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# Supplement A.

## SIERRA LEONE. (General.)

Supplement A, No. 1.

*Viscount Palmerston to His Majesty's Commissioners.*

*Foreign Office, 21st January, 1837.*

GENTLEMEN,

WITH reference to my Despatch to you of the 17th of October, 1836, I herewith transmit to you the original Letter, addressed by Edward Jousiffe to His Majesty's Acting Judge at the Havana, on the 21st of July last, which important Paper was not forwarded from the Havana with the other Documents relative to Jousiffe's arrest.

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

I am, &c.  
(Signed) PALMERSTON.

Supplement A, No. 2.

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

*Sierra Leone, 5th January, 1837.*

MY LORD,

WE have the honour to transmit herewith to your Lordship a certified Copy of the List of slaves registered here by the different Mixed Courts, from the 5th July, 1836, to this date. The number so registered was 3,716.

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

### Enclosure in Supplement A, No. 2.—(Abstract.)

	Number Registered.	Number died before Registration, but Emancipated.	Number Emancipated.	
Gaceta . . . . .	169	..	169	
Felicia . . . . .	352	3	355	
Joven Carolina . . . . .	377	6	383	
Felix . . . . .	463	18	481	
Esperança . . . . .	404	13	417	
Atalaya . . . . .	87	..	88*	* 1 man absconded.
Esperança . . . . .	391	5	396	
Victoria . . . . .	310	5	316†	† 1 man absconded.
Quarto de Abril . . . . .	450	8	458	
Olimpia . . . . .	238	14	252	
Veloz . . . . .	454	3	460‡	‡ 3 boys absconded.
Serea . . . . .	21	..	21	
	3716	75	3796	

(Mem.)—Number registered up to the 5th July, 1836 . . . . . 36,868  
 " " from 5th July, 1836, to 5th January, 1837 . . . . . 3,716  
 Total . . . . . 40,584

*Sierra Leone, 5th January, 1837.*

N. B. In addition to the foregoing List of emancipated slaves registered in the period set forth, there were 231 slaves landed from on board the Portuguese brigantine "*Vigilante*" at Nassau, New Providence, 484 slaves from the Portuguese brigantine "*Phœnix*," and 335 from the Portuguese schooner "*Negrinha*," landed in both cases at the Island of Grenada, in all 1,050, the survivors of whom were emancipated by Decrees of the British and Portuguese Court of Mixed Commission.

(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 July, 1836, to the 5th day of January, 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 5th day of January, A.D. 1837.

(Signed) M. L. MELVILLE, Registrar.

SIERRA LEONE. (*General.*)

Supplement A, No. 3.

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

MY LORD,

*Sierra Leone, 5th January, 1837.*

WE have the honour of enclosing to your Lordship a List of all the Cases adjudicated during the year 1836 in the British and Portuguese, and British and Spanish Mixed Courts established in this Colony. In the British and Brazilian, and British and Netherlands Mixed Courts, no Cases were presented for trial during that period.

The total number of vessels brought before the Courts during the past year was 51, of which 14 were Cases under the Portuguese flag, and 37 under the Spanish: 28 of the latter were seized and prosecuted for being equipped for the Slave Trade.

Of the 51 Cases above mentioned only 4 of them were not condemned; 1 having been restored to the Claimant by consent of the parties concerned, and 3 having been restored by Sentences of the British and Spanish Mixed Court of Justice.

The number of slaves emancipated during 1836 was 6,904, and the number registered here was 5,454. Of those emancipated and unregistered there were landed at Nassau, New Providence, from the Portuguese vessels "*Criolo*" and "*Vigilante*," 538 slaves, and 819 at Grenada, from the Portuguese vessels "*Negrinha*" and "*Fenix*." Ninety-three of the emancipated slaves died or absconded from the Liberated African Department previous to their description being taken to be registered.

Two slaves absconded from the charge of the Liberated African Department whilst awaiting adjudication, and upon whom only a conditional Decree of emancipation was made, it being uncertain if they were alive at the time of passing sentence.

Since the establishment of the several Mixed Courts in this Colony to the close of the past year, the total number of vessels adjudged has been 277; of which 18 Cases were instances of restoration to the Claimants. From these vessels there have been emancipated 44,154 slaves, of whom 40,584 have been registered here.

The result of the exertions of the squadron employed in suppressing the traffic in slaves in 1836, as compared with previous years, shows that a greater number of vessels with slaves on board had been captured and condemned during that time than had been previously the case, and that upwards of 2,100 more slaves were emancipated than in any former year.

The 24 Spanish vessels condemned for being illegally equipped may, therefore, be looked upon as a clear gain to the cause of Africa, arising out of the conclusion of the late Treaty with Spain, and gives some idea of what might be effected by that Treaty, if a cordial and sincere desire could be induced on the part of the Spanish Colonial Authorities to carry it faithfully into operation. Of this, however, we cannot reasonably entertain a hope, when we find the Custom-house Authorities at Cuba, immediately on the New Treaty becoming the law of Spain, in defiance of the letter and spirit of that Treaty, actually clearing out *slave-irons* as an article of merchandize, and which occurred in the late Case of the Spanish schooner "*Eliza*;" and when the same Authorities grant to vessels (foreign as well as Spanish) a loosely worded permission to carry an extraordinary quantity of casks, more than requisite for the use of the crews of such vessels (as it appeared by the Ship's Papers), without any security having been taken for the lawful employment of those casks, as is strictly enjoined by the Equipment Article of the late Treaty. Instances of this latter irregularity are to be found in the Cases of the Portuguese schooner "*Olimpia*," and those of the Spanish vessels "*Luisita*" and "*Gata*," the former already reported to your Lordship. The same Authorities also unhesitatingly cleared no less than 24 other Spanish vessels provided either with slave-decks, slave-boilers, or some other of the articles of equipment prohibited by the Treaty; as was established beyond contradiction by the evidence received in the Cases of those vessels during the last past year.

This open, determined indifference to the execution of the laws on the part of those employed in Cuba to enforce them has certainly not been misunderstood by the slave-traders of that Island, who appear to have taken full advantage of the favourable disposition shown towards them.

SIERRA LEONE. (*General.*)

Of the 51 vessels that came before us during 1836, it appears that no less than 41 of them belonged, *bonâ fide*, to the Island of Cuba, and 3 to Porto Rico, and the remaining 7 respectively to Cadiz, Lisbon, Rio de Janeiro, Bahia, and Princes Island. The destination of these vessels were, for Cuba no less than 40, Porto Rico 3, Bahia 2, Rio de Janeiro 2, and for Princes Island 1. Three of the Cuba vessels were declared to be ultimately bound to the United States, but there can be little doubt that they were really destined to return to that Island. It may, therefore, be inferred from the above particulars, that the markets of the Spanish Islands of Cuba and Porto Rico form now, as they have long done, the main support of the African Slave Trade.

On the Treaty with Spain of the 28th June, 1835, coming into operation, numerous Spanish vessels resorted to the Portuguese Colonies, in order ostensibly to change their nationality, and thereby avoid liability to seizure under the Equipment Article of that Treaty, when visiting the Coast for slaving purposes. Six instances of such proceedings at the Cape de Verde Islands came before us last year; and, with the object of placing the particulars of the same before your Lordship in as clear a manner as possible, we have made a Return of those Cases, which we have the honour herewith of transmitting.

By this Document your Lordship will perceive that, in 5 out of 6 of the vessels nominally sold at Porto Praya, a man named Francisco Cardozo de Mello was either the ostensible purchaser of them, or the security for the payment of the nominal purchase monies mentioned in the Bills of Sale; and that Ignacio Carlos de Fonseca, the pretended purchaser of the "*Carissimo*," alias "*Criolo*," appears in 4 other Cases as an authenticating witness of the transfer of these vessels. Luis Pereira de Mello, apparently a relation of the above-mentioned Francisco Cardozo de Mello, was an authenticating witness in 3 out of the 6 instances mentioned: The sale of 5 laden Spanish vessels direct from Cuba to the Cape Verdes, in the course of a few months, by the Masters of those vessels, to persons associated as we have described, ought, we are of opinion, to have aroused the suspicions of the Authorities of Porto Praya that the transactions to which they were giving an official cloak were of a questionable character; and the slightest inquiry on their part must have led to the conviction, that the object of a change of nationality in the vessels referred to was purely to defraud the friends of humanity of the benefits to be obtained from the first effects of the operation of the late Treaty with Spain. If, however, it should be considered, that the circumstances alluded to were insufficient to arouse suspicion, the slaving outfit of these vessels, of which the Custom-house Officers must have been cognizant, would have removed all doubt as to their intended employment, and deprives the Government of Cape de Verdes of any plea of ignorance concerning the transactions to which they were prostituting the authority deputed to them by their Government. Of their ever being brought to account for these violations of the trust reposed in them by their own Government they have no doubt a feeling of perfect immunity, from the knowledge of the security with which their predecessors in office have perpetrated similar offences. Nor is this system of abuse very likely to be readily put down whilst the practice of it continues as lucrative to the Authorities of the Cape de Verdes as it was proved to have done in the Case of the Portuguese brigantine "*Felix*," wherein it appeared that 859 dollars (214*l.*) were paid "*for a standard according to receipt*," an expression which of course must be understood as meaning the expense of changing the nationality of that vessel.

It will not escape your Lordship's observation that in one instance only out of the six, any destination is assigned to the vessels which received Passports at the Cape de Verdes, and that in two Cases only was any prohibition expressed against engaging in the Slave Trade; a loose and unofficial mode of issuing Documents well calculated to serve the purposes of those engaged in unlawful pursuits.

The six Cases alluded to by no means form the extent of this description of transactions at the Cape de Verdes, as we have been assured by good authority; they are, however, the whole of the instances of the kind respecting which we have unquestionable data, and to which we have considered it advisable to limit our observations.

During the last year we had 8 other Portuguese vessels brought in, 6 of which

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were found sailing under Passports from the Government of Princes Island. Two only of these vessels appeared to have had legitimate cause for obtaining such authority. One, the "*Joven Carolina*," having been purchased from an American by a Portuguese at Princes Island, and the other, the "*Serea*," belonging to a resident Portuguese of that Island. Respecting the Owner of the "*Serea*," we have to observe that he must have been well known to the Government of Princes as a person engaged in the Slave Trade, having been Owner of the Portuguese slave-schooner "*Maria*," belonging to that place, which vessel was condemned here on the 28th February, 1835; a fact of which it is barely possible the Government of Princes can have been in ignorance, when granting him authority to employ the "*Serea*" between that Island and the Coast of the main land. The remaining 4 vessels must have therefore obtained a change of Papers at Princes Island solely with the object, as far as such were possible, of mystifying their proceedings, and of keeping the principals in these slaving-adventures in the back ground, in the event of the vessels being detained with slaves on board.

In none of the Passports issued by the Provisional Government of Princes Island was any prohibition found against engaging in the Slave Trade; an omission which we think worthy of bringing to your Lordship's notice.

We have drawn up a Return of the vessels furnished with Papers at Princes Island, which we beg leave to enclose, and which will place before your Lordship in one view the chief particulars relating to them.

It is observable respecting the Portuguese vessels herein alluded to, that they have been employed, with the exception of the "*Serea*" of Princes Island, in conveying slaves to Possessions not belonging to Portugal, and in carrying on this odious traffic mainly for the benefit of foreigners. This is a feature of frequent occurrence in the Slave Trade conducted under the flag of that nation, and creates a difficulty in discovering the grounds of hesitation of the Government of Portugal in making a final and honourable settlement of the Slave Trade question, to which course they have been so very long pledged.

The number of vessels captured and condemned during 1836 under the Portuguese flag has far exceeded that of any previous year, and appears to offer an additional reason, if any were requisite, why the Government of Portugal should concede without further delay such additions to the present Treaty as seem calculated to ensure its real effect being obtained.

Of the vessels seized in 1836 it appears that 27 were detained in the Bight of Biafra, 7 in that of Benin, 13 on the Western Coast of Africa between Capes Palmas and Roxo, and to the southward of the Equator 4. It might be inferred from this that the Slave Trade in the Bight of Biafra was much more extensive than on other parts of the Coast north of the Equator; but we believe that the difficulties which exist in all cases of vessels getting clear of the mouths of the rivers in the Bight of Biafra, and which rivers the slave-traders are obliged to enter to obtain their human cargoes, afford favourable opportunities for the capture of their vessels (especially by the boats of the cruisers), which is not generally to be met with in the other parts of the Coast; thus a greater number of seizures are made there than anywhere else. The Bight of Biafra is also, we are informed, the principal cruising ground for the African squadron, probably from the additional degree of certainty attending their operations there against slavers, to which we have above alluded.

In the Bight of Benin the slaving-marts are on the sea-beach, and when a vessel has effected the shipment of her cargo from those places any wind suits her for leaving Africa. Such is also the case along the chief portion of the Western Coast, particularly from Cape Palmas to the Gallinas; and when once a slaver has taken her departure, nothing but a first-rate sailing-vessel has any chance of catching her. The corvettes and old class, heavy, 10-gun brigs employed on this Coast cannot possibly sail with the Baltimore clippers employed by slave-dealers; and thus these men carry on their odious traffic with comparative impunity from the open parts of the Coast. The small number of vessels cruising on the western portion of the African station may reasonably be considered as a cause why more seizures are not made there.

It would have been a great source of gratification to us at the conclusion of a year like the past, in which such unprecedented success has attended the zealous

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exertions of His Majesty's squadron in putting down the Slave Trade, if we could have said that it appeared a decided check had been given to persons engaging in this traffic. But such, we lament to observe, all the reports of the naval Commanders and other good authorities prevent us from declaring, as at all the slaving-marts on the Coast are to be found numerous vessels, chiefly under the Portuguese and Spanish flags, awaiting their human cargoes as usually has been the case.

In the immediate neighbourhood of the Colony, the Slave Trade is as determinedly pursued as ever it has been at any former time. As an illustration of this statement, we would refer to the fact of Lieutenant Glasse, of His Majesty's brig "Rolla," whose activity and zeal led him, in his boats, to search the rivers near to us, having at the close of the past year seized in the Sherbro 2 Spanish vessels unlawfully equipped, and of his having within the last 3 days brought in for adjudication 2 other Spanish vessels seized in the Rio Pongas. On Lieutenant Glasse's last visit to the Sherbro, he discovered that the 2 Portuguese vessels he had met there on a previous examination of that river had been during his absence in the Pongas successful in getting off with full cargoes. They had been replaced by another Portuguese vessel, which the commander of the "Rolla" found trading in the Sherbro for a return cargo of slaves. In addition to the vessels seized and seen in the Sherbro by Lieutenant Glasse, he received intelligence of several others being in the small rivers or creeks with which that part of the Coast abounds; but in search of which he was unwilling to go, on account of the health of his ship's company not being good.

The frequent accounts obtained from the Gallinas authentically prove, that a most successful Slave Trade is still carried on there and at Cape Mount, which nothing but the most vigilant cruising of really good sailing vessels is calculated to check.

We regret to have to remark, that the foreigners who navigate the slave-vessels brought before us are in the constant habit of resorting to perjury of the most barefaced description, if they have a hope or prospect of deceiving the Courts in regard to their vessels or cargoes, and that we have no means whatever of bringing such depraved characters to justice, or of otherwise checking this monstrous evil. Of this the crews of slave-vessels are well aware, and also that the stipulation in the Treaties with Spain and Portugal, that a severe punishment shall be inflicted on all those who take any part in the traffic in slaves, is little more than nominal. Under the feeling of security which such a state of things may naturally be supposed to inspire in those engaged in this traffic, they leave the Mixed Courts here immediately their vessels may be condemned, and are very generally re-engaged within a few days in their former nefarious pursuits at some one of the numerous slave-marts in our vicinity. When, however, it is practicable, as is the case at Havana, to bring to some account those who may have been convicted of slave-dealing before the Mixed Court, the punishment which is awarded for that offence, it is well known, is rendered in Cuba perfectly nominal by the venality of the gaolers, and those above them in office.

On the part of Portugal, when a slave-dealer is condemned to punishment, it would appear to be of a very mild character; as Mateo Moya, the Master of the Spanish schooner "*Famosa Primeira*," declared that, when he was tried as Mate of the Portuguese slave-schooner "*Ninfa*" for firing upon and destroying one of the boats of the "*Conflict*" cruiser, he was sentenced to four years' imprisonment, on the termination of which he instantly re-engaged in the Slave Trade. The punishment mentioned must have been of a very nominal description, or certainly its effects would have proved more salutary.

It is, we apprehend, from past experience much to be feared, that whilst slaving-adventures can be conducted by foreigners as they are at present, without other risk than the loss of the money which may be employed in fitting out their expeditions, that men will readily be found to engage in pursuits, which offer to them the prospect of such great pecuniary advantages, as invariably follow the successful issue of transactions of this description.

We have, &c.

(Signed)

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

H. D. CAMPBELL.  
WALTER W. LEWIS.

SIERRA LEONE. (General.)

First Enclosure in Supplement A, No. 3

A List of Cases adjudicated in the Courts of Mixed Commissions established at Sierra Leone, 1836, and the 1st day of January, 1837.

Number of Cases adjudicated between June 1st and 1st January, 1837.	Number of Vessels lib'd between June 1st and 1st January, 1837.	Number of Cases adjudged between 1st January, 1836, and 1st January, 1837.	NATION.	NAME OF VESSEL.	CLASS.	Whether Condemned or Liberated.	Number of Slaves on board at the time of Capture.	Emancipated.	Number of Slaves Registered.	REMARKS.
227	14	1	Spanish.	Norma	Schooner	Condemned.	234	218	218	Total of slaves emancipated and registered here between June, 1819, and 1st January, 1836. 35,130
228	15	2	1	Terscore	Brig	Case withdrawn	260	238 <sup>a</sup>	233	<sup>a</sup> One man, 2 boys, and 2 girls, died before their descriptions were completed to be registered.
229	2	3	2	Sagrada Hiveria	Schooner	Condemned.	198	192	192	<sup>b</sup> Two men absconded from the liberated African yard after emancipation and previous to registration.
230	3	4	3	Ligera	Ditto	Ditto	347	332 <sup>b</sup>	330	<sup>c</sup> One boy died prior to his description being taken to be registered.
231	4	5	4	Isabel Segunda, alias 4th Estrella	Brigantine	Ditto	377	343	342	<sup>d</sup> One man and 1 boy died, &c.
232	5	6	5	Vandolero, alias Estrella.	Schooner	Ditto	189	171 <sup>d</sup>	169	<sup>e</sup> Two men and 1 boy died, &c.
233	6	7	6	Seis Hermanos	Brigantine	Ditto	225	169	169	<sup>f</sup> One man absconded, &c.
234	7	8	7	Gaceta	Schooner	Liberated.	225	169	169	<sup>g</sup> One man absconded prior to adjudication, and is not included in the number emancipated, a conditional Decree of emancipation only having been passed if he be in life; and 2 men and 1 boy died prior to their descriptions being taken to be registered.
235	8	9	8	General Manso	Brigantine	Ditto	225	169	169	<sup>h</sup> These slaves were landed at Nassau, New Providence, and therefore not registered here.
236	9	10	9	Tves Tomass	Schooner	Condemned.	225	169	169	<sup>i</sup> Three men, 1 woman, 1 boy, and 1 girl, died before their descriptions could be effected to be registered.
237	10	11	10	Victorina	Ditto	Liberated.	225	169	169	<sup>j</sup> Five men, 3 women, 9 boys, and 1 girl, died, &c.
238	11	12	11	Rosario	Schooner	Condemned.	225	169	169	<sup>k</sup> Seven men, 3 women, and 3 boys, died, &c.
239	12	13	12	Atafa Primo	Ditto	Liberated.	225	169	169	<sup>l</sup> Two men, 2 women, and 1 girl, died, &c., and 1 man absconded prior to adjudication, and is not included in the number emancipated, a conditional Decree of emancipation only having been passed, if he be in life.
240	13	14	13	Zema	Ditto	Condemned.	225	169	169	<sup>m</sup> These slaves were landed at Nassau, New Providence, and therefore not registered here.
241	14	15	14	Matilde	Ditto	Ditto	225	169	169	<sup>n</sup> Three men, 1 woman, 1 boy, and 1 girl, died before their descriptions could be effected to be registered.
242	15	16	15	Felicia	Brigantine	Ditto	225	169	169	<sup>o</sup> Two men, 2 boys, and 1 girl, died, &c., and 1 man absconded before his description could be effected to be registered.
243	16	17	16	Josefa	Schooner	Liberated.	225	169	169	<sup>p</sup> These slaves were landed at Nassau, New Providence, and therefore not registered here.
244	17	18	17	El Explorador	Brig	Condemned.	225	169	169	<sup>q</sup> Three men died, and 3 boys absconded prior to registration.
245	18	19	18	Golonina	Schooner	Ditto	225	169	169	<sup>r</sup> These slaves were landed at Grenada, and therefore not registered here.
246	19	20	19	Luisa	Brig	Ditto	225	169	169	Emancipated at Sierra Leone (but not registered), between June, 1819, and 1st January, 1836. 2,118
247	20	21	20	Tyrdenta	Ditto	Ditto	225	169	169	Absconded prior to emancipation between 1st January, 1836, and 1st January, 1837. 2
248	21	22	21	El Cazador Santurano	Ditto	Ditto	225	169	169	Died or absconded subsequent to emancipation, but prior to registration, between 1st January, 1836, and 1st January, 1837. 93
249	22	23	22	Mosca	Schooner	Ditto	225	169	169	Emancipated at Sierra Leone, but not registered there, in consequence of their having been previously landed at the Islands of New Providence and Grenada, between 1st January, 1836, and 1st January, 1837. 1,357
250	23	24	23	Felix Vascongada.	Ditto	Ditto	225	169	169	Total
251	24	25	24	Rhiza	Ditto	Ditto	225	169	169	3,570
252	25	26	25	Maria Manuela	Brig	Ditto	225	169	169	40,584
253	26	27	26	La Mariposa	Schooner	Ditto	225	169	169	
254	27	28	27	Joven Maria	Brig	Ditto	225	169	169	
255	28	29	28	Galana Josefa.	Schooner	Ditto	225	169	169	
256	29	30	29	General Mina.	Brigantine	Ditto	225	169	169	
257	30	31	30	Dos Hermanos	Ditto	Ditto	225	169	169	
258	31	32	31	El Mismo, alias Centinela	Schooner	Ditto	225	169	169	
259	32	33	32	Famosa Primeira	Ditto	Ditto	225	169	169	
260	33	34	33	Atalaya	Ditto	Ditto	225	169	169	
261	34	35	34	Cantabra	Ditto	Ditto	225	169	169	
262	35	36	35	Luisita	Ditto	Ditto	225	169	169	
263	36	37	36		Ditto	Ditto	225	169	169	
264	37	38	37	Portuguese.			225	169	169	
265	38	39	38	Mindello	Brigantine	Ditto	266	257 <sup>s</sup>	254	
266	39	40	39	Cholo	Schooner	Ditto	315	307 <sup>s</sup>	307	
267	40	41	40	Joven Carolina	Brigantine	Ditto	421	383 <sup>i</sup>	377	
268	41	42	41	Felix	Ditto	Ditto	557	481 <sup>i</sup>	463	
269	42	43	42	Esperanca	Ditto	Ditto	471	417 <sup>i</sup>	404	
270	43	44	43	Esperanca	Brig	Ditto	391	396 <sup>i</sup>	391	
271	44	45	44	Victoria	Schooner	Ditto	379	316 <sup>m</sup>	310	
272	45	46	45	Vigilante	Brigantine	Ditto	248	231 <sup>a</sup>	230	
273	46	47	46	Quatro de Abril	Ship	Ditto	478	458 <sup>o</sup>	450	
274	47	48	47	Olimpia	Schooner	Ditto	282	252 <sup>p</sup>	238	
275	48	49	48	Veloz	Brig	Ditto	508	460 <sup>q</sup>	454	
276	49	50	49	Phoenix	Brigantine	Ditto	484	484 <sup>r</sup>	454	
277	50	51	50	Negrinha	Schooner	Ditto	336	335 <sup>s</sup>	335	
277	51	51	51	Serea	Schooner-boat	Ditto	92	21	21	
							7,545	6,904	5,454	

Sierra Leone, 1st January, 1837. M. J. MEEVILLE, Registrar.

H. D. CAMPBELL  
WALTER W. LEWIS.

(Signed)

SIERRA LEONE. (General.)

Second Enclosure in Supplement A, No. 3.  
Return of Vessels furnished with Papers by the Provisional\* Government of Princes Island, and condemned at Sierra Leone for illicit Slave Trading, under Portuguese Colours, during the Year 1836.

No.	NAME OF VESSEL.	NAME OF MASTER.	PASSPORT.			Port to which the vessel belongs.	Last clearing Port before arrival at Princes.	Date of Condemnation.	REMARKS.
			Date.	Destination.	Name of the Owner of the Vessel.				
1	Joven Carolina.	Josquin T. de Menezes.	1836. 21 May.	{ Havana, via ports on } { the Coast of Africa. }	J. T. de Menezes.	Princes Island	{ Boston, United } { States. }	1836. 23 August.	This vessel is stated to have been the property of the Master, a native of Princes Island, and resident at Wyddah, who purchased the vessel at that Island from an American, of Boston, named Faust, as whose property she was called the "Wind." Ostensibly owned by a common sailor of the name of De Souza, of Bahia; but really the property of the firm of Gatois and Martins, of the same place, which firm is composed of certain Frenchmen and a Belgian, as appears by Mr. Consul Parkinson's Letter of the 29th May, 1835. The Passport was obtained at Princes in the voyage preceding that of detention.
2	Esperança.	L. A. Rochodel.	1835. 18 December.	{ Havana, via the Costa } { de Mina. }	J. R. de Souza.	Bahia.	Havana.	22 October.	The Master professed ignorance of the Owner's name, but says that he lives at Havana, and is a Brazilian, although his vessel was navigated under Portuguese colours.
3	Olimpia.	J. A. Andrace.	1835. 20 November.	{ Havana, via the Costa } { de Mina. }	A. J. Vieira.	Havana.	Havana.	16 December.	This vessel went from Princes to Bahia, after obtaining her Passport, and then returned to the Coast; all her other Papers were procured at the Portuguese Consulate at Bahia, and from the Brazilian Local Authorities. The Owners are said to reside at Lisbon.
4	Veloz.	J. F. Nunes Soares.	1836. 23 March.	Bahia.	{ Sipiario T. d'Al- } { meida e Silva. }	Lisbon.	Bahia.	16 December.	The Master, who appears also to be the Owner of the vessel, acknowledged having made one successful voyage in the vessel.
5	Fenix.	J. A. Barbosa.	1836. 7 January.	{ Cuba, via ports on the } { Coast of Africa. }	J. A. Barbosa.	Havana.	Havana.	19 December.	Alleged Owner, Joao Borges da Silva, of Princes, to which place the vessel belongs. This man owned the Portuguese slave-schooner "Maria," condemned here on the 28th February, 1835; and which he navigated under a similar Passport to the "Serea." Of the condemnation of the "Maria" for slave-trading it is barely possible that the Authorities of Princes could have been ignorant, when granting a sailing licence for the "Serea."
6	Serea.	Venancio Antonio.	1836. 8 October.	{ Ports on the Conti- } { nent of Africa. }	J. B. de Silva.	Princes Island.	Princes.	19 December.	

None of the above-mentioned Passports contain any prohibition against engaging in the Slave Trade.

\* The Provisional Government of Princes Island was composed of the undermentioned persons during the years 1835 and 1836, viz.:-

JOZE FERREIRA GOMES.  
FELIPE DE FREITAS PAIVA MACEDO.  
JACINTHO FERREIRA CARNEIRO.

Sierra Leone, 5th January, 1837.  
(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.



SIERRA LEONE. (General.)

Third Enclosure in Supplement A, No. 3.  
Return of Spanish Vessels which have nominally been sold, and ostensibly changed their nationality to that of Portuguese, at the Cape de Verd Islands, and have been subsequently condemned at Sierra Leone for illicit Slave-trading, under Portuguese Colours, in the Year 1836.

No.	Name of Vessel and Master.		Particulars of Bills of Sale executed at St. Jago.				Portuguese Passport.				REMARKS.	
	Under the Portuguese Flag.	Under the Spanish Flag.	Name of Seller.	Name of Purchaser.	Date.	Names of Witnesses.	By whom granted.	Date.	Destination.	Whether containing the usual Prohibition against Slave-trading.		Date of Condemnation.
1	{ Criolo, Gregorio Alexandre Medina. }	{ Carissimo, José Gonçalves. }	J. Gonçalves.	{ Ignacio Carlos de Fonseca }	1835. 10 Dec.	{ Manoel Antonio Martins, José de Silva Pereira, Luis Pereira de Mello. }	Joaquim Pereira Marinho, Governor-General.	1836. 15 Jan. }	None.	Not stated.	1836. 25 June.	{ Francisco Cardoza de Mello, of Porto Praya, was security for payment. The seller was said to have been authorized by José Garcia, of Havana, to dispose of the vessel; Gonçalves shipped as Second Mate after the sale. Espinosa was in the employment of the slaving firm of Martinez and Co., of Havana, in 1835, in the "Flor de la Mar." Espinosa remained on board as passenger for Havana after selling the vessel. The Master and alleged Owner, Ribeiro, declared, on his examination, that the purchase-money was not paid down, but that F. C. de Mello was security for the payment. This is directly at variance with the Bill of Sale. The Portuguese Master, Silva, declared himself to be the cousin of the Owner Lima. The seller of this vessel was afterwards the Master of the Spanish schooner "Luisita," condemned for unlawful equipment on the 16th December, 1836. The Passport declares Francisco C. de Mello to be the Owner of the vessel. The Master also declared, in his examination, that he was appointed to the command of the vessel at Cape de Verdes by the Owner F. C. de Mello. This vessel was a Spanish slaver, named "El Manuel," and condemned at Sierra Leone on the 25th November, 1836. At the Mixed Commission sale she was bought by a merchant here, Mr. Robert Hornell, by whom and his partner she was sold to Bertinote, in June, 1835, for the use of Blanco of the Galinas. This vessel, as the Spanish slaver "Norma," was condemned in January, 1836, and purchased by Mr. Cathcart at public auction, by whom she was soon afterwards sold to Aldecoa, who left Sierra Leone for Cape Verdes in the following month. The vessel retained her Spanish name of "Norma," until her visit to Cape Verdes.
2	{ Felix, Jozé Antonio Ribeiro. }	{ Rectuta, Manuel Espinosa. }	M. Espinosa.	J. A. Ribeiro.	1836. 14 June. }	{ Joaquim de Avreu, Ignacio Carlos de Fonseca, T. Batista de Livramento, J. Carlos de Fonseca, Ignacio C. de Fonseca, Luis Pereira de Mello. }	{ Roque Collaço de Vieira Vidal, Secretary in absence of the Governor. }	1836. 14 June. }	Do.	{ A Note prohibiting the employment of the vessel in the Slave Trade }	22 October.	
3	{ Esperanca, Alexandre A. de Silva. }	{ Isabelita, José Procelho. }	J. Procelho.	{ Joao T. Claudio de Lima. }	1836. 1 June. }	{ T. Batista de Livramento, J. Carlos de Fonseca, Ignacio C. de Fonseca, Luis Pereira de Mello. }	Do.	1836. 2 June. }	Do.	Do.	22 October.	
4	{ Victoria, Carlos Estavao Sassesth. }	{ Iberia, Manuel Tort y Esclus. Miguel Bertinote, who assumed the name of M. de Barros, on becoming a Portuguese Master. }	M. T. y Esclus.	F. C. de Mello.	1836. 7 Jan. }	{ Luis Pereira de Mello. }	Joaquim Pereira Marinho, Governor-General.	1836. 15 Jan. }	Do.	Not stated.	21 Nov.	
5	{ Vigilante, Manoel de Barros (a) Miguel Berduoté. }	{ Norma, Juan Mariano de Aldecoa. }	J. M. de Aldecoa.	F. C. de Mello.	1836. 18 Mar. }	{ Luis P. de Mello, J. C. de Fonseca. }	{ Antonio Carlos Coutinho, Councillor of the Prefecture. }	1835. 15 July. }	{ Cuba, viz Princes and St. Thomas. }	Do.	25 Nov.	
9	{ Negrinha, Miguel Soares Lisboa. }	{ Norma, Juan Mariano de Aldecoa. }	J. M. de Aldecoa.	F. C. de Mello.	1836. 18 Mar. }	{ Luis P. de Mello, J. C. de Fonseca. }	Joaquim Pereira Marinho, Governor-General.	1836. 24 Mar. }	None.	Do.	19 Dec.	

Sierra Leone, 5th January, 1837.  
H. D. CAMPBELL.  
(Signed) WALTER W. LEWIS.

## Supplement B.

### SIERRA LEONE. (*Spain.*)

#### SUPPLEMENT B, No. 1.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 10, 1837.)

MY LORD,

*Sierra Leone, 20th October, 1836.*

LIEUTENANT GEORGE ROSE, in command of His Majesty's schooner "Fair Rosamond," on the 10th March last, detained in the Old Calabar River the Spanish schooner "La Mariposa," in consequence of finding her equipped for the Slave Trade.

The "Mariposa" was a vessel belonging to the port of Havana, from which she sailed, in December of last year, on a voyage of lawful traffic to the Island of St. Thomas, on the Equator. The vessel's course was, however, direct to the notorious slaving port of Whydah, where she remained but a short time, and then proceeded to Duke Ephraim's Town, in Old Calabar River, a place equally well known as the resort of slave-dealers.

At the time of capture of this vessel she was found without any sails, the Master of her having, as Lieutenant Rose has communicated to us, landed them the night previous to seizure, together with the chief part of the cargo of the "Mariposa," in order to prevent their falling into the hands of the British Officers, whom he expected to come up the river; and, had time permitted, it was the Master's intention to have cleared his vessel, and then destroyed her on the approach of the British boats.

The "Mariposa" arrived at Sierra Leone on the 18th April, when proceedings were instituted against her for a breach of the Treaty between Great Britain and Spain, which were brought to a termination on the 28th of that month; and on the 27th ultimo a sentence of condemnation passed upon this vessel. Our Report of this Case we have the honour to enclose herein.

The very leaky condition in which this vessel was found to be, induced us in July last to consent to the landing and sale of the remaining cargo and stores on board of her, and of the vessel being put on shore. There the hull remained about a month, when, as it began to fall to pieces, we deemed it proper to allow it to be sold by public Auction, on the like condition as that under which the cargo was disposed of, for the benefit of whom it might hereafter concern.

There was rather a peculiar method adopted in the "Mariposa" for enlarging her hatchways, when the shipping of the human cargo, with which she was to return to Cûba, rendered such a proceeding necessary. A portion of the deck on both sides of the hatchways was so constructed as to admit of its being readily taken up, when the hatchways became double the size that they were originally.

By the Lists from His Majesty's Commissioners at Havana, it appears that this vessel had made 2 successful voyages previous to the one in which she has been seized and condemned.

We have, &c.

(Signed)

WALTER W. LEWIS.

H. D. CAMPBELL.

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

&c.

&c.

&c.

#### Enclosure in Supplement B, No. 1.

*Report of the Case of the Spanish schooner "La Mariposa," Pedro Maria Oliver, Master.*

This slave-vessel was provided with 5 different Ship's Papers, all issued by the Authorities at Havana, namely:—

1. Passport.
2. Muster-roll.
3. Fort Pass.
4. Articles of Agreement with the crew.
5. Custom-house Manifest.

SUPPLEMENT.

SIERRA LEONE. (*Spain.*)

The destination of "*La Mariposa*" is described to have been the Island of St. Thomas, on this Coast, and the object of her voyage the pursuit of legitimate commerce. With such intentions this vessel left Havana in November, 1835, and sailed direct to Whydah, where but a brief stay was made for the purchase of provisions. The next place to which the "*Mariposa*" directed her course was the notorious slave town in the Old Calabar River, bearing the name of Duke Ephraim, the native chief of that place. Here the vessel remained at anchor 28 days, whilst the Master prosecuted a nominal trade in palm-oil and ivory. On the 10th March, the boats of His Majesty's schooner "*Fair Rosamond*" boarded "*La Mariposa*," as she lay at anchor off the town in question; and the Officer in command having discovered, by the illegal nature of her slave-trading outfit, that the alleged employment of the Master in lawful trade was merely a subterfuge to cloak his unlawful designs, detained and took charge of the vessel. A short time previous to capture, the Master, Pedro Maria Oliver, had committed the wanton act of unbending all the sails, and carrying them on shore with him, and thus exposed the capturing Officer to some inconvenience.

The Court received intimation of the arrival of "*La Mariposa*" in this port from the Marshal, on the 18th April. At the same time the prosecution began by the filing of the Seizor's Declaration, and the Ship's Papers properly authenticated by the Officer in charge of the prize, by the issue of the usual Monition, and by an order for the examination of the witnesses in preparatory.

Lieutenant George Rose declares, that he detained, on the 10th March, 1836, the "*Mariposa*," at anchor off Duke's Town, in Old Calabar River, under Spanish colours, and commanded by Pedro Maria Oliver, who was on shore at the time, and had taken away all the sails; and he further states the reason of this seizure to have been in consequence of her having committed a breach of the 10th Article of the Treaty of June, 1835. Of what this breach consisted is fully explained by a Report of Survey and Inspection, under date of the 21st April, made at the instance of the Seizors. This investigation clearly established the following facts of illegal equipment. The hatchways were found not larger than ordinary, but the deck on both sides of them, to a certain extent, was so contrived as to admit of the hatchways being enlarged to double their present size. The combings also have been bored, although now plugged up; and there are 4 places cut to admit air into the hold, at present boarded over; a slave-deck laid, partly of bamboo and partly of boards. There were 18 water-casks, an extraordinary number for a vessel of this size, and mostly filled with water, which was a quantity more than sufficient for the crew; 14 buckets were found. The cabouse was fitted for the reception of a boiler; and there was a large quantity of provisions, much more than requisite for the crew's consumption.

The Registrar examined the First Mate, José Antolin Echevarrieta, and Pedro Miguel, the Cook of the detained vessel, on the standing and special interrogatories, on the 19th April.

The first witness deposed that "the Master's name is Pedro Oliver; has known him only since last October; he is a native of Barcelona, residing at Havana; does not know who appointed the Master, or gave him possession, or where or when he took the same; first saw the said vessel in November in Havana; does not know where she was built; was on board at the time of seizure; does not know for what reason the vessel was captured; had no colours but Spanish; has never heard of any other name than '*La Mariposa*'; neither he nor any of the Officers and mariners had any interest in either the vessel or cargo; was First Mate on board; the last clearing port was Havana, and the voyage commenced and was to have ended there; from that place the vessel went to Adjudah, where they took in fresh provisions, and the following day proceeded to Calabar, where they had been 28 days in trading for ivory and palm-oil, when the vessel was seized; capturing vessel was first seen close to Fernando Po 4 days after her boats had seized witness's vessel; capture took place in the Old Calabar on the 10th March, while the '*Mariposa*' lay at anchor there; there was no chase or attempt made to escape; the vessel's Papers were for St. Thomas, but she did not go there, as the Master wished to trade on the Coast first; there was no resistance; does not know who were the Owners of the vessel; knows nothing of any Bill of Sale, or the price of the vessel; does not know anything about the Owners, laders, and consignees of the cargo, or where the cargo at present on board was to be delivered, or at whose risk, and cannot say to whom it will belong if restored; knows nothing about the last voyage; the present cargo consists chiefly of yams; after capture the vessel was taken to Fernando Po, from thence to Sierra Leone; the Papers were all entirely true and fair; no Papers were destroyed, concealed, or in any manner made away with; there are no Papers to his knowledge in any country relating to either the vessel or cargo; witness states that he gave up the vessel's Log to the Prize-Officer with the other Papers; but he said it was of no use, and threw it to one side on deck, where it lay all night, and fell to pieces with wet, and was, he believes, swept overboard by the sailors; knows nothing of any Charter-party; is ignorant whether any part of either the vessel or cargo be insured; the Master had the direction and management of the vessel in regard to her trade."

In continuation of his examination on the special interrogatories, Echevarrieta replied, that "the hatches are not fitted with gratings of any kind; the combings of the hatchways have been bored, but the holes are plugged up, and there are no iron bolts nor bars on board for them; there are only the bulkheads of the cabin and fore-castle; there were only 3 spare planks for repairing the vessel; there is a temporary deck of bamboo laid from the fore-mast forward for the purpose of laying the sails upon; there are no shackles, bolts, nor handcuffs on board; he does not know the number of casks on board, or the quantity of water they would contain if full; there is no tank nor any staves; there were 3 or 4 casks of fresh water on board at the time of capture; there were 3 or 4 mess-tins for the use of the crew; there was no copper or iron boiler on board, except a small one for the crew; there were about 3 bags of rice for the crew."

The evidence of the Cook, Pedro Miguel, was equally as limited as that of the First Mate in regard to the Ownership of the vessel and the disposal of the outward cargo. On the other points there appeared a close affinity between the testimony of the 2 witnesses.

The publication of the proof adduced by the Captor was decreed on the 20th April, and the Marshal returned the Monition issued in the Case six days subsequently thereto. This Case, like others which preceded it, stood over for some time, from the non-establishment of the Mixed Court of Justice.

No Claimant appeared for this vessel.

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On the 28th July the Seizor's Proctor presented a Petition to the Court, representing the leaky state of the "*Mariposa*," and the probability of her sinking at her anchors, and praying, in consequence, "that the stores and everything on board might be landed and sold, and that the said schooner be then hauled on shore, pending adjudication." Before granting the prayer of this Petition, the Court ordered that notice of the application should be given to the Acting Master, in the event of his entertaining any objection to the proceeding in question. The Mate, in the absence of the Master, having consented to the Seizor's Proctor's request, the Court permitted the cargo and stores to be appraised and sold for the benefit of whom it might concern with every possible despatch, and the vessel to be hauled on shore. On the 30th August, another Petition was brought before the Court by the Captor's Proctor, stating that the "*Mariposa*" had been gradually going to pieces since being beached, and urging the necessity of having a Commission of Appraisalment and Sale issued for the disposal of the vessel before the remainder of the hull was broken to pieces. The Court granted this Petition, and the usual Commission went forth.

The adjudication of "*La Mariposa*" took place on the 27th September. After having heard the usual exhibits filed in the Case read by the Registrar, the Court declared the charge of illegal equipment to have been clearly proved, and decreed the condemnation of the Spanish schooner "*La Mariposa*," her cargo and furniture, as a legal forfeiture to the Crowns of Great Britain and Spain.

Sierra Leone, 20th October, 1836.

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

## Supplement B, No. 2.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 10, 1837.)

MY LORD,

Sierra Leone, 20th October, 1836.

WE have the honour of acquainting your Lordship that the Spanish brigantine "*Joven Maria*," José Garay, Master, was fallen in with on the 14th March last by His Majesty's brig "*Water Witch*," Lieutenant John Adams commanding, and detained by that Officer in consequence of her illegal equipment.

The "*Joven Maria*" reached Sierra Leone on the 18th of the following month, when proceedings were immediately instituted against her before the Mixed British and Spanish Court of Justice, by which Court, on the 27th ultimo, she was pronounced to be a good and lawful prize.

The "*Joven Maria*" sailed from Havana in July, 1835, on a lawful voyage to Princes and St. Thomas Islands, *via* Bahia; at which last-named port she shipped her cargo of merchandize for this Coast from the mercantile house of Manoel Lopez. From Bahia this vessel proceeded to Whydah, and landed part of her cargo, and then went to two other places on the Coast before visiting Princes Island, at which the Master declared he found trade so indifferent as to induce him to return to Whydah, off which place his vessel was captured.

On his examination, the Master declared that he had an interest to the amount of 7,000 dollars in the vessel and her cargo, whilst in his official Claim for them he swore that Juan Parracia, a Spanish resident of Havana, was the sole Owner of both. Little credence, therefore, is to be placed in anything he may have asserted.

Enclosed we transmit, for your Lordship's information, our Report of this Case.

We have, &c.

(Signed)

WALTER W. LEWIS.

H. D. CAMPBELL.

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

&c.

&c.

&c.

## Enclosure in Supplement B, No. 2.

*Report of the Case of the Spanish brigantine, "Joven Maria," José Garay, Master.*

This vessel obtained her Ship's Papers, on two different occasions, at Havana and Bahia. At the time of capture, only 2 of the above Documents, the Muster-roll and Passport, were given up to the seizing Officer: the others having been produced after the arrival of the "*Joven Maria*" at Sierra Leone, and at a late stage of the Proceedings had in this Case.

They are of the following description:—

1. Muster-roll.
  2. Royal Passport.
  3. Fort Pass.
  4. Bill of Sale; all which Papers were procured at Havana in July, 1835. The remainder were granted at Bahia in the month of September following; some by the Spanish Vice-Consul, Señor Machado, and others by the Brazilian Local Authorities.
  - 5 and 6. Two Brazilian Passports.
  7. Custom-house Documents relating to the shipment of the cargo.
  8. A List of cargo from the Spanish Vice-Consulate.
  9. Muster-roll given by the Spanish Vice-Consul.
- In July, 1835, the "*Joven Maria*" took her departure from Havana, bound, as declared by the

SIERRA LEONE. (*Spain.*)

Ship's Papers, to the Islands of Princes and St. Thomas, *viâ* Bahia. To the latter place the vessel sailed direct, and there shipped a general assortment of merchandize in a period of 15 or 20 days. None of the Papers show by whom this cargo was shipped, whether by a Brazilian subject or by a Spanish resident of Bahia. The vessel then crossed the Atlantic and reached Whydah, where the Master landed a part of the cargo; and, after touching at a place near Cape St. Paul's and at Aquita to purchase provisions, proceeded to the original destination of the vessel, Princes Island. But here, as is alleged, no market could be found for the disposal of the remainder of the cargo, and the Master consequently retraced his steps to Whydah. Whilst cruising off this place, the "*Joven Maria*" was searched, and, from articles of unlawful equipment being discovered, detained by Lieutenant John Adams, Commander of His Majesty's brig "*Water Witch*," on the 14th March, 1836.

A British prize-crew arrived with the "*Joven Maria*" in this port on the 18th April, which was duly reported by the Marshal. The Captor's Proctor commenced the prosecution on the same day, by obtaining permission to file the Ship's Papers, and his client's Declaration, authenticated on oath by the Prize-Officer. On this occasion the Monition was issued, and the witnesses in the cause ordered to be examined.

The substance of the Declaration was, that the "*Joven Maria*" was seized on the 14th March, under Spanish colours, in latitude 5° 57' north, and longitude 2° 2' east; that she was bound to Havana at the time, as declared by the Master, José Garay; and that she had on board a complete slave-deck, more water than necessary for the crew, and a large quantity of farina and rice, not entered in the Manifest of cargo, and more than sufficient for the consumption of the crew.

By the Report of Survey and Inspection, issued by order of the Court, and filed on the 21st April, the above statements as to the illegal outfit of the detained vessel met with full confirmation. The main hatchway proved to be larger than usual, with wooden and iron gratings, the former of which were boarded over, and also a spare set of gratings. There were two bulkheads. A slave-deck was laid fore and aft. The Surveyors found a greater number of water-casks than were required for such a vessel, namely, 52, most of them containing fresh water. There were no less than 49 mess-kids. A cabouse, which could be enlarged by slides and bolts, was found on board; and there were 80 bushels of farina in bulk, and 130 sacks of the same article, of beans, and of Indian corn, a quantity far exceeding the wants of the crew. This important evidence was attested on oath before the Registrar.

The examination of the witnesses in preparatory on the standing and special interrogatories was next proceeded with. The Master, José Garay, deposed, that "he was born at New Orleans, and has lived with his wife and family at Havana for the last 8 years; has never served any State but Spain. Was appointed to the command by the Owner, Juan Parracia, a resident of Havana, and a Spanish subject; received possession at Havana about 10 months ago from the said Parracia; first saw the said vessel there and then; does not know where she was built. Does not know for what reason his vessel was captured; was on board at the time; sailed under Spanish colours; had also an American, a French, a Brazilian, and a Portuguese ensign on board, which were in the vessel at the time he took charge of her; does not know for what reason. The vessel's name is '*Joven Maria*;' believes she had formerly another name, but does not know what it was; her tonnage is, he believes, 128. He had an interest in the vessel and cargo to the extent of 7,000 dollars; none of the other Officers had any in either to his knowledge. The present voyage commenced and was to have ended at Havana. Bahia was the last clearing port; from Havana the vessel went direct to Bahia, where she shipped cargo and stayed about 14 or 15 days; and from thence proceeded to Adjudah, where she anchored, and witness landed part of the cargo; from thence she went to Danfion (near Cape St. Paul's) and Aquita, to get fresh provisions, and also to Princes for the purpose of disposing of his cargo, but did not dispose of any there on account of the bad market, and returned to Danfion, and from thence to Adjudah. First saw the capturing vessel whilst in sight of the land off Adjudah, and capture took place on the same evening (14th March); was steering towards Havana when pursued; her course was not altered, or any additional sail hoisted, and neither before nor after capture was she sailing wide of the places of her destination. There was no resistance made. Juan Parracia is the Owner of the vessel; knows it from being appointed by him, and from the vessel's Papers; cannot tell how long he has lived at Havana. There was a Bill of Sale; it is now on board; has never been asked for it; does not recollect the particulars; believes the sale to have been a true one. The lader at Havana was the said Parracia; the lader at Bahia was Parracia's consignee, one Don Manuel Lopez; does not know what countryman he is, or how long he has lived at Bahia; the consignee at Adjudah was José Machado, a Portuguese; cannot say how long he has lived at Adjudah, or where he resided before; the Owner of the cargo is the said Juan Parracia, and the cargo now on board was to be delivered at Havana, for the account and risk of the said Parracia. He knows nothing about the last voyage; the present cargo consists of tobacco, farina, beans, and Irish beef; was taken direct to Sierra Leone after capture. All the Papers were entirely true and fair. No Papers were destroyed, concealed, or made away with. Besides the Passport and El Rol given up to the searching Officer, witness has the Bill of Sale, the Bahia Clearance, and the Countersign, none of which have been hitherto demanded from him; there was a Log, but he does not know whether it was given to the capturing Officer, or what has become of it. There was no Charter-party. He does not know whether the vessel or cargo be insured; the vessel was under the management of the consignee, Machado, in regard to her trade; and witness corresponds with no one in regard to either the vessel or cargo."

