SENTENCE.	Number of Slaves Captured.	Number died before Adjudication.	Total number Emancipated.	Decretal part of Sentences, whether Forfeitures 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.								
San Nicolas	Angel Calsamilia	1836 2 December	River	Sea-bar.	Brig and cargo	F. H. H. Glasse, Esq., H. B. M. brig, "Rolla."	1837 2 January	..	..	..	Condemned for being engaged in the illicit traffic in slaves.	Vessel, Cargo, and Stores sold at Public Auction, and the proceeds paid into the Military Chest.
Lechuguino.	José Maury.	27 December	River	Ponga.	Schooner and 49 slaves.	Ditto Ditto	10 January	49	..	49	Ditto Ditto	Ditto Ditto
Experimento	Joaq ^m . de Andrinica	Ditto	Off the	village of Saraby in the Rio Pongas.	Schooner and cargo	Ditto Ditto	12 January	..	..	..	Ditto Ditto	Ditto Ditto
Gata.	José V. Larrazabal	5 December	4° 13' N.	7° 8' E.	Pilot boat and 111 slaves.	R. Craigue, Esq. H. B. M. sloop, "Scout."	Ditto	111	10	101*	Ditto Ditto	Vessel, Cargo, and Stores sold at Public Auction, and the excess of expenses over the proceeds of such sale paid out of the Military Chest.
Descubierta.	Pablo Pla.	1837 14 January	4° 13' N.	7° 7' E.	Schooner and cargo.	Ditto Ditto	20 April	..	..	..	Ditto Ditto	Vessel, Cargo, and Stores sold at Public Auction, and the proceeds paid into the Military Chest.
Cinco Amigos.	Pedro Ferrer	30 March	5° 32' 27" N.	9° 59' 46" W.	Ditto	H. P. Deschamps, Esq., H. B. M. brig "Bonetta."	Ditto	..	..	..	Ditto Ditto	Ditto Ditto
Dolores	Francisco Canal	19 April	4° 8' N.	8° 0' E.	Schooner and 313 slaves.	Thomas Lorey Roberts, Esq., H. B. M. brig "Dolphin."	23 May	313	27	286†	Ditto Ditto	Ditto Ditto

* Two boys died before their description could be taken to be registered.
† Two boys and two girls died prior to their description being taken to be registered.

(Signed) R. DOHERTY.
WALTER W. LEWIS.

Sierra Leone, 1st July, 1837.
(Signed) M. L. MELVILLE,
Registrar.

CLASS A.

No. 29.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 6.)

MY LORD,

Sierra Leone, 12th August, 1837.

WE beg leave to acknowledge the receipt of your Lordship's Despatch of the 30th May last, in which your Lordship is pleased to convey your concurrence in the opinion entertained by the British and Spanish Mixed Court, that a vessel, having one large hatch fitted with gratings, instead of hatches, as required by the letter of the late Treaty with Spain, comes within the operation of the Equipment Article of that Treaty; and that, therefore, the condemnation of the Spanish Brig "*San Nicolas*," equipped in the manner alluded to, was a correct decision of the Court.

Your Lordship's approval of the course adopted on the occasion in question, has proved very gratifying to us.

We have, &c.
(Signed)

WALTER W. LEWIS.
A. DOHERTY.

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

No. 30.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 6.)

MY LORD,

Sierra Leone, 12th August, 1837.

WE have had the honour of receiving your Lordship's Despatch of the 19th June last, having reference to your Lordship's former letter of the 3rd September, respecting the departure hence in April, 1836, of the two vessels, in which the officers and crews of Spanish slaves, then awaiting adjudication here, had left this, in consequence of the trial of their vessels having been unavoidably postponed for an indefinite period; and acquainting us that Her Majesty's Advocate General is of opinion, that the Lieutenant-Governor could not have legally prevented those persons quitting the Colony, as they had been examined on the standing interrogatories.

The Commissioners, in reporting to your Lordship the occurrences in question, had in view only to bring them under your Lordship's notice, as circumstances connected with their branch of the public service, and not as matters of which they had to complain.

The Commissioners having been at the time of the departure of these people from the colony, without any instructions from your Lordship, as to the carrying into effect the new Treaty with Spain, under which their vessels had been prosecuted, and not having before them the Act of Parliament on this subject, they were of opinion, they could not, without incurring unnecessary responsibility, have taken upon themselves to decide, whether these people might not have been eventually required to undergo further examination; and, therefore, when asked to sanction their departure hence, we stated to their Proctors what we have now represented to your Lordship, and declined giving the assent solicited.

We have, &c.
(Signed)

A. DOHERTY.
WALTER W. LEWIS.

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

No. 31.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30.)

MY LORD,

Sierra Leone, 9th September, 1837.

HEREIN we have the honour of transmitting to your Lordship our Report of the case of the Spanish Brig "*General Ricafort*," seized on the 26th June last, a few miles from British Accra, by His Majesty's Brig, "*Charybdis*," Lieutenant Mercer, Commanding, on a charge of illegal equipment.

The detained vessel reached this harbour on the 15th July, and on the following 19th was brought before the British and Spanish Mixed Court for trial. Various

occurrences tended to delay the adjudication of this vessel beyond the period named in the Treaty for this purpose, and which were not controllable by the Court. The chief causes of delay were the serious illness of the Master on his arrival here, and ultimately a lengthened sitting of one of the Local Civil Courts, in which most of the officers, as well as the practitioners of the Mixed Court, were in some way engaged. Adjudication, however, took place on the 25th ult., when the detained brig was declared a good and lawful prize to the Governments of Great Britain and Spain, having been seized unlawfully equipped.

This vessel was ostensibly on a voyage from Havana *via* Bahia to Lagos to deliver merchandise, and return thence to Havana in ballast, and affords an instance of an apparently new system which has just commenced operation at Cuba among the Slave-Traders there, in the hope of evading the terms of the Treaty with Spain of June, 1835. The "*General Ricafort*" is a large, roomy, merchant vessel, formerly employed between Cuba and Bremen, in a legitimate trade, and not at all partaking externally of the appearance of a slave vessel; and when boarded by the capturing officer, the only part of her equipment then observable which afforded ground of seizure, was a portion of a slave deck laid in the front of the steerage of the vessel. For this small loose deck, and having on board some spare planks adapted for a continuation of the said deck, the "*General Ricafort*" was seized and brought to adjudication.

The captor found on board of the brig when he detained her two large Guinea canoes, and nineteen hired Guinea men to navigate them, which he states, in his declaration, were engaged apparently for shipping slaves; an opinion, we think, well founded, as the providing such canoes is said to be a regular practice with vessels bound to Lagos or Whydah for slaves.

Subsequently to her seizure, as will appear in the Report of the case, a bag of forelocks for slave shackle-bolts was found, which materially strengthened the charge against this vessel; and the two large medicine chests, in addition to that for the brig's crew, such as are only used on board of slave vessels, and fitted up for the treatment of diseases frequent among negroes on shipboard, which were also discovered in the hold of the vessel, though not prohibited articles by the Treaty, served to point out the real employment for which this vessel was intended, and thus to assist in the decision of the charge preferred against her.

When the detained brig was examined by the Surveyors to the Court, after much of the cargo had been shifted, there was then sufficient unmarked and unfitted plank discovered for continuing the small deck which had been found laid at the time of seizure, half the length of the hold; and it was observed that there were battons on the foremost bulkhead, on a level with the beams, adapted for receiving the ends of a plank which might be used in laying a deck fore and aft in the hold. The number of lower deck beams were not however more than would be met with in a vessel used in lawful commerce; but this deficiency was provided for in a double set of "air holes," cut in the ceiling of the brig, ostensibly for ventilation, the lower range of which were on the level of the fixed beams, and evidently intended for the lodgement of temporary beams, by which sufficient support would have been obtained for a slave deck.

The nature of the voyage in which the vessel had been seized, as deposed to by the Master, in his affidavit with the claim, was plainly at variance with the Owner's statement upon this subject, in his letter of instructions to the Master; and the said claim did not set forth distinctly or clearly who were the owners of the cargo with which the brig was laden, and was in contradiction of the official clearance from Havana; all which circumstances are enlarged upon in the Report of the case.

The main feature of the claimant's defence referred to the principal charge against the vessel, the loose deck and spare plank with which his vessel had been seized, and consisted in the assertion of the loose deck being intended to stow provisions upon; and the loose planks having been shipped as dunnage for the roll tobacco, which article requires to be so carefully stowed as to need dunnage of this description. As to the non-existence of a necessity for so expensive an article as plank being used for the purpose in question, we had the most direct evidence from the Surveyors of the Court, (one of whom has been a Master-Mariner for a number of years); who all agreed that the fire-wood on board would have equally well answered for this service. And if there even had been the necessity alleged by the Master for the use of plank as dunnage, he appeared to have overlooked it when loading his vessel, as when the brig was seized there was not any plank used in this manner, as the Prize Officer's affidavit proved.

These circumstances, in connexion with others, bearing materially on the case which have been referred to at length in our Report, led us to the conclusion that this vessel had been unlawfully equipped, in wilful violation of the 10th Article of the Treaty of June, 1835, and induced us to give the sentence of condemnation which we have previously mentioned.

Enclosed is a Copy of a Report from the Acting Marshal to the Courts, as to his having found, secreted under the cargo of the "*General Ricafort*," three pairs of slave-irons complete, and seven more planks for use in the formation of a slave deck for this vessel; circumstances tending to confirm our opinion of the real employment for which she was destined.

All the leading persons in this transaction have been previously connected with Slave trading adventurers, excepting the Owner of this vessel, Cosme Joca, a resident merchant of Havana.

The Freighter of the brig, J. Y. de Yrigoyen, was the Seller of the Spanish brigantine "*Diligencia*," condemned here in 1836; and the Owner of the condemned Spanish schooner "*Iberia*," condemned 11th March, 1835. The Consignee at Bahia, M. C. dos Santos, has been particularly alluded to in the case of the Portuguese brigantine "*Felix*," condemned in last December. And the Consignee at Lagos, E. J. de Silva Porto, is mentioned in the case of the Portuguese schooner "*Josephina*," condemned in March last, as the Owner of the slaves seized in that vessel.

In none of the cases of vessels brought before us, which have cleared from Bahia, have we found a manifest of the cargo embarked at that port, a circumstance which has at times been productive of some difficulty, and prevented our arriving at a correct knowledge of transactions which we were anxious to investigate. It has been denied, when inquired into, that any such document as a manifest, or descriptive clearance of a cargo, had been issued at Bahia, upon which assertion we cannot form a good opinion, being unacquainted with the customs of Portuguese or Brazilian Ports; the absence of a document answering the purpose in question seems very irregular, and leads occasionally to difficulties in arriving at just conclusions, as we have before stated, and of which the present case affords an instance. The only documents describing the cargo embarked at Bahia in the "*General Ricafort*," are triplicates of the bills of lading, said to have been given there by her Master to the owner of the property mentioned in those documents.

We have, &c.

(Signed)

WALTER W. LEWIS.
A. DOHERTY.

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

First Enclosure in No. 31.

Report of the case of the Spanish Brig "General Ricafort," Carlos Martinez, Master.

THIS brig was the property of a Spanish merchant, named Cosmé de Toca, of Havana, at which place she was chartered and fitted out in February last, by one Juan Yrinco de Yrigoyen, for a voyage to Lagos viâ Bahia. Part of the cargo of this vessel, which consisted of a general assortment of merchandise, adapted for the trade of Lagos, was shipped at Havana, and the remainder at Bahia. The consignee at Bahia, of the parties interested in this voyage, was Manoel Cárdozo dos Santos. At Lagos the consignee was Eustaquio Joaquim da Silva Porto.

At the commencement of the voyage the Spanish authorities of Havana, furnished the "*General Ricafort*," with the following papers.

1. Royal Passport, No. 149, of the 5th of April, 1835, for a voyage to Bremen, under Carlos Martinez, her late Master. An official endorsement of the 21st of June 1836, showed her to be destined for another voyage to that port; and a further one of date the 27th of February, 1837, cleared her for Lagos viâ Bahia; adding the usual injunction not to engage in the Slave Trade.

2. Muster-roll of sixteen persons, the number who composed the crew on leaving Havana.

3. Port pass, endorsed like the Passport as regards the different voyages.

4. Custom-house clearance of the cargo for Bahia only. There were also on board the "*General Ricafort*" an officially

5. Certified copy of the Bill of Sale of this vessel, bearing date the 24th May, 1832, in which José Francisco Serrans, of Havana, appeared as seller, and Cosmé Toca as the purchaser of the said vessel: which document was delivered up by the Master at an advanced stage of the proceedings in the case. At Bahia, in May last, where a considerable addition to the cargo was made, consisting of rum and tobacco, some further official documents were obtained. They were

6. A bundle of five receipts and certificates from the Custom-house respecting both vessel and cargo, and which were in the usual form.

7. Muster-roll from the Spanish Vice Consul, showing that the crew had been increased at Bahia, from sixteen to twenty without any apparent cause.

The private documents found on board, having reference to the proceedings of this vessel at Havana and Bahia, were

8. A Bill of Lading granted to Juan Yriuco de Yrigoyen for the cargo shipped by him at Havana, and which he consigned to Don Manoel Cardozo dos Santos, of Bahia, or Eustaquio Joaquim da Silva Porto, of Lagos.

9. A Letter of Instructions to the Master, from the owner of the brig, dated 27th February, 1837, acquainting him the vessel had been freighted to the said Yrigoyen, at the rate of eight hundred dollars per month, for a year or more, if necessary; enclosing him an introduction to the aforesaid Manoel Cardozo dos Santos, of Bahia; to which port he desires him to proceed, and adding, that the vessel had been insured for eight thousand dollars. The particulars of the insurance were not given.

10. A Letter of Instructions to the said Master from the consignee at Bahia, dated 18th May, 1837, desiring him to proceed to the coast of Guinea, and purchase two canoes for the use of the vessel, hiring Guineamen to navigate them, and then go direct to Lagos, and place himself in communication with Da Silva Porto, who would acquaint him if the return voyage was to be to Havana or Brazils.

11. Two Bills of Lading dated Bahia, one for the cargo shipped by the consignee of Yrigoyen, for one Da Silva Porto; and the other for a small shipment of three hundred rolls of Tobacco, made by the nephew of the said consignee, to the joint care of the said Da Silva Porto, and the Master of the Brig.

On the shipment of the Guineamen to navigate the two canoes, purchased agreeably to the Bahia consignees instructions above alluded to, the authorities of St. George d'Elmina on this coast, on the 27th June last, gave an official list or muster-roll, showing that nineteen men had been embarked for this purpose.

There was a Log-book of the voyage throughout, which had been apparently kept by the Master. In this the vessel's stay at Bahia was stated to have been twenty-three days, during which the additions to the cargo were made; and at St. George d'Elmina the vessel was detained six days on account of the purchase of the said two canoes, and the hire of their crews.

The alleged ground of purchasing the two canoes herein alluded to, was for discharging the outward cargo at Lagos, and embarking the ballast with which it was stated she was to return to Cuba. Soon after this exceedingly questionable transaction, Her Majesty's brig "Charybdis" fell in with the "General Ricafort," on the 26th June last, and her commander after a minute inspection of the vessel's equipment, deemed it his duty to detain her for an infraction of the tenth article of the Spanish Treaty, as well as for what Lieutenant Mercer considered a serious informality in her ship's papers.

The detained vessel reached this port under the charge of a prize officer, on the 15th of July last, and her cargo and hold were immediately afterwards very carefully examined, in order, if possible, to discover additional causes for which to prosecute her, to those contained in the Declaration of the captor. This led to the Proctor for the seizors not presenting the brig's papers to the Court until late on the 19th July; and they were therefore not filed in the Registry of the Court until the subsequent day, when the prize officer's affidavit authenticating them was received together with the Declaration of the captor. The motion in the case issued at the same time, and the examination of the witnesses produced by the captor was directed to be proceeded with.

The allegations contained in Lieutenant Mercer's Declaration are as follows:—"That he, Lieutenant Samuel Mercer, Commander of Her Majesty's brig 'Charybdis,' on the 26th day of June, 1837, being in or about latitude 5° 19' N., longitude 0° 5' W., British Ocean, bearing N. W. by N. by compass, about eight or nine miles, he detained the brig named the 'General Ricafort,' sailing under Spanish colours (of two hundred and thirty-eight tons), armed with two guns, six-pounders, and commanded by Carlos Martinez, who declared her to be bound from Havana via Bahia to Lagos, with a crew consisting of twenty men and boys, and nineteen canoe-men, taken on board at Elmina, whose names, as declared by them respectively, are inserted in a list at the foot hereof; and having on board spare planks fitted as an after slave-deck, and laid, which planks are marked and numbered, and fitted as the generality of slave-decks, and having on board besides a quantity of spare plank, and that the foremost beam of the slave-deck is fitted for an additional bulkhead; and also for informality in the papers; No. 5 stating that she is two hundred and thirty-eight tons; No. 2, of one hundred and twenty tons; and No. 1, of ninety-one and a half tons."

He further declared, "That this vessel had two large canoes, said to have been obtained at Elmina, apparently for the purpose of embarking her slaves."

To establish by proof the contents of the above-mentioned Declaration, the seizor's Proctor prayed that a Commission of Survey and Inspection might be issued. The petition contained a further request, that a vessel might be provided to remove a part of the cargo into, in order to facilitate the means of the Surveyors in prosecuting their inspection. The Commission was desired to go forth on the 20th of July; but the Court declined allowing a vessel to be hired as had been proposed, not having any evidence of the necessity for incurring such a heavy expense. Indeed, the said petition contained the only intimation the Court had at that time received of their being any cargo at all on board of the detained vessel on her arrival here. The result of the Surveyor's investigation is embodied in the following Report, which was duly attested before the Registrar on the 22nd of July:—

"We found the hatchways not larger than usual in merchant vessels of her size, close hatches, and coamings not bored for bars. We found divisions and bulkheads as usual in vessels engaged in lawful traffic. We found a loose deck laid in front of the steerage, the planks of which are numbered, and fitted on to the beam in such a manner as to leave sufficient space on the other side of the beam to receive planks for a continuation of the deck forward. We observed several places cut in the ceiling on a level with the said loose deck, apparently to receive ends of beams. We also found an unusually large quantity of rough unnumbered spare plank of a sufficient thickness for forming such continuation of the half-deck; but from the cargo stowed in the hold we were unable to ascertain whether such spare planks would be sufficient, or whether they are fitted for that purpose. We found seventy-two iron forelocks or pins, apparently for fastening slave shackles; but no shackles, bolts, or handcuffs. We found no larger quantity of fresh water than would be requisite for the crew of a merchant vessel of her size. We found a large number of casks containing spirits, about eighty pipes. We found no more mess kids or pans than necessary for the use of her crew, as a merchant vessel. We found the boilers not larger than requisite for the use of the crew. We found not more rice than sufficient for

the crew of the vessel, and no flour of Brazil or farinha. We found two large medicine chests, containing a much larger quantity of medicine than requisite for the crew of a merchant vessel; also a large quantity of charcoal besides firewood. On deck there are two guns, and beds for ten water casks."

There was a further survey of the vessel held after the case had been finally closed on both sides; the particulars of which will appear in this Report in the order of its date, where they will be more intelligible than in connexion with the foregoing survey, as many parts of it were called for to clear up points that arose during the proceedings had in this case, and of which we shall now give an account.

The examinations in chief of the witnesses, produced by the captors, were delayed until the 24th ultimo,—a period of four days, owing to the severe illness of the Master, Carlos Martinez. On the above day, however, he was sufficiently recovered to give evidence; and the Registrar proceeded at once to examine him and the Boatswain of the detained Brig, on the standing interrogatories, and the Steward, on the fixed special interrogatories only; the merits of the case resting upon the question of equipment.

Carlos Martinez deposed, that "he was born in Florida, North America; has lived at Havana for the last seven years; is a subject of the Queen of Spain; was formerly a subject (citizen) of the United States; witness's wife resides in Havana. Was appointed to the command, and possession was given to him at Havana, in February last, by Cosmé de Toca, a Spanish subject, and a resident of the Island; first saw the said vessel about four years since; she is North American built. Was present when the vessel was captured; does not know for what reason she was seized. Sailed under Spanish colours; had also a Dutch flag for a private signal. The vessel is called the '*General Ricafort*;' she was formerly (when under the American flag) called the '*Sion*;' she is one hundred and twenty tons burden, and had nineteen officers and marines, exclusive of witness, part Spaniards and part Portuguese; there were also two Bremen men, two Frenchmen, and one Italian, all shipped and hired by witness at Havana, in February last, except four, who were shipped by witness at Batia, in May last. Neither he nor any of the officers and mariners had any interest in the vessel, nor in the cargo, with the exception of two hundred rolls of tobacco, which are the property of witness; was master on board; there was one passenger, a black man, whose name is in the passport delivered up; he was embarked at Bahia, for a passage to Lagos; does not know what his business might be: the said passenger had no authority or interest in respect to the vessel or cargo. The voyage commenced, and was to have ended at Havana; Bahia was the last clearing port: from Havana the vessel went to Bahia, where a cargo of tobacco and aquadiente was shipped, and from thence she proceeded to the coast of Africa, and touched at St. George's, Elmina, for the purpose of purchasing two canoes, and of hiring crews for them, which he succeeded in procuring from the natives; remained there four days, and was on his way from that place to Lagos when he was captured. The capturing vessel was first seen about twelve miles from Actra, on the 26th June, and capture took place there and then; there was no chase; witness was steering for Lagos at the time when he fell in with the capturing vessel; the vessel's course was not altered, nor any additional sail hoisted on the appearance of the man-of-war; the vessel's course was at all times, when the weather would permit, directed to the place for which she was destined by her papers. There are two guns mounted, and there were twelve muskets and as many cutlasses, and a small quantity of ammunition for the defence of the vessel against pirates. There was no resistance made; there were no instructions to resist or avoid, or escape capture, or for destroying, concealing, or refusing to deliver up any of the vessel's papers. Cosmé de Toca was the sole owner of the vessel, a Spaniard by birth, and a resident of Old Spain, before he lived at Havana. There was a bill of sale, which is at present on board, and witness is willing to deliver it up; does not recollect the particulars; believes the price to have been paid; believes the sale to have been a true one, and that the vessel, if restored, will belong to the said Toca, and to him only: knows of no private agreement. As he has already stated, he is himself part owner of the cargo, and Tozé Joaquim de Almeida, nephew and clerk of Manoel Cardozo dos Santos, of Bahia, owns three hundred rolls of tobacco, the remainder of the cargo belongs to José Yrinco de Yrigoyen, a Spaniard by birth, and a resident merchant of Havana: the lader of the cargo shipped at Bahia, and the consignee at that place, was Don Manoel Cardozo dos Santos, a Portuguese by birth, and a resident merchant of that city; the consignee at Lagos is Eustaquio da Silva Porto, but witness knows nothing further about him; part of the cargo was laded at Havana by Yrigoyen himself; the whole of the cargo was to be landed at Lagos for the account and risk of Yrigoyen, Almeida, and witness, the owners above stated, and if restored will belong to those parties, and to them only. The lading of the vessel on her last voyage was sugar from Havana to Bremen, whence she took a cargo of linen back to Havana; the cargo on the present occasion shipped at Havana is bale goods and muskets; and shipped at Bahia tobacco and rum. After capture the vessel was taken to Accra, and thence to Sierra Leone. The passport and other papers found on board the vessel are all true and fair. No papers whatever were destroyed or concealed, or made away with. There are no other papers in any country to his knowledge relating to vessel and cargo besides those delivered up, and the bill of sale of which he has spoken. There was no charter-party to his knowledge. The vessel and that part of the cargo belonging to Yrigoyen are, witness believes, insured, the former in Havana, and the latter in the United States; does not know anything of the insuring parties; witness's own venture is not insured; cannot say whether Almeida's is or not; the vessel was under the direction of Cardozo dos Santos in regard to her trade; witness corresponds with him, Yrigoyen, and Toca in regard to the concerns of the vessel and cargo. Bulk was not broken before or since capture. The following articles were found missing after the man-of-war had parted company:—one Spanish flag, one burdjee, with ship's name, one red flag, also two pieces of duck, about twenty-five skains of sail-twine, sixty fathoms of four-inch rope, three swords, one cabin chair, four or five tin plates for the use of the crew, and two canoes; witness cannot swear that the first-mentioned articles were taken by the man-of-war's people: the two canoes were sent ashore by the capturing officer with part of the Spanish crew. Since capture eight dollars have been taken from his trowser's pocket, which hung upon the cot in his cabin; does not know by whom they were taken."

The Master's replies to the Special Interrogatories, respecting the equipment of the detained vessel, were as follows: "The hatches are close, and of wood. The coamings of the hatchways are not bored, and there are no iron bolts or bars. There are four bulkheads below, those of the cabin, fore-castle, steerage, and sail-room. There are six planks of two, and two of three quarter of an inch,

four boards of three quarters of an inch and of one inch, besides a number of short pieces of different sizes, which were for stowing the cargo, and for the carpenter's use; none of those planks or boards are numbered and fitted to any part of the vessel. There is about six feet of a half deck laid before the steerage, to stow the provisions upon. There are no shackles, bolts, or handcuffs. There are twenty water casks, capable of containing about two thousand gallons; there is no tank, nor any staves, except those of about twenty bread barrels; does not know what quantity of fresh water was on-board at the time of capture. There are three or four mess tins for the use of the crew. There was no copper or iron boiler on board. There was a little rice and flour for the crew."

Two other witnesses were examined; the boatswain, Sampayo, and the steward, Isidore Marcel. The first gave his deposition on both Standing and Special Interrogatories; but the second, as previously mentioned, deposed only as to the Special Interrogatories, which bore on the question of the equipment of the "*General Ricafort.*"

The general character of Sampayo's testimony, although far from being explicit, is decidedly corroborative of Martinez's statements. But three points worthy of observation are apparent; he says that six seamen were engaged at Bahia, two more than the Master admitted; he confirms the loss of the missing articles, and states further, that he saw the missing twine conveyed on board the man-of-war; and in his reply to the Special Interrogatory, gives an additional explanation for the extra planks being on board, by alleging, that they were for "making boxes for ballast," as well as for dunnage. The rest of Sampayo's evidence does not display the same explanatory tendency. He is ignorant of the person who gave the Master possession of the vessel, of the owner of any bill of sale, or of the price of the vessel. He knows nothing concerning the lader, consignee, or owner of the cargo, with the exception of a small quantity of tobacco belonging to himself, "and some that belongs to the Master;" and he manifests equal ignorance of the destination of the cargo, charter-party, and insurance.

The Steward, Isidore Marcel, gave a very similar account of the fittings of the detained vessel to that of the Master. Like Martinez, he merely admits, that the extra boards were on board for stowing the cargo; but mentions only two bulkheads.

The Captor's case was presented to the Court, on the 25th July, in the above form for publication, which was granted.

On the 26th July, the Master, Carlos Martinez, appeared as a claimant for the vessel and cargo, and his Proctor accordingly brought a claim, with an affidavit in its support, under the notice of the Court, setting forth his client's interests, and title to claim the detained vessel. This proceeding, however, could not be completed, until the usual period of two days had elapsed, in order that the adverse party might have time and opportunity to bring forward any objection against its reception. In the interim alluded to, the Proctor for the seizors presented a petition, that the said claim should be rejected. The prayer of this document was founded upon an informality on the part of the Claimant's Proctor, in neglecting to give in due time a written notice to the other party of his having laid before the Court a claim. Petitions, with affidavits, were received for and against this application, which the Court ultimately rejected as an insufficient ground for refusing the Claimant the privilege of appearing before it to defend his case. This ill-judged opposition to the claim, led to the waste of several days, and was animadverted upon by the Court when giving judgment in the case; and as having led to two things which were to be regretted. The first, that neither of the Proctors concerned had heretofore acted up to the rule on which the motion in question had been founded; and the second, the filing of Affidavits of the Proctors, directly contradictory of each other, upon which, however, it was not imperative on the Court to give a decision, by which it was relieved from a most unpleasant duty.

The claim is couched in the following terms: "The claim of Carlos Martinez, the Master of the said brig, a subject of Her Catholic Majesty the Queen of Spain, for the said brig, her tackle, apparel, and furniture, the goods, wares, and merchandises on board the said brig at the time of the capture thereof, by Her Majesty's Brig, "*Charybdis,*" Lieutenant Samuel Mercer commanding, and brought to Sierra Leone; and for the value of the said brig, her tackle, apparel, and furniture, and her cargo; the vessel as the sole property of Cosmé Toca, an inhabitant of Havana, and native of Spain; and the cargo as the property of José Yrinco de Yrigoyen, an inhabitant of Havana, and native of Spain, of José Joaquim d'Almeida, an inhabitant of Bahia, and native of Portugal, and of him, the said Carlos Martinez, an inhabitant of Havana, and native of Florida; and as protected by the Treaties and Conventions entered into between Great Britain and Spain, dated and signed, respectively, at Madrid, on the 23rd day of September, 1817, and on the 28th 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 Brig, and her cargo as aforesaid."

In support of the above-mentioned claim, the following Affidavit was sworn to and filed:—

"Appeared personally the said Carlos Martinez, 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 Her Majesty's brig "*Charybdis,*" Lieutenant Samuel Mercer Commanding, and that the said brig was so captured on the 26th day of June last past, off Accia, in the prosecution of her voyage from Bahia to Lagos, with a cargo consisting of bale goods, muskets, tobacco, and rum, and brought to Sierra Leone. And he further maketh oath, that Cosmé Toca, of Havana, a subject of Her said Catholic Majesty, was at the time of the capture, and now is, the true, lawful, and sole owner and proprietor of the said brig "*General Ricafort,*" her tackle, apparel, and furniture; and that the said José Yrinco de Yrigoyen, of Havana, a subject of Her said Catholic Majesty, and José Toaquim de Almeida, of Bahia, a subject of Portugal, and him, this deponent, are the true lawful, and sole owners and proprietors of the cargo on board the same. And the deponent further maketh oath, that he verily believes the said brig and cargo are protected by the Treaties entered into between Great Britain and Spain, dated and signed respectively at Madrid on the 23rd September, 1817, and on the 28th June, 1835. That the said brig left Havana with a part of the cargo on board, namely, the dry goods and muskets, on the 1st day of March last past, and sailed direct to Bahia, where the remainder of the said cargo, namely, the tobacco and rum, was taken on board, with which he was instructed to proceed to Lagos, there to land the same, and to return in ballast to Bahia for another cargo, which he was carrying into effect when he was captured. That previously to his said capture the deponent had landed a few trade goods at Elmina for the purchase of two canoes, which were intended for landing the said cargo at Lagos, and for taking on board a sufficient quantity of sand

ballast, to enable the said vessel to return to Bahia. That the commander of the capturing vessel at the time of the detention of the said brig sent the said canoes to Accra with the people, whom deponent had hired for working them, together with part of the crew of the detained brig. And the deponent further saith, that the said brig at the time of her capture and previously thereto was engaged in legitimate commerce, and was in no way fitted or equipped for the Slave Trade. That there are on board six planks of two, and two and three quarter inches, and four boards of three quarter inch; the former was placed on board for stowing the spare ropes and hawsers, when the vessel was in ballast, and the latter for the carpenter's use in the repairs of the vessel, besides a number of short pieces, about twenty, of different sizes, which were used as dunnage for stowing the cargo; and some plank was also required for boxing in the sand ballast; that there is also a half deck laid aft of loose plank, about six feet in length, on which the stores and provisions of the vessel are stowed; that there are several forelocks on board, which the captors have found in the vessel, but the deponent was ignorant of their being on board; they were in the carpenter's charge; neither does the deponent know for what purpose they are intended, they are not adapted for slave irons, the Prize-Officer having since his arrival in this port brought those pairs of irons on board, and endeavoured to make use of the said forelocks, but found they could not fit. That in fact no irons and shackles are on board his vessel, nor have ever been on board since deponent has had command of her. And deponent further maketh oath that no person or persons other than the persons before-mentioned have any right, title, or interest in the said brig, her tackle, apparel, and furniture, goods, wares, and merchandises on board the same at the time of the capture and seizure thereof, and that he is duly authorised 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. And the deponent lastly saith, that since his arrival in this port which was on the 15th day of July instant, and previously to his being examined on the standing interrogatories, he has only been permitted to come on shore once, and then he was unable through indisposition to attend to any matters connected with the cause, since which period he has been confined on board his vessel, as the Prize-Officer would not permit him to come on shore, although he requested him so to do, until his examination as aforesaid.

After the filing of the claim the captor's case was reopened by his Proctor on the 1st of August, for the introduction of additional evidence. The Bill of Sale, the document alluded to by the Master on his examination in chief, was filed with an affidavit of the Prize-Officer relating to the mode of its delivery to him. Mr. Rowlett, the Prize-Officer, gave further testimony, on the 4th instant, relative to the short pieces of plank found in the hold of the vessel, and their intended use. The affidavit of this gentleman states that, on removing a part of the vessel's cargo, he was enabled to collect "thirty short pieces of plank, which he found stowed among the same, and that from the manner in which he found this short plank stowed away among the small part of the cargo he has been able to remove, he has reason to believe, and does believe, that if he were enabled to clear out the cargo from the entire hold, a further quantity would be found. That from the appearance of this short plank, in length from nine to four feet, deponent is convinced it has not been put on board for dunnage, but that the same has been cut short for the sole purpose of being kept out of view, as from the large quantity of fire-wood on board, there existed no necessity for using plank as dunnage. That deponent has laid the said short plank on the beams, and finds that with the long plank also on board, about one-half of the space may be laid, should it have been considered necessary by the Master of the said vessel to lay what is generally termed a slave-deck.

On the same day the captor's Proctor obtained permission to file another affidavit, tending to prove that the forelocks were not, as the Claimant had stated, intended for lawful purposes. It was distinctly declared in the above document, by one of the sworn Surveyors of the Court, who had been sent to report upon the brig's equipment, that, on the production of the forelocks, "the Master said he supposed they were for his topsail sheets, upon which the Prize-Officer produced the topsail sheet shackle, when the forelocks alluded to were found unfit for the purpose of the said shackle, and were clearly never intended for the same, and that this deponent could find nothing belonging to the said vessel for which the said forelocks appear to be intended."

Certain special interrogatories were at the same time framed by the captor's Proctor, to elicit further evidence from the three witnesses who had been previously examined. The object contemplated by these questions was to ascertain the amount of the seamen's wages, whether any articles of agreement were in existence, what was the intended disposal of the two hundred rolls of tobacco owned by the Master, and the nature of the Charter-party; which points, if proved, would throw considerable light upon the true character of the vessel's voyage. It was shewn by each of these three examinations, that the Boatswain was to receive forty-five dollars a month, the Cook thirty dollars, and the seamen each twenty-five dollars; that there were Articles of Agreement to this effect at Havana, which had been left at the Office of Marine, as the Master stated was usual. This was a declaration at variance with the Court's experience, as in the generality of Spanish cases, the document in question has been found among the vessel's papers. Notwithstanding the above heavy monthly expenditure for wages alone, the Owner had hired her for eight hundred dollars a month. This question, however, has been fully treated of in our decision, which is hereafter detailed, and need not therefore be further remarked upon here. As to the private venture of Martinez, he declared it was his intention to have disposed of it for gold dust and money.

The unusual circumstance of there being three medicine chests on board the "*General Ricafort*," was brought under our notice on the 9th August, when an Affidavit was filed of the Colonial Surgeon, Mr. Aitkin, to whose inspection their contents had been submitted. In that gentleman's professional opinion it was declared, that the chests contained a very large assortment of medicines, fully sufficient for the use of several hundred persons, for a period of from two to three months; that a great proportion of the said medicines, this deponent considered, was put up for the cure of those disorders to which the natives of Africa on shipboard are found peculiarly liable. This proceeding terminated the Captor's case, and publication thereof was published on the same day.

In answer to the above allegations the Claimant's Proctor filed a joint Affidavit of the Master and Boatswain on the 10th August. Both alleged ignorance of the contents of the large medicine chests, which were stated to have been shipped at Bahia, the first as the property of one Domingo, a free negro passenger, and the other as cargo for the consignee at Lagos. The third chest was for the use of the brig's company, and was kept in the cabin. They also swore "that the small pieces of plank found on board by the Captor were used for the purpose of dunnage; that there were about three thousand packages of roll tobacco on board, and that great care is required in stowing the same

in the hold, for if it be not properly dunnaged, and kept from the sides and bottom of the vessel, it would become damaged. That since the arrival of the said vessel in this port, nearly the whole of the cargo had been removed by the Captor, and in restowing the said tobacco no dunnage had been used. That there are only four solid beams in the vessel between decks, and that therefore without additional beams being laid first, it is impossible to form any deck with the plank which had been used for the dunnage of the cargo, some of it being only four feet in length. That after receiving about two-thirds of the cargo on board, it was found that they were short of dunnage, and it (more dunnage) was required from the consignee at Bahia, who immediately sent off a boat load, and upon the cargo being completed, there was a quantity of it left." At the close of the Affidavit the Boatswain declares, that the Prize-Officer attempted to form a deck on board with the plank, but could not succeed in so doing, 'as there were not beams enough in the hold to support the said plank.

The Claimant closed his case on the 12th August, and with it terminated the proceedings on both sides.

Previous to proceeding to adjudication, the Court thought it expedient to cause a survey of the detained vessel to be held, in order to arrive at certain material points in the case, which it was considered might have been brought forward in the course of the investigation; and which points the report of that survey, filed on the 22nd ultimo, went to elucidate.

The same gentleman who made the first survey, conducted this examination of the vessel, and reported that "There is a bulkhead forward fixed, on which battens are nailed level with the lower deck beams, and appear fit to receive a deck. The greater part of the planks on board are of a description similar to those composing the small loose deck before the cabin, and could be adapted for a continuation of the said loose deck. The quantity of plank we saw on board would reach about half the length of the vessel, and would serve as a slave deck so far as it went, and the quantity we supposed it stowed in the lower hold would answer the purpose of completing a slave deck fore and aft."

The last expressed opinion of the surveyors, as to there being a sufficient quantity of plank in the lower hold to complete an entire slave deck, being founded on supposition alone, was explained by them in the following remark:—

"We beg to observe, that we found it impossible to ascertain accurately the whole quantity of plank on board, in consequence of the captors not having employed sufficient means for shifting the cargo, so as to enable us to examine the lower hold."

The continuation of the survey then follows:—"The beams in the lower hold are sufficient in strength, but not in number, to lay a deck on; there are no cleats, but in the ceiling are air-holes cut on a level with the beams, which would answer the purpose of receiving temporary beams or catlines to lay a deck on. The sail-room is distinct and separate from the cabin, fore-castle, and steerage, and appears to have been built for a sail-room. The beds for the water casks are not fixtures, and we cannot ascertain if they were fixed previously, or made for the present voyage. The medicine chest in the cabin is of a description adapted for the use of the officers and crew of a merchant vessel; one of the two medicine chests in the hold is marked B: neither of the said chests appear, either from their packing or external appearance, to bear reasonable evidence that they were cargo, or formed part of a passenger's luggage. It is not usual for a vessel, like the "*General Ricafort*" to employ plank for dunnage for roll tobacco; and the planks are in a larger quantity, and in a greater thickness than would be requisite for such purpose; and all or part of the large quantity of fuel on board would have answered equally well without the said plank. The forelocks on board are of the description usually employed in securing slave shackles, and are fit and adapted for such purpose. We have fitted three of the forelocks to slave shackle bolts, which we return to the Court for inspection." [These bolts were those out of six slave shackle bolts taken from a heap in the stores of the Court.] "There appears nothing remarkable or unusual in the appearance of the detained brig, as regards a merchant vessel, but the large medicine chest in the hold, not marked, which is similar to those generally found on board slave-vessels."

In the defence of the Claimant, it was given as an excuse for having so much extra plank on board as had been discovered, that it was essentially necessary for the stowage of roll Tobacco, which formed a very large part of the cargo. It, however, accidentally came to the knowledge of the Court that this statement was at direct variance with truth; and with the desire of having evidence upon the subject, the Court directed some special interrogatories to be put to the Prize-Officer, Mr. Rowlett, on the 23rd ultimo. This examination proved that, when the said brig was detained, the roll Tobacco "was found stowed without dunnage of any kind, so far as the witness had an opportunity of observing. There was some loose plank, about fifteen pieces, used as a sort of division between the Tobacco and the rest of the cargo, but not under the Tobacco, or between it and the sides of the vessel. That previously to the "*General Ricafort*" being brought into Court, no alteration was made in the stowage of the said Tobacco, as regards its dunnage;" and that, in that gentleman's opinion, "dunnage is not required in a ceiled vessel like the "*General Ricafort*" for the stowage of roll Tobacco."

In accordance with a joint petition for a day of trial, the 25th August was appointed by the Court for the adjudication of the detained vessel.

At the sitting of the Court, after the evidence taken on both sides had been read, the Proctors for Captor and Claimant were heard at a considerable length on behalf of their respective clients. It will not be necessary to recapitulate the arguments used by these gentlemen, many of which were founded upon the construction it was wished the Court would put upon certain acts and facts which had appeared in the evidence. The Proctor for the Claimant, however, advanced one position, which the Court felt called upon to notice, as it contained a reading of the Treaty not admitted by us. This gentleman urged, that it was no part of the province of the Court to judge of a Claimant's intentions, and that the evidence received ought not to be allowed to extend to any other charges than those contained in the Declaration of the Captor, and the Prize-Officer's Affidavit respecting the circumstances attending the seizure. His arguments in support of these views he founded on the 3rd Article of Annex. A of the Treaty of 28th June, 1835.

This opinion was at variance with that held by us, and with the former practice of the Court. It would be, as was very justly observed by the Seizor's Proctor, a serious hardship upon the commanders of cruisers employed in checking the Slave Trade, if they were not permitted to take advantage of such new facts as might appear after seizure against their prizes, and in particular as regards equipment cases, when it is remembered the almost insuperable difficulties which present themselves to an

CLASS A.

efficient examination of a suspected vessel, found at sea with a full, or even a large cargo on board. Such a construction of the Treaty as that proposed seemed likely only to benefit those who are interested in evading its provisions; whilst it would materially increase the responsibility and liabilities of the seizers. We therefore declined admitting this new reading of the Treaty, declaring it to be our intention to act up to the former practice of the Court.

Before going into the question of the illegal equipment of the detained vessel, we adverted to that charge in the Captor's Declaration which relates to a supposed informality in the ship's papers; No. 5 of which represents her as being 238 tons, No. 1. as 91½ tons, and No. 2 as 120 tons. In respect to No. 1, the Royal Passport, the discrepancy was got over by an endorsement on the back of it, which explained that the brig had been altered, by which an increase in her capacity had taken place, making her of the burthen of 120 tons, and by which this document was made to agree with the Havana Muster-roll. No. 2. The measurement in these papers we took for granted contained the Spanish tonnage of the brig. No 5 contains the tonnage of this vessel as ascertained by the Authorities at Bahia, in order to levy one of their taxes, and of course states the Portuguese measurement of the vessel, which is well known to give a much larger tonnage than the Spanish mode. The cause of difference observed by the captors in the papers referred to appeared therefore to be easily accounted for, and not to involve any question of fraudulent intention.

The captor's allegation that the detained brig had her foremost beam fitted for an additional bulkhead, did not appear to be well founded, as the three Surveyors of the Court, after two separate surveys of the vessel, could not concur in the captor's opinion on this subject. It is not very probable that the captor was on this point correct, as the number of bulkheads standing in the brig were equal to what is usually met with on board of vessels, not merely charged with, but actually carrying slaves.

What then remained for the Court to decide upon was, whether this vessel had been fitted to receive a slave deck, which, either wholly or in part, was on board for use as such, the captor having declared that he had found a part of such a deck laid at the time of seizure, the same being marked and numbered in the manner usual in vessels fitted for the Slave Trade.

The direct proof which we had before us in support of this charge we found in the Surveyor's Report, which states that they "found a loose deck laid in front of the steerage, the planks of which are numbered and fitted on to the beam in such a manner as to leave a sufficient space on the other side of the beam to receive planks for a continuation of a deck forward." "That there is a fixed bulkhead forward, on which battens are nailed level with the lower deck beams, and which appear fit to receive a deck." "That a greater part of the planks on board are of a description similar to those composing the small loose deck before the cabin, and could be adapted for a continuation of the said loose deck." "That the beams in the hold are sufficient in strength, but not in number, to lay a deck on;" there are, however, the Surveyors add, "air-holes cut in the ceiling on a level with the beams, which would answer the purpose of receiving temporary beams or carlines to lay a deck on;" and in conclusion they observe on this point, that "the quantity of plank they saw on board would reach about half the length of the vessel, and would serve as a slave deck as far as it went." Judging from the quantity of plank which had been found by removing the cargo of the upper hold, they gave an opinion that what might be expected to be found in the lower hold would "answer the purpose of completing a slave deck fore and aft."

This evidence very clearly established, to a certain extent, the charge to which it referred, and we then looked to the explanation given by the claimant and his witnesses of the grounds of the vessel being so fitted. The Master in his affidavit in support of his claim confirmed his statement at his examination in chief, that there was a loose deck six feet long, laid before the steerage, on which he placed the brig's provisions, and that, in addition to the necessary dunnage for the cargo, he had only ten planks, varying in thickness from three-fourths to two and three-quarter inches, which were intended for the carpenter's use. Between the time of his first examination and that of his lodging the claim, the Prize-Officer had turned over a part of the cargo, and found thirty pieces of plank varying in length, and we had therefore, in the affidavit with the claim, the additional explanation that "some of the planks were for boxing in the ballast with which she was to return to Cuba."

The Boatswain and Steward at their examinations gave evidence as to the plank similar to that of Master at his first examination. In a subsequent joint affidavit of the Master and Boatswain, it was, however, stated that planks of the kind found were required as dunnage for the Tobacco, of which there were three thousand rolls on board, in order to stow it away with sufficient care, and keep it from the sides and bottom of the vessel. They added that some of the planks were overplus dunnage, being part of that obtained at Bahia.

The main point of this defence of the claimant is, that he had the suspected unnumbered planks on board as dunnage for his cargo, and in particular for the large quantity of Tobacco. A statement which has been in the most pointed manner refuted by the Prize-Officer's testimony, which established that, at the time of seizure (when the vessel's cargo was of course stowed in that way which the Master approved), no dunnage whatever was in use to keep the Tobacco off the sides of the vessel, and that such was not, in his opinion, requisite, the detained brig being lined throughout.

Confirmatory of this opinion of the Prize-Officer is that of three Surveyors, who have jointly declared that "it is not usual for a vessel like the '*General Ricafort*' to employ plank for dunnage for roll Tobacco," adding that "the fuel on board would have answered equally as well without the said plank" for this object.

This evidence of itself is sufficient to prove the want of correctness in the causes assigned by the Master in explanation of his questionable outfit, and render his defence useless. It is, however, but just that other circumstances connected with the voyage, in which the brig has been detained, should be looked into before deciding finally upon the case.

The first and most important point to examine is, the alleged nature of the voyage, which we were informed by the Master, was to deliver at Lagos a cargo of merchandise shipped at Havana, the brig touching at Bahia on her way out, where she received additional goods; and that she was to return from Lagos to Havana in ballast: and for this service the freighter of the vessel was to pay eight hundred dollars per month.

As it had appeared in evidence that part of the crew of the "*General Ricafort*" had been hired at those rates which we were aware are usually paid to the crews of slave-vessels, the freight said to have been agreed upon, seemed to us quite unequal to a reasonable remuneration for the owner of the said vessel. In order to arrive at a correct opinion upon this point, we made reference to the

agreements with the crews in the cases of some vessels which had been seized with slaves on board and condemned here, from which papers, and the evidence given herein as to the wages of the Boatswain, Cook, Steward, and the Seamen, we formed an estimate of that expense which would be incurred to pay those persons whose names appeared on the Muster-roll of the brig.

The data in question gave us the following result:

	Dollars.	Dollars.
Given in evidence that the Boatswain was to have monthly	45	
The Steward do. do.	30	
The Cook do. do.	27	
And each of the thirteen Seamen twenty-five dollars, making in all	325	
	<hr/>	427
Estimate of the pay of the Master, Mate, Agregado, and Carpenter, on a low calculation		250
		<hr/>
		677
To the above must be added the feeding of the Officers and Ship's Company, twenty in number, which, at nine pence a-day for a month of thirty days, gives		90
		<hr/>
		767

This calculation leaves but thirty-three dollars a-month coming to the owner as a profit on the capital invested in the brig, and to meet the numerous and heavy expenses, which must continually arise through the wear and tear of the vessel, her rigging, sails, &c., for port charges, insurances, and other outlay. But, as if it was intended that the owner of the brig should have no remuneration for his vessel in the voyage in which she had been seized, we found that two canoes had been bought at St. George's d'Elmina, and nineteen Guinea-men hired to navigate them, for the ostensible purpose of landing the outward cargo at Lagos, and shipping the sand ballast with which she was to return to Havana. The pay of these nineteen men, on the lowest estimate, must have far exceeded the above-mentioned sum of thirty-three dollars; and thus the mere navigation of the said brig, and delivery of her cargo, would cause the owner greater expense than the freight he was to receive; a circumstance of which he must have been aware when he despatched his vessel from Havana. The statement of the master as to the eight hundred dollars per month freight is somewhat borne out by the letter of instructions from the owner to him, in which it is expressed that the brig has been hired at the rate in question, for "a year or more, if necessary." The time stated by the owner, for which he had let his vessel, at once leads to a conviction of the incorrectness of the account of the Master, as to the nature of the voyage, for the performance of which six or seven months would have amply sufficed.

In the said letter of instructions it appeared, that the brig had been insured for eight thousand dollars (2,000*l.*), the value it is to be presumed that the owner put upon his vessel, and upon which the said freight would have given a return of twenty per cent. per month, which, in a voyage of lawful commerce, would have been sufficient to afford the owner a handsome return for his capital; but which must prove a loss, as we have just shown, in a voyage wherein slave-trade wages are to be paid to the crew of a vessel.

It is to be observed, in regard to the employment of the two canoes purchased at Elmina, that such a practice is, as we have been informed, usual only with slave-vessels bound to the open parts of the coast in the Bight of Benin. The hiring of Guinea-men to manage these canoes appears to be a new practice, and one which it would seem could only be requisite where great despatch was the object, as is the case at Lagos and Whydah in respect to the embarkation of slaves.

There is one circumstance, however, connected with the fittings of this vessel, to which we have as yet made no allusion, though of a most suspicious character, and which tended materially to prejudice the Claimant's case in the view of the Court; that of having a bag containing seventy-two pairs of forelocks for fastening slave shackle-bolts. The Master's explanation respecting these very questionable things was, first, that they were, he supposed, for the shackles of the topsail sheets; and, secondly, that he did not know they were on board, as they were in the carpenter's charge. On examination, however, it was found that these forelocks were not adapted for the purpose the Master had stated they were for; whilst the Surveyors of the Court had given their unbiassed testimony that they were fit and adapted for securing slave shackle-bolts, three of which kind of bolts, out of six indiscriminately taken from a heap lying in the stores of the Court, had been readily fitted by them, and in that state returned into Court with their Report. On such evidence we could not entertain a doubt as to what these forelocks were intended for; or refuse to consider them as an article not permitted to be carried by an English or Spanish vessel, according to the true spirit of the Equipment Article of the Treaty of the 28th June, 1835.

As to the very large medicine-chests found in the hold of the vessel after capture, it was not possible to have any other opinion than that they were destined for the use of slaves, when the colonial Surgeon's testimony was placed in juxtaposition to the Master's explanation on the subject. The Surgeon deposed that the major part of their contents consisted of those things adapted for the treatment of diseases to which negroes in a state of confinement on shipboard are peculiarly liable; and that the quantities were equal to the service of several hundred negroes for two or three months. The Master's excuse was, that one of the chests was cargo to be delivered at Lagos, and that the other belonged to the free negro passenger, Domingos, who had been embarked at Bahia, for conveyance to Lagos. If the latter part of the statement had been correct, it is not probable that Domingos would have gone away with the brig's crew to Accra, without even an attempt to carry with him this extraordinary portion of his luggage. And as in none of the papers of the vessel, official or private, any mention was made of a medicine-chest being in the cargo, we could not believe that it had been so shipped. With the desire of having this point made as clear as possible, we directed the Surveyors to report upon it for our information. Their opinion was that the medicine-chest in the cabin was quite equal to the wants of the brig's crew, and that neither of the said large chests seemed, either from their packing or external appearance, to bear reasonable evidence that they were cargo, or formed part of a passenger's luggage.

These medicine-chests must then have been on board for some other purpose than those alleged, and as a false account of them had been given by the claimant, we were of opinion that they were there for the purpose for which they were best adapted, namely, for the treatment of a cargo of negroes.

On the deck of the brig there are fixed beds for ten water-casks, an arrangement which we could not but consider as indicative of the intention to carry a very large return cargo, or else a cargo of negroes; as it is not usual for vessels to run the risk of carrying the chief part of their water on the deck. The Master having declared that the brig was to return to Havana in ballast, the arrangement in question was therefore unnecessary; but as the Master had himself led us to the belief that this assertion was untrue, by declaring at his examination in chief that he corresponded with the agent at Bahia, the before-mentioned Manoel Cardozo dos Santos, as to the vessel's trade, though he had stated the voyage to be simply from Havana via Bahia to Lagos, and back to Cuba in ballast, we concluded the accommodation to which we have referred was provided to give more room below for the return cargo. And in this opinion we were strengthened by the letter of instructions of the said consignee at Bahia to the said Master, whom he directs to inquire of the consignee at Lagos, whether he shall return to Brazils or Havana; a choice of ports which could not be needed for a vessel carrying only ballast.

As to the ownership of the detained vessel's cargo, the Master's statements were anything but clear and straightforward, he having entirely omitted the name of the firm of Robertson and Company, of Havana, who had shipped ten thousand pounds of tobacco, according to the Customs clearance of the vessel; and having sworn himself to be the owner of two hundred rolls of tobacco, though his name nowhere appears in the papers of the vessel, except in a bill of lading, where he is joint consignee of three hundred rolls of tobacco, shipped by José Joaquim de Almeida, of Bahia, as mentioned in the early part of the Report, and claimed by the Master as Almeida's property.

On reviewing carefully the whole of the evidence to which we have herein alluded, and the inferences to be drawn therefrom, our conclusion was that the brig "*General Ricafort*" had been seized in an unlawful voyage to this coast, and, looking at the facts of there having been found on board of her forelocks for slave shackles, two large Guinea canoes, such as are used only in slaving voyages, two large medicine-chests, of the kind met with on board of no other vessels than slavers, and materials for the formation of a loose lower or slave-deck, in conjunction to her having been bound to one of the most notorious slave marts on the coast of Africa, and consigned at that port to an individual known and denounced as the agent and shipper of slaves in a late case; and also that every person engaged or interested in the voyage, except the owner of the brig, had been openly connected with proved slaving adventures; as well as the real nature of the voyage having been differently stated by the Master and Claimant to the description of it contained in the two letters of instructions from the Owner to the said Master, and from the consignee at Bahia; that the voyage was one for the purpose of carrying off a cargo of slaves from Lagos. The captor's impression, therefore, that the small portion of loose deck which he found laid in the brig's main hold, which is marked, numbered, and fitted as is usual in laying such decks on board of slave-vessels, was a part of a deck of a description prohibited by the third section of the Equipment Article of the late Treaty between the Governments of Spain and Great Britain, we held to be correct.

The Claimant's defence, being throughout plainly wanting in good faith and truth, deprived the Court of the power of considering his case, as was solicited by his Proctor, as one which came within the meaning of the Eleventh Article of the Treaty; that provision applying only, in our opinion, to well-established instances of strictly innocent infractions of the Treaty.

A sentence was in consequence passed by the British and Spanish Mixed Court of confiscation of the hull, stores, and cargo of the brig "*General Ricafort*," for having been when seized unlawfully equipped.

At the conclusion of the sentence in this case the Court observed that it was to be regretted that the Seizor's Proctor had not, if able, given some information as to the charge which had been preferred against the crew of the capturing ship of removing various articles from the detained brig at the time of seizure, as the charge thus stood tacitly admitted; when the Proctor for the Captors requested to be then permitted to bring in an explanation, to which the Court instantly assented. On the 29th ultimo, a letter from the Prize-Officer containing the following account of the circumstances alluded to was received and filed with the other papers of the case:—

"At the time of the '*General Ricafort*'s' detention, Mr. Tracey (the senior Mate of the '*Charybdis*') was absent in the Portuguese schooner '*Lafayette*,' and I was just recovering from an attack of fever; in consequence, the acting Gunner was put in charge, a person having but little control over the seamen. During the night the '*General Ricafort*' remained at Accra several of the prize crew became drunk and riotous, so much so, that a boat was sent from the '*Charybdis*' during the middle watch to quell the disturbance. That our men took spirits I have no doubt, and, under the circumstances, they might easily have taken other things, but I am not aware that they did; the only thing which I know to have been taken was a binnacle-lamp, which I caused to be restored on the '*Charybdis*' arriving here. On the passage up, the Master admitted to me that he believed some of his own people had taken several of the missing articles, amongst others, the swords, flags, and chairs; he also mentioned a Portuguese boy who had been attending in the cabin as the party who had stolen the dollars from his pocket; and told me that the second Mate had taken some cigars."

"Owing to the lateness of the hour when it was determined that the '*General Ricafort*' should be sent to Sierra Leone, the Spanish crew were not landed until daylight in the morning after capture; their luggage was put into the canoes over night, and the canoes remained by the brig, so that, considering the drunken state of our men, there was every opportunity afforded for the Spaniards to purloin what they pleased."

(Signed)

WALTER W. LEWIS.
R. DOHERTY.

Sierra Leone, 9th September, 1837.

Second Enclosure in No. 31.

Mr. Bidwell to Mr. Melville.

SIR,

Sierra Leone, 7th September, 1837.

I BEG leave to acquaint you, for the information of Her Majesty's Commissioners, that, on clearing the hold of the Spanish brig "*General Ricafort*," I found, on three different occasions, the following

suspicious articles:—three pairs of slave-shackles, and seven pieces of plank, from seven to four feet in length, of a description similar to that used in laying the slave-deck, but not marked or fitted.

The slave-shackles were concealed amongst the dunnage, and not found until the cargo in the lower hold had been removed.

On moving some of the roll tobacco, a portion of it was discovered stowed upon the above-mentioned seven pieces of plank. Underneath these planks again was a quantity of fire-wood, which would apparently have answered equally as well for dunnage, had such been requisite.

From the circumstance of the remainder of the tobacco being stowed without any planks, which rendered obvious the intulity (as far as regarded stowage) of the extra pieces found so questionably employed, I could not but infer that concealment for some sinister purpose was the only object contemplated in having this additional plank on board the condemned brig.

I have the honour to be, &c.

(Signed)

C. B. BIDWELL.

Acting Marshal.

M. L. Melville, Esq., Registrar to the Mixed Courts.
&c. &c. &c.

No. 32.

Her Majesty's Commissioners to Viscount Palmerston.—(Received December 16.)

MY LORD,

Sierra Leone, 2d October, 1837.

WE beg leave to make reference to that portion of our Despatch to your Lordship marked Spain, of the 20th July, 1836, respecting the expense of cutting up slave-vessels condemned in the British and Spanish Mixed Court of Justice established here, and to state that finding from the facilities which now exist that the rate of expense at which such vessels had hitherto been cut up could be considerably reduced without prejudice to the manner in which this service is executed, we have directed that in future the following scale of remuneration be adopted in lieu of that described in the Despatch above alluded to.

For the first 60 tons an allowance of 3s. per ton.

For the further tonnage of a condemned vessel at the rate of 1s. 6d. per ton.

We have, &c.

(Signed)

WALTER W. LEWIS.
R. DOHERTY.

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

SIERRA LEONE. (*Portugal.*)

No. 33.

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

MY LORD,

Sierra Leone, 6th February, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 15th December, 1836, with its Enclosure; informing us that your Lordship had been pleased to offer thanks to Mr. Beecroft for the assistance which the Commander of his steam-vessel afforded to the seizing Officer in charge of the "Buzard's" boat, in making the capture of the Portuguese slave-brigantine "*Joven Carolina.*"

We beg leave to thank your Lordship for the above communication.

We have, &c.

(Signed)

WALTER W. LEWIS:
H. D. CAMPBELL.

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

No. 34.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 4th March, 1837.

THE Portuguese brig "*Paquete de Cabo Verde,*" having on board 576 slaves, was detained on the 11th January last, at the entrance of the Bonny River, by His Majesty's sloop "*Scout,*" Commander Robert Craigie, and immediately despatched for adjudication to this port, which she reached on the 20th ultimo.

On the 2d instant this vessel was condemned for illicit slave-trading, and the survivors of her human cargo, in number 452 persons, emancipated, as will more fully appear in the Report of this Case, which we have now the honour to forward to your Lordship.

This vessel, formerly bearing the name of "*San Pedro,*" alias "*El Marinero,*" being under Spanish colours, was the property of the slave-trading firm of Martinez and Company, of Havana, whose agent at Lisbon, Matheus da Silva Louro, sold her on 24th August last to Francisco Cardozo de Mello, recently a resident of the Cape Verde Islands, who obtained for her a Portuguese Passport and other Papers at Lisbon, and then despatched her to Cadiz for a cargo, whence she proceeded to the Bonny, first touching at the Cape de Verdes.

The sale to De Mello we consider must be looked upon as of a very questionable character, when it is remembered that he is the same person who appeared as Owrier of three of the Spanish vessels which nominally changed their nationality at the Cape de Verdes during last year, and as the security for the payment of the price of two other Spanish vessels so disposed of, and all of which were condemned here.

The Lists furnished by His Majesty's Commissioners at Havana show this vessel, when under the Spanish flag and bearing the name of "*El Marinero,*" as having completed two successful voyages up to 23d January, 1835. There is no further mention of her until 23d March last, when she again left Cuba, and must have proceeded direct to Lisbon, she having been sold in that port in the month of August following.

It is due to Lieutenant Price, the Prize-Officer in this Case, that we should mention that, although an extensive mortality occurred among the slaves of this vessel during their passage up, it appeared that he had made very judicious arrangements

for their comfort, and that the detained vessel and negroes arrived here in an extremely cleanly and creditable condition.

We have, &c.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

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

Enclosure in No. 34.

Report of the Case of the Portuguese brig "Paquete de Cabo Verde," Bartholomew Robello, Master.

THIS vessel was navigated under a Lisbon Passport, dated the 22d August, 1836, and authorizing a voyage to the ports of Africa *via* Cadiz and Cape de Verdes. At the two last-mentioned places many of the Papers given up to the capturing Officer were procured. The Spanish Documents obtained at Cadiz, and authenticated by the Portuguese Consul-General, Senor Manuel de Souza Machado, show that the principal part of the outward cargo was shipped at that port. A list of the more important Papers connected with this vessel is added hereunder.

A Lisbon Passport, with the date and destination above expressed, and signed by Manoel Gonçalves de Miranare, Secretary of the Marine.

Francisco Cardozo de Mello (of the Cape de Verde Islands), whose name has been rendered notorious by his connexion with the Portuguese slave-vessels adjudicated in 1836, is stated to be the Owner; although this Paper was issued at Lisbon, it still contains no prohibition against the employment of the vessel in the Slave Trade.

A Muster-roll issued by the Portuguese Consul-General at Cadiz on the 3rd September, 1836, in which F. C. de Mello is again mentioned as Owner. Some Spanish Papers were also procured at Cadiz; amongst these is a bundle of Custom-house Documents, which show that a great part of the outward cargo was shipped there.

The Bill of Sale of this vessel is dated at Lisbon, the 24th August, 1836. A Portuguese merchant, living at Lisbon, named Matheus da Silva Louro, and Agent of the slave-trading firm of Pedro Martinez and Company, of Havana, appears as the seller, and the said Francisco Cardozo de Mello as the purchaser. The sum paid for the vessel was 2,000 dollars. It is stated also that she was formerly under Spanish colours, and bore the name of "*San Pedro*," alias "*El Marinero*."

And lastly, three Custom-house Papers, dated at the Cape de Verdes, on the 19th and 21st September, 1836, tend to prove that the detained vessel fulfilled that portion of the destination mentioned in the Lisbon Passport, which relates to her being about to proceed to Cadiz and the Cape de Verdes. The last places stated in the Passport are the ports on the Coast of Africa, which turned out to be the Bonny, where the slaves forming the cargo at the time of capture were brought and shipped.

His Majesty's sloop "*Scout*," Commander Robert Craigie, effected the capture of the "*Paquete de Cabo Verde*" on the 11th January, 1837, at the entrance of the River Bonny, with 576 slaves on board, as the Seizor's Declaration, filed with the Ship's Papers on the 20th February, fully explained.

The respective Reports of the Marshal and Surgeon to the Courts were filed on the 20th, the day on which the preliminary steps in the prosecution were instituted, by the issuing of the Monition and the order for the examination of the witnesses in the Case. The result of the Surgeon's investigation was unfavourable in the extreme; his Report specifying the number of deaths to have been 106, all caused by dysentery, with the exception of 3, 2 of which were cases of suicide, and one of accidental drowning, and pointing out 112 cases for hospital treatment. The slaves were consequently ordered to be immediately landed, and were consigned to the custody of the Colonial Authorities.

The two witnesses in preparatory, the Master, Bartholomew Robello, and the Cook, Pedro Pechamiel, were severally examined on the 21st ultimo.

