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**Class A.**

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**CORRESPONDENCE**

WITH THE

**BRITISH COMMISSIONERS.**

AT

**SIERRA LEONE, THE HAVANA,  
RIO DE JANEIRO, AND SURINAM.**

RELATING TO

**THE SLAVE TRADE.**

---

FROM MAY 1<sup>ST</sup>, 1838, TO FEBRUARY 2<sup>ND</sup>, 1839, INCLUSIVE.

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*Presented to both Houses of Parliament, by Command of Her Majesty,*  
1839.

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LONDON:

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

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1839.



Class A.—1838-9.

LIST OF PAPERS.

SIERRA LEONE. ( <i>General.</i> )						
No.		Date. 1838.	Receipt. 1838.		SUBJECT.	Page
1.	Viscount Palmerston to H. M.'s Commissioners	May 24			Papers presented to Parliament, 1838 - - -	1
2.	Viscount Palmerston to H. M.'s Commissioners	June 9			Address of the House of Commons, May 10, 1838.	1
3.	H. M.'s Judge to Viscount Palmerston - - One Enclosure	April 3	July 10		Acting Commissioners -	1
4.	H. M.'s Commissioners to Viscount Palmerston	April 25	July 10		Instructions to cruizers not to remove anything from prizes. — Acknowledgment - - -	2
5.	H. M.'s Judge to Viscount Palmerston - -	April 11	July 10		Acting Commissioners -	3
6.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	July 13			Negroes enlisted prior to their adjudication - -	3
7.	H. M.'s Judge to Viscount Palmerston - -	June 1	Sept. 3		Acting Commissioners -	4
8.	H. M.'s Commissioners to Viscount Palmerston	June 4	Sept. 3		Treaties with Hanse Towns and Tuscany.—Acknowledgment - - -	4
9.	H. M.'s Commissioners to Viscount Palmerston	June 4	Sept. 3		Purchase of condemned vessels by British subjects.—Acknowledgment - - -	4
10.	H. M.'s Commissioners to Viscount Palmerston One Enclosure	June 30	Sept. 3		Negroes registered to June 30, 1838 - - -	4
11.	Viscount Palmerston to H. M.'s Commissioners	Sept. 17			Acting Commissioners -	5
12.	H. M.'s Commissioners to Viscount Palmerston	July 31	Oct. 17		Papers presented to Parliament.—Acknowledgment	6
13.	H. M.'s Commissioners to Viscount Palmerston	July 31	Oct. 17		Address of the House of Commons.—Acknowledgment - - -	6

SIERRA LEONE. (*Spain.*)

SIERRA LEONE. ( <i>Spain.</i> )						
		Date. 1838.	Receipt. 1838.			
14.	Viscount Palmerston to H. M.'s Commissioners Three Enclosures	May 21			Bond to be taken by the Spanish Customs before issuing Certificates for casks - - -	7
15.	H. M.'s Commissioners to Viscount Palmerston	April 3	July 10		Arrivals and departures: Havana.—Acknowledgment - - -	7
16.	H. M.'s Commissioners to Viscount Palmerston	June 4	Sept. 3		Ditto ditto.—Acknowledgment - - -	7
17.	H. M.'s Commissioners to Mr. Backhouse -	June 30	Sept. 3		No case adjudicated half-year to June 1830-1838 -	8
18.	Viscount Palmerston to H. M.'s Commissioners Two Enclosures	Oct. 8			Arrivals and departures: Havana - - -	8
19.	H. M.'s Commissioners to Viscount Palmerston	July 31	Oct. 17		Bonds and Certificate for casks.—Acknowledgment	8
20.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	Nov. 2			Arrivals and departures: Havana - - -	8

SIERRA LEONE. (*Portugal.*)

SIERRA LEONE. ( <i>Portugal.</i> )						
		Date. 1838.	Receipt. 1838.			
21.	H. M.'s Commissioners to Viscount Palmerston One Enclosure	Jan. 12	May 19		"Prinzeza Africana:" condemned - - -	10
22.	H. M.'s Commissioners to Viscount Palmerston One Enclosure	Jan. 13	May 19		"Deixa Falar:" condemned - - -	12
23.	H. M.'s Commissioners to Viscount Palmerston One Enclosure	Jan. 20	May 19		"Gratidao:" condemned -	13
24.	H. M.'s Commissioners to Viscount Palmerston Two Enclosures	Jan. 26	May 19		"Camoës:" restored - -	15
25.	H. M.'s Commissioners to Viscount Palmerston Two Enclosures	Feb. 19	May 19		"Camoës:" Report of costs and damages - - -	23
26.	Viscount Palmerston to H. M.'s Commissioners	June 13			"Camoës:" Disapproval of Captor's conduct - - -	26
27.	H. M.'s Commissioners to Viscount Palmerston	March 3	June 21		Death of Mr. Egan - -	27
28.	H. M.'s Commissioners to Viscount Palmerston Two Enclosures	March 8	June 21		"Arrogante:" condemned	27

## LIST OF PAPERS.

No.		Date.	Receipt.	SUBJECT.	Page
		1838.	1838.		
29.	H. M.'s Commissioners to Viscount Palmerston Two Enclosures	March 8	June 21	"Isabelila:" condemned	31
30.	H. M.'s Commissioners to Viscount Palmerston Four Enclosures	April 7	July 10	"Ingemane:" condemned	35
31.	H. M.'s Commissioners to Viscount Palmerston Two Enclosure	April 21	July 10	"Felicidades:" condemned	41
32.	H. M.'s Judge to Viscount Palmerston - - Four Enclosures	May 30	Oct. 17	"Veloz:" condemned	43
33.	H. M.'s Judge to Viscount Palmerston - - Three Enclosures	May 30	Oct. 17	"Dous Ismaos:" condemn- ed - - -	68
34.	H. M.'s Commissioners to Viscount Palmerston	June 4	Sept. 3	Arrivals and departures at Rio de Janeiro - -	70
35.	H. M.'s Commissioners to Mr. Backhouse - One Enclosure	June 30	Sept. 3	Portuguese cases adjudica- ted, half-year to June 30 - - -	71
36.	H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 31	Oct. 17	"Prova:" condemned	73
37.	H. M.'s Commissioners to Viscount Palmerston	July 31	Oct. 17	"Camoës:" Disapproval of Captor's conduct acknow- ledged - - -	75

SIERRA LEONE. (*Netherlands.*)

	Date.	Receipt.			
	1838.	1838.			
38.	H. M.'s Commissioners to Viscount Palmerston	June 4	Sept. 3	Additional Article. — Ac- knowledgment - -	76
39.	H. M.'s Commissioners to Mr. Backhouse -	June 0	Sept. 3	No cases adjudicated, half- year to June 30, 1838 -	76

SIERRA LEONE. (*Brazil.*)

	Date.	Receipt.			
	1838.	1838.			
40.	H. M.'s Commissioners to Viscount Palmerston	Feb. 26	May 19	Arrival of M. Gomez, Bra- zilian Commissioner of Arbitration - -	77
41.	H. M.'s Commissioners to Mr. Backhouse -	June 30	Sept. 3	No cases adjudicated $\frac{1}{2}$ -year to January 1 - -	71
42.	H. M.'s Commissioners to Viscount Palmerston Two Enclosures	July 31	Oct. 17	Departure of M. Gomez	71
43.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	Nov. 7		"General Ricafort:" mani- fests of cargo at Bahia -	79
44.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	Dec. 13		Arrivals and departures at Rio de Janeiro and Bahia	79
45.	Viscount Palmerston to H. M.'s Commissioners Twelve Enclosures	Dec. 15		"Flor de Loanda:" copies of correspondence - -	79
46.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	Dec. 17		"Flor de Loanda," to be sent to Lisbon after con- demnation - - -	88

## HAVANA.

	Date.	Receipt.			
	1838.	1838.			
47.	H. M.'s Commissioners to Viscount Palmerston	March 1	May 16	Monthly Report for Febru- ary - - -	89
48.	H. M.'s Commissioners to Viscount Palmerston Two Enclosures	March 17	May 16	Deserted from the Romney Hulk - - -	89
49.	H. M.'s Commissioners to Viscount Palmerston Two Enclosures	March 19	May 16	Slaves landed at Havana from the "Tres Fevereiro"	90
50.	Viscount Palmerston to H. M.'s Commissioners	May 21		"Vigilante."—Sentence ap- proved - - -	91
51.	Viscount Palmerston to H. M.'s Commissioners Three Enclosures	May 21		Bond and Certificate for casks. - - -	92
52.	H. M.'s Commissioners to Viscount Palmerston	April 20	May 23	Black marines on board the Romney Hulk - -	92
53.	H. M.'s Commissioners to Viscount Palmerston	April 20	May 23	Constitucão, acknowledg- ment - - -	93
54.	H. M.'s Commissioners to Viscount Palmerston	April 20	May 23	Don Joaquim Espeleta, Cap- tain-General - - -	93
55.	H. M.'s Commissioners to Viscount Palmerston	April 21	May 23	Monthly Report for March. —American Schooner -	93
56.	H. M.'s Commissioners to Viscount Palmerston Nine Enclosures	April 21	May 23	"Vencedora:" Report of damages awarded.	94
57.	Viscount Palmerston to H. M.'s Commissioners	May 24		Papers laid before Parlia- ment - - -	101
58.	Viscount Palmerston to H. M.'s Commissioners	June 9		Adress from the House of Commons, May 10, 1838	101

## LIST OF PAPERS.

v

No.		Date. 1838.	Receipt. 1838.	SUBJECT.	Page
59.	H. M.'s Judge to Viscount Palmerston - -	May 15	June 20	Mr. Schenley's Departure for England - -	101
60.	H. M.'s Judge to Viscount Palmerston - -	May 15	June 20	Acknowledgment of Despatches - -	102
61.	H. M.'s Judge to Viscount Palmerston - - Two Enclosures	May 15	June 20	Black Marines on board the Romney Hulk - -	102
62.	H. M.'s Judge to Viscount Palmerston - - One Enclosure	May 21	June 20	Negroes landed from the "Principeño" steam boat. Russian vessel "Gollupk." - -	103
63.	H. M.'s Judge to Viscount Palmerston - -	May 21	June 20	Monthly Report for April. "Gollupk" - -	104
64.	Viscount Palmerston to H. M.'s Commissioners Two Enclosures	June 20		General Laborde.—Correspondence with Sir G. Villiers - -	105
65.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	July 6		Art. 10 of the Treaty.—Instructions to the Spanish Commissioners as to its interpretation. - -	105
66.	H. M.'s Judge to Viscount Palmerston - -	June 19	July 17	Acknowledgment of Despatches - -	106
67.	H. M.'s Judge to Viscount Palmerston - - Four Enclosures	June 19	July 17	Negroes landed from the "Principeño" steam boat - -	106
68.	H. M.'s Judge to Viscount Palmerston - -	June 19	July 17	Monthly Report for May.—Russian Flag employed - -	111
69.	Viscount Palmerston to H. M.'s Commissioners	July 17		Mr. Dalrymple's Commission - -	112
70.	H. M.'s Judge to Viscount Palmerston - - One Enclosure	July 2	Aug. 22	Cases adjudicated— $\frac{1}{2}$ year to June 30, 1838 - -	112
71.	H. M.'s Judge to Viscount Palmerston - -	July 2	Aug. 22	Acknowledgment of Despatches - -	113
72.	H. M.'s Judge to Viscount Palmerston - - Two Enclosures	July 17	Aug. 22	Slaves landed from the "Esplorador" and "Irene" - -	113
73.	H. M.'s Judge to Viscount Palmerston - -	July 17	Aug. 22	Monthly Report for June - -	115
74.	H. M.'s Judge to Viscount Palmerston - - One Enclosure	July 17	Aug. 22	Departure of Slave vessels in March, April, May, and June - -	116
75.	H. M.'s Arbitrator to Viscount Palmerston - -	July 21	Sept. 1	Arrival at his Post - -	117
76.	H. M.'s Judge to Viscount Palmerston - -	Aug. 10	Sept. 27	Acknowledgment of Despatches - -	117
77.	H. M.'s Judge to Viscount Palmerston - -	Aug. 10	Sept. 27	Asking for list of cases adjudicated at Sierra Leone - -	117
78.	H. M.'s Judge to Viscount Palmerston - - One Enclosure	Aug. 10	Sept. 27	Black Marines on board the Romney Hulk. Removal proposed - -	118
79.	H. M.'s Judge to Viscount Palmerston - - Four Enclosures	Aug. 17	Sept. 27	"Esplorador." Result of investigation - -	119
80.	H. M.'s Judge to Viscount Palmerston - - Two Enclosures	Aug. 17	Sept. 27	"Irene:—Result of investigation - -	123
81.	H. M.'s Judge to Viscount Palmerston - - Two Enclosures	Aug. 22	Sept. 27	"Vencedora." Claim for damages - -	124
82.	H. M.'s Judge to Viscount Palmerston - -	Aug. 22	Sept. 27	Monthly Report for July: vessels equipped under the American flag - -	125
83.	H. M.'s Judge to Viscount Palmerston - - Two Enclosures	Aug. 22	Sept. 27	"Principeño:" further correspondence - -	126
84.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	Sept. 29		Black marines on board the "Romney" to be allowed to land - -	128
85.	Viscount Palmerston to H. M.'s Commissioners	Oct. 6		"Vencedora" and "Vigilante:" misconception of the despatch to them, October 15, 1836 - -	128
86.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	Oct. 8		Cases adjudicated at Sierra Leone; half-year to June 30, 1838 - -	129
87.	Viscount Palmerston to H. M.'s Commissioners	Oct. 15		"Esplorador," "Eliza," and "Irene:" approval of conduct - -	130
88.	H. M.'s Commissioners to Viscount Palmerston	Sept. 10	Oct. 18	Acknowledgment of Despatches - -	130
89.	H. M.'s Commissioners to Viscount Palmerston One Enclosure	Sept. 13	Oct. 18	Monthly Report for August - -	130
90.	Viscount Palmerston to H. M.'s Commissioners	Nov. 17		"Romney" hulk: no reason for the proposed removal - -	131
91.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	Nov. 19		Black marines on board the "Romney" hulk - -	132

No.	Date. 1838.	Receipt. 1838.	SUBJECT.	Page
92. H. M.'s Commissioners to Viscount Palmerston	Oct. 25	Dec. 4	Acknowledgment of Mr. Dalrymple's commission	132
93. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Oct. 25	Dec. 4	Monthly Report for September	132
94. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	1838. Nov. 23,	1839. Jan. 10,	Report on Slave Trade, October	133
95. H. M.'s Commissioners to Viscount Palmerston	Dec. 1,	Jan. 10,	Acknowledgment of several Despatches	134