To the special interrogatories, Garay replied, that "the hatches are not fitted with open gratings to his knowledge. The combings of the hatchways are not bored, and there are no iron bars for securing the said hatches. There are but 3 bulkheads, those of the steerage, the cabin, and the fore-castle. There are only 2 or 3 planks on board for necessary repairs. There is a lower deck laid fore and aft. There are no shackles, bolts, or handcuffs on board. He does not know how many casks there may be; if full, they might contain 60 or 70 pipes; they were full of fresh water at the time of capture, and were principally intended for ballast; there was no tank nor any staves. There were about 40 tin mess-pans, which he bought on speculation from a Portuguese vessel which was wrecked on the Coast. There were only 2 small boilers for the use of the crew. There were 3 or 4 sacks of rice, some Cassada flour, but does not know how much, and 1 or 2 bags of maize; the rice was for the crew, the Cassada flour was for sale, and the maize for the live stock on board."

SIERRA LEONE. (*Spain.*)

The examination of Juan Bautiste Artaza, the Mate, resembled that of the Master.

On the 25th April publication of the evidence adduced by the Captor was decreed by the Court. The Monition expired on the day following.

José Garay filed a Claim, with the usual Affidavit, on the 26th April, for the Owners of the "*Joven Maria.*" The Affidavit, explaining the grounds of the Claim in question, is as follows:—

"Appeared personally the said José Garay, the Master of the said brigantine, and maketh oath, that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said brigantine at the time of the capture thereof by His Majesty's brig '*Water Witch,*' John Adams, Esquire, Commander, and brought to Sierra Leone; and that the said brigantine was so captured on the 14th day of the month of March last in the prosecution of her voyage from Whydah to Havana. And he further maketh oath, that Juan Parracia, of Havana, a subject of Her Catholic Majesty, was at the time of the said capture, and now is, the true, lawful, and sole Owner and proprietor of the said brigantine '*Joven Maria,*' her tackle, apparel, furniture, and cargo. And he further maketh oath, that he verily believes the said brigantine is protected by the Treaties or Conventions between His Britannic Majesty and Her said Catholic Majesty, the said brigantine being at the time of capture engaged in a legal traffic; and he further maketh oath, that no person or persons, other than the persons before mentioned, have any right, title, or interest in the said brigantine, her tackle, apparel, and furniture, goods, wares, and merchandize, on board the same at the time of the seizure thereof; and that he is duly authorized to make the Claim hereunto annexed; and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof."

The Claimant had recourse to no other proceeding to strengthen his Claims, and the Case was presented, in the above form, for trial on the 27th ultimo. The Court then considering the evidence, which has been detailed at length in this Report, in every way conclusive of the illegal employment of the detained vessel, did not hesitate to pronounce a sentence of condemnation upon the Spanish brigantine "*Joven Maria,*" her cargo and equipment, as good prize to Great Britain and Spain.

*Sierra Leone, 20th October, 1836.*

(Signed)

WALTER W. LEWIS.

H. D. CAMPBELL.

## Supplement B, No. 3.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 10, 1837.)

MY LORD,

*Sierra Leone, 20th October, 1836.*

IN this Despatch we have the honour to enclose, for your Lordship's information, our Report of the Case of the Spanish schooner "*Galana Josefa,*" Francisco Antonio Sarria, Master, captured by Lieutenant John Adams, Commander of His Majesty's brig "*Water Witch,*" off Little Popoe, on the 13th March, 1836, for being illegally equipped, and eventually prosecuted to condemnation in the British and Spanish Mixed Court of Justice, on the 27th September following.

Although Princes Island was the sole destination mentioned in the Ship's Papers of this vessel, the "*Galana Josefa*" remained there but 15 days, on the alleged ground of meeting with a bad sale for the cargo, when her course was directed to Whydah, where she anchored, and the remainder of the cargo was landed. Sarria went ashore there to prosecute an avowed trade in palm-oil and ivory; but from the protracted stay of 7 months of this vessel at Whydah, and also from the non-appearance of any legitimate return cargo at the time of detention, we are led to infer that at this port the Master intended to have collected and shipped slaves. This opinion is also confirmed by the fact of the Mate having carried the vessel to Popoe (where she was seized) to procure provisions, a proceeding commonly adopted by slave-traders when their human cargo is about completed.

The Mate, José Equisquira, in his examination in chief, has given a very improbable statement of the Ownership, as well as of the agreement relative to the employment of the "*Galana Josefa*" for the voyage in which she was captured. He states that he himself is the Owner of the vessel, and that he purchased her from one Santiago Elortego, a Havana merchant, for the sum of 3,000 dollars in cash, on a verbal arrangement, and without any written Bill of Sale, and asserts that he immediately hired his vessel for the like sum as the original purchase money (3,000 dollars) to the late Master, Sarria, also on a verbal agreement. The improbability of such statements destroys of itself the belief which it is desired by those who make them should attach thereto.

By the Havana Commissioners' Lists, it appears that the "*Galana Josefa*" left Trinidad de Cuba in February, 1834, and returned to the same port on the 11th September of the same year, thus completing one successful voyage. In the interval between the month of September, 1834, and May, 1835, which was

SIERRA LEONE. (*Spain.*)

the date of the commencement of the present voyage, nothing has been ascertained of her proceedings. But as a lapse of 8 months, which thus transpired, is a period of time quite sufficient for the completion of one voyage to the Coast of Africa and back again, we think it fair to presume that the "*Galana Josefa*" was a second time successfully employed prior to her third and last departure from Cuba, in May, 1835. The Mate, however, contradicts the correctness of such an inference, by declaring in his examination that "the cargo on the last voyage was flour from North America." But if we put out of the question the possibility of this vessel being a different one to that mentioned by His Majesty's Commissioners at Havana, although bearing the same name, little hesitation can be felt, for the reasons previously assigned, in doubting the truth of the Mate's story of the employment of the "*Galana Josefa*" on her last voyage.

We have, &c.

WALTER W. LEWIS.

H. D. CAMPBELL.

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

&c.

&c.

&c.

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Enclosure in Supplement B, No. 3.

*Report of the Case of the Spanish schooner "Galana Josefa," Francisco Antonio Sarria, Master.*

THE only Ship's Papers found on board this vessel at the time of seizure were a Royal Passport and part of a Muster-roll, granted by the Spanish Authorities at Havana.

The "*Galana Josefa*" left the Island of Cuba under the command of F. A. Sarria, who is the alleged Owner of the cargo, in May, 1835. The destination of this vessel was the Island of Princes on this Coast, and thither she proceeded direct from Havana; but meeting with an indifferent sale for the cargo at Princes, as is stated by the First Mate and ostensible Owner of the vessel, Sarria directed his course towards Whydah, where he disembarked all the cargo, and went ashore himself to prosecute his trade. The vessel was then left under the command of the First Mate, who was directed to proceed to Popoe for the purpose of purchasing provisions. At this place His Majesty's brig "*Water Witch*," commanded by Lieutenant John Adams, captured the "*Galana Josefa*" whilst at anchor, on the 13th March, 1836, for having an outfit adapted for the illegal Slave Trade.

The Marshal reported the arrival of the "*Galana Josefa*" in this harbour on the 19th April, and on the same date proceedings were commenced against the detained vessel. The Ship's Papers, authenticated by the Prize-Officer, together with the Captor's Declaration, were received into Court, the Monition issued, and the witnesses directed to be examined.

Lieutenant John Adams declares that he detained the "*Galana Josefa*" on the 13th March, whilst at anchor off Popoe, and in the absence of her Master, F. A. Sarria, who was on shore at the time; that she was under Spanish colours, and that she had a slave-deck laid, a larger quantity of water than required for the crew, a great number of mess-pans on board, and an extraordinary quantity of slave provisions.

These facts of illegal equipment received strong corroboration from the sworn Report of Survey, filed at the instance of the Captor, on the 21st April. The Surveyors found on board the "*Galana Josefa*" hatchways larger than usual, with the combings bored, with some bars for securing the same, 2 bulkheads, a slave-deck laid fore and aft, 22½ pairs of shackles, 41 water-casks principally filled with water, a quantity more than requisite for the crew's use, 40 mess-kids, a cabouse constructed so as to enlarge, and a great quantity of farina, beans, and Indian corn.

In the absence of the Master, Francisco Antonio Sarria, who was left on shore at Whydah, the witnesses produced by the Captor were the First Mate, José Equisquira, and the Second Mate, Gregorio Gaston.

José Equisquira deposed, in reply to the standing interrogatories, that "the Master's name is Francisco Sarria; has known him only since May last; does not know where he was born or lives. The Master hired the vessel from witness, who is the Owner of the same, and appointed himself to the command; witness delivered possession to the said Master in Havana in May last; witness lives in Galicia, and is a Spanish subject; first saw the said vessel at Havana on the 1st May, 1835; she is American built; was on board at the time of capture; does not know for what reason the vessel was detained; had no colours but Spanish; '*Galana Josefa*' is the only name he has ever heard of; she had 22 Officers and mariners, exclusive of the Master, all Spaniards, shipped and hired in Havana in May last, by the said Master; is sole Owner of the vessel, and the Master is sole Owner of the cargo; none other of the Officers and mariners had any interest in either; was first Mate on board; the last clearing port was Havana, and the present voyage commenced and was to have ended there; from Havana the vessel went direct to Princes Island, where part of the cargo was landed, and, after remaining 15 days, the vessel went to Whydah, where the remainder of the cargo was landed, and the Master went ashore to trade for palm-oil and ivory; remained there 7 months, and then went to Little Popoe to get provisions; first saw the capturing vessel 2 days before capture, while on the passage from Whydah to Popoe; the course was not altered, nor any additional sail hoisted; capture took place on the night of the 12th March, while witness's vessel lay at anchor off Little Popoe; the vessel's Papers were for Princes, to which place she went, and believes the reason she subsequently proceeded to the Coast was the indifferent demand which was met with for the cargo at Princes; there was no resistance; there was no Bill of Sale; he purchased the vessel on a verbal agreement for 3,000 dollars (paid down) from Santiago Elortego, a Spanish merchant residing at Havana; there were no witnesses; the said sum was a fair price for the said vessel; the said Francisco Sarria is the sole Owner, lader, and consignee of the cargo; the cargo now on board was to have been delivered to him

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at Whydah at his sole risk; the cargo on the last voyage was flour from North America; the present cargo consists of a little aguardiente and a few iron bars; the vessel was taken after capture to Whydah, and from thence to Sierra Leone; all the Papers are entirely true and fair; no Papers were concealed, destroyed, or made away with in any manner; there are no Papers in any country to his knowledge relating to either the vessel or cargo, except the Log-book, which the Master has ashore with him at Whydah; there was no Charter-party; there was a verbal agreement between the said Sarria and witness, that the former should have the use of the vessel on the present voyage, in consideration of the sum of 3,000 dollars, to be paid on the vessel's return to Havana; neither the vessel nor cargo is insured."

Equesquira was also examined relative to the equipment of the "*Galana Josefa*," and stated "that the hatches are not fitted with gratings of any kind; the combings of the hatchways are bored, and there are hatch-bars apparently intended to secure them with; he does not know how many, and was ignorant that such articles were on board, till the Surveying Officers found them in the hold; there are the divisions of the cabin and forecabin; there are no spare planks on board; there is a lower deck laid fore and aft; there are a few shackles, does not know the number; they were for the crew; he does not know the number of casks (on board); they would contain, if filled, about 85 pipes, and were mostly full of fresh water at the time of capture; they were partly for water for ship's use, and partly for palm-oil; there was no tank nor any staves; there were some tin mess-pans, but does not know how many; they were for the use of the crew; there were only 2 small boilers for the use of the crew; there were about 3 or 4 bags of rice for the use of the crew, and a little maize for the fowls."

The Second Mate, Gregorio Gaston, underwent a like examination, and gave similar answers to those of Equesquira to almost all the questions, professing ignorance only of the Owner of the "*Galana Josefa*," and of the laders, Owners, and consignees of her cargo.

Publication of the Seizor's Case was granted on the 25th April, and on the following day the Marshal returned the Monition into Court.

On the 30th April Equesquira appeared as Claimant for the "*Galana Josefa*," and obtained the sanction of the Court to file a Claim and Affidavit, although some delay had attended the presentment of the same; which, however, was satisfactorily explained by the Claimant by giving in a Certificate signed by the Prize-Officer to the effect, that his orders were to keep the detained crew on board the prize until their depositions had been received by the Court.

The Affidavit of José Equesquira, which explains the nature of the Claim, is inserted hereunder.

"Appeared personally the said José Equesquira, Mate of the said schooner, who maketh oath that he is a subject of Her Catholic Majesty the Queen of Spain, and was Mate of the said schooner at the time of the capture thereof by His Majesty's brig '*Water Witch*,' John Adams, Esq., Commander; and that the said schooner was so captured on the 13th day of the month of March last, at the anchorage in Popoe Roads, in the prosecution of her voyage from Havana to Princes Island and the Coast of Africa, and back to Havana, with part of a cargo of general merchandize, the other part having been landed with the Master for the purpose of exchanging with the natives for palm-oil, bees'-wax, ivory, and other articles of African produce. And he further maketh oath, that deponent was at the time of the said capture, and now is, the true, lawful, and sole Owner and proprietor of the said schooner "*Galana Josefa*," her tackle, apparel, and furniture; that the said Master, Francisco Antonio Sarria, of Havana, a subject of Her said Catholic Majesty, was at the time of the said capture, and now is, the true, lawful, and sole Owner of the cargo on board the same; and the deponent further maketh oath, that he verily believes the said schooner and her cargo are protected by the Treaties or Conventions between His Britannic Majesty and Her said Catholic Majesty, the said schooner being at the time of capture engaged in a legal traffic. And he further maketh oath, that no person or persons other than the persons before mentioned have any right, title, or interest in the said schooner, her tackle, apparel, and furniture, goods, wares, or merchandize, on board the same at the time of the capture and seizure thereof, and that he is duly authorized to make the Claim hereunto annexed; and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof. And deponent further maketh oath, that the said Claim would have been filed before, but he was detained on board, as appears by the annexed Certificate of the Prize Officer."

The before-mentioned proceedings completed both sides of the Case, and the Court named the 27th September for the trial of the "*Galana Josefa*," in compliance with a joint Petition from the Proctors of Captor and Claimant. The Court, in its decision, declared that the Captor had clearly established the illegal equipment of the detained vessel, as prescribed in the 10th Article of the Treaty of June, 1835, whilst they could not consider the defence of the Claimant in repelling these charges in any way satisfactory and reasonable. A sentence of condemnation was, therefore, decreed against the Spanish schooner "*Galana Josefa*," her cargo and stores, as a legal forfeiture to the Crowns of Great Britain and Spain.

Sierra Leone, 20th October, 1836.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

## Supplement B, No. 4.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 23, 1837.)

MY LORD,

Sierra Leone, 25th October, 1836.

THE Spanish schooner "*General Mina*," belonging to the port of Havana, from which she sailed in December last on a lawful commercial voyage, bound to the Islands of Princes and St. Thomas, was seized by the boats of His Majesty's brig "*Britomart*," on the 6th March, in the River Nun, in consequence of her being illegally equipped.



SIERRA LEONE. (*Spain.*)

The "*General Mina*" arrived in this port on the 7th April last, and proceedings were immediately taken for bringing this vessel before the British and Spanish Mixed Court of Justice; but Lieutenant Quin, the Seizor, having omitted to transmit the requisite Declaration as to the circumstances attending the seizure, and its absence being in no way accounted for, we recommended the withdrawal of the Papers as the most convenient course; more particularly so as the Seizor was at that time expected shortly to visit this port, when the deficiency alluded to could be remedied. This recommendation was acted upon by the Seizor's Proctor.

After some little delay, however, the Master of the "*General Mina*" was induced to come forward with a Claim for the vessel and cargo, and a Petition that a Monition should go forth calling on the Seizor to proceed to adjudication. This application being in conformity with the Regulations for the guidance of the Mixed Commissions, we complied therewith; but, as the Seizor was not within the jurisdiction of the Court, the Marshal served it upon his Proctor and Agent here, and also on the Prize-Officer of the vessel.

Of this Monition, no notice was taken by either of the above-named parties, and the Claimant in consequence then petitioned that a Monition should issue calling on the Seizor's Proctor and Agent to bring in the detained Ship's Papers which were in his custody; a step that brought forward the Seizor's Proctor on behalf of his client, and also the required Documents.

After this, the proceedings in the Case were conducted in the ordinary manner, if we except only the taking of the examinations in chief, and executing a Commission of Survey; which proceedings were had at the instance of the Claimant instead of the Seizor, so that unnecessary delay might thus be avoided, as we have explained in our Report of the Case, which is herewith transmitted for your Lordship's information.

The delay which took place in adjudicating the early seizures under the New Treaty with Spain afforded time for the arrival here of the Seizor, and the clearing up of the questionable points which had arisen during the proceedings, as to the mode in which the seizure had been made, and also for the filing of the requisite Declaration.

By the Declaration it appeared that the chief grounds of the seizure of this vessel were her having a very large number of water-casks on board, and a slave-deck laid in her cabin; which last point ultimately formed the main charge against the vessel, as sufficient time elapsed between the seizure and adjudication to allow of an official Certificate being obtained from Havana, that proper security for the lawful employment of the casks in this vessel had been given. A Copy of the Translation of this Document we beg leave to lay before your Lordship, observing that it was duly authenticated by Mr. Tolmé, His Majesty's Consul at Havana.

Had this Certificate not reached us previous to the adjudication of this vessel, the Master proposed resting his defence, as to the extraordinary number of water-casks he had shipped, on the sanction and authority to be derived from the Clearance of the detained vessel, a Copy of the Translation of which Document is enclosed, and which states on this subject,—“Shipped by the Captain 14 hogsheads, of 3 pipes each made up, and 10 not made up, to fill with palm-oil.”

The expression quoted from the Clearance of this vessel we conceive could not, upon that liberal and fair construction which should attach to all Official Papers of a Government, have been refused by us as *primâ facie* evidence that the security required by the Treaty for the lawful employment of the said casks had been given, and this being granted, the vessel would have been exonerated in regard to them. That such a construction in the present instance would have been proper, was proved by the formal Certificate that the necessary security had been given, which was filed at a late stage of the proceedings.

The Master of this vessel had very cautiously filled a portion of his casks with salt water, so that the quantity of fresh water was not more than what was required for the crew of the detained vessel.

The loose or shifting deck, which was laid in the cabin in the manner usually adopted in vessels engaged in the Slave Trade, formed in the end, as we before stated, the chief charge against this vessel. The attempts of the Master to prove that this loose deck was not for slaves were voluminous and inconsistent,

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and are fully set forth in our Report of the Case, as well as the evidence which was given to establish the charge that the said floor was a slave-deck.

That the loose deck in the cabin could only have been intended for the use of the slaves, we felt convinced from the evidence we received, and our own information as to the manner in which vessels intended for the Slave Traffic are fitted up, as well as from many corroborative circumstances in her equipment. We, therefore, at a sitting of the Mixed Court on the 3d instant, pronounced that the schooner "*General Mina*," her cargo and stores, were good and lawful prize to the Crowns of Great Britain and Spain.

The "*General Mina*" appears by the Havana Lists to have made one successful slaving-voyage between March and September of last year, and is the same vessel from which the negroes were landed openly under the protection of the Commandant of a small fort in the Bay of Cojimar, about 6 miles to the east of Havana, as described in the Despatch from the British Commissioners there, under date of the 30th September, 1835.

We have, &c.

(Signed)

WALTER W. LEWIS.

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

H. D. CAMPBELL.

&c.

&c.

&c.

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First Enclosure in Supplement B, No. 4.

*Report of the Case of the Spanish Schooner "General Mina," Juan José Rodriguez, Master.*

The "*General Mina*" was a vessel belonging to the port of Havana, from which she sailed on the voyage in which she has been detained in December 1835, provided with the official Papers named hereunder:

1. Royal Passport, originally issued to one Andrés de Soto, on 26th February, 1835, for a lawful voyage to the Islands of Princes and St. Thomas, and re-issued to the late Master with a like destination on the 18th December last.

2. Fort Pass, granted under similar circumstances to the Passport.

3. Muster-roll.

4. Printed copy of Custom-house Laws.

5. Manifest of the cargo.

From Havana the "*General Mina*" proceeded to Quitta or Acquitta, on this Coast, where a supply of fresh water was taken in, and thence to the River Brass or Nun, where she had not been more than three or four days when she was visited by the boats of the British brig-of-war "*Britomart*," by the Officer in command of which the said vessel was detained on the 6th March last for being unlawfully equipped.

The arrival of this vessel at Sierra Leone was regularly reported by the Marshal on the 7th April following; immediately after which the Proctor for the Captor brought before the Court the Ship's Papers of this vessel, with an Affidavit of the Prize-Officer to authenticate the same. As, however, we found that the Captor had omitted to send up a Declaration of the circumstances attending the seizure of this vessel, and the absence of that necessary Document not having been accounted for in any way, we recommended that the Papers should be withdrawn, as they could not be received in that imperfect form; a course which the Captor's Proctor readily adopted, as he was then in daily expectation of the arrival here of his client.

No steps were taken in this Case until the 18th April, when the Master of the detained vessel came forward by his Proctor, and prayed to be allowed to file his Claim for the vessel and cargo; and that a Monition should issue against the Captor to proceed to adjudication. With this application we felt it to be our duty to comply, as it was in strict accordance with the Regulations for "the guidance of the Commissions;" and the proceedings in this Case, therefore, commenced in a manner entirely novel in the practice of the Mixed Courts established here.

The Affidavit in support of the Claim of the Master of the "*General Mina*" for his vessel and cargo, containing the substance of that Document, and the grounds of his defence, we have transcribed herein.

"Juan José Rodriguez, the Master of the said schooner, maketh oath that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said schooner at the time of the capture thereof by His Majesty's brig '*Britomart*,' Lieutenant Henry Quin commanding, and that the said schooner was captured on the 6th day of March last, in the River Nun, in the prosecution of her voyage from Havana to St. Thomas, with a cargo consisting of dry goods and general merchandize, and brought to Sierra Leone. And he further maketh oath, that no person or persons other than himself was at the time of the said capture, and now is, the true, lawful, and sole Owner and proprietor of the said schooner, her tackle, apparel, and furniture, and of the said cargo on board the same; and that he verily believes the said schooner and her cargo are protected by the Treaties and Conventions entered into between Great Britain and Spain for the abolition of the Slave Trade, signed at Madrid on the 23d day of September, 1817, and the 28th day of June, 1835. And he further maketh oath, that the said schooner sailed from Havana on the 31st day of December last, and at that time no official communication had been made by the Spanish Government of the last-mentioned Treaty being in operation; that the deponent having perused a manuscript Copy of the said Treaty did, in conformity thereto, obtain a Permit and Clearance from the Custom-house at Havana for the shipment of 14 casks capable of containing 300 gallons each, and of a quantity of shakes sufficient for forming 10 other casks to be used for holding palm-oil on the Coast of Africa, security having been first given by this deponent as required by the said Treaty, and also for the shipment of 6 hogsheads of rice as part of the cargo of the said schooner. And he further maketh oath, that he was on shore when the said

SIERRA LEONE. (*Spain.*)

schooner was first boarded by the boats of His Majesty's said brig 'Britomart' on the said 6th day of March last; and that early on the following morning he proceeded on board, and found the said schooner under weigh, and going out of the said river in charge of one of the Officers of his Majesty's brig 'Britomart'; that the deponent did immediately ask the said Officer the cause of the said schooner being detained, upon which the said Officer replied that she was detained for having casks, spare plank, and a cabouse on board; that he, the deponent, did then inform the said Officer, that the casks and shakes which were on board had been all duly entered in the Custom-house at Havana, and at the same time pointed out to the said Officer the Document which contained the entry of the same, under seal, and entreated him to open it, and to satisfy himself of that fact, but which he declined to do; that some time afterwards the said schooner came up with His Majesty's said brig 'Britomart' (which vessel was at anchor about 3 leagues from the place of seizure), when the Commander came on board thereof; and the deponent did then request the said Commander to inform him by what authority the said schooner had been detained, upon which the said Commander replied he had detained her under the authority of the New Treaty, and at the same time asked the deponent if he had any Certificate for carrying the casks which were on board the said schooner, when the deponent again stated that he was furnished with such a Certificate, and showed the said Commander the sealed Document which contained the same, and urged him to open it, which the said Commander declined doing, but stated that the same would be opened at Sierra Leone. And he further maketh oath, that the said Commander did not show to him, the deponent, either at the seizure of the said vessel, or at any time afterwards, any Document, although the same is required to be produced by the said last-mentioned Treaty, which authorized him, the said Commander, to search the said schooner; neither was the deponent furnished with any Copy of the said Document from the boarding Officer, who was an Officer of inferior rank, and not the Commander of His Majesty's said brig 'Britomart,' neither was the deponent furnished with any Certificate signed by the said boarding Officer, stating his rank in the Royal Navy, the name of the Commander by whose order he proceeded to make the search, nor that of the cruizer in which he sailed, nor the object of the search. And the deponent further maketh oath, that no person or persons other than himself have any right, title, or interest in the said schooner, her tackle, apparel, and furniture, and the goods, wares, and merchandize, on board the same at the time of the seizure thereof, and that he is duly authorized to make the Claim hereunto annexed, and that the same is a true and just Claim, and that he shall be able to make due proof and specification thereof."

The Monition which the Claimant had applied for against the Captor went forth on the 25th April, and was returned into Court by the Marshal on the 3d May following, with the undermentioned endorsement thereon:—"I certify that the within named William Henry Quin is not to be found within the jurisdiction of this honourable Court; but Mr. John Dean Lake, the Agent and Proctor for the said William Henry Quin, and Mr. Godolphin Burslem, Mate of His Majesty's brig 'Britomart,' and the Prize-Master in charge of the within named schooner '*General Mina*,' were severally served with this Monition, by showing them the original under seal, and by leaving with them a true Copy thereof."

Mr. Lake, the Agent and Proctor for the Seizor, having taken no notice of the Monition which had issued calling on the Captor to proceed to adjudication, and the Claimant's Proctor having in the mean time ascertained that the Seizor's Proctor had possession of the Ship's Papers of the "*General Mina*," we allowed a Monition to issue on the 10th May, calling on Mr. Lake to bring into the Registry of the Court the Papers in his custody; first having received the joint Affidavit of the Claimant and his Proctor in support of their application for this Instrument.

This proceeding brought forward the Seizor's Proctor on the 14th May, who then prayed to be allowed to appear in the cause on behalf of the seizing Officer, at the same time tendering a satisfactory explanation, founded on the novelty of the proceedings in this Case, for having neglected to notice and appear to the Monition calling on the Captor to proceed to adjudication.

On the part of the Claimant it was objected that the Seizor's Proctor should be allowed to appear, as he had solicited, in consequence of his previous neglect; and it was prayed that, in the event of his request being complied with, all the expenses to which the Claimant had been put in bringing forward his Case for adjudication should be immediately defrayed by the Captor. The question of costs we pronounced was one which would be more properly considered after the legality of the detention of this vessel had been decided upon; and we desired it might stand over accordingly. The objection founded on the non-appearance of the Seizor's Proctor to the first Monition we overruled for the reasons above stated; and on the 24th following the Ship's Papers previously described were lodged in the Court, duly authenticated by the Affidavit of the Prize-Officer and the Seizor's Proctor and Agent, when the usual Monition was issued calling upon all parties interested in the Case to appear before the Court, according to the practice laid down in the printed Regulations.

It was not necessary to add the customary directions for the examination of the witnesses in preparatory, as, during the time occupied in the foregoing proceeding, we allowed, on the application of the Claimant, in order to expedite the Case as far as it was possible to do, that the evidence in preparatory should be taken; and the Master of the detained vessel, Juan José Rodriguez, and his Cook, Luis Ignace, were accordingly examined on the standing and special interrogatories on the 13th May.

Rodriguez swore that "he was born in Galicia, and has lived in Havana for the last 7 years; has never served any State but Spain; his wife and family reside in Havana; he appointed himself to the command, being the Owner of the said vessel; possession was delivered to him in December last, at Havana, by the former Owner, Rosendo Fernandes, a Spanish subject and resident of Havana; first saw the said vessel in Havana about 10 months ago, believes her to be North American built; he was not on board at the time of capture, and does not know for what reason the vessel was seized; had no colours but Spanish; he has never heard of any name except that which the vessel bears at present, '*General Mina*;' she is 72 tons burthen, and had a crew of 20 Officers and mariners, exclusive of the Master, all Spaniards, all hired and shipped at Havana by witness in December last. He is himself sole Owner of both the vessel and cargo; there was no passenger; the last clearing port was Havana, and the voyage began there, and was to have ended at Charlestown in America; from Havana the vessel went direct to the Coast of Africa, and called first at Aquitah, where she anchored and stayed two days and a half for the purpose of getting water; from thence proceeded to the Rio Brass, where the vessel was captured two days after her arrival. The capturing vessel was first seen

SIERRA LEONE, (*Spain.*)

outside the Brass three days after her boats had captured the '*General Mina*,' whilst that vessel lay at anchor in the river; there was no chase, nor attempt to escape; the vessel's Papers were for St. Thomas and the Coast of Africa. He is the sole Owner of the vessel. There was a Bill of Sale (which is now in Havana) from the said Rosendo Fernandes to witness, dated at Havana on the 4th or 5th of December last, and executed in the presence of three witnesses, whose names he does not recollect; the price was 2,000 dollars paid down at the time of purchase, and was a fair equivalent for the vessel; the sale was a true one, and the vessel, if restored, will belong to him (witness) only; there was no private agreement of any kind. He is the sole lader, Owner, and consignee of the cargo; the cargo on board he meant to dispose of on the Coast and at St. Thomas at his sole risk; and the cargo, if restored, will belong to witness, and to him only. He knows nothing about the last voyage; the present cargo consists of aguardiente, cloth, powder, iron, muskets, cutlasses, and beads; the vessel was taken after capture to Sierra Leone. All the Papers were entirely true and fair. No Papers were concealed, destroyed, or in any manner made away with. The only Papers relating to the vessel or cargo in any country are the Ship's Papers; viz. the Manifest, the Muster-roll, Instructions, Countersign, and Passport, given up to the Captor, and the Log-book, which is in witness's possession, having never yet been demanded (subsequently filed with the other Papers). There was no Charter-party. No part of either the vessel or cargo is insured, unless his agent in Havana, Tomas Veyga, has done so in his absence. Bulk was broken at Aquitah, and a small quantity of cloth disposed of to pay for the fresh water (8 or 10 pipes); 2 bales and a box were opened in the river Brass after capture, and a quantity of goods abstracted by the English sailors. A quantity of cloth was stolen at the time of capture; some was taken from the English sailors' bags by the Prize-Officer, and put back into the cabin of the '*General Mina*;' does not know the quantity abstracted, or whether the whole was recovered from the English sailors. He does not know whether anything has been taken out of the vessel since capture; but the night she anchored in Sierra Leone he was informed that the English sailors were plundering again, and witness requested the Prize-Officer of the "*Mosca*" to interfere, who accordingly searched forward, and found one of the men's (English) bags stowed away filled with cloth taken from the cargo, and which was afterwards placed in the cabin; but the man's bag was returned to him. He does not know the rank of the Officer who conducted the search of the vessel at the time of capture. The hatches are not fitted with gratings of any kind. The combings of the steerage hatchway are bored; they were so when he bought the vessel; but there are no bolts nor bars on board fit or intended for the purpose of securing the hatches. There are the bulkheads of the cabin and fore-castle only. There are 3 or 4 boards for repairs. There is only a temporary floor under the cabin for stowing provisions upon. There were no shackles, bolts, or handcuffs on board. There are about 32 empty and water casks, and staves for ten more, altogether capable of containing perhaps 6,700 gallons; had those casks and staves principally for palm-oil; cleared 25 of them regularly at the Custom-house at Havana for that purpose, and gave personal bond to the amount of two-thirds of the value of the vessel; the others were wine, rum, and beef casks; there was no tank on board. Witness declares that at the time the Commander of the capturing vessel came on board (three days after seizure), and looking down the hatches stated to witness that he should detain the '*General Mina*,' on account of the number of her casks, witness distinctly told the said Commander that those casks had been regularly cleared at Havana, and were entered in his Papers. There were about 7 pipes of fresh water on board at the time of capture. There were 2 or 3 mess-pans for the crew. There were 3 small iron boilers for cooking the ship's provisions in. There were six barrels of rice cleared from the Custom-house at Havana for the use of the crew, or for sale if he met with a market, and a little Indian corn for the fowls." Luis Ignace, at his examination on similar questions to those which had been put to the Master, gave testimony in every way corresponding with that of his superior Officer.

A Commission of Survey and Inspection of the equipment of this vessel was executed at the request of the Claimant, the sworn Report under which was as follows:—"The Surveyors found the main and after hatchways not larger than usually seen on board merchant-vessels of her class; the latter was pierced with holes for the admission of iron cross-bars, but have been recently plugged up. Bulk-heads dividing cabin and fore-castle from main hold; a perfect set of unnailed planks fitted across the lockers in the Captain's cabin (and which is not usually seen in merchant-vessels), marked and numbered, and appear to us to have been intended for a cabin slave-deck; also about 80 feet of spare plank, part of which is numbered, and which is not more than may be required for the common use of the vessel; 14 leaguers and 2 small casks, in all capable of containing about 6,460 gallons of water, a quantity more than sufficient for the crew. Four of the said leaguers are partly filled with fresh and salt water. Ten packs or shakes of leaguers, with iron hoops complete, were also found on board; an extraordinary number of water-casks for a vessel of her class. The cabouse, in its present state, is not larger than usually seen on board merchant-vessels of her class, but is constructed with a back part, to draw out to double its present size, for fixing a large boiler thereon. Three small iron boilers were found fitted to the said cabouse; also an extra iron plate, which appears to us to be a part of the same. Found 4 casks and 2 bags of rice, in all about 1½ ton; also 9 bags of calavances or beans, containing about 9 bushels, a quantity more than sufficient for her crew."

Publication of the Claimant's Case passed to him on the 17th May; and the Captor had the like granted to him on the 25th following.

The Proctor for the Captor, finding that some charges had been preferred of irregularity as to the mode in which the capture had been effected, filed an Affidavit of the Prize-Officer in explanation, and which was to the effect hereunder stated:—"That the said schooner was seized in the River Nun, on the 6th day of March last, by the boats of His Majesty's brig '*Britomart*,' under the command of Mr. Henry Laird Cox, the Second Officer in command of His Majesty's said brig. That on the boats leaving the brig to proceed up the river, Copy of the necessary Instructions was furnished to the Officer in charge, who, in the hurry of manning and arming the boats, omitted to take the same with him. That on the said schooner's arrival at the mouth of the river, she was boarded by the Commander of the '*Britomart*,' who, having stated to the said Master his rank, produced the necessary Instructions, and pointed out, through the interpretation of the Boatswain of the said schooner, in deponent's presence, the various Articles of the New Treaty as the ground for detention. That the said Master then read aloud to his Mates the Spanish side of several parts of the said Treaty, and at

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the same time produced a written Copy of the same, with which he appeared to have been furnished previous to seizure. And lastly, the deponent saith the said vessel was seized for being found equipped for slaves."

On the filing of the foregoing Affidavit, the Claimant, with a view of supporting his statements regarding the mode of making the seizure of his vessel, requested that Mr. Lark, the Prize-Officer, might be examined on special interrogatories, which was complied with, and Mr. Lark stated, "That by the necessary Instructions he means the printed Instructions for ships of the British and Spanish Navies, annexed to the Treaty signed at Madrid on the 28th June, 1835, and being a part of the said Treaty; and witness saw the Commander of the 'Britomart,' and also Mr. Cox, the Senior Mate, point out to the Master of the said schooner, on his requiring to know why he was detained, certain Articles in the said Treaty, and which the said Master read aloud to his Officers in Spanish; but witness cannot say what particular Articles were so exhibited. To the best of his recollection, the schooner was captured on a Saturday at noon, and she was boarded by Lieutenant Quin in the afternoon of the Monday following. He cannot swear that any other Document than the said Treaty was shown to the said Master by Lieutenant Quin at the time he boarded the 'General Mina.'"

In explanation of the charge of robbery preferred against the prize-crew by the detained witnesses, we received the following Affidavit of Mr. Samuel Lark, the Prize-Officer of the said vessel:—"That he was present at the seizure of the said vessel on the 6th day of March last; that at that period deponent was not aware that any cases or bales of merchandize whatever had been opened by the prize-crew. That, shortly after capture, deponent saw the said Master take from an open bale several pieces of coarse cloth, and give to a Pilot, and which deponent believes was a remuneration for the said Pilot's services. That at that period no complaint whatever had been made by the said Master to deponent of any bales or cases having been opened as aforesaid. That, some time after capture, deponent and the other Seizing Officer having occasion to examine the forecabin, a bag was discovered concealed, with several pieces of cloth inside the same. That deponent inquired of the prize-crew who had concealed the bag, but could not ascertain the guilty party. That deponent then took possession of the bag, &c. and placed it in the cabin for security. That on the evening of the said vessel's arrival in this harbour, another bag containing cloth was found concealed in the forecabin, which deponent took possession of and placed in the cabin. And lastly, deponent saith, that he has taken every precaution for the security of the said cargo; and, to the best of his belief, nothing has been taken away from the said vessel."

The Claimant, in the wish fully to clear up his Case, requested his own Affidavit might be filed, to account for a temporary deck having been fitted in the cabin of his vessel, and which he did in the following words:—"That the said schooner, 'General Mina,' was purchased by him in Havana, in December last, and not having any convenience on board for stowing his cabin stores and provisions with safety, he had an enclosure built over the cabin floor, which was converted into a store-room, and the cabin stores and provisions of the said vessel were stowed therein; and the said enclosure is still used for that purpose, and was never intended for any other. And the deponent further saith that, in fixing the said enclosure, the carpenter employed in Havana in making the same marked and numbered the plank of which it is formed, for the purpose of allowing the said plank to be taken off for cleansing the store-room, when occasion might require; and to enable the same, after being taken to pieces, to be put together more readily; and that the enclosure, or store-room, is formed with 9 pieces of plank, which are of the following dimensions: 5 feet 6 inches, 6 feet 1 inch; 5 feet 8 inches, 6 feet 3 inches; 5 feet 9 inches, 3 feet 4 inches; 5 feet 11 inches, 4 feet 5 inches; 6 feet 11 inches. And the deponent further saith, that there were 5 pieces of spare plank on board the said schooner at the time of her detention, which were in the said schooner when deponent purchased her, and he kept them on board for the purpose of making any repairs that might be required to the said schooner during the voyage. And he further saith, that the cabouse is at this time exactly in the same state as when the said schooner was purchased by deponent; and that 2 of the small boilers which are fitted in the said cabouse contain 5½ gallons each, and that the other small boiler contains only 2 gallons.

In this state the Case stood awaiting its turn for adjudication until the 17th ultimo, when the Claimant's Proctor having received a Certificate from the Custom-house at Havana, stating that security had been given for the lawful employment of the casks, shakes, and staves on board this vessel, as expressed in her Clearance, asked that the Document in question might be filed, which was granted, as the same had been duly authenticated by His Majesty's Consul at Havana, Mr. Tolmé.

The Captor having at length arrived in this port, a regular Declaration of the circumstances attending the seizure of this vessel was allowed to be brought in, under date the 22d ultimo; and which Document expressed that, on the 6th day of March, 1836, being off the River Nun, in latitude 4° 10' north, longitude 6° 15' east, Lieutenant Quin detained the schooner "General Mina," sailing under Spanish colours, armed with 2 guns, 9-pounders, and commanded by Juan José Rodriguez, who declared her to be bound from Havana to St. Thomas Island, having on board several articles in her equipment prohibited by the 10th Article of the New Treaty between Great Britain and Spain, namely,—coppers fitted double, so as to draw out and form a double set; a quantity of leaguers (water-casks); a slave-deck laid in the after-cabin, and part of ditto marked and numbered for the main hold; a quantity of slave provisions; and the combings of the hatchways bored for receiving iron gratings, but lately plugged up.

The Captor was allowed to file his own Affidavit, and that of the boarding Officer, Mr. Cox, in reply to the charges of irregularity in the manner of making the seizure of this vessel. Lieutenant Quin made oath that, "on the said schooner's arrival at the entrance of the River Nun, deponent proceeded on board and exhibited to the said Master his original special Instructions, telling the said Master at the same time that deponent seized the said schooner on that authority. That the said Master, to the best of deponent's knowledge, never told him that the said Master had a Certificate from the Custom-house to carry casks, nor did he produce or show to deponent any paper writing to that effect. And, lastly, deponent further saith, that he at the same time supplied the said Master with the necessary Certificate, stating the name of deponent's vessel, and the name of deponent, &c."

Mr. Henry Laird Cox deposed, that "he was Commanding Officer of the boats detached from the 'Britomart' at the detention of the said schooner. That deponent was furnished by the Commander

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of the 'Britomart' with a Copy of the necessary Instructions required by the Treaty, but, in the hurry of quitting that vessel, deponent omitted to take it with him. That on boarding the said schooner, deponent tendered to the said Master a Certificate, stating the name of the 'Britomart,' the name of his Commander, and the object of the search, which the said Master looked at and returned to deponent. And deponent further saith that, on the said schooner's arrival at the mouth of the River Nun, she was boarded by the Commander of the 'Britomart,' who, in deponent's presence, exhibited to the said Master the original special Instructions by which he detained the said schooner, and also furnished the said Master with the said necessary Certificate."

The Claimant in this Case, considering that Mr. Cox's evidence might prove more to his interest, if that Officer was examined on certain special interrogatories which he had had prepared for that purpose, the Court met the Claimant's wishes by receiving the following additional information from Mr. Cox, given at his examination by the Registrar on the 26th ultimo:—"That there was no Officer with witness at the time he boarded the '*General Mina*' in the River Nun; but Mr. Lark, the Second Master of His Majesty's brig 'Britomart,' who was in company with witness, and who left to board the '*Dos Hermanos*' at the same time witness boarded the '*General Mina*,' rejoined witness about 5 minutes afterwards. Juan Rodriguez, the Master of the '*General Mina*,' was not on board at the time of capture; he came on board about 7 A.M. the next morning, in a boat belonging to His Majesty's brig 'Britomart,' which witness had despatched for him on the said Master's hailing the '*General Mina*' from the shore. The Instructions which he has stated were exhibited by Lieutenant Quin to the said Master, were the original printed Instructions received by Lieutenant Quin from the Admiralty, signed, to the best of witness's belief, by two of the Lords of the Admiralty, and which contain, verbatim, in Spanish and English, the Instructions contained in Annex A. to the late Treaty with Spain. The '*General Mina*' was first boarded by the Commander of the 'Britomart' 2 days after capture. The Certificate furnished to the said Master was not according to the form contained in the printed Regulations for the Mixed Commissions, page 4. Its purport, to the best of witness's recollection, was, that Lieutenant Quin had boarded and detained the said schooner in a certain latitude and longitude suspecting her to be engaged in the Slave Trade, and had there found certain Papers which were marked from to ; and the nature of the Papers, so far as he could ascertain, was also stated in the said Certificate. That, besides the New Treaty and its Annexes, and the above-mentioned Certificate, the special printed Instructions from the Admiralty to Lieutenant Quin were also exhibited by the Commander of the 'Britomart' to the Master of the schooner at the time above stated. He did not hear Lieutenant Quin ask the said Master if he had any Certificate from the Custom-house for carrying casks, but witness himself put that question the morning after the Commander of the 'Britomart' had exhibited his Instructions to the said Master, having gone on board by Lieutenant Quin's orders to make a further search, and to the best of witness's recollection the said Master gave no reply, and certainly produced no sealed or other Document. A sealed Document had been previously given up by the said Master with the other Papers of the vessel at the time the Commander first came on board the schooner; and further, witness saith that the said Master never, in witness's hearing, made any remark or observation from which it could be inferred or understood that he was furnished with, or had in his possession, any Certificate whatever in regard to the said water-casks."

This Case was entirely closed by the parties, and a day of trial asked for on the 30th ultimo; we, however, previous to complying with this request, desired to have some further evidence as to the slave-deck said to have been on board, and with that object directed a special Commission of Survey to issue, the Report under which came in and was sworn to on the day following.

The Surveyors stated that they found "the height from the loose floor in the Captain's cabin to the level of the deck of the vessel to be 29½ inches, but that no part of the deck covers the loose floor, being covered in the whole extent by the trunk way, to the deck or top of which the average height is 4 feet 10½ inches. They did not consider the dimensions of the cabin above the loose floor would afford sufficient accommodation or room for the Officers of the said vessel. The cabin is fitted up with 2 sleeping berths, store-room, lockers, &c., usual in merchant-vessels. Two movable sleeping berths were found upon deck, such as are usually seen in slave-vessels. The hold of the vessel does not appear to be fitted up in any part with cleats or grooves, or other preparations for the reception of a slave-deck, excepting 1 cleat on a level with the top of the leaguers on the after bulkhead on the larboard side. Eight pieces of spare plank and scantling were found on board (3 pieces of which were marked, and 5 unmarked), exclusive of those pieces composing the loose floor of the cabin."

On the 3d instant the Court met for the adjudication of the "*General Mina*." In giving judgment in this Case we thought it expedient to look into and dispose of the charges of irregularity as to the mode of the detention of this vessel, and of the prize-crew attempting to abstract the cargo of the detained vessel, previous to going into the more important question of her equipment. The first charge related to the Captor having neglected to comply with the Instructions contained in the 4th Article of the Treaty, in respect to exhibiting his authority to search vessels suspected of being engaged in the Slave Trade, and having omitted to give the required Certificate to the Master of the detained vessel; as well as the boarding Officer not having been supplied with a certified Copy of his Commander's authority, as is prescribed by the above-mentioned Article of the Treaty, when he boarded and seized this vessel. After reviewing the evidence given by both parties on these points, we, expressed our opinion that the Captor had fully rebutted the charges of irregularity made against him, by his own Affidavit and by the evidence of his Officers, Messieurs Cox and Lark; and that the two latter gentlemen also had satisfactorily explained why Mr. Cox omitted to exhibit his authority for boarding and detaining that vessel.

The Proctor for the Claimant strongly urged in his address to the Court, that we should view the irregularities charged against the Seizor above mentioned in so serious a light as to deprive the seizure of all title to legality; a line of argument adopted by the same gentleman when conducting the defence of the Spanish schooner "*Mosca*," lately adjudicated. Upon this proposition we remarked that, in giving judgment in the Case of the "*Mosca*" above alluded to, we had stated at length that we could not consider every deviation from the Treaty as necessarily invalidating a capture; and that, had the objections made to the manner of effecting the capture in that instance (they were very similar to those in this Case) even been proved to our satisfaction, we could not have allowed them to form a loophole

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for the escape of a vessel, against the detention of which there were no other objections to offer. That opinion we had fully reconsidered, when deciding upon the merits of this Case, and had discovered no reason for altering the conclusion at which we had formerly arrived. Had the alleged irregularities in this instance, therefore, been clearly established, which we had already pronounced was not the case, we could not have looked upon them as affecting the legality of the capture.

The charge against the prize-crew was, to a certain extent, cleared up by Mr. Lark's Affidavit previously quoted. The first attempt at robbery was by no means clearly proved as having been made by the British sailors, as the bag in which the stolen property was discovered might have belonged to the Spanish crew, who were still on board of their vessel; and it is equally just to presume that that bag had been used by some of the Spaniards for the purpose named, as that the British sailors, who had not then their bags with them, had been guilty of this attempt at stealing. Respecting the second attempt at robbery, however, on the evening of the detained vessel's arrival here, we regret to state that there appears to be little or no ground for disbelieving that the British seamen were implicated.

Upon the question of the illegal equipment of the "*General Mina*," the chief evidence was to be found in the sworn Reports of the Surveyors, who had on two occasions visited this vessel, as opposed to the statements of the Master and Mate of her. The greatest apparent infraction of the Treaty reported by the Surveyors, was found in the very large number of casks on board of this vessel; a difficulty, however, very readily overcome by the Claimant in this Case, through his having filed the proof before stated of security having been given at Havana for the lawful employment of these casks, and having permission to ship them accordingly. The Surveyors had declared that there was a perfect set of planks, marked and numbered, fitted across the cabin lockers, and apparently intended for a cabin slave-deck, with some spare plank numbered and unnumbered. The loose floor in the cabin was only 29½ inches below the deck of the vessel; and although there are 2 sleeping berths on the floor of the cabin thus prepared, with the usual cabin-mess fittings therein, and that the height in the trunk-way of this cabin averages 4 feet 10½ inches, that such cabin does not afford accommodation for the Officers of the detained vessel. It also appeared in the Surveyors' Report, that 2 of the movable sleeping berths peculiar to slave-vessels were found on the deck of the "*General Mina*." The substance of the Master's explanation of this very questionable equipment was, that the temporary or loose floor was placed in the cabin in order that the space which would be under it might be used as a store-room, to which purpose it had been appropriated, and that such a course was necessary, in consequence of the want in the vessel of "a place of safety for stowing his cabin stores." This statement of the necessity of such a place being constructed for the purpose described by the Master, received the most positive contradiction from the second Report of the Surveyors, who described the "*General Mina*'s" cabin "as fitted with 2 sleeping berths, store-room, lockers, &c., as is usual in merchant-vessels;" fittings and accommodation which were all independent of the extra convenience to be derived from the laying of the loose floor in the cabin.

