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**Class A.**  
(FURTHER SERIES.)

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**CORRESPONDENCE**

WITH THE

**BRITISH COMMISSIONERS,**

RELATING TO

**THE SLAVE TRADE.**

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1837.

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**CLASS A.**



**Class A.**  
(FURTHER SERIES.)

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**CORRESPONDENCE**

WITH THE

**BRITISH COMMISSIONERS,**

AT

**SIERRA LEONE, THE HAVANA,**

**RIO DE JANEIRO, AND SURINAM,**

RELATING TO

**THE SLAVE TRADE.**

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1837.

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

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LONDON:

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



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# Class A.—1837—8.

FURTHER SERIES.

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## CORRESPONDENCE WITH THE **BRITISH COMMISSIONERS.**

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### SIERRA LEONE. (*General.*)

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No. 1.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, January 20th, 1838.*

I HEREWITH transmit for your information the copy of a Despatch from Her Majesty's Commissioners at the Havana, containing a Report of the arrivals from, and departures for, the coast of Africa, during the month of October last.

I have, &c.

(Signed)

PALMERSTON.

*Her Majesty's Commissioners at Sierra Leone,*  
&c. &c. &c.

---

Enclosure in No. 1.

*Havana Commissioners to Viscount Palmerston.*

October 31, 1837.

(See No. 23.)

---

No. 2.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, February 13th, 1838.*

I HEREWITH transmit, for your information, the copy of a Despatch from Her Majesty's Commissioners at the Havana, containing their Report of the arrivals and departures of slave vessels, for the month of November, 1837.

I have, &c.

(Signed)

PALMERSTON.

*Her Majesty's Commissioners at Sierra Leone,*  
&c. &c. &c.

---

Enclosure in No. 2.

*Havana Commissioners to Viscount Palmerston.*

November 30th, 1837.

(See No. 30.)

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No. 3.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 19th March, 1838.*

I HAVE to acquaint you that the Lords Commissioners of the Admiralty have issued a Circular to the Commanders in Chief on foreign stations, directing them to instruct the Captains and Commanders of Her Majesty's ships and vessels under their order, to discontinue the practice, of which it appears that they claim a right, under section 8 of the Articles of War, of taking from vessels detained by them under Treaties with Foreign Powers, for the suppression of the Slave Trade, articles relating to navigation, which may be required for the use of the capturing vessel under their command.

I have, &amp;c.

(Signed)

PALMERSTON.

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

No. 4.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, April 9, 1838.*

I HEREWITH transmit, for your information, the copies of two Despatches from Her Majesty's Commissioners at the Havana, containing their reports of the arrivals of slave vessels at, and of their departures from that place, for the months of December, 1837, and January, 1838.

I also transmit herewith to you, for your information, the copies of two Despatches from Her Majesty's Commissioners at Rio de Janeiro, containing their Reports of the arrivals at, and departures of slave vessels from, that place, for the months of November and December, 1837.

I am, &amp;c.

(Signed)

PALMERSTON.

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

Enclosures in No. 4.

*Havana Commissioners to Viscount Palmerston.*

December 30th, 1837.

January 1st. 1838.

(See Nos. 41 and 43.)

*Rio Commissioners to Viscount Palmerston.*

December 4th, 1837.

December 31, „

(See Nos. 58 and 63.)

No. 5.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 9th April, 1838.*

I HEREWITH transmit to you for your information, two Printed Copies of a Treaty by which the Hanse Towns have acceded to the Conventions between His late Majesty and the King of the French, for the more effectual suppression of the Slave Trade. The Ratifications of this Treaty were exchanged at Hamburgh, on the 12th of September, 1837.

I likewise transmit to you two Printed Copies of a Treaty, by which the Grand Duke of Tuscany has acceded to the above-mentioned Conventions. The Ratifications of this Treaty were exchanged at Florence on the 2nd day of March, 1838

I am, &amp;c.

(Signed)

PALMERSTON.

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

No. 6.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 11th April, 1838.*

I HAVE referred to Her Majesty's Advocate-General the Correspondence, which has passed between you and myself, upon the subject of the purchase of condemned slave-vessels by Merchants, who are resident at Sierra Leone, and to all appearance acting as Agents of Slave Dealers to whom the Vessels are unsold.

The Queen's Advocate is not aware of any means, in the power of Her Majesty's Government, for interfering to prevent the practice complained of, with respect to Vessels captured under the Flag of Powers which have not agreed to the stipulation for breaking up condemned slave-vessels.

The inconvenience cannot take place with respect to Vessels captured under the Flag of those Powers which have agreed to the stipulation just mentioned; and you are aware, that Portugal and Brazil are the only Powers with which Great Britain has Slave Treaties, without the Article for breaking up the Vessels immediately after Condemnation and before Sale.

I have, &amp;c.

(Signed) PALMERSTON.

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

No. 7.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 3, 1838.)*

MY LORD,

*Sierra Leone, 1st January, 1838.*

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 1st July 1837 to the 1st January 1838. The number so registered was 1440.

We have, &amp;c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

Enclosure in No. 7.

ABSTRACT.

	Number Registered.	Number died before Registration, but Emancipated.	Number Emancipated.
Providencia, . . . . .	193	..	193
Amelia, . . . . .	341	4	345
Primoroza, . . . . .	136	..	136
Vibora de Cabo Verde, .	217	4	221
Felicidade, . . . . .	274	7	281
Ligeira, . . . . .	279	1	280
	1440	16	1456

*Mem.*—Number registered up to the 1st July 1837, . . . . . 43,500

Number registered from 1st July 1837, to 1st January 1838. . . . . 1,440

Total, 44,980

No. 8.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received May 3, 1838.)

MY LORD,

*Sierra Leone, 1st January, 1838.*

WE have the honour to enclose to your Lordship a List of all the cases adjudicated during the year 1837, in the British and Portuguese, British and Brazilian Courts of Mixed Commission, and the British and Spanish Mixed Court of Justice, established in this Colony. No cases were presented for adjudication in the British and Netherlands Mixed Court of Justice during that period.

The total number of vessels brought before the Courts during the past year was 27, of which 18 were cases under the Portuguese Flag, and adjudicated in the British and Portuguese Court; and one under the same flag was tried in the British and Brazilian Court, the parties interested in that vessel and her cargo being residents in the metropolis of Brazil. The remaining 8 were cases under the Spanish Flag. Of the Spanish cases, 5 were prosecuted on the ground of equipment for the Slave Trade, and 3 for having been found with slaves on board. All the vessels brought before the Mixed Courts for trial during the year 1837 were condemned.

The number of slaves emancipated during the same period was 6,083, and the number registered here 4,396. Of those negroes who had been emancipated here, but not registered, there were landed at Honduras, from the Portuguese schooner "*Carlota*," 203; at Nassau, New Providence, from the Portuguese schooner "*Flor de Tejo*," 417; at Dominica, from the Portuguese brig "*Don Francisco*," 443; at Grenada, from the Portuguese schooner "*Florida*," 277; and at Port Antonio, in the Island of Jamaica, from the Portuguese schooner "*Traga Milhas*," 280. Of the emancipated slaves, 67 died before their descriptions could be taken to be registered.

Since the establishment of the several Mixed Courts in this Colony, to the close of the year 1837, the total number of vessels adjudicated has been 304, of which 18 were cases of restoration to the Claimants. From the condemned vessels there have been emancipated 50,237 slaves, of whom 44,980 have been registered here.

Of the 18 Portuguese vessels condemned during the last year, 7 were provided with official papers at the Cape de Verd Islands, under circumstances of so suspicious a character, as to sanction the belief that their sale and transfer to the Portuguese Flag were nominal, the property continuing *bonâ fide* to be Spanish. In two of these instances, Joao Jozé Claudio de Lima appears in the Passport as Owner. He was also the ostensible Owner of the Portuguese brigantine "*Esperança*," condemned in 1836, which vessel had been, in a like manner to those alluded to, transferred from the Flag of Spain to that of Portugal, at the Cape de Verds.

During the period in question, there came before the Commission 5 Portuguese vessels, furnished with official papers by the Government of Princes' Island, 3 of which were under equally suspicious circumstances respecting their true nationality as those previously mentioned, while the remaining 2 were owned by the very notorious Char Char, *alias* De Souza of Whydah, of whose character and occupation the Authorities of that Island cannot possibly have been in ignorance.

Had the Government of Portugal performed the promise made to Lord Howard de Walden, on the 4th June, 1836, of sending out a Governor to Princes' Island, and employing a Portuguese cruiser off that Island for the suppression of the traffic, the countenance, which those engaged in slaving adventures have long received there, might have been put an end to.

Respecting the state of the Slave Trade in the immediate vicinity of this Colony, we have to observe, that there have been condemned here in the last year 5 vessels, which had embarked their cargoes at the Rio Pongas, the Galinas, and the river Sherbro. No previous year has furnished an equal number of slave vessels from that quarter; and the fact serves but too well to establish the correctness of the remark made in the last Annual Report, that this trade was as determinedly carried on in our neighbourhood as at any former period.

With reference to this part of the subject, we beg leave to lay before your Lordship an Extract from a Letter, received from a mercantile Gentleman connected with the trade in the rivers Pongas and Nunez, several of whose commu-

nications upon Slave Trade matters have on previous occasions been transmitted to your Lordship.

We beg leave to call your Lordship's attention to the statement of this Gentleman, relative to the establishment of a Slave Trade with the Moors, in the neighbourhood of Cape Blanco, and to the facility with which slaves can be supplied on a part of the coast, where, owing to the absence of any British man-of-war, the Slave-dealers' operations may be carried on with perfect impunity.

Amidst all the evil consequences arising from the presence of the foreign slave-dealers in the rivers in our neighbourhood, our Correspondent has remarked upon one very gratifying circumstance, that the Foulahs have been induced by the fair traders of the river Nunez, to bring down for sale to them a quantity of coffee of a very superior quality, the produce of the forests of their own country.

Thus we have another instance of the richness of the natural productions of the interior of Africa, whilst additional cause is thereby given to lament, that the industry of the natives should be diverted from the extensive and innocent commerce in which they have the opportunity of engaging, by the baneful influence of the Slave Trade.

Of the 27 vessels condemned in 1837, 20 were bound to the Island of Cuba, 3 to that of Porto Rico, 3 to Bahia, and 1 to Rio Janeiro.

Of these vessels 6 were captured on the windward coast, 9 in the Bight of Benin, 11 in the Bight of Biafra, and one to the southward of the Equator.

From the fact of 23 of the 27 vessels adjudicated having been, when detained, bound to the Islands of Cuba and Porto Rico, and the number of vessels seized with slaves actually on board in the year 1837 being only one short of the number captured in the like condition in 1836, the most successful year in the repression of this traffic since the establishment of the Mixed Commissions, it may be remarked, that the Spanish Slave Trade has not decreased, though the flag of that nation is now far less frequently met with than formerly upon this coast.

The manner in which it has been sought to protect the Spanish Slave Trade, even when carried on under the flag of Portugal, may be partly inferred, from the fact of the Custom-house functionaries of Havana having given to the Portuguese schooner "*Ligeira*," condemned here on the 28th ultimo, a certificate relative to the slaving equipment shipped on board of her, which document was nearly similar to those issued to Spanish vessels adopting a like course; and which, we presume, must have been obtained as a precautionary measure, in the expectation of an Equipment Article being added to the Treaties with Portugal, and coming into operation whilst the vessel might be upon this coast.

It is worthy of remark, that the number of vessels adjudicated in the years 1836 and 1837 bears a proportion of upwards of one-fourth, as compared with the total number tried during the 18½ years which the Mixed Commissions have been established, and that the number of slaves emancipated in those 2 years bears a similar proportion to the total number liberated in the entire period.

We have, &c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

&c.

&c.

&c.

First Enclosure in No. 8.

A List of Cases adjudicated in the Courts of Mixed Commissions established at Sierra Leone, between the 1st day of January, 1837, and the 1st day of January, 1838.

Number of Cases adjudicated between June, 1838, and 1st January, 1839.	Number of Vessels liberated between June, 1838, and 1st January, 1839.	Number of Cases adjudged between 1st January, 1837, and 1st January, 1838.	NATION.	NAME of VESSEL.	CLASS.	Whether Condemned or Liberated.	Number of Slaves on board at the time of Capture.	Number of Slaves Emancipated.	Number of Slaves Emancipated and Registered.	REMARKS.
278	18	1	Spanish.	San Nicholas	Brig	Condemned	49	49	49	a Two boys died before their descriptions were completed to be registered.
279	..	2	1	Lechuguino	Schooner	..	49	49	49	b Two boys and 2 girls died, ditto.
280	..	3	2	Experimento	..	..	101 <sup>a</sup>	101 <sup>a</sup>	101 <sup>a</sup>	c Five men, 1 woman, 2 boys, and 10 girls died, ditto.
281	..	4	3	Gata	Pilot-boat	..	111	111	111	d Three men, 1 woman, 1 boy, and 2 girls died, ditto.
282	..	5	4	Descubierta.	Schooner	..	..	..	..	e One man and boy died, ditto.
283	..	6	5	Cinco Amigos	..	..	286 <sup>b</sup>	286 <sup>b</sup>	286 <sup>b</sup>	f These slaves were landed at Honduras, and therefore not registered here.
284	..	7	6	Dolores	..	..	313	313	313	g One man and 2 boys died before their descriptions were taken to be registered.
285	..	8	7	General Ricafort	Brig	..	..	..	..	h One man, 2 women, 2 boys, and 1 girl died, ditto.
286	..	9	8	Pacquete de Cabo Verde	..	..	576	452 <sup>c</sup>	434	i These slaves were landed at Nassau, New Providence, and therefore not registered here.
287	..	10	Portuguese.	Temerario	Brigantine	..	349	236 <sup>d</sup>	229	k 3 men and 1 boy died before their description could be effected to be registered.
288	..	11	1	Esperança	Brig	..	109	89	89	l One man, 1 woman, and 2 girls died, do.
289	..	12	2	Josephina	Schooner	..	350	346 <sup>e</sup>	345	m These slaves were landed at Dominica, and therefore not registered here.
290	..	13	3	Latona	..	..	325	320 <sup>f</sup>	318	n These slaves were landed at Grenada, and therefore not registered here.
291	..	14	4	Carlota	..	..	204	203 <sup>g</sup>	..	o Five men, 1 boy, and 1 girl, died before their descriptions were taken to be registered.
292	..	15	5	Lafayette	..	..	448	441 <sup>h</sup>	438	p These slaves were landed at Port Antonio, in the island of Jamaica, and therefore not registered here.
293	..	16	6	Cabo de Africa	..	..	162	101 <sup>i</sup>	95	q One man died before his description was taken to be registered.
294	..	17	7	Flor de Tejo	..	..	417	417 <sup>j</sup>	193	r Six men and 3 boys died, ditto.
295	..	18	8	Providença	..	..	198	193	193	s Emancipated at Sierra Leone, (but not registered) between June, 1819, and 1st January, 1837.
296	..	19	9	Amelia	Brig	..	359	345 <sup>k</sup>	341	t Died or absconded subsequent to emancipation, but prior to registration, between 1st January, 1837, and 1st January, 1838.
297	..	20	10	Primoroza	Schooner	..	182	186	186	u (Outnot registered there in consequence of their having been previously landed at Honduras, New Providence, Dominica, Grenada, and Jamaica) between 1st January, 1837, and 1st January, 1838.
298	..	21	11	Vibora de Cabo Verde	..	..	272	221 <sup>l</sup>	217	v Grand total of slaves emancipated at Sierra Leone between June, 1819, and 1st January, 1838
299	..	22	12	Don Francisco	Brig	..	443	443 <sup>m</sup>	..	w Of which number there has not been registered here, as appears by the foregoing remarks
300	..	23	13	Florida	Schooner	..	387	277 <sup>n</sup>	..	x Grand total number registered, up to this day
301	..	24	14	Felicidade	Brigantine	..	280	281 <sup>o</sup>	274	y
302	..	25	15	Traga Milhas	Schooner	..	283	280 <sup>p</sup>	..	z
303	..	26	16	Legaira	..	..	313	280 <sup>q</sup>	279	aa
304	..	27	17	Incomprehensivel	Ship	..	696	586 <sup>r</sup>	578	ab
			Brazilian.				6,775	6,033	4,396	Total

Sierra Leone, 1st January, 1838. (Signed) M. L. MELVILLE, Registrar.

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

## Second Enclosure in No. 8.

*Extract of a Letter, dated Rio Nunez, August 8th, 1837.*

THE Slave Trade in the rivers between Sierra Leone and the Gambia flourishes as ever; and I regret to say that this River, which has been free from the visits of slavers since the death of Powell, has been polluted with the visits of two within the last four months. The master of the one which arrived last, finding his consort in difficulty, and not likely to obtain the whole of his wretched cargo, refused to land anything from his vessel, until the first vessel had received the whole of his cargo stipulated for. After waiting in vain for this, the two vessels clandestinely dropped down the river in the night, and when they had proceeded some few miles below the town, the Spaniards detained every canoe they fell in with, taking out the free grumettas and passengers, and putting them in irons among the slaves. The slave-dealing gentry of the river, upon hearing this, have manned a number of canoes, and proceeded armed to attack the vessels and get back the free people; and at the moment I am writing I hear a cannonading and firing of musquetry. This event will, I fear, lead to disputes among the native tribes of this river, one of the many evils attendant on the slave-trade.

The Portuguese flag is as readily obtained as formerly by Spaniards and others, from the authorities at the Cape de Verd Islands, and at Bissao. There is now in the Rio Pongos a fine schooner, built at Baltimore, and launched about six months since, which was fitted out with a cargo and a complete slave equipment at New York, from which place she sailed under her national colours. After discharging her outward cargo in the Rio Pongos, she sailed for the Cape de Verd Islands. When at Porto Praya she obtained Portuguese papers, retaining, however, the American crew, and the American captain keeping virtually the command of the vessel; and I am informed, that it is the intention of the American to conclude the voyage in the vessel. I am also informed, and have every confidence in the truth of the information, that all the fine new vessels employed in the slave-trade, several of which have been captured and brought into Sierra Leone, were built at Baltimore, and openly fitted out with leaguers, irons, and other appurtenances for a slave voyage, at New York, and other ports in the United States, but principally at New York, without any molestation from the Government. Indeed the ship-builders at Baltimore are highly delighted at the stipulation in the late Treaty with Spain, by which all vessels condemned under Spanish colours are broken up.

There was lately, in the Rio Pongos, a Spanish schooner from Havana, called the "*Mannagana*," or some such name, which touched at Cape Blanco, with a view of purchasing a cargo of slaves from the Moors in that part; and the Spanish captain, I am informed, entered into an agreement with some Moors, who undertook to supply him with a cargo of 240 slaves in *four days*, and to furnish the schooner with wood and water in the same time. It appears the Moors were to receive no payment until they had completed their contract; and they sent hostages on board the schooner, while some of the Spaniards remained on shore. After two days had elapsed, and the Moors had nearly completed the wood and water necessary, some of the Spaniards on shore were detected intriguing with the wives of the Moors, which immediately led to a violent altercation, and ultimately to the breaking up of the contract. Now, if it was possible that the Moors could supply that number of slaves, and equip the vessel with wood and water in that short space of time, the success of the vessel's voyage would have led numerous others there, whose operations would have remained at least unchecked by any cruiser.

I have in a former letter alluded to the importance of this river as regards its trade, and as a direct and easy communication to the country of one of the most powerful tribes of Africa, the Foulahs, through whose territories pass the Mandingoes, the Serrakoolets, the Kankans, and other trading people, whether bringing their gold and ivory here for sale, or carrying it to Sierra Leone for the same purpose. Here the Americans and the French share with us largely the trade that is brought down. One great advantage of a peaceful and uninterrupted commerce with the natives, particularly those of the interior, is, that many valuable productions of the country, of which the natives themselves seem totally ignorant, are, by our research, brought to light, sometimes to their astonishment. This has



been particularly exemplified within the last two years in the article of coffee, of which it now appears there are, in the forests of the Foulah country and other parts from this latitude to Sierra Leone, vast quantities growing quite indigenous and in a state of nature, and which have been for years pastfood for monkeys and other animals, but by our search after produce have now become a source of great profit to the natives, and an article of export to Great Britain, France, and America. Twenty-five tons have been exported from this river this season; and the "Ursula," Mr. Proctor's vessel, has on board this voyage about 12 tons. A small quantity (about 3 tons) was sent to London last year, and, although not allowed to be entered for home consumption, sold in bond at prices nearly equal to the first class British plantation coffee, which at once stamps its good quality. That the natives, particularly the Foulahs, will eventually cultivate this article, I have no doubt, and its cultivation will greatly improve its quality; but the fatal Slave Trade is a bar to the peaceful pursuits of agriculture. If it were possible at this moment to put an effectnal stop to the exportation of slaves from this coast, consequences the most beneficial and immediate would ensue; a sum of human misery, immense, unknown even to the many benevolent individuals who have devoted their valuable time for years in seeking to alleviate the sufferings of the unhappy African race, would be done away with.

I perceive by the printed correspondence A and B, which you sent me, how watchful, and properly so, is the Government after the welfare and liberties of the numerous negroes who have been released from slavery in the West Indies. The same watchfulness is equally necessary in this part of the world over those who, after obtaining their freedom, have thoughtlessly returned to Africa, expecting to find a home. I am led to this remark by a circumstance which has lately occurred here, and which shows how precarious are the liberties of an emancipated African when out of the pale of British protection. About two years since a Gambia vessel brought from Demerara some 8 or 9 self-emancipated blacks, among whom was a man of the Foulah tribe, who had formerly been made a captive in war and sold. Another was from some other part of Africa, who had been taught the art of a cooper, and by his industry had emancipated himself and his family, in all some 6 or 7 persons. Governor Rendall endeavoured to persuade these persons to settle at St. Mary's, but the cooper and his family were led away by the representations of a crafty Foulah man, and followed him to this place, where the Foulah man soon left them to join his family in the Foulah country. This fellow reported to the Foulah Alimamy, that the cooper's family was living in the Rio Nunez, and, according to their ideas, belonged to no one, and had no one to take care of them. Accordingly, some few days since, the Foulah chief of Labby, named Mahdhu, had the whole family seized, dispossessed them of their little property, stripped them of their clothes, and, with their arms pinioned, and tied together by the neck, drove them all, like so many cattle, into the Foulah country, except the old man, the cooper, who was detained, manacled by the legs, till some parties who were indebted to him paid their debts into the hands of Mahdhu. Neither Mr. Proctor nor myself knew anything of the circumstance until the poor creatures had been marched off a day. We however lost no time in calling together a meeting of all the proprietors of factories, French, Portuguese, and others, and then sent for the Foulah chief, to whom we explained that the people whom he had seized were true British subjects and belonging to the King of England, and that his carrying these people off into slavery would lead to a very serious palaver; that our King considered himself as much bound to protect these poor people as his white subjects, and that, unless they were brought back, the Governor of Sierra Leone, on his being informed of the circumstance, would make reprisals on all the Foulah headmen arriving in that country to trade. Mahdhu, in exculpation, stated, that, in seizing these people and sending them to Teembo, he had only acted in conformity with the order of his superior the Alimamy of Teembo. He at the same time promised to send a messenger to the Alimamy (which he has since done), to acquaint him with what the white people said respecting this palaver, but made no promise nor held out any hopes of these poor people being brought back. We are not at all sanguine that they will be restored, and I fear that nothing but the threat we held out being acted on in Sierra Leone will ever get these poor people their liberty again.

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## SIERRA LEONE. (*Spain.*)

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No. 9.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 3.)*

MY LORD,

*Sierra Leone, Jan. 1, 1838.*

IN pursuance of the 75th Clause of an Act passed in the 5th year of the reign of his late Majesty George IV., entitled, "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to enclose a Return of all cases of Spanish vessels adjudicated in the British and Spanish Mixed Court of Justice, from the 1st July 1837 to the 1st January 1838.

We have, &c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

&c.

&c.

&c.

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## Enclosure in No. 9.

*Return of Spanish Vessels adjudicated by the British and Spanish Mixed Court of Justice, established at Sierra Leone, betwixt the first day of July 1837, and the first day of January 1838.*

Names 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.								
"General Ricafort."	Carlos Martinez.	26th June 1837.	5 19 N.	0 5 W.	Brig and Cargo.	Samuel Mercer, Esq., Her Britannic Majesty's Brig, "Charybdes."	25th Aug. 1837.				Condemned for being engaged in the illicit traffic in slaves.	Vessel, cargo, and stores sold at public auction, and the proceeds paid into the Military Chest.

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

Sierra Leone, 1st January, 1838.

(Signed) M. L. MELVILLE, REGISTRAR.

No. 10.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 3, 1838.)*

MY LORD,

Sierra Leone, 1st January, 1838.

ENCLOSED we have the honour to transmit to your Lordship an Abstract of the Proceedings in the British and Spanish Mixed Court of Justice established here, between the 1st January and the 31st December 1837.

The number of vessels adjudicated by the above Court was 8, all of which were condemned. Five cases were prosecuted for being equipped for the Slave Trade; and from the remaining 3, which had cargoes of slaves on board at the time of capture, four hundred and thirty-six slaves were emancipated at the time of condemnation.

We have, &amp;c.

(Signed)

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

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 10.

*Abstract of the Cases adjudicated in the British and Spanish Mixed Court of Justice, established at Sierra Leone, for the Suppression of the Slave Trade, during the year 1837.*

Sierra Leone, 1st January, 1838.

1. THE Spanish Brig "*San Nicolas*," Angel Cassamilia, Master, belonging to the port of Trinidad de Cuba, cleared out in October, 1835, ostensibly for a voyage of lawful commerce to St. Paul de Laundo, New York, and St. Thomas. Instead of proceeding direct to Loando, the "*San Nicolas*" went to New York, where she remained some time, and it appeared was altered from her original rig of a schooner to that of a brig. Some cargo was shipped, and this vessel then sailed for Danish St. Thomas, where her outward lading was completed. The "*San Nicolas*" left St. Thomas on the 26th April, 1836, and without any regard to her official Papers at once proceeded, as was seen by the vessel's Log-book, to the river Sherbro, where she anchored on the 7th June, 1836. No reason is assigned in the log for going into this very notorious slaving port in violation of her clearances; but the disembarkation of the cargo was immediately commenced, and the affairs of the vessel apparently conducted, as though it had been originally intended to dispose of the outward, and procure the homeward, cargo at that spot.

Six months from the time alluded to, the "*San Nicolas*" was occupying the position she had taken up on her arrival in the Sherbro, being then with every article of cargo landed from her, as well also as all her stores, most of her sails, many spars, and nearly every thing else which was moveable. In this condition she was found on the 2nd December, 1836, by Lieutenant Glasse, the Commander of Her Majesty's brig "*Rolla*," who, having very carefully examined her equipment, was of opinion, that it was objectionable, according to the meaning of the 10th Article of the Treaty between Great Britain and Spain, of the 28th June, 1835; and he in consequence detained the "*San Nicolas*," and sent her to this colony for adjudication, where she arrived on the 10th January, 1837.

Two days subsequently the Case of this vessel was prosecuted in the British and Spanish Mixed Court of Justice on the following charges, as stated in the Declaration of the Seizing-Officer, that the "*San Nicolas*" had hatches of open gratings instead of close hatches, such as are usual in merchant-vessels; more bulkheads in the hold than were requisite for the purposes of lawful trade; and a small portion of a slave-deck and fittings on board.

To support the Captor's charges, a survey, such as is usual in all cases involving questions of illegal equipment, was in this instance asked for and granted, the sworn Report upon which established that the "*San Nicolas*" main hatchway was much larger than is usually seen in merchant-vessels of her class, and that it was fitted with hatches of wood grating, which were, however, lightly boarded over. The main hatchway was found in the "*San Nicolas*" to be in the place where the fore hatchway is in merchant-vessels of her size, and was pronounced to be equal in extent to a fore and main hatchway together. The number of bulk-heads standing in the hold of this vessel the Surveyors reported were not more than usually found in vessels of this class, when employed in lawful trade. The plank which was met with was no more than what was requisite for the probable repairs of the vessel during the lengthened voyage in which she was engaged, and was not prepared as a deck. There was a shifting deck in the fore-castle, the place usually occupied by the crew of all vessels. The front part of the cabouse appeared to be of an ordinary description; but the back part of it was adapted for the reception of a boiler capable of cooking provisions for a meal for 400 persons.

On the part of the Claimant (the Master of the detained vessel), little was attempted in the way of explanation. The Master very briefly observed, that he was ignorant why his vessel was provided with the illegal main hatchway previously described; but supposed that the brig had been so fitted, when she was a Columbian privateer, on account of the number of her men. One of the witnesses for the defence, a seaman named Ribeiro, swore that, when the "*San Nicolas*" was seized, she was then in precisely the same state as when he knew her as a privateer, with the exception of wanting a revolving-gun; and that he knew the main hatchway had been fitted with open gratings, when the brig was in that employment. This formed the material part of the defence of the Claimant.

Although the Master was the principal witness in support of the claim which he had made in the case, the other witnesses professing to be ignorant upon the most important points on which they were questioned, their replies, when examined upon the interrogatories framed under the Equipment Article of the Treaty, however, were such as to arouse suspicion, and particularly as regarded the means which the detained vessel originally had on board for carrying water, which the Master and

one of his sailors stated were in casks and staves for casks, equal to the number commonly found on board vessels laden with slaves.

In respect to the nature and object of the voyage in which the vessel had been seized, the Claimant's statements were contradictory and unsatisfactory. At the time of detention, he stated he was in a voyage from St. Thomas' to Trinidad de Cuba; at his examination on the Standing Interrogatories that he did not know where the voyage was to end; and in his claim and affidavit in support of it, that he was in a "trading voyage along the coast;" whilst the official Papers of the vessel showed she was only at liberty to go to Loando. All the Papers which would have cleared up this point, as well as some others, namely, the Clearance, the Bill of Lading, and the Charter-party, were lost in the Sherbro, according to the Master's own account; and he neglected to produce before the Court the supercargo, who was stated to have been left at Sherbro, and who might have been brought here without any difficulty, as well as in any manner satisfactorily to account for the absence of one who would have been, in all probability, an important witness. No return cargo was shown to have been collected, notwithstanding the vessel had been 6 months in the Sherbro, with the avowed intention of trading "in the produce of the country, if possible."

The history of the brig's proceedings in the Sherbro could not be discovered by means of her Log-book, as that was also lost with the other Papers before mentioned. The ownership of the vessel was declared to be in the Master, who swore that he gave 2000 dollars for his purchase; the party from whom he bought the brig, immediately after assisting him in obtaining freight for the voyage in which she had been seized for the heavy sum of 5,500 dollars.

Taking into consideration all the circumstances of the Case, the Commissioners who tried the Case (His Excellency the Lieutenant-Governor and Her Majesty's Arbitrator), were of opinion that it had been proved, that the "*San Nicolas*" was unlawfully equipped when seized by Her Majesty's brig "*Rolla*," and that the Claimant had entirely failed in establishing to their satisfaction that the vessel when detained was employed in some lawful pursuit, and a sentence was in consequence pronounced of confiscation of the Spanish brig "*San Nicolas*," and her fittings, at the sitting of the Mixed Court on the 2nd January, 1837.

2. The Spanish pilot-boat "*Lechuguino*," José Mauri, Master, cleared from St. Jago de Cuba in April, 1836, for a voyage to the Cape de Verde Islands and St. Thomas.

This vessel touched at the Cape Verdes on coming across the Atlantic, and remained a very few days there. As no cargo was embarked at that place, it may reasonably be inferred that so experienced a person in the African Slave Trade as the Master of this vessel did not deviate from his direct route to the Rio Pongas, whither it subsequently appeared he was bound, without a sufficient object, and which we can only imagine to have been to place the vessel under the Portuguese Flag. Whatever might have been the object of going there, it does not appear to have been accomplished, as, after a stay there of 2 days, the schooner proceeded direct to the Pongas, where she was found at anchor off the town of Bangalaug on the 27th December, 1836, with 49 slaves on board, by Her Majesty's brig "*Rolla*," the Commander of which cruiser sent her here for adjudication.

The prosecution of the "*Lechuguino*" before the British and Spanish Mixed Court of Justice commenced on the 3rd, and terminated on the 10th January, 1837, the evidence adduced exhibiting all the usual features of open violation of the provisions of the Treaties for the Suppression of the Slave Trade, to be found in most of the cases of Cuba vessels brought before the Court, a sentence of condemnation of the vessel and her cargo was accordingly pronounced, and the emancipation of the 49 slaves seized on board of her at the same time decreed.

3. The Spanish schooner "*Experimento*," Joaquín de Andricain, Master, was found on the 27th December, 1836, by the Commander of Her Majesty's brig "*Rolla*," Lieutenant Glasse, at anchor off the town of Saraby, in the Rio Pongas, in charge of the Boatswain of that vessel, and with Spanish colours flying. No Papers were discovered on board of her, and the Boatswain, in explanation to Lieutenant Glasse, stated that the "*Experimento's*" official Papers had been taken on shore by Andricain, the Master of her, who was residing in the native town of Saraby. Andricain, on application, having refused, on the plea of illness, to repair on board of his vessel, and declining to give up the schooner's Papers, the Commander of the "*Rolla*," detained the "*Experimento*," as a Spanish vessel illegally equipped, and proceeded with her to Sierra Leone.

Immediately on the arrival here of the detained schooner on the 2nd January, 1837, the usual measures were adopted in the prosecution of the "*Experimento*" as a Spanish vessel, her title to which character was plainly established by the evidence received on behalf of the captors. It appeared that Joaquín Andricain, the Master, was also the Owner of the "*Experimento*," which vessel he had fitted out in July, 1836, and obtained from the Authorities at that Port Spanish Papers for her.

The charge of unlawful equipment which was proved against this vessel, consisted of her having more water-casks than she required as a merchant-vessel, and which casks had not been cleared out at the Custom-house whence she sailed; of having a far greater quantity of fresh water on board than was requisite for her crew; and a cabouse adapted to receive at the back of it a slave-boiler.

The evidence in the case having clearly shewn the "*Experimento*" to have been, at the time of her seizure, a Spanish vessel, and therefore within the jurisdiction of the British and Spanish Mixed Court of Justice, on a charge of illegal equipment, and that charge having been distinctly made out, without even an attempt at a defence or explanation, the Court decreed the confiscation of this vessel, at its sitting on the 12th January, 1837.

4. The Spanish schooner "*Gata*," José Vicente Larrazabal, Master, was cleared out from Havana in June, 1836, for a voyage of legitimate commerce to the river Bonny. On leaving Havana this vessel was compelled to put into Charleston to repair damages said to have been sustained from the heavy weather met with in the voyage. Thence the "*Gata*" proceeded to the Cape de Verd Islands for wood and water, as it was alleged, and ultimately to the destination, expressed in her official papers, the river Bonny. At that notorious slave-mart the "*Gata*" received, on the 5th December, 1836, a cargo of slaves on board, with whom she was captured by Her Majesty's ship "*Scout*," Commander Craigie, in the evening of that day, at the entrance of the Bonny, when attempting to leave the river on her return voyage to Cuba.

On the 4th January, 1837, the detained vessel arrived here, and on the following day the prosecution of her commenced before the British and Spanish Mixed Court of Justice, on a charge of having been employed in the unlawful traffic in Slaves, which the evidence clearly established, and on the 12th January she was in consequence declared to be good and lawful prize to the Governments of

Great Britain and Spain, and the survivors of her slaves, in number 101, were emancipated from slavery.

5. The Spanish schooner "*Descubierta*," Pablo Pla, Master, belonging to the Island of Porto Rico, where she was built, cleared out thence for the Islands of Prince's and St. Thomas' for a voyage of lawful commerce.

She was detained at the entrance of the river Bonny by Her Majesty's sloop "Scout," Robert Craigie, Esq., Commander, on the 14th January, 1837, in consequence of her equipment being in that Officer's opinion, questionable. After a tedious voyage, the detained vessel reached Sierra Leone on the 29th March, and was prosecuted on the charge of illegal equipment, which was established in the most distinct manner by the evidence produced on the behalf of the captors. No information was afforded by the Master as to the cause of his vessel being fitted in a manner prohibited by the Treaty between Great Britain and Spain of the 28th June, 1835, and the Court therefore pronounced her a good prize to the two Governments, at its sitting on the 20th April, 1837.

6. The Spanish schooner "*Cinco Amigos*," Pedro Ferrer, Master, was detained off New Sestos, on the 30th March, 1837, by Her Majesty's brigantine "Bonetta," Lieutenant H. P. Deschamps, Commander, on a charge of being illegally fitted. The detained vessel arrived here on the 8th April, and 2 days subsequently thereto proceedings were commenced against her in the British and Spanish Mixed Court of Justice, which ended in clearly establishing that the "*Cinco Amigos*" had violated the Equipment Article of the late Treaty with Spain in no less than 5 Sections.

No attempt was made by the Master to establish that the vessel was, at the time of her seizure, employed in some lawful pursuit, and she was in consequence pronounced, on the 20th April, 1837, by the said Court, to be confiscated, for having been illegally equipped at the time of her detention.

7. The Spanish schooner "*Dolores*," Francisco Canal, Master, belonging to the port of Havana, cleared out thence in October, 1836, for a lawful commercial voyage to this coast, as appeared from all the official papers with which she was provided at Cuba. Her course, after leaving Havana, was direct to the Old Calebar River, where the outward cargo was at once bartered for 314 slaves. Thus laden, the "*Dolores*" left the Old Calebar on the 14th April, 1837, but was happily intercepted 5 days afterwards by Her Majesty's brigantine "Dolphin," the Commander of which cruiser despatched her in charge of a Prize-officer to this colony, where she arrived on the 14th May, 1837.

The usual proceedings were instituted against the vessel on the 15th May, and on the 22d following they were concluded, establishing in the clearest manner the charge brought against her of having violated the existing Treaties between Great Britain and Spain respecting the Slave Trade. The "*Dolores*" was accordingly condemned on the 23rd May, 1837, and the survivors of the slaves seized on board of her, amounting to 286, emancipated from slavery.

8. The Spanish brig, "*General Ricafort*," Carlos Martinez, Master, was a vessel belonging to the port of Havana, and originally employed in the trade between Cuba and Bremen.

On the 26th June, 1836, this vessel was met with near to British Acra by Her Majesty's brig "Charybdis," Lieutenant Samuel Mercer, Commander, who detained the "*General Ricafort*" on a charge of unlawful equipment, in having a small part of a slave-deck laid, and spare planks on board, adapted in the captor's opinion, for completing the same the whole length of the vessel.

The detained brig reached this port on the 15th July, 1837, and 4 days afterwards proceedings were instituted against her in the British and Spanish Mixed Court, which were concluded on the 25th August.

The result of this investigation was the establishment, to the satisfaction of the Court, that at the time of the detention of the "*General Ricafort*" she had a part of a slave-deck laid, and spare planks suited for the completion of the same about half the length of the vessel; and that she was provided with a bag of forelocks for slave-shackles, both of those articles being prohibited according to the 10th Article of the Treaty of the 28th June, 1835.

In the defence of the vessel the Master and Claimant urged, that the small loose deck which had been laid was for stowing the brig's provisions upon; that the spare planks had been expressly shipped for the preservation of a large quantity of roll-tobacco found on board as cargo, without which it could not have been safely stowed; and that the bag of forelocks, which had been discovered subsequent to the detention, were not for slave-shackles, but for the shackles of the topsail-sheets, for which purpose, however, on examination, they were found to be unadapted, whilst they were readily fitted to some slave-irons furnished from the stores of the Court for the purpose of the experiment.

The Master's explanation as to the spare planks found in his vessel was not more satisfactory than that respecting the forelocks; for it was in evidence from disinterested witnesses that it is not usual, neither is it necessary, to have planks of the kind in question for the stowage of roll-tobacco; and the Prize-officer proved that the planks were not used for the purpose alleged by the Master at the time of seizure, as the tobacco was found by him stowed without anything between it and the ceiling of the vessel. The placing of these planks amongst the other part of the cargo, the necessity for which was not even asserted, was held by the Court as having been resorted to for the purpose of secreting them, and which could only have been requisite with a vessel in a slaving voyage. That the brig was intended to carry off a cargo of slaves, the Court considered was to be inferred from the facts established of her having been provided with 2 large medicine-chests, of the description invariably to be met with in slave-vessels; that arrangements existed in the vessel's hold for the reception of a slave-deck; that accommodation was on the upper deck for carrying a very large quantity of water, which could not have been needed by a vessel employed in the general trade of this coast, and, therefore, that she must have been so fitted for carrying slaves; and that the wages promised to the crew were at the very high rate common only in slaving adventures.

The outward cargo of the "*General Ricafort*" having been consigned to a notorious slave-dealer at Lagos, also supports the opinion of her having been destined to carry a human cargo in return.

The assertion of the Master, that the loose deck, marked and numbered as slave-decks usually are, should have been placed in the hold of a Spanish vessel going from Havana to Lagos, under the command of a person acquainted with the terms of the Treaty of June, 1835, merely to stow the ship's provisions upon, the Court considered was so unreasonable as not to be worthy of attention.

On the 25th August, 1837, the condemnation was pronounced of the "*General Ricafort*," her cargo and stores, as good and lawful prize to the Governments of Great Britain and Spain, for having been equipped, at the time of her seizure by Her Majesty's brig-of-war "Charybdis," in an unlawful manner.

H. W. MACAULAY.  
WALTER W. LEWIS.

## SIERRA LEONE. (*Portugal.*)

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No. 11.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 7.)*

MY LORD,

*Sierra Leone, 14th November, 1837.*

WITH this Despatch we have the honour of transmitting to your Lordship our Report of the case of the Portuguese schooner "*Vibora de Cabo Verde*," brought before the British and Portuguese Court of Mixed Commission, on a charge of illicit slave-trading, and condemned on the 13th instant.

The "*Vibora de Cabo Verde*" was detained by Her Majesty's brig "*Water Witch*," on the 28th September last, with a cargo of 269 slaves on board, when off Fernando Po, in an ostensible voyage from Bimbia (near the River Cameroons), to Rio de Janeiro; and was then despatched to this Colony for adjudication.

On the passage of the "*Vibora de Cabo Verde*" to this Port, which occupied 37 days, the negroes suffered severely from disease, no less than 46 of them having died, and 23 being ill on their arrival here.

There is every reason to believe, that this vessel was the American schooner "*Viper*," mentioned in the despatch of Her Majesty's Commissioners at Havana to your Lordship, dated the 25th October, 1836, as having cleared out thence under the direction of the French house of Forçade and Company, equipped for the Slave Trade, and destined to the Cape de Verdes, where the Commissioners surmised she would undergo a nominal transfer to the Flag of Portugal. That such was ultimately the case we think will be evident, from the facts stated in our Report of the condemnation of this vessel, to which it will not be necessary further to allude in this Despatch, than by mentioning, that Joao Jozé Claudio de Lima, whose name has so repeatedly appeared in similar cases to the present, reported by us to your Lordship, is described in the Passport from the Cape de Verdes, as the Owner of this vessel; and that in contradiction of this Official Statement, the late Master of the vessel swore, in the most positive manner, that he was sole Owner of both vessel and cargo; the former of which he bought in June last, of an American, when at the Cape de Verdes, whose name he has never heard, and from whom he took no Bill of Sale. With such palpably gross false swearing as this, are met most of our attempts to arrive at the true state of the Cases, brought before us for adjudication.

In the course of the examinations, the Master stated to the Registrar, that he has been three times brought into Sierra Leone, in captured slave-vessels, and although he has been twice here within the last twelve months, he expressed his determination of immediately engaging in the same traffic. He was formerly Boat-swain of the Portuguese slave-ship "*Quatro de Abril*," reported by us on the 8th December, 1836; since which he has dropped the surname of Rafael, which he then used. The Master added that he quitted Sierra Leone in March last, in a brig belonging to Pedro Blanco, of the Galinas, and which was commanded by the very notorious Miguel Bertinote, whose character has been described in our Despatch of the 7th December, 1836, and who, there is every reason to believe, carried off a full cargo of slaves to Cuba from Blanco's establishment at Galinas.