## RIO DE JANEIRO.

No.	Date. 1838.	Receipt. 1838.	SUBJECT.	Page
96. Viscount Palmerston to H. M.'s Commissioners	May 24		Papers laid before Parliament	136
97. Viscount Palmerston to H. M.'s Commissioners	June 9		Address from the House of Commons, May 10, 1838	136
98. H. M.'s Commissioners to Viscount Palmerston One Enclosure	April 9	June 21	Arrivals under the Portuguese flag in January, February, and March, 1838	136
99. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	May 16	July 2	Reports made by the Ministers to the Legislative Assembly	138
100. H. M.'s Commissioners to Viscount Palmerston Four Enclosures	May 21	July 19	"Flor de Loanda." released	139
101. H. M.'s Commissioners to Viscount Palmerston	May 21	July 16	"Cæsar" and "Brilhante"	141
102. H. M.'s Commissioners to Viscount Palmerston Three Enclosures	May 31	Aug. 9	"Cæsar" condemned	142
103. H. M.'s Commissioners to Viscount Palmerston	June 16	Aug. 13	Acknowledgment of Despatch	144
104. H. M.'s Commissioners to Viscount Palmerston	June 16	Aug. 13	Acknowledgment of Despatch	145
105. H. M.'s Commissioners to Viscount Palmerston	June 16	Aug. 13	Acknowledgment of Despatch	145
106. H. M.'s Commissioners to Viscount Palmerston One Enclosure	June 20	Sept. 10	Comments on the principle, that the national character of a merchant is to be taken from his place of residence	145
107. H. M.'s Commissioners to Viscount Palmerston Three Enclosures	June 27	Sept. 10	"Cæsar:" embargoes refused for want of security	146
108. H. M.'s Commissioners to Viscount Palmerston	June 28	Sept. 10	"Flor de Loanda:" embargoes rejected, sentence confirmed	148
109. H. M.'s Commissioners to Viscount Palmerston Fifteen Enclosures	June 29	Sept. 10	Alleged sale of Blacks from vessels pending adjudication	149
110. H. M.'s Commissioners to Viscount Palmerston One Enclosure	June 30	Sept. 7	Embargoes: representation in opposition to their being admitted	157
111. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 9	Sept. 7	"Brilhante" condemned	161
112. H. M.'s Commissioners to Viscount Palmerston Four Enclosures	July 10	Sept. 14	Embargoes	163
113. H. M.'s Commissioners to Viscount Palmerston	July 11	Sept. 14	Increased extent of Slave Trade	166
114. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	July 11	Sept. 14	"Brilhante:" Report of the case	167
115. H. M.'s Commissioners to Viscount Palmerston	July 14	Sept. 14	Reply to Dr. Cullen's statement: embargoes, &c.	169
116. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	July 30	Sept. 24	"Brilhante:" British Chargé d'Affaires recommends the admission of Embargoes	171
117. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 30	Sept. 24	Comments on the publication of the Address of the House of Commons	173
118. H. M.'s Commissioners to Viscount Palmerston	Aug. 1	Sept. 24	Acknowledgment of Despatch	174
119. H. M.'s Commissioners to Viscount Palmerston Four Enclosures	Aug. 3	Sept. 24	Embargoes: Brazilian Government insists on them	175
120. H. M.'s Commissioners to Viscount Palmerston	Aug. 4	Sept. 24	Abuse of Portuguese flag in Slave Trade. Increase of Cruisers recommended	178

## LIST OF PAPERS.

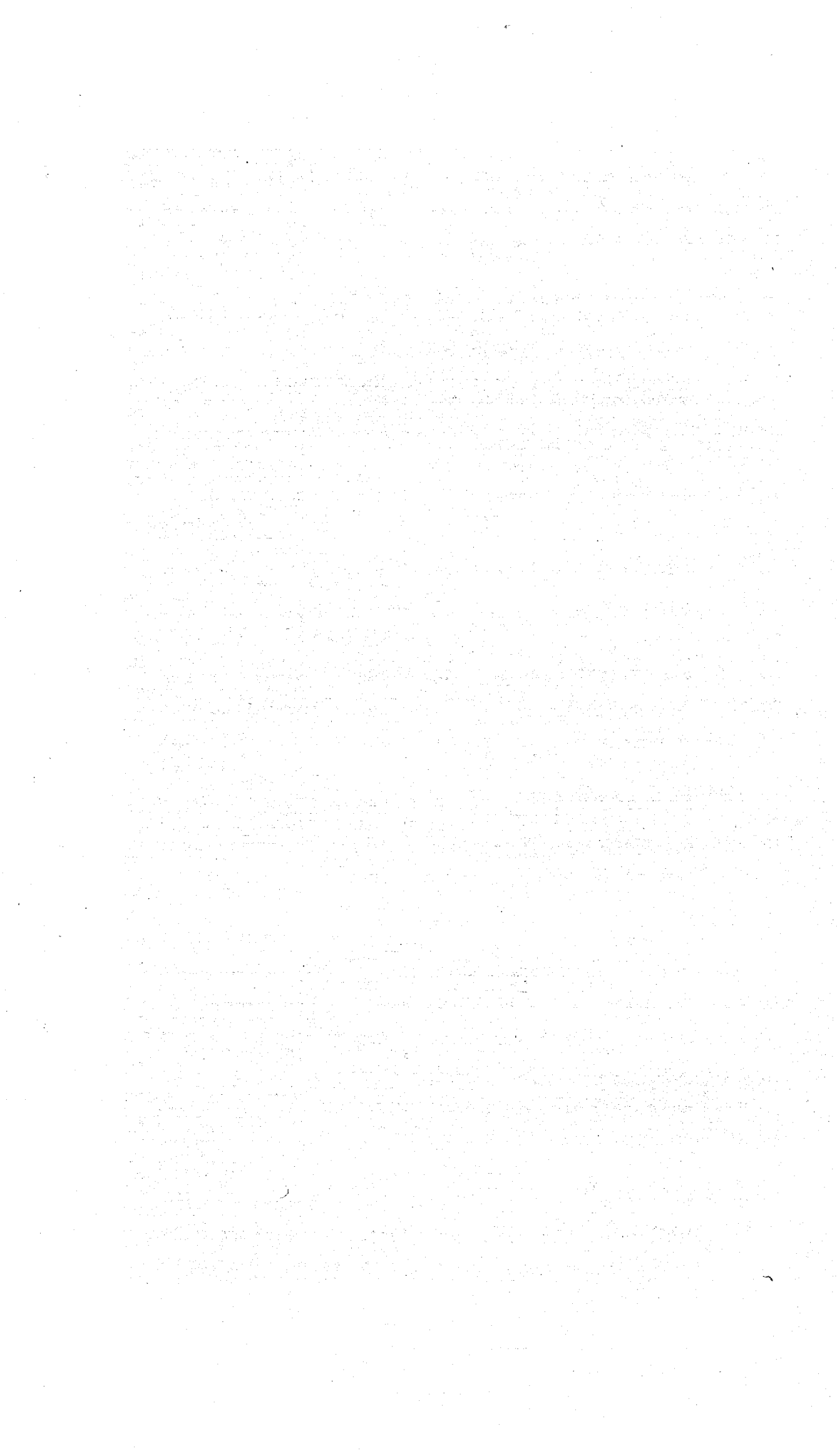
vii

No.	Date. 1838.	Receipt. 1838.	SUBJECT.	Page
121. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Aug. 7	Sept. 24	Slave vessels under the Portuguese flag, not navigated according to Portuguese law - - -	178
122. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	Aug. 9	Sept. 24	Embargoes - - -	179
123. H. M.'s Commissioners to Viscount Palmerston	Aug. 9	Sept. 24	Acknowledgment of Despatch - - -	180
124. Viscount Palmerston to H. M.'s Commissioners One Enclosure	Oct. 6		"Flor de Loanda," number of deaths up to the period of the "Rover's" departure - - -	180
125. H. M.'s Commissioners to Viscount Palmerston	Aug. 21	Oct. 23	Embargoes - - -	182
126. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 5	Oct. 30	Cases adjudicated -- half-year to July 5 - - -	182
127. H. M.'s Commissioners to Viscount Palmerston	Aug. 28	Oct. 30	"Flor de Loanda." Final report - - -	185
128. H. M.'s Arbitrator to Viscount Palmerston -	Sept. 5	Nov. 30	Emancipated negroes - - -	185
129. H. M.'s Commissioners to Viscount Palmerston	Sept. 13	Nov. 30	Acknowledgment of Despatch - - -	186
130. H. M.'s Commissioners to Viscount Palmerston Three Enclosures	Sept. 26	Nov. 30	Embargoes: received in the case of the "Brilhante" - - -	186
131. H. M.'s Commissioners to Viscount Palmerston	Sept. 26	Nov. 30	"Flor de Loanda" returned in a sinking state - - -	188
132. Viscount Palmerston to H. M.'s Commissioners	Dec. 5		"Flor de Loanda:" the Mixed Commission would have been justified in dealing with her as Brazilian - - -	189
133. Viscount Palmerston to H. M.'s Commissioners	Dec. 5		"Flor de Loanda:" for explanation of expressions used with regard to her - - -	189
134. Viscount Palmerston to H. M.'s Commissioners Two Enclosures	Dec. 5		A hulk will be sent to Rio for the reception of negroes pending adjudication - - -	190
135. Viscount Palmerston to H. M.'s Judge - - -	Dec. 5		Emancipated Negroes - - -	190
136. H. M.'s Commissioners to Viscount Palmerston Three Enclosures	Oct. 1	Dec. 17	"Brilhante:" sentence confirmed - - -	191
137. H. M.'s Commissioners to Viscount Palmerston, Five Enclosures	Oct. 18	Dec. 17	"Brilhante:" escape of prisoners - - -	192
138. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Oct. 24	Dec. 17	Portaria. On slave vessels under the Portuguese flag not navigated according to Portuguese law - - -	194
139. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	Oct. 27	Dec. 17	Arrivals and Departures in July, August, September, and October, 1838 - - -	195
140. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Nov. 12,	Jan. 7,	"Brilhante:" Escape of prisoners - - -	198
141. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	Nov. 13,	Jan. 7,	Two articles on Slave Trade in the "Correo Oficial" - - -	198

## SURINAM.

No.	Date. 1838.	Receipt. 1838.	SUBJECT.	Page
142. Viscount Palmerston to H. M.'s Commissioners	May 24		Papers laid before Parliament - - -	200
143. Viscount Palmerston to H. M.'s Commissioners	June 9		Address from the House of Commons, May 10, 1838 - - -	200
144. H. M.'s Judge to Viscount Palmerston - - -	June 5	July 27	Announcing departure of the Dutch Commissary Judge - - -	200
145. H. M.'s Judge to Viscount Palmerston - - -	June 6	July 27	Acknowledgment of Despatch - - -	201
146. H. M.'s Judge to Viscount Palmerston - - -	June 28	Aug. 25	Departure of Mr. Dalrymple for the Havana - - -	201
147. H. M.'s Judge to Viscount Palmerston - - -	July 5	Aug. 25	Acting Governor-General is Commissary Judge, <i>ad interim</i> , and Mr. John Ellis Registrar - - -	201
148. H. M.'s Judge to Viscount Palmerston - - -	Sept. 3	Dec. 13	Acknowledgment of Despatch - - -	201
149. H. M.'s Judge to Viscount Palmerston - - -	Sept. 3	Dec. 13	Acknowledgment of Despatch - - -	202
150. H. M.'s Judge to Viscount Palmerston - - -	Oct. 1	Dec. 13	Acknowledgment of Despatch - - -	202
151. H. M.'s Judge to Viscount Palmerston - - -	Oct. 1	Dec. 13	Acknowledgment of Despatch, Address of the House of Commons - - -	202





# Class A.—1838-9.

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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, 24th May, 1838.*

I HEREWITH transmit for your information, 12 copies of two Series of Papers, relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.

(Signed) PALMERSTON.

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

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No. 2.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 9th June, 1838.*

I HEREWITH transmit to you the copy of a Resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade; and a copy of the answer, which on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see from these papers the increasing and anxious desire of the Parliament and Government of this country, for the extinction of the traffic in Slaves.

I am, &c.

(Signed) PALMERSTON.

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

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No. 3.

*Her Majesty's Judge to Viscount Palmerston.—(Received 10th July.)*

(Extract.)

*Sierra Leone, 3d April, 1838.*

With reference to your Lordship's Despatch, of the 6th of February, 1838, in which directions are given as to the course to be pursued in future, whenever an Officer acting as Commissioner may leave Freetown, or his residence in the immediate precincts,—I beg leave to inform your Lordship that his Excel-

CLASS A.

lency, Colonel Richard Doherty, the Acting Commissioner of Arbitration, left Freetown, *for the first time* since he assumed the government of the Colony, or became connected with the Courts, on the 25th ultimo; and that he is now at the Banana Islands, where he is detained by sickness.

Your Lordship's instructions having arrived at this juncture, I immediately addressed a letter (copy of which is enclosed) to Chief Justice Rankin, and, in compliance with my request, that gentleman was yesterday sworn in as Her Majesty's Commissioner of Arbitration *ad interim*, and assisted me to-day in adjudicating a case, which had been for some days ready for trial in the British and Portuguese Court.

The occasional and unavoidable absences from Freetown, of those officers who may hold acting appointments in the Courts, having thus been provided for by your Lordship, I beg leave respectfully to suggest, that, in order to prevent any delay in the adjudication of a vessel, or the regular business of the Courts, in consequence of the illness of an Acting Commissioner, authority may in like manner be given in such cases to swear in the Colonial Officer next in succession, whose functions will, of course, cease, whenever the Acting Commissioner shall be enabled to resume his duties.

I have, &c.

(Signed)

H. W. MACAULAY.

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

Enclosure in No. 3.

*Mr. Macaulay to Mr. Rankin.*

SIR,

*British Commissioners Office, Sierra Leone, 2nd April, 1838.*

I have the honour to inform you, that Her Majesty's Commissioners have this morning received a Despatch from Her Majesty's Principal Secretary of State for Foreign Affairs, in which they are instructed, "should any case come before the Courts of Mixed Commission, during the absence of an Acting Commissioner, to swear in the Colonial Officer next in succession without delay, in order that he may act as Commissioner in that case, and in all others which may be opened before the return of the absent officer."

There is at present a case in the British and Portuguese Court which was ready for trial on Wednesday last, the 28th ultimo; but, owing to the absence of His Excellency Governor Doherty at the Bananas, it has not yet been adjudicated.

I have therefore to request, that you will be good enough to state at what hour it will suit you to take the oath of office as Her Majesty's Commissioner of Arbitration, *ad interim*, before the Colonial Secretary, who, next to yourself, is at present the principal Magistrate of the Colony.

I will at the same time wait upon you with the evidence and other papers filed in the case to which I have referred.

I have, &c.

(Signed)

H. W. MACAULAY.

*His Honor Robert Rankin,*  
*Chief Justice and Recorder,*  
&c. &c. &c.

No. 4.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received July 10.)*

MY LORD,

*Sierra Leone, 25th April, 1838.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of the 19th ultimo, acquainting us that instructions from the Lords Commissioners of the Admiralty had been issued to the Captains and Commanders of Her Majesty's ships and vessels, employed in the suppression of the Slave Trade, directing them to discontinue the practice of taking from vessels, detained under Treaties with Foreign Powers, articles relating to Navigation, which may be required for the use of the capturing vessel.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

No. 5.

*Her Majesty's Judge to Viscount Palmerston.—(Received 10th July.)*

MY LORD,

*Sierra Leone, 11th April, 1838.*

WITH reference to my Despatch, marked General, of the 3d instant, I have the honour to inform your Lordship, that His Excellency, Governor Doherty, whose departure from Freetown for the Bananas I reported as having taken place on the 25th ultimo, returned to Freetown yesterday evening, and has resumed his duties as Acting Commissioner in the Mixed Courts.

I have, &amp;c.

(Signed)

H. W. MACAULAY.

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

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

No. 6.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 13, 1838.*

I COMMUNICATED to the Colonial Department your Despatches of this year's series, enclosing Reports of the cases of the Portuguese vessels, "*Don Francisco*," and "*Florida*," condemned in the mixed Commission Court at Sierra Leone for having been engaged in illegal Slave Trade; and I called the attention of the Secretary of State for the Colonies to the circumstances which you stated, of the enlistment of the Slaves into the British Military Service, prior to the Adjudication.