To all those acquainted with the manner in which slave-vessels are fitted out, it is well known (and particularly so to ourselves) that the Officers of such vessels frequently give up their cabin to the female portion and children of their human cargoes, and use the movable sleeping berths on deck for their own accommodation; and that when a cabin is so appropriated, a shifting deck, like the one found on board the "*General Mina*," is laid for the use of the negroes. Such was the case on board the very last vessel with slaves (in the Portuguese brigantine "*Joven Carolina*") which came before us; and such 3 of the sworn Surveyors of this vessel have declared their belief was the intention in this instance, whilst the other 3 Surveyors have stated that the cabin, by the arrangement in question, was rendered in their opinion unfit for the purposes of a merchant-vessel's cabin—the accommodation of the Officers of that vessel. The opinions of the Surveyors we consider entitled to much weight, acquainted as they nearly all have been for a series of years with the manner in which slave-vessels are equipped, and from their general knowledge of marine affairs.

The other parts of the equipment of the "*General Mina*," although not coming precisely within the meaning of the words of the 10th Article of the Treaty, were yet of so very doubtful a description as to offer strong corroborative proof of the intentions of the parties interested in this vessel to obtain a cargo of slaves for the return voyage to Cuba; for it could never be presumed that one so cautious as the Master of the detained vessel was, and so well qualified to avoid responsibility as he had shown himself by clearing at the Custom-house the extraordinary number of casks with which he sailed from Havana, would have run the risk of going to sea with the holes in the combings of his hatchway merely plugged up, and a double or slave cabouse on board, had he not purposed using this vessel for a slave-cargo. Neither would he have retained or had on board the movable sleeping berths which were found on his deck, if he had not entertained the disposition which we have attributed to him, as such conveniences, we have been informed, are never to be met with but in vessels intended for the Slave Trade, or which have been employed in that traffic. The minor fact, of some planks of a slave-deck having been found in the main hold of the vessel, and a cleat for a slave-deck fastened to the after bulkhead, must also operate unfavourably on the Master's Declaration of having been lawfully employed when detained.

It is not reasonable to believe that the Officers of any merchant-vessel, employed in strictly lawful pursuits, would subject themselves to the numerous inconveniences arising out of the miserable accommodation which the cabin of this vessel is shown to have possessed, as the wages in such employment offer not a sufficient temptation; the Slave Trade alone, in our opinion, holds out sufficient inducements for such personal sacrifices in this climate.

Under all the circumstances herein mentioned, which we had carefully taken into consideration, we could come to no other conclusion than that the movable or loose deck in the cabin of the "*General Mina*" was intended for a slave-deck; and that this vessel, therefore, came within the meaning of the 3d Section of the Equipment Article of the Treaty between Great Britain and Spain for the abolition of the Slave Trade. And as the Master had failed to establish, to our satisfaction, that his vessel was, at the time of her detention, employed in some legal pursuit, we pronounced that the schooner "*General Mina*," her cargo and stores, were lawful prize to the Crowns of Great Britain and Spain.

In the early part of this Report we stated that an objection on the part of the Claimant was offered to the Court's allowing the Captor's Proctor to appear in the cause at that stage of the proceedings,

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unless he should at once pay the expenses to which the Claimant had been put in order to get his vessel in a train of adjudication, and which the Captor had neglected to do within a reasonable time after the detained vessel's arrival here.

Our opinion upon this question of costs we reserved until the adjudication of the Case, upon the principle that the legality of the detention of a vessel charged with a breach of the Slave Trade Abolition Treaty, was the first point in all Cases upon which we ought to decide, as by that decision the disposal of any incidental or minor points of the Case, and particularly those of expenses arising out of bringing a vessel to adjudication, would generally be governed.

The expenses which had been claimed, as previously stated, had certainly arisen out of bringing this vessel to adjudication; and although they have been in this instance somewhat increased beyond what is ordinarily the case, through the Captor having neglected to send in a proper Declaration respecting the seizure, yet there did not appear in the Captor's proceedings to have been any wilful error or neglect; and we, therefore, resolved to look upon this demand of the Claimant as one for unavoidable expenses in bringing the "*General Mina*" to trial, and that we would treat the application accordingly, whenever we may receive the Instructions which we have solicited in respect to demands of this nature. In the mean time the Claim in question was to stand over upon this understanding.

*Sierra Leone, 25th October, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

## Second Enclosure in Supplement B, No. 4.

(Translation.)

Seal 3d for 2 rials, for the years 1836 and 1837.

Mr. Francis Granados de la Oliva, temporary Senior Officer and Accountant of the General Administration of Maritime Rents of this place.

I CERTIFY that in the Register despatched by this Royal Custom-house, the 19th of December of the last past year, to the Spanish schooner "*General Mina*," Captain John Rodriguez, destined to St. Thomas, it appears by the Policy, No. 6, the beforesaid Captain registered, amongst other things, 6 hogsheads of rice, 14 pipes, or hogsheads of 3 pipes each, made up, and 10 tuns not made up, which together made equal to 52 pipes, empty, to fill with palm-oil at her destined place, *remaining in this department the necessary bond and security as provided for*: and to the end that they may hink necessary, I give this Certificate by virtue of a Decree to the temporary General Administrator.

*Havana, 18th April, 1836.*

(Signed)

FRANCIS GRANADOS.

## Third Enclosure in Supplement B, No. 4.

*Custom-house Clearance.*

(Translation.)

Stamp of 64 rials, for the years 1834 and 1835.

Thomas Rodriguez de Yurre, Attendant of Warehouses of this Royal Custom-house for His Majesty, and Administrator of Royal Maritime Rents in Commission.

I CERTIFY that, with the intervention of the Senior Officer and General Accountant of this Royal Custom-house, Francis Granados, the following have been embarked in the Spanish schooner "*General Mina*," Captain John Rodriguez, destined to St. Thomas's:—

Shipped by the Captain	Four hundred bars of iron and one case of bill-hooks.
Ditto	Thirty-one packages of goods from deposit.
Ditto	Sixteen bundles of cordage.
Ditto	Four hundred kegs of powder.
Ditto	Six hogsheads of rice, 14 hogsheads of 3 pipes each, made up, and 10 tuns not made up, to fill with palm-oil, 30 pipes of brandy, 25 quintals of biscuit, 22 barrels of beef, pork, fish, and other articles for ship's provisions.

(Signed)

THOMAS DE YURRE.

(Signed)

JOHN KNOWLES,  
*Translator.*

*Havana, 19th December, 1835.  
18th October, 1836.*

## Supplement B, No. 5.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 23, 1837.)*

MY LORD,

*Sierra Leone, 25th October, 1836.*

THE Spanish schooner "*Dos Hermanos*," alias "*Numero Dos*," one of the numerous slave-vessels belonging to the Port of St. Jago de Cuba, was, in consequence of being illegally equipped, detained in the River Nun on the 6th of March last, by the boats of His Majesty's brig "*Britomart*," Lieutenant Quin commanding, and arrived in this port for adjudication on the 15th of April last.

The Case of the "*Dos Hermanos*" was, in many respects, very like that of the "*General Mina*," which has been already reported under this date. Both vessels were detained at the same time and place, under similar circumstances, and by the same Officer; and both Prizes came up here without the necessary Declaration of the Seizor.

The Case in consequence came before the Court at the instance of the Claimant, in the same manner as that of the "*General Mina*" had done; and in the course of the proceedings in this instance similar objections were offered as to the legality of the mode in which the detention of the "*Dos Hermanos*" had been



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effected, which were ultimately as satisfactorily removed by the Seizor's explanations, as had been the case in respect to the "*General Mina.*"

Regarding the illegal fitting of the "*Dos Hermanos,*" no doubt could possibly exist after the perusal of the evidence which had been filed in the Case, and which proved that she came within the meaning of no less than 5 of the sections of the Equipment Article of the Treaty with Spain, and her condemnation was therefore decreed on the 3d instant.

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

By the Havana Commissioners' List it appears that the "*Dos Hermanos*" completed one successful slaving-voyage in September of last year.

We have, &c.

(Signed)

WALTER W. LEWIS.

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

H. D. CAMPBELL.

&c.

&c.

&c.

## Enclosure in Supplement B, No. 5.

*Report of the Case of the Spanish schooner "Dos Hermanos," alias "Numero Dos," José March, Master.*

THIS Spanish slave-vessel sailed from Saint Jago de Cuba on her outward voyage, and was the property of her late Master, a resident of that port. The following Papers were found on board the "*Dos Hermanos*" by the capturing Officer at the time of detention, all of which, with the exception of the Danish Passport, obtained at Saint Thomas's (West Indies), were granted by the Colonial Authorities of Saint Jago de Cuba, in the month of October 1835.

1. Provisional Passport.
2. Custom-house Papers relating to the cargo.
3. Muster-roll.
4. Bill of Health.
5. Danish Passport.
6. Bill of Sale.

From Saint Jago de Cuba the "*Dos Hermanos*" proceeded to the West Indian Island of Saint Thomas, where the shipping of a general cargo of merchandize adapted for the Slave Trade was completed. No papers, however, connected with this transaction of the voyage were given up; and the only clue for the discovery of this fact, independent of the admissions of the Master and Steward at a subsequent period, was the Danish Passport already mentioned. This vessel was next found anchored in the River Nun, in the Bight of Biafra, having landed a part of her cargo, and apparently engaged in some trade or other, which her Master alleges to have been barter for palm-oil. In this river the boats of His Majesty's brig "*Britomart*" visited and detained this vessel, on the 6th March, 1836, for having on board sundry articles of illegal equipment.

The "*Dos Hermanos*" arrived in this port on the 15th of the following month, and was, as is usual, reported by the Marshal.

The seizure of this vessel, like that of the "*General Mina,*" previously reported under this date, was accompanied by some acts of irregularity, one of which had the effect of delaying the proceedings of the Captor, on her arrival in this harbour, for a short period. Lieutenant Quin had omitted to send up the usual Declaration, detailing the facts and circumstances of the capture, and thus placed it out of the power of his Proctor to bring his prize under the notice of the Court in the regular form, and his application on this subject was in consequence withdrawn, intending to await the daily expected arrival here of Lieutenant Quin, in order that the deficient Document might be produced. In the mean time the Master appeared as Claimant for this vessel. On the 30th April the Claimant personally filed his Claim and Affidavit, and prayed, in addition, that a Monition might be issued against the Captor to proceed to adjudication; a form of practice recognized by the rules of the Court, and as such consented to.

The Proctor and Agent of Lieutenant Quin acted up to the practice adopted in the previous Case of the "*General Mina,*" and at once came forward on behalf of his Client, in answer to the Monition issued as abovementioned, and which was returned on the 14th May.

The detained vessel's papers, authenticated by the Prize Officer, were immediately brought into Court and filed by the Seizor's Proctor, at whose prayer the usual Monition went forth on the 14th May last, and the witnesses in preparatory were directed to be examined.

In order to have this Case in a distinct and clear shape we have reserved our account of the Claimant's defence of his vessel until we have given a summary of the Captor's proceedings against her, although some parts of those proceedings are not before those of the Claimant's in point of date.

Accordingly we insert here the Declaration of Lieutenant Quin, which he had omitted to forward by his prize, notwithstanding the filing of that document did not take place until the arrival of His Majesty's brig "*Britomart*" in this harbour, and which was subsequent to all the important proceedings had in the case. Its purport is, that the seizure of the "*Dos Hermanos*" was effected on the 6th March in 4° 10' north latitude, and 6° 15' east longitude, whilst under Spanish colours, and under the command of José March; that she was bound from Saint Jago de Cuba to the coast of Africa and back to the former place; and that she was provided with the undermentioned articles of illegal equipment, namely: 17 leaguers, a complete slave deck, hatchways fitted with gratings, and a considerable quantity of slave provisions.

A Report of Survey and Inspection made on the equipment of the "*Dos Hermanos*" was filed at the instance of the Captor on the 14th May. The sworn Surveyors declared therein that they found the main hatchway larger than usual, having its combings bored, and iron bars for the same, the fore hatchway with wooden and iron gratings, and a scuttle cut in the trunk with cross bars; a complete

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slave deck laid; one pair of shackles with forelocks; also a quantity of water more than sufficient for the crew, and an extraordinary number of water-casks for a vessel of her size; but not more provisions than required for the consumption of the crew.

José March, the Master, and Francisco Antonio Costa, the Steward of the detained vessel, were examined, on the standing and special interrogatories, on the 18th May, by the Registrar.

The Master deposed "That he was born at Barcelona, and has lived at Cuba for the last two years; has never served any state but Spain; is the owner, and appointed himself to the command; possession was delivered at Cuba in October last by Don Antonio Messa, the Agent of the former Owner; Messa is a Spanish subject, a merchant, and resident of Cuba; first saw the said vessel in Cuba in September last; does not know where she was built. Was on board at the time of capture; does not know for what reason the vessel was detained; had no colours except Spanish; the vessel's name is "*Dos Hermanos*," alias "*Numero Dos*;" has been so called since witness bought her, and knows of no other name; is sole Owner of both the vessel and cargo; was master on board. The present voyage commenced at Cuba, and was to have ended at Baltimore; Saint Thomas' (West Indies) was the last clearing port; from Cuba the vessel went to Saint Thomas', where goods, namely, cloth, powder, and muskets, were purchased and shipped, and, after staying about 18 days, the vessel proceeded to the River Nun for the purpose of trading in palm-oil; and about six weeks after her arrival she was captured. The capturing vessel was first seen outside the River Nun, three days after her boats had seized the "*Dos Hermanos*;" capture took place while the "*Dos Hermanos*" lay at anchor in the River Nun: there was no attempt made to escape; the vessel's papers were for Prince's Island, and it was witness's intention to have proceeded there after he had procured a sufficiency of palm oil on the coast. No resistance was made, there were no instructions to avoid capture, or to destroy or conceal any of the vessel's papers. There was a Bill of Sale from the former Owner, Francisco Morillo, to witness, and which is amongst the vessel's papers; the price was paid down in cash, and was a fair equivalent for the vessel, and the sale was a true one. He is the sole Lader, Owner, and Consignee of the cargo; the cargo now on board witness intended to have delivered at Prince's Island for his sole account and risk; knows nothing about the last voyage; the present cargo consists of powder, muskets, tobacco, and cloth; was taken direct to Sierra Leone after capture. The papers are entirely true and fair. No papers were destroyed, or concealed, or made away with. There are no papers in any country relating to the vessel or cargo, except those given up, and the vessel's log which he has on board, the same having never yet been required of him. (The log was subsequently filed in Court.) The vessel or cargo is not insured to his knowledge. Bulk was first broken in the River Nun."

In reply to the questions relative to the nature of the outfit of the "*Dos Hermanos*," José March further stated, that "the hatches are not fitted with open gratings. The combings of the hatchways are bored, and there are iron bars on board for the purpose of securing them; does not know the quantity. There are only the bulkheads of the cabin and fore-castle. There are about 50 spare planks on board; found them there when he bought the vessel; they are fitted for forming a lower deck, and are numbered. There is no part of a lower deck laid. There are no shackles, bolts, or handcuffs on board. There are eleven large and six small casks on board; there is no tank, nor any staves; the said casks were for palm-oil; cannot say how much they would contain if full; there were about 33 pipes of water on board at the time of capture. There were no mess-tubs or kids. There was no boiler on board. There was neither rice, flour, nor Indian corn on board."

The Steward's examination confirmed the testimony of the Master. There appeared, however, one point of difference, which consisted in his stating, that the "*Dos Hermanos*" went to Prince's Island, and there remained 4 days previous to going to the River Nun, the place of capture—a fact not elicited from the Master in his examination.

The usual monition was returned on the 23rd May by the Marshal, and publication of the Captor's Case granted on the following day.

The Claimant in his defence, as set forth in his claim and affidavit, had given rise to questions which involved some doubt as to the regularity of the original seizure, and rendered the Case, even at this stage of the proceedings, far from being complete.

The Affidavit of José March annexed to the Claim embraces fully the grounds upon which he impugned the legality of the detention of his vessel. It is in the following words:—

Appeared personally the said "José March, the Master of the said Schooner, and maketh oath, that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said schooner at the time of the capture thereof by His Majesty's brig 'Britomart,' Lieutenant William Henry Quin commanding, and that the said schooner was captured on the 8th day of March last, in the river Nun, in the prosecution of her voyage from Saint Jago de Cuba to Prince's Island, with a cargo of general merchandize, and brought to Sierra Leone. And he further maketh oath, that no person or persons, other than himself, was at the time of the said capture, and now is, the true, lawful, and sole owner and proprietor of the said schooner, her tackle, apparel, and furniture, and of the said cargo on board the same; and that he verily believes the said schooner and her cargo are protected by the Treaties or Conventions entered into between Great Britain and Spain for the abolition of the Slave Trade, signed at Madrid, on the 23rd September, 1817, and on the 23th June, 1835. And he further maketh oath, that the said schooner sailed from Saint Jago de Cuba on the 23rd day of October last, and at that time no official notice had been given of the promulgation of the last mentioned Treaty. And he further maketh oath, that the said Lieutenant William Henry Quin, the Commander aforesaid, did not show to the said Deponent, either at the seizure of the said schooner, or at any time afterwards, any Document which authorized him, the said commander, to search the said schooner, although the same is required to be produced by the said last mentioned Treaty; neither was the Deponent furnished with any Copy of the said Document from the Boarding-officer, who was an Officer of inferior rank, and not the Commander of His Majesty's said brig; neither was the Deponent furnished with any Certificate signed by the said Boarding-officer, stating his rank in the Royal Navy, the name of the Commander by whose order he proceeded to make the search, nor that of the cruiser in which he sailed, nor the object of the search. And the Deponent further maketh oath, that no person or persons, other than himself, have any right, title, or interest in the said schooner, her tackle, apparel, and furniture, and the goods, wares, and merchandize on board the same at the time of the seizure thereof;

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and that he is duly authorized to make the claim hereunto annexed; and that the same is a true and just claim; and that he shall be able to make due proof and specification thereof."

In the above Document the charge of irregularity is reduced to 3 distinct heads, namely, that no Instructions, or any Copy of the Treaty were exhibited at the time of seizure, to authorize that proceeding; that the capture was effected by an Officer of inferior rank, who was not regularly authenticated; and that no certificate was given, signed by the Boarding-officer, stating his rank in the Navy, the name of the Commander under whose orders the search was made, and the name of the vessel in which he "sailed."

The Proctor for the Captor, in refutation of these charges, filed 3 Affidavits, the first, that of Mr. Burslem, the Prize-officer on the 25th May, and the 2 others of the Captor and the original Boarding-officer, Mr. Cox, on the 24th September. The explanation contained in these Affidavits was perfectly satisfactory.

On the first Charge, that no Instructions, or Copy of the Treaty, were shown on the detention of the vessel: both Mr. Burslem and Mr. Cox state, that on the latter Officer's taking command of the boats to proceed up the river Nun, the necessary Instructions were left behind in the hurry and confusion of arming the boats, but that the Instructions were afterwards exhibited and explained to the Master by Lieutenant Quin himself, on the detained schooner coming up to His Majesty's brig "Britomart," at the entrance of the Nun.

As to the search and detention of the "*Dos Hermanos*" being made by an Officer of inferior rank, and not by the Commander of the detaining vessel, all 3 Affidavits admit the fact of Mr. Cox seizing the vessel in the first instance, but state in explanation that Lieutenant Quin, shortly after the detention, boarded the detained schooner on her reaching the mouth of the Nun, and then went through the forms required by the Fourth Article of the Treaty, a circumstance which must be considered as some qualification of the original informality.

The non-delivery of a Certificate, detailing the reasons which had led to the capture of the vessel, forms the last point of irregularity. Mr. Cox, the Boarding-officer, swears that a Certificate of the prescribed form was offered by him to the Master of the detained vessel, but that he declined accepting it. Lieutenant Quin also deposes, that he supplied the Master with the necessary Certificate.

The Claimant's Case was closed, and its publication decreed on the 24th September.

A Petition for a day of trial was presented by the Claimant's Proctor on the 30th September, and the 3rd instant was fixed for the adjudication of the "*Dos Hermanos*." Notice of this step was given to the Seizor, as his Proctor was not then before the Court.

The question of irregularity in the detention was the only one which could create doubt of an unfavourable nature as to the Captor's Case, and this point we conceived had received the most ample and satisfactory explanation. In the Report of the "*General Mina*," a case in many respects like the present, there was a similar question raised as to the legality of the detention, in which Report we have more fully given our reasons for not admitting that the deviations from the provisions of the Treaty complained of herein, could be viewed as invalidating the seizure. The Court at once acknowledged the conclusive character of the evidence brought forward to establish the illegal equipment of the detained vessel, as shown in the Report of the sworn Surveyors; and no lawful excuse, on the other hand, having been offered by the Claimant for such equipment, the Spanish schooner "*Dos Hermanos*" was condemned with her cargo as good prize to the crowns of Great Britain and Spain.

At an early stage of the proceedings in this Case, the Claimant made a demand that the Captor should at once pay to him the law-expenses incurred in bringing his vessel before the Court, and which had become imperative upon him through the Captor having neglected so to do within a reasonable time after the arrival here of the detained vessel. The decision of this point we reserved until the adjudication of the vessel, when it was disposed of in the manner we had treated a like question in the Case of the "*General Mina*," by our declaring that the neglect of the Captor had not appeared to us wilful, and that we would therefore look upon the demand as for unavoidable law costs, incurred in bringing this vessel before the Court, and hereafter deal with the application on this subject accordingly, as expressed in the "*General Mina's*" case.

(Signed)

WALTER W. LEWIS,  
H. D. CAMPBELL.

*Sierra Leone, 25th October, 1836.*

## Supplement B, No. 6.

*His Majesty's Commissioners to Viscount Palmerston.—(Rec. January 23, 1837.)*

MY LORD,

*Sierra Leone, 27th October, 1836.*

WE have the honour to inform your Lordship that his Majesty's brig "Charybdis," commanded by Lieutenant Samuel Mercer, captured the Spanish brig, "*El Mismo*," alias "*Centinella*," off Ambriz, on the 4th March, 1836, for having illegal fittings for the Slave Trade.

Our Report of this case, which embraces all the proceedings attendant upon the prosecution and condemnation of this vessel in the British and Spanish Mixed Court of Justice, is inclosed herein, for your Lordship's information.

No novel feature has presented itself to our observation in the trial of this Case, which bears the usual form of other similar ones which have been previously adjudicated under the 10th Article of the Treaty of the 28th June, 1835, and reported by us to your Lordship.

By the Returns from Havana it appears, that this vessel has been so successful as to complete no less than 3 slaving voyages between the 6th October, 1833,

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and the 15th October, 1835. In the December following she again sailed for the Coast, with the object of procuring another human cargo, when she was seized and ultimately condemned as above mentioned.

We have, &c.

(Signed)

WALTER W. LEWIS,  
WM. NORCOTT.

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

## Enclosure in Supplement B, No. 6.

Report of the Case of the Spanish Brig "*El Mismo*," alias "*Centinella*," José Pereyra, Master.

The brig "*El Mismo*" was one of that numerous class of slave-vessels which belong to, and regularly sail from, the port of Havana for the coast of Africa, ostensibly for lawful purposes. She took her departure from the Island of Cuba under the protection of the same papers generally found in the possession of Spanish slave-vessels which have been condemned for illegal acts of slave-trading by the Mixed Courts authorised to take cognizance of such matters. They consisted of—

1. Royal Passport.
2. Muster-roll.
3. Fort Pass; and
4. Custom-house Manifest.

By the above Papers it is shown that this vessel was bound to the Islands of Princes and St. Thomas. The Master, however, took no notice of this destination, on the plea of having received information from an American vessel that the trade at those islands was not good; but went direct to Ambriz, a port much frequented by slave-vessels, and commenced an ostensible trade in palm oil, ivory, gold dust, and skins. The "*Mismo*" had been at Ambriz only 20 days, when visited and detained by His Majesty's brig "*Charybdis*," Lieutenant Samuel Mercer commanding, on the 4th March, for having fittings for the Slave Trade.

The "*Mismo's*" arrival was reported by the Marshal on the 31st of the same month. Four days afterwards the Ship's Papers, properly authenticated, were filed with the captor's Declaration; the Court at the same time ordering the issue of the Monition, and the examination of the witnesses in the case.

Lieutenant Mercer states, in his Declaration, that the capture of the Spanish vessel "*El Mismo*," under the command of José Pereyra, took place off Ambriz, on the 4th March; and that at the time of detention the "*Mismo*" had on board shackles and bolts, an extraordinary number of water-casks, uncleared by the Customs, a great number of spare planks fitted for a slave-deck, part of them laid, and hatches with open gratings.

The sworn Report of Survey, usually made in equipment cases, is sufficiently explicit as to the illegal nature of the "*Mismo's*" outfit. The Surveyors, on their inspection, found the hatchways larger than usual, fitted with wooden gratings boarded over, and also iron bars for securing the same; numbered plank and scantling sufficient to form a slave-deck; 6 pairs of shackles and forelocks with 1 bolt; 32 water-casks, a number more than requisite for a vessel of her size, the greater part filled with fresh water; a cabouse larger than usual, and constructed so as to enlarge, with the cover of a large boiler; and a quantity of provisions, more than requisite for the use of the crew.

The Registrar examined the witnesses in preparatory, José Pereyra the Master, and Camilo Erraiz the Mate, on the customary interrogatories, on the 8th April.

José Pereyra deposed, that "he was born in Galicia, and has lived with his wife at Santander for the last 4 years; has never served any slate but Spain. Appointed himself to the command, being the owner of the vessel; possession was given to him at Havana last January twelvemonth, by the former owner, an American, whose name he does not recollect. First saw the said vessel at Havana, in the said month of January 1835; does not know where she was built. Was on board at the time of capture, but does not know for what reason the vessel was captured; had no colours but Spanish. She has been called, since January 1835, '*El Mismo*' alias '*Centinella*;' she had another name at the time he purchased her, but does not recollect it. Is the sole owner of both the vessel and cargo; was Master on board. Havana was the last clearing port, where the voyage commenced, and was to have ended at Charlestown or New York. From Havana the vessel went to Ambriz, for the purpose of trading for palm oil, ivory, gold dust, and skins; and about 20 days after his arrival was captured. First saw the capturing vessel at Ambriz; and capture took place whilst his vessel was lying at anchor off that place, on the 4th March; there was no chase, or attempt to escape; the Vessel's Papers were for St. Thomas' and Prince's Islands; but hearing from an American vessel that the trade at those places was not good, he went to Ambriz, as before stated. No resistance was made; there were no instructions to make any, or to destroy or to conceal any of the Vessel's Papers. There was a Bill of Sale from the former owner, whose name and those of the witnesses he does not recollect; it was executed at Havana (where it now is), in January 1835; the price was 3000 dollars, paid in cash; the sale was a true one; there was no private agreement to return the vessel. Is the sole owner, lader, and consignee of the cargo now on board; the goods witness intended to have landed at Ambriz, for his sole account. Her former voyage was from Havana to St. Thomas, under his command, with a general cargo of cloth, aguardiente, &c., which he exchanged for palm oil and ivory. The present cargo consists of some aguardiente and some iron bars; was taken direct to Sierra Leone after capture. All the papers are true and fair; no papers were destroyed, concealed, or made away with. Knows of no papers relating to the vessel or cargo, except the Bill of Sale aforesaid, and the Register (Manifest) which he delivers up. Neither the vessel nor cargo is insured."

In answer to the questions bearing upon the equipment of the detained vessel, the Master states that the "hatches are not fitted with open gratings. The combings of the hatchways are not bored. There is a small quantity of iron bars on board, round and square edged, but they are part of the cargo, and are not intended for securing the said hatches. There are only the bulkheads of the cabin and fore-castle. There are a few spare planks on board for the repairs of the vessel; some are numbered, for the purpose of forming a covering on deck for the rainy season. There is no part of a

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lower deck laid ; there were 6 pairs of shackles to keep the crew in order. He does not know what number of casks are on board, or the quantity of water they would contain ; there was no tank, nor staves ; there might have been 14 pipes of fresh water on board at the time of capture. There were 3 or 4 tin mess pans for the use of the crew ; there were only 2 very small copper boilers for the use of the crew ; there were 6 casks of rice, and 1 of flour, for the use of the crew, and a little maize for the fowls."

The Mate, Camilo Erraiz, confirmed the above evidence in a great measure, but had no knowledge of the ownership of the vessel and cargo.

Publication of the foregoing proceedings was decreed on the 9th April, and on the 14th the Marshal returned the Monition into Court.

José Pereyra presented a claim for his vessel on the 14th, which the Court rejected, on the ground of unnecessary delay in its presentment ; but again, on the 22nd, Pereyra attempted to explain the neglect in bringing forward the claim in question by pleading ignorance of the forms of Court—an excuse not deemed sufficiently strong to palliate the want of diligence on his part.

Whilst this vessel was awaiting its turn for adjudication, the Proctor for the seizer was suspended from the exercise of his functions for inexcusable conduct, and for which his name was ultimately struck off the list of practitioners in the Court. The suspension of the seizer's Proctor led to the "*Mismo*" not being tried quite so soon as it otherwise would have been, through the want of a legal representative of the seizer before the Court : the inconvenience arising from which was opportunely obviated by the arrival of the seizer himself, when the case was at once disposed of.

Had Lieutenant Mercer not come in here at the time he did, it was not our intention to have allowed the case of this vessel to stand over any longer than it had done ; and we would therefore have taken it into consideration at the first subsequent sitting of the Court.

The evidence herein detailed clearly proved that the detained vessel had infringed no less than 7 of the sections of the Equipment Article, for which infractions no lawful excuse had been tendered ; the condemnation and forfeiture of "*El Mismo*" was therefore decreed, on the 11th instant, by the British and Spanish Mixed Court of Justice.

(Signed)

WALTER W. LEWIS,  
WM. NORCOTT.*Sierra Leone, 27th October, 1836.*

## Supplement B, No. 7.

*His Majesty's Commissioners to Viscount Palmerston.—(Rec. January 23, 1837.)*

MY LORD,

*Sierra Leone, 27th October, 1836.*

WE have the honour herewith to inclose to your Lordship our Report of the Case of the Spanish schooner "*Famosa Primeira*," alias "*Tercera Numero Dos*," which vessel was found illegally equipped off the River St. Bartolomé, in the Bight of Biafra, on the 6th July last, by His Majesty's brigantine "*Buzard*," the Commander of which cruizer detained and sent the "*Famosa Primeira*" to Sierra Leone, where she arrived on the 22d of the same month.

Proceedings were immediately instituted against the detained vessel in the British and Spanish Mixed Court of Justice, by which the charge of her having been seized illegally equipped was clearly established, and her condemnation was therefore decreed on the 11th instant.

Mateo Moya, the Master, and alleged Owner of this vessel, was formerly second Mate of the condemned Portuguese slave schooner "*Nympha*," which schooner fired on the boats of the cruizer by which she was taken, His Majesty's brig "*Conflict*," and wounded many of the man-of-war's men. For this transaction they were sent to England in February, 1831, and were ultimately transferred to the Authorities at Lisbon, in order to their being tried and punished according to the Laws of Portugal, and which led, as Mateo Moya has privately stated in his Case, to 4 years' confinement. It would appear that the punishment inflicted by the Portuguese tribunal has had no good effect upon this desperate dealer in human flesh, as he must have lost not one moment, on regaining his liberty, in re-entering upon his nefarious employment.

We have, &amp;c.

(Signed)

WALTER W. LEWIS,  
WM. NORCOTT.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in Supplement B, No. 7.

Report of the Case of the Spanish Schooner "*Famosa Primeira*," alias "*Tercera Numero Dos*,"  
Mateo Moya, Master.

From the notorious slaving Port of Saint Jago de Cuba, the "*Famosa Primeira*," alias "*Tercera Numero Dos*," sailed, on the 20th March, 1836, for a voyage of lawful commerce to the Islands of Princes and Saint Thomas on the coast of Africa. The Ship's Papers, with which this vessel was furnished, are—

1. Provisional Passport.

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2. A Bill of Health.
3. Muster-roll.
4. Custom-house Papers.
5. Bill of Sale.

The whole of the outward cargo, however, does not appear to have been shipped at Cuba, as the vessel went straight to Danish Saint Thomas, and embarked a general assortment of merchandize calculated for the African Slave Trade; a practice which has latterly been frequently adopted by Spanish slavers. From this place the Master pursued a direct course to the Coast, intending, as he states, to have proceeded to Princes, after having first looked in at the notorious haunt of the Spanish slave-traders, the Bonny. On his way thither, the "*Famosa Primeira*" was anchored off the river Saint Bartolomé in the Bight of Biafra, where Lieutenant Campbell, of His Majesty's brigantine, "*Buzzard*," finding this vessel illegally equipped, detained her on the 6th July last, which was the morning after her arrival at that river.

The Marshal officially communicated to us the arrival of the "*Famosa Primeira*," on the 22nd July; and on the 25th the vessel's Papers, after due authentication, and the Captor's Declaration, were filed, the Monition issued, and the evidence in the Case directed to be taken.

By Lieutenant Campbell's Declaration it appears, that the "*Famosa Primeira*" was seized, on the 6th July, off the river Saint Bartolomé, whilst under Spanish colours, and commanded by Mateo Moya; that her destination was the river Bonny; and that she had on board, in the shape of illegal fittings, open hatches and iron bars for securing them, two sets of slave coppers, mess-tins, water-leaguers, and numbered planks for a slave deck.

The Report of Survey, filed on the 27th July, proves the allegations set forth in the above-mentioned Declaration, as to the illegal outfit of the detained vessel. The result of this investigation embraces the following points of unlawful equipment:—The main hatchway larger than usual, the after hatchway of the common size, but the combings of both bored, with bars for securing them; two additional scuttles with gratings were also cut in the deck; a quantity of numbered planks sufficient to form a slave-deck; there were five leaguers partly filled with water, and shakes to make nine more, which would be considered an extraordinary number of casks for a vessel of this size; twenty mess-kids were also found on board; and there was one large boiler for the cabouse, which was much larger than the ordinary size, and made to draw out to double its present size.

The examination of the two witnesses in preparatory on the usual Interrogatories took place on the 26th July.

The Master, Mateo Moya, deposed, that "he was born in Majorca, and has lived for the last 2 years at Saint Jago de Cuba; has never served any state but Spain; is the owner of the vessel, and appointed himself to the command; received possession at Saint Jago de Cuba on the 10th March, from Don Simon Friay, the former owner, a resident of Cuba, and a Spanish subject; first saw the said vessel in Cuba about 2 years ago; she was built in Cuba. Was present at the time of capture; does not know for what reason she was detained; had no colours but Spanish. The only name the vessel has been called by to his knowledge is "*Famosa Primeira*;" is 52 tons. Is the sole owner of the vessel, and of a third of the cargo, and the boatswain owns about one-twelfth of the latter; none of the other officers or mariners had any interest in either. The last clearing port was Saint Jago de Cuba; the present voyage commenced and was to have ended there; from Saint Jago the vessel went to Saint Thomas' (West Indies), where she lay 13 days, and shipped some provisions, cloth, tobacco, and muskets; and from thence proceeded towards Princes' Island, when having made land near the river Saint Bartolomé in the night, witness cast anchor there, and next morning, after having got under way, the British man-of-war made its appearance and capture took place. The capturing vessel was first seen at day-break on the 6th instant, off the Rio Saint Bartolomé, and capture took place about 8 o'clock the same morning; there was no chase, the vessels met; the Vessel's Papers were for Princes' Island, and witness intended to have proceeded there, after he had looked into the Bonny to see if he could make any trade. 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. There is a Bill of Sale from Don Simon Friay to witness, which he has on board, and will deliver up when required, but it has never yet been demanded from him; the price was 1730 dollars paid down; the sale was a true one; there was no private agreement; is the sole lader and consignee of the cargo, and owner of one-third of the same; the boatswain is owner of one-twelfth, and the proprietors of the remainder are persons residing in Cuba, whose names he is not acquainted with. The cargo was to have been disposed of on the Coast and Princes' Island, in exchange for any article witness might choose to purchase, and at the risk and for the benefit of the proprietors; knows nothing about the last voyage; the present cargo consists of cloth, tobacco, muskets, and aguardiente; was taken to Princes' Island, and thence to Sierra Leone after capture. All the Papers are true and fair. No papers were destroyed, concealed, or made away with. There are no papers in any country relating to the vessel or cargo except the Bill of Sale above-mentioned. He directed his agent, Francisco Sarret, to have the vessel insured for 1500 dollars, but does not know whether he has done so; does not know whether the cargo be insured or not; the vessel was under witness's management in regard to her trade."

To the Special Interrogatories the Master gave the following answers:—"The hatches are not fitted with open gratings. The combings of the hatchways were formerly bored, but the holes are plugged up; there are no iron bars, to witness's knowledge, intended or fit for securing the hatches. There is only the division of the fore-castle from the hold. There are some spare planks, does not know the quantity; they were on board when witness purchased the vessel; some are numbered and fitted for a lower deck. There is no part of a slave-deck laid. There were no shackles, bolts, or handcuffs. He does not know how many empty or water casks there may be; there is no tank; there are staves for about 13 casks; the whole of the casks on board are capable of containing about 15 pipes of water, which witness does not consider more than sufficient for the crew; there were about 4 pipes of fresh water on board at the time of capture. There were about 24 mess-tins on board, which he intended to sell on the Coast. There was 1 large iron boiler for boiling palm-oil. There were 11 bags of rice for the crew, and 2 barrels of flour for the ship's use."

The Mate, Gerardo Sanches, on being examined, confirmed the statements of the Master.

Publication of these proceedings was decreed on the 28th July, and the Marshal returned the Monition on the 2nd August.

SIERRA LEONE. (*Spain.*)

The court met for the trial of the "*Famosa Primeira*," alias "*Tercera Numero Dos*," on the 11th October, when, it appearing from the evidence read by the Registrar, that she was fitted with grated hatchways, a slave-deck, an extraordinary number of casks uncleared at the Customs, and with a boiler which could only be required for a cargo of human beings; and no reasonable excuse having been offered for such equipment, the Court condemned the Spanish schooner "*Famosa Primeira*" and her cargo, as good prize to the Crowns of Great Britain and Spain.

(Signed) WALTER W. LEWIS,  
WM. NORCOTT.

*Sierra Leone, 27th October, 1836.*

## Supplement B, No. 8.

*His Majesty's Commissioners to Viscount Palmerston.*—(Rec. January 23, 1837.)

MY LORD,

*Sierra Leone, 31st October, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 1st September last, inclosing a Copy of a Paper stated to contain the answers of Mr. Macaulay to certain questions connected with the Treaties on Slave Trade, which had been put to him by the Rear-Admiral on this station, and a Copy of the Opinion of His Majesty's Advocate-General upon the contents of that Paper.

In the Despatch alluded to, your Lordship is pleased to instruct us, that a Portuguese vessel, captured to the south of the Equator, although proved to have taken in Slaves to the northward of the Line, is not liable to condemnation; and that a Spanish vessel claiming to be Portuguese, but really Spanish, is liable to condemnation in the Mixed British and Spanish Court, if she have infringed the Treaty with Spain, notwithstanding her having colourably assumed a Portuguese character: and also that Spanish vessels may be lawfully detained and brought before the Mixed Court, if any one of the things enumerated in the 10th Article of the Treaty are found on board of them.

By these Instructions we shall strictly guide ourselves whenever Cases to which they are applicable come before us.

We have, &c.

(Signed)

WALTER W. LEWIS,  
H. D. CAMPBELL.

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

&c.

&c.

&c.

## Supplement B, No. 9.

*His Majesty's Commissioners to Viscount Palmerston.*—(Rec. January 23, 1837.)

MY LORD,

*Sierra Leone, 31st October, 1836.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch dated the 2d ultimo, transmitting for our information the Reports of His Majesty's Commissioners at Havana of the arrivals and departures of some slave-vessels at that Port for the 5 months ending on the 31st of last May, and also an extract of a Despatch from Mr. Acting Vice-Consul Merrill, of the Cape de Verde Islands, stating that many Spanish vessels have lately obtained Portuguese Papers and Colours at those Islands, under cover of which it is supposed that they purpose engaging in the Slave Trade.

In conformity with your Lordship's instructions, we shall not fail to make use of the information contained in the Documents above alluded to, whenever an opportunity offers for our so doing.

We beg leave respectfully to suggest for your Lordship's consideration whether advantage is not likely to be derived from the instructions of the Earl of Dudley to Mr. Consul Goodwin, under date of the 24th May, 1828, being acted up to by His Majesty's present Consul at the Cape de Verde Islands. The direction alluded to was, that Mr. Goodwin "would forward to His Majesty's Commissioners at Sierra Leone whatever accounts he might collect respecting the proceedings of slave-traders."

The Equipment Article of the late Treaty with Spain has driven numerous Spanish vessels to the Portuguese Colonies on this Coast, for the protection to be derived from a change, in most cases colourable, of their nationality. Two Cases of this description we had before us on the 22d instant, the Portuguese

SIERRA LEONE. (*Spain.*)

vessels "*Felix*" and "*Esperanza*," condemned for having full cargoes of slaves, and reported in our other Despatches of this date. These 2 vessels were under the Spanish Flag when they arrived at the Cape de Verde Islands in May and June last, where they were readily transferred to that of Portugal, a practice which will, in all probability, continue until Portugal concedes the Equipment Article.

The information which it will frequently be in the power of His Majesty's Consul at the Cape de Verde Islands to communicate to us, may, at this particular moment, prove of great importance in the execution of the duties with which we are intrusted.

There are constantly means of conveyance between the Islands and the British settlement in the Gambia, from which vessels to this Port are frequent.

We have, &c.

(Signed)

WALTER W. LEWIS,

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

H. D. CAMPBELL.

&c.

&c.

&c.

## Supplement B, No. 10.

*His Majesty's Commissioners to Viscount Palmerston.*—(*Rec. January 23, 1837.*)

MY LORD,

*Sierra Leone, 8th November, 1836.*

HIS Majesty's ship "*Thalia*," Robert Warchope, Esquire, Captain, in company with the brigantine-of-war "*Buzzard*," Lieutenant Patrick Campbell, detained on the 19th September last the Spanish schooner "*Atalaya*," of and from Havana, for having on board 118 Slaves, shipped the day previous in the river Bonny.

The "*Atalaya*" arrived here on the 18th ultimo, on which day proceedings were instituted against her, and her Slaves disembarked; and on the 25th, the day on which the Monition in this Case was returned into Court, a sentence of condemnation was passed upon this vessel, and the 88 surviving slaves of her cargo were emancipated from slavery.

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

Previous to the voyage in which the "*Atalaya*" was detained, she made one successful slaving trip to this Coast, as appears by the Reports of His Majesty's Commissioners at Havana.

We have, &c.

(Signed)

WALTER W. LEWIS,

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

H. D. CAMPBELL.

&c.

&c.

&c.

## Enclosure in Supplement B, No. 10.

Report of the Case of the Spanish Schooner "*Atalaya*," Agustin Sabat, Master.

The Spanish schooner "*Atalaya*" sailed from Havana in May 1836, provided with the undermentioned Papers for the protection of a professed voyage to Saint Thomas' on the coast of Africa:—

1. Royal Passport, No. 176, and dated the 5th October 1835, which had served a prior slaving voyage.
2. Muster-roll.
3. A printed copy of Marine Laws.

From Cuba the vessel proceeded direct to the River Bonny, where a traffic in human beings was immediately commenced, and successfully prosecuted, by the embarkation of 121 slaves from the shore. The "*Atalaya*," with the cargo in question, was retracing her course to Cuba, when she was discovered by His Majesty's ships "*Thalia*" and "*Buzzard*," respectively commanded by Captain Robert Warchope and Lieutenant Patrick Campbell. The wretched nature of her cargo led to her detention on the 19th September 1836, and she was then placed under the charge of a prize-crew for the purpose of being brought to Sierra Leone for trial.

The "*Atalaya*" arrived here on the 18th October, and was visited and reported by the Marshal and Surgeon to the Court. It appeared from the Surgeon's medical inspection that the general appearance of the slaves was not above mediocrity; that 25 deaths had taken place on the voyage to this port; and that there were 16 of the slaves afflicted with diseases common to the state of confinement to which they had been reduced. The Court, in consideration of the above statement, and in compliance with a Petition to land the slaves, directed their disembarkation on the same day. They were accordingly landed and handed over to the Colonial Authorities, pending adjudication.

The Captor's Proctor, without delay, commenced his prosecution against the detained vessel. On the 18th October the Ship's Papers and the Seizor's Declaration, duly authenticated, were filed in the Registry, the Monition issued, and the evidence directed to be taken.



SIERRA LEONE. (*Spain.*)

The allegations contained in the Declaration are, that the Spanish schooner "*Atalaya*" was detained on the 19th September, 1836, in latitude 4° 0' 3" north, and longitude 8° 0' 4" east, by His Majesty's ship "*Thalia*," in company with His Majesty's brigantine "*Buzzard*;" that her Master, Agustin Sabat, declared her to be bound from the Bonny to Havana; and that there were on board 119 slaves, said to have been shipped the day previous in the Bonny.

The Master of this vessel, Agustin Sabat, died the day after his arrival in this harbour. The witnesses in preparatory were, therefore, the Mate, Benito Bosch, and the Cook, Joaquin Mandiol, who underwent, on the 19th ultimo, examinations on the standing interrogatories.

The Mate deposed that "the Master's name was Agustin Sabat (he died this morning); has known him only since May last; he was born at Barcelona, and is unmarried. Does not know who appointed the said Master or gave him possession, or when or where he took the same; witness first saw the said vessel at Havana in May last; does not know where she was built. Was present when the vessel was captured for having slaves on board; had no colours but Spanish. The vessel was called "*Atalaya*;" knows of no other name. Has no interest himself, and believes none other of the Officers or mariners had any in either the vessel or cargo; was First Mate on board; there were 11 passengers, Spanish seamen, on board at the time of capture; does not know their names; they had been taken on board in the Bonny in August, for a passage to Havana, and had no interest or authority in regard to the vessel or cargo. The last clearing port was Havana, and the voyage began and was to have ended there; from thence proceeded direct to the Bonny, where slaves were purchased from the natives. First saw the capturing vessel close outside the Bonny bar about 3 P.M. on the 18th September, and capture took place at 7 A.M. on the following morning; the vessel was steering for Havana when first chased, and did not alter her course, but endeavoured if possible to escape. No resistance was made; there were no instructions to make any, or to escape capture, or to conceal or destroy any of the Vessel's Papers. He believes the Master was sole Owner of the vessel; has heard him say so, and knows of no other person. Knows nothing of any Bill of Sale, or the price paid for the vessel, and cannot say to whom she will belong if restored. Knows nothing of the lader, Owner, or consignee of the cargo; the Master was the only person he knows of as the shipper of the slaves; believes the slaves were to have been landed on the coast of Havana, but cannot say at whose risk, or to whom they will belong if restored. Knows nothing of the last voyage; the cargo from Havana was rum, tobacco, and cloth; the present cargo is slaves; 119 were taken on board altogether, all from the shore; does not know the descriptions; none died before capture, some have died since, but does not know how many; was taken direct to Sierra Leone. Believes the Papers to be entirely true and fair; no Papers were destroyed, concealed, or made away with to his knowledge. Knows of no Papers (besides those delivered up) in any country relating to the vessel or cargo; knows nothing of any Charter-party; is ignorant whether the vessel or cargo be insured; she was under the management of the Master in regard to her trade."

The Cook, Joaquin Mandiol, was examined on the same questions, and his evidence tended to confirm that of the Mate.

The Captor's Proctor, on the 19th ultimo, obtained publication of the above evidence; and on the same day an Affidavit of Mr. Colin G. Campbell, the Prize-Officer, was filed to prove the extent of mortality which had occurred amongst the slaves since seizure, by which it appeared that 26 deaths had taken place; in addition to which 5 of the slaves died after landing, pending adjudication.

The Marshal having returned the Monition into Court on the 25th ultimo, the Case of the Spanish schooner "*Atalaya*" was then adjudicated. The proved fact of slave-dealing could admit of no refutation, and the "*Atalaya*" was therefore condemned as good prize to the Crowns of Great Britain and Spain; and the survivors of the 118 slaves originally captured, in number 88, were, at the same time, liberated from slavery.

*Sierra Leone, 8th November, 1836.*

(Signed)

WALTER W. LEWIS,  
H. D. CAMPBELL.

## Supplement B, No. 11.

*His Majesty's Commissioners to Viscount Palmerston.—(Rec. January 23, 1837.)*

MY LORD,

*Sierra Leone, 10th November, 1836.*

THE Report which we have now the honour to enclose, for your Lordship's information, is that of the Spanish schooner "*Cantabra*," Pedro Miguel Delesquet, Master, captured by Lieutenant Samuel Mercer, of His Majesty's brig "*Charybdis*," on the 21st October, 1836, off Grand Bassa, for an infraction of the 10th Article of the Treaty of June, 1835.

The usual routine of prosecution was pursued in the British and Spanish Mixed Courts of Justice, and brought to a termination on the 7th instant, by the trial and condemnation of the detained vessel.

The Master, Delesquet, deserted his vessel on the approach of the man-of-war's boats, carrying away the Passport, Fort Pass, and Manifest. It is probable that he absented himself in order to avoid a protracted detention at this place, which would necessarily have followed had he been brought up as a witness in the Case; no inconvenience, however, has been the consequence, either of the absence of Delesquet's evidence, or of the non-production of the Ship's Papers alluded to, as the national character of the detained vessel was readily established by the Muster-roll found on board, and by the evidence of the First Mate and Boatswain.

SIERRA LEONE. (*Spain.*)

At the time of seizure of this vessel, her cargo of slaves wanted few of being complete.