The vessel which Bertinote last purchased, was the Portuguese slave-brig "*Esperança*," condemned here on the 4th March, 1837, and which cleared out hence for Havana on the 5th of last April in ballast.

In the ship's papers of the "*Vibora de Cabo Verde*," she is stated to have been bound to Rio de Janeiro; but both witnesses declared, that, when seized she was proceeding to Havana. After she left Cuba, her rig was altered slightly, in all probability for the purpose of creating a wrong impression as to her identity; respecting which, however, there can exist little doubt, when the several circum-

stances to which we have alluded are associated with her continuing to bear, after the change of nationality, the name of the "*Viper*," and having a figure-head suitable to such title.

We have, &c.

(Signed)

ROBERT RANKIN.  
WALTER W. LEWIS.

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

Enclosure in No. 11.

*Report of the Case of the Portuguese Schooner "Vibora de Cabo Verde," Joaquim Antonio, Master.*

THIS slave-vessel procured her ship's papers at the Cape de Verd in June last, under those circumstances of suspicion which would from past experience originate the inference that the "*Vibora de Cabo Verde*," like many other Cuba vessels detected with slaves under the Portuguese flag during the past and present years, had only repaired thither to obtain the well-known protection from seizure of this assumed nationality. This conclusion is strengthened by the contradictory statements of the vessel's destination, the passport stating her to be bound to Rio de Janeiro, whilst both witnesses declared on their examination, that Havana was the port at which the voyage would conclude; as well as by the very questionable circumstance of the notorious Joaõ José Claudio de Lima, of the Cape de Verds, being the declared owner of the detained vessel in her passport. The documents granted by the Portuguese authorities are of the usual limited nature, and consist only of a passport and muster-roll, both under the same date.

From Cape de Verd the vessel sailed at once to Bimbia near the Camaroons, and exchanged the outward cargo for one of slaves. On the return-voyage the hitherto successful slaver was met with, and detained by Her Majesty's brig "*Water Witch*," off Fernando Po, on the 28th September last, having on board 269 Africans.

The arrival of the "*Vibora de Cabo Verde*" was notified to the Mixed Court by the Marshal, on the 4th instant, when the Surgeon likewise made his report as to the health of the slaves. The most prevailing disorder amongst negroes, the dysentery, had carried off no less than 46 of this cargo in the passage hither; and 23 cases were selected for hospital treatment. The Surgeon also felt it necessary to urge the speedy landing of the slaves, from the confined state of the vessel; but as the schooner only anchored in this harbour late on the Saturday afternoon, this recommendation could not be carried into execution until the following Monday, when, with the concurrence of the Colonial Government, the disembarkation was effected. On the above day the vessel's papers were filed in Court, and the usual preliminary proceedings—the issue of the Monition, and the order for the evidence to be taken—were proceeded in.

The captor, Lieutenant William Dickey, declares that capture took place on the 28th September, off Fernando Po, and that the vessel was bound to Havana with a cargo of 269 slaves, said to have been shipped at Bimbia. Allusion is also made to the sickly condition of the male slaves from dysentery.

The Registrar examined the Master and the Cook, José Sacramento, on the 6th instant. The former deposed that "he was born at Lisbon, and lives there; is a subject of Portugal; served on board an English man-of-war (the "*Maidstone*" frigate) for two years, during the American war; is not married. He appointed himself to the command, being owner. Possession was given to witness at the Cape Verds about four months since, by an American, whose name he does not know, having never heard it. First saw the vessel in Havana about five months ago; she was built at New Orleans. He was present when the vessel was captured for having slaves on board; had no colours but Portuguese. The vessel is called "*Vibora de Cabo Verde*;" does not know whether she ever had any other name. She is 100 tons burthen, and had 21 officers and mariners exclusive of witness, all Portuguese, except two or three Spanish seamen; all hired and shipped at Villa de Praya, Cape Verde, by witness about four months since. He is sole owner of vessel and cargo; none of the officers or mariners had any interest in either; was master as well: there was no passenger. The last clearing port was Porto Praya, and the voyage commenced there, and was to have ended at Havana. From Porto Praya the vessel went direct to Bimbia, where she remained about 55 days, and shipped slaves. The capturing vessel was first seen on the 28th of September, off Fernando Po, and capture took place within sight of that Island on the same day. There no was chase; it was quite calm. Witness was making the best of his way for Havana, and made every endeavour to avoid capture. There are no guns; there are a few muskets and cutlasses, and a little powder, for keeping the slaves under. There were no instructions for resisting or escaping capture, or for concealing or destroying any of the vessel's papers. He is sole owner of the vessel. There was no bill of sale; the price (5000 dollars) was paid down in cash at the time of purchase, and was a fair equivalent for the vessel. If restored, she will belong to no one but witness: there was no private agreement. He is sole owner of the cargo, as well as lader and consignee. Witness intended to have landed them at Havana on his own account and risk; and if restored, they will belong to no one else. The vessel came in ballast from Havana to Cape Verd; and, after witness purchased her, he took in a general cargo of trade goods at Porto Praya. The present cargo is slaves: 269 were shipped altogether; all from the shore; does not remember their particular descriptions. None died before, but 46 have died since capture; was taken after seizure to Sierra Leone. The papers found on board were, and are, all true and fair. No papers were destroyed, concealed, or made away with. He knows of the existence of no papers relating to vessel or cargo besides those delivered up; there was no log-book, there was no charter-party. Neither vessel or cargo is insured. The vessel was under witness's sole management. Bulk was broken in Bimbia."

In many respects the evidence of the Cook assimilated very closely to that of the Master. In regard to the place of shipment of the crew, and of the outward cargo of the vessel, the Cook's testimony was directly opposed to that of the Master; the latter having sworn that the whole of the ship's company, as well as the cargo, were embarked at the Cape Verds, whilst the Cook declared that he



and some other sailors shipped at Havana, where the cargo was received; and that the late Master came from Cuba in the said vessel as a passenger only.

By an affidavit filed on the 7th instant, it appeared that a mortality of 46 had occurred amongst the slaves during the time they were under the charge of the Prize-Officer.

The case being thus brought to a conclusion, its publication was petitioned for by the Captor's Proctor on the above date, and granted by the Court.

On the 13th instant the Monition in the case, which had issued on the previous 6th, was returned as having been duly executed, and the Court met, agreeably to a petition for the same, to adjudicate the vessel; when confiscation of the schooner and her cargo was pronounced, and the emancipation of the surviving 221 slaves, seized in the said vessel, was decreed.

*Sierra Leone, 14th November, 1837.*

(Signed)

ROBERT RANKIN,  
WALTER W. LEWIS.

No. 12.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 27, 1838.)*

MY LORD,

*Sierra Leone, 24th November, 1837.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 25th of September last, transmitting for our information a Copy of your Lordship's instructions to Mr. Consul Egan, respecting the countenance and assistance, which have so long been afforded to slave-vessels, by the Portuguese authorities at the Cape de Verd Islands.

For this communication, and for the directions given by your Lordship to Mr. Egan relative to his correspondence with us, we beg leave to thank your Lordship.

We have, &c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

&c.

&c.

&c.

No. 13.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 27, 1838.)*

MY LORD,

*Sierra Leone, 30th November, 1837.*

WE have the honour to transmit herewith our Report of the Case of the Portuguese brig "*Don Francisco*," condemned here by the British and Portuguese Mixed Commission Court on the 21st instant.

This vessel was seized so far back as the 25th April last, near to the island of Dominica, by Her Majesty's brigantine "*Griffon*;" but having been found in a perfectly unseaworthy state, the captor proceeded without delay to that island, when the negroes found on board of the detained vessel were disembarked on the 27th April.

At Dominica the captured brig was surveyed, and pronounced to be in an unfit condition to make the voyage to this colony for adjudication. An application was then made by the captor to the Vice-Admiralty Court at Dominica, to entertain this case, as far as regarded the sale of the vessel and her stores, which was complied with. To these proceedings, which have been set forth at length in our Report of the case, we beg leave to call your Lordship's particular attention.

The proceeds of the sale above alluded to having been left at the island of Dominica, we have directed the necessary arrangements for their being transmitted to us.

The papers and witnesses in the case of the "*Don Francisco*" only arrived here on the 12th instant, and came before the Mixed Commission on the following 14th.

We have, &c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

&c.

&c.

&c.

## Enclosure in No. 13.

*Report of the Case of the Portuguese Brig "Don Francisco," Antonio Pereira Lisboa, Master.*

The "*Don Francisco*" was a vessel belonging to the very notorious Francisco Felis de Souza, *alias* Char Char, the slave-dealer of Whydah, and was furnished with the necessary ship's papers, as a Portuguese vessel, by the Provisional Government of the Islands of Princes and St. Thomas, on this coast, in the month of July, 1836, and by which this vessel appeared ostensibly to have been bound on a voyage of lawful commerce from the Island of Princes to Havana, with leave to touch at any of the ports on this coast. The official papers in question consisted of

1. Passport ;
2. Muster-roll ; and
3. Port-pass.

With these documents there was found a log-book of the voyage from Whydah towards Cuba, in which she had been so far successful as to have reached in safety the neighbourhood of the Island of Dominica, when she was detained by Her Majesty's brigantine "*Griffon*," Lieutenant D'Urban, Commander, for having a cargo of slaves on board. Lieutenant D'Urban found his prize in so unseaworthy a condition, that immediately after her detention the "*Don Francisco*" was carried into Dominica, that Island being at the time in sight. There the slaves were disembarked, and received into the care of the colonial authorities, and the vessel having been examined by competent surveyors, was pronounced wholly unfit for the voyage to Sierra Leone, where her adjudication was to take place before the British and Portuguese Court of Mixed Commission resident there.

On the detained vessel being pronounced unseaworthy by the surveyors at Dominica, Lieutenant D'Urban, it appears, resorted to the Attorney-General of that Island, for his professional advice as to the proceedings to be adopted in respect to his prize, and certain steps were then taken, upon which we will not now dwell, as they must be subsequently remarked upon at length in this Report.

The prize-officer of the "*Don Francisco*," bearing the papers seized on board of that vessel, and accompanied by the Master and Mate of her, in the character of witnesses in this case, reached this colony on the 12th instant, in Her Majesty's brig "*Harpy*."

Two days subsequently to the "*Harpy's*" arrival here, the Captor's case against the "*Don Francisco*" having been prepared in the usual manner, was presented to the Court. The ship's papers authenticated by the prize-officer were then lodged in the Registry, together with the several Declarations of the seizing officer as to the grounds of the detention of the "*Don Francisco*," the unseaworthy state of the vessel, and the ultimate landing of the slaves found on board of her at the Island of Dominica.

The Captor's first Declaration, dated on the 25th April, 1837, states that Her Majesty's brigantine "*Griffon*" having been on that day in latitude 11° 49' North, and longitude 60° 43' West, fell in with and detained the brig "*Don Francisco*," sailing under Portuguese colours, in an alleged voyage from Whydah to Havana with a cargo of slaves. The Captor also declared, that the "*Don Francisco*" when seized was in such a leaky condition, as to require the regular use of the pumps every other hour, and that the stock of water and provisions was unequal to the support of the negroes on board on their destined voyage to Havana. By the second Declaration of Lieutenant D'Urban, it appears, that the utter unseaworthiness of the vessel rendered it impossible for her to be sent to Sierra Leone, and that in consequence the slaves on board her were disembarked at Dominica on the 27th April last, with the consent of the President and Council of that Island. A third Declaration by the Captor was made at Dominica as to the state of the detained vessel, founded upon the information derived from a strict survey of the brig after the slaves had been disembarked at that Island. At this examination the detained vessel was found to be even in a worse condition than the Captor had anticipated, and the Shipwright and the two Master Mariners who made the survey, reported her to be in an unfit state to proceed to sea.

At this stage of the case, the Captor applied to the Attorney-General of Dominica for his legal assistance ; and that gentleman, in consequence, petitioned the Vice-Admiralty Court of the Island on behalf of the Captor, to take cognizance of the case. This Petition sets forth the grounds of the detention of the "*Don Francisco*," and her leaky condition when captured, which had compelled the Seizor to run for the Island, and to land the slaves there ; that the survey held on the detained vessel by three competent persons would prove that she was not in a condition to make the voyage thence to Sierra Leone, the place of residence of the Mixed Commission having jurisdiction in such cases ; and that the Master of the detained vessel had formally acknowledged the legality of her capture and liability to condemnation, and had, as far as he could do so, relinquished and abandoned all claim to the said vessel and her cargo, on behalf of all interested therein.

The Attorney-General, therefore, submitted "that it would be for the advantage of all concerned were the said brig and her appurtenances directed to be sold by order of the said Court, the proceeds to abide the eventual Decree of the Court having jurisdiction in the premises ;" and he accordingly prayed, that the sale of the detained brig and her stores might take place, "for the benefit of all parties concerned, the proceeds of such sale, after deducting the necessary and proper charges, to abide such Order as may hereafter be made touching and concerning the same by the said Mixed Commission, or other authority competent to take cognizance thereof."

The Judge's Order on this application was in the following words:—

"Under the circumstances stated in the foregoing Petition, and verified by the several Documents thereunto annexed, the Court deeming it for the benefit of all parties concerned, doth hereby order the Marshal of this Court to reduce into writing a full and perfect inventory of the said brig '*Don Francisco*,' her tackle, apparel, and furniture, boats, stores, and appurtenances, and that he expose or cause the aforesaid slave brig, her tackle, apparel, and furniture, boats, stores, and appurtenances, to be exposed to Public Sale, at some short and convenient day, and that he sell, or cause the same to be sold to the highest bidder, in such lots and parcels as may be deemed most advantageous and beneficial ; and that, after deducting all necessary and proper charges, he bring, or cause to be brought, the proceeds of such sale into the Registry of the said Court, within fifteen days from the date hereof, to abide such Order as may hereafter be made, touching and concerning the same by the Mixed Commission or other Court competent to take cognizance thereof ; and also that he duly file, within the time aforesaid, the particular account of such sale, subscribed by him, in the said Court."

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The sale of the "*Don Francisco*" and her equipment then took place, and the accounts thereof, with the proceeds, were returned into the Vice-Admiralty Court, agreeably to the Order just quoted.

Upon this arrangement being completed, the Attorney-General made immediate application to the Court, for the proceeds to be paid into the hands of the Captor's Agent at Dominica, on the ground of there being charges connected with the capture of the said brig, besides those incurred in the said Court, which had been defrayed by the Captor, and for which he desired reimbursement from the proceeds. In compliance with this Petition, the Judge of the Vice-Admiralty Court ordered the Marshal to pay over the net proceeds of the sale of the said brig to Messieurs Dalrymple and Company, of Dominica, the Agents of Lieutenant D'Urban, in whose hands the balance now remains. All the Accounts connected with those transactions have been lodged, with the other Papers in the Case in the British and Portuguese Court here, and steps have been taken to obtain from Messieurs Dalrymple and Company the money now in their possession, of which a subsequent Report will be made, on the same being realized and applied in the usual manner.

The receipt of the Collector of Customs at Dominica for the slaves landed from the "*Don Francisco*" showed, that he had taken charge of 433 negroes on the 27th April last. It also stated that, on the 4th and 5th May following, the said slaves had been by the Collector apprenticed out to "sundry persons, able and willing to provide for them, agreeably to the Orders in Council, and for the term of seven years, under the 22nd section of the Act 5th George the Fourth, caput 113."

It must be evident, on consideration, that neither the Orders in Council nor the Act of Parliament referred to, will justify the course pursued in this instance with respect to negroes, previous to their adjudication by a competent Court; and, had it been found necessary to decree the restoration of the slaves to their original owners, it would have been all but impossible, after such an appropriation of them, to carry the Decree of the Court into effect.

On the 16th instant, the Registrar examined on the Standing Interrogatories the Master and Mate of the captured vessel, who had been produced as witnesses in the case. The Master deposed, that "he was born at Lisbon, and lives there; has never served any State but Portugal; is not married. Was appointed to the command by the owner, Don Francisco Felis de Souza (Char Char); possession was given to him at Princes' Island in January last, by one Gabriel Giron, a Frenchman, the former owner; first saw the said vessel at Adjudah about 18 months since; believes her to have been built in France; was present when the vessel was captured with slaves aboard; had no colours but Portuguese. The vessel has always been called '*Don Francisco*' since he was acquainted with her; knows of no other name. She is 178 tons burthen, and had 22 officers and mariners exclusive of witness, all Portuguese, except a few Spanish seamen, all hired and shipped at Princes' Island by witness in January last. Neither he, nor any of the officers or mariners, had any interest in either vessel or cargo; was master aboard; there were two Frenchmen, passengers, embarked at Adjudah in March last, for a passage to Havana; does not know their names; they were traders on the coast, and had no authority on board, or concern in either vessel or cargo. The last clearing port was Princes' Island; the voyage commenced there, and was to have ended at Havana; from Princes the vessel proceeded to Adjudah, where her slaves were shipped, and she was on her way from thence to Havana when she was captured. The capturing vessel was first seen between Martinique and Dominica on the 25th May; capture took place there and then after a chase of eight hours; the vessel was steering for Havana at the time, and made every effort to escape. There are no guns or muskets, and only a few cutlasses and pikes to keep the slaves in order; no resistance was made; there were no instructions to conceal or destroy any of the vessel's papers. Don Francisco (Char Char) is sole owner of the cargo; knows it from having been appointed to the command by that person. Don Francisco is a Portuguese subject, and resides at Adjudah. There was no bill of sale that he knows of; the vessel was purchased at auction at Princes' Island, the price was about 12,000 dollars, and was all paid at the time in cash, and was a fair equivalent for the vessel; if restored, she will belong to De Souza, and to no one else; knows of no private agreement. De Souza was sole owner and lader of the cargo; the consignee at Havana was one Avreo; knows nothing further about him; the slaves were to have been landed on the coast of Havana on account and risk of De Souza, and if restored, will belong to him only. The last voyage was from Bahia to Adjudah, with rum and tobacco, shipped at the former place; the cargo on the present occasion was slaves; 439 were shipped altogether, all from the shore; does not recollect their descriptions; three died before capture, none after to his knowledge; the vessel was taken to Dominica, where she was sold by the Captors in consequence of her being very leaky. The papers found on board were and are all true and fair. No papers were concealed, destroyed, or made away with. There are no other papers in any country relating to vessel and cargo to his knowledge. There was no charter party. He is ignorant whether the vessel or cargo is insured; the vessel was under the management of De Souza in regard to her trade. The slaves were landed at Dominica by the Captors, on account of the leakiness of the vessel."

The evidence of Vicente Dos Santos, the Mate of the detained vessel, entirely corroborated that of the Master.

Publication was granted in the case on the 17th instant.

At the time of the seizure of this vessel it was alleged by a man of the name of Giron, a passenger on board that five of the slaves seized were his domestics. In order to clear up this point, an affidavit of the prize-officer was filed, which stated that, on the demand in question being preferred, Giron was asked for proof of the correctness of the same, which he was wholly unable to give, the said five slaves not having been entered on the Muster-roll, or any Passports furnished to them, whilst they had marks on their arms similar to the other negroes composing the cargo of the vessel.

The Monition in the Case was issued on the 14th, and returned duly certified into Court on the 21st instant, on which day the trial of this vessel took place, and a sentence of condemnation of the said vessel and her cargo was passed, with a Decree for the emancipation of the survivors on that date of the 433 slaves seized on board of her, and landed at Dominica.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

Sierra Leone, 30th November, 1837.

## No. 14.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received Feb. 27, 1838.)

MY LORD,

*Sierra Leone, 30th November, 1837.*

ON the 13th May last Her Majesty's brig "Harpy," whilst cruising in 14° 0' North latitude and 61° 0' West longitude, fell in with and detained the Portuguese schooner "Florida," in consequence of her having a cargo of slaves on board, with which she was then proceeding to Havana from Lagos, where the slaves had been embarked by and on account of Francisco Felis de Souza, who proved to be also the owner of the captured vessel.

The "Florida" when seized was found to be leaky, and greatly out of repair, and the captor was therefore induced to proceed with his prize to the neighbouring island of Grenada, where the negroes were disembarked. At Grenada a survey was held upon the detained vessel, when she was found so much out of repair, as to be wholly unfit for making the voyage to this port.

The captor, acting upon the recommendation of the Queen's Advocate, to whom he had applied for legal advice in the case, caused the "Florida," her stores and cargo, to be sold by Public Auction at Grenada.

The capturing ship arrived in this port on the 12th instant, and on the 14th the case of the "Florida" was presented to the British and Portuguese Court of Mixed Commission, by which she was adjudicated on the succeeding 21st.

Our Report of the condemnation of the "Florida," and the emancipation of the survivors on the day of trial of the negroes landed from her at Grenada, we have the honour of inclosing to your Lordship.

The net proceeds of the sale of the "Florida," her stores and cargo, not having been brought to this colony by the captor, we have taken the requisite steps for their being remitted here, to be disposed of in the usual manner.

This vessel, as well as the "Don Francisco," the adjudication of which is reported in our other Despatch of this date, were both owned by the notorious De Souza, of Whydah, and were condemned together.

The "Florida" was built in America, and sold by Messieurs J. A. Gordon and Pexcel Fowler, of New York, to De Souza, in May, 1835; and the delivery took place at Whydah in the following November.

It is worthy of being remarked, that the passport of this vessel, as well as that of the "Don Francisco," previously alluded to in this Despatch, was obtained at Prince's Island in the year 1836, in the name of De Souza, and for an ostensibly commercial voyage.

We have, &c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

&c.

&c.

&c.

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Enclosure in No. 14.

*Report of the case of the Portuguese schooner "Florida," Alexandre Balbino Proença, master.*

THIS vessel was provided with a Portuguese passport by the provisional government of Princes' and St. Thomas' Islands in February 1836, in which Francisco Felis de Souza of Whydah was stated to be the owner of her, and that he purposed employing her in a voyage of lawful commerce, from Prince's Island to Bahia, touching first at some of the ports upon the coast.

After having attained the above mentioned passport at Prince's Island, the "Florida" would seem to have gone direct to Whydah, where a cargo of slaves was embarked, with which this vessel was so successful as to reach the Cuba market in safety. This opinion is founded upon the contents of two papers, which were among those taken possession of by the captor at the time of seizure. The papers in question were a protest against the consequence of the loss of a boat full of negroes, who were drowned on the 30th March 1836, whilst in the act of being shipped in this vessel; and the log-book of this vessel in a voyage from Havanna to the coast of Africa in the period from 18th May to 10th July 1836.

In September of last year, the "Florida" was found at anchor at Whydah by one of the British cruisers, and appears to have remained in that neighbourhood until March last, when another cargo of slaves was embarked, and she again proceeded towards Cuba.

This vessel had successfully eluded the vigilance of the squadron on this station, and had nearly reached her destined port in Cuba, when she was fortunately intercepted by Her Majesty's brig "Harpy," by which cruiser she was detained off the Island of Grenada, in consequence of having a cargo of slaves on board.

At the time of seizure, the "Florida" was found to be leaky, and in other respects, in a bad condi-

tion for sea, which circumstances, together with her having a human cargo on board, rendered it indispensable to put into the nearest port, which was that of Grenada. There the slaves were disembarked, and placed in the custody of the local authorities, and the vessel on examination was found to be unseaworthy, and she was thereupon sold on the authority of the seizer, who acted under the recommendation of the Queen's advocate of that island.

On the 12th instant, the capturing ship arrived in this port from the West Indies, bringing with her the ship's papers belonging to the detained vessel, and all the documents connected with the proceedings taken in the case at Grenada. These papers, together with the captor's declarations, were filed on the 14th instant, in the registry of the British and Portuguese mixed commission; at the same time, the usual monition issued, and the master and boatswain of the captured vessel, who were produced by the seizer as witnesses for the prosecution, were ordered for examination on the standing interrogatories.

The declarations of the captor were in this instance two in number, bearing date respectively the 13th and 20th of May last. These documents were, according to the forms directed to be used by the regulations for the mixed commissions, and contained the following particulars:—

That the capture of the Portuguese schooner "*Florida*," took place in latitude 14° 58' north, and longitude 61° 43' west, on the 13th May 1837, the said schooner being in a voyage from Lagos to Havana with a cargo of slaves; that the detained vessel was at the time leaky, her rigging out of order, and in other respects in bad repair; and that the extreme length of the voyage back to Africa, the confined space of the vessel, as well as the ill state of health of the negroes, (which latter particular was forcibly set forth in the certificate of the principal medical officer of Grenada, and the assistant surgeon of Her Majesty's brig "*Harpy*," annexed to the declaration,) led to their disembarkation on the island to which they were carried.

The receipt for the slaves landed from the schooner "*Florida*," was granted by the collector and comptroller of the customs of Granada, in the capacity of "Guardians appointed by decree of the Court of Chancery" of that island, and stated that there had been received by them 56 females, and 224 males; and that 112 of the adult males had voluntarily entered the 1st West Indian regiment at Trinidad.

The practice of thus disposing of negroes previous to their adjudication, and in anticipation of their eventual emancipation by the Court of Mixed Commission, may lead to inconveniences, which are too obvious to require particular remark.

The survey held upon the detained vessel at Grenada, which was conducted by the masters of two British merchantmen, and described her as unfit for the voyage to this port, was lodged in the court, together with the written opinion of the Queen's advocate, as to the course to be pursued by the captor in respect to his prize, and the accounts of the sale of her under the captor's directions.

On the 16th instant, the master and boatswain were examined in this cause before the registrar, when the master gave the following replies to the standing interrogatories:—"That he was born at Lisbon, had no regular place of abode, last lived at Bahia for about 18 months; has never served any state but Portugal; is married; his wife and family reside in Lisbon. He appointed himself to the command being owner; possession was given to witness at Adjudah, about 2 years and a half since, from the former owner, an American, whose name he does not remember, but it is in the vessel's papers; first saw the vessel there and then; she is American built. Was present when the vessel was captured with slaves aboard; had no colours but Portuguese. The vessel has never had any name but "*Florida*," she is about 88 tons burthen, and had 18 officers and marines, exclusive of master, part Portuguese and part Spaniards; all hired and shipped at Lagos by witness, in March last. Is part owner of the vessel, and sole owner of the cargo; none of the officers or marines had any interest in either vessel or cargo. Was master aboard; there were 6 passengers, Spanish seamen, belonging to vessels that had been captured on the coast; does not know their names, or the names of the vessels they belonged to; witness took them aboard at Lagos for a passage to Havana, in March last; none of them had any authority aboard, or concern in either vessel or cargo. The last clearing port was Prince's Island; the voyage commenced at Lagos, and was to have ended at Havana; from Lagos the vessel went to Princes, where she got her papers, and then returned to Lagos, where she shipped slaves; and was on her way to Havana when she was captured. The capturing vessel was first seen on the 12th May, between St. Lucia and Martinique; capture took place after 11 hours' chase, at 4 o'clock in the afternoon of that day; the vessel was steering for Havana when pursued, and endeavoured to escape. There were no guns, nor any arms or ammunition; there were no instructions to resist capture, or to destroy any of the vessel's papers. The vessel is the joint property of witness and Francisco Felis de Souza (Cha Cha), a Portuguese subject, and a resident of Adjudah. There is a bill of sale amongst the papers delivered up. Witness's name does not appear in it; but he is nevertheless proprietor of one half the vessel, and if restored she will belong to witness and de Souza, and to no other person; there was no private agreement to restore the vessel. He is himself sole owner, lader, and consignee of the cargo; the slaves were to have been landed at Havana on witness's account and risk, and if restored will belong to him only. The cargo of the vessel on the former voyage was flour, tobacco, &c., from Baltimore; that, on the present occasion, was slaves, all shipped from the shore at Lagos,—296 were taken aboard altogether; does not know their descriptions; about 16 died before capture; cannot say whether any have died since; after seizure the vessel was taken to Grenada. The papers found on board were, and are, all true and fair. No papers were destroyed, concealed, or made away with; know of the existence of no other papers relating to vessel or cargo. There was no charter-party. Neither vessel nor cargo is insured; the vessel was under witness' management in regard to her trade. The slaves were disembarked at Grenada by the captors; does not know for what reason; there were three black men who were witness's private property,—one his domestic for 11 years, and the other two who had sailed with him for eight years,—detained by the captors against their will, and sent ashore with the cargo at Grenada, as part and parcel of the slaves seized in the vessel. Witness exhibited a passport from Bahia (1st July 1834) for one, and stated his name to be Nuno, and that he, as well as the other two (Alexander and Joao) were on the muster-roll as part of the crew."

The Boatswain of the "*Florida*" did not in his evidence materially differ from the statements of the Master, except as regarded the time and place of the shipment of the crew, the Master declaring, as to the former, that he shipped his crew in May last at Adjudah, whilst the Boatswain was positive that part of them had been embarked at that place two years previously, and that the remainder were engaged at Prince's Island in May 1836, the time at which the passport of the vessel was obtained.

The Master's assertion that he owned the cargo was positively contradicted by the Boatswain, who swore that the slaves belonged to De Souza, a circumstance more than probable, when it is remembered that De Souza owned the vessel, and that his whole occupation is the purchasing and selling of negroes. The Officer who had charge of the Prize in her passage to Grenada, made affidavit on the 16th instant, that during the period named 3 of the slaves of the detained vessel had died.

Publication in the cause passed on the following day, and, in conclusion of the proceedings, a joint affidavit of the captor and Prize-officer was received in reply to a charge preferred by the Master, at his examination by the Registrar, of 3 slaves, who had been his domestics, having been forced on shore against their will at Grenada by the seizer. This allegation was satisfactorily rebutted by the affidavits in question.

On the 21st instant the monition in the Case was returned, duly certified by the Marshal, and on that day the British and Portuguese Court of Mixed Commission sat for the trial of this vessel, and passed a sentence upon her of confiscation, decreeing at the same time the emancipation of the survivors, on that date, of the 280 slaves landed at the Island of Grenada.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

Sierra Leone, 30th November 1837.

## No. 15.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received Mar. 16, 1838.)

MY LORD,

Sierra Leone, 16th December, 1837.

The Portuguese brigantine "*Felicidade*," Joao Jozé Pereira, master, having on board a cargo of slaves, with which she was proceeding from the river Bonny to Havana, was seized on the 4th ultimo, near to that river, by Her Majesty's brigantine "*Bonetta*," and arrived here for adjudication on the 2nd instant.

This vessel was condemned, and the surviving negroes of her cargo emancipated from slavery on the 9th instant, the particulars of which are set forth at length in our Report of this case, which we have now the honour of transmitting to your Lordship.

In the evidence given by the master of the "*Felicidade*," he declares himself to have been owner of both vessel and cargo, and that the last voyage was direct from Havana to Bonny; statements which are at variance with the passport and log-book of this vessel, the former of which names Antonio Teixeira Guimaraens as the owner of her, and the latter shows that, instead of the "*Felicidade*" having proceeded straight to the Bonny, she went first to the Cape de Verde Islands, where she remained a week, and thence proceeded to the Bonny. What object the master could have in view in such palpable false swearing is not easily discoverable.

We have, &amp;c.

(Signed)

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

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 15.

*Report of the Case of the Portuguese Brigantine "Felicidade," Joao Joze Pereira, Master.*

THE "*Felicidade*" was a vessel apparently belonging to a Portuguese resident at Bahia, named Antonio Teixeira Guimaraens, who obtained a Passport for her from the Portuguese Consul-General at Rio de Janeiro, in May, 1835, for a voyage from Bahia to Cadiz, *viâ* Havana.

This voyage was evidently not prosecuted, as the note on the Passport respecting having visited Havana is under date of the 24th May, 1837, when she is stated to have cleared thence for Prince's Island and the Bonny. The only other indorsement on the Passport shows, that the "*Felicidade*" was at Prince's Island in April, 1836.

At the time of the seizure of this vessel there were found, with the above-mentioned Passport, a muster-roll and a log-book of the voyage from Havana to Bonny, by way of the Cape de Verd Islands, where she stayed a week.

The "*Felicidade*," after remaining upwards of 3 months in the river Bonny, shipped a cargo of slaves, and commenced the return voyage to Cuba, on the second day of which she was fallen in with, and detained by Her Majesty's brigantine "*Bonetta*."

On the 2nd December instant, the detained vessel came into this harbour, and was, as usual, visited by the Marshal and Surgeon to the Court, who made their reports as to the circumstances attending the seizure, and the condition of the slaves. From the surgeon's statement it was found, that only 60 of the whole number of the negroes of this vessel were free from disease, all the others being afflicted with a cutaneous disorder of an aggravated character, which led the surgeon to desire their immediate landing and classification.

The papers of this vessel were brought into Court and authenticated by the Prize-officer on the same day, when the monition also issued, and the witnesses were produced for examination.

The slaves were disembarked in the afternoon of the day in question.

The captor's declaration stated that, on the 4th November, 1837, being in 4° 16' north latitude, and

6° 34' east longitude, he detained the "*Felicidade*," under Portuguese colours, and bound to Havana, for having a cargo of slaves on board, and immediately despatched her to Sierra Leone.

On the 5th instant the Registrar examined the Master and Cook of the captured vessel on the Standing Interrogatories.

The Master deposed that "he was born at Madeira, has lived at Havana for the last 3 years; is a Portuguese subject, has never served any other state, and is not married. He appointed himself to the command, being owner of the vessel; received possession at Havana in April last from Juan José Collo, a Portuguese subject; does not know the place of residence of the said Collo; first saw the vessel at Havana about a year since; she is Sardinian built. He was present when the vessel was captured, with slaves on board; had no colours but Portuguese. He knows of no other name for the said vessel but '*Felicidade*;' she is 150 tons burden, and had 26 officers and mariners, exclusive of witness, chiefly Portuguese; some Spaniards, all shipped and hired at Havana by witness in May last. None of the officers or mariners had any interest in either vessel or cargo, witness being sole owner of both; was Master as well. There were three passengers, Portuguese sailors, belonging to the '*Belencita*' (wrecked on the bar of the Bonny); the said seamen were embarked in September for a passage to Havana, and had no interest or authority in regard to vessel or cargo. The last clearing port was Havana, and the voyage commenced and was to have ended at Porto Rico or Havana. From Havana the vessel proceeded direct to the Bonny, where the slaves were shipped. The capturing vessel was first seen close to the river Santa Barbara, on the 4th November last; capture took place the same day, after a short chase of about an hour and a half. The '*Felicidade*,' was steering for the West Indies when pursued, and made every endeavour to escape; the vessel's papers were for Bonny and Prince's Island. There were 2 guns mounted, but they were thrown overboard in the chase, and there were 4 or 5 muskets, and as many cutlasses; there was no resistance made, or instructions given to conceal or destroy any of the vessel's papers. He is the sole owner of the vessel. Witness lived at Madeira and Cape Verdes before he resided at Havana. There was a Bill of Sale, which witness left behind him at Havana, not considering it necessary to take it to sea with him; it was dated at Havana in April last—there were no subscribing witnesses; the price was 2300 dollars, paid down in cash, and was a fair equivalent for the vessel. The sale was a true one, and, if restored, the vessel will belong to witness only. There was no private agreement; he is sole owner, lader, and consignee of the cargo. The slaves were to have been landed at Porto Rico or Havana, on account and risk of witness, and, if restored, will belong to him only. He knows nothing of the last voyage: the cargo shipped at Havana on the present occasion was tobacco, rum, and dry goods; the present cargo is slaves, 335 were shipped altogether, all from the shore; does not recollect their descriptions; none died before, but some have died since capture; does not know the number; was taken direct to Sierra Leone after capture. The papers found on board were, and are, all true and fair. No papers were destroyed, concealed, or made away with. There are no other papers (except the Bill of Sale) relating to vessel or cargo. There was no charter-party. Neither vessel nor cargo is insured; the vessel was under witness's sole management. Bulk was broken in the Bonny; no slaves have been disembarked since capture."

Sebastian Resa, the Cook of this vessel, gave evidence of a more limited character than that of the Master; as far, however, as it went it proved confirmatory of the deposition of the Master.

The Affidavit as to the number of deaths among the slaves, whilst under the charge of the Prize-master, showed that 49 had died from the effects of illness.

On the 7th instant publication in the case was decreed; and the monition, which had been sent forth on the 2nd, was duly returned on the 9th instant, the day on which the Court met for the trial of this vessel. A sentence was then pronounced, by which the detained vessel "*Felicidade*" became good prize to the Governments of Great Britain and Portugal, and the survivors of the 335 slaves captured in this vessel, who on that date amounted to 281 persons, were emancipated from slavery.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

Sierra Leone, 16th December, 1837.

No. 16.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received March 16, 1838.)

MY LORD,

*Sierra Leone, 28th December, 1837.*

WE have the honour of forwarding herewith to your Lordship our Report of the Case of the Portuguese schooner "*Traga Milhas*," which was seized, with a cargo of 283 slaves, by Her Majesty's sloop "*Racer*," on the 11th June last, off the island of Jamaica, whilst engaged in a voyage from the river Sherbro to Havana, and condemned this day in the British and Portuguese Court of Mixed Commission established here.

This vessel, on her capture, was carried into Port Antonio, in the island of Jamaica, where the slaves were disembarked, and placed in the care of the Collector of Customs; after which she proceeded to Port Royal, where a Board of naval officers surveyed her, and pronounced her unfit for sea, unless very considerable repairs were made. In consequence of this decision of the surveyors, the Captor handed over his prize to the custody of the Officer in charge of the Jamaica Dock-yard, to await the result of the adjudication of the Case, and sent over to this Colony the detained vessel's Papers, in charge of a Prize-officer, who was accompanied by the Portuguese Master as a witness in the case, and who arrived here on the 8th instant.

It may be inferred, we think, from the statement of the Master, that the last voyage of this vessel was from the Sherbro river to Havana; and that a similar cargo, to that with which she was lately detained, was then safely conveyed to Cuba,

although the Master has asserted, that the vessel was *in ballast* on the previous occasion—that being the usual explanation given respecting successful slaving voyages.

In the lists of slave-vessels from Her Majesty's Commissioners at Havana, a schooner, bearing the name of "*Traga Milhas*," is mentioned as having made, under the Spanish flag, two successful slaving voyages previous to the close of the year 1835; and as this vessel apparently only came under the Portuguese flag in June 1836, at the Cape de Verde Islands, it is not improbable that she is the same schooner, which has been so successful in her nefarious pursuits.

We have, &c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

&c.

&c.

&c.

### Enclosure in No. 16.

*Report of the Case of the Portuguese schooner "Traga Milhas," Rafael Jozé Alves, Master.*

THIS is the case of a vessel furnished with a Portuguese Passport by the Government of the Cape de Verde Islands, in the month of June, 1836, for the general purposes of commerce, no destination for the vessel being therein mentioned. From this Document it would appear, that the "*Traga Milhas*" was originally an American vessel, and was owned by Antonio Dionizio Furtado, a resident of St. Iago, Cape Verde Islands.

The only other Paper found in this vessel at the time of her seizure was, a Muster-roll, drawn up by the Master, and bearing date at Havana, the 11th April, 1836, which expressed the destination of the "*Traga Milhas*" to have been the Cape Verdes and St. Thomas. This Paper received an official character from having been certified by Mr. Trist, the United States' Consul at Havana, who declares he performed this duty in consequence of there being no Consular Agent for Portugal in that city.

With the 2 official Documents above-mentioned, the "*Traga Milhas*" left Havana and proceeded direct to the Sherbro, where a cargo of slaves was embarked, with which she had safely proceeded nearly the whole of the return voyage to Cuba, when she was intercepted by Her Majesty's sloop "*Racer*," and carried into Port Antonio, in the Island of Jamaica, where the slaves, from motives of humanity, were disembarked in June, 1837.

At Jamaica an examination of the detained vessel took place, when her rigging and sails were found in such a condition as to require replacing. Various repairs to the hull were also necessary before she would be in a fit state to make the voyage to Sierra Leone. The vessel was in consequence declared unseaworthy, and was placed in the care of the Clerk in charge of the Jamaica Dock-yard; and a Prize-Officer dispatched to this Colony, by the way of England, with the schooner's Papers, and her Portuguese Master as a witness in the case.

On the 8th December, 1837, the Papers of this vessel, authenticated by the Prize-Officer, with the Captor's Declaration as to the seizure, and Certificate of having landed the slaves from her, were lodged in the British and Portuguese Court of Mixed Commission; the usual Monition issued, and the only witness produced by the captors was ordered for examination by the Registrar.

The Captor's Declaration was to the effect, that, on the 11th June, 1837, Her Majesty's sloop "*Racer*" having been in 19° 20' North latitude, and 76° 47' West longitude, seized the schooner "*Traga Milhas*" under Portuguese colours, for having a cargo of 283 slaves on board, said to have been shipped at Seabar on the 1st May, 1837; and that the detained vessel was then despatched to Port Antonio, in the Island of Jamaica.

The Captor also stated, that, from the Master's representation as to the state of the detained vessel, he supposed her unfit to proceed on the voyage to Sierra Leone.

From the Captor's Certificate as to the disembarkation of the slaves of this vessel, it appeared that, in consequence of the length of the voyage to this Colony, he had landed them at Port Antonio, and delivered them into the care of the Collector of Customs there, whose receipt, dated the 16th June last, was filed in the Case, and showed that 280 had been thus received under his care.

On the same day that the Case of this vessel was brought into the Court, the Captor's Proctor filed the original Survey held upon the "*Traga Milhas*" at Jamaica, and which was as follows:—

"We, whose names are hereunto subscribed, have been on board the Portuguese schooner '*Traga Milhas*,' have held a strict and careful Survey on the above-named vessel, for the purpose of ascertaining her fitness to perform a voyage to Sierra Leone, and find as follows; viz.:—

"Her bulwarks cut to the decks, and would require replacing; her topsides and waterways require caulking; her mainmost head wrung; her running-rigging much decayed, and unfit for the voyage; her sails much worn and unfit; and altogether we consider the schooner '*Traga Milhas*' unfit to perform the voyage to Sierra Leone, without a general repair and refit. And we further declare, that we have performed this service with such care and attention, that we are willing, if required, to make oath to the impartiality and correctness of our proceedings.

"Given under our hands on board the Portuguese schooner '*Traga Milhas*,' at Port Royal, Jamaica, this 14th day of August, 1837.

"(Signed)

FRED. HOLLAND, Lieutenant. } H.M.S. "Satellite."  
CHAS. GAHAN, Master. }

"(Signed)

ROBT. CURRIE, Master H.M.S. "Magnificent."

From the letter which the Seizor, Commander Hope, addressed to the Court, it was found that the detained vessel had been put into the care of the Clerk in charge of the Jamaica Dock-yard. The receipt of that Officer for what he had thus taken charge of was not furnished to the Court; and the



only information, therefore, upon this point was contained in the list of Stores attached to the Captor's Declaration.