The first witness deposed "that he was born at Lisbon, and lives there; has never served any State but Portugal; was appointed to the command at Cadiz in July last by the Owner, Francisco Cardozo de Mello, a resident of Lisbon and a Portuguese subject; possession was delivered at Cadiz to witness by the correspondent of De Mello, one Mathias, a resident of Cadiz, and witness believes a Spanish subject; first saw the said vessel in July last at Cadiz; does not know where she was built. Was present at the time the vessel was seized for having slaves on board; sailed under Portuguese colours; there was also an old Spanish flag and a signal which he found on board when he took possession. The vessel is called '*Paquete de Cabo Verde*;' has never heard of any other name; is 182 tons burthen, and there were 31 Officers and mariners, exclusive of witness; some Portuguese, some Spaniards, part hired in Lisbon by the Owner in July last, and sent by a steamer to Cadiz, where they were shipped with the remainder of the crew in August or September last; neither he nor any other of the Officers or mariners had any interest in the vessel or cargo; was Master on board; there were some Spanish seamen passengers at the time of capture; they were embarked at Cadiz, and came to the Coast to seek employment, but, not meeting any, were going on to Cuba; none of them had any interest or authority in regard to the vessel or cargo. The last clearing port was St. Jago, Cape de Verdes. The voyage commenced at Cadiz, and was to have ended at Cuba; from Cadiz the vessel proceeded to Cape Verdes, where she lay 2 days, and thence proceeded to the Galinas, where she remained 4 or 5 days, and procured a little wood, and then went on to the Bonny, where slaves were purchased from the natives. The capturing vessel was first seen outside the bar of the Bonny, the day after the boats had captured witness's vessel; capture took place within the bar of that river on the 12th of last month; the captured vessel was steering for Cuba at the time of seizure. 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. Francisco Cardozo de Mello is the sole Owner of the vessel; knows it from having received the command from him. De Mello is a Portuguese by birth; the said De Mello resided at the Cape de Verdes before he lived at Lisbon. There was a Bill of Sale, he believes, among the Papers delivered up, but knows none of the particulars, having never read it; does not know what the price was, or whether the same be paid; believes the sale to be a true one; there was no private agreement. Francisco Cardozo de Mello is the Owner of the slaves, and witness was the Lader and Consignee. They were to have been landed at Cuba, on account and risk

of De Mello, and will belong to him only if restored; believes so from having received charge of the goods with which they were purchased from the said De Mello. Knows nothing of the last voyage; the lading on this, which was shipped at Cadiz, was cloth, powder, rum, tobacco, and money; 576 slaves were shipped altogether, all from the shore. Does not know their description; none died before capture; about 110 have died since; was taken direct to Sierra Leone after capture. The Passport and other Papers found on board were all true and fair. No Papers were concealed, destroyed, or made away with."

The second witness's evidence varies in some of the particulars from that above recapitulated. Entire ignorance is professed of the Owner's name, and of the existence of any Bill of Sale. It is also stated that the vessel's proper name is "*Marinero*;" she is also called "*Paquete de la Havana*." The remainder of this witness's examination is corroborative of the Master's.

Publication of the Case was granted on the 22d ultimo, when the Prize-Officer's Affidavit, showing the number of deaths among the slaves since capture to have been 111, was sworn to and filed.

On the 27th, the Marshal returned the Monition duly certified; and the Case being thus complete, the Court proceeded on the 2d instant to the trial of the detained vessel.

The Registrar having publicly read the evidence already detailed, the Court thereupon gave their decision, condemning the "*Paquete de Cabo Verde*" as good prize, and emancipating the surviving 452 slaves.

Sierra Leone, 4th March, 1837.

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

No. 35.

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

MY LORD,

Sierra Leone, 4th March, 1837.

HEREWITH we have the honour of laying before your Lordship our Report of the Case of the Portuguese brig "*Esperança*," seized with 108 slaves on board, by the boats of His Majesty's sloop "*Scout*," Commander Craigie, at the entrance of the Bonny River, and condemned this day, when her 89 surviving slaves were decreed to be emancipated.

The seizure of this vessel took place within half an hour of the detention of the "*Paquete de Cabo Verde*," reported in our previous Despatch of this date.

When the "*Esperança*" was first seen coming out of the Bonny she had on board upwards of 500 slaves, all of whom were disembarked there by the Portuguese crew, except the 108 above alluded to, before the "*Scout's*" boats could secure the "*Paquete de Cabo Verde*," and then come up with the "*Esperança*." At the moment of detention the Portuguese crew had left the "*Esperança*," carrying with them the Papers of the vessel, and the Prize-Officer informed us that he only succeeded in getting them on board again by firing on the canoe in which they were.

This is the vessel which was reported to your Lordship by His Majesty's Minister at Lisbon on the 12th February, 1835, as having been fitted out there for the Slave Trade. The Passport under which she sailed from Lisbon on the occasion, referred to by Lord Howard de Walden, has served as her authority up to the present time, and bears only one endorsement of a subsequent date, which expresses, that Madail, her original Master, had been superseded at Benguela in August, 1835, by Carlos Estavao Sasseti. Madail was, however, found in command of this vessel at the time of detention; a circumstance which he accounted for by stating that he had purchased the vessel from Sasseti at Havana in August last.

This declaration of the Master is directly at variance with the vessel's Passport.

It is worthy of observation that the 2 vessels whose Cases are reported under the present date were both fitted out for the Slave Trade in the Portuguese capital.

We have, &c.

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

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

&c.

&c.

&c.

Enclosure in No. 35.

Report of the Case of the Portuguese brig "Esperança," Felix Casmé Madail, Master.

This vessel, owned and commanded by subjects of Portugal, was fitted out originally at Lisbon, in the month of December, 1834, for the Slave Trade. At that time and place a Navigation Passport was procured from the Secretary of State for Foreign and Marine Affairs, which has served for more than one voyage, as it bears an official endorsement dated at Benguela, the 4th August, 1835, and was the authority under which she was found sailing at the time of her detention. The only other Official Papers found in the captured vessel were a Muster-roll and Custom-house Clearance of the outward cargo from Havana, dated in that port 23d of August last. In the former Document she is stated to

have been bound for the Malagueta Coast and the Islands of St. Thomas and Princes; and in the latter to the River Bonny, which last proved correct; as at the Bonny the slaves were purchased and taken on board, and it was at the entrance of that river that the boats of His Majesty's sloop "Scout" captured the slave-brig with 110 negroes on the 11th January, 1837.

The Marshal reported the arrival of the "*Esperança*" on the 24th ultimo; when also the Surgeon to the Courts made his usual statement of the condition of the slaves which, from recent ill health and present debility, was pronounced unfavourable.

The concurrence of the Colonial Government to their disembarkation, was therefore obtained with every possible despatch; and the slaves were accordingly landed and placed in the custody of the Liberated African Department.

The prosecution of this vessel in the British and Portuguese Court of Mixed Commission commenced on the 25th, by the filing of the Affidavit of Seizure with Ship's Papers and Captor's Declaration; the usual order for the issue of the Monition and examination of the witnesses being given at the same time by the Court.

The principal facts set forth in the Declaration are, that the detention took place on the 11th January last, at the entrance of the River Bonny, by the boats of His Majesty's sloop "Scout;" that the vessel was then under the Portuguese flag, bound to Cuba; and that she had a cargo of 110 negroes, said to have been embarked on the day of capture.

The Registrar examined the witnesses in preparatory, Felix Cosmé de Madail, the Master, and the Cook, Placido da Costa, on the 25th February.

The Master deposed, that "he was born at Lisbon, and lives there, has never served any State but Portugal. Appointed himself to the command, being Owner; possession was delivered to witness in August last, at Havana, by Carlo Estavão Sasseti, the former Owner, a Portuguese, and a resident of Lisbon; first saw the vessel at Lisbon in February 1835; does not know where she was built. Was present when his vessel was seized for having slaves on board; sailed under Portuguese colours; had also English, French, Spanish, and American ensigns for signals, which he bought with the vessel. The vessel has never been called by any other name than "*Esperança*," she is about 280 tons, and had about 39 Officers and mariners, exclusive of witness, all Portuguese, except a few of the seamen who were Spaniards and Italians: all hired and shipped at Havana in August last by witness. None of the Officers or mariners had any interest in either the vessel or cargo, and witness had no interest himself in the latter; was Master on board. The last clearing port was Havana, and the voyage commenced and was to have ended there; from Havana the vessel went direct to the Bonny, where slaves were shipped by the Supercargo, Narceso Estavão. The capturing vessel was first seen 2 days after her boats had seized the "*Esperança*;" capture took place on the 11th January, whilst the vessel lay at anchor in the Bonny. There was no chase; the vessel's Papers were for St. Thomas's and the Bonny. There are 4 guns mounted, a few muskets and cutlasses, and a small quantity of ammunition for defence; there was no resistance made or instructions to make any, or for avoiding capture, destroying or concealing any of the vessel's Papers. He is sole Owner of the vessel. There was no Bill of Sale; witness bought the vessel at public auction for *five thousand five hundred and fifty dollars*, cash, paid down, and which was a fair equivalent for the vessel; there was no private agreement. The Lader, Owner, and Consignee of the slaves was the said Narceso Estavão, whom he believes to be a Portuguese, and a resident of Havana; cannot tell how long he has lived there, or where he formerly resided. The slaves were to have been landed at (on) the account and risk of the said Estavão; knows it from Estavão having hired the vessel and shipped the outward cargo. Knows nothing of the last voyage; the lading shipped at Havana on the present was cloth, rum, tobacco, muskets, and powder; 110 slaves, and no more, were shipped altogether, all from the shore; does not recollect their descriptions; was taken direct to Sierra Leone after capture. The Passport and Papers delivered up were all true and fair. No Papers were concealed, destroyed, or made away with. Knows of no other Papers in any country relating to the vessel or cargo. There was no Charterparty. Witness hired the vessel of Estavão, by a verbal agreement, for 2,000 dollars per month during the voyage. The vessel was under Estavão's management in regard to her trade."

The second witness's examination brought to light a fact, of which the Master made no mention. He said that he thought "about 500 slaves were shipped altogether, all from the shore, about 400 escaped ashore before capture." On other subjects he appeared, as far as his knowledge extended, to corroborate the evidence of the Master.

The evidence on behalf of the Seizor being finally closed, publication thereof was granted on the 27th ultimo. The Affidavit of the Seizing Officer, Lieutenant John Price, and of the Officer in charge of the "*Esperança*," Mr. Nelson Locker, filed on the above-mentioned day, proved that 18 deaths had taken place since capture.

The Monition was returned into Court on the 4th instant, with the Marshal's Certificate of its proper execution. On this day the Court met for the decision of the Case of this vessel, when a sentence of condemnation was passed upon her, and the emancipation decreed of the 89 surviving slaves of her cargo.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.*Sierra Leone, 4th March, 1837.*

No. 36.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 20th March, 1837.

WE have the honour to acquaint your Lordship that His Majesty's brigantine "*Bonetta*," Lieutenant Deschamps Commander, detained off the Bonny River, on the 20th January last, the Portuguese brigantine "*Temerario*," for having on board 349 slaves, who had been just previously shipped in that river.

The "*Temerario*" arrived here on the 22d ultimo, when the usual proceedings

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were instituted against her in the British and Portuguese Mixed Commission, and on the 1st instant a Decree was made condemning this vessel, and emancipating the 236 survivors of her cargo of slaves.

In our Report of this Case, herewith transmitted, your Lordship will observe, that the violent conduct of the negroes during the passage of the vessel hither led the Prize Officer to adopt some very strong measures towards them, and which he was of opinion was absolutely necessary for the preservation of the vessel and those on board of her.

At the time of adjudication of the Case, we had only before us upon this subject the Report of the Surgeon to the Courts, as to the condition in which he found the negroes on their arrival here, and the Prize Officer's own statements in explanation. Subsequently thereto the capturing ship came into port, when her commander handed to us his own declaration as to the unruliness and violence of these negroes at the moment of capture, and the joint declaration of the Master and Carpenter of the detained vessel as to their bad conduct during the voyage here, both of which Documents we allowed to be filed with the other Papers in the Case, and which we have given at length in our Report for your Lordship's information.

The "*Temerario*" appears to be one of the many Spanish vessels which have resorted to the Cape Verdes to change their nationality since the operation of the Treaty with Spain of June 1835; in completing which arrangement the assistance of Joao Claudio de Lima, of St. Jago, was given, he having come forward as owner in this instance, as he had done in the case of a vessel named the "*Esperança*," condemned on the 22d of last October.

This vessel would seem to have belonged, like the "*Paquete de Cabo Verde*," to the well known Slave Trading firm of Pedro Martinez and Company, of Havana, as we think will appear by the Sub-Enclosure C, in our Dispatch to your Lordship of the 17th October 1835, printed in the Parliamentary Papers relating to the Slave Trade for 1836, Class A, page 76.

In the Havana lists it is stated that this vessel completed one slaving voyage on the 7th July 1834, and commenced another in the following month of that year; subsequent to which we could find no positive account of her proceedings until her late detention.

We have, &c.

(Signed)

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

&c.

&c.

&c.

H. D. CAMPBELL.

WALTER W. LEWIS.

Enclosure in No. 36.

Report of the case of the Portuguese brigantine "Temerario," Camillo Urbano da Fonseca, Master.

THE ship's Papers, 3 in number, were procured in December 1836, at Porto Praya, Cape de Verdes.

The first is a passport granted and signed by Domingos Correa Arouca, the Governor of those Islands, wherein the vessel is declared to be bound to Africa and St. Thomas's, and specially prohibited from engaging in the Slave Trade; Joao Jozé Claudio de Lima is mentioned as the Owner.

The second a list of crew; and the third a clearance of the cargo embarked on board the "*Temerario*."

The "*Temerario*" proceeded from the Cape de Verdes to the river Bonny, where slaves were purchased from the natives, intended for ultimate disposal at the Island of Porto Rico. His Majesty's brigantine "*Bonetta*" captured her off that river, on the 20th January 1837, with a cargo of 352 negroes; after which the captor sent his prize here for trial.

The arrival of the "*Temerario*" was reported by the Marshall on the 22d February, when also the Surgeon made his usual medical inspection on the condition of the slaves. The report of the Surgeon, containing serious statements as to the treatment of the negroes during their passage hither, we have deemed it right to transcribe the whole of that document; as the statements alluded to led to investigation, and ultimate explanation.

Mr. Fergusson reported, "That this vessel had 358 slaves on board when captured, 98 of whom have since died of dysentery. The Prize Officer also reports that, on two several occasions, on inspecting the slaves in the morning, one was found dead, suspended by a piece of rope from the hatchway; it is conjectured that these acts were perpetrated by some of the slaves; it is also stated of two other men, who were found dead, that certain suspicious marks were observed on their necks, which rendered it probable that they had met with death by similar means.

"I separated and marked in the usual manner 51 cases for hospital treatment, namely, 44 of dysentery; 1 of ophthalmia, and 6 of ulcers; it was stated to me by the Prize Officer, in explanation of the circumstance of two of the slaves having their backs extensively ulcerated and lacerated, as if from flogging, that on the 15th February current, a mutiny broke out among these slaves, in consequence of which he confined 40 of the men in irons, namely, 24 confined by the legs, 2 and 2, and 16 by both legs and arms, 2 and 2; and that on the following day he flogged these 40 men, and that the 2 leaders of the mutiny were punished more severely than the others, they were, in fact, the persons

with the lacerated backs. In explanation of 3 cases of extensive ulcer on the wrist, it was likewise stated that these were produced by ropes, which it was found necessary to tie round the arms of those who were mutinous: it becomes me to state that, in my opinion, such ulcers could only have been produced by an undue degree of severity.

"The general aspect of the remainder of these slaves is pretty good, but the dimensions of the vessel are so very inadequate for their accommodation, that I respectfully recommend that they be all landed as soon as possible."

The above recommendation was carried into effect on the 22d February; a petition from the captors, having this object in view, having been granted by the Court.

The affidavit of seizure, with the vessel's Papers, and captor's declaration were filed on the same day when the monition went forth, and the evidence was ordered to be taken.

Lieutenant Henry P. Deschamps avers in his declaration, that capture took place on the 20th January 1837, in or about latitude 4° 24' north, and longitude 7° 8' east; that the detained vessel was then bound from the River Bonny to the Island of Porto Rico; and that there were on board 352 negroes, said to have been shipped in that river the day previous to detention.

The two witnesses, Camillo Urbano da Fonseca, the Master, and the carpenter, Gabriel Lorenço, underwent examination on the 25th ultimo.

The Master's evidence was as follows:—"He was born at St. Jago, Cape Verdes, and lives there; has never served any state but Portugal. He was appointed to the command by the owner, Joaõ Jozé Claudio de Lima, a Portuguese merchant and subject, residing at St. Jago; possession was given to witness by the said De Lima at that place in November last; first saw the vessel there and then; does not know where she was built. Was present when the vessel was captured for having slaves on board; had no colours but Portuguese. The vessel is called '*Temerario*;' knows of no other name; is 140 tons burthen, and had 31 Officers and Mariners, exclusive of witness; the First Mate was a Portuguese, the Second Mate and Boatswain were Genoese, and the Mariners were Portuguese, Brazilians, and Spaniards, all shipped and hired by witness at St. Jago in November last. Neither he, nor any of the Officers or Mariners had any interest in the vessel or cargo; was Master on board; there were 8 Portuguese and Spanish seamen on board at the time of capture, whom witness had taken on board in the Bonny in January for a passage to Porto Rico; they had none of them any interest or authority on board in regard to either the vessel or cargo. The last clearing port was St. Jago, Cape Verdes, and the voyage began there and was to have ended at Porto Rico; from St. Jago the vessel proceeded direct to the Bonny, where her slaves were purchased from the natives. First saw the capturing vessel the day after her boats had seized the '*Temerario*;' capture took place within the Bonny bar, on the 20th January ultimo; the vessel was steering for Porto Rico at the time, but it was a calm; the vessel's Papers were for St. Thomas's and the Bonny. Joao Jozé Claudio de Lima is the sole Owner of the vessel, knows it from having been put in charge of that vessel; De Lima is a Portuguese by birth, and believes he lived formerly at Lisbon; his wife and family reside at St. Jago, Cape Verdes. Knows nothing of any Bill of Sale, or the price of the vessel, or whether the same be paid; believes the vessel, if restored, will belong to De Lima, and to him only; knows of no private agreement. The Lader of the slaves was Jozé Ferreira; the supercargo, a Portuguese resident of Tras dos (os) Montes, in Portugal; does not know who was the Consignee; the Owners are Claudio de Lima, before named, and the said Ferreira; the said slaves were to have been landed at Porto Rico, for the account and risk of De Lima and Ferreira; believes so from having been so informed by both De Lima and Ferreira. Knows nothing of the last voyage; the lading on the present voyage was tobacco, rum, and cloth; does not know where it was shipped, found it on board when he took possession; 352 slaves were shipped altogether, all from the shore; does not know their descriptions; none died before, but upwards of 100 have died since capture; was taken direct to Sierra Leone after seizure. The papers delivered up were and are all true and fair. No papers have been destroyed, or concealed, or made away with. She was under the management of the Super cargo Ferreira, in regard to her trade."

The evidence of the second witness, although mainly corroborative of the Master's, was more limited in the facts which regarded the vessel and her employment. Of the Owner's name, and of the Supercargo Ferreira, he said he knew nothing.

On the 27th ultimo an affidavit of the Prize Officer, Mr. V. G. Roberts, was brought in to account for the number of deaths, which had occurred among the negroes of this vessel during the time he had had charge of her, and which appeared to have been 110. In this affidavit there were some explanations offered respecting the conduct of the slaves, and their treatment during the passage hither, all of which are hereunder given: "The deponent further saith, that during the passage to this port, namely, on the 15th day of February instant, he was informed by one of the slaves, who spoke a little English, that the male slaves were concerting together for the purpose of taking the vessel from deponent, and the said slaves being on the same day very unruly and turbulent in their conduct, it confirmed, in deponent's opinion, their intention of attempting to do so. And having further discovered that some knives had been secreted by them among the firewood of the vessel, which was stowed below, he deemed it advisable, for the safety of the vessel, and of himself and crew, to flog about 20 of the said slaves, and about 40 others were ordered by him to be immediately placed in irons, and shackled to the chain cable on deck, where they were kept during the remainder of the passage; and that two of the said slaves, who appeared upon inquiry to have been the ring-leaders, were punished more severely than the others, in order to deter them from a similar attempt; and the deponent has been informed by one of the other slaves, that one of the said ringleaders was a notorious bad character before he was shipped from the Bonny. And the deponent further saith, that the said slaves were very troublesome from the moment deponent had charge of the vessel, and frequent complaints have been brought to him of attempts having been made to strangle one another when down below, and that upon two occasions, deponent found 2 male slaves hanging by a rope to the main hatchway, quite dead; and he verily believes that the death of the said 2 slaves was not caused by their own act, but by the other male slaves on board. And the deponent further saith, that none of the slaves have died from or in consequence of the punishment so inflicted upon them, nor have any died of the number who were placed in irons; that the whole of the slaves appeared to this deponent to have died from dysentery, save and except the 2 that were found dead, hanging to the main hatchway; and deponent further saith, that every care and attention on the part of himself and crew was afforded to the sick slaves, and that the death of the said slaves did not ensue through the neglect of this deponent, or any of his said crew. And the deponent lastly saith, that every circumstance connected with this

affair has been duly entered in his Log-Book; that his prize-crew consisted of 9 persons, exclusive of himself; that there were 4 foreigners also on board, belonging to the detained vessel, and that if he had not adopted the course which he did, the deponent is decidedly of opinion that the said vessel would never have arrived here in safety."

Allusion having been made in the foregoing affidavit to the Prize-Officer's Log, we called for authenticated extracts of the parts referred to, which were furnished, and are as follows:—

"15th February, 1837.—Found dead 4 male slaves. In consequence of the men having made an attempt to seize the vessel, placed several of them in irons, and secured them to the chain cable on deck.

"16th February, 1837.—Punished 21 of the male slaves with 40 lashes each, for making an attempt to seize the vessel, and secreting knives for the purpose of murdering the crew. Died one female slave (girl)."

The Prize-Officer's explanation being somewhat at variance with Mr. Surgeon Fergusson's Report, we considered it due to that Officer to allow him the perusal of them, when he authenticated on oath the Report in question, and addressed the Letter hereunder quoted to the Court:—

"With reference to my Report of the 22d February ultimo, in the case of the Portuguese vessel '*Temerario*,' and its authentication on oath, to the best of my belief, on the 1st March current, I beg leave to state that, on a reperusal of my notes taken when on board of that vessel, I do not find the statement in the Report, that the 40 mutinous men were all ironed and flogged, borne out by the memorandum made in relation to that point, though it is distinctly noted down that 16 of that number were double-ironed and flogged next day.

"My impression was, and still is, that the statement as made in the Report was, in substance, identical with the information given me by the Prize-Officer; but I consider it, under the circumstances, an act of justice in a matter of so grave a nature, to hold myself as having been under a misapprehension in regard to the number of persons stated to have been punished; it is my duty, however, at the same time to say, that my remarks on the condition of the slaves were dictated by feelings as lenient as I could conscientiously justify myself in entertaining."

Publication passed in the case on the 27th ultimo; and on the 1st instant the Marshall returned the monition, certifying that it had been duly served.

On the same day the Court sat for the trial of the "*Temerario*," and, after hearing the evidence read, pronounced a sentence of condemnation upon the said vessel, and emancipation in favour of the surviving slaves, in number 236.

The Court at the same time remarked upon the statements which were before it, respecting the treatment of the negroes of this vessel during their passage to this Colony, and expressed its regret that the Prize-Officer had not considered the subject to be of sufficient importance to have called for further testimony than his own. As, however, after the adjudication of the case, additional information was offered to us upon the subject in question, it will not be necessary to state our observations upon the limited explanations we had then before us, but merely to give Copies of the Documents we received on the 20th instant, and which we were induced to allow to be filed after the case had terminated, that the Prize-Officer's proceedings towards the turbulent cargo of negroes whom he had had under his charge in this vessel might be placed in a proper light.

The additional testimony received was furnished by the Commander of the capturing vessel, who only arrived here after the trial of the "*Temerario*," and consisted of his own Declaration of the state of the negroes at the time of seizure, and the Declaration of the late Master and Carpenter of the condemned vessel as to their conduct during their passage hither; and which Documents are here transcribed at length.

"I, Henry P. Deschamps, Lieutenant of the Royal Navy, and Commander of His Majesty's brig '*Bonetta*,' having been informed that Mr. V. G. Roberts, Master's Assistant of the said vessel, had been thought to have been too severe with the slaves on board the '*Temerario*,' Portuguese brigantine, detained by the '*Bonetta*,' and sent to Sierra Leone for adjudication, of which vessel he had charge, do hereby declare that, on my going on board the '*Temerario*,' after capture, to count the slaves, I had the greatest possible trouble in getting the men to go below; that they were quarrelling amongst themselves, and endeavouring to strangle one another; and that they paid not the slightest attention to what was said to them; and, upon my questioning the Supercargo as to the reason of such conduct, he said he had purchased any slaves he could procure; that many of them were noted bad characters, but that he had shipped them in haste, so as to be able to sail before the return of His Majesty's sloop '*Scout*' or '*Bonetta*;' that he had taken 8 extra hands, for the better security of himself and vessel; and advised me to send an experienced Officer, and as many men as could be spared. I do further declare that, in the evening, after having dispatched the boats of the '*Bonny*,' I went to assist Mr. Roberts in getting the '*Temerario*' under weigh, when I found the slaves in a most mutinous state; and, finding that they would not remain below, I sent for her Carpenter to fit the iron gratings for the men's slave-room, while doing which they made every possible exertion to prevent its completion, and it required all hands to keep them down; they broke the partition of the fore peak, drove the boys on deck, and endeavoured to force themselves up also, many Beebees trying to strangle the Eboes chained to them, knocking their irons off, and beating one another with billets of firewood, shouting and yelling all the time. During the same afternoon one man was tied to the rigging for unmercifully beating another, and whilst in this position he bit the top of a finger nearly off one of the Kroomen belonging to the '*Bonetta*' (Jem George), who was passing by him. After having, with great difficulty, secured the men's slave-room, I explained to them, through an interpreter (a Bonny boy), that, if well behaved, they would have every kindness shown to them; but if they continued so riotous, they must be punished; and the vessel being under weigh, I left her. It was my intention, if I could have spared them, to have sent 4 more hands up with Mr. Roberts; but the '*Bonetta*' was at this time so short of men, after dispatching the boats as aforesaid, that it was impracticable to do so. I, however, sent on board the Portuguese Carpenter to assist and act as an interpreter. I do further declare that, in 8 years' experience in Africa, I never saw so bad a set of slaves. I have always found Mr. Roberts a most humane young man, and a most efficient and attentive Officer; and I do most decidedly think, but for his constant vigilance and determined conduct, the slaves would have risen; and, if they had got the upper hand, they would have undoubtedly murdered all the prize-crew."

"We, the undersigned Camillo Urbano da Fonseca, late Master of the Portuguese brigantine '*Temerario*,' detained by His Majesty's brig '*Bonetta*,' and Gabriel Lourenço, Carpenter of the said

brigantine, do hereby declare that we were brought to this port in the said brigantine, after capture, to be produced as witnesses in the cause; that on the passage to this port, and on or about the 15th day of February last, Mr. Roberts, the English Prize-Officer, was informed in our presence by one of the slaves, named Bob Jones, that the male slaves were concerting together for the purpose of taking the vessel from him, and previously to this communication having been made, we ourselves had heard the slaves in the hold making very unusual noises and shouting loudly; that upon our going near the hatchway to ascertain what they were doing, and to endeavour to get them to desist, the shout was again continued in a more boisterous manner, and one of the ringleaders made a sign to us with his hand across his neck, and cried out, 'Kick-a-ree-boo,' meaning that he intended to kill some one. We further declare that some knives were subsequently discovered by Mr. Roberts, which had been secreted by the slaves among the firewood stowed below; that after due consideration Mr. Roberts was convinced the intention of the slaves was to make an attempt to get the vessel out of his possession, in which we fully agreed with him, and he therefore at once determined to quell this feeling among them, and about 20 of the slaves were ordered by him to be flogged, and about 40 were placed in irons and shackled to the chain cable on deck, where they were kept until their arrival in port. We further declare that, if Mr. Roberts had not adopted this course, it is our firm belief we should not have arrived here in safety; and that our lives and the lives of those on board would have been entirely at the mercy of the slaves; that the said slaves were extremely savage and unruly during the whole of the passage, and had shown symptoms of mutinous conduct from the first, and that frequent attempts had been made by them to strangle one another; and on two occasions two of the said slaves were found hanging by a rope to the main hatchway quite dead; and we believe that the death of the said two slaves was not caused by themselves, but by the other male slaves on board. And we do further declare that every necessary attention was paid by Mr. Roberts and his prize-crew to the slaves, and the deaths among them did not ensue through any neglect or ill treatment on his part, or any of his said crew."

Upon these late explanations we did not consider it necessary to give any opinion, as the case had been finally adjudged, and we therefore refrained from so doing.

Sierra Leone, 20th March, 1837.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

No. 37.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 23d March, 1837.

THE receipt of your Lordship's Dispatch of the 27th January last, covering the Translation of a Decree, issued at Lisbon on the 10th December 1836, for the Abolition of the Slave Trade throughout the Portuguese Dominions, we beg leave to acknowledge, and to express our satisfaction that Portugal has been at length induced to make this concession to the claims of humanity, which had been so long and so justly hitherto demanded of her in vain.

To perfect this measure so tardily begun, it is essential that the Treaty between Great Britain and Portugal should be extended in the true spirit of the Decree in question, by which means the slave marts on this coast, now swarming with vessels under the Portuguese flag, might be partially cleared, for a time at least, of the means of conveying the African from his home and friends.

We have, &c.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

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

No. 38.

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

MY LORD,

Sierra Leone, 30th March, 1837.

HIS Majesty's sloop "Columbine," on the 10th ultimo, whilst cruising in the Bight of Benin, fell in with and detained the Portuguese schooner "Josephina," having on board 350 slaves, shipped a few days previously at Lagos, and bound for the Havana market.

The detained vessel reached this port on the 8th instant, when a prosecution was instituted against her in the British and Portuguese Mixed Commission Court, which ended on the 17th instant in the condemnation of the schooner and cargo, and the emancipation of the slaves, then amounting in number to 346.

This vessel, your Lordship will observe by the endorsements on her Passport, and which have been described in our Report of the Case, which we have the honour of enclosing herein, was employed in trading from and to Bahia, from March 1833, until the voyage before that in which she was detained, when the schooner took a cargo of Africans to Havana, where she arrived on the 24th December 1835, as appears by the Returns of His Majesty's Commissioners at that place.

The Master of this vessel, who declared himself to be a Sardinian, swore that he bought her from the agent of the Owner, José Mazzora, of Havana, who executed a Bill of Sale in his favour, which Paper he by accident left in his lodgings in that city, and that the fact of his Ownership was endorsed on the Passport. Such, however, was not the case; the endorsement alluded to merely expressed that Mazzora had appointed him to the office of *Master* of the said vessel.

The slaves were stated by the Master to be owned by Eustaquio da Silva e Porte, a Portuguese merchant living at Lagos, who had, he said, made a verbal agreement with him to pay 100 dollars passage-money for every slave delivered alive in Cuba. But little credence, however, can attach to this man's assertions, after his denying the authority of the Ship's Papers as to the Ownership of the vessel.

We have, &c.

(Signed)

H. D. CAMPBELL.

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

WALTER W. LEWIS.

&c.

&c.

&c.

Enclosure in No. 38.

Report of the Case of the Portuguese Schooner "Josephina," Miguel Angel Montano, Master.

THIS vessel, in a voyage from Havana to Lagos, and thence back to Havana, was captured in the Bight of Beniu on the 10th February, 1837, by His Majesty's sloop "Columbine," Commander Henderson, for having on board a cargo of slaves, and by that Officer despatched to this Colony for trial, where she arrived on the night of the 8th of the following month.

The only Official Papers found on board of this schooner were a Passport and Muster-roll; the former of which Documents was issued by the Portuguese Minister of Marine at Lisbon, on the 26th May, 1832, for a voyage to St. Jago, Cape Verde Islands, and the ports in Brazil. This Passport bears the following official endorsements:—

Bahia, 23d March, 1833.—For a voyage to Havana, calling on the Coast of Africa, and at St. Thomas and Princes Islands, if desired.

Bahia, 22d October, 1833.—No destination assigned.

Bahia, 15th April, 1835.—For a voyage to Cadiz and Havana.

Havana, 16th March, 1836.—American Consul's Certificate of a change of Masters by the authority of José Mazzora, agent of Manuel dos Santos, the alleged Owner.

The Muster-roll was prepared by the Master, and certified by the American Consul, in the absence of a representative of Portugal.

There was also found on board a Log-book, commencing on the 6th February, and ending 4 days subsequently thereto, at which time she was seized, as previously mentioned.

Immediately the detained vessel reached this port, the Marshal and Surgeon to the Courts made their official visits on board, and reported the result of their inspection in the usual form. From the Surgeon's Report we had the pleasure of learning that there was very little disease amongst the slaves of this vessel, 6 cases only of dysentery and 45 of itch having been marked for hospital treatment, and the remainder of these people being uncommonly healthy. The size of the vessel was so disproportionate to the number of slaves on board, that their immediate disembarkation was considered by the Surgeon necessary. As soon, therefore, as the vessel had been duly brought before the Court, we caused the Surgeon's recommendation to be carried into effect, the Colonial Government, in the mean time, having consented to receive these people.

On the 10th instant the Ship's Papers, properly authenticated, were lodged in Court, together with the Declaration of the Captor; on which date the Monition was sent forth, and the witnesses produced for examination.

The Declaration of the Captor was to the effect, that on the 10th ultimo, when in 5° 39' north latitude, and 2° 45' east longitude, he detained the said schooner for having on board 350 slaves, who were, by the Master's statement, destined for Havana, and had been shipped a few days previously at Lagos.

On the 13th instant the witnesses produced were examined by the Registrar; they were the said Master, and Joaquim Mentiero, a seaman of the detained vessel.

The deposition of the Master was, that he was born at Genoa, "has no settled place of residence, considers; however, Genoa as his home though he has not been there for the last 9 years; is serving at present under the Portuguese flag, but the King of Sardinia is his proper sovereign; is not married. The vessel is his own property, and he appointed himself to the command; received possession in Havana, in March, 1836, from José Mazzora, a merchant of Havana, and a Spanish subject, the agent of the former Owner; first saw the said vessel at Havana, in January or February, 1836; believes she is North American built. He was present when the vessel was captured for having slaves on board; had no colours but Portuguese. The vessel has never been called by any other name, to his knowledge, than 'Josephina'; is 120 tons burthen, and had a crew of 19 Officers and mariners, exclusive of himself, part Portuguese and part Spaniards; all shipped and hired by witness at Havana, in March, 1836. None of the Officers or mariners had any interest in either vessel or cargo; had none himself in the latter; was Master; there were 3 Spanish seamen on board, shipped at Adjudah for a passage to Havana; does not remember their names; they had none of them any interest or authority in regard to the vessel or cargo. The last clearing port was Havana, and the present voyage began and was to have ended there; from that place the vessel went direct to Lagos, where the cargo was landed, and thence proceeded to Cape Coast, where, after purchasing some cowries (80 quintals), the vessel went to Adjudah for the purpose of delivering some letters; declares he does not know who the persons are from whom he received those letters for Char-Char and Zangroni; thence returned to Lagos, where slaves were shipped. The capturing vessel was first seen on the 9th March, in 5° 39' north latitude, and 2° 45' east longitude; capture took place on the same day, about 2 hours after the chase commenced; witness's vessel was steering for Havana when pur-

sued; it was calm at the time, and the seizure was effected by means of the boats of the man-of-war. The Vessel's Papers were for Lagos and Princes. There was no gun mounted, but only 10 muskets, and as many cutlasses for defence, and to keep the slaves in awe; there was no resistance made, or instructions given to avoid capture, or to conceal or destroy any of the Vessel's Papers. He is sole Owner of the vessel. There was a Bill of Sale from José Mazzora as agent, for the former Owner, whose name he does not recollect; but it is endorsed on the Passport by the American Consul at Havana; it was dated on the 27th February, and witnessed by Pasquel Pluma, a Spaniard, and Francisco Caldras, a Portuguese, both merchants of Havana; witness left the said Bill behind him (having forgotten it) at the house where he boarded at Havana; the price was 2,400 dollars paid in cash, and was a fair equivalent for the vessel, and, if restored, the vessel will belong to witness, and to no other person; there was no private agreement. The Owner of the slaves is one Don Eustaquio da Silva Porte, a Portuguese merchant residing at Lagos; believes he has lived there about 8 or 9 years, and that he formerly resided at Lisbon; witness was the Lader and Consignee of the slaves, who were to have been landed on the Coast of Havana on account and risk of Don Eustaquio, and, if restored, will belong to the said Eustaquio. He knows nothing about the last voyage; the cargo shipped at Havana in the present was rum and dry goods, the present cargo is slaves; 350 were shipped altogether from the shore, does not recollect their descriptions; none died before capture, 4 have died since; was taken direct to Sierra Leone after capture. The Passport and other Papers were and are all true and fair. No Papers were destroyed, concealed, or made away with. There are no other Papers besides those delivered up, and the Bill of Sale, in any place, to his knowledge. There was a written Charter-party between Ramon Font, a resident merchant of Havana, and witness, to take a cargo to Lagos; the freight was 1,800 dollars, and having expired on the cargo being landed, witness (the balance of the freight, 350 dollars, being paid by Don Eustaquio) delivered up the said Charter-party to that person, and entered into a verbal agreement with him to take the slaves found on board across to Havana, to receive 100 dollars for each surviving slave landed there. The vessel is not insured, cannot say whether the cargo is not; the vessel was under witness's sole management in regard to her trade."

The evidence of the seaman Mentiero confirmed that of the Master, as far as it went. He added, that he first saw this vessel about October, 1835, on the Gold Coast, when she ought, according to the endorsement on her Passport, to have been on her voyage from Bahia to Cadiz and Havana. It may, therefore, be inferred that the last voyage of this vessel, which was to Havana, was with a cargo of slaves from Africa, as she is reported in the Havana Lists as having arrived on the 24th December, 1835, from this Coast.

The Case for the prosecution closed, with the filing of the Prize-Officer's Affidavits of the deaths which had occurred among the slaves of this vessel during their passage hither, and by which it appeared a mortality of only 4 had taken place.

Publication passed in this Case on the 16th instant, and the Monition, which was issued on the 10th, was returned into Court on the 17th following, certified to have been duly served.

The Court assembled on the 17th instant for the adjudication of this Case, when a sentence was recorded of condemnation of the vessel and her cargo to the Governments of Great Britain and Portugal, and emancipation of the surviving 346 slaves.

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

Sierra Leone, 30th March, 1837.

No. 39.

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

MY LORD,

Sierra Leone 30th March, 1837.

IN this Despatch, enclosing our Report of the Case of the Portuguese schooner "*Latona*," we have again to bring under your Lordship's notice a fresh instance of a vessel obtaining a set of Official Papers from the Government of Princes and St. Thomas's, in exchange for those under which she had come to the Coast from Bahia, in a similar manner to that reported of the Portuguese brig "*Esperança*" on the 25th October last. Provided with the papers alluded to, the "*Latona*" appears to have lost no time in getting back to Whydah, where she shortly afterwards embarked a cargo of 325 Africans, with whom she was proceeding to Havana, when His Majesty's sloop "*Columbine*" detained her off Whydah on the 4th ultimo. On her arrival at Sierra Leone the usual prosecution was instituted, and terminated on the 17th instant in the condemnation of the vessel.

The names of two well known persons engaged in slave-adventures, De Lowsa, *alias* Char Char, of Whydah, and Zangroni, appear in the transactions connected with the employment of this vessel. The evidence given by the Master, De Carvalho, explains in what way these two individuals were concerned at various times in the affairs of the "*Latona*." The notoriety of De Lowsa, as one of the most active slave-dealers on this Coast, requires no comment. The name of Zangroni is mentioned in the Case of the "*Mosca*," condemned on the 7th September, 1836, as Owner of that vessel, which, like the "*Latona*," had sailed from Bahia on a Slave Trading voyage. In Mr. Ouseley's Report on the subject of the Slave Trade at Bahia, enclosed to your Lordship by His Majesty's Minister at Rio de Janeiro, in a Despatch dated the 10th November, 1835, the particular nature of Zangroni's business is thus described. On mentioning the destination of slave-

vessels, fitted out at Bahia, on their homeward voyages, Mr. Ouseley says, that "if, for Cuba, to which Island (the '*Mosca*' and this vessel were thither bound) the greater number of vessels under Foreign colours go, they are nearly all consigned to '*Zangroni*,' a noted slave-dealer at the Havana. *Zangroni*'s bills on London are well known in many mercantile places, and are readily negotiated at Bahia, &c."

The "*Latona*" formerly bore the name of the "*Maria de Gloria*," and her last Owner is said to have been Joao Antonio Chaves, a Portuguese resident merchant of Bahia.

The "*Latona*" and "*Josephina*," previously reported under this date, were both prizes to His Majesty's sloop "*Columbine*;" were seized within a week of each other in the Bight of Benin; and were both belonging to the port of Bahia.

We have, &c.

(Signed)

H. D. CAMPBELL.

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

WALTER W. LEWIS.

&c.

&c.

&c.

Enclosure in No. 39.

Report of the Case of the Portuguese Schooner "Latona," Jozé Gervásio de Carvalho, Master.

THE Portuguese schooner "*Latona*" was furnished with the Ship's Papers for the recent voyage by the Provisional Government of Princes and St. Thomas's Islands. These Documents are three in number, and of the following description:

1. Passport, signed by the Provisional Junta, and dated at Princes, the 15th December, 1836. The Owner is stated to be a resident of Bahia, Joao Antonio Chaves. The West Indies, with permission to visit the ports of the African Continent, is the destination pointed out for the vessel.
2. A List of crew, dated the 17th December, 1836.
3. Fort Pass, dated the 9th December, 1836.

After this stage of the voyage, the "*Latona*" directed her course to Whydah, where the notorious "*Zangroni*" completed the shipment of the cargo of slaves. On the following day, the 4th February, 1837, His Majesty's sloop *Columbine* fell in with this schooner off Whydah, and captured her with 325 negroes on board.

The detained vessel arrived here on the 9th instant, and was then visited by the Marshal and Surgeon to the Courts, whose respective reports as to the facts of seizure, and the health of the slaves, were received on the same day. The Surgeon's report was very favourable. Of the 325 slaves were originally captured, but 4 deaths had taken place on the passage up, one of which was accidental, being caused by drowning; only 12 were marked for medical treatment; and the remainder of them bore "a very healthy appearance." But from a statement of the Prize-Officer, that 2 convalescent slaves had, in his opinion, been afflicted with the small-pox, the identity of which disease, however, could not then be clearly ascertained by the medical officer, his recommendation for their immediate landing was accompanied with the suggestion of the propriety, by way of precaution, of preventing all present communication with the slaves of this vessel. This was accomplished by placing them at the Kissy lazaretto, which was set apart for their use; and in this way was avoided the risk of the extension of the contagion, should the doubts as to the existence of the small-pox prove correct. Happily, however, it was found, after some time, that they had not that disease amongst them; and shortly after their emancipation they were taken from quarantine.

The prosecution commenced on the 10th instant. The Papers and Declaration were then filed, and the order for the issue of the Monition, and the evidence to be taken, was made by the Court.

The substance of Commander Henderson's Declaration is, that capture took place on the 4th ultimo, in latitude 5° 34' north, and longitude 2° 28' east; that the detained vessel was under Portuguese colours, and bound from Whydah to Havana; and that there were 325 slaves on board, said to have been embarked the day previous at Whydah.

The Master, Jozé Gervasio de Carvalho, and the Boatswain, Manoel Estramadura, were the witnesses in preparatory. The Registrar severally examined them on the 13th instant.

The first deposed, that "he was born at Ville de Conde, near Oporto; has lived at Bahia for the last 12 or 14 years, but has never served any State but Portugal; was appointed to the command by Joao Antonio Chaves, a resident merchant at Bahia, and a Portuguese subject; possession was given to witness by the said Chaves in October 1835, at Bahia; first saw the said vessel there about 3 years ago; she was built in North America. Was present when the vessel was captured for having slaves; had no colours but Portuguese. The vessel is called '*Latona*' she was formerly called '*Maria de Gloria*;' is 126 tons burthen, and has 17 Officers and mariners, exclusive of Master, some Portuguese, some Spaniards, all hired and shipped by witness, part at Bahia in October 1835, and the others at Princes Island in December 1836, and at Adjudah in January last, to replace some of the crew who had died. Neither he nor any other of the Officers or mariners had any interest in either the vessel or cargo; was Master on board; there was 1 passenger, a Spanish seaman, whose name witness is not acquainted with; he was taken on board at Adjudah, for a passage to Havana, and had no interest or authority in regard to vessel or cargo. The last clearing port was Princes Island; the present voyage began at Bahia, and was to have ended at Havana; from Bahia the vessel went to Adjudah, where she arrived in December 1835, and where she remained 4 months waiting for her cargo, and then went to Badagry and Porto Nova, with tobacco and other goods shipped by Char Char, and returned to Adjudah in July, where she remained till October, and then proceeded to Princes to get another Passport, the one from Bahia being for that place, and having become old; from Princes again returned to Adjudah, where she arrived in December last, and remained there until the cargo of slaves was shipped. The capturing vessel was first seen about 9 leagues from Adjudah, on the 4th February, and capture took place there; and then the weather being calm, the boats of the man-of-war seized the '*Latona*;' witness was steering for Havana at the time of capture. No resistance was made,

there were no instructions to make any, or to avoid capture, or for concealing or destroying any of the Vessel's Papers. Joao Antonio Chaves is the Owner of the vessel; knows it because he has seen it in the Bill of Sale; Chaves is a Portuguese by birth, and resided in Portugal before he lived at Bahia. The Bill of Sale is in the possession of the said Chaves, at Bahia; does not know the date, or the names of the witnesses to the said Document; does not know the price of the vessel; has heard it was paid, but cannot tell in what description of money; believes the sale was a true one, and that the vessel will belong to no one but Chaves if restored; knows of no private agreement. The Owner and lader of the slaves is Joao José Zangroni, merchant of Havana, but at present trading on the Coast; does not know what countryman Zangroni is, or where he resided before he lived at Havana; witness is himself the Consignee of the said slaves, who were to have been landed on the south side of Havana on account and risk of Zangroni, and they will belong to him, and no other person, if restored; knows it, because Zangroni freighted the vessel. The lading brought from Bahia was cloth, aguardiente, and tobacco; the present cargo is slaves; 325 were shipped altogether, all from the shore; does not remember their descriptions, none died before capture, some, but he does not know how many, have died since; was taken direct to Sierra Leone after capture. The Papers were and are all true and fair. No Papers were destroyed, concealed, or made away with. Does not know if the vessel or cargo be insured; the vessel was under the direction of Zangroni, who is the correspondent of Chaves in regard to her trade, and witness corresponds with these 2 persons. Bulk was broken at Adjudah."

No new matter could be elicited from the second witness, whose evidence was very limited, from his having been only engaged at Whydah a short time before the embarkation of the slaves.

The Prize-Officer's Affidavit as to the extent of the mortality amongst the slaves, since capture to the present period, showed that only 4 deaths had occurred, a number unusually small.

The publication of the Case, as above detailed, was granted on the 16th instant; and on the day after, the Monition having then become due, the Court proceeded to the trial of the "*Latona*." The charge of illegal slave-trading being fully confirmed by evidence, a sentence of condemnation was passed upon the Portuguese schooner "*Latona*," as joint prize to the Crown of Great Britain and Portugal, and the surviving 320 slaves, by a similar Decree, received the benefits of emancipation.

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

Sierra Leone, 30th March, 1837.

No 40.

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

MY LORD,

Sierra Leone, 6th April, 1837.

IN our Despatch of the 4th ultimo, we had the honour of communicating to your Lordship the condemnation of the Portuguese slave-brig "*Paquete de Cabo Verde*," which vessel was sold by Public Auction on the 11th ultimo, and there bought by Mr. John Dean Lake, a merchant of this place, and formerly a practitioner in the Mixed Courts:

To-day the said vessel left this port under Spanish colours, and we found, on inquiry at the Custom-house, that she had cleared out under her old name for Havana with a crew of 18 men, and not having any cargo on board.

The Master and alleged Owner of this vessel is the notorious Miguel Bertinote, *alias* Manoel de Barros, the agent as well on this as on a former occasion of Pedro Blanco, the Spanish slave-dealer of the Galinas, and respecting his connexion with whom we laid before your Lordship a particular account, in our Despatch of the 7th December of last year, on the subject of the confiscation of the Portuguese brigantine "*Vigilante*."

The name of Mr. Lake appears in the abovementioned Despatch as one of the channels of communication with Rae and Hornell, on Bertinote purchasing the "*Vigilante*" from that firm.

We have not been enabled to learn positively whether the vessel passed direct from the hands of Mr. Lake into those of Miguel Bertinote, but it is the prevalent opinion here that no intermediate transfer took place.

We have, &c.

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

H. D. CAMPBELL.
WALTER W. LEWIS.

No. 41.

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

MY LORD,

Sierra Leone, 6th May 1837.

ENCLOSED in this communication is forwarded our Report of the Case of the Portuguese schooner "*Carlota*," captured by His Majesty's sloop "*Champion*" in the West Indies, on the 1st December 1836. The slaves forming the cargo of the "*Carlota*" were landed at Honduras, and the vessel itself, from her unseaworthy condition, was also left at that settlement.

CLASS A.

A Prize Officer, with the witnesses and documentary evidence in the Case, arrived in this Colony in His Majesty's schooner "Pincher" on the 23d ultimo. The prosecution commenced immediately after this event, and terminated on the 2d instant by the condemnation of the "*Carlota*" in the British and Portuguese Mixed Court. The survivors of the 203 slaves remaining at Honduras were on the same occasion declared free.

It appeared from the evidence elicited from the witnesses, that the "*Carlota*" not only obtained her ship's Papers from the Provisional Government of Prince's and St. Thomas's, but was the property of a resident and native of the latter Island, Jozé Barboza é Paiva. From Prince's, in July last, the "*Carlota*" proceeded to Whydah, consigned to the notorious Zangroni, who bought and shipped the slaves for the vessel. The character of this slave trader has been fully described in our Despatch to your Lordship, of the 25th April last, to which we would beg to draw attention.

By the Log-book of the detained vessel, it appeared that, in addition to the name of "*Carlota*" she also bore that of "*Mosquito*."

We have, &c.

(Signed)

THOMAS COLE.

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

WALTER W. LEWIS.

Enclosure in No. 41.

Report of the Case of the Portuguese schooner, "Carlota," alias "Mosquito," Miguel Paulo, Master.

THIS Portuguese slave-vessel received her official ship's Papers from the Government of Prince's Island in the month of July of last year. These consist of:—

1. Fort-pass.
2. Passport.
3. Muster-roll.

All of the above Papers declare the "*Carlota*" to have been bound thence on a lawful trading voyage to the Island of Cuba, with permission to visit the ports of the African continent. There are also other Documents, which were found on board at the time of seizure, of a more private nature, but still closely connected with the transactions of the voyage. Amongst them is a Log-book; a List of slaves purchased and shipped at Whydah, with the names of the sellers, and also of the Consignee, the notorious Zangroni; and a bundle of Notes, principally addressed by Zangroni to the Master, whilst the vessel was laying at Whydah.

After having completed a shipment of slaves at Whydah, through the medium of Zangroni, this vessel successfully eluded the vigilance of the cruisers on the African station, and had nearly reached her homeward destination, the Island of Cuba, when she was seized, whilst thus transgressing the laws of Portugal, by His Majesty's sloop "*Champion*," Commander Fair. Such was the bad condition of the prize that the Captor was necessitated to carry her direct to Honduras, where the slaves were landed and placed in the custody of the Acting Superintendent, and the vessel itself left, from being in a state of unseaworthiness, and quite unequal to performing a second voyage across the Atlantic.

The Report of a Survey, held upon the condition of this vessel by direction of the Acting Superintendent at Honduras on the 12th December, 1836, fully bears out the Captor's opinion as to the unseaworthiness of his prize. The Surveyors state, that "the deck is in a deplorable state, having been patched in a great many places, and some holes filled up with pitch only, no doubt to prevent the water from running down into the vessel's hold.

"The stern frame and transom completely rotten and in a very bad condition, and many of the wooden ends have started.

"The bowsprit and bits completely unfit for use, and the knight heads rotten and not to be depended upon.

"The fore-mast sprung about 2 feet above the deck. The pump on the starboard-side unfit for use; the pump on the larboard-side very little better.

"The anchors and chains (cables) are completely worn out and not trustworthy, and, even if good, are not calculated for a vessel of her size.

"The sails and rigging are in a deplorable state; the former apparently very old and much torn, the latter entirely rotten and not to be depended upon.

"The top-sides are in a complete state of decay, and especially under her quarters. She has been much patched with small pieces of plank, is in a very leaky state, and we consider her a complete wreck and quite unfit to go to sea.

"In short, we are of opinion it would be risking the lives of the crew to send the said schooner "*Carlota*" to sea, even on a short voyage, far less to Sierra Leone, for adjudication; and we recommend her to be sold, or otherwise disposed of, for the benefit of all concerned.

"Given under our hands and seals, at Belize, Honduras, this 12th day of December, 1836.

(Signed)

"JAMES MACDONALD, Merchant.

"JOHN HUNTER, Master-Mariner.

"GEORGE LE GEYT, Master-Builder."

A Prize Officer, with the witnesses in the Case and the Papers before mentioned, arrived at this place on the 23d ultimo in His Majesty's schooner "Pincher," direct from the West Indies. On the following day the Papers were filed in Court, and the usual steps taken for prosecuting the "*Carlota*," under the sanction of the Mixed Court. The Monition then issued, citing all interested parties to appear in support of their claims, if they had any to advance.

The Captor made two Declarations: the one, in full, setting forth the various circumstances of the seizure, and the other a supplementary one, assigning the reasons for disembarking the slaves at

Honduras. The first states that the capture took place on the 1st December, 1836, in latitude 19° 43' north, and longitude 78° 37' west; that the detained vessel was, at that time, bound from Whydah to Cuba; and that there were on board 203 slaves, said to have been embarked at Whydah. The second Declaration says, that Commander Fair was compelled to land the slaves at Honduras on account of the "*Carlota's*" unseaworthiness, leaky state, imperfect equipment, and scarcity of provisions and water." To this Paper is attached an Affidavit of the Senior Lieutenant and Surgeon of His Majesty's sloop "*Champion*," attested before the Magistrates at Belize, confirmatory of its contents.

The Captor's Proctor likewise filed an Affidavit of the Prize Officer on the 23d ultimo, in verification of the fact of the slaves of the "*Carlota*" having been disembarked at Honduras, and received by the Government of that Colony. The Collector's Receipt for those slaves, 203 in number, was at the same time lodged in Court.

The Master, Miguel Paulo, and a passenger named Juan Parisien, were examined on the standing Interrogatories on the 26th ultimo.

The Master deposed that "he was born at Vicina, in Portugal, has no regular place of residence, being almost constantly at sea; has never served any State but Portugal. Was appointed to the command by the owner of the vessel '*Jozé Barboza Paiva*,' a Portuguese, and resident of St. Thomas', who gave him possession of the same there in June 1836; first saw the vessel there, and then; believes she was built in Baltimore. Was on board at the time of capture; the vessel was seized for having slaves on board; had no colours but Portuguese. Has never heard of any other name but '*Carlota*,' she was 80 tons burthen, and had 17 Officers and mariners, exclusive of witness, of different nations, Portuguese, Spaniards, Brazilians, Italians, some shipped before witness joined the vessel at St. Thomas', and the rest by witness at Prince's in July last. Had an interest to the extent of 1,000 dollars in the vessel and cargo; none others of the Officers or mariners had any interest in either; was Master on board, there was one passenger at the time of seizure, a Spanish seaman, (whose name he does not remember,) embarked at Prince's for Havana by orders of the Government. The voyage began at St. Thomas', and was to have ended at Cuba; the last clearing port was Prince's, from Prince's the vessel proceeded to Adjudah, where the slaves were shipped. The capturing vessel was first seen about 40 miles south of Cuba on the 1st December last, and capture took place on the same day; the chase lasted about 3 or 4 hours, and witness tried all he could to escape; the '*Carlota*' was steering for Cuba when pursued. No resistance was made, there were no instructions to destroy or conceal any of the vessel's Papers. The Owner of the vessel is Jozé Barboza Paiva, knows it from having been appointed to the command by him, and by the vessel's Papers; believes he had always resided at St. Thomas' where he was born. Believes there is a Bill of Sale in the Owner's possession, but has never seen it; does not know what was the price of the vessel; knows of no private agreement. Barboza is part owner of the cargo, and there are three or four others interested, whose names he does not remember; Zangroni was the lader of the cargo, which was consigned to a house in Cuba, does not know the name; the slaves were to have been landed in Cuba on account and risk of the Owners, whose names he does not remember, but they will be found amongst the vessel's Papers, and believes if the cargo be restored it will belong to the persons he has spoken of. Knows nothing of the last voyage; the cargo shipped at Prince's on the present was rum; 208 slaves were shipped altogether, all from the shore at Adjudah. The vessel was taken to Belize after capture. The Papers found on board were all true and fair. No Papers were destroyed, concealed, or made away with in any manner. Neither the vessel nor cargo was insured to his knowledge, the vessel was under Zangroni's management in regard to her trade."

The evidence of the passenger was necessarily very limited, on account of his having only embarked on board the vessel at Whydah, but there appeared in it no matter contradictory of the Master's testimony.

Publication of the Case passed on the 28th ultimo, and the Monition having expired on the 2d instant, the Court then adjudged the case. The illegal nature of the vessel's employment being beyond question, a sentence of condemnation was recorded against the Portuguese schooner '*Carlota*,' and the survivors of the 203 negroes landed at Belize, were at the same time, declared free.

(Signed)

THOMAS COLE.

WALTER W. LEWIS.

Sierra Leone, 6th May, 1837.

No. 42.

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

MY LORD,

Sierra Leone, 20th June, 1837.

His Majesty's brig "*Charybdis*," Lieutenant Mercer, Commander, when cruising off Lagos on the 11th ultimo, detained the Portuguese slave-schooner '*Lafayette*,' with a cargo of 448 Africans, shipped the previous day at that port. The captured schooner reached this Colony on the 6th instant, and the proceedings instituted against her by the seizors terminated on the 16th following in the condemnation of the vessel and cargo, and emancipation of 441 slaves, the survivors of those seized.

This vessel was found sailing under a Passport from the Minister of Marine at Lisbon, dated in November 1835, and which showed her then to have been destined to the ports of Brazil. The first official endorsement upon this document is dated the 13th September, 1836, at some port in Brazil, which however is not mentioned. Within 3 weeks from that time the schooner was at Bahia, consigned to the house of Almeida and Costa. And on the 4th March last she cleared from Bahia for Prince's and St. Thomas' Islands on this coast.

As it is not probable, that the "*Lafayette*" was occupied between November,

1835, and September, 1836, in making her voyage from Lisbon to Brazil, it may fairly be suspected, that she came from Portugal direct to this coast, on a similar errand to that which has now been happily frustrated; and was on that occasion successful in crossing the Atlantic with a cargo of human beings for the market of Bahia, or some adjacent port. The time which such a voyage would occupy, would not be greater than the period referred to.

In the Passport the names of Antonio Jozé Coelho, and Antonio Augusto Ferreira Sampaio, of Lisbon, are mentioned as the Owners of this vessel.

The prevarication of the Master in this case was marked as regarded the destination of the captured vessel. When seized he declared to the Commander of the "Charybdis" that the schooner was bound to Bahia; whilst in his examination before the Registrar he stated she was going to Havana; in which latter statement he was corroborated by the Cook of the detained vessel.

Our Report of this Case we beg leave to inclose for your Lordship's information.

We have, &c.

(Signed)

A. DOHERTY.

WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 42.

Report of the Case of the Portuguese schooner, "Lafayette," Manoel Antonio Rodrigues Nogueira, Master.

This is the Case of a Portuguese vessel belonging to the Port of Lisbon, seized for having a cargo of slaves, by His Majesty's brig, "Charybdis," which cruizer fell in with the Portuguese schooner in the Bight of Benin, on the 11th of May last, the day after the said slaves had been embarked at Lagos. At the time of detention the following Papers were found on board the "Lafayette":—

1. Lisbon Passport, dated 19th November, 1835, with a destination to the Ports of Portugal and Brazil.
2. Manifest of the cargo brought from Bahia to the Coast, shipped by Almeida and Costa, of that city, in March last.
3. Muster-roll.
4. Bundle of 5 Bahia Custom-house Papers.

By the official endorsements upon the Passport of this vessel it would appear, that she visited some Port near to Bahia on the 13th of September, 1836, for which she immediately cleared out, and arrived there on the 24th of October following, and delivered a cargo. On the subsequent 4th of March this schooner was at Bahia again, as she is described clearing at that time for St. Thomas' and Prince's Islands. When the schooner left Bahia, it appears she came direct to Lagos, on this Coast, as, on the 28th of April, she was there boarded by the cruizer, which ultimately succeeded in capturing her on the completion of her nefarious transactions, and when in the act of conveying her unhappy cargo to the slave-market of Havana.

The detained vessel arrived here on the 6th of June, and was duly visited and reported upon by the Acting Marshal and Surgeon to the Courts. From the Surgeon we learned, that the cargo of this vessel were in general appearance healthy, and that no more than 7 of the slaves had died on the passage up. Of those requiring hospital treatment it was satisfactory to learn, that they were few in number, and their diseases of a common description and of a mild form. They were, however, crowded, through the limited size of the vessel, and their early disembarkation was recommended by the Surgeon, and carried into effect by the Court, as soon as the same could legally be done.

On the 7th instant the Captor's Proctor lodged in Court the Declaration of his Client respecting this seizure, and the ship's Papers properly authenticated by the Prize Officer, when the Monition issued, and the witnesses in chief were produced for examination.

The Declaration of Lieutenant Mercer, the Commander of the "Charybdis," was, that on the 11th of May, 1837, being in or about latitude 6° 8' north, and longitude 4° 13' east, he detained the schooner named "Lafayette," sailing under Portuguese colours, armed with 2 guns, and commanded by Manoel Antonio Rodrigues Nogueira, who declared her to be bound from Lagos to Bahia, and having on board 448 slaves.

The Registrar examined the witnesses brought forward by the Seizor on the 10th instant, when the Master of the detained vessel deposed, that "he was born at Villa Flor in Portugal; has lived at Bahia for the last 5 years; has never served any State but Portugal, and is not married. Was appointed to the command, and possession was given to witness, at Bahia in February last, by Almeida and Costa, residents of Bahia, but Portuguese by birth and allegiance; first saw the said vessel there and then; believes she was built at Oporto. Was present at the time the vessel was seized for having slaves; had no colours but Portuguese. The vessel has never been called anything but 'Lafayette,' to his knowledge; she is 184 tons burthen; and had about 17 Officers and mariners, exclusive of witness, part Portuguese, part Brazilians, all shipped and hired at Bahia by Costa, in February last. Neither he nor any other of the Officers or mariners had any interest in either vessel or cargo; was Master on board; there was no passenger. The last clearing port was Bahia, and the voyage began there, and was to have ended at Lisbon; from Bahia the vessel went direct to Lagos, where slaves were shipped. The capturing vessel was first seen close to the entrance of Lagos on the 11th of May, and capture took place about 4 hours afterwards; the vessel was steering for Havana when pursued, and made every effort to escape; the vessel's Papers were for the Coast of Africa, St. Thomas' and Prince's Islands. There are 2 guns mounted, 8 or 10 muskets, and as many cutlasses, for the defence of the vessel; no resistance was made, there were no instructions to make any, or to destroy or conceal any of the vessel's Papers. He does not recollect the Owner's name, it is in the vessel's

Papers; he lives at Oporto, and is a Portuguese subject. He knows nothing of any Bill of Sale; has never seen one; cannot say what was the price of the vessel; believes, if restored, she will belong to the person named in her Papers. The lader of the slaves at Lagos was Manoel Pereira dos Santos, a Portuguese subject, and a seaman by profession; believes the Owners of them to be Almeida and Costa, and the consignee at Havana (at which place the slaves were to have been landed on account and risk of Costa) was a person called Mazorra, of whom witness knows nothing beyond his name; believes, if restored, the said slaves will belong to Costa. The lading of the vessel on her last voyage was salt from Oporto; the cargo brought to the Coast was tobacco and rum; the present slaves; 449 were shipped altogether, all from the shore; none died before capture, some have died since; does not know the number; was taken direct to Sierra Leone after capture. The Papers are all true and fair. No Papers were destroyed, concealed, or made away with. Knows of the existence of no Papers in any country relating to vessel or cargo besides those delivered up. There was no Charter-party. Neither vessel nor cargo is insured to his knowledge; the vessel was under the management of Dos Santos in regard to her trade."

The Cook corroborated the Master's evidence.

An Affidavit of the Prize Officer established, that 7 of the slaves had died on board of the detained vessel during the time they had been under his charge.

Publication passed in the Cause on the 15th instant. The Monition, issued on the 7th, was filed in Court on the 14th, certified by the Acting Marshal to have been executed; and, on the 16th, the Court met for the adjudication of this Case, when a Sentence was recorded of condemnation of the vessel, her cargo and stores, and emancipation of the survivors of the slaves seized in the said schooner, in number 441.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

Sierra Leone, 20th June, 1837.

No. 43.

His Majesty's Commissioners to Viscount Palmerston.—(Rec. September 12th.)

MY LORD.

Sierra Leone, 24th June, 1837.

HEREWITH we have the honour to lay before your Lordship our Report of the Case of a Portuguese schooner, the "*Cobra de Africa*," condemned for having been found with a cargo of slaves on board, to the northward of the Equator, and who had been embarked at Bimbia, near to the river Cameroons.