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

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

## Enclosure in Supplement B, No. 11.

*Report of the Case of the Spanish schooner "Cantabra," Pedro Miguel Delesquet, Master.*

THE "Cantabra" was a vessel belonging to St. Jago de Cuba, which port she left about the latter end of March, 1836, and was, on the 21st October following, while sailing under Spanish colours off Grand Bassa, detained by His Majesty's brig "Charybdis," Lieutenant Samuel Mercer commanding, for having on board an illegal equipment. The Papers seized on board this vessel were only 2 in number; 1 an unaddressed printed copy of Spanish Navigation Laws, and the other a Muster-roll for the "Cantabra," dated St. Jago de Cuba, the 22d March, 1836.

The "Cantabra" was then despatched to Sierra Leone, in charge of a Prize-Officer and crew, which place she reached on the 26th ultimo. The Marshal announced her arrival and the circumstances of the capture to the Court on the same day.

No proceedings were taken in this Case until the 29th, when the Captor's Proctor, Mr. Savage, brought in a Petition, in compliance with the prayer of which he was allowed to file the Ship's Papers, which were duly authenticated, and the Declaration of Lieutenant Mercer. The usual Motion was issued, and the evidence of the witnesses ordered to be taken.

The Declaration of Lieutenant Mercer was, "That on the 21st day of October, 1836, being in or about latitude 5° 50' north, and longitude 9° 57' west, he detained the schooner named the 'Cantabra,' sailing under Spanish colours, commanded by Pedro Miguel Delesquet, who not being on board, the Mate, Meliton Bina, declared her to be bound from Cuba to Princes Island, on the Coast of Africa, having on board an unusual number of leaguers as water-casks (without any Certificate from the Custom-house), and a great quantity of water, more than sufficient for the crew of the vessel, and a slave-deck laid, in violation of the late Treaty of the 28th June, 1835."

The foregoing charge of illegal equipment was fully made out by the Report of 3 Surveyors, to whom a Commission was issued at the request of the Captor's Proctor.

The Surveyors stated, that "the main hatchway was not larger than usually seen on board merchant-vessels of her class, the combings of which were, however, pierced for the admission of cross-bars, but no bars were found. The after hatchway had been pierced with holes, in like manner to the main, but were now plugged up. A slave-deck was fitted and laid fore and aft. Eight leaguers and 21 smaller casks were found on board; in all, capable of containing 4,100 gallons of water, a quantity more than sufficient for the crew; an extraordinary number of water-casks for a vessel of her size. The mess-tins, 6 in number, were not deemed more than sufficient for the use of the crew. The cabouse was larger than usually seen on board merchant-vessels of her class; it was made to draw out behind, for fixing thereon a large boiler, but the boiler was not on board."

The Registrar examined, on the 31st ultimo, the witnesses produced, the Mate, Meliton Bina, and the Boatswain, Francisco Gavilan, on the standing and special interrogatories for equipment Cases.

The Mate deposed, that "the Master's name is Pedro Miguel Delesquet; has known him only about 7 or 8 months; believes he is a Frenchman by birth, and lives with his wife and family at St. Jago de Cuba. He does not know who appointed the said Master, or where or when he took possession; first saw the said vessel at St. Jago de Cuba in February last; does not know where she was built. He was on board at the time of capture; does not know for what reason the vessel was seized; had no colours but Spanish, except a signal flag. He has never heard of any other name for the vessel than 'Cantabra'; she is about 70 tons burthen, and had 18 Officers and mariners, exclusive of the Master, all Spaniards, except 3 or 4 Portugese mariners, all hired and shipped by the said Master, at St. Jago de Cuba, in March last. Neither he nor any other of the Officers or mariners had any interest in either the vessel or cargo. Was First Mate on board; there was no passenger except 1 krooman. The last clearing port was St. Jago de Cuba, and the voyage began and was to have ended there; from thence the vessel went towards Princes Island, but, being very leaky, was obliged to make the Coast a little to the south-west of Cape Mesurado, where she came to an anchor, and, after staying there some time, traded backwards and forwards along the Coast for rice, as far as Cape Palmas. He first saw the capturing vessel, in the afternoon of the 21st instant (October), off Grand Bassa, and capture took place the same evening; the captured vessel was steering towards Cape Palmas when first pursued; no additional sail was hoisted, nor was the course of the vessel altered. The Master, however, quitted the vessel in a canoe, on sight of the man-of-war, taking the vessel's Papers with him; these Papers were for Princes Island, and the reason the vessel did not go there was that she was too leaky. There was 1 gun mounted, 9 muskets, and a little ammunition; no resistance was made, there were no instructions to make any, or to avoid capture, or conceal or destroy the vessel's Papers. He believes the Master to be the Owner, has heard him say so; believes he lived at Martinique before he resided at Cuba. He knows nothing of any Bill of Sale, nor the price of the vessel; believes she will belong to the Master, if restored. He knows of no person in connexion with the cargo, except the said Master; the cargo now on board was to have been delivered at Cape Palmas, on account of the said Master; and, if it be restored, it will belong to him only; believes so, because the Master has so informed him. He knows nothing about the last voyage; the present cargo consists of a little tobacco, muskets, powder, iron pots, and iron bars. Was taken direct to Sierra Leone after capture. The Papers found on board were and are true. No Papers were destroyed; the Master took away with him the Patenta, Registro, and Contraseña. He knows of no other Papers relating to either vessel or cargo being in any country. He does not know if there was any Charter-party. He is ignorant whether the vessel or cargo be insured; the vessel was under the Master's management in regard to her trade. Bulk was first broken at Triton, near Grand Bassa."

SIERRA LEONE. (*Spain.*)

In answer to the questions as to the equipment of this vessel, the Mate stated, that "the hatchways were not fitted with open gratings. The combings of the hatchways were bored, but there were no iron bars intended or fit for securing the hatches. There were the divisions of the cabin and fore-castle only. There were no planks except those of the lower deck. There was a slave-deck laid fore and aft. There were no shackles, bolts, or handcuffs on board. He does not know the number of water-casks, or the quantity of water they would contain; there was no tank nor any staves. There were only 2 tin mess-pans. There was no copper or iron boiler on board. There was only about half a bag of rice for the use of the people."

Francisco Gavilan, the Boatswain of the detained vessel, corroborated the evidence given by the Mate.

On the 3d November, the Proctor for the Captor obtained publication in the Case; and on the 5th, the Marshal returned into Court the Monition which had issued on the 29th October.

The absence of all but 1 of the Official Papers belonging to this vessel, and the desertion of the Master immediately previous to the capture, might have created some difficulty in deciding upon the national character of this vessel, if the witnesses produced had given less clear and satisfactory evidence than they had done. They, however, at once admitted, that the only Ship's Paper found by the Seizor on board (the Muster-roll of the vessel) was an authentic Document, and belonging to the detained vessel; that the only colours they had on board were Spanish, and the vessel's name was "*Cantabra*." The Muster-roll contained the names of the witnesses who had been examined in the capacities they were found filling at the time of the schooner's detention, and clearly established her to be the Spanish vessel "*Cantabra*."

As to the breach committed by the detained vessel, of the 10th Article of the Treaty with Spain, the evidence gave conclusive proof; and the Court, therefore, at a sitting held for the adjudication of this vessel on the 7th instant, pronounced a sentence of condemnation upon the Spanish schooner "*Cantabra*," her cargo and equipment.

*Sierra Leone, 10th November, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

## Supplement B, No. 12.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 23, 1837.)*

MY LORD,

*Sierra Leone, 13th November, 1836.*

IN our Despatch, of the 10th August last, we reported to your Lordship that the Spanish schooner "*Josefa*" had been decreed by the British and Spanish Mixed Court of Justice to be restored to the Claimant of that vessel, together with her cargo and stores. This Decree was, to a certain extent, carried into execution; but the great deficiencies which had taken place in the cargo, whilst under the charge of Mr. Reid, the Prize-Master, placed there by the Commander of His Majesty's brig "*Curlew*," prevented that perfect restoration of vessel and cargo which had been directed.

The enclosed Copies of Affidavits, and the Lists therein referred to, will show to your Lordship the manner in which the cargo of the "*Josefa*" was originally taken account of, and also the mode in which the transfer of that cargo was made by the Seizor to the Claimant, as well as the particulars and estimated value of the deficiencies therein.

In consequence of the above circumstances, the Proctor and authenticated Agent of the Claimant of the "*Josefa*" appeared before the British and Spanish Court in the early part of last month with a Petition, supported by the 2 Affidavits herein enclosed, stating that the restoration decreed in this Case had not been completed, from the cause above assigned, and praying that such satisfaction might be made for the goods deficient, and in such manner as should seem meet to the Court.

Mr. Reid, whilst acting as Prize-Officer of the "*Josefa*," proved himself a man of very imprudent habits, which brought upon him the full effects of this climate, and which led to his demise not very long after his giving up charge of this vessel.

The Proctor for the Seizors of the "*Josefa*" admitted that the list of deficiencies in the cargo was correct, and that the prices affixed to the articles were at a very reasonable rate; but trusted that the Court would not pronounce that the losses which had taken place through the wilful neglect of the Prize-Officer, in the absence of the Seizors, and therefore under circumstances over which they had no control, ought to be made good by them.

To have exposed the Seizors to the liquidation of a demand like the present, for losses not arising out of any wilful neglect on their part, but entirely from the misconduct of the Prize-Master, whom they were necessitated to intrust with the custody of the property in question, and arising out of a seizure in which, as far

SIERRA LEONE. (*Spain.*)

as we are at present advised, the Seizors have no pecuniary interest, we considered would not have been equitable. Neither could we consider this demand as one which should be defrayed from the Prize-Fund provided by the 11th Article of the Treaty between Great Britain and Spain; inasmuch as the Claimant had failed to remove from the minds of the Commissioners the impresssion that he was *bonâ fide* on a slaving expedition, when illegally detained, and, therefore, could not be entitled to that peculiar consideration which is evidently contemplated by the said 11th Article for those only who may have innocently broken through the provisions of the Treaty. Had we entertained a different opinion to that just expressed, it would not have been practicable for us to have made an award from the Prize-Fund, in the absence of those Instructions which we have requested, in respect to that Fund, in our Despatch to your Lordship, No. 26, of the 17th March last.

Under these circumstances we thought it most advisable to direct that the said Petition, and Papers annexed to it, should be filed with the other Documents in the Case of the "*Josefa*," and to state in reply thereto, that we would report the circumstances to your Lordship, leaving it open to the Claimant to take such steps on the subject, through his own Government, or otherwise, as he might consider consistent with his interest.

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

(Signed)

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

Enclosure in Supplement B, No. 12.

*British and Spanish Mixed Court of Justice, Colony of Sierra Leone, schooner "Josefa," Claudio Alvarez, Claimant.*

(True Copy.

APPEARED personally William Henry Savage, who, being duly sworn, maketh oath and saith, that the Paper marked A is a true Copy of the original Inventory of the cargo of the said vessel, as delivered over to the Captors by this deponent, and lodged in Court after the death of Miguel Calvet, the late Master, Owner, and Claimant; and that the Paper marked B is a true copy of the deficiency, as found by John Charles Cathcart, and returned to this deponent, who delivered the original of the same to the Proctor for the Captors, and the same hath been consented to as to quantity; and that the several prices of each article also have been agreed to by the said Proctor and this deponent; and that the said prices are calculated on the average of the sales of like goods, of the same cargo, sold at public vendue; and that no satisfaction hath hitherto been made for the same, although repeatedly demanded.

The said William Henry Savage was duly sworn to the truth of this Affidavit, this 11th day of October, 1836.

Before me, (Signed) W. H. SAVAGE.  
(Signed) M. L. MELVILLE, Registrar.

*British and Spanish Mixed Court of Justice, Colony of Sierra Leone, schooner "Josefa," Claudio Alvarez, Claimant.*

APPEARED personally John Charles Cathcart, who, being duly sworn, says, that on or about the 16th day of August last, at the instance of William Henry Savage, Proctor on behalf of the Claimant for the "*Josefa*," deponent went on board and took an account of the cargo of the said vessel, on its being restored; and that an Officer belonging to His Majesty's brig-of-war "*Curlew*," Mr. Sturdie, also was present, and in like manner took an account of the same for a short time, and then left it to be completed by Mr. Reid, the Prize-Officer, on behalf of the Captors of the said vessel; and that the Document marked B contains a correct List of the goods deficient, as found by this deponent and the said Officer, as compared with the original Inventory taken, and signed by Messrs. Barker and Savage; and that the value of the said goods so deficient is calculated at the average price at which the same description of goods belonging to said vessel were sold at auction.

The said John Charles Cathcart was duly sworn to the truth of this Affidavit, this 12th day of October, 1836.

Before me, (Signed) JOHN CHARLES CATHCART.  
(Signed) M. L. MELVILLE, Registrar.

A.

*Inventory taken of the Cargo found on board the Spanish schooner "Josefa," Miguel Calvet, late Master, 18th February, 1836.*

C	27.	1 case,	51 pieces check, 20 pieces 15 yards each check.
			7 ditto shawl, 14 in each piece.
			2 ditto, 13 ditto.
			1 ditto, 11 ditto.
			1 ditto, 9 ditto.
M	30.	1 case,	45 ditto check, and 16 pieces handkerchiefs.
			13 ditto handkerchiefs.

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B	10.	1 bale,	blankets.
B	6.	1 ditto,	ditto.
B	9.	1 ditto,	ditto.
B	8.	1 ditto,	ditto.
		1 ditto,	red baize.
		1 ditto,	ditto.
	391.	1 case,	pullicat handkerchiefs, full.
H	31.	1 ditto,	32 pieces check.
Y	36.	1 ditto,	28 ditto printed cotton.
			24 Kilmarnock caps.
F	25.	1 case,	checks, full.
		1 box,	pipes.
	47.	1 case,	looking-glasses, full.
J	38.	1 ditto,	Madras handkerchiefs, full.
J	24.	1 ditto,	checks, full.
D	14.	1 bag,	28 pieces checks.
B	5.	1 ditto,	155 caps.
D	13.	1 ditto,	41 pieces blue check,
E	20.	1 case,	47 shirting check.
M	45.	1 ditto,	umbrellas, full.
	34.	1 bag,	33 pieces check.
B	7.	1 bale,	blankets.
D	15.		51 pieces check.
	16.	1 case,	striped calico, full.
	17.	1 ditto,	ginghams, full.
M	44.	1 ditto,	umbrellas, full.
			21 spear-pointed knives
Y	35.	1 ditto,	printed cottons, full.
C	26.	1 ditto,	checks, full.
G	18.	1 bale,	18 pieces white shirting
		1 ditto,	31 ditto.
		1 ditto,	34 pieces blue check.
M	29.	1 case,	32 ditto different coloured checks.
A	20.	1 bale,	45 ditto blue checks.
N	46.	1 case,	46 ditto.
		1 ditto,	tallow.
		15 cases,	Madeira wine.
		1 ditto,	with 10 bottles.
		$\frac{1}{4}$ pipe,	vinegar.
M	120.	$\frac{1}{4}$ ditto,	wine.
SL		$\frac{1}{4}$ ditto,	ditto.
		1 ditto,	ditto.
		1 ditto,	ditto.
		$\frac{1}{4}$ ditto,	vinegar.
		$\frac{1}{2}$ ditto,	rum, half full.
		$\frac{1}{2}$ ditto,	ditto, $\frac{1}{3}$ full.
		1 half-pipe,	ditto, full.
		1 ditto,	ditto.
		2 ditto,	wine.
		1 ditto,	ditto.
		1 ditto,	ditto.
		1 ditto,	ditto.
		1 wine pipe,	rum, 4 inches out.
		1 ditto,	ditto, ditto.
		1 ditto,	ditto, ditto.
		1 ditto,	ditto, 3 ditto.
		1 ditto,	ditto 5 ditto.
		1 ditto,	ditto, full.
		1 cask,	pork.
		1 ditto,	beef.
		$1\frac{1}{2}$ ditto,	white wine.
		2 casks,	beef.
		1 cask,	rum and water, mixed,
A		1 ditto,	rice.
		1 ditto,	rum.
		1 ditto,	wine.
		1 ditto,	pork.
		$\frac{1}{2}$ barrel,	beef.
		2 ditto,	rice.
		3 ditto,	ditto.
		1 ditto,	ditto.
		1 ditto,	beef.
		2 ditto,	wine, 14 gallons each.
		2 ditto,	beef.
		2 ditto,	beans.
		1 14-gallon keg,	rum.
		1 ditto,	rum (not examined).

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1 14-gallon keg,	rum, 16 gallons, 2 inches from full.
quarter-barrels,	powder, 91 in number, or 22 $\frac{3}{4}$ barrels.
45 pair,	leg-irons, loose.
1 coil,	rope, 2 inches.
1 ditto,	ditto, 2 $\frac{1}{2}$ .
3 jars,	sweet oil.
117	muskets.
145	cutlasses.

(*Damaged, to be sent on shore.*)

2 casks,	wine (1 since found to be rum and water).
1 ditto,	ale.
1 ditto,	flour.
1 ditto,	rice.
1 half-barrel,	salmon.
13 barrels,	bread.
2 boxes,	vermicelli.

(Signed.)

CHARLES BARKER,  
*Mate of His Majesty's brig "Curlew."*  
 W. H. SAVAGE,  
*On behalf of Claimant.*

B.

*Goods found deficient on board the Spanish schooner "Josefa," Miguel Calvet, late Master, 16th August, 1836.*

C 27	a case,	21 pieces	checks, out.
M 30	ditto,	45 ditto,	ditto, not on board.
H 31	ditto,	12 ditto,	ditto, out.
D 14	a bag,	28 ditto,	ditto.
	13 ditto,	41 ditto,	ditto.
	15 ditto,	10 ditto,	ditto.
F 20	a case,	47 ditto,	not on board.
C —	a bale,	34 ditto,	ditto.
M 29	a case,	2 ditto,	out.
A 20	a bale,	45 ditto,	not on board.
N 46	a case,	5 ditto,	out.

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Deduct found in D 17	Pcs.
a case gingham,	14
In a box "Captain's,"	21
—	35

	£.	s.	d.
255 pieces deficient; average of sale, at 8s. 6d. per piece	108	7	6
1 ditto shawl, out of C 27	2	12	0
7 ditto printed cotton, out of Y 36, at 4s. 4d. per piece	1	10	4
24 caps, out of Y 36, 8d.	0	16	0
19 ditto, out of B 5, 8d.	0	12	8
6 cases Madeira wine, at 15s. 6d.	4	13	0
9 cutlasses, 6d.	0	4	6
4 $\frac{1}{2}$ barrels powder, average 7d.	1	8	0
A large quantity of rum, 100 gallons, at 1s. 1d.	5	8	4
	£125	12	4

I am ready to swear to the correctness of the above statement, if required.

(Signed) JOHN CHARLES CATHCART.

Supplement B, No. 13.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 3, 1837.)*

MY LORD,

*Sierra Leone, 8th December, 1836.*

WE had the honour of receiving, on the 27th ultimo, your Lordship's Despatch of the 3d September last, informing us that it had appeared to His Majesty's Government that, under the circumstances stated in our Despatch to your Lordship of the 5th May last, the vessels therein mentioned by us ought not to have been permitted to clear out and quit this port, with some of the Officers and crews of the Spanish slave-ships, then lying here awaiting adjudication, on board as passengers; and that His Majesty's Secretary of State for the Colonies would accordingly instruct the Governor not to permit such transactions in future.

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We communicated this Despatch of your Lordship to the Lieutenant-Governor, who acquainted us that he had received from Lord Glenelg the Instructions to which your Lordship has alluded.

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

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

## Supplement B, No. 14.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 3, 1837.)*

MY LORD,

*Sierra Leone, 8th December, 1836.*

WE beg leave to acknowledge the receipt of your Lordship's Despatch, of the 12th October last, respecting the mode adopted by us for breaking up slave-vessels condemned under the Treaty with Spain of the 28th June, 1835; and forwarding Copy of a communication from the Board of Trade, stating that the Collector of Customs here will be informed that ships, in the building of which the materials of condemned slave-vessels may be used, are not disqualified from receiving the privileges of British Registry, provided such vessels are not a mere reconstruction of former ones, in the same, or essentially the same form as before.

In compliance with your Lordship's Instructions, we shall adopt more effectual measures for breaking up the hulls of condemned slave-vessels than merely sawing them, as heretofore, in two parts; and which will render it utterly impossible that the materials of any such vessel can be again put together in the same form as before.

We shall be enabled to prescribe a mode to the Marshal of the Court, for his guidance on this subject, so soon as we shall have had the advantage of seeing our proposed plan carried into effect upon 1 vessel; immediately after which we shall report to your Lordship the mode pursued, and of which we trust your Lordship will approve.

In respect to the vessels dismantled and sawn in two under the previous method, we beg leave to state to your Lordship, that the object of the Treaty, in regard to the breaking up of such vessels, has been fully effected; as, in every instance, the entire breaking up of the halves of the hulls by their purchasers has taken place.

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

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

## Supplement B, No. 15.

*His Majesty's Commissioners to Viscount Palmerston.—(Received March 13, 1837.)*

MY LORD,

*Sierra Leone, 21st December, 1836.*

WE have the honour of acquainting your Lordship, that Lieutenant Glasse, commanding His Majesty's brig "Rolla," seized, on the 21st ultimo, the Spanish schooner "*Luisita*," whilst lying at anchor in the River Sherbro, on account of her being unlawfully equipped; and that charge having been fully made out before the Mixed British and Spanish Court of Justice established here, a sentence of condemnation was passed upon that vessel and her cargo on the 16th instant.

Our Report of this Case is herewith transmitted for your Lordship's consideration.

In this Case your Lordship will observe, that an effort has been made to evade the 1st Section of the Equipment Article, by having the open wooden gratings with which the hatches were fitted boarded over, and which, it was very strongly urged on behalf of the Claimant, should be considered by the Court as rendering them equal to close hatches. This reading of the Equipment Article, we distinctly stated, was in opposition to the construction put upon it by the Court; and one calculated only to serve the purposes of those who desired to infringe the provisions of the Treaty.

This very palpable attempt at evasion we should not have so particularly alluded

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to, but from its having formed one of the chief grounds on which the Court was moved, at the suit of the Claimant, to refuse the condemnation of the vessel.

Among the Official Papers of the "*Luisita*" was found a Certificate (Copy of which is contained in the Report of the Case), respecting the extra quantity of water-casks which had been embarked in this vessel, and which Certificate the Claimant wished the Court to receive, as the description of Document pointed out by the 6th Section of the Equipment Article of the Treaty, as granting authority for carrying such extra water-casks. The Document in question, however, merely certifying with respect to the employment of these casks that, "on the vessel's return they were to be filled with palm-oil," without even alluding to any security having been taken for their lawful employment, as is required by the Treaty, we declined acknowledging this Certificate as affording proof of the security alluded to having been given, and which appears to be the only object for which such a Certificate should be asked by the Owners of vessels, or granted by the Spanish Custom-house Authorities.

With every desire to entertain the Official Paper alluded to with that respect which, as a formal public Document of the Government of Havana, we considered it should be received, we could not, however, look upon it as proving a circumstance, to which it did not even contain an allusion.

In our Despatch to your Lordship, of the 25th October last, reporting the condemnation of the Spanish schooner "*General Mina*," we transmitted a Certificate, which had been granted at Havana for the extra casks carried in that vessel, and which, though not as expressive as we were of opinion was required by the Treaty, and as would have been satisfactory, was nevertheless a much more perfect Document than the one issued in this instance. It is much to be desired, that a form of Certificate, framed in the spirit and meaning of the Equipment Article, should be adopted by the Spanish Custom-house Authorities, as has been done by His Majesty's Commissioners of Customs, and which being communicated would at once enable the Courts to decide upon the degree of authenticity, which should attach to the various Documents, apparently authorizing the carrying of extra casks, which might hereafter be produced by the Masters of Spanish vessels brought before us.

In addition to these two contested points of the "*Luisita's*" equipment, there were two others, that did not admit of dispute, namely, her having more than double as many mess-tins as were needful for the use of the crew, and a large quantity of rice, peas, and beans, not required by the crew, for whom there was sufficient bread on board for 45 days, and which provisions were not entered for sale in the Manifest of the cargo. The Master of this vessel having failed in establishing that, when detained, she was employed in some legal traffic, the condemnation of her took place for illegal equipment, as previously stated.

The Master, who is the alleged Owner of this vessel, states, that he purchased her lately from a Spaniard at Havana, of the name of José Muxnach, and that the voyage began and was to have ended at that port. From Havana the "*Luisita*" went to the Cape de Verde Islands, where she was met by the capturing vessel, and to which port she had gone, as the Commander of the "*Rolla*" learned from the Master of the "*Luisita*," at the time of her detention, to change her nationality to Portuguese, but in which attempt the Master declared he had been unsuccessful.

This statement of the Master is no doubt correct, as he was the individual who effected the transference at the Cape de Verdes on the 7th January, 1836, of the schooner "*Victoria*" from the flag of Spain to that of Portugal, and which appears in our Despatch to your Lordship of the 6th December, No. 120.

The "*Luisita*" has been rather a successful slaver, as it appears by the Havana lists, that she accomplished one voyage between February and August of 1835; that she departed for a second on the 29th October of that year, her return from which must have been successful, but which has not been stated, and left Havana for a third, and, as it proved ultimately, a final trip to this Coast on the 6th June last.

We have, &c.

(Signed)

WALTER W. LEWIS.

H. D. CAMPBELL.

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

&c.

&c.

&c.



SIERRA LEONE. (*Spain.*)

## Enclosure in Supplement B, No. 15.

Report of the Case of the Spanish schooner "*Luisita*," alias "*Lusiita*," Manuel Tort y Esclus, Master.

The "*Luisita*" alias "*Lusiita*" was a vessel belonging to the port of Havana, from which she sailed in June last, provided with the Papers hereunder mentioned:—

1. Royal Passport, No. 42, dated Havana, the 23rd June, 1834, when she was destined for St. Thomas, *viâ* Bahía, under the command of Antonio Estevan. This document is endorsed in favour of three other Masters, in as many different voyages for St. Thomas—namely, for Juan Pujol, on the 6th February, 1835; José Maria Esteran, on the 26th October, 1835; Manuel Tort y Esclus, on the 6th June, 1836.

2. Fort Pass.

3. Custom-house Clearance.

4. Certificate from the Accountant-General of the Customs at Havana, as to the extra water-casks shipped in this vessel. This Paper has been authenticated by the British Consul at Havana.

5. Muster-roll.

6. Log-book of the voyage from Havana to the river Sherbro.

This vessel was found by the Commander of His Majesty's brig "*Rolla*," in that notorious slaving mart the river Sherbro; and in consequence of her being, in that officer's opinion, unlawfully equipped, he detained and sent her to Sierra Leone for adjudication.

The "*Luisita*" arrived here on the 27th ultimo, and was reported in the usual manner by the Marshal to the Court.

Proceedings were on the following day instituted against this vessel, in the British and Spanish Mixed Court, when the captor's Declaration in the case, with the Ship's Papers, authenticated by the Prize-officer's affidavit, were filed, the usual monition sent forth, and the witnesses in preparatory produced for examination.

The Declaration of the captor is to the following effect:—

"I, Frederick H. H. Glass, Lieutenant and Commander of His Britannic Majesty's brig "*Rolla*," hereby declare, that on the 21st day of November, 1836, being in the river Sherbro, I detained the ship or vessel named the schooner "*Luisita*," sailing under Spanish colours, armed with no guns; commanded by José Guillem, Mate, who declared her to be bound from Havana to St. Thomas and Princes Islands, with a crew consisting of 13 men and 1 boy; and that I have detained her under the Spanish Treaty of the 28th June, 1835, in consequence of her hatchways being fitted with open gratings, and having too many water-casks, &c."

In support of the seizor's case, a Commission of Survey of this vessel went forth, the Report under which was made on oath, on the 29th ultimo, and was in substance as follows:—

That the hatchways are larger than usual, fitted with hatches of wooden grating, but now boarded over; the coamings of the main hatchway being pierced with holes for the admission of iron bars. There were also 4 scuttles cut in the deck, which are now planked over; that there were 2 bulkheads, 1 of them an open one; that there were 15 pieces of plank, not sufficient to form a slave-deck, but apparently intended for the repairs of the vessel. Cleats were found nailed fore and aft each side of the hold, for the slave-deck beams to rest upon. No shackles were found. There were 32 water-casks, capable of containing about 8,600 gallons of liquid, part of them filled with fresh water, the quantity of which could not be ascertained without displacing the cargo; the number of casks was greater than what was required for a vessel of her size. There were 9 mess-tins found, 4 of which were sufficient for the crew; the whole number of mess-tins, therefore, was greater than was required. The cabouse was not larger than usual, but constructed so as to draw out and enlarge. And that there were 40 bushels of rice, and 12 of beans, peas, and calavañces, which was more than sufficient for the crew, as there were 15 bags of bread on board—a quantity enough to last them 45 days.

The witnesses produced by the captor were, Manuel Tort y Esclus the Master, and José Guillem the Mate, who were on the 30th ultimo examined by the Registrar.

In reply to the standing interrogatories, the Master deposed, that "he was born at Barcelona; has lived at Havana for the last 2 years; has never served any state but Spain. Was appointed to the command by himself, being the owner; possession was given to him at Havana, about 9 months ago, by the former owner, José Maxuach, a resident at that place, and a Spanish subject. First saw the said vessel there a few days previous to taking possession; she was built in North America. Was not on board at the time of capture; does not know for what reason his vessel was seized; sailed under Spanish colours, and had no others. Her name is '*Luisita*' alias '*Gangil*;' knows of no other name. She is about 70 tons, and had 24 officers and marines, exclusive of witness, all Spaniards, hired and shipped at Havana by witness in May last. Is sole owner of both vessel and her cargo. The last clearing port was Havana, and the voyage began and was to have ended there; from thence the vessel proceeded to St. Jago, Cape Verdes, where she remained about a month (a delay occasioned by witness being ill), and from thence proceeded down the coast, anchored at Galinas for about 2 days, and from that went to Sherbro, where he was trading with the natives for camwood and palm-oil, when capture took place; did not see the capturing vessel until she arrived at Sierra Leone, 5 days after seizure. Capture took place whilst his vessel was at anchor in the Sherbro, about 11 days ago; witness's papers were for Princes Island and St. Thomas, but he wished to trade along the coast on his way there. There were no instructions to resist or avoid capture. Lived at Barcelona before he resided at Havana. There was a Bill of Sale from the former owner, dated at Havana, about 7 months ago; does not remember the witness's names; the said Bill of Sale is in the Sherbro, in the care of one of his officers, Bernardino Canaves; the price was 2,000 dollars; all was paid in cash; there was no private agreement. There is no person connected with the cargo in any way besides himself; he is sole owner; and intended disposing of the cargo on the coast for camwood, palm-oil, and ivory. Knows nothing of the last voyage. The present cargo consists of tobacco, cloth, rum, muskets, and powder. Believes his vessel was taken direct to Sierra Leone. All the Papers are true and fair. No Papers have been destroyed, concealed, or made away with. Knows of no other Papers (except the Bill of Sale) in any country relating to the vessel or cargo. There was no charter party."

To the special interrogatories respecting the equipment of the vessel, the Master's answers were,

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that the hatches were fitted with open wood gratings, but on his purchasing the vessel he had them boarded over; the combings of the hatchways were bored, but on his becoming Owner of the vessel, he had the holes plugged up, not being able to afford the expense of new combings; there are no iron bars and bolts on board, except flat bars for trade; there are no divisions, except those of the fore-castle and cabin. There are about 12 short pieces of plank, about 6 feet each in length, for necessary repairs, and are not fitted or numbered in any manner. There is no part of a slave-deck laid; there are no shackles, bolts, or handcuffs on board. Does not recollect the number of his empty or water-casks, but they are all cleared at the Custom-house at Havana, and bond was given there; does not know how much water they would contain, or the quantity of fresh water on board at the time of capture. There were no mess-tubs or kids on board; there was no iron or copper boiler; there were 15 or 16 small bags of rice for the use of the crew."

The Mate confirmed in every way the Master's testimony, excepting only as to the Bill of Sale of the vessel, of which he declared he knew nothing.

Publication was granted in the Case on the 2d December, at the petition of the Captor's Proctor.

On the 30th ultimo the Master brought in a claim for this vessel, which was allowed to be filed. The affidavit annexed thereto embraces the substance of the claim, and states the grounds upon which the Master rested the defence of his vessel, and we have therefore here transcribed it.

"Appeared personally the said Manuel Tort y Esclus, the Master and Owner of the schooner or vessel, and maketh oath that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said schooner or vessel at the time of the capture and seizure thereof by His Britannic Majesty's brig-of-war 'Rolla,' F. H. H. Glasse, Lieutenant and Commander; and that the said schooner was seized and detained on the 21st day of this present month of November, while lying at anchor in the river Sherbro, in the prosecution of her voyage from Havana along the coast of Africa, with a general assorted cargo of merchandize on board. And he further maketh oath, that he himself, the deponent, a subject of Her Catholic Majesty, was, at the time of the said seizure and detention, the true and lawful owner and proprietor of the said schooner or vessel, her tackle, apparel, and furniture, and of the cargo laden on board the same; and the deponent further maketh oath, that he verily believes the said schooner or vessel, and her cargo, are protected by the Treaty or Convention between His Britannic Majesty and Her Catholic Majesty, bearing date the 28th day of June, in the year of our Lord 1835; and deponent further maketh oath, that at the time of the seizure and detention of the said schooner or vessel he was absent on shore a considerable distance within the country, seeking to make trade; and that José Guillem was left by deponent in charge of the said vessel. And he further maketh oath, that no person or persons other than himself the deponent have any right, title, or interest in the said schooner or vessel, called the '*Luisita*,' her tackle, apparel, and furniture, and the goods, wares, and merchandize laden on board the same, at the time of the said seizure and detention thereof; and that he is duly authorized to make the claim hereunto annexed, and that the same is a true and just claim, and that he shall be able to make due proof and specification thereof."

The Proctor for the Claimant, on the 6th instant, presented some Special Interrogatories, which he prayed might be put to the Master, and to the Cook of the vessel, Bernardo Castillo, and which was ordered.

On the examination of the Master, his replies to the special questions were chiefly a repetition of what he had stated on his examination in chief. We extract that part which gave further information:—

"Did not hear of the capture until 2 days after that occurrence; and so soon as he had learnt of it, he hired a canoe, and followed his vessel to Sierra Leone. The planking over the gratings, and the plugging up of the holes in the combings, were done by a carpenter, by witness's orders. The same was done at Havana; and because witness had heard that, if such things were found on board his vessel on the coast, they would render her liable to be suspected of slave-trading, and consequently subject her to detention by the men-of-war. Security was given at the clearing port, in the sum of 1,500 dollars, that the extra casks should be used for lawful purposes. The person who gave that security was Don Juan Asquez, a Spanish merchant residing at Havana. He is aware that his coppers can draw out and be enlarged; but having bought the coppers with the vessel, he was totally ignorant of that fact until it was pointed out by the Commissioners of Survey, a few days ago."

Nothing could be elicited from the Cook, Bernardo Castillo, as he had only been shipped in the Sherbro, and appeared ignorant of all matters connected with the vessel and her voyage.

The Claimant obtained publication of his Case on the 10th instant, closing it with the evidence recapitulated.

The Monition, issued on the 28th November, was returned on the 6th instant. A joint petition for a day of trial was presented on the 10th, and the 16th following was the time appointed by the Court for the adjudication of the "*Luisita*," when, after the reading of the evidence, the Proctors on both sides were heard by the Court.

The Captor's Proctor argued, that the grated hatches of this vessel having been boarded over was an evident attempt at evasion, which he relied on the Court for treating as it deserved, and which he felt satisfied would be pronounced, as not placing the detained vessel beyond the operation of the first section of the Equipment Article of the Treaty. The Certificate as to the water-casks shipped in this vessel he urged was not a regular, proper, or satisfactory document; and he felt convinced that the Court would decline to receive it as a sufficient authority for lawfully carrying the extra number of casks found in this vessel. The schooner having, as appeared in evidence, a greater number of mess-tins on board than were requisite for the use of her crew as a merchant-vessel, and a quantity of slave provisions which had not been entered on the Manifest as part of the cargo of the vessel, formed, when looked at in connexion with the improper quantity of water-casks, and the prohibited fittings of her hatches, so strong a case against the "*Luisita*" of unlawful equipment at the time of detention, as to make him confident of the condemnation of this vessel.

The Proctor for the Claimant replied, that it would only be a fair and reasonable interpretation of the Treaty to consider open-grated hatches, which were substantially boarded over, as had been the case in this instance, as close hatches within the meaning of the Treaty; that the Certificate which had been found on board of the detained vessel respecting the number of water-casks embarked in her, the Proctor contended, ought to be received as a sufficient authority for those casks being carried; and

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that the mere fact of such a Certificate having been granted was to be received as proof that the requisite security had been taken for the lawful employment of those casks, agreeably to the terms of the Treaty. The extra mess-tins found on board, he argued, ought to be looked upon as no more than were indispensable to provide for the casualties which might take place during a long voyage in articles of such constant use; and that it was necessary that the spare casks on board should have been filled with fresh water, to keep them from falling to pieces, salt water not being proper to use for such a purpose, as it would have rendered the casks unfit for other uses. After observing that the rice, peas, and beans found on board had been shipped for the use of the crew only, he submitted that the charge of illegal equipment had not been made out, and therefore prayed the Court to restore the "*Luisita*" to the Claimant.

In giving judgment in this Case the Court first referred to the proof afforded by the Surveyor's Report of the state of the detained vessel in respect to her hatchways, which those officers state they found to be larger than usually seen in merchant-vessels of her class, and fitted with hatches of wooden gratings, which were boarded over, and that the combings of the main hatchway had been bored for hatchway bars, but these holes were now plugged up. The Master's explanation of these circumstances was, that he had caused to be boarded over the wooden gratings for the hatches of this vessel immediately after he became Owner of her, having heard that if "such things were found on board of his vessel on the coast they would render her liable to be suspected of slave-trading, and consequently subject her to detention." At the same time he had caused to be plugged up the bar-holes in the combings of the main hatchway of the vessel; a plan which he declared he adopted from being unable to afford the expense of putting in new combings.

The improbability of such a statement we thought was evident on the face of it, and particularly so when it was remembered that the Master had admitted himself to have been aware, when thus fitting his vessel out, of the consequences of such unlawful equipment as that alluded to. We could not believe it reasonable that an Owner, knowing so well as the Master and Owner of this vessel did the risk of being doubtfully equipped when trading on this coast, would, for the value of new close hatches and partially new combings to his main hatchway, which would not have cost him more than about £5, have exposed his vessel to liability to capture. If, however, we could have granted full credence to the Master's explanation of wishing to avoid expenses in equipping his vessel, we thought that it could not be received as a sufficient excuse for his having knowingly fitted out his vessel in an illegal manner. The boarding over of open wooden gratings for hatchways, and the plugging up of bar-holes in the combings of a hatchway, which holes could only have been made for fixing an iron grating in for the confinement of slaves, were evidently attempts to evade the provisions of the Equipment Article of the Treaty; as the removal of the boards and plugs, which would only occupy a few minutes, would convert the hatches at once into the open hatches required by the slave-trader, and denounced by the Treaty. Under the circumstances alluded to we therefore gave our opinion that the fittings of the hatches of this vessel brought her fairly and fully within the operation of the 1st section of the Equipment Article of the Treaty.

The evidence in the Case further proved that the "*Luisita*" had on board an extraordinary number of water-casks for a vessel of her class. Respecting these water-casks the Master deposed that "security was given at the clearing port, in the sum of 1,500 dollars, that the extra water-casks should be used for lawful purposes;" and also that such security was given by one "Juan Asquez, a Spanish merchant residing in Havana." In support of this statement there was tendered a Certificate from the Accountant-General of the Customs at Havana, stating that there had been embarked in this vessel—

"Six tuns with water.

"Four large casks with ditto.

"Two tuns not made up (in staves)."

With respect to the employment of the casks alluded to, the Certificate uses these words:—"Those embarked full with the indicated goods, on the vessel's return to fill with palm-oil." Adding that, in order to make this intention evident, the Certificate had been granted.

It was clear, therefore, that the document in question (of the translation of which we have subjoined a copy) was intended to obtain for this vessel the protection which is derivable from a Certificate issued under, and in conformity with, the provisions of the 6th section of the 10th Article of the Treaty, and which this document was alleged by the Claimant to have been.

On a reference to that part of the Treaty mentioned, it is observable that the Certificate belonging to the "*Luisita*" is deficient of the information which it should have contained as to the security which the Treaty directs shall be given by the Owner of a vessel shipping more water-casks than are required for the use of the crew, and which is not even alluded to in this document. The Master and ostensible Owner had, however, sworn, as before mentioned, that the requisite security was given by one "Juan Asquez, a Spanish merchant residing in Havana." If any security, therefore, had been taken by the Authorities at Havana, of which we had received no satisfactory proof, it appeared not to have been of the kind directed by the Treaty, and could not consequently be considered as granting the privilege which a strict compliance with the terms of the 6th section of the Equipment Article would have secured. Indeed, the Treaty seems to contemplate that the sole object of granting the Certificate above alluded to is to testify, in an indisputable manner, that proper security had been given by the Owner of a vessel in which an extra quantity of water-casks, or other vessels for holding liquid, may have been embarked; and as this object was not either expressed or implied in the said Certificate, we could not receive it in the light in which it had been tendered to us, although willing to give it the most liberal construction to which, as a formal and official document of the Government of Havana, it might appear to have been entitled.

It was also in evidence that the "*Luisita*" had double as many mess-tins as were requisite for the use of her crew; a supply which we could not consider with the Claimant's Proctor was necessary to provide for the losses and damage which might be supposed to arise from the constant use of such articles during a long voyage. In addition to the foregoing articles of unlawful equipment, there were on board 52 bushels of rice, beans, and peas more than the crew of this vessel could need, there being 45 days' bread for them on board. As these provisions had not been entered on the Manifest as part of the cargo for trade, and not being able to credit the Master's assertion of their being

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required by his crew, when the three Surveyors had sworn such was not the case, we could only look upon this as another proof of the violation of the Equipment Article.

As to the employment of the vessel at the time of seizure, the Master only informed us that his vessel was in a voyage "from Havana along the coast of Africa with a general cargo of merchandize, which he intended to exchange for camwood, palm-oil, and ivory;" and that at the moment of detention he was "absent in the country to make trade." Of the nature of the trade for which he went to so notorious a slave-mart as the Sherbro, we could therefore only form an opinion, which was unfavourable to his cause, when we bore in mind the manner in which his vessel had been found equipped, and which was not requisite for the legitimate trade of this coast.

The route adopted by the Master in going on an ostensible voyage from Havana to Saint Thomas' and Princes' Islands, as described by himself, is calculated to create an unfavourable impression as to his intentions. He declares he went first to the Cape de Verde Islands, where he remained a month; thence to the Gallinas, where he stopped two days; and ultimately to the Sherbro, where he was seized, without assigning any reason for visiting the Cape de Verdes or the Gallinas.

The Master of this vessel having failed to establish, to our satisfaction, that, at the time of his detention, his vessel was employed in some lawful pursuit, and it having been clearly proved that when seized she was equipped in a manner prohibited by the 10th Article of the Treaty of the 28th June, 1835, we therefore condemned the said schooner, her cargo, and fittings, as good prize to the Crowns of Great Britain and Spain.

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

## Second Enclosure in Supplement B, No. 15.

Havana, 6th June, 1836.

(Translation.)

Seal, 3d Class, 2 rials.

Thomas Rodriguez de Yurra y Echavarri, Principal Accountant of the General Administration of Maritime Rents of this place for His Majesty, &c.

I certify that, in the Registry of the Spanish schooner "*Luisita*," Captain Manuel Tort y Esclus, bound to Saint Thomas' and the Island of Princes, it agrees with the Policy No. 6, that the said Captain registered the following goods:—

- Eight dozen of boards.
- Five tuns with goods.
- Three large casks with muskets.
- Three ditto with barrels of powder.
- Six tuns with water
- Four large casks with ditto.
- Two tuns not made up (in staves).

Those embarked full with the indicated goods, on the vessel's return to fill with palm-oil; and that it may be clear I give the present, in virtue of a Decree of the Administrator-General.

THOMAS DE YURRA.

(Signed) JOHN KNOWLES, *Translator.*

## Supplement B, No. 16.

*His Majesty's Commissioners to Viscount Palmerston—(Rec. March 13, 1837.)*

MY LORD,

*Sierra Leone, 26th December, 1836.*

WE have the honour of acknowledging the receipt of your Lordship's Despatch of the 15th October last, giving us the Instructions which we had respectfully requested of your Lordship for our guidance upon certain points of the Treaty of the 28th June, 1835, between Great Britain and Spain, for the abolition of the Slave Trade.

The mode pointed out by your Lordship to be pursued by us in respect to Cases wherein no sentence of condemnation is pronounced, and awards may in equity be made for demurrage, according to the circumstances of each Case, as contemplated by the 11th Article of the Treaty, we shall strictly act up to, whenever we may have occasion to make an award of the description alluded to.

In respect to providing funds in cases where the proceeds of the condemned vessels prove insufficient to meet the expenses incurred for the reception, maintenance, and care of such vessels, their slaves, and cargo, the execution of the sentences, and all disbursements occasioned by bringing vessels to adjudication, we have followed the Instruction of your Lordship to draw on the Commissariat Officer for the amount of such deficiencies.

The rationing of the crews of slave-vessels, both before and subsequent to adjudication, is a matter with which the Mixed Commissions have never had anything to do. In the former Case, the Captor's arranging the mode of provisioning the detained crew, and in the latter the Commissariat Officer having the

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entire management of this service. Should this question, however, come before us in any way, we shall not fail to obey your Lordship's directions thereon.

In closing the accounts of disbursements for condemned Spanish slave-vessels, we have acted under the construction which your Lordship has been pleased to acquaint us should be put on that part of the 2nd Article of Annex B, which states that all expenses occasioned by bringing a vessel to adjudication shall, in the event of condemnation, be defrayed from the funds arising out of her sale; which provision, your Lordship has observed, applies only to the payment of officers belonging to and acting under the orders of the Mixed Court; and that therefore the remuneration of the Proctors who may be employed by seizors, is not, as was surmised, to come from the funds in question.

The Order stating that the Court would consider the Proctors for Captors responsible for their respective clients, in regard to that part of the 2nd Article of Annex B, which stipulates that, if a detained vessel shall be released, the expenses shall be defrayed by the Captors, we have, as your Lordship desired, rescinded.

We have caused to be prepared, in compliance with your Lordship's wishes, and agreeably to the terms of the 6th Article of Annex B, Certificates of Emancipation to be delivered to the negroes who may be hereafter emancipated by the British and Spanish Mixed Court of Justice. The form of these Certificates has been printed on parchment, and will, when filled up by the Registrar, by whom they are to be signed, form a counterpart of each person's description, as entered in the Register of Emancipated Slaves, kept in the archives of the Court.

We shall take, as the rule of our conduct, your Lordship's Instruction that the Treaty between Great Britain and Spain of the 28th June, 1835, is an extension of the power given by the Treaty of 23d September, 1817, for the suppression of the Slave Trade.

We have, &c.

(Signed)

WALTER W. LEWIS.

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

H. D. CAMPBELL.

&c.

&c.

&c.

## Supplement B, No. 17.

*His Majesty's Commissioners to Viscount Palmerston.*

MY LORD,

*Sierra Leone, 31st December, 1836.*

IN the Despatch which we had the honour of addressing to your Lordship, dated the 8th instant, we stated we would report to your Lordship the new plan which it was proposed, in obedience to your Lordship's commands, to adopt for the more perfect cutting up of vessels condemned under the Treaty between Great Britain and Spain, so soon as its efficacy had been tried upon one vessel, and we had thereby been afforded the opportunity of practically judging of it.

Since writing the Despatch above mentioned the Spanish schooner "*Luisita*" has been condemned (as reported under date of the 21st instant), and cut up in the manner which we will now describe to your Lordship.

After the masts and everything else that was movable had been taken out of the vessel according to the original method, the deck and deck beams were cut through in a line from the stem to the stern of her, and the stem and stern were then cut through down to the water-line of the vessel. The hull was subsequently divided into 2 separate parts, by cutting through it and the keel, across the middle of the vessel.

As the vessels have to be grounded on an open beach in a bay near to Freetown, to be cut up, the mode which we have described has the effect of rendering the hulls of vessels so treated perfect wrecks, and makes it impossible, as we have been informed by competent persons, to use the materials of which those hulls are composed otherwise than separately.

The apparent necessity which existed under the previous arrangement for taking bond from the purchasers of the hulls of condemned vessels that they would not attempt to put them together again, in order to reconstruct the same vessel, having ceased to exist, we have discontinued taking such security.

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We hope that these arrangements, which we firmly believe will prevent the re-construction of a condemned vessel from its materials, unless they should be employed in regularly rebuilding her throughout, will seem to your Lordship satisfactorily to meet the object contemplated in the 12th Article of the Treaty between Great Britain and Spain.

We have, &c.

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

## Supplement B, No. 18.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 30th March, 1837.*

I have received your Despatch marked Spain, of the 21st December, 1836, reporting the condemnation of the Spanish schooner "*Luisita*;" and I have to inform you that His Majesty's Government are of opinion that the Mixed Court was perfectly right in refusing to consider open gratings boarded over as closed hatches.

The Form of Bond and Certificate adopted by the British Custom-house for vessels clearing out for the Coast of Africa with casks on board, has been communicated to the Spanish Government; and I herewith transmit to you the Copy of a Despatch which I have this day addressed to His Majesty's Minister at Madrid, instructing him to press upon the Spanish Government the expediency of adopting some Form of a like nature for Spanish vessels employed in the African trade.

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

Enclosure in Supplement B, No. 18.