The Master of the detained vessel was examined by the Registrar on the Standing Interrogatories on the 11th instant, and deposed as follows:—"He was born at Lisbon; has lived for the last 6 years at St. Iago, Cape Verdes; has never served any State but Portugal, and is not married. He was appointed to the command, and possession was given to him, at St. Iago Cape Verdes, in June, 1836, by Antonio Dionizio Fustado, a resident merchant of that place, and a Portuguese subject; witness first saw the said vessel there and then; believes she is American built. He was present when the vessel was captured, for having slaves on board; sailed under Portuguese colours; there was also a Spanish flag for a signal. The only name he knows of the vessel having been called by is "*Traga Milhas*;" she is 87 tons burden, and had 14 officers and mariners, exclusive of witness, all Spaniards, except 4 of the seamen, who were Portuguese; those 4 men were shipped and hired at Cape Verdes by witness in June, 1836; the others had been shipped by the Owner previously to witness joining the vessel,—believes at Cape Verdes also. Neither he nor any of the officers or mariners had any interest in either vessel or cargo; was Master on board; there was a passenger at the time of the capture, one Vicente Sanchez, a Spaniard, and late Mate of the Spanish vessel '*Tridente*;' he was embarked at Havana in December last, for a passage to Cape Verdes; but the '*Traga Milhas*' did not go there on the present occasion, and the said Sanchez, accompanied her to the Sherbro, and from thence was returning to Havana when capture took place; does not know what Sanchez' business at Cape Verdes, or Sherbro, or Havana, might have been, he was merely a passenger, and had no interest in regard to vessel or cargo, nor any authority whatever on board. The last clearing Port was Havana, and the present voyage commenced, and was to have ended, there; from thence the vessel proceeded direct to the Sherbro, where slaves were shipped. The capturing vessel was first seen, on the eastern side of Cuba, about 11 leagues from that Island, on the 11th June last; capture took place the same day, by means of the boats of the cruiser, after a chase of about 4 hours; it was quite calm, but every endeavour was made to sweep away from the man-of-war. There was no gun; there were only a few cutlasses; no resistance was made; there were no instructions to escape capture, or for concealing or destroying any of the vessel's Papers. The said Antonio Dionizio Fustado is sole Owner of the vessel; believes so from having been appointed to the command by him, and knowing of no other person concerned in her. He knows nothing of any Bill of Sale, or the price of the vessel; believes, if restored, the vessel will belong to Fustado, and to no other person; knows of no private agreement. The Owner of the vessel is also the sole Owner of the cargo; the lader at the Sherbro was one Francisco Lopez, a Frenchman, and a trader in that place; the consignee at Havana was Lino de Carvalho, a Spaniard, and resident merchant of that place; the slaves were to have been landed at Trinidad de Cuba, for account and risk of Fustado, and, if restored, will belong to him only; knows of no other person interested in them. The former voyage was in ballast from Sherbro to Havana; the lading on the present occasion was powder, muskets, rum, and dry goods, shipped at Havana by the consignee Carvalho, and landed at the Sherbro, where a cargo of slaves was embarked; 324 were shipped altogether,—all from the shore; does not recollect their descriptions; 41 died before, and 3 (2 men and 1 woman) after, capture, and previously to the said slaves being landed in Jamaica. After the seizure, the vessel was taken to Port Antonio, in the Island of Jamaica. The Papers were and are all true and fair. No Papers were destroyed, concealed, or made away with. There are no other Papers in any country relating to vessel or cargo, that witness knows of. There was no charter-party. He does not know whether the vessel or cargo is insured; the vessel was under the management of witness in regard to her trade. Bulk was broken at Sherbro. After capture, the slaves were landed at Port Antonio, in Jamaica, by the Captors; does not know for what reason."

The evidence in the Case established, that 3 of the slaves died after seizure, and previous to their disembarkation at Port Antonio.

Publication took place in the Cause on the 14th instant, and the Monition, which issued on the 8th, was this day returned by the Marshal, when the Court assembled for the adjudication of this vessel, and a sentence was given of confiscation of the said schooner "*Traga Milhas*," her cargo and stores, and of emancipation of the survivors on that day of the 280 slaves landed in the Island of Jamaica.

*Sierra Leone, 28th December, 1837.*

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

No. 17.

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

MY LORD,

*Sierra Leone, 29th December, 1837.*

HEREWITH we have the honour of transmitting to your Lordship our Report of the Case of the Portuguese schooner "*Ligeira*," seized on the 15th ultimo, with a cargo of 313 slaves on board, by Her Majesty's brigantine "*Bonetta*," and condemned in the British and Portuguese Court of Mixed Commission on the 28th instant, when the survivors of the said slaves, in number 280, were decreed to be emancipated.

This vessel, like the "*Traga Milhas*," which immediately preceded it in the Court, was provided with a Passport by the Government of the Cape de Verde Islands, and formed the seventh instance of such cases which has come before us in the present year.

Amongst the Papers of the "*Ligeira*" was an Official Certificate from the Custom-house at Havana, of there having been embarked in her a large boiler, and the materials for preparing upon the coast a slave-deck, and a large number of

water-casks, the chief articles of slaving equipment. We presume that such a certificate had been sought by the Master of the schooner, and granted by the Authorities at Havana, in the expectation that a Treaty with Portugal, similar to that entered into with Spain, might come into operation, before this vessel's arrival on the coast.

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

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

Enclosure in No. 17.

*Report of the case of the Portuguese Schooner "Ligeira," Gaspar Terreira, Master.*

This vessel, when seized, was found provided with the following official papers:—

1. Passport.
2. Clearance of the cargo.
3. Certificate as to the vessel having shipped planks, beams, staves, and hoops for casks; a boiler for making palm-oil; and some raw cotton.
4. Muster-roll of the crew.

From these documents it appeared that the "*Ligeira*" was the property of the former Master, João Alberto de Mattos, who obtained a passport for her from the Government of the Cape de Verde Islands, in August, 1836, for a voyage ostensibly to Bissao, touching at Prince's Island. The next place at which this vessel was seen, according to her papers, was Havana, where, in April, 1837, a change of masters occurred, through the alleged illness of De Mattos, and the vessel was despatched thence with a general cargo for the Bonny.

Amongst the cargo shipped in this vessel were planks and beams, from their description suitable for a slave deck; staves and iron hoops for forming water-casks, in addition to the leaguers of water for the use of the crew; and a boiler, said to have been embarked for making palm-oil. This shipment was specially certified to by the Custom-house Authorities at Havana, without any express object for so doing. The vessel sailed from Havana on the 1st April, and put back again on the following 5th, on the day succeeding which the Certificate alluded to was granted.

The outward voyage of this vessel having been completed by the shipment, in November last, of a full cargo of slaves in the River Brass, she was on her way back to Havana when met and detained by Her Majesty's brigantine "*Bonetta*," the Commander of which cruiser despatched her for adjudication to this Port, which she reached late in the day of the 15th December, 1837.

Immediately on her arrival she was visited and reported upon by the Marshal and Surgeon to the Courts, when it was ascertained there had been 20 deaths among the slaves since the time of seizure; and that there were 55 of the survivors suffering from illness, chiefly dysentery and ophthalmia. The size of the detained vessel was reported also as being wholly inadequate to the proper accommodation of the surviving negroes on board; and their early landing was strongly recommended, which was effected on the following morning.

On the 16th instant the detained vessel's papers were lodged in the Court, together with the Captor's declaration and the Prize Officer's affidavit as to the seizure, and the usual proceedings thereupon adopted.

The Captor's declaration was that, on the 10th November last he, being in latitude 3° 12' north, and longitude 5° 26' east, detained the schooner "*Ligeira*," sailing under Portuguese colours, for having on board a cargo of slaves, which the Master of the "*Ligeira*" declared he had shipped on the previous 11th November in the River Brass; and that he was bound with the said slaves to Havana.

On the 19th instant the Captor's witnesses, the Master and Cooper of the detained vessel, were examined by the Registrar, when the following evidence was given by the former:—"He was born at Oporto; has lived at Havana with his wife and family for the last six years; has never served any state but Portugal. He took the command, being the owner of the vessel; got possession in Havana in April last from the former proprietor, Juan Alberto Mattos, a Portuguese subject; does not know where the said Mattos resides; first saw the said vessel at the time and place above mentioned. She is North American built. He was present when the vessel was captured for having slaves on board; had no colours but Portuguese. He is not aware that the vessel has ever had any other name than "*Ligeira*." She is 78 tons burden, and had 21 officers and mariners exclusive of witness: 8 of these were Portuguese, the others Columbians and Genoese; all hired and shipped in Havana by witness in April last. He was sole owner of both vessel and cargo; none of the officers or mariners had any interest in either; was Master as well. There were 3 seamen on board at the time of capture, shipped in the Brass in September to work their passage to Havana; does not know their names. One belonged to New Orleans, another was a Venetian, and the third a native of the Philippine Islands. None of them had any interest in the vessel or cargo, or authority on board. The last clearing port was Havana, and the voyage commenced and was to have ended at Havana; from thence the vessel proceeded direct to the Brass, where her slaves were shipped. The capturing vessel was first seen on the 15th November, about 30 leagues to the southward of the Brass; capture took place same day, after 9 hours' chase. The vessel was steering to the westward when the man-of-war was seen; her course was altered, and every effort made to escape capture. There are no guns; there are 5 or 6 muskets and a few cartridges. No resistance was made; there were no instructions to escape capture, or for concealing or destroying any of the papers. He is himself sole owner of the vessel; resided at Barcelona before he lived at Havanna. There was a bill of sale from Mattos to witness: it was left at witness' residence in Havana, as he had no occasion to bring it with him, having no intention of disposing of the vessel. It was dated at Havana in April, 1837; there were no

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subscribing witnesses. The price was 550 dollars; all paid down in cash at the time of purchase, and was a fair equivalent for the said vessel. The sale was a true one; and, if restored, the vessel will belong to witness and to no other person: there was no private agreement. He is himself sole owner and lader of the cargo; there was no consignee. Witness intended to have landed the slaves on the Coast of Porto Rico, on his own account and risk; and if restored, they will belong to him only. He knows nothing of the former voyage. The cargo shipped at Havana on the present occasion was cloth, tobacco, rum, muskets, tea; the present cargo is slaves: 313 were shipped altogether; all from the shore; does not recollect their particular descriptions. None died before capture; about 23 have died since. After seizure the vessel was taken to Sierra Leone. The papers found on board were and are all true and fair. No papers were destroyed, concealed, or made away with. There are no other papers anywhere, except the bill of sale, relating to either vessel or cargo. Bulk was broken in the Brass. No slaves have been disembarked since capture."

Francisco Sanchez, cooper of the detained vessel, by his evidence confirmed the Master's testimony.

The Prize Officer's affidavit as to the mortality among the negroes of this vessel, whilst they were under his charge, shewed that 23 deaths had taken place.

Publication passed in the case on the 21st instant; and on the following 28th the mention issued on the 16th instant, was returned duly certified by the Marshal.

On the 28th instant the Court assembled for the adjudication of this vessel, and passed a sentence of confiscation on the hull, stores, and cargo of the "*Ligeira*;" and a decree of emancipation of the surviving slaves of those seized on board of her, in number 280.

*Sierra Leone, 29th December, 1837.*

(Signed)

H. W. MACAULAY,  
WALTER W. LEWIS.

No. 18.

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

MY LORD,

*Sierra Leone, 1st January, 1838.*

IN pursuance of the 75th Clause of an Act, passed in the 5th year of the reign of his late Majesty George IV., entitled, "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we 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 1837, to the 1st January 1838.

We have, &c.

(Signed)

H. W. MACAULAY,  
WALTER W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 18.

Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commission, established at Sierra Leone, betwixt the 1st day of July 1837, and the 1st day of January 1838.

NAME OF VESSEL.	NAME OF MASTER.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZER.	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.								
Flor de Tejo.	Jão Ant <sup>o</sup> . Ribeiro	1837 3 April	26° 30' N.	78° 30' W.	Schooner and 417 slaves.	Thos. Dilke, Esq., H.B.M. sloop "Wanderer."	1837 5 July	417	..	417 <sup>a</sup>	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.
Providencia ..	Joaq <sup>m</sup> . M. Guimaraens	1 June	5° 4' N.	3° 25' E.	Schooner and 198 slaves.	Joseph Batt, Esq., H.B.M. brigantine "Dolphin."	10 Ditto	198	5	193	Ditto	Ditto
Amelia .....	Man <sup>l</sup> . José Marcial	6 August	4° 30' N.	4° 20' E.	Brig and 359 slaves.	J. B. Marsh, Esq., H.B.M. brig "Water Witch."	30 August	359	14	345 <sup>b</sup>	Ditto	Ditto
Primorosa ...	Joaq <sup>m</sup> . P. Xavier	25 Sept.	1° 29' N.	5° 56' E.	Schooner and 182 slaves.	P. Campbell, Esq., H.B.M. brigantine "Dolphin."	28 October	182	46	136	Ditto	Ditto
Vibora de Cabo Verde	Joaq <sup>m</sup> . Antonio	28 Ditto	3° 47' N.	8° 42' E.	Schooner and 272 slaves.	Wm. Dickey, Esq., H.B.M. brig "Water Witch."	13 November	272	51	221 <sup>c</sup>	Ditto	Ditto
Don Francisco	Ant <sup>o</sup> . P. Lisboa	25 April	14° 49' N.	60° 45' W.	Brig and 443 slaves.	J. G. D'Urban, Esq., H.B.M. brigantine "Griffin."	21 Ditto	443	..	443 <sup>d</sup>	Ditto	The said Brig was taken to Dominica after capture and sold there, under the authority of the Court of Vice Admirals; the proceeds were paid into the Registry of this Court.
Florida .....	Alex <sup>o</sup> . B. Proença	13 May	14° 58' N.	61° 43' W.	Schooner and 280 slaves.	The Hon. G. R. A. Clements, H. B. M. brig "Harpy."	Ditto	280	3	277 <sup>e</sup>	Ditto	After capture the said Schooner was taken to Granada and sold there, under the authority of the Court of Vice Admirals; the proceeds were paid into the Registry of this Court.
Felicidade ...	João José Pereira	4 Nov.	4° 16' N.	6° 34' E.	Brigantine and 337 slaves.	H. P. Deschamps, Esq., H. B. M. brig "Bonetta."	9 December	337	56	281 <sup>f</sup>	Ditto	The Brigantine and Stores 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 twenty-one days from the date of the condemnation.
Traga Milhas	Rafael José Alves	11 June	19° 20' N.	76° 47' W.	Schooner and 283 slaves.	James Hope, Esq., H.B.M. sloop "Racer."	28 Ditto	283	3	280 <sup>g</sup>	Ditto	The Schooner and Stores left under the care of the Clerk in charge of Jamaica Dock-yard, and Commission issued for the sale thereof.
Ligeira .....	Gaspar Ferreira	15 Nov.	3° 12' 38" N.	5° 26' 46" E.	Schooner and 313 slaves.	H. P. Deschamps, Esq., H. B. M. brig "Bonetta."	Ditto	313	33	280 <sup>h</sup>	Ditto	The Schooner and Stores 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 twenty-one days from the date of the condemnation.

<sup>a</sup> The slaves of the "Flor de Tejo" were landed at Nassau, Bahama Islands.

<sup>b</sup> Three men and one boy died before their descriptions could be taken to be registered.

<sup>c</sup> One man, one woman, and two girls died do. do.

<sup>d</sup> The slaves belonging to "Don Francisco" were landed at Dominica, West Indies.

<sup>e</sup> The slaves of the "Florida" were landed at Grenada.

<sup>f</sup> Five men, one boy, and one girl died before their descriptions were taken to be registered.

<sup>g</sup> The slaves of the "Traga Milhas" were landed at Fort Antonio in the island of Jamaica.

<sup>h</sup> One man died before his description could be taken to be registered.

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

(Signed) M. L. MELVILLE,  
Registrar.

Sierra Leone, 1st January, 1838.

No. 19.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 3.)*

MY LORD,

*Sierra Leone, 1st January, 1838.*

WE have the honour to transmit, enclosed, an abstract of the proceedings in the British and Portuguese Court of Mixed Commission, established in this Colony during the year 1837.

During that period, eighteen vessels were adjudicated, and all of them condemned; and five thousand and sixty-one negroes were emancipated from slavery.

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

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

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Enclosure in No. 19.

*Abstract of the Proceedings in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, for the Repression of the Slave Trade, during the Year 1837.*

1. THE Portuguese brig "*Paquete de Cabo Verde*," Bartolomé Robello, master; a vessel which sailed under a mercantile passport obtained at Lisbon in August, 1836, for a trading voyage to Cadiz, Cape de Verd Islands, and the Ports of Africa, was found at the entrance of the river Bonny, on the 11th of January, 1837, having a cargo of 576 negroes on board, by the boats of Her Majesty's sloop "*Scout*," Commander Craigie, and detained for adjudication at this port, in which she arrived on the 19th February.

At the time of detention, it appeared this vessel was in the act of commencing a voyage to Cuba, for which island her human cargo had been embarked in the Bonny, in violation of the ship's papers, which did not sanction her going to the West Indies, as well as of the provisions of the Treaty and Convention between Great Britain and Portugal, on the subject of the Slave Trade.

The proceedings instituted by the captors fully established all the charges they had preferred against her, and the "*Paquete de Cabo Verde*" was accordingly condemned on the 2nd of March, 1837; and, at the same time, the survivors of her slaves, in number 452, were liberated.

2. The Portuguese brigantine "*Temerario*," Camillo Urbano da Fonseca, master, cleared out from Porto Praya, Cape de Verd Islands, for a voyage to the coast of Africa and St. Thomas's, being nominally the property of João Claudio de Lima, of the above city, and whose name appeared in the return for the year 1836, in the papers of Spanish vessels which had ostensibly become Portuguese, at these islands, in order to avoid the effects of the Equipment article of the Treaty with Spain of June, 1835. From the Cape de Verds the "*Temerario*" proceeded direct to the river Bonny,—a favourite resort of the Spanish Slave Trader,—and there shipped a cargo of 352 negroes, with whom she was proceeding to Porto Rico when intercepted by Her Majesty's brigantine "*Bonetta*," Lieutenant Henry P. Deschamps, commander, by whom she was detained on the 20th January, 1837, and sent to Sierra Leone.

In the prosecution of this vessel satisfactory proof was afforded of her unlawful employment at the time of seizure. A sentence of condemnation of the vessel and cargo, and of emancipation from slavery of the surviving 236 negroes passed, at the sitting of the 1st March, 1837.

3. The Portuguese brig "*Esperança*," Felix Cosmé Madail, master. This was a vessel provided with a commercial passport from the city of Lisbon, dated in December, 1834, and by which she was then bound to the Cape de Verd and the ports on the African coast. From the endorsements upon this document, it appeared, that in the following August she had been at Benguela, and 12 months afterwards (August, 1836) she cleared out from Havana for this coast. In the Muster-roll and Custom's Clearance from Havana, the intended voyage of the "*Esperança*" was variously described, the former expressing her destination to be to the "*Malagueta Coast*," and St. Thomas and Princes; and the latter, that she would proceed direct to the Bonny. The last-mentioned destination proved to have been correctly stated, as this vessel came direct to the Bonny after leaving Cuba. In that river she received upwards of 500 negroes on board, with whom she attempted to escape on the 10th January, 1837, but was met at the bar by the boats of Her Majesty's sloop "*Scout*," Robert Craigie, Esq., commander; when, finding that the vessel must be captured, an attempt was made to disembark the slaves, which proved successful with regard to about 400 of them. When the brig was ultimately seized only 110 slaves were found on board.

The detained vessel arrived here on the 29th February, 1837, and proceedings in prosecution were commenced on the following day, which ended in establishing the charge of having violated, in every respect, the conditions of the existing Treaties, and causing her condemnation on the 4th of March, 1837. At the same time 89 slaves were declared free, being the survivors of the 110 seized in this vessel.

4. The Portuguese schooner "*Josephina*," Miguel Angel Montano, master, was apparently a very

successful slaver under a Lisbon passport, originally granted in May, 1832, for a voyage to the Cape de Verde Islands and the ports of Brazil, having made under it no less than three visits to Bahia. On completing the last voyage to that port she went to Havana, whence she cleared out in March, 1836, for Lagos. At Lagos a cargo of slaves was embarked on the 6th February, and four days subsequently Her Majesty's sloop "Columbine" detained her in the act of returning to Havana.

The usual measures, in prosecution of this vessel for a breach of the Treaties between the high-contracting Parties respecting the Slave Trade, were taken immediately after the vessel's arrival here on the 8th of March; and, on the following 17th, her guilty employment having been distinctly proved, she was pronounced good and lawful prize to the Crowns of Great Britain and Portugal, and her slaves, amounting to 346, were declared free.

5. The Portuguese schooner "*Latona*," José Gervasio de Carvalho, master, was provided with official papers by the Authorities of Prince's Island, in December, 1836, for a voyage to the West Indies, *viâ* the coast of Africa. The owner of the vessel was described as a resident of Bahia. From Prince's Island the "*Latona*" proceeded direct to Whydah, where she received a cargo of slaves from the very notorious slave-dealer Zangroni, with whom she was proceeding towards the West Indies when fallen in with and detained, on the 4th of February, 1837, by Her Majesty's sloop "Columbine," Commander Henderson.

After seizure the "*Latona*" was placed in charge of a prize officer, and despatched to this colony for adjudication, where she arrived on the 9th of March.

A sentence of confiscation of the said vessel, her cargo, and stores, and of emancipation from slavery of the 320 negroes surviving, of those seized in this vessel, was pronounced by the British and Portuguese Court of Mixed Commission, at its sitting on the 17th March, 1837.

6. The Portuguese schooner "*Carlota*," alias "*Mosquito*," Miguel Paulo, master, was captured by Her Majesty's sloop "Champion," Commander Fair, in the West Indies, on the 1st of December, 1836, in consequence of having a cargo of slaves on board. At the time of seizure the "*Carlota*" was found in so unseaworthy a condition that she was run to the nearest British settlement, which proved to be Honduras, at which place the slaves were disembarked, and the vessel was laid up after a survey had been held upon her, and her unfitness for the voyage to Sierra Leone established.

The witnesses and papers in the case, reached this colony in the care of a prize-officer from the "Champion," on the 23rd April, 1837, and the prosecution of this vessel immediately commenced before the British and Portuguese Court of Mixed Commission, and was concluded on the 2nd of May, 1837, when the "*Carlota*" was declared a good and lawful prize, and the survivors, on that date, of the 203 slaves who had been landed from her at Honduras, were decreed to be emancipated from slavery.

The "*Carlota*" was provided with official papers from the Government of Prince's Island, and was owned by João Barboza é Paiva, a native and resident of St. Thomas's-on-the-Line.

On leaving Prince's, the "*Carlota*" proceeded to Whydah, consigned to the notorious Juan M. Zangroni, who loaded her with the cargo of slaves with which she was seized.

7. The Portuguese schooner "*Lafayette*," Antonio Rodrigues Nogueira, master, was a vessel belonging to the port of Lisbon, from which she sailed in November, 1835, ostensibly destined for Brazil, and under a passport from the Minister of Marine.

This schooner, from her official papers, does not appear to have reached Brazil before October, 1836, when she was at Bahia; and from which port she cleared out on the 4th March, 1837, for St. Thomas' and Prince's.

After leaving Bahia, the detained vessel appeared to have proceeded direct to Lagos, where she was found by one of the British cruisers on the 26th April.

On the following 11th May the "*Lafayette*" was met off Lagos, laden with 448 Africans, by Her Majesty's brig "Charybdis," Lieutenant Mercer commanding, who detained and sent her to Sierra Leone for trial.

Proceedings in the usual form were taken before the Mixed Commission Court on the 7th June against the "*Lafayette*," on a charge of having been employed unlawfully in the Slave Trade when she was seized; which having been clearly proved, the confiscation of the vessel was decreed on the 16th June: 441 negroes were at the same time pronounced to be emancipated from slavery.

8. The Portuguese schooner "*Cobra de Africa*," Antonio Joaquim de Conceição, master, was detained on the 27th May, 1837, by Her Majesty's brigantine "Dolphin," near the entrance of the river Cameroons, for having a cargo of slaves on board, embarked on the previous day at Bimbia, near to that river.

This schooner was found sailing with Portuguese papers obtained at the Cape de Verd Islands, in December, 1836, by the master, who alleged himself to be also owner of the vessel, which he cleared out ostensibly for a voyage to Prince's and St. Thomas' Islands, with leave to touch at the ports on this coast.

It was stated in evidence, that the schooner had touched at Prince's Island, but had had no communication with the Custom-house there, as her papers had not been endorsed to that effect.

On the 14th June, 1837, the detained schooner arrived at Sierra Leone, and the usual prosecution was then commenced, which ended on the following 22nd, when a sentence of confiscation was passed upon the said schooner, her stores, and cargo, and of emancipation of the survivors of the negroes seized on board of her, in number 101.

9. The Portuguese schooner "*Flor de Tejo*," João Antonio Ribeiro, master, was detained off the Bahama Islands on the 3rd April, 1837, by Her Majesty's sloop "Wanderer," Captain Dilke, for having on board a cargo of 417 slaves, all of whom were disembarked at the Island of New Providence on the 6th April, in conformity with the approved practice in such cases, and the detained vessel then despatched for adjudication to Sierra Leone.

In the prosecution of this vessel before the British and Portuguese Court of Mixed Commission here, evidence of the most conclusive character was produced as to the illegal employment of the "*Flor de Tejo*" at the time of her detention, and she was accordingly condemned as good and lawful prize to the Governments of Great Britain and Portugal, and the surviving slaves of the 417 who had been left at the Bahamas were declared to be free.

From the papers and evidence in the case, it plainly appeared, that this was one of the many Spanish slave vessels nominally transferred to the flag of Portugal, for the purpose of escaping the operation of the Equipment Article of the Treaty between Great Britain and Spain of the 29th June, 1835.

10. The Portuguese schooner "*Providencia*," Joaquim Martins Guimaraens, master, in a voyage from Lagos to Bahia, with a cargo of 198 slaves, was fallen in with and detained in latitude 5° 4' N., and longitude 3° 25' E., by Her Majesty's brigantine "*Dolphin*," Lieutenant Bates, Commander, on the 1st June, 1837.

Having arrived at Sierra Leone on the 1st July, the "*Providencia*" was at once prosecuted before the Mixed Commission, and her case exhibiting at its close nearly every feature of slave-trading prohibited by the Treaties between Great Britain and Portugal, she was accordingly condemned, and the surviving 193 negroes, seized in her, emancipated from slavery at the sitting of the Court on the 10th July, 1837.

11. The Portuguese brig "*Amelia*," Manuel José Marcial, master, belonging to a resident of St. Paul de Loando, cleared out from Bahia on the 9th March, 1837, for a lawful commercial voyage to St. Thomas' and Princes'. The destination of the vessel thus marked out was not observed by the detained brig, as she proceeded direct to Lagos, where a cargo of 359 slaves was embarked on the 6th August, 1837, with which the "*Amelia*" was about to return to Bahia, but on the same day she was fortunately intercepted by Her Majesty's brig "*Water Witch*," Lieutenant W. B. Marsh commanding, who frustrated the guilty intentions of those who conducted this voyage by detaining and sending the said brig to this colony for adjudication.

The trial of this vessel in the British and Portuguese Court of Mixed Commission took place on the 30th August, 1837, when the case exhibiting all the usual features of an open violation of the Treaty and Convention between Great Britain and Portugal for repressing the Slave Trade, the Court pronounced the condemnation of the said brig "*Amelia*," her cargo, and stores, and the emancipation of 345 slaves, being the survivors at that time of the 359 slaves seized on board of the said brig.

12. The Portuguese schooner "*Primorosa*," Joaquim Xavier, master, was seized on the 25th September, 1837, off Princes' Island, by Her Majesty's brigantine "*Dolphin*," Lieutenant Patrick Campbell commanding, for having then had 182 slaves on board, with whom she was in the act of proceeding from the river Bonny to the slave-market of Havana.

On the 19th October, 1837, the "*Primorosa*" reached Sierra Leone in charge of a prize-officer, and proceedings in prosecution of her upon the charge above stated were taken before the Mixed Commission. These proceedings terminated in the adjudication of the detained vessel on the 28th September, 1837, when the evidence clearly establishing the charges which had been preferred against her, the "*Primorosa*," her stores, and cargo, were declared good prize to the British and Portuguese Governments. The survivors of the slaves seized in this vessel, in number 136, were on that occasion decreed to be emancipated from slavery.

13. The Portuguese schooner "*Vibora de Cabo Verde*," Joaquim Antonio, master, was a vessel provided, as her name partly served to imply, with papers from the Cape de Verd Islands, at which she changed her nationality from American to Portuguese, in June, 1837. From the Cape de Verds the "*Vibora*" cleared out for a voyage to end at Rio de Janeiro, as appeared by her official papers; although Havana was really the port at which she was to discharge the human cargo which was to be taken from this coast, if reliance may be placed upon the statements of the witnesses at their examinations on oath.

Her Majesty's brig "*Water Witch*," on the 28th September, 1837, having fallen in with the "*Vibora*" off Fernando Po, with a cargo of 269 slaves on board, bound, as was then asserted by the Master, for the port of Rio de Janeiro from Bimbia near the river Cameroons, the latter vessel was detained and sent to this colony for adjudication, which she reached on the 4th November, 1837.

The proceedings against this vessel, instituted by the Captor, having distinctly established the charge preferred against her, of having been engaged in the illegal slave-trade at the time of her seizure, the "*Vibora de Cabo Verde*" was, in consequence, declared, on the 30th November, 1837, to be confiscated, and the surviving 221 slaves of those found on board of her when detained, were pronounced to be free.

14. The Portuguese brig "*Don Francisco*," Antonio Pereira Lisboa, master, was a vessel belonging to the notorious slave-dealer, Francisco Felis de Souza, alias Char Char, of Whydah, who obtained official Portuguese papers for his vessel from the Provisional Government of Princes' and St. Thomas Islands, in July, 1836. Thus prepared to navigate the seas, the "*Don Francisco*" proceeded at once to Whydah, where a cargo of slaves was embarked for the Havana market. In this object the vessel had nearly ensured success by avoiding the numerous vessels of war cruising against slavers, until she was in the latitude of Dominica, when her Majesty's brigantine "*Griffon*" fell in with and detained her on the 25th April, 1837, for having a cargo of 433 negroes then on board. The detained vessel was carried into Dominica, where all the slaves were disembarked from motives of humanity, and left in the charge of the Collector of Customs of that Island, until the case of the "*Don Francisco*" could be adjudicated by the British and Portuguese Court of Mixed Commission here. On inspection, the captured brig was found in such an unseaworthy and bad state as to be wholly unfit to proceed to this colony for trial; and she was in consequence sold at that Island, under a provisional decree of the Vice-Admiralty Court there, to which application had been made by the seizer.

A prize officer in charge of the Papers of the vessel, and accompanied by the witnesses in the case, reached this colony on the 12th November, 1837, and proceedings were soon after taken against the "*Don Francisco*," which, on the 21st November, ended in the said brig being pronounced good and lawful prize, and the survivors on that date of the 433 slaves landed at Dominica being emancipated.

15. The Portuguese schooner "*Florida*," Alexandre Balbino Proença, master, was seized for having a cargo of slaves on board, in 14° 0' north latitude and 61° 0' west longitude, by Her Majesty's brig "*Harpy*," Lieutenant the Honourable G. R. A. Clements, commanding, on the 13th May, 1837. At the time of detention the "*Florida*" was found very leaky, from which and other causes the seizer was induced to convey his prize to the neighbouring island of Grenada, where, according to the practice usual in such cases, the negroes were landed from the captured vessel, and handed over to the care of the Colonial authorities pending their adjudication.

The schooner was then surveyed, and pronounced unfit for sea, and the captor was in consequence induced to have her sold for the benefit of whom it might eventually concern.

On the 12th November, 1837, the capturing vessel came into this harbour, bringing all the Papers connected with the case, and the detained master and boatswain as witnesses.

The prosecution of the "*Florida*" was commenced on the 14th November, in the usual form,

before the Mixed Commission, and afforded conclusive proof on its termination, of this vessel having committed infractions of the existing Treaties between Great Britain and Portugal for the repression of the Slave Trade. On the 21st November, 1837, therefore, the Court condemned the schooner "*Florida*," her cargo and stores, as prize to the Governments of the two countries, and emancipated the survivors on that date of the 280 slaves left at Grenada.

This vessel, like the one which immediately preceded it in the Court, belonged to the notorious De Souza, of Whydah, who was also owner of both the cargoes of slaves, and who obtained from the Provisional Government of Princes' and St. Thomas' Islands in February, 1836, official Papers for this vessel.

16. The Portuguese brigantine "*Felicidade*," Joao José Pereira, master, was a vessel ostensibly owned by a Portuguese resident at Bahia, and provided with a passport by the Portuguese Consul-General at Rio de Janeiro, in May, 1835, and destined for a voyage to Cadiz *viâ* Havana. This intention did not appear to have been carried into effect, as the date of the "*Felicidade's*" visit to Havana, which is stated on her passport to have been the 24th May, 1837, when she cleared out for Princes Island and the river Bonny.

On the voyage to this coast the vessel touched at the Cape de Verd Islands, and then went direct to the Bonny, where, after a stay of three months, she received on-board a cargo of 337 slaves, with whom she was on her return to Cuba, when detained off the Bonny on the 4th November, 1837, by Her Majesty's brigantine "*Bonetta*."

The "*Felicidade*" arrived in this port on the 2nd December, and proceedings in prosecution of her immediately commenced on the charge of illegal slave trading, which was clearly established to the effect above mentioned, and her condemnation was therefore decreed on the 9th December, 1837, and the survivors of her slaves emancipated to the number of 231.

17. The Portuguese schooner "*Traga Milhas*," Rafael José Alves, master, was originally an American vessel, and transferred to the flag of Portugal at the Cape de Verd Islands, in June, 1836, under sufficiently suspicious circumstances to admit of the opinion that this transfer was resorted to by the parties *bonâ fide* interested in her, to avoid the operation of the Equipment Article of the late Treaty with Spain, as she was when seized on the eve of completing her second voyage in the Cuba Slave Trade.

This vessel was detained on the 11th June, 1836, by Her Majesty's sloop "*Racer*," Commander Hope, off the island of Jamaica, she having then on board 283 slaves. The capturing vessel and her prize proceeded at once to Port Antonio in that island, where the negroes were disembarked and delivered into the care of the Collector of Customs on the 16th June, at which time they were in number 280.

Subsequently, the detained vessel was conveyed to Port Royal in the said Island, and there a careful survey was held upon her by Lieutenant Holland of Her Majesty's ship "*Satellite*," and the Masters of that vessel and of her Majesty's ship "*Magnificent*," whose report upon her was, that she was unfit to make the voyage to Sierra Leone for adjudication. Thereupon, the Captor laid up the detained schooner in the custody of the Officer in charge of the Jamaica Dock Yard; and a Prize Officer with the schooner's papers, and the Master of the detained vessel, as a witness in the case, were sent to this colony.

On the 8th December 1837, the prosecution of this vessel was commenced. The evidence clearly proved the illegality of the voyage in which she had been seized, and the propriety of her detention, and on the 28th December, the "*Traga Milhas*" was declared a good prize to the Governments of Great Britain and Portugal, and the emancipation was pronounced of the survivors on that date, of the 280 negroes delivered into the care of the Collector of Customs at Port Antonio, Jamaica.

18. The Portuguese schooner "*Ligeira*," Gasper Ferreira, Master, sailed under official papers obtained from the Portuguese authorities at the Cape de Verde Islands, and was ostensibly owned by the person who commanded her on the previous voyage to that in which she had been seized. On the plea of indisposition, the Owner transferred the command of this vessel to Ferreira, when the schooner arrived at Havanna from the Cape Verds.

From Havana, this vessel cleared out for the river Bonny in April 1837, to which place she proceeded direct, and received in exchange for the general cargo of merchandize which had been embarked at Havana, slaves, and was in the act of returning to that port, when detained by Her Majesty's brigantine "*Bonetta*," on the 15th November 1837.

The detained vessel in charge of a Prize Officer, reached this port on the 15th December, and on the following day, proceedings were instituted against her in the British and Portuguese Court of Mixed Commission, which ended in proving that, when detained, she was engaged in the unlawful traffic in slaves.

On the 28th December, the condemnation of the schooner "*Ligeira*," her cargo and stores, was decreed, and the survivors of the negroes seized on board of her, amounting to 280, were released from slavery.

H. W. MACAULAY.  
WALTER W. LEWIS

Sierra Leone, 1st January 1838.



## SIERRA LEONE. (*Netherlands.*)

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No. 20.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, April 9th, 1838.*

I HEREWITH transmit to you, for your information and guidance, 12 Copies of an Additional Article to the Treaty concluded at the Hague, on the 4th May, 1818, between Great Britain and the Netherlands, for the Prevention of the Traffic in Slaves. The Ratifications of this Article were exchanged at the Hague on the 27th February, 1837.

I am, &c.

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

(Signed)      PALMERSTON.

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## SIERRA LEONE. (*Brazil.*)

No. 21.

*Viscount Palmerston to Her Majesty's Commissioners.*

*Foreign Office, 30th April, 1838.*

GENTLEMEN,

I HEREWITH transmit to you, for your information and guidance, the Copy of an Instruction which I have addressed to Her Majesty's Commissioners at Rio de Janeiro, by which you will perceive that vessels are not to be considered Portuguese, although bearing the Portuguese Flag, unless they have been built in a Port within the Portuguese Dominions, or unless they bore the Portuguese Flag, and no other, prior to the issue of the Portuguese Decree of the 16th of January, 1837, or unless they are steam-vessels purchased within 3 years from the date of the Decree, and belonging to Portuguese subjects, and are navigated in conformity with the Laws of Portugal.

I add, for your information, the Copy of a Despatch and of the Enclosures referred to therein from Mr. Smith, Her Majesty's Consul at Lisbon.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 21.

*Viscount Palmerston to H. M. Commissioners at Rio de Janeiro.*

*Foreign Office, 30th April, 1838.*

(See No. 67.)

Second Enclosure in No. 21.

*Mr. Consul Smith to Viscount Palmerston.*

*Lisbon, 13th March, 1838.*

(See this Series, Class B., No. 45.)

No. 22.

*Her Majesty's Commissioners to Viscount Palmerston (Received May 3.)*

MY LORD,

*Sierra Leone, 1st January, 1838.*

WE have the honour to inclose, for your Lordship's information, an abstract of the case of the only vessel adjudicated in the British and Brazilian Court of Mixed Commission, during the year 1837. Five hundred and eighty-six slaves, belonging to this vessel, received the benefits of emancipation.

We have, &c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

&c. &c. &c.

Enclosure in No. 22.

*Abstract of the only Case adjudicated in the British and Brazilian Court of Mixed Commission, established at Sierra Leone, for the Suppression of the Slave Trade, during the year 1837.*

*Sierra Leone, 1st January, 1838.*

THE ship "*Incomprehensivel*," Luis Antonio Carvalho master, was owned by Portuguese residents of Rio de Janeiro, and navigated in the voyage in which she was detained, under a Portuguese flag and official papers obtained at Mozambique, in November, 1836, when a cargo of slaves was embarked ostensibly for delivery at Angola.

CLASS A. FURTHER SERIES.

On the "*Incomprehensivel*" rounding the Cape of Good Hope in the alleged voyage to Angola, she maintained a course which would, if it had been continued, have terminated in the neighbourhood of Rio de Janeiro. In this route she was intercepted, on the 23rd December, 1836, by Her Majesty's brigantine "*Dolphin*," Lieutenant Roberts commander, in latitude 23° 56' south, and longitude 16° 16' west, and detained on the ground of her being the property of residents of Brazil, who, by employing her in the slave traffic, were violating the existing Treaty between that country and Great Britain, for the suppression of the trade in question.

The detained vessel arrived here for adjudication on the 27th January, 1837, and measures, in prosecution of her on the above charge, were at once instituted in the British and Brazilian Mixed Commission, before His Excellency the acting British Commissary Judge and Mr. Lewis, Her Majesty's Commissioner of Arbitration.

The proceedings in this case, which at first appeared to be a clear one, proved very voluminous, chiefly from the extraordinary line of defence adopted by the master, who appeared also as claimant of the vessel and her cargo; the object of the Master having been to induce the Court to believe that all the official and other papers seized in his vessel, were either incorrect (having been procured on false representations of himself and those concerned with him), or were fictitious, to serve his private ends, as he alleged; and that, in the room of the documentary evidence alluded to, the Court should accept his assertions as to nearly the whole of the matters under decision.

Of the informality, as well as the fraudulent nature of many of the papers of this vessel, the Court entertained no doubt. The bill of sale of the ship was dated one month subsequent to the charter-party, by which the alleged owner, who lived at Rio, engaged his vessel for a voyage to the Mozambique Channel, and from which bill of sale alone, he derived his authority as owner. There was a second charter-party, which bore an equally doubtful character as that to which allusion is made. It had been executed between Carvalho, the master of the ship, and a merchant at Mozambique, of the name of Miguel Caietano Pinto, in November, 1836, and professed to be an agreement for carrying on freight 779 slaves, from that place to Angola, and was signed by the contracting parties. The authority of Carvalho to form such an agreement was not established. This document was enclosed in a Letter from Pinto to Carvalho, on the same day, and addressed to the latter at Angola, as though he had been living there at the time and not at Mozambique. Upon this charter-party, questionable as it was, the Master mainly rested the defence of his vessel, though he even, in pari, contradicted the contents of it by his own evidence.

Without, however, further alluding to the defective and suspicious parts of the documents seized in the "*Incomprehensivel*," it may be remarked, that, after they had been carefully looked into, and their real worth, as far as practicable, discovered, they, in conjunction with the evidence received in the case, led the Court to the conclusion, that this ship was owned by some persons resident at Rio de Janeiro, and whom the Court believed to be a society engaged in the slave trade, and of which one Vicente Domingo Saporiti appeared to be the "cashier," in a letter of instructions discovered among the papers. If the Portuguese person named in the bill of sale as living at Rio was really the owner then, that he must have let to hire unconditionally his vessel to the said Society, who had embarked a very large cargo in the "*Incomprehensivel*" in that port, and dispatched her to Mozambique, under the charge of Carvalho, the master, and a man named Viale, who was found at the time of seizure in the situation of a passenger on board. The letter of instructions for this voyage, from the ambiguous manner in which it was worded, plainly shewed that the trade, in which this vessel was to be employed, was of a very questionable character,—that it was in fact the slave trade; that the sub-chartering of the vessel to Pinto by Carvalho at Mozambique, as above-mentioned, was altogether fraudulent; and that the slaves, who had been seized half-way across from Africa to South America, formed the return cargo of the vessel to the Society for that originally shipped by it at Rio, and which return cargo was in the act of being conveyed on the Society's account to some port of South America, when fallen in with by the capturing vessel.

It appeared to the Commissioners who tried the case, an admitted principle of the law of nations, that the national character of a merchant should be taken from the place of his residence, and of his mercantile establishment,—and not from the place of his birth; and the ownership of the "*Incomprehensivel*" and her cargo having been proved to rest in residents of Rio de Janeiro, the Court therefore held, that she had been legally detained under the provisions of the Treaty between Great Britain and Brazil respecting the slave trade.

On these considerations the British and Brazilian Court decreed, on the 17th February, 1837, that the ship "*Incomprehensivel*," her cargo and stores, should be confiscated, and the five hundred and eighty-six slaves, surviving of those originally seized in this vessel, should be free.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

## H A V A N A.

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No. 23.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 1, 1838.)

MY LORD,

*Havana, 31st October, 1837.*

THE following is a List of Vessels that have cleared from this Port during the past month for the Coast of Africa, viz. :—

2nd October	—	Portuguese schooner	“ Felicidad ”	—	cleared for San Tomé.
3rd	”	American	”	“ Washington	” Buena Vista.
18th	”	Spanish	”	“ Primera Union	” Santiago de Praya.
19th	”	Portuguese	”	“ Estela	”
20th	”	American	”	“ Joseph Fland	” Cape de Verd.

Of the arrivals during the same period we are only able to name 2 vessels, the Portuguese schooners “*Francisa*,” from San Pablo de Loanda, and the “*Ligèra*,” from the Island of Principe, though we have heard circumstances particularized, which left no doubt in our minds of one or two others. It is, however, worthy of remark, that much more caution is now observed, respecting vessels from the Coast of Africa, as the signals for them at the Moro Castle have ceased to be made, and also the entries in the books of the coffee-houses where the merchants resort.

Of the vessels cleared at the Custom-house for the Coast of Africa, your Lordship will perceive there are two Americans.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 24.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received Jan. 1, 1838.)