The Commander of His Majesty's brigantine "*Dolphin*," the Seizor of this vessel, despatched his Prize immediately for Sierra Leone, where she arrived on the 14th instant, and on the following 22d a sentence of condemnation was pronounced against the said vessel, and the emancipation of the surviving 101 slaves was at the same time declared.

The schooner, it may be suspected, is one of the many Spanish vessels belonging to Cuba, or Porto Rico, which have latterly resorted to the Cape Verde Islands nominally to change their nationality, in order the more securely to carry on their detestable trafficking in human beings upon this coast; for the account of the Master and ostensible Owner of the said vessel, of the manner in which he had purchased her, and of his having left the Bill of Sale (a perfectly unofficial Document by his description, not having even been witnessed) at the Cape Verde Islands, is exceedingly improbable; whilst his ignorance of what the outward cargo consisted of, as shown by his declaration that the slaves were purchased with money, when it appeared there was a cargo of merchandize carried for this object, would lead to the impression, when coupled with the fact of there having been a Spaniard on board as a passenger, named Bosce, embarked at Cape de Verdes for Cuba, that the Portuguese was merely a Captain for the national flag, and that Bosce was the real Commander of the vessel, and which was *bonâ fide* Spanish property.

We have, &c.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 43.

Report of the Case of the Portuguese schooner "Cobra de Africa," Antonio Joaquin da Conceição, Master.

THIS vessel, sailing under the Portuguese flag, was provided with the following Official Papers:—

1. Passport,
2. Muster-roll,
3. Clearance of cargo,

at St. Jago, Cape de Verde Islands, under date of December, 1836, and pointing out the Islands of Prince's and St. Thomas', with leave to touch at the ports of the Coast of Africa, as the destination of the vessel; prohibiting her at the same time from being employed in the Slave Trade.

The "*Cobra de Africa*" is said to have touched at Prince's Island, after leaving the Cape de

Verdes, but to have had no communication with the Custom-house there; and thence to have proceeded to Bimbia, near to the river Cameroons, where a cargo of Africans was embarked, with whom the schooner had just commenced the voyage to Havana, when His Majesty's brigantine "Dolphin" fell in with, and detained her, on the 27th May, 1837.

On the 14th of the following month the detained vessel reached this port, and was immediately visited by the Acting Marshal and Surgeon to the Courts; and from the Report of the latter Officer he found, that 52 of the 162 slaves seized in this vessel, had died on the voyage up here, and that no less than 44 of the survivors of this afflicted cargo required immediate hospital treatment. In explanation of the slaves of this vessel having suffered so severely from disease, and of their general appearance on arrival being remarkably emaciated and unhealthy, we learned that they had been confined in the Barracones, or slave-houses, 3 months previous to their embarkation.

The proceedings of the Captors against this vessel commenced on the 15th instant, when the schooner's Papers, duly authenticated, were filed in the Court, with the Seizor's Declaration; the issued, and the witnesses in preparatory were ordered for examination.

The Seizor's Déclaration was to the effect that he fell in with the said schooner on the 27th May last, and detained her for having a cargo of slaves on board, said to have been shipped the day previous at Bimbia, and with whom she was bound to Cuba.

Immediately the vessel was brought within the jurisdiction of the British and Portuguese Mixed Commission, measures were adopted for disembarking the slaves, as recommended by the Surgeon, and the healthy were, in the afternoon of the first day, placed at the Liberated African Department in Freetown. On the following morning the sickly were lodged in the Lower Hospital at Kissy.

The Prize Officer's Affidavit, as to the number of slaves who had died whilst he had charge of the schooner, showed their mortality to have been 52, and arising entirely from disease.

On the 19th instant the Registrar examined, on the Standing Interrogatories, the Master of the detained vessel, and his Mate, Francisco Barcelo.

Antonio Joaquin da Conceição, the said Master, deposed, that "he was born at Lisbon, has lived at St. Jago, Cape Verdes, for the last 12 years; has never served any State but Portugal, and is not married. He appointed himself to the command of the vessel; possession was given to him at St. Jago in December last by the former Owner, Jozé Maria Lobo Alvel, a Portuguese subject, and a resident of that island; first saw the said vessel at that place a few days previously; believes she was built at Baltimore. He was present when the vessel was captured for having slaves on board; had no colours but Portuguese. He has never heard of the vessel being called by any other name but "Cobra de Africa;" she is about 110 tons burthen, and had 19 officers and mariners exclusive of witness, Portuguese, Americans, and French, all hired and shipped by witness at St. Jago in December last. He was the sole Owner of both vessel and cargo; none of the officers nor mariners had any interest in either; was Master on board; there was one passenger at the time of capture, a Spanish merchant named Jozé Bosce, who was embarked at St. Jago in December last for a passage to Havana; the said Bosce had no interest in either vessel or cargo, nor authority on board. The last clearing port was Porto Praya, St. Jago; the voyage began there, and was to have ended at Havana; from St. Jago the vessel proceeded to Prince's Island, where he remained 10 days, and shipped provisions, but had no communication with the Custom-house; and from thence proceeded to Bimbia, where the slaves were taken on board. The capturing vessel was first seen off the entrance of Bimbia on the 27th May, and capture took place the same day; witness's vessel was steering for Havana at the time, and made every effort to escape; the vessel's Papers were for Prince's Island, St. Thomas, and the Coast of Africa. There are no guns, and only 8 muskets, as many cutlasses, and a little powder for defence; no resistance was made, there were no instructions to escape capture, or to conceal or destroy any of the vessel's Papers. He is himself the sole Owner of the vessel; witness lived in Lisbon before he resided at the Cape Verdes. There was a Bill of Sale from the former Owner, Alvel, to witness, signed at Porto Praya in December last; the said Document is now in that city, there were no subscribing witnesses; the price was 8,000 dollars, and was paid down in cash. The sale was a true one, and if restored the vessel will belong to witness only; there was no private agreement. He is himself the sole Owner, Lader, and Consignee of the slaves; they were to have been landed at Havana on account and risk of witness, and if restored will belong to him only. He knows nothing of the last voyage; no cargo was shipped at Cape Verdes; the slaves were purchased with cash; 164 were embarked altogether, all from the shore, two died before capture, several have died since; does not know how many, nor their descriptions; the vessel was taken direct to Sierra Leone after capture. The Papers were and are all true and fair. No Papers were destroyed, concealed, or made away with. There are no other Papers than those delivered up, and the Bill of Sale, in any country, relating to vessel and cargo. There was no Charter-party. Neither the vessel nor cargo is insured; she was under witness's sole management in regard to her trade.

The testimony of the Mate differed only from that of the Master in respect to the number of days the vessel had remained at Prince's Island; the former declaring they had stopped 6 days, whilst the latter stated it to have been 10 days. And as to what was used in purchasing the slaves, the Master swore that he had paid money, but the Mate said the outward cargo of the vessel, which consisted of 12,000 dollars' worth of assorted trade goods, had been exchanged for these people.

Publication in the cause passed on the 20th instant, and on the 22d the Monition was returned duly certified, and the Court on that day assembled for the adjudication of the said vessel. In so clear an instance of an infraction of the Convention between Great Britain and Portugal, as was presented in this Case, it only remained for the Court, after having heard read the evidence, to declare the penalty awarded which that Convention directs, and sentence of condemnation of the hull, stores, and cargo of the said vessel, was accordingly pronounced. The emancipation was at the same time decreed of the 101 surviving slaves of the 162 seized on board of this vessel.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

Sierra Leone, 24th June, 1837.

No. 44.

*His Majesty's Commissioners to Viscount Palmerston.—(Received September 12.)**Sierra Leone, 30th June, 1837.*

MY LORD,

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 all the Cases of Portuguese vessels which have been brought to adjudication before the British and Portuguese Court of Mixed Commission, in the period from the 1st January to the 30th June, 1837.

We have, &c.

(Signed)

R. DOHERTY.

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

WALTER W. LEWIS.

&c.

&c.

&c.

Enclosure in No. 44.

Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commissioners established at Sierra Leone, between the 1st day of January, and the 1st day of July, 1837.

NAME OF VESSEL.	NAME OF MASTER.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZOR.	DATE OF SENTENCE.	Number of Slaves Captured.	Number died before Adjudication.	Total number Emancipated.	Decretal part of Sentence; whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
			Latitude.	Longitude.								
Paquete de Cabo Verde	Bartholomew Robello	1837. 11 January	4° 13' N.	7° 7' E.	Brig and 576 slaves	Robert Craigie, Esq., H. B. M. Sloop "Scout."	1837 2 March	576	124	452*	Condemned for being engaged in the illicit traffic in slaves. Ditto Ditto	Vessel and stores sold by Public Auction, and the proceeds paid into the military chest. Ditto Ditto
Temerario	Camillo U. da Fonseca	20 January	4° 24' N.	7° 8' E.	Brigantine and 349 slaves	H. P. Deschamps, Esq., H. B. M. Brig. "Bonetta."	Ditto.	349	113	236†	Ditto Ditto	Ditto Ditto
Esperança	Felix Cosme Madrid	11 January	4° 13' N.	7° 7' E.	Brig and 108 slaves	Robert Craigie, Esq., H. B. M. Sloop "Scout."	4 March	108	19	89	Ditto Ditto	Ditto Ditto
Josephina	Miguel A. Montano	10 February	5° 39' N.	2° 45' E.	Schooner and 350 slaves	Thos. Henderson, Esq., H. B. M. Sloop "Columbine."	17 March	350	4	346‡	Ditto Ditto	Ditto Ditto
Latona	José G. de Carvalho	4 February	5° 34' N.	2° 29' E.	Schooner and 325 slaves	Ditto Ditto.	Ditto.	325	5	320§	Ditto Ditto	Ditto Ditto
Carlota	Miguel Paulo	1836 1 December	19° 43' N.	78° 37' W.	Schooner and 204 slaves.	Robert Fair, Esq., H. B. M. Sloop "Champion."	2 May	204	1	203||	Ditto Ditto	Schooner and stores left at Honduras in charge of the Superintendent of that Port.
Lafayette	M. A. R. Nogueira	1837 11 May	6° 8' N.	4° 13' E.	Schooner and 448 slaves.	Samuel Mercer, Esq., H. B. M. Brig "Charybdis."	16 June	448	7	441¶	Ditto Ditto	The Schooner and stores in charge of the Commissioner of Appraisement and Sale; the same being ordered to be sold by Public Auction, and the proceeds paid into the Registry 21 days from the date of the Condemnation.
Cobra de Africa	Ant. J. de Conceição	27 May	3° 30' N.	9° 30' E.	Schooner and 162 slaves	Joseph Batt, Esq., H. B. M. Brigantine "Dolphin."	22 June	162	61	101**	Ditto Ditto	Ditto Ditto

* Five men, 1 woman, 2 boys, and 10 girls died before their descriptions could be taken to be registered.
 † Three men, 1 woman, 1 boy, and 2 girls died before their descriptions could be taken to be registered.
 ‡ One man died before his description could be taken to be registered.
 § One man and 1 boy died before their descriptions could be taken to be registered.

(Signed)

R. DOHERTY,
WALTER W. LEWIS.

|| The slaves belonging to "Carlota" were landed at Honduras.

¶ One man and 2 boys died before their descriptions could be effected to be registered.

** One man, 2 women, 2 boys, and 1 girl died before their descriptions could be effected to be registered.

Sierra Leone, June 30th, 1837.
(Signed) M. L. MELVILLE, Registrar.

No. 45.

His Majesty's Commissioners to Viscount Palmerston.—(*Received September 12.*)*Sierra Leone, 8th July, 1837.*

MY LORD,

WE have the honour of reporting to your Lordship, that His Majesty's sloop "Wanderer," Commander Dilke, detained on the 3d April, off the Bahama Islands, the Portuguese schooner "*Flor de Téjo*," with a cargo of 417 slaves on board; which vessel, after her slaves had been disembarked at New Providence from motives of humanity, was sent to this port for adjudication, where she arrived on the 27th ultimo.

Proceedings in the usual form were without delay instituted against the said vessel in the British and Portuguese Court; and on the 5th instant the said schooner and cargo were pronounced good and lawful prize. At the same time a decree of emancipation passed in favour of the survivors on the day of trial of the 417 slaves landed from this vessel at the Bahama Islands.

Our Report of the Case we herewith lay before your Lordship.

The history of this vessel, as far as we have been enabled to discover it from the evidence taken and the Papers filed in the Case, affords, we think, as plain an instance as any which has been communicated to your Lordship, of the readiness of the Government of the Cape Verde Islands to lend itself to the nominal transfer of vessels from foreign flags to Portuguese colours for the evident object only of engaging in the Slave Trade.

In January last, this vessel arrived at the Cape Verdes as the Spanish schooner "*Flor do Mar*," fully equipped for a slaving voyage, and in a few days afterwards was transferred by her Spanish Master, Miguel d'Oliveira, to João Antonio Ribeiro, the Portuguese found in command at the time of her detention, her former Spanish Master being then Mate. This transfer was attested in the presence of Francisco Cardozo de Mello and Antonio Dionisio Furtado, the former of whom we have frequently alluded to, when bringing to your Lordship's notice the repeated nominal transfers of Spanish vessels to the Portuguese flag at the Cape de Verde Islands during the last year. Cardozo's connexion with adventures of the description in question is fully given in our General Despatch, of the 5th of January, of this year, in which will also be found the name of Ribeiro, the Master of this vessel, he having been here in command of the lately condemned Portuguese slave brigantine "*Felix*."

The Case of the "*Felix*" was reported to your Lordship under date of the 22d October last, and will on reference appear to be perfectly similar to the present one.

The slaving-house of Pedro Martinez and Company of Havana has on this occasion suffered as heavy a loss, as it may be presumed it did when Ribeiro was acting for them in the "*Felix*" under the directions of Manuel Espinosa, who formerly commanded this vessel, when she bore the name of "*Flor do Mar*."

On the statements of Ribeiro little dependence can be placed, for we find on a reference to the Papers of the "*Felix*" that, in October last, he swore he had never served any other State but Portugal; whilst a few days back he stated, that he had been in the service of the Brazilian Government during 1822 and 1823. Formerly he distinctly swore that he was a resident of Oporto; latterly that he has no fixed place of abode, but usually sails from Porto Praya. These instances in themselves, we submit, are sufficient to deprive his statements of credibility; his assertions therefore, that the "*Felix*" and her cargo of slaves were his entire property, serve but to confirm our opinion, that the "*Flor de Téjo*" has only nominally changed her name and flag, and that she is in reality still Spanish property.

This vessel, under her previous name of "*Flor do Mar*," made 2 successful voyages to this Coast from Cuba, as appears by the Havana Commissioners' Lists of arrivals and departures from that island of vessels concerned in the Slave Trade.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

&c.

&c.

&c.

CLASS A.

Enclosure in No. 45.

Report of the Case of the Portuguese Schooner "Flor de Têjo," João Antonio Ribeiro, Master.

This vessel, furnished with a Passport for lawful commerce from the Government of the Cape de Verde Islands, sailed thence under the Portuguese flag, about the 7th January last, for the destination assigned in her Official Papers, and reached the Galinas a few days afterwards; where a cargo of slaves was embarked on the 10th February, with which she departed for Cuba. Success attended her on the return voyage, so far as to allow her to reach unmolested the latitude of the Bahama Islands, when happily she was fallen in with by His Majesty's sloop "Wanderer," and detained, with her unlawful cargo, for adjudication.

The condition in which the vessel as well as the slaves were when captured, rendered it necessary to disembark them at Nassau, New Providence, after which the schooner was despatched hither for trial.

On the 27th June ultimo the detained vessel came to anchor in this port, and was as usual visited and reported upon by the Acting Marshal to the Court, from whom we learned the circumstances attending the seizure.

The day following the arrival of the schooner proceedings were taken against her in the British and Portuguese Court of Mixed Commission, when the Ship's Papers, properly authenticated, were lodged in the Registry, with the Declarations of the Captor as to the seizure of this vessel, and the disembarkation of her slaves. The Monition at the same time was issued, and the witnesses in preparatory were ordered to be examined.

The Declaration of the Seizor, made at the time of detention, sets forth, that on the 3d April last, being in latitude 26° 30' north, and longitude 78° 30' west, he detained the said schooner in a voyage from Galinas to Havana, for having 417 slaves on board, 94 of whom were sickly.

In the supplementary Declaration of the Seizor of the 6th April last, he states that the quantity of provisions on board the detained vessel for the slaves and crew was insufficient for their support during a voyage to Sierra Leone, and he therefore had disembarked the said slaves at New Providence as before mentioned.

From an Affidavit of one of the Prize-Officers we learned that the small-pox prevailed amongst the cargo of Africans, and that they were in consequence in quarantine at New Providence; which would appear to be another, and very strong ground for not sending those people a second voyage across the Atlantic.

Acting Governor Hunter, of the Bahamas, gave a Receipt for the negroes of the detained vessel landed in his government, dated the 6th April last; which showed the number to have been 417.

João Antonio Ribeiro, the Master of the detained vessel, was examined by the Registrar on the 1st instant, and gave the following testimony:—That "he was born at Oporto, has no regular place of abode, but generally sails from Porto Praya, Cape Verdes; is a Portuguese subject; served the Emperor of Brazil during the years 1822 and 1823, and at that time considered himself a subject of that State; is not married. The vessel is his own, and he appointed himself Master; possession was delivered to him at Cape Verdes in January last by the former Owner and Master of the vessel, whose name he does not remember, but it is in the Vessel's Papers; first saw the said vessel there about 8 days before he bought her; she is North American built. He was present when the vessel was captured with slaves on board; had no colours on board but Portuguese. The vessel was formerly called 'Flor de Môr,' her name is now, and has been ever since he bought her, 'Flor de Têjo;' she is about 110 tons burthen, and has 26 Officers and mariners, exclusive of witness, some Portuguese, some Spaniards, and some Italians, all hired and shipped at Porto Praya by witness in January last. He was sole Owner of both vessel and cargo; no other person had any interest in either; was Master as well; there were 3 passengers, Portuguese, taken on board at Galinas in February for a passage to Havana, 2 of them were Masters of vessels, and the other a mariner, all belonged to vessels condemned at Sierra Leone; does not remember their names; they had none of them any authority on board, or interest, in either vessel or cargo. The last clearing-port was Porto Praya, and the voyage commenced there, and was to have ended at Havana; from the Cape Verdes the vessel proceeded to Galinas, where slaves were purchased from the native chiefs. The capturing vessel was first seen on the 3d or 4th of April to the west of the Island of New Providence, and capture took place the same day close to Roque's Island; the vessel was steering for Havana when pursued. There are 2 guns mounted, and 10 or 12 muskets, 18 cutlasses, and 2 kegs of powder for defence against pirates; no resistance was made; there were no instructions given to escape capture, or to conceal or destroy any of the Vessel's Papers. He is sole Owner of the vessel. There was a Bill of Sale from the former Owner, which is amongst the Papers delivered up; the price (3 contos and 80 milreis) was paid down in cash, and was a fair equivalent for the vessel; the sale was a true one, and the vessel, if restored, will belong to witness, and to no other person; there was no private agreement. He is sole Owner, Lader, and Consignee of the slaves, whom it was his intention to have landed in Havana on his own account and risk, and if restored, they will belong to him only. The vessel arrived at Cape Verdes in ballast, and after he bought her he shipped no cargo, taking cash for the purpose of purchasing the slaves; 465 were shipped altogether, all from the shore; does not remember their descriptions; 54 or 55 died before capture, and some died afterwards, but does not know how many; after capture the vessel was taken to New Providence, and thence to Jamaica, and from that Island to Sierra Leone. The Papers were and are all true and fair. No Papers were concealed, destroyed, or made away with. There are no other Papers besides those delivered up relating to vessel or cargo. There was no Charter-party. Neither vessel nor cargo is insured. The vessel was under witness's sole management in regard to her trade."

Manuel Martinez, the Boatswain of the captured schooner, gave evidence confirming that of the Master in every respect.

On the 3d instant a Petition came in to allow the Acting Marshal to relieve the Prize-Officer of his charge of the detained vessel, in order to enable him to rejoin his ship with the least possible delay. Conceiving the public service would be benefited by this request being complied with, we accordingly granted the Petition, and on the following day the Prize-Officer transferred his charge to the Acting Marshal.

The Monition, issued on the 28th ultimo, was duly returned on the 5th instant, on which day the Court assembled for the trial of this vessel, when a sentence of condemnation of the schooner and cargo was passed, and of emancipation of the survivors on this date, of the 417 slaves landed at the Bahamas.

Sierra Leone, 8th July, 1837.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

No. 46.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 12.)*Sierra Leone, 14th July, 1837.*

MY LORD,

HIS Majesty's brigantine "Dolphin," cruising in the Bight of Benin, succeeded in capturing, on the 1st ultimo, the Portuguese schooner "Providencia," having a cargo of 198 slaves on board, and bound from Lagos to the market of Bahia.

On evidence of the clearest character this vessel was condemned on the 10th instant, for violating the provisions of the existing Treaties between Great Britain and Portugal for the repression of the African Slave Trade.

Our Report of this Case we have the honour of forwarding herein.

The proceedings of this vessel will be found to afford an equally conclusive instance of the readiness of the Portuguese Colonial Authorities to connive at the nominal transfer of foreign vessels to the flag of their own nation, as that contained in our previous Despatch to your Lordship, of the 8th instant.

Domingos Jozé Rodrigues, the ostensible purchaser of this vessel at Princes Island, was declared by the Master to be the Owner also of the whole cargo of slaves. Rodrigues was found on board at the time of the seizure, in the capacity of a passenger, as admitted by the Master, who declared that of the 11 passengers embarked none had any interest or property in either the vessel or cargo. It, however, satisfactorily appeared by a List of the cargo shipped, found among the Papers at the time of seizure, that the reverse of the Master's statement as to the Ownership of the cargo would have been correct, as Rodrigues really owned but 4 slaves. The particulars of the cargo in this instance afforded some insight into the manner of conducting the Slave Trade at present at the port of Lagos. There were embarked by or on the account of Lial Feller and Company, 129 negroes; and for 27 other persons there were shipped 67 negroes; the largest shipper of these 27 persons having but 6, whilst many had but 1 slave. The general participation of the residents of Lagos in the profits of this odious commerce, evident from the foregoing facts, we fear, may be considered as offering a rather serious obstacle to the extinction of this trade, as far as this port is concerned.

When this vessel reached Princes Island in April last, she was under the Brazilian flag, and named "Tuba," and had gone direct from Bahia to that Island. On her nominal change of nationality, the Brazilian Master and seller of the vessel became the First Mate under her Portuguese flag; whilst the First Mate, when she had Brazilian colours, became the Portuguese Master. Connecting these facts with the history of the ostensible Owner of the vessel and cargo, which had been previously given, we think the present as plain an instance of nominal and fraudulent transfer to the national flag of Portugal as any which has been reported.

From the evidence of both the witnesses it appeared that the Rio Real, near Bahia, is a place where slave-vessels disembark their cargoes.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

Enclosure in No. 46.

Report of the Case of the Portuguese Schooner, "Providencia," Joaquim Martins Guimaraens, Master.

THE "Providencia" was a vessel nominally belonging, for the voyage in which she was seized, to the Island of Princes, whither she had gone in the month of April, 1837, under Brazilian colours, and ostensibly changed her Flag and Papers to Portuguese, when she immediately departed for the Coast of Africa to trade in slaves.

At Princes Island, the schooner obtained the following Papers:—

1. Passport, in the usual form, and for "lawful commerce."
2. Muster-roll.
3. Certificate of the Sale of the Vessel.
- 4 and 5. Custom-house Clearances.

The foregoing Papers described this vessel as having been, on her late arrival at Princes Island, the Brazilian schooner "Julia," or "Tulia," under the command of José Vicente Perreira, who there sold her to Domingos José Rodrigues, a person found on board as a passenger at the time of seizure,

and who appears to have had no more interest in the cargo than that arising from four slaves shipped by him.

The official destination of the schooner was Bahia, after she had touched at the ports of the Coast; in pursuance of which she went direct from Princes Island to Lagos, as appeared by her Log-book, and there embarked a cargo of negroes, with whom she was on her way to Bahia, when met by His Majesty's brigantine, "Dolphin," on the 1st June, ultimo; the Commander of which cruiser seized and sent her here for adjudication.

On the 1st July, the "Providencia" came to anchor in this port, and was visited by the Acting Marshal and Surgeon to the Courts. Of the slaves seized in this vessel, it appeared only 5 had died on the passage hither, and that 21 were in need of hospital-treatment for common and mild cases of disease. The remainder of these people were in very good health, but much crowded, as is nearly always the case in slave vessels.

The late hour of the day at which the schooner got into our harbour prevented the Papers being prepared in time for bringing the case into Court at once; and it was in consequence delayed until the following Monday, the 3rd instant, when the Declaration of the Seizor and the schooner's Papers were filed. At the same time the Monition issued, the witnesses were ordered for examination; and the slaves were disembarked, and lodged in the custody of the Liberated African Department.

Lieutenant Batts's Declaration, as to the seizure of this vessel, was that, being in 5° 4' north latitude, and 3° 25' east longitude, on the 1st June, 1837, he detained the "Providencia," on her voyage from Lagos to Bahia, for having 198 slaves on board.

An Affidavit of the Prize-Officer, as to the mortality amongst the slaves during the time they were in his care, showed that 5 of them had died from disease.

On the 3d instant, the Registrar examined, on the standing Interrogatories, the Master and Cook of the detained vessel.

The Master deposed that "he was born in Oporto, and lives there. Has never served any state but Portugal; and is not married. He was appointed to the command, and possession was given to him in Princes Island, in April last, by the Owner, Domingos José Rodrigues, a resident merchant of that island, and a Portuguese subject. First saw the said vessel there and then: she is North American-built. He was present when the vessel was captured for having slaves on board. Had no colours but Portuguese. The vessel is now called "Providencia;" believes she was formerly called "Tulia." She is 60 tons burthen, and had 16 Officers and mariners, exclusive of witness, all Portuguese: all hired and shipped by witness, at Princes Island, in April last. Neither he nor any other of the Officers and mariners had any interest in the vessel or cargo. Was Master on board. There were 11 passengers, Portuguese sailors, whose names he does not remember: they belonged to vessels which had been captured by His Britannic Majesty's cruisers: they were embarked at Lagos, in May, for a passage to Bahia: none of them had any interest or authority on board. The vessel cleared out at Princes Island; and the voyage began there, and was to have ended at Bahia. From Princes Island, the vessel proceeded direct to Lagos, where slaves were embarked from the shore. The capturing vessel was first seen, close to Ajudah, on the 31st May; and capture took place about an hour and a half afterwards. Witness's vessel was steering for Bahia at the time: her Papers were for that place. There are no guns mounted: about 6 muskets and as many cutlasses. No resistance was made: there were no instructions to escape capture, or to conceal or destroy any of the vessel's papers. Domingos José Rodrigues is sole Owner of the vessel: witness was present when he paid for her. Rodrigues is a native of Oporto: he lived at Bahia before he resided at Princes Island: he is unmarried. There was a Bill of Sale, which is amongst the Papers. The price was, witness thinks, 1 conto and 200 milreis, 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 Rodrigues: there was no private agreement. The whole of the slaves belong to Rodrigues, except about 4, who were the property of 4 Portuguese, residents at Lagos; namely, Antonio Rodrigues Dorons, Manoel Pachico, Antonio Pinheiro, and Domingos Estaca, who each put his own slave on board. The remainder were laded by Rodrigues himself, who went with the vessel to Lagos, and was on board when she was captured on her passage to Bahia. The slaves were to have been landed in the Rio Real, to the north of Bahia, on account of the persons named, and will belong to them only, if restored. He knows nothing of the last voyage. Her cargo, shipped at Princes, was rum, iron bars, and dry goods. The present cargo is slaves: 197 were shipped altogether; all from the shore. Does not remember their particular descriptions. None died before, but 5 have died since capture. After seizure, the vessel was taken to Sierra Leone. The Papers are all true and fair. There are no other Papers in existence, to his knowledge, relating to vessel or cargo, besides those delivered up. There was no Charter-party. Neither vessel nor cargo is insured. The vessel was under the management of the Owner, in regard to her trade."

Amaro da Silva, the Cook of this vessel, contradicted, by his testimony, much to which the Master had deposed. Da Silva swore that the alleged Owner was a resident of Bahia, and not of Princes, as the Master had stated. That the voyage truly began at Bahia, where the outward cargo was shipped, and not at Princes. That a Brazilian Merchant-Captain, at Lagos, a friend of the Owner, laded the slaves, and had the entire direction of the vessel, in regard to her trade; and not the Owner, Rodrigues, as alleged by the Master. In addition to the foregoing information, the Cook declared that the present Master was First Mate during the voyage from Bahia to Princes; and that the First Mate, at the time of the seizure of the said vessel, was the Master in that voyage. The Cook confirmed the Master's statement, that the Rio Real, to the northward of Bahia, was to have been the place of disembarkation of the slaves laded in the said schooner.

On the 6th instant, publication passed in the cause; and, on the 10th, the day on which the Monition was returned, the British and Portuguese Court met for the adjudication of the case, and pronounced the confiscation of the schooner "Providencia," her cargo, and stores, and the emancipation of 193 slaves, being the survivors of those seized in this vessel.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

Sierra Leone, 14th July, 1837.

No. 47.

*Viscount Palmerston to His Majesty's Commissioners.**Foreign Office, 25th September, 1837.*

GENTLEMEN,

WITH reference to the various Reports which you have, from time to time, addressed to this Office, respecting the protection afforded to Slave Trade transactions by the Portuguese Authorities at the Cape Verd Islands, I herewith transmit, for your information, a Copy of the Instruction which I addressed to Mr. Egan, on his appointment to the post of British Consul at those Islands.

By this Paper you will perceive, that Mr. Egan has been desired to report to you such facts respecting the Slave Trade, as he may conceive to be worthy of your attention; and I have to instruct you to do all in your power to aid Mr. Egan in the execution of his duties.

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

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No 47.

Viscount Palmerston to Mr. Egan.

May 10th, 1837.

(See Class B.)

No. 48.

His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30.)

MY LORD,

Sierra Leone, 11th September, 1837.

WE have the honour of enclosing to your Lordship our Report of the case of the Portuguese slave-brig "*Amelia*," which was seized in the Bight of Benin on the 5th ultimo, by His Majesty's brig "*Water Witch*," Lieutenant W. B. Marsh commanding, and condemned in the British and Portuguese Mixed Commission Court, in this Colony, on the 30th ultimo. Of the 359 slaves seized, with this vessel, only 14 had died up to the time of adjudication, when the surviving 345 were duly emancipated.

The "*Amelia*," according to report, is a vessel which has been running between Bahia and Lagos for some time past, conveying slaves from the latter to the former port, in which she has been hitherto very successful. In these previous transactions the vessel must have had some other name, it may be imagined, as the cook of the detained brig stated that she was formerly called the "*Paquete de Africa*," and her present passport bears date so recently as October of last year at St. Paul de Loando, at which time she was doubtless renamed agreeably to the practice of the slave traders. From this document it is impossible to discover whether it truly belonged to her, as the only description of the vessel contained in it is, that she is a brig. From the positive testimony of the cook it would appear, that the vessel had in her last voyage been at Lagos, and carried thence to Bahia a cargo of slaves; and not at St. Paul de Loando, as might be inferred from her passport bearing date at that port, as previously mentioned in October last. It seems, therefore, probable from this account, that the passport used on the present occasion may have belonged to another vessel, or have been procured for this one in a surreptitious manner, particularly as the evidence of the Master is of that character that no great dependence may be placed on it; and, therefore, cannot be looked upon as refuting the cook's deposition.

The passport of the vessel declared her to be bound from Loando to the Cape de Verde Islands, touching at Princes' Island, a destination which could not possibly have been attended to, as the passport was endorsed at Bahia within 6 weeks after its date.

As both the witnesses swear distinctly that the only Papers belonging to this vessel have been delivered up to the Court, namely, the Passport and Muster-roll, it may be supposed that she left Brazil in a clandestine manner, as all the Custom-house receipts and certificates met with, in former cases of vessels cleared from Brazil, are in this instance wanting.

Throughout, the history of this vessel is of a very suspicious character, to clear up which every exertion has been used, but without success.

We have, &c.
 (Signed) R. DOHERTY.
 WALTER W. LEWIS.

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

Enclosure in No. 48.

Report of the Case of the Portuguese Brig "Amelia," Manoel Jose Marcial, Master.

This is the Case of a vessel belonging to the port of Bahia, bearing the flag of Portugal, and having a Passport from the Government of Loando, which was regularly employed in the Slave Trade between Lagos and Bahia.

According to the only Papers found on board at the time of seizure (a Passport and Muster-roll), she appeared to be owned by a Portuguese, named José Maria Henriquez Ferreira, said to be a resident of Bahia, and was bound thence on a voyage to St. Thomas's and Princes Islands direct, under the command of one Manoel José Machado.

The destination, in the Official Papers of the vessel, was not attended to, as it came out in evidence that she went from Bahia to Gibraltar, and there shipped some packages, and then proceeded to Lagos, where the cargo of negroes was embarked, with which she was captured, on the 6th ultimo, by Her Majesty's brig "Water Witch," off Cape Formosa.

After the short passage of 17 days, she reached this harbour late on the 22d ultimo, and was visited and reported upon by the Acting Marshal and Surgeon to the Courts, on the following morning, early.

From the Surgeon's account of these slaves, we learned that only 5 had died of disease during the passage hither, 2 had destroyed themselves by jumping overboard, and 4 were at different times found dead on the slave-deck at the morning inspection, under circumstances which led to a suspicion that they had been killed by the other slaves.

The survivors of this cargo, with the exception of 12, were in a more than usually healthy condition, but were much crowded; and the Surgeon therefore recommended their early landing.

On the same day, the Vessel's Papers were brought into Court, duly authenticated by the Prize-Officer, together with the Captor's Declaration, when the Monition was issued, and the requisite arrangements made for the examination of the witnesses and the landing of the slaves; which latter took place that evening.

The Captor's Declaration was to the effect that, on the 6th August, 1837, when in latitude 4° 30' north, and longitude 4° 20' east, he detained the "Amelia," sailing under Portuguese colours, being bound from Lagos to Bahia, with 359 negroes.

The witnesses in the Case were the alleged Master and Cook of the detained vessel, who were examined on the Standing Interrogatories, by the Registrar, on the 26th ultimo.

According to the Muster-roll, the Master was one Manoel José Machado, a name which was given to the capturing Officer at the time of seizure, as that of the Master of the detained vessel; but the person acting in that capacity was evidently assuming that name, as on his being called to sign the Captor's list of stores, he appears then to have given his surname as Marcial, and which he persisted in when before the Registrar for examination. In like manner the Cook of the vessel, when here, declared his name to be José Lopez; a name which neither appears in the Muster-roll, nor in the list of the crew taken by the Seizor at the time of capture, when each man gave his own appellation. During the voyage this man answered to Francisco, which was agreeable to the name given the Cook in the Muster-roll.

The deposition of the said Master, who swore that he was unable to write his name, was, that "he was born at St. Michael's (Western Islands); he has no regular place of abode, lived last at Bahia, for about 3 years; is a subject of Portugal; has also served as Boatswain, in a Brazilian man-of-war, for 2 years, left that service 4 years since; is not married. Was appointed to the command of the vessel, and possession was given to him at Bahia, about 5 months ago, by the Owner, whose name he does not remember, but says it is in the Vessel's Papers; the said Owner is a Portuguese by birth, and is a resident merchant of Bahia; first saw the said vessel at Pernambuco, about 2 years since; does not know where she was built. Was present when the vessel was captured for having slaves on board; sailed under Portuguese colours; had no others. The vessel is called 'Amelia,' has never had any other name to his knowledge; she is about 200 tons burthen, and had 18 Officers and mariners, exclusive of witness, all Portuguese, hired and shipped at Bahia, about 5 months since, by witness. Neither he nor any of the Officers or mariners had any interest in either vessel or cargo; was Master on board; there was no passenger. The last clearing port was Bahia, and the present voyage commenced at Bahia, and was to have ended there, or at Pernambuco; from Bahia the vessel went to Gibraltar, for the purpose of delivering some Letters from the Owner to his cousin, one Joao Antonio Joaquim Machado, a resident merchant of that place; staid there 8 days, and shipped provisions and water through the agency of the said Machado; but had no communication with the Custom-house; neither witness nor any of his crew went ashore; from Gibraltar the vessel went direct to Lagos, where the slaves were shipped. The capturing vessel was first seen about 20 days since; does not know the latitude or longitude; seizure took place the same day, after a chase of between 2 or 3 hours; witness was steering for Brazil when he first saw the capturing vessel; did not alter his course, but used every endeavour to escape. There are no guns mounted; had two, but threw them overboard in the chase; there are a few muskets and cutlasses, but does not know how many; there was no resistance made; there were no instructions to avoid or escape capture, or for destroying or concealing any of the vessel's Papers. The name of the sole Owner of the vessel is in the Passport; he is a widower, and lived at Lisbon before he resided at Bahia. He knows nothing of any Bill of Sale, or the price of the vessel, or whether the same be paid; believes if the vessel be restored she will belong to the Owner named in the Passport, and to no other person; knows of no private agreement. The Owner of the vessel is also sole Owner of the cargo; the lader at Lagos was Luis de Andrada, a Portuguese by birth and allegiance, and a resident trader at Lagos; does not know anything about the Consignee; the slaves were to have been landed on the Coast of Brazil, on account and risk of the Owner, and believes, if restored, they will belong to that person alone. He knows nothing of the last voyage; the cargo shipped at Bahia, on the present occasion, was tobacco, rum, and dry goods; the present cargo is slaves, 356 were shipped altogether, all from the shore; none died before, but some have died since capture; does not know how many, or their descriptions; was taken direct to Sierra Leone after capture. The Papers were and are all true and fair. No Papers were destroyed, concealed, or made away with. He knows of no Papers in any country relating to vessel or cargo besides those delivered up. There was no Charter-party. He does not know whether the vessel or cargo be insured; the vessel has usually been under the direction of the person named in the Passport as the Owner, in regard to her employment in trade."

The Cook, in his evidence, exhibited much more information as to the detained vessel than the Master, although the latter had, according to the Cook's account, been 2 successive voyages in her; in the former of which he had been, by her then Commander, promoted from his station of Boatswain to replace him, as he had determined on remaining at Lagos to trade. This witness's brother was on board during the previous voyage, and induced him to ship for the present, as he declared in answer to questions from the Registrar. In respect to the shipment which took place at Gibraltar, this witness was most direct in his contradiction of the Master's assertion, that it consisted of provisions; he declaring it was small boxes, which, in all probability, contained dollars; a sufficient inducement for a vessel to go so far out of her due course as she did, and not to deliver letters, as the Master stated. This witness also contradicted the description of the Owner given by the Master, who declared him to be a widower, whilst the Cook was positive as to his being now married to a Brazilian lady, and living at Bahia. On other points, where he gave direct testimony, it was confirmatory of the Master's evidence.

The number of deaths which had occurred during the passage up was testified to in the usual manner by the Prize-Officer, and gave a list of 8, in addition to 2 instances of suicide.

This closed the Seizor's Case, and publication passed therein on the 28th ultimo, on which date a Petition for a day of trial was received, and the following 30th was appointed for that purpose, the Mention being due at that time.

On the day named the Court accordingly assembled, when, the Motion having been duly returned, the Case of this vessel was proceeded with, and a sentence recorded of condemnation of the said brig and her cargo, with a Decree of emancipation for the surviving 345 slaves belonging to her.

(Signed)

WALTER W. LEWIS.
R. DOHERTY.

Sierra Leone, 11th September, 1837.

No. 49.

Her Majesty's Commissioners to Viscount Palmerston.—(Received December 16.)

MY LORD,

Sierra Leone, 30th October, 1837.

HER Majesty's brigantine "Dolphin," under the command of Lieutenant Patrick Campbell, fell in with and detained on the 25th ultimo, off Princes Island; the Portuguese schooner "Primoroza," having on board 182 slaves, said to have been shipped at the Bonny for the slave-market at Havana.

The "Primoroza" reached this port on the 19th instant, and on the following morning was presented before the British and Portuguese Court of Mixed Commission for adjudication, which took place on the following 28th, when the confiscation of the said vessel and her cargo was pronounced, as well as the emancipation of the survivors of the slaves seized on board of her, who amounted on that date to 136; no less than 46 of these unfortunate people having fallen victims to disease during the month they were under detention.

The slaves of this vessel on reaching the Colony showed in a more than ordinary manner the effects of the disease which had prevailed amongst them during the passage up, they being generally much emaciated and debilitated. Under such circumstances it was gratifying to learn that the detained schooner had arrived in an extremely clean and orderly state, and which reflected great credit on the zeal and humanity of the Prize-Officer, Mr. G. E. Burslem, whose conduct on similar occasions previously has been very praiseworthy.

Herewith we have the honour to lay before your Lordship our Report of this Case.

From all we could learn from the Passport and Muster-roll of this vessel (the only two Papers found on board of her), and the evidence of the witnesses, we think it may be presumed, that the "Primoroza" was Spanish property and belonging to Cuba, being merely covered with the Portuguese flag to avoid the effect of the Equipment Article of the late Treaty with Spain.

We have, &c.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 49.

Report of the Case of the Portuguese Schooner "Primoroza," Joaquim Pedro Xavier, Master.

The "Primoroza," a small schooner, navigated under the Portuguese flag, and furnished with a Provisional Passport from the Government of the Cape de Verde Islands, on a previous voyage which ended at Havana, and with a Muster-roll from the latter port, whence she sailed in May last, was detained on the 25th ultimo, by Her Majesty's brigantine "Dolphin," off Princes Island, for having on board a cargo of 182 slaves; said to have been embarked a few days previously in the River Bonny.

Under the authority of the two Documents above mentioned this vessel's voyage was conducted; and from the little information to be derived therefrom, no opinion could be satisfactorily arrived at as to the real parties concerned in this adventure.

The alleged Owner of the vessel and cargo, when they were brought before the British and Portuguese Court, was stated to be the late Master; whilst the Passport declared the proprietorship of the schooner to be in one Daniel Honorio Barrozo, who last year commanded her from the Cape Verdes to Cuba, and from whom the late Master stated he had purchased her. Barrozo, however, from his signature to the Passport, which is barely readable, and which has several orthographical errors in it, would appear to be one of those ignorant men, who, of late, have frequently been found in charge of Spanish vessels, which have nominally changed their nationality to Portuguese, and who have been intended to serve temporarily as Captain for the new flag, until better arrangements could be effected.

Late in the afternoon of the 19th instant the detained vessel arrived in this port, and was immediately visited by the Acting Marshal and Surgeon to the Courts, who respectively made their customary reports. From the Surgeon's statement we found that during the schooner's voyage hither much sickness had prevailed amongst the slaves, and that 39 had died. On their arrival here, however, there was not much actual disease prevailing; but these unfortunate people were in a more than ordinary state of emaciation and debility, which led the Surgeon to urge their immediate landing. It was very satisfactory to us to learn that the detained vessel had, notwithstanding the illness of the slaves during the voyage up, arrived in a condition which afforded good proof of the humane attention which Mr. Burslem, the Prize-Officer, had bestowed upon his charge.

On the morning following the schooner's arrival, her Papers, duly authenticated, and the Captor's Declaration were received into the British and Portuguese Court of Mixed Commission; the Monition issued, and the witnesses produced for examination.

At the same time the disembarkation of the slaves was petitioned for and complied with, on the Colonial Government consenting to receive them.

The Declaration of the Captor stated, that he had seized the said schooner, on the 25th September, 1837, in latitude 1° 29' north, and longitude 5° 56' east, in an alleged voyage from Bonny to Havana, for having a cargo of slaves on board, of whom 15 were at that time sick.

The Master of the schooner, and the Cook, Francisco Diaz, were examined on the 20th instant by the Registrar on the standing interrogatories; to which the said Master gave the following replies:— "That he was born at Lisbon, has no settled place of residence, is a subject of Portugal, and has never served any other State; is not married. He appointed himself to the command, being Owner; got possession of the vessel at Havana about 6 months since from the former Master and Owner, whose name he does not remember, but he is a Portuguese; first saw the said vessel at Havana about 6 or 7 months ago; she is American built. He was present when the vessel was captured with slaves on board; had no colours but Portuguese. The vessel has never had any other name to his knowledge than '*Primorosa*,' she is 58 tons burthen, and had 15 Officers and mariners exclusive of witness, chiefly Portuguese and a few Spaniards, all shipped and hired at Havana by witness in May last. He was sole Owner of both vessel and cargo; none of the Officers nor mariners had any interest in either; was Master on board; there was no passenger. The last clearing port was Havana, and the voyage commenced and was to have ended there; from Havana the vessel proceeded to Bonny, where she shipped slaves. The capturing vessel was first seen on the 25th September, to the southward and within sight of the Island of St. Thomas; capture took place the same day, after a chase of about 4 hours; witness was steering for Cuba at the time, and made every endeavour to escape; there are no guns nor ammunition, and but 8 muskets on board; there was no resistance made, and there were no instructions for destroying or concealing any of the Vessel's Papers. He is sole Owner of the vessel. There was a Bill of Sale from the former Owner; witness lost it at Havana, does not recollect the date, there were no witnesses; the price was 3,000 dollars; and was all paid in cash, and was a fair equivalent for the vessel; if the vessel be restored it will belong to witness only; there was no private agreement. He is the sole Owner, Lader, and Consignee of the cargo; intended to have landed the slaves at Porto Rico, or some port in Cuba, as circumstances favoured; and if they should be restored they will belong to him only. He knows nothing of the former voyage; the cargo brought out on the present occasion was a general one of tobacco, rum, powder, beads, &c. The present cargo is slaves; 189 were taken on board altogether, all from the shore; does not remember their descriptions; 6 died before capture and 41 since. After seizure the vessel was taken to Sierra Leone. The Papers found on board were and are all true and fair; no Papers were destroyed, concealed, or made away with, except the Log-book, which, during his absence on board the man-of-war, was taken by the Portuguese sailors, and torn up for cigars. He knows of no other Papers in any country relating to the vessel and cargo. There was no Charter-party. Neither vessel nor cargo is insured; the vessel was under witness's sole management; bulk was broken at Bonny. No slaves have been disembarked since capture."

Francisco Diaz's evidence was nearly a repetition of what the Master had deposed to, excepting only as to the Bill of Sale of the vessel, the existence of the Charter-party, and the insurance of vessel and cargo, of all which he declared himself ignorant.

The statements of the Master, that he did not remember from whom he had purchased the vessel, and that the Bill of Sale of her had been lost, although he has only been in connexion with the detained schooner between 6 or 7 months, can only lead to the conclusion that he had no interest whatever in the said vessel beyond the command of her.

During the period the Prize-Officer had charge of the slaves of this vessel 41 of them died from disease, as was shown by that gentleman's Affidavit filed on the 23d inst.

Publication in the Case was granted on the 24th instant, and the 28th was appointed for the trial of this vessel; previous to which a Petition was presented, asking that the Marshal to the Court should be allowed to relieve the Prize-Officer of his charge of the detained schooner, in order to allow him to leave the Colony in a man-of-war then proceeding to the Leeward Coast; to which application assent was given.

The Monition, issued on the 20th instant, was duly returned on the 28th, when the Court met to adjudicate this vessel, and a sentence was pronounced of condemnation of the vessel and cargo, and emancipation of the 136 slaves, the survivors on that date of the 182 originally seized in the said schooner.

Sierra Leone, 30th October, 1837.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

SIERRA LEONE. (*Netherlands.*)

No. 50.

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

MY LORD,

Sierra Leone, 30th June, 1837.

WE have the honour to report to your Lordship, that no Case has come before the British and Netherlands Mixed Court of Justice, established in this Colony, during the half-year ending on the 30th instant.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

&c.

&c.

&c.

SIERRA LEONE. (*Brazil.*)

No. 51.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 25th February.

WITH this Despatch we have the honour of transmitting, for your Lordship's information, our Report of the Case of the ship "*Incomprehensivel*," seized under Portuguese colours with a cargo of slaves on board, in 23° 56' south latitude and 16° 16' west longitude, by His Majesty's brigantine "*Dolphin*," in consequence of the Commander of that cruizer finding from her Papers that she was owned by persons residing at Rio de Janeiro, and that she was therefore not entitled to protection from seizure, under her Portuguese flag and passport, which, he appears to have considered, had been assumed for colourable purposes.

The detained ship arrived here on the 27th January, and the usual proceedings were immediately instituted for prosecuting her for a breach of the Treaty for the abolition of the Slave Trade between Great Britain and Brazil, and which terminated on the 17th instant in the condemnation of the vessel, and the emancipation of the 506 surviving slaves of the cargo.

In this case very lengthy evidence was adduced, to much of which it is here unnecessary to allude. It will, we think, appear clear to your Lordship that the following facts were distinctly elucidated, which, we submit, were sufficient for us to proceed upon to the decision pronounced, under your Lordship's instructions respecting the Case of the "*Maria de Gloria*."

It was proved that the vessel was owned by a resident Foreign Merchant or Merchants of Rio de Janeiro, where she was fitted out, and dispatched with a cargo, shipped in that port by residents there, to Mozambique, evidently on a slaving voyage: that she went to ports in the Mozambique Channel under the direction of one Luis Antonio de Carvalho e Castro, a person who has been notoriously engaged in the Slave Trade, as we shall hereafter distinctly show, and there embarked upwards of 700 slaves, purchased with the goods (as far as we had the means of judging) shipped as the outward cargo at Rio de Janeiro: that the cargo of slaves was cleared out in an irregular manner by the Authorities of Mozambique, her Passport not authorising her to carry slaves: and that the vessel did not attempt to proceed towards Angola, the destination assigned in her Papers, after rounding the Cape of Good Hope, but kept a direct course for Rio de Janeiro until the day of capture, to avoid which every effort was exerted. From the course pursued, as above stated, and the latitude in which she was found, it is plain she was destined with slaves to the Brazils.

The Master and Claimant of the vessel and cargo desired that his claim should rest solely on his unsupported testimony, as all the official and other papers, which were calculated to throw light upon this subject, he declared to have been obtained under false representations, or fabricated under his directions to suit his private objects.

This vessel appears to have been for some years employed in a questionable kind of trade (so far back as 1827), when the Master states he knew her under the Portuguese flag at Angola, whither, there can be little doubt, she went on a slaving voyage.

The evidence in the Case proves her to have gone under the several names of "*Marcial*," "*Emprendedora*," and "*La Leguria*," previous to her bearing the title of "*Incomprehensivel*."

Luis Antonio de Carvalho e Castro, the Master of the "*Incomprehensivel*," is the same person referred to by the British Commissioners at Rio de Janeiro, in the case of the "*Amizade Feliz*," seized under the Portuguese flag, and belonging to the Monte Videan Company for importing slaves under the name of Colonists

into the province of Uruguay, and other places in South America; at the head of which the outlawed Brazilian subject, Teodoro Villaca, and L. A. de Carvalho e Castro, appear to be. This Carvalho is also described in that case as having been the shipper of the slaves of the "*Rio de Plata*," taken under Monte Videau colours, and prosecuted to condemnation before the Mixed Commission at Rio. His notoriety as a slave-dealer, and his determination to persevere in that traffic, seem, therefore, to be beyond all question.

May it not, My Lord, reasonably be suspected, that this vessel cleared out at Rio to some extent fitted for the Slave Trade, when the slave boiler appears to have been the only article of slaving equipment purchased or shipped at Mozambique?

We have, &c.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

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

Enclosure in No. 51.

Report of the Case of the Ship "Incomprehensivel," under Portuguese Colours, of which Luis Antonio de Carvalho e Castro was Master.

THIS vessel was provided with the under-mentioned official Ship's Papers by the Government of Mozambique, bearing date in November of last year, authorizing a voyage thence to Lisbon, touching at Angola.

1. Passport, describing the vessel to be owned by Agostinho Augusto de Faria, and commanded by the above-named Carvalho e Castro. There is no authority to carry slaves.

2. A Muster roll of the crew, which also expresses that 784 slaves have been embarked as passengers.

3. Custom-house Certificate of the embarkation of 582 slaves by Miguel Castone Pinto, of Mozambique, and the transhipment of re-embarkation of 200 from the Portuguese barque "*Emprehedora*."

4. Custom-house Clearance, addressed to the authorities at Angola for the above-mentioned slaves, and one box of tortoise-shell.

In addition to the foregoing Ship's Papers, there were found on board this vessel at the time of, and subsequent to her detention, a Log-book of her voyage from the date of her leaving Mozambique to the time of seizure, and 62 other Documents, which appear to be as follows:—

Papers dated at Rio de Janeiro.

1. Portuguese Consular Certificate of the sale of the Sardinian vessel "*La Leguria*," by Joao Baptista Viale to Agostinho Augusto de Faria, a Portuguese subject resident at Rio, on the 26th February, 1836, for 10 contos of reis; she was named by her purchaser "*Incomprehensivel*."

2. Certificate of payment of the duty on wood, chargeable on the above sale agreeably to the Brazilian laws.

3. Charter-party, made on the 18th January, 1836, between Faria, the proprietor of the detained vessel, L. A. Carvalho e Castro her Master, and J. B. Viale, the former Owner, for a voyage on the joint account of the last two-named persons, to Goa and Mozambique, returning to Rio de Janeiro by way of Monte Video. The freighters to find the crew of the vessel, and pay to the Owner 14 contos of reis for her use; a sum greater, by 4 contos of reis, than the stated cost of the vessel to Faria.

This Document, which was alleged by the claimant to be most important in the course of the Case, is unsealed, and has not even the signature of a witness. Its bearing date one month previous to the completion of the Bill of Sale to Faria, by which alone he could possess legal power to enter into such a contract, is in itself sufficient to invalidate it.

4. A Letter of Instructions to the Master, Carvalho, and Joao Baptista Viale, the presumed Super-cargo of the vessel, for the disposal of the outward cargo, and giving directions for what was to be procured in return, from Vicente Domingo Saporiti, dated Rio, 13th April, 1836. To this letter Saporiti subscribes himself as "*Cashier of the Society*." This is a Document which was considered of very great importance in the Case, and we have accordingly annexed hereto a copy of the same, which renders unnecessary a more extended description of it in this place.

5. A Bill of Parcels, and receipt for 6 dozen shoes, bought apparently for shipment by Saporiti.

Papers obtained at Inhambane.

1. Authority to land for sale some "*Bolacha*" (a sort of cake), dated 4th August, 1836, and signed by the Governor and Captain-Major, Candido Maximo Moules.

2. A Letter of thanks from the said Governor to Carvalho, the late Master of the detained vessel, for a 20-dollar subscription for some object not distinctly stated.

3. A Letter from the said Governor, Moules, advising Jaoc Foucard that he was sending (to Mozambique it is supposed) by the bearer 2 negroes to be sold, and directing the proceeds thereof to be remitted to him in cloth, wine, and spirits.—Dated the 27th July, 1836.

Foucard was connected with the parties concerned in this vessel, as was evident from Carvalho consigning some goods to him during the "*Incomprehensivel*'s" stay in the "*Mozambique*" channel. Ultimately he shipped in this vessel as the First Mate, in the room of the one who left at Mozambique.

4. A bundle, containing 5 miscellaneous Documents.

Papers dated at Mozambique.

1. Certificate of landing there from Rio some goods mentioned in "Saporiti's" Letter, and an Authority for selling certain goods by auction,

2. Certified Copy of the Process instituted by the First Mate for the recovery of his wages for the outward voyage, in which Viale is styled, and appears to the citation without protest apparently, as Master of the vessel, and in which Carvalho designates himself Supercargo.

3. A Letter addressed to Carvalho by Miguel Caetano Pinto on the 12th November, 1836, respecting the slaves to be conveyed in the "*Incomprehensivel*" on Pinto's account to Angola, and the voyage thence to Lisbon, and covering a Charter-party for the said voyage. Copies of both these Papers are subjoined, as the claimant in this case somewhat rested his defence upon them.

It is a very suspicious circumstance that the said Letter should have been addressed to Carvalho at Angola, whilst he was actually with Pinto at Mozambique when that Letter was prepared by the latter person.

4. A Letter of Advice from Pinto to his Correspondent at Angola, Francisco d'Assis Pereira, sending him Copy of the Charter-party above alluded to, and giving general directions concerning the same. This was a sealed packet when lodged in Court; but being addressed to the acknowledged Correspondent of the shipper of the slaves, we thought it right to open it.

5. A parcel, containing 5 miscellaneous Papers.

6. A bundle, containing 15 carefully-endorsed Receipts for various expenses in supplying ship's and cabin stores, and trifling articles for the equipment of this vessel whilst at Mozambique.

7. A bundle of 10 Custom-house Receipts at Mozambique.

Miscellaneous Documents.

1. Bills of Lading (*Two*) for cargo shipped in this vessel at Rio by the said Saporiti and Carvalho; 1 for a transshipment by Carvalho at Inhambane for Mozambique in the schooner "*Mindela*," and 3 others for the like purpose by the sumacca "*Fatti Iclama*." The last 2 vessels may, we think, be presumed to have belonged to, or were in connexion with, "the Society," of which Saporiti and Carvalho were the agents.

2. A parcel, containing 9 private Papers.

3. Sealed packets, directed as hereunder, and which are herewith forwarded to England in order to their reaching their addresses:—

1. The Secretary of State, &c., Lisbon.

2. Señor Vicente Tomas dos Santos, Lisbon.

3. Señor Bento Antonio d'Andrada, Lisbon.

We have been thus particular in describing the whole of the Papers found in this vessel, in order that, in the subsequent parts of the Case, the references which will necessarily be made thereto may appear distinct.

This vessel, having on board the slaves mentioned in the Papers previously described, left Mozambique on an ostensible voyage to Angola in the first instance, and ultimately for Lisbon. The route pursued, after passing the Cape of Good Hope, was not, however, for Angola, but South America; half-way across in the passage to which continent she was met with by His Majesty's brigantine "*Dolphin*," the Commander of which cruizer, considering, from some of her Papers, that she belonged to residents of Brazil who were carrying on the Slave Trade, and thereby infringing the provisions of the Treaty between that country and Great Britain for the suppression of that Traffic, detained and sent her here for adjudication on these grounds, which are more fully set forth in his Declaration, which document will be transcribed in its place in this Report. The "*Incomprehensivel*" reached Sierra Leone on the 27th ultimo, and was immediately visited by the Marshal and Surgeon to the Courts, who respectively made their Official Reports upon the detention of the vessel, and the condition of the slaves on board of her. From the Surgeon's Report it appeared that 83 of the slaves had died since capture, chiefly of dysentery and scurvy; and that there were 103 cases at that moment for hospital treatment. The scurvy and dysentery, which were still prevalent among them, were of a severe type; and of the ophthalmia cases 3 were irremediably blind. The healthy-looking slaves were very sprightly. They were all, however, recommended for immediate landing, notwithstanding their vessel was of an unusually large description for employment in the Slave Trade, as her accommodations were quite inadequate to their proper treatment.

A subsequent Report was made on the 29th ultimo by the Surgeon, in which he stated, that several cases of scurvy having been found among the slaves of this vessel at the first inspection of them, he had been led, as soon as circumstances admitted of so doing, to make a more minute examination of those not pointed out for medical care, and that he now found a scorbutic taint to prevail generally among them: 77 of these slaves seemed to be suffering so severely from this disease as to need at once hospital treatment; and, with the view of preventing the further extension of the malady, it was suggested by the Surgeon that the remainder of these negroes should be supplied daily with the quantities of fruit and vegetables which he specified. All these arrangements were, without delay, fully carried into effect.

The filing in the British and Brazilian Mixed Commission Court of the Ship's Papers, duly authenticated, together with the Declaration of the Captor, took place on the 28th ultimo, when the customary Monition issued, which was returned on the 4th instant, duly certified; and the witnesses produced were ordered to be examined.

The Captor's Declaration is in these words: "That on the 23d December, 1836, being in latitude 23° 56' south, longitude 16° 16' west, he detained the Brazilian ship named the '*Incomprehensivel*,' belonging to Rio de Janeiro; after a chase of 7 hours, and showing no colours till a shot had passed over her, when she hoisted Portuguese, having the flags of almost every nation on board; she is armed with 4 guns, 6-pounders, commanded by Luis Antonio de Carvalho e Castro, who declared that he had left his Brazilian Papers behind at Mozambique, and producing none but a Passport and Custom-house Clearance from that place, and that he was bound from Mozambique to Lisbon, touching at Angola; but from a Document which was secreted in the Captain's desk, from his Owner at Rio de Janeiro, he was directed to return from Mozambique to Rio de Janeiro, touching at Monte Video, and evidently complying with these instructions from his being found more than half-way across the Atlantic, and steering for that place; other Papers, found concealed in the same desk, will identify the vessel as belonging to Agostinho Augusto de Faria, of Rio de Janeiro, and which the Captain of her, in his statement, acknowledges and confirms. I have, therefore, detained her for a breach of the Treaty entered into between His Britannic Majesty and the Brazilian Government."

The witnesses in preparatory produced by the Captor were Luiz Antonio de Carvalho e Castro, the

Master of the detained vessel, Joao Batista Viale, described as a passenger, and a seaman named Manuel Gomez, who were all examined by the Registrar on the 31st ultimo.

The Master's replies to the standing interrogatories were, that "he was born in Villa Real, in Portugal; lives in Rio de Janeiro; has resided there about four or five years altogether; at different periods; is a subject of Portugal, and has never served any other State, and is not married. He took the command himself at Mozambique, in November last, being previously Supercargo, the former Master, Luis Ferreira de Arango, who was appointed by witness at Rio de Janeiro, having proved himself unfit to perform the duties; and upon occasion of witness taking command, he made the said Luis Ferreira Second Mate. First saw the said vessel in 1817, in Angola; thinks she was built in France. He was present when his vessel was captured; believes she was detained on account of having slaves on board. Sailed under Portuguese colours; there were also one French, one English, one American, one Dutch, and two Brazilian ensigns; they were on board for the purpose of dressing the vessel on gala days. The vessel's name is 'Incomprehensivel'; believes she has been so called since January or February last. First knew her under the name of 'Marcial'; she was then at Angola, and sailed under the Brazilian flag; believes she was also called 'Leguria,' and also another name with which he is not acquainted. She is 538 tons burthen, and had about 21 Officers and mariners, exclusive of witness. The First Pilot and one seaman are French, the Boatswain and two mariners are Genoese, one seaman is a Spaniard, and the Second Pilot (who was formerly the Master) and the remainder of the crew are Portuguese; all shipped and hired at Rio de Janeiro (except two seamen, who were taken on board at Mozambique) by witness, in March or April last. He is part Owner of the cargo (206 of the slaves belonged to witness), and joint freighter of the vessel with Joao Batista Viale, a passenger on board; none of the Officers or mariners had any interest in either the vessel or cargo. Is Master on board; there were 8 passengers, viz., Theodorica José de Abranches, deputy from Mozambique to the Portuguese Cortes, and passenger for Lisbon; a Portuguese, named Brito, Master or Supercargo (witness does not know which) of the Portuguese barque 'Emprendedora'; and two negro slaves, passengers for Angola; the above-named Joao Batista Viale, a seaman by profession and a native of Genoa, with his servant, a Genoese boy, passengers for Lisbon; and two Spanish mariners, put on board by the Governor of Mozambique for a passage to Angola or to Lisbon. The present voyage commenced at Rio Janeiro, and witness intended to have ended it at Monte Video, or Buenos Ayres, or Rio Janeiro, according to circumstances; the last clearing port was Mozambique. From Rio Janeiro the vessel proceeded to Inhambane, where she arrived on the 12th June. Witness remained nearly three months, and sold and bartered his cargo for rice, money, slaves, &c.; received about 85 slaves, and took on board about 280 or 290 more slaves as passengers for Mozambique, where he arrived on the 23d September, and where he traded with the remainder of his cargo and took on board the remainder of his slaves, and sailed from thence on the 12th November for Angola, and was captured on his passage thither. He first saw His Majesty's schooner 'Dolphin,' on the 25th December; does not know the latitude exactly; thinks it was about the same as St. Helena. Capture took place in 23° south latitude, and about 5° or 6° west longitude, according to the reckoning of witness's Pilot; but according to the 'Dolphin's' reckoning 16° west. (Witness accounts for the error in the reckoning by stating that the person who had charge of his chronometer forgot to wind it up.) Chase commenced about 11 o'clock A.M., and capture took place about 5 P.M.; the course of the vessel was not altered, nor any additional sail hoisted on the appearance of the capturing vessel, and her course was at all times direct for Angola from the time she left Mozambique. There was one gun mounted, a few pistols and cutlasses, and a small quantity of powder; there was no resistance made, or instructions to make any, or to avoid capture, or for concealing or destroying any of the Vessel's Papers. Augustinho Augustin Faria is the Owner of the vessel; knows it from the Certificate (No. 5) from the Portuguese Consulate at Rio, and from having freighted the vessel from him. The said Faria is a Portuguese by birth and allegiance, and resides at Rio Janeiro; cannot say how long he has lived there, or where he resided previously; the said Owner is not married. He believes there was a Bill of Sale from Joao B. Viale to Faria; but witness knows nothing further about it than is contained in the Certificate from the Portuguese Consulate (No. 5), having never seen the said Bill of Sale. Knows nothing about the price of the vessel; but believes the sale to have been a true one, and that the vessel, if restored, will belong to the said Faria. Knows of no private agreement. He is himself the sole Owner of all the cargo now on board, except the slaves, of whom 579 are the property of Miguel Caitano Pinto, a merchant and native of Mozambique, and a subject of Portugal. Witness laded the whole cargo, and the Consignee at Angola (at which place it was intended to land the said slaves on account and risk of witness and the said Pinto) was one Francisco de Assis Pereira, a merchant of that place, and a Portuguese subject. The said Pereira has no interest in the said slaves, who, if restored, will belong to witness and the said Pinto, and to none others. Knows it from having sold Pinto some (about 40) of the said slaves, and having made an agreement with him for the freight of the whole 579, at the rate of 30 dollars a-head. He knows nothing about the last voyage; the cargo shipped at Rio consisted of aguardiente, handkerchiefs and cloth, wine (Geneva), flour, butter, &c. The present cargo consists chiefly of slaves; there is also some rice and some tortoiseshell. The whole number of slaves shipped was 785; does not know their particular descriptions; took 371 on board at Inhambane, all of whom were landed at Mozambique. Witness shipped altogether upon the last occasion 784, all of whom were shipped from the shore; great part, however, were of the cargo (371) which he had brought from Inhambane, and part consisted of a portion of the cargo of the Portuguese barque 'Emprehendadora,' and purchased by witness at Mozambique. The detained vessel was taken first to Ascension, and thence to Sierra Leone after capture. The Papers found on board were all true and fair; none of them are false or colourable. No Papers were destroyed, concealed, or made away with. He knows of the existence of no other Papers relating to the vessel or cargo. There was a Charter-party between Viale, witness, and Faria. Witness's Copy he dispatched from Mozambique to his correspondent at Rio) Vicente Domingo Saporiti, a merchant and resident in that city, and married to a Brazilian lady), for the purpose of having the same altered so far as regarded Viale being a party to it. Believes the said Viale had also a Copy of the said Document. Neither the vessel or cargo is insured; the vessel has been under witness's management, and witness corresponds with Saporiti, who has been his agent for some years. Does not know what nation the said Saporiti is of; he was a physician before he engaged in business. Bulk was first broken at Inhambane; no slaves have been disembarked since capture and previously to arrival in this port."