(See Class B, No. 34.)

## Supplement B, No. 19.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 31st March, 1837.*

I HAVE received your Despatch marked Spain, of the 31st of December, 1836, reporting the plan now adopted under your orders for the complete cutting up of vessels condemned under the Treaty between Great Britain and Spain; and I have the satisfaction to inform you, that it appears to His Majesty's Government that the precautions now taken are sufficient to ensure the destruction of vessels, and to prevent any attempt to put the severed parts together again.

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

## Supplement B, No. 20.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 8th April, 1837.*

I HAVE received your Despatch of the 13th November, 1836, upon the subject of the deficiencies which, on the restoration of the Spanish schooner

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"*Josefa*," were found to have taken place in the cargo of that vessel while under the charge of Mr. Reid, the Prize-master, placed in her by the Commander of His Majesty's brig "*Curlew*."

The Papers on this subject have been referred to His Majesty's Advocate-General, and that Officer has reported his opinion, that, under the circumstances of this particular Case, there is nothing really unjust or inequitable in the position in which the question has been left by the decision of the Mixed Court, not to make good the value of the deficient property, either by an award against the Captor, or by an Order upon the Prize-fund, but to leave it open to the Claimant to take, through his own Government or otherwise, such steps as he may consider conducive to his interests.

The King's Advocate is, however, of opinion, that the principle laid down by the Mixed Court, viz., that "a seizer is not liable for losses arising, not out of any wilful neglect on his part, but entirely from the misconduct of the Prize-master," is not strictly correct in point of law.

In support of this opinion you are referred to the Judgment of Lord Stowell, in respect to the capture and loss of a neutral ship ("*Der Moher*," 3d Robinson, page 129.) In this Case the seizer was free from all imputation and blame, and the loss of the ship was entirely owing to the misconduct of the Prize-master, but Lord Stowell, nevertheless, held the seizer responsible for the value of the ship, stating that "it was a principle too clear to be doubted, and too stubborn to be beat, that every principal is civilly answerable for the conduct of his agent."

It is indeed true that this principle would operate with considerable hardship upon the seizer in the case of the "*Josefa*," but the Owner cannot, on that account, be deprived of his right to be indemnified by the Captor for the loss occasioned by the embezzlement of the Prize-master.

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

I am, &c.  
(Signed) PALMERSTON.

## Supplement B, No. 21.

*His Majesty's Commissioners to John Backhouse, Esq.—(Rec. April 22, 1837.)*

SIR,

*Sierra Leone, 5th January, 1837.*

IN pursuance of the 75th Clause of an Act passed in the 5th year of the reign of His late Majesty, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit enclosed a Return of all Cases of Spanish vessels adjudicated in the British and Spanish Mixed Court of Justice established in this Colony, in the period from the 1st July, 1836, to the 1st January, 1837.

We have, &c.

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

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

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Enclosure in Supplement B, No. 21.  
Return of Spanish Vessels adjudicated by the British and Spanish Mixed Court of Justice, established at Sierra Leone, betwixt the 1st July, 1836, and 1st January, 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.								
Gaceta . . . . .	Joaquin de Andricain	1836. 14 January.	5 24 N.	12 52 W.	Schooner and 225 slaves.	W. L. Castle, Esq., H. B. M. sloop "Pyliades."	1836. 5 July.	225	56	169	Condemned for being engaged in the illicit traffic in slaves.	Vessel and stores sold by public auction, and the proceeds paid into the Military chest.
General Manso . . . . .	Antonio Capo.	1835. 4 December.	Off Cape Sierra Leone.		Brigantine and cargo.	E. Norcott and C. J. Bosanquet, Esqs., H. B. M. brigs "Curllew" and "Leveret."	18 July.	..	..	..	Restored — Claimant to pay Captors' costs.	..
Tres Tomasas . . . . .	Nicolas Echeandia.	19 December.	7 12 N.	14 46 W.	Schooner and cargo.	E. Norcott, Esq., H. B. M. brig "Curllew."	18 July.	..	..	..	Condemned for being engaged in the illicit traffic in slaves.	..
Rosario . . . . .	José M. Farraguera	1836. 2 January.	In Accra Roads.		Brigantine and cargo.	Ditto	23 July.	..	..	..	Ditto	Ditto
Atafa Primo . . . . .	José Julia.	25 January. 1835.	5 2 N.	9 0 W.	Schooner and cargo.	C. J. Bosanquet, Esq., H. B. M. brig "Leveret."	23 July.	..	..	..	Restored — Claimant to pay Captors' costs.	Ditto
Victorina . . . . .	Antonio Rulan.	4 December.	Off Cape Sierra Leone.		Ditto	E. Norcott and C. J. Bosanquet, Esqs., H. B. M. brigs "Curllew" and "Leveret."	29 July.	..	..	..	Condemned for being engaged in the illicit traffic in slaves.	..
Zema . . . . .	José Zumarun.	1836. 25 January.	5 0 N.	8 57 W.	Ditto	C. J. Bosanquet, Esq., H. B. M. brig "Leveret."	29 July.	..	..	..	Condemned for being engaged in the illicit traffic in slaves.	Vessel, cargo, and stores sold at public auction, and the excess of expense over the proceeds of such sale paid out of the Military chest.
Matilde . . . . .	José M. de Arrarte.	25 February.	0 10 N.	7 20 E.	Ditto	S. Mercer, Esq., H. B. M. brig "Charybdis."	29 July.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the proceeds paid into the Military chest.
Felicia . . . . .	José M. Viademonte.	2 July. 1835.	4 24 N.	7 08 E.	Brigantine and 395 slaves.	P. Campbell, Esq., H. B. M. brigantine "Buzard."	2 August.	395	40	355*	Ditto	..
Josefa . . . . .	Miguel Calvet.	4 December.	In the port of Sierra Leone.		Schooner and cargo.	E. Norcott and C. J. Bosanquet, Esqs., H. B. M. brigs "Curllew" and "Leveret."	10 August.	..	..	..	Restored — Claimant to pay Captors' costs.	..
El Explorador . . . . .	José de Inza.	1836. 29 January.	4 17 N.	2 10 E.	Brig and cargo.	G. Rose, Esq., H. B. M. schooner "Fair Rosamond."	10 August.	..	..	..	Condemned for being engaged in the illicit traffic in slaves.	..
Golondrina . . . . .	Juan Roche.	9 February.	4 39 S.	11 42 E.	Schooner and cargo.	G. G. Miall, Esq., H. B. M. brigantine "Forester."	10 August.	..	..	..	Ditto	Ditto
Luisa . . . . .	Juan V. Jastram.	9 February.	Loango Bay.		Brig and cargo.	Ditto	10 August.	..	..	..	Ditto	Ditto
Tridente . . . . .	Juan J. Paque.	19 February.	4 39 S.	11 42 E.	Ditto	S. Mercer, Esq., H. B. M. brig "Charybdis."	23 August.	..	..	..	Ditto	Ditto
El Cazador Santurzano . . . . .	Angel de Elorriaga.	6 February.	5 35 N.	4 20 E.	Ditto	J. Adams, Esq., H. B. M. brig "Water Witch."	23 August.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the excess of expense over the proceeds of such sale paid out of the Military chest.
Mosca . . . . .	Juan Esifa.	6 February.	6 17 N.	2 50 E.	Schooner and cargo.	W. H. Quin, Esq., H. B. M. brig "Britomart."	7 September.	..	..	..	Ditto	Ditto

\* Two men and one boy died before their descriptions could be effected to be registered.



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Return of Spanish Vessels adjudicated by the British and Spanish Mixed Court of Justice, established at Sierra Leone, betwixt the 1st July, 1836, and 1st July, 1837—(continued.)

NAME OF VESSEL.	NAME OF MASTER.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZOR.	DATE OF SENTENCE.	Number of Slaves Captured.	Number seized 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.								
Felix Vascongada . . . . .	Juan T. de Oluquibel.	30 January.	River Bonny		Ditto	Henry J. Puget, Esq., H. E. M. sloop "Trinculo."	7 September.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the proceeds paid into the Military chest. Ditto
Diligencia . . . . .	Juan Duran.	30 January.	Ditto		Brigantine and cargo.	Ditto	7 September.	..	..	..	Ditto	Ditto
Eliza . . . . .	Felipe Bareno.	30 January.	Ditto		Schooner and cargo.	Ditto	20 September.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the excess of expense over the proceeds of such sale paid out of the Military chest.
Maria Manuela . . . . .	Juan T. de Ugarte.	30 January.	Ditto		Brig and cargo.	Ditto	20 September.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the proceeds paid into the Military chest. Ditto
La Mariposa . . . . .	Pedro Maria Oliver.	10 March.	Old Calabar River.		Schooner and cargo.	G. Rose, Esq., H. B. M. schooner "Fair Rosamond."	27 September.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the proceeds paid into the Military chest. Ditto
Joven Maria . . . . .	José de Garry.	14 March.	5 57	2 22 E.	Brigantine and cargo.	J. Adams, Esq., H. B. M. brig "Water Witch."	27 September.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the excess of expense over the proceeds of such sale paid out of the Military chest. Ditto
Galana Josefa . . . . .	Francisco A. Sarría.	13 March.	6 11 N.	1 37 E.	Schooner and cargo.	Ditto	27 September.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the excess of expense over the proceeds of such sale paid out of the Military chest. Ditto
General Mina . . . . .	Juan J. Rodriguez.	6 March.	4 10 N.	6 15 E.	Ditto	W. H. Quin, Esq., H. B. M. brig "Britomart."	3 October.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the proceeds paid into the Military chest. Ditto
Dos Hermanos . . . . .	José March.	9 March.	4 10 N.	6 15 E.	Brigantine and cargo.	Ditto	3 October.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the proceeds paid into the Military chest. Ditto
El Mismo, alias Centinela . . . . .	José Percyra.	4 March.	7 52 S.	13 3 E.	Schooner and cargo.	P. Campbell, Esq., H. B. M. brigantine "Buzard."	11 October.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the proceeds paid into the Military chest. Ditto
Famosa Primeira . . . . .	Mateo Moya.	6 July.	Off River St. Bartholomew, Bight of Biafra.		Schooner and cargo.	R. Wauchope and P. Campbell, Esqrs., H. B. M. ships "Thalia" and "Buzard."	11 October.	..	..	..	Ditto	Vessel, cargo, and stores sold at public auction, and the proceeds paid into the Military chest. Ditto
Atalaya . . . . .	Augustin Sabat.	19 September.	4 03 N.	8 04 E.	Schooner and 119 slaves.	S. Mercer, Esq., H. B. M. brig "Charybdis."	25 October.	119	31	88*	Ditto	Vessel, cargo, and stores sold at public auction, and the proceeds paid into the Military chest. Ditto
Cantabra . . . . .	Pedro M. Delesnet.	21 October.	5 50 N.	9 57 W.	Schooner and cargo.	S. Mercer, Esq., H. B. M. brig "Charybdis."	7 November.	..	..	..	Ditto	The schooner and cargo in charge of the Commissioner of Appraisement and Sale, the same being ordered to be sold at public auction and the proceeds paid into the Registry 21 days from the date of the condemnation.
Luisita . . . . .	Manuel T.Y. Esclus.	21 November.	River Sherbro.		Ditto	F. H. H. Giasse, Esq., H. B. M. brig "Rolla."	16 December.	..	..	..	Ditto	

\* One man absconded prior to his description being taken to be registered.

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

Sierra Leone, 1st January, 1837. (Signed)

M. L. MELVILLE, Registrar.

SIERRA LEONE. (*Spain.*)

Supplement B, No. 22.

*His Majesty's Commissioners to Viscount Palmerston.*—(*Rec. April 22, 1837.*)*Sierra Leone, 5th January, 1837.*

MY LORD,

ENCLOSED we have the honour to transmit to your Lordship an Abstract of the proceedings in the British and Spanish Mixed Courts of Commission and Justice, established in this Colony, between the 1st January, 1836, and the 1st January, 1837.

The number of Cases adjudicated by those Courts was 37, of which 33 were Cases of condemnation, 1 of restoration to the Claimant by the consent of the parties interested, and 3 of restoration to the Claimants by Decrees of the Court.

Of the 33 vessels condemned as above mentioned, there were 24 Cases of prosecution for equipment for the Slave Trade, under the New Treaty between Great Britain and Spain of the 28th June, 1835, the remaining 9 having been captured with slaves on board, and from which there were 2,116 negroes emancipated from slavery.

We have, &amp;c.

(Signed)

WALTER W. LEWIS.

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

H. D. CAMPBELL.

&amp;c.

&amp;c.

&amp;c.

## Enclosure in Supplement B, No. 22.

*Abstract of the Proceedings in the British and Spanish Court of Mixed Commission, and in the British and Spanish Mixed Court of Justice, in the period from the 1st January, 1836, to the 1st January, 1837.*

In the Court of Mixed Commission, between the 1st January and the 27th June, 1836.

1. The Spanish schooner "*Norma*," under the command of Tomas Echeverria, sailed from Havana in July, 1835, on a lawful trading voyage to the Island of St. Thomas on this coast. Instead of going to that Island she, however, proceeded direct to the River Bonny, where the Master embarked a cargo of 234 slaves, with whom he had just commenced the return voyage to Havana, when His Majesty's brigantine "*Buzzard*," Lieutenant Thomas Lorey Roberts commanding, fell in with and detained her, on the 27th November, 1835. The "*Norma*" arrived here on the 28th December, and proceedings in the usual form were immediately instituted against her, which ended in the condemnation of that vessel on the 6th January, 1836, and the emancipation of the surviving slaves of the cargo, 218 in number.

2. The Spanish brig "*Tersicore*," Juan Maynoldi, Master, was detained by His Majesty's sloop "*Pylades*," Commander Castle, on the 25th December, 1835, in the latitude of Sierra Leone, on a charge of being equipped for the Slave Trade. Upon this charge the "*Tersicore*" was accordingly prosecuted on her arrival here; in the course of which proceeding a survey of the fittings of the vessel took place, which proved that she was not equipped in such a manner as to bring her within the operation of the 10th Article of the Treaty. On this fact being established, a joint petition from the Proctors of the Captor and Claimant was presented, praying the Papers of the vessel might delivered up to the seizer, for the purpose of being restored to the Claimant; as the evidence in the Case did not sufficiently support the allegations contained in the Captor's Declaration to warrant him in proceeding to adjudication.

This mutual application was acceded to by the Court on the 27th January, 1836, and the vessel was in consequence restored to her Master, who immediately left the port with her.

3. The Spanish schooner "*Segunda Iberia*," Mariano Casas, Master, was captured on the 28th December, 1835, in 20° 0' north latitude, and 4° 50' east longitude, with 260 slaves on board, by His Majesty's schooner "*Fair Rosamond*." The evidence received in this Case proved that the "*Segunda Iberia*" had cleared out on a lawful voyage from Saint Jago de Cuba to the Island of Princes. She, however, first touched at Saint Thomas in the West Indies, for a cargo of merchandize, and then, avoiding altogether the destination mentioned in her Papers, proceeded to the River Nun, where the outward cargo was exchanged for one of slaves, with which she was detained as above mentioned, when on her voyage back to Cuba.

On the 3rd February, 1836, the "*Segunda Iberia*" was condemned, and the 238 surviving slaves emancipated by the British and Spanish Mixed Commission Court; on proof of the illegal employment of this vessel as above described.

4. The Spanish brigantine "*Isabella Segunda*," alias "*Cuatro Estrella*," Isidro Reynals, Master, belonging to the Port of Saint Jago de Cuba, cleared out there on the 25th June, 1835, for Princes Island on a lawful commercial voyage. This vessel went direct to the River Bonny, and there embarked a cargo of slaves, with whom, on the 22nd December, 1835, the day after their shipment, she was captured off that river by His Majesty's sloop "*Trinculo*."

The facts of illegal slave-trading having been clearly established in the prosecution which was instituted against this vessel, it was decreed on the 3rd of February, 1836, that she was good and lawful prize to the Governments of Great Britain and Spain, and that the survivors of the 374 slaves found on board of her, 332 in number, should be emancipated from slavery.

5. The Spanish schooner "*Ligera*," Angel José Canessa, Master, was detained by His Majesty's brigantine "*Buzzard*," on the 24th December, 1835, in a voyage from the River Nun to Saint Jago de Cuba, with 198 slaves on board, who had been shipped only the previous day in that river. This vessel, like the two which preceded it in the Court, belonged to the Port of Saint Jago de Cuba, from which she cleared out in May 1835, for Princes Island.

At the time of seizure the "*Ligera*" was found to be unseaworthy, and was in consequence conveyed to Princes Island by the seizer, where a survey was held upon her by the Commander and Officers of

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His Majesty's schooner "Fair Rosamond," who were of opinion that she was unfit to make a voyage to Sierra Leone.

The slaves were then transferred to the capturing vessel, and the schooner and stores placed in the custody of the Authorities of Prince's Island.

The "Buzzard" reached this with the slaves of the "*Ligera*" on board, on the 26th January, 1836, and proceedings were immediately adopted for the prosecution of this vessel, which terminated on the 3rd February following, on which day a sentence of condemnation was passed upon her, and the emancipation decreed of the 192 surviving slaves of her cargo.

6. The Spanish brig "*Vandolero*," alias "*Estrella*," Antonio de la Puente, Master, was detained on the 21st January, 1836, in 4° 12' north latitude, and 7° 10' east longitude, for having on board 377 slaves, by His Majesty's brig "*Lynx*," Lieutenant Huntly commanding. The slaves of this vessel had been embarked the day previous to seizure in the New Calabar river, and were destined for Cuba.

The prosecution of this vessel before the British and Spanish Mixed Commission Court commenced the morning following her arrival here, the 29th February, 1836, and clearly established the guilty employment of this vessel. A sentence of condemnation was therefore passed on the 8th March upon her, and the 343 surviving slaves of her cargo were decreed to be emancipated.

7. The Spanish brigantine "*Seis Hermanos*," Mariano Sintes, Master, having on board a cargo of 189 slaves, with which she was bound to Havana from the new Calabar river, was seized on the 8th February, 1836, in latitude 3° 54' north, and in longitude 5° 17' east, by His Majesty's frigate "*Thalia*," Captain Wauchope, and by that Officer immediately despatched to this port, where she arrived on the 3rd March.

In the prosecution instituted against this vessel, undeniable proof was afforded of her having been unlawfully employed at the time of her detention, in violation of the provisions of the Treaty between Great Britain and Spain, of the 23rd September, 1817; and it was accordingly on the 12th March pronounced, that the said vessel should be condemned, and the survivors of her slaves, amounting to 171 persons, be emancipated from slavery.

[ In the British and Spanish Mixed Court of Justice, from the 28th June, 1836, to the 1st January, 1837.

8. The Spanish schooner "*Gaceta*," Joaquin de Andricain, Master, belonging to the Port of Matanzas, sailed thence in May, 1835, on a lawful trading voyage to Saint Thomas, on the Line. No regard to the Official Papers of this vessel was paid by the Master of her, who proceeded direct to the River New Sestos, and embarked 225 negroes, whom he destined for disposal at Matanzas in the Island of Cuba.

He had, however, been but 8 days on his voyage back to Cuba when he was fallen in with, on the 14th January, 1836, in latitude 5° 24' north, and longitude 12° 52' west, by His Majesty's sloop "*Pylades*," Commander Castles, who detained and sent her to this place for adjudication.

On the 23rd January the "*Gaceta*" reached this, and the next day proceedings were taken against her in the British and Spanish Mixed Court, and which ended within a week from that time, when this very clear Case of slave-trading was ripe for adjudication.

As the "*Gaceta*" had been seized and prosecuted under the Treaty between Great Britain and Spain, signed on the 28th June, 1835, which could not be carried into full operation until some legislative enactment had been passed thereupon, the Case stood over until such enactment had been communicated to the Court, and the adjudication of the "*Gaceta*" was thus unavoidably postponed until the 5th July, 1836. On that day, after the British and Spanish Mixed Court of Justice, established under the said Treaty of June, 1835, had been publicly opened, the "*Gaceta's*" Case came on for trial, when the evidence taken therein, which satisfactorily established her guilty employment, having been read, a sentence was recorded of condemnation of the schooner, and emancipation of the surviving slaves, in number 169.

9. The Spanish brigantine "*General Manso*," Antonio Capo, Master, was detained on the 18th November, 1835, off the Gallinas by His Majesty's brig "*Curlew*," Lieutenant the Honourable Joseph Denman commanding, on account of her having been found equipped for the Slave Trade, and which Commander Denman had learned was a punishable offence under the Treaty of the 28th June, 1835, of the conclusion of which Treaty he declared he had received an authentic report previous to the seizure of this vessel. On Commander Denman reaching this Colony with his prize, he obtained possession of a Copy of the Treaty in question, an attentive perusal of which convinced him that he was unauthorized to carry it into operation, his vessel having only been provided with the Instructions under the Treaty of 1817, and which consideration led him to the resolution of restoring the "*General Manso*" to her Master, on condition of his foregoing all claims which might be supposed to exist on account of this irregular detention. The restoration of the "*General Manso*" to her Master accordingly took place on the 3rd December, 1835. At the same time Commander Denman delivered a Certificate under his hand to the Master of this vessel, which was intended to serve as a guarantee of freedom from molestation for 5 days, a period which it was estimated would be sufficient to allow of her reaching the point where she had been originally seized by that Officer, and thus have been put into her original condition as near as was practicable.

Acting under the above-mentioned agreement, this vessel was got under weigh on the morning of the 4th December, 1835, by one of the "*Curlew's*" Officers, whom Commander Denman had requested for that service from Lieutenant Norcott, the gentleman who had superseded Mr. Denman in the command of His Majesty's brig on his promotion; and this vessel was proceeding to sea, when His Majesty's brig "*Leveret*," which was in the harbour, was observed to go in pursuit of her. Off Cape Sierra Leone, and just clear of the harbour, the "*Leveret*" came up with the "*General Manso*," and reseizing her returned to this anchorage with that vessel as a prize. Lieutenant Norcott, the new Commander of the "*Curlew*," was on board of the "*Leveret*" at the time of this reseizure of the "*General Manso*," and appeared as a joint prosecutor of the detained vessel with Lieutenant Bosanquet, the Commander of the "*Leveret*." The "*Curlew*," it is also to be observed, was in sight at the time of the second detention of the "*General Manso*."

On the 7th December, 1835, an application was made to institute proceedings before the Mixed Commission Court against this vessel for a breach of the Treaty between Great Britain and Spain for

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the Abolition of the Slave Trade of the 25th June, 1835, which that Court declined allowing, as no authority for carrying the Treaty alluded to into effect had then been granted to the Court.

Antonio Capo, the Master of the detained vessel, presented on the 10th December a petition to the Court, setting forth the circumstances under which he had been first seized by Commander Denman and subsequently released; of his ultimate re-seizure by the "Leveret" and "Curlew;" and praying that the second Captors might be compelled to restore to him his vessel with her Papers and cargo. This petition the Court declined entertaining, as it related to the Case of a vessel not before the Court.

No further steps were taken in this matter until His Majesty's Commissioners were known to be in possession of Instructions to carry the Treaty of the 28th June, 1835, into operation, when the prosecution against the detained vessel was revived.

On the 4th January, 1836, proceedings were formally instituted against this vessel for breaches of the Equipment Article of the Treaty in question, and were brought to a termination on the 15th February following. The trial of this vessel, however, was long delayed, through the necessity of the Court having to wait for a legal enactment to authorize the Treaty of June, 1835, being fully carried into effect, as mentioned in the previous Case of the "*Gaceta.*"

The Mixed Court of Justice assembled on the 13th July, 1836, for the adjudication of this vessel, when the evidence in the Case was read, and the Proctors on both sides heard on behalf of their clients at great length, after which the Court adjourned until the 18th July, when it again met, and judgment was given.

The illegality of the original detention of the "*General Manso*" was undisputed by all parties, as well as that when she was re-seized by her present prosecutors, she was about to be restored as near as might be to her original condition by Commander Denman, the individual who had irregularly detained her. It was evident that this vessel had been put into the position in which she had been re-seized by an unlawful act, which it was out of her Master's power to prevent; that on her re-seizure she had merely passed from the hands of one who had not legal power to retain possession of her, direct into the hands of those who were duly armed with the authority to seize a vessel fitted as she was; that the knowledge of her unlawful equipment had been acquired by a violation of the Treaty on the part of a British cruizer, and that therefore this second detention seemed not to be a seizure such as the Treaty contemplated. According to the terms of the Treaties between Great Britain and Spain, it appeared to the Court, that a seizure which would have the effect of ensuring condemnation of a vessel for a breach of those Treaties, was one made by a duly authorized man-of-war of a merchant-vessel, British or Spanish, fallen in with by that man-of-war in the ordinary prosecution of her voyage as a merchant-vessel, and which was found to have violated the terms of either of those Treaties. The circumstances of this Case not being sufficient in the view of the Court to warrant her condemnation, it was therefore decreed that the "*General Manso*" and her cargo should be restored to the Claimant.

The Claimant's demand for demurrage and other expenses occasioned to him by the detention of his vessel the Court refused, agreeably to the terms of the 11th Article of the Treaty, which expressly forbids such consideration being granted in the Case of a vessel found unlawfully equipped, unless it should appear to the Court that some sum of money proportionate to the demurrage suffered, and according to the circumstances of the Case, should in equity be required, when it is to be made from the Prize Fund. None of the circumstances of this Case seemed to justify the Court making an award in equity, not even to the extent of covering the demand which the Claimant had been compelled to liquidate of the expenses of bringing this vessel to adjudication; and which had fallen upon him in virtue of the concluding paragraph of the 2d Article of the Regulations for the Mixed Courts, as the Court were of opinion that all the disadvantages which resulted from his attempting to leave this Port with the equipment, which he well knew was unlawful, ought in fairness only to fall upon himself.

10. The Spanish schooner "*Victorina*," José German, Master, belonging to Havana, was fallen in with in an ostensible voyage of lawful trade from that Port to Saint Thomas on the Equator, off Cape Mesurado, on the 17th November, 1835, by His Majesty's brig "Curlew," Lieutenant the Honourable J. Denman commanding, and detained by that Officer for being equipped for the Slave Trade. She was then sent to this Colony for trial by the Mixed Commissions, and arrived here on the 28th of that month.

At the time of the detention of the "*Victorina*" by Commander Denman, the "Curlew" was only authorized to make seizures of British and Spanish vessels found violating the Treaty of the 23rd September, 1817, and therefore not justified in seizing for equipment only.

The circumstances under which this vessel had been detained and sent up to the Mixed Commissions by Commander Denman, and the grounds of, and the manner in which her release from seizure and restoration to her Master subsequently took place, are so perfectly similar to those which attended the proceedings of a like nature which took place in the previous Case of the "*General Manso*," that it seems unnecessary to make a repetition of them in this instance.

After this vessel had been restored to her Master by Commander Denman, she was proceeding to sea on the 4th December, 1835, under a like guarantee of freedom from molestation for 5 days to that with which we have stated the "*General Manso*" was provided, and under the direction of one of the "Curlew's" Officers, when, like the "*General Manso*," she was re-seized off Cape Sierra Leone, as prize to the "Curlew" and "Leveret," and conducted back to the harbour of Freetown.

On the 4th January, 1836, the joint seizers of the "*Victorina*" instituted proceedings against her, which on the 3rd of June following were brought to a close, and clearly established that the "*Victorina*" was, when seized, equipped in a manner prohibited by the Treaty of the 28th June, 1835. As, however, the knowledge of this fact had been brought about by perfectly unlawful means—means precisely similar to those which have been set forth at length in the previous Report of the Case of the "*General Manso*," the Court could pass no other sentence than that which had been pronounced in regard to that vessel, and therefore decreed the "*Victorina*" to be restored to her Master, who was also refused any award in equity for demurrage, upon the principles advanced in the Case of the "*General Manso*."

11. The Spanish schooner "*Josefa*," Miguel Calvet, Master, fitted out at Porto Rico in August, 1835, for a commercial voyage to Saint Thomas and this Coast, was detained off Cape Mesurado on the 17th November, 1835, by the brig-of-war "Curlew," under the command of Lieutenant the

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Honourable J. Denman, in consequence of that Officer finding the "*Josefa*" equipped for the Slave Trade, in contravention of the Treaty of the 28th June, 1835.

At the time of detention Commander Denman was only armed with the Instructions under the Treaty of the 23rd September, 1817, and when he arrived at Sierra Leone with this vessel, and the two which have preceded it, in the Abstract, he found that their condemnation was not likely to be obtained for an offence against the provisions of a Treaty which he was not authorized and empowered to carry into effect. The "*Josefa*" was, therefore, like her 2 detained companions, released from seizure by Commander Denman on the 3rd December, 1835, and under a guarantee of freedom from molestation for 5 days, similar to that referred to in the Cases above mentioned.

The "*Josefa*" was re-seized by the "*Leveret*" and "*Curlew*," brigs-of-war, on the evening of the day they detained the "*General Manso*" and "*Victorina*," the 4th December, 1835. Her prosecution for unlawful equipment commenced on the 4th January, 1836, and terminated on the 22nd June following, establishing only one feature in any way different from those which distinguished the Cases of the "*General Manso*" and "*Victorina*," that of her having been re-seized without having ever moved from her anchorage, after her restoration by Commander Denman. This circumstance did not make any material difference in the complexion of the Case, as the Proctor for the Claimant, who was also employed professionally by the Claimants of the "*General Manso*" and "*Victorina*," declared that the intentions and proceedings of his client in the Case of the "*Josefa*" were in every respect like those of his clients in the vessels referred to. The Court accordingly passed a sentence of restitution of the "*Josefa*" to the Claimant, and refused to him all compensation for losses arising out of his second detention, upon the principles set forth in the decision respecting the "*General Manso*."

29. The Spanish schooner "*Tres Tomasas*," Nicholas Echeandia, Master, was detained for being unlawfully equipped, by His Majesty's brig "*Curlew*," Lieutenant Norcott commanding, on the 19th December, 1835, about 100 miles to the westward of this Port, in which she arrived for adjudication, on the 25th of that month.

The Captor instituted proceedings against this vessel on the 4th January, 1836, and the Master appeared as the Claimant of his vessel and her cargo on the 9th following.

The proof of the illegal equipment of the vessel, and the authority of the British cruiser to detain her, were made apparent by the evidence adduced to the Court in the Case by the Captor, and, as there was no satisfactory testimony to prove that this vessel was employed, when seized, in some lawful pursuit, a sentence confiscating the "*Tres Tomasas*" and her cargo was pronounced on the 13th July, 1836.

13. The Spanish brigantine "*Rosarito*," José Maria Tarraguera, Master, was captured in an ostensible trading voyage to Lagos on this Coast, from Havana, by Lieutenant Norcott, of His Majesty's brig "*Curlew*," on the 2nd January, 1836, whilst she lay at anchor in Accra Roads, the "*Rosarito*" having been found fully equipped for the Slave Trade, and was sent by that Officer to Sierra Leone for trial. The charges against this vessel having been clearly established by the prosecution instituted by the Captors, and no satisfactory defence having been made thereto by the Master, the forfeiture of the vessel and cargo was decreed on the 23rd July, 1836, by the Court, agreeably to the provisions of the Treaty of the 28th June, 1835.

14. The Spanish schooner "*Atafa Primo*," José Julia, Acting Master, was seized on the 25th January, 1836, in 5° 2' north latitude, and 9° 0' west longitude, by His Majesty's brig "*Leveret*," Lieutenant Bosanquet commanding, on the charge of being equipped in a manner declared to be unlawful by the late Treaty between Great Britain and Spain.

The proceedings usual in such Cases were taken by the Seizors, and clearly proved that the fittings of this vessel were of a character to render her liable to condemnation, provided the Master failed to convince the Court that, when seized, he was pursuing some lawful occupation. As the Master only attempted this by simply denying that his vessel was improperly equipped, of which the Court had previously received irrefutable evidence, the forfeiture of the vessel and cargo on the 23rd July, 1836, was decreed.

15. The Spanish schooner "*Zema*," under the command of her First Mate, José Zumaram, was detained on the same day, and at the same place where His Majesty's brig "*Leveret*" had seized the "*Atafa Primo*," the vessel immediately preceding this, and on the like grounds of unlawful equipment. Equally satisfactory proof of the charges against this vessel was elicited by the prosecution instituted against her by the Seizors, as followed the like course in the Case of the "*Atafa Primo*," and the Acting Master having failed to establish that the "*Zema*" was, when detained, employed in some legal pursuit, condemnation was passed upon the vessel and her cargo on the 29th July, 1836.

16. The Spanish schooner "*Matilde*," José Maria de Arrarte, Master, was seized off Saint Thomas Island, on the 5th February, 1836, for being equipped for the Slave Trade, by His Majesty's brig "*Charybdis*," Lieutenant Mercer commanding. The proof of this vessel having violated the Equipment Article of the Treaty of the 28th June, 1835, and the Master's inability to show that his vessel, when seized, was lawfully employed, were so distinct, that the vessel and cargo were adjudged, on the 29th July, 1836, good prize to the Crowns of Great Britain and Spain.

17. The Spanish brigantine "*Felicia*," José Martinez Viademonte, Acting Master, was detained by His Majesty's brigantine "*Buzzard*," on the 2nd July, 1836, with a cargo of 395 slaves, with whom she was leaving the Bonny river for the Havana market. The "*Felicia*" arrived here on the 23rd July, and proceedings were on that day taken against her by the Captors, which were terminated in the usual time occupied in such Cases. On the return of the Monition issued in this Case, the 2nd August, the Court met and pronounced a sentence of forfeiture of the "*Felicia*" to the Governments of Great Britain and Spain, and the emancipation of 355 slaves, 40 of those seized having been proved to have died previous to adjudication.

18. The Spanish brig "*El Explorador*," Cenon Ignacio de Aldecoa, Master, was detained for being illegally equipped, on the 29th January, 1836, by His Majesty's schooner "*Fair Rosamond*," when in latitude 4° 17' north, and in longitude 2° 10' east. The "*Explorador*," when detained, was in charge of the First Mate, who stated that the Master was on shore, and professed to be ignorant whence the vessel came, and whither she was bound.

The evidence being entirely of a nature to prove that the "*Explorador*" was, when detained,

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illegally equipped and employed, the condemnation of that vessel and her cargo took place on the 10th August, 1836.

19. The Spanish brigantine "*Golondrina*," under the command of Juan Domingo Zavala, in an ostensible voyage of lawful trade from Havana to Saint Thomas on this Coast, was met with in Loango Bay on the 9th February, 1836, by His Majesty's brigantine "*Forester*," Lieutenant Miall commanding, who finding the "*Golondrina*" equipped in a manner proscribed by the Treaty between Great Britain and Spain of the 28th June, 1835, detained and sent her to this Colony for trial.

The "*Golondrina*" reached this on the 4th March, 1836, when a prosecution of her was immediately instituted by the Captors, who brought forward evidence of the clearest character to establish the charges which had been preferred against this vessel. A sentence of condemnation was accordingly entered against the "*Golondrina*" and cargo on the 10th August, 1836.

20. The Spanish brig "*Luisa*," commanded by a Frenchman named Jean Victor Jastram, who professed to be part Owner of the vessel as well as Master of her, was found in Loango Bay, equipped for the Slave Traffic, at the same time as the "*Golondrina*," by His Majesty's brigantine "*Forester*," the Commander of which cruiser detained and sent the "*Luisa*" for trial here, in the British and Spanish Mixed Court of Justice.

Proceedings, in exactly the same form as those which had been taken against the "*Golondrina*," were used in this Case, and the guilty employment of the "*Luisa*" was thereby clearly established. The defence entered by the Master of this vessel not being considered satisfactory, the confiscation of the "*Luisa*" and her cargo was pronounced on the 10th August.

21. The Spanish brig "*Tridente*," Juan Julian Paqué, Master, was detained by Lieutenant Mercer, commanding His Majesty's brig "*Charybdis*," in Loango Bay, on the 19th February, 1836, in consequence of her having an equipment which that Officer considered to be unlawful. The "*Tridente*" arrived here on the 18th March, and on the following day proceedings in the usual form were instituted by the Captors against her, which ended in establishing, beyond doubt, that the "*Tridente*," when seized, was illegally equipped and employed. A sentence, condemning the vessel and cargo, was accordingly passed on the 23d August, 1836.

22. The Spanish brig "*El Cazador Santurzano*," of which Angel de Elloriaga was Master, was met with on the 6th February, 1836, cruising off Whydah, in charge of her First Mate, by His Majesty's brig "*Water Witch*," Lieutenant John Adams commanding, who seized that vessel for breaches of the Equipment Article of the Treaty of the 28th June, 1835. In the prosecution which took place of this vessel before the British and Spanish Mixed Court of Justice, her guilty employment was most conclusively established, and a sentence was accordingly passed on the 23rd August, 1836, confiscating this property to the Governments of Spain and Great Britain.

23. The Spanish schooner "*Mosca*," Juan Esifa, Master, belonging to the Port of Havana, was found at anchor in Whydah Roads, equipped for the Slave Traffic, by His Majesty's brig "*Britomart*," Lieutenant Quin commanding, who detained that vessel on the 6th February, 1836, for trial before the British and Spanish Mixed Court of Justice established here.

On the arrival of the detained vessel at this place, the usual steps were taken by the Captor to prove the allegations made against her, and which ended in satisfying the Court that the "*Mosca*" was, when seized, unlawfully equipped. The Claimant in his defence wished to establish that the capture of his vessel had been effected in such a manner as to render that proceeding illegal according to the terms of the Treaty of 1835. His complaints were, however, considered by the Court as far from being satisfactorily proved, and it was also decided that, had such not been the case, they would not have been sufficient to invalidate the capture. As the British Officers, who could have replied to the Master's charges, were absent at the time of the trial of this vessel, no opinion was then given respecting them; subsequently the capturing vessel arrived here, and the British Officers concerned gave their Affidavits, which reduced the Master's several charges to one—that the Officer commanding the "*Britomart's*" boats, by which the "*Mosca*" was in the first instance detained, was unarmed with a Copy of his Commander's authority for seizing Spanish vessels. This trifling irregularity was explained to have arisen from the "boarding-officer having quitted the "*Britomart*" in great haste, and which led to his leaving the authority in question behind him.

On the 7th September, 1836, the "*Mosca*" and her cargo were pronounced good and lawful prize.

24. The Spanish schooner "*Felix Vascongada*," Tomas de Olaquibel, Master, sailed from Havana, on a voyage of legitimate trade to the Island of Saint Thomas. Avoiding the destination pointed out in the Official Papers of his vessel, the Master proceeded direct to that well-known slaving depôt, the River Bonny, where the chief part of the outward cargo had been landed, when Commander Puget, of His Majesty's sloop "*Trinculo*," visited this vessel on the 28th January, 1836, and finding her equipped in violation of the 10th Article of the Treaty between Great Britain and Spain, he detained and sent her to Sierra Leone for adjudication. Satisfactory evidence was afforded to the Mixed Court of Justice of the correctness of the charges preferred against the vessel by the Commander of the "*Trinculo*," and her employment, when seized, not having been proved to have been of a lawful character, a sentence of condemnation was in consequence passed in the Case on the 7th September, 1836.

25. The Spanish brigantine "*Diligencia*," Juan Duran, Master, was found in the River Bonny fully equipped for the Slave Trade, by His Majesty's sloop "*Trinculo*," Commander Puget, on the 28th January, 1836, and by that Officer detained and sent before the British and Spanish Mixed Court of Justice. On the vessel's arrival here the usual proceedings were taken in respect to her, both by the Captor and Claimant, and which ended in plainly establishing this Case as one of unlawful equipment and employment. A sentence of condemnation was passed on the 7th September, 1836, upon this vessel and her cargo.

26. The Spanish schooner "*Eliza*," Felipe Bareno, Master, was detained in the River Bonny by His Majesty's sloop "*Trinculo*," at the same time and under precisely similar circumstances to those which had led the Commander of that cruiser to seize the 2 vessels which have immediately preceded this. The prosecution instituted against this vessel in the British and Spanish Mixed Court of Justice produced the same result as that which had followed the like measures in the 2 Cases above alluded to, thus leaving the detained vessel liable to confiscation. On the 20th September the Court pronounced the "*Eliza*" a prize to Great Britain and Spain.

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27. The Spanish brig "*Maria Manuela*," under the command of Juan Tomas de Ugarte, was also seized by His Majesty's sloop "*Trinculo*," in the River Bonny, on the 28th January last, on a general charge of unlawful equipment.

Proceedings were instituted before the Court on the 3rd March, 1836, and terminated on the 7th April, which proved in the plainest manner the charge of this vessel having, by her equipment, violated the 10th Article of the Treaty of June, 1835; and the Master having failed to show that his vessel was employed in some lawful pursuit, when detained, the forfeiture of the vessel and the cargo laden on board of her was decreed on the 20th September, 1836.

28. The Spanish schooner "*Mariposa*," of which Pedro March Oliver was Master, belonging to the Port of Havana, was, according to her Official Papers, bound thence to Saint Thomas on this Coast, for the purposes of lawful trade. At the time of the detention of this vessel by His Majesty's schooner "*Fair Rosamond*," the "*Mariposa*" was, however, lying off the slaving establishment in the Old Calabar river, familiarly known by the name of "Duke Ephraim's Town," where the Master had landed the chief part of the cargo and all the sails of the vessel. Her slave-trading equipment, however, had not been got out in time, and for which she was seized on the 10th March, 1836. From the moment of seizure the Master admitted the guilty employment in which his vessel had been found, by flying to the woods on the shores of the Old Calabar, and there remaining until the Captor and his prize had left the river. The state in which the vessel arrived here fully proved that she had been properly seized for unlawful equipment, and no defence having been attempted, a sentence of condemnation was therefore entered on the 27th September, 1836, against this vessel and her cargo.

29. The Spanish schooner "*Joven Maria*," José Garay, Master, was one of the numerous slave-vessels belonging to the Port of Havana, and sailed thence, in July 1835, for legitimate trade at Princes Island. This vessel went at once to Whydah, and landed a part of her cargo, and then, as the Master alleged, she visited Princes Island, where trade being found in an indifferent state, he returned again to the slaving-mart of Whydah. His Majesty's brig "*Water Witch*" fell in with this vessel at Whydah on the 14th March, 1836, and finding her equipped for the Slave Traffic, at once despatched her to this place for trial. The proceedings had in this Case before the British and Spanish Mixed Court of Justice fully proved that the "*Joven Maria*" was liable to the punishment attaching to indefensible breaches of the Equipment Article of the Treaty, and at the meeting of the Court on the 27th September, 1836, for the adjudication of the vessel, a sentence of condemnation was passed upon her.

30. The Spanish schooner "*Galana Josefa*," commanded by Francisco Antonio Sarrico, was seized off Little Popo on the 13th March, 1836, by His Majesty's brig "*Water Witch*," for being unlawfully equipped, and was eventually prosecuted to condemnation in the British and Spanish Mixed Court of Justice on the 27th September following. The Case of the "*Galana Josefa*" was one of those ordinary, clear instances of intention to engage in the Slave Trade which have of late so frequently occurred in regard to Havana vessels, ostensibly bound for legitimate commerce to Princes Island and other places on this coast. The equipment of the vessel, and the port at which she had been for months trading, Whydah, left doubt of her guilty employment out of the question, and led to her confiscation as above stated.

31. The Spanish schooner "*General Mina*," Juan José Rodriguez, Master. This vessel was found at anchor in the River Nun, on the 6th March, 1836, by the boats of His Majesty's brig "*Britomart*," by the Officer in command of which the "*General Mina*" was detained, on the ground of being illegally equipped. After seizure the detained vessel was conducted to the "*Britomart*," then at anchor off the mouth of the Nun; when Lieutenant Quin, the Commander of that cruiser, made a re-seizure of this vessel in a formal manner, exhibiting his Instructions, &c., as directed by the Treaty. This proceeding ultimately removed an objection set up by the Claimant in the defence of his vessel, of her having been detained in a manner at variance with the provisions of the Treaty of 1835, the Officer in command of the boats having in the hurry of leaving the man-of-war forgotten to take with him the Copy of his Commander's Instructions, with which he had been furnished.

On the captured vessel's arrival here, it was found that Lieutenant Quin had omitted to transmit with her the Declaration directed to be made by the Treaty of the circumstances of the seizure, and as the absence of this important Document was not attempted to be accounted for, the "*General Mina*" did not immediately come before the Court. After a brief delay the Master of this vessel appeared as Claimant in the cause, and prayed the Court to allow his Case to be proceeded in, the Seizor having neglected to take any steps within a reasonable time after the vessel's arrival here, and which request was complied with. The usual forms of proceedings were then commenced and gone through, and the evidence established that two infractions of the Equipment Article of the Treaty had in this instance taken place, viz., having more water-casks on board than were requisite for the use of the crew of the vessel, and having a loose or slave-deck laid in the cabin. From the first charge the Claimant relieved himself by the production of an official permission to carry the extra water-casks alluded to; but in respect to the second he was not so successful. The attempts of the Master to prove that this loose deck was for lawful purposes were numerous and inconsistent, whilst the evidence on this point produced by the Seizor went clearly to establish that the deck in question could only have been intended for slaves, as by thus arranging the cabin it was rendered wholly unfit for the use of the Officers of the vessel. It did not escape the notice of the Court that this mode of laying a loose deck in the Officers' cabin was commonly found to be adopted in the vessels which had been seized with slaves on board of them and condemned here. There were many parts of the equipment of this vessel which served to corroborate the impression of her having been employed in a slaving-voyage when seized, and to confirm the opinion of the loose deck having been intended only for the use of slaves. Condemnation was in consequence passed on the "*General Mina*" on the 3rd October, 1836, for a breach of the 10th Article of the Treaty of the 28th June, 1835, between Great Britain and Spain.

32. The Spanish schooner "*Dos Hermanos*," alias "*Numero Dos*," commanded by José March, was one of the many slave-vessels which belonged to the Port of St. Jago de Cuba. The boats of His Majesty's brig "*Britomart*" found this vessel illegally equipped, whilst at anchor, on the 6th March, 1836, in the River Nun, and she was therefore detained and sent here for adjudication. The circumstances under which this vessel was detained, and the time and place of that occurrence, were similar

## SIERRA LEONE. (Spain.)

to those under which the previously described seizure of the "*General Mina*" was made. The vessel also came up to this colony for adjudication without a Declaration from the Captor; and the Case was in consequence brought before the Court by the Claimant, as the "*General Mina's*" had been. The evidence given respecting the "*Dos Hermanos*" plainly proved her equipment and employment unlawful within the meaning of the Treaty of June, 1835. She had violated no less than 5 sections of the 10th Article of that Treaty. Confiscation of this vessel and her cargo was decreed on the 3rd October, 1836, to the Governments of Great Britain and Spain.

33. The Spanish brig "*El Mismo*," alias "*Centinella*," José Pereyra, Master, belonging to the port of Havana, was found at Ambriz, on the 4th March, 1836, by His Majesty's brig "*Charybdis*," Lieutenant Mercer commanding; and as she was obviously prepared to engage in the Slave Trade, that Officer detained and sent her here for adjudication. In the prosecution instituted against this vessel, clear proof was obtained of the guilty employment in which it was intended to engage her on the coast. On the 11th October, 1836, a sentence in accordance with the evidence alluded to was passed, by which this vessel and her cargo became lawful prize to Great Britain and Spain.

34. The Spanish schooner "*Famosa Primeira*," alias "*Terceira Numero Dos*," commanded by Mateo Moya. This vessel, fully equipped for the Slave Traffic, was detained off the River St. Bartolomé, in the Bight of Biafra, on the 6th July last, by His Majesty's brigantine "*Buzzard*." On the detained vessel's arrival in this port, the Captor immediately commenced her prosecution, which established her unlawful equipment, as above mentioned; and the Master, who alleged himself to be also Owner, having failed to prove that his vessel was lawfully employed when seized, confiscation of this property was passed on the 11th October, 1836.

35. The Spanish schooner "*Atalaya*," Augustin Sabat, Master, sailed from Havana in May, 1836, for St. Thomas, on this coast; but, as it generally proves, this destination was merely an ostensible one, the vessel having proceeded direct to the River Bonny, where a cargo of 121 negroes was purchased and shipped. Only a day after the embarkation of the negroes, the 19th September, 1836, His Majesty's ships "*Thalia*" and "*Buzzard*" met and detained the "*Atalaya*," whilst steering for Cuba. The prosecution of this vessel commenced on the 18th October, the day of her arrival here, and was concluded on the 25th of the same month, by the condemnation of the "*Atalaya*." The surviving 88 slaves of her cargo were liberated on the same occasion by a decree of the Court.

36. The Spanish schooner "*Cantabra*," Pedro Miguel Delesquest, Master, belonged to St. Jago de Cuba, which port she left in March, 1836, and, having reached the coast of Africa, was captured off Grand Bassa, by His Majesty's brig "*Charybdis*," on the 21st October, 1836. The illegal equipment of the vessel, as prohibited by the New Spanish Treaty of 1835, formed the ground of detention. The Captor's proceedings against the "*Cantabra*" in the Mixed Court of Justice, which began on the 29th October, 1836, closed on the 5th of the following month. On the first view of this Case, an apparent difficulty was observable as to the nationality of the vessel, in consequence of the desertion of the Master previous to capture, and from there being but one Ship's Paper, a Muster-roll, filed in Court. The evidence adduced, however, not only elucidated this doubtful point, but established clearly the fact of the vessel's unlawful outfit. A sentence of condemnation was in consequence recorded against the "*Cantabra*," on the 7th November, 1836.