MY LORD,

*Havana, 17th November, 1837.*

WE have the honour to enclose the copy of a Letter received from Commander Nixon, of Her Majesty's sloop “*Ringdove*,” complaining of having been refused communication, by the orders of the Captain-General, with the Spanish schooner “*Vencedora*,” which he had detained for having slaves on board, and brought here on the 15th October last. We have also enclosed the copy of a Letter, which we sent to his Excellency the Captain-General on the subject, together with Captain Nixon's Letter, to which his Excellency has not returned any answer.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 24.

*Commander Nixon to Her Majesty's Commissioners, 16th October, 1837.*

*Her Majesty's sloop “Ringdove,”*

*Havana, 10th October, 1837.*

GENTLEMEN,

I BEG to inform you, that on anchoring here this day, in Her Majesty's sloop “*Ringdove*,” and not seeing arrive in the harbour the “*Vencedora*,” Spanish brigantine, detained by me for an infraction of the Treaty, in having concealed negroes on board, I proceeded in my boat to look after

her, and found her at anchor near the entrance to the Port, flaws of wind having prevented her coming up. To my surprise, I found alongside a Spanish boat, without an officer (as far as I could perceive), who in an uncivil manner, though probably from not understanding the language, forbade my communicating with the vessel. Considering that there might be some mistake in this procedure, I so far attended to it as not to go on board, merely giving some verbal orders. In the evening, about 7 o'clock, my First Lieutenant, Mr. Gray, called to supply the two Officers with some necessaries, when he was also forbidden to go on board, and informed by the Officer in charge of the "*Vencedora*" of the extreme illness of a negro boy. On learning this in the evening, I felt it my duty to go to the "*Vencedora*," and make personal inquiries; but still respecting the orders of his Excellency the Captain-General, I did not insist on going on board, though feeling convinced that the prohibition respecting the "*Ringdove*, if given from sufficient authority, must have arisen from mistaken motives. The "*Vencedora*," however, being at present under the charge of the British flag, and my men having been subjected to much inconvenience, I feel it my duty to make known this circumstance to you, protesting against it, as leading to consequences that ought to be guarded against.

I have, &amp;c.

(Signed)

H. STOPFORD NIXON,  
Commander.Her Majesty's Commissioners,  
&c. &c. &c.

## Second Enclosure in No. 24.

*Her Majesty's Commissioners to the Captain-General, 17th October, 1837.*

MOST EXCELLENT SIR,

*Havana, 17th October, 1837.*

WE have the honour to inclose a copy of a letter received from Captain Nixon, Commander of Her Majesty's ship "*Ringdove*," complaining of his having been prohibited, by your Excellency's orders, from having communication with the schooner "*Vencedora*," detained by him on the 14th instant, for an infraction of the Treaty between Spain and England. On making inquiries upon the subject this morning, we find that the prohibition has been removed; but we, fully agreeing with Captain Nixon, that the order, if at all emanating from sufficient authority, was made entirely upon mistaken grounds, feel it a duty to join in the protest against it, as leading to consequences which ought to be guarded against. We have, therefore, respectfully to request of your Excellency, that this proceeding of prohibiting intercourse between a vessel belonging to Her Britannic Majesty and one detained under such circumstances, where the sanatory laws could not have been infringed, may not in future be considered a precedent.

We have, &amp;c.

(Signed)

J. KENNEDY.  
E. W. H. SCHENLEY.His Excellency the Captain-General,  
&c. &c. &c.

## No. 25.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 1, 1838.)*

MY LORD,

*Havana, 17th November, 1837.*

WE have the honour to enclose copies of a correspondence, which has taken place between Her Majesty's Commissioners and Commander Nixon, of Her Majesty's sloop "*Ringdove*," on the one side, and with his Excellency the Captain-General of Cuba on the other, relative to the burial of negroes dying on board of detained vessels generally, and on board the "*Vencedora*" in the particular instance now giving occasion to the correspondence.

Two of the Letters, your Lordship will observe, have reference to other subjects connected with the case of the "*Vencedora*," which have, therefore, to be referred to in the Report of the proceedings had before the Mixed Court respecting it.

We have, &amp;c.

(Signed)

J. KENNEDY.  
EDWARD W. H. SCHENLEY.*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

## First Enclosure in No. 25.

*Commander Nixon to Her Majesty's Commissioners.**Her Majesty's Ship "Ringdove,"*

GENTLEMEN,

*Sunday Evening, 22nd October, 1837.*

I HAVE the honour to inform you, that this afternoon a black woman, who speaks English, was on board the "*Vencedora*," and, speaking the language of the negroes there, informed Mr. Phillips, the officer in charge, that they declared they were all direct from the Coast of Africa, with many others who were sent they knew not where, and that they left Africa about two moons ago. When we first boarded the "*Vencedora*," and found so many Spanish passengers on board, 49 men and 2 women,

I did not go into all the strictness of search and taking inventories, from expecting to reach Havana the next day, and the great detention and inconvenience it would have caused to so many passengers. In the same spirit of conciliation, I had given leave to three of the passengers, on their asking me and saying how much it would convenience them, to sleep on board, but I have just now learnt that six of them had told Mr. Phillips, they had my permission, and not only returned to sleep, but came and went during the day; but after to night I shall not allow them on board again. From the peculiar circumstances of the "*Vencedora*," the whole object of myself and officers has been to act by her in the most open and least annoying manner possible; but as I have now received information, and suspect we have been grossly deceived by her assumed character of a Government Packet from Cadiz, I have to request you will call for the production of her Log before the Court, and that her cargo and the whole vessel may be strictly examined, as well as the negroes.

I yesterday reported personally to Mr. Kennedy the death of one of the negro girls, requesting to know what I would do as to her funeral. Mr. Kennedy took Mr. Wake, volunteer 1st class, of this sloop, to inquire of the Spanish Secretary of the Mixed Commission, as I understood, but he not being at home, Mr. Kennedy sent a gentleman with Mr. Wake to the Captain of the Port on the subject, who declined having anything to do with it. Dr. Finlay, who visited the negroes officially and professionally, and saw the dead body, also assured me he would take steps about the funeral; but no directions on the subject coming to me this day, I felt it my duty, for the safety of the others and my own men from contagion, to send the body outside the Moro, and attaching a shot to it, committed it to the deep.

I have, &c.

(Signed)

H. STOPFORD NIXON.

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

### Second Enclosure in No. 25.

*Commander Nixon to Her Majesty's Commissioners.*

*Her Majesty's ship "Ringdove,"*

*Havana, 25th October, 1837.*

GENTLEMEN,

I REGRET to inform you that another of the negroes on board the "*Vencedora*," a boy, is now dying, as reported to me by Mr. Watson, surgeon of this sloop. Not having had an answer to my former applications, as to the disposal of the body of a negro girl who died, I have now to request you will inform me what I shall do in the event of the death of this boy.

I am, &c.

(Signed)

H. STOPFORD NIXON.

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

### Third Enclosure in No. 25.

*Her Majesty's Commissioners to the Captain-General.*

*Havana, 25th October, 1837.*

THE Undersigned, Commissioners of Her Britannic Majesty, have the honour to acquaint his Excellency the Captain-General that a report has been made to them by Commander Nixon, the officer who detained the Spanish schooner "*Vencedora*," that one of the negroes on board that vessel is now dying, and requiring to know what is to be done with the body.

As in all former cases of a like description, the duty of burying these persons has invariably been performed by the Spanish Authorities, the Undersigned request the favour of his Excellency to issue the necessary orders to that effect upon the present occasion.

The Undersigned avail themselves, &c.

(Signed)

J. KENNEDY,  
E. W. H. SCHENLEY.

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

### Fourth Inclosure in No. 25.

*Her Majesty's Commissioners to Commander Nixon.*

SIR,

*Havana, 26th October, 1837.*

WE have to acknowledge the receipt of your letters dated the 22nd and 24th October instant, requesting a further examination of the crew, cargo, and papers of the "*Vencedora*," Spanish schooner, detained by you on the 14th instant, and also communicating to us the circumstances relating to the death of one of the negroes on board the "*Vencedora*," and the illness of another.

On Saturday, the 21st instant, the Court of Mixed Justice closed its examination of the witnesses and papers, so far as they were produced, and on Monday morning had deliberated on the sentence to be passed before your first-mentioned letter was received. That letter offered suggestions of so indefinite a nature, that it was impossible to act on it so as to open the case again after it was so far closed; but the information detailed in the second letter being of a more defined character, Her Britannic Majesty's Judge, immediately on the receipt of it, went with it to the country house of the Conde de Fernandina, the Spanish Judge, and after showing it to him, forwarded a copy the same afternoon, with a formal request for another meeting of the Court, and a further consideration of the case.

As soon as his answer is received we will forward you a copy, that you may act upon it as you think advisable.

With regard to the death of the negro girl, respecting the disposal of whose body you complain of having received no assistance, Her Britannic Majesty's Judge had done all that laid in his power, by directing the Secretary to the Commissioners to go with your Officer to the Captain of the Port, who, upon all former occasions, had performed the like duty. Upon what grounds he founded his refusal in this case, we have not been informed; but in the meantime we have transmitted your complaint to the Captain-General, with a request that the local Authorities be better instructed in future.

At the same time you will recollect, in the conversation you had on the subject with Her Majesty's Judge, in answer to your saying that if there was any difficulty about the matter you had no objection to sending a boat outside the harbour with the body, he told you that he quite agreed in the propriety of that course, should any delay arise, as too often occurs in the most important matters in this country in the inferior departments.

In case of the death of another, and the neglect of the local Authorities of any communication on the subject, we have no hesitation in advising a like disposal of the body.

We have, &c.,  
(Signed)

J. KENNEDY.  
E. W. H. SCHENLEY.

To Commander Dixon, H.M.S. "Ringdove."

### Fifth Enclosure in No. 25.

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

GENTLEMEN,

Havana, 26th October, 1837.

YOUR communication of yesterday, in which you are pleased to acquaint me that one of the negroes on board the Spanish schooner "*Vencedora*" is dying, and desiring to know what is to be done with the body, I sent to the Captain of the Port for his report thereon, which Officer has replied, under this day's date, as follows:—"Most Excellent Sir,—There has been no fixed rule up to the present period for interring the bodies of persons who have died in this Port; when Catholics, and having been attended by physicians of this place, and their decease not occasioned by contagious disorders, they have been interred in the general burial-ground: to others, not Catholics, burial has been given in the stranger's burial-ground, and several captains of vessels who have requested leave to sink outside of the Moro individuals of their crew who have died, have been permitted to do so, under the charge of attaching a sufficient weight to the body to sink it."

And I transcribe this to you, Gentlemen, for your information, and in reply to your said communication.

God preserve you many years,

(Signed) MIGUEL TACON.

To the Commissioners of Her Britannic Majesty in the Mixed Court of Justice.

### No. 26.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 1, 1838.)*

MY LORD,

Havana, 22nd November, 1837.

WE beg to refer to our Despatch of the 28th October, in which we informed your Lordship of the Spanish schooner "*Vencedora*" having been detained in about latitude 23° 23' N., longitude 80° 58' W., by Commander Nixon, of Her Britannic Majesty's sloop "*Ringdove*," on the 14th October last, and brought into this Port on the day following, having on board 26 Bozal negroes. We also informed your Lordship, that the Mixed Court of Justice having met on the 19th October, and two following days, to receive the evidence, the two Judges had a conference on the 23rd and 24th of the same month, and not being able to agree upon the Sentence to be pronounced, they drew lots, as directed by the Treaty, when the lot fell on the Spanish Arbitrator, leaving the case, thus far, undecided at the close of the Despatch.

We have now the honour to inform your Lordship, that the proceedings, and the separate opinions of the two Judges having been previously laid before His Excellency Don Juan Montalvo, the Spanish Arbitrator, a conference was held on the 11th November, instant, when His Excellency gave his decision in accordance with the opinion of the Spanish Judge, by which the detention was pronounced to have been illegal, and declaring that the vessel and crew should be liberated, the slaves given up to their owners, and costs awarded according to the provisions of the Treaty.

Your Lordship will observe, by the Abstract of the Evidence (No. 2 of the Enclosures), and the Opinions (Enclosures 6 and 7) of the two Judges, with the Sentence (No. 8) finally pronounced, that there were two questions before the Court. First, Whether the vessel was provided with a sufficient Passport, as according to the Regulations of the Treaty of 1817, Instructions, Article VII.; and,

Secondly, Whether negroes having been recently brought from Africa into Porto Rico, and thence forwarded to the Havana, with Passports obtained from the Government of that Island, rendered the vessel so conveying them liable to detention.

Her Britannic Majesty's Judge held, 1st, That the Passports (Enclosure No. 3) were not sufficient, the Treaty requiring vessels conveying slaves to be provided with a special Passport "*ad hoc*," which the "*Vencedora*" had not; and, 2ndly, That even if the Passports were sufficient, yet the circumstances under which they were obtained amounted to a fraud, and rendered the vessel liable to detention.

Contrary to this opinion, the Spanish members of the Court decided, that the vessel was illegally detained, and, as Her Britannic Majesty's Judge understood, upon the grounds that the Passports were sufficient, and that they protected the vessel, though conveying slaves recently, and therefore illegally imported from Africa. This doctrine, however, was afterwards repudiated by His Excellency the Conde de Fernandina, in a letter which, with the answer, we have enclosed; (Nos. 18 and 19), leaving the reason of his judgment otherwise quite inexplicable. His decision, however, thus becoming the judgment of the Court, we have it only left us to regret, especially as it is to be considered as binding in future, inasmuch as that Trade may now be carried on openly, which before was only of a smuggling character, namely, bringing into the Havana from Porto Rico the slaves recently brought there from Africa, as to a depôt, for which the situation of that Island is so admirably suited.

Important, however, as the case already appeared, yet, during the course of the trial, circumstances arose rendering it still more important, so as, in our opinion, imperatively to call for the earnest attention of Her Majesty's Government.

The vessel was unquestionably direct from Cadiz to Porto Rico, but startling and almost incredible even as it may appear, it was discovered, after the evidence was gone through, that the "*Vencedora*," instead of being a vessel engaged in the Packet Service, as at first alleged, had actually previously come to Cadiz from the Coast of Africa with those negroes on board! That they had been thence brought to Porto Rico below deck, concealed from the passengers taken on board at Cadiz, in a manner necessarily to occasion much human suffering and great mortality! That a number of the negroes had been left at Porto Rico, where the vessel stayed 8 days; and that there, having obtained the colourable Passports above referred to, the negroes were brought up to the view of the passengers on board, their former confinement no doubt having made it absolutely necessary.

Under these extraordinary circumstances, Her Majesty's Judge immediately applied to the Conde de Fernandina for a further hearing of the case (see Enclosure No. 12), to which His Excellency seemed to assent, referring it to the conference with the Arbitrator chosen by lot, whose interposition, however, in the first instance, Her Majesty's Judge declined to admit (see Enclosures No. 13 and 14). In this opinion the Spanish Arbitrator agreed; but upon Her Majesty's Judge again demanding, first verbally, and afterwards in writing (Enclosure No. 16), a further hearing of the cause, as being upon a totally different charge, as well as on additional evidence, the Spanish members of the Court refused to allow it, stating their reasons (Enclosure No. 21).

We have endeavoured thus to state to your Lordship, as succinctly as possible, the more prominent circumstances of this case, in which we feel it difficult to express our astonishment at the daring heinousness of the offence imputed, or at the refusal to investigate into its correctness. Though, if well founded, it could scarcely have failed to come within the knowledge of the Authorities at Cadiz; yet we have no hesitation, from all the circumstances that have come to our knowledge, to express a full belief in the truth of the accusation; and were it not for our confidence in the integrity of our Spanish Colleagues, we should be inclined to ascribe to them also an improper determination to screen the offenders. Your Lordship, however, perhaps will be able to decide more impartially on the conflicting opinions, and also to judge of the remedy to be adopted against the evils likely to result, should these precedents unfortunately be allowed.

Your Lordship will not, we think, consider it necessary for us to have noticed every particular of this extraordinary case; though, undoubtedly, there are other fallacies and suggestions deserving of extended remark. But we cannot fail to point out to your Lordship's attention, the assertion of the Spanish Judge (Enclosure No. 18), that the Treaty of 1835 only is to be observed, as an instance of the manner in which the case has been met. This dictum was decidedly opposed by Her



Britannic Majesty's Judge declaring, that the second Treaty was only intended to strengthen and extend the first, in accordance with your Lordship's Despatch to the Commissioners at Sierra Leone, dated the 15th October, 1836.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

### First Enclosure in No. 26.

#### *Captor's Declaration in the Case of the "Vencedora."*

I, HORATIO STOPFORD NIXON, Commander of Her Britannic Majesty's sloop "Ringdove," hereby declare, that on the 14th day of October, 1837, being in or about lat. 23° 23' N., long. 80° 57' W., I detained the brigantine named the "Vencedora," sailing under Spanish colours, not armed, commanded by Don Antonio Lloret, who declared her to be bound from Cadiz and Porto Rico to Havana, with a crew consisting of 14 men and 49 Spanish passengers; the names of the crew, as appear by the papers, are in a list at the foot hereof. On examining her below, 26 negroes were found, who had not been mentioned; then, and not till then, the Master produced the papers said to be Passports for them from the Governor of Porto Rico, and they are enumerated as follows, viz. :—

	Healthy.	Sickly.
Men . . . . .	9	0
Women . . . . .	7	0
Boys . . . . .	7	0
Girls . . . . .	2	1

I do further declare that the said brigantine appeared sea-worthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes, crew, and passengers, on their destined voyage to Havana.

I do further declare, that the said Don Antonio Lloret did not, upon being questioned, acknowledge having slaves on board; and that it was only upon the Master of the "Ringdove" searching the vessel and finding the said negroes concealed in the fore-peak, that the said Don Antonio Lloret produced the papers marked 3, 4, and 5, purporting to be Passports for the removal of the said negroes from Porto Rico, but he produced no passports for the vessel, authorizing her to carry slaves from one Port in the Spanish Possessions to another, nor did he exhibit any notification on the other papers of the vessel that he had any such negroes on board: this circumstance, with the fact of their concealment, afforded me convincing proof that the said Don Antonio Lloret was aware of the illegality of his proceedings.

The slaves appeared to be of recent importation, had no other clothing than a piece of cloth tied round their loins, their heads shaved, and some of them were in a sad state of emaciation.

Given under my hand, on board the said sloop, this 15th day of October, 1837.

(Signed)

H. STOPFORD NIXON, Commander

Witnesses, (Signed)

JOHN SHEPHERD, Master.

J. WATSON, Surgeon.

### Second Enclosure in No. 26.

#### *Abstract of the Evidence in the case of the "Vencedora."*

19th October, 1837.

Horatio Stopford Nixon, Esq., Commander of Her Britannic Majesty's sloop "Ringdove," being duly sworn, and having shown his Instructions, declared, that all particulars relating to the detention of the schooner "Vencedora" are amply explained in the declaration in English which he now presents, signed by himself. That the Papers taken on board the detained vessel by Mr. Shepherd, Mate of the "Ringdove," he now also presents. They are 5 in number, viz., 1, the muster-roll; 2, the bill of health (delivered to the health officers on his entrance into this Port); and the rest up to No. 5 are the passports of the negroes found on board. That although the said Mate also delivered to him a number of passports, belonging to the passengers of the "Vencedora" from Cadiz to Porto Rico, and from the latter place to the Havana, he returned the first-mentioned their passports, and is likewise going to return the rest, considering them unnecessary for the prosecution of the cause, excepting only the 4 Papers remaining out of the 5 he first mentioned.

Mr. John Shepherd, Mate of Her Britannic Majesty's sloop "Ringdove," being duly sworn, confirmed the declaration of the Captor, signed by himself as witness, and declared that nobody on board the "Vencedora" told him there were Bozal negroes in the fore-peak, but that he himself found them there, on going below to search. Being asked if any of the crew observed the tardiness of the detained Captain to produce the passports of the said negroes, he declared that nothing else occurred than what he has stated on this particular.

Mr. John Watson, Surgeon of the "Ringdove," being duly sworn, likewise confirmed the contents of the Captor's declaration, and his own signature as a witness, and declared that, understanding the Spanish language, he was present as interpreter at the detention of the schooner "Vencedora," and that the Captain of this vessel, in reply to deponent's question, who told him that they had gone on board to look for negroes, signified that he had no negroes on board, but that the mate having depressed his desire to examine the vessel, and going below, found that there were negroes. That the deponent did not go below with the Mate; and on asking the Captain why he had told him he had no negroes on board, the Captain replied that in fact he had none, because those below were passengers, as appeared by the passports which he then exhibited. That he found the negroes in a state of

emaciation, but only one of them suffering from diarrhoea and incipient scurvy; that the most of them are young, from 10 years upwards; that some are marked on the face, others on the body, and that they cannot tell their own names.

20th October, 1837.

*Don Antonio Lloret de Jayme*, being sworn, declared that he is a native and inhabitant of Villa Joyosa, in the province of Alicante, married, and at present Captain of the schooner "*Vencedora*." That he was detained by an English brig-of-war, whose name and that of her commander he does not know, between Salt Key, the Rogues, and the Keys of this coast; and that he cannot state the cause to be other than that he was boarded and examined by the said brig-of-war, and his Papers demanded. That the muster-roll, the bill of health, and the passports of the individuals embarked at the port of Cadiz, as well as of the others, white and coloured, taken on board at Porto Rico, were taken from him and retained by the English commander, who ordered him to continue his voyage to Havana under the escort of 2 officers and 12 seamen of the crew of the capturing vessel. That he arrived at Porto Rico on the 28th September last, and from thence he sailed for Havana on the 7th October instant. That he sailed from Cadiz with a cargo of Peninsula produce, such as oil, vermicelli, garlic, and other articles, as appears by the Register which was opened at Porto Rico, and that the drawback was taken off of what remained there. That he took the 26 negroes on board at Puerto Rico, as appears by the passports taken from him by the English officers at the time of detention. That besides these he now presents two documents, Bills of Sale, one by Don Ramon Trevilla, dated the 3rd instant, for 14 negroes of both sexes, in favour of Don José Antonio Vedal, and the other, dated also the 3rd instant, for 7 negroes of both sexes, which Don Bartolomé Ferrer signs in favour of Don Angel Arcinellas (which documents are taken to annex to these proceedings); that two other documents are wanting for the 5 negroes, who complete the 26 above mentioned, which documents must be, as well as he can recollect, in one of the trunks remaining on board, and which he will produce, if necessary, as soon as he can get at them. That all the negroes are comprised in the 3 passports taken by the English commander. That he did not hear of the negroes arriving from any other place while he was at Porto Rico; that he only knows of their coming from Porto Rico, where he embarked them, and that 2 days after his arrival from the Peninsula he was applied to to bring them to this Port. That he had entertained no doubt respecting the embarkation of the negroes, because, besides not being prohibited by his Government from embarking them in one Spanish port for another, he did not observe the least objection on the part of the authorities at Porto Rico, to give their permission for their clearance and embarkation for this Port of Havana. That the negroes were not naked, but dressed the same as when they came on board; that he had placed them from the commencement of the voyage in the fore-peak, from which he took away his crew, and that then, on account of the heat, and because it was almost night when the English officer made his search, it might have been that some or many were naked; but it might likewise have been seen on the following day, when they came on deck, that they were dressed as when they embarked. That, with respect to the delay he is said to have made in the delivery of the passports, he declares, that there was no difference or delay between the delivery of those of the white passengers and those of the negroes; that he placed them all on the table, and as he took them out the officer read them, and he, deponent, afterwards showed them to the Commander, who said they were good, and took them away: that this is truly the manner in which it was done. That after the search the English commander retired; that on the evening of the following day he returned on board the "*Vencedora*," with a certificate respecting the before-mentioned Papers, but that, not being signed, he would not receive it, and the Commander returned on board his vessel. That after their arrival in this Port, and they were admitted to free pratique, the English Commander returned with the said certificate, which he signed on the companion-hatch of the "*Vencedora*," and handed to deponent, who again refused to take it, desiring him to deliver it to the Captain of the Port. That the Papers now shown to him, numbered 1 to 5, excepting No. 2, which is the bill of health, are the same that he delivered to the English Commander, and that he also delivered to him the passports of the individuals he carried from Cadiz to Puerto Rico, and from thence to the Havana. That he holds the Royal sailing passport, the countersign, and the deed of ownership of the vessel, and that, respecting the negroes, there are no other Papers besides the 2 documents (bills of sale) which he mentioned in the body of the Declaration. That he cannot state whether or no the negroes spoke Spanish, or could answer to their names, because they were placed in the part of the vessel already explained, and that deponent, as Captain, being in that part pertaining to him, had no reason for making himself familiar with them, or for conversing with them. That he took them on board with the knowledge of the Government, as he has stated, without believing he was liable to such examination; but he thinks there is one or other of them called Antonio, who explains himself sufficiently. That he believes the negroes on board his vessel are the same as are indicated in the before-mentioned passports, because the passports were delivered at the same time as the negroes. That he had 49 white passengers, including two women, on board when he arrived at Havana.

*Don Vicente Miguel Navarro*, Chief Mate of the schooner "*Vencedora*," being duly sworn, deposed that he was detained between the Rogues and the Southern Keys; that he was brought to this Port by 2 officers and 12 men of the crew of an English brig-of-war, who were placed on board by her Commander, all of whose names he is ignorant of, as well as of the cause of being brought into this Port, for that the detained Captain being asked how many passengers he had on board, and replying that in all there were 75, namely, 49 whites and 26 negroes, the English officer who was sent by the Commander to make search thus reported, when the Commander came on board the "*Vencedora*" and took all the passports, the muster-roll, and the bill of health, notwithstanding that the Spanish Captain intimated that he ought to keep the said documents in his possession. That the Captain took on board the 26 negroes at Porto Rico; that he does not know if they are his property; that he heard or understood that they belonged to different owners, who paid the Captain freight to bring them to Havana. Being questioned as to whether he knew if the negroes spoke Spanish, or could answer to the names given them in the passports, he stated that on one occasion he heard Lorenzo called, and that a negro answered "Señor" (Sir), but that, as he had nothing to do with them, nor with their embarkation, he cannot be certain whether or no they speak Spanish, nor as to the name belonging to each, according to the passports. That the negroes were not naked; that they came on board at Porto Rico dressed, and were put below into the fore-peak, where, at night, they undressed themselves to sleep, and when they came on deck they were dressed. That they went from Cadiz to Porto Rico with a cargo of Peninsula produce, such as garlic, vermicelli, wines, &c. That they went from Cadiz to Porto Rico without touching at any other place. That they arrived at Porto Rico on the 28th September last,

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and he believes the Captain was applied to, the second or third day after, to bring the negroes to Havana. Being asked if, in case the negroes were present and Lorenzo called, he would answer, as before stated, "Señor, he replied that probably, as he then answered "Señor," there is no reason why, on being called by his name, he should not give the same answer, as is reasonable to suppose. That he believes the Papers now shown to him, numbered from 1 to 5, excepting No. 2, which is the bill of health, are the same as were taken by the English Commander, although they were not under his charge, but more properly the Captain's. That in his last answer he has declared, that it is not his duty to know positively the particulars respecting the vessel's Papers or others, which is the Captain's business, but that he thinks the Captain must have the Royal sailing passport, the countersign, the register, &c.

*Don Juan Pedro Jimenez*, Second Mate of the "*Vencedora*," being duly sworn, deposed that he was detained by an English brig-of-war, whose name he does not know, between Salt Key and the Keys of this coast, on the 14th instant, in consequence, as he believes, of having found on board the "*Vencedora*" 26 negroes, who were embarked at Porto Rico. That the "*Vencedora*" was from Cadiz, and did not touch at any port on her passage to Porto Rico, consequently she neither landed nor embarked any thing. That he does not know whether the negroes speak Spanish, although he has heard one of them answer Sir (Señor) when called; neither can he be certain that those named in the passports are the same that were on board, because he has never seen their passports, and that their passage was taken from the Captain, as a matter pertaining to him. That he was present when the negroes came on board, and that they were dressed like other negroes of the country. That he repeats what he has just stated; and that if the English officers found the negroes naked, it was because they arrived at nightfall, when they were going to sleep, and the heat obliged them to take off their clothes. That the Papers now shown to him, numbered from 1 to 5, excepting No. 2, which is the bill of health, appear to him to be the same as were taken by the Captor, although he does not know for certain the passports.

### Third Enclosure in No. 26.

*Copies of the Passports for the Negroes on board the "Vencedora."*

Don Francisco Moreda Prieto, Gobernador, Capitan-Gen<sup>l</sup>, &c. &c., en la Isla de Puerto Rico.

Concedo licencia à Don Ramon Trevilla de este comercio, para que pueda remitir à la Habana, en el buque que se le proporcione, catorce negros esclavos de sa propiedad nombrados José, Antonio, Maria, Antonia, Manuel, Josefa, Miguel, Ursula, Nicolas, Juana, Manuela, Francisca, Jorge y Lomas, que ha vendido à Don José Antonio Vidal y Pascual de aquel comercio y vecindad. Puerto Rico: 4 de Octubre de 1837.

(Firm<sup>o</sup>)

FRANC<sup>o</sup>. MOREDA.  
EL CONDE DE CARPEGNA.

*Otra.*—Concedo licencia à Don Antonio Yorate, para que pueda remitir à la Ciudad de la Habana dos Criados de su propiedad, nombrados Juan y Antonio, en la ocasion que se le proporcione. Puerto Rico, 5 de Octubre de 1837.

(Firm<sup>o</sup>)

FRANC<sup>o</sup>. MOREDA.  
EL CONDE DE CARPEGNA.

*Otra.*—Concedo licencia a Don Bartolome Ferrer para que pueda remitir à la Ciudad de la Habana diez criados de su propiedad, nombrados Pedro, Antonio, Lorenzo, José, Esteban, Ramon, Dolores, Damasa, Dario y Gabino, en la ocasion que se le proporcione. Puerto Rico, 5 de Octubre de 1837.

(Firm<sup>o</sup>)

FRANC<sup>o</sup>. MOREDA.  
EL CONDE DE CARPEGNA.

### Fourth Enclosure in No. 26.

(Translation.)

*Count Fernandina to Mr. Kennedy.*

MY DEAR SIR AND ESTEEMED COLLEAGUE;

October 24, 1837.

I STATED to you at our last interview, that I considered the schooner "*Vencedora*," to be wrongfully detained, founding this opinion on the Bill of Health from Porto Rico, containing the total number of passengers, to which class belonged the 26 slaves, provided with their passports in regular order, granted by the Captain-General of that Island. Besides, they almost all came with the documents of purchase, legally extended in favour of their proprietors in the Havana, and the commander of the cruizer, as soon as he saw the passports, ought to have left the vessel at perfect liberty, according to the 3rd Rule of the 4th Article to the last Treaty, as he did not find in her equipment any of the things mentioned in Article 10, nor could have any other just motive for suspecting her to have been engaged in the prohibited traffic, or to be destined for it.

The English Officers declare, that the Spanish Captain was silent as to the existence of the slaves until they were seen; but this circumstance, which the said captain denies, is of no importance when the Bill of Health expressed the number of 75 passengers; and on the other hand, the production of the passports ought at any time to have satisfied the Commander of the "*Ringdove*."

It is in my opinion a mistake to believe that, in order to conduct slaves from one Spanish port to another, the Royal Passport which was exacted by the Treaty of 1817 is necessary. The object of this passport was to permit the Trade in Slaves to the south of the Line, as expressly determined in the Instructions annexed to the Treaty, and an irrefragable proof that neither then nor at present was the transfer of slaves, in the character of passengers, from one Spanish port to another, considered illicit, is, that the said Treaty of 1817 only declared illicit the Trade carried on "in Spanish vessels bound for any port not in the dominions of His Catholic Majesty."

Whether the slaves were naked or not, or knew the Spanish language or not, are likewise circum-

stances which prove nothing. Both Treaties establish the privilege of transporting slaves, always provided it be not with the express object of the Trade with Africa; and the sole inspection of the vessel, the small number of slaves, and the circumstance of their having been alienated in Porto Rico, did not permit for a moment to be doubted, that this was not a prohibited case.

Such are the grounds which induce me to consider improper the detention of the schooner "*Vencedora*." If you entertain the same ideas, our decision might be drawn up in the terms of the accompanying minute, otherwise, we will respectively give our opinions; in which case I reserve the right of enlarging upon the above reasons.

I am, with the greatest consideration, &c.

(Signed)

EL CONDE DE FERNANDINA.

*J. Kennedy, Esq.*

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Sub-Enclosure in No. 26.

*Minute accompanying the Conde de Fernandina's letter of the 24th October, 1837.*

(Translation.)

IN the Havana of October 1837, the Conde de Fernandina and James Kennedy, Esq., judges of the Mixed Court, &c., &c., having considered the proceedings consequent upon the detention of the schooner "*Vencedora*," by Her Majesty's cruizer "*Ringdove*," &c., &c., declared, that it being manifest from the documents found on board the detained vessel, and from the state in which the vessel was found, that she had not been engaged in the Slave Trade, neither that she was equipped for the purpose, as also that the Africans whom she conveyed came in the quality of passengers, with their corresponding passports, that they ought to absolve, and in effect do absolve by this their sentence, the said vessel, and order that both the vessel and her cargo, in the state in which they may remain, be delivered up to the Captain and others interested, as also the slaves to their owners. That this determination be communicated to His Excellency the Captain-General, in order that all the individuals who are under detention, pending the present cause, be set at liberty, and that the proceedings be registered.

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Fifth Enclosure in No. 26.

*Mr. Kennedy to Count Fernandina.*

*Cerro, 24th October, 1837.*

MOST EXCELLENT SIR,

I REGRET exceedingly that on the first question that has come before us, I have the misfortune to differ from your Excellency, but I cannot assent to your opinion that the passport referred to in Article 7 of the Instructions, is the same as was required for the Slaves Ships trading to the Line.

The Article 7 says, "de un puerto de las posesiones Espanolas á otro," and I do not recollect any Spanish possession on the coast of Africa.

Nor can I assent to your Excellency's opinion, that though the negroes had been but recently imported from Africa, yet that the papers produced as passports protected the parties carrying them from one island to another. In this case, I consider and believe it all one transaction, the bringing them from Africa to Puerto Rico, and from Puerto Rico to the Havana.

Under these circumstances, I will take leave to call on your Excellency in the morning, to enable the matter to be brought to a decision as speedily as possible.

I have the honour to be, &c.

(Signed)

J. KENNEDY.

*His Excellency*

*The Conde de Fernandina.*

*&c. &c. &c.*

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Sixth Enclosure in No. 26.

(Translation.)

*Opinion of the Spanish Judge in the Case of the "Vencedora."*

Considering,

1st.—That in the Spanish schooner "*Vencedora*" there was not found even one of the things which, according to Art. 10 of the existing Treaty, could have legitimized her detention, and caused it to be presumed that she was engaged in, or destined for, the Slave Trade.

2ndly.—That if she conveyed on board 26 slaves with their corresponding passports, it was in the quality of passengers, included, like the rest, in the *Rol* and Bill of Health; nearly all of them bringing likewise a document, in form of the Bill of Sale, in favour of their respective proprietors in this city.

3rdly.—That these Documents and Passports peremptorily prove the circumstance, that the slaves were not brought for the express and prohibited object of the traffic; but that being already alienated in Porto Rico, they came to join their owners, and in too small a number to admit of other reasonable conception.

4thly.—That the Captain of the "*Vencedora*," even though he neglected to explain to the officers of the British cruizer "*Ringdove*," as they affirm, that 26 of the passengers were slaves, performed his duty by stating the total number of 75, as shewn by the afore-mentioned Documents, and by presenting the Passports granted by the Government of Porto Rico.

5thly.—That the transfer of slaves from one Spanish port to another has not been prohibited by either of the Treaties, but on the contrary, most expressly permitted; since in several of their Articles the case is supposed in which those found on board of detained vessels ought to be restored to their owners.

6thly.—That the only thing pointed out as requisite for such transfer by the 7th Art. of the Instructions annexed to the Treaty of 1817, was a Passport *ad hoc* from the Government of the country; which Article has not been included in the present Instructions, and therefore ought to be considered

without effect, since the Mixed Courts are only obliged to judge according to the stipulations of the last Treaty, as expressly directed in the concluding paragraph of Art. 7, and in the 3rd of Art. 1, of the Regulations of the said Courts.

7thly.—That even admitting the old Instructions to be in force, and the necessity of the Passport *ad hoc*, it is evident that the Government of Porto Rico permitted the removal of the slaves in the first vessel that might offer, by which it indubitably authorised the schooner "*Vencedora*" for the purpose, without the possibility of raising a question as to the validity of the Passports; since they were granted by the competent Authorities, and the Treaty contained no form to which they had precisely to subject themselves.

8thly.—That even supposing, contrary to what appears in the Documents, that this Passport was wanting, its simple absence could never convert into illicit traffic the mere transfer of slaves from one Spanish port to another, without this requisite; and when the most that could be said upon this hypothesis is, that the slaves ought to be returned to the port from whence they came, as improperly exported.

9thly.—Considering lastly, that the clothing used by the slaves during their passage, and their greater or lesser instruction in the Spanish tongue, are circumstances not pointed out in the Treaty, as inducing reasonable suspicion, and cannot consequently establish a charge against the detained vessel.

For all the above reasons I am of opinion, that the schooner "*Vencedora*" ought to be absolved on every point, and restored, together with her cargo, to the Captain and others interested, delivering up the slaves to their owners, and communicating this determination to His Excellency the Captain-General; in order that all the individuals, who have suffered detention in consequence of these proceedings, be immediately set at liberty.

Havana, 25th October, 1837.

### Seventh Enclosure in No. 26.

#### *Opinion of Her Majesty's Judge in the Case of the "Vencedora."*

THE Spanish schooner "*Vencedora*," from Cadiz and Porto Rico to the Havana, having on board 49 Spanish passengers and 26 negroes, was detained on the 14th of October instant, in about latitude 23° 23' N., longitude 80° 58' W., by Her Majesty's sloop "*Ringdove*," Captain Nixon, for having the said negroes on board, and not being provided with such a passport as is required by Art. VII. of the Instructions in the Treaty of 1817.

The evidence of the English officers (denied, however, by the Spaniards), showed, that, upon the discovery being made of the negroes on board, and not till then, three passports, or licenses, were produced from the Government of Porto Rico, authorising certain persons to remove, in one passport, 14 slaves; in the other two passports, 12 (*criados*, or) servants, "by any vessel or opportunity they pleased, or that offered—(*que se le proporcione*). The evidence also showed, that on the ship's "*rol*," or rather that part which we should call the Custom House clearance, at Porto Rico, though 49 passengers are noted, answering to the number of white passengers on board, no reference whatever is made to the 26 negroes! while, on the Bill of Health, the number of passengers is stated to be 75, which is the exact number of the Spanish passengers and negroes together on board.

I do not think that either the Custom House clearance or the Bill of Health can possibly be said to answer to the character of passports granted by the Government. If either, it would be the former, which is defective with regard to the negroes, rather than the latter, which is given as a matter of course, by the Captain of the Port, and, it cannot be doubted, that, if fraud were intended, it would certainly be practised with the former rather than with the latter. The question here, therefore, appears to be whether these passports, giving a licence to certain persons to remove certain negroes in so very indefinite a manner, is sufficient to satisfy what is required by the Article VII. of the Instructions referred to.

I think they are not sufficient, believing that, according to the treaty, it is not only necessary, in the removal of slaves, to have passports for them respectively, as with other persons, but that it is also necessary for the vessel itself to be provided with a special passport for them, to render the conveyance of them lawful.

No words can be clearer than those of the VIIth Article, which are comprised in about two lines—*viz.*, "No conveyance of slaves from one port in the Spanish possessions to another, shall take place, except in vessels provided with passports from the Government on the spot, *ad hoc*." I would note that, in the Spanish version of the Treaty is to be found a word not given in the English, "*expedidas*" (*expedidas ad hoc*); a word, I conceive, of no small import in the consideration of the present question, as strengthening my argument.

Whether it has been the practice to give vessels such passports or not does not alter the question. No neglect of the stipulation can affect its validity, and it may be that no vessels have been engaged in so removing slaves from one Spanish port to another, of late years, so as to render such passports necessary.

But a suggestion has been made, that the stipulation refers only to vessels having slaves on board as a cargo. Supposing this were so, though I do not assent to it, what stronger instance can be found than this of a vessel carrying slaves as a cargo, where the slaves, as is proved by all the evidence, cannot speak a word of Spanish, and know not even the names assigned them, who are not attended by either owner or agent, and of whom some even appear by the produced passports to be consigned to a merchant at Havana? But I cannot find one word in the article giving it so limited a character, nor is it likely that cargoes of slaves should be brought from one port in the Spanish possessions to another, unless they had first been recently imported from Africa, and were sought to be removed by wholesale; which contingency requires discussion hereafter. I cannot, therefore, give this article any so limited an interpretation. My opinion, on the contrary, is, that it was the intention of the two Contracting Powers to guard against the occurrence of ships coming from Africa, which had succeeded in landing their slaves in one place, procuring them to be removed to another more convenient, either in instalments or in cargo. For if this practice were allowed, ships landing their slaves at Porto Rico, to escape from the cruisers, and making that island a depôt, for which its situation for this illicit traffic is so well suited, might smuggle them afterwards into the Havana, as

opportunities offered, by the coasting or other vessels, with still greater impunity than they already have done.

In fact, I believe the Article had in view the very case now before the Court, where it is proved by the evidence, beyond a doubt, that the negroes have very recently been brought from Africa, not only by their being in a state of nudity and emaciation, and by having their heads shaved in the manner of newly imported Africans, but more so by their ignorance of the Spanish language, or even of the names assigned them in the passports, which two last mentioned facts were acknowledged even by the master and two mates of the detained vessel.

But the Conde de Fernandina advances an opinion, that even though they have been recently and illicitly brought from Africa, yet, that having been sold in Porto Rico and sent thence to Havana, under the protection of these passports, the English sloop of war had no right to detain the vessel, and that neither have we the power to condemn it. I differ from this opinion also. Had the slaves been any length of time in Porto Rico it would have been difficult to pronounce the same judgment; but, in this case, where it is evident that they have been very recently imported, I consider the bringing of them from Africa to Porto Rico, and from Porto Rico to the Havana, as all one and the same transaction, notwithstanding the passports manufactured to put a false character upon their importation. I consider, therefore, that if the bringing them from Africa to Porto Rico was unlawful, the bringing them from Porto Rico to the Havana is unlawful also. I consider, upon the same principle, that though the British officers could have had no authority to seize them while in any Spanish possession, yet, that as soon as they were again on the open sea, they came within the operation of that power given by the Treaties to the cruizers of both nations, to take all vessels engaged in promoting the traffic.

Seeing then, that no such passport has been produced as is required by the Treaty, and that the negroes found on board have been very recently, and therefore illicitly, imported from Africa. Seeing also that the Captain of the "*Vencedora*" is the owner of that vessel, and that he was fully conscious of the illegality of his proceedings, as was manifested by his concealing the slaves, or not acknowledging he had them on board, or showing the passports till the discovery was made by the British officers, I cannot come to any other decision than that the vessel was rightly and lawfully detained; and that it must, therefore, be condemned and the slaves liberated. My opinion also is, with regard to the Treaty of 1835, that the case comes within the 6th Article of the Regulations, rather than the 12th Article of the Treaty; and that the schooner "*Vencedora*" and cargo must therefore be sold for the profit of the two Governments.

(Signed)

J. KENNEDY.

6th November, 1837.

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### Eighth Enclosure in No. 26.

(Translation.)