The evidence of J. B. Viale confirmed that of the Master in all the material points, excepting as to the port where the voyage was to terminate, which he declared was Lisbon, and not Monte Video or

Buenos Ayres as Carvalho had stated. Viale professed to be ignorant as to who owned the cargo of slaves, or if Carvalho had any interest therein, and also as to the authenticity of the Papers found on board of the detained vessel. He stated that Carvalho was nominally supercargo on the outward voyage, but really Master; and that he had formerly known the said vessel by the names of "Marcial" and "Imprehendatone," and on his purchasing her she was called by him "La Leguria."

Gomez, the seaman, in answer to the standing interrogatories, gave testimony similar to the previous witness, but of a more limited character, as his station on board did not afford him the opportunity of learning much of the affairs of the vessel. This witness confirmed Viale's statement, that the voyage was to end at Lisbon, and like him professed entire ignorance as to the character of the Papers found on board the detained ship. As to the ownership of the slaves, Gomez deposed he believed that to be in a Merchant of Mozambique, of whose name he was ignorant; his reason for so thinking was, that the Merchant alluded to had advanced the crew of the said vessel a month's wages. Gomez also stated that Carvalho, the Master of the said vessel, had been a resident of Monte Video, previous to establishing himself with his family at Rio de Janeiro, where he has lived for some time past.

The Prize-Officer's affidavit, accounting for the number of deaths amongst the slaves during the period they were in his charge, was brought in on the 4th instant, and showed that 91 casualties had taken place.

On the 14th instant, the Proctor for the Captor presented an affidavit of the Prize-Officer, authenticating a Chart which had been prepared from the Log-book of the detained vessel, describing her track, after leaving the Cape of Good Hope, to have been direct for some place in the Brazils, and which placed her exactly in the position in which she was declared by the Seizor to have been found according to the reckoning of His Majesty's brigantine "Dolphin."

The Prize-Officer in the said Affidavit also deposed that the chronometer on board the said vessel, which had been referred to by the Master in the evidence taken in the cause, as having been at the time of seizure run down and out of order, "had been used by the Deponent on the passage to this port, and that it had been in perfect order during the whole of that time, and also that his reckoning by the said chronometer had been found by him to be correct to a mile."

With this evidence, the Case for the Captor closed.

The defence of the Claimant in this Case, Luis Antonio Carvalho e Castro, the Master of the detained vessel, was commenced on the 3d instant, by the filing of his claim, and an Affidavit in support thereof. Both these Documents are inserted at length, and are as follows:—"The claim of the said Luis Antonio de Carvalho e Castro, the Master of the said ship, a subject of Her Most Faithful Majesty the Queen of Portugal, for the said ship, her tackle, apparel, and furniture, goods, wares, and merchandize, and 694 Africans, or so many thereof as were on board the said ship at the time of the capture thereof by His Majesty's brigantine "Dolphin," Thomas Lorey Roberts, Lieutenant commanding, and brought to Sierra Leone, and for the value of such of the slaves as may have departed this life since the said capture; for the said ship, her tackle, and furniture, as the sole property of Augustinho Augusto de Faria, a resident Merchant of Rio de Janeiro, and a native of Portugal, and her cargo as aforesaid, that is to say, 540 Africans are the property of Miguel Cartano Pinto, a native and resident of Mozambique, and 154 Africans as the property of himself, the said Master, and also the following articles purchased by him the said Master, on his own private account, namely, a chronometer, 60 to 62 pounds of tortoiseshell, 80 bags of rice, 40 bags of cassada flour, 2½ pipes of spirits, 16 Mozambique mats, 3 half barrels of American flour, 1 cask of salt pork, and a few small kegs of fish, vinegar, wine, oil, &c., and 1 large copper boiler; and as protected by the Treaty or Convention between His Britannic Majesty and Her Most Faithful Majesty, dated the 28th July, 1817; and for all costs, charges, losses, damages, demurrage, and expenses as have arisen or may arise by means of the capture and detention of the said ship and her cargo as aforesaid."

In support of the above Claim, the following Affidavit of the Master Carvalho was filed.

"Appeared personally the said Luis Antonio de Carvalho e Castro, the Master of the said ship, and maketh oath, that he is a subject of Her Most Faithful Majesty the Queen of Portugal, and was Master of the said ship at the time of the seizure and detention thereof by His Britannic Majesty's brigantine of War "Dolphin," Thomas Lorey Roberts, Esq., Lieutenant commanding, and that the said ship was so captured and detained, on the 23d day of December last, in the prosecution of her voyage from Mozambique, on the eastern Coast of Africa, to Angola, on the western Coast of the same Continent, with a cargo consisting of 674 African, and brought to Sierra Leone. And he further maketh oath, that Augustinho Augusto de Faria, a Portuguese merchant, now resident at Rio Janeiro, a subject of Her Most Faithful Majesty, was, at the time of the said capture and detention, and now is the true, lawful, and sole Owner and Proprietor of the said ship "Incomprehensivel," her tackle, apparel, and furniture. That deponent is the true, and lawful, and sole Owner and Proprietor of 154 Africans, who are all that remain of the 206, purchased at Inhambane and Mozambique, and shipped on board the said ship for the account and risk of this deponent. That two of the said Africans were domestics of a merchant at Mozambique, and were purchased by deponent, as being persons qualified to attend upon deponent, namely, Vincente, as Cook, for 285 dollars, and Cutano, as Steward, for 200 dollars, without any intention on the part of this deponent to dispose of them to any other person; and that deponent is the true, lawful, and sole Owner and Proprietor of the several articles mentioned and enumerated in the aforesaid claim. That Miguel Cartano Pinto, a merchant of Mozambique, is also the true, lawful, and, as deponent believes, the sole Owner and Proprietor of 240 Africans, the residue of 579, originally shipped by him, on freight in the said ship. And deponent further maketh oath, that he verily believes the said ship, and everything laden on board, and the slaves, are protected by the Treaty or Convention between His Britannic Majesty and her Most Faithful Majesty, alluded to in the Claim. That this deponent, with certain goods, merchandise, and monies, proceeded from Rio Janeiro on the said voyage, and arrived off Inhambane, on or about the 12th day of June last, and on the change of the moon, on or about the 14th day of the same month, the said ship was got into the Channel. That on or about the 10th day of July following, deponent was ready to proceed to sea with the said ship, and thereupon received sundry Despatches, to be by this deponent delivered to the Governor of Mozambique, but being unable to proceed to sea from the badness of the weather, and the state of the Channel, the same were delivered by this deponent to the Master of a small Portuguese vessel then in the vicinity. That while still detained, as aforesaid, at Inhambane, the said ship was visited by the Officers of His Britannic Majesty's brig "Leveret," who found the said ship then under Portuguese colours, that is, on the 24th day of August last, and again, on or about the 20th of September following, while she lay off Mozambique, and which circumstance deponent has heard, and believes was, by the Commander of the said brig "Leveret" duly reported to the Admiral in command

on the African Station. And deponent further maketh oath, that the said ship took on board for a passage to Mozambique, a number of Africans, and deponent also purchased others, so that at the time of the said ship being boarded from the said brig-of-war 'Leveret,' she had about 371 Africans on board. That on deponent's arrival at Mozambique, the doubts he had begun to entertain, while at Inhambane, of the propriety, after so much delay, of proceeding to Goa, were confirmed, and he finally resolved to purchase more Africans, from the lowness of their price at Mozambique, and accept the offer made deponent to receive others on freight, and proceed with the whole to Angola, where deponent learnt considerable profit could be made on their sale, and for this purpose altogether rescind the arrangement entered into by deponent and Joao Baptista Viale, which, with the consent of the said Joao Baptista Viale, was done accordingly, and his interest in the Charter abandoned. That deponent having received on board 579 Africans from Miguel Cartano Pinto on freight to Angola, at the rate of 30 dollars for each African, and with those also purchased at Inhambane and Mozambique, belonging to deponent, the said ship, on or about the 12th day of November last, left Mozambique, intending to proceed to Angola, and from thence direct to Lisbon, according to an agreement entered into by this deponent and the said Pinto; and that it was stipulated in the said Agreement, that deponent should deliver the Africans shipped by Pinto to one Francisco Periera de Assis, and remain there 60 days, to receive a cargo for Lisbon, also on freight, to consist of such articles as are usually exported from thence to Europe, consisting of ivory, dyewood, wax, hides, and other legitimate articles of commerce; and that if not despatched within that period, 20 dollars demurrage for each and every day beyond that time was to be paid by the Agent at Angola of the aforesaid Pinto. And he, deponent, further maketh oath, that from the time of leaving Mozambique to the time of the seizure and detention aforesaid, the said ship was always kept, when wind and weather permitted, direct in her course towards Angola; that, by the negligence of the Pilot, the chronometer was at one time suffered to go down, and deponent verily believes that from this cause and the conflicting currents, which evidently to this deponent they experienced off the Cape of Good Hope, occasioned the said ship to be found by the said capturing vessel to the westward of her course. That about 9 in the morning of the 23d day of December last, the said capturing vessel was discovered from the 'Incomprehensivel.' That the crew of the said ship were alarmed, and declared her to be a pirate, and pressed this deponent to hoist a flag of some other nation than their own, alleging, that by hoisting their own it would be suspected slaves were on board. That deponent observed the vessel hoisted English colours, and immediately ordered his own, the flag of Portugal, to be hoisted and at the time the said ship, 'Incomprehensivel,' was taken possession of by the 'Dolphin,' she had the Portuguese flag flying, and which flag was allowed to remain so hoisted until the afternoon of the 24th of the said month, when deponent, being then on board the 'Dolphin,' saw that a Brazilian flag was displayed, and the Portuguese flag hauled down. And that deponent on again returning to his vessel, addressed himself to the Prize Officer, to ascertain the reason for such a proceeding, when the said Officer informed this deponent he acted according to his orders; that deponent then declared to the said Officer, that the Brazilian flag was not the national flag of the said vessel, but no notice was taken of deponent's representations, and the Brazilian flag has ever since been hoisted on all occasions by the Captors. And deponent further maketh oath, that a gentleman, named as Deputy to the Portuguese Cortes, named Theodorica Joze de Abranches, had taken a passage with deponent to Lisbon, calling at Angola, and paid for the same, on behalf of himself and family, consisting of 1 son, 3 black, and 1 white servants, the sum of 1500 dollars; and at the representation of the Governor of Mozambique, against leaving behind Joao Baptista Viale, deponent consented to take him on to Angola, or on from thence to Lisbon, as he might require. That deponent, on leaving Rio, was not in command of the 'Incomprehensivel,' but was considered as supercargo, Luiz Ferreira de Arango holding that office; but that on entering into the new arrangements for the voyage at Mozambique, as before alluded to, deponent found that, unless he took upon himself the command, no confidence would exist in the minds of the party who was freighting the said ship, and this induced deponent to take the command, and have the necessary documents made in his name as Master; and this deponent considered that he was fully authorised so to do, by the tenour of the agreement entered into for the said ship between himself and the owner Faria. That the deviation from the original voyage, and every particular, were duly forwarded by this deponent to his agent at Rio, Vicente Domingos Saporiti, for the purpose of enabling him to make such other agreement or confirm the first (changing the destination), as he might consider most for the interest of this deponent, with the owner Faria; and also informed the said agent that so soon as the cargo of the said ship was discharged at Lisbon, another would be, if possible, without delay procured, and the ship proceeded with to Rio, intimating that deponent hoped upon the whole no more time would be consumed in completing the new arrangements than the original voyage was calculated to occupy. And deponent further maketh oath, that he arrived at Rio de Janeiro in February, 1836, and that from the time he first saw the 'Incomprehensivel,' and until the time of her capture as aforesaid, he never at any time saw her hoist the Brazilian flag, but on the contrary she always hoisted the flag of Portugal. That deponent has several times seen the said ship alluded to in the Brazilian newspapers, and that she was always described as a Portuguese vessel. That the circumstance of her having on board the flags of various nations, besides her national flag of Portugal, is lawful to the subjects of Portugal, and of general practice in merchant vessels of a superior size. And deponent further maketh oath, that on leaving Rio he had not the remotest idea of engaging in the Slave Trade, and therefore made no preparations for the same; and especially had no slave-coppers, the one now on board, and lately in use, made of copper, and also one of iron, were purchased by this deponent at Mozambique. 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 ship, her tackle, apparel, and furniture, goods, ware, merchandize, or slaves on board the same at the time of the capture and seizure thereof; and that he is duly authorised 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."

At the instance of the proctor for the claimant, special interrogatories were prepared and put to the said Master, Carvalho, and J. B. Viale. On the 13th instant, their examinations were taken on these questions.

Carvalho deposed, "that, on quitting Rio Janeiro, the vessel was provided with a passport, granted by Joaquim Antonio de Magalhaes, the Portuguese Ambassador at the Court of Brazil: this document was delivered up to the authorities at Mozambique, according to the usual practice on such occasions. He was also provided with a Muster-roll, signed by Bernardo de Carvalho, Chancellor to the

Portuguese Consulate at Rio: this document was in like manner with the passport delivered up to the authorities at Mozambique. He did receive a letter from Saporiti relating to the cargo, and Batista Viale was furnished with a duplicate. Saporiti is witness's correspondent, and wrote those letters by witness's instructions, as a precaution, that in case of witness's death the property might be returned to his family: the duplicate which was given to Viale is amongst the ship's papers; witness's copy was left at Mozambique with other property in charge of Pinto, to be forwarded direct to Rio Janeiro. The reason the whole of the slaves were shipped in Pinto's name was, that there is a law in Angola (which extends to all the Portuguese settlements) that when a man dies there, if he leaves no heir in the place where he dies, his property is seized by the authorities, and it is generally very long before the representatives of the deceased receive the proceeds, and witness was desirous, in case of anything happening to him, to cover the property by having it shipped in Pinto's name, in such a manner as to avoid this risk of delay. He received a letter from Pinto, stating that he had shipped seven hundred and seventy-nine slaves, of which number, however, only five hundred and seventy-nine belonged to Pinto; the reasons were the same as those stated in the preceding interrogatory (eighth), and that in case of witness's death there might be no discrepancy between the Custom-house certificate and this letter. One Julião was recommended at Rio to witness by Viale, and witness authorized Viale to ship him as first mate, which was done accordingly. Julião left the vessel at Mozambique; witness did not make any effort to retake him, though he left the vessel without witness's consent. Julião complained against M. Viale, whom he alleged to be the cause of his leaving the ship, and to whom he looked for his wages.

"Witness supposes, because Viale shipped him, and the reason he was called Captain is, that M. Viale, being a Master mariner, was always so designated. He was not at Rio when Faria purchased the '*Incomprehensivel*,' but was acquainted with him previously as a merchant; and it was at the time witness was about freighting this vessel that he was recommended by Saporiti and others to inquire of 'Viale,' the former owner, what kind of a vessel she was, and it was in consequence of these inquiries that witness became acquainted with Viale. The proposition of joining in the Charter-party originated with Viale, who offered and paid four contos of reis in paper for his share of the freight. One consideration with witness in taking Viale was, that he had been represented to him as an able pilot, but he was shipped only as a passenger; the contract was rescinded in consequence of disagreements between witness and Viale; two thousand five hundred dollars in silver (Spanish dollars) was paid by witness to Viale at Mozambique as the balance due to him, and a full consideration for his interest in the said Charter-party. Two hundred half-doubloons was entered by witness at the Custom-house at Mozambique, and was no part of the money mentioned in Saporiti's letter.

"Viale's replies were as follows:—The '*Incomprehensivel*' was in his possession about seventeen months before he sold her to Faria. He sold her to Faria in November, 1834, but did not record the sale till February, 1835, in consequence of the bill of sale not having been regularly drawn out till then, a minute only having been made in the first instance. He had a passport for Goa when he left Rio in the '*Incomprehensivel*;' it was granted by the Conte Palma de Borga Franco, the Sardinian Minister at Rio, and witness was designated a master mariner. He has that passport at his lodgings, and can produce it if required. The first mate, one Julião, prosecuted witness for his wages on quitting the vessel at Mozambique; the reason he did so was, that Julião, having in the first instance endeavoured by process to compel Carvalho and Castro to pay, and having failed, in consequence of his being unable to prove that Carvalho gave him any cause to quit the vessel, then attacked witness (through, as he thinks, the contrivance of Carvalho), alleging witness had been the occasion of his leaving the vessel, and in consequence witness had to pay one hundred dollars: the reason he and Carvalho separated their interests was, that there was constant disputes and misunderstandings between them: witness received two thousand five hundred dollars in gold (Portuguese half-doubloons) from Carvalho, in consideration of resigning his interest in the freight of the vessel."

On the 17th instant an affidavit sworn to by Carvalho and Viale was filed, with two papers annexed to it. The first was an original list of stores taken by the seizer, and found on board the detained vessel by the seizing officer at the time of capture, in which the "*Chronometer*" is described as having run down. This fact Carvalho in the above-mentioned affidavit confirms on oath, but the Prize-Officer in a subsequent affidavit explains the matter by stating that the "*Chronometer*" was so described on the authority of Carvalho, and not from the personal observation of the captor. The second document is a survey and sketch of the harbour and town of Inhambane, made by Viale, representing the "*Incomprehensivel*" lying at anchor there under the Portuguese flag. To the truth of this circumstance Viale swears, with the avowed object of satisfying the Court, that the "*Incomprehensivel*" had visited Inhambane as a Portuguese vessel.

The proctor for the claimant presented a petition on the 11th instant, stating that in the Brazils there was in the possession of the authorities, the Portuguese Ambassador and Consul, and other residents of that empire, additional and incontrovertible proof that the claimant is a Portuguese subject, and that the detained vessel is *bonâ fide* owned and navigated by Portuguese subjects; that no Brazilian interest is covered or concealed or employed in the voyage in which she was captured; and that all the evidence to establish these points which the claimant could then command, had been already adduced by him; it was therefore prayed that the full period of four months, according to the regulations of the Mixed Court, might be granted in order to obtain this further evidence; and that the vessel should in the mean time be sold, &c. An affidavit was annexed to this said petition, which simply repeated the substance of it. This document, the Court were of opinion, should have described, in a clear and explicit manner, the nature of the proof, said to exist in Brazil, respecting the facts alluded to in the petition; in order to obtain which the application was directed to be amended. In conformity with the above directions, an amended affidavit of Carvalho, the said Master, was put in and sworn to on the 16th instant, containing the following statements:—That he could procure documentary proof from Brazil, that he and Faria, the owner of the detained vessel, are Portuguese subjects residing there, and as such acknowledged by the authorities; that when she cleared out thence for the present voyage, the Portuguese Ambassador gave a passport; that on her sale to Viale she was a Portuguese vessel; that after her sale by Viale she always hoisted the flag of Portugal, and that that sale was made truly and without fraud; that in the Gazettes and other periodical publications she was always described as a Portuguese vessel; that Arango, the Master of the detained vessel, on her leaving Rio, is a Portuguese subject; that Vicente Domingo Saporiti is an Italian merchant

resident at Rio, and has not been naturalized or admitted as a Brazilian subject; that Saporita did not own any of the cargo of this vessel, but wrote and delivered a letter in duplicate to Viale and deponent, purporting that he had consigned the cargo to those persons, with the object of preventing the same falling into the hands of the authorities at Mozambique in the event of deponent's death, in which case Viale could have acted in his place; that by the Treaty between Portugal and Brazil, a Portuguese cannot be admitted to the rights of a Brazilian subject under ten years' residence, being married in the country, or by an act of naturalization; that all the cargo was bought and paid for by this deponent out of his own funds only; and that the charter-party entered into by Viale and deponent with Faria was without fraud and without any intention at the time of employing the said ship in the Slave Trade.

The declared object of this application having been to establish by further proof that this vessel was owned and navigated by subjects of Portugal, the Court declined complying therewith, being prepared on the evidence already before it to acknowledge the detained vessel, and her cargo as the property of Portuguese residents at Rio de Janeiro. With this proceeding the claimant's defence concluded, and the Court assembled on the 17th inst. for the adjudication of the case.

The Proctors for the captor and claimant were heard at considerable length on behalf of their clients, when the Court gave judgment herein.

It is not necessary here further to allude to the arguments of the Proctors than to mention that it was strongly urged on the part of the claimant, that the British and Brazilian Court of Mixed Commission had no jurisdiction in this case, an objection which was overruled by the Court.

This vessel sailing under the flag of Portugal, with a cargo of slaves on board, appears to have been seized by Her Majesty's brig "Dolphin," 23 degrees to the southward of the equator, when about midway between Africa and South America, on the ground of the owner of the vessel, a Portuguese merchant, being a resident of Rio de Janeiro, and therefore the act of employing his vessel in the Slave Trade was an infraction of the Treaty between Great Britain and Brazil for the extinction of that traffic. At Mozambique this vessel obtained official papers, under which she was found sailing, and which plainly show her to have been a vessel authorized to sail under the Portuguese flag; whilst the Consular certificate found on board (a copy of which is subjoined) established the ownership of the vessel to be in Agostinho Augusto de Faria, a Portuguese merchant resident at Rio de Janeiro. Who were the proprietors of the slaves seized on board this ship was not so readily discoverable as the ownership of the vessel; for all the documents which related thereto were, in the course of the proceedings, in the most extraordinary manner falsified by the evidence of the Master, who came forward as claimant of the ship and cargo. These documents consisted of the Custom-house certificate of their embarkation at, and clearance from, Mozambique; as well as a charter-party (wholly unauthenticated) entered into there by the Master of the detained vessel with a merchant named Pinto (a copy of this paper is annexed, No. 3); and some letters relating thereto, all of which have been enumerated in the list of papers at the commencement of this Report, and which describes the slaves in question as the property of the said Pinto. This, however, Carvalho, the Master and claimant, would not allow to be the case, as he insisted that two hundred and six, of the seven hundred and eighty-nine thus professedly owned and shipped by Pinto, were his private property and adventure. To clear up this contradiction of the official and private papers of the vessel, he swore that a deception had been practised upon the Custom-house officers at Mozambique, by Pinto entering and clearing Carvalho's two hundred and six slaves as his own, in order that he (Carvalho) die whilst in the Portuguese colonies, he might have some agent to take immediate possession of his property, and thus prevent its falling into the hands of the Colonial authorities, to obtain it from whom his distant heirs would have been subjected to difficulty and delay. This declaration of Carvalho therefore led to the impression that the Custom-house papers, as far as related to the slaves, had been obtained on false representations, though of the extent of the deception stated to have been practised by Carvalho and Pinto in this instance, we had only the former's evidence; as the other witnesses in the case declared they did not know to whom the slaves belonged. As Carvalho had himself rendered the papers relating to them of a very doubtful character, we were indisposed to give the official portion of them that credit which should have attached to them, naturally supposing, on a consideration of the whole case, the probability of their having been altogether obtained under false pretences, as Carvalho had declared they were partially so.

To do away with the point which was raised by Carvalho alone subchartering to Pinto this vessel, for the conveyance to Angola of the slaves seized on board of her, without the concurrence of J. B. Viale therein, to whom jointly with Carvalho the said vessel had been nominally chartered by the owner, Faria, it was declared by both these persons that Viale had sold his interest in the voyage to Carvalho, they having disagreed at Mozambique. This evidence was elicited, at Carvalho's request, by special interrogatories, and as the first witness examined had not the means of acquainting the other with the replies he had given to the questions put, we received very opposite accounts of these transactions from the alleged principals therein, the one asserting that he had paid two thousand five hundred silver dollars, Spanish coins, as the consideration-money, and the other declaring he had received that amount, not in silver money, but in gold, in Portuguese half-doublons. There could be little doubt, after these statements, of the transaction having been fabricated to suit the purposes of Carvalho; particularly as no documentary evidence thereof was tendered; not even an ordinary receipt for the sum said to have been so paid, and which is hardly likely to have passed between two persons avowedly at variance with each other. That a want of cordiality existed between these men, as well as that they only had a joint authority in the affairs of the vessel in the capacity of agents of the charterers, was plainly observable from the style of some notes addressed by Carvalho to Viale, whilst they were in the Mozambique Channel, and which notes were found with the other papers of the detained ship. Connecting the statements of Carvalho respecting the papers describing the property in the slaves, that some were obtained by means of false representations, and the unofficial ones fabricated by Pinto, to suit Carvalho's purposes, with the fact of Pinto having addressed his letter of advice, as to these slaves, to Carvalho, at Angola, as though he had been at the time at that place, when in fact he and Pinto were actually at Mozambique together completing their schemes for this expedition, and the contradictory evidence concerning the sale of Viale's interest in the freightage of the said vessel to Carvalho, we could only come to the conclusion, that the papers and statements in question could not be held as affording proof of the matters to which they referred.

It is a peculiar circumstance, that the whole of the commercial dealings, which appear, by the

CLASS A.

papers found on board, to have taken place between Carvalho and Pinto, on account of the expenses of the ship at Mozambique, amounted to barely forty dollars, whilst his expenditure with merchants there must have been very considerable. This in itself would create a reasonable doubt as to whether Pinto be really a merchant of so much substance as to own upwards of five hundred slaves, and charter this vessel for their passage, and tends to confirm the view taken by us of his having no property in this cargo.

Considering the claim made by Carvalho for the cargo to be bad, we had then to look for evidence as to who was really interested in these slaves; but previous to referring to the only document found on board this vessel which seemed calculated to throw light upon this subject, it is requisite to look into the history of the vessel from the commencement of her voyage at Rio, in order to determine whether it has not been throughout one of mystery and deception; thus giving additional cause for having pronounced the claim made by Carvalho as ill-founded, and thereby prevented him from taking advantage of his and Pinto's illegal acts. J. B. Viale, a Sardinian, found on board at the time of seizure, and who called himself a passenger in this vessel, professed to have originally owned her, having bought her in July 1834, and sold her again in February 1836. During the period named, he declared he kept her idly at anchor at Rio, although immediately after he had purchased her he fitted her out for sea. The improbability of such a proceeding on the part of a mercantile person is evident. Faria, the alleged purchaser of the vessel from Viale, is made to charter her, for the voyage in which she has been detained, to Carvalho and Viale, in January 1836, for forty per cent. more than is stated to have been paid for her; and in addition to this extravagant arrangement, the charters were to be at every expense for the vessel, including even the hire of the crew; on the authority of this document, under which, after Viale had been said to have transferred his interest to Carvalho in the chartering of the vessel, Carvalho made his sub-charter-party with Pinto for carrying the cargo of slaves.

This agreement, however, with Faria by Carvalho and Viale, in addition to being in every way informal and unauthentic, not having the signature of even a witness, being in the hand-writing of Carvalho himself, and the signatures of Viale and this Faria appearing to have been made by one and the same person, is of a date one month previous to the bill of sale to Faria, which is the only authority Faria could have for entering into the contract in question. The Charter-party with Faria was therefore pronounced valueless as evidence; and the under Charter-party between Carvalho and Pinto, made on the strength of the one named, met with a like fate at our hands.

Much mystery has been thrown by the witnesses upon the respective characters which Viale and Carvalho held on board on the outward voyage, doubtless with some object by them considered of importance, but which was not so apparent to us. Each of them declared that Aranje (the second mate on the homeward voyage) was the Master. Now, there is among the papers found on board a certified copy of a lengthy legal process instituted at Mozambique by one Juliano, for the recovery of his wages as first Mate, against J. B. Viale, as Master in the outward voyage, and in which capacity Viale appeared, without apparently offering objection to the title, before the Judge of Duties. Carvalho's letters to Viale, whilst at Mozambique, plainly show that he considered the latter as Master, or Carvalho would hardly inquire from him when it would be "*convenient*" for the ship to go to sea, or offer suggestions to him as to regulating the ship's chronometers, &c. Viale, in one part of his evidence, however, says that Carvalho was nominally Supercargo, but actually Master, on the outward voyage. The contradictions in evidence as to the destination of the vessel are very palpable, and directly at variance with the vessel's papers and Log-book; and though this does not involve a point in itself of importance in the decision of the case, yet it serves to show how cautiously the swearing of such witnesses should be received. To the fraud practised in obtaining the official papers at Mozambique, respecting the shipping and ownership of the slaves, and the fabrication of the letters and papers suited for carrying out the scheme, of which that act formed a part, and of which we have fully treated, we only here allude, as being the completion of a lengthened transaction, around which every possible mystery has been thrown which fraud could apparently dictate, in order to disguise its real character, and lead the Court, if possible, to erroneous conclusions.

The paper which we just now observed was the only document found on board calculated to show who the real parties interested in the slaves of this vessel were, is one which was found in the possession of the Master at the time of the seizure, and described in the early part of the Report as being of such importance that a transcript of it had been annexed. It will be observed that the document in question (Enclosure No. 1) is a letter of instructions, under date Rio de Janeiro, 13th April, 1836, and addressed to Carvalho and Viale by Vicente Domingo Saporiti, who signs himself "*Caretaker of the Society.*" This letter has an appearance of originality and authority about it, possessed by no other unofficial paper found on board; and shows that the Society, of which Saporiti is the agent, are the owners of the cargo, and freighters, if not owners, of the vessel which they consigned to Carvalho and Viale, with directions couched in ambiguous terms for the disposal of the outward, and purchase of the return cargoes.

A part of the outward cargo, it is worthy of note, was formed of two thousand dollars, and two thousand and forty-one and three-quarter patacs, equal together to about nine hundred pounds, and which had been smuggled out of Rio by Saporiti in some casks of sugar. As it is a well-known fact that money is never employed in African commerce, excepting only in the Slave Trade, we had ready means thereby of judging what meaning ought in fairness to attach to the equivocal expressions in Saporiti's letter of instructions as to the return cargo, and which we considered only to mean a cargo of the kind with which the vessel had been detained when returning to Brazil.

Carvalho deposed respecting this letter from Saporiti, that it also was a fabrication made by his special order for the like purpose, as that for which he had drawn up false papers in conjunction with Pinto at Mozambique; and that Saporiti, instead of being his employer, was but his agent, and had been so for many years. The style of the letter itself, however, leads to a conviction of its being authentic, and as such we only could consider it, there being no evidence whatever to affect its validity excepting Carvalho's, upon whose unsupported testimony alone we could feel little disposed to place reliance, after the prevarication and contradictions we had detected him in, and his admission of having committed a fraud to serve his private purposes, upon the Custom-house authorities of Mozambique.

Carvalho also asserted that this letter from Saporiti was a duplicate copy, and the one placed in Viale's hands for the security of Carvalho's property in the event of his death. There is nothing about the document which indicates its being a duplicate; on the contrary, it has every appearance of being

the original and only copy, which had been written. If this paper, however, had been what Carvalho has stated it to be, it was open to him to have compelled Viale to give evidence on the point, which from his own showing, ought to have had the effect of confirming his testimony. As, however, Viale had at his first examination declared, "he knew nothing about the papers found on board the vessel," he was considered, we presume, a dangerous witness, and Carvalho's assertion was therefore left to produce such effect as it might; as a contradiction to the assertion of Carvalho, that this letter was placed in the possession of Viale as he had described, we considered the fact of its having been found very carefully concealed in Carvalho's desk, and laying by the side of the certificate of the Bill of Sale of the detained vessel to Faria, and the charter party of her by that man to Carvalho and Viale. The fact of Carvalho not feeling himself to be other than a responsible agent in the expedition, in which he had been detained, that he was bound to give a full account of every transaction to his employers, will be evident from his having kept in the most careful way many trifling receipts for his expenditure for the ship, there were fifteen such seized; and of his having gone to the expense of obtaining a copy, under seal, of the lengthy process instituted by the first mate for the recovery of his wages; and which could only have been needed by him as an exoneration with his employers for his outlay on this account. Had Carvalho paid what was awarded to the first mate out of his private purse, and on his own account solely, as he would have us believe, he never would have incurred the expense he must have been at, in obtaining the copy of this process, merely to have it by him as a record. By one of the Bills of Lading it appeared, a large cargo had been shipped at Rio de Janeiro by Saporiti for the adventure at Mozambique, the value of which when added to the money also employed, would seem to have afforded enough for the purchase of the return cargo of slaves. Carvalho has only given an account of the disposal of that part of the outward cargo, which was used in purchasing the two hundred and six negroes claimed by him, and we are left to infer what has become of the remainder of it. The only reasonable conclusion, in the absence of all proof upon the subject, is that it went in the purchase of the remaining five hundred and seventy-six slaves, shipped as the property of Pinto.

Having already expressed our conviction, that the outward cargo of this vessel was owned by Saporiti or the society he represents; we must consider the slaves purchased with that cargo as the property of the same party or parties.

Saporiti was described by Carvalho in his claim as an Italian merchant, resident in Rio de Janeiro, though at his first examination he declared his ignorance of this circumstance. Carvalho's statement is somewhat borne out by the date of Saporeti's letter of business to Carvalho and Viale, before alluded to. Whether the society which Saporeti represented was resident in Rio, or not, no evidence was obtained; a circumstance which did not, however, create any difficulty, as the place of business of the accredited agent of the said Society must be held to be the Society's residence for legal purposes.

The detained ship had therefore been proved to have been seized in a slaving voyage, for which she was originally fitted out at Rio de Janeiro by a foreign resident Merchant or Merchants of that Port, to which or its neighbourhood there can be little, if any, doubts the slaves seized were destined; and as to the vessel it appeared that if she be not owned by Saporiti or the Company to which he is cashier, she must have been unconditionally freighted to them as regarded the trade in which she was to be employed, by the ostensible owner, Augustinho Augusto de Faria, a resident Merchant at Rio. All the evidence as to the terms upon which the detained ship was hired to the said Company, is to be found in the remark in Saporiti's letter as to having advanced the crew one month's wages, and which must be considered only as an occurrence likely to take place where a vessel was so hired as to be for the time being under the sole and entire control of those who chartered her, and who it appears had to engage and pay the crew, who were to navigate her. Such an unqualified hiring of a vessel as that described, we must believe has taken place in this instance, and subjects the ship to all the consequences of the illegal acts of the charterers, as much as if the owner himself had so employed her.

In every point of view has the detained ship been illegally employed, for the official papers with which she was provided for carrying slaves from Mozambique, were insufficient, according to the existing Treaty between Great Britain and Portugal, of the 28th of July, 1817, which especially directs that Portuguese vessels detained for this traffic, where it still continues lawful to carry it on, shall be provided with a passport, conformable to the model annexed to the said Treaty, whilst that of the detained vessel was a common commercial passport, containing no allusion whatever to her carrying slaves.

In this case, then, it seems clear to us that the "*Incomprehensivel*," and the slaves found on board of her, were owned by Foreign Merchants residing in Rio de Janeiro, and that therefore it was incumbent upon us to act on the principle of the Law of Nations, as laid down in your Lordship's despatch respecting the Portuguese slave-vessel '*Maria da Gloria*,' that "the national character of a Merchant is to be taken from the place of his residence and of his mercantile establishment, and not from the place of his birth," and therefore to view the owners of the detained vessel and her cargo, as Brazilian subjects, and as such bound by the laws of Brazil, and the engagements with which that Government had entered with other States.

Governed by the principle of Law, above quoted, we pronounce that the evidence in the case had brought the captured vessel and cargo within the operation of the Treaty between Great Britain and Brazil for the abolition of the Slave Trade, and that it had been proved she had committed a violation of that Treaty, rendering her liable to condemnation, and that the slaves to emancipation, a sentence in conformity with which opinion was accordingly pronounced. The number of slaves declared free by this sentence was five hundred and eighty-six.

Had the claim of the Master of the condemned vessel for the two hundred and six slaves, stated by him to have been his private property, been satisfactorily made out, it would not have altered the decision pronounced in the case, as in addition to his being in command of a vessel, virtually a Brazilian, and found contravening the engagements which that country had made with Great Britain for the extinction of slave trafficking, he declared himself to have been a resident of Rio de Janeiro for the last four or five years.

(Signed)

H. CAMPBELL,
WALTER W. LEWIS.

Sierra Leone, 25th of February, 1837.

Sub-Enclosure No. 1. in No. 51.

M. Luiz Antonio de Cavalho e Castro.

(Translation.)

Mozambique, 12th November, 1836.

To-morrow morning you will make sail in the National vessel called the "*Incomprehensivel*," under your command, for Lisbon, touching at Angola, carrying on board of her seven hundred and seventy-nine blacks, my property, to deliver them at Angolla to M. Francisco d'Asses Peraia, in his absence to M. Francisco Fenecia Lopez, where, having arrived in safety, you will follow the orders of the said Asses Peraia, as we have agreed, and the freight for which will be only paid at Lisbon; if any quantity is necessary for your arrangements, you will ask for it from the said Asses Peraia, whom I have requested in my letter of to-day to deliver it, passing the receipt for it, to be discounted from the freight; but you will not exceed the sum of one conto of reis of that country. I have nothing more to recommend to you, except that you may have a short and prosperous voyage.

Believe me, &c.

(Signed) W. HAMILTON.
Translator.

MIGUEL CAETANO PINTO

Sub-Enclosure No. 2, in No. 51.

(Translation.)

We, the undersigned, Luiz Antonio de Carvalho e Castro, Captain of the vessel "*Incomprehensivel*," on the one part, and on the other, Miguel Caetano Pinto, have agreed for the freight of the aforesaid vessel in the following manner:—

Luiz Antonio de Cavalho e Castro, freights the said vessel to Miguel Castano Pinto, to Lisbon, touching at Angolla, to carry seven hundred and seventy-nine blacks, to deliver them there to Senor Francisco d'Asses Peraia, in his absence, to Francisco Fenecia Lopez, sustaining them at his own expense, for a passage of thirty Spanish dollars each that arrives alive, from Angola to Lisbon; to load her with goods on his own account, according to the state of the country, towards this city; binding himself to wait for the cargo at Angolla for sixty days, commencing from the day of arrival, and for those which he may be delayed beyond the stated time, he binds himself to indemnify him in the sum of twenty Spanish dollars per diem. We declare that all the freight shall be paid at Lisbon, and for our information we have made three of the same tenor, and have both signed, which we promise to fulfil upon our word and honour.

(Signed)

LUIZ ANT. DE CARV. E CASTRO.
MIGUEL CAETANO PINTO.

(Signed) W. HAMILTON.
Translator.

Mozambique, 4th November, 1836.

Sub-Enclosure No. 3, in No. 51:

(Translation.)

To the Most Illustrious Messrs. Antonio de Cavalho e Castro and Joao Baptiste Viale.

ESTEEMED SIRs,

Rio de Janeiro, 13th April, 1836.

To your consignment sails the vessel "*Incomprehensivel*," bound to Goa, touching at the Ports in the Mozambique Channel which you may consider most convenient; I have embarked in her different goods to the amount of _____, according to the bill delivered with them, and by the list of the cargo which you will receive, the freight on them amounting to 1,062 dol. 600 rs. in cash. The crew is engaged at 20,000 dol. per month, the seamen and boys, and prior to her departure from this port, I have advanced them one month's wages, as appears by the account which I send them, and which is due to them.

Touching at the Ports in the Channel you will use diligence in selling the goods appearing upon the account, and you will take care that your purchases be effected with the produce of the goods, that they be bartered for goods of the first quality, and of quick departure, taking care not to anchor in any of the Ports which you may visit; you will also receive goods on freight, always giving preference to shippers who have embarked anything here in the said vessel.

Amongst the goods which are mentioned in the Bill of Lading, are eight barrels of white sugar, marked C. V. No. 1, within which will be found 2000 Spanish dollars, and 2041½ papaes, which form part of the present negociation.

At all the Ports at which they may touch you will write to me, making me acquainted with whatever occurs relative to the business with which you are charged, and before sailing from the last Port of your lading, you will give me a circumstantial detail of the final result of the present transaction. Your letters should be directed to V. D. Saporiti and Co., in his absence to Antonio Victoriano da Rocha.

I should warn you that according to the latest arrangements of this Custom House, it is necessary to present an attested Copy of the competent authority of the Custom House of the Port in which the seven packages, and dried meat are disembarked, and this in order to be able to take away the deposit which is made for the corresponding duties; you will take all possible care to forward to me without loss of time the said Certificate, which must be made in duplicate, in order to detain one in your possession.

Confiding in your experienced zeal and activity for the discharge of the duties with which you are entrusted, I have the pleasure of wishing you a pleasant voyage, and declare myself your very attentive and friend.

(Signed) VICENTE DOMINGO SAPORITI.
Cashier of the Society.

(Signed) W. HAMILTON.
Translator.

Sub-Enclosure No. 4. in No. 51.

(Translation.)

Bernardo de Ribeiro Carvalho, Chancellor of the Consulate General of Portugal at this Court.

I hereby Certify that in this Chancellery is to be found registered in the competent book, at the 30th page, and seventh verse, the bill of the following tenor:—Bill of Sale of the vessel (Sardinian) 'Le Leguria,' made by the Proprietor Joao Baptisteo, to Agostinho Augusto de Faria, Portuguese subject, resident at this Court, on the 20th of February, One Thousand Eight Hundred and Thirty-six, in this Chancellery of the Consulate-General of Her Most Faithful Majesty at the Court and Province of Rio de Janeiro, before me, the Chancellor, appeared present together as voluntary Seller, Joao Baptisteo Viale, and as voluntary Purchaser Agostinho Augusto de Faria, Portuguese subject, resident at this Court, both known by the undersigned witnesses, in presence of whom by the Seller it was said, that he was owner and possessor, free and unembarrassed, of the Sardinian vessel called the 'Le Leguria,' which is at present anchored in this Port, with the flag of her nation, as was made certain by documents which he presented, of which vessel, and all her appurtenances he made real sale, henceforth and for ever, to the Purchaser Agostinha Augusto de Faria, for the sum of Eight Contos of Rees, in bank-notes, which he received at the time of this transaction, and that he gave him a full and general acquittance not to require any more of him, binding himself in his person and goods to make good this sale at any and every occasion, and free and safe from any future debt. And by the purchase it was said that he accepted this Bill of Sale with all its charges which are contained in it, desiring that the vessel, in which no foreigner has any share, may be called "*Incomprehensivel.*" And he paid the sum of one conto, and two hundred thousand reis, in consideration of the duty upon the wood, which stands entered upon the competent book; and as just and agreed, they requested me to make this Certificate, which they signed with the witnesses present, Jeiomio Joza Duarte Silva, and Joze Antonio Thomas Romeiro. I, Bernardo Ribeiro e Carvalho, Chancellor, wrote and signed this. Bernardo Ribeiro Carvalho, Chancellor.—J. B. Viale,—Agostinho Augusto de Faria,—Jeiomio Joze Duarte Silva,—Joze Antonio Thomas Romeira.—And there is nothing further contained, in faith of which I have made the present, which is signed by me, and sealed with the Royal seal of this Consulate Consular-General of Portugal, at Rio de Janeiro, 11th of April, 1836.

(Signed)

BERNARDO RIBEIRO E CARVALHO.

Chancellor.

(Signed)

W. HAMILTON.

Translator.

No. 52.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 12.)

MY LORD,

Sierra Leone, 30th June, 1837.

IN pursuance of the 75th Clause of an Act, passed in the fifth year of His late Majesty's reign, entitled "An Act to Amend and Consolidate the Law relating to the Abolition of the Slave Trade," we have the honour to enclose a Return of one Brazilian vessel, adjudicated in the British and Brazilian Court of Mixed Commission established here, in the period from the 1st January last to this date.

We have, &c.

(Signed)

A. DOHERTY.

WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 52.

Return of Brazilian Vessels adjudicated by the British and Brazilian Court of Mixed Commissions, established at Sierra Leone, betwixt the first day of January and the first day of July 1837.

Names of Vessels.	Name of Master.	Date of Seizure.	Where captured.		Property seized.	Seizor.	Date of Sentence.	Number of Slaves Captured.	Number died before Adjudication.	Total Number Emancipated.	Decretal part of sentence, whether Forfeiture or Restitution.	Whether property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
			Latitude.	Longitude.								
"Incomprehensivel."	Luiz Antonio de Carvalho e Castro.	23rd Dec. 1836.	23 56 S.	16 16 W.	Ship and 696 Slaves.	Thomas L. Roberts, Esq., Her Britannic Majesty's Brig, "Dolphin."	17th Feb. 1837.	696	110	586*	Condemned for being engaged in the illicit traffic in slaves.	Ships and stores sold by public auction, and the proceeds paid into the Military Chest.

* Six men and boys died before their descriptions were taken to be registered.

R. DOHERTY.
WALTER W. LEWIS.

Sierra Leone, 1st July, 1837.

M. L. MELVILLE, REGISTRAR.

No. 53.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 15th Sept., 1837.

WITH reference to your Dispatch of the 25th of February last, I have to acquaint you that the case therein reported of the "*Incomprehensivel*," captured under Portuguese colours, but condemned by the Mixed British and Brazilian Court, has been referred to the Queen's Advocate, who has stated that, in his opinion, the fair result of the evidence in this case is, that the "*Incomprehensivel*" and her cargo were the property of persons resident at Rio de Janeiro, and consequently that the Mixed Court was perfectly justified in condemning the vessel for a breach of Treaty between Great Britain and Brazil, and in decreeing the emancipation of the slaves.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners.

&c.

&c.

&c.

No. 54.

Her Majesty's Commissioners to Viscount Palmerston (Received Dec. 16th.)

MY LORD,

Sierra Leone, 31st October, 1837.

YOUR Lordship's Despatch of the 15th ultimo reached us a few days since, and we had much satisfaction in learning therefrom that Her Majesty's Government had approved of the British and Brazilian Mixed Commission Court having condemned the ship "*Incomprehensivel*," seized under Portuguese colours, and emancipated the slaves belonging to that vessel, on the ground of the property in this case having been proved to belong to persons resident at Rio de Janeiro.

We have, &c.

(Signed)

A. DOHERTY.

WALTER W. LEWIS.

HAVANA.

No. 55.

His Majesty's Commissioners to Viscount Palmerston.—(Received February 13.)

MY LORD,

Havana, 6th January, 1837.

BY His Majesty's packet "Lapwing," which arrived in this port yesterday, we were honoured with the receipt of your Lordship's Despatch, of the 17th October, 1836, enclosing a 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 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.

We feel very sensibly the prompt assistance afforded by your Lordship at all times towards enabling us to carry on the duties of this Commission, for which we beg leave to return our respectful thanks.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

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

&c.

&c.

&c.

No. 56.

His Majesty's Commissioners to Viscount Palmerston.—Received February 13.)

MY LORD,

Havana, 6th January, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated the 8th November, 1836, transmitting for our guidance a Copy of the Regulations which the Mixed British and Spanish Court at Sierra Leone issued to the Officers of that Court in regard to the breaking up of vessels condemned under the Treaty between Great Britain and Spain; as also an Extract from a Despatch addressed by your Lordship to His Majesty's Commissioners in that Colony upon the subject.

Owing to the dilatory manner in which such operations are carried on here, the accounts of the condemned slave-vessel "*Preciosa*" are not yet closed; but we trust that, when by the next packet they shall be duly placed before your Lordship, the manner in which we deemed it our duty to have her broken up may meet with your Lordship's approval. We shall for the present, therefore, content ourselves with assuring your Lordship that after the contract for performing this service was concluded, we ourselves witnessed that in executing it there was not more than 6 feet of any part of the hull of the vessel left entire, so complete was her final destruction.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

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

&c.

&c.

&c.

No. 57.

Lord Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 14th February, 1837.

I HAVE received your Despatches of the 25th November and of the 12th December, 1836, reporting the condemnation of the Spanish schooner "*Empresa*," and the transmission of the negroes emancipated from that vessel to the Bahamas, and I have much satisfaction in conveying to you my approval of the steps taken

by the Acting Judge, to obtain a remission of the port dues, chargeable upon the return to the Havana of the vessel hired for the removal of the negroes in question.

It has been represented to me, through the Colonial Office, that the sentence in this Case was not signed till 2 days after the Mixed Court had decided upon it, and the Papers transmitted in your Despatch of November 25th show that, after the sentence was signed, 4 days more elapsed, before the negroes received their Certificates of emancipation, and were made over by the Mixed Court to the care of His Majesty's Superintendent.

The Colonial Office, in drawing my attention to these facts, and to the great increase of sickness among the negroes, in consequence of their detention on board the "*Empresa*," does not attribute blame to His Majesty's Acting Judge, as it appears that this delay arose from the necessity of making out for the use of the Mixed Court a correct descriptive List of the individuals to whom Certificates of emancipation were to be given.

It is, however, the wish of His Majesty's Government to shorten, as much as is consistent with the due execution of the provisions of the Treaty, the inconvenience which the negroes must suffer while they continue confined on board the small vessels in which they are captured; and I have therefore to instruct you to endeavour to induce the Spanish Judge, in future, to sign the sentence as soon as the Court has come to a decision.

You will also propose to the Mixed Court that, when the sentence is signed, the emancipated negroes shall be placed at the disposal of the Superintendent, as soon as that Officer shall notify that he is prepared to receive them. Such an arrangement would conduce to the relief and comfort of the negroes, and, at the same time, greatly facilitate the proceedings of the Officers of the Court in making out the Lists above alluded to, as this duty would then be performed in a clean and roomy vessel, instead of in a crowded and unwholesome slave-ship.

I am, &c.

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

(Signed) PALMERSTON.

No. 58.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 13th April, 1837.

WITH reference to your several communications upon the subject of the refusal of the Captain-General to permit any slaves to be landed from vessels adjudicated by the Mixed Court at the Havana, I herewith transmit to you the Copy of a Despatch which I addressed to His Majesty's Minister at Madrid, by which you will perceive that, with a view to obviate the inconveniences which this determination of the Captain-General would produce, His Majesty's Government intends to send to the Havana a hulk, to receive negroes liberated by sentence of the Mixed Court during the time that may elapse before an opportunity offers of sending them to the British Colony, to which they may be allotted by the Superintendent.

I also enclose to you a Copy of the reply which I have received from Mr. Villiers, announcing that the Spanish Government consents not only to the stationing of the hulk at the Havana, but also to the establishment of a lazaret, on shore, for the reception of such of the negroes as cannot be provided with proper accommodation on board the hulk.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 58.

Despatch to Mr. Villiers, December 22, 1836.

(See Class B. 1836, No. 24.)

Second Enclosure in No. 58.

Despatch from Mr. Villiers, March 25, 1837.

(See Class B. 1837.)

CLASS A.

No. 59.

Viscount Palmerston to His Majesty's Commissioners.

(Extract.)

Foreign Office, 15th April, 1837.

I HAVE received the Despatches addressed to me by His Majesty's Acting Judge on the 10th and 15th of November, 1836, together with a Letter dated the 9th of that month, from His Majesty's Acting Arbitrator, upon the subject of the Portuguese schooner "*Constituçao*," and the Spanish schooner "*Manuelita*," which vessels were detained by His Majesty's sloop "*Racer*," and released by the Prize-Officers, without being brought before the Mixed Court.

No. 60.

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

MY LORD,

Havana, 12th January, 1837.

IN our Despatch of the 2d instant, we had the honour to report the return to the Havana of the notorious Spanish slave-ship "*Socorro*," under *Portuguese colours*, after having landed upon the south coast of this Island a cargo of between 700 and 800 slaves.

Although it has never been the practice to denounce slavers under the Portuguese flag to this Local Government, which, as your Lordship will perceive, has tended to no good in this instance, yet the unparalleled audacity and extent to which this subterfuge is carried induced us to address the Captain-General upon the subject. Your Lordship will observe by the Copies of the Correspondence herewith transmitted, that no attention whatever is paid to our statement respecting the vessel having on board the same Captain and crew as when she quitted the port under Spanish colours. This event furnishes another example of the protection which is at all times extended by the Local Authorities to any and every flag and vessel engaged in the Slave Trade.

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. 60.

*His Majesty's Commissioners to the Captain-General.**Havana, 4th January, 1837.*

THE Undersigned, Commissioners of His Britannic Majesty for the suppression of the Slave Trade, consider it their duty to acquaint his Excellency the Captain-General that the notorious slave-ship "*Socorro*," Don Antonio Eduardo Muzard, Master, which sailed from this port on the morning of the 29th May, 1836, under Spanish colours, and with a Clearance from the Custom-house of Havana, for Manilla, (as was transcribed by his Excellency the Superintendent of the Royal Finance Department, and communicated by the Captain-General to the British Arbitrator, in reply to his official Note of the 30th May, 1836), returned to this port on the morning of the 1st of January, 1837, with the flag of Portugal flying at her peak. This vessel is currently reported to belong to Messrs. Echarte and Picabia, of this city; to have taken on board in the Mozambique, and to have landed at or near Batabano, in this Island, 700 negroes, which were to be sold into slavery; and is under the charge of the same Master and crew which navigated her when she sailed from the Havana in May last.

The Undersigned avail themselves, &c.

(Signed)

E. W. H. SCHENLEY.

R. R. MADDEN.

His Excellency the Captain-General,

&c.

&c.

&c.

Second Enclosure in No. 60.

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 12th January, 1837.

UNDER date of the 10th current the Senor Commandant-General of the Marine Department writes me as follows:—

"Most Excellent Sir,—Having forwarded to the Senor Commandant-General of the Registers of this Province your Excellency's Official Letter of the 7th current, in which you were pleased to enclose the Translation of the Letter of the British Commissioners, respecting the arrival in this port of the ship "*Socorro*," after landing a cargo of negroes, the said Chief writes me the following, dated yesterday:—

"Senor Commandant-General,—The ship '*Socorro*' went out, expedited by this office, with the proper Documents, and Royal Sailing Licence extended in favour of the Captain, Don Eduardo An-

tonio Muzard, on the 28th of May of last year, for Manilla; and to-day the said Muzard has presented himself to me, declaring, that having sold the vessel in Mozambique, as the Documents he also showed proved, he made the passage back with the Portuguese flag; consequently being now foreign, it belongs to her own Judge to investigate the conduct observed on the return voyage. There only now remains to be cancelled the security of the Royal Passport, by reason of the sale, according to Art. 7 of the 9th Clause of the Ordinance on the subject, added by Royal Order of the 29th September, 1824. Above all, you will determine on what you think right.' And I insert this in answer to your Excellency, and for your Excellency's information."

Which I forward to you, Gentlemen, for your information, and in consequence of your Letter on the subject, of the 4th current.

God preserve you many years.

The Commissioners of His Britannic Majesty,
&c. &c. &c.

(Signed) MIGUEL TACON.

No. 61.

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

MY LORD,

Havana, 26th January, 1837.

WE have the honour to forward, for your Lordship's information, Translations of the proceedings which have taken place in this Mixed Court, in the Case of the Spanish brigantine "*General Laborde*," which is the first vessel that has been adjudicated under the 10th (or Equipment) Article of the New Treaty.

When, upon the 11th of January last, His Majesty's Commissioners, in their Despatch of that date, stated to your Lordship that had they then acted under the New Treaty the "*General Laborde*" would have been infallibly declared a prize, and that this Treaty "will effectually render the escape of such vessels as the '*General Laborde*,' after capture, to be impossible;" they little expected that this identical vessel would again so soon be brought before them under circumstances precisely similar, so far as her being "equipped for the Slave Trade," and they certainly never anticipated so extraordinary an interpretation as that now placed upon the provisions of the 10th Article of the Treaty by their Spanish colleagues.

Your Lordship will perceive that owing to the Judges not agreeing upon the sentence they ought to pronounce, recourse was had to the form prescribed in such Cases. The name of the Spanish Arbitrator having been drawn, the whole of the proceedings, together with the written opinions of the two Judges, were, on the 14th current, placed in his hands. Three days afterwards (on the 17th) the Court again met, and a sentence was signed, a Copy of which (Enclosure No. 9.) we have the honour to call your Lordship's particular attention to, as it decrees the liberation, *although justifying the detention*, of a vessel equipped in almost every circumstance as a slave-vessel, without a shadow of evidence adduced to account for her being so.

This trial has caused very great excitement in the Havana, and it is difficult to foresee the extent of the evil which the verdict of acquittal may create.

The Spanish Commissioners being definitely resolved upon the above sentence, Mr. Schenley endeavoured to induce them to order the vessel to be dismantled of her slave equipment, arguing, in opposition to their sentiments upon the point, that the Court was possessed of competent powers. It was, however, decided otherwise, and the clause he proposed to insert was rejected; when, as a last resort, where such palpable evidence existed of the vessel being fitted for the Slave Trade, Mr. Schenley thought that although he had failed to effect her condemnation by the Mixed Court, yet it could not be considered as outstepping the bounds of their official capacity for His Majesty's Commissioners to endeavour to induce the Captain-General, as the representative of Her Catholic Majesty, to take cognizance of the fact, and prevent the departure from this port of a vessel so manifestly *illegally equipped*. A Letter (No. 10) was accordingly forwarded, but, as your Lordship will learn from his Excellency's reply (No. 11), without producing any other effect than to establish (which *we fear* the whole of this transaction tends to do) the right of these vessels to navigate, almost fully equipped for the Slave Trade, provided their Papers are in order for an European port, *and that they have on board a woman and children*, which circumstance your Lordship will perceive, by the opinions of the Spanish Commissioners, is made a very principal reason for absolving the "*General Laborde*."

During the interval between the termination of the evidence and the drawing of the lots, a period of 7 days (*i. e.*, from the 7th to the 14th), particularly on this latter day, when the Spanish Arbitrator was first called in to receive over the proceedings of the trial, and the opinions of the Judges, Mr. Schenley took

occasion to lay before the Spanish Commissioners a detail of the whole of the Correspondence which had taken place between His Majesty's Government and the Government of Her Catholic Majesty upon the subject of the Equipment Article, commencing with the Official Note of Sir William A'Court to Don Evaristo San Miguel, dated at Madrid the 14th December, 1822, and terminating with the Draft for the present Treaty, transmitted to Mr. Villiers by your Lordship on the 6th of October, 1834.

His object in doing so was, in the first instance, to show the Spanish Commissioners that, throughout the whole of this Correspondence, there does not exist a single passage which could justify the decision they have since given; and in the second, to show them that the Equipment Article having emanated solely from His Majesty's Government, the Act passed by the British Parliament to carry it into effect is the best proof of the construction which the British nation places upon this particular Article. A careful Translation of the 11th Section of the said Act, "Vessels equipped for traffic in slaves to be deemed engaged in the Slave Trade," which admits of no loop-hole or perversion, was placed in their hands. Mr. Schenley further assured them, with regard to the meaning of the exception contained in the latter part of the 10th Article, unless, &c., &c., his firm conviction is that, so far from being intended as a subterfuge for vessels navigating, fitted up as slave-vessels, as our Spanish colleagues seem to infer, it is to enable the Judges to decide, as they solemnly swear to do, *according to the stipulations of the Treaty*, without their being exposed to the alternative of perjury, or committing an *arbitrary act*, by pronouncing sentence of condemnation in Cases, for instance, where accident or malice may have placed on board a vessel "any one or more" of the prohibited Articles.

With respect to the 11th Article, Mr. Schenley insisted that it was framed expressly for the purpose of exonerating the Captor from all risk in Cases of detention, where even only "any one" of the Articles enumerated in the preceding Article might be discovered on board the vessels of either nation. We would here again invite your Lordship's particular attention to the opinion of the Spanish Judge (Enclosure, No. 7), which fully illustrates the construction and value likely to be placed upon the New Treaty by the Spanish Commissioners. It was in vain that Mr. Schenley pointed out the impossibility of attaching the slightest importance to the regularity of a Spanish vessel's Papers, or admitting as proofs of the honesty of their intentions "Policies of Insurance," Bonds, Letters addressed to ports in Spain, &c., &c., since it is a notorious fact that no vessels have their Papers more precisely regular than slave-vessels upon their outward-bound voyage.

The "*Socorro*," which had just returned from the Coast of Africa, and landed her slaves (between 700 and 800) a few miles from the Havana, during the trial of the "*General Laborde*," furnished ample proof of the fact; for she sailed 7 months previously from this port with her Papers duly in order, as was officially communicated by the Captain-General to His Majesty's Commissioner, bound on a trading voyage to Manilla. Nay, the repeated instances (and a very recent one, that of the "*Arogante Mayaguesana*") tried before the Mixed Court at Sierra Leone, which was fully explained to our Spanish colleagues, where the Master had bound himself by a bond to a considerable amount "not to pass into prohibited seas, or to enter into contraband trade," tend to prove that no regard whatever can be paid to the *regularity* of the Papers of these vessels. The mere fact, then, that the *wife and children* of the Supercargo were on board the "*General Laborde*" is truly a deplorably feeble ground upon which to liberate a well-known and fully equipped slaver, more especially as, since the ratification of the New Treaty, the slave-dealers have all declared that the establishment of more numerous factories upon the Coast of Africa would be absolutely necessary to enable them to carry on their nefarious commerce: besides, it is more than probable that persons so degraded as to pursue this line of life would not hesitate to transport their families along with them.

The very condemnatory statements contained in the evidence of José Lazo (Enclosure, No. 2) are not treated with the slightest consideration by our Spanish colleagues.

In expressing our disappointment and regret at the result of this trial, we trust that, as it is under the present wording of the Treaty that His Majesty's Commissioners are expected to carry on the duties confided to their charge for the suppression of the Slave Trade, your Lordship will pardon our offering our opinion

that it will be impossible ever to obtain a condemnation in this Mixed Court under circumstances similar to the present one. No seizure is likely to be effected under the Equipment Article, where the proofs can be more numerous or more clear; where the reputation of the vessel, and all concerned in her, can be more convincing as to her ultimate destination. The illegality of her equipment is most completely established by the sentence which has been given, yet she has been absolved by the construction placed upon the latter part of the 10th Article,—“unless, &c. &c.” of the very Treaty framed expressly to meet the present contingencies, and which it has cost His Majesty's Government so many years of negotiation to effect the ratification of.

Nevertheless, should the opinion recorded upon the proceedings of the Court by the British Acting Judge fortunately meet with your Lordship's approval, we confidently hope that measures may be adopted to vindicate that opinion, and to prevent the recurrence of an event which we can only view as completely frustrative of what we hold to be the primary object of the new Treaty.

To effect this purpose some alteration in the Treaty will be indispensable. We would venture, therefore, to suggest, presuming upon the integrity and good faith with which we feel assured His Majesty's Commissioners will always act, that the exception to the 10th Article be omitted altogether, terminating it by the words “lawful prize;” and that in the 9th enumeration of the said Article the words “or of any other aliment whatsoever” may be introduced after the words “Indian corn;” it being impossible for the Commissioners to form any other opinion respecting the large quantity of biscuit (upwards of 2,000 lbs.) found in the “*General Laborde*,” than that it was intended to be ground down, or soaked as food for negroes. Indeed we feel no doubt of this substitute having for object a new evasion of the stipulations of the Treaty.

Mr. Schenley, finding that no alternative remained to him but to submit, conformably with the Treaty, to the opinion of the majority, deemed it his duty, in affixing his signature to the sentence, to record formally his dissent from the terms of it.

Mr. Schenley earnestly trusts that this step may be approved, and that a perusal of the several documents, herewith transmitted, may satisfy your Lordship that there has been no neglect, nor any want of exertion, upon the part of the Commission, in endeavouring to carry into effect the humane intentions of His Majesty's Government.

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. 61.

Captor's Declaration in the Case of the “General Laborde.”

I, GEORGE BYNG, Lieutenant commanding His Britannic Majesty's schooner “Pincher,” do declare that on the 16th day of December, 1836, I boarded the Spanish brigantine “*General Laborde*,” off the port of Gibara, on the North Coast of Cuba, and found her in all respects, and to the best of my belief, fitted as a slaver, having on her deck the coppers, hatches with open gratings, hoops for water-casks, tins and utensils for the use of slaves, and spare plank fitted for bulk-heads, or a spare deck.

(Signed) GEO. BYNG, *Lieut. and Commander.*

Second Enclosure in No. 61.

Abstract of the Evidence in the Case of the “General Laborde.”