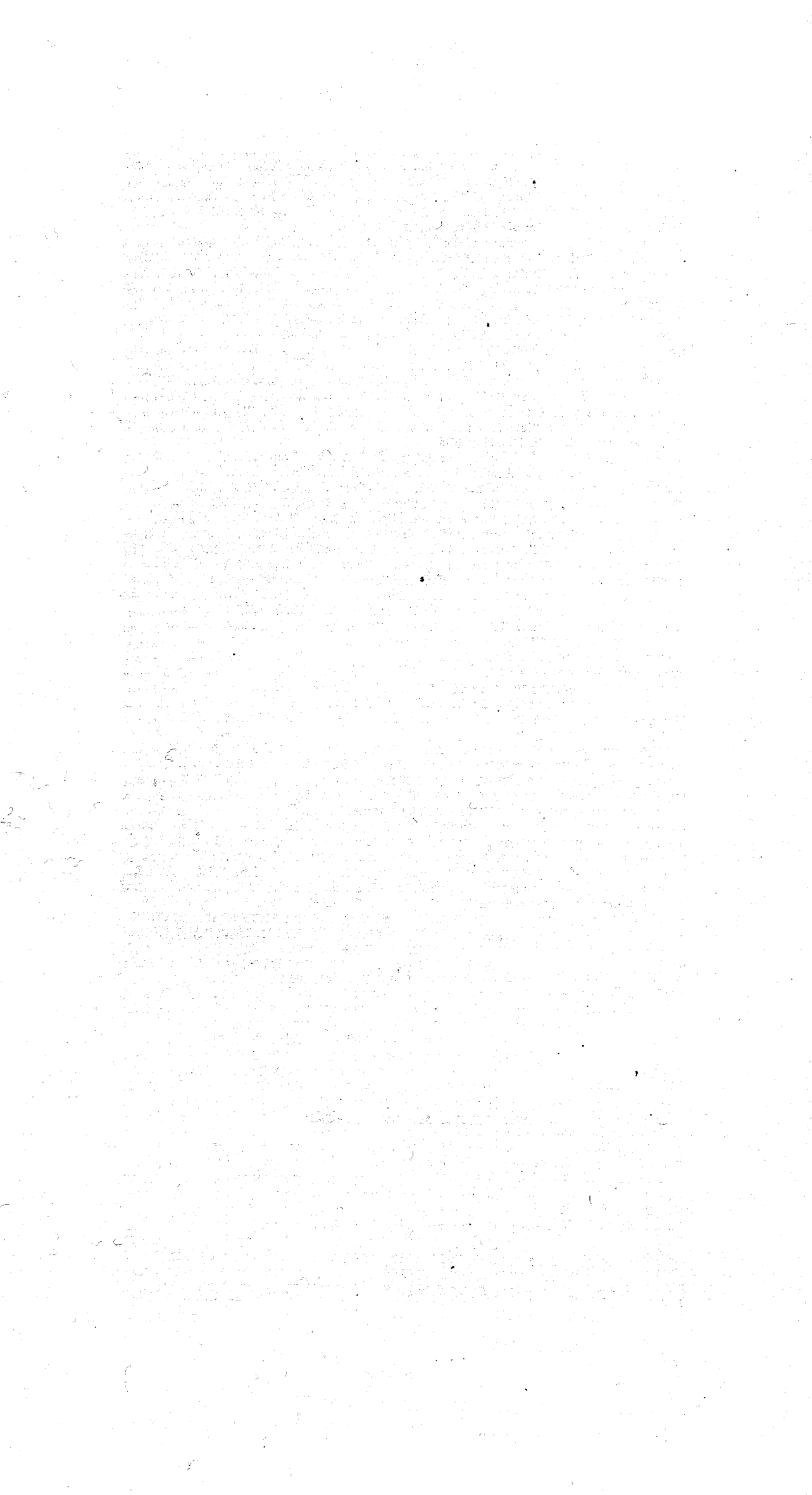
37. The Spanish schooner "*Luisita*," alias "*Lusiita*," was owned and commanded by Manuel Tort y Esclus, a resident of Havana, to which port the vessel belonged. The capture of this vessel took place in the river Sherbro, on the 21st November, 1836, by His Majesty's brig "*Rolla*," Lieutenant Glasse commanding, who found her illegally equipped. The Captor instituted proceedings against this vessel on the 28th November; and the Claimant obtained permission to file a claim for her restoration, together with the cargo, 2 days afterwards. The general charge of unlawful equipment was proved, by the evidence produced by the Captor, to have consisted of a separate and distinct infraction of no less than three sections of the 10th Article of the Treaty. The Claimant, on the other hand, failed to establish the lawful employment of his vessel by refuting the charges advanced by the Seizor. The Court having come to the above opinion, on its assembly on the 16th December, 1836, decided on the condemnation of the "*Luisita*."

Sierra Leone, 5th January, 1837.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.





# Supplement C.

## SIERRA LEONE. (*Portugal.*)

SUPPLEMENT C, No. 1.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 23, 1837.)

MY LORD,

*Sierra Leone, 31st October, 1836.*

A VESSEL sailing under Portuguese colours, called the "*Felix*," commanded by Joao Antonio Ribeiro, having a cargo of 557 slaves on board, shipped in the River Bonny, was seized on the 18th ultimo, when leaving that river, by His Majesty's frigate "*Thalia*," Captain Robert Wauchope, and sent here for adjudication immediately afterwards. The "*Felix*" arrived in this Colony on the 15th instant, and proceedings were in the usual form taken against her in the British and Portuguese Court of Mixed Commission, which proved in the clearest manner that a cargo of slaves had been embarked in the River Bonny on board of the detained vessel, and her condemnation was therefore decreed on the 22d instant.

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

The "*Felix*" is one of the many Spanish vessels lately placed at the Cape de Verde Islands, under the Portuguese flag, apparently to avoid the operation of the Equipment Article of the new Treaty with Spain.

From the evidence received in this Case, as set forth in our Report, and the Papers found on board the detained vessel, we have obtained the following particulars. The "*Felix*" was, in the early part of June last, a Spanish vessel, called "*Recluta*," commanded by Manuel Espinosa, who declared himself to be the Owner as well as the Master of her, and on this authority conducted an evidently nominal sale of the vessel to one Joao Antonio Ribeiro, of Porto Praya, for the consideration of 3 contos of reis, which were not paid to him, but only secured by the bond said to have been given by Francisco Cardos, a Merchant of the above-named Port. After this the name of the vessel was altered to "*Felix*," and Portuguese Papers obtained for her, under the command of the ostensible Owner, Ribeiro, who went direct, as he has deposed, to the Bonny, for a cargo of slaves, with which he was bound to Havana when detained. In this voyage Espinosa embarked as a passenger, with the evident object of superintending the slaving adventure, and taking care of his vessel.

These circumstances, together with the proof given in our Report of this Case, of Espinosa having paid 850 dollars as the purchase money of the Portuguese Papers supplied to his vessel, remove all doubt, we think, as to the fictitious character of the sale and transfer of the "*Felix*," alias "*Recluta*."

We beg leave to enclose, for your Lordship's information, a Copy of the Portuguese Passport, granted to this vessel by the Authorities at the Cape de Verdes, and a Copy of the Bill of Sale of her, before alluded to.

In the last-mentioned Document, your Lordship will observe that it is officially certified therein, "that the sum of 3 contos of reis had been delivered by the purchaser of this vessel to the seller, in money, metallic Currency of these (Cape Verde) Islands," whilst it is in evidence on the said purchaser's oath, that "the price was not paid down," but that security was given, as set forth in the Report.

One of the witnesses to the Bill of Sale is Ignacio Carlos de Fonseca, the ostensible Owner of the schooner "*Criolo*," a Spanish vessel, nominally transferred, as this one has been, from the flag of that nation to the Portuguese flag, and which we reported to your Lordship on the 25th June, 1836.

Manuel Espinosa was the Master of the Spanish slave-vessel "*Indagadora*," which sailed from Cadiz in August, 1834, and touched at Gibraltar, for goods from Mr. Sherwill, on her way out to this Coast, where she was captured full of slaves, and subsequently condemned, as reported to your Lordship, on the 28th November, 1834. Espinosa declared, in regard to the "*Indagadora*," that

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he was half Owner of her and the cargo, whilst the Ship's Papers proved that the vessel and cargo were the sole property of Don Pedro Felipe de Campo, of Cadiz.

Espinosa since this occurrence conducted a successful slaving voyage in the "*Numero Uno*," alias "*Rosalía*," from and to Havana; and embarked on a second expedition of the like nature, in the schooner "*Flor de la Mar*," on the 8th November, 1835, as appears by the Havana Lists. Of his having made a successful voyage in the "*Flor de la Mar*" there can be little doubt, when Espinosa is found on this Coast in command of another and a larger vessel (the "*Felix*," alias "*Recluta*"), at a time which would have afforded sufficient opportunity for that purpose.

By some of the loose Papers found on board of this vessel, it appears that the "*Flor de la Mar*," herein referred to, was owned by the house of Pedro Martinez and Company, of Havana, of which firm Don José Maria Zapata, of Cadiz, is said to be a partner.

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

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

## First Enclosure in Supplement C, No. 1.

*Report of the Case of the Portuguese brig "Felix," Joao Antonio Ribeiro, Master.*

THIS is the Case of a vessel, which was originally Spanish, but subsequently assumed, at the Cape Verdes, a nominal Portuguese character, in order to avoid the additional restrictions of the new Spanish Treaty. All the Spanish Papers, with which this vessel must have been furnished at Cuba, have been suppressed or destroyed. Their place, however, has been supplied by an entire set of Portuguese Documents, obtained at Porto Praya, which contain an account of the fictitious sale of the detained vessel, and of her transfer to the Portuguese flag, by the late Spanish Master, Manuel Espinosa, who declared himself to be also Owner of the vessel. The Portuguese Ship's Papers consist of

1. Muster-roll.
2. A clearance for the transshipment of fourteen pipes of Tobacco from the American brig "*Elizabeth*" to this vessel, conducted by Mr. William G. Merrill, of Porto Praya.
3. Passport.
4. Custom-house Certificate authorizing the departure of the "*Felix*" from Porto Praya.
5. Copy of a Bill of Sale, dated 14th June, 1836.

There was also a book containing short memoranda, made by Espinosa, of the expenses incurred by him at Porto Praya, and of certain transactions, without date, at the Galinas. We annex a Copy of the translation of the note relative to Espinosa's pecuniary proceedings at the Cape Verdes, as it shows that the amount requisite to effect an ostensible change in the nationality of a vessel is about 850 dollars, or 212*l*.

All the Ship's Papers are dated at Porto Praya, Cape Verdes, in June, 1836. The Passport, as well as the other Papers, is silent as to the destination of the vessel, but prohibits, like Spanish Royal Passports, any employment in the traffic in slaves. By the Bill of Sale, Joao Antonio Ribeiro, a Portuguese resident of Cape Verdes, appears as the purchaser, and the late Master, Manuel Espinosa, as the seller; and the amount of the purchase money is stated to have been 3 contos of reis. A change of name also was made, as well as of nationality, the vessel dropping her former name of "*Recluta*" and assuming that of "*Felix*," to render in all probability her assumed character less questionable.

These transactions at the Cape Verdes being brought to a close, the "*Felix*," under the command of her alleged Portuguese Owner, J. A. Ribeiro, and having the former Master of her, Espinosa, on board as a passenger, went direct to the River Bonny. The object of the voyage might have been anticipated by the pursuit of such a course. In that river upwards of 500 human beings were shipped, and with this wretched cargo the "*Felix*" was on her way to Havana, when happily fallen in with and seized, on the 18th September, 1836, by His Majesty's ship "*Thalia*," Captain Robert Wauchope commanding.

The detained vessel was immediately despatched to this place for trial, and arrived here on the 15th October; when both the Marshal and Surgeon to the Courts visited her, and made their usual Reports. By the official statement of the latter Officer, a more than ordinary mortality appeared to have occurred amongst the slaves on their passage hither, a period of 26 days. Out of 543 slaves, which were on board at the time of capture, no less than 61 died, all of dysentery, with the exception of 2, who committed suicide by jumping overboard, on the voyage to Sierra Leone. There were also 43 cases for medical treatment; and, in addition to this, the other slaves were much confined for want of room on board the vessel, which the Surgeon having represented as a reason for landing them, the Court complied with his suggestion, on a petition from the Captor's Proctor to that effect being presented, and the consent of the Colonial Government obtained to the measure. They were accordingly brought on shore, and consigned to the temporary care of the Liberated African Department on the day of their arrival here.

On the same day, the vessel's Papers, properly authenticated, with Captain Wauchope's Declaration, were received and filed; the Court, at the same time, ordered the issue of the Monition, and the examination of the witnesses in preparatory.

The Declaration specifies, that the capture of the "*Felix*," under Portuguese colours, took place on the 18th September, 1836, in latitude 4° 0' 4" north, and longitude 8° 19' east, Captain Robert Wauchope, of His Majesty's ship, "*Thalia*," being the seizing Officer; that she was then commanded

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by Joao Antonio Ribeiro, who declared her to be bound from the Bonny to Havana; and that there were 590 slaves on board, said to have been shipped in the Bonny on the day of capture.

The Registrar examined Joao Antonio Ribeiro, the Master, and Felipe Victorio, the Boatswain of the "*Felix*," on the standing interrogatories, on the 17th October.

The Master deposed that "he was born at Oporto, and lives there; has never served any other State but Portugal; appointed himself to the command, being the Owner of the vessel; possession was delivered to witness about 4 months since at Porto Praya, St. Jago, Cape Verdes, by Manuel Espinosa, a Spaniard, and former Master of the said vessel; first saw the said vessel about 4 months ago at Porto Praya; does not know where she was built; was on board at the time the vessel was seized for having slaves; had no colours but Portuguese; the vessel's name is '*Felix*;' she was called formerly '*Recluta*;' had a crew of about 40 persons exclusive of witness, all Portuguese, except 3 or 4 Spaniards, all hired and shipped at Cape Verdes by witness about 4 months ago; was sole Owner of the vessel and cargo; was Master on board; there were no passengers at the time of capture except the said Espinosa, who had taken a passage for Havana, but who had no authority or interest in respect to the said vessel or cargo; the present voyage began at Cape Verdes and was to have ended at Havana; Porto Praya was the last clearing port; from thence the vessel proceeded direct to the River Bonny, and shipped slaves from the shore; the capturing vessel was first seen between 3 or 4 weeks ago off the Bonny, about 3 P. M., and capture took place about 7 P. M. the same evening; the vessel was steering for Havana, but on sight of the capturing vessel she endeavoured to escape; no resistance was made; there were no instructions to make any, or to escape capture, or to conceal or destroy any of the Papers; there was a Bill of Sale from Espinosa to witness, the Copy whereof witness has delivered up; the price was not paid down; witness gave security for the payment; Francisco Cardos, a Portuguese merchant, residing at Porto Praya, was his security; the sale was a true one; there was no private agreement regarding the vessel; is sole Owner, lader, and consignee of the cargo; it was to have been delivered at Havana for the sole benefit and at the risk of witness; the last voyage he knows nothing about; the vessel's cargo from Cape Verdes was tobacco and cash; her present cargo is slaves; 591 were shipped altogether, all in the Bonny; none died before capture; several have died since; does not know how many, or the descriptions; was taken direct to Sierra Leone after capture; all the Papers were and are entirely true and fair; no Papers were destroyed, concealed, or in any manner made away with; there are no Papers in any country, to witness's knowledge, relating to either the vessel or cargo; there was no Charter-party; neither the vessel nor cargo is insured; the vessel was under witness's sole direction, and he corresponds with no one."

The Boatswain, in his examination, corroborated the statements of the Master.

An Affidavit of the Prize-Officer, filed on the 18th October, showed that no less than 68 of the slaves died from disease, and that 2 had drowned themselves since seizure, and whilst under his charge.

Publication of the above evidence was decreed on the 19th instant, and the Case of the Captor thus closed.

The Motion having expired on the 22d instant, when it was duly returned, the Court, in compliance with a Petition to that effect, met on the same day, to proceed to the trial of the "*Felix*;" the exhibits filed in the Case were then read, and it appearing that the Master had not even attempted to refute, as required by the Convention of 28th July, 1817, the charge of trading in slaves to the north of the Equator, a sentence of condemnation was pronounced upon the Portuguese brigantine "*Felix*;" as a legal forfeiture to the Crowns of Great Britain and Portugal; and at the same time the emancipation of the 481 slaves was decreed, who were the survivors of the 557 on board at the time of detention.

Sierra Leone, 31st October, 1836.

H. D. CAMPBELL.  
WALTER W. LEWIS.

## Second Enclosure in Supplement C, No. 1.

(Translation.)

MY DEAR FRIEND,

Havana, 4th October, 1835.

THE obligation from your house (or firm), and gratitude for favours conferred upon me, oblige me to perform another voyage to the Coast in the brigantine called the "*Flower of the Sea*;" and I intend taking my departure on the 18th of the current month. This voyage, my friend, decides my fate, and we may see each other in 7 or 8 months, if we escape so long from the valley of Jehoshaphat; under the most favourable circumstances, I am very much disgusted with the voyage, since the difficulties of these expeditions have been very much augmented, and my health has not been long recovered.

I send a Bill for 800 dollars, I think upon Don F. F. del Campo, with a quantity of goods towards the expenses of my family; a second Bill is for the same sum upon Don Joze Billaba, with trinkets for Sophia; I also send by the Mate a quantity of tobacco, which I intimate to you in order that nothing might be lost.

Before my departure I will make you acquainted with my intentions with regard to the interests which I feel for this unfortunate and unprosperous house.

(Here follow expressions of his wish to reduce the expenses of the establishment, and that they will give him credit for doing so, and of his respect for the house.)

(Signed)

MANUEL ESPINOSA.

Senhor Don Joze M<sup>a</sup>. Zapata, Cadiz.

## Third Enclosure in Supplement C, No. 1.

Translation of Passport.

ROQUE CALLAGO DA VEIGA VIDAL, Knight of the Order of Christ, Commander-in-Chief, and Secretary for the Interior of the Government-General of the Province of Cape Verd and the Coast of

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Guinea, charged with the administration of the Island of Saint Jago during the absence of the Governor-General of the same Province, &c., &c., &c.

I hereby certify that the Portuguese brigantine, named "*Felix*," of Greek construction, and of the tonnage and dimensions herein undermentioned, is Portuguese property, belonging to Joao Antonio Ribeiro, as authentically proved in this city, and at the General Office of this Government (and of which the same person is also Captain); and as such he is granted the privilege and guarantee of free navigation in all seas, sailing under Portuguese colours, and with a crew not less than two-thirds of which shall be Portuguese, which shall be proved before the Police Magistrates, and shall likewise be verified before the same, according to the Act of Matriculation or Registry. Brigantine "*Felix*," length 87 feet, breadth 28 feet, between decks 15 feet, and tonnage 154 tons, and has for her defence 2 pieces, 12-pounders, 2 carronades, 18-pounders, 18 muskets, 18 swords, 10 pistols; Captain Joao Antonio Ribeiro.

And since in her voyage she may be fallen with by Commanders, Officers of ships and other vessels of the kingdom, Her Most Faithful Majesty the Queen desires that she may not be obstructed; and recommends to those Officers of armed ships, squadrons, and other vessels of kingdoms, princes, republics, potentates, friends and allies of the Crown of Portugal, that they will not prevent her from the prosecution of her voyage; on the contrary, that they will render her every assistance or favour she may stand in need of, under the assurance that to those recommended by their princes the same and equal treatment would be rendered.

In testimony of which I have ordered the present Passport to be made, which is signed by me, and sealed with the seal of the Royal Arms of this Government.

Head Quarters in the City of Praia, of the Island of St. Jago, 14th June, 1836.

(Signed) ROQUE CALLACO DA VEIGA VIDAL,  
*Commander in-Chief, and Secretary-General for the Interior.*

At the back of the foregoing are the following:—

No. 264.

Paid 480 reis for the Seal.

*City of Praya, 14th June, 1836.*

(Signed) PEREIRA.

Registered at 103d page of the proper book.

*General Office of the City of Praia, 14th June, 1836.*

(Signed) VALENTINE TAVARES CAREIDO, *First Clerk.*

The Captain knows that he is prohibited from being employed in the traffic in slaves carried off. In testimony of which he has signed as well as myself, Secretary-General of this Province.

Head Quarters in the City of Praia, of the Island of St. Jago.

*14th June, 1836.*

(Signed) ROQUE CALLACO DA VEIGA VIDAL,  
*Secretary-General for the Interior.*

(Signed) JOAO ANTONIO RIBEIRO.

(Signed) W. HAMILTON, *Translator.*

## Fourth Enclosure in Supplement C, No. 1.

*Translation of Bill of Sale.*

BILL of Sale of a Spanish brigantine which Manuel Espinoza causes to be made with Joao Antonio Ribeiro. Know all whom these may concern, that in the year of the birth of our Lord Jesus Christ one thousand eight hundred and thirty-six, on the 14th day of the month of June, in the said year, in this City of Praia, of the Island of Saint Jago, and Cape Verde, in my Office, before me and the undersigned witnesses, appeared on the one part, as seller, Manuel Espinozo, of the Spanish nation, and on the other, as purchaser, Joao Antonio Ribeiro, resident of this city, and known to the undersigned witnesses; and by the said Manuel Espinoza was communicated to me that he sells from henceforth and for ever to the said Joao Antonio Ribeiro his Spanish brigantine called the "*Veluta*," for the sum of three contos of reis, free of duty, which sum has been delivered by the purchaser in money, metallic currency of these Islands; and that from henceforth he transfers to the purchaser all right, title, command, and possession of the said Spanish brigantine, and everything belonging to her; and he further grants permission, with or without the authority of the Judge, to take possession of her whenever he pleases, and, until so taken possession of, he constitutes himself possessor in the name of the purchaser. It was said further that, with his person and goods, he binds himself to make good this Sale, and to defend the purchaser when called upon by law.

Likewise by the purchaser was presented to me a Certificate of duties, of the following tenour:

Candido Paula Medina, Secretary at the Custom-house of the City of Praia, of the Island of Saint Jago. I hereby certify that, in the Book of General Receipts at this Custom-house, at the 96th page, are to be found the following words:—1836, June 13.—Received from Joao Antonio Ribeiro, for duty of five per cent. for the timbers of the Spanish brigantine called the "*Veluta*," purchased from Manuel Espinozo for the sum of three contos of reis, as appears according to the tenour of the Oath in the Book of Securities at the 64th page, the sum of four hundred and fifty milreis. CORDEIRO MEDINA.—In testimony of which I have ordered the present Document. *Custom-house, in the City of Praia, 13th June, 1836.* CANDIDO PAUL MEDINA.—After this I, as witness, read it before them, who reciprocally signed and acceded to it; and I, as a public person, signed and certified to it in the name of the absent parties. Witnesses present at the whole proceeding, Joaquim Joze de Abreu and Ignacio Carlos da Fonseca, residents in this City, and persons of my acquaintance, who have signed with the seller, and with me, Antonio Joze de Silva Macedo, Secretary, who wrote this; I say Secretary, Judicial and Notarial Public Witness, that I wrote and sealed this with my name and with the seal which I use. Place of the public seal in testimony of the truth.—Witnesses, ANTONIO JOZE DA SILVA MACEDO, MANUEL ESPINOZO, JOAO ANTONIO RIBEIRO, IGNACIO CARLOS FONSEÇA, JOAQUIM JOZE DE ABREU. The said Document contains nothing more. Written in my Book of Notes which belongs to

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me, and from which I have faithfully extracted, and which I find to be in conformity. In confirmation of which I have sealed it with the seal which I make use of, City of Praia, 14th June, 1836.  
In testimony of the truth.

(Signed)  
(Signed)

ANTONIO JOZE DE SILVA MACEDO.  
W. HAMILTON, *Translator.*

## Supplement C, No. 2.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 23, 1837.)

MY LORD,

*Sierra Leone, 31st October, 1836.*

HEREWITH we have the honour to transmit to your Lordship our Report of the Case of the Portuguese brigantine "*Esperança*," which vessel was seized, with a cargo of slaves on board, off the River Bonny, by His Majesty's sloop "*Pylades*," William Langford Castle, Esquire, Commander, on the 17th ultimo.

The "*Esperança*" was brought before the British and Portuguese Mixed Commission Court, on the 15th instant, on which day the slaves on board of her were landed, and placed in the charge of the Liberated African Department, pending their Adjudication; and, on the 22d following, the Court met for the trial of this vessel, when a sentence of condemnation was recorded against the "*Esperança*," and the emancipation from slavery of 417 slaves decreed, they being the survivors of the 471 originally seized in this vessel.

In our other Report of this date, we have laid before your Lordship the Case of the brig "*Felix*," also condemned under Portuguese colours, the history of which vessel is nearly, in every respect, similar to that of the "*Esperança*."

Both vessels were originally Spanish, and arrived at Porto Praya, Cape Verdes, early in June last, where they were nominally sold by their alleged Owner to Portuguese residents of that Island. The consideration money stated in the Bills of Sale is, in both instances, 3 contos of reis; and, on the Portuguese Papers being completed for these 2 vessels, they sailed about the same time for the Bonny, where they embarked cargoes of slaves, with which they were both captured, within 24 hours of each other, off the bar of that river. The Spanish Masters and alleged Owners of these vessels continued on board of them after their ostensible change of nationality; in the Case of the "*Felix*," the said Master and Owner going in the character of a passenger; and, in the present instance, the original Master being in the Portuguese Muster-roll described as First Mate, and the former Owner as Second Mate.

The intended destination of the slaves of the "*Esperança*" the Master of her declared to have been Rio de Janeiro.

In the present Case, the Portuguese Owner and Master of the "*Esperança*" are cousins; both reside at Porto Praya, one of the Cape de Verde Islands, as will be seen by the evidence transcribed in our Report; and the Portuguese Government will, therefore, have, in this instance, a satisfactory opportunity, if such be desired, of punishing some of her subjects at those Islands, who set at defiance the laws of their country, as regards the Slave Trade, and in which they are evidently countenanced and aided by the Government Authorities at those islands.

We have, &c.

(Signed)

H. D. CAMPBELL.

WALTER W. LEWIS.

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

&c.

&c.

&c.

## Enclosure in Supplement C, No. 2.

*Report of the Case of the Portuguese brigantine "Esperança," Alexander Antonio Silva, Master.*

THE "*Esperança's*" Case is in nearly every respect similar to that of the "*Felix*," already reported under this date. The "*Esperança*," like that vessel, was originally Spanish, and ostensibly changed her nationality at the Cape Verde Islands, in June last, and immediately proceeded thence to the River Bonny, where the shipment of a cargo of slaves took place.

With this cargo the "*Esperança*" had just commenced her voyage to Rio de Janeiro, when she was fallen in with by His Majesty's sloop-of-war "*Pylades*," under the command of Captain William Langford Castle, by whom she was detained and sent hither for adjudication.

The Papers found on board of this vessel by Commander Castle were as follows:—

1. Bill of Sale. This Paper, dated Porto Praya, 1st June, 1836, purports, that José Procelho, who is not in any way described beyond being titled as the Owner of the Spanish brigantine "*Isabelita*," had sold her to João Claudio de Lima, merchant of the Cape Verdes, for 3 contos of reis, said to have been paid down in "metallic" currency.

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2. Passport for the "*Esperança*," from Roque Callaço da Viega Vidal, the Acting Governor of Cape Verdes, dated 2d June, 1836, and numbered 53. No destination is expressed therein.

3. Muster-roll of the crew, 28 in number, dated as above.

4. Log-book of the voyage in which the vessel has been detained.

5. An old Log-book. This appears to have been kept by a person named Parbienter, Second Mate of the Spanish brigantine "*Ninfa Matanzera*," Augustin Burcet, Master, during the voyage of that vessel from Cuba to the Cameroons, where a cargo of slaves was embarked, with which she is stated to have been detained on the 7th January last, very close to Cuba, by His Majesty's schooner "*Pincher*." In this book there is also an entry, by the same person, of 1 day's Log, dated 28th April, 1836, off Matanzas, of the brigantine "*Isabelita*," Augustin Burcet, Master.

In the Portuguese Muster-roll of this vessel, the late Spanish Master, A. Burcet, is described as the First Mate, whilst the alleged former Owner appears therein as Second Mate.

The arrival here of this vessel, and the particulars respecting her cargo, were duly communicated to us by the Marshal on the 15th instant; on which date also we received the Surgeon's Report as to the condition of the slaves on board of her. From the medical Officer's statement it appeared that disease prevailed in this vessel to a considerable extent, there being no less than 51 slaves requiring immediate hospital treatment; and that, during her voyage hither, 43 of the slaves embarked had fallen victims to dysentery, and 4 men of the Beebee nation had committed suicide by jumping overboard.

The Proctor for the Captors, on the same morning, commenced proceedings, in the customary form, in the British and Portuguese Court of Mixed Commission, against this vessel, by filing the Captor's Declaration, with the Ship's Papers, duly authenticated by the Prize-Officer. The Monition, calling on all interested parties to appear before the Court within 8 days, was issued, and the witnesses in preparatory directed to be examined.

Immediately after the vessel had been regularly brought before us, arrangements were entered into for landing the slaves, in compliance with the Surgeon's recommendation to that effect; and they were, in consequence, disembarked that afternoon, the sick at the hospital at Kissy, and the remainder in the Liberated African Yard in Freetown.

Commander Castle, in his Declaration, stated that, "being in latitude 4° 17' north, longitude 7° 33' east, on the 17th day of September last, he detained the "*Esperança*," sailing under Portuguese colours, commanded by Alexandre Antonio Silva, who declared her to be bound from the River Bonny to Rio de Janeiro, with a crew consisting of 19 men, 8 boys, 1 supercargo, and 8 passengers, and having on board a cargo of slaves, said to have been shipped in the River Bonny on the day of detention.

The witnesses produced for examination were Alexandre Antonio Silva, the Master, and José Rossello, the Second Mate of the detained vessel.

The Master, Silva, deposed, that "he was born in St. Jago, Cape Verdes, and lives at Porto Praya, in that Island; has never served any other State but Portugal; and is unmarried. He was appointed to the command by Joao Claudio de Lima, a resident of Porto Praya, and a Portuguese subject; possession was given to him (witness) by the said De Lima in June last; first saw the said vessel there and then; does not know where she was built. He was on board when the vessel was captured for having slaves; had no colours but Portuguese. The vessel is called '*Esperança*;' knows of no other name; does not recollect her tonnage; she had 27 Officers and mariners, exclusive of witness, all Portuguese, all shipped and hired in Porto Praya by witness, in June last. Neither he nor any other of the Officers or mariners had any interest in either the vessel or cargo; was Master on board; there were some passengers, does not know how many; they were Spanish seamen taken on board in the Bonny in September, for a passage to Rio de Janeiro, being part of the crews of vessels that had previously been captured; none of them had any interest or authority regarding the vessel or cargo. The present voyage commenced at Porto Praya, which was the last clearing port, and was to have ended at Rio de Janeiro; from Cape Verdes the vessel went direct to the Bonny, where she shipped slaves. The capturing vessel was first seen outside the mouth of the Bonny on the morning of the 17th September, and capture took place the same day; the vessel was steering for Rio de Janeiro; when chased, more sail was hoisted, in order to escape. No resistance was made; there were no instructions to make any, or to escape or avoid capture, or destroy or conceal any of the Papers. Joao Claudio de Lima is the Owner of the vessel; De Lima is witness's cousin, a native of Lisbon, residing with his family at Porto Praya. There was a Bill of Sale; the original is at Porto Praya, in the possession of De Lima; a Copy thereof was delivered up to the Prize-Officer; does not know what was the price of the vessel, and cannot say whether it was paid down; believes the sale to have been a true one, and that the vessel, if restored, will belong to De Lima only; knows of no private agreement. De Lima is the Owner of the cargo, and witness was the lader and consignee; the slaves were to have been landed at Rio de Janeiro, for the account and at the risk of De Lima, and, if restored, will belong to him only, as they were purchased with Lima's property. He knows nothing of the last voyage; her lading from Cape Verdes was rum, cloth, beads, &c.; the present cargo is slaves; 477 were shipped altogether, all from the shore; none died before capture, some have died since, but he does not know the number or description. Was taken direct to Sierra Leone after capture. The Papers are all true and fair. No Papers were destroyed, concealed, or made away with. There are no other Papers in any country relating to either the vessel or cargo. There is no Charter-party. He is ignorant whether the vessel or cargo be insured; the vessel was under witness's management in regard to her trade; and he corresponds with the Owner, De Lima, only. Bulk was broken in the Bonny. No slaves have been disembarked since capture."

The Second Mate, José Rosello, corroborated the foregoing evidence, with the exception of professing ignorance as to the Bill of Sale, of the place where and at whose risk the slaves were to have been landed, and to whom they would belong, if restored.

In order to prove the number of slaves who had died on board the "*Esperança*" subsequent to capture, an Affidavit of the Prize-Officer was filed, the substance of which was, that, subsequent to the seizure of the brigantine with slaves on board, 43 of them had died from disease, and 4 of the said slaves were drowned by throwing themselves overboard; and that every care and attention in the power of himself and crew were afforded to the said slaves; and that the deaths did not ensue through the neglect of himself or crew.

On the 19th October, publication of the evidence in the Case was granted.

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The Monition, issued to the Marshal on the 15th of this month, was returned into Court on the 27th, certified to have been duly served.

A day of trial having been asked for, the Court met for that purpose on the 22d instant; and, after having heard read evidence of the clearest nature as to the employment of the "*Esperança*" in the Slave Trade to the north of the Equator, at the time of her seizure by His Majesty's sloop-of-war "*Pylades*," William Langford Castle, Esquire, Commander, it only remained for the Court to pass a sentence of condemnation upon the "*Esperança*," her hull, tackle, apparel, and furniture, and to decree the emancipation of the survivors of her slaves, in number 417, of the 471 slaves found on board this vessel at the time of her detention. It was proved that 47 slaves had died on the passage to this port, and 7 after their being landed in this Colony, and previous to the adjudication of the vessel. *Sierra Leone, 31st October, 1836.*

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

## Supplement C, No. 3.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 23, 1837.)*

MY LORD,

*Sierra Leone, 8th November, 1836.*

REFERRING to the Despatch which we addressed to your Lordship, under date of the 6th February last, respecting a further application which we had made, through the Commander of His Majesty's brig "*Buzzard*," to the Authorities at Princes Island, respecting the fate of the two condemned Portuguese vessels "*Magdalena*" and "*Maria Piquena*," left as unseaworthy at that Island, in the year 1823, in order to ascertain whether or not there were any proceeds forthcoming on account of the said vessels, we now beg leave to report to your Lordship that, from a communication lately received from the Commander of the "*Buzzard*" (a Copy of which is herewith transmitted), it appears that the slave-vessels in question went to pieces on the shores of Princes Island, where they were driven by the violence of the tornadoes, and that the question of proceeds may be considered as set at rest.

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

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

## Enclosure in Supplement C, No. 3.

*Lieutenant Campbell to His Majesty's Commissioners.*

*His Britannic Majesty's brigantine "Buzzard," Port Antonio,*  
*28th April, 1836.*

GENTLEMEN,

IN reply to your Letter, with its Enclosures, of the 3d February last (addressed to my predecessor, Lieutenant Roberts), relative to the slave-vessels "*Magdalena*" and "*Maria Piquena*," I beg to inform you that, from the best information I have had the means of obtaining, it appears they were both driven on shore during the tornado months, and from being quite rotten they went to pieces.]

I have, &c.  
(Signed) PATRICK CAMPBELL,  
*Lieutenant and Commander.*

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

## Supplement C, No. 4.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 23, 1837.)*

MY LORD,

*Sierra Leone, 13th November, 1836.*

WE have the honour to enclose herein our Report of the Case of the Portuguese brig "*Esperança*," captured, with 438 slaves, off the Bonny, by His Majesty's brig "*Curlew*," Lieutenant Edmund Norcott commanding, on the 3d October, 1836, and within a month after that date prosecuted and condemned in the British and Portuguese Court of Mixed Commission.

The "*Esperança*" is ostensibly owned by a Portuguese resident at Bahia, Joao Ramos de Souza, under whose command she made a voyage from Bahia to Princes, between the months of May and December, 1835. At Princes Island, De Souza obtained a Passport and Fort Pass, which Papers were made use of a second time on the voyage in which she was detained, and then given up to the Seizing Officer.



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After leaving Princes in December, 1835, the "*Esperança*" came to this Coast, where there can be no doubt she embarked a cargo of slaves, which was afterwards safely landed in Cuba. The "*Esperança*" cleared from Havana in May last, to effect the voyage in which she has been captured; on which occasion it is said De Souza placed L. A. Rochodel, her late Master, in command. No attempt was made to provide regular Papers for this vessel at Havana, she having left that place, as it is to be presumed from the absence of Documents, with only a Spanish Custom-house Manifest of the cargo.

There was a List of the crew obtained at Havana, of a very doubtful character, as it was not prepared on the usual printed form, but roughly written, and has little to authenticate it but a Certificate of the American Consul expressing that it is a correct Document.

It is somewhat singular that the "*Esperança*" should have left Bahia in May, 1835, as she apparently did, without any Passport or Register, and to have proceeded to Princes, and obtained there a Paper so necessary for her safety in navigating the ocean; and which circumstances are well calculated to create doubts as to her character and intended employment.

Much of the mystery, however, which would have attended the real character of the "*Esperança*" is cleared up by a description given of this vessel by Mr. Consul Parkinson, in a Despatch addressed to your Lordship, dated the 29th May, 1835 (Class B, p. 99, of Slave Trade Papers, presented to Parliament in 1835), to which we respectfully beg leave to draw your Lordship's attention. After exposing the facility with which the Ownership of a vessel may be simulated at Bahia, Mr. Parkinson mentions the Case of the "*Esperança*" as one in point, in the following words:—"The second Case is that of the '*Esperança*,' a so-called Portuguese brig. This vessel was recently built and bought at Baltimore; her ostensible Owner is Joao Ramos de Souza, a Portuguese *common sailor*, whilst her real Owners are certain Frenchmen and a Belgian, resident shopkeepers in Bahia. The '*Esperança*' is their joint property, purchased out of the profits of different successful '*runs*' with slaves from the '*Coast*' to Havana." Such being the Ownership of the "*Esperança*," it is not to be wondered that great care was exerted, by means of inefficient and useless Papers, to mystify her *bonâ fide* character.

In the evidence of the Master and the Cook of this vessel, a Supercargo of the name of Emilio Martins is said to have been employed in the purchase of the cargo of slaves.

Martins stated to the Commander of the "*Curlew*," after the capture of the "*Esperança*," that he was the Owner of that vessel, as well as of the schooner "*Atalaya*," detained a few days previously with slaves on board when leaving the Bonny.

That the "*Atalaya*" had put back on her first attempting to go to sea, in consequence of observing a British cruizer, and landed her slaves, half of whom had been stolen by the native Chief at the mouth of the River Bonny; and that the schooner's cargo had afterwards been partly made up by him from the slaves collected for this vessel. Martins added, that he had 2 brothers who acted as his correspondents in his slaving-adventures, one residing at Bahia, and the other at Havana; and that he is a Frenchman, and his usual place of residence Marseilles.

The schooner "*Atalaya*" above mentioned was under Spanish colours, and was reported by us in our last Despatch to your Lordship of the 8th instant.

There is great probability that Emilio Martins, or Emanuel Martin, as he sometimes styles himself, has, to a certain extent, told the truth to the Commander of the "*Curlew*," in respect to the Ownership of the "*Esperança*" and "*Atalaya*," as the transfer of the slaves mentioned by Martin is known to have taken place; and the firm of Gantois and Martin, of Bahia, were publicly the consignees of the "*Esperança*" when she was at that port, as appears by the returns of Mr. Vice-Consul Robilliard, in his Despatch to your Lordship of the 28th July of last year, Class B, pp. 99, 100, of the Slave Trade Papers for 1835.

We have, &c.

(Signed)

H. D. CAMPBELL.

WALTER W. LEWIS.

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

&c.

&c.

&c.

SIERRA LEONE. (*Portugal.*)

## Enclosure in Supplement C, No. 4.

*Report of the Case of the Portuguese Brig "Esperança," Lourenço Antonio Rochodel, Master.*

THE Ship's Papers found on board this vessel at the time of detention have served for two voyages to the Coast, and were obtained at three different places, Bahia, Princes Island, and Havana.

The first voyage was personally conducted by the Owner, Joao Ramos de Souza, who took his departure from Bahia in May 1835; was at Princes in December of the same year; and after having called, as it must be presumed he did from the tenour of his Passport, at the Costa da Mina or the Coast of Guinea, he is found with his vessel at Havana in May of the ensuing year, a second time making preparations for another guilty, though less successful, adventure to the African shores. The following Papers were used in the above-mentioned expeditions.

A receipt for the payment of certain duties, amounting to 21 mil-reis, for the tonnage of the "Esperança" at Bahia, given to J. R. de Souza, on the 7th May, 1835, when he was on the eve of departing for Princes.

A Passport granted by the Provisional Government of Princes, on the 19th December, 1835, to the "Esperança," then commanded by De Souza, and declared to be bound from that Island to Havana, *via* the Costa da Mina, on lawful employment. A Certificate from the American Consul at Havana, Mr. N. P. Trist, is appended to this Document, having been obtained in May 1836 after the return of the vessel from this Coast, and prior to the commencement of the voyage in which the "Esperança" was detained. The purport of this Document is that J. R. de Souza had made a declaration of the appointment of Rochodel to the command of the "Esperança," and that the American Consul duly authenticated this change of command in the absence of a Portuguese functionary at Havana. A Fort Pass, obtained, like the Passport at Princes, by De Souza on the 24th December, 1835.

Only two additional Papers were furnished for the second and last voyage, when Rochodel took command; they consisted of

A Manifest of the cargo, shipped at Havana, and dated the 17th May, 1836; and

A List of Crew, loosely written, and not in the usual printed form, and dated the 11th May, 1836.

The American Consul at Havana has added another Certificate to this Paper, in which he confirms the correctness of the Muster-roll.

A very imperfect Log-book was kept by the Master, Rochodel, and was given up with the other Papers at the time of seizure.

The "Esperança" left Havana on the 18th May, 1836. A period of 46 days transpired, as is shown in the Log, in effecting the voyage from Cuba to the Coast of Africa; this vessel having anchored in the Bonny River on the 9th July last. At this slave-trading haunt the Master was occupied nearly 4 months in completing his cargo of human beings. The "Esperança," laden with upwards of 400 slaves, quitted the Bonny on the 3d October with the purpose of making the best of her way to Cuba; but her guilty career was fortunately interrupted by her detention on the same day by His Majesty's brig "Curlew," Lieutenant Norcott commanding.

After a passage of 23 days the prize reached this port, and was visited by both the Marshal and Surgeon to the Court. The report of the latter Officer as to the condition of the slaves was of a distressing nature; 28 deaths had taken place on the passage hither, chiefly from dysentery, and one female from voluntary drowning. The disease existing on board this vessel was unusually extensive, there being no less than 161 persons variously afflicted with maladies common among slaves in a state of confinement, many of whom the Surgeon considered to be in a dangerous state. The medical Officer's recommendation to land them was therefore favourably entertained by the Court, and a Petition from the Seizor's Proctor to the same purport was immediately granted. The slaves were accordingly disembarked the day they were brought before the Court, the sick being landed at the Hospital at Kissy, and the healthy at the Liberated African Yard in Freetown.

On the same day proceedings in prosecution were instituted by the Proctor for the Captor, who brought the vessel's Papers authenticated and the usual Declaration into Court. The Monition then issued, and the witnesses were directed to be examined.

Lieutenant Edmund Norcott states in his Declaration that the Portuguese brig "Esperança" was detained by him, on the 3d October, with 435 slaves on board, supposed to have been shipped in the Bonny; and that Lourenço Antonio Rochodel, the Master, declared her to be then bound from the Bonny to the Island of Cuba.

L. A. Rochodel, the Master, and Vicente Pauquet, the Cook, were examined by the Registrar on the 27th October.

The first witness deposed that "he was born at St. Michael's, in the Western Islands, has resided at Bahia for the last 6 years, but has never served any State but Portugal. Was appointed to the command, and possession of the vessel was given to him at Havana, in May last, by Joao Ramos de Souza, the Owner, a resident of Bahia, but a Portuguese subject; first saw the said vessel in Bahia in December 1835; she is North American built. Was present when the vessel was captured for having slaves on board; sailed under Portuguese colours; had also a French and a red flag on board for signals. The vessel has always been called 'Esperança.' There were 24 or 25 Officers and mariners exclusive of witness, all Portuguese except five, who were Spaniards, all shipped at Havana in May last by witness, except 4 mariners, who were hired in Bahia, in March, 1835, by the Owner, De Souza, who was at that time in command of the vessel. Neither he nor any other of the Officers or mariners had any interest in either the vessel or cargo. The last clearing port was Havana, and the present voyage commenced and was to have ended there. From Havana the vessel proceeded to the Bonny, where she lay 3 months, and slaves were purchased from the natives. First saw the capturing vessel outside the Bonny about 2 P.M. of the 3d of this month, and capture took place about 2 hours afterwards; the captured vessel was steering for Havana, and on sight of the man-of-war tacked and stood for the shore. Joao Ramos de Souza is the sole Owner of the vessel, a Portuguese by birth; he resided at Oporto formerly, but has lived at Bahia since 1818. There was a Bill of Sale from the former Owner to De Souza; witness has seen it, and it is now in De Souza's possession; it was dated in 1835, but witness does not recollect anything further about it, except that it was signed in the presence of the Portuguese Consul at New York; does not know anything about the price of the vessel. Joao Ramos de Souza is the Owner of the slaves, and Emílio Martins, the

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Supercargo, the lader and consignee; he (Martins) is, witness believes, a Frenchman; he was shipped in Havana; the slaves were to have been landed on the Coast of Cuba, at the risk and for the benefit, witness believes, of De Souza. The vessel's lading on the last voyage was jerk beef from Rio Grande to Bahia and Havana. Witness was not on board in that part of the voyage between Rio Grande and Bahia; he shipped as First Mate at Bahia, De Souza himself being Master; the cargo from Havana to the Coast was rum, cloth, and tobacco; the present cargo is slaves; 435 were shipped altogether from the shore; none died before capture; believes about 32 have died since; was taken direct to Sierra Leone after capture. All the Papers are true and fair. No Papers were concealed, destroyed, or made away with."

The evidence of the Cook, Vicente Pauquet, was more limited than that of the Master, but still as far as it went it proved a corroboration of his statements.

By an Affidavit of Mr. Sturdie, the Prize-Officer, filed on the 28th ultimo, it was shown that 30 deaths had occurred since seizure, one of which was caused by suicide. On the same day publication of the Seizor's Case was decreed on petition.

The Motion being due on the 2d November, the Court assembled on that day for the adjudication of the Portuguese brig "*Esperança*," no attempt having been made to refute the charge of slave-trading by the Master, as is enjoined by the additional Convention with Portugal of 1817, in cases of Portuguese vessels seized to the northward of the Equator. The Court therefore condemned the "*Esperança*," and emancipated the surviving slaves of her cargo, in number 396, 438 having been on board at the time of capture.

Sierra Leone, 10th November, 1836.

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

## Supplement C, No. 5.

*Viscount Palmerston to His Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 27th January, 1837.*

I HEREWITH transmit, for your information, the Translation of a Decree issued at Lisbon, on the 10th of December, 1836, for the Abolition of the Slave Trade throughout the Portuguese dominions.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in Supplement C, No. 5.

(See Class B.)

## Supplement C, No. 6.

*His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 3, 1837.)*

MY LORD,

*Sierra Leone, 6th December, 1836.*

His Majesty's brigantine "*Forester*," under the command of Lieutenant Miall, fell in with and detained, on the 20th October last, in latitude 4° 5' north, and longitude 7° 49' east, the Portuguese schooner "*Victoria*," laden with a cargo of 380 slaves, and bound to Havana from the New Calabar River.

The "*Victoria*" reached this port on the 14th ultimo, on which day she was regularly brought before the British and Portuguese Court of Mixed Commission, and the usual proceedings instituted, which distinctly established the above-mentioned facts of her illegal employment at the time of detention, and a sentence of condemnation was therefore recorded against her on the 21st ultimo, the day on which the Motion in the Case was returned into Court. At the same time, a Decree of Emancipation was passed upon the survivors of the human cargo of this vessel, in number 316 persons.

This vessel, there is every reason for believing, is only ostensibly Portuguese, as in January of this year she was sold as the Spanish schooner "*Iberia*," by one Manuel Tort Esclus, to Francisco Cardoza de Mello, at Porto Praya, Cape Verde Islands, when she was placed under the Portuguese flag and called "*Victoria*."

A cargo of slaves was, in all probability, then shipped from some of the northern slaving-ports on this Coast, with which she reached Cuba in safety, as the next account of her proceedings is not until June last, when a change of her Master took place at Havana. This arrangement was conducted by Jacobo Velasco, a clerk of the firm of Martinez and Company of Havana, as appears by the Certificate of the American Consul resident in that port.

Martinez and Company's alleged authority in the affairs of this vessel is said to have been founded upon an open Note, written to that firm by F. C. de Mello, of Porto Praya, the ostensible Owner of her, and which, doubtless, was intended to

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be used, if necessary, as a Power of Attorney. The informality and doubtful character of this Document was observable at the first glance, and naturally aroused suspicion. Our belief is that the Document is a mere cover for Martinez and Company, to whom we think the vessel really belongs, keeping her under the Portuguese flag. The Report of this Case we beg leave to enclose herewith to your Lordship.

We have, &c.

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

(Signed)

G. C. B.

&c.

H. D. CAMPBELL.

WALTER W. LEWIS.

Enclosure in Supplement C, No. 6.

*Report of the Case of the Portuguese Schooner "Victoria," Carlos Estavao Sasseth, Master.*

THE Ship's Papers, found on board the Portuguese schooner "Victoria" by the detaining Officer, were apparently procured in two distinct voyages, and at two different periods, at the Cape Verdes and Havana. They were all written in the Portuguese language, excepting one, which is in Spanish. The Documents referred to consist of,—

1. Muster-roll, prepared and signed only by the Master, dated at Havana, the 15th June, 1836, to which is attached a Certificate of the American Consul, Mr. N. P. Trist, of its authenticity.