I now transmit to you the copy of the answer, which I have received to that communication.

I have, &amp;c.

(Signed)

PALMERSTON.

*Her Majesty's Commissioners,*

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

Enclosure in No. 6.

*Mr. Stephen to the Hon. Fox Strangways.*

SIR,

*Downing Street, 28th June, 1838.*

I am directed by Lord Glenelg to acknowledge the receipt of your two letters, dated the 18th of March, with enclosures, in which, by desire of Viscount Palmerston, you invite his Lordship's attention to the facts reported in the cases of the Portuguese schooners "*Don Francisco*" and "*Florida*," condemned at Sierra Leone for an illegal traffic in slaves, in which cases the slaves were permitted to enter the British military service, or were indented as apprentices, prior to adjudication.

I am to acquaint you in answer, for the information of Viscount Palmerston, that the practice of disposing of the negroes, in anticipation of their eventual emancipation by the Court of Mixed Commission, is one which his Lordship would not approve of, except under circumstances of peculiar urgency, such as he conceives to have arisen in the cases referred to.

Viscount Palmerston has already learnt from the Report, which has been brought under his notice by the Commissioners, that both the "*Florida*" and "*Don Francisco*" were considered unfit to encounter the risk of the voyage to Sierra Leone, and that, in consequence, they put into the nearest ports, viz., Grenada and Dominica,—that there the Lieutenant Governors, under the advice of the legal authorities, sanctioned the discharge of the negroes, and disposal of them in such a manner as appeared the most likely to ensure their obtaining a subsistence, and to their future advantage. The Lieutenant Governors being influenced by these notions, Lord Glenelg thinks that it would be impossible for them to have taken a different course, without neglecting the claims of humanity. His Lordship desires to observe, that, in every case in which there is a probable cause of seizure of Portuguese slave-vessels in or near the Carribean Seas, and in which it is impossible to send back the slaves to the coast of Africa without imminent danger to their lives or health, the course pursued in the present instances is, in his opinion; justified by necessity, and the Portuguese owners or their Government would have no legitimate cause of complaint, even if it should ultimately appear that the slaves were not liable to condemnation. The removal of them as slaves from any British Colony, at which they may so have arrived, or their detention there in confinement, to await the adjudication at Sierra Leone, would, according to Lord Glenelg's view of the case, be inconsistent with the law for the abolition of the Slave Trade, and with the laws in force in the Colonies.

I have, &amp;c.

(Signed)

J. STEPHEN.

*Hon. W. Fox Strangways,*

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

No. 7.

*Her Majesty's Judge to Viscount Palmerston.—(Received 3rd September.)*

MY LORD,

*Sierra Leone, 1st June, 1838.*

IN my Despatch, marked General, of the 8th ultimo, I had the honour to report the departure of His Excellency, Governor Doherty, Her Majesty's Commissioner of Arbitration *ad interim*, for the Gambia, on the evening of the 5th of May. I have now to inform your Lordship, that His Excellency returned to Freetown yesterday, and has resumed his duties in the Mixed Courts.

I have, &amp;c.

(Signed)

H. W. MACAULAY.

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

&amp;c.

&amp;c.

&amp;c.

No. 8.

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

MY LORD,

*Sierra Leone, 4th June, 1838.*

WE have the honour to acknowledge your Lordship's Despatch of the 9th of April 1838, transmitting for our information printed copies of two Treaties, by which the Hanse Towns, and the Grand Duke of Tuscany have acceded to the conventions between His late Majesty, and the King of the French, for the more effectual suppression of the Slave Trade.

We thank your Lordship for this information.

We have, &amp;c.

(Signed)

H. W. MACAULAY.

R. DOHERTY.

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

&amp;c.

&amp;c.

&amp;c.

No. 9.

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

MY LORD,

*Sierra Leone, June 4, 1838.*

WE have had the honour to receive your Lordship's Despatch, dated April 11th, 1838, on the subject of the power possessed by Her Majesty's Government, of interfering to prevent British Merchants at Sierra Leone from purchasing condemned Slave vessels, as agents for Slave dealers.

We beg leave to express our acknowledgments to your Lordship, for having conveyed to us the Queen's Advocate's opinion on this point, and which we have laid before His Excellency the Governor, for his information.

We have, &amp;c.

(Signed)

H. W. MACAULAY.

R. DOHERTY.

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

&amp;c.

&amp;c.

&amp;c.

No. 10.

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

MY LORD,

*Sierra Leone, 30th June, 1838.*

WE have the honour to forward herewith to your Lordship a certified copy of the list of emancipated Slaves, registered by the Courts of Mixed Commissions here, in the period from the 1st of January to this date, inclusive. The number so registered was 1416.

The number of Slaves emancipated during the same period was 1928, of whom two, from the Portuguese brig "*Gratidao*," absconded after emancipation, and before their descriptions could be taken to be registered; and 19 others died before they could be registered. A decree of emancipation was likewise passed in favour

of the 332 Slaves landed at Montego Bay, Jamaica, from the Portuguese brigantine "*Arrogante*," and in favour of the 159 Slaves landed at Port Royal, in the same island, from the Portuguese schooner "*Izabelita*." We presume that these returns have been registered, and their descriptions taken, at Jamaica.

We have, &c.

(Signed) H. W. MACAULAY.  
*The Right Hon. Viscount Palmerston, G.C.B.* R. DOHERTY.  
 &c. &c. &c.

Enclosure in No. 10.

ABSTRACT.

	Number Registered.	Number died before Registration, but Emancipated.	Number Emancipated.	Remarks.
Princenza Africana . . . . .	222	..	222	
Deixa Falar . . . . .	186	..	186	
Gratidao . . . . .	370	8	380 (a)	(a) 2 men absconded.
Felicidades . . . . .	404	4	408	
Dous Irmaos . . . . .	224	7	241	
	1416	19	1437	

*Mem.*—Number registered up to the 1st January, 1838, . . . . . 44,980  
 Number registered from 1st January to 30th June, 1838, . . . . . 1,416  
 Total, 46,396

Sierra Leone, 30th June, 1838.

In addition to the foregoing list of emancipated slaves, registered in the period set forth, there were 332 slaves landed from the Portuguese brigantine "*Arrogante*" at Montego Bay, in the Island of Jamaica, and 159 from the Portuguese schooner "*Izabelita*" at Port Royal, in the said Island,—in all 491, the survivors of whom were emancipated by decrees of the British and Portuguese Court of Mixed Commission,

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

These are to certify that the foregoing is a true and correct Copy of the original list of slaves registered and emancipated by the Courts of Mixed Commissions, established at Sierra Leone, under the Treaties with Foreign Powers, for preventing the illicit traffic in slaves, during the period from the 1st day January, to the 30th day of June, 1838.

In faith and testimony whereof, I have herewith set my hand, and affixed the seal of the mixed Commissions at Freetown, in the Colony of Sierra Leone, this 30th day of June, in the year of our Lord 1838.

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

No. 11.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 17th September 1838.*

I have received the Despatch, marked General, which was addressed to me by Mr. Macaulay, on the 3d of April last, suggesting that, in order to prevent any delay in the adjudication of a vessel, or the regular business of the Courts, in consequence of the illness of an Acting Commissioner, authority should be given to you in such case to swear in the Colonial Officer next in succession, in order to carry on the business, until such time as the Acting Commissioner shall be able to resume his duties.

The matter having been referred to the Queen's Advocate, that Officer has reported his opinion, that the course prescribed by the Treaties in the case of the death, absence, or illness, of a regularly appointed Commissioner, should be adopted, in a like contingency occurring, in the case of an Acting Commis-

sioner; and I have therefore to instruct you to provide for the case of the illness of an Acting Commissioner, in the manner suggested by Mr. Macaulay, in the Despatch above-mentioned.

I have, &c.

(Signed)

PALMERSTON.

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

No. 12.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received October 17.)*

MY LORD,

*Sierra Leone, 31st July, 1838.*

WE have the honour to acknowledge your Lordship's Despatch, transmitting us copies of two series of papers relating to the Slave Trade, lately presented to Parliament by Her Majesty's command.

It has always been our practice, besides supplying the Commissioners' Office and the Registry with these papers, to present a copy to His Excellency the Governor of the colony, to His Honour the Chief Justice, and to the Secretary of Government, as each of those gentlemen is occasionally called upon to act in the Courts as a Commissioner *ad interim*. We have also been accustomed to reserve a copy for the Admiral commanding the West African station, and for the senior naval officer in the Bights.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

No. 13.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received October 17.)*

MY LORD,

*Sierra Leone, July 31, 1838.*

We beg leave to acknowledge the receipt of your Lordship's Despatch of the 9th ultimo, covering the copy of a resolution unanimously voted by the House of Commons on the 10th of May, for an address to Her Majesty upon the Slave Trade, and of the answer which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

We sincerely trust, that the anxious and unceasing desire of the Parliament and Government of Great Britain for the extinction of the traffic in slaves, will soon be met, on the part of Portugal and other powers, by effectual measures for the total suppression of that traffic.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

## SIERRA LEONE. (*Spain.*)

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No. 14.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, May 21, 1838.*

I HEREWITH transmit to you, for your information and guidance, the copies of a correspondence with Her Majesty's Envoy at Madrid; by which you will perceive, that the Custom-House Authorities of Cuba have been directed not to issue certificates to vessels, carrying casks for the trade in palm oil, without exacting a bond, which may be a security, in case it should afterwards be proved, that the prohibited articles were destined for illegal purposes.

I have, &c.

(Signed)

PALMERSTON.

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

First Enclosure in No. 14.

*Viscount Palmerston to Sir G. Villiers. Foreign Office, March 27, 1838.*

(See papers of 1837. Further Series; Class B. No. 23, p. 15.)

Second Enclosure in No. 14.

*Sir G. Villiers to Viscount Palmerston. Madrid, April 14, 1838.*

(See papers of 1837; Further Series; Class B. No. 30, p. 24.)

Third Enclosure in No. 14.

*Sir G. Villiers to Viscount Palmerston. Madrid, April 21, 1838.*

(See Class B. No. 6.)

No. 15.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received July 10.)*

MY LORD,

*Sierra Leone, April 3, 1838.*

WE had the honour to receive yesterday your Lordship's Despatch of the 13th of February, 1838, transmitting the Copy of a Despatch from Her Majesty's Commissioners at Havana, containing their Report of arrivals and departure of Slave Vessels for the month of November, 1837.

We beg leave to thank your Lordship for this communication.

We have, &c.

(Signed)

H. W. MACAULAY.  
ROBERT RANKIN.

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

&c.

&c.

&c.

No. 16.

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

MY LORD,

*Sierra Leone, June 4, 1838.*

WE have the honour to acknowledge your Lordship's Despatch of the 9th of April, 1838, transmitting Copies of two Despatches from Her Majesty's Commissioners at Havana, containing their Reports of the arrivals and departures of Slave Vessels, at and from that port, during the months of December, 1837, and January, 1838.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

&c.

&c.

&c.



No. 17.

*Her Majesty's Commissioners to Mr. Backhouse.—(Received September 3.)*

SIR,

*Sierra Leone, June 30, 1838.*

WE have the honour to report, that no case has come before the British and Spanish Mixed Court of Justice, in the period from the 1st of January, 1838, to this date.

We have, &amp;c.

(Signed)

H. W. MACAULAY.

R. DOHERTY.

*John Backhouse, Esq.*

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

No. 18.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, October 8, 1838.*

I HEREWITH transmit for your information, the accompanying copies of Despatches from Her Majesty's Commissioners at the Havana; giving an account of the Slave vessels which have left that port for the Coast of Africa, in the months of February, March, April, May, and June of the present year.

I have, &amp;c.

*Her Majesty's Commissioners,*

(Signed)

PALMERSTON.

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

Enclosures in No. 18.

*Havana Commissioners to Viscount Palmerston. Havana, March 1, 1838.*

Do. do.

do.

*July 17, 1838.*

(See Nos. and )

No. 19.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received October 17.)*

MY LORD,

*Sierra Leone, July 31, 1838.*

We have had the honour to receive your Lordship's Despatch, dated May 21, 1838, inclosing for our information and guidance, copies of a correspondence which has recently taken place on the subject of the Bond to be henceforth required at Spanish ports, on the shipment as lawful cargo of any of the articles enumerated in the Spanish Treaty of the 28th of June, 1835, and which, if found on board a vessel, would be *prima facie* evidence of her illegal equipment for the prohibited Slave Traffic.

The necessity of such a measure as that adopted by the Spanish Government, is amply shewn in the correspondence which accompanies this Despatch; but we are far from sanguine that it will be carried into effect with efficiency and good faith by the authorities at Cuba.

We have, &amp;c.

(Signed)

H. W. MACAULAY.

R. DOHERTY.

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

&amp;c.

&amp;c.

&amp;c.

No. 20.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, November 2, 1838.*

I HEREWITH transmit for your information, a copy of a Despatch, and of its enclosure from Her Majesty's Commissioners at the Havana, containing an account of vessels which arrived at that Port from the Coast of Africa, in the month of

August last, and a list of those which sailed from the Havana for Africa in the months of July and August of this year.

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

I am, &c.  
(Signed) PALMERSTON.

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Enclosure in No. 20.

*Havana Commissioners to Viscount Palmerston. Sept. 13, 1838*

(See No. 89.)

## SIERRA LEONE. (*Portugal.*)

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No. 21.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 19.)*

MY LORD,

*Sierra Leone Jan. 12, 1838.*

WE have the honour of reporting to your Lordship, that Her Majesty's Brig "Curlew," Lieutenant Edmund Norcott, Commander, fell in with, and detained, off the Seabar, river Sherbro, on the 26th ultimo, the Portuguese Slave Schooner "*Princéza Africana*," with a sargo of 222 Negroes on board, who had been only that morning embarked in the Sherbro, for conveyance to the Island of Porto Rico.

The detained vessel reached this Port on the 1st, and was condemned on the 10th, instant; when her cargo of slaves was decreed to be emancipated.

Our report of this case we beg leave herewith to transmit to your Lordship.

From the evidence of the acting master, who had originally shipped at Porto Rico as Boatswain of this vessel, we learnt, that she left that Island about a month previous to her sale at the Cape de Verde Islands, under the command of a Spaniard named José Cargil, who is represented to have been owner, and to have sold the Schooner to her late Portuguese master, Fernando Sá Brandao, at the Cape de Verdes.

It was apparently intended by the deceased Master and Mate to have kept this fact secret, as in the commencement of the log book kept by the late Mate, twenty-six leaves have been torn out, containing, it is supposed, the history of this vessel, previous to the day of her departure from the Cape de Verdes.

Under these circumstances we consider, that the sale and transfer of the "*Princéza Africana*," to the flag of Portugal has been nominal, and with the object of protecting her from seizure for equipment; and that she still continues *bonâ fide*, Spanish property belonging to Porto Rico.

In this instance the Portuguese authorities at Porto Praya, have cleared out thirty-one casks on board the vessel, as destined to carry palm oil on the return 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. 21.

*Report of the Case of the Portuguese Schooner "Princéza Africana," Juan Bufo, Acting Master.*

*Sierra Leone, 12th Jan. 1838.*

This vessel was furnished with a Portuguese Passport by the Governor-General of the Cape de Verde Islands, in the month of May, 1837, for a voyage thence to Pernambuco direct, in conformity with which an official Muster-roll from the Secretary of the Government, was obtained on the 12th of that month. On the day following, the cargo of this vessel was cleared out at the Custom-house, for "Pernambuco, and Ports along the coast of Africa." In this clearance, it is particularly mentioned that the detained vessel carried 25 small casks, filled with water, and 6 casks not set up, to hold palm-oil on the return voyage.