In the Always Most Faithful City of Havana, on the 22d of December, 1836, *Lieutenant George Byng*, Commander of the English schooner-of-war “Pincher,” appeared before the Judges of the Mixed Court, and, being duly sworn, deposed as follows:—That he recognized the Letter now shown to him as being that which he addressed to the British Judge, as he likewise did the Declaration which he also had forwarded. That, on the detention of the vessel, he received the Papers now exhibited, namely the Muster-roll, the Warrant of Health from the Superior Junta of St. Jago de Cuba, and the Log-book, all which are numbered from 1 to 3. And, being requested by the Members of the Court, he duly exhibited the authority he had received to act in such cases, and, at the same time, ratified and signed the above Declaration. Note.—That, at the time of signing, the capturing Captain declared that he had seen all the Articles indicated and specified in his Declaration; but that he had since learned from some of the crew, whom he could name if required, that some of the shackles, such as are usually conveyed to the Coast of Africa, were concealed below amongst the tobacco and water-casks; perhaps something else. That, for the moment, he did not think it necessary to look farther: having found enough to render the detention of the “*General Laborde*” legal, it remained

for the Mixed Court to see and determine concerning the suspicious articles designated in the Treaty, as also of what may result from the Declarations made, The contents of this note to be considered as an integral part of his deposition.

In the Always Most Faithful City of Havana, on the 22d of December, 1836, before his Excellency the Spanish Judge and the Senior British Judge, appeared *Don Samuel Butcher*, second Master of His Britannic Majesty's schooner "Pincher," who, after being duly sworn, deposed—That, on Friday the 16th of the current month of December, they detained the "*General Laborde*" opposite to the Port of Gibara, in the morning; and that, on the same day, he went on board and noted the following things, to wit, the boilers, the hatches with open gratings, water-casks, pipes and hoops; that the binnacles were such as used by slavers, having the light within that they might not be seen at night; his attention being fixed by this when he was on board that day, without his being able to ascertain whether there were or not other suspicious articles of illicit trade, although he soon understood that the staves of the hoops were hidden amongst the tobacco which was covered up, but does not recollect if there was anything else concealed. That he can give no account respecting the provisions, all his attention being claimed by the things just mentioned. That he should be able to point out which of the crew it was that informed him where the staves were hidden. That he just now recollects he was called Tomas; and that he thinks, though he cannot be certain, that there was an Officer present, whom he does not point out, not being able to be certain of him, his attention being occupied by the occurrence of the capture, and in attending where he thought there was most necessity. And he ratified and signed the above Deposition in due form.

In the Always Most Faithful City of Havana, on the 23d of December, 1836, there being on board the Spanish brigantine "*General Laborde*," anchored in this harbour, the Senior Don Edward Wyndham Harrington Schenley, with me the Secretary of the Court, in conformity with yesterday's arrangement, there was brought before us a man apparently white, captured in the same vessel, who, being duly sworn, deposed—That he is called *Don Jaime Santi*; that he is a native of Vigo, in the Principality of Catalonia, and married to Dona Isabel Crosas, a resident of Holguin, in this island. That he is employed in commerce, and, at present, is a passenger in this brigantine, with his family, and the cargo of tobacco belonging to him, as is proved by the Policy now shown in continuation. That the vessel he freighted at St. Jago de Cuba, by means of his correspondents the Senores Puig and Rovera, of Don José Yrostegui, the owner; and that this happened in November last. That he embarked the tobacco in the Port of Gibara, where he was depositing it from the 30th November last; and that they set sail on the 15th current for Cadiz and Gibraltar, as they arranged. That there were no other things embarked that he knows of, as all the cargo consists of tobacco, and there are only 20 joists of mahogany, of which 2 are under cover, and the others in the hold, and, as he has seen, of 3 varas or more in length, and, in bulk, about a third in circumference. That nothing has been taken out or moved in the stowage from the time of the detention to the present date. He believes, also, that the tercios of tobacco remain untouched, making the number of 828 tercios. That he believes there are no other pine-planks than those found over the hatches, and that these had formed a steerage, which was removed to make more room for the tobacco. That he could not say how they were fastened together when used for the steerage (it being observed there were no marks on them of nails or pegs), but that the Captain Don Vicente Zaragoza told him that the said planks were used as a boarded floor; as also all other things which are on board, such as a large bricked cabouse, for the troops, he brought from Valencia to Cuba in his preceding voyage; some staves and hoops of water-casks for the same reason, on account of the troops; and, in a voyage preceding that of the troops, he had transported criminals from Cuba to the Peninsula in the same vessel, "*General Laborde*," also some fetters may be found in her. At which time the Judge agreed to suspend the examination of this man, continuing it at all times, and whenever it might suit. And the Deponent signed the above, stating himself to be 33 years of age.

In the Always Most Faithful City of Havana, on the 23th of December, 1836, appeared before the Mixed Court a man apparently white, of the crew of the Spanish merchant brigantine-schooner "*General Laborde*," who, being duly sworn, deposed as follows:—That his name is *Don Vicente Zaragoza*, married, a native and resident of Villajoyosa, and his actual employment that of Captain and Pilot of the brigantine-schooner "*General Laborde*," which vessel was detained by the English schooner-of-war "Pincher," a mile from the Port of Gibara, where the English schooner was also anchored, and raised her anchor at the same time with the "*General Laborde*." That he cannot exactly tell the reason why she was detained, seeing she went out of a Spanish port, with Papers and cargo likewise Spanish, for a Spanish port, namely, Cadiz, which may be seen by the closed Register, which he now exhibited as a perfect proof, hoping that this would explain all opportunely, in order that he might continue his voyage. That he had been at Gibara about 20 days, where he had taken in his cargo to go to Cadiz; and that he had previously come from the port of St. Jago de Cuba, where he had been to leave 65 recruits of the 2d Catalonian Regiment, which he took from Valencia on the 19th of last September, having before that taken from Cuba, of criminals and military, 26 persons to Cadiz; and that he proceeded thence to Valencia for the recruits, whom he finally left at St. Jago de Cuba, as may be seen by the Roll which the English Commander took from him at the time of detention; and that last year, when he bought the vessel and left the port of Havana for St. Jago de Cuba, he conveyed 27 "facciosos," a Serjeant, an Officer of the Accountant Office, and a Lieutenant-Colonel called Don Pedro Zaraya, all which proves that the vessel has been employed in legal operations, and not in illicit ones, as is shown by her last voyage and also her first. That her cargo was composed of 828 tercios of tobacco, belonging to Don Jaime Santi, who is on board with his wife and two children, as is also a discharged Corporal, as may be seen by the Passport which he then produced, besides 20 joists of mahogany and some boxes of twisted tobacco for daily use. That the water-casks, and also those not put together, which were found on board, far from being excessive, have been most necessary to supply the crew and transports of convicts and military when he was so occupied, as before stated. That the pine-planks were used when he conveyed the troops from Valencia to St. Jago de Cuba; that they were necessary to make a boarded floor for sleeping, as the crew and recruits were in all 80 men; and that the gratings, planks, and bars alluded to, were taken from the Intendency of Cuba, which supplied them for the greater security of the prisoners, excepting those planks which he found on board when he bought the brigantine-schooner "*General Laborde*," which were destined for the same purpose as those furnished by the Intendency, to secure the openings of the hatches to keep in the

convicts; and that the grated-hatch, which is that belonging to the steerage, was used to give light and air to the Serjeants whom he was conveying from Cuba to Cadiz; the rest of the people were in the hold or fore-hold, and made use of the said pine-boarding. That he did not buy the biscuit or bread at Gibara, but, on the contrary, sold about 5 quintals of it there; that he bought and embarked it at Alicant, where it is much cheaper, and that he was obliged to carry a quantity, as being of the greatest necessity for the feeding of the recruits which he brought to the 2d Battalion of Catalonia in Cuba, and, having made the voyage in 34 days, he had this over, which may serve him for his return voyage. That the provision will be for 40 persons, and is not excessive for the passengers he has embarked for this voyage; and that all the centre of the cabouse is of brick and plaster made in Alicant. That he recognized the Papers shown to him as being the same with which he had navigated the "*General Laborde*." That he has 2 6-pounder guns on board, some muskets, 2 pistols, and some sabres; that he requires these guns and the arms for his defence, and to ask for succour in case of need, more particularly on the American Coast, where some piracies have been committed. And, having stated his age to be 27 years, he affirmed and signed the above Declaration, further stating Don José H—, of the Cuba Company, to be the Owner of the chief part of the vessel, and himself of the remainder, as well as Captain and Pilot, and that the Supercargo is Don Jaime Santi.

In the Always Most Faithful City of Havana, on the 29th December, 1836, appeared before the Court a man apparently white, taken from the prison of La Fuerza, and belonging to the crew of the captured brigantine-schooner "*General Laborde*," who being duly sworn, deposed that his name is Don Domingo Riera; that he is a native of Carthagena of the Levant, an inhabitant of the Island of Leon, unmarried; his trade that of a Pilot, and he is thus employed as the Second in the "*General Laborde*." That the English schooner detained the "*General Laborde*" about a musket shot's distance from the port of Gibara on the 15th, and from the said English vessel he understood that the detention was caused by the cabouse, which they supposed to be for the African trade; the capturing Commander's attention was also soon attracted by some hoops of broken up casks, not knowing or understanding that the said cabouse and pipes served for the 65 recruits which they had conveyed from Alicant to St. Jago de Cuba, from whence they went to Gibara, and their detention took place upon their quitting that port. That they had embarked a large quantity of bread at Alicant. In the cabin alone there were about 80 quintals, besides a quantity of biscuits in the poop-house of the fore-mast, and when they returned to St. Jago de Cuba there still remained a great deal; and at Gibara, by order of the Captain, from 4 to 6 quintals of it were sold, and that he thought the remainder would suffice for them in going back to Cadiz, which is their destination, and that, instead of coming short, there would remain some over. That he never made any other voyage in the "*General Laborde*" but that from Valencia with the recruits to St. Jago de Cuba, inasmuch as before he was not qualified as a Pilot. That he never knew of the vessel being formerly engaged in slave-traffic, and respecting the cabouse and water-casks he has already given an explanation. That Don Vicente Zaragoza is the Captain and Owner. That the Pilots are the Captain and witness, and Don Jaime Santi is the Supercargo. That when he entered at Alicant as Second Pilot, the sailor Tomas was not off board, having taken his place only a few days before their leaving Gibara, where he was occupied, as well as the others, in the stowage of tobacco. Having examined the Papers taken from the "*General Laborde*" at the time of her detention by the English Commander, that he did not know anything about the Muster-roll, or the Patent from the Board of Health, both of which concerned the Captain, but that the Log-book he knew, it being written with his own hand, and as such he recognizes it, and further stating himself to be 17 years of age, signed as the truth the above deposition.

In the Always Most Faithful City of the Havana, on the 29th December, 1836, one of the crew of the "*General Laborde*," taken out of the prison of La Fuerza, and to appearance a white man, having been duly sworn before the Judges of the Mixed Court, deposed the following particulars: That he is called *Agustin Galliana*—that is, he is a native and resident of Villajoyosa in the kingdom of Valencia, when in that place, and is Boatswain of the brigantine "*General Laborde*," which vessel was detained at the mouth of Gibara, whilst going out with the English schooner. He does not know on what day, but understood the cause, as he learnt from the English officers, arose from suspicions of the cabouse and some vessels, a boarded floor which was made to join, and other articles, which he cannot recollect, such as some shackles. That witness stated that concerning the cabouse, on the voyage from Alicant, they undid one of the clay divisions within, to make room for the boiler for the troops, part of whom fed with the other people of the vessel—that the vessels were also made at Alicant, as likewise a "*Sambullo*" which is on board, as also the grated hatchway near the cabin, to give ventilation to the Serjeants and Corporals who were there; that they had made a boarded floor of cypress, which afterwards they broke up, and that the fetters they had taken on board by way of precaution, to secure the prisoners who embarked at Cuba for Cadiz, but all this did not satisfy the English Captain, who brought the vessel into this port, thinking she was engaged in the slave traffic, from the suspicions induced by the above-mentioned articles. That they took in the bread at Alicant for the recruits; that he cannot be certain if it was 80 quintals, more or less, but that now on board is the remainder of what was taken in at Alicant, of which they sold at Gibara about 5 quintals. That he had never heard of the "*General Laborde*" being employed in slave-trading, nor in that case would he have remained on board, having a wife and children; he had never thought of going to the coast of Africa. That he does not know the Muster-roll and Warrant from the Board of Health, now shown him, though he knows the cover of the Muster-roll, but cannot be certain, from his ignorance of writing. That Don Vicente Zaragoza is the Captain of the "*General Laborde*," but he does not know who is the owner. That the Pilots are the said Captain and Don Domingo Riera, and the Supercargo Don Jaime Santi. And stating his age to be 36 years, the witness affirmed the above deposition to be the truth, but could not sign the same himself from his aforesaid ignorance.

In the Always Most Faithful City of Havana, on the 30th December, 1836, appeared before the Mixed Court an apparently white man of the crew of the Spanish merchant brigantine-schooner "*General Laborde*," taken from the prison of this city, and who, after being duly sworn, thus deposed: That he is called José de Lazo, is a bachelor, and a native of Guayaquil; is a sailor, and employed at present as such in the "*General Laborde*," that he undertook this employment at St. Jago de Cuba, it being given him by the Captain, Don Vicente Zaragoza, and that they sailed for Gibara, where they in fact went. That at Santiago de Cuba the vessel took in some logs of mahogany, and at Gibara they loaded with "*tercios*" of tobacco, and from the said port sailed for Cadiz. That before taking a place

as sailor on board the "*General Laborde*," he did not know her, nor had he been on board, and for that reason cannot give an account of her cargo, or of the things found in her. That he was persuaded of its being for slave-traffic by the water-casks, part of the planking, and the cabouse, with the gratings of the hatches, which were all in the same state when he took his place, and that also there were about 35 pairs of shackles, but that he had not heard nor understood that Captain Zaragoza was going to the coast of Africa, but to Cadiz; nor had he either indicated or proposed it to him direct, all which he affirms. That all had been kept on board as when he entered, excepting about 10 pairs of shackles, which were thrown into the water at the time the English Commander sent his boats to take the "*General Laborde*." That the bread was on board when he entered at Santiago de Cuba, neither was any rice, flour, or other kinds of provisions used by the African vessels taken on board, and that at Gibara the Captain sold 4 or 5 barrels of biscuit to a schooner. Having read the examination of Mr. Samuel Butcher of His Majesty's schooner "*Pincher*," he observed it was true his having said that the staves corresponding to the hoops were under cover; they were found in the stowage of the tobacco, and that the greater part of the staves belonged to casks taken to pieces before he entered the vessel, and that at Gibara they broke up two more to make place for the tobacco, being as described by the statement of the 2d English Pilot, which he has just read. And remarking that the English Pilot calls him Tomas, by which name he is also called, although his proper name is José, and that he is 25 years of age, he affirmed the above statement to be the truth, and signed it accordingly.

Third Enclosure in No. 61.

Examination of the Cargo of the "General Laborde."

In the port of Havana, on the 23d December, 1836, the examination of the cargo and the effects of the brigantine-schooner "*General Laborde*" was commenced in the presence of Don George Byng, Commander of the capturing schooner "*Pincher*," and other officers; of Don Jaime Santi, the freighter of the vessel; and of the passenger, 1st Corporal of the regiment of Leou, Juan Rosara, and having taken out through the chief hatch, and through the other towards the cabin a lot of "tercios" of tobacco, they found 6 pairs of shackles, and an equal number of rings for the neck, 8 bars of iron in the manner of clamps, with the holes to receive nails, and 19 bars of iron, about a vara, little more or less in length, 3 as with a head, and the others have in some part a groove to fit. By this time, it being 20 minutes past 4 in the evening, the British Judge ordered that the search should be suspended, the capturing Commander having shown that the vessel did not possess sufficient accommodation to allow of all the cargo being taken out and kept under cover, without exposing it to damage, to continue and conclude the examination with the minute attention necessary, there remaining to be continued the operation, and without injury to examine the other things, as the circumstances might point out, and with attention that all should be kept for the present in the best way possible, and unless anything should occur, until the execution of what they had determined to do.

On the 24th December 1836, the examination of the cargo and the effects of the brigantine-schooner "*General Laborde*" was continued, there being present the British Acting Judge; the Commander Don George Byng; the Government Interpreter, Don Luis Payne; the discharged Corporal, Juan Rosara, and other Officers and crew who were on board; and after taking out the "tercios" of tobacco, and placing them in deposit in the warehouses of the Royal Custom-house, to the number of 828, as appears by the receipt in continuation, they proceeded in the registering and search of the things which had given cause for this operation; and at 5 o'clock in the evening this search was committed to writing—in conclusion, in the Order, expressed as follows. There were found 14 bottoms of casks, and 4 ditto, smaller, which makes 9 vessels; 270 staves, and 89 iron hoops for casks or vessels; 7 iron fastenings to secure the staves, 7 casks of water, 6 barrels of wine, 12 muskets, and 5 guns; 9 short sabres or swords, 3 large joists of pine about $4\frac{1}{2}$ varas long, and 2 small ones; 35 planks of the same, averaging from 3 to $4\frac{1}{2}$ varas, marked with Roman numbers; 19 short ones of the same, about a vara, or a vara and a half, and also marked with the said numbers; and all have cuts or marks which show they have been used; in which act Santi, the freighter, declared that in these planks may be included those which were put on the inventory yesterday, in the routing out of the steerage; 7 pairs of shackles, 7 iron rings for the neck, 3 bars ditto, each about 3 varas long; 9 pieces of iron in the manner of bolts, 8 plates of the same, and 19 ditto in the form of small bars; the said Santi adding that these fetters and pieces of iron were equally included in the inventories of the day before; the capturing Captain also remarking the pieces of iron and the grated hatches, although at present covered with boards, as is common and frequent in slave-vessels. Upon which they deferred making the requisite observations, as also upon the cabouse or kitchen. The same Captain asked to examine the Papers which might be on board, amongst the effects of the Captain and freighter, and there not remaining sufficient time for this operation, which besides required tranquillity and repose, the Lord Judge agreed that the papers should be shut up in the boxes, and, Santi present, be put into a chest and locked, as was done; the Senor Secretary receiving the key, a ribbon was fastened round with sealing-wax, and sealed with the Judge's own seal, in presence of the said individuals; and as the English Commander remarked that the quantity of bread or biscuit was excessive; and taken into consideration amongst the suspicious articles of slave-traffic, the Judge also conceded that in another fitting search it should be weighed, and the result noted down; the said freighter Santi, being warned that the biscuit or bread which might be eaten during the time of their executing the said operation shall be taken with the knowledge of the said Captain, daily noting down what might be taken; and this terminated, the Commissary Judge arranged to suspend this search, and give an account of it to the Mixed Court of Justice, signing it with the specified parties.

(A.) Fourth Enclosure in No. 61.

Papers Found on Board the "General Laborde."

Policy of Freightage.

(Translation.)

DON JOSE YROSTEGUI of this Company and neighbourhood, on one side, and on the other the Messrs. Puig and Rovert, likewise of this Company, to the account of Don Jaime Santi, Supercargo of the brig "*General Laborde*," Don Vicente Zaragoza, Captain, of which Don Jose Yrostegui, is Owner and Consignee, under the following conditions:

Article 1st. The said Owner and Consignee freights to Don Jaime Santi all the space of the said vessel, to take in at the port of Gibara a cargo of "tercios" of raw tobacco, her destination being Cadiz and Gibraltar, or *vice versa*, or only one of these ports, as may best suit, where the unloading will take place.

2. The Consignee and Captain guarantee to the Freighter that the said vessel is water-tight, and her hull, tackle, and stores, in good order, to navigate and convey the cargo safely, and they oblige themselves to prove the said good state at his cost, by means of the Marine Office of this port.

3. They allow to the Freighter, after the vessel shall have arrived at Gibara 12 working days for lading; which being passed, the vessel shall be credited 40 dollars for every day she may be delayed. Also, they allow the Freighter for unloading in the port where it may happen 20 days, and they being passed 30 dollars shall be credited daily to the vessel, until she shall again be at free pratique.

4. The "tercios" which will compose the cargo are to be of the current size of this place.

5. The price agreed on is that of 3 hard dollars for each "tercio" of freight.

6. The vessel being laden, must set out immediately for Cadiz or Gibraltar.

7. The duty in the port of Gibara, and the duty in the other ports indicated, will be verified according to the respective customs in those ports.

And for proof and security of the parties, we hold one of the same tenor at St. Jago de Cuba. 9th December, 1836.

(Signed)

JOSE YROSTEGUI.
PUIG Y ROVERT.

(B.)

Policy of Insurance of the "General Laborde."
The Company of Maritime Insurance at the Havana.

(Translation.)

WE insure to you Don Antonio de Alvear of this Company, for account of the parties concerned, from all risks seen and unforeseen, as will be stated in the treatise of this Policy, the sum of 5,000 dollars upon the value of the four-fifth parts of the hull, keel, sails, tackle, and other things internal and external of the Spanish brig "*General Laborde*," of the register and tonnage as may be, which, with the crew she shall have, and in command of her Captain, Don Vicente Zaragoza, or he who may be, ought to navigate or be navigating from this port of Santiago de Cuba for that of Cadiz, with passage into Gibara. And placing ourselves in your stead, we take to our charge all the injuries and losses that may be suffered by the insured vessel, those excepted which may proceed from a voluntary change of voyage without our consent, or a prolongation of the same to a period more remote than designated in this insurance, from dispositions arbitrary and contrary to the contract of freighting or the Bill of Lading of the proprietor of the vessel or his representative, from illegal and contraband commerce, and from frauds by the Captain or sailors, for which this Company is not answerable; our said risks beginning to run from the moment that the said vessel shall make sail from Santiago de Cuba until 24 hours after she may have anchored in Cadiz, the Captain being able to navigate freely, and make the harbours and ports that shall be necessary for the benefit of his voyage, we being responsible for the general average, according to what is prescribed in the commercial code, and for the unconditional under the terms which will be explained at the end of this contract. For so much recognizing in this Policy as much power in law as may be necessary, we oblige ourselves to credit and pay you all the damages and injuries which may occur to the said ship by reason of the risks we have taken to our charge, agreeing as a premium to this insurance $2\frac{1}{2}$ per cent., which account you have settled; promising to verify the payment of the loss to your order 30 days after the loss is certified, in current money of gold or silver; and, as to the damages, they will be liquidated according to rule, holding ourselves insured and insurers in all besides that may not be mentioned herein, as provided by the mercantile laws upon maritime insurances. And if there shall occur any motive for alteration, we submit mutually from this time to the judgment of 2 persons of this Company, who, as arbitrators, shall be named by both parties, and to the decision of a third, who, in case of disagreement, the same shall elect prior to all substantiation and decision; with the express renunciation of the other rights and shares which might favour us. It ought to be understood that the agreements and conditions contained in the preamble of the present Policy are void when the manuscript of the same is altered or annulled.

5,000 dollars } For 5,000 dollars, in conformity with the foregoing Policy, answering for the simple
2 $\frac{1}{2}$ premium. } damages which exceed 7 per cent. upon the total value of the said vessel, all on account
of this Company.

Havana, fifth of December, 1836, at 11 o'clock in the day.

(Signed)

I. R. DE URZAINQUI.

(C.)

Don J. Yrostequi to Don A. Alvear.

(Translation.)

SEÑOR DON ANTONIO ALVEAR, HAVANA,

Cuba, 17th November, 1836.

ESTEEMED friend and countryman;—Yesterday I received yours of the 10th and 24th October last, having written to you by different ways under date of the 20th and 21st of the same, and 3d instant, concerning the insurance of 7,700 dollars upon the "*Negrilo*," from this port to that of Corunna, under the command of her Captain, Don José Renteira, to whose order I now ratify. It is well you may have charged me 243 dollars 6 premium and expenses of the insurance of 6,000 dollars upon the brigantine "*Liveral*," since they are credited with this date. I charge to your account 20 dollars, which have been delivered for that of Don Wenceslao Revilla, for which you may credit me.

The flour which the "*Frasquita*" brought me I am selling at 20 dollars the barrel, and at 18 dollars I gave up at the beginning more than half of the cargo.

This commerce, on account of the non-communication we are in, is entirely paralyzed, so that I have been obliged to put the cargo brought by the "*Laborde*" into my stores, and as this vessel is to sail for Gibara to lade there with tobacco, with her Captain, Zaragoza, for which purpose he has freighted her at 3 dollars, I will thank you to have her insured for 5,000 dollars.

I am, &c.

CLASS A.

We are at the 26th of the same, and I take advantage of the sailing of the "*Havanera*" for your port to triplicate that which goes before, whose duplicate and original I am afraid may be delayed. The "*Havanera*" has only discharged 500 barrels, which sold at 18 hard dollars, and the price continuing to fall, they did not dare to discharge, on account of the circumstances we are in, which are really to be feared a little.

I beg you to tell me if there shall have come to your place 50 or 60 Alm. hide, of which I have here some very fresh, and what other Peninsular effects may therein be reckoned.

Always, &c.
(Signed) J. YROSTEGUI.

Fifth Enclosure in No. 61.

Don A. Alwear to the Mixed Court.

(Translation.)

Havana, 21st December, 1836.

I, DON FERNANDO ANTONIO ALVEAR, Consignee of the Spanish brigantine "*General Laborde*," to your Excellency and the Gentlemen "*como mashaya lugar en deneche*," state:—that the said brigantine having left the port of Gibara for that of Cadiz, was captured by His Britannic Majesty's schooner "*Pincher*," and conducted to this place to be judged by the Mixed Commission. The brigantine "*Laborde*" left Cuba for Gibara to lade with tobacco, as appears by the letter sent with her in due form under No. 1. I received orders to insure the vessel for 5,000 dollars. This I did, as is proved by the Policy which is contained in No. 20, and thus the frankness of the orders, as well as the clear and precise terms in which the insurance is couched, prove in an unequivocal manner that the brigantine was employed in legal trade. Besides, the vessel went registered in form, and the cargo itself taken in at Gibara, and consisting of 828 "*tercios*" of tobacco, had a legal and known destination; and there went on board as passengers, Don Jaime Santi, his wife and two children, the first being at the same time Freighter and Supercargo. It is even ridiculous to suppose that an entire family would go to employ themselves in a prohibited traffic, and the supposition very unfounded in this Case to the brigantine in question, which, from the time she was obtained by Don José Yrostegui of the Commercial Company of Cuba, and the same Captain, Don Vicente Zaragoza, was never dedicated to anything but what is notoriously legal, usually conducting recruits. The English Commander proceeded, then, as much without foundation as arbitrarily in impeding the voyage of the brigantine "*Laborde*," in putting her out of her route, and conducting her captured to this port, with a cargo and passengers. Look at the register and cargo, examine the Vessel's Papers, and tell me frankly if a vessel destined for a prohibited trade has ever borne such marked characters of legality and good despatch. The Treaties concluded with His Britannic Majesty have all for their object the abolition of the Slave Trade, but they are very cautious in the Articles that no risk shall be incurred which might have a tendency to cause extortion to commerce. So directs Article 6 of the Treaty signed at Madrid on the 28th June, 1835, and therein is shown the anxiety with which the two high contracting parties act to remove injuries to commerce, giving rules in case of arbitrary and illegal detention of vessels. Read also the 7th Article of the Annex, Letter B., and you will find the form with which they have advised not only the liberation of the vessels arbitrarily detained, but also their complete indemnification. In spite of all this the vessel is still anchored in this bay, with complete incommunication, and guarded by the schooner "*Pincher*," as is evident by the Certificate which he also sent under No. 3. All the circumstances which have just been stated, those which appear by the Register and Papers, make indispensable a speedy decision by the Mixed Court, upon the liberation of the vessel, and a complete indemnification of the injuries according to the Treaty, and the decision ought to be so much the more urgent, as thereby further injury will be avoided, which is always of a magnitude difficult to reduce to computation. In this state of things I entreat your Excellency and the other Gentlemen that, having the Documents I send you in due form, you will be pleased with all despatch to declare that the detention and obstruction in her route of the brigantine "*General Laborde*" be illegal and arbitrary, leaving her free to pursue her voyage, and indemnifying her completely, according to the Treaties, from all losses, damage, and injuries which shall prove to have been caused thereby. Thus I await the equity of your Excellency and the other Gentlemen,

(Signed) FERNANDO ANT. DE ALVEAR.

Havana, 22d December.—The Papers accompanying the above being presented, were added to the others, there being present,

(Signed) E. W. H. SCHENLEY.

(Signed) FERNANDINA.

JUAN FRANC. CASCALES, *Secretary.*

Sixth Enclosure in No. 61.

Weight of Biscuit on board the "General Laborde."

(Translation.)

IN the always most faithful city of Havana, on the 29th December, 1836, at 9 o'clock in the morning, the British Judge went on board the Spanish merchant brigantine-schooner "*General Laborde*," accompanied by the public Weigher of this city, Don Augustin Merat, and by the Messenger (Alguazil) of this Court, Don Juan Tomas Sedano, to effect the pending inspection of the weighing of the bread, and there being present the English Commander, and the Freighter of the vessel, Don Jaime Santi, the said public Weigher proceeded to the operation, and having concluded the same, declared there were 20 quintals 7 pounds nett, of bread or biscuit, and that he had done the same faithfully and legally, according to his ability; when the British Judge concluded this Act, and signed the same, I the Secretary being present. Certified.

(Signed)

E. W. H. SCHENLEY.
GEORGE BYNG.
AUGUSTIN MERAT.

(Signed) JAIME SANTI.

JUAN FRANC. CASCALES, *Secretary.*

Seventh Enclosure in No. 61.

Opinion of the Spanish Judge in the Case of the "General Laborde."

CONSIDERING with respect to the facts—

That by the Official and private Papers found on board the "*General Laborde*," it is proved in a positive manner that she left Gibara for Cadiz laden with tobacco and with various passengers.

That if the object of her voyage had been to employ herself in the Slave Trade, there would have been already found the merchandize usually taken to the Coast of Africa for this speculation, also the great supply of water necessary for a long voyage, and also, lastly, the provision of cheap food which is likewise customary in such cases.

That the provision of bread, although abundant, was not so excessive as to found prudent suspicions.

That the idea of Cadiz being the destination of the vessel is confirmed by the facts indicated, also by the very decisive one of the vessel being insured for that voyage, as it cannot be presumed, even remotely, that, in order to undertake an illicit speculation, and so extensive as that attributed to the "*General Laborde*," they would uselessly have made so considerable a disbursement as that verified by the Owners, merely to guarantee her successful arrival at that port.

And lastly, that the demonstration of the said opinion reaches even to a degree of proof not to be rejected, if one attend to there being found amongst the passengers the merchant Don Jaime Santi, his wife, and two children, persons who, under no aspect, could in sound reason have embarked to traffic illicitly.

But that at the same time it appears from the proceedings that the "*General Laborde*" carried spare planks, fetters, hatches with the gratings covered over, a sort of mess-tub larger than those required for the use of the crew of a merchant-vessel, and the other suspicious articles described by Mr. George Byng.

As to the justice.

That although it is indubitable that the "*General Laborde*," with the suspicions as related, was rightly detained, according to the Agreement in Art. 10 of the Treaty of the 28th June, 1835, in which it is said, "It is hereby further mutually agreed that every merchant-vessel, British or Spanish, that may be visited, &c., may lawfully be detained, and sent or brought before the Mixed Courts of Justice, if in her equipment there shall be found any of the things hereinafter mentioned, namely,— 1. Hatches with open gratings, instead of the close hatches which are usual in merchant-vessels; 2. Divisions, or bulk-heads in the hold, or on deck, in greater number than are necessary for vessels; engaged in lawful trade; 3. Spare planks, &c., &c.; 4. Shackles, bolts or handcuffs, &c., &c., &c. In the same way it is evident that these circumstances, according to the words of the Treaty, cannot be considered as insurmountable obligations which may necessarily produce condemnation, but "as *prima facie* evidence of the actual employment of the vessel in the Slave Trade," and to condemn and declare her to be lawful prize in the absence of other circumstances which may refute them, or prove it not to be the actual destination of the vessel, or the object of her voyage, since in the same Treaty it is said that the quoted Article shall take effect "*unless* satisfactory evidence upon the part of the Master or Owners shall establish that such vessel *was, at the time of her detention or capture, employed in some legal pursuit.*"

Considering that at the time of the detention of the "*General Laborde*" she was employed as before said in making a voyage to Cadiz with passengers and a cargo of tobacco, which is a legal pursuit, He declares,—

That the capture made by Mr. George Byng, Commander of his Britannic Majesty's brigantine "*Pincher*," of the Spanish merchant-brigantine "*General Laborde*," opposite to Gibara, on the 16th December, 1836, although accomplished from just motives for suspicion, is not a good Prize. And that this Case being comprehended in the 11th Art. of the Treaty referred to, according to which, if there is found on board a merchant-vessel any of the things specified, neither the Master, nor Owner, nor any person whatever shall be entitled to compensation for losses or damages, and that the capturing Captain be absolved from all responsibility. That the embargo under which the "*General Laborde*" now is to be raised, returning to the Captain and Supercargo the Papers and Documents which have been shown, leaving amongst the proceedings a certified Notice of them, and that this decision be communicated to their Excellencies the Captain-General, the Commandant of Marine, and the Intendent, for the setting at liberty the persons arrested, and for the giving up of the vessel, cargo, and other effects thereof.

(Signed) EL CONDE DE FERNANDINA.

Havana, 14th January, 1837.

Eighth Enclosure in No. 61.

Opinion of the British Acting Judge in the Case of the "General Laborde."

THE Treaty of the 28th June, 1835, was concluded between His Majesty the King of the United Kingdom of Great Britain and Ireland, and Her Catholic Majesty, "in the spirit of the Treaty contracted between both Powers on the 23d September, 1817," the High-contracting Parties "being desirous of rendering the means taken for abolishing the inhuman traffic in slaves *more effectual.*"

Article 2 engages that Her Catholic Majesty will take the most effectual measures for preventing the subjects of Her Catholic Majesty from being concerned, and Her flag from being used in carrying on, in any way, the trade in slaves; and especially that Her Catholic Majesty will promulgate a penal law, inflicting a severe punishment on all those Her Catholic Majesty's subjects who shall, under any pretext whatsoever, take any part in the traffic in slaves. By virtue of the 4th Article of the Treaty, ships of the Royal Navies respectively, provided with special instructions for that purpose, may visit such merchant-vessels of the two nations as may, upon *reasonable grounds*, be suspected of being engaged in the traffic in slaves, or of having been fitted out for that purpose, and send them for trial in the manner hereinafter agreed upon.

By the 3d Rule laid down under this same Article, authorizing the right of search as regards merchant-vessels, it is directed that the Certificate exhibited by the Commander of the merchant-vessel shall declare that the only object of the search is to ascertain whether the vessel is employed in the slave traffic, or if it is fitted up for the said traffic.

By the 3d stipulation of the 5th Article, it is provided that if the Commander of a cruiser of either

of the two nations shall *suspect* that any merchant-vessel, though under the escort or convoy of any ship or ships of the other nation, carries slaves on board, or has been engaged in the traffic in slaves, or is *fitted out* for the purpose thereof, he shall, accompanied by the Commander of the convoy, proceed to the search of the suspected vessel; and in case that the suspicions appear well founded, according to the tenor of this Treaty, that the said vessel shall be conducted, or sent, to one of the points where the Mixed Courts of Justice are stationed, in order that the *just sentence* may there be pronounced.

By Article 10, which defines the circumstances distinctive of a vessel fitted up for the traffic in slaves, it is stipulated, that any *one* or more of the several circumstances therein specified, if proved, shall be considered as *prima facie* evidence of the *actual* employment of the vessel in the Slave Trade, and the vessel shall thereupon be *condemned* and *declared lawful prize* (y servira alguna de estas circunstancias para condenarle y declararle buena presa), unless *satisfactory* evidence shall *establish* that such vessel was, at the time of her detention or capture, employed in some legal pursuit.

By the 12th Article, requiring the breaking up, &c., is contemplated—1st, the *detaining*, and 2d, the *condemning* a vessel, not only as “having been engaged in the Slave Trade,” but also as “having been fitted out for the purposes thereof.”

By Article 1 of Annex B, declared to be an integral part of the Treaty, the Judges and Arbitrators are required to swear “that they will act in all their decisions in pursuance of the *stipulations* of the aforesaid Treaty.”

Article 4 of ditto, authorizes the Judges to take the Declaration on Oath of the Captor, if it should appear to them necessary to do so, “in order to judge and pronounce whether the said vessel has been *justly* detained or *not*, according to the stipulations of the Treaty,” and in order that, according to this judgment, the vessel may be *condemned* or *released*.

With regard to the sentence of the Court there are two points for consideration; 1st, the *legality* of this *detention*, and 2d, the *liability* to condemnation. Article 10 of the Treaty determines both these points.

1st. It is thereby mutually agreed that every merchant-vessel, British or Spanish, which shall be visited by virtue of the present Treaty, may *lawfully* be *detained*, if in her equipment there shall be found *any* of the things hereinafter mentioned.

2d. With regard to the liability to condemnation, the Treaty stipulates that *any* one or more (alguna ó algunas) of these several circumstances, if proved, shall be considered as *prima facie* evidence of the *actual* employment of the vessel in the Slave Trade; and the vessel shall *thereupon* (upon that evidence that is) be *condemned* and *declared lawful prize*, unless, &c. In this exception it is required that it be *satisfactorily established* that the vessel at the time of her detention or capture was employed in some “*legal pursuit*,” which predicament is expressed in Article 10, 6th head, by the terms “*lawful commerce*.” By the 10th Article of this Treaty, it is stipulated that vessels found equipped after a certain manner, therein specified, even in the least degree, are to be deemed as “*fitted out*” for the purpose of the Slave Trade. And under one of the heads (Article 10, 6th) relating to “water-casks and other vessels for holding liquid,” it is particularly required “that the Master (in order to prove that he is “*employed* in some legal pursuit, or for purposes of *lawful commerce*”) shall produce 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 vessel that such *extra* quantity of casks or of other vessels should *only* be used to hold *palm oil*, or for other purposes of *lawful commerce*.”

In a vessel therefore fitted and equipped, in almost every circumstance, as pointed out under Article 10, and not having the above stipulated “*certificate*” to support the allegation of her being “*employed* in some *legal pursuit*,” the fact of her having on board a cargo of any description of legal *merchandise*, (See Annex B., Article 2) cannot, of itself, entitle her to be considered an honest trader, or employed for “*purposes of lawful commerce*,” more especially when it is taken into consideration, that from the circumstances of her equipment, there are “*reasonable grounds*” for suspecting her of “*having been fitted out* for the purpose of the traffic in slaves,” and also that the alleged destination is all in the track of the real destination, which, from the several circumstances before recited, she may “*reasonably*” be deemed to have, and as, moreover, it seems unreasonable to suppose that a vessel intentionally “*fitted out* for that purpose” should proceed upon such a voyage in ballast only.

Such is the construction which I placed upon the Treaty, and its Annexes of the 28th June, 1835, by which the Spanish brigantine, “*General Laborde*,” Vicente Zaragoza, Master, is to be judged, for having been found by His Majesty’s schooner, “*Pincher*,” Lieutenant George Byng, Commander, on the 16th December, 1836, “with all the fittings and appurtenances, with but very few exceptions, prohibited” by the 10th Article to the above Treaty. The Vessel’s Papers, and other Documents, consisting of 7 in number, which have been produced before the Court, offer no *satisfactory evidence*, to establish the legality of the equipment with which the “*General Laborde*” is fitted.

1. The Captain’s (also the First Pilot) evidence. The first part of which is only declarative of his surprize at being detained, seeing that he was sailing out of a Spanish port, with Spanish Papers and cargo, bound to a Spanish port, viz. Cadiz, as per Register. The rest of the evidence is a statement of the employment of the vessel since the time he bought her in Havana last year, with the view of that the vessel has been employed in legal operations. In his first trip from Havana to St. Jago de Cuba, he conveyed 20 “*facciosos*” and 3 passengers. He next conveyed 26 persons, “*criminals*” and military, to Cadiz. On his return, he embarked from Valencia, on the 19th September, 65 recruits of the 2d Catalonia Regiment, whom he landed at St. Jago de Cuba. He states, without adducing any Document in proof of the assertion, that the grating, planks and bars, were taken from the Intendency of St. Jago de Cuba, which furnished them for the security of the prisoners, with the exception of those planks which were on board when he bought the vessel. This statement is meant to imply, not only that he was engaged in legal, and not illicit operations, but also an excuse for the manner in which the vessel is fitted; well enough adapted indeed for purposes of confinement, but which being prohibited by the stipulations of the Treaty, cannot be overlooked or allowed.

Domingo Rizu, Second Pilot, deposes, that he never knew of the vessel being formerly engaged in the Slave Trade, and that the only voyage he has made in her was from Valencia, with the recruits, to St. Jago de Cuba, not having before that qualified as Pilot, but that the caboose and water-casks then served for the use of the recruits.

Agustin Galliana, Boatswain, deposes that he made a voyage from Alicant to St. Jago de Cuba with recruits; that he never heard of the “*General Laborde*” being employed in slave trading, nor in that

case would he have remained in her; having a wife and children, he had never thought of going to the Coast of Africa.

The evidence given before the Court by Don Jaime Santi, the Supercargo, declares that himself and family are passengers on board the brigantine; that the tobacco with which she was freighted belongs to him, and that she sailed on the 15th December from Gibara, for Cadiz and Gibraltar.

The deposition of the Captor, as likewise that of Mr. Samuel Butcher, Second Master of the "Pincher," induced the Court to appoint a Commission to proceed on board the brigantine, for the purpose of ascertaining whether there existed in her hold additional proof of her being *fitted up for the traffic in slaves*.

The Supercargo, Don Jaime Santi, who had remained in the vessel since her detention, declared that no alteration had been made by the Captors, and that everything was in the same state as when the vessel was taken possession of.

Upon inspection, after removing the hatches (which were found to be fitted with "open gratings"), in addition to the slave equipment enumerated in the Captor's Declaration, the following articles were produced:—1st, staves and binding for casks or large leaguers, such as are used exclusively by slave-vessels, amounting to about 9, with 89 hoops for ditto; 2dly, materials for laying a slave-deck, consisting of pine joists, planks marked with *carved roman figures*, which had already served for this purpose, also new plank, some of which appeared to have been already cut and fitted; 3dly, 7 pairs of iron shackles, 7 iron rings for confining by the neck, 3 bars of iron 3 varas long, 3 pieces of iron for shackle-bolts, 9 other pieces ditto ditto, 8 broad bars or plates of ditto 3 varas long, and 19 ditto in the form of small bars, a double-handled bucket or utensil for necessary purposes, invariably in use and required for the female slaves; the whole of these articles being exactly similar to those usually found on board slave-vessels.

Thus there have been found in the equipment of the "*General Laborde*" nearly every article enumerated in the 10th Article of the Treaty of the 28th June, 1835, viz., first hatches with open gratings.

2d. Divisions, or bulkheads, in greater number than are necessary for vessels engaged in lawful trade.

3d. Spare planks "*fitted*" for laying down as a second or slave-deck, being regularly numbered with carved roman figures.

4th. Shackles, bolts, and handcuffs, also neck-rings.

In connexion with the irons found stowed with the cargo, and which could not readily be got at, in consequence of the hatches being battened down, I would invite particular attention to the testimony of José Lazo, one of the crew of the "*General Laborde*," who deposes before the Court that he was persuaded of the vessel being destined for the Slave Trade by the *water-casks*, part of the *planking*, the *cabouse* and the *gratings* of the hatches, which were all in the same state when he took his place, and that also there were about 35 pairs of shackles; and that all had been kept on board as when he entered, except about 10 pairs of shackles, which were thrown overboard at the time the English Commander sent his boats to take the "*General Laborde*."

5th. A larger quantity of water in casks than is required for the consumption of the vessel as a merchant-vessel, being at the least seven tons, or upwards of 1,760 gallons, for a registered crew of 16 men with 5 passengers, which would amount to more than water enough for three months' voyage at the full allowance of a gallon per man per diem.

6th. An extraordinary number of water-casks in bundles of staves, commonly called shakings, without the *stipulated Certificate* from the Custom-house stating that a sufficient *security* had been given by the Owners that such extra quantity of casks should only be used to hold palm-oil, or for the purposes of lawful commerce.

7th. A cabouse, or cooking stove (the boiler only was wanting), larger than requisite for the use of the crew of the vessel as a merchant-vessel; and all this without the slightest evidence being adduced affording a shadow of plausibility that such an equipment was necessary, or any ways adapted to the objects of her stated voyage. In addition the coamings of the small hatchway forward, commonly called the fore-peak, were found pierced with holes for the insertion of bars, such place being usually employed as a prison or place of confinement for refractory slaves, her main-hatchways being also impeded by cross-beams below.

In reliance, therefore, upon the good faith in which this Treaty was mutually concluded by the two High Contracting Parties, which disallowed vessels to be equipped or fitted out for the purpose of the traffic in slaves, and considering that almost all the circumstances enumerated in the Treaty, implying the actual employment of the vessel in the Slave Trade, have been found to exist on board the "*General Laborde*;" considering also that the Masters or Owners have failed in producing the *stipulated Certificate* required in the 6th item of the 10th Article, and in other respects have not given *satisfactory* evidence to establish that the vessel was employed in a legal pursuit; seeing that neither the cargo nor passengers being on board thereof, and both declared to be destined for a port by the way, can furnish an assurance that she is not destined to the Coast of Africa; considering also the fact of her throwing overboard the 10 pairs of shackles, sworn in evidence by José Lazo, a fact which cannot fail to impress an impartial mind with the conviction of the guilty feeling as regarded the destination of the vessel, which prompted the Commander to such a measure at such a moment when he was about to be boarded by the boats of His Britannic Majesty's schooner; considering also the sworn conviction of the aforesaid José Lazo as to the *objects and destination* of the vessel, and his reasons assigned the Acting British Judge is of opinion that the Spanish brigantine "*General Laborde*" was properly and legally detained by His Majesty's schooner "*Pincher*," Lieutenant George Byng Commander; and moreover that it being fully and clearly established that she is equipped for the traffic in slaves, he, for the same reasons, considers she ought to be condemned and declared lawful prize, to be dealt with according to the regulations and conditions contained in the Treaty of the 28th June, 1835.

14th January, 1837.

(Signed)

EDWARD W. H. SCHENLEY.

Ninth Enclosure in No. 61.

Sentence in the Case of the "General Laborde."

IN the Always Most Faithful City of Havana, on the 17th January, 1837, the Most Excellent Senor Don José Maria Herrera y Herrera, Count Fernandina, &c. &c., Spanish Judge in the Mixed Court of Justice, and Don Edward Wyndham Harrington Schenley, British Judge, by permission of his Government, in the absence of Don William Sharp Macleay, and his Excellency Don Juan

Montalvo y O'Farrill, &c. &c., chosen from the contrariety of opinion, according to the Treaty of the 28th June, 1835, having seen these proceedings upon the detention made by the English schooner-of-war "Pincher," on the 16th December last, opposite Gibara, under Article 10 of the said Treaty, of the Spanish merchant-brigantine-schooner "*General Laborde*," together with the accounts of the examinations made in the captured vessel, the depositions of the Spanish Captain, Pilot, and other individuals, the Papers received and presented by the English Commander in the act of giving his Declaration, and the others shown and included in the summary which was made of Papers on the 31st December of the past year; and taking into consideration the opinions of the said Spanish and English Judges, which were filed amongst these proceedings, as also that the indications which induced the Captain to detain her *primâ facie*, have been cleared from all guilty imputation, satisfactorily, in the opinion of the Arbitrator, with the Royal Sailing Passport of the Spanish brigantine-schooner, the Muster-roll, Patent of Health, the Royal Custom-house Register of the 828 "*tercios*" of tobacco, and the mahogany logs, the Policy of Insurance, the Passports of the passengers, including in the number Don Jaime Santi, with his wife and 2 children; neither is there found in the vessel the things for mess, as is customary in those dedicated to Slave Traffic; that although there were found the shackles, casks, grated hatches, and planks, which caused the detention, yet the reasons of the Spanish Captain also prove that in his former voyages he was employed in transporting prisoners, and recruits for the 2d regiment of Catalonia, in the province of St. Jago de Cuba. It must also be borne in mind that the "*General Laborde*" was captured on going out from Gibara, and not at any other place which might cause the certainty of her voyage to Cadiz to be suspected; for all which, and in accordance with the 4th Article of the Regulations for the Mixed Courts, inserted in the said Treaty under letter B, they say that they ought to declare, with all truth, according to the proceedings in these judgments, briefly and summarily, to be truly known as illegal, the capture of the Spanish brigantine-schooner "*General Laborde*," notwithstanding the indications which offered *primâ facie* to the English Commander for her detention, by virtue of the Spanish Captain having satisfactorily certified that the captured vessel was, at the time of her detention, engaged in a legal speculation, but without the Captain, Owner, or any other person interested in the equipment or cargo of the vessel having a right to claim for damages or loss; consequently they give notice that the detained vessel and her cargo be given up to the Spanish Captain, and those interested, by formal writ, which they will subscribe, in order that she may continue her voyage, or in its defect, to make other legal use thereof; and that this is their adjudged and definitive sentence thus they decree, command, and sign, the British Commissioner affixing his signature with reference to the separate and divided opinion which he has emitted to the Court, I, the Secretary, being present, do certify.

(Signed)

EL CONDE DE FERNANDINA.

JUAN MONTALVO.

EDWARD W. H. SCHENLEY.

JUAN FRANCESCO CASCALES, *Secretary*.

Tenth Enclosure in No. 61.

His Majesty's Commissioners to the Captain-General.

Havana, 18th January, 1837.

THE Undersigned, His Britannic Majesty's Commissioners for the suppression of the Slave Trade, feel it their duty to acquaint his Excellency the Captain-General, that the Spanish brigantine "*General Laborde*," now in this harbour, although yesterday absolved from further detention by the sentence of a majority of the Mixed Court of Justice, yet she has on board, in her equipment, almost all the articles enumerated under the 10th Article of the Treaty of the 28th of June, 1835, which the above tribunal did not feel itself competent to direct the seizure or destruction of.

The Undersigned trust that his Excellency the Captain-General may not consider that they exceed the limits of their official character as Commissioners for the suppression of the Slave Trade, in respectfully expressing their earnest hope that his Excellency will take such steps as may effectually prevent the brigantine "*General Laborde*" from again quitting this Island equipped as a slave-vessel.

The Undersigned have the honour to be, &c.

His Excellency the Captain-General,

(Signed)

E. W. H. SCHENLEY.

&c.

&c.

&c.

R. R. MADDEN.

Eleventh Enclosure in No. 61.

(Translation.)

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 26th January, 1837.

THE Second Assessor-General (First *ad interim*), to whom I referred your communication of the 18th instant, as also the preceding ones relative to the capture of the "*General Laborde*," has advised me, under date of the 23d, as follows:—

"Most Excellent Sir,—The Captain of the brigantine '*Laborde*' being absolved by the Mixed Tribunal established in this Island, as is accredited by the sentence forwarded to your Excellency by the said tribunal in its Official Letter of the 17th instant, there appears to be no right in the request and solicitude of the British Commissioners of the 18th, inasmuch as the Articles which were found on board not having sufficed to condemn her, it would be an act of injustice to cause to be destroyed what is qualified as good, and permitted by the said Sentence: in which terms it appears to the Assessor the Commissioners should be replied to, or as your Excellency may deem most proper."

And, having conformed with this advice, I transcribe it for your information, and in reply to your aforesaid Official Letter.

God preserve you many years.

(Signed)

MIGUEL TACON.

The British Commissioners,

&c.

&c.

&c.

Twelfth Enclosure in No. 61.

(Translation.)

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 17th January, 1837.

HAVING acquainted the Commandant-General of Marine with your communication of the

11th instant, on the subject of the arrival at this port from the Coast of Africa of the Spanish brig "Jacinto," — Trillo, Master, after having, as is stated therein, landed a cargo of slaves on the Coast of this Island, that Officer has transmitted to me the summary which he caused to be instituted to ascertain if the said vessel had been employed in the prohibited traffic of negroes; and it not appearing therefrom that she was so employed, I beg to acquaint you therewith for your information, and in reply to your above-mentioned Official Note.

God preserve you many years.

(Signed) MIGUEL TACON.

The British Commissioners,
&c. &c. &c.

No. 62.

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

Havana, 31st January, 1837.

MY LORD,

WE regret, that it has not been in our power to procure the names of any of the slave-vessels which have departed from this port during the last month for the Coast of Africa, excepting on the 13th the "Dolorita," Spanish schooner, for San Tomé, and on the 14th the Portuguese schooner "Constitução," for the Cape Verdes. We have, however, good reason to believe, that several other vessels have sailed from hence with the same destination during the month.

We have obtained the following List of Arrivals, viz.—

January	4,	Portuguese Schooner	———, ——.
	7,	"	Brigantine ——, ——.
"	10,	Spanish Brig	" Jacinto," — Trillo, Master.
"	12,	Portuguese Ship	" Cavalho Marin," — Perez, Master.
"	18,	"	" Duquesa de Braganza," ——.
			(a) "Europa," (a) "Alerta."
"	19,	"	Brig ——, ——.
"	20,	"	Ship ——, ——.
"	26,	"	Schooner "Prueba," — Diaz, Master.
"	27,	"	Brig "Margaret," — Ayons, Master.
"	28,	"	Schooner ——, ——.
"	29,	"	Brig ——, ——.
"	30,	"	Schooner "Josefina," — Pinto, Master.

The "Jacinto" being under the Spanish flag, we addressed a Letter denouncing her to the Captain-General, to which we have received the usual reply.

In again taking the liberty to request your Lordship's particular attention to these Lists, and to the fact which they exhibit, that nearly all the slave-vessels which now frequent this Island are protected by the Portuguese flag, we may also add, that we have learned, upon respectable authority, that scarcely any other than the Portuguese flag is at present insured here for these nefarious transactions, and that the vessels using it sail from hence equipped in every circumstance for the Slave Trade.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.

P. S. On the 27th of January, Lieutenant Robinson, commanding His Majesty's schooner "Skipjack," who called in at this port, states, that His Majesty's ship "Champion," Captain R. Fair, had recently captured a schooner named the "Carlota," sailing under Portuguese colours, and having upwards of 200 negroes on board; that these persons were landed and distributed at Belize, when shortly afterwards the cholera morbus broke out in that Colony with such violence as to render it impossible for His Majesty's brig "Wanderer" to communicate with the shore. This vessel was despatched to Honduras in compliance with your Lordship's wishes, as stated to us in your Lordship's Letter, No. 20, of the 20th October, 1836.

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

&c. &c. &c.

Enclosure in No. 62.

(Translation.)

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 17th January, 1837.

HAVING acquainted the Commandant-General of Marine with your communication of the 11th instant, on the subject of the arrival at this port, from the Coast of Africa, of the Spanish brig "Jacinto," — Trillo, Master, after having, as is therein stated, landed a cargo of slaves on the coasts of this Island, that Officer has transmitted to me the summary which he caused to be instituted to ascertain if the said vessel had been employed in the prohibited traffic of negroes; and it not appearing therefrom that she was so employed, I beg to acquaint you therewith for your information, and in reply to your above-mentioned Official Note.

God preserve you many years.

(Signed) MIGUEL TACON.

The British Commissioners,
&c. &c. &c.

No. 63.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)
 MY LORD, *Havana, 4th February, 1837.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 9th December, 1836, stating to us that it is comparatively of little importance how much the broken pieces of a condemned slave-vessel may sell for, and that the essential point is that they should be so broken up as that it shall be impossible to re-construct them.

We beg leave to assure your Lordship that our attention has been particularly directed to this point, and that our vigilance will remain unabated.

We have, &c.
 (Signed) EDWARD W. H. SCHENLEY.
 R. R. MADDEN.

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

No. 64.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)
 MY LORD, *Havana, 4th February, 1837.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 14th December, 1836, informing us that the negroes found in captured vessels are to remain under the care of the Mixed Commission until that Commission has pronounced sentence of liberation in their favour. But at the Havana, from the moment when such sentence shall have been pronounced, the negroes found in vessels captured by British cruizers are to be placed under the exclusive care of the British Superintendent.

In the Despatch of His Majesty's Commissioners of the 9th December, 1836, your Lordship's attention was particularly requested upon a question relating to the subject of this Despatch, namely, that as the registration by the Registrar of the Mixed Court can only be commenced *after* the sentence has been signed, and that as this duty most generally occupies 3 or 4 days, it is impossible that the negroes captured by British cruizers can be surrendered to the British Superintendent until this duty has been performed, unless the registration by the Officers of the Mixed Court of negroes captured by British cruizers be dispensed with entirely.

We have, &c.
 (Signed) EDWARD W. H. SCHENLEY.
The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 65.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)
 MY LORD, *Havana, 4th February, 1837.*

WE are much gratified in acknowledging the receipt of your Lordship's Despatch of the 15th December, 1836, expressing your Lordship's approval of the course which we took in denouncing to the Captain-General the reported resumption of the Contracts by the Havana slave-dealers to supply the Province of Texas with slaves.

We shall pay particular attention to your Lordship's directions, that "upon all occasions on which we 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 is our duty to call the attention of the Captain-General thereto," as likewise to your Lordship's observation that we "cannot be expected to do more in our communications to his Excellency than to state general facts, and bring under the notice of the Governor circumstances of public notoriety."

We have, &c.
 (Signed) EDWARD W. H. SCHENLEY.
 R. R. MADDEN.
The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 66.

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

MY LORD,

Havana, 4th February, 1837.

IN obedience to your Lordship's Despatch, of the 15th December, 1836, we have the honour to transmit Copies of the Certificates of Emancipation which have been given to the negroes liberated by the sentence of this Mixed Court since its first establishment.

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. 66.

(Translation)

*The Captain-General to his Majesty's Commissioners.**12th June, 1837.*

THE Certificate given under the Treaty of 1834 are precisely the same as those given under the Treaty of 1817, with the exception of the last sentence, which is altered by the omission of the words "de este Ciudad e' Isla," which stood at the end of the Certificates under the Treaty of 1817, thus:—

(El negro) "quedando sujeto al destino que en conformidad de dicho tratado habrá de darle el superior Gobierno de este Ciudad e' Isla."

No. 67.

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

MY LORD,

Havana, 24th February, 1837.

ON the 24th current we were honoured by the receipt of a Letter from His Majesty's Minister at Madrid, enclosing a Copy of a Letter which was addressed to his Excellency by the Acting Consul at Cadiz, relating to the movements of slave-vessels at that port. We beg leave to transmit Copies of these Documents, whereby your Lordship will observe that the same system of transferring the Spanish slavers to Portuguese subjects, as has been for some time in practice at the Havana, is now followed by the notorious slave-dealers, Pedro Martinez and Pedro Felipe del Campo, at Cadiz.

We cannot suppose that these atrocious proceedings upon the part of Spanish and Portuguese subjects, when made known to their respective Governments, will be permitted to pass without their due reward; and we again venture to express our most earnest wishes that the maritime nations, parties to Treaties with His Majesty's Government for the Suppression of the Slave Trade, may forthwith subscribe to the Equipment Article, so as to leave no flag to shelter (in the manner that of Portugal now does) the operations of these inhuman wretches.

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. 67.

Mr. Villiers to His Majesty's Commissioners.

GENTLEMEN,

Madrid, 23d December, 1836.

I HAVE the honour to enclose to you herewith, for your information, the Copy of a Letter which I have received from His Majesty's Acting Consul at Cadiz, stating that the Spanish brig "Victoria" sailed from Cadiz on the 8th instant for the Coast of Guinea, with the supposed intention of taking in a cargo of slaves, and that the schooner "Scorpion" will shortly be fitted out for a similar destination.

I have, &c.

(Signed)

GEORGE VILLIERS.

His Majesty's Commissioners at the Havana,

&c.

&c.

&c.

Sub-Enclosure in No. 67.

Mr. Brackenbury to Mr. Villiers. Cadiz 14th December, 1836.

(See Class B. 1836, No. 25, p. 13.)

CLASS A.

No. 68.

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

MY LORD,

Havana, 28th February, 1837.

IN support of the information contained in our Despatch of the 24th instant, respecting the shameless and increasing abuse of the flag of Portugal by the slave-traders here, we beg leave to transmit a List of such of the arrivals and departures of slave-vessels at the Havana as have come to our knowledge during the month just expired, a large proportion being under the flag of that nation.

Arrivals.

February 3,	Portuguese brig	"Luisa,"	— Diaz, Master.
" 9,	" "	"Tejo,"	— Maqueda, Master.
" 9,	" schooner	"Tratado,"	— Cardozo, Master.
" 17,	" "	"Ligera,"	Juan Gualberto, Master.
" 21,	" "	"Dulcinea,"	— Garay, Master.
" 22,	Spanish	"Aguila Vengadora,"	— Zavala, Master.

Departures.

February 1,	Portuguese schooner	"Dido,"	———.
" 3,	" "	"Tres Manueles,"	———.
		(a) "Sin Igual,"	———.
" 4,	" "	"Maria Segunda,"	———.
" 5,	Spanish brig	"Isabel,"	———.
" 8,	Portuguese schooner	"Triumvirate,"	———.
" 14,	Spanish	"Constitucion,"	———.
" 20,	" "	"Lince,"	———.
" 23,	American	"Bee,"	sailed for Cape de Verdes, under suspicious circumstances.

Having ascertained with sufficient exactness that the "*Aguila Vengadora*" was under Spanish colours, we addressed a Letter denouncing her as a slaver to the Captain-General, but we have not yet received his Excellency's reply, although we have little doubt it will be in the usual form.

It will indeed be to us a matter of great congratulation when we shall learn that the Portuguese Government, by its accession to the wishes of His Majesty, shall no longer permit its flag to be the means of protecting a traffic it has so long since declared its abhorrence of; for the present, however, it is our duty to add that nearly the whole of the Slave Trade of this Island is carried on under the flag of Portugal.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

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

&c.

&c.

&c.

No. 69.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 15th May, 1837.

I HAVE received your Despatch of the 14th of February, containing Copies of the Certificates given by the Mixed Court, of which you are members, to negroes emancipated under the Treaties of 1817 and 1835 respectively.

I approve of your having adopted the form used under the Treaty of 1817, for the Certificates issued under the Treaty of 1835, with the exception of the last words, which it appears to me do not distinguish with sufficient clearness which of the two Governments it is to whose custody and care the negro is to be consigned.

According to the Treaty of 1835, the negro is to be placed at the disposal of the Government whose cruizer captured the vessel in which he was taken, and this is what ought to be expressed in the Certificate.

You will therefore propose to your Spanish colleagues that the words "el Superior Gobierno," at the end of the Certificate, be replaced by the words "el Gobierno di Su Magestad, *Britanica*," or "*Catolica*," as the case may require.

I am, &c.

His Majesty's Commissioners,

(Signed)

PALMERSTON.

&c.

&c.

&c.

No. 70.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 4.)

MY LORD,

Havana, 5th March, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 21st December, 1836, transmitted for our information and guidance, and enclosing a 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 cruizers which the Admiral on the Jamaica Station shall send, from time to time, to the British Commissioners at the Havana.

The above measure must, we consider, obviate all further difficulty as respects the presence of the Captor, or the production of his Slave Papers before the Mixed Court.

In respectfully expressing our thanks to your Lordship for obtaining for us this additional facility to carry on our official duties, we likewise have the satisfaction to state, that a few days since we received from Vice-Admiral Sir Peter Halkett a List of His Majesty's cruizers under his command, which is in every way conformable with the second stipulation of Article 5 to the New Treaty.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

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

&c.

&c.

&c.

No. 71.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 4.)

MY LORD,

Havana, 10th March, 1837.

WE beg leave to forward a Copy of a Notice, &c., relative to the introduction of slaves into the Province of Texas, which the American Consul this day placarded upon the door of his Consulate.

We wish that it was in our power to express our belief that the propagation of the above Document will be likely to effect the purpose for which it would seem to have been framed, and we shall feel most happy to be hereafter convinced that our fears of the contrary are groundless. The publication of this Notice, however, tends to prove two material points, namely, that American citizens have been, or are likely to be engaged in the attempt to introduce slaves into Texas; and, secondly, that the American Consul formally recognises the acts of the self-constituted Government of Texas, doubtless in compliance with orders from his Government to that effect.

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. 71.

GENTLEMEN,

Mexico, 4th March, 1837.

I THINK it proper to notify to you, for your information and guidance, that the Mexican Minister of War has informed me that the Captain of a Mexican vessel which left the Havana on or about the 7th ultimo, and arrived at Vera Cruz on the 14th, has stated on oath that, at the beginning of the same month, an American schooner left that port, destined for Texas, having on board a cargo of 40 negro slaves.

I am not able to give the name of the vessel, but think it right to communicate to you all that has reached me upon the subject, in order that you may take the steps you may deem expedient to prevent the recurrence of such abuses.

I write to His Majesty's Envoy at Washington to the same effect, in order that he may take the measures he may deem proper to induce the United States' Government to check the perpetration of these irregularities under the protection of their flag.

I have the honour to be, &c.

(Signed)

R. PAKENHAM.

His Majesty's Commissioners, Havana.

Second Enclosure in No. 71.

Notice posted by the American Consul.

ATTENTION is particularly invited to the following Act of the Legislature of Texas, passed for the purpose of giving more certain effect to the provision of the Constitution of that country, which makes it Piracy to introduce slaves from any part of the world, except the United States of America.

It will be seen that to introduce into Texas any AFRICAN whatever, or any slave, excepting only

such slaves as were previously held in slavery in the United States, *in conformity with the laws of the United States*, subjects the offender to DEATH.

This penalty would be incurred by any one who should introduce into Texas from this Island (as well as any other part of the world) *any AFRICAN, under any pretext whatsoever*, or any slave born in the Island, whether such introduction were effected by landing directly upon the Coast of Texas, or by landing within the jurisdiction of the *United States*, on the one side, or of Mexico upon the other.

Consulate of the United States, Havana, 10th March, 1837.

(Copy)

Extracted from the "Texas Telegraph."

An Act Supplementary to an Act for the Punishment of Crimes and Misdemeanours.

"Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That if any person or persons shall introduce any African negro or negroes, contrary to the true intent and meaning of the 9th section of the General Provisions of the Constitution, declaring the introduction of African negroes into this Republic to be Piracy, except such as are from the United States of America, and had been held as slaves therein, be considered guilty of Piracy, and upon conviction thereof, before any Court having cognizance of the same, shall suffer death without the benefit of clergy."

"Sec. 2. Be it further enacted, That if any person or persons shall introduce into the Republic of Texas any Africans, or any slave or slaves from the United States of America, except such slave or slaves as were previously introduced and held in slavery in that Republic, in conformity with the laws of that Government, shall be deemed guilty of Piracy, and upon conviction thereof, before any Court having cognizance of the same, shall suffer death."

(Signed)

IRA INGRAM, *Speaker of the House of Representatives.*

RICHARD ELLIS, *President of the Senate, pro. tem.*

Approved 21st December, 1836.

(Signed)

SAMUEL HOUSTON."

"This Act was passed in consequence of a *suspicion* that the general Act upon this subject would be avoided by the introduction of slaves into the United States by the mouth of the Sabine, when they might be forthwith sent into Texas."

No. 72.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 4.)

MY LORD,

Havana, 29th March, 1837.

By the packet "Swift," which arrived here this day from Tampico, we received a Letter from His Majesty's Minister at Mexico, a Copy of which we beg leave to transmit to your Lordship.

The subject which it treats of (the shipment and introduction of slaves from this Island into the Province of Texas by American vessels) is one upon which we have already ineffectually used the strongest remonstrances both with the Authorities of the Havana and the American Consul.

We consider it to be nearly impossible to carry on these nefarious speculations without the cognizance of this Local Government, and we have, therefore, a right to infer its connivance at them, from our conviction that it possesses ample powers to suppress them. Nevertheless we have this day forwarded to the Captain-General a Copy of Mr. Pakenham's Letter, and we shall likewise give the American Consul the option of receiving or again rejecting an official communication from us to the same effect. But we altogether despair of any representation which we can make to this Government having the effect of closing this most lucrative and extensive field for the inhuman operations of the Havana slave-traders. Within these few weeks very many speculators from Texas have arrived here for the avowed and sole purpose of procuring slaves for that Province.

A report obtained circulation a few days since, of a Treaty having been concluded by His Majesty's Government with Portugal, similar to that of the 28th June, 1835, with Spain. The slave-traders thereupon declared that the moment such a Treaty shall be promulgated, they will adopt the flag of the United States for all their vessels; indeed, as long as they find so secure a haven for carrying on the Slave Trade, in all its branches, as at present exists at the Havana, the selection of a flag will not be a matter of much difficulty with them.

We shall have the honour to communicate to your Lordship, by the next packet, the result of our official representation to the Captain-General, relative to this matter; but we cannot conceal our astonishment and chagrin, that the Spanish Government should make so ill a requital for the support it receives from Great Britain, as to permit the violation of her reiterated and most solemn Treaties, upon a subject too at which humanity revolts.

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. 72.

Mr. Pakenham to His Majesty's Commissioners, 4th March, 1837.

(See Class B.)

No. 73.

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

MY LORD,

Havana, 31st March, 1837.

WE have the honour to transmit a List of the departures of slave-vessels from this port for the Coast of Africa during the past month, viz.,—

1st March,	Spanish	brig	"General Ricafort."
7th	"	American	"Two Friends."
"	"	Portuguese schooner	"Tratado."
"	"	"	"Olimpia."
20th	"	Spanish	brig "Tajo."
22d	"	Spanish	schooner "Francisca."

The American vessel is supposed to have carried the slave equipment for the 2 Portuguese vessels cleared the same day.

We regret to add, that although several vessels have succeeded in landing their cargoes during the month of March, we have not been able to ascertain their names with sufficient accuracy to report them in this List. They have been, however, chiefly under the Portuguese flag.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.

R. R. MADDEN.

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

&c.

&c.

&c.

No. 74.

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

MY LORD,

Havana, 7th April, 1837.

WE have had the honour to receive your Lordship's Despatch, dated 27th January, 1837, transmitting for our 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.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.

R. R. MADDEN.

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

&c.

&c.

&c.

No. 75.

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

MY LORD,

Havana, 8th April, 1837.

WE beg leave to refer your Lordship to our Despatch of the 29th ultimo; and we now transmit Copies of the Correspondence which has passed between His Majesty's Commissioners and the Captain-General, relative to the communication made by His Majesty's Minister at Mexico, upon the subject of the introduction of slaves into the Province of Texas from this Island. The tenour of the Captain-General's Reply (Enclosure, No. 2.) will convey to your Lordship some idea of the evasion with which his Excellency permits his Assessor to treat the communication of the Commissioners. It was by no means unadvisedly that we stated to the Captain-General our belief that these transactions could not be carried on unknown to the subaltern Authorities of the Island. We can now assert our conviction of it; and while we shall carefully avoid entering into controversial correspondence with the Authorities here, we shall continue to communicate to them any information that may reach us upon this subject, which we deem to be worthy of attention.

We must, however, express to your Lordship our decided opinion, that unless more precise measures are taken by the Government at Madrid to enforce the faithful execution of the Treaty, without restriction or evasion, this port and Island will become a vast mart for the trans-shipment of slaves to a new and extensive territory. Notwithstanding the laws which have been framed, and the severe penalties which they enact, for the avowed purpose of the suppression of the traffic in slaves, we are well assured that means have been found to introduce slaves, in

considerable numbers, into Texas; nor can we doubt that, with the local facilities which American and other unprincipled speculators find for carrying on their nefarious projects, it will continue to be prosecuted with all the eagerness that the immense profits, accruing upon successful enterprises, beget in the minds of such sordid and reckless wretches.

Much anxiety is felt respecting the new Colonial Laws by which it is understood the Island of Cuba is in future to be governed. It is very confidently asserted that their conditions will give, if possible, greater facilities to the slave-traders. We regret to add that the American Consul continues to decline receiving any communication respecting American citizens reputed to be engaged in the Slave Trade.

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. 75.

His Majesty's Commissioners to the Captain-General.

Havana, 29th March, 1837.

THE Undersigned, Commissioners of His Britannic Majesty for the Suppression of the Slave Trade, have the honour to forward to his Excellency the Captain-General a Copy of a Letter which they have just received from His Majesty's Minister at Mexico, upon the subject of the shipment and transmission of slaves from the Havana to the Province of Texas.

The Commissioners again beg most respectfully, but most earnestly, to call the attention of the Captain-General to this distressing and continued violation of the laws by some miscreants resident within the scope of his Excellency's jurisdiction.

From the admirable regulations which have been imposed upon all the public Departments of this Island by the Captain-General's superior talent and vigilance, the Commissioners entertain little doubt that, as a transaction of so extensive a nature, and so clearly specified as that described in Mr. Pakenham's Letter, can hardly have been carried on without the knowledge of some of the subaltern Authorities of Havana, the institution of an immediate investigation may enable his Excellency to bring to punishment the guilty parties.

The Commissioners will lose no time in communicating such further particulars as may reach them upon this subject; but they deem it their duty upon the present occasion to acquaint the Captain-General that the Havana has been resorted to, within the last few months, by numerous speculators from Texas, whose sole and avowed object is to enter into contracts to be furnished with a proportion of the slaves which continue to be clandestinely introduced into this Island.

The Undersigned avail themselves, &c.

(Signed) E. W. H. SCHENLEY,
R. R. MADDEN.

His Excellency the Captain-General,

&c.

&c.

&c.

Second Enclosure in No. 75.

The Captain-General to His Majesty's Commissioners.

Havana, 4th April, 1837.

(Translation.)

GENTLEMEN,

AGREEING entirely with the advice of the First Assessor-General of this Government, respecting the subject of your Official Note of the 29th of last month, I transcribe his Report, which is word for word as follows:—"Most Excellent Sir,—The British Commissioner communicates to your Excellency what is reported to him from Mexico by the British Minister there, relative to 40 negro slaves having been extracted from this port for that of Texas by an American vessel, which information was given upon oath by the Captain of a Mexican vessel which was here at the time, but neither is designated the name of the vessel, nor the Captain, nor the Spanish persons who intervened in the business, nor whether the negroes were *bozales*. Under such circumstances it becomes indispensable to repeat to the Commissioner what your Excellency was pleased to state to him on the 29th October last, it being impossible to detect crimes of this nature by an inquisition barren of data and particulars which might open a road to the proceeding. Without knowing the vessel, nor the Captain who conducted them, the Spanish subjects who contracted the sale, nor those who made the purchase, it would be very ridiculous that the authority of your Excellency should be used to investigate facts, which, if they were certain, everybody is interested in concealing; and it must appear very strange to your Excellency that the Commissioner should state 'that this transaction can hardly have been carried on without the knowledge of some of the subaltern Authorities of the Island,' which accusation, it would seem, he has no authority to make. If the contract was performed with such secrecy, that all his zeal was insufficient to discover more than the vague attestation of the Mexican Captain, the same reason whereby he accuses the Spanish Authorities of toleration, will they have of accusing him of the same fault, since he was in the Havana, and had the same means, and even more facilities than they, of investigating the offence, and communicating it to your Excellency in season. In these terms the Assessor opines that your Excellency should reply to the Commissioners, adding your desire that he assist you by furnishing more positive data, so as not to adventure proceedings highly prejudicial. Your Excellency hoping that with such data only similar communications will henceforth be made, and that Her Majesty (whom God preserve) will be acquainted, for her sovereign information, with this affair, or whatever else your Excellency may esteem more proper."

Which I make known to you, Gentlemen, in reply to your abovementioned Official Note.

God preserve you many years.

(Signed)

MIGUEL TACON.

The British Commissioners in the Mixed Court of Justice,

&c.

&c.

&c.

No. 76.

His Majesty's Commissioner to Viscount Palmerston.—(Received June 14.)

MY LORD,

Havana, 28th April, 1837.

IMMEDIATELY after the receipt of your Lordship's Despatch of the 14th February, 1837, and agreeably with the Instructions therein contained, His Majesty's Commissioners addressed a Letter to the Spanish Commissioners of the Mixed Court of Justice, a Copy of which, together with a Translation of the reply made to it, I beg leave to transmit, for your Lordship's information.

By this latter document your Lordship will observe that we have nothing to expect from our Spanish colleagues personally, upon the score of humanity towards the negroes captured by British cruisers, it being their determination not to accede to or admit of any arrangement, unless formally agreed to and notified by their Government.

With respect, however, to the representation made to your Lordship through the Colonial Office, that in the Case of the "*Empresa*," the sentence was not signed until two days after the Mixed Court had decided upon it, I feel it but an act of justice to the Count Fernandina to state briefly the facts as they occurred in that Case, and again to take the liberty of referring your Lordship to the Despatch of the 25th of November, 1836. The evidence for the prosecution of the "*Empresa*" terminated at a late hour (5 o'clock) on Saturday, the 5th November. The Judges agreed upon the terms of the sentence before breaking up of the Court, and the Secretary was directed to frame this document accordingly. The same evening a representation was made by Lieutenant Tindal, the Officer in charge of the "*Empresa*," that the negroes were suffering extremely from the inclemency of the weather, and requesting that some covering might be supplied to them, &c. (See Enclosure, No. 5, in the Despatch above referred to.) I took the most prompt and immediate steps in my power to have the sentence (a summary of the proceedings of the Case) completed, during Sunday, with the least possible delay; and by 8 o'clock on Monday morning this document received the signatures of both the Judges. I, therefore, hope your Lordship will perceive that it was not possible to have executed these duties with greater despatch, and that the melancholy sickness and loss of life which took place on board the "*Empresa*" could not in any manner be attributable to the Judges.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

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

&c. &c. &c.

First Enclosure in No. 76.

His Majesty's Commissioners to the Spanish Commissioners.

MOST EXCELLENT SIR AND GENTLEMEN,

Havana, 11th April, 1837.

WE have received Instructions from our Government to submit to the Mixed Court the following proposition, viz., That in order to shorten, as much as is consistent with the due execution of the Treaty, the inconvenience which the negroes must suffer while they continue confined on board the small slave-vessels in which they are captured, the sentence may be signed as soon as the Court has come to a decision, and that when the sentence is signed, the emancipated negroes shall be placed at the disposal of the Superintendent, as soon as that Officer shall notify that he is prepared to receive them. Such an arrangement would conduce to the relief and comfort of the negroes, and at the same time greatly facilitate the proceedings of the Officers of the Court in making out the descriptive lists of the negroes, as this duty would then be performed in a clean and roomy vessel, instead of a crowded and unwholesome slave-ship.

We have, &c.

(Signed) E. W. H. SCHENLEY.
R. R. MADDEN.*His Excellency the Conde de Fernandina and the other Spanish Members of the Mixed Court, &c. &c. &c.*

Second Enclosure in No. 76.

(Translation.)

The Spanish Judge to His Majesty's Commissioners.

GENTLEMEN,

Havana, 20th April, 1837.

THE Spanish members of the Mixed Court of Justice have considered the contents of your Official Note of the 11th instant, in which you are pleased, according to the Instructions of your Government, to submit to us a proposal that the emancipated negroes be placed at the disposal of the British Superintendent, as soon as he shall notify that he is ready to receive them, which is the same as to say that they shall not be so placed until this notification be first made—a condition which not only is not contained in the 6th and 2d Articles of the Annexes B and C to the Treaty between their Catholic and Britannic Majesties of the 28th June 1835, but which appears opposed to its tenour. It

is not lawful for us to enlighten, explain, or still less to alter the articles or their clauses, it belonging exclusively to the High Contracting Parties, and it alone remains for us to see to their punctual and exact fulfilment, which we will not fail to do. With which we reply to your abovementioned Official Note.

God preserve you many years.

(Signed)

EL CONDE DE FERNANDINA.

The British Commissioners in the Mixed Court of Justice,
&c. &c. &c.

No. 77.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 27th June, 1837.

WITH reference to my Despatch to you of the 13th of April last, upon the subject of the establishment at the Havana of a hulk for the reception of negroes emancipated by the Mixed Court of Justice of which you are members, I have to acquaint you that Her Majesty's ship "Romney" has been selected by the Board of Admiralty for this service, and that she will shortly sail for her destination under the command of Lieutenant Jenkins.

Although the particular service on which the "Romney" is to be employed is under the superintendence of Dr. Madden, you will not fail to lend all the aid in your power to Lieutenant Jenkins in the execution of his duties; and in settling with the Captain-General the spot at which the hulk is to be stationed, and the place at which the depôt for the sick is to be established, you will avail yourself of the counsel of both Dr. Madden and Lieutenant Jenkins.

I am, &c.

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

(Signed)

PALMERSTON.

No. 78.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, 15th July, 1837.

(See Circular of 15th July.—*Sierra Leone General*, No. 4.)

No. 79.

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

MY LORD,

Havana, 30th April, 1837.

WE have the honour to transmit a List of arrivals and departures of slave-vessels for the past month.

Your Lordship will not fail to observe therein, as well as for some months back, that, with very few exceptions, the slave-dealers no longer use the flag of Spain for their nefarious speculations.

We have reason to believe that nearly the whole of the slave-vessels now insured are either under the Portuguese or American flag. Several vessels under the Portuguese flag were completing their arrangements to proceed to the Coast of Africa, taking especial care not to render themselves liable to the penalties of the Equipment Article, from the persuasion that a Treaty similar to that with Spain was upon the eve of being concluded between the two Governments, when, upon the arrival of His Majesty's packet "Pigeon" (4th April), bringing the publication of the Lisbon Decree of the 10th December, 1836, these vessels, and all that have sailed from hence since that period, immediately set to work, and have gone out completely fitted and equipped for the Slave Trade, not only as regards their own voyage, but they have likewise taken on board extra quantities of the articles prohibited by the Treaty with Spain, in order to furnish them to any vessels that may stand in need of them upon the Coast.

The notorious and most successful of slavers, the "*Socorro*," now sailing under the flag of Portugal, is again nearly ready for sea—her slave-deck is laid—her armament (6 long 24-pounders) is on board, and she is only detained in consequence of the severe commercial depression which exists at the Havana preventing her Owners from shipping a large sum in specie, which she is to carry out for the establishment of factories upon the Coast of Africa.

His Majesty's cruizers constantly fall in with these vessels off the ports of this Island; but as they do not possess the power to detain them, nothing more is done than to ascertain that they have landed their slaves.

His Majesty's sloop "Racer," Commander James Hope, a vessel that might possibly outsail the "Socorro," came into the Havana a few days since, and although Mr. Schenley was credibly informed that, besides other slave-equipment, the "Socorro" had taken on board 1,000 pairs of shackles, and was only waiting for her money to put to sea, yet, notwithstanding the zeal evinced by Commander Hope, and his offer to remain off the port, or station the "Racer" in any position likely to intercept this formidable slaver, Mr. Schenley was most reluctantly obliged to decline a proposition otherwise so desirable, from a knowledge that the "Socorro's" Papers are in regular order as a Portuguese vessel, and that, consequently, any effort to condemn her as Spanish property would prove abortive.

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. 79.

List of Slave-Vessels that have arrived in the Port of Havana during the Month of April, 1837.

April 6th,	Portuguese schooner	"Felicidad,"	— Pereira, Master, from San Tomé.
" 15th,	"	"Eliza,"	— St. Ana, Master, from Cabo Verde.
" 17th,	" brig	"Camoys,"	— Silva, Master, from San Tomé.
" 17th,	"	"Liberal,"	— Freytag, Master, from Isla Principe.
" 23d,	" schooner	"Primorosa,"	— Barroso, Master, from Puerto Rico.
" 23d,	" brig	"Boca Negra,"	— Cardoso, Master, from Cuba.
" 23d,	*American schooner	"Forest,"	— Tripp, Master, from St. Joseph's.
" 24th,	Portuguese	"Dos Hermanas,"	— Carvalho, Master, from Bonny.
" 26th,	"	"Vitoria de Cabo Verde,"	— Saldanha, Master, from San Tomé.

* Suspicious.

List of Slave-Vessels which have sailed for Havana during the Month of April, 1837.

April 1st,	Spanish schooner	"Ligera."
" 4th,	Portuguese	"Belencita."
" 14th,	" ship	"Palmira."
" 20th,	" schooner	"Dulcinea."
" 25th,	"	"Margarita."

No. 80.

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

MY LORD,

Havana, 31st May, 1837.

THE subjoined List of arrivals and departures of slave-vessels at this port during the past month will tend to confirm the information which we had the honour to transmit to your Lordship, in our last report, viz., that the Slave Trade from hence is now almost entirely carried on under the Portuguese flag.

Arrivals.

May 14,	Portuguese schooner	"Sirca,"	— Viera, Master.
" 15,	Spanish brig	"Paquete de Cabo Verde,"	— Bertimati, Master.

Departures.

May 9,	Portuguese schooner	"Eliza"	. . . . .	Cleared for	Cape de Verdes.
" 13,	"	"Primorosa"	. . . . .	"	Isla del Principe.
" 20,	Spanish	"San José"	. . . . .	"	Cadiz.
" 20,	Portuguese polacra	"Palmira"	. . . . .	"	Ditto.
" 23,	" schooner	"Felicidad"	. . . . .	"	Isla del Principe.
" 24,	"	"Vibora de Cabo Verde"	. . . . .	"	San Tomé.
" 25,	" ship	"Maria (a) Segunda Socorro"	. . . . .	"	Mozambique.
" 27,	Spanish brig	"Anita"	. . . . .	"	Bonny.
" 27,	" schooner	"Jacinto"	. . . . .	"	Ditto.

We regret to have to add that the notorious slave-ship "Socorro," now the "Donna Maria Segunda," has again put to sea upon a slaving voyage (after undergoing a thorough repair in this harbour) armed and equipped as before.

Mr. Schenley was credibly informed that a large sum in specie, and 1,000 pairs of shackles, formed a part of her slave-trading cargo.

Captain William Jones, with His Majesty's ship "Vestal," was in the harbour when this slave-vessel sailed, and, had the Portuguese Treaty or Decree permitted it, would gladly have pursued her.

CLASS A.

The schooner "*Vibora*," alias "*Viper*" (together with the "*Liberal*"), sailed from hence, in October last, under American colours (both as already reported by Mr. Schenley), belonging to a French slave-dealer named Forcade.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

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

&c. &c. &c.

No. 81.

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

MY LORD,

Havana, 2d June, 1837.

WE beg leave to acquaint your Lordship that Mr. Jackson has just obtained information, upon credible authority, that a few weeks since, in the vicinity of this Island, one of His Majesty's cruizers, supposed to be His Majesty's sloop "*Racer*," Commander James Hope, chased a suspected vessel, under American colours, which escaped by crossing some of the shoals of the Bahama banks. The cruizer, however, shortly after fell in with an American man-of-war schooner, the Commanding Officer of which, on the above circumstance being communicated, sailed in pursuit of the suspected vessel. It is further reported that the American man-of-war succeeded in detaining and carrying to Pensacola the American merchant-schooner "*Emperor*," Coxe Master, for having committed a breach of the Slave Laws, in landing from the said schooner, upon the Coast of Florida, near the Bay of St. Joseph's, a cargo of bozal negroes, which, in concert with a Frenchman named Malesherbes, he had shipped a few days previously at the Havana for that purpose.

We conclude that it is impossible for the Spanish Authorities to deny any longer the existence of this scandalous commerce, and we respectfully take the liberty to suggest that representations of this flagrant case, through His Majesty's Ministers at Madrid and Washington, might tend to put a stop to so abominable and growing an evil, more especially as we are still of opinion that these transactions cannot (or at all events ought not to) exist unknown to the Local Authorities upon both shores.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

P.S. We understand that the individual who furnished the above-mentioned negroes is one Joaquin Gomez, long known as a notorious slave-dealer, who has amassed considerable wealth in these abominable speculations.

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

&c. &c. &c.

No. 82.

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

MY LORD,

Havana, 18th June, 1837.

THE astonishing extent to which the Portuguese flag is now used by the slave-traders of the Havana, and the facilities given to the vessels carrying it, in equipping and sailing from this harbour to the Coast of Africa, induced us to address a Letter to the Captain-General upon the subject. We carefully avoided any direct interference with his Excellency's mode of carrying on his Government; but we certainly hoped that his reply would amount to more than a mere acknowledgment of the receipt of our communication, a Copy of which, together with the Captain General's reply, we herewith transmit.

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. 82.

His Majesty's Commissioners to the Captain-General.

Havana, 12th June, 1837.

THE Undersigned, Commissioners of His Britannic Majesty, regret exceedingly that it will be their

painful duty to acquaint their Government with the numerous slave-vessels that are refitted, sail from, and arrive in this harbour, under the Portuguese flag. During the month of May no fewer than 6 of these vessels came to the knowledge of the Commissioners, and during the present month it has been represented to them that 4 vessels have already succeeded in landing cargoes of slaves in the vicinity of Havana.

The Undersigned are aware that no Treaty upon this subject exists between Spain and Portugal, but they feel confident that under the solemn declarations of the Treaty of the 28th June, 1835, if the Captain-General can discover any subject of his nation assisting or countenancing these nefarious speculations, more especially as relates to the equipping of slave-vessels, under whatever flag or denomination, within the possessions of Her Catholic Majesty, his Excellency will apply to them the utmost rigour of the laws they transgress.

The undersigned avail themselves, &c.

(Signed)

E. W. H. SCHENLEY.
R. R. MADDEN.

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

Second Enclosure in No. 82.

The Captain-General to His Majesty's Commissioners.

Havana, 15th June, 1837.

(Translation.)

GENTLEMEN,

By your Official Letter of the 12th instant, I am made acquainted with the information which you purpose to give to your Government, according to the Regulations of the existing Treaties, that various vessels under the Portuguese colours are engaged in the prohibited traffic of negroes with Africa, congratulating me that you are in the firm persuasion, as you manifest to me, that should it come to your knowledge that any of my subjects be found assisting or countenancing the disembarkation of negroes, such as you state to have been effected in this Island during the month of May last, I should proceed against them with the utmost rigour of the Laws, since the measures adopted to impede the said contraband traffic, which is facilitated by the large extent of unpeopled coast, are found insufficient.

God preserve you many years.

(Signed)

MIGUEL TACON.

To the Commissioners of His Britannic Majesty,
&c. &c. &c.

No. 83.

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

Havana, 22d June, 1837.

MY LORD,

IMMEDIATELY after the receipt of your Lordship's Despatch of the 13th April last, we addressed a Letter to the Captain-General, requesting his Excellency to point out suitable positions for the establishment of a lazaret on shore, and for mooring a hulk in the harbour, for the convenience of the negroes captured by British cruisers and emancipated by this Mixed Court. We transmit a Copy of our Letter, and a Translation of the Captain-General's reply. By the latter Document your Lordship will observe that both demands have been unhesitatingly acceded to upon the part of his Excellency, and the situations indicated are those usually appropriated to sick and quarantine cases.

Mr. Schenley has furnished the Superintendent of liberated negroes with a Copy of the Letter addressed to the British Commissioners by the Captain-General.

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. 83.

His Majesty's Commissioners to the Captain-General.

Havana, 5th June, 1837.

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to acquaint his Excellency the Captain-General that they have received from their Government the Copy of a communication which was made to His Majesty's Minister at the Court of Spain, signed by the Count of Almodovar, and bearing date Madrid, the 14th March, 1837. This Document purports to be the reply to an application from the British Minister upon the part of his Government, respecting the stationing of a hulk in the harbour of the Havana for the reception of negroes liberated by the Mixed Court of Justice, and the establishment of a lazaret for the small number of negroes whose health may require greater accommodation than it may be possible to afford them on board the hulk.

The Count Almodovar states that the necessary Instructions have been sent out to the Captain-General to give every aid in his power towards carrying both these arrangements into effect, and that, in concert with the British Commissioner, his Excellency will point out the place in which the said hulk can be stationed, and likewise the place or building for the establishment of the lazaret for the sick negroes, in order that they may be properly taken care of.

The undersigned are anxious to acquaint their Government by an early opportunity with the final settlement of this question, and will feel extremely obliged to the Captain-General if he will inform them whether the above Instructions have reached His Excellency, and in such event, that he will have the goodness to adopt measures for making them acquainted with the localities, (both as regards the stationing of the hulk, and the place or building for the establishment of the Depôt or Lazaret for the sick negroes,) which may appear to His Excellency best calculated for the fulfilment of the terms of Count Almódovar's Dispatch, and at the same time eligible for the measures therein contemplated.

The undersigned have the honour, &c.

(Signed) E. W. H. SCHENLEY,
R. R. MADDEN.

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

Second Enclosure in No. 83.

Havana, 20th June, 1837.

(Translation.)

GENTLEMEN,

By Royal Order of the 12th March last, communicated by the Principal Secretary of State, I have received the Instructions to which you refer in your Official Note of the 5th instant, which are reduced to the following: that in entire conformity with the spirit and letter of the Treaty of the 28th June, 1835, a hulk or floating depôt be established for the negroes arriving from Africa, who may be captured by vessels of His Britannic Majesty during the time that may elapse, until the Mixed Court of Justice created for the purpose pronounce its sentence, and they sail for their final destination; that the spot be fixed where the said hulk is to be stationed, bearing in mind that such measure has no other object than greater public convenience, added to the safety of the country, whose interest it is to prevent the introduction of freed negroes under any shadow of pretext; that the spot or building be provided where the depôt or lazaret may be established, in which the negroes falling sick in the said interval may be attended in a proper manner, with due regard to the regulations of the Board of Health, and the examination which, under the said regulations, is to be made by the Physician to be nominated by me.

In order to proceed with the care I desire, I have called for a Report of the Commandant-General of Marine on this station with regard to the first point, and it appears therefrom that the hulk to be used as a provisional floating depôt for the negroes, may be stationed within this port at the anchorage of Marimelena, and with regard to the second point respecting the lazaret, the Board of Health, of whom I required a Report thereon, point out the rooms of the lower story of the building contiguous to the wharf called *de Porras*, belonging to Dr. Don Carlos Belot, which, on account of their cleanliness, ventilation, and capacity, are very proper for the purpose, unless the nature of the diseases by which the negroes may be attacked should require other measures of more rigid incommunication to be adopted; and agreeing with these Reports, I acquaint you therewith for your information, and in order that you may enter into negotiation with the proprietor of the place, of the result of which you will be pleased to give me timely notice, on account of the ultimate arrangements which concern me, relative to the sanitary and public security of the country.

God preserve you many years.

The Commissioners of His Britannic Majesty,
&c. &c. &c.

(Signed) MIGUEL TACON.

No. 84.

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

MY LORD,

Havana, 22d June, 1837.

ON the 19th of May His Majesty's frigate "Vestal," Captain William Jones, came into this port, and, on the 25th, this Officer addressed a communication to His Majesty's Commissioners, acquainting them with the particulars of a circumstance which leads them to believe that a serious and glaring infraction of the Treaty of the 28th of June, 1835, has been committed by Lieutenant Cruz, the Commander of one of the Spanish men-of-war cruisers belonging to this Island, in neglecting to bring before the Mixed Court a vessel which he had detained for being equipped for the Slave Trade. We beg leave to enclose a Copy of the above communication.

Unfortunately, during the period that the "Vestal" remained here, both the Spanish Commissioners were absent some distance in the country; and as Captain Jones declared that he would not detain his vessel or leave any of his Officers at the Havana, Mr. Schenley considered it advisable to take the Affidavits of such of them as had visited the slave-vessel, and could prove the fact of having seen her slave-equipment. We enclose Copies of these Affidavits, as well as of the Correspondence which has taken place up to this date between His Majesty's Commissioners and the Captain-General, relative to this subject.

It was not until the 10th instant, that the Count Fernandina, the Spanish Judge, returned to the Havana, when Mr. Schenley immediately summoned a Court, and a Letter was addressed by the Judges to the Captain-General requesting that his Excellency would take immediate steps for obliging Lieutenant Cruz to present himself, along with his prize, before the Mixed Court.

The Captain-General replied to this communication by transmitting a copy of

certain depositions and examinations which have been taken before the Admiralty Court at St. Jago de Cuba, whither Lieutenant Cruz conducted the detained vessel. The Judges, having duly weighed and considered this step, resolved, that they could not recognize these proceedings, or the right of any other Court or Authority to interfere in a Case belonging exclusively to the Mixed Tribunal, which resolution they communicated to the Captain-General, calling upon his Excellency again to interpose his authority in compliance with the terms of their first Letter.

No answer has as yet been sent to this second application from the Judges, but though we doubt not every effort will be made to prevent the Case being tried before the Mixed Court, yet, as a perfect unanimity exists between the Judges, there is little doubt that their demand will be eventually complied with, and the privileges belonging to their Tribunal accorded.

We trust that by the next packet we shall have it in our power to acquaint your Lordship more fully upon this Case, and to furnish Translations of the whole of the Documents appertaining thereto.

We reserve to ourselves the right of expressing our opinion upon the course pursued by Captain Jones, relative to the examination of this suspected vessel, until the Case shall be concluded before the Mixed Court.

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. 84.

(Copy.)

Captain Jones to His Majesty's Commissioners.

His Britannic Majesty's Ship "Vestal" at Havana, 25th May, 1837.

SIR,

I HAVE the honour to represent to you, for the information of the Judges of the Court of Mixed Commission, the particulars of a recent occurrence which I consider it to be my duty to bring under their consideration.

On the 4th instant, this ship, being on her passage from Port-au-Prince to Santiago de Cuba, descried in the evening, a little before sunset, a schooner of very suspicious appearance, lying at anchor in the entrance of the Harbour of Guantanamo or Cumberland Harbour. I immediately hauled in shore to examine her, having reason to expect vessels of a piratical character in that neighbourhood, and the place itself having been notorious for former disorders, and having now neither fort nor commerce of a regular kind.

As we approached the Harbour with our colours displayed, the schooner showed evident symptoms of alarm. Boats were seen to pass and repass; some sails were bent in haste, and at last the vessel weighed, and attempted to run up the Harbour, which abounds in intricate shelter.

Seeing these suspicious movements, I directed a shot to be fired wide of the vessel, as a signal for her to await examination. And as she continued, nevertheless, her endeavours to escape, I fired several other guns, of which the shot fell near without hurting her. In the meantime, two of our boats, commanded by the second Lieutenant, were sent to the schooner, but when they had approached about a third of the distance, a small schooner, which then first attracted our attention, appeared open of the east end of the entrance, and fired a shot directly at our boats, which, however, proceeded in obedience to their orders, and got on board the first schooner before she could effect her escape.

The people on board declared that the vessel was a prize to the "Teresita," pilot-boat, in the service of Her Catholic Majesty, which was presently confirmed by Lieutenant Cruz, the Commander of that vessel, who came himself, and stated "that he had that day, at 11 A. M., seized the schooner, which was called the 'Matilda,' under the provisions of the late Treaty with Great Britain, for being fitted for the Slave Trade." The whole appearance of the vessel, as far as the English Lieutenant could judge, being in perfect accordance with this account, he immediately retired; being informed by Lieutenant Cruz "that he should send the 'Matilda' to Santiago de Cuba on the following day." As soon as I received this report, the "Vestal" proceeded on her voyage.

These, Sir, are briefly the facts of the case. Not having the slightest doubt of the good faith of the Spanish Officer in the transaction, it never occurred to me to seek further assurance, when Lieutenant Cruz declared the "Matilda" to be his prize. But a considerable time having now elapsed without that vessel having appeared for adjudication before the only competent Tribunal, which, in such a case, I presume to be the Court of Mixed Commission, I am at a loss for a sufficient explanation of the circumstance. I therefore have to request that the Court of Mixed Commission will be pleased to take the matter into consideration, and cause such enquiries to be instituted as they may deem expedient and proper, with a view to a legal decision of the case of the "Matilda," a vessel which appeared to me to be by far the most completely equipped for the Slave Trade, of all that have come under my observation.

I have the honour to be, &c.

(Signed)

WILLIAM JONES,

Captain.

E. W. H. Schenley, Esq.
&c. &c. &c.

Court of Mixed Commission.

Second Enclosure in No. 84.

His Majesty's Commissioner to Captain Jones.

Havana, 27th May, 1837.

SIR,

I HAVE the honour to acknowledge the receipt of the communication which you have transmitted to me for the information of the Mixed Court of Justice, bearing date the 25th current, relative to the detention on the 4th current of the Spanish Merchant schooner "*Matilda*," by the Spanish pilot-boat in the service of Her Catholic Majesty, "*Teresita*," commanded by Lieutenant Cruz, of the Spanish Royal Navy, and stating that this Officer declared personally to the English Lieutenant who visited the "*Matilda*" by your directions, under the provisions of the Treaty of the 28th June, 1835, "that he had that day, at 11 A. M. seized the schooner which was called the '*Matilda*,' under the provisions of the late Treaty with Great Britain, for being fitted for the Slave Trade;" further, that "the whole appearance of the vessel, as far as the English Lieutenant could judge, being in perfect accordance with this account, he immediately retired, being informed by Lieutenant Cruz that he should send the '*Matilda*' to St. Jago de Cuba the following day."

I beg leave to acquaint you in reply, that no notification whatever of the above transaction has reached the Mixed Court of Justice, but His Majesty's Commissioners will lose no time in taking the necessary steps to ensure a thorough investigation of the case. In the meantime I have to request that you will place me in communication with the Lieutenant of the "*Vestal*," and any others of the Officers or seamen who may have accompanied him upon his visit to the "*Matilda*," and who can verify upon oath their having seen on board that vessel circumstances confirmatory of her being fitted for the Slave Trade.

Captain William Jones,
His Majesty's Ship "Vestal."

I have, &c.,
(Signed) E. W. H. SCHENLEY.

Third Enclosure in No. 84.

His Majesty's Commissioners to the Captain-General.

(Copy.)

Havana, 29th May, 1837.

THE undersigned Commissioners of His Britannic Majesty, under the Treaty for the Suppression of Illicit Slave Traffic, have the honour to transmit to His Excellency the Captain-General the Copy of a Letter which was addressed to His Majesty's Acting Judge by Captain William Jones, commanding His Majesty's Ship "*Vestal*," for the information of the Mixed Court, respecting the Spanish merchant schooner "*Matilda*." This vessel was fallen in with and visited off the Port of Guantanamo, by the boats of the "*Vestal*," under the orders of the Second Lieutenant of that vessel, so far back as the 4th current, when it appeared that the English Lieutenant found the "*Matilda*" to be in the charge of an Officer and armed force belonging to the Royal Navy of Her Catholic Majesty, who were placed on board her by Lieutenant Cruz, Commander of the "*Teresita*," pilot-boat of war, who explicitly stated to the English Lieutenant that he had taken possession of the "*Matilda*" under the provisions of the Treaty existing between Great Britain and Spain, of the 28th June, 1835, on suspicion of her being destined for the Slave Trade, and fitted as a slave-vessel.

The Commissioners beg leave to transmit likewise copies of the Affidavits of the 2 Officers and 2 seamen belonging to the "*Vestal*," who formed a part of the force dispatched to visit the "*Matilda*," and who were thereby enabled to observe the several circumstances detailed, which are corroborative of the statement made by Lieutenant Cruz to the British Lieutenant, of the vessel's being fitted as a slaver.

The undersigned regret that the strict execution of their duty compels them to notice the neglect and delay which Lieutenant Cruz has been guilty of, in permitting so long a period to elapse without having fulfilled the enactments of the First Article to the Instructions to the vessels of the Royal Navies (Annex A. to the Treaty of 28th June, 1835), or without having in any way communicated to the Mixed Court of Justice the particulars of a transaction especially belonging to this Tribunal, and which it alone is capable of taking cognizance of and deciding upon.

The undersigned therefore rely upon the exertion of the superior authority of the Captain-General to take such measures as His Excellency may deem best calculated for causing Lieutenant Cruz to carry into effect, without further delay, the stipulations of the Treaty of the 28th June, 1835, under which he has detained the "*Matilda*," more especially Article 1st of Annex A. to this Treaty.

The undersigned have the honour, &c.
(Signed) E. W. H. SCHENLEY,
R. R. MADDEN.

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

Fourth Enclosure in No. 84.

Affidavits.

(1.)

APPEARED personally before me, Edward Wyndham Harrington Schenley, Esq., *Mr. Rundle Burges Watson*, Second Lieutenant of His Majesty's ship "*Vestal*," who, being duly sworn, deposed, that on the 4th current, at 6h. 30m. P.M., when off the Harbour of Guantanamo, he was ordered by Captain William Jones, Commander of His Majesty's ship "*Vestal*," to proceed in charge of 2 of the boats belonging to the "*Vestal*" for the purpose of visiting a suspicious schooner, which appeared to have just weighed her anchor, and to be running into that port. That on his going on board he was received by a Spanish Officer, and a party of Marines in uniform. That the vessel was to all appearance fitted for the Slave Trade, having on board a pivot gun (12 or 18 pounder), 2 carronades (1 on each gangway), very large coppers, open hatches, and small scuttles; the whole such as he had often before seen on board slave-vessels. That he was informed by the Spanish Officer that he belonged to the Spanish man-of-war pailebot "*Teresita*," at anchor about a cable's length in-shore. That the suspicious schooner was the "*Matilde*," under Spanish colours, detained by the "*Teresita*." That the deponent went into the after-cabin of the "*Matilde*," and returned on deck, during which period a boat arrived from the "*Teresita*." That deponent expressed a wish to proceed with the further inspection

of the vessel, but was refused until the Officer should receive further orders from his Commander, then on board the "Teresita." Shortly afterwards an Officer arrived from the "Teresita," who declared himself to be Lieutenant Cruz, the Commander of the "Teresita;" that he was acting under the Treaty recently concluded between Great Britain and Spain, and had that morning, at 11 A.M., detained the "Matilde" on a suspicion of her being destined for the illicit traffic in slaves, and fitted for that purpose; that he was going to send her to Cuba for adjudication; and, upon being asked whether he himself intended to proceed thither, he stated that he should previously finish his cruise.

(Signed) R. BURGESS WATSON, *Lieutenant R.N.*

Sworn before me at the Havana, this twenty-ninth day of May, one thousand eight hundred and thirty-seven.

(Signed) EDWARD W. H. SCHENLEY,
Acting Judge in the Mixed Court.

(2.)

Mr. William Thomas Rivers, Mate on board His Majesty's ship "Vestal," being duly sworn, declared that he accompanied Lieutenant Watson in charge of the jolly-boat on the 4th instant, when proceeding to examine the Spanish schooner "Matilde;" that he went on board that vessel, and understood that she had been detained by the Spanish schooner-of-war "Teresita," on suspicion of being engaged in illicit Slave Traffic, or fitted for it; that in the execution of his duty, on attempting to go below, he was stopped by a marine; that the armament, and particularly the coppers, were precisely similar to what he had seen before on board slave-vessels.

(Signed) WILLIAM T. RIVERS, *Mate.*

Sworn before me at the Havana, this twenty-ninth day of May, one thousand eight hundred and thirty-seven.

(Signed) EDWARD W. H. SCHENLEY,
Acting Judge in the Mixed Court.

(3.)

William Kinnaird, Coxwain of the cutter, which was one of the boats commanded by Lieutenant Watson when he proceeded on board the "Matilde," being duly sworn, deposed that, while alongside, he particularly noticed the combings of the hatchways to be fitted with holes for receiving bars, and the vessel's coppers to be precisely similar to those he has before seen on board slave-vessels.

(Signed) WILLIAM ^{his} X KINNAIRD.
_{mark.}

Sworn before me at the Havana, this twenty-ninth day of May, one thousand eight hundred and thirty-seven.

(Signed) EDWARD W. H. SCHENLEY,
Acting Judge in the Mixed Court.

(4.)

William Felsted, seaman, belonging to the "Vestal," being duly sworn, confirmed the above deposition of William Kinnaird.

(Signed) WILLIAM FELSTED.

Sworn before me at the Havana, this twenty-ninth day of May, one thousand eight hundred and thirty-seven.

(Signed) EDWARD W. H. SCHENLEY,
Acting Judge in the Mixed Court.

Fifth Enclosure in No. 84.

The Captain-General to His Majesty's Commissioner.

(Translation.)

Havana, 7th June, 1837.

I HAVE received your Communication of the 29th of last month relative to the Spanish merchant schooner "Matilde," which was fallen in with off Guantanamo by His Britannic Majesty's ship "Vestal" on the 4th of the same month; and, on examination, it was found that the "Matilde" was under the charge of an Officer of the Spanish Navy, placed on board by Lieutenant Cruz, Commander of the pilot-boat of war "Teresita," who stated that he had taken possession of the said schooner, under the conditions of the existing Treaty, on suspicion of her being destined for the Slave Trade; and, having referred the said Communication, with the Documents it contained, to the First Assessor-General, he has advised me, under this day's date, as follows:—

"Most Excellent Sir,—The Assessor opines, saving the better judgment of your Excellency, that the Communications made to your Excellency by the British Commissioner should be referred to the Commandant-General of the Marine for the proper purposes, acknowledging in the meantime the receipt thereof. Notwithstanding, they contain some occasions for previous discussion, which, however, we must pass by for the present, in consideration of the gravity of the subject, which must not, on any account, become torpid, or whatever your Excellency may deem most proper."

And I, agreeing with the above advice, acquaint you therewith in reply, as also that I have, under this day's date, addressed the necessary Official Letter to the Commandant-General of Marine of this station.

God preserve you many years.

*The Commissioners of His Britannic Majesty
in the Mixed Court of Justice.*

(Signed) MIGUEL TACON.

Sixth Enclosure in No. 84.

(Translation.)

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 17th June, 1837.

UNDER this day's date I have forwarded to the Mixed Court of Justice the reply of the Commandant-General of Marine on this station relative to the occurrence of the schooner "Matilde;" and considering that you, as Commissioners of the same Tribunal have to acquaint yourselves with

the contents of the Official Letter and Documents remitted by the aforesaid Chief of Marine, I have not thought it necessary to repeat the said communication; but if, nevertheless, you should consider they will be useful to you, I will send you a certified Copy of the said Documents on your application for them.

God preserve you many years.

The Commissioners of His Britannic Majesty,
&c. &c. &c.

(Signed)

MIGUEL TACON.

No. 85.

Viscount Palmerston to Her Majesty's Commissioners.

(Extract.)

Foreign Office, 14th August, 1837.

I HAVE received your Despatch of the 26th of January last, reporting the Case of the Spanish brig "*General Laborde*," which vessel was detained, under Article 10 of the Treaty of June 1835, with Spain, for being equipped for the Slave Trade, and was released by Decree of the British and Spanish Mixed Court of Justice, of which you are members.

I must observe, that taking into consideration the fact of the illegal equipment of the "*General Laborde*," and the notorious disregard of truth among persons engaged in the Slave Trade, Mr. Schenley was fully warranted in maintaining his opinion, that the vessel was intended for that traffic.

I, therefore, approve of Mr. Schenley's proceedings in this Case, and more particularly of his application to the Captain-General, that the "*General Laborde*" might not be permitted to quit the port again with her illegal equipment on board; and I have to inform you, that on this last point Her Majesty's Minister at Madrid will be instructed to make a representation to the Spanish Government.

No. 86.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 13.)

MY LORD,

Havana, 30th June, 1837.

ON the 15th current, the Acting Arbitrator having witnessed the exhibition on sale of a great number of bozal negroes in the front of a house situated upon one of the most frequented public resorts of this city, he communicated the facts, in writing, to Mr. Schenley, who deemed it expedient to make an immediate denouncement of them to the Captain-General. Accordingly, a Letter, of which we have the honour to enclose a Copy, was addressed to his Excellency. The Acting Judge, viewing this Case as one of more than ordinary hardihood and outrage of the Treaty, upon the part of the slave-dealers, resolved to use every effort to bring the miscreants engaged in it to justice. He accordingly acquainted himself with the locality of the building, and ascertained that a great proportion of the unfortunate inmates had not been disposed of during the sale of the previous day, but remained pent up, to be again offered when purchasers should present themselves.

The following morning (the 17th) a Letter from the Captain-General to the Commissioners, bearing date the 16th, was delivered to Mr. Schenley. This Letter, of which we beg leave to transmit a Copy, purports to require a more particular description of the precise situation of the denounced house. We, however, cannot consider it in any other light than written for the purpose of giving time to the slave-dealers to drive away their unhappy victims to a more secure retreat; for there is no "Paseo" within the immediate precincts of this city, except the one our Letter describes; nor, indeed, any other public place bearing such a denomination, with the exception of a drive, lately constructed by the Captain-General, at the distance of a mile and a half from the city, and upon which there are no houses whatever.

Such being the fact, together with the air of derision which the Captain-General's Reply seemed to throw upon the communication of the Commissioners, Mr. Schenley resolved upon adopting a course, certainly not heretofore pursued by the British Commissioners, but which, nevertheless, he hopes may meet with the approval of His Majesty's Government; namely, to put an end to all further doubt or subterfuge respecting the position of the house in question, by stating to the Captain-General that, if requisite, "one of the Commissioners would accompany,

and point it out" to such Officer as his Excellency might depute to carry on the investigation; and, as this measure might be supposed to involve personal risk, the Acting Judge gave a written assurance to his colleague, previous to asking his signature to it, that he would not be called upon to perform the onerous duty.

No further communication reached the Commissioners, relative to this nefarious transaction, until the 29th instant, when a long list of depositions and examinations, accompanied by a Letter from the Captain-General, was forwarded to us. We enclose, for your Lordship's information, a Translation of the above Documents; and thus has terminated, in a mass of, we regret to say, gross perjury, a transaction respecting which, and the correctness of our statements, there remains not a shadow of doubt upon our minds.

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. 86.

His Majesty's Commissioners to the Captain-General.

Havana, 16th June, 1837.

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 with the following very flagitious act of slave-dealing which was committed yesterday within the immediate precincts of this city, in broad daylight, and in one of the most frequented places of recreation for the inhabitants of the Havana, namely, the exposure for sale of a considerable number of bozal negroes, for the most part children, at the front of the house No. 61, on the Paseo, where these unfortunate victims were subjected to the disgusting modes of examination customary at these sales, in the presence of a number of persons congregated as purchasers.

The Undersigned have reason to believe that the whole of these unhappy beings were not disposed of yesterday; they, therefore, entertain a hope that the measures which they feel assured the Captain-General will adopt upon the receipt of this information may be the means of capturing and bringing to punishment the perpetrators of this atrocious crime, which exhibits an almost unparalleled defiance and contempt for the solemn Treaties to which their Government has so recently renewed its pledge formally to abolish the traffic in slaves throughout the dominions of Her Catholic Majesty.

The Undersigned have the honour, &c.

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

(Signed) E. W. H. SCHENLEY.
R. R. MADDEN.

Second Enclosure in No. 86.

The Captain-General to His Majesty's Commissioners.

Havana, 16th June, 1837.

GENTLEMEN,

I HAVE just received your Official Letter of to-day, in which you are pleased to acquaint me that yesterday afternoon, in broad daylight, and in one of the most frequented spots, a considerable number of bozal negroes had been exposed for sale, viz., in the front of the house No 61, on the Paseo; and as in the neighbourhood of this city there are various spots with the same name of "Paseo," I request you will state without loss of time, and with sufficient clearness, to which of them you allude, in order that I may give the necessary directions with exactness.

God preserve you many years.

The Commissioners of His Britannic Majesty,
&c. &c. &c.

(Signed) MIGUEL TACON.

Third Enclosure in No. 86.

His Majesty's Commissioners to the Captain-General.

Havana, 17th June, 1837.

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to acquaint his Excellency the Captain-General, in reply to his Letter of yesterday, that the house where the sale of bozal negroes was held, on Thursday, is No. 61, on the Paseo, or public promenade, situated between the Campo de Marte and the Punta. They beg further to add, if any difficulty still exists in ascertaining the precise place, that one of the Commissioners will accompany and point it out to such Officer as his Excellency may order to proceed to the investigation of this open and scandalous infraction of the Treaty, although the period which has now elapsed must render the detection of the offenders doubtful. Meantime they have the honour to avail themselves, &c.

(Signed) G. W. H. SCHENLEY.
R. R. MADDEN.

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

Fourth Enclosure in No. 86.

The Captain-General to His Majesty's Commissioners.

Havana, 29th June, 1837.

GENTLEMEN,

IN the Report of proceedings adopted in consequence of your communication of the 16th instant, respecting the sale of a considerable number of bozal negroes on the preceding day, in the

CLASS A

front of the house No. 61, on the Paseo, the first *Teniente* Assessor-General of the Government has advised me as follows:—

“Most Excellent Sir,—The British Commissioner, in his Official Letter of the 16th instant, was pleased to announce to your Excellency, that in the front of the house No. 61, on the Paseo, there had been exposed to the public for sale several *bozal* negroes, for the greater part children, but without explaining, doubtless through an involuntary omission, on which of the Paseos this had taken place. This point being cleared up by the Official Letter of the following day, although then with little hope of a good result, as the Commissioner observes, an Officer, who has performed with exactness delicate commissions for your Excellency, proceeded immediately to surprise the house and the slaves, and discovered no other vestige or sign of the dealing than a few plank couches, which indicated having contained a greater number of intelligent negroes, “*ladinos*,” than were found. The Assessor does not consider it impossible that the circumstance may have been as the Commissioner was pleased to denounce, for it is nowise strange that the interests and avarice of man generally find means to elude the best measures adopted by a vigilant police; nevertheless, it is certain that nothing was discovered, and all that is manifest is the want of vigilance and the neglect of the Capitan de San Lazaro, to whose ward belongs the house No. 61, on the Paseo. To this individual, as well as to the rest of the *Comisarios*, your Excellency has issued the strictest orders not only to impede, but to apprehend the violators of the Treaty; and it is very singular that in his quarter a number of negroes should be collected together without its having come to his knowledge, or without his endeavouring to acquaint himself with the motive which occasioned it, in order to give due notice to your Excellency. For which notable neglect he, the Assessor, considers it just that your Excellency be pleased to direct him to be seriously admonished for the future, that in case of any other similar report your Excellency will dismiss him from his situation and correct him according to circumstances. Your Excellency may also be pleased to reiterate the like charge to the rest of the *Comisarios* of wards, and address a statement of the whole of the depositions to the British Commissioner, in satisfaction and reply to his Official Letters, or whatever else your Excellency may consider more to the purpose.”

And having conformed with the above advice, I transcribe it to you, together with the depositions referred to, in reply to your beforementioned Official Letter.

God preserve you many years.

The Commissioners of His Britannic Majesty,
&c. &c. &c.

(Signed)

MIGUEL TACON.

Sub-Enclosure in No. 86.

Summary of the Proceedings adopted in consequence of a Denunciation of the Sale of Bozal Negroes in a House No. 61 on the Paseo.

Decree.

Havana, 28th June, 1837.—The Government Notary will immediately make out a Report of the annexed proceedings, adopted in consequence of a denunciation of the existence of bozal negroes in the house No. 61, Calle del Prado, in the ward of San Lazaro, and having done so he will return them to the Secretary's Office.

(Signed) TACON.

Official Report.

“Most Excellent Sir,—I beg to lay before your Excellency, in 11 leaves of paper, the Report of the proceedings adopted by me, in consequence of your Excellency's Special Commission, in order to discover the facts from which resulted the denunciation of a number of bozal negroes having been publicly disposed of at the house No. 61, Calle del Prado, in the ward of San Lazaro, as stated to your Excellency by His Britannic Majesty's Commissioners, in their Official Note of the 16th instant, translated at 2 o'clock the same day, in order that your Excellency may determine thereon. God preserve your Excellency many years.—Jesus Maria, 29th June, 1837.—To His Excellency the Captain-General.

(Signed) MANUEL DE MOYA.

Decree.

Havana, 19th June, 1837.—Let this summary be referred to the first Assessor-General.

(Signed) TACON.

Opinion of the Assessor.

Most Excellent Sir,—The British Commissioner, in his Official Letter of the 16th instant, was pleased to acquaint your Excellency, that in the front of the house No. 61, Calle del Prado, &c. (see Captain-General's Official Note of the 29th June, 1837).—Havana, 26th June, 1837.

(Signed) JOSE ILDEFONSO SUAREZ.

Decree.

Havana, 27th June, 1837.—I agree with the above. Let it be accomplished.

(Signed) TACON.

(Here follows the Letter of His Majesty's Commissioners of the 16th June, translated into Spanish, by Don Luis Payne, on the same day. Then the Captain-General's of the same date. And the reply thereto of the following day (the 17th).

Decree.

In haste.—Havana, 18th June, 1837.—Forward the preceding to the First Assessor-General for his advice.

(Signed) TACON.

Opinion of the Assessor.

Most Excellent Sir,—Your Excellency may be pleased to direct that the District Judge whom you may name proceed immediately to the place named in this Official Letter, and, together with a Notary of Her Majesty, proceed to the summary investigation, seizure of the *corpus delicti*, and imprisonment in the public gaol of such persons as may prove to be guilty, acquainting the British Commissioner therewith, as also that the spot at which the prohibited dealing was effected having been indicated, it appears to be unnecessary to trouble himself to point it out in person. Finally, your

Excellency may repeat your charge to the Officer you may select, that he omit no means of investigation, nor to write down any signs denoting the deposit and sale of the negroes, with which he will return for further directions, unless your Excellency be pleased to direct otherwise.—Havana, 18th June, 1837.

(Signed) JOSE ILDEFONSO SUAREZ.

Decree.

Havana, 19th June, 1837.—I agree to the preceding advice, and nominate the Captain, District Judge of the Ward of Jesus Maria, to proceed immediately and execute whatever is therein directed, and give me immediate advice of the result, this Decree furnishing him with the assistance he may require as regards my military jurisdiction.

(Signed) TACON.

Report of the Proceedings.

On the 18th June, 1837, the Sub-Lieutenant Don Manuel de Moya y Morejon, Captain of a Ward, commissioned to execute this Inquiry, as expressed in the Superior Decree of this day's date, inserted at page 5, accompanied by me, the Notary present, proceeded from the quarter of Jesus Maria to that of San-Lazaro, to the street of the Prado on the Paseo, outside the city, and the house No. 61, for the purpose of accomplishing the orders contained in the above-mentioned Decree, which is in conformity with the preceding opinion; and on arriving there and finding its doors closed, knocked several times, whereupon a coloured man appeared and stated that no one lived in the said house, and that in order to enter it it was necessary to pass through the front of No. 34, in the Calle del Consulado, which is a baker's shop. Upon this we went immediately to the said house in the Calle del Consulado, and being introduced as far as the principal room of No. 61, on the Paseo, and into the first and second rooms, there were sundry plank couches which covered the floor, upon which it appeared sundry negroes had rested on the previous days, according to the statement of Don José Cabré, the master of the baker's shop in the Calle del Consulado, through which we entered, and which communicates with No. 61, on the Paseo, by means of an alley which unites them at either end; and in the third room, opening into the yard of the house No. 61, on the Paseo, were found lying on the floor 9 intelligent negroes (*negros ladinos*), who declared themselves to be the property of Don Pedro Francisco Vilch, and belonging to an estate of his at a place called Arroyo Apolo, this individual being engaged in commerce in this city, and also as principal exchange broker. They stated that, being ill, their master had brought them here to be cured. And in order to ascertain the truth, the Judge of the present Commission directed that upon the oath of religion Don José Cabré should be examined as to these particulars, as also Don Pedro Francisco Vilch, the negro who first answered their call, and as many other persons as shall be required to discover the truth; that the Citations be made out; and that whatever other steps and proceedings may be necessary be adopted. Thus he directed and signed in my presence, of which I certify.

(Signed) MANUEL DE MOYA.
Before me, CARLOS COLON.

Another.

In the ward of San Lazaro, outside of this Most Faithful City of Havana, on the 19th June, 1837, before the said District Judge of the present Commission, and me, the Notary, appeared Don José Cabré, native of Palma, in Majorca, an inhabitant of this ward, a bachelor, employed as master of a baker's shop, and 50 years of age, who made oath according to law, upon which he promised to declare the truth; and, being examined as to the particulars considered necessary, stated that, about 8 days ago, Don Pedro Francisco Vilch brought 18 or 20 negroes from his estate, who had sores and other disorders to cure, and placed them in the same house in which were seen the 9 who have not yet recovered from their diseases; the whole of them being intelligent negroes (*ladinos*), and belonging to him; that he has been sending them back as they recovered; the plank-couches which remain in the first and second rooms of the before-mentioned house, whose entrance is on the Paseo, having been used by them. Being questioned as to whether he knows that, in the house, No. 61, Calle del Prado, or the Paseo, on the 15th instant, there were bozal negroes for sale, and whether any of them were sold, and to whom they belonged, and by what individual their sale was effected, he replied that there was no such thing; but it happened that, as the number of sick negroes, although not seriously so, amounting to 18 or 20, were publicly exposed, several persons, moved by curiosity, came to the house, and some even inquired if they were for sale; and also several other persons, friends of Vilch, came to see them, but not because they were to be sold; and, in fact, no sale was effected. And he declares that what he has stated is the truth, in virtue of the oath he took. His declaration was read over to him, which he allowed to be correctly and faithfully written down, and then signed it, together with the Captain; of which I was witness.

(Signed) MANUEL DE MOYA.
JOSE CABRE.

Before me, CARLOS COLON.

Another.

In the ward of San Lazaro, without the walls of the Most Faithful City of Havana, on the 19th June, 1837, before the said District Judge, and me, the Notary, appeared, on being called, the negro José Joaquim Palacios, native of this city, a slave of Dona Maria de Jesus Palacios, 17 years of age, and apprenticed to the trade of calesero, to whom the oath was administered according to law, upon which he promised to declare the truth; and, being examined on such particulars as were deemed proper, he deposed that, by order of Don José Cabré, under whose care he is placed, he went to the estate of Don Pedro Francisco Vilch, at Arroyo Apolo, and brought from thence about 20 negroes, who were sick slaves of Don Pedro, in order to their being cured at the house where he first spoke with the Judge who questions him; of which negroes only 9 remain, because the others, having recovered, were carried away again by the said Don Pedro. Being asked whether, in the same house in which the remaining 9 now are, there were, on the 15th instant, bozal negroes, who were being publicly sold, he replied that there were not; but that, as there were so many in the house, several gentlemen came to see them, thinking they were *bozales* for sale; but they were all *ladinos*, and slaves of Don Pedro, who had brought them here to be cured; and that nothing else occurred. And, declaring the above to be the truth, upon his oath, it was read over to him, and he confirmed it, but

did not sign, because, as he said, he knew not how; wherefore the Captain signed for him; of which I witness.

(Signed) MANUEL DE MOYA.
Before me, CARLOS COLON.

Another.

In the ward of San Lazaro, without the walls of the Most Faithful City of Havana, on the 19th June, 1837, before the said District Judge, and me, the Notary, appeared, on citation, Don Pedro Francisco Vilch, native of Majorca, inhabitant and merchant of this capital, a bachelor, and 25 years of age, whose oath was received according to law, upon which he promised to declare the truth; and, being examined as to the tenor of the declarations resulting from these proceedings, and other particulars considered necessary, he deposed that, in fact, it is all quite correct that has been stated,—that several negroes, belonging to him, and off of an estate likewise his property, having fallen sick, he caused them to be brought, on the 11th instant, to a house belonging to Dr. Manuel Cao, being No. 61, in the Calle del Prado, for the purpose of curing them sooner than could be done in the country; in which house there were still remaining 9 of them, who have not quite recovered; the whole having been brought hither by the coloured man, José Joaquin Palacios. Being asked if he disposed of, at the before-mentioned place, any of these negroes, or if he is aware that there were bozal negroes in the same house, on the 15th instant, who were publicly sold, and if so, to declare what he knows on this particular subject, he replied that no sale whatever was effected, nor did there exist, in the place in question, any other negroes than what he had stated as being all his property; but, as the deponent and several of his friends go there every day to see them, persons have not been wanting who thought they were bozales for sale; and even many have come to make the inquiry of him; but they were informed of the contrary. Being asked what physician attended his slaves in their illness, and who attends them at present, he stated that no physician attended them, because, their disorders being very slight, a little rest was sufficient, together with some household remedy, to restore them. And, declaring the above to be the truth, upon his oath, he read it over, stating it to be faithfully written down, and signed with the Captain; of which I witness.

(Signed) MANUEL DE MOYA.
PEDRO FRANCISCO VILCH.
Before me, CARLOS COLON.

Another.

In the ward of San Lazaro, without the walls of the Most Faithful City of the Havana, on the 19th June, 1837, the before-mentioned Captain, accompanied by me, the Notary, went to the house next door to No. 61, Calle del Prado, and finding there Don Cirilo Castejon, native of Majorca, an inhabitant of the ward in which he occupies the house in which he is examined, a bachelor, clerk of a mercantile house, and 19 years of age, to whom was administered the oath, according to law, upon which he promised to state the truth; and, being examined with respect to particulars considered necessary, he declared that he is certain that, in the next house, No. 61, there have not been any other negroes than about 20 *ladinos*, sick, the property of Don Francisco Vilch; and that he is equally certain that, on the 15th of the month, there were no *bozal* negroes in the house just mentioned, neither was there a sale of any class of negroes; for, on that very day, the 15th, he did not go out anywhere; but, from time to time, he went to see the negroes, and to chat with other persons who went for the same purpose in company with their master. And he declares all he has stated to be true, according to the oath he has taken. He read his deposition, declaring it to be correct and faithfully taken down, and signed it, together with the District Judge of the present Commission; of which I certify.

(Signed) MANUEL DE MOYA.
CIRILO CASTEJON.

Before me, CARLOS COLON.

Another.

In the ward of San Lazaro, without the walls of the Most Faithful City of Havana, on the 19th June, 1837, before the same Captain, and me, the Notary, was brought one of the negroes of those existing in the house, No. 61, in the Calle del Prado, or Paseo, outside the walls, to whom was administered the oath, according to law, upon which he promised to declare the truth; and, in consequence, he was examined as to the following particulars. Being asked what are his Christian and surnames, his age, state, calling, and condition, and where is his native place and residence, he deposed that his name is Juan Crisostomo; that he is a slave of Don Pedro Francisco Vilch, a bachelor, a labourer on an estate of his master at Arroyo Apolo, of the Lucumi nation, and about 45 years of age. Being asked why he is in this place, and by whose order, with whom he came, and how long ago, he stated that the deponent and about 26 of his companions, who were all sick at the estate in Arroyo Apolo, were sent for by their master, who sent to fetch them the *chino* (coloured man), José, of the baker's shop, on Saturday of last week, that they might be cured here, in the Havana; and that, already, nearly the whole of them have returned to the estate well, and that only 8 of his companions remain, who are now also well, but who have not yet returned because their master had not sent for them. Being asked if he had seen, if he knew, or had heard say, that there were bozal negroes, last week, in the same house, and for sale to the public, he replied in the negative, since they who were there were only the deponent and his companions, as he has already stated; but that many gentlemen entered to inquire if they were for sale, because, there being so many of them, and the street door open, they thought so. Being asked if they were cured by a medical man, and if he knows how he was named, he stated that they were not, but that they themselves prepared borage or white mallows to drink, by direction of their master; and some of them took purges, that their master himself gave them, of castor-oil, which cured them of the chest complaint, with which most of them were ill. And he declared that he had stated the truth, upon his oath. And his declaration was read to him, which he said was correct; but did not sign, as he said he could not, wherefore the Captain signed for him; of which I certify.

(Signed) MANUEL DE MOYA.
Before me, CARLOS COLON.

Another.