*Sentence in the Case of the "Vencedora."*

In the Always Most Faithful City of Havana, on the 11th day of November, 1837, His Excellency the Conde de Fernandina, Grandee of Spain, &c. &c., and James Kennedy, Esquire, the Spanish and British Judges of the Mixed Court of Justice, established in this City for the prevention of the trade in slaves, together with His Excellency Don Juan Montalvo y O'Farrill, &c. &c., the Spanish Arbitrator of the said Court, who was drawn by lot in conformity with the Treaty, having examined the proceedings consequent upon the detention of the polacra schooner "*Vencedora*," Don Antonio Lloret, Master, by the English brig-of-war "*Ringdove*," Horatio Stopford Nixon, Commander, in latitude 23° 23' N. and longitude 80° 58' W., with a cargo of produce (frutos) and 26 negroes from Porto Rico, and with other effects, which being examined by the Captor he found the Muster-roll, the Passports of the passengers and negroes, as also the Certificate from the Municipal Board of Health at Porto Rico, which is annexed to the proceedings, and taking into consideration all this Evidence, on which the investigation of the Case was submitted to the Mixed Court, according to Art. 4. of Annex. B, and conducted in the order therein expressed; and the said Judges having met to pronounce definitively as to the legality or nullity of the capture, and disagreeing thereon, lots were drawn for a third, which nomination fell upon His Excellency Don Juan Montalvo, to whom the proceedings, together with the opinions of the Judges, which are inserted at pages 78 and 86 were referred, and having carefully considered them, together with the other circumstances referred to, His Excellency stated that he repeated the same determination as His Excellency the Conde de Fernandina, to whose opinion, which is that at page 78, he adheres entirely; and which will be held as the definitive Sentence given in the case of the "*Vencedora*," according to the termination of the 7th Article of the Treaty of the 28th June, 1835, which, being the latest, is that which governs. It must be noted that during this meeting and after determining upon the principal points, a conference was likewise held upon the communication of Commander Nixon, at pages 73 and 75, which was forwarded by Mr. Kennedy, in his official letter at page 70.

Whereupon, after having again considered the antecedents upon which the Sentence was founded, which the said Mr. Kennedy dilated upon verbally, and His Excellency the Conde de Fernandina in a Letter comprised of 6 Articles, and the Judges disagreeing in their opinion, His Excellency the Arbitrator stated that the definitive Sentence being pronounced, there ought to be no alteration made as to its fulfilment and execution, according to the said Article 7, as otherwise delays would be occasioned which by the Treaty are to be avoided by all means, and whatever else is set forth in the said Letter of His Excellency the Conde de Fernandina, which he likewise adopts in this particular case. And by this their Sentence definitively pronounced, thus the Judges and Arbitrator signed and ordered in the presence of the Secretary who certifies, as also that the costs are to be defrayed according as the Treaty directs.

(Signed)

EL CONDE DE FERNANDINA.  
J. KENNEDY.  
JUAN MONTALVO.

(Signed)

LUIS PAYNE, as Interpreter of the Government.  
JUAN FRANCISCO CASCALES, Secretary.

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## Ninth Enclosure in No. 26.

Commander Nixon to Her Majesty's Commissioners.

22nd October, 1837.

(See Enclosure No. 1 in No. 25.)

## Tenth Enclosure in No. 26.

Commander Nixon to Her Majesty's Commissioners.

Her Majesty's Ship "Ringdove," Havana, October 24th, 1837.

GENTLEMEN,

SINCE my Letter to you of the 22nd instant, I have received further information relative to the "Vencedora," which exhibits a new case of barbarity never surpassed in the annals of this atrocious traffic.

In my former Letter I told you of a black woman, speaking English, having been informed by the negroes they were direct (about 2 moons) from Africa, and knowing that the "Vencedora" was from Cadiz, I took for granted they had been purchased at Porto Rico and sent on here; but on questioning the negroes since, they all declared most solemnly, men and women, boys and girls, they had never been in another vessel, and swore to it, after the custom of their own country. Never conceiving the utter barbarity of their having been shipped at the Rio Congo, taken round by Cadiz, and concealed below while there and the whole passage, I confess I thought they were in some error, but I have since ascertained they were correct, and that the "Vencedora,"

1st. Had 3 iron coppers between Cadiz and Porto Rico, and that they were there sent on shore and the present ones supplied;

2nd. That quantities of Rice and Indian Corn were daily cooked on the passage to Porto Rico;

3rd. That the foremast passengers were prohibited going below until they arrived at Porto Rico, and that when any individual wanted a change of linen, one of the sailors went below to procure it.

4th. That when the "Vencedora" arrived at Porto Rico the passengers landed to buy provisions and necessaries, and on returning on board they found negroes on deck, and were told by the people of the vessel that the negroes were brought from on shore for a passage to Havana, that the white passengers remonstrated with the Captain on the impropriety of embarking slaves, to which he replied that they might do as they pleased, but that he should persist in carrying them to Havana.

5th. That between Cadiz and Porto Rico the passengers were daily sensible of disagreeable smells from below, and that on their arrival at Porto Rico a number of earthenware jars (such as might be used for necessary purposes for persons concealed between decks) were sent out of the ship.

From the above circumstances, and the steady unvaried declaration of the negroes, however appalling the fact, I believe the "Vencedora" shipped a cargo of slaves at Rio Congo, took them round by Cadiz, thence to Porto Rico, where the others were disposed of; got the illegal passports (as I believe) from the Governor of Porto Rico, for the 26 negroes Mr. Shepherd found concealed below, and which caused me to detain the "Vencedora." I have, therefore, to reiterate my request for the production of the log, and the strict examination of the vessel, her cargo, and crew, and the negroes.

I have, &c.

(Signed)

H. STOPFORD NIXON.

## Eleventh Enclosure in No. 26.

Her Majesty's Commissioners to Commander Nixon.

26th October, 1837.

(See Enclosure, No. 4 in No. 25.)

## Twelfth Enclosure in No. 26.

Mr. Kennedy to Count Fernandina.

Cerro, 25th October, 1837.

MOST EXCELLENT SIR,

I HAVE the honor to enclose you a Copy of a Letter received this morning from Captain Nixon, of Her Britannic Majesty's sloop "Ringdove," detailing information of such a nature, that I am sure your Excellency will agree with me in the propriety of the Mixed Court of Justice meeting again, for the further consideration of the case of the "Vencedora."

Waiting your pleasure on the subject,

I have the honour to be, &c.,

(Signed)

J. KENNEDY.

To His Excellency the Conde de Fernandina,  
&c. &c. &c.

## Thirteenth Enclosure in No. 26.

(Translation.)

Count Fernandina to Mr. Kennedy.

SIR,

Havana, October 28th, 1837.

ON consideration of the new Communication of Captain Nixon, which you were pleased to transmit to me in your official Note of the 25th instant, I fully agree that the Mixed Court ought to meet again, to determine on what is necessary; and, as in the present case, His Excellency Don Juan

Montalvo is an integral part of the Court, in consequence of the difference of our opinions, we will therefore meet again, as soon as His Excellency, when acquainted with the proceedings, shall give notice that he is ready to confer on the question at issue.

God preserve you many years,

James Kennedy, Esq.  
&c. &c. &c.

(Signed) EL CONDE DE FERNANDINA.

Fourteenth Enclosure in No. 26.

*Mr. Kennedy to Count Fernandina.*

MOST EXCELLENT SIR,

*Cerra, 3rd November, 1837.*

WITH reference to your Note of the 28th October, on the subject of taking into consideration the further evidence to be had respecting the voyage and equipments of the "*Vencedora*," I beg to acquaint your Excellency that I am now prepared to attend the Court, whenever it may please your Excellency to appoint.

With regard, however, to that part of the Note in which your Excellency seems to express an opinion that Don Juan Montalvo is now an essential Member of the Court, I must beg to express my decided dissent.

His Excellency Don Juan Montalvo was drawn as Arbitrator, upon our disagreeing as to the Sentence to be passed, to arbitrate upon the evidence already received, and that only, and I cannot, upon any consideration, come to the conclusion, that he is empowered to sit in judgment upon any other questions than those on which we disagreed. On the contrary, I consider that if, unfortunately, other subjects of difference should arise, it would be our duty to draw the lots again to decide which of the two Arbitrators should be called upon.

I have, &c.

(Signed)

J. KENNEDY.

His Excellency the Conde de Fernandina,  
&c. &c. &c.

Fifteenth Enclosure in No. 26.

*Count Fernandina to Mr. Kennedy.*

(Translation.)

SIR,

*Havana, 4th November, 1837.*

IN reply to your official Note dated yesterday, which I have just received, I have to inform you that the proceedings relative to the detention of the schooner "*Vencedora*" must, in due course, be referred to the Arbitrator drawn by lot; and that, in my opinion, the nomination of the said gentleman is co-extensive with the totality of the Case. In effect such is the evident spirit of the Regulation for the Mixed Courts inserted in the Treaty, without, either directly or indirectly, indicating therein the necessity of repeating the drawing of lots on each one of the points of doubt that may occur. But, setting aside for the present this difficulty, that which does not admit of a doubt is, that neither you nor I have the power of depriving His Excellency Don Juan Montalvo of the right he has acquired of sitting with us on the Case; and as soon as his Excellency shall have exercised this right, all further discussion will probably be useless. Therefore, whenever his Excellency shall make known that he is ready to confer, I will give you timely notice, in order that we may meet again.

God preserve you many years,

(Signed)

EL CONDE DE FERNANDINA.

James Kennedy, Esq.  
&c. &c. &c.

Sixteenth Enclosure in No. 26.

*Mr. Kennedy to Count Fernandina.*

MOST EXCELLENT SIR,

*Havana, 11th November, 1837.*

THE Judgment of the Mixed Court having now been pronounced on the Case as it was originally presented before us, I have now formally to request your Excellency to appoint immediately another meeting, to consider the additional evidence which has been offered on the part of the Captor, or that your Excellency will be pleased to place the reasons you before gave in refusing it on the file of proceedings.

Should your Excellency persist in this refusal, it will be my duty to call for the decision of the Arbitrator, though I trust your Excellency, on further consideration, will render this unnecessary.

The Mixed Court is a Court without appeal, unfettered by forms, and possessing extraordinary powers for the effectual prosecution of traffickers in slaves, and I feel assured, that the utmost indignation will be excited in both the Courts of Spain and England, if the fullest inquiry be not allowed.

The charge against the "*Vencedora*" is undoubtedly the most deserving of inquiry, as the crime alleged is the most atrocious ever yet brought before the Court, and it is, in my opinion, due to all parties to have the fullest investigation.

I have, &c.

(Signed)

J. KENNEDY.

His Excellency the Conde de Fernandina,  
&c. &c. &c.

Seventeenth Enclosure in No. 26.

*Count Fernandina to Mr. Kennedy.*

(Translation.)

SIR,

*Havana, 15th November, 1837.*

IN the Conference held with his Excellency Don Juan Montalvo on the 11th instant, the only question touching the Mixed Court was definitively resolved, by absolving the schooner "*Vencedora*" in an irrevocable manner; and, moreover, it was declared that there was no ground for any inno-



vation, in consequence of the last communication of the Commander of the "Ringdove," which was taken into consideration. It is thus stated in the proceedings, as you may remember, and can see by application to the Secretary's Office; so that all you express in your official Letter of the 11th instant is already done. According to the 4th Article of the Regulations annexed to the Treaty, the Resolution adopted, with the assistance of the Arbitrator, is final; and would fail to be without appeal, if, by any circumstance, it could remain without effect; more particularly after its publication and communication to his Excellency the Captain-General, for the purpose of liberating the individuals who were in custody. I believe, therefore, that if you insist in your opinion, contrary to that of the Arbitrator and my own, it cannot influence the proceedings, and that the Court has no other powers than to carry into effect what is determined on. Our authority is not, in my opinion, to persecute, but to judge; it has a limit, which is not a form, in the act of having sentenced without appeal, and we cannot open anew a question already decided; which I state to you in reply to your said official letter.

James Kennedy, Esq.  
&c. &c. &c.

God preserve you many years,  
(Signed) EL CONDE DE FERNANDINA.

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Eighteenth Enclosure in No. 26.

(Translation.)

Count Fernandina to Mr. Kennedy.

Sir,

Havana, 11th November, 1837.

In the 9th paragraph of your opinion of the 6th instant, relative to the detention of the schooner "Vencedora," I observe that you refute, as an opinion of mine, the doctrine that Her Britannic Majesty's cruiser lacked the power to detain the vessel conveying slaves, even though they were introduced into Porto Rico illicitly and recently, supposing this to be the case in the present instance. I do not recollect having sustained this doctrine either by word or writing. Perhaps some want of explanation on my part has led you into this mistake; and although it is not essential in the present affair, I consider it my duty to make it known to you for your information, and in order that at no time my opinion may appear to be anticipated, whatever it may be, upon a case which I believe is not before us.

For the present question it sufficed for me to consider, that the Treaty of 1817 is not directed to be observed by the Mixed Courts in that of 1835, and that the 26 slaves came included in the Roll from Porto Rico, since in effect it is therein stated, that at that place 4 of the 29 passengers from Cadiz were landed, and 50 more embarked, not 49, so that the entire number of passengers was always 75.

God preserve you many years,

(Signed) EL CONDE DE FERNANDINA.

To James Kennedy, Esq.  
&c. &c. &c.

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Nineteenth Enclosure in No. 26.

Mr. Kennedy to Count Fernandina.

MOST EXCELLENT SIR,

Havana, 17th November, 1837.

AFTER the refusal by the majority of the Court to allow an investigation of the additional evidence and further charge, offered by the commander of Her Britannic Majesty's sloop "Ringdove," against the schooner "Vencedora," I should not have written again on the subject, but for the Declaration in your Letter of the 11th instant, that I had mistaken your Excellency on a part of the case which in my opinion was the principal, if not the only question, before us. On this question, therefore, as it appears to me highly important that no mistake should exist, I think it due to your Excellency, and also more especially to myself, to state the grounds upon which I so represented your opinion.

I certainly understood your Excellency, not only at the first conference, when together alone, but also afterwards at the second conference, to repeat the opinion, which I understood was assented to by His Excellency Don Juan Montalvo, that the case of negroes recently brought from Africa into Porto Rico, and sent thence to the Havana, under the protection of a Passport, was not provided against by the Treaty, and that an additional Clause, therefore, must be added hereafter, if it should be required to take them out of the protection of such Passport, so as to empower the Cruizers to detain them.

In this understanding of your opinion I was confirmed by your Excellency's Letter of the 24th October, in these words: "Si los esclavos estaban ó no desnudos, y sabian ó no el idioma Castellano, son tambien circunstancias que nada prueven." And again, in your Excellency's judgment, dated 25th October, but which I did not see till the 9th November, "Considerando por ultimo, que los vestidos de que usasen los esclavos durante la navegacion, y su mayor ó menor instruccion en el idioma Castellano, son circunstancias no previstas en el Tratado p<sup>a</sup> inducir justa sospecha, y no pueden p<sup>r</sup> consiguiente fundar un cargo contra la embarcacion detenida." These words your Excellency repeated at both these conferences, and I then stated, that I considered these circumstances as proving everything against the detained vessel, and that it was unnecessary to have them inserted in the Treaty for our guidance. I stated that I considered the question of the defective Passport as of minor consequence, inasmuch as that defect might have existed, without any intention on the part of the Spanish captain to commit a fraud upon the two Governments, but that the state in which the slaves were found, and their ignorance of the Spanish language, or even of their pretended names, satisfactorily proved they had been recently, and therefore illicitly, brought from Africa, and so placed it within the power of the Cruizers to detain the vessel conveying them.

As your Excellency now admits that slaves brought thus recently, and therefore illicitly, from Africa, may be detained by the Cruizers, I confess I cannot understand how this acknowledgment can be reconciled with the judgment of the majority of the Court. Here are slaves, beyond all doubt recently brought from Africa,—here is a palpable fraud attempted to be practised upon the Spanish

Government by colourable Passports; your Excellency admits they may justly in such case be detained by the Cruizers, and yet the vessel so bringing them is freely discharged by the decision of the Court!

So much upon the first aspect of the case, sufficiently deserving of punishment in itself, but presenting no feature of peculiar iniquity. The second charge, however, is quite of another and almost incredible character for atrocity, namely, that of having actually come from the coast of Africa with the slaves on board, by way of Cadiz, and having them confined most miserably from the view of the passengers taken on board at Cadiz, under circumstances most appalling, considering at what sacrifice it must have been of human suffering and human life!

Your Excellency says it is our duty not to persecute but to judge. I trust it is as far from my inclination to persecute, as I am sure it is from your Excellency's to screen any one engaged in this traffic; but my ideas of duty are, that we should investigate every case to the utmost, where there is any reasonable suspicion of the parties being illicitly engaged in it.

In this case I cannot doubt it will be unhesitatingly believed that the new charge against the "*Vencedora*" was well founded, and the parties therefore justly deserved the severest punishment. If the charge is not just, they are unfortunate in not being allowed to clear up the imputation against them, which I must again repeat I consider as the gravest ever offered to the attention of the Court, and therefore deserving of its most serious consideration.

There is one other part of your Excellency's letter requiring remark, wherein your Excellency denies the validity of the first Treaty, by reason of its being superseded by the second. This opinion, now advanced for the first time, is so contrary to that held by the Government of Her Britannic Majesty, that I would suggest to your Excellency the advisability of applying for instructions from the Government at Madrid respecting it. Every reasonable consideration, on the contrary, that can be given to the subject, appears to us to shew that the first Treaty is in as full force as the second, except where expressly altered, and that the second was only intended to strengthen the first. As other questions of the same nature may hereafter arise in dispute, I should have felt it my duty decidedly to assert the continuance in full power and efficacy of the Treaty of 1817, except where it is inconsistent with the Provisions of the Treaty of 1835, though desirous of avoiding every subject of debate.

I have, &c.

(Signed)

J. KENNEDY.

To His Excellency the Conde de Fernandina,  
&c. &c. &c.

### Twentieth Enclosure in No. 26.

(Translation.)

*Opinion of the Conde de Fernandina respecting Commander Nixon's Communication of the 24th October, 1837.*

Havana, 11th November, 1837.

THE last Communication made by the Commander of the English Cruizer, can in no wise alter the resolution which ought to be pronounced.

1st.—Because the evidence of the slaves is not admissible against their owners, much less in their own cause, they being perhaps already advised that they would recover their freedom by declaring in a determined manner.

2ndly.—Because the proceedings were concluded and about to be resolved upon, both judges having pronounced their sentence, although disagreeing on the terms; and all the laws prohibit that, in such a state of things, proofs and justifications be entered on anew.

3rdly.—Because, according to the Treaty, the Courts ought to judge upon the examination of the Papers of the Vessel and of its principal Officers, leaving to their discretion to examine also or not the Officers of the capturing vessel, if they should consider it necessary (Art. 4 of the Regulations.)

4thly.—Because the facts referred to in the said communication are too slightly probable to admit, on such doubt, of the positive and considerable damage, which would result from the delay of a lengthened proceeding.

5thly.—Because these facts, even though they should acquire a degree of probability, could never influence the essential question of the "*Vencedora*" having been legally or illegally detained.

6thly.—And finally, because on good principles, as soon as a judge pronounces his sentence, he is deprived of the power of innovating in the case; and according to the before mentioned Regulation there is no arbitration for anything else than conferring with the third, and ratifying or altering the first, resolution.

(Signed)

EL CONDE DE FERNANDINA.

### Twenty-first Enclosure in No. 26.

(Copy.)

*Protest of Her Britannic Majesty's Judge, on the Refusal by the Majority of the Court to entertain the further Charges offered by Captain Nixon against the "Vencedora;" and Reasons for dissenting from the Judgment of his Excellency the Conde de Fernandina.*

1st.—BECAUSE that, supposing the accusation to be well founded of the negroes having been brought directly from Africa, they cannot have owners against whom to give evidence, and the evidence of slaves is certainly admissible, according to precedent, though, as in their own behalf, to be taken with due caution; but, on this principle, the evidence of the Officers of detained vessels must also be taken with due caution, as given on their own behalf, under the strongest bias, the fear of punishment. With regard to the suggestion of the negroes being advised what evidence to give, it is not, in my opinion, for the Court to anticipate such a culpable possibility.

2ndly.—The proceedings were concluded upon a charge totally and essentially different from the second. The first amounted only to fraud, in assisting those engaged in the illicit traffic, by bringing furtively from Porto Rico to the Havana negroes recently brought to the former Port from Africa. The present accusation is for an offence more heinous, that of having actually brought the negroes from the Coast of Africa by way of Cadiz, and having had them confined below deck from the view of the passen-

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gers taken on board at Cadiz, so as to occasion necessarily much human suffering and even great mortality.

3. The treaty states imperatively that the Court shall examine the Papers and crew of the detained vessel, but it also leaves it to the discretion of the Court to take what other evidence they think proper; and I consider it our duty to take all we can procure, and judge afterwards of the weight to be attached to all or any part of it.

4. No reasonable objection, in my opinion, can be made on the ground of delay, as the utmost could only be of 2 or 3 days.

5. The corresponding Article of the opinion of his Excellency the Conde de Fernandina, consists of a dictum which I cannot understand, except upon the doctrine that the Passports obtained at Porto Rico protected the vessel from detention under any circumstances; or surely if it was shown that the vessel had actually brought those negroes from Africa, that circumstance could not have failed to influence the question whether the "*Vencedora*" had been legally or illegally detained.

6. The last objection has already been met by the answer to the 2nd Article, in addition to which it should be observed, that the Mixed Court is not bound by any forms or particular directions, while their proceedings are ordered to be taken as summarily as possible, evidently that offenders may not escape from an over great regard to technicalities. The very circumstance, too, of the judgment being without appeal, must shew that the more careful consideration and strict investigation ought to be given to every case.

On these grounds I feel it my duty to protest against this denial of a just demand for a further investigation of the case of the "*Vencedora*," and require this Protest accordingly to be entered upon the proceedings.

(Signed) J. KENNEDY.

Havana, 18th November, 1837.

No. 27.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Rec. 1st Jan., 1838.)

MY LORD,

Havana, 27th November, 1837.

WITH reference to the last Despatch of Her Majesty's Commissioners of the 31st July, respecting the case of the "*Matilde*," we have the honour to inform your Lordship, that we have as yet received no further communication from his Excellency the Captain General.

Should no satisfactory reason for the delay come soon to our knowledge, we shall feel it our duty to write again to His Excellency, to remind him of the subject.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 28.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, 5th January, 1838.

I HAVE received your Despatches to that of the 27th of November last, inclusive.

With reference to your Despatch of the 10th October, containing your Correspondence with Lieut. Jenkin, commanding the "*Romney*" hulk, relative to a Negro who had secreted himself on board that vessel, and whom Lieut. Jenkin had given up to the local Authorities, I have to acquaint you, that the course pursued by Lieut. Jenkin in this case appears to me to have been right and proper.

I have, &c.

(Signed)

PALMERSTON.

*Her Majesty's Commissioners,*

&c.

&c.

&c.

No. 29.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, 8th January, 1838.

WITH reference to your Despatch of the 23rd September, 1837, respecting the refusal of the Captain-General of Cuba to allow the Black Marines, on duty on board of Her Majesty's hulk "*Romney*," to go on shore at the Havana, I herewith transmit, for your information, Copies of my Correspondence with Her Majesty's Minister at Madrid upon this subject; by which you will learn, that the

Spanish Minister has promised to give such Instructions to the Captain-General, as may be calculated to lead to an arrangement of these differences, in such a manner as may be compatible with the tranquillity of the Island of Cuba.

I have, &c.  
(Signed) PALMERSTON.

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

Enclosures in No. 29.

Viscount Palmerston to Sir G. Villiers.  
November 14, 1837.

Sir G. Villiers to Viscount Palmerston.  
December 10, 1837.

(See Class B. of First Series, Nos. 29 and 33, pp. 24 and 27.)

No. 30.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. Jan. 31, 1838.)

MY LORD,

Havana, 30th November, 1837.

THE following is a list of the vessels that have cleared out from this Port, for the coast of Africa, during the last month.

2nd November,	—	Portuguese schooner,	"Ligera."	—	For the Isla de Principe.
7th	"	Swedish brig	"Victorina"		Cape de Verd,
18th	"	Portuguese brig	"Vigilante"	"	Loando.
25th	"	American schooner	"Cleopatra"	"	Cape de Verd.
	"	Portuguese schooner	"Sin Igual"	"	Cape de Verd.
30th	"	Portuguese brig	"Triunfo de Loando"		San Tomé.

Of these the "*Cleopatra*" and the "*Sin Igual*" are entered in the names of the great Slave Dealers, P. Martinez and Co.

During the month, the following vessels have arrived from the Coast of Africa.

November	"	Portuguese schooner,	"Manuelita."
"	"	"	"Dos Hermanos."
"	16th	"	"Olimpa," Silva, Master.
"	25th	"	Name unknown.
"	28th	"	"Veloz," Lima, Master.
"	30th	"	"Maria Teresa," Malo, Master.

Your Lordship will perceive, that all these vessels sail now under the Portuguese Flag; though there is no doubt that most, if not all, are manned and owned by Spaniards.

In addition to these, it may be right to add, that Lieut. Jauncey, now here in charge of the Spanish schooner "*Matilde*," has brought information of the "*Arrogante*," a vessel manned entirely by Spaniards, but under the Portuguese Flag, having been captured, with 409 negroes on board, off Cape Antonio, by Her Majesty's sloop "*Snake*;" and it is further reported here, that the "*Urraca*," also under Portuguese Colours, has been taken by her Majesty's sloop "*Ringdove*," with 518 negroes on board, and sent on to Sierra Leone.

We have, &c.  
(Signed) J. KENNEDY.  
EDWARD W. H. SCHENLEY.

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

No. 31.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. January 31, 1838.)

MY LORD,

Havana, 20th December, 1837.

WE have the honour to enclose a copy of a letter, addressed to the Mixed Court of Justice by the Captain and Master of the schooner "*Vencedora*," liberated by its Decree, as reported to your Lordship in our Despatch of the 22nd ultimo, claiming compensation for the detention of that vessel, and also for a number of articles, provisions, charts, wearing apparel, and part of the cargo, which he alleges

were taken away while it was under the charge of the officers of Her Majesty's sloop "Ringdove." Of these articles a barrel of wine, and another of spirits, were taken away intentionally, by Captain Nixon, for safe custody, but on their being sent back to the "*Vencedora*," after sentence of acquittal was passed, the Master refused to receive them, as will further appear by the Enclosure No. 2.

The Court met on the 12th instant, to consider of the demands, when Her Majesty's Judge being of opinion, that they had no power to adjudicate beyond the Treaty, suggested, that a Commission should be issued, directing Don Francisco Cascales, the Secretary of the Court, and Mr. R. B. Jackson, the Secretary to the Commissioners, to inquire and report what loss had been incurred by the detention, as provided for by the Treaty, and further what loss had in any probability been suffered, as alleged, in the articles deficient upon the vessel being given up. His Excellency the Conde de Fernandina agreeing to this suggestion, a Commission was issued, and the Inquiry will be proceeded with immediately.

With reference to this Inquiry, the purpose of this Despatch is to request your Lordship's Instructions, as to the manner in which the payment is to be made for the detention, and whether we may include such compensation as may appear reasonable for the alleged deficiencies.

That some portion of the provisions were used we have no reason to doubt; and that some other articles might have been taken away is not improbable, considering there were 49 Spanish Passengers left on board, after the Master and Crew were given into the custody of the local Authorities; but there is still less doubt that there is considerable exaggeration in the demands, which it will be our duty to reduce to what is apparently consistent with justice. The difficulty is further increased by the absence of the officers of the "Ringdove," and the demands not having been made to us until after their departure.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

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First Enclosure in No 31.

*The Master of the "Vencedora" to the Mixed Court.*

(Translation.)

*Havana, 7th December, 1837.*

DON ANTONIO LLORET DE JAYME, Captain and Master of the polacca "*Vencedora*," which, coming from Cadiz and Porto Rico, was seized by Her Majesty's brig "Ringdove," respectfully states to your Excellency and your Honour, that the capture of the vessel being declared bad, and its delivery, under the formalities required in such cases, being directed, it has been carried into effect in the terms shewn by the inventory herewith enclosed. The results have proved, as might be expected from the conduct observed by the captor, against the Laws and Treaties relative to the matter, a conduct highly reprehensible on the principles of all justice, and as regardless of the sacred rights of property and national decorum as offensive to the English Flag itself.

This Flag, hoisted on board the "*Vencedora*" from the moment of her irregular detention, was certainly a token of scandalous pillage, which, consummated without awaiting the result of the proceedings on the capture, was an unpardonable aggression against the faith of the Treaties, and an ostensible insult to the honour of both Flags.

By the annexed note of the inventory of delivery, enormous deficiencies are accredited, which, together with the other expenses and damages incurred, as are shown by the 11 Documents also annexed, must be fully indemnified under the guarantee of the established protests, the effects found to be wanting being previously valued by skilful persons, to be named by the Commander of the capturing brig and the writer, in order to avoid all suspicion of fraud or excess in the reclamation.

This reclamation is based upon the contents of the note of delivery which the English Officer who was on board offered to confront, and who commissioned a person of his confidence to be present during the discharging of the vessel, which person, however, did not appear at the given time, as the public Interpreter of the Government and Captaincy-General, who was summoned to attend, can declare.

Such like informality, coupled with the last Paper herewith sent, and by which it was pretended to make delivery, under a receipt of a portion (porcion) of aguardiente and wine, imposes upon the writer the indispensable necessity of seeking the protecting authority of your Excellency and your Honour, in order that on an investigation of the serious deficiencies, their immediate restitution and indemnification may be provided for, on the judgment of skilful appraisers, with whatever other demonstrations the Tribunal may be pleased to direct; and in order that, while serving as an example of correction for the future, the Treaties be inviolably fulfilled, individual property be respected, the national decorum be preserved unsullied, as well as the outraged honour of the respected Flag of England.

The assertion that the Prize-master did not exact, as he should have done, the contents of the delivery, is surely sufficient to convince of the irregularity with which he proceeded, and the imperative necessity of obliging him to perform his duty. He put on board a person in his confidence, to be present during the discharging, which he also daily attended in person; consequently he witnessed the

deficiencies whilst unloading, as well as the broken locks of the boxes belonging to the Officers and crew: notwithstanding he was informed by the Interpreter that he ought to appoint a person in his confidence to make the inventory; that in fact such person was appointed; that he himself took account of the proceedings, and offered finally to agree with the writer as to closing it in due form. Far from doing so, he absented himself from the vessel, and it became impossible to terminate the business with the solemnity required by the judgment of this Tribunal. The writer, therefore, full of confidence and respect for your accredited rectitude, prays that your Excellency and your Honour, having before you the annexed documents, and taking the report of the Government Interpreter, will be pleased to direct the valuation and liquidation of the deficiencies and damages by skilful appraisers to be named by the writer and the Tribunal, in the event of the Prize-master not doing so; as also that the amount be immediately paid in this place, as the vessel cannot continue her voyage for want of these funds, so urgent and of the utmost necessity for her refitting.

Demanding justice, the writer subscribes himself to be,  
(Signed) ANTONIO LLORET DE JAYME.

To the Judges of the Mixed Court of Justice.

Second Enclosure in No. 31.

Commander Nixon to Her Majesty's Commissioners.

GENTLEMEN,

Ringdove, November 24th, 1837.

After my Note to you of yesterday, relative to some wine and spirits removed from the "*Vencedora*" on board here for safety, having learned where she was, I sent the casks to her. Her Master not being then on board, the person in charge declined receiving them. I sent them a second time, when Don Antonio Lloret was there, who also declined receiving them. I shall, therefore, send them on board the "*Romney*," in charge of Lieutenant Jenkin, to await your instructions relative to them as I go to sea, if wind permits, in the morning.

To Her Majesty's Commissioners, Havana.

I am, &c.  
(Signed) H. S. NIXON.

No. 32.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. Jan. 31st, 1838.)

MY LORD,

Havana, 20th December, 1837.

WITH reference to the numerous allegations constantly made here, as well as at Sierra Leone, of deficiencies in the equipments of slave vessels taken by our cruizers, we think it our duty to state to your Lordship, that we have heard with considerable astonishment of a right claimed by the Navy, under the Articles of War, Section VIII., to take from prizes whatever may be found in them relating to navigation, and which happen to be required in the capturing vessel, including charts, chronometers, and sextants.

As this practice may lead to considerable abuse, and is certainly open to much misrepresentation, we think it right to submit to your Lordship, whether the subject should not be taken into further consideration at the Admiralty, and other instructions be issued to the cruisers, as regarding vessels detained for being engaged in the Slave Trade.

We have, &c.  
(Signed) J. KENNEDY.  
EDWARD W. H. SCHENLEY.

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

&c. &c. &c.

No. 33.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. Jan. 31st, 1838.)

MY LORD,

Havana, 21st December, 1837.

WE have the honour to enclose copies of the further Correspondence which has taken place between the Mixed Court of Justice and the Spanish Authorities, on the subject of the schooner "*Matilde*," as with reference to the Despatches from the Commissioners of the 31st of July and the 27th of November.

Your Lordship will perceive from the enclosure No. 4, that the General of Marine still persists in an endeavour to evade the real point at issue, by insisting upon a question of form as to the mode of being addressed by the Mixed Court, though, as the dispute has been submitted to the Government at Madrid, it may, perhaps, be most advisable now so to leave it, especially that the same vessel has

since been captured and condemned, as will appear by our other Despatch of this date.

This circumstance, also, will give the fullest answer to the allegations contained in the statements of the Marine Department at Santiago de Cuba, and afford the most conclusive evidence of the little reliance to be placed on the good faith of some of the inferior Authorities in this country.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

### First Enclosure in No. 33.

(Translation.)

*The Mixed Court to the Captain-General.*

MOST EXCELLENT SIR,

*Havana, 4th August, 1837.*

By your Excellency's Official Letter of the 22nd of last month, we are informed that the Commandant-General of this Station has determined to instruct the Commandant of Cuba to cause the schooner "*Matilde*," with her crew and a suitable escort, to be sent to this Port, and placed at the disposal of this Mixed Court of Justice; wherefore we are persuaded that it will be effected as soon as possible. But to prevent future delay, we beg leave to recommend to your Excellency's notice the 4th Article of Annex B., in order that the capturing Commander may be advised to appear and make declaration as to the special circumstances of the case, and with reference also to the 3rd Article of Annex A. We ought here to conclude our reply to the aforesaid Official Letter of your Excellency; but seeing that the Commandant-General of this Station insists that this Mixed Court has passed over in silence its reply to the proceedings adopted by the Commandant of Cuba, which your Excellency was pleased to forward to us in an official Letter dated the 17th June, and also the complaint which he makes, that we refused to take his communications into consideration by pretending to disown his authority, we are enabled to recal your Excellency's attention to the Letter which, under date of the 19th of the same month, we forwarded in reply thereto, wherein these indications are replied to by pointing out the preceding cases, in which it appears that the Commandants-General up to the present time have expressed no doubt, complaint, or reclamation at our having applied to your Excellency to cause the condemned vessels to be appraised by the principal Masters of the Royal Arsenal; that is to say, that this Mixed Tribunal has never in the slightest degree pretended to disown the rank or authority of his Lordship, (su Sria) and still less to offend him, but has only strictly adhered to the rule observed since its establishment; which is to correspond directly with your Excellency as the chief authority of this Island, as we stated in our before-mentioned Letter of the 19th June.

God preserve, &c.

(Signed)

EL CONDE DE FERNANDINA,  
E. W. H. SCHENLEY.

*To His Excellency*

*The President-Governor and Captain-General.*

### Second Enclosure in No. 33.

(Translation.)

*The Captain-General to the Mixed Court.*

MOST EXCELLENT SIR,

*Havana, 9th September, 1837.*

UNDER date of the 29th August last, the Commandant-General of Marine writes me as follows:—

"Most Excellent Sir,—As soon as received your Excellency's official Letter of the 23rd instant, in which you are pleased to insert one from the Mixed Court of Justice, referring to particulars relative to former correspondence on the subject of the detention of the schooner "*Matilde*" by the pilot-boat "*Teresita*," of the Cuba Station, I referred it to the Auditor of War of the Marine of this Station. Two days after I received another, from the Commandant of Marine of the Province of Cuba, upon the same subject. This I likewise referred to the Assessor for his advice, which he has given in the following terms:—' Senor Commandant-General.—With a difference of two days between each, I have received for my opinion the official Letter of His Excellency the President, Governor, and Captain-General, of the 23rd instant, transcribing one from the Mixed Court of the 4th, and the previously dated Letter from the Commandant of Marine of the Province of Cuba, inserting the opinion of the Assessor of that district, consequent upon your commands to remit immediately to this Port the schooner "*Matilde*.' If the official Letter of the Mixed Court contained no other indication than what relates to the conduct of the said vessel, I would limit myself to advising you, in reply, to remit a Copy of the above-mentioned Opinion of the Assessor of Cuba; but as that Tribunal, in order to arrive at the definitive resolution it adopted, of not corresponding with you, nor taking into due consideration your communications, refers to precedents which it is proper to explain as a precaution for future occurrences, I consider it very opportune to make a brief observation thereupon. The Mixed Court refers to its custom of corresponding exclusively with His Excellency the Governor and Captain-General, even for the citation of the principal Masters of the Royal Arsenal, whenever it has been necessary to fix the value of the captured vessels. This solitary case only proves that the Commandants-General, in a matter of such trifling import, choose to sacrifice a small portion of their privileges to the desire of not putting any obstacle whatever in the way of the performance of the duties of the Mixed Court; but this cannot in any way serve as a rule in the case now before us (as different in its nature as its circumstances), for not having entered upon the discussion you proposed with such frankness and good faith, and which might have prevented the disagreeable necessity of

calling the attention of the Supreme Government to this affair. Because the Commandants-General, for the reasons expressed, have chosen to tolerate the citation of the principal Masters without the Mixed Court applying to their authority, as it should have done, it cannot be inferred that they renounce the right; or, more correctly speaking, that they should forget the very sacred duty, of supporting their jurisdiction in other grave and delicate particulars, wherein the national commerce or the respectability of our forces are interested; and, consequently, the argument deduced from that circumstance, in order to make good the resolution adopted on the point before us, and which has called forth your just complaint, does not appear very opportune. With this explanation, if it meet your approbation, I am of opinion the before-mentioned official Letter of the 23rd instant should be replied to, inserting also the report of the Commandant of the Province of Cuba, for the information of the Mixed Court; which will be pleased to state if it still considers the presence of the Officer commanding the pilot-boat 'Teresita' absolutely necessary here, as the calling him off from his duties must prove prejudicial to the service; and, finally, that an account be rendered to Her Majesty of these late proceedings, serving, &c.—Havana, 29th August, 1837.—(Signed) Anastasio Carrillo. And having conformed to this advice, by decree of this day's date, I beg to transcribe it to your Excellency, together with a Copy of the Report of the Commandant of Marine, *ad interim*, of the Province of Cuba, for the proper ends."

All which I transcribe to your Excellency and the other Gentlemen of the Mixed Court, enclosing also the before-mentioned Copy for the proper purposes.

God preserve you many years.

(Signed)

MIGUEL TACON.

To His Excellency the Conde de Fernandina, and  
the other Members of the Mixed Court of Justice at Havana.

### Sub-Enclosure in No. 33.

*Report of the Commandant of Marine of St. Iago de Cuba.*

*Marine Department of Santiago de Cuba.*

For the exact and due fulfilment of the directions, conveyed to me by your superior official letter of the 15th July last, that I should immediately cause the schooner "*Matilde*," with her crew and a suitable escort, to be remitted to that Port (the Havana), and at the disposal of the Mixed Court, I referred it to the 2nd Assessor of this Jurisdiction, who has in consequence addressed the following:—

"*Señor Commandant of Marine*.—By the official letter of the Commandant-General of the Station, dated the 15th ultimo, containing the opinion which, under the same date, the Auditor of War gives him, I perceive that the detention of the schooner '*Matilde*,' by Her Majesty's pilot-boat '*Teresita*,' has given rise to objections on the part of the Mixed Court, established in the Havana to adjudicate the Cases of capture of vessels employed in the prohibited traffic in Bozal negroes. Without doubt, this will have arisen from the occurrence which took place in the Port of Guantnamo with Her Britannic Majesty's ship '*Vestal*,' which, trading the '*Matilde*' as one of those vessels, attempted her capture, until the moment she was persuaded that a Spanish vessel of war had already taken charge, and having her under her battery had placed a crew on board, and was sending her to this Port. The Superior authority consequently directs, that you caused the before-mentioned schooner "*Matilde*," with her crew and a suitable escort, to be immediately sent to the Havana, and placed at the disposal of the Mixed Court. The impossibility of complying with this order, in consequence of the '*Matilde*' having pursued her voyage as soon as she had repaired the damage sustained on the first sailing, makes the explanation of the affair more necessary, as I believe the conduct pursued in these proceedings to have been very simple and prudential. It is one of the principal duties, or the first obligation, of the vessels of war on this station, to watch with the utmost vigilance all the Ports upon these coasts; particularly those to the eastward, as far as the Punto de Maysi, in order to prevent by all means, and to cut off at once, the scandalous smuggling which for a length of time was carried on in those parts, and was facilitated by the depopulation and other notorious circumstances. Whilst sailing in this direction, the pilot-boat '*Teresita*' discovered in Guantnamo a schooner, which, legally despatched in Cuba for another destination 4 days before, could not nor ought not to be anchored, without authority, in a port in the Island itself, unless in consequence of a powerful motive to prevent him from continuing his voyage, or with a view of receiving contraband goods, which sole reason could induce concealment or deviation from her route. No more powerful argument was requisite to excite the zeal of the Commander of the '*Teresita*' in the exact fulfilment of his duties, and of the particular instructions communicated to him. Nor could he on any account overlook the examination of the '*Matilde*,' or the sending her to this Port, to which any one would be urged by the mysterious appearance of this vessel, at so short a distance from the place from whence she was despatched 4 days before. She was thus engaged when the English corvette aimed at the same object, though from a different cause—namely, the supposing her to be a slave-vessel; and setting aside the question of her being subject to her examination whilst anchored in a Spanish port, it is indubitable that the Commander of the '*Teresita*' perceived in this occurrence a new reason for sending the schooner to Cuba, purely to satisfy the Commander of the '*Vestal*,' with the design of justifying his conduct, and in order that the same Authorities who despatched her should take cognizance of the cause of her delay, or of her diverging from the course for which the Royal Patent despatched her. The examinations and other proceedings adopted in this Comandancia prove the dangerous state the '*Matilde*' was then in for continuing a long voyage, and the consequent necessity of repairing it on entering the Port of Guantnamo, as she would have done in any other, or had she returned here in distress, whichever was the nearest place to where she sustained the damage. All these circumstances transpiring, her ill condition being proved, the legality of her proceedings recognised, and there appearing no reasonable ground for suspecting that she made an improper use of the Patent, it does not appear conformable to the principles of justice and equity to order the detention of the schooner in port, until such time as the results of this species of contention (*competentia*) be sent down, to which this Comandancia never supposed an affair so simple and so easy to resolve on investigation could be brought. The detention of the '*Matilde*' would have been, in such



case, equivalent to the total loss of capital employed on the expedition, and even of the vessel herself, thus incurring incalculable losses to the Owner, and others interested in the branches of commerce for which the vessel was destined. And under such circumstances, to what immense responsibility would not this Tribunal be subject, if, in consideration of the opportune protests and reclamations of the Commercial House and the Owner of the vessel, the Superior Government disapproved of a detention, the more unjust in proportion to the clear, certain, and positive reasons that existed for the 'Matilde' repairing her damages in Guantanamo, or any other port? And would not these damages and losses be reasonably claimed, in case of the interminate detention of a vessel legally despatched, only 4 days before, by the competent Authorities, with a Royal Sailing Passport? If the damage was competently certified, the bad condition of the 'Matilde' notorious here, and this Comandancia convinced of the legality of the motives which occasioned her to go into Guantanamo, what plausible reason could possibly have justified this unaccountable and prejudicial detention, unless it resulted, as it did not, from proof of an improper use of the *Patente*? These, and many other just considerations, occasioned the vessel to be despatched on her voyage, which could scarcely be said to have begun, considering the short distance at which she received the injury which rendered her hull unseviceable—and these, and still further considerations, which can be adduced by the superior information, of the Commander-in-Chief of the Station, render it impossible to comply with his superior determination, inserted in the above-mentioned official letter of the 15th July, since the schooner 'Matilde' having pursued her course for the reasons explained, it is impossible to send her to the Havana as directed. I am therefore of opinion, that you reply to the aforesaid official letter of the said Commander-in-Chief of the Naval Forces, by transmitting for his information the reasons upon which this Comandancia based its proceedings, taking for the purpose any part of this opinion you may deem expedient, or adding thereto whatever other reflection you may consider to bear upon the subject.