Thus prepared, the "*Princéza Africana*" proceeded from the Cape de Verde Islands to the river Sherbro; and, after a delay there of about 16 days, during which the outward cargo would appear to have been landed, she went to sea again, and cruised along the coast as far as the latitude of Cape Palmas, returning to the Sherbro on the 1st of August last, from which date she remained at anchor there until the 26th of December, when a cargo of slaves was embarked. In the attempt to get clear of the entrance to the Sherbro, on her return voyage, this vessel was seized with her human cargo by a boat of Her Majesty's brig "Curlew," Lieutenant Norcott, Commander; and that officer accompanied his prize to this port, in which she arrived on the 1st instant.

The Marshal and Surgeon to the Court visited and reported upon the detained vessel, and the negroes on board of her, as soon as she came to anchor.

From the Surgeon's report it appeared that, although these slaves had been but a week on board of the detained vessel, there were already among them 49 cases of disease, 33 of which were ophthalmia. The detained schooner was very small for the number of negroes embarked in her; and the Surgeon therefore suggested the advantage of their being landed as soon as practicable, which recommendation was carried into effect the same day.

All the papers in the case were received and filed in the Court on the day of the arrival of this vessel; the usual monition issued, and the witnesses produced by the captor were ordered for examination by the Registrar.

The declaration of the captor as to the circumstances attending the seizure of this schooner was to the effect, that Her Majesty's brig "Curlew," having been on the 26th December, 1837, in latitude 7° 21' North, and longitude 12° 40' West, the cutter of the said brig succeeded in capturing the schooner "*Princesa Africana*," sailing under Portuguese colours, and bound from Seabar to Porto Rico, with a cargo of 222 slaves.

The witnesses in this case were the Acting Master, Juan Bufo, and the Supercargo, Edward Combelle, who were on the 4th instant examined upon the standing interrogatories.

Juan Bufo deposed, that "he was born at Mahon, has lived at Barcelona for the last 26 years; is a Spanish subject, and has never served any other State; is not married. He took the command of the vessel about six months ago at the Sherbro, on the deaths of the late Master and Mate of the vessel at that place; first saw the vessel in Porto Rico about 11 months since; believes she is North American built. He was present when the vessel was captured with slaves on board; sailed under Portuguese colours, and had no others. The vessel is called "*Princesa Africana*," has never heard of any other name; does not know her tonnage; she had about 17 officers and mariners, exclusive of the late Master; part Portuguese, and part Spaniards, who were shipped and hired by the late Master, Don Fernando, 10 months since at Porto Praya (part had been previously shipped and hired at Porto Rico about 11 months ago, by the former Owner and Master, Don José Cargil, a Spanish subject, and a resident of Catalonia). Neither he, nor any other of the officers or mariners to his knowledge, had, with the exception of the Supercargo, any interest in either vessel or cargo. Was boatswain aboard, till the deaths of the superior officers rendered it necessary for him to assume the command of the vessel.

"At the time of capture there were some passengers, but does not know the number, or their names; they were seamen, but does not know of what nation; they were taken on board in the Sherbro about a week since, at the instance of the Supercargo, for a passage to Porto Rico; does not know what their business at Porto Rico might have been; none of them had any authority aboard, or interest in the vessel or cargo to his knowledge. The last clearing Port was Porto Praya, Cape Verdes; the voyage commenced, and was to have ended, at Porto Rico. From Porto Rico the vessel proceeded to Porto Praya, where she remained about 10 days, and then went to the Sherbro, where she remained 8 months, when she proceeded to Cape Palmas for rice, and returning thence to Sherbro, embarked her slaves. The capturing vessel was first seen off the Banana Islands about a week since; capture took place the same day; there was no chase; the vessel was captured by a boat during a calm; the vessel was steering for Porto Rico when she fell in with the man-of-war. There was 1 gun mounted, 8 muskets, about as many cutlasses, and a small quantity of powder for defence against pirates; no resistance was made; there were no instructions to escape capture, or for concealing or destroying any of the vessel's papers. Don Fernando, the late Master, was the owner of the vessel; does not recollect the Master's other name; knows that the said master bought the vessel at Porto Praya from Don José Cargil, the former Master and owner.

"Don Fernando was a Portuguese subject, but does not know any thing further about him. He does not know whether there is any bill of sale. Witness does not know the price of the vessel, or whether the same be paid, though he has heard that it was, and believes the sale to have been a true one; believes, if restored, the vessel will belong to the representatives of the late Master; knows of no private agreement. The Supercargo, Combelle, was the lader, and consignee of the cargo; the said Combelle and two other persons named Juan and Felipe à Labaca, witness believes to be the owners of the slaves.

"Combelle is a Frenchman, and lives, witness believes, at St. Thomas's, West Indies. Leon and à Labaca are Spanish subjects, and live at Porto Rico; cannot say how long these persons have resided in these places respectively, or where they lived before; the said slaves witness believes were to have been landed at Porto Rico for account and risk of the said three parties, and will belong to them if restored. He knows nothing of the last voyage; the lading on the present occasion was shipped at Porto Rico, and consisted of tobacco and rum; the present cargo is slaves, 218 were shipped altogether, all from the shore; does not remember their particular descriptions; none have died, either before or since capture; after seizure the vessel was taken to Sierra Leone.

"The papers found on board were and are all true and fair, so far as he knows; no papers were destroyed, concealed, or made away with; there are no other papers that he knows of relating to vessel or cargo; he does not know whether there was a charter party. He does not know whether the vessel or cargo be insured; the vessel was under the management of the Supercargo in regard to her trade. Bulk was broken in the Sherbro; none of the slaves have been landed since capture."

Edward Combelle, the Supercargo of the detained vessel, confirmed, by his testimony, the Master's evidence in all the material points.

On the fifth instant publication of the case was granted, on the Petition of the Proctor for the Captor.

The Monition which had issued on the 1st, was returned, duly certified, on the 10th instant, on which day the Court met for the adjudication of this vessel, upon which a sentence of condemnation was pronounced. At the same time, the 222 slaves captured in this vessel (none having died during their detention,) were pronounced to be free.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

Sierra Leone, January 12, 1838.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 19.)*

MY LORD,

*Sierra Leone, January 12, 1838.*

HER Majesty's Sloop "Scout," Robert Craigie, Esq., Commander, when cruising in the Bight of Benin, on the 20th of November last, detained the Portuguese Slave Brigantine "*Deixa Falar*," Joao Anastacio Baker, Master, for having on board 205 Negroes, shipped the previous day at Lagos, and destined for Bahia.

The detained vessel was immediately despatched, in charge of a Prize Officer, to this Colony for adjudication, where she arrived on the 1st, instant, and on the following 10th, the prosecution of this vessel having been completed, and her guilty employment at the time of detention fully established, the confiscation of the vessel was pronounced, as well as the emancipation of the 186 surviving slaves of her cargo.

We have the honour to enclose for your Lordship's information, our Report of the case of this vessel.

The slaves of this vessel were to have been landed at a place called Camamá, which the Mate described as being sixty miles to the southward of Bahia.

The contradiction of the ship's papers by the witnesses, in respect to the name of the owner, was very glaring. There were also opposing statements in the papers respecting the situation filled by Francisco Garcia Machado, on board of the detained vessel, the correctness of which he denied in his own evidence.

(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. 22.

*Report of the Case of the Portuguese Brigantine "Deixa Falar," João Anastacio Baker, Master.*

This vessel, when seized, had on board only 2 Ship's Papers, a Passport, and Muster-roll; the former obtained from the Portuguese Consul-General at Rio Janiero, in February, 1837, and the latter from the Portuguese Consul at Bahia, on the 3rd June following. These two documents agree in describing the Owner of the detained vessel to be José Antonio de Freitas, but differ as to the person who was actually the Master, the Passport naming Francisco Garcia Machado as filling that office, whilst the Muster-roll states a person of that name to be the Boatswain of the brigantine, and the Master to be the person found in command of her when detained. In both of the Official Papers above-mentioned the destination of the vessel from Bahia was stated to be Oporto, with leave to call at Gibraltar; but her route appeared to be direct from the port of clearance to Lagos, where a cargo of negroes was embarked, with which she was detained by Her Majesty's sloop "*Scout*," on the 20th November, 1837, on the first day of her return voyage to Bahia.

On the 1st January instant, the detained vessel came into this harbour, and we received the customary Reports respecting her from the Marshal and Surgeon to the Courts.

It appeared that, during the long passage of this vessel to our port, 16 of the negroes had died of dysentery, of which disorder there were 30 cases then on board; the remainder of the slaves being generally healthy-looking.

The surgeon strongly recommended their early disembarkation.

On the 1st instant the usual measures were taken to open the prosecution of the detained vessel on a charge of illegal slave-trading; the Monition in the case issued, and other preliminary steps were taken. The healthy slaves were, on the same day, landed at the Liberated African Department in Freetown, and the sickly, on the morning following, at the Lazaretto at Kiskey.

The Declaration of the Commander, Robert Craigie, stated, that on the 20th November, 1837, being in Her Majesty's sloop "*Scout*," in latitude 5° 53' North, and longitude 4° 16' East, he detained the brigantine named the "*Deixa Falar*," sailing under Portuguese colours, and commanded by Joao Anastacio Baker, who declared her to be bound from Lagos to Bahia, having on board 210 slaves.

The witnesses in this case were the Master and Mate of the captured vessel, who were examined by the Registrar on the 5th instant.

Joao Anastacio Baker, the said Master, swore, that "He was born at Figueira, in Portugal, and lives there; has never served any state but Portugal, and is not married. He was appointed to the command of the detained vessel, and possession of her was given to him, at Bahia, by José Joaquim Machado, a Portuguese subject, and a resident of that place; first saw the said vessel there about two months previously; believes she is Brazilian built. He was present when the vessel was seized with slaves on board; sailed under Portuguese colours, and had none of any other nation. The flag which is now flying at the mast-head of the "*Deixa Falar*," (the white Portuguese flag) has been placed there by the Prize Officer, and was only used on board as a private signal; the colours under which the vessel was, when seized, were the blue and white usually borne by Portuguese vessels. The vessel has never been called anything but "*Deixa Falar*," to his knowledge; she is 72 tons burden, and had ten officers and mariners, exclusive of witness, part Portuguese and part Brazilians; all shipped and hired by witness at Bahia; neither he, nor any of the officers or mariners, had any interest in either vessel or cargo. Was master on board; there were no passengers. The last clearing port was Bahia, and the voyage commenced, and was to have ended, there; from

Bahia, the vessel proceeded direct to Lagos, where she shipped slaves. The capturing vessel was first seen about 30 miles outside Lagos, on the 20th November; capture took place the same day, after a chase of 7 hours; the vessel was steering for Bahia when pursued, and made every effort to escape from the cruiser. The vessel's papers were for Oporto and Gibraltar, but she did not go there, witness's orders being to proceed to the Coast. There is no gun mounted, and but two muskets and one cutlass; no resistance was made; there were no instructions for escaping capture, or for concealing or destroying any of the vessel's papers. José Joaquim Machado is sole owner of the vessel; he is a Portuguese by birth, and has resided for several years past with his family, at Bahia; witness does not know where he lived previously; believes him to be the owner; having been so informed by Machado, and having seen it so stated in the vessel's papers. He has seen the bill of sale in the possession of Machado at Bahia, where he believes it now is; knows none of the particulars of it, as he only saw it once, and did not read it. Does not know the price of the vessel, or if the same be paid; believes the sale to have been a true one, and that the vessel will belong to Machado, if restored, and to no other person; knows of no private agreement; Machado is the sole owner of the cargo; the consignee at Lagos, and the lader of the slaves, was Luiz Antonio de Andrada, a native of Brazil, now living and trading at Lagos. The slaves were to have been landed at Camamú, a place to the southward of Bahia, on account and risk of Machado; and, if restored, will belong to him only; knows of no other person concerned in them. He knows nothing of the former voyage; the lading shipped at Bahia on the present occasion consisted of rum and tobacco; the present cargo is slaves; 210 were shipped altogether, all from the shore; does not remember their particular descriptions; none died before, but 22 have died since capture; after seizure the vessel was taken to Sierra Leone. The papers delivered up were and are all true and fair. No papers were destroyed, concealed, or made away with. There is no paper in any country (other than the bill-of-sale before-mentioned) relating to vessel or cargo, to his knowledge. There was no Charter-party. He is ignorant whether the vessel or cargo be insured; the vessel was under the management of de Andrade in regard to her trade. Bulk was broken at Lagos; no slaves have been disembarked since capture."

The other witness in the case was Francisco Garcia Machado, who is described in the Passport as Master, and in the Muster-roll as Boatswain, of the detained vessel. He swore at his examination that he was the Mate of this vessel. This witness corroborated the evidence of the Master in every respect, and declared, like him, that the owner of the vessel was José Joaquim Machado, and that he had seen his name as such in the vessel's papers, a statement directly at variance with the fact.

The number of slaves who died whilst under the charge of the Prize Officer appeared, by that gentleman's affidavit, which was filed on the 6th instant, to be sixteen. On the receipt of this document, publication was granted to the captor's Proctor.

On the 10th instant, the Motion issued in the case was returned, certified by the Marshal to have been properly executed; and at the sitting of the Court on that day, the said Brigantine "*Deixa Falar*" and her cargo were declared good prize to the Governments of Great Britain and Portugal, except the slaves, in number 186, who were duly emancipated.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.*Sierra Leone, January 12, 1838.*

## No. 23.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 19.)*

MY LORD,

*Sierra Leone, January 20, 1838.*

HEREIN we have the honour to transmit to your Lordship, our Report of the case of the Portuguese brig "*Gratidao*," João Fernando Bouvier, Master, seized on the 23rd of November last, in the Bight of Benin, with 452 slaves on board, by Her Majesty's sloop of war "*Scout*," Commander Craigie; and condemned here on the 19th instant, when the 380 survivors of the slaves were declared to be emancipated.

From the papers of this vessel it may be inferred, that, previous to the voyage in which she was seized, she had been a successful trader, having safely made a voyage to Havana in the month of August 1836, and to Bahia in August 1837.

It will be observed, that a frequent change of Masters has taken place in this vessel; and at the commencement of the last voyage her name was altered, for the object, we presume, of mystifying her character and proceedings; in the apparent desire to further which object, the Master swore, that the owner of the vessel, José Moreira Pinto, lives at Havana, notwithstanding the passport stated he is a resident of Bahia.

(Signed)

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

## Enclosure in No. 23.

*Report of the case of the Portuguese Brig, "Gratidao," João Fernando Bouvier, Master.*

"THIS vessel, according to the papers found on board of her at the time of detention, and which consisted of

A Passport,  
A Muster-roll, and  
Four Custom House Certificates,

was owned by José Moreira Pinto, a resident of Bahia, and sailed under a Passport from the Provisional Government of Princes Island, dated the 8th March, 1836, in which her destination was stated to be from that Island to Cuba, *via* the coast of Africa. This voyage was apparently accomplished, and the vessel then went to Bahia, where she arrived in November, 1836; and in the following February departed for Princes'. Whether he visited that Island on the occasion alluded to is uncertain; but she again cleared out from Bahia in September last on another voyage ostensibly to Princes', which official destination was not observed, the Brig having proceeded direct to Lagos. During the detained vessel's last visit to Bahia, her name was changed from "*Nova Inveja*" to that of "*Gratidão*," and a new master was appointed to her, making the fourth change of commanders in the course of twenty months. In the Muster-roll and Passport the detained vessel is declared to have been destined for Princes Island; whilst one of the Custom House clearances from Bahia stated she was bound to the coast of Africa generally, and another that she was going to Onim or Lagos.