In the ward of the San Lazaro, without the walls of the Most Faithful City of Havana, on the 19th June, 1837, before the said Captain and me, the Notary, was brought another negro of those remain-

ing in the house No. 61, Calle del Prado, in this ward, to whom was administered the oath according to law; upon which he promised to tell the truth, and in consequence he was questioned as follows:— What are your Christian and surnames, where born and dwelling, how old, what state, calling, and condition. He replied, that his name is Mateo Vilch, that he is a native of Africa, of the Lucumi nation, about 32 years of age, a slave of Don Pedro Vilch, a bachelor, and a labourer on the estate of his master? Being asked why he is in this place, when he came to it, and with whom, he replied, that being ill with a complaint of the chest, his master sent the coloured man, José, to fetch him on Saturday of last week, and that there came with the deponent more than half of his companions on the estate to be cured. Being asked if he has seen, knows, or has heard say, that in the same house there were bozal negroes for sale to the public, he stated that there have been no others in the house but the deponent and his companions; that they have all been a long time in this country, but as there were so many of them, and the street-door open, persons passing by thought they were *bozales*, and many gentlemen entered to look at them, but that no one was sold, nor was there any sale of *bozales*. And he declared the above to be the truth upon his oath, and that it was correctly taken down, but did not sign because, as he said, he knew not how. The Capitan therefore signed for him, and I certify.

(Signed) MANUEL DE MOYA.

Before me, CARLOS COLON.

In the ward of Jesus Maria, outside the walls of the Always Most Faithful City of Havana, on the 19th June, 1837, the Capitan, Judge in the present Case, stated that these proceedings being completed as much as possible, they should be remitted with an Official Letter to his Excellency, in obedience to his orders, and for the proper purposes this will be deposited as a voucher; of which I certify.

(Signed) MOYA.
COLON.

A true Copy of the originals, which I returned to the Civil Secretary's Office, and to which I refer; and in obedience to orders I caused the present copy to be made.—Havana, 28th June, 1837.

(Signed) MANUEL AYALA.

No. 87.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 13.)

MY LORD,

Havana, 30th June, 1837.

WE beg to transmit the Lists of the arrivals and departures of slave-vessels which have come to our knowledge during the month past.

Arrivals.

8th June,	Portuguese brig	"Diligente,"	— Acosta,	Master.
10th	" "	"Hercules,"	— Ferreira	"
14th	" "	"Triunfo,"	— Cardoso	"
20th	" "	"Maria Teresa,"	— Mayo	"

Departures.

3d June,	Portuguese brig	"Matilda"	Cleared for	Loanda.
13th	" American "	"Morris Cooper"	"	Isla del Principe.
"	" Spanish "	"Aguila Vengadora"	"	Madagascar.
16th	" Portuguese schooner	"Liberal"	"	Isla del Principe.
19th June	American schooner	"Terrible"	Cleared for	Cape de Verde.
26th	" Portuguese ship,	"Amelia"	"	Mozambique.
27th	" Spanish schooner,	"Nueva Amable Salome"	"	Cape de Verds.

Several vessels have succeeded in landing cargoes, the names of which we have not been able to obtain; but the present reduced price of bozal negroes leaves no doubt that the importations have of late been considerable.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

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

&c. &c. &c.

No. 88.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 13.)

MY LORD,

Havana, 30th June, 1837.

IN pursuance of the Act of Parliament, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to enclose a Return of the Cases adjudicated in this Mixed Court 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. 88.

Return of Spanish Slave-Vessels brought before the Mixed Court at the Havana for Adjudication between the 1st January and the 30th June, 1837.

Name of the Vessel.	Date of Seizure.	Property seized.	Name of Seizer.	Date of Sentence.	Decretal part of Sentence, whether Forfeiture or Restitution.
General Laborde.	16 Dec. 1836.	Brigantine. Cargo of tobacco.	Lieut. Geo. Byng, commanding His Majesty's schooner Pincher.	17 Jan. 1837.	Case referred to arbitration, and sentence of restitution pronounced by a majority of the Court.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

No. 89.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 13.)

MY LORD,

Havana, 26th July, 1837.

WE beg leave to refer to our Despatch of the 22d of June, respecting the detention of the Spanish slave-schooner "*Matilde*" by the Spanish man-of-war "*Teresita*." We regret that it is not yet in our power to furnish your Lordship with any satisfactory information relative to this detention. On the 6th of July the Judges of the Mixed Court addressed another Letter to the Captain-General, referring his Excellency to the 1st Stipulation of Article 7 to the Treaty of the 28th June, 1835, in accordance with which they demanded the immediate delivery of the Case for adjudication before this Tribunal. His Excellency issued a mandate to that effect to the Marine Department, but the usual slowness of that Department, together with the delay consequent upon the distance between this city and Santiago de Cuba is the only reason that Mr. Schenley can assign for the delay, he having understood distinctly from the Captain-General that the Case should be delivered over for adjudication before the Mixed Court.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

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

No. 90.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 13.)

(Extract.)

Havana, July 31st, 1837.

A SAFE opportunity presenting to forward a Despatch to England, Mr. Schenley avails himself of it to lay before your Lordship the Copy of a Letter from the Captain-General to the Judges of the Mixed Court, which came to hand the day after the sailing of His Majesty's packet for England. Your Lordship will perceive by this Communication that the demand of the Judges to have the case of the "*Matilde*" delivered over for adjudication before the Mixed Court, has been acceded to; and that the necessary orders to that effect have been issued under the directions of the Captain-General by the Chief of the Marine Department.

Enclosure in No. 90.

The Captain-General to the Mixed Commission.

(Translation.)

MOST EXCELLENT SIR,

Havana, 22d July, 1837.

THE Commandant-General of Marine on this Station writes me, under date of the 15th inst., as follows:—

"Most Excellent Sir,—Having referred to the opinion of the Judge Auditor of War of the Marine of this Station your Excellency's Official Letter of the 12th instant, and the antecedent ones which accompanied it, relative to the detention of the schooner '*Matilde*' by the pilot-boat '*Teresita*,' he

has given it in the following terms:—‘ Senor Commandant-General,—From the copies of the Documents transmitted by his Excellency the President-Governor and Captain-General in his Official Letter of the 12th instant, it appears that yours of the 15th of last month, enclosing my advice and report of the proceedings adopted at Cuba in consequence of the detention of the schooner ‘*Matilde*,’ was forwarded to the Mixed Court, who do not even make mention of these antecedents in their resolution or decree of the 12th of the previous month, which was enclosed to you by his Excellency the Captain-General in his Official Letter of the 30th of the same month. Considering this silence of the Mixed Court, and remaining of course firm in my principles, since the reasons upon which I founded my report of the 8th of last month have not been weakened, I ought immediately to insist on my advice already given; but taking into consideration that it involves a treaty with a foreign nation, an ally and friend of our own, that the subject is a serious one, and that it is desirable, by means of your authority to remove even the slightest shadow of interest or partiality towards the Officer commanding the pilot-boat ‘*Teresia* ;’ I opine that the Commandant of the Port of Cuba should be immediately directed to send to this port, without delay, and place at the disposal of the Mixed Court the schooner ‘*Matilde*,’ with her crew, under a suitable escort, without prejudice to Her Majesty being informed of what has taken place, in order that she may deign to decide upon the line of conduct to be pursued in similar cases, particularly calling Her Royal attention to the circumstance of the Mixed Court having refused to take your communications into consideration, whose authority it appears to disown, when stating that it can only acknowledge that of his Excellency the Governor and Captain-General. That therefore a report of the proceedings be made by the Notary and laid before you; and, finally, that his Excellency the Captain-General’s Official Letter of the 12th instant be replied to, inserting this advice therein, should it merit your approval.—Havana, 15th July, 1837.

(Signed) ‘ANASTASIO CARILLO.’

“ And having conformed thereto by decree of this day’s date, I insert it to your Excellency for your information and in reply.”

And I transcribe it to your Excellency and the other Members of the Mixed Court for the proper purposes.

God preserve you many years.

(Signed) MIGUEL TACON.

*His Excellency the Conde de Fernandina,
and the other Members of the Mixed Court,
&c. &c. &c.*

No. 91.

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

MY LORD, *Havana, 31st July, 1837.*

WE have the honour to transmit enclosed a List of the names of such slave-vessels as we have been able to obtain during the past month, which have sailed from and arrived at this port.

We beg leave to state that on the 29th of June a vessel, named the “*Trasibolo*,” under *Austrian* colours, arrived at this port from the Coast of Africa. She was consigned to the French Consul, who, being prohibited by his Government from engaging in commerce, placed her in the hands of Mangoaga and Co., *notorious slave-dealers*. She is now publicly advertised, and is loading to return to the Coast of Africa.

We have likewise been informed, upon good authority, that, under the supposition of the accession of Portugal to the Equipment Article, the slave-dealers being thereby driven from the succour they at present receive from that flag, are **about** to use extensively the flag of Austria, to secure them against capture by His Majesty’s cruisers, when found equipped for the Slave Trade.

Mr. Schenley has great satisfaction in acquainting your Lordship that one of the persons most deeply engaged in this nefarious commerce admitted, unequivocally, that the general adoption of the Equipment Article must put an end to the Slave Trade, at all events so far as is connected with this distant voyage, it being impossible for slave-vessels to convey cargoes of negroes across the Atlantic without a large and easily distinguishable supply of water and provisions.

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. 91.

Arrival.

17th July Portuguese schooner “*Ligera*,” Miguel Antonio, Master.

Departures.

7th July, Spanish brig	“ <i>Irene</i> ”	Cleared for the Filipinas:
1th “ Portuguese schooner	“ <i>Constitucion</i> ”	“ Isla del Principe.
11th “ American “	“ <i>George Washington</i> ”	“ Cape de Verds.

The Undersigned beg leave to state in reply that their duty as British Commissioners extends only to putting the Captain-General in possession of the facts that reach them connected with the carrying on of the Slave Trade, which may enable his Excellency, through the vigilance of his very effectual police, to bring to punishment the miscreants concerned in this nefarious commerce. And the Undersigned regret that they have felt it their duty, upon a full conviction, to report to their Government that the whole of the vessels which frequent this harbour under the Portuguese flag are solely engaged in the illegal traffic in slaves.

The Undersigned have the honour, &c.

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

(Signed)

E. W. H. SCHENLEY.
R. R. MADDEN.

No. 93.

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

MY LORD,

Havana, 15th August, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch (No. 7) of the 15th May last, and, in reply, to transmit Copies of the Correspondence which has passed upon the subject of it between His Majesty's Commissioners and the Spanish Commissioners of the Mixed Court of Justice, whereby your Lordship will perceive that our Spanish colleagues have consented to the terms of the alterations proposed to be made in the Certificates of emancipation which are in future to be delivered to the negroes liberated by the Decree of this Tribunal.

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. 93.

His Majesty's Commissioners to the Spanish Commissioners.

MOST EXCELLENT SIR AND GENTLEMEN,

Havana, 3d July, 1837.

IT appearing to His Majesty's Government that the Certificate of emancipation delivered to the negro emancipated by the sentence of the Mixed Court does not distinguish with sufficient clearness which of the 2 Governments it is to whose custody and care the negro is to be consigned; we have, in consequence, received instructions from Viscount Palmerston to propose to your Excellency and the other Spanish Members of this Mixed Court, that as, according to the Treaty of 1835, the negro is to be placed at the disposal of the Government whose cruiser captured the vessel in which he was taken, and as this is what ought to be expressed in the Certificate, the words "El Supremo Gobierno," at the end of the Certificate, be replaced by the words "El Gobierno de Su Magestad Britanica," or "Catolica," as the case may require.

We have, &c.

(Signed)

E. W. H. SCHENLEY.
R. R. MADDEN.

To His Excellency the Conde de Fernandina and the other Spanish Members of the Mixed Court.

Second Enclosure in No. 93.

The Spanish Commissioners to His Majesty's Commissioners.

GENTLEMEN,

Havana, 14th August, 1837.

IT being evident to us that in the clause (El Supremo Gobierno) inserted in the Certificates of emancipation, is comprehended that which it is proposed to substitute, viz. El Gobierno de S. M. C. ò B., we have no particular objection that the alteration be made accordingly in future cases, since reference being made in the said Certificate to the Government to which the cruiser belongs that made the detention, which rectifies the quotation of the Treaty of the 28th June, 1835; it is beyond a doubt that the superior Government referred to is that of Her Catholic or His Britannic Majesty, to whichever the capturing vessel belongs. With which we reply to your official Letter of the 3d July last.

God preserve you many years.

(Signed)

EL CONDE DE FERNANDINA.
JUAN MONTALNO.

To E. W. H. Schenley, Esq., and R. R. Madden, Esq., British Judge and Arbitrator in the Mixed Court.

No. 94.

Viscount Palmerston to Her Majesty's Commissioners.

(Extract.)

Foreign Office, 18th September, 1837.

I HAVE received your Despatches to that of the 2d of June.
CLASS A.

In order to obviate the inconvenience which may arise from detaining the negroes on board the slave-vessels, until all the Forms of the Court are complied with, I have requested that Instructions may be issued by the Secretary of State for the Colonies to the British Superintendent, to take cognizance of each case as soon as the sentence is signed, and to do all in his power to alleviate the sufferings of the negroes during their unavoidable detention on board, by supplying them with clothing, nourishment, and medicine, without waiting, as in the case of the "*Empresa*," till the negroes are formerly made over to his care.

No. 95.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 3.)

MY LORD,

Havana, 31st August, 1837.

THE enclosed List contains the names of the slave-vessels that have reached our knowledge, as having sailed for and arrived from the Coast of Africa during the past month. The "*Trasibolo*," Captain Smaserick, under the Austrian flag, we are informed carried a considerable number of negroes from hence, destined for San José, a settlement upon the Coast of Africa. Forty-four of these persons are stated to be *free negroes*; and the declared object of this shipment is for the formation of a sugar and coffee plantation at the above place, the whole of the negroes being agriculturists.

We hail with unfeigned satisfaction the prospect of an industry being promoted upon the African shores, which, if successful, will strike deeply at the root of the inhuman Slave Trade, which at present desolates them.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

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

&c.

&c.

&c.

Enclosure in No. 95.

List of Departures during the Month of August.

August 5th,	Portuguese brig	"Fortuna"	. . . . .	Cleared for San Tomé.
" 19th,	Spanish schooner	"Famosa Estrella"	. . . . .	" Isla del Principe.
" 21st,	American brig	"Teazer"	. . . . .	" Gooea."
" 22d,	Austrian "	"Trasibolo"	. . . . .	" Gooea."

Arrival.

August 14th, Portuguese schooner "*Destemida*."

No. 96.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 3.)

MY LORD,

Havana, 13th September, 1837.

ON the 30th of August, Lieutenant Hunt, of Her Majesty's sloop "*Racer*," brought into this port, for adjudication, the Spanish merchant-schooner "*Antonica*," Gerónimo Giscarre, Master. This vessel was detained by the "*Racer*," Commander James Hope, on the 7th of June last, while sailing under Portuguese colours, for having on board 183 African negroes for the purpose of being sold as slaves in this Island.

The necessary forms having been gone through, on the 6th instant the Mixed Court met to examine the Documents and Evidence in the Case; and, on the 11th sentence was signed, declaring the "*Antonica*" to be a good and legal prize to Her Majesty's sloop "*Racer*," condemning the vessel to be dealt with according to the stipulations of the Treaty, and that the 183 Africans are to remain free from slavery or captivity; also that the British Judge is "to make known to the proper Authorities that they ought to remit the descriptions of the said slaves in form, and upon oath, to this Mixed Court of Justice, which will assign to them their Cer-

tificates of Emancipation, which will be entered in the proper book in the Secretary's office."

We have the honour to transmit an Abstract of the Evidence and Copies of the Documents which were produced before the Court upon this trial. They consist of a Letter from Commander Hope to the Judges of the Mixed Court, detailing the circumstances of the capture; the Captor's Declaration; a Certificate of the necessity for landing the slaves; the Receipt of the *ad interim* Governor of the Bahamas, for 183 Africans belonging to the "*Antonica*;" the Letter of the Prize Master, at the time of bringing the ship's Papers into the Mixed Court of Justice; a Copy of the sentence, and a Copy of the communication addressed by the Acting Judge to the Lieutenant-Governor of the Bahamas, requesting to be supplied with the descriptions of the above negroes.

The circumstance of the capture of the "*Antonica*" having been made under the Treaty with *Portugal*, and the negroes dealt with according to the regulations approved by Her Majesty's Government in such cases, produced a temporary difference of opinion between the two Judges. The Spanish Judge asserted that a violation of the 4th Article of Annex A. had taken place by landing the slaves "without the permission of the Mixed Court of Justice," and he required that they should be brought forthwith to the Havana, whereas the British Judge is of opinion that the words, "or any other causes," contained in the 2d stipulation of the above Article, sufficiently cover the emergency, especially when "a Certificate, in proper form," of the necessity of the disembarkation, is produced before the Court, as in this instance; consequently, that Commander Hope had only committed an unintentional informality. We, however, respectfully take the liberty to suggest that a strict search ought to be prosecuted by Her Majesty's cruizers on board all vessels liable to the provisions of the Treaty; because, in many cases like the present one, the Spanish character would be at once ascertained; moreover, by obtaining possession of the Correspondence which they almost invariably carry, many circumstances would be brought to light highly important as regards the originators of these enterprizes, as well as the suppression of the traffic.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

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

First Enclosure in No. 96.

Abstract of the Evidence in the Case of the "Antonica."

6th September, 1837.

LIEUTENANT HENRY HUNT, of Her Majesty's brig "*Racer*," and Prize-Master of the slave-schooner "*Antonica*," being duly sworn, examined the Documents shown to him, and declared the first to be that delivered to him by Commander Hope to be placed in the hands of the Judges, and the second that which, as Prize-Master, he presented, in order that the adjudication might proceed, signed by him, and now ratified. That the other Papers or Documents also shown to him are those mentioned by Commander Hope in his Letter just recognised by deponent, and are as follows: 4 in the English language, 3 in Spanish, and 7 in Portuguese, making in all 14. That of the four first, one is the Declaration of the captor, the second a Certificate showing the necessity of landing the bozal negroes, the third the Receipt of the Acting Governor of Nassau for the bozal negroes, and the fourth the Inventory of the effects of the vessel. Of the three in Spanish, the first is the Muster-roll of the detained schooner, the second the Royal Passport, and the third the *Contrasena*. And of the seven in Portuguese, the first is the Log-book, which being well examined, is found to be written in Spanish; the second, the Bill of Health, in Portuguese; the third the Muster-roll; the fourth a Paper from the Custom-house, stating the vessel to be ready for sea, and comprising the attestation of the security; the fifth a Petition and Permission to perform the voyage; the sixth a Passport granted by the Government of San Pablo de Loanda, in the name of Her Most Faithful Majesty; and the seventh a Title-deed of ownership of the vessel. That having examined all these Papers carefully, deponent declares them to be the same Papers that were delivered to him by the capturing Commander to lay before the Mixed Court as necessary for the decision of the Case. That deponent left Commander Hope at Jamaica about the 15th August last, and came to this port without touching at any other place than Guayavon, which he was compelled to do in order to pump out the vessel, which was making a great quantity of water. That not having interfered with the negroes since he delivered them up he is ignorant as to how many may have died. That from the conversation of the detained Captain, and remarks made by him at different times, deponent suspected him of having Spanish Papers, and required him to give them up, which he agreed to do, whereupon deponent being convinced of their correctness, forthwith returned that he might deliver them to the Commander of the "*Racer*" himself, which, in fact, he did. That the above took place in the cabin, none other of the crew being present or cognizant of the facts.

Don Geronimo Giscafre, native of the city of Malaga, a bachelor, by profession Mate, and actually

Captain and First Mate of the Spanish schooner "*Antonica*," being duly sworn, deposed that he was brought to this port by Lieutenant Henry Hunt of the British Royal Navy, by order of the Commander of the English brig of war "*Racer*," Mr. James Hope, by whom he was detained off Cape Cruz on the south side of this island, for having bozal negroes on board. That he was detained on the 7th June last, having 183 slaves of both sexes on board. That he embarked the said 183 slaves in the River Congo, on the Coast of Africa, on or about the 29th April last, and that he was bound to Trinidad in this Island of Cuba. That he sailed from this port of Havana on the 30th June, 1836. That the cargo, which was registered in the Royal Custom-house, was composed of cotton goods, aguardiente, muskets, and some other effects; and that he sailed with Spanish Papers despatched by the *Comandancia General* of Marine of this Station. That the whole of his cargo was exchanged for the above-mentioned negroes, no part whatever remaining. That the Spanish Papers numbered from 1 to 3, viz. the Muster-roll, the Royal Passport, and the *Contrasena* are truly the Papers that he sailed with from Havana for the voyage out and back to Trinidad of this island. That when the "*Racer*" detained the "*Antonica*," he only delivered to the Commander the Portuguese Papers, in consequence of which he ordered the negroes to be landed at Nassau, which was done, and the Prize-Master pursued his voyage according to the orders of his Commander, during which the investigations and suspicions of this Officer obliged deponent to produce the said Spanish Papers, which remained in his possession until they rejoined the "*Racer*," when he delivered them to her Commander, Mr. James Hope. That he committed an error in not delivering to Commander Hope at the time of detention the Spanish Papers, but only the Portuguese, which he did, thinking he would not be detained; but, seeing his mistake, and acting in good faith, he could not do less than declare the truth to the Prize-Master in reply to his interrogatories. That the deponent is Captain and Super-cargo of the "*Antonica*," as already stated, and that the Owner is Don Manuel Ascora, although he has not at present the Deed of ownership, which he might find among his Papers. That deponent is 33 years of age.

José Freyne, a native of Passages, in the kingdom of Galicia, married, a seaman by profession, and actually Boatswain of the Spanish schooner "*Antonica*," being duly sworn, deposed that the "*Antonica*" was detained by Her Majesty's brig "*Racer*," Commander James Hope, off Cape Cruz, on the south side of this island, for having bozal negroes on board. That the captured schooner was sent with a Lieutenant of the English Navy and another Officer, whom he took to be a Midshipman, to Nassau, New Providence, to land the slaves, who were, in fact, landed. That the Spanish crew had already been taken on board the capturing brig, excepting only the Captain, a white man, whose name he does not recollect; a negro called José, and deponent, who remained on board the schooner. That they afterwards returned to Cape Cruz, in search of the brig-of-war, and not finding her, they went on to Jamaica, and on rejoining her there, the captor directed the English Officer who acted as Prize-Master to bring them on to this port. That there were 183 negroes alive at the period of detention, who were all left on the Island of New Providence, but he knows not if any of them died afterwards. That they were taken on board in the River Congo, on the Coast of Africa, to the above-mentioned number of 183. That they sailed from this port on the 30th of June last year with a cargo of cotton goods, aguardiente, gunpowder, and other articles, and with Spanish Papers. That the Captain gave him the situation of Boatswain. That they sailed direct to the River Congo. That as he cannot write, he knows nothing respecting the Papers, except that he heard on board that after embarking the negroes in the River Congo they went to San Pablo de Loanda to get Portuguese Papers, which were those presented to the Captor at the period of detention; but that after landing the negroes in New Providence the Spanish Captain gave up to the English Commander the Spanish Papers, which will be the same that were shown to him without his being able to distinguish or know them. That the negroes were purchased by the Captain, but he knows not who owns them. That no part of the outward bound cargo remained on board. That the detention was made in the month of June, and, to the best of his recollection, on the 7th day thereof, although he cannot be certain as to the date. That the negro José is not one of those taken on board in the River Congo, he having sailed from this port together with deponent as Page or Cook's Assistant.

Andrés Crucero, a native of Ferrol in the kingdom of Galicia, a bachelor, seaman by profession, and actually Steward and Cook on board the schooner "*Antonica*," being duly sworn, deposed that on the 7th of June last he was detained off Cape Cruz on the south side of this island, by the English brig-of-war "*Racer*," the schooner "*Antonica*" having on board 183 negroes, who were embarked in the River Congo on the Coast of Africa, on what day he does not exactly recollect. That the negroes were carried to Nassau, New Providence, by order of the Captor, where they were landed, and the "*Antonica*" returned to Cape Cruz, where they fell in with the schooner "*Tragamillas*," which was also detained for trading in slaves. That they went from thence to Jamaica, when the capturing Commander ordered the Lieutenant, Prize-Master, to bring them to this port for adjudication. That he supposes the reason they were not brought to this port at the time of detention was, that they sailed under Portuguese colours, but that being Spanish, and having sailed from this port of Havana with a cargo and Spanish Papers, as he understood, will, without doubt, have been the cause of the English Commander's sending them on here for trial. That after the negroes were purchased in the River Congo, he heard say that with Portuguese Papers the schooner could not be detained, and he is persuaded that for this reason the Captain and First Pilot went to Angola to obtain them. That he knows nothing more on the subject. That he has already stated that he can neither read nor write, but he understood on board the schooner that the Captain himself made known the circumstance of the Spanish Papers to the Prize-Master, who acquainted the capturing Commander thereof. That he is 28 years of age.

Second Enclosure in No. 96.

Commander Hope to the Mixed Court.

His Majesty's Sloop, Racer, 15th August, 1837. Port Royal.

MOST EXCELLENT SIR, AND GENTLEMEN,

I HAVE the honour to acquaint you that on the 7th June, I obtained the vessel named in the

Antonio, under Portuguese colours; bound to Trinidad, with 183 negroes.

Documents.

- Declaration of Captor.
- Certificate of the disembarkation of slaves.
- Receipt for ditto.
- Report of Survey on Antonio.
- Portuguese Papers.
- Spanish ditto.

margin, under the circumstances therein stated, and that I sent her to Nassau for the purpose of landing the negroes; giving Lieutenant Hunt, the Officer in charge, such directions as I at that time deemed calculated to insure his rejoining me when he should have discharged the service in question.

On the 31st July, when Lieutenant Hunt rejoined me, I found the Captain had Spanish Papers in his possession at the period of capture; and as, on examination, I have come to the conclusion that his Portuguese Papers are fictitious, I have therefore sent the vessel to the Havana for adjudication.

The Commission will not fail to observe the exceeding inconvenience which has accrued to His Majesty's Service from this want of ingenuousness on the part of the Captain, to whom at the day of capture I explained most fully the necessity which existed of producing Spanish Papers, if they were in his possession.

The vessel has been dealt with as a Portuguese up to the day on which I became acquainted with the fact of her being Spanish; a period of time amply sufficient for the termination of all proceedings relative to her at the Havana; and I esteem myself particularly fortunate in having taken the precaution of ordering her to rejoin me prior to her proceeding to Sierra Leone, which has saved me from incurring much additional inconvenience.

I transmit herewith the Documents drawn up at the period of her capture, Lieutenant Hunt being competent to make any affidavit which may be required, and such other Documents as are requisite for her condemnation.

I have the honour to be &c.

(Signed)

JAMES HOPE, *Commander.*

To his Excellency the Conde de Fernandina, and the other Members of the Mixed Court of Justice at Havana.

Third Enclosure in No. 96.

Captor's Declaration in the Case of the "Antonica."

I, JAMES HOPE, Esq., Commander of His British Majesty's sloop "Racer," hereby declare that on this 7th day of June, 1837, being in or about latitude 19° 18' north, and longitude 78° 42' west, I detained the schooner named the "Antonica," sailing under Portuguese colours, and unarmed, commanded by José Victorio, *alias* Geronimo Giscafre, who declared her to be bound from the river Congo to Trinidad de Cuba, with a crew consisting of 15 men, 4 boys, no Supercargo, no passengers; whose names, as declared by them respectively are inserted in a List at foot hereof, and having on board 185 slaves, said to have been taken on board at the River Congo, on the 1st day of May, 1837, and are enumerated as follows, viz.

	<i>Healthy.</i>	<i>Sick.</i>
Men . . .	90	"
Women . .	0	"
Boys . . .	62	"
Girls . . .	33	"

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 Nassau in the Island of New Providence.

(Here follows the List of the crew, in number 20.)

(Signed)

J. HOPE, *Commander.*

JOHN ROBERTSON, *Surgeon.*

ROBERT M. JEFFERY, *Purser.*

} *Witnesses.*

Fourth Enclosure in No. 96.

Certificate of the Case of the "Antonica."

I, JAMES HOPE, Esq., Commander of His Britannic Majesty's sloop Racer, hereby certify that on the 7th day of June, 1837, being in latitude 19° 18' north, and longitude 78° 42' west, I detained the schooner named the "Antonica," sailing under Portuguese colours, and unarmed, commanded by Agoste José Victorio, *alias* Geronimo Giscafre, who declared her to be bound from the River Congo to Trinidad de Cuba, with a crew consisting of 15 men, 4 boys, no Supercargo, no passengers, and having on board 185 slaves, viz.

	<i>Healthy.</i>	<i>Sick.</i>
Men . . .	90	"
Women . .	0	"
Boys . . .	62	"
Girls . . .	33	"

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 the length of the voyage to that place being such as to render it an unsafe one for their health, I did, on the 7th day of June, desire Lieutenant Hunt to disembark the said slaves at Nassau, in the Island of New Providence, at which place they arrived, and where they did remain.

(Signed)

J. HOPE, *Commander.*

JOHN ROBERTSON, *Surgeon.*

ROBERT M. JEFFERY, *Purser.*

} *Witnesses.*

Fifth Enclosure in No. 96.

Bahama Islands, New Providence.

RECEIVED from Lieutenant Hunt, Royal Navy, the undermentioned negroes, being the cargo of the Portuguese slave-schooner "Antonica," captured by His Majesty's sloop "Racer," James Hope, Esq. Royal Navy, Commander, on or about the 7th of June instant, namely,—

Men . . .	85	
Boys . . .	65	150
		—
Women . . .	10	
Girls . . .	23	33
		—
Total		183

Say one hundred and eighty-three.

Given in duplicate under my hand, at Government-house, Nassau, this 24th day of June, 1837.

(Signed) JOSEPH HUNTER, *President,*
Administering the Government.

Sixth Enclosure in No. 96.

Lieutenant Hunt to the Mixed Commission.

GENTLEMEN,

CONFORMABLY with the third stipulation of Art. 3. to Annex A, of the Treaty of the 28th June, 1835, I have the honour to transmit to you the Papers which were found on board the slave-schooner, "Antonica," together with a Declaration of the Captor, &c., &c., which vessel, in consequence of the discovery of Spanish Papers on board, Commander Hope has despatched to the Havana under my charge, in order that she may be traduced before your tribunal.

Day of capture, 7th June, 1837. Same day sent on board the "Racer" the crew, with the exception of the men named in the margin, landed the slaves on the 24th June, since which, with the exception of provisioning the vessel, no change has taken place.

I beg leave to refer you to the Documents herein enclosed, bearing the signature of Commander Hope, for all further particulars.

(Signed) HENRY L. HUNT,
Lieutenant in charge of the Prize.

P. S. On or about the 3d day of August, lost in Lucca Bay, in the Island of Jamaica, one small anchor and about half an hawser.

To the Spanish and British Judges,
Mixed Court of Justice Havana.

Seventh Enclosure in No 96.

(Translation.)

Sentence in the Case of the Antonica.

IN the Always Most Faithful City of Havana, on the 11th day of September, 1837, the Most Excellent Senor Don José Maria Herrera y Herrera, Conde de Ferdinandina, Honorary Grandee of Spain of the first class, &c., &c., and Don Edward Wyndham Harrington Schenley, the first Spanish Judge by nomination, and the second Acting British Judge, in consequence of the absence of the Officer who holds the appointment, in the Mixed Court of Justice established in this city for preventing the subjects of either nation from engaging in the trade in slaves, in fulfilment of the Treaty issued at Madrid on the 28th June, 1835, between their Catholic and Britannic Majesties: having examined these proceedings instituted upon the detention which the English brig-of-war "Racer," Commander James Hope, made of the Spanish merchant-schooner "Antonica," Captain Don Geronimo Giscafre, on the 7th of June last, off Cape Cruz, on the south side of this Island of Cuba, in latitude 19° 18' north, and longitude 78° 42' west, and sent to Nassau, in the Island of New Providence, for the purpose of landing the negroes, whom in fact she disembarked, to the number of 183, as appears from the Receipt of the President administering that Government, and giving to the Lieutenant in the British Navy, Mr. Henry Hunt, who acts as Captain of the prize, such orders as at the time he considered proper, the schooner being considered at that period to be Portuguese, directing him to rejoin the "Racer" as soon as he should have performed the service he was engaged in, which Lieutenant Hunt accordingly did on the 31st July, when it was discovered that the Spanish Captain had Spanish Papers in his possession at the period of capture; on examining which, Commander Hope became convinced that the schooner "Antonica" was of Spanish register, and the second set of Portuguese Papers false, and he therefore sent the vessel before this Mixed Court of Justice for adjudication, the said 183 slaves remaining in the Island of Providence, although they ought to have been disembarked in this port alone to await the result of the detention, according to the Annex C. of the aforesaid Treaty, except in the cases therein referred to, or in case of necessity at the time, and until the sentence directs their delivery up to the Government to which the cruiser belongs that made the capture, under all the requisities and formalities prescribed. And it being fully proved by the Declaration of the Commander of the English brig-of-war, presented by Lieutenant Hunt on his arrival in this harbour, from his own, from that of the Spanish Captain, and those of other individuals of the crew of the detained schooner, that she sailed from this port of Havana on the 30th June, 1836, with Spanish Papers from the Commandancia General of Marine of this station, and a cargo registered in the Royal Maritime Custom-house for the Islands of Principe and St. Thomas, and that she sailed direct for the River Congo on the Coast of Africa, where she embarked the 183 negroes who existed on board at the period of detention, and were landed at Nassau, in the Island of New Providence, where they remain. And notwithstanding the neglect of order in respect of the provisions of the Treaty of the 28th June, 1835, taking into consideration the circumstances which have presented themselves during the proceedings, without making it a precedent in any other Case, the Judges agreed that they ought to declare, and hereby do 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 manifest, the capture of the above-mentioned schooner "Antonica," and the 183 bozal negroes, to be good and legal, the vessel being subject to condemnation, with all her rigging, stores, and whatever else may appear in her Inventory, except the above-mentioned 183 negroes remaining alive, who are hereby declared free from slavery and captivity.

And Commander James Hope, of the English brig-of-war "Racer," is advised that in future Cases the negroes are also to be brought to this port to be adjudged according to the Treaty; upon which subject the British Judge will address to him the necessary observations, as also that he shall make known to the proper Authorities that they ought to remit the descriptions of the said slaves in form and upon oath to this Mixed Court of Justice, which will assign to them their Certificates of emancipation, which will be entered in the proper book in the Secretary's Office, and he will be pleased to communicate to us the result. Whereupon the Judges order that the condemned vessel be broken to pieces, and that the fragments, with whatever other articles may belong to her, be valued by the principal Masters of the Royal Arsenal, sworn to fidelity, and that they be then sold at public auction, before the Notary, Don Manuel Fornari, and the proceeds applied according to the provisions of the Treaty, and the Instructions annexed thereto; the vessel being for the present placed in deposit with Don until these orders are executed, who shall likewise swear to be faithful, and shall receive her from the Prize-Master under formal inventory; that an Official Letter, with a certified Copy of these Proceedings, be addressed to his Excellency the Captain-General, the individuals of the crew of the schooner "Antonica" being placed at his Excellency's disposal. And by this their sentence definitely judging, thus the Judges provided, ordered, and signed, in the presence of the Secretary, who certifies.

(Signed)

EL CONDE DE FERNANDINA.
EDWARD W. H. SCHENLEY.

Eighth Enclosure in No. 96.

*Mr. Schenley to Colonel Cockburn.**Havana, 20th September, 1837.*

SIR, I HAVE the honour to acquaint you that on the 30th of August Lieutenant Hunt, belonging to Her Majesty's sloop "Racer," brought into the Havana the Spanish merchant-schooner "Antonica," which vessel was detained by the "Racer," Commander James Hope, on the 7th June last, while sailing under Portuguese colours, for having on board 183 African negroes destined to be sold into slavery in this Island.

I beg leave to forward to you a Copy of the sentence which has been signed by the Judges of the Mixed Court in this Case, wherein you will observe that the British Judge is called upon "to make known to the proper authorities that they ought to remit the descriptions of the said slaves in form, and upon oath, to this Mixed Court of Justice, which will assign to them their Certificates of emancipation, which will be entered in the proper book in the Secretary's Office."

As it is proved by the deposition of Lieutenant Hunt, and the receipt which he delivered into Court, bearing the signature of Joseph Hunter, Esq., *ad interim* Governor of the Bahamas, that these 183 negroes were landed from the "Antonica" at Nassau, on the 24th June last, I have to request that you will be good enough to cause me to be supplied with the above particulars, in order that the Certificates of emancipation may be duly executed here, and forwarded to you for distribution, agreeably with the stipulations of the Treaty of the 28th June, 1835, more especially the 13th Article, as well as Articles 5 and 6 of Annex C. to that Treaty.

I have the honour to be, &c.

His Excellency Colonel Cockburn,
&c. &c. &c.

(Signed)

E. W. H. SCHENLEY,
Acting Judge.

No. 97.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 3.)

MY LORD,

Havana, 21st September, 1837.

WE have the honour to acquaint your Lordship that on the 19th current Her Majesty's ship "Comus," Commander the Honourable P. P. Cary, brought into this port the Portuguese schooner "Ingemane," which vessel was detained by the "Comus" with 82 bozal negroes on board, destined to be sold as slaves in this Island.

Captain Cary put into this port in the execution of his orders, but there being no indication whatever of the "Ingemane" being a Spanish vessel, he did not communicate officially with the Commissioners, and it is his intention to proceed in 2 days with his prize to Nassau, New Providence, for the purpose of landing the negroes, and condemning the slave-schooner as unseaworthy,

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 98.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 3.)

MY LORD,

Havana, 23rd Sept., 1837.

ON the 21st ultimo, Her Majesty's Ship "Seringapatam," Captain Leith, arrived here, having under convoy the "Romney." On the 23rd we were honoured with the receipt of your Lordship's Dispatch and Enclosure of the 27th

of June last, acquainting us that this vessel had been selected by the Board of Admiralty as a hulk for the reception of negroes emancipated by the Mixed Court of Justice at the Havana, and desiring us that, although the particular service on which the "Romney" is to be employed is under the superintendence of Dr. Madden, we are not to fail to lend all the aid in our power to Lieut. Jenkin, the Officer who commands her, in the execution of his duties, and that the Commissioners are to avail themselves of the counsel both of Dr. Madden and Lieut. Jenkin in settling with the Captain-General the spot at which the hulk is to be stationed, and the place at which the depôt for the sick is to be established on shore.

We beg to refer your Lordship to our Despatch of 22d June, 1837, and we trust that the measures which we had the honour to report to your Lordship in that Despatch, relative to the above arrangements, have met with approval.

When the "Romney" entered the harbour, a Pilot carried her to her mooring ground, and the situation selected as a lazaret on shore was pointed out. Both these localities had been previously approved of by the Superintendent. On the 26th the Captain-General addressed a letter to the Commissioners, a copy of which we beg leave to enclose. Your Lordship will perceive that His Excellency objects in strong terms, and as contrary to law and Treaty, to the "remaining permanently within these shores" of the soldiers of the 2nd West India Regiment, who are doing duty on board the "Romney." He further demanded their immediate return to Nassau, and that, in the mean time, they should be prevented from landing, declaring that, in case they did, they would "necessarily be arrested."

As the Commissioners had not received any instructions relating to these soldiers, beyond the fact communicated to them in the copy of Lieut. Jenkins' orders, namely, that they formed a part of the crew ordered by Her Majesty to serve on board the "Romney," the Acting Judge considered it advisable to make known the contents of the Captain General's letter to Captain Leith, under whose especial charge the "Romney" was sent to the Havana, and likewise to Dr. Madden, in his capacity of Superintendent of liberated Africans. We beg leave to forward copies of this correspondence, as well as a copy of the reply made by the Commissioners to the Captain-General, transmitting to His Excellency the substance of Captain Leith's and Dr. Madden's letters to the Acting Judge.

In this latter document we purposely avoided entering upon the international question of the imprisonment of British soldiers, of whatever denomination, for merely landing upon the shores of a friendly power "to provide themselves with proper diet," in conformity with the regulations of their Government.

The Captain-General grounds his present opposition chiefly upon a Royal Order, dated at Madrid on the 12th of March last. We have no other official knowledge of this Royal Order, but we are assured that a law exists which prohibits the continuance of any free people of colour, not Spanish subjects, within the Colonial possessions of Her Catholic Majesty. For a length of time this law has ceased to be enforced, but the arrival of the "Romney," and the great excitement which has been caused by the presence on board her of a few of the 2nd West India Regiment, induced the Captain-General to recur to it, probably with an ulterior object, and it has been promulgated to the authorities, as well as the Royal Order of the 12th of March, with the severest injunctions for its observance. Already several of the unfortunate persons amenable to the severity of it have been placed in confinement until the means offered for their quitting the island, and unless some modification takes place, it will operate most cruelly upon many tranquil and industrious individuals.

Three weeks having now elapsed since our last official note was delivered to the Captain-General, we trust that the responsibility which Captain Leith fortunately felt authorized to take upon himself of prohibiting the soldiers from coming on shore from the "Romney," has set the matter at rest for the present.

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. 98.

The Captain General to Her Majesty's Commissioners.

GENTLEMEN,

By the official communications which have been made to me relative to the entrance into this

Havana, 26th August, 1837.

harbour of Her Britannic Majesty's ship-of-the-line "Romney," which is destined to serve as a floating deposit for the negroes arriving from Africa, during the period that they have been emancipated by sentence of the Mixed Court of Justice, and until they may be transmitted to their destinations, I have learned that on board her there are fifteen African negroes, soldiers, who have come from Nassau, and that, according to the relation of the officer commanding the said ship-of-the-line, Lieutenant Charles Jenkins, he expects another party of equal number. This novelty, contrary to the laws of these dominions, to the existing Treaties, to the Instructions which I have from my Government, and to the particular ordinances of the Police of Security of this island, exacts from me the duty to require that you will communicate the same to the officer who commands the ship-of-the-line hulk, that I consider it most highly inconvenient that the said negro soldiers, or any other negroes who may be included in her stationary crew, should, under any pretext whatsoever, remain permanently within these shores; that the good faith of the Treaties, and the security of the island, imperiously demand that they should be returned to the place from whence they have come, or be transmitted to some other of Her Britannic Majesty's dominions, without in the meanwhile being permitted to land; because in such case they will necessarily be arrested, for the reasons above expressed, as likewise in conformity with the Royal Orders of the 12th March last, in which I am charged not to permit in any manner the introduction of free negroes under the shadow of whatsoever pretext.

It remains only for me to assure you of my good disposition regarding the greatest and most punctual observance of the Treaty of the 28th June, 1835, together with the ulterior explanations of my Government, to which I shall give documentary information of this occurrence, without losing sight of the preferable object of preserving the order and security of the country.

God preserve you many years.

(Signed) MIGUEL JACON.

The Commissioners of Her Britannic Majesty.

Second Enclosure in No. 98.

M. Schenley to Captain Leith.

Havana, 28th August, 1837.

SIR,

I HAVE the honour to forward to you the copy of a letter which has been addressed to Her Majesty's Commissioners by the Captain General relative to the removal from this island of the black soldiers who are at present on board the "Romney."

The Commissioners have no authority or instructions whatever to interfere with the establishment provided for this vessel, which however you may possess.

I shall therefore defer answering the Captain General until I am favoured with your reply.

I have the honour to be, &c.

To Captain Leith, Commanding
Her Majesty's Ship "Seringapatam."

(Signed) E. W. H. SCHENLEY.

Third Enclosure in No. 98.

Captain Leith to Mr. Schenley.

Her Majesty's Ship "Seringapatam," 30th August, 1837.

SIR,

I HAVE to acknowledge the receipt of your letter of yesterday, and also a copy of a communication made to you by the Captain General of this island relative to the black troops of Her Britannic Majesty's 2nd West India Regiment, now serving on board Her Majesty's ship "Romney" as marines.

I am sorry that the arrival of these soldiers should have occasioned the excited feelings here that I understand it has, and I regret that the Captain General has taken so hostile a view of this part of the arrangements for the "Romney" as to threaten to imprison any of the black troops found on shore, and requiring their immediate removal.

I have referred to my instructions for placing the "Romney" here as a depôt for African negroes captured by our cruisers, and I find that these troops remaining on board that ship is so material a part of the arrangement, that I cannot consent to their being removed. I beg, however, you will assure His Excellency the Captain General that until time is afforded for an explanation upon this subject between the Governments of Her Britannic Majesty and that of the Spanish Government, positive orders shall be given, and I will insure their being strictly attended to, that none of these said black soldiers now serving on board Her Majesty's ship "Romney" shall be allowed to quit that ship upon any pretence whatever, and that this order shall be given in consideration of the statement of the Captain General that their landing would be contrary to the laws of this island passed for its security.

May I hope you will assure His Excellency the Captain General of my high respect, and that I feel obliged for the very hospitable reception Her Britannic Majesty's ships under my orders received upon their entering this port.

I have the honour to be,
(Signed) JOHN LEITH, Captain.

G. W. H. Schenley, Esq.,
Her Britannic Majesty's Commissioner,
&c. &c. &c.

Fourth Enclosure in No. 98.

Dr. Madden to Mr. Scheuley.

Havana, 30th August, 1837.

SIR,

I HAVE the honour to acknowledge the receipt of your letter, dated the 28th instant, enclosing a communication from His Excellency the Captain-General, "demanding the removal from this island of the black soldiers now on board the "Romney;" and stating "that the Commissioners had no authority to accede to or entertain the above demand," and calling on me, in my capacity of Superintendent, to furnish you with my sentiments on the subject.

In the first place, I think it necessary to state, that the fifteen coloured men on board the "Rom-

CLASS A.

ney" are not placed there in the capacity of "Soldiers," but in the performance of the duties of Marines, and that His Excellency's objections to them there, in any capacity, is a circumstance, in my opinion, to be regretted, inasmuch as the weight of His Excellency's character gives an importance to these objections which might not otherwise attach to them.

These objections could not have been foreseen by our Government. The employment here of free negroes of foreign countries, namely, of American subjects of that class, in the steam-boats that ply in this port, between Havana and Regla, we see permitted. The service in which these Marines are employed, and that of the engineers' assistants, &c., may differ; but the class of persons engaged in both does not. The objection in the present case must, then, apply to those persons as attached to a particular service, and being the subjects of a particular power. My opinion is, that erroneous impressions have been given of the nature of this service, and of the kind of control to be exercised over those coloured men employed in it, as conveyed in the Instructions both to myself and the Officer in charge of them,—to me as respects the former, and to that officer as regards the latter.

These Instructions are to the extent of obviating every possible inconvenience to His Excellency, and of avoiding every risk to public order, in carrying into effect the objects of both Governments, namely, the safe custody and speedy removal of the negroes placed under my charge. In the fullest sense of the expression, fairness of purpose, the arrangements have been made which unfortunately prove objectionable to His Excellency. The class of men employed in a service so indispensable as this is, has been selected for one plain distinct object, the security of the negroes that may be placed on board the "Romney," conveyed to their final destination, and the charge of such as may be set apart for drafting into our Colonial service. For the performance, in short, of the duties of a specific nature, sanctioned by both Governments, and which purpose can only be perverted from its plain meaning by those interested in the defeat of any object intended to restrain a traffic that is condemned, but has not ceased to prosper. For this service the men are peculiarly fitted by constitution and adaptation to the climate. If an equal number of white men were sent out from England for the same duties, destined to be immured in a hulk for one year in this port—nay, even for one season, from June to September, disease and death would render the service they should be employed in absolutely impracticable. The coloured men chosen for it can resist the climate: they can be better kept in subjection in such confinement as this kind of service necessarily imposes than white men; they can be more easily kept from drunkenness and, consequently, from disorder; their knowledge of the language and habits of those received on board is a great advantage where the pursuits of all in charge of them must leave them in entire ignorance of both. For these reasons I beg to state most distinctly, they have been chosen in preference to white men.

I freely admit, if they were suffered to be at large on shore, disorders might probably happen, and reasonable objections might be raised on this score. Captain Leith's assurance, however, if any other were wanting, that they shall not be allowed to leave the ship, must remove all doubts on this head. Therefore, as our Government could not have anticipated the objections raised to the employment of a number of men barely sufficient for the service they are required for, and of a class employed in our service throughout our Colonial empire, as they are somewhat similarly in this city, my hope is, that His Excellency's objections may be removed on a full and honest explanation of the circumstances of the selection of these men, chosen expressly for their discretion and good conduct for this service. But should these objections unfortunately remain unremoved, in deference to His Excellency, whose opinions are entitled to every consideration, and whose only interests are the public good, I shall feel it my duty to state His Excellency's objections to the Department I have the honour to serve under, as Superintendent; and any misintelligence that now exists on this subject, I have no doubt will be satisfactorily cleared up without loss of time. Therefore, till the decision of both Governments be known, there can be no reasonable objection, I apprehend, that the men now on board the "Romney" should remain; and should the others arrive before there is time for me to apprise the General in command at Barbadoes of the objections that have been raised, that they shall likewise be received on board the "Romney," subject to the same conditions as those at present are till the question is definitively settled.

But till that decision, whether as Commissioner or Superintendent, it is not competent for me to give any assent to the removal of persons in Her Majesty's Service, employed in the performance of duties indispensable to the execution of the Treaty.

E. W. H. Schenley, Esq.,
&c. &c. &c.

I have the honour to be, &c.
(Signed) R. R. MADDEN.

Fifth Enclosure in No. 98.

Her Majesty's Commissioners to the Captain-General.

Havana, 30th August, 1837.

THE Undersigned, Commissioners of Her Britannic Majesty, have the honour to refer to His Excellency the Captain-General's official letter of the 26th current, demanding that the British soldiers belonging to Her Majesty's 2nd West India Regiment, who have been ordered to perform the duty of Marines on board Her Majesty's ship "Romney," hulk, should be returned to Nassau.

The Commissioners not being entitled to interfere with the establishment which Her Majesty's Government has thought it expedient to place on board the "Romney," they addressed a letter upon the subject to Captain Leith, of Her Majesty's Navy, the officer who has been charged with the arrangements respecting this vessel.

They beg leave to forward to His Excellency a copy of Captain Leith's reply, as also the copy of a letter which Her Majesty's Superintendent of liberated Africans has addressed to the Acting Judge upon the same subject. The Commissioners anxiously trust that these documents may prove satisfactory to the Captain-General, and they hope it is unnecessary for them to assure His Excellency that the present difficulty was never for a moment contemplated by their Government.

The soldiers in question are in the highest state of discipline, and, together with their commanding officer, have been selected expressly for this service, a preference being given for this description of force, most probably on account of their greater efficiency in tropical climates.

The Commissioners feel convinced that when the Captain-General reflects how frequently vessels containing from six to seven hundred slaves have been brought into this port for adjudication, the

numerical force which has been assigned to the "Romney" will not appear more than barely sufficient for the performance of the duties of the ship, and for the maintenance of order and regularity.

Her Majesty's Government have not failed to impress in the strongest terms upon the officer who commands the "Romney," and which extends to all connected with her, that it is his duty not only to conform to the general regulations of this local government, but by every means in his power to acquire the good opinion and respect of the public authorities of the Havana.

The Undersigned beg leave, &c.,

(Signed)

E. W. H. SCHENLEY,
R. R. MADDEN.

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

No. 99.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 15.)

Havana, 30th September, 1837.

MY LORD,

THE following are the lists of such vessels as have come to our knowledge as having sailed for and arrived from the Coast of Africa during the past month, viz. :

		Arrivals.		Captain —	
September	8th	Spanish	Schooner Primira	Union	Pey.
"	12th	Portuguese	" Felix	"	J. Victorio.
"	19th	"	" Dido	"	"
		Departures.			
September	9th	Portuguese	Schooner Vestemida,	cleared for	San Pablo de Soanda.
"	16th	"	Brig Liger	"	Rio Congo.
"	19th	"	" Camoens	"	Isla del Principi.
"	23rd	"	Schooner Oposicion	"	San Pablo de Soanda.
"	26th	"	" Sirca	"	Cabo Verde.
"	30th	"	" Felix	"	Ditto.

The "Dido" have been denounced to the Captain-General, forms the subject of another Despatch.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 100.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 15.)

MY LORD,

Havana, 1st October, 1837.

WE have the honour to enclose copies of a correspondence which has passed between Her Majesty's Commissioners at this place and the Captain-General of Havana, respecting a slave vessel, the "Dido," which, though Spanish property by repute, and manned entirely by Spaniards, entered this Port on the 19th September last, under Portuguese colours, after having landed, a few days previously, upon the Coast, upwards of 400 Africans, to be sold as slaves.

This circumstance Her Majesty's Commissioners felt it their duty to denounce to His Excellency the Captain-General, who, in his answer (which must be pronounced evasive in the extreme) does not attempt, as your Lordship will perceive, to dispute the accuracy of any of the facts detailed, while, at the same time, however, he appears, somewhat peremptorily, to require that no more such cases be denounced.

It is but seldom that Her Majesty's Commissioners can hope to receive information of such conclusive character as Mr. Schenley did in this instance, on which they may rely; but should they have it in their power, they would not hesitate, notwithstanding the Captain-General's suggestion to the contrary, to bring every such case officially before his notice, as well as before that of Her Britannic Majesty's Government.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 100.

*Her Majesty's Commissioners to the Captain-General.**Havana, 20th September, 1837.*

THE undersigned, Commissioners of Her Britannic Majesty, have the honour to acquaint His Excellency the Captain-General, that they feel it their duty to report to Her Majesty's Government the arrival in this Harbour, yesterday, of the slave schooner "*Dido*," after having landed a few days since, upon the Coast of this Island, upwards of 400 Africans to be sold as slaves.

The "*Dido*" entered the Port under the protection of the flag of Portugal, but the whole of her crew are stated to be subjects of Her Catholic Majesty.

The Undersigned avail themselves, &c.

(Signed)

E. W. H. SCHENLEY.

R. R. MADDEN.

To His Excellency the Captain-General.

&c.

&c.

&c.

Second Enclosure in No. 100.

(Translation.)

*The Captain-General to Her Majesty's Commissioners.**Havana, 24th September, 1837.*

GENTLEMEN,

Your communication of the 20th instant, relative to the entrance into this Port of the schooner "*Dido*," under Portuguese colours, after having landed on the Coasts of this Island more than 400 Africans, and whose crew is said to be Spanish, I referred to the Commandant-General of Marine of this station, who has addressed me, under date of yesterday, as follows:—

"MOST EXCELLENT SIR,

"In consequence of the official letter addressed to your Excellency by the Commissioners of Her Britannic Majesty, respecting the arrival in this Port of the slave schooner '*Dido*,' under Portuguese colours, I have to state to your Excellency, that the Marine Department has no right of intervention in cases of Foreign vessels, since the enrolment and management of their papers pertains to the respective Consuls of each nation, in accordance with their laws, which will determine what number of Foreigners may be received among the crew of each, and which is not known to the authorities of the Marine Department, its interference with Foreign vessels being no other than the security that Spanish subjects who sail in them embark with the necessary guaranties, namely, the report of the respective Consuls, the Passports or Licenses of the Spanish authorities, and the competent permits to sail in Foreign vessels to the seamen soliciting them, and who are not prevented by the necessity of serving in turn on board our vessels of war; which permits are general, without naming the vessel or destination, which, as I have already stated, is the business of the respective Consuls, as well as expressing in their papers the number of Foreign seamen to be received; consequently, the Marine Department has no more to do than to disembark such as may have furtively shipped, if the case were urgent, and if not, for better regulation, it ought to solicit Your Excellency's Decree, as Judge of the Foreigners: all which I state to Your Excellency in reply."

And I transcribe it to you, Gentlemen, in reply to your before-mentioned communication, and in order that you may refer to it in all similar cases that may occur in future with Foreign vessels.

God preserve you many years.

(Signed)

MIGUEL JACON.

To the Commissioners of Her Britannic Majesty.

No. 101.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 15.)

(Extract.)

Havana, 1st October, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated the 14th August last, on the case of the Spanish vessel, the "*General Laborde*."

Your Lordship need not be informed that the course to the Coast of Africa, on account of the trade winds, is almost as direct by way of Cadiz as by any other; and, consequently, if carrying a few goods or passengers to Cadiz may protect a vessel, whose ultimate destination is unquestionably the coast of Africa, every vessel will take advantage of it, and proceed to Cadiz for their outfit.

No. 102.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 15.)

MY LORD.

Havana, 10th October, 1837.

WE have the honour to enclose copies of a correspondence which has passed between us and Lieutenant Jenkin, commanding Her Majesty's Ship

"Romney," stationed at this place, relative to a negro, who had secreted himself on board that vessel, and whom Lieutenant Jenkin had given up to the local authorities.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 102.

Lieutenant Jenkin to Her Majesty's Commissioners.

GENTLEMEN,

Her Britannic Majesty's ship "Romney," Havana, 5th October, 1837.

I HAVE the honour to acquaint you with the following occurrence which took place on board Her Majesty's ship "Romney," under my command, on Tuesday, the 3rd of October, in the afternoon.

A boat with the parties who had been appointed by the Mixed Commission to break up the condemned schooner "*Antonica*" came on board the "Romney," and, it appears, brought with them a negro, who did not return with the boat, but secreted himself on board this ship. About half an hour after the boat had left the ship, it was reported to me that a person was on board who objected to quit the ship.

On my making the necessary inquiry into his situation and condition, I learnt from himself that he was a slave belonging to the Havana, who had escaped from his Mistress to avoid punishment, and that he sought protection on board Her Britannic Majesty's ship.

My instructions strictly inculcating that I should cultivate a good understanding with the authorities, and in no way authorising me to afford the sought for protection, I immediately placed the slave under the charge of an officer, to deliver him over to the authorities of the Havana, from whom I have received a paper acknowledging the receipt of the slave in question.

I have the honour to be, &c.

(Signed)

CHARLES JENKIN.

Lieutenant and Commissioner.

To Her Majesty's Commissioners,

Mixed Court of Justice, Havana.

Second Enclosure in No. 102.

Her Majesty's Commissioners to Lieutenant Jenkin.

SIR,

Havana, 9th October, 1837.

WE have the honour to acknowledge having received your Note dated the 5th instant, informing us of a slave belonging to the Havana having secreted himself on board Her Majesty's ship "Romney," stationed at this Port, under your command, and we have no hesitation in expressing our opinion that Her Majesty's Government will approve of your conduct in immediately giving him up to the local authorities, as being at the same time fully in accordance with your instructions, and also as avoiding a dangerous subject of dispute, to entrap you into which it is not improbable that the man was sent by certain persons in this place.

We have the honour to be, &c.

(Signed)

J. KENNEDY.

E. W. H. SCHENLEY.

To Lieutenant Jenkin, commanding Her Majesty's ship "Romney."

No. 103.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 15.)

MY LORD,

Havana, 28th October, 1837.

WE have the honour to inform your Lordship that on the 14th instant, Her Majesty's Sloop "*Ringdove*" detained the Spanish Schooner "*Vencedora*," for having on board, concealed, twenty-six bozal negroes. The Mixed Court of Justice met to receive the evidence on the 19th instant; and on the 23rd and 24th, the two judges having consulted together, and not being able to agree as to the sentence, they drew lots, as directed by the Treaty, to have the case decided by arbitration, when the lot fell on the Spanish arbitrator.

Since then, the captor, Captain Nixon, having forwarded to Her Britannic Majesty's Judge some additional evidence, he demanded a further hearing of the case, which was acceded to by the Conde de Fernandina, Her Catholic Majesty's Judge.

The Court has not yet met again, and the decision, as well as the particulars of the case, therefore, must remain for the next Despatch.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

RIO DE JANEIRO.

No. 104.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 4.)

MY LORD,

Rio de Janeiro, 1st February, 1837.

WE have the honour to enclose a statement of the intercourse between this port and the Coast of Africa during the month just closed.

The result is that 6 Portuguese and 1 Brazilian vessel sailed from this port for Africa, and that 1 American and 10 Portuguese vessels arrived thence.

We have, &c.

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

ROBERT HESKETH.
FRED. GRIGG.

First Enclosure in No. 104.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of January, 1837.

Date of Arrival.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where From.	Passage Days.	Reported Nature of Cargo.	Remarks.
January 1	Brig	Gertrudes	M. E. Foster	American	148	9	Angola	24	Ballast	
" 2	"	Onze de Marco	J. A. Resende	Portuguese	344	23	"	31	Ditto	Under Observation of Police.
" 4	"	D. Ml. de Portugal	P. J. de Abreu	"	180	12	"	44	Ditto	Put in Quarantine.
" 7	Brigantine	Andrimha	F. H. da C. Mendonca	"	90	12	"	38	Ditto	
" 8	Schooner	Flor de Loanda	F. de Silveira	"	90	12	"	32	Ditto	Under Observation of Police.
" 13	Brigantine	Dous de Abril	A. C. Rocha	"	140	10	"	32	Ditto	In Quarantine in consequence of the death of 3 Seamen.
" 15	Brig	Relampago	J. F. Madena	"	140	12	"	37	Wax and oil	
" 18	Brigantine	Eliza	J. A. de Cunha	"	85	9	Angola and Ambris	37	Ballast	
" 22	"	Leao	B. F. de Veiga	"	200	12	Angola	70	"	In Quarantine, in consequence of the death of a Seaman.
" 29	"	Rio Tua	G. J. da Motta	"	120	9	"	35	"	
" 29	"	Deligencia	M. M. Mergu	"	160	12	"	27	"	

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

Second Enclosure in No. 104.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of January, 1837.

Date of Departure.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where Bound.	Reported Nature of Cargo.	Remarks.
January 7	Brig	Jupiter	A. J. Pacheco	Portuguese	154	19	Angola	Brandy Goods.	
" 8	Schooner	Ferneza	A. M. Barros	"	160	13	"	General	
" 11	Brig	29 de Maio	F. M. Marintz	"	164	12	Lisbon, via Loanda	"	
" 13	Brigantine	Flora	M. M. de Amorim	Brazilian	82	12	Angola	"	
" 19	Brig	Luiza	F. F. dos St. Serra	Portuguese.	138	17	Angola and Benguela	Goods & Brandy	
" 29	Barque	Tijo	J. G. Lima	"	117	14	Angola	"	
" 29	"	Maria Carlota	J. X. Drumond	"	287	19	"	"	

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

No. 105.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 4.)

MY LORD,

Rio de Janeiro, 27th February, 1837.

THE Enclosure is one of the daily Rio newspapers, which we have the honour to transmit, as it contains the Royal Decree, dated Lisbon, 10th December, 1836, for the abolition of the Slave Trade.

On enquiry, we are informed that this highly important and interesting Document has been published by the Editor of the "Jornal do Commercio," which is not the Official or Government Paper, and that he copied it from the Lisbon newspapers.

We have, &c.
ROBERT HESKETH.
FRED. GRIGG.

(Signed)

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

Enclosure in No. 105.

(Jornal do Commercio, February 27, 1837.)

No. 106.

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

MY LORD,

Rio de Janeiro, 18th March, 1837.

THE transaction which is the subject of the Despatches addressed to your Lordship on the 24th December and 25th January last, has advanced a step, namely, that, on the 25th February, the jury at Mangaratiba found matter of accusation against the "Juiz de Paz," for having received a bribe for the giving up of 38 new blacks to the importer. The jury consisted of 23 persons, only 1 of whom signed the verdict as dissentient.

This information is published as an anonymous advertisement in the "Jornal do Commercio" of the 17th instant, which I beg leave to enclose, with a translation of the article in question.

It is uncertain whether the article has proceeded from a personal enemy to the "Juiz de Paz," or from an individual hostile to the Slave Trade. But the occurrence is of importance in itself, and will, no doubt, be more so in its consequences, inasmuch as the whole body of Justices of the Peace may be expected to guide themselves, in such transactions, by the ultimate result of the present Case.

I have, &c.
FRED. GRIGG.

(Signed)

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

Enclosure in No. 106.

Extract from the *Jornal do Commercio* of March 17, 1837.

(Translation.)

ADVERTISEMENT.

THE jury have assembled in this town of Mangaratiba, on the 25th February last. Under the Presidency of the most worthy Judge ("de Direito") Joao Antonio de Miranda, there was brought before the First Council the process in which the law is plaintiff and Antonio Luiz Vieira defendant, for the crime of having received, in the capacity of Justice of the Peace, 2,200 rs., for having given up 38 unhappy new Africans, whom he had apprehended on the 14th November last year, whose decision (that of the jury) is annexed; and it is proper to say, that of 23 jurymen, only one signed as dissentient ("Vencido")!! And the accused having appeared at the bar of the tribunal to be judged, the Second Council ("O Segundo Consolho") could not be formed, and the business was therefore adjourned. Whenever it may be tried, he (the Justice of the Peace) will be punished as he deserves, according to the nature of the crime.

(Signed) A CONSTANT READER.

DOCUMENT.

I, Francisco Luiz de Avila, Notary Public in affairs of Law, &c. in this town of Mangaratiba, do certify that, referring to the Acts in page 91, there is the following decision:—
"The jury found matter of accusation against the defendant, Antonio Luiz Vieira, only for the crime of having received a bribe."

Hall of the Sessions of the First Council of the Jury, this 28th February, 1837.

Signed by 22 persons absolutely, and by Antonio Felipe de Oliveira, "Vencido," or dissentient.

No. 107.

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

MY LORD,

Rio de Janeiro, 22d March, 1837.

I HAVE the honour to enclose a statement of the intercourse between this port and the Coast of Africa during the month of February last.

The result is, that 6 Portuguese and 1 Brazilian vessel arrived here from Africa, and that 5 Portuguese and 1 Brazilian vessel sailed for that destination. Of the last-mentioned Portuguese vessels 3 cleared out for Africa and the Cape Verde Islands.

I have, &c.

(Signed)

FRED. GRIGG.

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

First Enclosure in No. 107.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of February, 1837.

Date of Departure.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
Feb. 13	Brig	Pompeo	J. S. Lopes	Portuguese	155	16	Cape Verde, <i>viâ</i> Angola	General	
"	Schooner	Josephina	J. G. Mendonca	"	121	16	"	"	
"	Barque	Feijo	J. F. de F. Pereira	Brazilian	160	18	Angola.	Brandy and Goods.	
"	Brig.	Brilhante	M. F. de Castro	Portuguese	150	16	Goa, <i>viâ</i> African Ports	General	
"	Schooner	Joaosinho	M. J. Esteves	"	86	13	Cape Verdes, <i>viâ</i> African Ports	"	
"	"	Flor de Rio	M. M. Antonio	"	120	15	"	"	

(Signed) FRED. GRIGG.