(Signed)

"LEONARDO BRAVO.

"Santiago de Cuba 5th August, 1837."

Cuba, 9th August, 1837.

I agree with the above, and direct an official letter to be written to the Commander-in-Chief of the Station, including the whole of the preceding opinion.

(Signed)

RIOS.

By order of the Commandant,

(Signed)

JOSE VALDES.

I transcribe the above to you for the purposes indicated.—God preserve you many years.

(Signed)

MANUEL DE LOS RIOS.

Santiago de Cuba, 10th August, 1837.

To the Commander-in-Chief of the Naval Forces  
of the Havana Station.

(A true Copy.)

(Signed)

FRANCISCO DE IRIGOYEN.

(A true Copy.)

(Signed)

ANTONIO M. DE LA TORRE Y CARDENAS.

### Third Enclosure in No. 33.

(Translation.)

The Mixed Court to the Captain-General.

Havana, 25th September, 1837.

MOST EXCELLENT SIR,

We have received your Excellency's official Letter of the 9th instant, in which you are pleased to enclose one from the Commander-in-Chief of the Naval Forces of this station, and the opinion of his legal adviser, dated the 29th August last, and also a Copy of the official Letter of the Commandant of Marine at Cuba, with the advice of his second assessor; and having duly considered the whole, we beg most particularly to refer to the official Letter we addressed to your Excellency on the 19th June last, in which we replied to the Report made by the said *Comandancia de Matriculas*, from which the advice of the second assessor and the official Letter enclosing it do not essentially differ, any more than the observation of the said legal adviser. This Mixed Court considered, that by quoting in its aforesaid official Letter of the 19th June the case of the "*Maria de la Gloria*, which occurred with the said Department of the Commander-in-Chief, the doubts had been cleared up, which had arisen respecting the order to be observed and followed by this Mixed Court in its reclamations, but it is convinced of the contrary; and desiring now to close this discussion, as regards what may be said not to be the principal object, and which indeed carries us away from the essential consideration of the case, we have agreed to forward to your Excellency a certified copy of the official Letter of his Excellency your predecessor, Don Francisco Dionisio Vives, of the 30th June, 1824, together with the opinions and decree of conformity consequent thereon, in order that the Commander-in-Chief of the Naval Forces of the Station may be convinced, that this Mixed Court has not held direct communication with his Lordship (*su Sría*), not because it does not appreciate and distinguish the considerations due to his rank, but because the said tribunal not being one of those belonging to the country, it is obliged to correspond with the highest authority, which is that of your Excellency, who represents under such character her Catholic Majesty, with whom it is our duty to correspond, in order that you may cause the Treaty with Her Britannic Majesty to be fulfilled as regards Her Catholic Majesty's subjects, as an affair purely of state and high policy which does not fall under the laws framed for the other tribunals of the nation. From this emanates the constant practice observed by us of corresponding directly with the Government in all matters, and not from condescendencies, as the Auditor of Marine supposes. In this state of things, we have no other course left us than to refer to our former correspondence, not only in order that the schooner "*Matilde*" be sent to this port to be adjudicated, but also that the capturing Commander may appear to give in his declaration in proper form; and trusting that your Excellency will be pleased to adopt such measures as we expect from your zeal for the service of Her Catholic Majesty, in order that this may be duly and punctually carried into effect, as no infraction whatever ought to serve as sufficient excuse, when it appears by the documents which we have forwarded to your Excellency, that the said capturing Commander manifested, that he had detained the "*Matilde*" under the Treaty for the abolition of the Slave Trade, which must be carried

into effect, notwithstanding the damages announced.

God preserve your Excellency many years.

(Signed)

EL CONDE DE FERNANDINA.  
E. W. H. SCHENLEY.

To His Excellency Don Miguel Tacon,  
President, Governor, and Captain-General.

Sub-Enclosure in No. 33.

(Translation.)

Don F. Vives to the Mixed Court.

Havana, 30th June, 1824.

GENTLEMEN,

UNDER this day's date I have written to His Excellency the Commander-in-Chief of the Naval Forces, as follows:—

"Most Excellent Sir,—The Enclosure which accompanies this will apprise your Excellency of the determination I have taken, respecting the claims made by the Mixed Commission established here, to have the cognizance of the cause respecting the entrance into this port of a brig with a cargo of negroes, as being a case of their exclusive jurisdiction, and I hope that your Excellency will be pleased to forward to me as soon as possible the original Documents, in order that I may transmit them to the aforesaid Corporation, and prevent the continuation of the protests against delay, which already have begun to be made, and with this I likewise have answered your Excellency's official Letters on the subject." And I communicate the same to you, enclosing likewise a Copy of the Documents above referred to for your information, and the moment the proceedings reach me they shall be forwarded to you without delay.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

Decree in the Margin of the above.

Havana, 3rd July, 1824.

LET this be added to the proceedings, and its receipt acknowledged to His Excellency the Captain-General, expressing at the same time the thanks of this Commission for His Excellency's zeal and efficacy in an affair which in all respects requires the quickest despatch.

(Signed)

JAUREGUI, KILBEE, QUESADA—a Rubrick.

Opinion of the Oidor, Don José de Franco.

MOST EXCELLENT SIR,

THE question raised between the Real Junta of the Station and the Court of Mixed Commission, resident in this city by virtue of the solemn Treaty concluded between the King of Great Britain and Ireland and our Catholic Monarch, to which the Royal Cedula of the 19th December, 1817, has reference, as to which of the two tribunals belongs the cognizance of the prize brought to this port by the brig-of-war "*Marte*," and which is supposed to have been previously detained by the privateer "*Romano*," despatched from hence with the necessary *Patente*, presents doubts of sufficient importance, considering all the circumstances. The said Junta of the Station (the Navy Board) has explained with sufficient clearness the reasons it conceived to bear upon the question, in its resolution of the 22nd instant, in which it conformed with the Report of its Solicitor, wherein these reasons are specified; and the Mixed Commission has explained its reasons in the different official Letters it has addressed to this superior Government. The difficulty consists in graduating between the reasoning of the two, considering on both sides whatever is of most consequence, and after having reflected upon each, I incline to consider those of the aforesaid Mixed Commission of the greatest weight, considering that the vessel laden with slaves from the Coast of Africa has been detained by the brig-of-war "*Marte*," by which vessel herself she was brought to this port; and there is no doubt that under such circumstances, according to the 1st Article of the Instructions for Cruisers, inserted in the Treaty already mentioned, the detained vessel, with all the papers concerning her, ought to have been placed at the disposal of the said Mixed Commission, which, on investigating them, would have adjudged the legality or illegality of the capture, which is supposed to have been made of the same slave-vessel by the privateer "*Romano*," of which there is no authentic proof, and it may very well happen that this was nothing else than a measure of precaution for saving the cargo of negroes, in case of the vessel being captured by any one of the cruisers, as the said Commission infers. The other question which presents itself is not less embarrassing, viz., whether the authority of your Excellency can interfere in the question of competency between the authorities above-mentioned. The Navy Board denies it openly, and in truth, neither in the Treaty nor in the Royal Cedula before-mentioned, is there any order either for or against it. This question, nevertheless, having arisen in consequence of the said Commission intimating that it was not of the ordinary tribunals, subject to the general laws respecting competencies, but a Commission composed of individuals of both nations, immediately dependent upon their respective Sovereigns, and which consequently ought not to correspond with any other than the superior authority of the Island, which represents that of the King our Master, and to which for the same reason it looks for the fulfilment of its faculties, as sanctioned by the Treaty: it appears to me, that the resolution of the superior Government on the question at issue ought not to be so strange, and that it may very well repeat its intimation to His Excellency the Commandant-General of Marine, to remit to the said Commission everything relating to the detention of the slave-vessel by the brig-of-war "*Marte*," recommending to His Excellency's notice the results likely to occur in a contrary event, without prejudice to the cognizance of the case by the Junta of the Station, according to the resolution to be adopted by the said Commission: adding, that this affair is of sufficient gravity, and for this reason, if it appear meet to his Excellency, he can take other counsel, whereby to be more certain of the business.

(Signed)

JOSÉ DE FRANCO.

Havana, 28th June, 1824.

CLASS A.—FURTHER SERIES.

I

Decree.

Havana, 28th June, 1824.

WITH respect to what is expressed in the preceding opinion, let it be referred to Dr. Don Francisco Garcia de Fierro, that he may likewise report his opinion.

(Signed)

VIVES.

*Opinion of Dr. Don Francisco Garcia de Fierro.*

MOST EXCELLENT SIR,

Havana, 30th June, 1824.

HAVING examined these Papers with the maturest reflection, corresponding to the importance of the subject, relative to the detention of a merchant vessel with a cargo of negroes, off the coasts of this Island, I do not find any reasonable doubt as to the authority to which it pertains, to take cognizance thereof, to ascertain if it be a case of prohibition, since there is a law which points it out and determines, it being made a public Law by the High Contracting Parties. The King of Great Britain and our Sovereign agreed to abolish, and to cause to be carried into effect the abolition of the Slave Trade in their respective dominions; they foresaw the means of which their subjects might avail themselves for defrauding the law of the State; they declared the circumstances for liberating or condemning the vessels destined for the express purpose of the Trade, and they formed a Royal Commission, named by the two High Powers, for the suppression, and for adjudicating the cases in which it might be presumed that the prohibition was violated, and giving to these Commissions the clear and simple formula for the judgment, since which time such captures are not of the ordinary class, belonging to the military jurisdiction of the marine department of either of the two nations, nor are they adjudicated otherwise than by means of a political law, or a law of nations agreed upon between both Sovereigns, the execution of which depends upon the instructions with which they changed their Commissions. There is nothing clearer than the whole of the 12th Article of the Treaty of Madrid, the 6th cap. 2 of the Instructions for vessels of war, the 1st of the Treaty, and the 2nd, 3rd, and 12th of the Regulations for the Mixed Commissions, which I recommend to your Excellency's perusal and contemplation. The exceptions pointed out favour the capturing vessel, and are provided for by Art. 5 cap. 3, and by the 10th of the Treaty, and if by the same reason the detention is not comprehended under it, or is unjust, the illustrious agents of their Majesties will be gratified not only in declaring its liberation, but also in granting to the owners, when freed from the objects attributed to them, the indemnities provided for a case of the kind in the aforesaid instructions. It appears to me that your Excellency, as the first Magistrate of the Island, should thus acquaint the Navy Board and the Mixed Commission, because it would compromise your authority, and perhaps the good understanding between the two Cabinets, and might give occasion in other respects to suppose, that the Superior Local Government inclined to render the whole of the Treaty illusory, by withholding from the Commissioners of the Crown the cognizance of a vessel suspected of the Trade in Negroes with this Coast, whether she be Spanish or English, or her cargo belonging to Spanish or English Proprietors.

(Signed)

DR. FRANCISCO GARCIO DEL FIERRO.

*To the Members of the Mixed Commission.*

Decree.

Havana, 30th June, 1824.

HAVING examined the preceding opinions, with which I agree, let Copies be sent, together with this Decree, to His Excellency the Commandant General of Marine, in order that he may be convinced of the reason I entertain for requesting him to forego, for the present, the cognizance of this case, and remit it to me in its present state, for the purpose of handing it over to the Mixed Commission established in this city, since I being the only authority empowered with it to carry the Treaty relating thereto into effect, it is unquestionable that the said Commission should receive it from my hands.

A true Copy.

(Signed)

VIVES.

(Signed)

FRANCISCO ANTONIO SEGURA.

#### Fourth Enclosure in No. 33.

(Translation.)

*The Captain-General to the Mixed Court.*

MOST EXCELLENT SIR,

Havana, 24th November, 1837.

UNDER date of the 26th October last, the Commandant-General of Marine writes me as follows:—

"MOST EXCELLENT SIR,—The Counsellor and Auditor of War of the Marine of this Station, for whose advice I referred your Excellency's Official Letter, dated the 20th instant, in continuation of the antecedents respecting the detention of the Spanish merchant schooner 'Matilde' by the pilot-boat of the Coast-guard of Cuba, the 'Teresita,' has given it in the following terms:—Señor Commandant General, I have examined the Official Letter of His Excellency the Captain-General of the 20th instant, enclosing one addressed to him by the Mixed Court on the 25th ultimo, and which comprises two parts: First, it insists that the said Tribunal has to correspond directly and exclusively with His Excellency; and secondly, it declares the necessity of the officer commanding the pilot-boat 'Teresita,' presenting himself here, and the schooner 'Matilde' being sent for adjudication. The first point should have been considered at an end, (although the question is not at rest,) since your Lordship made known that you had acquainted Her Majesty therewith for Her Sovereign resolution thereon; and in this understanding I would limit my opinion to the second point, did not the Mixed Court, for the support of its opinion, avail itself of an isolated and deficient Document, and if I did not observe that in the opinion of the First Assessor-General of the Government, which His Excellency the Captain General inserts in his Official Letter, it is evident that His Excellency recognises the legality of the reasons upon which the Mixed Court founds its claim, and that it pertains to his authority to intervene and cause the Treaty to be fulfilled, and because silence might be interpreted to the prejudice of the privileges of the Marine Court, by judging that it adhered to principles which it could not maintain, by reason of their not being considered sufficiently clear and unanswerable, as is

supposed. The Document which serves as a basis for the Mixed Court, and which has called forth the opinion of the Second Assessor of the Government, consists of the reports which Don Francisco Garcia del Fierro and Don José Franco made to His Excellency Don Francisco Dionisio Vives, in consequence of the dispute between the Mixed Commission and the Navy Board, as to which of the two Authorities it belonged to take cognizance of the capture made by the Spanish privateer "Romano" of the Portuguese brig "Maria de la Gloria," with a cargo of Africans on board. I have said that these Documents are isolated and deficient, and in effect being distinct portions of a question which was discussed with deliberation and warmth by both Tribunals, there should have been some reference made, however slight, to the effect produced by the resolution of His Excellency Señor Vives, and as to whether the Navy Board recognised the faculties attributed to His Excellency. To fill this void, and examine, as should have been done, into the progress and result of that legal encounter, I have examined the proceedings on the said capture, and it appears therefrom that the Marine Department, by the advice of the Auditor and Fiscal, demanded that if the Commission considered it its privilege to take cognizance of the capture, and raise a formal contention it should correspond directly with the Board, without the mediation of His Excellency the Captain General, (opinion of the 21st June, 1824, page 67) and when His Excellency, in conformity with the above-mentioned opinions of Messrs. Fierro and Franco, communicated to the Board the resolution of which the Mixed Court now makes a merit, the Junta was very far from agreeing therewith, or of recognising in His Excellency faculties for interfering in the affair, and deciding the legal dispute. In effect the Fiscal in his representation of the 1st July, 1824, grounded on the axiom that the power of judging is an exclusive gift of the Monarch, and that without special nomination nobody can exercise it, impugned the principles emitted in the said opinion, and the Navy Board, in conformity with that advice, although it forwarded the proceedings to His Excellency the Captain General, proposing an agreement with the Mixed Court, did so for political reasons, preserving its faculties and decorum, and with the formal protest which it extended, without impairing the jurisdiction upon which it alone recognised the Authorities appointed by the Laws for limiting it to that object, and not His Excellency, because the Sovereign from whom they all emanated, had given to the Chief of this Comandancia General a plenitude of power, which could not be curtailed by any other local authority, without committing an act which would disturb the order assigned to each public functionary in the exercise of his duties, &c. The force of these arguments could not fail to produce a corresponding effect, and thus it is that the said Señor Franco in his report of the 19th of the same month, with which His Excellency Señor Vives agreed, as appears from his Official Letter of the same date, stated that the authority of the Government has never exceeded the limits of insinuation or recommendation, in order to avoid consequences that might be disagreeable; and concluded by proposing that the whole matter should be laid before His Majesty, who might deign to make known his resolution, which would serve as a rule in future. Nothing has been determined on up to the present time by the Supreme Government, and the New Treaty presents on this particular the same void as the first, and still the reasons exist that were emitted by the Fiscal and the Navy Board, as well as the doubts of the said Señores Fierro y Franco, who in good faith confessed that the point was doubtful and delicate, limiting themselves to grounding their respective opinions on motives of expediency and policy. And by the way, it will not be superfluous to observe, that the first Teniente Assessor of the Government, also considering that the reasons of the Mixed Court were not obvious enough to disclaim the cognizance of the proceedings adopted at Cuba, in consequence of the detention of the "Matilde," when in its report of the 7th June last, transcribed in the Official Letter of His Excellency the Captain General of the same date, it allowed that the affair presented some circumstances of former discussion. For the identical reasons of the Navy Board for transmitting to His Excellency the Captain General the proceedings consequent on the capture of the brig "Maria de la Gloria," your Lordship agreed to adopt the prudential measures which I proposed in my Report of the 15th July last, for the rest I had no desire to extend the present Report in any respect beyond what a new discussion was calculated to provoke. I have only desired to simply facts, and to prevent silence being interpreted as an acquiescence in the principles emitted by the Mixed Court, and supported by the first Assessor of the Government, since this is a question already exhausted, and submitted to the determination of Her Majesty, to whom must be also transmitted an account of all that has lately transpired; in the mean time we will attend to the second particular. Your Lordship was pleased to acquaint me verbally that you had issued the necessary orders for Don José de la Cruz, the Commander of the pilot-boat "Teresita," to present himself here with all possible despatch, notwithstanding the serious inconvenience which results from removing an Officer from the charge he holds with the Royal approbation, and as regards the coming of the schooner "Matilde," the Mixed Court, without doubt has not given attention to the Official Letter of the Commandant of Marine at Cuba, a Copy of which was sent to them for the sole purpose of explaining to them the absolute impossibility of sending on the said vessel, by reason of her having set out on her voyage, as soon as her damages were repaired. All that can be done on this particular is to apprise the said Commandant of Cuba that, in case the "Matilde" return to that Port, he cause her to be immediately sent on to this with all safety, and without losing a moment, saving your better judgment, &c.—Havana, 25th October, 1837.—(Signed) ANASTASIO CARRILLO."

And having conformed with this opinion, I transmit it to your Excellency by Decree of yesterday, for your Excellency's information, and in reply to your Communication.

And I transcribe it to your Excellency and your Honour for the proper ends as regards you.

God preserve you many years.

(Signed) MIGUEL TACON.

The Judges of the Mixed Court of Justice.

#### No. 34.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 31, 1838.)

MY LORD,

Havana, 21st December, 1837.

WE have the honour to report to your Lordship, that the Spanish schooner "Matilde" was captured on the 4th instant, in latitude 19° 38' N., longitude 77° 12' W., by Her Majesty's sloop "Snake," Commander Milne, with 259 negroes

on board, of whom 4 have since died, and was brought into this port on the 11th instant, under the charge of Lieutenant Jauncey.

Your Lordship will perceive from the evidence, of which we send an abstract enclosed, that the slaves were taken on board at Ambriz, on the coast of Africa, and were intended to be taken to Santiago de Cuba, when the "Snake" fortunately came up with them.

Under these circumstances the Court, having met on the 14th and 15th instant, to receive the evidence, on the 18th pronounced sentence of condemnation on the vessel, and decreed the liberation of the surviving negroes.

The "*Matilde*," according to the ship's register, appears to have for its owner one Pedro Mas, who was also stated to be the Captain; but the real owner is reported to be an American, of the name of Wilson. According to the evidence, however, the Master, Pedro Mas, and his Chief Mate, were taken out of the "*Matilde*," together with a part of the crew and cargo, by a ship professing to be a Portuguese vessel of war (name unknown), though it is worthy of note, that the "*Matilde*" was found armed with 3 cannons and an extraordinary stock of ammunition and fire arms, all full loaded, so as to lead to a suspicion of the parties themselves having had certain piratical intentions.

We feel peculiar satisfaction in the capture of this vessel, as putting an end, most conclusively, to the questions arising from her having formerly been met by Her Majesty's ship "*Vestal*," and given up to the Spanish vessel of war "*Teresita*," which then claimed to have her in charge.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

#### First Enclosure in No. 34.

##### *Captor's Declaration in the case of the "Matilde."*

I, ALEXANDER MILNE, Commander of Her Britannic Majesty's sloop "*Snake*," hereby declare, that on this 4th day of December, 1837, being in or about latitude 19° 38' north, longitude 77° 12' west, I detained the ship or vessel named the goleta "*Matilde*," sailing under Spanish colours, armed with 3 guns, one 18, two 6 pounders, commanded by Dicho Camano, but at present in charge of Miguel Aldabo, who declared her to be bound from Ambriz, coast of Africa, to Santiago de Cuba, with a crew consisting of 37 men, boys, supercargo, passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 259 slaves, said to have been taken on board at Ambriz and Cabenda, on the 15th day of October 1837, and are enumerated as follows, viz. :—

	Healthy.	Sickly.
Men,	56	..
Women,	45	..
Boys,	93	..
Girls,	48	..
Children,	17	..

I do further declare that the said ship or vessel appeared perfectly seaworthy, and was supplied with a sufficient stock of water and provisions, for the support of the said negroes and crew on their destined voyage to Santiago de Cuba.

I do further declare, that the said vessel appears a fine vessel, well found, and slaves quite healthy and cleanly; but we were obliged to supply her with provisions to carry her on to Havana.

HORATIO JAUNCEY, *Senior Lieutenant, H. M. S. "Snake," witness.*

JAMES BANKIER, *M. D., Surgeon, H. M. S. "Snake," witness.*

I am doubtful as to the person in command of the "*Matilde*," being the proper person whose name is in the manifest.

(Signed)

ALEXANDER MILNE, *Commander H.M. sloop "Snake."*

#### Second Enclosure in No. 34.

##### *Abstract of the Evidence in the Case of the "Matilde."*

14th December, 1837.

*Mr. Horatio Jauncey*, First Lieutenant of Her Britannic Majesty's sloop "*Snake*," being duly sworn, affirmed the signature at the bottom of the letter to the Mixed Court, forwarded by the British Judge, to be his. That the document now showed to him is the same that was delivered to him by Alexander Milne, Esq., commander of the sloop-of-war "*Snake*," being the declaration respecting the detention of the "*Matilde*," signed by the said commander, whose signature he recognises, and affirms the truth of the contents. That he recognises the papers numbered from 1 to 4 as the same that he delivered to the British Judge, viz.,—1. The Royal Sailing Passport of the "*Matilde*;" 2. The Deed of Ownership of the said schooner; 3. The Muster-Roll of the "*Matilde's*" crew; and, 4.

the Log-book,—that they are the same that were delivered to him by the capturing commander, and which were found on board the "*Matilde*" on her examination. That he parted company with the "Snake" between Santiago de Cuba, and the Point of Tarquino,—that two of the negroes died on the passage from thence to Havana, and that there remained alive 257. That he did not touch at any other place, but came direct to this as the residence of the Mixed Court. That there are but a small quantity of provisions remaining in the vessel, and that they only took from the brig-of-war three large barrels of flour of about, he thinks, 370 lbs. weight each. That he now exhibits to the Judges the instructions mentioned in the Treaty, for examining and detaining vessels engaged in the Slave Trade, and that all he has declared is true.

Mr. Maurice Jones, volunteer of Her Britannic Majesty's sloop "Snake," being duly sworn, and having examined the Captor's declaration, affirmed the contents thereof to be true, and the signature to be that of Commander Milne, who detained the schooner "*Matilde*," and sent her to this port under the charge of Mr. Horatio Jauncey, with whom this deponent came.

15th December, 1837.

Don Miguel Aldabo, being duly sworn, deposed, that he is Third Mate of the schooner "*Matilde*," that the "*Matilde*" was detained by Her Britannic Majesty's brig "Snake," and brought to this port by a Prize Master for having negroes on board. That there were 250 odd slaves on board the "*Matilde*" at the time of the detention; but that he does not know the exact number; that they brought the negroes from Ambris on the coast of Africa; that the detention was made in latitude 19° 40' north, and longitude 71° 15' west of Cadiz. That they sailed from Santiago de Cuba; that the owner of the vessel is Don Pedro Mas, who filled the situations of Captain and Supercargo, and that the cargo was linens, muskets, aguardiente, bars of iron, and gunpowder. That the said Captain Mas is not amongst the detained crew, but that he was left behind in Africa, detained by some Portuguese vessel, who also robbed them of part of their cargo. That they touched at no place on their passage from Africa. That he does not recollect on what day they arrived at Ambris, nor when they sailed from Cuba, but that they embarked 272 slaves of both sexes. That the papers now shown him are the same with which the "*Matilde*" sailed, and which the captors took from on board at the time of detention. That of the outward bound cargo, there remains on board some bars of iron, from 8 to 10 pipes of aguardiente, 2 or 3 barrels of gunpowder, and nothing else. That Don José Camano, who is called the Captain in the Muster-roll he has just examined, did not sail in the vessel on her expedition to Africa, that he remained at Cuba, and the Captain, as he has already stated, was Don Pedro Mas. That the second Mate, Don Angel Jose Conesa, as stated in the Muster-roll, also remained a prisoner on the coast of Africa.

Don Hilario Delgado being duly sworn, deposed, that he is Boatswain of the Spanish merchant-schooner, "*Matilde*," which vessel was detained in sight of the Point of Tarquino on this island, by an English brig-of-war, which sent them into this port for having Bozal negroes on board. That there were 259 slaves on board, embarked at Ambris on the coast of Africa, and that, as well as he can recollect, they there took on board 272 of both sexes, who were reduced by disease to the before-mentioned number. That they sailed from Santiago de Cuba, on what day he does not recollect, with Spanish papers, and a cargo consisting of bales of linen, bars of iron, muskets, and aguardiente in demijohns, and that they have brought back about 250 bars of iron, and 9 pipes of aguardiente. That the Owner, Captain, and Supercargo, was Don Pedro Mas, who was left prisoner in Africa, together with Don Angel Conesa, the Portuguese having taken them as well as a part of the merchandise. That the papers now shown to him are those with which the schooner "*Matilde*" sailed, and which were taken by the captor at the time of the detention. That he is 28 years of age.

Don José Alienea, seaman on board the schooner, "*Matilde*," deposed, that the "*Matilde*" was brought to this port by an English Officer, Lieutenant of Her Britannic Majesty's brig "Snake," on account of her having Bozal negroes on board. That there were 259 slaves on board at the time of detention; that there were taken on board at Ambriz on the coast of Africa, to the number, although he does not well recollect, of 270. That they sailed from Santiago de Cuba with Spanish papers, because their flag was Spanish, and that the cargo consisted of bales of goods, gunpowder, muskets, aguardiente, and some other effects which he cannot recollect. That they bring back no part of the cargo that remained, although all the goods were not expended in the purchase of the slaves, because a Portuguese ship carried off part of their merchandise, and detained the Captain and the Second Mate, Don Angel José Conesa, besides others, who remained at Cabinda. That he is 28 years of age.

### Third Enclosure in No. 34.

#### *Sentence in the Case of the "Matilde."*

(Translation.)

IN the Always Most Faithful City of Havana, on the 18th day of December, 1837, the Most Excellent Señor Don José Maria Herrera y Herrera, Conde de Fernandina, Grandee of Spain, &c. &c. the Spanish Judge of the Mixed Court of Justice, established in this city, and James Kennedy, Esq., the British Judge thereof, having examined the proceedings consequent upon the detention made by the English brig-of-war "Snake," Commander, Alexander Milne, in latitude 19° 38' north, and longitude 77° 12' west, of the Spanish merchant-schooner "*Matilde*," sailing under Spanish colours, armed with 3 guns, one 18-pounder, and two 6-pounders, and commanded by the 3rd Mate, Don Miguel Aldabo, the Captain not being on board, he having been left a prisoner at Ambriz, on the Coast of Africa, from whence he was sailing from Santiago de Cuba; and having on board, at the time of capture, 259 negroes of both sexes: and it appearing by the Declaration forwarded by the Commander of the said English brig, and presented by the Lieutenant of the said vessel, Mr. Horatio Jauncey, by the Declaration of this last Officer, by that of the before-mentioned Don Miguel Aldabo, and the other individuals examined, as also by the Spanish Papers found on board, that the said schooner sailed from Santiago de Cuba on the 16th of May last for the Cape de Verd Islands, with Spanish goods, and made for Ambriz, on the Coast of Africa, where she purchased 272 slaves of both sexes, and that she sailed on her return to Santiago de Cuba, the above-mentioned number of 272 slaves being reduced by illness at the time of detention, and of those remaining 2 more died up to the time of her arrival and anchorage in this Port; so that on the whole they are reduced to 257. Whereupon the Judges agreed that they ought to declare, and hereby do declare, with all due regard

to the merits of the case, and according to the usual brief and summary mode of proceeding adopted in all such cases, on the truth being made manifest, the capture of the above mentioned schooner "Matilde" to be good and legal, together with the 257 negroes, and that the vessel, with whatever effects may be found on board, including her tackle, apparel, and whatever may appear in her inventory, excepting the above-mentioned 257 negroes remaining alive, are subject to confiscation, the said negroes remaining free from all slavery and captivity; and the Prize-Master is directed to deliver up the condemned vessel to Don Juan Sintas, according to formal Inventory, for which purpose the necessary Order will be issued previously to the accustomed oath being administered, and the same then to be kept at the disposal of the Court, until she be broken up and sold by public auction, in order that the proceeds be applied to the benefit of the two Governments, for which purpose she will be valued by the Principal Masters of the Royal Arsenal, who shall be likewise sworn to perform this duty faithfully, previously to the assistance being rendered by the Commandant-General of this Station, by means of his Excellency the President, Governor and Captain-General, in the same manner as heretofore. The Secretary shall also proceed to deliver to the above-mentioned negroes their Certificates of Emancipation, and shall address an official Letter, with a Copy of this Sentence, to his Excellency the Captain-General for his information, and in order that the Spanish individuals of the crew of the schooner "Matilde" may remain at his Excellency's disposal, for whatever purpose may be necessary. And by this their sentence, definitively judging, thus the Judges provided, ordered, and signed, in the presence of the Secretary, who certifies.

(Signed) EL CONDE DE FERNANDINA.  
J. KENNEDY.

(Signed) JUAN FRANCISCO CASCALES, *Secretary*.

No. 35.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 22nd February, 1838.*

I HAVE received your Despatches to that of the 21st of December, 1837. With reference to your Despatch of the 20th of December, upon the subject of the claim made by the Master of the "*Vencedora*," for compensation for the detention of his vessel by Her Majesty's sloop "*Ringdove*," I have to acquaint you that I fully approve of the course which has been pursued by the Mixed Court, for ascertaining, by means of a commission, the actual loss incurred in the case, and that I am of opinion that the articles of the cargo, which may be proved to have been removed from the "*Vencedora*" by the captor, may fairly be allowed to form an item in the claim for damages for which compensation is to be made.

With regard to your request for instructions as to the mode in which payment is to be made, I have to inform you, that the claimant should be furnished with an official copy of the award, if any, made in his favour by the Mixed Court against the captor; and that it is for him to take the necessary steps for recovering the amount awarded, either from the captor, or in his default from Her Majesty's Government.

I have, &c.

(Signed)

PALMERSTON.

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

No. 36.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 6th March, 1838.*

I HAVE directed Her Majesty's Envoy at Madrid to communicate to the Government of Her Catholic Majesty, the substance of a letter which was addressed to me on the 26th August, 1837, respecting the Slave Trade said to be carried on from Cadiz and in the West Indies, in vessels the property of Spaniards, but sailing under the Flag of Portugal.

I have now to transmit to you a copy of the answer, which has been returned by the Spanish Government, to the communication made to them by Sir G. Villiers upon the subject. The Spanish Government state, that inquiries are being made at the Havana, respecting the facts and circumstances mentioned in Mr. Kennedy's letter, and that orders will be given for redoubling the precaution taken for the prevention of fraud and abuses similar to those complained of.

I have, &c.

(Signed)

PALMERSTON.

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

## Enclosure in No. 36.

*Sir G. Villiers to Viscount Palmerston.*  
 Madrid, February 10th, 1838.  
 (See Class B. of this Series, No. 11.)

## No. 37.

*Viscount Palmerston to Her Majesty's Commissioners.*

*Foreign Office, 6th March, 1838.*

GENTLEMEN,

I HEREWITH transmit to you the Copy of a Despatch and of its Enclosure, from Her Majesty's Envoy at Madrid, containing the answer returned by the Spanish Government to a complaint made to them by His late Majesty's Government in the year 1836, founded upon the information sent by you on the 30th April in that year, that 4 Spanish vessels had landed cargoes of Slaves on the coast of Cuba.

I have, &amp;c.

(Signed)

PALMERSTON.

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

## Enclosure in No. 37.

*Sir G. Villiers to Viscount Palmerston.*  
 Madrid, February 17th, 1838.  
 (See Class B. of this Series, No. 12.)

## No. 38.

*Viscount Palmerston to Her Majesty's Commissioners.*

*Foreign Office, 6th March, 1838.*

GENTLEMEN,

WITH reference to my Despatch to you of the 5th January last, relative to a Negro who had secreted himself on board Her Majesty's ship "Romney," stationed at the Havana, and whom Lieutenant Jenkin had given up to the Local Authorities at that place, I herewith transmit to you the accompanying Copies of two Despatches and of their Enclosures, from Her Majesty's Minister at Madrid, by which you will perceive, that the Spanish Government have expressed themselves to be much pleased with the course pursued by Lieutenant Jenkin in this matter.

I have, &amp;c.

(Signed)

PALMERSTON.

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

## Enclosures in No. 38.

*Sir G. Villiers to Viscount Palmerston.*  
 Madrid, January 27th, 1838.  
 " February 3rd, "  
 (See Class B. of this Series, No. 6 and No. 9.)

## No. 39.

*Viscount Palmerston to Her Majesty's Commissioners.*

*Foreign Office, 6th March, 1838.*

GENTLEMEN,

WITH reference to previous Correspondence upon the subject of the Negroes, stated to have been concealed on board the Spanish schooner "Vencedora," while she lay in the harbour of Cadiz, previous to her departure for the West Indies, I herewith transmit to you the accompanying Copies of two Despatches, and of their Enclosures, from Her Majesty's Minister at Madrid.

You will perceive by the Spanish Minister's note of the 29th January, 1838, enclosed with these Despatches, that the Spanish Government have ordered inquiries to be instituted into at Cadiz, for ascertaining the truth of the allegations made upon this subject.

I have, &amp;c.

(Signed)

PALMERSTON.

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



Enclosures in No. 39.

[*Sir G. Villiers to Viscount Palmerston.*

Madrid, January 27th, 1838.

,, February 3rd, ,,

I (See Class B. of this Series, No. 7 and No. 10.)

No. 40.

*Her Majesty's Commissioners to Viscount Palmerston.—(Rec. March 7, 1838.)*

MY LORD,

*Havana, 22nd December, 1837.*

WE have the honour to acknowledge having received your Lordship's Despatch of the 18th September last, containing your Lordship's Instructions respecting the providing food and clothing for the negroes brought here in slave-vessels by Her Majesty's cruisers, and liberated by sentence of the Mixed Court, which Despatch we duly communicated to Her Majesty's Superintendent of liberated Africans.

We have, &amp;c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&amp;c.

&amp;c.

&amp;c.

No. 41.

*Her Majesty's Commissioners to Viscount Palmerston.—(Rec. March 7, 1838.)*

MY LORD,

*Havana, 30th December, 1837.*

WE beg leave to subjoin lists of such arrivals and departures of slave-vessels, during the past month, as we have been able to obtain information of, viz. :—

## ARRIVALS.

December 15th	Portuguese	Schooner	"Constitucion?"	,,	,,
,, 17th	,,	Ship	"Maria Segunda,"	J. Garcia, Master.	
			(a) Socorro		
,,	,,	Brig	"Palmira"	,,	,,
,, 23rd	,,	Schooner	,,	,,	,,
,,	,,	Ditto	,,	,,	,,
,, 30th	,,	Brig	"Carlota"	,,	,,

## DEPARTURES.

December 11th	American	Schooner	"Itramurra,"	cleared for	Isla Principe
,, 15th	Spanish	,,	"Montaña,"	,,	Cape de Verd
,, 23rd	Portuguese	Brig	"Veloz,"	,,	San Tomé.

We have, &amp;c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&amp;c.

&amp;c.

&amp;c.

No. 42.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received March 7.)*

MY LORD,

*Havana, 1st January, 1838.*

IN obedience to the Act of Parliament 5th Geo. IV. cap. 113, entitled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," we have the honour to enclose to your Lordship a return of the cases, adjudicated in the Mixed Court of Justice at this place during the last six months.

We have, &amp;c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 42.

*Return of Spanish Vessels brought before the Mixed Court of Justice at the Havana for Adjudication, between the 1st July, 1837, and the 1st January, 1838.*

Name of Vessel.	Date of Seizure.	Property Seized.	Seizor.	Date of Sentence.	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.
Antonica . .	7 June 1837	Schooner, with 183 Negroes.	Commander Hope, H.M.S. "Racer."	11 September 1837	Forfeiture.	The vessel has been broken up and sold, according to the stipulations of the Treaty, and the proceeds still remain in the hands of the Secretary of the Mixed Court.
Vencedora .	14 October, 1837	Schooner, with 26 Negroes.	Commander Nixon, H.M.S. "Ringdove."	11 November, 1837	Restitution.	
Matilda . .	4 December, 1837	Schooner, with 259 Negroes.	Commander Milne, H.M.S. "Snake."	18 December, 1837	Forfeiture.	The vessel, &c. are now under the charge of Don Juan Sintas, to be broken up according to the Treaty.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

## No. 43.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received March 7.)*

MY LORD,

Havana, 1st January, 1838.

IN submitting to your Lordship our yearly Report of the state of the Slave Trade, we have to express our regret, that, notwithstanding the additional difficulties placed in the way of obtaining information, that traffic seems to be considerably increased during the last year, if we may form an opinion by the number of vessels that have lately sailed from this port for the coast of Africa.

In the year 1836 the number of vessels which left this port for the coast of Africa, as appears by the Return, Enclosure No. 1, was 38, viz.—

Spanish . . 28  
Portuguese . . 5  
American . . 5

Total . . 38

During the last year, see return Enclosure No. 3, the departures have increased to—

Portuguese . . 40  
Spanish . . 19  
American . . 11  
Austrian . . 1  
Swedish . . 1

Total . . 72

In justice, however, it must be stated, that the Austrian vessel was known to be engaged otherwise than in the illicit trade with Africa; and there is reason to believe that the Swedish vessel, also, was not directly implicated in the traffic.

In other respects we have little to add to the remarks forwarded to your Lordship on former occasions; but we cannot fail in our duty to congratulate your Lordship on the success which has attended the provisions of the Treaty of 1835, as evinced by the anxiety of the Slave Traders to avoid its penalties by putting their vessels under other flags; and, accordingly, we find that there are very few vessels sailing now, from this port for the coast of Africa, under Spanish colours. This will account for the great increase in the return of Portuguese vessels engaged in the trade; and this must also account for the scanty traces we have been enabled to obtain of the vessels that sailed from this port for Africa in the year 1836. When placed under the Portuguese flag, they were also furnished with other names; and it is thus almost impossible for us to recognise, under one name, the vessel that had sailed under another. Some of the transfers have been said to have been made in the Portuguese possessions on the coast of Africa, but there are also persons here, who are reported to be engaged in furnishing Portuguese papers to the owners of slave vessels. Of these we have been informed of one person,

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named José Massoura, living in the Calle de Justiz, who received 2000 dollars for papers to a schooner; and is reported to have done the same for others.

Yet, notwithstanding the great increase in the number of vessels from this port, it is stated that the trade is by no means flourishing. Many persons engaged in it have been considerable losers by the captures on the coast of Africa, and the premiums on insurances have arisen, it is said, to even more than 40 per cent. The price of slaves, also, per head, as brought in cargo, has arisen to the average of 480 dollars; and there is an anxiety evinced by the planters to stock their plantations, under the belief that the determination of the British Government to put down the trade, by inducing other nations to agree to the same Treaty as that of 1835 with Spain, will be eventually successful.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 43.

List of Slave Vessels which Sailed from the Port of Havana for the Coast of Africa during the Year 1836.

No.	Date.	Nation.	Class.	Vessel.	Master.	Remarks.
1	4 Jan.	Spanish	Schooner	Tres Manueles . . .	— Marquez . . .	Returned.
2	17 „	Portuguese	Brig .	Fenix . . . . .	J. A. Barbara . . .	Captured by Her Majesty's ship "Vestal."
3	27 Feb.	Spanish	„	Rosario . . . . .	— Alcain.	
4	2 Mar.	Portuguese	„	Fortuna . . . . .	— Maqueda.	
5	8 „	Spanish	„	Marinero . . . . .	— Milan.	
6	8 „	„	„	Isabel . . . . .	— Montero.	
7	19 „	Portuguese	Schooner	Josefina . . . . .	— Mentor.	
8	19 „	Spanish	„	Union . . . . .	— Berquer . . . .	Returned.
9	19 „	„	Brig .	Nazareno . . . . .	— Camaño	
10	20 „	„	„	Ramoncito . . . . .	— Houza.	
11	28 „	„	„	Felicia . . . . .	— Hevia.	
12	19 May	„	„	Segunda Monica . . . . .	— Canil.	
13	22 „	„	„	Florentino . . . . .	— Tomas.	
14	22 „	„	„	Saltador . . . . .	— Botel.	
15	26 „	„	Ship .	Europa . . . . .		Returned 18th Jan. 1837.
16	29 „	„	„	Socorro . . . . .	Anto. Eduardo Muzard	Returned.
17	— Sept.	Portuguese	Brig .	{Esperanca, alias Mi- nerva, alias Mercury}	— Carvalho.	
18	4 Oct.	American	Schooner	Anaconda.		
19	8 „	„	„	Viper.		
20	„	„	Brig .	Marcha.		
21	5 „	Spanish	Schooner	Dolores.		
22	5 „	„	„	Manuelita . . . . .		Returned.
23	„	„	Ketch .	Moratin.		
24	22 „	„	Schooner	Carlota . . . . .		Returned.
25	„	„	„	Rosarita.		
26	„	„	„	Emanuel.		
27	22 „	American	Ship .	Rosana.		
28	„	„	Schooner	Fanny Butler . . .		{Seized at Cape de Verde, on account of informality in her Papers.
29	1 „	Spanish	„	Julia.		
30	4 „	„	„	Preciosa.		
31	14 „	„	„	Urraca.		
32	— Nov.	„	Brig .	Lanzarote.		
33	„	„	„	Flor de la Mar.		
34	„	„	Schooner	Sirena.		
35	„	Portuguese	„	Maria Teresa.		
36	6 Dec.	Spanish	Brig .	Galgo.		
37	23 „	„	„	Union.		
38	„	„	Schooner	Donzella Veermosa.		

Spanish . . . . .	28
Portuguese . . . . .	5
American . . . . .	5
<b>Total . . . . .</b>	<b>38</b>

Second Enclosure in No. 43.

List of Slave Vessels which have Arrived at the Port of Havana from the Coast of Africa during the Year 1837.