To the last-named port the "*Gratidão*" proceeded direct on leaving Bahia, and there embarked a cargo of slaves, with which she was captured, shortly after leaving the coast, by Her Majesty's sloop "*Scout*," Robert Craigie, Esq., Commander.

The detained vessel reached this port on the 11th January, 1838, and the Marshal and Surgeon to the Courts made their official visits and reports that day. The Surgeon stated, that of the 454 slaves which had been seized in this vessel, 56 had died of dysentery; and that there were still on board 64 cases of the same disease. There were also 19 other cases of sickness, which, together with those mentioned, the Surgeon recommended should be immediately sent to the hospital. The remainder of the cargo appeared to be clean and healthy-looking; but their early disembarkation was recommended, as the detained vessel did not afford them proper accommodation.

On the following day, the 12th instant, the papers of this vessel, duly authenticated, were filed in the British and Portuguese Court, together with the captor's declaration; when the usual Monition was issued, and other preparatory measures adopted.

The slaves were landed on the same day, in compliance with the request of the captor's proctor, and the recommendation of the Surgeon to the Court.

The captor's declaration stated that Her Majesty's sloop "*Scout*," having been on the 23rd November, 1837, in or about latitude 5° 40' north, and longitude 4° 15' east, detained the Brig "*Gratidão*," sailing under Portuguese colours, and commanded by Joao Fernando Bouvier, who declared her to be bound from Lagos to Bahia, and having on board 457 slaves.

On the 17th instant, the registrar examined the witnesses produced by the captor.

The Master of the detained vessel deposed that "he was born in Lisbon, has lived at Bahia for the last 7 years, is a subject of Portugal, and has never served any other state; is not married. He was appointed to the command at Bahia in September last by José Moreira Pinto, the owner, a resident of Havana, and a Portuguese subject; possession was given to witness at Bahia in September last by Joao da Costa, junior, the correspondent of the owner, a Brazilian subject, and resident of Bahia; first saw the said vessel there a few days previously to having possession given to him; does not know where she was built. He was present when the vessel was captured with slaves aboard; had no colours but Portuguese.

"He has heard the vessel was formerly called "*Nova Inveja*." Since witness has known her she has always been called "*Gratidão*;" she is 213 tons burthen, and had 23 or 24 officers and marines, exclusive of witness, all Portuguese, except the Mate, who was a Brazilian; all hired and shipped at Bahia by witness in September last.

"Neither he, nor any of the officers or marines, had any interest in the vessel or cargo, with the exception of witness, who owned 2 of the slaves, the first mate, to whom 2 other of the slaves belonged, and the supercargo, who was the proprietor of 12 slaves; was Master on board; there were 2 persons shipped at Lagos in November for a passage to Bahia; they had previously accompanied the vessel as passengers from Bahia to Lagos, for the purpose, witness believes, of trading there; their names were José Barbosa Nunez, senior and junior, being father and son, the elder a Portuguese, the other a Brazilian, both resident merchants of Bahia; neither of them had any interest in vessel or cargo, or authority whatever on board, with the exception of the elder Nunez, who was the supercargo.

"The last clearing-port was Bahia; and the present voyage began and was to have ended there. From Bahia the vessel proceeded direct to Lagos, where the slaves were shipped.

"The capturing vessel was first seen on the 23rd November, near the entrance of the river Bonny, but not within sight of land; does not remember the latitude or longitude; capture took place the same day, about an hour after the vessels had fallen in with each other; there was no attempt made to escape, as it would have been useless. The vessel was steering for Bahia when she fell in with the man-of-war. There were 2 guns mounted, and a few muskets and cutlasses, and a little powder for defence, and keeping the slaves in order. No resistance was made; there were no instructions to escape capture, or for concealing or destroying any of the vessel's papers. José Moreira Pinto was sole owner of the vessel, a Portuguese by birth; does not know if he be married, or where he lived before he resided at Havana. Believes Pinto to be the owner, having been so informed by João da Costa, junior. He has never seen any bill of sale, and does not know the price of the vessel, or whether it be paid; believes, if restored, the vessel will belong to Pinto; knows of no private agreement; Pinto is also owner of the slaves, with the exception of those which he has stated belong to himself, to Simon Pereira the Mate, and to José Barbosa Nunez the supercargo. Pereira is a Brazilian, and lives at Bahia when not at sea; does not know where Nunez lived previously to his residence in that city. The Consignee and Lader of the vessel at Lagos was one Ignacio, a native of Brazil, and a resident trader at Lagos. The slaves were to have been landed at Bahia, on account and risk of Pinto, with the exception of 16 slaves belonging to persons on board as before stated; believes the said slaves, if restored, will belong to Pinto, José Barbosa Nunez, Senior, Simon Pereira, and witness, as before stated.

"He knows nothing of the last voyage; the cargo shipped at Bahia was tobacco and dry goods; the present cargo is slaves; 453 were shipped altogether, all from the shore; does not remember their descriptions; none died before, but some have died since capture; does not know how many; after seizure the vessel was taken to Sierra Leone.

"The papers delivered up were and are all true and fair; no papers were destroyed, concealed, or made away with; there are no other papers to his knowledge relating to vessel or cargo. There was no Charter party. He does not know whether the vessel or cargo is insured. The vessel was

under the management of Nunez Senior, the Supercargo, in regard to her trade; bulk was broken at Lagos; no slaves have been disembarked since capture."

Manuel Vianna, the Steward of the detained vessel, was the other witness produced in the case. His evidence proved of rather a limited character, as compared with that of the Master, but served to corroborate it as far as it went.

The number of slaves who died whilst they were in charge of the Prize Officer proved to be 59, according to the affidavit of that gentleman filed on the 17th instant; on which day also publication of the case was granted, on petition for the same.

On the 19th instant, the Monition issued in this case was returned into Court duly certified, after which the adjudication of this vessel was immediately proceeded to, and a sentence of confiscation passed upon the said brig, her tackle and furniture, and the goods, wares, and merchandize taken on board of her; the survivors of her cargo of slaves, in number 380, at the same time receiving a decree of emancipation.

Sierra Leone, January 20, 1838.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

No. 24.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 19.)*

MY LORD:

Sierra Leone, January 24, 1838.

WE have the honour to enclose to your Lordship our Report of the case of the Portuguese brig "*Camoës*," Antonio Gomes da Silva, Master, captured by her Majesty's schooner "*Fair Rosamond*," on the 28th of September last, and adjudicated on the 22nd instant, in the British and Portuguese court of mixed commission, together with an abstract of the evidence. This report embraces only the first part of the case of the "*Camoës*," ending with her restoration, and a reference to the Registrar of the question of costs, damages, and expenses, due to the claimant for the illegal detention of his vessel.

The "*Camoës*" has been restored for the same approved reason that led to the restoration of the "*Pepita*" on the 14th of August, 1834; namely, that the slaves found on board of her, and on account of whom she was prosecuted, had not been shipped "*for the express purpose of the traffic*," but to afford a pretext to one of Her Majesty's Cruisers for seizing the vessel, and for claiming from the court the emancipation of the negroes, and the condemnation of the vessel in which they were conveyed to this colony.

We are happy to inform your Lordship, that the freedom of the slaves of the "*Camoës*" has not been affected by the sentence which restored that vessel, the claimant having distinctly deposed that he had no connexion with, or interest in them. These persons have accordingly been handed over to His Excellency the Governor, under whom they enjoy the protection and support, received by the other liberated Africans in the colony.

The "*Camoës*" cleared out from Pernambuco in ballast early in February, 1837, and proceeding thence to Bahia, she there took on board a cargo of goods suited to the African trade, and sailed direct to the river Benin, where she arrived in April last. She was still in that river in the month of September, having landed almost the whole of her outward cargo of goods, and waiting, we presume, for a return cargo of slaves, when she was forcibly boarded, and taken possession of, by Her Majesty's schooner "*Fair Rosamond*," on the ground that she had afforded shelter to the piratical crew of another Portuguese vessel lying in the Benin river.

From this detention the "*Camoës*" was released on the following day, but she was again seized by the "*Fair Rosamond*" a few days afterwards, for having slaves on board. During the interval which elapsed between the first and second seizure, the Master and supercargo of the "*Camoës*" were detained on board the "*Fair Rosamond*" as prisoners; and the vessel itself was daily visited by the officers and men of the man-of-war.

It is admitted by the captor's witnesses, that the slaves were not shipped at the instigation of the Master of the "*Camoës*," who was under detention at the time, but by the agent of that vessel, a resident merchant of Benin, with the knowledge, connivance, and assistance of the captor. For full and particular details of the extraordinary circumstances, which preceded and accompanied the seizure of this vessel, we beg leave to refer your Lordship to the inclosed report, and abstract of evidence.

After a laborious investigation of the voluminous evidence produced in this case, we were clearly convinced that the captor had infringed the sixth article of the Portuguese Convention of the 28th of July, 1817, and the first



and second clauses of the First Article of the Instructions of the Men of War, employed to prevent the Illicit Traffic in Slaves; and that it was our duty, in compliance with the Eighth Article of the regulations for the guidance of the Mixed Commissions, in pronouncing judgment in favour of the claimant, at the same time to award to him such costs, damages, and expenses, as he can properly demand for the illegal detention of his vessel.

This award will form the subject of a separate despatch to your Lordship.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

&c. &c. &c.

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First Enclosure in No. 24.

*Report of the Case of the Portuguese Brig "Camoës," Antonio Gomes da Silva, Master.*

THE Register or Passport of this vessel is dated at St. Paul de Loando on the 17th December, 1836, and was granted by the Governor, Civil Judge, and Secretary General, of that Presidency, to the Portuguese brig "*Camoës*." For this document José Teixeira Cunha is described as the Master, and João Antonio de Moraes Faria as the Owner, both being Portuguese subjects. The vessel is said to be bound to Cape Verde and Ambriz. She appears, however, from a certificate of the Portuguese Consul at Pernambuco, to have arrived at the latter port on the 20th January, 1837, that is, the 34th day after receiving her Passport at Loando; and the Consul pretends to consider that Pernambuco was merely taken in her way to the places for which she had cleared out at Loando. He accordingly describes the "*Camoës*" as "bound from Angola to the Cape de Verde Islands."

Notwithstanding this certificate, a new Master, Antonio Dias, and a new crew, were appointed to the "*Camoës*" during her stay at Pernambuco; and an endorsement on her original Passport, by the same Portuguese Consul, dated the 3rd February, 1837, states that she was bound from that place to the Cape de Verde Islands, by way of Bahia, St. Thomas', Princes', and other ports of Africa.

The Passport of the "*Camoës*" was again visaed by the Portuguese Consul at Bahia on the 20th of February, 1837, and afterwards, on her departure from the same place, on the 13th March, 1837, on which day she cleared out *solely* for the Cape de Verde Islands, although St. Thomas' and Princes' were also named in her clearances from Pernambuco.

Nothing can more completely shew the system of fraud practised on all such occasions than the fact that, on the very day when the clearance for the Cape de Verde Islands was obtained, a Bill of Lading for the cargo taken on board at Bahia was prepared by the agent of the vessel at that port, and signed by the Master, stating that the "*Camoës*" was bound direct to the river Benin on the coast of Africa.

The "*Camoës*" arrived in the river Benin in the month of April last, and was found there on the 17th of May, 1837, by one of Her Majesty's ships cruising on the coast, as appears by an endorsement on several of her papers. Shortly afterwards, the command of the "*Camoës*" devolved on the present Master, Antonio Gomes da Silva, in consequence of the death of Antonio Dias at Princes' Island, whither he had gone in a small schooner from the river Benin. By the month of September, almost the whole of the outward cargo of the "*Camoës*" had been landed, and she was awaiting her return cargo, which was, we presume, to have consisted of slaves, when she was detained by Her Majesty's schooner, "*Fair Rosamond*," under the following circumstances:—

A Portuguese brig, named the "*Veloz*," whilst at anchor in the river Benin, close to the "*Camoës*," had offered resistance to the right of search, which an officer in command of one of the boats of the "*Fair Rosamond*" had attempted to enforce. The "*Fair Rosamond*" had in consequence herself entered the river on the 23rd September last, and after firing at the brig which had offered the resistance, had taken possession of her, and also of her neighbour the "*Camoës*," on board of which vessel several of the crew of the "*Veloz*" had swam for shelter.

The men belonging to the "*Veloz*" were then separated from the crew of the "*Camoës*," and conveyed on board of the man-of-war, where they were, with the rest of their shipmates, confined in irons as pirates; and the officer and prize-crew in charge of the "*Camoës*" were removed from that vessel, after having been on board about 36 hours.

We have cautiously abstained from making any enquiries into the captor's proceedings with regard to the "*Veloz*" and her crew, and have only thus far referred to the facts, stated incidentally in the evidence of the captor's witnesses, in order that the circumstances attending the detention of the "*Camoës*" may be more clearly understood.

During the firing which preceded the seizure of the "*Veloz*" and "*Camoës*," Joao Baptista Cézar, the supercargo of the "*Camoës*," and a resident merchant of Benin, but who was unfortunately afloat at the time, and Antonio Gomes da Silva, the Master, left their vessel and were picked up in the water by a boat of the "*Fair Rosamond*," the former whilst swimming, and the latter holding on to the rudder chains of the "*Veloz*," and were both immediately conveyed on board the "*Fair Rosamond*," and confined there in irons with the other prisoners belonging to the "*Veloz*."

On the day following, the *first* detention of the "*Camoës*," the "*Fair Rosamond*" weighed her anchor, and took up a berth inside the bar of the river, which she was unable to cross, owing to the prevalence of neap-tides; and she there remained until after the *second* detention of the "*Camoës*," in a position from which every thing that took place on board that vessel could be clearly seen from her decks; and in the intermediate period, the "*Camoës*" was daily visited by the officers of the man-of-war.

On the 28th of September, while Da Silva was still on board the "*Fair Rosamond*," the "*Camoës*" was again seized, on the ground that she had 138 slaves on board. Mr. George Sayer Boys, Mate, was on the following day placed in charge of the detained vessel as Prize Master; but she could not leave the river until the 2nd of October, owing to the state of the tides at the time.

The "*Camoës*" arrived in this harbour on the 10th of November. She was immediately visited by

the Marshal and Surgeon to the Courts. The former reported the date and particulars of capture; and the latter stated that 22 of the slaves had died on their passage from dysentery, and that nearly the whole of the remainder were in a state of disease. The Surgeon further observed, "there are 8 cases of ulcer, 12 of dropsy, 18 of dysentery, and 44 of craw-craw. A general taint of craw-craw pervades the whole of these people, and in general aspect they are unusually squalid. Their food, it appears, consisted of farina, and the Brazilian jerked beef. There are neither yams, nor rice on board; and I have no doubt that the very unhealthy appearance of the slaves is mainly attributable to the inadequate quality of the food on which they had to subsist." The Surgeon consequently recommended, that the slaves should be landed as soon as possible, and his recommendation was carried into effect the same day.

The case was then regularly brought before the British and Portuguese Court, on the petition of the Captor's Proctor; the Prize-master's affidavit of the facts of seizure was received; the Captor's declaration was filed; the usual Monition was issued, calling on parties interested in the case to appear; and the witnesses in preparatory produced by the Captor, who were the Master and Boatswain of the detained vessel, were ordered to attend at the Registry on the following morning, for the purpose of their being examined on the standing interrogatories.