2. A Spanish Custom-house Clearance, dated likewise at Havana, 18th June, 1836, showing this vessel to have cleared for St. Thomas with a general cargo.

3. A Bill of Sale, in Portuguese, made at Porto Praya, on the 7th January, 1836. A Spaniard of the name of Manuel Tort Esclus is the seller, and Francisco Cardoza de Mello, a Portuguese merchant of Praya, appears as the purchaser. The consideration money is said to have been paid down in metallic currency of the Islands.

4. A Provisional Passport, dated at Porto Praya, 15th January, 1836, and signed by the Governor-General of the Cape Verdes. There is no destination expressed, an omission which is frequent in Passports obtained at the Cape Verdes. A Certificate of the American Consul at Havana was added to this Document 6 months afterwards, by which the appointment of the late Master to the command of the vessel was authenticated.

5. A Letter, purporting to be a Power of Attorney, dated at Praya, the 16th January, 1836. Therein the Owner, F. C. Mello, authorizes the firm of Martinez and Company of Havana "to sell, barter, or freight the schooner 'Victoria.'" This Paper bears strong marks of imperfection, as it is both unwitnessed and unsealed.

The "Victoria" sailed from Havana for New Calabar, in July, 1836, touching at Gallinas on her way to the Bight of Biafra. At this well-known slave-trading mart she remained a very short time, and then proceeded to the Calabar, where she succeeded in shipping 380 slaves, the return cargo which was to have been disposed of at the Island of Cuba. His Majesty's brigantine "Forester" fortunately fell in with the "Victoria" on the 20th October, captured her, and immediately sent her hither for trial.

We were made acquainted with the arrival of the "Victoria" on the 14th of the following month, by the Marshal, and at the same time received the usual Medical Report of the state of the slaves. Disease, induced from long confinement and the privation unavoidable in a slave-vessel, prevailed to a considerable extent, as the Surgeon found no less than 60 cases which required prompt medical treatment, which, with the smallness of the vessel, induced him to recommend their immediate disembarkation. A Petition to land the slaves was, therefore, granted on the same day, and they were received on shore by the Colonial Authorities during the interval preceding the trial of the vessel.

The Case on the same day came regularly before the Court at the instance of the Captors; the Ship's Papers and Lieutenant Miall's Declaration having been filed, the Monition sent forth, and the evidence directed to be taken.

Lieutenant Miall, in detailing the various circumstances of seizure in his Declaration, states that the detention took place in latitude 4° 5' north, and longitude 7° 49' east, on the 20th October, and that the vessel was then bound to Havana with 380 slaves, who had been shipped in the New Calabar River.

Two days afterwards, the usual examinations were taken by the Registrar of the witnesses brought forward by the Captor, the Master, Carlos Estavão Sasseth, and Mariana Gomez, the Cook of this vessel.

The first witness, Sasseth, deposed, that "he was born at Lisbon, and lives there, and has never served any other State but Portugal. Don Simon, a Spanish subject, and a merchant residing at Havana, appointed witness to the command, and gave him possession in July last at Havana; first saw the said vessel there in July last. Was present when the vessel was captured for having slaves; had no colours but Portuguese. Knows of no other name for the vessel than 'Victoria.' Neither he nor any other of the Officers and mariners had any interest in the vessel or cargo; was Master on board. The last clearing port was Havana, and the voyage commenced and was to have ended there; thence the vessel went to Gallinas, and remained about 2 days, and from that place proceeded to Calabar, where she stayed about 6 weeks, and slaves were purchased from the natives. First saw the capturing vessel on the morning of the 20th October, and capture took place on the same day in the afternoon; the chase began as soon as the man-of-war was discovered; the vessel was steering for Havana when pursued, and every endeavour was made to get away; the vessel's Papers were for St. Thomas's, but she did not go there. No resistance was made. Does not know the Owner's name; believes he resides at Cape Verdes; has heard so from Don Simon. Knows nothing of any Bill of Sale, or the price of the vessel; knows nothing of any private agreement. Does not know who the Owner or consignee of the cargo is; Don Simon was the lader of the merchandize at Havana; the present cargo is slaves; they were to have been landed at Havana, and delivered to Don Simon; does not know on whose account, and cannot say to whom they will belong if restored. Knows nothing

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of the last voyage; the cargo shipped at Havana was cloth, tobacco, muskets, and powder; 308 slaves were shipped altogether from the shore; none died before capture; some have died since, but does not know how many or their descriptions; was taken direct to Sierra Leone after capture. Believes the Papers found on board were all true and fair. No Papers were destroyed, concealed, or made away with. Knows of no other Papers in any country relating to either the vessel or cargo. There was no Charter-party."

The second witness's evidence was confirmatory of that of the Master.

The Seizor's Case was closed by the publication of the above evidence on the 16th November, when also an Affidavit was filed relative to the number of deaths which had taken place since capture. By this statement of the Prize-Officer it appeared that 57 slaves had died from the effects of disease, and that 4 were drowned.

On the expiration of the Monition on the 21st ultimo, the Court, in compliance with a Petition to that effect, met for the trial of the "*Victoria*." A sentence of condemnation was then pronounced upon that vessel, as prize to Great Britain and Portugal, her illegal employment having been established beyond the possibility of a doubt; and a Decree of Emancipation was also recorded for the 316 surviving slaves of the 379 originally captured in this vessel.

Sierra Leone, 6th December, 1836.

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

## Supplement C, No. 7.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received Feb. 3, 1837.)

MY LORD,

Sierra Leone, 7th December, 1836.

IN the Despatch which we had the honour of addressing to your Lordship on the 25th ultimo, we reported the condemnation, on that day, of the Portuguese brigantine "*Vigilante*," which vessel, with her cargo and stores, had been left by the Captors at Nassau, New Providence, in consequence of the "*Vigilante*" not being sufficiently seaworthy to make a voyage thence to this port.

To complete the proceedings in this Case, it had, therefore, become necessary that the property in question should be sold where it had been left; and with that object we enclosed, in the Despatch alluded to, a Commission of Appraisalment and Sale, which we respectfully suggested to your Lordship should be forwarded to the Lieutenant-Governor of the Bahamas, requesting his Excellency to appoint some competent and trustworthy person within his Government to execute the said Commission, and to cause the proceeds which may arise therefrom to be remitted to us with as little delay as possible.

It may probably be considered by the parties interested in the closing of these accounts, that they might have been finally arranged on their arrival in England from New Providence, instead of being transmitted to us, by which a very great delay will necessarily take place; but any other course than that suggested we were of opinion was objectionable, from two causes: 1st, that a return of the Commission of Appraisalment and Sale, which issued from the British and Portuguese Court of Mixed Commission, other than that which was proposed, would, we apprehended, have been an irregular proceeding; and 2dly, that we should by any other course have been left without funds to meet certain local demands for expenses arising out of the condemnation of this vessel, which it is the practice of the Court to pay from the proceeds of the sale.

By the arrangements suggested we shall also ultimately be enabled to close the accounts of this Case in the manner in which such Documents have hitherto been transmitted to your Lordship.

Our Report of the Case of the "*Vigilante*," which we were unable, from the want of time, to prepare for transmission in the previous Despatch, we now beg leave to lay before your Lordship.

The "*Vigilante*" is one of the numerous Spanish vessels which have lately ostensibly changed their nationality at the Cape de Verde Islands, where Portuguese Official Ship's Papers appear to be treated by the Authorities as articles of merchandize.

In our Report, we have referred to two bundles of Papers, which were found on board of this vessel at the time of seizure, containing Copies of a lengthy Correspondence by the Master of her, chiefly with the notorious slave-dealer Pedro Blanco of the Gallinas, and Copies and Originals of certain accounts kept by him during a period of 6 months in last year, when he resided here, after the condemnation of the Spanish slave-brigantine "*Clementi*," of which he was Master. The "*Clementi*" was detained by His Majesty's brigantine "*Griffon*," as reported in our Despatch of the 3d December, 1834.

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From the Papers above mentioned, we derived an insight into the proceedings of the Master since his arrival here in "*El Clemente*," which when connected with the evidence brought forward in the Case of the "*Vigilante*," and what appears in the Ship's Papers, and Documents of that vessel, and with the information we derived from other authentic sources, seemed satisfactorily to establish what we shall now state to your Lordship. That the real name of the Master of the "*Vigilante*" is not Manoel de Barros, as it appears in the Ship's Papers of that vessel, but Miguel Bertinote, as will be evident on perusal of the Prize-Officer's Affidavit transcribed in the Report of the Case, which explains that this man used both names in common at the time of seizure, having signed the list of articles found on board the "*Vigilante*" as Bertinote, whilst he gave his name as Barros, on a list of the crew being taken by the Captor.

The Marshal of the Court also identified this man as Miguel Bertinote, the former Master of "*El Clemente*," and as having left this in command of the Spanish vessel "*El Manuel*," for the Cape Verde Islands, in June of last year. Bertinote purchased "*El Manuel*" from Messrs. Rae and Hornell, merchants of this town, of which vessel Mr. Hornell appears, by our accounts, to have been the buyer at the Mixed Commission Sale, on the 13th March, 1835, for 310*l.*, and for which Mr. Hornell and his partner obtained from Bertinote the sum of 642*l.* 8*s.* 8*d.* The pecuniary benefit of this transaction to Messrs. Rae and Hornell, your Lordship will perceive, has been very considerable.

Of the advantage which this firm had thus taken of Bertinote's necessity to purchase a vessel, he complains grievously to his employer, Pedro Blanco, the notorious slave-dealer of the Gallinas, in a Letter of June, 1835, and particularly of their having advanced from their original price, 600*l.*, after Bertinote had reported to Blanco that amount as the price of "*El Manuel*."

Pedro Blanco's vessel was placed by Bertinote under the Spanish flag, and cleared out in ballast at the Custom-house here, under his command, on the 20th June, 1835, for St. Jago, Cape de Verde Islands, where he arrived, as we perceive by his Log-book of the voyage, on the 9th July following. This Log has been signed in two places by Bertinote.

To enable this man to conduct the transactions previously described, he received from Pedro Blanco that individual's bills on London for 1,000*l.* sterling, of which he disposed in the following manner, as appears by Bertinote's Letter to Blanco, dated here, the 21st June, 1835:—

Particulars of 1,000*l.* sterling, making, in Spanish, 4615 dollars 3 rials.

<i>Expenses.</i>		
The brig " <i>Vigilante</i> "	. . .	dollars 2969 2 rials.
Money borrowed from Mr. Rae up to June	. . .	243 0
		3212 2
Leaving a balance with me of	. . .	1403 1

The amount appearing in hand by the foregoing Memorandum was subsequently expended on "*El Manuel*," to enable her to leave this port, in the payment of seamen's wages, and other unavoidable expenses of fitting out, making her cost to Pedro Blanco, in the first instance, 1,000*l.*, in addition to the remuneration coming to Bertinote for his agency in the matter.

The firm of Rae and Hornell seems, by Bertinote's letters, to have been the chief mercantile correspondents here of Pedro Blanco, as Bertinote addressed himself at once to those persons on receiving Pedro Blanco's instructions to buy a vessel in this port, and as Bertinote states that they are the only persons here who will take Pedro Blanco's bills on London, without requiring security for the risk in so doing.

Mr. Hornell's connexion with Blanco was apparently of a more particular description than that of his partner, as during the time Mr. Hornell remained in the Colony, he alone negotiated with Bertinote; who states also that he made him a trifling present, on the ground of his respect for Blanco, whilst Mr. Rae seems to have treated Bertinote throughout somewhat distantly, and, on selling him "*El Manuel*," to have declared that, on that affair being completed, he would not, either directly or indirectly, have anything more to do with him.

Bertinote wrote to Blanco, stating that the arrangements originally proposed by Messrs. Rae and Hornell was, that the condemned Spanish schooner "*Indaga-*

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*dora*," which had become the property of the firm in question, should be by them put up at Public Auction, and purchased by Bertinote, who was to sail her hence under the Spanish flag to the Cape de Verde Islands, and there act as Pedro Blanco had communicated to him. This arrangement was not, however, completed, through some difference as to the price which should be paid for the "*Indagadora*." This vessel was condemned by the British and Spanish Mixed Commission, and reported in our Despatch to your Lordship of the 28th November, 1834.

Mr. Savage, one of the legal practitioners in the Courts here, appears also to have been a correspondent of Pedro Blanco, as we find in Bertinote's Letter to him, that Blanco had desired Bertinote to inform Mr. Savage that he was ordered to purchase a vessel, and "that should he meet with any demur in despatching the same, he was to apply to him."

Mr. Lake, who was formerly a practitioner in the Courts, is stated to have been one of the channels of communication in Bertinote's negotiations with Rae and Hornell.

Bertinote applied to Mr. Hamilton, one of the merchants of this Colony, for the sale of his vessel to him, but they could not agree as to the price.

With Mr. Hanson, the Supercargo of the American brig "*Ruth*," Bertinote was apparently on very familiar terms, as he states that Mr. Hanson, immediately on discovering he was here, came to him, and rendered him the service of cashing one of Blanco's 250*l.* bills, and assisted him in every other way that lay in his power.

During Bertinote's six months' residence here, he seems, by his letters, to have kept Pedro Blanco well informed of the arrival here of British cruizers and their prizes, and of every other matter of interest.

The deliberate manner in which the Officers and men belonging to slave-vessels frequently perjure themselves when they come before the Mixed Courts, we have often had to remark upon; but in no instance have we had more barefaced false swearing than in this Case, on the part of the Master. In proof of this we would refer to his use in common of two names, as before mentioned; and his stating on oath before the Registrar, that his name was Manoel de Barros only. To his swearing that he never knew this vessel to have any other name than "*Vigilante*," and that he did not know what the cargo of the vessel was on her last voyage, though he commanded her in that voyage, and his own Log-book shows that she was then called "*El Manuel*." To his replying to the interrogatory respecting the Ownership of the vessel, that "he has heard Francisco Cardosa (de Mello), of Porto Praya, say he was Owner, but that he knows nothing as to the Bill of Sale, or the price of her, and, if restored, she will belong to Cardosa;" when we have before us his letters to friends in Cuba, from on board the "*Vigilante*," when at the Gallinas and in the Bonny, showing that his Owners are the firm of Blanco and Carballo, of Havana, the principal of which firm resides at Gallinas. To his swearing that in this, a Portuguese Case, he was born at Algarve, in Portugal, and has lived at St. Jago, Cape Verdes, for the last 2 years; whilst on his examination as Master, in the Case of "*El Clemente*," a Spanish vessel, he swore that "he was born at Cadiz, where his wife and family reside." That he did not live at St Jago for the last 2 years, as above stated, will be evident from the fact of his having been on board of the condemned Spanish vessel "*El Clemente*" from April to December of 1834; his having resided here the first 6 months of 1835; and his having subsequently been Master of this vessel up to the present time.

It is much to be feared that this system of false swearing will be persevered in by the detained witnesses of slave-vessels, whilst they continue to find, as at present, that their infamous conduct entails no punishment on them personally.

At the close of the Report of this Case, we have mentioned that a sum of money (14*l.*), which had been found on the person of one of the seamen of this vessel at the time of detention, and been taken possession of by the Prize-Officer, we requested should be paid into Court, on the understanding that, if it was not legally claimed as private property by the time that the accounts of the sale of this vessel and her cargo reach us from New Providence (which will not be for several months to come), we should treat it as a part of the proceeds in the Case.

We were of opinion that the Captor's taking possession of this small sum from

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the person of one of the seamen of a slave-vessel was somewhat an irregular act, as it had hitherto been usual not to interfere with anything that had the appearance of being the private property of the Officers or crew of such vessels, and which it is reasonable to suppose this money was.

As, however, the Captor did not send over the man from whom the money had been taken, who would have equally well answered for a witness as the sailor who was produced, we were unable to obtain evidence respecting this money. To leave it in private hands we thought could not properly be done, and it was therefore ordered to be paid into Court; and with the view of affording the fullest opportunity which we were enabled, to whoever might be interested, to prefer a claim thereto, we reserved a final decision as to its disposal until the accounts of the Case are ready for closing, when, should it remain as at present, we submit that no more convenient arrangement, under all the circumstances, can be made than treating it as proceeds in this Case.

We have, &c.

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

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

Enclosure in Supplement C, No 7.

Report of the Case of the Portuguese brigantine "Vigilante," Manoel de Barros, alias Miguel Bertinote, Master.

THE "Vigilante," in the voyage in which she has been detained, was provided with the under-mentioned Ship's Papers:—

1. A Passport from the Government of the Cape de Verde Islands for this vessel to sail under the Portuguese flag on a voyage to St. Thomas and Princes Islands, thence to Cuba, and to return to the Cape Verdes, dated 12th July, 1835. The Owner of this vessel being Francisco Cardoza de Mello, of those Islands.

2. Muster-roll from Porto Praya.

3. A Custom-house permission to leave the Island, dated 2d August, 1835.

In addition to these Official Papers there were found on board the "Vigilante," at the time of seizure, the following:—

1. A Log-book of this vessel when she was under Spanish colours, and named "El Manuel," in her voyage from Sierra Leone to the Cape de Verde Islands, between the 25th June and 9th July, 1835, to which place her Master, Bertinote, took her to obtain a Portuguese flag and Papers; and where the vessel's name was changed to "Vigilante," and the Master's to Manoel de Barros. This book is signed by Bertinote at its commencement and conclusion.

2. Log-book of the "Vigilante" on her voyage from this coast with the slaves with whom she was captured.

3. An old Log-book, containing a short account of 2 voyages, 1 in 1831, and the other in 1832. There are no means of ascertaining to what vessel they relate, or whether they had been kept by Bertinote.

4. A bundle of loose Papers, being Copies of the correspondence of Miguel Bertinote during the first 6 months of 1835, when he resided at Sierra Leone for the purpose of effecting the purchase of a vessel on account of his employer, the notorious slave-dealer Pedro Blanco, of the Gallinas; on which occasion he bought "El Manuel," and converted her into the Portuguese vessel "Vigilante," as previously stated.

5. A number of rough and fair accounts relating to the above-mentioned employment of purchasing a vessel.

6 and 7. A Paper of nautical calculations, and an important Certificate respecting a boy belonging to the Cape de Verde Islands.

The collection of Papers mentioned under Nos. 4 and 5 afford insight into the mode in which the purchase of this slave-vessel was conducted, and points out some of the connexions in this Colony of Pedro Blanco. Upon the information contained in the Papers in question we shall remark in the Despatch accompanying this Report.

Bertinote, on purchasing "El Manuel," placed her under the Spanish flag, and proceeded to the Cape de Verde Islands, where he altered her name to "Vigilante," after having ostensibly changed her nationality from Spanish to Portuguese. On leaving the Cape de Verde Islands he went to the Gallinas, from which place her real Owner, Pedro Blanco, despatched her to the New Calabar and Bonny Rivers, where a cargo of slaves was embarked, with which the vessel had safely proceeded very nearly to her ultimate destination, the Island of Porto Rico, when fallen in with by His Majesty's sloop-of-war "Racer," Commander Hope, by whom the "Vigilante" was detained with the intention of sending her to Sierra Leone.

When, however, the vessel had proceeded to the Island of New Providence with the object of landing the cargo of slaves, whom it was found impossible, from motives of humanity, to re-convey across the Atlantic, she was discovered to be unseaworthy, and could not, therefore, be sent over to this Court. After a very considerable delay, the Prize-Officer arrived here from the West Indies by the way of England, having in charge the Master and a seaman of the detained vessel as witnesses in the Case.

On the 17th November the Proctor for the Captor brought in the "Vigilante's" Papers duly authenticated, which, with the Captor's Declaration, were filed in the Registry; the usual Monition went forth, and the witnesses in preparatory were directed to be examined.

The Declaration of the seizing Officer was as follows:—



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"I, James Hope, Commander of His Britannic Majesty's sloop 'Racer,' hereby declare that, on this 8th day of March, 1836, being in or about latitude 15° 46' North, longitude 60° 9' West, I detained the brigantine 'Vigilante' sailing under Portuguese colours, commanded by Manoel de Barros, who declared her to be bound from the River Bonny on the Coast of Africa to the Havana in the Island of Cuba; and having on board 270 slaves, said to have been taken on board in the Bonny on the 18th day of January, 1836."

This Declaration was witnessed by the Prize-Officer, Lieutenant Chambers, and the Surgeon of the "Racer."

Respecting the disembarkation of the slaves from the "Vigilante," at Nassau, New Providence, Lieutenant William W. Chambers tendered a Certificate which he had drawn up relative to that proceeding at the time of its taking place, which, after describing when and where he first became Prize-Officer of the detained vessel, stated, that "Commander James Hope finding it necessary to disembark the whole of the said slaves before the vessel could arrive at Sierra Leone, to which place it was Commander Hope's intention to send her for adjudication, on account of the health of the slaves being such as to render it, in his opinion, not advisable to send them to Sierra Leone, I did, on the 17th and 18th days of March, disembark 231 of the said slaves at Nassau, where they remained."

Lieutenant-Governor Colebrooke's acknowledgment for the slaves so landed at New Providence, under date of the 19th March last, was filed at the same time as the before-mentioned Papers, and was as under:

"Received from Lieutenant W. W. Chambers the undermentioned number of Africans belonging to the Portuguese brigantine 'Vigilante,' captured by His Majesty's sloop 'Racer':—

"Men . . . . .	80
"Women . . . . .	45
"Boys . . . . .	43
"Girls . . . . .	63

Total . . . . . 231

(Signed)

"W. W. G. COLEBROKE,  
Lieutenant-Governor."

Annexed to this was the Lieutenant-Governor's receipt for the copper boiler of this vessel, which he had requested for the purpose of cooking provisions for the slaves.

The "Vigilante's" unseaworthiness was very clearly established by the 2 surveys which the Prize-Officer presented to the Court, 1 of which was taken on the 12th April last, under the direction of Commander Willis, of His Majesty's ship "Cruizer," by a merchant, a Pilot and ship-builder, and the Harbour-Master of Nassau; and the other under the orders of Commander Owen, of His Majesty's ship "Thunder," on the 6th July last, by the Master and the Carpenter of the "Thunder," and a Lieutenant and the Carpenter of the capturing vessel. After this examination of the said vessel it was determined to leave her at Nassau.

The hull, spars, ballast, and rigging were accordingly placed by the Prize-Officer in charge of the Collector of Customs at Nassau, and the sails and stores delivered over to the custody of the naval storekeeper there, as appeared by their original Receipts for the same, under date of the 8th July last, which had been lodged in the Court.

On the 18th ultimo, the Master and seaman of this vessel, who had been produced as witnesses by the Seizor, underwent examination on the standing interrogatories before the Registrar.

The Master deposed that his name was Manoel de Barros, that "he was born at Algarve in Portugal, has lived at St. Jago, Cape Verdes, for the last 2 years, has never served any State but Portugal, and is not married. Don Francisco Cardoza, a Portuguese subject and merchant, residing at St. Jago, Cape Verdes, appointed witness to the command, and gave him possession at that place about 15 months since; first saw the said vessel about 2 years ago at St. Jago; she was built at Bahia. He was present when the vessel was captured for having slaves; had no colours but Portuguese. He knows of no other name than 'Vigilante;' she was 91 tons burthen, and had 26 Officers and mariners, exclusive of witness, all Portuguese, except 2 or 3, who were Spaniards; all hired and shipped at St. Jago by witness in August, 1835. Neither he nor any of the Officers or mariners had any interest in either vessel or cargo; was Master on board; there was one passenger, a Spanish merchant, whose name he does not remember; he was embarked in the Bonny for a passage to Havana; does not know what his business there might be; the said passenger had no interest in the vessel or cargo, or authority on board. The last clearing port was Porto Praya, Cape Verdes; the present voyage began there, and was to have ended at Porto Rico; from Cape Verdes the vessel went direct to the Bonny, where slaves were purchased from the natives. The capturing vessel was first seen in March last, at 9 in the morning, and capture took place about half-past three o'clock of the same day; does not know the latitude or longitude; he was ill at the time; the vessel was steering for Porto Rico when pursued; her course was altered on sight of the capturing vessel, and endeavours were made to escape; the vessel's Papers were for Princes Island and Cuba. There were no guns mounted, nor any arms or ammunition; there were no instructions to resist capture, or to destroy or conceal any of the vessel's Papers. Francisco Cardoza was the Owner of the vessel; has heard him say so; and (witness) was appointed by him; Cardoza is a Portuguese by birth; his family reside at Porto Praya; does not know where the said Cardoza lived previously. He knows nothing of any Bill of Sale, or the price of the vessel; if restored, the vessel will belong to Cardoza; knows of no private agreement. Cardoza is the Owner of the slaves, and witness was the lader and consignee; they were to have been landed at Cape Roxo, in the Island of Porto Rico, on account and at the risk of Cardoza; and if restored, will belong to the said Cardoza, and to him only. He knows nothing about the last voyage; the cargo shipped at Cape Verdes was coral, tobacco, and cash; the cargo at the time of seizure was slaves; 321 were shipped altogether, all from the shore; about 35 died before capture, and some died afterwards, but he does not know how many, or the descriptions; after capture the vessel was taken to Nassau, New Providence. The Papers found on board were all true and fair. No Papers were concealed, destroyed, or made away with. He knows of no other Papers in any country relating to either the vessel or cargo. There was no Charter-party. He is ignorant whether the vessel or cargo is insured; the vessel was under witness's management in regard to her trade. Bulk was broken in

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the Bonny; the whole of the slaves were disembarked at Nassau; does not know by whose orders, or for what purpose."

The evidence given by Ricardo Viera, the seaman, confirmed the testimony of the Master, excepting only as to the proprietorship of the vessel and slaves, and the validity of the Ship's Papers, upon which points he declared himself ignorant.

The number of slaves that had died on board of this vessel between the date of her capture and the landing of those unfortunate people at New Providence was proved by the Prize-Officer's Affidavit to have been 17, notwithstanding every care and attention had been bestowed upon them by Lieutenant Chambers and his prize-crew.

Publication passed to the Seizor on the 18th ultimo, on which day was brought in and sworn to an Affidavit of Lieutenant Chambers, accounting for certain moneys seized by him on the person of 1 of the seamen of the "*Vigilante*" at the time of her detention; and which Affidavit was in the words hereunder:—

"Appeared personally William Wyly Chambers, Lieutenant of His Majesty's sloop-of-war 'Racer,' who being duly sworn, maketh oath and saith, that after the capture of the said brigantine the deponent found upon the person of 1 of the seamen belonging to the said brigantine, Manuel St. Anna, 4 doubloons and 5 Spanish dollars, which money was taken to England by the deponent, and delivered by him to Messieurs Hallett and Robinson, the agents in London for His Majesty's sloop 'Racer.' And the deponent further saith, that the said money was sold by Messieurs Hallett and Robinson for the sum of £14 and 8*d.* sterling, which said sum is still in their possession, and will be by them paid over to any party this honourable Court may be pleased to direct."

This closed the Captor's Case; and a Petition for a day of trial came in on the 23d, and was granted for the 25th ultimo.

On looking into this Case, preparatory to adjudication, we observed that the Master of this vessel, who had stated on his examination by the Registrar that his name was Manoel de Barros, had signed himself "Miguel Bertinote" at the foot of the List of stores of this vessel made at the time of seizure. To decide whether the 2 names above-mentioned belonged to, or were used by the said Master, as we had every reason to believe they did, we requested the Proctor for the Seizor to furnish us with such information on the subject as lay in his power to obtain, and which he did on the morning of trial, in the form of an Affidavit, as follows:—

"Appeared personally, William Chambers, Lieutenant of His Majesty's sloop-of-war 'Racer,' who, being duly sworn, maketh oath and saith, that 'Manoel de Barros,' the alleged Master of the said brigantine, and Miguel Bertinote, a name which appears in the evidence filed in the cause, is one and the same person, for that at the capture of the said brigantine the said Master signed his name in this deponent's presence to the List of stores belonging to the said vessel, as Miguel Bertinote, although he had declared his name to this deponent to be 'Manoel de Barros,' as aforesaid, which latter name is inserted in the Muster-roll of the said vessel."

The Motion which issued in this Case on the 17th was returned into Court on the 25th ultimo, certified to have been duly served; on which last-mentioned day the Court met for the trial of this vessel, when a sentence of condemnation was pronounced against the vessel, her stores and cargo. Of the 248 slaves seized on board the "*Vigilante*," it appeared that only 231 were alive when they were delivered over to the Lieutenant-Governor of the Bahamas, in favour of the survivors, of whom at the time of adjudication, we passed a decree of emancipation from slavery.

The money taken from the person of 1 of the seamen of this vessel at the time of her detention, by the Prize-Officer, as before-mentioned, we requested should be paid into Court immediately, which was accordingly done, with the understanding that in the event of its not being lawfully claimed as private property previous to the return into Court of the Commission of Appraisal and Sale issued in this Case, and which cannot take place for some months to come, on account of our having to await its return to New Providence, we proposed to treat the sum in question as a part of the proceeds of the vessel, and dispose of it accordingly.

Sierra Leone, 7th December, 1836.

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

## Supplement C, No. 8.

His Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 3, 1837.)

MY LORD,

Sierra Leone, 8th December, 1836.

WE have the honour of reporting to your Lordship the detention, by His Majesty's brig "*Curlew*," on the 19th October last, of the Portuguese ship "*Quatro de Abril*," Manoel Dias, Master, with 478 slaves on board. The seizure of this vessel took place the day after her leaving Whydah, where her human cargo had been embarked.

Proceedings were taken against this vessel in the British and Portuguese Court of Mixed Commission on her arrival here on the 17th ultimo, and, on the 25th, a sentence of condemnation passed upon her; and a decree was made for the emancipation of 458 slaves, being the survivors of those seized in this vessel.

Our Report of this Case is herewith transmitted for your Lordship's information.

We learned from Lieutenant Norcott, the Commander of the "*Curlew*," that at the time of the capture of this vessel there were found, forming part of the cargo

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of slaves, 10 kroomen, who had been kidnapped at Whydah, and, as we ascertained, under the following circumstances.

The kroomen were formerly in the employ of an English merchant, living in the Benin, who is largely concerned in the produce trade of that river, and who keeps a number of the natives of the Kroo Country to navigate the boats which he is under the necessity of using, for shipping his trade in the vessels that are to convey it to England; and which cannot load near to his establishment. The kroomen alluded to formed the crew of one of these boats, and had completed their duty of shipping on board a vessel at anchor in the roads off Benin, a number of casks of palm-oil, when they resolved to run away with the boat, and attempt to return in her to their own country, a distance of 1,200 miles, and against the prevailing wind in that part of the Coast. In this almost hopeless task they persevered until their provisions were exhausted, and they were under the necessity of landing, which they did near to Whydah: when they and the boat in which they had arrived, were immediately made prizes of by the chief of that part of the Coast, who sold them to one of the foreigners there as slaves.

The only cause which the kroomen assigned for their conduct in stealing their employer's boat was, their anxious desire to get home again, notwithstanding they were very happy under their former Master, who behaved kindly to them.

By the Papers of the "*Quatro de Abril*," and the evidence of her Master, it appears that the Portuguese house of Almeida and Costa, of Bahia, are the Owners of her. Their consignee at Lisbon is Bernardo Miguel Borges.

Both the witnesses in the Case declared that this vessel went from Lisbon to Whydah in ballast; and that there a Portuguese resident, named Joaquim Jozé, shipped 478 slaves, with whom the "*Quatro de Abril*" was to proceed to Havana. From this mode of conducting business by Almeida and Costa, it may reasonably be inferred that their slaving transactions are considerable, as they must apparently have an open account with the man Jozé, or he would not ship slaves without receiving goods in return.

This vessel was formerly called "*Maria da Gloria*," but is not, as far as we could learn, the same vessel which, under that name was restored to the Claimant by the Court here, in March, 1834.

We have, &c.

(Signed)

H. D. CAMPBELL.

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

WALTER W. LEWIS.

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Enclosure in Supplement C, No. 8.

*Report of the Case of the Portuguese ship, "Quatro de Abril," Manoel Dias, Master.*

This is the Case of a Portuguese ship belonging to the port of Lisbon, seized with a cargo of slaves on board, off Whydah, on this Coast, by His Majesty's brig "*Curlew*," on the 19th October last. At the time of detention only the two Papers hereunder described were found on board this vessel.

1. Passport, dated at Lisbon on the 13th May, 1836, and signed by the Minister of Marine, authorizing a voyage thence to "New York, the Azores, and other convenient ports, returning to Lisbon." The Owners are stated to be Almeida and Costa, Portuguese subjects; but their places of residence, or calling, are not mentioned.

2. Muster-roll of the crew, dated Lisbon, 26th May, 1836.

On leaving Lisbon this vessel went to Whydah, after touching at the Western Islands; and procured the cargo with which she was detained.

The "*Quatro de Abril*" reached this place on the 17th ultimo, on which day we received the Official Reports of the Marshal and Surgeon to the Courts; from the latter of which we learned that there were no less than 140 out of the 463 negroes on board, who required immediate medical treatment. Though the remainder of the cargo were happily found to be in more than ordinarily good condition, and the vessel comparatively large and roomy, the Surgeon was of opinion that no delay should take place in the landing of these slaves, to insure them proper accommodation.

On the following morning the Proctor for the Captor commenced his suit against this vessel, by filing in the Registry of the Court the Declaration of the Seizing Officer, and Ship's Papers, with the Prize Master's Affidavit authenticating the same; and praying that the usual Monition should be issued, and the witnesses produced be examined, which were ordered. The Proctor likewise brought in a petition for landing the slaves, which was granted; the Colonial Government having consented to receive the healthy in Freetown and the sickly at the Lazaretto at Kissy; and they were accordingly on the same afternoon disembarked.

The Declaration of the Captor stated that the seizure of the ship "*Quatro de Abril*" took place on the 19th October, 1836, in about latitude 5° 24' north, and longitude 3° 28' east, whilst she was sailing under the Portuguese flag, with a cargo of slaves on board, shipped the previous day at Lagos, and destined for Havana.

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The witnesses in preparatory were examined on the standing interrogatories by the Registrar on the 22d ultimo.

Manoel Dias, the Master of this vessel, deposed that "he was born at Lisbon, and lives there with his wife and family; has never served any State but Portugal. Was appointed to the command by Almeida and Costa, a Portuguese Mercantile house, established at Bahia, and possession was given to witness at Lisbon in March last by Bernardo Miguel Borges (the consignee of Almeida and Costa), a Portuguese merchant residing at Lisbon. Witness does not recollect where he first saw the said vessel; does not know where she was built. Was on board when the vessel was captured for having slaves; sailed under Portuguese colours, there was also an old Brazilian flag which belonged to the vessel before she became Portuguese property. Does not know how long the vessel has been called 'Fourth of April;' she went formerly by the name of 'Maria da Gloria;' she is registered 200 tons, but witness thinks she is of greater capacity; the number of her Officers and mariners (exclusive of witness), was 27, all Portuguese, hired and shipped by witness at Lisbon in April last. 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 no passenger. The last clearing port was Lisbon, and the voyage commenced there, and was to have ended at Havana; from Lisbon the vessel proceeded to St. Michael's (Azores), where she lay 8 days, and from that went direct to Lagos, where she remained 3 months, and slaves were shipped. First saw the capturing vessel a very little way from Lagos, the day after he had left that place, on the morning of the 19th of last month, and capture took place about 4 or 5 o'clock in the afternoon of the same day; there was no chase, it was a calm, and the vessel was captured by the boats of the man-of-war; witness was making the best of his way to Havana when fallen in with by the capturing vessel. There are 2 guns, no arms, and but a very small quantity of powder; no resistance was made, there were no instructions to make any, or for concealing or destroying any of the vessel's Papers. Almeida and Costa, before named, were the Owners of the vessel; has been so informed by their consignee at Lisbon; they are Portuguese by birth, and resided at Lisbon formerly; does not know how long they have lived at Bahia. Knows nothing about any Bill of Sale, or the price of the vessel, or whether the same be paid; does not know to whom the vessel belonged before she became the property of Almeida and Costa; believes if she be restored she will belong to Almeida and Costa, and to no others; knows nothing of any private agreement. The lader of the slaves at Lagos was a Portuguese, named Joaquim Jozé, and who resides at that place; the Owners are Almeida and Costa, and witness was the consignee; the slaves were to have been delivered at Cuba for the account and at the risk of Almeida and Costa, and believes if they be restored they will belong to Almeida and Costa, and to them only. Knows nothing of the last voyage, and there was no cargo brought on the Coast on this voyage, the vessel came on the Coast in ballast; the present cargo is slaves; 481 were shipped altogether, all from the shore; does not recollect their descriptions, none died before capture; several have died since; was taken direct to Sierra Leone after capture. All the Papers were true and fair. No Papers were concealed, destroyed, or made away with, except the Log of the voyage from Lisbon to Lagos, which witness conceived of no value, and destroyed as waste paper. There were no other Papers than those delivered up, Passport and Muster-roll, to witness's knowledge, in any country relating to either the vessel or cargo; there was no Charter-party; is ignorant whether the vessel or cargo be insured. The vessel was under his management, but he had nothing to do with the trade; he went to Lagos merely to receive the slaves: he corresponds with the Owners, Almeida and Costa."

Joaquim Antonio Rafael, a seaman, gave on his examination similar testimony to that of the Master, excepting only as to the ownership of this vessel and the slaves, of which he said he knew nothing.

The Prize-Officer's Affidavit to account for the number of slaves who had died on board the detained vessel whilst they were under his charge, was filed on the 21st ultimo, and accounted for the demise of 19 of these unfortunate people.

Publication passed in the Cause on the 22d ultimo, and on the following day a Petition for the trial of this vessel came in, which was appointed to take place on the following 25th.

The Monition, which was issued on the 18th, was returned into Court on the 25th of last month, certified to have been executed.

At the appointed time the Court assembled for the adjudication of this very clear Case of illegal slave trading, and a sentence of condemnation was duly entered against the Portuguese ship "*Quatro de Abril*," her cargo and stores. The survivors of the 478 slaves seized in this vessel, in number 458, were also decreed to be emancipated from slavery, and were delivered over to the Colonial Government, to be employed as servants or free labourers.

Sierra Leone, 8th December, 1836.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

## Supplement C, No. 9.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received March 13, 1837.)

MY LORD,

Sierra Leone, 21st December, 1836.

On the 28th October last, His Majesty's brigantine "*Buzzard*" detained, off the River Cameroons, a Portuguese schooner, named the "*Olimpia*," having 282 slaves on board, which vessel arrived here for adjudication on the 30th ultimo.

In the prosecution which was instituted against this vessel, the fact of her having been unlawfully employed in the traffic in slaves under Portuguese colours was clearly established, and her condemnation was therefore pronounced on the 16th instant, by the British and Portuguese Mixed Commission.

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The survivors of her slaves, amounting to 252 persons, were also decreed to be emancipated.

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

The Owner of this vessel, and of the slaves she had on board, your Lordship will perceive is stated by the Master to have been a Brazilian, residing with his wife and family at Havana. But little credit, however, would appear to attach to this statement, as the Master also declared that he would not know the Owner's name if he heard it, as he only saw him once.

In the Patenta the Owner is described as Antonio Jozé Vieira, but his place of abode is not assigned.

The Master has stated the place of his birth to have been Coimbra; that he has lived for the last 20 years at Santander; and that he considers himself a Spanish subject, although in command of a Portuguese merchant-vessel. Of his being a Spanish subject, we think the Royal Commission appointing him a subaltern in the Spanish militia, which was found among the Ship's Papers, affords sufficient proof, and that he was therefore apparently not qualified for the command of a vessel under Portuguese colours.

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

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

## Enclosure in Supplement C, No. 9.

*Report of the Case of the Portuguese schooner "Olimpia," Joao Antonio Andraca, Master.*

THE "*Olimpia*," under Portuguese colours, left Havana on the 18th May, 1836, bound for Princes Island, *viâ* Bimbia, a slave-trading port close to the mouth of the River Cameroons.

The Ship's Papers of the "*Olimpia*" are in the Spanish and Portuguese languages, having been obtained in 2 voyages. They consist of—

1. A Portuguese Passport from the Government of Princes Island, obtained on the 12th November, 1835, for a voyage to Havana by the way of the Coast of Africa. Antonio Jozé Vieira is stated to be the Owner, and Antonio Benaser the Master. This Paper received an addition at Havana on the 29th April, 1836, in the shape of an Indorsement by the American Consul, Mr. Trist, as to the change of the rigging of this vessel from a sumaca to a schooner, and the appointment of the Master, who was found in command of her at the time of detention.

2. A List of the Crew, written in Portuguese by the Master, at Havana, on the 3d May, 1836. It is authenticated by a Certificate from the American Consul.

3. Custom-house Clearance from the Authorities of Havana, dated 7th May, 1836, and which is like in every respect those issued to Spanish vessels. It contains a passage giving Clearance for a large number of casks, said to be intended to be filled with palm-oil on the return voyage.

In addition to the above Papers, there were found on board this vessel, at the time of her detention,

The Master's Commission as a subaltern in the Spanish militia, dated 3d September, 1834;

And a Log-book of the voyage from Havana to this Coast.

Observing to some extent the destination mentioned in her Ship's Papers, the "*Olimpia*" went at once to Bimbia, where the Master succeeded in obtaining a cargo of 284 negroes. This vessel, however, had made but little progress when she was met with and detained off the Cameroons by His Majesty's brigantine "*Buzzard*," commanded by Lieutenant Patrick Campbell.

On the 30th November the Marshal reported the "*Olimpia*'s" arrival, and the Surgeon also made his Report on the condition of the slaves. The statement of the Medical Officer was rather more favourable than usual, and the appearance of the negroes was declared to be above mediocrity. From the want of proper accommodation, however, the Surgeon recommended their being landed as soon as possible; which measure was also prayed for in a Petition from the Captain's Proctor, and sanctioned by the Court. The slaves were accordingly landed, and delivered over to the Colonial Authorities, until the decision of the Court had been given.

Proceedings in prosecution were commenced on the same day; the Papers after authentication being filed in the Registry, the Monition was ordered to be served, and the witnesses to be examined.

The Declaration of the Captor states the detention to have taken place on the 28th October, in latitude 2° 49' north, and in longitude 9° 46' east, whilst the "*Olimpia*" was sailing under Portuguese colours, and bound from Bimbia to Havana; and that she had on board a cargo of 284 slaves, said to have been embarked on the previous day at Bimbia.

The witnesses in the Case, the Master, J. A. Andraca, and the Carpenter, Ramon Valder, were examined on the 2d instant by the Registrar.

The Master deposed that "he was born in Coimbra in Portugal, but has lived with his wife and family at Santander for the last 20 years; considers himself a Spanish subject, though he is now in the merchant-service of Portugal. Was appointed to the command by the Owner, whose name he does not recollect, but it is in the Patenta; the said Owner gave witness possession in Havana on the 4th May, and is a Brazilian by birth, but resides in Havana with his wife and family. Was on board when the vessel was seized for having slaves; had no colours but Portuguese, except a signal. The vessel has been called by no name to his knowledge except '*Olimpia*;' she is 120 tons burthen, and had 19 Officers and mariners, exclusive of witness, part Spaniards and part Portuguese, all hired and shipped at Havana in May last by witness. Neither he nor any other of the Officers or mariners had

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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 began and was to have ended there; from thence the vessel proceeded to Bimbia, where he endeavoured to trade for palm-oil, but, being unsuccessful, was forced to take slaves instead. The capturing vessel was first seen on the 28th October, about a degree to the southward of Bimbia, and capture took place the same day; the vessel was steering for Havana when chased, and made every endeavour to escape; the vessel's Papers were for Bimbia. No resistance was made; there were no instructions to avoid capture. Does not recollect the Owner's name, and knows no more of him than what he has already stated; would not recognize the name if it should be repeated to him; he only saw him once; believes him to have been the Owner from having been hired by him on the recommendation and introduction of a Spanish Captain called Francisco Echevarria. Knows nothing of any Bill of Sale, or the price of the vessel; knows of no private agreement. He laded the slaves himself, and considers himself the consignee of the cargo; the Owner of the vessel is likewise Owner of the slaves; witness intended to have landed them at Havana for the account and risk of the said Owner; and believes if they be restored they will belong to said Owner; believes so, because he knows of no other person. Knows nothing of the last voyage; the cargo brought from Havana was muskets, cloth, powder, iron-bars, and rum; the present cargo is slaves, all shipped in Bimbia from the shore; 284 were shipped altogether; does not recollect their descriptions; none died before capture, some have died since, does not know how many; was taken direct to Sierra Leone after capture. The Papers were all true and fair. No Papers were concealed, destroyed, or made away with. There are no other Papers in any country relating to the vessel and cargo. There was no Charter-party.

The Carpenter's evidence, though more limited than that of the Master, corroborated it throughout its material points.

Publication of the evidence was granted on the 2d instant, on which day the Proctor for the Seizor filed the Prize-Officer's Affidavit, declaring the number of deaths among the slaves since capture to have been 23.

The Motion, duly served, was returned on the 8th instant; and the Case being thus prepared for trial, a sitting of the British and Portuguese Court of Mixed Commission took place, in compliance with a Petition, on the 16th, when the "*Olimpia*" was condemned as a legal forfeiture, and the surviving slaves, 252 in number, liberated from slavery.

*Sierra Leone, 21st December, 1836.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

## Supplement C, No. 10.

*His Majesty's Commissioners to Viscount Palmerston.—(Received March 13, 1837.)*

*Sierra Leone, 21st December, 1836.*

MY LORD,

WE have the honour herewith to transmit to your Lordship our Report of the Case of the Portuguese slave-brig "*Veloz*," condemned on the 16th instant.

This vessel was seized by His Majesty's sloop "*Columbine*," Commander Henderson, off Princes Island, on the 14th ultimo, with 508 slaves on board, with whom she was immediately despatched to this port. The survivors of this cargo, in number 460 slaves, were duly emancipated at the time of the vessel's condemnation.

The "*Veloz*" is stated in her Papers, and by the evidence of the Master, to be owned by Sepriano Joao d'Almeida e Silva, of Lisbon, to which port this vessel is said to belong. Antonio Pedrozo de Albuquerque, a Portuguese merchant of Bahia, acted as Agent of Almeida in regard to this vessel when last in that port, and is stated by the Master to have some interest in the cargo of slaves with which she was detained, and who were to have been landed at Bahia. Albuquerque has been connected with this vessel for some time past, as we observe in the Returns of Mr. Consul Parkinson, dated Bahia, 31st December, 1834, that the "*Veloz*" was consigned to that person on her arrival there in ballast from Havana, on the 25th July of that year.

By the Havana Commissioners' List it appears that the "*Veloz*" returned from the Coast of Africa on the 20th March, 1834, and it may be presumed, after making a successful slaving-voyage, and from Havana she went to Bahia, as before stated.

Upwards of 100 of the slaves of the "*Veloz*" were embarked at Adjudah, whence the vessel went to Lagos, and shipped the remainder of her cargo.

The Cook of the "*Veloz*" deposed that he had been in that situation for the last 2 years, and that the previous voyage of this vessel was from Lagos to Bahia, *in ballast*. Looking at the character of this vessel, and the ports she has traded between, it is a reasonable inference, we are of opinion, that the cargo on the occasion referred to by the Cook was slaves, and as it rarely, if ever, happens that any vessel leaves the Coast of Africa without procuring cargo of some description.

We have, &c.

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

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

&c.

&c.

&c.

SIERRA LEONE. (*Portugal.*)

## Enclosure in Supplement C, No. 10.

*Report of the Case of the Portuguese brig "Veloz," Joao Ferreira Nunes Soares, Master.*

THE brig "*Veloz*," sailing under Portuguese colours, was detained with a cargo of slaves on board, on the 14th November last, off Princes Island, by His Majesty's sloop "*Columbine*," Thomas Henderson, Esquire, Commander. At the time of the seizure of this vessel the following Papers were found:

1. Passport from the Provincial Government of Princes Island, dated 2d February, 1836, for the "*Veloz*," of Lisbon, the Owner of which vessel is stated to be Sepriano Joao d'Almeida e Silva, and destined for Bahia in ballast, under the command of Ignacio Oliva. The Passport is endorsed as having been registered at Bahia, on the 23d March following, and on the 28th May last the vessel is stated to have cleared for St. Thomas and Princes Islands and the ports of Africa.

2. Custom-house Papers, in number 4, respecting the entry and payment of dues at Bahia, dated in April and May last.

3. Fort Pass, dated 28th May, 1836.

4. Two Muster-rolls, in every respect alike, one dated the 19th, and the other the 28th May, 1836.

5. Custom-house Clearance of the cargo laden at Bahia. This Document has been endorsed by the Portuguese Consul to the effect that the Clearance is correct, and that the Owner of the brig is Sepriano Joao d'Almeida e Silva, a Portuguese subject.

6. Bill of Health, dated Bahia, 29th May, 1836.

The "*Veloz*" arrived in this port on the evening of the 2d instant, and on the following morning was visited by the Marshal and Surgeon to the Court, who immediately made their Reports as to the nature of the capture, and the condition of the slaves on board of the detained vessel. From the Surgeon's statement we learned that 43 deaths had occurred amongst their slaves on the passage to this Colony, and that he had marked for medical treatment 76 of those now on board. The capacity of this vessel being quite inadequate to the proper accommodation of the number of persons embarked, the Surgeon recommended that they should be all landed as soon as possible.

On the 3d instant the vessel came regularly before the Portuguese Court of Mixed Commission, when the Ship's Papers, authenticated by the Prize-Officer's Affidavit, were filed in the Registry, with the Seizor's Declaration; the Monition issued, and the witnesses ordered for early examination.

The landing of the slaves was effected in the afternoon of the 3d, and morning of the 4th instant, the sickly having been sent, as usual, to the lower hospital at Kissy, and the healthy received in Freetown.