Second Enclosure in No. 107.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of February, 1837.

Date of Arrival.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
Feb. 1	Brig	Marquis de Pombal	A. L. Seia	Brazilian	185	14	Angola	Days. 31	General	In Quarantine, in consequence of the Death of a Passenger.
"	Smack	Treze de Junho.	F. F. Guimaraens	Portuguese	103	15	Benguela	26	Wax & Oil.	
"	Schooner	I. de Outubro	F. de P. Sodre	"	100	13	Angola	34	Ballast	
"	Smack	Henriqueta	M. J. Martins	"	66	12	"	33	"	
"	Brig	Flor de Quillimane	A. J. de Almeida	"	150	13	Quillimane	77	"	Detained by Police.
"	"	Mercurio	J. J. de Silva	"	190	16	Angola	34	"	
"	"	Jehovah	J. F. Baptista	"	160	13	"	40	"	Under Observation of Police.

(Signed) FRED. GRIGG.

No. 108.

His Majesty's Commissioner to Viscount Palmerston.—(Received June 15.)

MY LORD,

Rio de Janeiro, 5th April, 1837.

IN the absence of His Majesty's Commissary Judge, and of his representative *ad interim* in the Court of Mixed Commission, I have the honour to acknowledge the receipt of your Lordship's Despatch of the 27th of January last, enclosing, for the information of the Commissioners, the Translation of a Decree, issued at Lisbon, on the 10th of December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions.

The Despatch which the Commissioners had the honour of addressing to your Lordship on the 27th of February, recorded the republication, on that day, of the original Decree in the unofficial newspaper, "O Jornal do Commercio;" and it is the more incumbent on me to thank your Lordship, in the name of the Commissioners, for the Translation, as its publication in the London Gazette extends its official character, and will, it is to be hoped, hasten and extend the good effects which the Decree ought to have in the general repression of the Slave Trade.

I have, &c.

(Signed) FRED. GRIGG.

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

&c. &c. &c.

No. 109.

His Majesty's Commissioner to Viscount Palmerston.—(Received June 15.)

MY LORD,

Rio de Janeiro, 5th April, 1837.

I HAVE the honour to enclose a statement of the intercourse between this port and the Coast of Africa during the month of March last.

Your Lordship will observe, that that period comprises as many as 15 arrivals and 9 sailings, being a great and lamentable increase on the intercourse in January and February, and that all the 24 vessels are Portuguese.

I would also beg leave to call your Lordship's attention to two circumstances, viz., that a passenger on board of the brig "Reis," from Africa, in all probability a slaving-vessel, is described as Thomas Belham, a British subject; and that the barque "Commodore," another of the arrivals, was under the American flag only a very short time before she sailed for Africa, and was notoriously purchased and fitted up for the Slave Trade, on account of her superior sailing, and being calculated to bring 500 slaves at a time. Indeed, it is generally believed that upwards of that number of slaves were landed from the "Commodore," as near to the city as Botafogo Bay.

I have, &c.

(Signed) FRED. GRIGG.

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

&c. &c. &c.

First Enclosure in No. 109.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of March, 1831.

Date of Departure.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
March 1	Brig	Relampago ..	J. A. de. A. Vianna	Portugal.	140	18	Cape Verdes, via African Ports.	General.	
" 8	Brigantine	Rio Tua	G. J. de Motta .	"	130	19	"	"	
" 11	Schooner	Flor de Loanda	M. A. F. Barbosa	"	133	17	Cape Verdes, via Benguela.	"	
" 12	Brigantine	Andorinha...	P. H. C. Mendonca	"	86	13	Cape Verdes, via African Ports.	"	
" 14	"	Triumpho ...	S. dos Anjos ...	"	78	13	"	"	
" 16	Smack	Pombinha ...	J dos Santos ...	"	Not stated.	16	"	"	
" 18	Brigantine	Ascanio	T. J. de Mendonca	"	123	16	"	"	
" 23	"	Eliza	F. de P. Sodre...	"	88	17	"	"	
" 28	Smack	Treze de Junho	F. J. Menezes ..	"	113	16	Bengue'a . . .	"	

(Signed)

F. GRIGG.

U 2

Second Enclosure in No. 109.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of March, 1837.

Date of Arrival.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	REMARKS.
March 2	Brigantine	Pallas	M. D. J. G. Pena	Portuguese.	148	17	Angola	31	Ballast	Under Observation of Police, one Seaman missing.
"	"	Liberal	J. B. A. Távares	"	140	13	"	38	"	In Quarantine in consequence of the death of the Master.
"	"	Aurora	J. P. C. de Abreu	"	120	10	"	62	"	Under Observation of the Master, Mate, and one Seaman being missing.
"	Brig	Esperança	M. P. de Santos	"	250	13	"	37	"	Under Observation in consequence of three of the crew being missing.
"	Brigantine	Recuperador	L. J. Coelho	"	70	14	"	80	"	Detained by Police.
"	Brig	Ceres	M. T. Dias	"	220	16	Mosambique	85	"	In Quarantine in consequence of fever on board.
"	Brigantine	Reis	J. T. de Abreu	"	90	13	Benguela	83	"	Under Observation, Passenger, Thomas Belham, a British subject.
"	Brig	Principe Augusto	M. E. A. de Souza	"	150	16	Angola	27	"	Detained by Police.
"	Brigantine	Pensamento Feliz	J. A. da Silva	"	80	10	Angola	38	"	
"	Barque	Lisbonense	H. da Costa	"	250	17	Benguela	86	"	
"	"	Commodore	V. J. dos Santos	"	217	21	Mosambique	60	"	
"	Brig	Navegante Feliz	J. B. Cunacho	"	150	12	"	35	"	
"	"	Heroína	L. J. Maria	"	80	9	Angola	"	"	Detained by Police.
"	"	Fortuna d'Africa	J. B. Marquez	"	200	10	"	40	"	
"	"	Triumpho da Inveja	M. J. Brandão	"	200	12	Quilimane	80	"	

(Signed) FRED. GRIGG.

No. 110.

His Majesty's Commissioner to Viscount Palmerston.—(Rec. June 15, 1837.)
 Rio de Janeiro, 5th April, 1837.

MY LORD,

I BEG leave to enclose the "Correio Official" of the 4th instant, with Translations of Minutes of Despatches from the Department of Justice to the President of this Province and the Minister for Foreign Affairs, enjoining the execution of the Law of the 7th of November, 1831, for the repression of the illegal traffic in slaves.

I have, &c.

(Signed)

FREDERICK GRIGG.

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

Enclosure in No. 110.

(Translation.)

Précis.

DESPATCH to the President of the province of Rio de Janeiro, that, notwithstanding the contents of his Despatch of the 22d of last month, addressed to the Department for Foreign Affairs, and a Copy of which was transmitted to this Department, in regard to the difficulties of opposing the criminal contraband of Africans, yet that it is incumbent on the President to redouble his vigilance in order to discover and punish the transgressors of the Law of the 7th November, 1831, the observance of which is of much importance to the credit and dignity of the Government, which cannot omit to reiterate the previous orders on this subject.

DESPATCH to the Minister for Foreign Affairs, in answer to his communication of the 16th of this month, that the orders previously given in respect to the criminal contraband of Africans have been sent to the President of the province of Rio de Janeiro enjoining the punishment of the transgressors of the Law of the 7th November, 1831.

No. 111.

His Majesty's Commissioner to Viscount Palmerston.—(Received June 15.)
 Rio de Janeiro, 8th April, 1837.

MY LORD,

I HAVE the honour to enclose "O Jornal do Commercio" of this date, containing a Despatch of the 5th instant from the Chargé d'Affaires of Portugal, and the Decree, Lisbon, 10th December, 1836, for the total abolition of the Slave Trade throughout the Portuguese dominions.

Upon this subject injunction and notoriety abound, and it is to be hoped that, ultimately, the great and humane object will be attained.

I have, &c.

(Signed)

FREDERICK GRIGG.

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

Enclosure in No. 111.

O Jornal do Commercio, April 8, 1837.

No. 112.

Viscount Palmerston to His Majesty's Commissioners.

Foreign Office, 15th July, 1837.

(Circular.—See *Sierra Leone General*, No. 4.)

No. 113.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 26.)
 Rio de Janeiro, 17th May, 1837.

MY LORD,

WE have the honour to enclose a statement of the intercourse between this port and the Coast of Africa during the month of April last; the arrivals being 11 vessels, all Portuguese, and the sailings 6 vessels, 5 Portuguese and 1 Brazilian.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

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

First Enclosure in No. 113.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of April, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	No. of Crew.	Where from.	Passage Days.	Reported Nature of Cargo.	Remarks.
April 10	Brig	Dons Innas	J. C. de Azevedo	Portuguese	240	11	Angola	40	Wax and Oil.	
" 12	Barque	Constante	J. A. de Almeida	"	230	14	"	42	Ballast.	
" 15	Brigantine.	Paquete de Loanda	A. S. de Avillar	"	190	16	"	38	"	In Quarantine, in consequence of the death of the Mate and Cook.
" 16	"	Lealdade	J. M. Batalha	"	100	13	"	30	"	Detained by Police.
" 17	Brig	Assetura	J. P. Ferreira	"	150	14	"	35	"	In Quarantine.
" 18	Barque	Carolina	F. P. Pinheiro	"	280	24	Quillimane	70	"	Detained by Police.
" 23	Smack	Zenobia	M. J. da Silva	"	78	6	Benguela	38	"	In Quarantine.
" 25	Brigantine.	Doze de Outubro.	A. L. da Costa	"	184	9	"	"	"	Detained by Police.
" 27	Schooner	Ligeira	J. J. Bispo	"	80	12	"	70	"	
" 28	Barque	Resolução	L. J. do Couto	"	280	14	Angola	51	"	In Quarantine, in consequence of the death of the Master and one seaman.
" "	Schooner	Triumphante	F. dos Ss. Azevedo	"	116	12	"	50	"	

Second Enclosure in No. 113.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of April, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	No. of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
April 2	Brigantine.	Eliza	F. de P. Sodre	Portuguese	88	17	Cape Verdes, <i>via</i> African Ports.	General	Put back on the 28th of March, and sailed again.
" 8	Barque	Quatro de Marco	J. J. do Rego	"	248	21	Goa, <i>via</i> African Ports.	"	
" 23	Brigantine.	Dous de Abril	J. da Silva	"	131	12	Cape Verdes, <i>via</i> African Ports.	"	
" "	"	D. Ml. de Portugal.	M. J. P. Negrom	"	200	13	Angola	"	
" 30	Brig	Marquez de Pombal.	A. L. Seia	Brazilian	185	18	Lisbon, <i>via</i> Angola	"	
" "	"	24 de Julho	M. dos Ss. Rocha.	Portuguese	235	29	Mosambique	"	

No. 114.

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

MY LORD,

Rio de Janeiro, 24th May, 1837.

HEREWITH we beg leave to transmit to your Lordship the Report of the late Minister for Foreign Affairs, Senhor Antonio Paulino Limpo de Abreu, to the General Legislative Assembly, together with a translated Extract of the same Document, relating to the Slave Trade with Brazil, and to the measures recommended and in progress for its repression.

The Report in question having been just published, we are obliged to defer some observations thereon till the next opportunity.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 114.

Extract from the Report of the Minister for Foreign Affairs.

(Translation.)

Brazilian and English Commission.

THIS Commission, created in virtue of the Additional Convention of the 28th July, 1817, and forming part of that of the 23d November, 1826, has not at present judged any Case of contraband of Africans. It would be satisfactory in the extreme if the Imperial Government could state to you that that pernicious contraband had ceased or diminished; but, unhappily, this has not occurred in either case. The Minister of His Britannic Majesty, in the execution of the duty of promoting the fulfilment of the Convention referred to, has shown to the Imperial Government that, in various parts of this province of Rio de Janeiro, there are markets for those unfortunate beings, and that, in this respect, flagrancy has reached the point of there being a company of merchants which insures the vessels intended for so immoral a speculation. The Imperial Government, animated by the most sincere desire to extirpate this shameful contraband, has not only ordered inquiry into such facts, but has not ceased to send the most positive orders to the provincial Authorities to proceed against the delinquents in conformity to the Law of the 7th November, 1831. The result, however, of this attention and of the judicial proceedings has been nul: the delinquents meet with sympathy and protection among a large proportion of the inhabitants, who deem the introduction of Africans as a benefit to labour, and thus escape the punishment to which they would otherwise be subject.

The Imperial Government has repeatedly brought under the cognizance of the Portuguese and British Governments representations showing that the Portuguese flag served to protect the contraband of Africans. The Government of Portugal has recently promulgated a Decree, which it ordered to be communicated by its Chargé d'Affaires at this Court, and which may contribute to discourage the traffickers in human flesh; but, as the provisions of that Decree may still be insufficient, it would be requisite that the sale of Brazilian and foreign vessels, becoming the property of Portuguese subjects, and to sail, under the flag of their nation, for the Coast of Africa, should be regulated so as to exclude the possibility of their being employed in such traffic.

Here it is proper to remind you of the necessity of taking a determination in regard to the Articles additional to the Convention of the 23d November, 1826, which were signed on the 27th July, 1835, by the Ex-Minister, Senor Manoel Aloes Branco, and the British Envoy, Mr. Fox. By the operation of those measures, and the adoption of others, which your sentiments of philanthropy may suggest to you, efficacious means may be found of repressing a contraband which so greatly dishonours humanity and the degree of civilization which we have happily attained.

While it is painful to have to declare to you the continued introduction of Africans into Brazil, I much rejoice to apprise you that the Colonization Societies established at this residence and in Bahia have made the most praiseworthy efforts in order that free, industrious, and orderly emigrants may come to the empire. The Imperial Government, aware of the usefulness of these societies, has recommended to its Diplomatic and Consular Agents that, on their part, they facilitate as much as possible such emigration; and they have contributed every assistance and good office for the successful result of the measures adopted in this interesting undertaking.

No. 115.

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

MY LORD,

Rio de Janeiro, 14th June, 1837.

WE have the honour to transmit to your Lordship the Official Paper of this date, with a Translation of part of its contents, being a Despatch of the 6th instant, from the Minister of Justice, who is also Minister for Foreign Affairs, *ad interim*, to a Justice of the Peace of a district of this city.

By the Despatch in question the Police is ordered to detain vessels arriving from "the East" (the Coast of Africa) for 3 days, and the Justice of the Peace is ordered, in the name of the Regent, to apply to the Portuguese Consul-General, and to proceed with him, and with the "Guarda Mor" of the Custom-house, on board of such vessels, and to examine and report whether they appear to have

been engaged in the transport of Africans in contravention of the Law of the 7th November, 1831.

While addressing our previous Despatch to your Lordship it was our impression that credit was due to the executive for having resisted the numerous municipal applications, in the Session of 1836, for the repeal of the Law above mentioned. The present measure serves to confirm our opinion, but we are not without apprehension that the Legislature may still withhold the effective assistance which it would be so desirable that it should contribute towards the *bonâ-fide* execution of the various measures for the repression of this nefarious traffic.

We shall not omit to inform your Lordship of what may occur on the subject.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

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

&c.

&c.

&c.

Enclosure in No. 115.

The Minister of Justice to a Justice of the Peace.

(Translation.)

Department of Justice.

Palace, 6th June, 1837.

It being requisite to adopt new measures in regard to the visits and examinations which are practised on board of the vessels arrived from the Coast of the east, in order that the orders of the Government in respect to the faithful and exact fulfilment of the Law of the 7th November, 1831, may not be eluded, and the Chief of the Police having been ordered that, on the arrival of any one of the vessels referred to, he cause her to be detained for 3 days and apprise you thereof, the Regent, in the name of the Emperor, Don Pedro II., orders that, upon your receiving such communication, you do apply officially to the Consul-General of Portugal, in order that, on the second day of the detention, and at the hour which you will point out to him, he do repair on board of the vessel having arrived, in order to proceed to the examinations, which, according to the existing laws of his country, it is incumbent on him to make; and that you, acting on the same occasion, accompanied by the Surveyors whom you will require from the Inspector of the Arsenal of Marine, and having previously applied to the "Guarda Mor" of the Custom-house that he be also present at the same hour, do proceed on the proper examinations, drawing up a minute of the whole, to be signed as well by the Surveyor as by the aforesaid "Guarda Mor."

The Government hopes that you will very scrupulously endeavour to discover all the indications which may prove the transport of Africans in contravention of the law referred to, in order that the abuse of the continuation of so inhuman a traffic, which is so scandalously notorious, may not go on.

God preserve you.

(Signed)

FRANCISCO GE ACAYABA DE MONTEZUMA.

*The Justice of the Peace of the First District
of the Parish of Santa Rita.*

No. 116.

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

MY LORD,

Rio de Janeiro, 15th June, 1837.

WE have the honour to enclose a statement of the vessels that arrived at this port from the Coast of Africa, and of those that sailed hence for that destination during last month.

The arrivals were 7, all Portuguese. The departures were 10, viz., 9 Portuguese and 1 Brazilian.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

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

&c.

&c.

&c.

First Enclosure in No. 116.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of May, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Ton-nage.	No. of Crew.	Where from.	Passage-Days.	Reported Nature of Cargo.	Remarks.
May 1	Brig	Ontario	J. F. Rosa	Portuguese	240	19	Angola	40	Ballast	Detained by Police.
" 7	Brigantine	Esperança	A. J. Rocha	"	160	12	"	36	General.	
" 13	Brig	Dous Amigos	A. J. Machado	"	200	15	Mosambique	72	Ballast	
" "	"	Venus	F. X. Moraes	"	280	15	"	72	"	In Quarantine, in consequence of the death of 3 of the crew.
" 16	"	Joven Africana	D. J. H. da Silveira	"	180	15	Angola	42	"	In Quarantine, in consequence of the death of the Mate.
" 23	"	General Cabreira	A. V. Bony	"	168	14	"	37	"	In Quarantine.
" 30	Schooner	Felicidade	J. N. Lobo	"	92	15	"	32	"	Detained by Police.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

Second Enclosure in No. 116.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of May, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Ton-nage.	No. of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
May 5	Brigantine	Liberal	J. G. da Cunha	Portuguese	183	19	Cape Verdes, <i>via</i> Angola	Brandy and Goods.	
" 11	Brig	Principe Augusto	A. R. Chaves	"	180	19	"	General.	
" 21	Brigantine	Saquete de Loanda	A. S. de Avelar	"	200	16	Cape Verdes, <i>via</i> African Ports.	"	
" 22	Smack	Henrique	M. J. Machado	"	76	14	"	"	
" 23	Brigantine	Orestes	A. A. O. Botelho	"	193	19	Angola by Benguela	"	
" "	Schooner	Andolinha	J. J. de Abreu	"	95	15	Cape Verdes, <i>via</i> African Ports.	"	
" "	Brig	Aventureiro	L. J. Maria	"	204	22	"	"	
" 29	Brigantine	Jaculy	A. J. Monturo	Brazilian	89	12	Angola	Brandy and Goods.	
" 30	Brig	Ribeiro	V. J. Bette	Portuguese	175	13	"	General.	
" "	"	Luzitano	A. A. de Lima	"	255	23	Mosambique	"	

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

No. 117.

His Majesty's Commissioners to Viscount Palmerston.—(Received August 22.)
 MY LORD, *Rio de Janeiro, 19th June 1837.*

YOUR Lordship is aware that the Deputy, Senhor Vasconcellos, after having, at one period, advocated measures for the repression of the Slave Trade, at another, and particularly towards the close of the Session of 1836, became one of the most strenuous advocates for the repeal of the Law of the 7th November, 1831.

In the present Session, Senhor Vasconcellos has been the first to revive the subject, and we think it right to transmit to your Lordship a Translation of his speech, on the 17th instant, as reported in a newspaper of this date.

We shall not omit to attend to whatever may occur on this subject, having the honour to be, &c.

We have, &c.

(Signed) ROBERT HESKETH.
 FREDERICK GRIGG.

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

Enclosure in No. 117.

(Translation.)

From "O Jornal do Commercio," 19th June, 1837.

Senhor Vasconcellos, speaking to order, desired to make a very simple requisition, which he should not even reduce into writing. Last year he presented a project for the repeal of the Law of the 7th November 1831, which was referred to a Committee, which had not yet given any opinion, either approving of, or rejecting, the project, wherefore he requests that the President do now invite the noble Members of the Committee to report their opinion. He does not intend, at present, to demonstrate, at any length, the utility of his project, and he confines himself to saying that it is his favourite, as a certain representation, of the 24th October, is the favourite of the noble Deputy, Senhor Limpo de Abreu. (Laughter.) He does not know who are the Members of the Committee, or otherwise he would already have applied to each separately; wherefore he begs that his Excellency, the President, will invite the illustrious Committee to present their Report, after hearing him, if they would do him that favour.

No. 118.

His Majesty's Commissioners to Viscount Palmerston.—(Received .)
 MY LORD, *Rio de Janeiro, 1st July, 1837.*

WE have the honour to enclose a statement of the vessels that arrived at this port from the Coast of Africa, and of those that sailed hence for that Coast, during last month.

The arrivals are 3, the departures as many as 10—the whole Portuguese.

We have, &c.

(Signed) ROBERT HESKETH.
 FREDERICK GRIGG.

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

First Enclosure in 118.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of June, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
June 1	Brig . .	Experiença	M. F. da Silva . .	Portuguese.	140	14	Benguela	Days. 41	Ballast	In Quarantine.* (Although this vessel is stated to have a various Cargo, she arrived here with ballast only. Detained by Police. In Quarantine.
„ 7	„ „	Felicidade	Not stated . . . .	„	..	..	Angola	30	{ Oil Mats, Wax, and Ivory.
„ 16	Barque . .	Maria Carlotta . . .	J. X. Drumond . .	„	250	16	„ „	26	General	
„ 22	Brig	St. Domingos Eneas .	J. J. Ribeiro . . .	„	155	13	„ „	36	Ballast	

* This was the first Vessel surveyed on her arrival according to the new Instructions, the correctness of which report of survey was, we understand, questioned, and the subject of representation to the Government.

(Signed) **ROBERT HESKETH.**
FRED. GRIGG.

Second Enclosure in 118.

Departures from Rio de Janeiro from the Coast of Africa, during the Month of June, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
June 4	Brig	Jehovah	A. V. de Almeida . .	Portuguese.	227	27	Angol	Brandy and Goods	{ Sailed on the 23d May, and put back on the 30th.
„ 5	„ „	Diligencia	M. M. Mergu	„	150	24	Cape Verdes via Angola .	„	
„ 5	Schooner .	Andorinha	J. A. Viera	„	93	12	„ „	„	
„ 9	Brigantine .	Jachuchy	A. J. Monteiro . . .	„	89	12	„ „	General.	
„ 9	Brig	Dous Irmas	G. J. dos Santos . .	„	200	22	Cape Verdes via African Ports	Brandy and Goods.	
„ 11	„ „	Generoso	J. A. do Conto . . .	„	204	16	Goa and African Ports . .	„	
„ 11	„ „	Ontario	J. F. Rosa	„	240	22	Angola	General.	
„ 22	„ „	Triumphante	J. P. O. Bastos . . .	„	215	18	Goa, via African Ports . .	„	
„ 24	Brigantine .	Caridade	M. A. M. Carvalho .	„	120	20	Cape Verdes via African Ports	Brandy and Goods.	
„ 26	Brig	Dous de Fevereiro .	J. B. Camacho . . .	„	150	20	„ „	„	

No. 119.

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

MY LORD,

Rio de Janeiro, 2d July, 1837.

We beg leave to transmit to your Lordship the Official Paper of the 30th June, and "O Jornal de Commercio" of the 1st instant, with a translated Extract from the latter.

By the Official Paper, your Lordship will observe, that, on the 12th June, the Minister of Justice, being also Minister for Foreign Affairs, *ad interim*, addressed a Despatch to the President of the Province of Bahia, and to the Presidents of the other Maritime Provinces of this empire, ordering the examination of vessels arriving from the Coast of Africa, in the manner detailed in the Despatch which we had the honour of addressing to your Lordship on the 14th June.

The "Jornal de Commercio" above-mentioned contains a Report of a proposition of the Marquess Barbacena to the Senate, on the 30th June, for the abrogation of the Law of the 7th November, 1831, and for the substitution of other measures for the repression of the Slave Trade.

Your Lordship will have seen by our Despatch of the 19th June, that the Deputy, Senor Vasconcellos, applied, in the Chamber of Deputies, for a Report of the Committee on a project, presented by Senor Vasconcellos in the Session of 1836, for the repeal of the same Law.

In this way an opposition to the measures of the Government, on this head, is formally instituted in both Chambers, and it is matter of considerable interest how these important proceedings will end.

We shall not omit to apprise your Lordship of what may occur, having the honour, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 119.

(Translation.)

Session of the Senate, 30th June, 1837.

The Marquis BARBACENA, SENATOR, President.

The experience of 6 years has shown to us that the Law of the 7th November, 1831, very far from having put an end to the Traffic in Slaves, as was then and is still ardently desired by the Legislative Body, appears, on the contrary, to have been a powerful stimulus to the energy, adroitness, and success of the class of merchants which is particularly engaged in the importing of slaves.

In the first two years after the Law the importation was very inconsiderable, inasmuch as means had not been found of eluding examination at the ports of arrival and departure; neither were various deposits established for the reception of slaves and the teaching of the Portuguese language; nor was there a multitude of brokers employed in taking slaves to each estate to tempt the innocence of the planters. As soon, however, as all this machinery was in action, the importation began to increase to such a degree, that it may well be said, without fear of exaggeration, that it has been, within the last three years, much greater than it ever was while the commerce was open and lawful. If the Legislature acquiesces that the impulse given to this contraband traffic continue in the accelerated motion which it has acquired, Brazil will be very soon, not the imitator and rival of civilized nations, but the imitator and rival of the Coast of Africa.

An evil, Gentlemen, is almost always accompanied by many other evils. Thus the heinous crime of the importers of slaves found support in our agriculturists, who, beginning by purchasing slaves, whom they suppose to be instructed, inasmuch as they speak, more or less, Portuguese, and deriving great profit from this reinforcement through the constant high price of our produce, and, in particular, of coffee, did not hesitate afterwards to purchase as many as came, instructed or not, yielding to the irresistible desire, natural to all, to preserve and increase their own fortunes. In the mean while, what may not happen to be the beneficial result of this infraction of the law? The General Legislative Assembly, which, with so much political foresight, applied itself to the termination of the Traffic in Slaves, will be able, with equal foresight and beneficence, to apply itself to the condition of the agriculturists. Far be it from me to eulogize those who knowingly infringed the Law, but I confess, ingenuously, that there never was an infraction of a law presenting such plausible reasons for being excused, if not forgiven, as this infraction committed by the agriculturists of Brazil. They say, ingenuously and with truth, not having free labourers, as indeed we have not, to substitute for slaves, the necessary consequence will be that of diminishing, annually, and with extraordinary rapidity, the produce of our farms, inasmuch as sickness, old age, and mortality, make an end of the largest army, when not recruited. It is hard that we should be condemned to involuntary poverty; but, as the Government so determines, let it take its own measures that slaves be not landed in Brazil, and content itself therewith. To require that the agriculturists should not purchase slaves, when they are brought to their doors—when means are often wanting of knowing whether the slaves are contraband or not, is to require more than humanity can do.

Who is there who does not feel the force of this reasoning? In truth, Gentlemen, to reject present advantages, in order to avoid a great prospective evil, befits Statesmen, the Legislators of the Empire, but is far above the comprehension of the mass of mankind. I shall not, I repeat, censure those who infringe the Law, for it would be better to have immediate recourse to the right of petition, of which some of the Municipal Chambers have lately availed themselves, but I shall boldly maintain that, if

there be circumstances under which reason and policy counsel the oblivion of crime, never could they be more imperious than in regard to that of which I am speaking. They are not Brazilians, either turbulent or revolutionary, aiming, by force of arms, to overthrow the Government and the Constitution, as some have intended to whom an amnesty has been granted,—they are peaceful landlords, heads of respectable families, men replete with industry and virtue, who promote public and private prosperity by their labour, and who doubly deserve the complete oblivion of the infraction which they have committed.

Knowing perfectly well the sentiments of the Senate, inasmuch as I have had the honour of a seat in this Assembly from the very day of its installation, I will not be so unjust as to occupy your longer attention to the most urgent necessity of re-casting the said Law of the 7th November, 1831, into another Law, containing enactments more ample and more effective—enactments, which, rendering the importation of slaves difficult and almost impossible, may not injure the lot of the agriculturists. They deserve the greatest security in regard to the constant, absolute, and perfect enjoyment of their property; and the Senate, by duty, by honour, and by inclination, will always endeavour to promote and accomplish such security in the greatest possible extent.

Impelled by these reasons, and by many others, which will not escape your perspicacity and discernment, I have made a Project of Law, which I humbly offer to your consideration.

I do not rely on my own ability, but on the cause which I defend.

(The Marquis then read the following Project of a Law.)

The General Legislative Assembly decrees—

ARTICLE 1.

The importation of slaves and of free blacks into the territory of Brazil is prohibited.

ARTICLE 2.

This prohibition does not comprehend—

1. Slaves enrolled in the service of ships of any nation whatever, provided that the identity of the individuals be verified by the Passport, the Muster Roll, and the other Papers of each vessel.
2. The slaves, who may return from one province of the empire to another, whether after having escaped or gone away with the consent of their Owners, provided that such circumstances be proved by attestations of the police, or the local authorities.

ARTICLE 3.

Brazilian vessels found in any port, or foreign vessels found in the ports, harbours, or anchorages of Brazil, having on board slaves or free blacks, not excepted in Article 2, shall be apprehended and considered as importers of slaves. Vessels, in which there are found signs of being intended for the Traffic in Slaves, shall be, independently of other proofs, also apprehended, and considered as having effected, or endeavoured to effect, the importation of slaves into Brazil.

ARTICLE 4.

The indications of being intended for the Traffic in Slaves are the following:—

1. Hatchways, with open gratings, instead of closed hatches, according to the practice of merchant vessels.
2. Divisions or bulk heads (“*antiparos*”) in the hold or on deck, in a greater number than are necessary for vessels employed in lawful commerce.
3. Extra planks, prepared to form a second deck for slaves.
4. Collars, chains, or manacles.
5. A greater quantity of water, in casks or tanks, than is necessary for the use of a merchant vessel.
6. An extraordinary quantity of casks for holding liquids. The Master not producing a certificate from the Custom-house, showing that the Owners of such ships gave suitable bond that the casks should be used solely for receiving palm oil, or for other purposes of lawful trade.
7. A greater number of mess-trays, or buckets, than is necessary for the use of the crew of a merchant-vessel.
8. A boiler of extraordinary size, and greater than is necessary for the use of the crew of a merchant-vessel, or more than one boiler of ordinary size.
9. An extraordinary quantity of rice, flour, mandioca, beans, or jerked beef, beyond what is necessary for the use of the crew of a merchant-vessel; such provisions not being declared in the manifest as part of the cargo for commerce.

ARTICLE 5.

Those are guilty of the crime of importing slaves, and of attempting such importation, viz., the Captain or Master, the Mate and Second Mate of the vessel, and the Supercargo, for the voyage. Those who aid the landing of slaves, or free blacks, in the territory of Brazil, or who assist in concealing them at sea, or in withdrawing them in any other way from the cognizance of the public authority, or from being apprehended.

ARTICLE 6.

Those who commit this crime shall suffer the punishment of banishment from 3 to 5 years, to the Island of Fernando de Noronha, and besides shall be condemned jointly and held bound each for the other (“*in solidum*”) for the expenses of the re-exportation of the slaves, or free blacks, to the ports whence they came, such expenses to be fixed by arbiters.

ARTICLE 7.

The vessels importing, or employed in importing, slaves, shall be confiscated, with all their appurtenances and the cargo found on board. The boats employed in landing, concealing, or withdrawing the slaves, or free blacks, and taken in this service, shall also be confiscated.

ARTICLE 8.

The proceeds of the cargo, ships and boats taken, shall be applied to the benefit of the captors, deducting one quarter for the informers, if there be any, and towards the expenses which may be incurred in the apprehension. The ships and boats shall be broken up and sold in separate parts immediately after the condemnation.

ARTICLE 9.

All the slaves, or free blacks, who shall be apprehended, either on the high sea or on the coast, before disembarkation, shall be re-exported, at the charge of the Government, to the ports whence they came, or to any other port of Africa, which may appear to the Government to be more convenient; and until they be re-exported, they shall be employed in labour, under the safe guard of the Government, as at present.

ARTICLE 10.

No passports shall be granted to merchant-vessels, for the ports of the Coast of Africa, till their Owners, Captains, or Masters, shall have signed an engagement not to receive on board of the same any slave, the Owner giving bond in a sum equal to the value of the ship and cargo, which bond shall be cancelled when the ship under bond shall not have been apprehended, or denounced, within the space of 18 months.

ARTICLE 11.

The ships, Brazilian or Foreign, despatched from the ports of Brazil for the ports of Africa, and those vessels which may be suspected, or denounced, as being bound thither, without being despatched, shall be examined, on the day of their departure, by one of the principal Officers of the Custom-house, who shall allow them freely to depart on not finding on board anything raising a suspicion that they are intended for the commerce in slaves.

On finding things inducing suspicion, and indicating that the ship is about to be employed in the Traffic in Slaves, such things shall be taken as contraband, and the persons interested in the ship, the Captain or Master, the Pilot and Shippers, shall be subject to the penalties of contraband.

ARTICLE 12.

Nothing can be received on board of the ship after the visit.

ARTICLE 13.

The Judges (*"de Dereito"*) are obliged, *ex officio*, to judge in the first instance, subject to an appeal to the *"Relação,"* in regard to all the crimes enumerated in the present Law.

ARTICLE 14.

No action can lie against those who shall have bought slaves after their disembarkation; and the Law of the 7th November, 1831, and all other Laws to the contrary, are revoked.

Palace, Senate, 30th June, 1837.

Laid upon the table, to be printed, for the purpose of being brought forward in the order of business.

No. 120.

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

MY LORD,

Rio de Janeiro, 5th July, 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 5th January, 1837, and the present date.

We have, &c.

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

ROBERT HESKETH.
FREDERICK GRIGG.

No. 121.

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

MY LORD,

Rio de Janeiro, 9th August, 1837.

WE beg leave to inform your Lordship that, according to a statement in the *"Jornal do Commercio,"* of this day, the Imperial corvette *"Regeneracao,"* Captain Frederico Mariath, which arrived here yesterday from Para, captured, off the Island of Tamaracã, the Portuguese schooner *"Eugenia,"* from Angola, having found her equipped for the Slave Trade, and that there was every appearance that she had just landed slaves.

A crew from the corvette was put on board the schooner, and they sailed in company to 8° south latitude, when the corvette came on to this port, where her prize is daily expected.

We have, &c.

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

ROBERT HESKETH
FREDERICK GRIGG.

No. 122.

His Majesty's Commissioners to Viscount Palmerston.—(Received October 7.)
(Extract.)

Rio de Janeiro, 9th August, 1837.

WE are induced to lay before your Lordship the following statement, being confident that the local experience and nautical skill of Her Majesty's Officers on the African station will as readily detect any deceptive or impracticable suggestion as they will appreciate any advantages which may be derivable from the information.

The embarkation of negroes has diminished on the Western Coast of Africa,

but has greatly increased on the Coast of Mozambique. To intercept the slavers on the Western Coast, the employing of armed boats is recommended, for the reconnoitring of the rivers and the capturing the vessels that may be found therein, which, it is stated, are generally small and not well armed.

On the coast of Mozambique the slave-vessels are larger, of superior construction, well manned and navigated; while those trading to the Havana are besides well armed. On this part of the coast the slave-dealers now make their purchases, in general, with merchandize in lieu of specie, and they frequent the ports of Inhamban, Sofala, Quillimane, and Zanzibar, as well as Mozambique. The Bars of Inhamban and Quillimane being dangerous, require the assistance of a Pilot; and slavers arriving off these ports anchor, and fire guns during the night, as signals for Pilots. Cruizers at anchor, or under weigh in the offing, after dark, can thus be aware of the arrival of slave-vessels. At Sofala the insurrections of the negroes are said to occasion a great hinderance at present to slave-dealers, but at Quillimane there is a great and increasing trade. To intercept vessels sailing from Inhamban and Quillimane, it would be of advantage if a vessel were anchored close in shore to windward of the entrance of each port, and "hull down;" the slave-vessels being obliged on leaving to haul their wind to clear shoals, which being once weathered, the Mozambique Channel is open to them, with a strong favourable current.

A cruizer off Mozambique could send in her boats and ascertain what vessels are in the harbour, which could be blockaded by a force sufficient to intercept slavers, whether arriving or departing. The same might be done at Zanzibar, both these ports being frequented by slave-dealers, for the assorting or disposing of their merchandize, with reference to the ulterior and illegal shipment of negroes.

After clearing the ports with their cargoes of wretched human beings, the slave-dealers are said to steer down the Mozambique Channel, close to the African shore; and those bound for Brazil generally make the Cape of Good Hope, whereas those going to the Havana, which are better armed and navigated, round the Cape more to the southward.

With regard to the points on the Coast of Brazil at which the landing of slaves is usually effected, a great number of negroes are landed at Ilha Grande, situate in about 23° 20' south latitude, on the Coast of the Province of San Paulo, at 2 estates ("Fazendas"), one on the northern, and the other on the southern part of that Island, and also at a third estate situated on the Main, and a little to the northward of Parati.

The vessels while landing approach those points by daylight, but haul off at night on account of danger from sudden squalls; keeping under sail off "Barra de Garroso." To capture such vessels a cruizer should keep out of sight during the day, to the northward of Ilha Grande, and at night approach the entrances to the northward and southward of that Island where the slavers will be found.

No. 123.

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

MR. LORD,

Rio de Janeiro, 10th August, 1837.

IN the course of a discussion in the Senate on the 3d instant, upon a proposition to reduce the duty on the produce of the mine of Gongo Socco, Senhor Antonio Pedro da Costa Ferreira, one of the Senators for the Province of Maranh, moved an amendment that the reduction should be on condition that the mine be worked by free labour.

The amendment was rejected, apparently without a division. We think it expedient, however, that your Lordship should be informed of the circumstance, not only as showing the feeling of an individual Senator, but as demonstrating that free negroes would in all probability always find employment in this country.

We understand, that, by the express instructions of the Candongo Mining Association of London, their property in this country is worked wholly, or as much as possible, by hired negroes. But it is evident, that however humane the motive, the distinction necessarily falls short of the object.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 124.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 7.)

MY LORD,

Rio de Janeiro, 10th August, 1837.

YOUR Lordship will hear, no doubt, from Her Majesty's Minister at this Court, of the arrival here, on the 24th ultimo, of the Portuguese patacho, "*Especulador*," Guimaraens, Master, from Liverpool, with a cargo of British manufactures consigned to English merchants in this city.

It being understood that the "*Especulador*" and her cargo are bound for the Coast of Africa, an Order was issued by the Government, subjecting all such cargoes to a Custom-house duty of 16½ per cent., as a measure of finance, and as an impediment to the Slave Trade.

This proceeding, however, being contrary not only to custom, but to a formal determination of the Government, with reference to a proposal to the same effect on the part of a late Inspector of the Customs, we thought it our duty to communicate to Her Majesty's Minister at this Court the Copy of the Commissioners' Despatch to your Lordship of the 30th September, 1836, with the accompanying Documents bearing on the present proceeding.

We have, &c.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 125.

Her Majesty's Commissioners to Viscount Pamerston.—(Received October 7.)

MY LORD,

Rio de Janeiro, 14th August, 1837.

OUR Despatch of the 2d ultimo will have conveyed to your Lordship a Legislative Project presented by the Marquis Barbacena to the Senate, for the abrogation of the Law 7th November, 1831, and the substitution of other enactments.

We now beg leave to transmit a printed Draft, dated 29th July, of the same Project, with alterations, the result of several discussions, and as the proposition stood for the third reading. Also a similar Draft, with manuscript erasures and additions made at the third reading, and as the Bill passed, on the 9th instant, to the Chamber of Deputies.

It will be seen that the 14 Articles proposed in the first instance were reduced to 13, and that, besides various intermediate alterations, other alterations and additions were made in the last stage.

The latter are the most important, and we presume that their spirit will be best seen by an Enclosure showing the comparative state of the Bill before and after the third reading.

The only point which appears to be an amelioration of the original Project, as transmitted to your Lordship on the 2d ultimo, is Article 6, substituting, for banishment to Fernando de Noronha, the punishment for piracy, and a fine of 4 contos.

In all other respects the Bill seems to be intended to legalize every slave transaction in violation of the Law 7th November, 1831; to present only such obstacles to future importations of negroes as experience proves are to be overcome by connivance, or bribery; and, above all, to deprive those negroes who have received freedom, and those who are entitled to it under the same Law, not only of their liberty, but of all means and hope of recovering it.

We apprehend, too, that such negroes as have been brought to this country since the Law above mentioned, and have not been re-exported to Africa, may lose their earnings, not only on account of the practical mal-administration of their affairs, but as the Law may perhaps be considered as abrogating the regulation for their employment in this country. Upon this subject we beg leave to refer to the Despatch which the Commissioners had the honour of addressing to your Lordship on the 22d February, 1832, being Paper No. 84 in the Correspondence published in that year.

We also beg leave, my Lord, to lay before you "*O Jornal do Imperio*" of the 5th instant, with an abstract of a Speech, on the 4th, as reported to have been deli-

vered by Senhor Costa Ferreira, one of the Senators for Maranhão, in a third discussion of this subject. In substance, the Senator is reported to have expressed his surprise that other Senators should have supported a project appearing to be very injurious to the country, that the concluding Article is incomprehensible, inasmuch as the Constitution does not allow any law to have a retroactive effect, that the cause of humanity is not to be overlooked, and that it would be preposterous to say, in spite of the Law of November, 1831, that the negroes in question are slaves.

In another daily paper it is stated that the undermentioned six Senators are also opposed to the Law in progress.

For Minas Geraes :—

Senhor Evangelista de Faria Lobate.
Senhor Lucie Soares Teixeira de Gouvea,

For Pernambuco :—

Senhor Manoel Caetano de Almeida e Albuquerque.
Senhor Jozé Ignacio Borges.

For Rio de Janeiro :—

Marquis de Paranageia.

For Piauky :—

Senhor Luis Jozé de Oliveira.

We have, &c.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

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

First Enclosure in No. 125.

Bill for Repeal of Law, 7th November, 1831.

Before the Third Reading.

ARTICLE 5.

Those guilty of the crime of importing slaves, and of attempting such importation, are the Captain or Master, the Mate and Second Mate of the Vessel, the Supercargo, and the principals in the business. The accomplices are those who aid the landing of slaves or free blacks in the territory of Brazil, or who in any way assist in introducing them into the interior, or in withdrawing them from the public authority, not only at sea, but also on shore, within a league from the beach.

Those guilty of the crime of importing slaves, and of attempting such importation, are the Captain or Master, the Mate and Second Mate of the Vessel, the Supercargo, and the principals in the business. The accomplices are those who aid the landing of slaves or free blacks on the territory of Brazil.

After the Third Reading.

ARTICLE 12.

In regard to the crimes which are the subject of this law, and with exception of the cases specified in the Treaties with Great Britain, the Justices of the Peace, Municipal Justices, and District Justices "de Direito," when the landing may be effected, or attempted, shall have cumulative jurisdiction, inclusive of passing sentence, but it shall never be understood to exclude the jurisdiction of the Judges, "de Direito," who may take cognizance of actions commenced, and renew examinations.

The Judges, "de Direito" are exclusively competent to prosecute and judge the crimes, which are the subject of this Law, subject to appeal "ex officio" to the "Relações," the local authorities being only competent to apprehend and investigate, and to take preparatory information, which shall be sent to the said Judges, "de Direito."

ARTICLE 13.

No action can lie under the Law of the 7th November, 1831, which is revoked; but those (Negroes) who already enjoy liberty by effect of the same Law, shall be maintained therein. All laws to the contrary are revoked.

No action can lie under the Law of the 7th November, 1831, which is revoked, as well as all other Laws to the contrary.

Second Enclosure in No. 125.

From "O Jornal do Imperio," 5th August, 1837.

(Translation.)

Session of the 4th August, 1837.

SENHOR Costa Ferreira speaks at considerable length against the project. He is surprised that Noble Senators of distinguished patriotism have supported a project, which, in his opinion, will, if it pass, CLASS A.

First Enclosure in No. 126.

Arrivals at Rio de Janeiro, from the Coast of Africa, during the Month of July, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
July 1	Brigantine	Flor de Loanda	M. A. Pereira	Portuguese	150	9	Angola	34 days.	Ballast.	Detained by Police.
" 4	Schooner	Mariana	J. A. dos Santos	"	80	13	Benguela.	29	Wax, Ivory, &c.	"
" "	Brig	Novo Destino	J. de A. Jardim	"	180	21	Angola	35	"	"
" 8	"	29 de Maio	F. A. Pinto	"	160	9	"	41	Ballast	"
" 9	"	Sardade	F. J. Ribeiro	"	226	23	Calcutta, calling at African Ports	134	Wax and Ivory	"
" 9	Smack	Ribeira Nova	C. V. da Costa	"	95	12	Angola	38	Ballast	"
" 10	Brig	Antenor	V. J. de O. Vianna	"	300	17	"	34	Wax, Mats, and Ballast.	In quarantine in consequence of the death of three of the crew.
" 15	Brigantine	Feliz	Jose Joaquim	"	90	14	Cape Lobo	25	Ballast.	Detained by Police.

ROBERT HESKETH.
FRED. GRIGG.

(Signed)

Second Enclosure in No. 126.

Departures from Rio de Janeiro, for the Coast of Africa, during the Month of July, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
July 7	Brig	Assiceira	J. P. Ferreira	Portuguese	182	16	Cape Verde via Angola	Brandy and Goods.	
" 9	"	Triumpho de Inveja	M. F. Brandao	"	210	19	Goa via African Ports.	"	
" 19	Schooner	Doye de Outubro	J. A. de Oliveira	"	201	19	Angola and Benguela.	"	
" 23	Brigantine	Ligeiro	B. J. Velloso	"	99	16	Benguela and Angola.	"	
" "	Brig	Adamastor	J. M. Lopes	"	209	24	Goa via African Ports.	"	

ROBERT HESKETH.
FRED. GRIGG.

(Signed)

No. 127.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 15th.)

MY LORD,

Rio de Janeiro, 2nd September, 1837.

WE have the honour to enclose a statement of the intercourse between this Port and the Coast of Africa during the month just closed. Only 1 vessel is stated to have arrived here but there were 7 that sailed; the whole reported to be Portuguese.

We have, &c.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

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

First Enclosure in No. 127.

Arrivals at Rio de Janeiro from the Coast of Africa during the Month of July, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
August 4 .	Schooner . .	Josefina	J. G. de Mendonca . .	Portuguese .	100	15	Angola	Days. 40	Ballast	In Quarantine.

(Signed) ROBERT HESKETH.
FREDERICK GRIGG.

Second Enclosure in No. 127.

Departures from Rio de Janeiro for the Coast of Africa during the Month of July, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where Bound.	Reported Nature of Cargo.	Remarks.
August 5	Brig	Fortuna d'Africa	J. de C. Miranda	Portuguese	208	19	Goà via African Ports	General	Put back on the 23rd, on Account of the Illness of the Master and Mate.
" 9	Ship	Cintra	J. J. Rodrigues	"	202	11	Cape Verds via African Ports	Brandy and Goods	
" 12	Brig	Dous Amigos	H. de Costa	"	220	18	Goà via African Ports	"	
" 20	Barque	Carolina	C. J. de Faria	"	270	27	"	"	
" 22	"	Maria Carlota	F. P. de L. Cabal	"	228	19	Angola	"	
" 27	Brig	General Cabreira	A. V. Bony	"	192	23	Cape Verds via African Ports	"	
" 29	Barque	Resolução	J. M. Sumars	"	341	23	Goà via African Ports	"	
" 30	Brig	Fortuna d'Africa	J. C. de Miranda	"	208	19	"	General	Sailed on the 5th, and put back on the 23rd, and now reported as Sailed again.

(Signed) ROBERT HESKETH.
FREDERICK GRIGG.

No. 128.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 15th.)

MY LORD,

Rio de Janeiro, 4th September, 1837.

OUR Despatch of the 14th ultimo will have apprised your Lordship that, on the 9th August, the Bill for the abrogation of the Law, 7th November, 1831, passed from the Senate to the Chamber of Deputies.

We have now the honour to add, that, on the 2nd instant, the measure in question was taken up by the Chamber of Deputies, when one of the 13 Representatives of the Province of Pernambuco, offered as an amendment, unsupported by any argument, the project of Senhor Vasconcellos, presented in 1836, for the Repeal of the same Law.

Another Deputy, for Pernambuco, contended that, in effect, the Bill sanctions the importation of slaves, which it professes to prohibit—that the prohibition is only nominal, inasmuch as the setting foot on the territory of Brazil, by the agency of a pirate (meaning, no doubt, any slaving-vessel) is deemed a legal importation—that no measures have been taken to keep off such vessels—on the contrary, that a Brazilian Officer, making such a capture, is dismissed—wherefore the Deputy proposed that the consideration of this Project be adjourned till the Articles, additional to the Treaty with England, prohibiting the commerce in slaves, which have been before the Chamber for two years, shall be discussed.

The proposed adjournment having been negatived, a third Deputy for Pernambuco expressed his opinion that the Government is committed, to a certain degree, with that of England, in regard to the abolition of the traffic, wherefore, he proposed that, to obviate difficulties, the Minister for Foreign Affairs should be invited to assist at the further discussion of this Project, which was ultimately determined upon.

The same Deputy then proceeded to state, that, though the Law, 7th November, cannot, in his opinion, be executed, yet he could not vote for the Bill, being of opinion that the traffic would be more effectually put down by indirect means, such as the excluding slaves from public works, the registering of their transfer by sale, and the levying of a tax upon their location.

A Deputy for the Province of Bahia then expressed his opinion—that the present Law is wholly inadequate to the repression of the traffic; that it deprives the Treasury of two sources of revenue, viz., of the duties previously levied on the importation of slaves, and of the advantage which resulted from the transit of foreign goods, through Brazil to Africa, in addition to a loss by the non-production of other goods and manufactures, formerly the produce of Brazil, which, as matters stood, were then exported to Africa, with the foreign goods intended for that market.

In the opinion, too, of the same Deputy, the law gives a premium to contraband slave importers, equivalent to the abrogated importation duty on the slaves, by which the importers have been, and are, enabled to purchase the connivance or the assistance of those who ought to execute the law, and to retain exclusive possession of the trade, while, even magistrates, unsuspected of venality, shut their eyes to what is passing, rather than subject the contraband importers to the extreme penalties of the law.

The Deputy further contended that, where the law is operative, it aggravates the misery and waste of life of the unhappy Africans, not only as the mortality by illness is now more extensive, but as under the present system whole cargoes are often sacrificed.

To remedy these evils, the Deputy proposed the levying of a heavy duty on the importation of slaves, through the Custom-house, or pecuniary penalties on contraband importers, such as will preclude their engaging in the traffic, by which, we presume, is meant such penalties as are not tantamount to the absolute ruin of the parties, and which it is thought will not enlist the magistrates and local authorities in favour of the culprits.

In conclusion, the Deputy, after advising that the Government should take an account of the Africans, unlawfully acquired since 1828, proposed as an Amendment, that,—“It is prohibited to import into Brazil, and its territory, Africans, “either captives or slaves, taught or new, free or freed, or *libertos*.”

The Amendment was seconded, and the discussion adjourned.

Of these proceedings we beg leave to enclose a Report and Translation; and we regret that, as we believe, there is no other Report on the subject. For there is one part of the proceedings which is not quite clear at present, viz., that while two of the speakers are reported to have recommended the non-employment of slaves in *Imperial Public Works*; they are also said to have recommended their employment in *Provincial Public Works*.

We have, &c.
(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

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

Enclosure in No. 128.

(Translation.)

Rio de Janeiro, 2nd September, 1837.

Session of the Chamber of Deputies.—Discussion on the Project of the Senate for the abrogation of the Law 7th November, 1831.

Article 1st.

“The Importation of Slaves and Free Blacks into the Territory of Brazil is prohibited: the Passage from one province to another is (not) included.”

Senhor Sebastiao do Rego Barros (one of thirteen Deputies for the province of Pernambuco) announced that he has to offer, as an amendment, the project of Senhor Vascellos (presented in the Session of 1836, for the repeal of the law 7th November.)

Senhor Rzende (another Deputy for Pernambuco) does not understand what is meant by the words “the importation of Africans is prohibited,” inasmuch as the project sanctions such importation. It appears to him that the first Article is a contrivance for bringing this subject to a vote, in order to the spreading of a report in Brazil that the importation of slaves is free; they being acknowledged as free men by the laws of Brazil. He observes that, in the north, in his province, such importation was very rare; but since the propositions for repealing the law of 1831, some one has spread a report that the law was abolished, and the importation of Africans no longer causes any surprise. If, therefore, the Chamber should vote for the first Article, the effect of which is insidious, it will immediately be said that the other Articles, which sanction such importation, are also admitted.

In this project, it is said, that the importation of Africans into the territory of Brazil is prohibited; but, when once these Africans have set foot on the territory of Brazil, they are imported. If a pirate should succeed in landing Africans on the territory of Brazil, they are actually imported, notwithstanding that the importation is prohibited. It appears to be doubted whether the law of 1831 exists. He reminds the Chamber that the present law is proposed while no means have been brought forward for preventing pirates from approaching the coasts of Brazil with Africans. It is known that, when a naval officer takes a vessel with Africans, he is dismissed from the command. If, while men are declared to be slaves, whom the law declares to be free, and who, setting foot on the country, in which liberty is established, become slaves, there were at least a wall of iron preventing pirates from approaching the coasts of Brazil, there would be some excuse. But, while the articles additional to the Treaty with England, for the more effectual prohibition of this traffic, have been so long before the Chamber, and that no other measures are taken, of what use is this law? He (the Deputy) desires that the consideration of this project be adjourned till the articles, additional to the treaty with England, prohibiting the commerce in slaves, and which have been before the Chamber for two years, be discussed. He is of opinion, that, if the Assembly wish to prove that it does not protect this commerce, it ought to adopt every measure to keep off the pirates, who are engaged therein.

(The adjournment proposed by the Noble Deputy is seconded, and put to the vote; but, after some discussion rejected.)

Senhor Hollanda Cavalcante, (also Deputy for Pernambuco) after adverting to the disparity of proceeding in this Chamber, in regard to projects received from the Senate, which pass immediately to a second discussion, while the projects of the Chamber of Deputies pass a first discussion in the Senate, whence inconvenience arises—enters upon the subject.

Our Government being in a certain degree committed with that of England, in regard to the abolition of the traffic in slaves; being himself of opinion, that, if the law, as it has come from the Senate, be passed; there may be great disputes (“Grandes contestações”) on this subject, and as he wishes to guard the administration from any eventual embarrassment or difficulties consequent upon the law, he proposes that the Minister for Foreign Affairs be invited to assist at the discussion of this project.

Although he (Senhor Cavalcante) admits that the law of the 7th of November, 1831, cannot be executed, and encourages immorality, yet he cannot vote for the project under discussion. He is of opinion, that, in order to obviate the continued importation of Africans, it will be more useful to recur to indirect means, such as excluding slaves from public works; the adopting the measure suggested by the Provincial assembly of San Paulo, and in the reports of the Minister of the empire, and the Minister of Finance requiring that contracts for the transfer of slaves be made by public documents. It also appears to him that it would be advisable to tax the location of slaves, and that the result would be the more useful, as it should be determined by a general law, that slaves should not be employed in public works, the provinces might employ slaves in local undertakings.

It was decided that the Minister for Foreign Affairs should be invited to assist at the discussion of this law.

Senhor Rebouças (one of 13 deputies for Bahia).—Mr. President, I strongly object that, when an existing law is not under discussion, it should be impugned, as, with great dissatisfaction, I have heard even of the additional Act. It appears to me that this is very impolitic, and that thus a very bad lesson is given to the people. (Hear). I think that I am consistent in speaking against the law of 1831, which belongs to the discussion of this project.

It is confirmed by experience that the Law of 7th November could have no other than a bad effect, inasmuch as, while it prohibited the commerce in Africans, the means employed for terminating the commerce must be, in the opinion of every body acquainted with the subject, absolutely inefficient. The result was, that the public income was deprived of two sources of revenue,—the direct source of the duties which were received on the importation of African slaves, and the indirect source from goods brought to Brazil, and which went hence to Africa, in addition to other goods of the country, which were cultivated or manufactured to a greater extent by the keeping up of that commerce. Another, and a moral evil, resulted from this law. The contraband importers of slaves continued, nevertheless, the traffic, and, having the means of disbursing the amount of duties which they formerly paid to the Custom-house, they were enabled to continue the commerce with impunity, and it has thus remained exclusively in their own hands. In this way neither the commerce nor its evils being put down, there ensued a degree of immorality which will ruin Brazil entirely, if, indeed, the evil be not already irremediable. There is another evil; when the commerce in slaves was lawful, the deaths, in addition to those which ensued in Africa by the wars among its wretched inhabitants, were neither so many nor so frequent. And now, in consequence of the present ineffective police, whole cargoes are often sacrificed.

The Law, therefore, of 1831 neither did, nor could, produce any beneficial effect, because, granting that the means of repression aggravated the punishment of the infractors, that same punishment, being out of proportion, and beyond the nature of the crimes, has served as an argument for impunity, not as to those who are suborned by vile and sordid interest, but as to those who are moved by sentiments of pity, and by other motives which exist in souls more generous and better formed. A ship with Africans is apprehended, or a cargo is met with on our shores, or on an estate, who is the apprehender? Let us suppose that he is a declared enemy to the traffic, that he is convinced of its evil consequences, and even impressed with the proofs of its ominous existence in Brazil. The same individual, seeing that the apprehension of the Africans would involve, not only the ruin of a family by the loss of the property, but, further, that a father is condemned to imprisonment, to the loss of (the labour of) the Africans, and of the entire capital employed in this trade, with whatever else he may possess, besides being subject to a personal penalty not to be commuted for any money—can it be that the apprehender will act to this extent? No! Experience shows that magistrates and others, who know that there are Africans at a given point, and who, by duty, are required to repress this commerce, if they profess to repress it, it is only ostensibly. Every one knows the scandalous result.

It is evident, therefore, that the severity of the penalties cannot forward the repression, or, rather, that it leads to impunity.

Having reflected upon the mode of rendering effective the prohibition of the commerce in slaves, I see no efficacious means other than the following:—A heavy duty on the importation of slaves, or pecuniary penalties on the importers, such as will preclude the possibility of their engaging in the commerce; enacting also that the Government shall take an account of the Africans who are to be deemed unlawfully acquired since 1828, according to a calculation of the mean term of life of African slaves.

The Honourable Deputy, after having analyzed certain articles of the Law, offers the following amendment, which is seconded:—

“It is prohibited to import into Brazil, and its territory, Africans, either captives or slaves, taught or new, free or freed, or libertos.”

The discussion was adjourned.

No. 129.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. November. 15)

MY LORD,

Rio de Janeiro, 11th September, 1837.

IN our Despatch of the 9th August, we had the honour of reporting to your Lordship the capture, by the Imperial corvette “*Regeneração*,” of the Portuguese schooner “*Eugenia*,” from Angola, whence there was reason to believe that she had just brought a cargo of slaves.

It was stated at the time that the schooner, manned by a crew from the corvette, was on her way to this port, but it does not appear that she has arrived here, or that there is any subsequent account of her.

Regarding the slaves, however, 4 Despatches are published in the “*Jornal do Commercio*” of this day, apparently by authority.

By them it appears that, in pursuance of orders from the President of the Province of Pernambuco, the Prefect of the Comarca of Recife, and the Sub-Prefect of the Island of Itamaracà, made official inquiries respecting 300 negroes said to have been landed from the “*Eugenia*,” at Itamaracà, or in its neighbourhood, but that, according to the statements of those persons, their inquiries were unsuccessful.

It also appears that the bar of Itamaracà is within gun-shot of a fort, the Commandant of which states that his authority is confined to the walls of the fort, that vessels and boats arriving at the bar, and departing from it, are quite independent of his authority, and that he has no knowledge of the reported landing of such Africans.

Under these circumstances we are very much inclined to believe that a landing of negroes from the “*Eugenia*” did take place, and that this is another instance

of the easy accomplishment of such nefarious transactions, with or without the cognizance of the Local Authorities.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

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

No. 130.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 23.)

MY LORD,

Rio de Janeiro, 19th September, 1837.

WE beg leave to inform your Lordship, with reference to our Despatch of the 4th instant, that the discussion on the Bill for the Abrogation of the Law 7th November, 1831, was continued in the Chamber of Deputies on the 18th instant.

An amendment was moved by Senhor Rezende and seconded, to the effect that the first paragraph of the Bill be suppressed.

Senhor Martin Francisco, one of the Deputies for San Paulo, then said that, in pursuance of the former discussion, the Minister for Foreign Affairs had been invited to attend the further debate, but had declined on the ground of ill-health. Senhor Martin Francisco, however, being of opinion that the proposed Law would interfere directly or indirectly with the engagements of Brazil to England, under the Convention of 1826, proposed that the project be referred to a Committee of Diplomacy for an opinion as to the degree in which the project may militate against the same Convention, which was put to the vote and carried.

Under these circumstances, and the very advanced period of the Session, we presume that this business will stand over till next Session, especially as the Regent has just resigned, and as the Minister for the Empire, on whom the executive as devolved, has formed a new Administration.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

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

No. 131.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 23.)

MY LORD,

Rio de Janeiro, 23th September, 1837.

REFERRING to the Despatch addressed to your Lordship on the 18th March last, we beg leave to enclose 2 Copies of the "*Jornal do Commercio*" of this day, containing the sentence of the jury of Mangaratiba, pronounced on the 15th instant, on Antonio Luiz Vierra, accused of having received, as a Justice of the Peace, a bribe of rs. 2,200 for the delivery of 38 new blacks, whom he had apprehended on the 14th November, 1836, to the importers of the same.

The sentence is in substance that, if the party still hold the office of Justice of the Peace, he be dismissed from it, and lose all the effect of previous services in that capacity; that he be imprisoned 3 months, and fined rs. 6,600 in addition to the costs of the suit, and rendered incapable of holding any other public employment.

The publication of the Document in question is probably by authority, and we hope that it will not be without a salutary effect on the conduct of other Justices of the Peace.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

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

No. 132.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 28.)

MY LORD,

Rio de Janeiro, 4th October, 1837.

WE have the honour to enclose a statement of the intercourse between this port and the Coast of Africa during the month just closed.

The departures were 3, and the arrivals only 2. The latter circumstance is the more satisfactory, as the previous cargoes of negroes deposited in this vicinity have undergone great mortality from the small-pox, which, in several cases, has reached the free population of this city and its environs.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

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

&c.

&c.

&c.

First Enclosure in No. 132.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of September, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	No. of Crew.	Where from.	Passage. Days.	Reported Nature of Cargo.	Remarks.
Sept. 8	Schooner .	Andorinha	J. T. de Abreu .	Portuguese	95	11	Benguela . . .	24	Wax, Ivory, and Ballast.	In Quarantine, not having a Bill of Health.
„ 22	Snack . .	Firmiza	E. J. Gonçalves .	„	132	11	Angola	32	Ballast	In Quarantine.

(Signed)
ROBERT HESKETH.
FREDERICK GRIGG.

Second Enclosure in No. 132.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of September, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	No. of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
Sept. 2	Brig . .	Experiencia	M. F. de Silva .	Portuguese	186	19	Benguela	Brandy and Goods.	
„ 10	„ . .	Leão	J. F. da Silva . .	„	232	24	Cape Verdes, <i>via</i> African Ports.	„	
„ 15	Schooner .	Esperança	J. F. Salgueiros .	„	215	19	Cape Verdes, and Africa	„	

(Signed)
ROBERT HESKETH.
FREDERICK GRIGG.

SURINAM.

No. 133.

Mr. Samo to Mr. Bandinel.—(Received May 29.)

MY DEAR SIR,

Surinam, 21st March, 1837.

THE Dutch brig-of-war "*Valk*," last from their settlements on the African Coast, brought the intelligence of the arrival of General Vermeer and his suite at Elmina, to fulfil the Mission to the King of the Ashantees from the Government of Holland, of which Viscount Palmerston's Despatches to us, in July last, made mention.

It appears that a portion of the presents brought by him for the King of the Ashantees had been forwarded and received; but up to the time of the departure of the "*Valk*," General Vermeer had not succeeded in obtaining an audience; it is further stated that the King had caused it to be intimated to the Dutch Mission, that he could not assent to the proposal of raising troops for the Dutch service from amongst his own subjects, but that he was willing to grant permission to select for that purpose any others, from amongst the prisoners which might be made by him in any neighbouring war in which he might be engaged.

As this information comes from a person on whose veracity reliance can be placed, I think the report likely to prove correct.

James Bandinel, Esq.
&c. &c.

I am, &c.
(Signed) JOHN SAMO.

No. 134.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, 15th July, 1837.

(See Circular. *Sierra Leone General*, No. 4.)

No. 135.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 27.)

MY LORD,

Surinam, 1st June, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated the 27th of January last, transmitting 2 Copies of the Translation of a Decree, issued at Lisbon for the Abolition of the Slave Trade throughout the Portuguese dominions.

We have, &c.
(Signed) JOHN SAMO.
CAMPBELL JAMES DALRYMPLE.

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