No.	Date.	Nation.	Class.	Vessel.	Master.	Remarks.
1	4 Jan.	Portuguese	Schooner.			
2	7 "	"	Brigantine			
3	10 "	Spanish	Brig .	Jacinto . . . . .	— Trillo.	
4	12 "	Portuguese	Ship .	Cavalho Marin . . .	— Perez.	
5	18 "	"	"	{ Duquesa de Braganza, alias Europa, alias Alerta.		
6	19 "	"	Brig.			
7	20 "	"	Ship.			
8	26 "	"	Schooner	Prueba . . . . .	— Diaz.	
9	27 "	"	Brig .	Margaret . . . . .	— Ayons.	
10	28 "	"	Schooner.			
11	29 "	"	Brig.			
12	30 "	"	Schooner	Josefina . . . . .	— Pinto.	
13	3 Feb.	"	Brig .	Luisa . . . . .	— Diaz.	
14	9 "	"	"	Tajo . . . . .	— Maqueda.	
15	" "	"	Schooner	Tratado . . . . .	— Cardoso.	
16	17 "	"	"	Ligera . . . . .	Juan Gualberto.	
17	21 "	"	"	Dulcinea . . . . .	— Garay.	
18	22 "	"	"	Aguila Vengadora . .	— Zavala.	
19	6 April	"	"	Feliadad . . . . .	— Pereira.	
20	15 "	"	"	Eliza . . . . .	— St. Ana.	
21	17 "	"	Brig .	Camoy's . . . . .	— Silva.	
22	" "	"	"	Liberal . . . . .	— Freytat.	
23	23 "	"	Schooner	Primorosa . . . . .	— Barrosa.	
24	" "	"	Brig .	Boca Negra . . . . .	— Cardoso.	
25	24 "	"	Schooner	Dos Hermanas . . . .	— Carvalho.	
26	26 "	"	"	Vitoria de Cabo Verde	— Saldanha.	
27	14 May	"	"	Sirca . . . . .	— Viera.	
28	15 "	Spanish	Brig .	Paquete de Cabo Verde	— Bertimati.	
29	8 June	Portuguese	"	Diligente . . . . .	— Acosta.	
30	10 "	"	"	Hercules . . . . .	— Ferreira.	
31	14 "	"	"	Triunfo . . . . .	— Cardoso.	
32	20 "	"	"	Maria Teresa . . . . .	— Mayo.	
33	17 July	"	Schooner	Ligera . . . . .	Miguel Antonio.	
34	14 Aug.	"	"	Destemida . . . . .		
35	8 Sept.	Spanish	"	Primera Union . . . .	— Pey.	
36	12 "	Portuguese	"	Feliz . . . . .	J. Victorio.	
37	19 "	"	"	Dido . . . . .		
38	— Oct.	"	"	Francisca . . . . .		
39	" "	"	"	Ligera . . . . .		
40	— Nov.	"	"	Manuelita . . . . .		
41	" "	"	"	Dos Hermanos . . . . .		
42	16 Nov.	"	"	Olimpa . . . . .	— Silva.	
43	25 "	"	"			
44	28 "	"	"	Veloz . . . . .	— Lima.	
45	30 "	"	"	Maria Teresa . . . . .		
46	15 Dec.	"	"	Constitucion . . . . .		
47	17 "	"	Ship .	Maria Segunda . . . .		
48	" "	"	Brig .	Palmina . . . . .		
49	23 "	"	Schooner			
50	" "	"	"			
51	30 "	"	Brig .	Carlota . . . . .		

Portuguese . . . . .	48
Spanish . . . . .	3
<b>Total . . . . .</b>	<b>51</b>

## Third Enclosure in No. 43.

List of Vessels which have sailed from the Port of Havana for the Coast of Africa during the Year 1837.

No.	Date.	Nation.	Class.	Vessel.	Master.	Remarks.
1	13 Jan.	Spanish	Schooner	Dolorita.		
2	14 "	Portuguese	"	Constituciao . . . . .		{ Detained by Her Majesty's ship "Racer."
3	1 Feb.	"	"	Dido . . . . .		Returned.
4	3 "	"	"	{ Tres Manuelas, alias Sin Igual.		
5	4 "	"	"	Maria Segunda . . . . .		Returned.
6	5 "	Spanish	Brig	Isabel.		
7	8 "	Portuguese	Schooner	Triunfo . . . . .		Returned 14th June.
8	14 "	Spanish	"	Constitucion . . . . .		{ Returned 15th December, under Portuguese colours.
9	20 "	"	"	Lince.		
10	22 "	American	"	Bee . . . . .		{ Sailed for Cape de Verds under suspicious circumstances.
11	1 March.	Spanish	Brig	General Ricafort.		
12	7 "	American	"	Two Friends.		
13	" "	Portuguese	Schooner	Tratado.		
14	" "	"	"	Olimpia . . . . .		Returned 16th November.
15	20 "	Spanish	Brig	Tajo.		
16	22 "	"	Schooner	Francisca . . . . .		Returned — October.
17	1 April.	"	"	Ligera.		" "
18	4 "	Portuguese	"	Belencita.		
19	14 "	"	Ship	Palmira . . . . .		Returned 17th December.
20	20 "	"	Schooner	Dulcinea.		
21	25 "	"	"	Margarita.		
22	9 May.	"	"	Eliza.		
23	13 "	"	"	Primorosa.		
24	20 "	Spanish	"	San José.		
25	" "	Portuguese	Polacca .	Palmira.		
26	23 "	"	Schooner	Felicidad.		
27	24 "	"	"	Vibora de Cabo Verde.		
28	26 "	"	Ship	{ Maria Segunda, alias Socorro . . . . . }		Returned 17th December.
29	27 "	Spanish	Brig	Anita.		
30	" "	"	Schooner	Jacinto.		
31	3 June.	Portuguese	Brig	Matilda.		
32	13 "	American	"	Morris Cooper.		
33	16 "	Spanish	"	Aguila Vengadora.		
34	19 "	Portuguese	"	Liberal.		
35	26 "	American	Schooner	Terrible.		
36	27 "	Portuguese	Ship	Amelia.		
37	7 July.	Spanish	Schooner	Nueva Amable Salome.		
38	8 "	"	Brig	Irene.		
39	11 "	Portuguese	Schooner	Constitucion . . . . .		Returned 15th December.
40	13 "	American	"	George Washington.		
41	" "	Portuguese	"	Triunfo de Cabo Verde.		
42	14 "	"	"	Dos Hermanos.		
43	" "	American	"	Perry.		
44	18 "	Portuguese	Brig	Maria Teresa.		
45	26 "	"	Schooner	Prueba.		
46	27 "	"	"	Segunda Maria.		
47	28 "	Spanish	Brig	Emprendedor . . . . .	— Garcia.	
48	29 "	"	Schooner	Josefita . . . . .	— Manegat.	
49	5 August	Portuguese	Brig	Fortuua.		
50	19 "	Spanish	Schooner	Famosa Estrella.		
51	21 "	American	Brig	Teazer.		
52	22 "	Austrian	"	Trasibolo . . . . .	— Smaserick . . . . .	{ Carried negroes from Havana to the Coast of Africa.
53	9 Sept.	Portuguese	Schooner	Destemida.		
54	16 "	"	Brig	Ligero.		
55	19 "	"	"	Camoens.		
56	23 "	"	Schooner	Oposicion.		
57	26 "	"	"	Sirca.		
58	30 "	"	"	Feliz.		
59	2 Oct.	"	"	Felicidad.		
60	3 "	American	"	Washington.		
61	18 "	Spanish	"	Primera Union.		
62	19 "	Portuguese	"	Estela.		
63	20 "	American	"	Joseph Hand.		
64	2 Nov.	Portuguese	"	Ligera.		
65	7 "	Swedish	Brig	Victorina . . . . .		Cleared for Cape de Verde.
66	18 "	Portuguese	"	Vigilance.		
67	25 "	American	Schooner	Cleopatra.		
68	" "	Portuguese	"	Sin Igual.		
69	30 "	"	Brig	Triunfo de Loando.		
70	11 Dec.	American	Schooner	Itramurra.		
71	15 "	Spanish	"	Montaña.		
72	23 "	Portuguese	"	Veloz.		

Portuguese	40
Spanish	19
American	11
Austrian	1
Swedish	1

Total	72
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No. 44.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received March 7.)*

MY LORD,

Havana, 2nd January, 1838.

WE have the honour to enclose to your Lordship the copy of a Letter received from Her Majesty's Superintendent of liberated Africans, giving an account of his proceedings relative to the negroes brought here in the Spanish schooner "*Matilde*," and liberated by sentence of the Mixed Court of the 11th of December last.

From this detailed account your Lordship will perceive, that, of the 254 surviving, there were 220 negroes sent on the 31st December to Her Majesty's possessions at Belize; 16 have been received as recruits on board the "*Romney*," and 18 remain, having been in a state of weakness and illness at the time when the others sailed, though now convalescent.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

Enclosure in No. 44.

*Mr. Madden to Mr. Kennedy.*

Havana, 31st December, 1837.

SIR,

I HAVE the honour to acknowledge having received Certificates of emancipation for the negroes brought here in the Spanish schooner "*Matilde*," and liberated by the sentence of the Mixed Court on the 18th instant. Pursuant to your directions, Lieutenant Jauncey, the Officer in charge of the "*Matilde*," delivered over to me 254 negroes, 3 having died since the vessel was brought into this Port, and of these 1 only, since liberation, on board the "*Matilde*." Of the 254, 241 were sent on board the "*Romney*;" the remaining, 73 having been attacked with small pox, were sent to the sick depôt, formed, *pro tempore*, for their reception, the hospitals on shore having refused to receive them; and subsequently one having consented, but on terms I should not have been justified in complying with. Of the negroes on board the "*Romney*," 16 have been enlisted into Her Majesty's 1st and 2nd West India Regiments, 5 more are on the sick list, and 220 have been this day embarked on board the brig "*Venus*" for Belize; the number being as follows:—

Sick remaining	18
Enlisted into 1st and 2nd West India Regiments	16
Removed to Belize	220
	254

The sick, when sufficiently convalescent, shall be removed by the first opportunity.

I beg leave to express to you how sensibly I feel the advantages my duties in the emergencies of the present case have been received from your assistance and support.

I have the honour, &c.

(Signed)

R. R. MADDEN.

No. 45.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received March 7.)*

MY LORD,

Havana, 6th January, 1838.

WE have the honour to enclose to your Lordship the deposition of Don José de la Cruz, Lieutenant in the Royal Navy, and Commander of the Spanish pilot-boat of war "*Teresita*," who, on the 4th May, 1837, claimed, as a prize, and took from Her Britannic Majesty's ship "*Vestal*," the Spanish schooner "*Matilde*," since condemned by the Mixed Court of Justice, for being equipped for the traffic in slaves, in contravention of the Treaty of 1835.

Lieutenant Cruz has been ordered by his Excellency the Captain-General to appear before the Mixed Court, to make declaration of his capture; and your Lordship will perceive, that he charges the circumstance of the "*Matilde*" not having been brought before the Mixed Court for adjudication, to the responsibility of the Commandant of Marine at St. Jago de Cuba.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

## Enclosure in No. 45.

*Deposition of Lieut. Cruz, relative to the schooner "Matilde."*

(Translation.)

IN the Always Most Faithful City of Havana, on the 4th January, 1838, appeared personally before the Spanish and British Judges of the Mixed Court of Justice, Don José de la Cruz, Lieutenant in the Royal Navy, and Commander of the Spanish Pilot-boat of war "Teresita," who made oath according to law, and declared in reply to the question, whether the Report now shown to him, and belonging to the proceedings relative to the detention of the Spanish merchant-schooner "Matilde," is the same that he made to the Commandant of Marine of Cuba on the 5th May last; that it is the same that he made to the said Commandant of Marine; that its contents are true; that he has nothing to add or take from it, and that he ratifies it in all its parts.

Being asked why, having taken charge of the schooner "Matilde," he did not send her to this Port for adjudication by the Mixed Court of Justice, to which the cognizance of her Case belonged, according to the 1st Article of Annex. A. to the Treaty between their Catholic and Britannic Majesties of the 28th June, 1835, instead of sending her to the Port of Cuba, he declared that on taking charge of the said schooner she was very leaky, for which reason he sent her to Cuba, as the nearest Port to where she was detained, in order that, on being repaired, the Commandant of Marine of that Province might pass her to the Tribunal by which she was to be adjudicated, as stated in his before-mentioned Report, and that he had considered it better to send her into a Port where she could be repaired, than to expose her to a longer voyage in which she might have been lost. That what he has above declared is true upon his oath.

(Signed)

FERNANDINA.

J. KENNEDY.

(Signed)

JOSE DE LA CRUZ.

(Signed)

JUAN FRANCISCO CASCALES, *Secretary.*

## No. 46.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received March 7.)*

MY LORD,

*Havana, 31st January, 1838.*

WE have the honour to inform your Lordship, that on the 15th December last, Her Majesty's sloop "Ringdove," Commander Nixon, in sailing from this port to Jamaica, came up, in about lat. 19° 50' N., long. 75° 47' W., with the Spanish schooner "Vigilante," from Porto Rico to St. Jago de Cuba, in which vessel, upon search being made, were found 3 negroes on the deck, apparently not of recent importation from Africa; and, stowed away in the main-hold, 18 other negroes, evidently Bozales. For all of the negroes were Passports produced from the Governor of Puerto Rico, precisely similar in form to those produced in the case of the "Vencedora," under similar circumstances; when, being at the time off St. Jago de Cuba, and the "Vigilante" in an extremely leaky condition, Commander Nixon determined to take her into that harbour. On further examination, as will appear by the Enclosure No. 3, the "Vigilante" proved to be so totally unseaworthy, that it was impossible for her to be sent round to this port; and being found not above the estimated value of Forty Pounds sterling, was not in a condition to admit of sufficient repairs to make her fit for even such a voyage. Commander Nixon, therefore, not able apparently to discover any well-founded cause for further detention, thought it advisable to give up the vessel at once to the owners, and discharge the crew, contenting himself with taking an assurance from the Governor of St. Jago, and a guarantee from a merchant of that place, Don Ramon Mayol, that the negroes should remain subject to the decision of the Mixed Court of Justice. The period of cruize for the "Ringdove" having expired, and the provisions and stores requiring to be renewed, Commander Nixon was under the necessity of proceeding to Jamaica, whence he sent his declaration (Enclosure No. 1), as required by the Treaty, together with the papers of the "Vigilante" (Enclosure No. 4), by Her Majesty's sloop "Snake," then coming to this port; but without any officer, or other evidence, to support the right of detention.

On examining the papers of the "Vigilante," and also other communications from Commander Nixon, and the English Consul at St. Jago, Her Majesty's Judge, considering that nothing was stated to have been found on board in contravention of the equipment Articles of the Treaty of 1835, nor any reason given to suppose that the vessel had been engaged otherwise than in coasting transactions, or from the island of Porto Rico to Cuba, was of opinion, in accordance with the decision of the Mixed Court of Justice in the case of the "Vencedora," that he had no alternative but to concur in the expediency of Commander Nixon's act, in having discharged the vessel and crew, and in directing the negroes to be given up to the parties who claimed them.

The Declaration and Papers, which are the usual papers of a Spanish merchant-vessel, arrived at the Havana on the 6th January, and on the 17th, not receiving any further communications, either by the "Snake," or by Her Majesty's ship "Champion," which subsequently arrived from Jamaica, to state that Commander

Nixon could be considered as acting otherwise than abandoning the case on his own responsibility, the Mixed Court of Justice met, and agreed to a sentence in the terms above stated, of which we have the honour to enclose your Lordship a copy (Enclosure No. 5.)

After this meeting on the 17th instant, Her Majesty's Commissioner of Arbitration, not concurring in the opinion of Her Majesty's Judge, of which the former was informed on the 8th instant, urged that a Commission, including, at least, one member of the Mixed Court, should be sent to St. Jago, to examine the vessel, the negroes, and such of the crew as might be found there, under the impression that evidence might thus be procured to condemn the vessel. But even if this suggestion had been made before the sentence was agreed to, Her Majesty's Judge could not have assented to the propriety of so doing, in opposition to the many difficulties which would have attended it, of time and expense, with the little probability of now obtaining sufficient evidence to warrant such a proceeding, when it could not be obtained before, besides the question of power to delegate the duty of taking evidence under such circumstances.

Her Majesty's Judge, in agreeing to this sentence of the Court, felt it his duty, in accordance with the practice of all Superior Courts, to respect the judgment which, upon full deliberation, had been passed in the last case, until corrected by a higher Tribunal; but, continuing of the same opinion as in the case of the "*Vencedora*," must submit to your Lordship the expediency of adopting some means of putting an end to this practice of bringing negroes from Africa to Porto Rico, and thence to this Island, under the protection, fraudulent, though now to be permitted, of Passports obtained in that place.

Her Majesty's Commissioner of Arbitration was also of opinion, that the attendance of Commander Nixon should have been imperatively required before the Court, which attendance, no doubt, would have been more satisfactory, as well as that of some of the crew of the "*Vigilante*." But in every case of search, the captor, undoubtedly, possesses a right of judging on his own responsibility, as to the propriety of detention; and if, in this case, Commander Nixon was satisfied, notwithstanding the suspicious circumstances he has mentioned, that no sufficient proof existed to ensure a conviction, Her Majesty's Judge considers him to have acted wisely, in not causing unnecessary irritation by further detention. Those suspicious circumstances, however, it should be observed, might be easily explained otherwise than as evidences of guilt, and little reliance can be placed on conversations, where none of the officers or crew of the "*Ringdove*" possessed any sufficient knowledge of the Spanish language.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

First Enclosure in No. 46.

*Captor's Declaration in the Case of the "Vigilante."*

I, HORATIO STOPFORD NIXON, Commander of Her Britannic Majesty's sloop "*Ringdove*," hereby declare, that on this 15th day of December, 1837, being in or about latitude 19° 50' north, and longitude 75° 47' west, I detained the brigantine named the "*Vigilante*," sailing under Spanish colours, armed with 1 long pivot-gun, commanded by Don José Ferrer, who declared her to be bound from Porto Rico to St. Jago de Cuba, with a crew consisting of 13 men and 3 passengers. The names of the crew, as appear by the Papers, are in a list at the foot hereof. On examining her 18 negroes were found concealed below, and there were 3 on deck not having any appearance of being of recent importation, all of whom are enumerated as follows, viz. :—

	Healthy.	Sickly.	Total.
Men . . . . .	7	0	7
Women . . . . .	2	0	2
Boys . . . . .	4	3	7
Girls . . . . .	3	2	5
			—
			21
Three not appearing of recent importation . . . . .			3
			—
Leaves . . . . .			18

I do further state she was very leaky, and, on being surveyed by two officers and carpenter of Her Majesty's ship under my command, was declared not seaworthy.

Given under my hand, on board H.M.S. "*Ringdove*," this 15th day of December, 1837, at Santiago de Cuba.

(Signed)

H. STOPFORD NIXON, *Commander.*



## Second Enclosure in No. 46.

*Commander Nixon to Her Majesty's Commissioners.*

GENTLEMEN,

H.M.S. "Ringdove," December 16th, 1837.

I BEG to inform you that, yesterday, when running for Jamaica, I chased a brig and brigantine, which appeared to me suspicious. On nearing them, the brigantine made sail ahead of the brig (to whom from aloft I could perceive she had spared all studding-sails, as well as fore-sail and try-sail.) About noon I closed with the brig, who showed the royal colours and pendant of the Spanish Navy; and, on my hailing, was informed she was the "*Marte*" brig-of-war. Having satisfied myself that she was so, I asked if the brigantine ahead was a vessel-of-war (from her having a pendant and royal colours flying); was answered she was a merchant-vessel from Porto Rico. I then made sail in chase. At 1<sup>h</sup> 20<sup>m</sup> spoke the brigantine, and told him I would send a boat on board; on doing which, and while Lieutenant Tarleton was examining her Papers, one of my men, who had gone below, found 18 bozal negroes stowed away in the main-hold, and there were 3 negroes on deck having no appearance of recent importation. On going on board myself, I found there were passports for the negroes from the Governor of Porto Rico, exactly like those of the "*Vencedora*," when I felt it my duty, in obedience to the 9th Article of the Treaty of September, 1817, and more particularly of the 7th Article of the Instructions for vessels-of-war in the said Treaty, to detain her. At this period the "*Marte*" came up, and hailed to say the brigantine was under his convoy, when I went and told the Captain, Don Juan Morales de los Rios, that, had I known that before, I would have requested him to accompany me, or Boarding-Officer, in visiting her, but that I now felt it my duty to detain her; when he requested I would take her into St. Jago, close off which from the length of chase we now were, and representing to me that she leaked very much, I assented, for reasons contained in a Letter from me to Commodore Sir John Peyton, an Extract of which I now enclose, as well as my Correspondence with Brigadier-General Don Tomas Gaston, Governor of St. Jago de Cuba. You will perceive that his Excellency has engaged to be answerable for the negroes, until decided on by your Honourable Court. I also enclose my Declaration, with seven Papers, as received on board the "*Vigilante*," and I have to remark on two of those Papers, viz. the Passport signed by Admiral Topete, that Don Juan Ferrer told me he had but recently bought the "*Vigilante*" before leaving Porto Rico, whereas Admiral Topete's Passport is signed in August, 1836; and in the passport for 13 negroes called Criados, from the Captain-General of Porto Rico, they are described as Don José Ferrer's criados, whereas, he assured me and Mr. Watson, the negroes were only passengers, and that he was paid for them as such. Having been detained a day by a most wanton attempt to assassinate one of my boat's crew, I would have written then, but was occupied entirely with the necessary legal proceedings against the assassin, whom we secured on the instant, in which, and everything relative to this atrocious affair, I received the most prompt assistance from the Spanish Guard, his Excellency the Governor, Don José Ferrer, and all the Authorities.

I have, &amp;c.

(Signed)

H. STOPFORD NIXON, *Commander.*

*Her Britannic Majesty's Commissioners,*  
&c. &c. &c.

## Sub-Enclosure in No. 46.

*Extract of Letter to Commodore Sir John Peyton.*

"From the state the "*Vigilante*" was found to be in, I ordered a Lieutenant, Master, and Carpenter to survey her, and the Surgeon to examine and report to me the state of the negroes. On returning on board from paying my respects to the Governor, I received the reports of survey on the "*Vigilante*," and negroes, which I now enclose. Taking the unsafe state of the vessel into consideration, my want of means and authority to go to the necessary expense to make her seaworthy,—the loss of life that must take place among the negroes in attempting to send them round to Havana,—the impossibility of the "*Ringdove's*" accompanying her without going to Jamaica first, from my being short of provisions, and the period when I was to have returned to Port Royal expired;—taking the above circumstances into consideration, and feeling that the liberation of the negroes and the suppression of the Slave Trade are the humane and chief objects our Government have in view, I wrote a letter, of which I now enclose a copy, to the Governor, when, having received and answered several verbal communications at the British Consulate from the Governor, I received a letter from His Excellency authorizing a respectable merchant to receive and take care of the 18 Bozal negroes, His Excellency becoming answerable for them till the decision of the Mixed Court should be known."

*Copy of a Report of Survey on the Spanish Brig "Vigilante."*

Pursuant to an order from Horatio Stopford Nixon, Esq., Commander of Her Britannic Majesty's sloop "*Ringdove*," we whose names are hereunto subscribed have been on board the "*Vigilante*," and have held a strict and careful survey on the "*Vigilante*," and find as follows:—namely, she makes eight inches of water per hour, while laying at anchor in still water, and, from her apparent decayed state, it is probable she will make considerably more at sea. She is iron fastened, and the bolts in the walls are much worn. The rudder is very defective. Five timbers are said to be broken in the starboard after body, which we could not examine owing to the stowage of the cargo. To ascertain the leaks it will be necessary to heave her down and strip the copper off her bottom. The vessel appears very old, and we consider her quite unsafe to perform a voyage of any length, or to combat bad weather. And we further declare, that we have performed this service with such care and accuracy that we are willing, if required, to make a solemn declaration to the truth and impartiality of our proceedings.

Given under our hands, on board Her Majesty's sloop "*Ringdove*,"  
this 16th day of December, 1837.

(Signed)

JOHN WALTER TARLETON, Lieutenant,  
JOHN SHEPHERD, Master,  
RICHARD HEANS, Carpenter,

} H. M. S. "Ringdove."

*Copy of Surgeon's Report on the Negroes on board "Vigilante."*

SIR, In compliance with your order of this day's date, I have carefully inspected the 21 negroes on board the "*Vigilante*," Spanish brigantine. They are all affected with a cutaneous disease, and a considerable proportion of them present a most miserable spectacle of emaciation; and in especial there are 5 children so much reduced in strength, apparently from visceral disease, that I am of opinion they could not survive a sea voyage of even a few days' duration.

I have, &c.

(Signed)

J. WATSON, Surgeon.

To H. S. Nixon, Esq., Commander H. M. S. "Ringdove."

The above are true extracts and copies of the original documents.

(Signed)

H. STOPFORD NIXON.

H. M. S. "Ringdove," Port Royal, Jamaica, December 21st, 1837.

### Third Enclosure in No. 46.

#### *List of the "Vigilante's" Papers.*

I, Horatio Stopford Nixon, Commander of Her Britannic Majesty's sloop "Ringdove," have received from Don José Ferrer, Master of the brigantine "*Vigilante*," the following Papers in Spanish, viz. :—

1. A Log, or small diary of the voyage.
2. The Royal Passport, signed by Admiral Topete at Havana, countersigned by the Commandant of Marine at Porto Rico.
3. Muster-Roll.
4. License for 13 Negro Passengers.
5. License for 4 Negro Passengers.
6. License for 4 Negro Passengers.
- \*10. Bill of Health.

(Signed)

H. STOPFORD NIXON, Commander.

### Fourth Enclosure in No. 46.

(Translation.)

#### *Sentence in the Case of the "Vigilante."*

Havana, 19th January, 1838.

Having examined the Proceedings, amongst which are the Declaration or Report, dated the 15th December last, of Horatio Nixon, Esq., Commander of the English brig-of-war "Ringdove," in which he states having detained the Spanish merchant brig "*Vigilante*," Don José Ferrer, Master, in Latitude 19° 50' N. and Longitude 75° 45' W., on her passage from Porto Rico to Santiago de Cuba with a regular crew, and with passengers, on account of finding on board 18 negroes: the official communication of the Governor of the Province of Cuba, dated the 18th of the said month, which was forwarded to this Mixed Court by His Excellency the President, Governor and Captain General, in his official letter of the 7th instant, together with a copy of the correspondence which passed between the said Governor of Cuba and Commander Nixon, who offered to leave the negroes in the city of Cuba, under the guarantee of the Government and the security of Don Ramon Mayol, until the result of the trial, to which he acceded, notwithstanding that the detained vessel was on her way from one Spanish port to another, with Papers likewise Spanish, as evinced by the Royal sailing passport, the muster-roll, the bill of health, the passports for the negroes from the Superior Government of Puerto Rico, without any other evidence to prove that the vessel had been or was actually engaged in the prohibited trade in slaves; and seeing finally that the capturing Commander, up to the present time, has neither appeared himself nor sent any one of the officers of the "Ringdove" with instructions, according to the treaty of the 28th June, 1835, to show that the said negroes had been taken from the coast of Africa: moreover, taking into consideration the judgment in the case of the "*Vencedora*," which was likewise from Puerto Rico, as well as the results of the evidence on both sides, and more particularly the grounds of the opinion of the 17th instant, the Judges agreed: That they ought to declare, and do hereby declare, with all due regard to the merits of the case, and according to the usual brief and summary mode of proceeding in all such cases, on the truth being made manifest, the detention of the said brigantine "*Vigilante*," to be illegal, and in consequence that the Spanish Captain, Don José Ferrer be left at liberty to go with her and her cargo wheresoever it may suit him; that the Masters be allowed to take their slaves or dispose of them, the security given by Don Ramon Mayol being cancelled; this determination to be made known to whomsoever it may concern, and an official letter to be addressed to His Excellency the Captain-General with a copy thereof, in order that it be duly carried into effect. And by this their Decree, definitively judging, thus provided, ordered, and signed, His Excellency Don José Maria de Herrera, Conde de Ferdinandina, and James Kennedy, Esquire, the Spanish and British Judges of the Mixed Court of Justice, in the presence of the Secretary who certifies.

(Signed)

EL CONDE DE FERNANDINA.  
J. KENNEDY.

(Signed) JUAN FRANCO CASCALES, Secretary.

\* Numbered so in original.

CLASS A.—FURTHER SERIES.

No. 47.

*Her Majesty's Commissioners to Viscount Palmerston.— (Received March 7.)*

MY LORD,

*Havana, 31st January, 1838.*

OF the arrivals of slave-vessels during the past month, we are enabled to report to your Lordship the following, viz. :—

17th January,	Portuguese Schooner	(name unknown.)	
19th	"	"	Josefina, Nieves, Master.
21st	"	"	Maria Segunda, Alburquerque.
26th	"	"	Brigantine Felicidade, Verriél.

The three following vessels are the whole that have cleared during the same period from this Port for the African coast, viz. :—

18th January,	Spanish Schooner	Negrita, for Isla del Principe.
19th	" American	" Gabriel, for ditto.
20th	" Spanish	" Ceres, for Cape de Verds.

We have, &amp;c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&amp;c.

&amp;c.

&amp;c.

No. 48.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 19th March, 1838.*

I HAVE to acquaint you, that the Lords Commissioners of the Admiralty have issued a circular to the Commanders in Chief on Foreign Stations, directing them to instruct the Captains and Commanders of Her Majesty's ships and vessels under their orders to discontinue the practice, according to which it appears that they claim a right, under section 8 of the Articles of War, of taking from vessels detained by them, under Treaties with Foreign Powers for the suppression of the Slave Trade, articles relating to navigation, which may be required for the use of the capturing vessel under their command.

I am, &amp;c.

(Signed)

PALMERSTON.

*Her Majesty's Commissioners,*

&amp;c.

&amp;c.

&amp;c.

No. 49.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 4th April, 1838.*

I HEREWITH transmit to you, for your information, the accompanying copy of a Despatch, and of its Enclosure, from her Majesty's Envoy at Madrid, containing the answer of Count Ofaia to the complaints made against the conduct of Lieut. Cruz of the Spanish pilot-boat "*Teresita*;" and I also transmit to you the copy of a Despatch which I have subsequently addressed to Sir George Villiers, directing him to demand, that Lieut. Cruz shall be dismissed from the Spanish service.

I have, &amp;c.

(Signed)

PALMERSTON.

*Her Majesty's Commissioners,*

&amp;c.

&amp;c.

&amp;c.

## Enclosures in No. 49.

*Sir G. Villiers to Viscount Palmerston, February 24th, 1838.**Viscount Palmerston to Sir George Villiers, March 22nd, 1838.*

(See Class B. of this Series, No. 15 and No. 20.)

No. 50.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 4th April, 1838.*

I HEREWITH transmit to you the accompanying copy of a Despatch, and of its Enclosure, from Her Majesty's Envoy at Madrid, containing the answer of the Spanish Government to the complaint, that the Custom House Authorities at St. Jago de Cuba had permitted 120 pairs of leg-irons to be shipped on board the vessel "*Eliza*."

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

I have, &c.  
 (Signed)

PALMERSTON.

Enclosure in No. 50.

*Sir G. Villiers to Viscount Palmerston.*

Madrid, March 3, 1838,

(See Class B. of this Series, No. 16.)

No. 51.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 28th April, 1838.*

I HAVE received you Despatches of the 23rd of October and the 22nd of November, 1837, on the subject of the Spanish schooner "*Vencedora*," captured by Her Majesty's schooner "*Ringdove*," and taken to the Havana, and subsequently liberated under a sentence of the Court of which you are members.

That decision, the evidence on which it was grounded, and the opinion given individually on the case by the British Judge and by the Spanish Judge, have, together with the other Papers sent by you upon this case, been taken into consideration by the proper Law Officer of the Crown.

I have now to state to you, that Her Majesty's Commissary Judge has, in the opinion of the Law Adviser of the Crown, taken a correct view of this case; and, on the grounds stated by him, the Mixed Court of Justice ought to have pronounced upon the "*Vencedora*," a sentence of condemnation and not of release. I herewith transmit, for your information and guidance, the copy of a Despatch which, by Her Majesty's command, I have addressed to Her Majesty's Envoy at Madrid, directing him to make a representation on the subject to the Spanish Government, for the purpose of inducing it to send out, for the guidance of the Spanish Commissioners, in future cases of a nature similar to that of the "*Vencedora*," instructions in conformity with the intent of the Contracting Parties to the Treaty.

I have, &c.  
 (Signed)

PALMERSTON.

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

Enclosure in No. 51.

*Viscount Palmerston to Sir G. Villiers.*

April 24, 1838.

(See Class B. of this Series, No. 26.)

## RIO DE JANEIRO.

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No. 52.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 13, 1838.)*

MY LORD,

*Rio de Janeiro, November 3rd, 1837.*

THE Despatch, which we had the honour of addressing to your Lordship on the 19th of September, will have apprized you that, in consequence of a proposition by a Deputy for the province of San Paulo, the Project of the Marquis Barbacena for the abrogation of the Law 7th November, 1831, was referred to a Committee of Diplomacy, for an opinion, whether the Project in question might or not be considered as militating against the Convention of the 23rd November, 1826, between Great Britain and Brazil.

The Committee consisted of Senhor Antonio Maria de Moura, one of the Deputies for Minas Geraes; Senhor José de Aranjeo Ribeiro, a Deputy for Rio Grande; and of Senhor Manoel Maria do Amaral, Deputy for Bahia.

Their opinions were given on the 30th September,—namely, that Senhor de Moura and Senhor Ribeiro considered the Project, as not opposed in any respect to the Treaty, while Senhor do Amaral considered the Treaty as “attacked” by the Project; and, further, that the Project is contrary to the real agricultural interest of Brazil.

The respective opinions have been printed by the Government press; and we have the honour to enclose two copies and a translation.

The dissentient Deputy characterizes the Project, as contrary to the spirit of the Treaty of 1826, which requires, not merely the reducing of the traffic in slaves on the coast of Africa, but its abolition within the empire of Brazil; while, in fact, the practical security, afforded to those accomplishing the importation, necessarily augments and extends the very same traffic.

The Legislative session closed on the 15th of October, without further proceedings in this business. The elections of Deputies for the ensuing session are completed, and the 22nd April next is fixed for the election of a new Regent, in the person either of the Regent *ad interim*, or of some other gentleman. And, on their meeting for business in May, it would be highly satisfactory, if the Executive and the two chambers would concur in some effective measure for putting down, at length, the great evil of the traffic in slaves.

The above-mentioned opinions of the Committee of Diplomacy and of Senhor do Amaral were published, without comment, in the “Jornal dos Debates” of the 21st October; and the publication has been repeated, in the “Jornal do Commercio” of this day, which latter paper has an extensive circulation here and in the provinces.

We have, &c.

(Signed)

ROBERT HESKETH.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

Enclosure in No. 52.

(Translation.)

(From Paper No. 199, “*Topographia Nacional*,” 1837.)

THE Committee of Diplomacy has had before it the requisition of the Deputy, Senhor Martin Francisco, that it should examine whether the project No. 133, received from the Senate, be or not in opposition to the Treaties with Great Britain; and, after having compared it with the same Treaties the Committee is of opinion that the project referred to is in no respect opposed to the same, and, therefore, that it may still be discussed.

*Palace of the Chamber of Deputies, the 30th September, 1837.*

(Signed)

A. M. DE MOURA.  
ARANJO RIBEIRO.  
MANOEL MARIA DO AMARAL, *Dissentient.*

## Separate Vote.

THE Convention of the 23rd November, 1826, between our Government and that of Great Britain, prohibiting the traffic in slaves on the coast of Africa, is, in the opinion of the undersigned, attacked by the project of law, No. 133, received from the Senate. The spirit of the said Convention, the Treaties to which it refers, and the Law of the 7th November, 1831, prohibit that the traffic in slaves be carried on, in or out of Brazil, by Brazilian subjects: the project, while continuing to prohibit the traffic in Africans on the coast of Africa, protects that traffic within the empire: the project abrogates the law of the 7th November, 1831, as inadequate to put an end to the same traffic, and it therefore enacts other means, more efficacious, for the execution of the Convention in that respect, for as much as it affirms that the non-execution of the same law of the 7th November arises from there being a large portion of our population interested in such traffic, for the purpose of obtaining hands for the cultivation of the soil, and because many of our countrymen are already implicated in this contraband trade.

These are the reasons in support of the project of the Senate, which are said to be unconnected with the Treaties, and in favour of the adoption of the project. The object of the Convention being, not merely to reduce the traffic on the coast of Africa, but to abolish it by means of obstacles to that end, it is clear that laws allowing the trade to be carried on within the empire, in the public markets, and in the presence of the Authorities, are in violation of the basis of the said Convention, and contrary to the principle on which it is founded. It is in vain that heavy fines be imposed, and greater vigilance enjoined, to prevent the traffic, short of the importation into Brazil; which, if on the one hand it appear to be intended to diminish the traffic on the coast of Africa (even which is so far evidently contrary to what was stipulated by the high contracting parties), would, on the other hand, by giving every security to the merchant accomplishing the importation, necessarily augment and extend the very same traffic.

If Brazil, in order to augment or preserve her riches, cannot dispense with the continued importation of Africans, if this be demonstrated and useful to the country, which in the opinion of the undersigned it is not, the course to be followed would be, to require at once the revocation of the Convention itself, as vitally necessary for the preservation of the country, and also to abrogate the law of the 7th November, 1831, and not to endeavour, under specious pretences, to elude a Convention which ought to be maintained by all the powers of the State.

The non-execution of a law, so important as that of the 7th November, 1831, is attributable to negligence and protection, more than to any real want of the country, notwithstanding the inadequate measures taken in regard to colonization. If there were an administration resolved to execute the law in question, the undersigned is convinced that it (the law) would not be trodden down as it has been, and that such an Administration, taking the requisite precautions, would neither sacrifice the country, nor place it under the necessity of continuing the hideous commerce in Africans. This, no doubt, would be the principal object of a prudent Administration, desirous of promoting the material improvements of the country, and of supporting our institutions. The undersigned, not thinking it necessary to extend the development of this subject, concludes that the project of the Senate attacks the Convention of the 23rd November, 1826.

*Palace of the Chamber of Deputies, 30th September, 1837.*

(Signed)

MANOEL MARIA DO AMARAL.

(One of 13 Deputies for the Province of Bahia.)

## No. 53.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 13, 1838.)*

MY LORD,

*Rio de Janeiro, 3rd November, 1837.*

WE beg leave to enclose two copies of the "Jornal do Commercio" of this date, stating that, among the business brought before the Jury in this city on the 1st instant, was a charge, on behalf of the Crown, against the crew of the Portuguese schooner "Josephina," accused of the crime of trafficking in slaves, upon which the Jury found "matter of accusation," equivalent, we believe, to the finding of "a true bill" in England.

We shall not omit to report to your Lordship the result of the trial, which, we believe, is the first of the kind.

We have, &c.

(Signed)

ROBERT HESKETH.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

## No. 54.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 31, 1838.)*

MY LORD,

*Rio de Janeiro, 11th November, 1837.*

WE beg leave to inform your Lordship, that we have received, by Her Majesty's Packet "Tyrian," the five copies of Parliamentary Papers, relating to

the Slave Trade, which your Lordship did us the honour to address to us on the 15th July last.

We have, &c.  
(Signed) ROBERT HESKETH.  
FREDERICK GRIGG.

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

No. 55.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 31, 1838.)*

MY LORD,

*Rio de Janeiro, 16th November, 1837.*

WE have the honour to enclose a statement of the declared intercourse between this port and the coast of Africa, during the month of October last; the departures being 2 vessels, and the arrivals 4; all Portuguese. We regret to repeat our conviction, that all the vessels arriving, and detained for a time by the police, have previously landed slaves, and will be exempt from punishment.

It has been reported, that fewer vessels have, of late, proceeded to Africa, as the parties interested were in doubt, how far the new Portuguese Authorities on the coast would act upon the last Decrees of the Government of Portugal respecting the Slave Trade.

We have, &c.  
(Signed) ROBERT HESKETH.  
FREDERICK GRIGG.

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

**First Enclosure in No. 55.**

*Departures from Rio de Janeiro for the Coast of Africa, during the Month of October, 1837.*

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Ton- nage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
Oct. 9	Barque.	Sencapor . . . . .	J. M. Guilhermino . . .	Portuguese	307	20	Angola. . . . .	Brandy and Goods.	
„ 27	Schooner .	Mariana . . . . .	J. A. dos Santos . . . .	„	99	13	Benguela . . . . .	Goods and Oil.	

(Signed) **ROBERT HESKETH.  
FREDERICK GRIGG.**

**Second Enclosure in No. 55.**

*Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of October, 1837.*

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Ton- nage.	Number of Crew.	Where from.	Passage. Days.	Reported Nature of Cargo.	Remarks.
Oct. 16	Brig. . . . .	Marquez de Pombal . . .	J. A. de C. Continho . . .	Portuguese	150	9	Angola . . . . .	30	Ballast	Detained by Police.
„ 19	Barque . . . . .	Acheronte . . . . .	J. C. R. Lopes . . . . .	„	250	17	„ . . . . .	32	Wax, Ivory, and Oil.	„
„ 21	Brigantine . . . . .	Jaculy . . . . .	A. J. Monteiro . . . . .	„	90	12	„ . . . . .	47	Ballast	„
„ 27	„ . . . . .	Flor do Rio . . . . .	M. A. de Almeida . . . . .	„	120	14	Zaire . . . . .	31	„	„

(Signed) **ROBERT HESKETH.  
FREDERICK GRIGG.**



No. 56.

(Extract.)

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 31, 1838.)**Rio de Janeiro, 17th November, 1837.*

THE change in the Brazilian Government, which took place on the 19th September, has had this important consequence, in respect to the Slave Trade; that, while the late Government appeared to wish to put down the traffic, as matter of principle, and of compact with Great Britain, the present Government, as far as it is represented by Senhor Vasconcellos, Minister of Justice, and, provisionally, Minister for the Empire, has proclaimed the traffic to be indispensable to the country, has released those concerned who were under prosecution, and set at nought the engagement with Great Britain on this head.

It appears by a Despatch of the 21st October, from Senhor Vasconcellos to the Minister of Finance, that orders, issued on the 6th June, to the Police and to the Inspector of the Custom-house, strictly to examine vessels arriving from the Coast of Africa, had been revoked, previously to the 21st October, as well as other orders to the same Inspector, respecting 3 slave-vessels under embargo; and, at length, on the 27th October, the Minister of Finance, acting under the orders of Senhor Vasconcellos, as Minister, *ad interim*, for the Empire, transmitted a Copy of the Despatch of the 21st October to the Inspector of the Custom-house, for his Government.

As far as we know, the Documents in question were not promulgated before the 6th of the present month, when they appeared in the First Number of a Paper entitled "O Regresso," of which we have the honour to enclose 2 Copies, with a Translation of the Documents and of the Reflexions of the Editor.

Another Periodical notices the appearance of the "Regresso," and the importance of the Documents thus brought before the public, but without throwing any light on the quarter from which they were derived.

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Enclosure in No. 56.

(Translation.) (From "O Regresso," Rio de Janeiro, 6th November, 1837.)

To the Inspector of the Custom-House.

I SEND to the Inspector of the Custom-House, for his information and guidance, the Copy of the Note addressed to me by the Minister for the Empire on the 21st instant, in answer to my Note of the 28th September, accompanying the representation of the Inspector *ad interim*, of the 26th of the said month, in regard to the examinations and proceedings lately established with respect to the Ships which might arrive from the African ports.

Rio de Janeiro, 27th October, 1837.

(Signed) MIGUEL CALMON DU PIN E ALMEIDA,  
(Minister of Finance).

(Translation.)

Copy of the Note.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

THE Chief of the Police having received orders, that the examinations on board of ships entering this port from the Eastern Coast should be made, according to the mode followed prior to the latest Instructions contained in the Note of the 6th June last, I likewise communicate to your Excellency, in answer to the Note which you addressed to me on the 28th ultimo, that, in consequence, the interference of the "Guarda Mor" of the Custom-House has ceased in the examinations referred to, and as to the orders which had been addressed to the Inspector, *ad interim*, of the Custom-House, in respect to the embargo on three vessels, which are to be subject only to judicial act having emanated from the competent authority.