The Declaration of the Captor acquainted us that the seizure of the brig "*Veloz*," found sailing under Portuguese colours with 503 slaves on board, took place on the 14th day of November, 1836, in 1° 45' north latitude, and 6° 45' east longitude, and that the detained vessel was commanded by Joao Ferreira Nunes Soares, who declared her to be bound from Lagos to Bahia.

The examination of the witnesses produced by the Captor took place on the 5th December. Joao F. N. Soares, the Master of the detained vessel, deposed that "he was born at Lisbon, and resides there; has never served any State but Portugal, and is unmarried. He was appointed to the command, and possession was given to him at Bahia about 5 or 6 months since, by Antonio Pedrozo de Albuquerque, a Portuguese subject and merchant, residing at Bahia, and the agent of the Owner; first saw the said vessel then and there; believes she was built in North America. He was present when the vessel was captured for having slaves on board; had no colours but Portuguese, except signals. He has never heard of any other name for the vessel than '*Veloz*;' she is 210 tons burthen, and had 19 Officers and mariners, exclusive of witness, all Portuguese, except one or two seamen, who were Brazilians; the Boatswain was a Greek, and the Cook a Frenchman; all hired and shipped, witness believes, in Bahia, by the First Mate, shortly before witness was appointed to the command. Neither he nor any other of the Officers or mariners had any interest in either the vessel or cargo; was Master on board; there were 12 passengers, Portuguese and Brazilians, whose names he does not remember; they were taken on board partly at Lagos and partly at Adjudah, for a passage to Bahia, and consisted chiefly of persons who had belonged to slave-ships captured on the Coast; none of them had any interest in the vessel or cargo, or authority on board. The last clearing port was Bahia, and the voyage commenced and was to have ended there; from thence the vessel went to Adjudah, and after remaining one day proceeded to Lagos, where the cargo was landed, and witness then returned to Adjudah and shipped 100 and odd slaves, and thence went back to Lagos, where the remainder of the slaves were taken on board. The capturing vessel was first seen at daybreak on the 14th or 15th of last month, and capture took place in the afternoon of the same day; does not recollect the latitude; the vessel was steering for Bahia when pursued; her Papers were for Princes Island and St. Thomas, and the Coast of Africa. There were 2 guns mounted, 8 muskets, and 9 cutlasses, and a few cartridges, for defence; no resistance was made; there were no instructions to make any, or to escape capture, or conceal or destroy any of the vessel's Papers. Sepriano Joao d'Almeida was the Owner of the vessel; has been so informed by Albuquerque. Is not personally acquainted with Almeida, but has been informed by his (Almeida's) Agent that he is a Portuguese, and resides at Lisbon; does not know if he be married, or where he resided before he lived at Lisbon. He does not know anything about any Bill of Sale; Albuquerque has told him that the price was 15,000 dollars, but he knows nothing further about it; believes she will belong to Almeida if restored; knows of no private agreement. The Owner of the vessel was also principal Owner of the cargo; the consignee at Lagos, Joaquim Sarrano, was the lader of the slaves, and Albuquerque the consignee at Bahia; Sarrano is a Spaniard, and lives at Cuba; cannot say how long he has resided there, or where he lived previously; the slaves were to have been landed at Bahia on account and at the risk of Almeida; believes Albuquerque has some interest in the slaves, but cannot say what; believes the said slaves will belong, if restored, to Almeida and Albuquerque; grounds his belief upon what Albuquerque has told him. The cargo shipped at Bahia was rum and tobacco; the present cargo is slaves; 526 were embarked altogether, all from the shore; does not know their descriptions; 18 died before capture and some have died since, but he does not know how many; was taken direct 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 Papers being in any country relating to the vessel or cargo, except the

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Log-book, which the first Mate took with him on board the capturing vessel. There was no Charter-party. He does not know whether the vessel or cargo be insured. She was under the management of the consignee, Sarrano, in regard to her trade. Bulk was broken at Lagos; no slaves have been disembarked since capture."

Jozé Innoçencio, the Cook of the vessel, at his examination gave evidence generally confirmatory of the Master's, adding, that he had filled the office of cook in this brig for the last 2 years, and that her previous voyage was from Bahia to Lagos, whence she returned to Bahia "*in ballast.*" He was of opinion that Pedrozo (Albuquerque, the Agent of the brig at Bahia) was the Owner, as Pedrozo had always paid him.

The affidavit of the Prize-Officer, to account for the number of slaves who had died whilst they were in his charge, came in on the 5th instant, and which showed a mortality of 45 persons during the period in question.

Publication in this Case passed on the 6th, and the Monition, which issued on the 3d, was returned into Court on the 10th instant.

The Court met for the adjudication of the brig "*Veloz*" on the 16th instant, when a sentence of condemnation was passed upon her; and the emancipation was decreed of 460 slaves, being the survivors of the 508 slaves seized on board of this vessel.

*Sierra Leone, 21st December, 1836.*

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

## Supplement C, No. 11.

*His Majesty's Commissioners to Viscount Palmerston.—(Rec. March 13, 1837.)*

MY LORD,

*Sierra Leone, 24th December, 1836.*

His Majesty's ship "*Vestal*," Captain Jones, fell in with and detained on the 28th September last, near to the Island of Grenada, the Portuguese brigantine "*Fenix*," commanded by Jozé Antonio Barboza, and having on board a cargo of 484 slaves, who were all disembarked on the 6th October at Grenada, and placed in the care of the Officers of the Customs at that Port.

The "*Fenix*" was then despatched to Sierra Leone for adjudication, where she arrived on the 9th instant.

The prosecution of this vessel commenced on the following day, and the evidence in support of it was completed on the 12th instant, and on the 19th a sentence of condemnation was passed upon her, and the emancipation of the survivors of the slaves landed at Grenada was decreed.

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

Barboza, the Master of this vessel, declares, that he bought her from João Antonio Rodriguez, a merchant of New Orleans, in January, 1834, and that she was then called the "*General Moral*." From New Orleans it appears this vessel then went to Havana, which she left on the 21st May, 1834, for the Port of Bahia, and arrived at that place in ballast on the 17th July following, consigned to Manoel Cardoza des Santos. The next account which we can obtain of her is in the Havana lists, where she is shown as having arrived from the Coast of Africa on the 15th August, 1835, and with a cargo of slaves, as the Master admitted on his examination, that the return cargo last voyage was similar to that with which she was detained.

Barboza, in his examination, made no allusion to his having gone to Princes Island for the Official Papers which he had to authorize his navigating the "*Fenix*" under the flag of Portugal, but stated that the outward voyage was from Havana direct to Whydah, where the vessel remained 6 months, and then proceeded to Little Popo for the slaves who were found on board at the time of seizure. During the 6 months which the "*Fenix*" was on the Coast awaiting the collection of her slaves, she must, however, have run down to Princes Island for the Passport under which she sailed, and which bears date 7th June last.

We have, &c.

(Signed)

H. D. CAMPBELL.

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

WALTER W. LEWIS.

&c.

&c.

&c.

## Enclosure in Supplement C, No. 11.

*Report of the Case of the Portuguese Brigantine "Fenix," Jozé Anton'o Barboza, Master.*

THE brigantine "*Fenix*," commanded by Jozé Antonio Barboza, her alleged owner, sailed under the Portuguese flag, with the undermentioned official Papers:—



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1. Passport from the Provisional Government of Princes Island dated 7th June, 1836; the destination of the vessel assigned therein being the Island of Cuba, with permission to touch at the Ports of the Continent of Africa. The Owner is also stated to be the Master of the "*Fenix*."

2. Muster-roll from Princes from the 9th of May, 1836.

3. Fort Pass.

4. Two Passports, dated 11th June, 1836, for 27 persons of various nations, who had been found amongst the crews of slave-vessels captured by British cruisers, and by them landed at Princes. A Log-book of the voyage from the Coast towards Havana was found, with the official documents above named.

This vessel, with a cargo of slaves on board, shipped at Little Popo for the Island of Cuba, was met with off Grenada on the 28th September last by His Majesty's ship "*Vestal*," Captain Jones, and by that Officer detained and sent for adjudication to this Colony.

After seizure the "*Fenix*" was taken by the Captor into Grenada, where the slaves were immediately landed, and placed in the custody of the Officers of His Majesty's Customs, in order to avoid subjecting them to the miseries which a second passage across the Atlantic in a crowded slave-hold would have entailed upon them.

The arrival in this Port of the "*Fenix*" was reported by the Marshal to the Court on the 9th instant.

Proceedings in the usual form were instituted against this vessel on the following day, when the Monition was sent forth, and the witnesses in preparatory produced for examination.

The Declaration of Captain William Jones stated, that he detained on the 28th September, 1836, in latitude 11° 53' north, and in longitude 62° 2' west, the vessel called the "*Fenix*," sailing under Portuguese colours, commanded by José Antonio Barboza, who declared her to be bound from Little Popo to the Island of Cuba, and having on board 484 slaves.

At the time of bringing in the Ship's Papers and the foregoing Declaration as to the seizure, we also received the following Papers respecting the disembarkation of the slaves of this vessel at Grenada.

A subsidiary Declaration of Captain Jones, stating that in consequence of the recommendation contained in the Medical Report, which was subjoined, of the condition of the slaves of the "*Fenix*," the length of the voyage to Sierra Leone, where the vessel had to be sent, and the want of provisions for the said slaves, that he had landed them at Grenada on the 4th October, 1836.

The Medical Report on the slaves alluded to by Captain Jones was made by two Surgeons of Grenada, in conjunction with the Surgeon of His Majesty's ship "*Vestal*," and forcibly pointed out the inhumanity of allowing them to continue on board the detained vessel.

The Receipt of the Collector and Comptroller of Customs for the slaves so landed by Captain Jones at Grenada, was dated the 6th October, 1836, and stated that the slaves consisted of 316 males and 168 females.

The Master of this vessel, José Antonio Barboza, and a seaman named Alexandre José Joaquim, were examined by the Registrar on the 12th instant.

Barboza swore that "he was born at Braga, in Portugal; has resided in Havana since 1834; has never served any State but Portugal; appointed himself to the command, being Owner of the vessel; received possession in New Orleans in January, 1834, from the former Owner, João Antonio Rodriguez, a merchant residing at that place; does not know of whom he is a subject; first saw the said vessel there and then; does not know where she was built. Was present when his vessel was seized for having slaves on board; sailed under Portuguese colours, but had also an English and an American flag on board for the purpose of decorating his vessel on feast-days. The vessel's name is '*Fenix*;' she was formerly called '*General Moral*;' she is 179 tons burthen, and had 20 Officers and mariners, all Portuguese, except 2 seamen, who were Spaniards; all hired and shipped in Havana in January last by witness. He is himself sole Owner of both the vessel and cargo; was Master as well; there were 3 passengers, Don Francisco Sarria and Don Lioncio Ribeiro, Masters of vessels; does not know the names of their vessels; the other passenger was a French Doctor; does not remember his name; they were all taken on board at Little Popo for a passage to Cuba; does not know their business there; they had none of them any interest in either vessel or cargo, or authority on board. The last clearing Port was Havana, and the voyage began and was to have ended there; from thence the vessel proceeded to Whydah, where slaves were purchased and passed by land to Little Popo, whither, after remaining about 6 months, the vessel went and shipped her cargo, staying there only about a fortnight. The capturing vessel was first seen about 5 in the afternoon of the 28th September, on the south side of Grenada, and capture took place the same night; the captured vessel was steering for Cuba when the man-of-war was seen; there was no chase, as the capturing vessel was mistaken for a merchantman; there was no resistance made; there were no instructions to make any. Is sole Owner of the vessel; resided at Brazil before he lived at Havana; there was a Bill of Sale from Rodriguez to witness, dated at New Orleans; does not remember the witness's names; the Document is now in his house at Havana; the price was 2,000 dollars, paid in cash, and was a fair equivalent for the vessel; there was no private agreement. Is sole owner, lader, and consignee of the cargo; the slaves on board he intended to have landed on the Coast of Cuba at his sole risk. The lading of the vessel on the last voyage was general merchandize from Havana to Lagos, and the return cargo (as in this instance) was slaves; the cargo brought out by the vessel on her present voyage was cloth, tobacco, rum, &c.; 515 slaves were shipped altogether; all from the shore; does not recollect their descriptions; 32 died before capture; does not know if any have died since; the vessel was taken to Grenada after capture, and from that to Halifax, and thence to Sierra Leone. The Papers delivered up were all true and fair; no Papers were concealed, destroyed, or made away with; knows of no other Papers relating to the vessel or cargo (except the Bill of Sale) being in any country. There was no Charter-party."

The evidence of the seaman, Joaquim, was confirmatory of that of the Master, as far as he had knowledge of the affairs of the vessel.

On the 12th December publication was granted, and the Monition, certified to have been properly served, was returned on the 19th instant, on which day the Court met for the adjudication of this

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vessel, when a sentence of condemnation was recorded against her, and the emancipation decreed of the survivors of the 484 slaves landed at Grenada.  
*Sierra Leone, 24th December, 1836.*

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

## Supplement C, No. 12.

*His Majesty's Commissioners to Viscount Palmerston.*—(*Rec. March 13, 1837.*)

MY LORD,

*Sierra Leone, 24th December, 1836.*

WE beg leave to acquaint your Lordship that His Majesty's ship "Vestal," Captain William Jones, fell in with and detained on the 20th September last, near to the Island of Grenada, the Portuguese schooner "*Negrinha*," having on board 336 slaves, said to have been embarked at the Gallinas on the 20th August last, and destined for the Island of Cuba.

Captain James took his prize into Grenada, where, from motives of humanity, the slaves on board of her were immediately landed, and placed in the care of the Collector of the Customs.

The "*Negrinha*" was then despatched to this place for adjudication, where she arrived on the 9th instant.

The customary proceedings used in Cases like the present were instituted on the 10th, and terminated on the 16th instant, and at a sitting of the British and Portuguese Court of Mixed Commission on the 19th, the condemnation of the "*Negrinha*" was decreed, as well as the emancipation of the survivors of the 335 slaves landed at Grenada.

We have the honour herewith to transmit our Report of this Case:—

The "*Negrinha*" was formerly the Spanish schooner "*Norma*," condemned under the Treaty of the 23d September, 1817, for illicit slave-trading on the 6th January of the present year. At the sale under the Decree of the Mixed Commission Court, she was purchased by Mr. J. C. Cathcart for the sum of £340, and would appear as by him sold to a Spaniard named Juan Mariano de Aldecoa, by whom she was cleared out in ballast at this Custom-house on the 19th February last, under Spanish colours, and her original name of "*Norma*," for St. Thomas's, in the West Indies.

This vessel, however, must have gone direct to the Cape de Verde Islands, as her Papers from those Islands commence their dates on the 18th March, which only allows time sufficient for an ordinary passage from this Colony to St. Jago.

The Bill of Sale states that Aldecoa sold the "*Norma*" at St. Jago to Francisco Cardoza de Mello of that place, and that a man named Jozé Perreira Coutto was then placed in command of her, who conducted her, with Aldecoa on board, to the Gallinas, where Coutto appears to have left her on account of ill health, and Lisboa to have taken his place.

Aldecoa is said to have acted as Mate of the "*Negrinha*," and to have formerly been Master of the slave-vessel "*Felicidad*." As, however, all the Officers of the "*Felicidad*" deserted her just previous to her capture, taking with them the whole of the Ship's Papers, as was reported to your Lordship on the 28th November, 1834, we are without the means of deciding how far the statement of his having commanded that vessel is correct.

Jozé Perreira Coutto appears to be the same person who was found acting as Master of the Portuguese slave-schooner "*Theresa*," condemned here on the 31st December, 1835.

This is the vessel in which 4 free blacks belonging to this Colony were employed as sailors in navigating her to the Cape Verdes, where Mr. Acting-Consul Merrill states they suffered considerable hardships, and which he has detailed in his Letter of the 20th April last.

We have, &amp;c.

(Signed)

H. D. CAMPBELL.

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

WALTER W. LEWIS.

&amp;c.

&amp;c.

&amp;c.

SIERRA LEONE. (*Portugal.*)

## Enclosure in Supplement C, No. 12.

*Report of the Case of the Portuguese Schooner "Negrinha," Miguel Soares de Lisboa, Master.*

The schooner "*Negrinha*" was provided with the undermentioned Papers from the Authorities of Cape Verdes on her being ostensibly transferred from Spanish colours to those of Portugal.

1. A Passport from the Governor-General of Cape Verde Islands, dated Porto Praya, 24th March, 1836, which describes her as being owned by Francisco Cardoza de Mello of that City, and commanded by Jozé Perreira Coutto.

2. Muster-roll.

3. Copy of the Bill of Sale, by which it appears that Juan Mariano de Aldeçoa, who commanded this vessel when under Spanish colours and called "*Norma*," sold her to Mello, the above-mentioned Portuguese Owner, on the 18th March, 1836.

After this vessel had changed her nationality at Cape Verdes she went to Gallinas, where a cargo of slaves was embarked, with whom she was on her way to the Island of Cuba, when fallen in with by His Majesty's ship "*Vestal*," Captain William Jones, by whom she was detained and eventually sent to this Colony for adjudication.

The "*Negrinha*" arrived here on the 9th instant, and was reported to us in the usual manner by the Marshal. On the following morning the Ship's Papers, with the Prize-Officer's Affidavit authenticating them, and the Captor's Declaration as to the seizure, were brought into Court by the Captor's Proctor; the usual Monition, citing all parties interested in the vessel to appear, was issued; and the witnesses were directed to be examined.

The Declaration of Captain Jones stated that the schooner "*Negrinha*," sailing under Portuguese colours, had been detained by him on the 20th September, 1836, in latitude 11° 47' 20" north, and in longitude 61° 13' 30" west, in consequence of her having 336 slaves on board, said to have been shipped at the Gallinas on the 12th August last, and bound to Cuba.

In consequence of the crowded state of the slaves of this vessel, and through the recommendation of the Surgeon of His Majesty's ship "*Vestal*" that they should not be exposed to the miseries of recrossing the Atlantic Ocean in a vessel where they had been already confined 40 days, on a deck only 2 feet in height, Captain Jones was induced to disembark the said slaves on the 23d September last at Grenada, of which circumstance that Officer transmitted to the Court a Declaration in the prescribed form. By a Certificate of the Surgeon of the "*Vestal*" annexed to the Declaration respecting the disembarkation, it appears that one slave died on board of the "*Negrinha*" before they could be landed. Attached to these Documents was the receipt for the slaves so landed, and which is as follows:—

"We do hereby certify that the principal Officers of His Britannic Majesty's Customs have received out of the detained Portuguese schooner '*Negrinha*' the following number of African negroes, who were captured by Captain Jones, of His Majesty's ship '*Vestal*,' and landed in the Island of Grenada for the reasons assigned in the accompanying Certificate; namely, males 252, females 83.

"Given under our hands this 5th day of October, 1836.

(Signed)

"J. CLARKE, Acting Collector.

"T. CHALLENGOR, Comptroller."

The examination of the Captor's witnesses on the standing interrogatories took place on the 12th instant.

The Master of the detained vessel, Miguel Soares de Lisboa, deposed that "he was born at Santander, and lives there; has never been a subject of any other State but Spain, though he is at present in the Portuguese merchant service; is not married; took command at the desire of Silveiro Jozé Perreira Coutto (the original Master), at Gallinas, about 5 months ago, the said Coutto being too ill to proceed with the vessel; Coutto is a Portuguese subject by birth, and his usual place of residence is Oporto. First saw the said vessel at Cape Verdes, about 10 or 12 months ago; does not know where she was built. Was present when the vessel was captured for having slaves on board; had no colours but Portuguese. Has never heard of any name for the vessel but '*Negrinha*;' does not know her tonnage; she had 15 Officers and mariners, exclusive of witness, all Portuguese, except witness and two seamen, who were Spaniards; all shipped and hired by Coutto, at St. Jago, Porto Praya, about 10 months since. Neither he nor, to his knowledge, any other of the Officers or mariners had any interest in the vessel or cargo. Was Boatswain until the Master told him to assume the command as before stated; there was no Mate shipped at Cape Verdes; there was one passenger on board at the time of capture, Mariano Aldeçoa, Master of the vessel called the '*Felicidad*;' the said Aldeçoa was taken on board at Gallinas by witness for a passage to Havana, and to act as Mate; the said Aldeçoa had no property or interest in either the vessel or cargo. The last clearing port was St. Jago, and the voyage commenced there, and was to have ended at Havana; from St. Jago the vessel went to Gallinas, where she remained 3 days, and, leaving the Master, Coutto, ashore, proceeded down the Coast, purchasing rice, and, on returning to the Gallinas, shipped a cargo of slaves that Coutto had purchased from the natives. The capturing vessel was first seen on the west side of the Island of Grenada, on the 28th September, and capture took place the same day; the vessel was steering for Havana when pursued, and made every effort to escape; no resistance was made, there were no instructions to make any. Believes the Master, Coutto, was the Owner of the vessel; believes so because he knows of no other person. The said Coutto is not married; does not know where he resided before he lived at Oporto. Knows nothing of any Bill of Sale, or the price of the vessel; believes she will belong to the Master, Coutto, if restored; knows of no private agreement. The Master, Coutto, is the Owner and lader of the cargo; and witness considers himself to be the consignee. The slaves were to have been landed in the Island of Cuba, on account and risk of the said Coutto, and witness, believes they will belong to Coutto if restored; knows of no other person having any interest in them; knows nothing of the last voyage. The cargo from Cape Verdes was cloth; 340 slaves were shipped altogether, all at the Gallinas, and from the shore; does not recollect their descriptions; 3 died before and 1 after capture, and previously to the slaves being landed. The vessel was first taken to Grenada, and thence to Sierra Leone. All the Papers were true and fair; no Papers were concealed, destroyed, or made away with; knows of no Papers (besides those delivered up) relating to the vessel and cargo being in any country. There was no Charter-party."

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Luis Rodrigues, the Cook of this vessel, confirmed the Master's testimony, excepting as to the Ownership of the vessel and slaves, of which he declared he was ignorant.

This closed the Case for the Captors, and publication passed on the 14th instant.

The Monition, which issued on the 10th, was on the 19th instant returned, certified to have been regularly served.

On the 19th instant the Court met for the adjudication of the schooner "*Negrinha*;" and, after the evidence respecting that vessel had been publicly read, pronounced a sentence of condemnation upon her; and at the same time decreed, that the 335 slaves landed from this vessel at Grenada, or the survivors of them, should be emancipated from slavery.

*Sierra Leone, 24th December, 1836.*

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

## Supplement C, No. 13.

*His Majesty's Commissioners to Viscount Palmerston.*—(Rec. March 13, 1837.)

*Sierra Leone, 24th December, 1836.*

MY LORD,

THE Case of the Portuguese schooner-boat "*Serea*," the Report of which we beg leave to transmit to your Lordship in this Despatch, presents another instance of the slave-trading carried on by the Portuguese residents of Princes Island.

Like the "*Maria*," condemned here on the 28th February, 1835, and the "*Opta*" and "*Santissimo Rosario e Bom Jesus*," similarly disposed of on the 25th June of the preceding year, the "*Serea*" obtained her Papers from the Junta constituting the Government of Princes and St. Thomas Islands, and was authorized by them to proceed to the Ports of the adjacent Continent, with the professed intention of entering into trade of a legitimate character; but this trade, as in the Cases above quoted, terminated on the "*Serea's*" reaching Old Calabar in an unlawful shipment of Africans. The object of the voyage, however, was not completed, as His Majesty's brigantine "*Buzzard*," Lieutenant P. Campbell, met and captured this vessel off Fernando Po, on the 12th November, 1836, with 22 slaves.

By a reference to the enclosed Report, your Lordship will perceive that the "*Serea*" was condemned on the 19th instant, and her slaves emancipated.

The similarity between the Cases of the "*Serea*" and "*Maria*" is rendered more conspicuous by the fact of both vessels having been owned by the same individual, João Borges da Silva, a native of Princes Island. From such Ownership the intended object of the "*Serea's*" voyage ought naturally to have been a matter of suspicion to those Authorities who have now a second time granted Papers to the Owner of a vessel who, they must have been fully aware, had once previously committed an infraction of the Portuguese Alvarà of the 26th January, 1818. J. B. da Silva has thus twice incurred the penalties of the Portuguese Law, and on both occasions with the cognizance of the Provisional Government of Princes; for the "*Serea*" was taken with her slaves after capture to that Island, prior to her being despatched to this place, and of the fate of the "*Maria*" they could not have remained ignorant, Silva being a native and resident of Princes. It may also be presumed that this slave-trader has escaped with impunity in the instance of the "*Maria*," as he has again been officially permitted to own and navigate a vessel belonging to Princes.

This vessel is said to have been a successful trader between the Coast and Princes, and in her last voyage to have carried 27 slaves.

When the Searching Officer visited her she had no appearance of having slaves on board, her hatch being filled to the top with bar-wood; but the Officer's intimate knowledge of the schemes resorted to by traders of this description led him to have a close search made, which ended in the discovery of the human cargo.

We have, &c.

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

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

&c.

&c.

&c.

SIERRA LEONE. (*Portugal.*)

## Enclosure in Supplement C, No. 13.

*Report of the Case of the Portuguese schooner-boat "Serea," Venancio Antonio, Master.*

THE "Serea" belonged to Princes Island, and was the property of a resident of that place. The Provisional Government of Princes and St. Thomas granted the usual Ship's Papers to this vessel, which sanctioned a voyage to the adjacent Continent, for the purposes of lawful trade.

These Papers are:—

1. A Provisional Passport, signed by the Junta, consisting of Jozé Ferreira Gomez, Jacinto Pereira rneiro, and Felipe de Freitas Paiva Macedo; and dated the 8th October, 1836. The Owner is eclared to be João Borges de Silva; and the vessel to be bound to the ports of the neighbouring Continent.

2. A Muster-roll.

3. Licence to the Captain of the "Serea" to carry a cargo to the ports on the Continent upon lawful trading. Its date is the 12th October, 1836.

In addition to the above Papers, there is a bundle containing various private memoranda and notes relative to the voyage and vessel; from which, however, it is not possible to glean any conclusive information beyond what appears in her Official Papers, and the testimony of her Master.

From St. Antonio, Princes Island, the "Serea" sailed to Old Calabar in October, 1836, touching at Fernando Po on her way. At Old Calabar the cargo was bartered for 22 slaves, and with these the vessel was on her return to Princes, when seen and captured by His Majesty's brigantine "Buzzard," on the 12th November, 1836. Lieutenant Campbell then accompanied his prize to this place for the purpose of having her brought to adjudication.

The Marshal reported the arrival of the "Serea" on the 10th instant, when also the Surgeon inspected the slaves, and pronounced them to be generally healthy, although emaciated and debilitated from confinement in so small a vessel. For this reason, as well as on account of a Petition from the Proctor for the Seizor, the Court directed the landing of the slaves; who were disembarked and consigned to the care of the Liberated African Department 2 days afterwards.

The Ship's Papers, authenticated by the Affidavit of Lieutenant Campbell, the Seizor, and his Declaration, were filed on the 12th, the day on which the Monition went forth, and the order for the witnesses' examination was issued.

The allegations contained in the Declaration are that the "Serea" was captured, on the 12th November, 1836, whilst under Portuguese colours, and bound to Princes from Old Calabar; that she was then commanded by Venancio Antonio, and that she had on board 22 slaves, shipped a week previously in the Old Calabar.

The Registrar examined the Master, V. Antonio, and the Boatswain, Silvestre Dias, on the 13th instant.

The first witness gave the following replies to the standing interrogatories: that "he was born at Princes Island, and lives there with his wife and family; has never served any State but Portugal. João Borges da Silva, the Owner, appointed him to the command, and gave him possession in October last; Da Silva is a merchant at Princes Island, and a Portuguese subject, and Captain Major in the Militia of the Island; first saw the said vessel about a year since at Princes; does not know where she was built. Was present at the time the vessel was captured with slaves on board; had no colours but Portuguese. The vessel has never been called any other name than 'Serea'; does not know her tonnage; she had a crew of 9 persons exclusive of witness, all Portuguese except one African, all shipped and hired at Princes in October last by witness. Neither he nor any other of the crew had any interest in the vessel and cargo; was Master on board; there was no passenger. The last clearing port was St. Antonio at Princes, and the voyage commenced there and was to have ended at Princes Island; from St. Antonio the vessel went to Fernando Po, where he was unable to sell his cargo, and proceeded on to Calabar, where he purchased the slaves found on board from the natives. First saw the man-of-war when he touched at Fernando Po, and again fell in with her in a squall off Fernando Po, as he was returning to Princes Island; capture took place the same day, 12th November. João Borges da Silva was the Owner of the vessel; has heard so, and was appointed to the command by him; Silva is a native of Princes Island, where he has always resided with his wife and family. Knows nothing of any Bill of Sale, or the price of the vessel; knows of no private agreement; Da Silva is the Owner of the slaves, and witness was the lader and consignee; the slaves were to have been landed on the south side of Princes, on account and risk of Da Silva. The cargo shipped at Princes was rum, cloth, iron bars, coffee, and cocoa; the present cargo is slaves, a little log-wood, and some coffee; 22 slaves were shipped altogether; does not recollect their descriptions; none died before capture; does not know whether any have died since; the vessel was taken to Princes Island after capture, and thence to Sierra Leone. The Papers delivered up were all true and fair. No Papers were destroyed, concealed, or made away with. There was no Charter-party."

The Boatswain's evidence forms an entire corroboration of the Master's.

The Captor's Proctor obtained, on the 15th instant, publication of his client's Case; and on the same day filed an Affidavit, showing that only one death had occurred amongst the slaves since the seizure of the vessel.

The Monition having been duly served, the Court met on the 19th instant for the trial of the "Serea," which terminated in her condemnation, and in the emancipation of the 21 surviving slaves.

Sierra Leone, 24th December, 1836.

(Signed)

H. D. CAMPBELL.  
WALTER W. LEWIS.

SIERRA LEONE. (*Portugal.*)

Supplement C, No. 14.

*His Majesty's Commissioners to Viscount Palmerston.*—(Rec. March 13, 1837.)*Sierra Leone, 31st December, 1836.*

MY LORD,

WE beg leave to refer your Lordship to our Despatch of the 31st October last, reporting the condemnation of the Portuguese brigantine "*Esperança*," and to acquaint your Lordship that that vessel was purchased at the Mixed Commission Sale by Mr. Robert Hornell, one of the merchants of this Colony, by whom she was shortly afterwards despatched with a cargo of merchandize on a voyage to the Leeward Coast, and from which she returned a few days since, having, as is reported, disposed of the same during her short absence.

The "*Esperança*" retained that name when placed under English colours. This day she cleared out at the Custom-house here for Cadiz, in ballast, under the command of an Englishman named John Tucker, and with a British crew; and as it is commonly rumoured that Pedro Blanco, the slave-trader of the Gallinas, has purchased this vessel deliverable at Cadiz, we feel it to be our duty to communicate these circumstances to your Lordship without delay.

Mr. Hornell is the same individual whose name is connected with the sale to Pedro Blanco of the Portuguese brigantine "*Vigilante*," lately condemned here, and which we reported to your Lordship in our Despatch of the 7th instant.

We have, &amp;c.

(Signed)

H. D. CAMPBELL.

WALTER W. LEWIS.

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

&amp;c.

&amp;c.

&amp;c.

Supplement C, No. 15.

*His Majesty's Commissioners to Viscount Palmerston.*—(Received April 22.)*Sierra Leone, 5th January, 1837.*

SIR,

IN pursuance of the 75th Clause of an Act passed in the 5th year of the reign of His late Majesty, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit enclosed a Return of all Cases of Portuguese vessels adjudicated in the British and Portuguese Court of Mixed Commission established in this Colony, in the period from the 1st July, 1836, to the 1st January, 1837.

We have, &amp;c.

(Signed)

H. D. CAMPBELL.

WALTER W. LEWIS.

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

&amp;c.

&amp;c.

&amp;c.

SIERRA LEONE. (*Portugal.*)

## Enclosure in Supplement C, No. 15.

Return of Portuguese Vessels adjudicated by the British and Portuguese Courts of Mixed Commissions established at Sierra Leone, between the 1st day of July, 1836, and the 1st day of January, 1837.

NAME OF VESSEL.	NAME OF MASTER.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZOR.	DATE OF SENTENCE.	Number of Slaves Captured.	Num. died before condemnation.	Total Number of Slaves.	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.								
Joven Carolina	Joaquim Telles de Menezes	1836. 22 July.	4 33 0 N.	8 20 0 E.	Brigantine and 421 Slaves.	P. Campbell, Esq., H. B. M. brigantine "Buzard."	1836. 23 August.	421	38	383 (a)	Condemned for being engaged in the illicit traffic in Slaves.	Vessel and stores sold by public auction, and the proceeds paid into the Military Chest.
Felix	Joao Antonio Ribeiro	18 September.	4 0 4 N.	8 0 19 E.	Brigantine and 557 Slaves.	R. Wauchope, Esq., H. B. M. ship "Thalia."	22 October.	557	76	481 (b)	Ditto ditto	Ditto ditto
Esperanca	Alexandre Antonio Silva	17 September.	4 0 17 N.	7 33 0 E.	Brigantine and 471 Slaves.	W. L. Castle, Esq., H. B. M. sloop "Pylades."	Ditto.	471	54	417 (c)	Ditto ditto	Ditto ditto
Esperanca	Lourenço Antonio Rochodel	3 October.	4 15 0 N.	7 19 0 E.	Brig and 434 Slaves.	E. Norcott, Esq., H. B. M. brig "Curlew."	2 November.	434	37	396 (d)	Ditto ditto	Ditto ditto
Victoria	Carlos Estavao Sasseth	20 October.	4 5 0 N.	7 49 0 E.	Schooner and 379 Slaves.	G. G. Miall, Esq., H. B. M. brig "Forester."	21 November.	379	63	316 (e)	Ditto ditto	Ditto ditto
Vigilante	Manuel de Barros	8 March.	15 46 0 N.	60 9 0 W.	Brigantine and 248 Slaves.	J. Hope, Esq., H. B. M. sloop "Racer."	25 November.	248	17	231 (f)	Ditto ditto	Brigantine and stores left at Nassau, New Providence, in charge of the Acting Collector of that port.
Quatro de Abril	Manoel Dias	19 October.	5 34 0 N.	5 23 0 E.	Ship and 478 Slaves.	E. Norcott, Esq., H. B. M. brig "Curlew."	Ditto.	478	20	458 (g)	Ditto ditto	Vessel and stores sold by public auction, and the proceeds paid into the Military Chest.
Olimpia	Joao Antonio Andraca	23 October.	2 49 0 N.	9 46 0 E.	Schooner and 282 Slaves.	P. Campbell, Esq., H. B. M. brig "Buzard."	16 December.	282	30	252 (h)	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.
Veloz	Joao Ferreira Nunes Soares	14 November.	1 45 0 N.	6 43 0 E.	Brig and 508 Slaves.	Thos. Henderson, Esq., H. B. M. sloop "Columbine."	Ditto.	508	48	460 (i)	Ditto ditto	Ditto ditto
Fenix	Jozé Antonio Barboza	28 September.	11 53 0 N.	62 2 0 W.	Brigantine and 484 Slaves.	William Jones, Esq., H. B. M. ship "Vestal."	19 December.	484	..	484 (j)	Ditto ditto	Ditto ditto
Negrinha	Miguel Soares	20 September.	11 47 20 N.	61 13 30 W.	Schooner and 336 Slaves.	Ditto ditto.	Ditto.	336	1	335 (k)	Ditto ditto	Ditto ditto
Sereia	Venancio Anton. de Almeida	12 November.	2 56 0 N.	9 38 0 E.	Schooner-boat and 22 Slaves.	P. Campbell, Esq., H. B. M. brigantine "Buzard."	Ditto.	22	1	21	Ditto ditto	Ditto ditto

(a) 3 men, 1 boy, and 1 girl died before their descriptions could be effected to be registered.—(b) 5 men, 3 women, 9 boys, and 1 girl died, &c.—(c) 7 men, 3 women, and 3 boys died, &c.—(d) 2 men, 2 women, and 1 girl died, &c., and 1 man absconded from the Liberated African Yard prior to adjudication, and is not included in the number emancipated, a conditional decree only of emancipation having been passed on him.—(e) 2 men, 2 boys, and 1 girl died, and 1 man absconded after emancipation, and before their descriptions could be effected.—(f) The slaves belonging to the "Vigilante" were landed at Nassau, New Providence.—(g) 4 men, 3 boys, and 1 girl died, &c.—(h) 6 men, 1 woman, 4 boys, and 3 girls died, &c.—(i) 3 men died, and 3 boys absconded after emancipation, and previous to their descriptions having been taken to be registered.—(j) The slaves of these two vessels were landed at the Island of Grenada.

(Signed)

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

(Signed)

M. L. MELVILLE, Registrar.  
Sierra Leone, 1st January, 1837.

SIERRA LEONE. (*Portugal.*)

Supplement C, No. 16.

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

MY LORD,

*Sierra Leone, 5th January, 1837.*

WE have the honour to transmit enclosed to your Lordship an Abstract of the Proceedings in the British and Portuguese Court of Mixed Commission established in this Colony, from the 1st of January, 1836, to the 1st of January, 1837.

During that time there were 14 vessels adjudicated, all of which proved Cases for condemnation, and 4,798 negroes were emancipated from slavery.

We have, &amp;c.

(Signed)

H. D. CAMPBELL.

WALTER W. LEWIS.

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

&amp;c.

&amp;c.

&amp;c.

## Enclosure in Supplement C, No. 16.

*Abstract of the Proceedings in the British and Portuguese Court of Mixed Commission at Sierra Leone, in the period from the 1st January, 1836, to the 1st January, 1837.*

1. THE Portuguese brigantine "*Mindello*," José de Freitas Chaves, Master, was the declared property of a Portuguese subject residing at Rio de Janeiro; from which port, in December, 1835, this vessel proceeded to St. Paul's de Loando, where a new Passport and Ship's Papers were procured, authorizing a voyage to Mozambique and Monte Video.

Disregarding this destination, the "*Mindello*" went to Ambriz, Cape Lopez, and the River Cameroons, where there were shipped 268 slaves. His Majesty's brigantine "*Buzzard*" fell in with her in latitude 3° 18' north, and longitude 8° 55' east, on the 4th May, 1836, and she was detained for being found with a cargo of slaves to the north of the Line.

On the arrival of the "*Mindello*" in this port on the 2d June, 1836, the usual prosecution commenced, and was brought to a close on the 15th June, when that vessel was declared a lawful prize to the Governments of Great Britain and Portugal. The surviving 257 slaves were at the same time emancipated.

2. The Portuguese schooner "*Criolo*," Gregorio Alexandre Medina, Master, was captured on the 1st April, 1836, off the Island of St. Domingo, by His Majesty's sloop "*Gannet*," with 314 slaves. The slaves were landed at Nassau, New Providence, and the vessel then despatched here for trial.

The "*Criolo*" had changed her name and nationality at the Cape Verdes, in December 1835, having been formerly the Spanish schooner "*Carissimo*," and belonged ostensibly to a Portuguese resident of Porto Praya.

Having reached this port on the 16th June, 1836, this vessel was duly prosecuted in the British and Portuguese Court of Mixed Commission; and on the 25th June a sentence of condemnation was executed against her for a breach of the Additional Convention of the 28th July, 1817. The emancipation of the 307 slaves, or their survivors, landed at Nassau, was included in the same Decree.

3. The Portuguese brigantine "*Joven Carolina*," Joaquim Telles de Menezes, Master, and alleged Owner. This vessel was purchased by Menezes at Princes Island from an American, and Papers were procured there for her, after which she went to Old Calabar, and embarked 421 slaves, with whom she was bound to Havana. Capture, however, took place a day after the "*Joven Carolina*" quitted the Calabar river, on the 22d July, 1836, by His Majesty's brigantine "*Buzzard*."

The Master and Owner of the "*Joven Carolina*" is the son-in-law of the notorious De Souza, of Whydah, which is his place of residence.

On the 12th August, 1836, this vessel reached Sierra Leone. Proceedings of the usual form were instituted in this Case, and completed on the 23d August, when the trial came on. It was then decreed that the "*Joven Carolina*" should be condemned, and the 383 survivors of her slaves liberated.

4. The Portuguese brigantine "*Felix*," Joao Antonio Ribeiro, Master, and alleged Owner, was originally a Spanish vessel called the "*Recluta*," but like many others of that nation since the operation of the Treaty between Great Britain and Spain, of June, 1835, had assumed a nominal Portuguese character at the Cape Verdes.

The "*Felix*" sailed from those Islands direct to the River Bonny, where 591 slaves were purchased from the natives destined for the Cuba market. This object was defeated by her capture, in north latitude 0° 4' and east longitude 8° 19', by His Majesty's frigate "*Thalia*," on the 18th September, 1836.

The prosecution of this vessel in the British and Portuguese Court of Mixed Commission terminated on the 22d October, when the charge of slave-trading to the north of the Equator being fully made out, a sentence of condemnation followed. The survivors of the slaves, in number 481, were then freed from slavery.

5. The Portuguese brigantine "*Esperança*," Alexandre Antonio Silva, Master, like the "*Felix*," changed her nationality and Ownership at Cape Verdes, in June, 1836. Her former Spanish name was "*Isabelita*."

The "*Esperança*" also shipped 477 slaves in the Bonny, and experienced a similar fate to the "*Felix*," by being captured by His Majesty's sloop "*Pylades*," on the 17th September, 1836, in latitude 4° 17' north, and longitude 7° 33' east.

The adjudication of the "*Esperança*" took place on the same day as that of the "*Felix*," and a like sentence was passed upon her, the vessel being declared a legal forfeiture to the Crowns of Great Britain and Portugal, and the surviving 417 slaves being liberated from slavery.

6. The Portuguese brig "*Esperança*," Lourenço Antonio Rochodel, Master, was the property of



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residents at Bahia, but sailed from Havana on the 5th May, 1836, for the Coast of Africa, "on lawful employment." The Master completed a cargo of 438 slaves in the River Bonny; and on the return voyage to Cuba, the "*Esperança*," thus laden, was seized by His Majesty's brig "*Curlew*," commanded by Lieutenant Norcott, on the 3d October, 1836, outside the bar of the Bonny.

On the 26th October, the day of the "*Esperança's*" arrival in this port, proceedings in prosecution were commenced by the Captors, and brought to a termination by the condemnation of the vessel, and emancipation of the 396 surviving slaves, on the 2d November, 1836.

7. The Portuguese schooner "*Victoria*," Carlos Estavao Sasseth, Master, belonged to Havana, from which place the voyage commenced in July, 1836. A nominal sale and transfer of this vessel from Spanish to Portuguese Ownership and nationality had been effected at the Cape Verdes in January, 1836, prior to the "*Victoria's*" last departure from Havana. On reaching the New Calabar River, 380 slaves were purchased and embarked; and with this number His Majesty's brigantine "*Forester*," Lieutenant Miall, commanding, captured the "*Victoria*," in latitude 4° 5' north, and 7° 49' east, on the 20th October, 1836.

The Case of the "*Victoria*" presenting a distinct infraction of the Additional Convention with Portugal, the British and Portuguese Court of Mixed Commission recorded a decree of condemnation against the vessel, and of emancipation in favour of the surviving 316 negroes, on the 21st November, 1836.

8. The Portuguese brigantine "*Vigilante*," Manuel de Barros, *alias* Miguel Bertinote, Master.

This is the second appearance of this vessel before the Mixed Courts established here. Under Spanish colours, and named "*El Manuel*," the "*Vigilante*" was condemned on the 24th March, 1835, for carrying slaves. At the sale consequent upon the decree of confiscation, a British merchant of this place purchased and shortly afterwards resold this vessel to the present Master, who acted as the agent of Pedro Blanco, the Gallinas slave-trader. Bertinote took the vessel to the Cape Verdes under the Spanish flag, and with her old name of "*El Manuel*," when he went through the forms of a fictitious sale, and changed both the nationality and name of the vessel, by placing her under the Portuguese flag, and calling her "*Vigilante*." Bertinote also changed his name and nationality, apparently at the same time, as he resumed the command of his vessel with the appellation of Manoel de Barros.

Provided with the necessary Portuguese Papers, the "*Vigilante*" proceeded in July, 1835, to the Gallinas, whence she was despatched by her Owner, Blanco, to the River Bonny, where 321 slaves were embarked.

The passage across the Atlantic to the Island of Porto Rico had nearly been completed, when Commander Hope, of His Majesty's sloop "*Racer*," detained the "*Vigilante*" in latitude 15° 46' north, and longitude 60° 9' west, on the 8th March, 1836. The surviving 231 slaves were landed at Nassau, New Providence, on the 17th of the same month, and the vessel also from unseaworthiness was left in that port. Lieutenant Chambers, the Prize-Officer, however, arrived in this place in November from the West Indies, with the necessary Papers and evidence for prosecuting this vessel before the British and Portuguese Court of Mixed Commission. The usual proceedings were then gone through, and the condemnation of the "*Vigilante*" passed on the 25th November, together with the emancipation of the survivors of the 231 slaves remaining at the Bahamas, no attempt having been made to defend the illegal employment of the detained vessel.

9. The Portuguese ship "*Quatro de Abril*," Manoel Dias, Master, was captured by His Majesty's brig "*Curlew*," on the 19th October, with 478 slaves, who had been shipped at Lagos. The Owners of this vessel are stated to be the firm of Almeida and Costa, Portuguese merchants residing at Lisbon, where the Ship's Papers were procured.

The prosecution of the "*Quatro de Abril*" was regularly completed in the British and Portuguese Court on the 25th November, on which day the condemnation of the vessel and the emancipation of the surviving slaves, in number 458, were decreed.

10. The Portuguese schooner "*Olimpia*," Joao Antonio Andraca, Master, left Havana on the 8th May, 1836, bound for Princes Island, *via* Bimbia, where she succeeded in procuring a cargo of 284 negroes. His Majesty's brigantine "*Buzzard*" detained this vessel off the Cameroons on the 28th October, 1836. Within a month after capture the "*Olimpia*" reached this port, and the usual prosecution on the charge of illegal slave-trading having been completed on the 16th December, this vessel was then condemned as prize to the Crowns of Great Britain and Portugal, and the 252 slaves, the survivors of those originally captured, were liberated from slavery.

11. The Portuguese brig "*Veloz*," Joao Ferreira Nunes Soares, Master, belonged to Lisbon, but was employed in carrying on the Slave Trade between Bahia and the Coast.

The "*Veloz*" had a cargo of 508 slaves, purchased at Whydah and Lagos, on board when captured by His Majesty's sloop "*Columbine*," off Princes Island, on the 14th November, 1836. The Marshal reported the arrival of this vessel in this port on the 3d December, and the prosecution against her then commenced.

After the necessary steps to prepare the Case for trial had been taken, the judgment of the Mixed Court was, on the 16th December, pronounced, declaring that the guilty employment of the "*Veloz*" had been established, and decreeing, in consequence, the confiscation of that vessel, and the freedom of the 460 surviving slaves.

12. The Portuguese brigantine "*Fenix*" was commanded by the alleged Owner, Joze Antonio Barboza. This vessel sailed from Havana to Little Popo, and there embarked a cargo of 515 slaves. Having eluded the cruisers of the African station, the "*Fenix*" had advanced as far as the Island of Grenada, in the West Indies, on her return voyage, when she was fallen in with and detained by His Majesty's ship "*Vestal*," Captain W. Jones, on the 28th September, 1836.

The surviving 484 slaves, being incapable of undergoing a second voyage hither from general debility and disease, were landed at Grenada and placed in the custody of the Officers of His Majesty's Customs in that Island.

The "*Fenix*" arrived here from the West Indies on the 9th December, 1806. The evidence adduced by the Captors against this vessel in the progress of the prosecution, clearly proved the illegal nature of the voyage in which she had been engaged, and led to the condemnation of the "*Fenix*" on the 19th December, and the emancipation of those of the 484 slaves who might be then surviving at Grenada.

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13. The Portuguese schooner "*Negrinha*," Miguel Soares de Lisboa, Master, was captured, with 336 slaves on board, shipped at Gallinas by the same cruizer as the "*Fenix*," and in the same place. As in that Case, the slaves were landed at Grenada, and consigned to the care of the Custom-house Officers there. Both vessels reached this harbour on the same day, and both were condemned in the British and Portuguese Court on the 19th December, 1836, a similar Decree of Emancipation being likewise recorded in favour of the 335 slaves landed at Grenada, 1 having died previous to disembarkation.

Prior to the capture of the "*Negrinha*," however, no similarity is apparent in the two Cases. This vessel was formerly the Spanish schooner "*Norma*," condemned here on the 6th January, 1836, and, after the Mixed Commission sale, eventually became the property of a Spaniard, who took her to the Cape Verdes, procured there a Portuguese flag and Papers, and a second time despatched her to be employed in the Slave Trade at the Gallinas, which has now twice led to the confiscation of this vessel.

14. The Portuguese schooner-boat "*Serea*," Venancio Antonio, Master, belonged to Princes Island, and was the property of a resident of that place. This vessel sailed from that Island in October, 1836, with Papers furnished by the Provisional Government of Princes and St. Thomas, which pointed out the ports of the adjacent Continent as her destination for lawful commerce. At New Calabar, however, 22 slaves were bought and shipped, and with these His Majesty's brigantine "*Buzzard*" captured the "*Serea*" on the 12th November, 1836, off Fernando Po.

Lieutenant P. Campbell accompanied his prize hither, and commenced his prosecution on the 10th December, 1836. The proceedings in the Case terminated on the 19th of the same month, when the "*Serea*" was condemned by a Decree of the British and Portuguese Court, and the 21 surviving slaves emancipated from slavery.

*Sierra Leone, 5th January, 1837.*

(Signed)

WALTER W. LEWIS.  
H. D. CAMPBELL.