The Captor's declaration, the Prize-Master's affidavit of seizure, and the examinations of the Master and Boatswain of the "*Camoës*," on the standing interrogatories, which constituted the evidence in preparatory on the part of the Captor; together with the voluminous evidence subsequently given, in reply to special interrogatories, by the various witnesses, is contained in the "Abstract of Evidence" which accompanies this Report.

On the 15th of November, Antonio Gomes da Silva petitioned, through his Proctor, that he might be allowed to file a claim for the detained vessel and her cargo. The claim, supported by an affidavit, was then received, and is as follows:—

"To the British and Portuguese Court of Mixed Commissions, colony of Sierra Leone.

"Brig "*Camoës*," Antonio Gomes da Silva, Master.

"The claim of the said Antonio Gomes da Silva, the Master of the said brig, a subject of Her Most Faithful Majesty, the Queen of Portugal, for the said brig, her tackle, apparel, and furniture, goods, wares, and merchandize, on board the said brig at the time of the capture thereof by Her Britannic Majesty's schooner, "*Fair Rosamond*," Lieutenant William Brown Oliver commanding, and brought to Sierra Leone; and for the value of the said brig, her tackle, apparel, and furniture, as the sole property of José [Antonio] de Moraes Faria, an inhabitant of Angola, and native of Portugal; and her cargo, as the sole property of José Francisco da Azivedo, an inhabitant of Pernambuco, and native of Portugal; as protected by the Treaty or Convention between his late Britannic Majesty, and His late Most Faithful Majesty the King of Portugal, dated the 29th of July, 1817; and for all costs, charges, losses, damages, demurrage, and expenses, which have arisen, or shall or may arise, by means of the capture and detention of the said brig and her cargo, as aforesaid.

Signed)

"ANTONIO GOMES DA SILVA."

Publication of the evidence in preparatory was decreed, on the petition of the Prize Officer, who was obliged to take this step himself, in consequence of the extreme illness of his Proctor, which considerably delayed the case. We are sorry to add that this gentleman, Mr. W. H. Savage, the oldest practitioner in the Courts of Mixed Commissions, died after a lingering illness; nor was it in the power of the officer in charge of the prize, to avail himself of the services of another professional gentleman, until the 8th ultimo.

The Monition, issued on the 10th, was returned into the Registry on the 17th of November, with the certificate of the Marshal, that it had been duly served. From this time, until the 15th instant, examinations of great length were gone into by the Registrar, upon special interrogatories prepared from time to time, by the Proctors for the Captor and Claimant, and by the Commissioners.

The proceedings would have been much earlier closed, but for the repeated examinations of Mr. Boys, the Prize Master, which were rendered necessary by the difficulty, and almost the impossibility, of procuring direct or indirect answers from that gentleman, respecting the most important facts. It is needless to say, that the interests of the parties which Mr. Boys represented were far from being benefited by the course which he thought to pursue in this respect.

On the 16th instant, a joint and final petition was received from the Proctors for the captor and claimant, praying for the perusal of the evidence taken "previous to the hearing of the cause." This petition was complied with; and on Monday last, the 22nd instant, was appointed as the day of adjudication.

When the Court met, the Marshal's report of the slaves of the "*Camoës*," showed the melancholy fact that barely one half of the negroes shipped on the 28th of September were alive on the 22nd of January.

Of the 138 negroes taken on board in the Benin, 22 had died previous to the vessel's arrival on the 10th of November; and of the remainder, 45 died after their being landed in this Colony. It is due to the Prize Master to say, that he appears to have paid every possible attention to the unfortunate persons committed to his charge; nor was sickness produced amongst the negroes by the crowded state of the vessel in which they were brought to this colony; for, according to the prevailing mode of stowing slaves on this coast, at least four times the number actually shipped would have been shipped on board the "*Camoës*."

The mortality then we consider must be owing, as the Surgeon to the Court has stated, principally to the quality and description of the food on which, for so long a time, the negroes were obliged to subsist.

After the evidence taken had been read and commented upon by the Proctors for the prosecution and defence, the Court proceeded to state its opinion. The following is a summary of the observations then made:—

The case of the Spanish schooner "*Pepita*," Pablo Oliver, Master, reported at pages 16 to 23, 28, and 32 to 47 of Class A of the Printed Correspondence, presented to Parliament in 1836, so closely resembles the present in some of the leading features, that it will not be necessary to go at length into the grounds on which the decision of the Court in this instance was founded. In the case of both vessels the slaves brought into this harbour, and on account of whom prosecutions were instituted, had

CLASS A.

not been shipped "for the express purpose of the traffic," but with a view to their emancipation by the Mixed Commission Courts at Sierra Leone, and in the hope that the vessels which conveyed them hither would be condemned as good and lawful prizes.

It is an extraordinary coincidence, with regard to each of the detained vessels, that at the time of capture her sails were unbent, and that she was not prepared for sea; and, further, that the officer and men selected by the Captor to carry his prize to Sierra Leone, instead of being thoroughly acquainted with all the attendant circumstances of the seizure, were precisely the persons who possessed the least degree of information on the matters necessarily forming the subject of investigation before the Court. In both cases, also, the Court had reason to congratulate itself, that it was not under the disagreeable necessity of restoring the slaves, as well as the vessels, to the claimants, in consequence of their having denied all connexion with the human cargoes. The freedom of the negroes will thus in no degree be affected by a sentence of restoration.

The Sixth Article of the additional Convention with Portugal of the 28th July, 1817, directs that "no British or Portuguese cruiser shall detain any slave ship not having slaves actually on board; and in order to render lawful the detention of any ship, whether British or Portuguese, the slaves found on board such vessel must have been brought there for the express purpose of the traffic."

Also, in the Instructions for the Ships of War employed to prevent the Illicit Traffic in Slaves, and which Instructions form an integral part of the Treaty, the First Clause of the First Article refers to Article VI. of the Treaty already quoted, and the second Clause of the first Article contains this plain direction, or rather prohibition—"Ships, on board of which no slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever."

The Court considers that the Captor of the "*Camoës*" has not acted in accordance with the letter and spirit of these Stipulations and Instructions, but in direct contravention of them; and it comes to this conclusion, even from the evidence of the Witnesses who have been furnished by himself.

It has been positively sworn, on one side, that a person of the name of Juan Baptiste Cézár, the consignee of the "*Camoës*," in the river Benin, whilst a prisoner in the hands of the Captors, was carried on board the "*Camoës*," from Her Majesty's schooner "*Fair Rosamond*," where he had been confined in irons, and compelled to write a letter to the chief of a neighbouring town, directing that the slaves belonging to a vessel named the "*Veloz*," which was lying close to the "*Camoës*," should be sent on board the latter vessel; that the said Cézár was accompanied at the time by one of the officers and a boat's crew of Her Majesty's schooner "*Fair Rosamond*," who remained with him all night; and that in consequence of the letter written by Cézár, under these circumstances, the slaves brought into this harbour, on board the "*Camoës*," were sent on board that vessel from the shore.

This statement is met by the Captor's witnesses by what amounts in fact to a full admission; obtained, it is true, with very great difficulty, and after various examinations, but still more important and conclusive on that account. Mr. Boys, the Prize Master, states that the slaves were put on board the "*Camoës*" for the purpose of affording the "*Fair Rosamond*" an opportunity of seizing the former vessel; that he believes himself, and considers there was a similar feeling of conviction entertained by Lieutenant Oliver and the officers of the "*Fair Rosamond*," that the slaves were put on board the "*Camoës*" by Cézár's means; that he believes it was with the consent and knowledge of Lieutenant Oliver that Cézár carried into effect his intention of shipping the slaves; that every facility was given to the said Cézár to carry the measure he proposed into effect. And, with respect to the employment of the boats of Her Majesty's schooner "*Fair Rosamond*," in the manner stated by the witness for the claimant, Mr. Boys states that two officers, Messrs. Helpman and Purchas, were absent from the "*Fair Rosamond*" the whole of the night of the 27th September (the night immediately previous to capture), and he will not swear they were not also absent on the night of the 26th September, nor will he swear that those officers were not on board the "*Camoës*" during the nights referred to.

The conclusion at which the Court has arrived, on a careful view of the whole of the evidence, is, that the slaves, shipped on board the "*Camoës*," were so shipped, not for the express purpose of the traffic, but for the purpose of affording an opportunity to Her Majesty's schooner "*Fair Rosamond*," to seize the former vessel, and with the knowledge, connivance, and assistance of the Captors, and consequently that the "*Camoës*" cannot be condemned under the Treaty with Portugal.

Had this conclusion been less satisfactorily established, considerable suspicion would still have been excited, with regard to the case for the prosecution, from the detention and treatment experienced by the Master and consignee of the "*Camoës*," and from the manifest improbability there was, that 138 slaves should have been shipped with a guilty intention on board a vessel unprepared for sea, unprovided with provisions, unable (owing to the neap-tides) to leave the river in which she was at anchor, subject to the continual visits of the boats of a man-of-war, from which all her motions were seen, and close to which she would have to pass, in attempting to prosecute her voyage.

The judgment of the Court was, that the Portuguese brig "*Camoës*," Antonio Gomes da Silva, Master, be restored as claimed; and that, in accordance with the Eighth Article of the regulations for the guidance of the Mixed Commissions attached to the Portuguese Treaty, it be referred to the Registrar to assess the amount of costs, damages, and expenses, due by the Captor, Lieutenant William Brown Oliver, for the illegal detention of the said vessel, and to report the same to the Court on as early a day as possible.

The survivors of the slaves brought to this Colony in the "*Camoës*" were at the same time ordered to be handed over to the Colonial Government, to be employed as servants, or free labourers, but without a decree of emancipation, which could not be pronounced, on account of the irregularity of their capture. Nor could they be restored to the claimant, who had positively denied all property in them.

The Registrar's assessment of damages in this case will form the subject of a separate Report.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

Sierra Leone, 26th January, 1838.

## Second Enclosure in No. 24.

*Abstract of the evidence given in the case of the Portuguese Brig "Camoës," Antonia Gomes da Silva, Master.*

*Captor's Declaration.*

I, William Brown Oliver, Lieutenant and Commander of Her Majesty's schooner "Fair Rosamond;" do hereby declare that, on this 28th day of September, 1837, being in the river Benin, I detained the brig called the "*Camoës*," sailing under Portuguese colours, armed with 4 guns, commanded by Antonio Gomes da Silva, who declared her to be bound from the River Benin to Pernambuco, with a crew consisting of 15 men and 5 boys, no supercargo, no passengers, whose names respectively are inserted in a list at the back hereof, and having on board 138 slaves, said to have been taken on board in the River Benin on the 28th day of September 1837, and are enumerated as follows, viz.:

	Healthy.	Sickly.
Men . . . . .	39	5
Women . . . . .	20	3
Boys . . . . .	38	7
Girls . . . . .	25	1

I do further declare that the said brig appeared to be seaworthy, and was supplied with a sufficient stock of water; but being, in my opinion, deficient of provisions for the support of the said Negroes and crew on their destined voyage to Sierra Leone, I supplied her with yams and farina.

(Signed)

Wm. B. OLIVER,

*Lieutenant and Commander.*

Witnesses,

(Signed)

M. CORRY, *Assistant Surgeon.*H. R. COLE, *Clerk in Charge.*

November 10th, 1837. Mr. George Sayer Boys, Mate of Her Majesty's schooner "Fair Rosamond," and Prize-master of the "*Camoës*," being duly sworn, deposed, that Her Majesty's ship "Fair Rosamond," is duly authorized and empowered, according to the provisions of the Treaty and Convention subsisting between Her Majesty and Her most faithful Majesty the Queen of Portugal, to make seizures of Portuguese vessels engaged in the illicit traffic in slaves; that on the 28th day of September last, Her Majesty's said schooner "Fair Rosamond," in the River Benin, did seize and detain the brig or vessel called the "*Camoës*," whereof Antonio Gomes da Silva was found Acting-Master, by reason that the said brig was engaged in the unlawful traffic in slaves, that the papers now produced, marked from No. 1 to 4 inclusive, were delivered to Deponent by the Commanding Officer of Her Majesty's said schooner, "Fair Rosamond," who received the same from the Master of the said detained brig; and that they are now brought and delivered up by Deponent in the same condition as when so received, without any addition, alteration, or subtraction whatever, save the numbering and marking thereof, viz.:

- No. 1. Passport.
2. List of Crew.
3. Manifest.
4. Containing 6 Consulate and Custom-house Certificates.

November 11th, 1837. Antonio Gomes da Silva, one of the witnesses in preparatory produced on the part of the Captor, being duly sworn, and examined in the standing interrogatories, deposed that he was born at Oporto, lives at Pernambuco, and has resided there for the last 18 months; that he has never served any State but Portugal; that he was appointed first pilot, and invested with the command of the detained vessel at Pernambuco about 9 months since, by José Francisco de Azivedo, the correspondent of the owner, and a resident merchant of Pernambuco; that another person of the name of Antonio Dias is mentioned in the ship's papers as the Master, but he had no control over the vessel, except with regard to her trade, being wholly ignorant of maritime affairs; that the said Dias went in a small schooner from Benin to Prince's Island, and died there about six months since; that Deponent was present when the detained vessel was captured; that he was attempting to swim on shore at the time, through dread of the man-of-war's shot; that he does not know why his vessel was seized; that there was not a single slave on board his vessel at the time of capture or previously; that after his vessel was seized, the Captors sent on shore, and had a number of slaves, that were in a barracoon there, put on board his vessel; that these slaves had not been purchased by him or by any of his crew, and that he had no connexion with them whatever; that he had no colours but Portuguese; that the detained vessel is called "*Camoës*;" that he believes about 6 or 7 years ago she was called "*Matilda*;" that she is 288 tons burthen, and had a crew of 17 mariners and officers, exclusive of witness, all Portuguese, except six seamen, who were Brazilian, and the whole were hired and shipped by witness in Pernambuco about 9 months since; that neither he, nor any of the officers or mariners, had any interest in either vessel or cargo; that he was Master on board; that there were no passengers; that the voyage of the detained vessel commenced at Pernambuco, and was to have ended at the same place; that the last clearing Port was Bahia; that from Pernambuco the vessel went in Ballast to Bahia, where she took on board a cargo of Aquadente and trade goods, and thence proceeded to Benin, where she remained trading for country cloths and ivory until she was captured; that the capturing vessel was first seen at the entrance of the river Benin on the 23rd of September, and capture took place the same day, whilst the "*Camoës*" lay at anchor there; that there was no chase, nor any attempt made to escape; that the vessel's papers were for the Cape Verds, Bahia, St. Thomas, Prince's, and the Coast of Africa; that no resistance was made; that there were no instructions to resist; that the owner of the vessel is João Antonio de Moraes Faria, a resident Merchant of Loando, a Portuguese by birth and allegiance; that he (deponent) believes the said Faria to be owner, because he has been so informed at Pernambuco, and because his (Faria's) name is entered as such in the vessel's papers; that the sole owner of the cargo shipped at Bahia is José Francisco de Azivedo before named; that Joaquim José Duarte da Silva, a resident Merchant and native of Bahia, and the correspondent of Azivedo, was the lader of the said cargo; that João Baptista César, a Portuguese by birth, and a resident trader at Benin, was the consignee at the latter place; that a very small part of the cargo now remains on board, the chief part having been

landed at Benin on account of the said Azivedo; that the slaves were shipped by the captors, and neither the owner of the vessel, nor the owner of the cargo, nor this witness, has anything whatever to do with them; that the captors put on board the detained vessel a large quantity of farina and jerked beef, and about 140 negroes of different sexes, through the agency, witness believes, of two British subjects, Messieurs Hope and Millar, trading at that place; that after capture the vessel was taken to Sierra Leone; that at the time of capture the "*Camoës*" was fired into without any cause; that he was seized by the boats of Her Majesty's schooner "*Fair Rosamond*," whilst endeavouring to get ashore, and was kept on board the man-of-war for eight days with his legs in irons, and chained by the neck on deck the whole time.