God preserve your Excellency.

Palace, 21st October, 1837.

(Signed) BERNARDO PEREIRA DE VASCONCELLOS.

(A true Copy.)

(Signed) JOAO MARIA JACOBINA.

To Senhor Miguel Calmon du Pin e Almeida.

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(Translation.)

The preceding Despatch of the Most Excellent Minister of Justice revokes that of the 6th July\* of the present year, by which his predecessor intended to impede the importation of Africans into the empire. It was by difficulties in the examination of vessels arriving from the Coast of Africa, in ballast, that the ex-Minister thought that he should succeed in putting an end to the traffic. But who does not know that it was continued as heretofore? In fact, some owners of ships were harassed, and perhaps ruined, but their number was so inconsiderable, that it might be said to be a grain of sand in proportion to those heaps, made and dispersed by the wind, in the deserts of Arabia. Hence the injustice!

In a constitutional country what is meant by a Judge absolving a culprit, while the Government orders the consequences of the process to subsist? The Justices of the Peace would acquit all the vessels; their being Judges named by the people indicates that they represent the opinion of the country—wherefore, how is the Government to resist them?

Hence, Senhor Vasconcellos understood the true policy in this respect. His predecessor, Senhor Montezuma, allowed himself to be carried away by a few crack-brained brawlers, who have nothing to lose, and are of no use to the State, unless it be in absorbing its substance. The present Minister is a Statesman—the ex-Minister was a rank empiric, who came to complete the list of bad Ministers. What would Brazil gain by the absolute cessation of the traffic in slaves? Wanting hands for her agriculture, she expires, and what is left to us? Misery, and nothing else. If we had any other branch of industry—if our population were already on a par with our territorial riches, the policy of Senhor Montezuma might be excused. Yet it is not so, but the reverse. Our country has neither population, nor capital, nor industry. Everything is idleness, ignorance, and poverty, in the midst of the richest territory in the world. Pride, ridiculous presumption, and vanity beset us. In order to labour, and to obey, it is requisite to be a slave. It is only by slavery that there can be a public income, and therefore it is only by it that we can obtain peace and tranquillity.

The enlightened penetration of Senhor Vasconcellos saw and estimated the whole, and promptly decided. We, he said, are in want of slaves, therefore let their importation be facilitated, and henceforth let no one be persecuted. Any other person would have drawn the same consequence. The Noble Minister did still more: he proposed the revocation of the law of the 7th November, while yet a Deputy; his courageous spirit was not intimidated by English frowns. We know that the English Minister has already dared to address to the Imperial Government a very harsh Note on the revocation of the "Portaria" of the 6th June. The answer, we are sure, will not displease ("dezagradará" printed in Italics) His Britannic Excellency; and, if he chose, he may go on. The Minister of Justice will know how to make him feel his position, and enter into the sphere of the respect due to the Brazilian Government. No Government need fear to lose by excess of energy. Let the Government be anything rather than weak and cowardly. Let it adopt a decided policy, form a party, and put itself at the head—let it not hesitate, but let it march firmly to its object. Every Government which halts, is ephemeral. The motto of the present Government is "O Regresso" (Old Principles). Therefore, let us retrace our steps, as well in our internal, as in our external, policy. Let us place the throne of Don Pedro II. as it was and ought to be. Let us examine the Treaties, and let whatever be good remain—let the rest be revoked and remain henceforth unfulfilled. Let the Ministry profit by the good opinion which it enjoys. All the Provinces are already aware of the existing incongruities in our political legislation; let everything be restored to its ancient state, and let that which experience recommends be retained, until our young Emperor come of age.

No. 57.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 31, 1838.)*

MY LORD,

*Rio de Janeiro, 20th November, 1837.*

WE beg leave to inform your Lordship, that, about the 16th of last month, Senhor Saturnino de Souza e Oliveira, who was dismissed, under the late Regency, from the office of Inspector of the Custom-house, was re-appointed to the same office, apparently to the satisfaction of the commercial body.

Upon this occasion, your Lordship will, perhaps, allow us to refer to a Paper, marked A., accompanying the Commissioners' Despatch, of the 30th September, 1836, being a Translation from "O Correio Official," of the 18th July, 1836, of a Despatch of the 4th December, 1835, from Señor Saturnino de Souza e Oliveira, as Inspector of the Custom-house, to the Minister of Finance.

In that communication, the Inspector strongly advocated the putting a stop to all direct commerce between Brazil and the Coast of Africa, as the best means of extinguishing, or, at least, reducing "the horrible trade in slaves," or, at the least, the positive prohibition of "Despachos" of goods for transshipment and re-exportation to the Portuguese Colonies and the Independent Ports of the Coast, and admitting the egress of goods for those parts only on payment of the duties of consumption.

You are aware, my Lord, that neither proposition was sanctioned by the Minister of Finance, or the Law-Officers of the Crown. But, under the present circumstances, we think it our duty again to submit the subject to your Lordship's consideration.

\* Apparently an error of the press for the 6th of June.

We refrain from adverting to the eventual bearing of the opinions of Senhor Saturnino de Souza e Oliveira, in December, 1835, upon possible cases, such as that of the "*Especulador*," noticed in our Despatch of the 10th August last; being aware, that the question raised as to the duties on her cargo has been laid before your Lordship from another quarter.

We have, &c.

(Signed)

ROBERT HESKETH.  
FREDERICK GRIGG.

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

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No. 58.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 13, 1838.)*

MY LORD,

*Rio de Janeiro, 4th December, 1837.*

WE have the honour to enclose a Statement of the declared and now unrestricted intercourse, between this Port and the Coast of Africa, during the month of November last; the arrivals being 7 Portuguese vessels, and the departures 6 Portuguese and 1 Brazilian.

We have, &c.

(Signed)

ROBERT HESKETH.  
FREDERICK GRIGG.

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

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First Enclosure in No. 58.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of November, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Ton- nage.	No. of Crew.	Where from.	Passage. Days.	Reported Nature of Cargo.	Remarks.
Nov. 3	Brigantine.	Terceira . . . . .	J. J. Goncalves . . . . .	Portuguese	150	9	Angola & Ambris.	64	Ballast . . . . .	In Quarantine, in consequence of the death of the Mate.
" 4	"	Deligente . . . . .	L. J. Maria . . . . .	"	150	17	Angola . . . . .	35	"	In Quarantine, 1 Seaman being short.
" 6	Brig	Antonio . . . . .	J. F. Roga . . . . .	"	250	19	"	35	"	Detained by Police.
" 9	"	Novo Destino . . . . .	C. da Silva (Mate)	"	200	17	Quilimane . . . . .	68	"	In Quarantine, the Master having died on the voyage.
" 24	Schooner	Nympha . . . . .	A. L. da Cunha . . . . .	"	90	15	Angola . . . . .	38	"	Detained by Police.
" 30	"	Angerona . . . . .	J. C. dos Santos . . . . .	"	120	11	"	37	"	In Quarantine.
" "	Brig	Dous de Fevereiro . . . . .	J. B. Camanho . . . . .	"	160	18	"	36	"	Under Observation, 3 of the Crew missing.

(Signed) ROBERT HESKETH.  
FREDERICK GRIGG.

Second Enclosure in No. 58.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of November, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Ton- nage.	No. of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
Nov. 16	Brigantine.	Maria . . . . .	J. A. Correa . . . . .	Portuguese	121	18	Angola by Benguela . . . . .	Brandy and Goods.	
" 18	"	Pallas . . . . .	L. J. Coelho . . . . .	"	162	18	Cape Veras and Africa . . . . .	"	
" 24	Schooner	Andorinha . . . . .	B. A. V. de Souza . . . . .	"	127	15	Benguela . . . . .	"	
" 26	Brig	Emilia . . . . .	J. J. Ferreira . . . . .	"	337	20	Bombay by Goa . . . . .	General.	
" 29	Brigantine.	Jane . . . . .	J. F. de Mesquita . . . . .	"	163	21	Quilemane . . . . .	Brandy and Goods.	
" 30	Brig	Marquez de Tombal . . . . .	J. P. de Aranjó . . . . .	Brazilian . . . . .	138	17	Angola . . . . .	"	

(Signed) ROBERT HESKETH.  
FREDERICK GRIGG.

No. 59.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received Feb. 13, 1838.)

MY LORD,

*Rio de Janeiro, 4th December 1837.*

DEEMING it our duty to lay before your Lordship whatever may shew the state of the public mind in this city, or, by possibility, affect it hereafter, in regard to the Slave Trade, we beg leave to enclose two copies of a pamphlet on that subject, recently published here under the title of an "Analytical Memoir on the Traffic in Slaves, and the Evils of Domestic Slavery."

Your Lordship will recollect, that, after the abdication of Don Pedro, a society styling itself, "Defensora da Liberdade e Independencia Nacional," was the principal auxiliary of the new government, and that it offered a premium for the best essay on the means of abolishing the traffic, and of substituting free for slave labour.

The pamphlet in question professes to have been written in consequence, but not to have been completed till after the voluntary and tacit dissolution of the Society; so that, instead of obtaining the expected patronage of a very influential body, the pamphlet now appears under adverse circumstances, and can have a good effect only prospectively.

It remains, however, to be seen, whether those members of the late Legislature, who, as such, expressed their hostility to the Slave Trade, are not availing themselves of this opportunity of diffusing their opinions on the subject.

We have, &amp;c.

(Signed)

ROBERT HESKETH.  
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

No. 60.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received Feb. 13, 1838.)

MY LORD,

*Rio de Janeiro, 18th December, 1837.*

WE hope, that your Lordship will permit us to address you on the subject, which, though beyond the immediate charge of the Mixed Commission, has a practical bearing upon its ultimate object.

On the 13th of last month, a French bark, called "*La Justine*," M. Lucas, master, arrived here, in 65 days, from Havre de Grace, in ballast, with 238 German settlers, bound for New Holland.

Soon afterwards, a society in this city, established in March 1836, under the title of "Sociedade Promotora de Colonisacao do Rio de Janeiro," having for object the Location of European Emigrants in the Interior, and their employment, generally, as labourers in Brazil, commenced proceedings to alter the destination of the emigrants on board of the "*Justine*," who had been especially selected for good character, and succeeded in accomplishing their landing here, on payment of a sum to the master of the vessel, as an equivalent for the expense of their transport thus far.

This transaction, and the general proceedings of the society, from its instalment to the close of March 1837, as detailed in a printed report, evince its activity and good management, and also, that its exertions are steadily directed towards the introduction of free labourers into this country, on an extensive plan, hitherto successful.

We think it probable, that the Negotiation for the landing of the party by the "*Justine*" was approved of by the Government; and it is most satisfactory, that, as the practicability of introducing free labour into Brazil, is demonstrated, the party who so perseveringly support and encourage the flagitious importation of African Slaves, on the plea of the want of other hands and of necessity, will be deprived of that argument, while the Landed Proprietors themselves will, we trust, avail themselves progressively, of the means of obtaining other, better, and, in the end, cheaper labourers.

We have, &amp;c.

(Signed)

ROBERT HESKETH.  
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

No. 61.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received Feb. 13, 1838.)

MY LORD,

*Rio de Janeiro, 22nd December, 1837.*

WE beg leave to enclose two copies of the "Correio Official Nictheroyense" of the 28th November, with a translation of an address, 17th November, from the Legislative Assembly of the Province of Rio de Janeiro, to the General Legislative Assembly of the Empire, praying the abrogation of the law of the 7th November, 1831, against the traffic in slaves.

The official and strenuous character of this Representation, evidently shews, that, on the meeting of the General Legislative Assembly in May 1838, every exertion will be made to repeal the law in question,—the only remaining support to the Treaties, concluded with this country with the humane object of the abolition of the traffic.

The document above-mentioned was republished in "O Jornal do Commercio," of the 21st instant, without comment.

We have, &amp;c.

(Signed)

ROBERT HESKETH.  
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 61.

(Translation.)

*Representation of the Provincial Legislative Assembly of Rio de Janeiro, in regard to the Traffic in Slaves..*

## AUGUST AND MOST WORTHY REPRESENTATIVES OF THE NATION,

THE Legislative Assembly of the Province of Rio de Janeiro, taking into due consideration the representations of several Municipal Chambers of the same Province, and acting upon the right, or rather complying with the obligation laid upon it by the 9th Article of the Additional Act, represents to the General Legislative Assembly, the urgent necessity of the early abrogation of the Law of the 7th November, 1831.

That Law, though dictated by commendable sentiments of humanity, far from producing those salutary effects which were aimed at, has caused irreparable evils, which are felt on every side, and is preparing an abyss of still greater, the terrible consequences of which, very easy to be foreseen, may be fatal, if Divine Providence shall not deign to continue its protection to Brazil.

The importation of Africans has neither been impeded nor diminished by the law in question: on the contrary, the traffic has been, and is, continued with impunity, and the zealous efforts of the public authority have not been able, either to prevent the importation, or to punish the infractors of the law!

This general non-observance of the Law of the 7th November is neither extraordinary, nor a solitary instance in the history of legislation; it is rather to be considered as a common occurrence, for its cause lies in the natural, necessary, and irresistible order of things.

The interest, the habits, and the ideas of many ages have impressed upon the greater number of the inhabitants of the country, that it is impossible to do without slave labour; and at least the agricultural class, the largest and the most important, feels its practical necessity. And if it be an acknowledged truth that this is the idea of the majority of the population, one cannot but acknowledge, that nothing is so common in the natural order of human affairs as the desire to acquire slave labour, in spite of every risk, inasmuch as the motive to procure the means of obtaining a profitable and more secure subsistence, is unquestionably graven by nature on the heart of man; and such and so weighty being the circumstances, nothing is so natural as the disinclination, the lukewarmness, and the neglect of all those who are charged with executing a law such as that of the 7th November, against which the ruling opinion of the country has been so openly expressed; and the more so when we observe, that so numerous are the infractors, that it would be impossible to effect their punishment without the risk of occasioning a deplorable and general calamity.

Nor let it be said that the majority, thinking thus, are in error, and that their real interest requires the termination of slave labour; for, granting that it be so, still the Law of the 7th November could not be maintained; it being a fixed ("exacto") principle in legislative science, that the errors or the prejudices of nations, rendered inveterate by habits of long standing, should be attacked not by direct, but by indirect means, tending to enlighten the people, and to turn them insensibly from those errors or prejudices, which it were advisable to eradicate, and particularly when they are bound up with the great interests of the people, even though they be more plausible than real. And this principle applies exactly to the Law of the 7th November.

These considerations are corroborated by another principle, admitting of no exception. No criminal prohibitive laws should be enacted, the inobservance of which will probably apply to so great a number of transgressors, that their punishment must be impracticable; the necessary result of such laws is impunity, which adds to the number of the culpable; and there is nothing so immoral as a society which is in the habit of violating the law with impunity. And if it be a lamentable fact, which however cannot be disguised, that so many are the transgressors of the Law of the 7th November, that their punishment is absolutely impossible, particularly as there is every reason to expect that their number extends and augments from day to day, how can one acquiesce in preserving the same law, without committing the serious political fault of occasioning, and even promoting, the demoralization of the country, with all its unavoidable consequences.

Finally, if we look forward to a period of dangerous reaction, when there may be a force sufficient

to cause the Law of the 7th November to be executed, what heart, really Brazilian, will, with tiger cruelty, fail to shed tears of blood on the scene of horrors threatened by so frightful a conjuncture, and on the extreme sufferings of thousands of valuable citizens condemned to end in dire imprisonment the remainder of those laborious days, spent in producing abundant wealth, with which their country, thus punishing their errors, had been nourished, had grown great and prosperous—innumerable unoffending families ruined—the fields without labourers—districts in desolation.

For all these reasons, and for others passed over, more proper to be felt than expressed, the Legislative Assembly of the Province of Rio de Janeiro hopes, that the August and Most Worthy Representatives of the Nation will be pleased graciously to receive the present representation, as matter of necessity and of claim by all Brazil, and especially by the Province of Rio de Janeiro.

*Palace of the Legislative Assembly of Rio de Janeiro, 17th November, 1837.*

(Signed)

J. CLEMENTE PEREIRA.  
J. J. VAN VICIVA.  
J. C. MONTEIRO.

No. 62.

*Her Majesty's Commissioners to Viscount Palmerston.—(Rec. March 6, 1838.)*

MY LORD,

*Rio de Janeiro, 28th December, 1837.*

CONSIDERING the efforts, which are being made by the Minister of Justice and Acting Minister for the Empire, apparently with the sanction of the Regent, *ad interim*, and of the other Members of the Government, to abrogate the Law of the 7th of November, 1831, and to revert to the open and unlimited importation of African slaves, we hope to be allowed to lay before your Lordship the enclosed additional Papers on the subject:—

“O Jornal do Commercio” of this date, containing an Extract from a Number, 11th May, of the “Carapuceiro,” a respectable and intelligent Paper, published at Pernambuco.

A Translation of a Passage on the Slave Trade.

We rejoice, that such just and forcible arguments, on national grounds, against the traffic, have been reproduced in the Capital of the Empire; and we would fain hope, that in the ensuing Legislative Session, means will be found at once to withstand the endeavours to repeal the Law of the 7th November, and to maintain the engagements of Brazil to England on this subject.

We have, &c.

(Signed)

ROBERT HESKETH.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

Enclosure in No. 62.

*Extract from O Jornal do Commercio of December 28, 1837.*

(Translation.)

THERE is no doubt that our Brazil commenced with many vicious principles, and has always been terribly mismanaged. Slavery, thus introduced, became a hot-bed of immorality, which, for many years, will turn the mass of our population head-strong and corrupt, as if the Supreme, outraged in this (the African) portion of His creation, be permitting such evils, as a punishment for our injustice and want of humanity. It appears that our Independence being once proclaimed, and the principles of a Government founded on the imprescriptible Rights of Man, recognised as holy, we, Brazilians, should be horrified at the sight of the captivity of so considerable a portion of our fellow-creatures; and, if we should find it impracticable at once to set them at liberty, that we should, at least, aim at manumitting them slowly and progressively, abstaining absolutely from the importation of those miserable victims of our unpardonable cupidity. But the result has been, in every respect, the reverse. Though we had but just ceased to be colonists, we aimed at leaping over the whole process of civilization, at ranking with the nations most advanced in the enjoyment of liberty, yet keeping up, at the same time, the miserable system of slavery, and pursuing the same iniquitous and horrible traffic in human flesh. Thus we have, in the midst of us, a frightful number of slaves, in spite of civil law—in spite of reason—in spite of the stings of religious conscience—thus perpetuating one of the most prolific sources of immorality, and constraining our country to retrograde. And yet, we shall be found boasting of our social progress! What social progress is that, which impels us to disregard every principle of reason and of justice, and to sacrifice our real and lasting interest to the sordid lucre of a few days?

No. 63.

*Her Majesty's Commissioners to Viscount Palmerston.—(Rec. March 6, 1838.)*

MY LORD,

*Rio de Janeiro, 31st December, 1837.*

WE have the honour to enclose a statement of the Intercourse between this Port and the Coast of Africa, from the 1st instant to this date inclusive; the departures being 4 vessels, and the arrivals as many as 14, all Portuguese.

It is very probable, that this increased activity is mainly attributable to the present policy of the Brazilian Government in respect to the traffic.

We have, &amp;c.

(Signed)

ROBERT HESKETH.  
FREDERICK GRIGG.

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

&amp;c.

&amp;c.

&amp;c.



First Enclosure in No. 63.  
Arrivals at Rio de Janeiro, from the Coast of Africa, during the Month of December, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
Dec. 1	Smack	Treza de Junho	J. da Lomba	Portuguese	113	13	Benguela	days, 36	Wax, Ivory, and Oil	Under observation, one seaman having died on the passage.
" 4	"	Henriqueta	J. A. da Cavalho	"	70	10	Cape Lobo	35	Ballast	This vessel reports, that she was on her voyage to Angola when she was boarded by a Spanish piratical brigantine, which plundered her of her cargo, and proceeded, in company with this smack, to Cape Lobo, where the brigantine bought negroes with the plundered cargo; and, after conducting the smack to a certain point, allowed her to proceed where she thought proper.
" 5	Barque	Quatro de Marco	J. J. do Rego	"	245	14	Quilimane	62	Ballast	In quarantine, in consequence of the death of one seaman.
" 7	Brig	Sandade	A. Pereira	"	350	19	Mosambique	64	Wax and Oil	Detained by Police.
" 8	Brigantine	Rebeiro	V. J. Bille	"	150	14	Angola	42	Wax and Oil	"
" 10	Smack	Virtude	A. de S. Neves	"	120	14	"	38	Ballast, Oil, and Wax	Under observation.
" 10	Brigantine	Liberal	M. P. de Hora	"	134	13	"	32	Wax, Oil, and Mats	"
" 10	Brig	Lusitano	A. A. Lima	"	220	17	Mosambique	82	Ballast	"
" 15	Brigantine	Esperanca	J. F. Salgueiro	"	120	18	Angola	83	Oil, Wax, and Mats	Detained by Police.
" 16	"	Dous de Abril	A. J. de Souza (Mate)	"	120	8	"	29	"	"
" 17	Brig	Triumphante	J. P. de O. Bastos	"	215	17	Mosambique	73	Ballast	In quarantine, in consequence of the death of the master and five seamen.
" 26	"	Triumpho da Inveja	M. J. Brandao	"	180	18	Quilimane	53	"	Detained by Police.
" 29	"	Maria Segunda	B. D. Pereira	"	185	11	Angola	39	"	In quarantine, in consequence of the death of the Mate.
" 31	Barque	Viloz	F. F. da Silveira	"	250	15	"	43	"	Detained by Police.
										In quarantine, the Mate having died.

(Signed) ROBERT HESKETH.  
FRED. GRIGG.

Second Enclosure in No. 63.  
Departures from Rio de Janeiro, for the Coast of Africa, during the Month of December, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
Dec. 12	Brigantine	Lealdade	J. de C. F. Guimaraes	Portuguese	92	18	Cape Veras, via African Ports	Brandy and Goods.	
" 21	Barque	Commodore	J. de O. Costa	"	221	20	Goa, via Africa	General.	
" 27	Brig	Brilhante	A. C. da Silva	"	120	16	Quelmeane	Brandy and Goods.	
" 3	Ship	Nova Frlidade	G. Monisy	"	350	26	Lisbon, via Angola and Benguela	"	

(Signed) ROBERT HESKETH.  
FRED. GRIGG.

No. 64.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, 19th March, 1838.*

GENTLEMEN,

I HAVE to acquaint you that the Lords Commissioners of the Admiralty have issued a Circular to the Commanders in Chief on foreign stations, directing them to instruct the Captains and Commanders of Her Majesty's ships and vessels under their order, to discontinue the practice, as which it appears that they claim a right, under section 8 of the Articles of War, of taking from vessels detained by them under Treaties with Foreign Powers, for the suppression of the Slave Trade, articles relating to navigation, which may be required for the use of the capturing vessel under their command.

I am, &c.  
(Signed)

PALMERSTON.

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

No. 65.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received March 19.)**Rio de Janeiro, 5th January 1838.*

MY LORD,

IN pursuance of the 75th clause of the Act passed in the 5th year of the reign of His late Majesty George IV., entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we beg leave to report to your Lordships, that no vessel has been brought into this Port, for adjudication by the Mixed British and Brazilian Court of Commission, established in this city, between the 5th July, 1837, and the present date.

We have, &c.  
(Signed)GEORGE JACKSON.  
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*  
&c. &c. &c.

No. 66.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN

*Foreign Office, 18th April, 1838.*

I HEREWITH transmit to you the copy of a Letter, and of its Enclosure, which have been received at this office from the Colonial Department, containing a communication from Dr. William Cullen, representing the conduct of the Government of Brazil in respect to the Slave Trade.

I beg to draw your attention to the statement of the delays, which occur in the adjudication of slave-vessels, in the Court of Mixed Commission of which you are members.

You will bear in mind, that in your Commission, and in the Conventions with Portugal, confirmed by the Convention with Brazil, under which documents the power is given to you of adjudicating slave-vessels, you are enjoined to conform to those Conventions, to their several annexes, and to the Acts of Parliament which have been passed to carry those Conventions and their annexes into effect.

Those Conventions, together with the Legislative Enactments, which have been passed with regard to them, supersede the previous laws both of Great Britain and Brazil, on those matters which belong to the execution of those Conventions.

The legality of the proceedings of the Mixed Commission does not, therefore, properly depend upon the conformity of such proceedings with the general laws of Brazil; but properly upon their conformity with the Conventions under which your powers are given.

The regulation for the Mixed Commission attached to the Convention of 1817, a paper drawn up specially for the guidance of the Judges and Arbitrators composing the Mixed Courts of Justice established under the Convention, prescribes in the third paragraph of its first article, that the Commissioners shall give sentence as summarily as possible, and they are required to decide (as far as they shall find

CLASS A.—FURTHER SERIES.

it practicable) within the space of 20 days, to be dated from the day in which the detained vessel shall have been brought into the Port where the Commission shall reside.

It appears from your own Despatches, that this stipulation has not been complied with.

The reason given by you is the intervention of holidays, which are sanctioned by Brazilian custom; and the practice of Embargoes, which is sanctioned by the Brazilian law.

In both of these instances, however, a delay is produced inconsistent with the intent of the Conventions, highly prejudicial to the interests of the captor and of the captured, and extremely injurious to the unfortunate negroes, whose release is one of the main objects of the Treaty.

By the practice of Embargoes an opportunity is, moreover, expressly allowed for a revisal of the Sentence, and a principle is thereby admitted, in direct contradiction of the regulation above quoted, the words of which are, that the "Commissioners shall judge *without appeal*."

I am glad to hear, that the Brazilian Government admits the justice of the complaints made against the practice of Embargoes. But the mere fact which has been stated, of an intention of that Government to propose to the Legislative Body in Brazil an alteration of the law in this respect, must not induce you to acquiesce in permitting the practice to continue, until such alteration shall have been made; because the practice might, in such case, be continued for an indefinite time.

With respect to the numerous holidays, which delay the business of the Mixed Commission, I must likewise warn you against permitting this departure from the stipulations of the Treaty.

I send you the extract of a Letter from the Commissioners at the Havana, showing that in Cuba the observance of holidays has been waived, in consideration of the intent of the Treaty.

I desire, that you will urge your Brazilian colleagues to join with you in some formal act, which shall legalize the proceedings of the Court on such days, whenever they occur.

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

I am, &c.  
 Signed) PALMERSTON.

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Enclosure in No. 66.

*Mr. Stephen to Mr. Backhouse.*

SIR,

*Downing Street, March 16, 1838.*

I AM directed by Lord Glenelg to transmit to you herewith, for the information of Viscount Palmerston, the Copy of a Letter dated the 28th ultimo, from Dr. Cullen, a physician, who, it appears, has resided for some years at Rio de Janeiro, representing the conduct of the Brazilian Government, in respect to the liberated Africans captured in slave vessels, and the inefficiency of the Mixed Commission Court at Rio de Janeiro.

Lord Glenelg recommends this communication to the special attention of Lord Palmerston.

*T. Backhouse, Esq.*  
*&c. &c. &c.*

I have, &c.,  
 (Signed) JAMES STEPHEN.

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Sub-Enclosure in No. 66.

*Dr. Cullen to Lord Glenelg.*

MY LORD,

*Elie Fife, D. February 28, 1838.*

IN reading the report of your Lordship's speech in the debate on slavery and the slave trade in the House of Lords on the 20th current, I could not help admiring the enlightened views taken by your Lordship on that important subject. However, there is one point upon which I beg to offer a few remarks, to which I am led by facts and circumstances, which came under my own observation, while resident as a Physician in Rio de Janeiro. Your Lordship mentioned, that Brazil had long resisted the abolition of the Slave Trade, and that still you feared the Chambers would not give their consent to a more complete Treaty, now in progress between this country and her. Your Lordship also stated difficulties in the way with Portugal. In another place it is observed by your Lordship "that the great object which this country had to look to, towards the fulfilment of their humane decrees on this subject, was to obtain effectual powers of execution, and to stimulate the moral sense of surrounding communities in favour of the abolition of this hateful traffic." From what little I know of the character of the Portuguese and Brazilians (after five years experience) I am afraid that the moral sense is a quality which they do not understand, therefore it will be impossible to stimulate a sense that has no existence.

As far as I recollect (a considerable portion of my notes on this subject are left at my residence in Edinburgh) there was a Treaty entered into between this country and Brazil in 1830 or 1831, for

the total abolition of the Slave Trade. It is quite common in Rio de Janeiro to hear all classes declaiming, particularly before strangers, against the disgraceful traffic, as they call it, at the same time it is perfectly well known, that there is not a man amongst them who will not smuggle Africans into the country whenever an opportunity offers. It is calculated, that in the province of Rio de Janeiro alone, since the Brazil Government prohibited the introduction of new Africans, there have not been less imported annually than from twenty to twenty-five thousand. It is said that even the Ministers of State are engaged in this illegal traffic, which has become extremely profitable since the prohibition. They consider that for once they may be taken they have twelve or fifteen chances to escape; and when a vessel happens to be seized, every subterfuge is resorted to, that can be devised to exculpate those individuals actually taken in the offence. But the worst part of the matter is, that not one of the Africans is even set at liberty. From the chicanery and perfidy of the Brazilian government, and the total want of efficiency on the part of the Mixed Commission, the condition of the Africans that are seized, is rendered a thousand times worse than if they had been allowed to remain in the hands of the smugglers. The smugglers would have sold them to persons who, generally speaking, would take care of them upon the same principle that domestic animals are cared for; whereas, from the indecision and negligence of the Mixed Commission, they are detained, unwholesomely crouched together, till their numbers are reduced by sickness, and the remainder are apprenticed for fourteen years, which ends in perpetual slavery. The individuals who obtain these apprentices are solely persons who have interest with the parties who hire them out, and it is an understood thing, that after a year or two not one of the Africans are ever heard of, one half-year's hire is paid down when the apprentice is hired, and the party enters into an obligation to produce him when called upon by the *Guiz dos Enfans*, who is as great a rascal as any of the others; but the consequence of all this is, that the contracting party brings proof that his apprentice has run off, or that he is dead. This commonly takes place before the termination of the first year. A usual trick to which they resort is to produce a dead slave either from the Hospital or from the *Misericordia*, or from some of their friends who may have one that has died. A kind of inquest is held, and the apprentice is pronounced to have died a natural death. At other times they come before the judge with witnesses to prove that the apprentice has run off, as they have no lack of witnesses, who will swear anything for a few patacs. But as the Judges, Justices of Peace, Clerks, &c. are all in collusion to defeat the purposes for which the Mixed Commission has been appointed, and as the Members of it at Rio de Janeiro are certainly neglectful of their duty, it is as clear as the sun at noon day, that the said Commission is no better than a dead letter, it has never rescued one African from slavery. In proof of this assertion I shall state facts, which shew that the ill-timed and ineffectual interference of the Mixed Commission, instead of alleviating the sufferings of the poor Africans, has been productive of nothing but misery and death.

About the beginning of 1834 a small schooner (I think the name was the "*Duqueza de Braganza*") was captured by one of Her Britannic Majesty's cruisers, and brought into Rio de Janeiro, having on board between three and four hundred Africans, mostly children; these poor creatures had suffered much from their long confinement in such a small vessel, and it is believed a great many had died on the passage: by the humanity of the late Admiral Sir Michael Seymour, commanding Her Britannic Majesty's squadron on the station, they were taken on shore and properly cared for, otherwise the mortality amongst them after landing must have been greater than it was. The Mixed Commission delayed giving judgment in the matter till the end of June, when they condemned the schooner, and adjudged the Africans to be free. But what was the destination of these free Africans? They were reduced by deaths to 288, all of whom were sent to the house of correction to work for the Brazilian Government. I called at this house of correction eight days after their arrival there, when 7 more had died, and there were then 35 sick, confined in a small room, laying on the floor, without bed or covering of any kind, with their heads to the wall, and their feet towards the centre, leaving a narrow passage between the rows. A young Brazilian, calling himself a Surgeon, was paying them his daily visit at the time I called. This young man's medical education, as I learned from himself, consisted in the having attended the Hospital of the *Misericordia*, for a few months, where he saw the practice of the Brazilian doctors. I offered my advice to his patients, but he was too conceited to accept of any assistance from me. The same day I saw about one hundred of these children in an apartment on the ground floor, sitting all round on their heels, after the fashion of the country, and looking most miserable. I was glad to get away from the degrading sight, where human beings were treated much worse than dogs, and all this under the cloak of humanity. On the November following I again visited the house of correction, and learned that out of the 288 sent there in June 107 had died; and a great many more were sick. The Brazilian Government at this time advertised to hire out the survivors on apprenticeships for fourteen years. Several gentlemen, both English and French, immediately applied, and were most desirous to obtain, some one, and others two or more of these apprentices. Although numerous applications were made on the very day the advertisement appeared in the *Diario*, not one was served but the parties themselves who had the hiring of them, and their immediate friends. The only Englishmen who obtained any were those belonging to the Mixed Commission. All the others were given to Brazilian and Portuguese.

A short time before this last seizure, there was a vessel ("*Dona Maria da Gloria*") brought into the Port of Rio de Janeiro by a British cruiser, having on board about 400 Africans. The Mixed Commission declared them free. This Captain was despatched from Rio de Janeiro in January, 1834, for the Coast of Africa. However, the Mixed Commission Court at Sierra Leone reversed the decision of the Commissioners at Rio de Janeiro; the negroes were declared slaves, and the vessel was ordered to return. Some months after this they were met by a Brazilian ship-of-war near Bahia in distress, and their numbers reduced to 170. As nothing more was heard of them, it was believed that they had been landed at some place on the Coast of Brazil, convenient for smuggling them into the interior.

About the months of October or November, 1834, a British ship-of-war brought into the Port of Rio de Janeiro a slaver, with about 400 Africans, who were landed by order of the Mixed Commission, and a guard, judged to be sufficient, placed over them. A few nights after they were put on shore, the guard was surprised in the middle of the night by a band of fellows, pretending to be justices of the peace, rigged out with ribbons, cocked-hats, &c., who carried off 200 of Africans, and next day no traces of them could be found. Those that remained were taken to the House of Correction, and disposed of in the Brazilian fashion.

I remember an occurrence, and although I have no note of the date of it here, yet it is, perhaps, worth mentioning. There were 30 negroes, more or less, conducted by a white man for the Praga

Ibamingo, a short way from the city, where they had been landed in the dusk of the evening, who were apprehended by some tide-waiters, they considering them to be new blacks, which upon examination they actually found them to be. They likewise discovered them to bear the mark of his Excellency Senhor Lima the Regent, on their backs. After giving information of the seizure to the Justice of the Peace for the district where they were seized, the negroes, as well as the white men, were ordered by him to be put into a house of deposit, and the keys thereof to be lodged with himself, the said Justice of the Peace, till the following morning, when an examination should take place. All this was performed according to orders, and the Chief of Police acquainted therewith that same evening. Next day the competent Judges assembled for the purpose of examining the captured; directions were given to call them in before the Tribunal, but behold! where were they? The messenger arrives and exclaims, "Senhores, Senhores, a caya de deposito esta vayia e as portas achei mesma fechadas a chava." (The place of deposit is empty, and the doors locked.) The white prisoner and captured Africans had been let out by order of the Chief of Police, because the Africans belonged to the Regent. Nothing more was heard of them.

In addition to the above cases, the Brazilian cruizers have frequently fallen in with slaves off the coast; but, as the mariners of Brazil are more polite and accessible to bribery than British sailors, they always allow them to escape. It is amazing to hear the result of trials of Court Martials of Brazilian Officers, accused of favouring this contraband traffic. If one of those gentlemen is accused of any crime, he is tried by a Court composed of Officers of the same rank with himself: thus, a Captain is tried by a number of his brother Captains; a Lieutenant by Lieutenants, &c. I remember a conversation I had with a Lieutenant who had just left a Court Martial, where a brother Officer of his had been tried, for allowing a cargo of Africans to be landed within view, and almost within hail of his own ship. He had been lying very near the slaver, and his defence was, that the slaver had landed the negroes from the off-side of their ship, and therefore he could not perceive what they were taking on shore. On questioning this Member of the Court whether, from the position of the two ships, he believed the party accused could see what was landed, his reply was "no;" but, in a parenthesis and aside, he added, "if he was not looking." The accused party was honourably acquitted. In fact, the Brazilian Government do not wish to suppress the introduction of slaves, provided they can be smuggled into the country so as to deceive other nations, more especially if they themselves are the gainers by the illegal traffic.

From the slow and imperfect consideration of the Mixed Commission Court, reflections were thrown out against the late Sir Michael Seymour, about the capture of slavers and the expenses connected therewith if not considered a good prize, so that when Admiral Hammond came out he adopted a wiser plan to keep himself clear of difficulties. His plan was to give no determined instructions to the Commanders of vessels-of-war, looking for slavers along the coast, further than that they were not to take them, unless they were sure they had contraband slaves on board. Very few have been taken since.

Added to the above details, there are numerous instances of negroes belonging to private individuals in the City of Rio de Janeiro being seized, on suspicion of having been imported, subsequent to the abolition of the Slave Trade; and if the Owners are poor, or are foreigners, particularly British, or citizens of the United States of America, they have no chance whatever of obtaining redress, even although their slaves have been taken without any grounds for believing that they were newly imported. I could mention instances of persecution, exercised upon subjects of Her Britannic Majesty, that would scarcely be credited.

From the facts which I have stated, your Lordship will perceive that the plan at present pursued for carrying into effect the Abolition of the Slave Trade on the Coast of Brazil is of no use. I will not presume to say what ought to be done to remedy the evils of the present system; but this much I cannot but observe, that a faithless Government, like that of Brazil, in my opinion, should not be treated with any ceremony. I should likewise suppose the Government of Portugal to be as little deserving of respect.

In conclusion, allow me to remark, with due deference to your Lordship's opinion, that it might be a wise maxim in the negotiations of the different Governments on this subject, that all slaves seized as contraband shall be carried out of the country where slavery is permitted, whether they may have been taken by the ships of those countries or not. If they are taken to countries where slavery does not exist, they cannot be brought to that debasing condition; but there is no check that can be devised, which will prevent them from being reduced to the state of servitude in slave countries.

If it is in my power to give your Lordship any further information in this matter, it will afford me much pleasure to do so; and if I thought the views that I have for abolishing the Slave Trade for ever, and thereby increasing the happiness of the African people, would be listened to by your Lordship, my humble opinion will be given with delight.

Lord Glenelg,  
&c. &c.

I have, &c.  
(Signed) WILLIAM CULLEN, M.D.

### Second Enclosure in No. 66.

*Extract from Despatch from Mr. M'Leay to the Earl of Aberdeen, dated Havana, April 25, 1829.*

"I FEEL myself again called upon to express to your Lordship my sentiments on the conduct of my Spanish colleagues and the Secretary of the Commission, and on the anxiety they always show to obviate difficulties and expedite the public business. Although, according to the customs of this country, all official business is at a stop during Holy Week, this did not prevent them, after a *providencia* to the proper effect giving the acts of the Court validity, from examining witnesses and issuing the sentence."

No. 67.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 30th April, 1838.*

I HAVE had under my consideration Communications, which I have recently received from various quarters, showing that the Slave Trade is carried on in Brazil to a great extent under the Portuguese Flag, by vessels which are not Portuguese built; that many of these vessels have previously been navigated under the Brazilian Flag, and that most of them are owned by Brazilian subjects, or by Portuguese subjects resident in Brazil.

I observe, by the Portuguese Decree of the 16th of January, 1837, that the only vessels which are to be considered Portuguese are those which had been navigated under the Portuguese Flag before the date of that Decree; those which should thereafter be built in ports belonging to the Dominions of Portugal; and steam-boats purchased within 3 years from the date of the Decree, belonging to Portuguese subjects, and navigated according to Portuguese Law.

I observe, farther, by a Despatch of the 2nd of March, 1838, from the Portuguese Secretary of State to the Portuguese Minister of Marine, enclosing a Circular to the several Portuguese Consuls, that the Portuguese Government expressly declared, for the special purpose of preventing the Slave Trade, and with special reference to the Decree issued for that purpose on the 10th of December, 1836, that no vessels but those which are described as such in the Decree of the 16th of January, 1837, are to be considered as Portuguese vessels.

Having referred the several Papers here quoted to Her Majesty's Law Adviser, for his opinion as to the Instructions which it would be proper to give to Her Majesty's Commissioners, and to the Commanders of Her Majesty's Cruisers, upon this subject; I have now to instruct you, that vessels owned by Brazilian subjects, or by Portuguese subjects resident in Brazil, and which shall be found carrying Slaves for Sale from Africa to Brazil, may, notwithstanding that they are sailing under the Portuguese Flag, be properly brought before the Court of which you are Members, and may be condemned by that Court under the Treaty of the 23rd of November, 1826, between Great Britain and Brazil, for the Suppression of the Slave Trade; unless such vessels shall have been built in a port belonging to the Dominions of Portugal, or shall have borne the Flag of Portugal, and no other, before the issue of the Decree of the 16th of January, 1837; or unless they shall be steam-boats purchased within 3 years from the date of the Decree, and belonging to Portuguese subjects, and navigated according to the Laws of Portugal.

You will take care to abide by this Instruction, in the cases of vessels which may be brought before you for adjudication.

I add, for your information, the Copy of a Despatch, and of the Enclosure referred to therein, from Her Majesty's Consul at Lisbon.

I am, &amp;c.

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

(Signed)

PALMERSTON.

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Enclosure in No. 67.

*Mr. Consul Smith to Viscount Palmerston.*

Lisbon, 13th March, 1838.

(See Class B. of this Series, No. 45.)

## SURINAM.

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No. 68.

*Her Majesty's Commissioners to Viscount Palmerston.—(Rec. Feb. 30, 1838.)*

MY LORD,

*Surinam, 1st December, 1837.*

WE are honoured with your Lordship's Despatch, dated July 15th, 1837, together with five Copies of Papers relating to the Slave Trade, which had been presented by Her Majesty's command to both Houses of Parliament.

We have, &c.

(Signed)

JOHN SAMO.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

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No. 69.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 19th March, 1838.*

I HAVE to acquaint you, that the Lords Commissioners of the Admiralty have issued a Circular to the Commanders in Chief of Foreign Stations, directing them to instruct the Captains and Commanders of Her Majesty's Ships and Vessels under their order, to discontinue the practice, which it appears that they claim as a right, under section 8 of the Articles of War, of taking from vessels detained by them under Treaties with Foreign Powers for the suppression of the Slave Trade, articles relating to navigation, which may be required for the use of the capturing vessel under their command.

I am, &c.

(Signed)

PALMERSTON.

*Her Majesty's Commissioners,*

&c.

&c.

&c.

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No. 70.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, April 9th, 1838.*

I HEREWITH transmit to you, for your information and guidance, 12 Copies of an Additional Article to the Treaty concluded at the Hague, on the 4th May, 1818, between Great Britain and the Netherlands, for the Prevention of the Traffic in Slaves. The Ratifications of this Article were exchanged at the Hague on the 27th February, 1837.

I am, &c.

(Signed)

PALMERSTON.

*Her Majesty's Commissioners,*

&c.

&c.

&c.

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No. 71.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 9th April, 1838.*

I HEREWITH transmit to you, for your information, 2 Printed Copies of a Treaty, by which the Hanse Towns have acceded to the Conventions between His late Majesty and the King of the French, for the more effectual suppression of the Slave Trade. The Ratifications of this Treaty were exchanged at Hamburgh, on the 12th of September, 1837.

I likewise transmit to you 2 Printed Copies of a Treaty, by which the Grand Duke of Tuscany has acceded to the above-mentioned Conventions. The Ratifications of this Treaty were exchanged at Florence on the 2nd day of March, 1838.

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

I am, &c.  
 (Signed) PALMERSTON.