Francisco Jozé, the only remaining witness in preparatory produced on the part of the Captor, being duly sworn, and examined on the standing interrogatories, deposed generally to the same facts which had been sworn to by the Master. He stated that he (witness) was present when the "*Camoës*" was captured, but is ignorant of the cause of her seizure; that there was not a single slave on board at the time of capture or previously, the negroes now on board having all been shipped by the captors, after they had seized the vessel; that he has been Boatswain for the last 5 or 6 months; that no resistance to capture was made by the "*Camoës*," but the man-of-war fired into her.

The evidence in preparatory having been closed, publication thereof was prayed on behalf of the Captors. A claim was subsequently filed by Antonio Gomes da Silva, the Master, for the restoration of his vessel, and for all cost, damages, and expenses, arising from her detention.

In support of, and in opposition to, this claim, witnesses were examined at great length, on special interrogatories approved by the Judges of the Court: and we now proceed to give an abstract of the most material points in the evidence given at various times, and in reply to different sets of interrogatories, by each witness.

Antonio Gomes da Silva, the Master of the detained vessel, being duly sworn, deposed, "that he was on board Her Majesty's schooner "*Fair Rosamond*," a prisoner, from 11 o'clock A.M. of the 23d September, till 10 A.M. of the 1st October; that he was chained or ironed during the whole period, except during the day-time of the 27th, 28th, 29th, and 30th of September; that, during those four days, he was under the charge of a sentry, and was allowed to walk backwards and forwards between the two masts but not beyond them; that from the deck of the "*Fair Rosamond*" he saw the captors continually and daily proceeding on board the "*Camoës*;" that about 8 A.M. on the 26th of September the Commander of the "*Fair Rosamond*" was standing at the gangway, calling over the names of the crew of the "*Veloz*" (another Portuguese vessel detained by Lieutenant Oliver), from the Roll of that vessel, when witness made the Commander of the "*Fair Rosamond*" acquainted that he was the Master of the "*Camoës*," and not one of the crew of the "*Veloz*;" that he is certain the officers of man-of-war were well acquainted with the fact; that one of the officers, a tall man, with a long nose, had dined on shore in his company, at Mr. Millar's house, about the middle of September; that Juan Baptista Cézár, the consignee of the vessel, was confined, together with witness, on board the man-of-war; that two days previously to the slaves being shipped on board the "*Camoës*" the said Consignee was released from his irons, and taken by an officer of the man-of-war on board the said brig "*Camoës*" where he remained until the following day; that the said Consignee, on his return to the man-of-war, informed deponent that the captors had forced him to write a note to the Native Chief of the town of Bobim, in the Benin, to induce that Chief to send off some of the slaves belonging to the Portuguese schooner "*Veloz*," (then lying at anchor in the river Benin), on board the said brig "*Camoës*," and that he was promised his freedom on condition of the said slaves being shipped on board the said brig, and that about 140 slaves had been shipped on board the said brig by the said Chief, in consequence thereof; that the said slaves were shipped on board the "*Camoës*" by the order of Cézár, in the first instance, acting under compulsion exercised towards him by the captors, whose prisoner he was; and that the said slaves were so shipped, through the agency of Messrs. Hope and Millar, acting on an understanding with the Commander of the "*Fair Rosamond*;" that neither Cézár, nor any other person on board the "*Camoës*," or on shore in the river Benin, was authorised, in witness's absence, to ship or to receive on board the said vessel any slaves or other cargo.

Francisco Jozé, the Boatswain of the detained vessel, being duly sworn, deposed, that he was on board the "*Camoës*," from the time of her first detention by the "*Fair Rosamond*," until she was captured with slaves on board; that when the "*Camoës*" was first seized, her papers were taken and carried on board the "*Fair Rosamond*," from which vessel they were returned and delivered to him about 24 hours afterwards; that he thought at first the captors intended to give up the vessel, but he found that they still retained the Master and the Consignee as prisoners; that, from the time of the first detention until the slaves were shipped, the captors were every day passing to and fro between the "*Camoës*" and "*Fair Rosamond*," continuing for hours together in the former vessel, and at times remaining part, and sometimes the whole, of the night on board, and giving orders for bending the sails and other things; that he considers the "*Camoës*" was not surrendered from the time of her first detention: that during the period above-stated, and previously to the second detention of the "*Camoës*," Juan Baptista Cézár was brought on board the said vessel by an officer from, and in a boat belonging to, the man-of-war; that Cézár was a prisoner at the time; that another armed boat accompanied that in which Cézár was conveyed; that after they had got on board the officer and Cézár conferred together on deck, through the interpretation of Bénédicto, the Cook of the "*Camoës*," immediately after which the said Cézár wrote a letter on the trunk of the "*Camoës*," and sent it ashore to the native queen by Josef Maria, one of the seamen of the "*Camoës*;" that no slaves were shipped in consequence of this letter on that day, but on the following morning (the British officer and seamen having remained on board all night with the Consignee Cézár) a number of slaves were brought on board the "*Camoës*;" that the British officer and seamen quitted the "*Camoës*," and went on board a British merchant vessel lying close to the "*Camoës*," so soon as the canoes with the slaves had reached half-way between the shore and the latter vessel, and returned when the contents of the first canoe (20 slaves) had been received on board the "*Camoës*;" that the British continued on board from that time; that during the same day, and whilst the British were on board, 80 more slaves were shipped; during the following day (after the present Prize-officer had joined the "*Camoës*") 40 more slaves were embarked; that he believes that Cézár did not arrange for the shipment of the slaves of his free consent, but that he did it through fear

of the British, being a prisoner, surrounded by armed men; that when the "Fair Rosamond," first detained the "Camoës," an officer, and about 8 men were placed in charge, and remained on board till the following day; that about 24 hours after they left, another officer and a party of men came on board, accompanied by the Mate of the "Veloz," (who spoke English) and remained about four hours, when the officer directed the crew of the "Camoës" to make their vessel ready for sea, otherwise they would be seized and treated as pirates; that two days afterwards the same officer and party came from the man-of-war, bringing a letter from Cézár, which the officer delivered to witness, with directions to send it on shore to the native Queen, the Mate of the "Veloz" interpreting that it was an order for the shipment of slaves; that witness sent it on shore accordingly; that two days afterwards the British party again returned, bringing Cézár as before stated; that previously to the arrival of the "Fair Rosamond" in the river Benin, none of the sails of the "Camoës," were bent, nor was her rigging rove; that the two topsails were subsequently bent, in consequence of the orders of the British officer; that the remainder of the sails were bent, and the running-rigging rove, under the directions of the present Prize-Officer; that the "Fair Rosamond" was at anchor at the time, not more than a mile from, and within sight of, the "Camoës;" and that it would not have taken more than twenty minutes to have gone from one vessel to the other in the jolly-boat.

Jozé Maria, a seaman of the detained vessel, being duly sworn, and examined on the same interrogatories as the foregoing witness, confirmed the evidence of the boatswain in every material point.

George Sayer Boys, Mate of Her Majesty's schooner "Fair Rosamond," and Prize Master of the Portuguese Brig "Camoës," being duly sworn, deposed that he was on board the "Fair Rosamond" when the "Camoës" was captured; that the "Fair Rosamond" anchored in the river Benin on the 23rd of September, and found there the Portuguese vessels "Veloz" and "Camoës," and 4 English merchant vessels; that the "Fair Rosamond" first detained the "Camoës" on the same day on which she (the "Fair Rosamond") anchored in the river Benin, viz. the 23rd of September, in consequence of a number of the crew of the "Veloz" (which vessel had offered piratical resistance to the boats of the "Fair Rosamond") having swam on board the "Camoës" for the purpose of avoiding capture; that the said brig "Camoës" was so detained, until the men belonging to the "Veloz" could be selected from her crew; that the officer then placed in charge of the "Camoës" quitted her on the following day, the 24th September, by Lieutenant Oliver's orders; that Da Silva, the Master of the "Camoës," was not on board his vessel when she was detained on the 23rd September; that the said Da Silva was found by witness at the time in the water, naked, and holding on to the rudder-chains of the "Veloz," whence he was immediately conveyed, in the boat of the "Fair Rosamond," on board the latter vessel, where he was secured with the crew of the "Veloz;" that on the day succeeding the first detention of the "Camoës," the "Fair Rosamond" weighed anchor, and dropped down close to the entrance of the Benin; that she remained there during the interval between the 23rd and 28th September, being unable to get out, owing to the neap tides, and at a distance of 4 miles from the "Camoës;" that the date of the second detention of the "Camoës" was the 28th September, and the detained vessel left Benin on the morning of the 2nd October; that the "Camoës" could be seen from the deck of the "Fair Rosamond," and of course *vice versa*; that he does not know the town "Bobim" by name, but the nearest native town from both vessels was about 2 miles distant; that Da Silva, the Master of the "Camoës," was kept in irons on board the "Fair Rosamond," in consequence of the captors not being able to ascertain satisfactorily whether he belonged to the "Camoës" or not; that no person belonging to the "Camoës," besides Da Silva, the Master, was confined on board the "Fair Rosamond;" that it was stated on the 25th September, by one of the crew of the "Veloz," that Da Silva was one of the crew, and the Master of the "Camoës;" that he was in consequence released from irons, but it was not ascertained until the 27th September that he was *in fact* the Master of the "Camoës;" that on the latter day Messieurs Hope and Millar informed Lieutenant Oliver that Da Silva was the Master of the "Camoës," but he was not conveyed on board his own vessel until the 29th, in consequence of there being no boat of the "Fair Rosamond" for the purpose; that on Da Silva being conveyed on board the "Fair Rosamond" on the 23d September, he was immediately secured; that he was released at daylight on the morning of the 29th September, the day after the second detention of the "Camoës;" that at first Da Silva was ironed by both legs, and chained to 10 or 12 other persons by the body (the chain passing over one shoulder and under the other) on the deck of the "Fair Rosamond," between the fore and main masts, under a rainy-season awning; that on the morning of the 25th September, Da Silva's irons and chains were taken off, and he was allowed to walk the deck under the charge of a sentry; that during the period of Da Silva's confinement in irons, he and the party to whom he was chained were temporarily released by turns, during the day time, for the purpose of allowing them to take exercise; that during the whole period of Da Silva's detention, he was kept on deck, but under the awnings of the "Fair Rosamond;" that Da Silva was detained on board the "Fair Rosamond" from the afternoon of the 23rd September till the morning of the 22d of September; that Da Silva was on board the "Fair Rosamond" at the time the slaves were embarked on board the "Camoës;" that Da Silva was put on board the "Camoës" by a boat of the "Fair Rosamond" the day after the second detention; that Cézár (the agent of the "Camoës") was, as well as the Master, captured naked, and swimming in the water, on the 23rd September, and was immediately conveyed on board the "Fair Rosamond," and confined in the same manner and place as the other prisoners; that Cézár had his chain and irons taken off on the 25th September at the same time as the Master of the "Camoës," in consequence of its being understood that he was the agent of the "Camoës," and he was then kept a prisoner at large under the charge of a sentry; that after it was discovered, on the 25th September, that Cézár was the agent of the "Camoës," he was detained in custody, that it might be ascertained whether he was on board the "Veloz" at the time of her resistance to capture, with the object of treating him in the same manner as the people of the "Veloz," if that fact should be established; that on the 26th September, Messrs. Hope and Miller came off from the shore to the "Fair Rosamond," and acquainted Lieutenant Oliver with the fact that Cézár was not one of the crew either of the "Veloz" or "Camoës;" that Cézár was not thereupon immediately released from confinement, that it was still requisite to ascertain whether Cézár was one of those who committed an act of piracy on a boat of the "Fair Rosamond;" that deponent is unable to state exactly the time at which Cézár was finally relieved from all constraint, and became a free agent, and at liberty to go where he liked, and to do as he pleased; but, to the best of deponent's knowledge and

belief, he was so liberated on the afternoon of the 27th September, and was not again subjected to any control whatever; that deponent does not know by whom the slaves were sent on board the "*Camoës*" on the 28th September; that he believes Cézár had something to do with it; that he believes that there was some communication between Lieutenant Oliver and Cézár on board the "*Fair Rosamond*," relative to the shipment of the slaves, but knows nothing positive on the subject; that he did not see the slaves conveyed on board the "*Camoës*," and does not know to whom the canoes belonged in which the slaves were so conveyed; that he does not know the owner of the slaves, nor at what time of the day the slaves were put on board the "*Camoës*;" that he was not on board the "*Camoës*" on the 28th of September, the day of her second detention, and did not take charge of her until the morning of the 29th of September; that his reason for believing that some communication took place on board the "*Fair Rosamond*," between Lieutenant Oliver and Cézár, relative to the shipment of slaves on board the "*Camoës*," is, that Cézár had said to witness a few hours after he (Cézár) had been liberated from irons, that if he (Cézár) could get on shore, he would put slaves on board; that this communication was made to witness by Cézár, through the interpretation of one of the crew of the "*Veloz*," and was communicated by witness to Lieutenant Oliver; that witness afterwards observed that Lieutenant Oliver had communications with Cézár; that in consequence of the communications alluded to, witness believes that every facility was afforded to Cézár to carry the measure he proposed into effect; that the facilities to which witness alludes were, that he (Cézár) was allowed to go on board the "*Camoës*," when he pleased, in a boat of the "*Fair Rosamond*," by order of Lieutenant Oliver, and of that facility Cézár availed himself twice on the 27th of September; that he knew Cézár was the consignee of the "*Camoës*;" that he heard from Cézár that he had written a letter to the Native Queen, a statement which was afterwards confirmed to witness by one of the officers of the "*Fair Rosamond*;" that witness believes Cézár was actuated by the impression, that if he put slaves on board the "*Camoës*," and allowed the "*Fair Rosamond*" to seize her, the people of the "*Veloz*" would be released from their confinement, and from the charge of piracy; that he had no other grounds for this belief than the general opinion which prevailed on board the "*Fair Rosamond*," that Cézár did entertain that impression, and the statement made to witness by Cézár, that if he (Cézár) were allowed to go on shore, he would put the slaves on board; that it was with the previous knowledge of Lieutenant Oliver, and of the officers of the "*Fair Rosamond*" generally, that Cézár was concerned in procuring the shipment of slaves; that witness believes it was with the consent and knowledge of Lieutenant Oliver, that Cézár carried into effect his intention of shipping slaves; that he has been informed by Cézár, that the "*Veloz*" and the "*Camoës*" belonged to the same owners, and that he (Cézár) was the agent for both vessels; that it was generally believed that the slaves shipped on board the "*Camoës*" had composed part of the cargo of the "*Veloz*" but witness has no certain knowledge of the matter; that he cannot swear that he believes the slaves sent on board the "*Camoës*" were so sent for the purpose of being sold; that, to the best of his belief, the negroes found on board the "*Camoës*" were put on board for the purpose of affording the "*Fair Rosamond*" an opportunity of seizing the former vessel; that to the best of his knowledge and belief Cézár was the person who entertained the purpose of so doing, and who afforded to the "*Fair Rosamond*" the opportunity of seizing the "*Camoës*;" that the "*Camoës*" was first detained on the 23rd September, and released on the 24th; that on the 25th, 26th, and 27th of September, she was visited once daily, and not oftener, by Mr. Helpman, the senior Mate, and a party from the "*Fair Rosamond*;" that these visits were made in consequence of a report that the natives were stealing the slaves from the Barracoon on shore, and a belief that the owners of slaves had no place of greater security to place them in than on board the "*Camoës*;" that he is aware that Cézár was conveyed from the "*Fair Rosamond*" to the "*Camoës*" one or two days before the second detention of the latter vessel, in a boat of the "*Fair Rosamond*," accompanied by another boat belonging to the same vessel; that one of the boats of the "*Fair Rosamond*" was absent the whole of one or two nights (witness does not remember which) during the interval between the first and second detention of the "*Camoës*," but where the officer and men passed the night he cannot be positive and certain; that on the 26th and 27th September, Messrs. Cole and Ricketts, two officers of the "*Fair Rosamond*" were relieving each other on board the piratical vessel "*Veloz*," and were alternately absent from the "*Fair Rosamond*" during the nights of those two days; that Mr. Helpman and Mr. Purchas, two other officers of the "*Fair Rosamond*," were absent the whole of the night of the 27th, and he cannot swear positively that they were not absent also on the night of the 26th September; that he cannot swear that neither Mr. Helpman nor Mr. Purchas was on board the "*Camoës*" during the night of the 26th or 27th September; that to the best of his knowledge and belief the whole number of slaves captured in the "*Camoës*" were actually on board that vessel at the moment when she was boarded and seized by Mr. Helpman, on the 28th September; that no slaves, to his knowledge, were received on board subsequently; that no slaves were received on board the "*Camoës*" subsequently to witness taking charge of her; that the "*Camoës*," according to the prevailing method of stowing slaves, is capable of carrying 500 slaves; that subsequently to the second detention of the "*Camoës*," about 1500 yams, 70 or 80 pounds of jerked beef, and 15 or 20 bags of farina, carrying about one bushel each, were put on board that vessel by the captors; that the whole of the said yams and farina, and nearly all the jerked beef, were used by the slaves in their passage to this port; that all that it was found necessary to do to the "*Camoës*," after her second detention, in order to fit her for sea, besides taking in the provisions above stated, was, to bend her sails; that Mr. Helpman, with 6 British seamen, bent 3 or 4 of her sails, and moved her into a berth close to the "*Fair Rosamond*;" that, on the following morning, witness took charge, and, with 4 English sailors, bent the remainder of her sails, in about 4 hours.

Charles Hooper, seaman of Her Majesty's schooner "*Fair Rosamond*," and one of the prize crew of the Portuguese brig "*Camoës*," being duly sworn, deposed that the "*Camoës*" was first detained by the "*Fair Rosamond*" in consequence of the people of the "*Veloz*" having jumped overboard and swan on board the "*Camoës*;" that the "*Camoës*" was detained until the people of the "*Veloz*" could be separated from the crew of the "*Camoës*;" that the "*Camoës*" was given up by the captors within 36 hours of her first detention, and previously to her being seized for having slaves on board; that he was not employed in the boats of the "*Fair Rosamond*" engaged in the seizure of the "*Camoës*" for having slaves on board; that he was not employed on any previous occasion, on the "*Camoës*" being visited by the boats of the "*Fair Rosamond*;" that the "*Camoës*" could be seen from the "*Fair Rosamond*" during her stay in Benin; that Antonio Gomes da Silva, the Master of the "*Camoës*," was kept in irons on board the "*Fair Rosamond*," because it was not certain whether he was the

Master of the "*Camoës*" or not; that the slaves were not put on board the "*Camoës*" by the captors, but to the best of witness's belief by a man named C  zar; that his only reason for supposing C  zar put the slaves on board the "*Camoës*" is, his belief that the crew of that vessels were under the impression that, if C  zar did not put the slaves on board of her, they would be treated as pirates; that he cannot give any reason for this belief (respecting the impression referred to by him as being entertained by the crew of the "*Camoës*.")

*Sierra Leone, January 26, 1838.*

No. 25.

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

MY LORD,

*Sierra Leone, February 19, 1838.*

On the 26th ultimo we had the honour to transmit to your Lordship our Report of the case of the Portuguese brig "*Camoës*," Antonio Gomes da Silva master, ending with the restoration of that vessel to the claimant.

We have now the honour to enclose our Report of the second part of the case, embracing the demand of the claimant for costs, damages, and expenses, occasioned by the illegal detention of his vessel.

We beg leave further to enclose certified Copies of the Registrar's final Report of the amount to which, in his opinion, the claimant was entitled; of the minute respecting the confirmation of that Report by the Court; and of the certificate of award.

The Court finally met on the 9th instant, for the adjudication of the claim, when an unconditional decree was pronounced in favour of the claimant for the sum of 1734*l.* 14*s.* 0*d.* (seventeen hundred and thirty-four pounds fourteen shillings.)

A certificate in triplicate of the amount awarded to the claimant was granted to him on the 16th instant, and his receipt taken for the same, as well as for the ship's papers, which were delivered up to him, the facts of the capture and restitution of the "*Camoës*" having previously been endorsed on the register of the vessel.

We have, &c.

(Signed)

H. W. MACAULAY.

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

WALTER W. LEWIS.

&c.

&c.

&c.

First Enclosure in No 25.

*Report of the second part of the case of the Portuguese brig "Camoës," Antonio Gomes da Silva, Master.*

On the 25th ultimo, the Claimant's Proctor petitioned that his schedule of costs, damages, and expenses, verified by the affidavit of the Claimant, might be received and filed. The petition was immediately granted; but, owing to the illness of the Claimant, he could not attend to make the necessary deposition before the 2nd instant, on which day the Proctors of each party, together with the Claimant and Prize Master, were convened before the Registrar, for the purpose of sustaining or objecting to the different items of the claim.

A Court assembled on the 7th instant, to consider the Registrar's report, and to hear the arguments of the Proctors thereon. It was urged on the part of the Captor, that demurrage could not be granted in this case, as the Captor might be said to have been led into error by the fault of the Captain of the detained vessel. It had, however, been so clearly laid down in the cases of the "*San Rafael*" and "*Pepita*," that neither an *intent* to trade in slaves, nor a complete *equipment* for the purpose, is "the voluntary and reprehensible fault" contemplated by the 8th Article of the Regulations attached to the Portuguese Treaty, that this agreement was overruled.

The Court directed the Registrar to amend his report in one particular. The Registrar had allowed the Claimant's demand for provisions and wages for 21 men (the number of persons on the vessel's Muster-roll or list of crew); but the Court ordered that, as the Master of the "*Camoës*" had deposed that he was engaged in lawful traffic at the time of his capture, wages and provisions should be allowed only for such a number of mariners, as would be required for the navigation of the "*Camoës*" on a legitimate voyage. The Registrar's report was therefore amended in this respect, and brought up for confirmation on the 9th instant, on which day the Court pronounced its final judgment.

The amount allowed by the Registrar for "costs of suit" was confirmed. The amount awarded by the Registrar for demurrage and other claims, under the head of "special damages and expenses," was also confirmed. The Registrar's report was approved with regard to the sums disallowed under the above heads, and under the head of "damages not within the precise terms of the Treaty."

And the Court thereupon did award and decree, that William Brown Oliver, Esq., Lieutenant and Commander of Her Britannic Majesty's schooner "*Fair Rosamond*," the Captor in this case, do pay to Antonio Gomes da Silva, the Master of the detained brig "*Camoës*," and the Claimant in this case, or to the lawful Attorney or Attornies of the said Claimant, but for the use of the Owners and Proprietors of the said brig, absolutely and unconditionally, the sum of 1734*l.* 14*s.* (one thousand, seven hundred, and thirty-four pounds, fourteen shillings), being for costs of suit, and such damages and expenses as the Claimant is entitled to for the illegal detention of his vessel.

On the 16th instant, the Claimant's Proctor petitioned that the ship's papers and other documents, delivered up to the seizer at the time of capture, and filed in the Registry, and also the usual certificate in triplicate, showing the amount of damages awarded, might be given to the Claimant.



This petition was complied with; and receipts were taken by the Registrar, both for the certificate of award and the ship's papers, which were delivered to the Claimant on the same day; an endorsement having first been made on the Passport, stating the prosecution and restoration of the vessel, in the British and Portuguese Court of Mixed Commission, established in this Colony

Sierra Leone, 19th February, 1838.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

Second Enclosure in No. 25.

*Portuguese brig "Camoës," Antonio Gomes da Silva, Master.*

To the trusty and well-beloved Henry William Macaulay, Esq., Her Britannic Majesty's Commissary-Judge, and Walter William Lewis, Esq., Her Britannic Majesty's Commissioner of Arbitration, acting in the absence of Commissioners on the part of Her Most Faithful Majesty the Queen of Portugal,—

Whereas, by your decree of the 22nd day of January, 1838, you pronounced the said brig and cargo to have belonged as claimed, and decreed the same to be restored to the Claimant, for the use of the Owner and Proprietor thereof, with costs, damages, and expenses; and referred the consideration of such costs, damages, and expenses to your Registrar, and that he should report the amount thereof. And whereas such report was made on the 2nd instant, and directed to be amended, in accordance to your decision. I now humbly beg to report the Claimant is entitled to the several sums mentioned in the annexed schedule, amounting to the sum of 1734*l.* 14*s.*

All which is humbly submitted.

(Signed)

M. L. MELVILLE,  
Registrar.

Sierra Leone, 9th February, 1838.

*In the Case of the Portuguese Brig "Camoës," Antonio Gomes da Silva, Master.*

*Schedule of Costs, Damages, and Expenses.*

£.	s.	d.		£.	s.	d.	£.	s.	d.	
63	0	0	Claimed for costs of suit. Allowed 35 guineas . . . . .	.	.	.		36	15	0
			<i>Losses and Damages which the Claimant has actually sustained by Detention.</i>							
173	6	8	Claimed for a large long boat lost by the Captors in the river Benin, 800 dollars. Considering that the boat was not coppered, and that it appears to have been somewhat ancient, I allow	25	0	0				
1	0	0	Claimed for 4 water-pumps on board at the time of capture, but only a broken one found on board when the vessel was restored, at 5 <i>s.</i> each.							
1	4	0	Claimed for 24 tin pots not now on board, at 1 <i>s.</i> each. Allowed for these 2 items, by consent of parties	1	1	0				
100	0	0	Claimed for medicines taken out of the medicine chests at the time of capture by the Captor, and a quantity used by them on the passage to this port. The Prize Officer admits to some of the medicines having been used for the slaves on their passage up, and as it appears there is still a quantity remaining in the three chests on board, I allow a like sum as in the case of the " <i>Pepita</i> ."	5	0	0				
54	10	0	Claimed for 3½ pipes of aquadente on board at the time of capture, but none there now, the Captors having used part of it, and allowed the remainder to leak out, 476 gallons at 2 <i>s.</i> 6 <i>d.</i> The loss of the quantity being admitted on the part of the Captors as having arisen from leakage, or the deprivations of the negroes, I allow at the same rate as in the case of the " <i>Pepita</i> ," viz. 2 <i>s.</i> per gallon	47	12	0				
350	0	0	Claimed for caulking the vessel throughout, and repairing damage done to the sails, the same having been unbent by the Captor, and stowed in the hold in a damp state, by which they are rendered almost useless (two top-sails and two top-gallant sails having also been cut by the Captors), refitting running and standing rigging, the vessel having been detained a period of four months. The claim for caulking the vessel, and repairing the standing and running rigging, having been withdrawn, inasmuch as it appeared that no damage beyond natural wear and tear had been incurred, this item is restricted to a claim for repair of sails, and I allow, by consent of parties	25	0	0				
741	0	8	Carried forward . . . . .	103	13	0		36	15	0

£ s. d.		£ s. d.	£ s. d.
741 0 8	Brought forward	103 13 0	36 15 0
2 10 0	Claimed for Harbour Master's dues.		
	Allowed	2 10 0	
18 13 6	Claimed for tonnage-duty on 249 tons at 1s. 6d.		
	Allowed	18 13 6	
15 0 0	Claimed for wooding and watering.		
	I allow	10 0 0	
16 4 0	Claimed for board and lodging of the Master, from the 13th November, 1837, to 26th January, 1838—74 days at 4s. 4d.		
	I do not allow this charge, as it appears the Master might have resided aboard if he pleased, and that during the whole period he received a naval ration.		
11 14 0	Claimed for 12 bags farina, that which is left on board by the Captor being damaged, at 4½ dollars.		
	The quantity being admitted on the part of the Captor, I allow the same rate as in the case of the " <i>Vencedora</i> ," viz. 5s. per bag	3 0 0	
	The following sums claimed to replace cabin stores and stock taken and consumed by the Captor:—		
10 0 0	Claimed for ½ cask port wine.		
5 8 4	Do. 1 large hog and 1 pig, 20 doll. and 5 doll.		
2 10 0	Do. ½ barrel beef.		
2 10 0	Do. ½ do. pork.		
8 5 0	Do. 1 cask, 1 demijohn olive oil, 11 galls. at 15s.	20 0 0	
	Allowed by consent of parties		
115 10 0	Claimed for provisions for 21 men, from this port to Benin, the place of capture, estimating the passage at 35 days, and 20 days required to prepare her for sea, making 55 days for 21 men at 2s. per day each.		
	I am of opinion that the time and rate allowed in the case of the " <i>Pepita</i> ," are ample in the present instance, and Mr. Hamilton, the Commissioner of Appraisement and Sale, a gentleman much experienced in those matters, having been referred to, and having given it as his opinion that 14 men, including the Master, would be a sufficient crew for such a vessel as the " <i>Camoës</i> ," if engaged in a lawful voyage, I accordingly allow 35 days' provisions for that number, at 1s. 3d. per diem	30 12 6	
119 3 4	Claimed for wages for 20 men, during the above period, at an average of 65s. per month.		
	I allow for 13 men at the same rate as in the cases of the " <i>Maria da Gloria</i> " and " <i>Pepita</i> ," 60s. per month	45 0 0	
1512 0 0	Claimed for demurrage from 23rd September, 1837, to 26th January, 1838, 126 days at 12l. per diem.		
	I am of opinion the claimant is entitled to demurrage from the 23rd September, 1837, to the 22nd January, 1838, both days inclusive, at the rate of 12l. per diem; I allow therefore	1464 0 0	
	<i>Damages not within the precise Terms of the Treaty.</i>		
276 0 0	Claimed for freight of 138 negroes from the river Benin to Sierra Leone, shipped on board the " <i>Camoës</i> ," by the instigation of the captors, at 2l. each.		
	Demurrage having been claimed and allowed for the whole period of the vessel's detention, I am of opinion the Claimant is not entitled to freight for the negroes		1697 19 0
2858 8 10			1734 14 0

Amounting to the sum of one thousand seven hundred and thirty-four pounds, fourteen shillings.  
Sierra Leone, 9th February, 1838.

(Signed)

M. L. MELVILLE,  
Registrar.

## British and Portuguese Court of Mixed Commission, Sierra Leone.

Before Henry William Macaulay, Esq., Her Britannic Majesty's Commissary-Judge, and Walter William Lewis, Esq., Her Britannic Majesty's Commissioner of Arbitration in the said Court, as associated with the Commissary-Judge aforesaid, in the absence of either of the Commissioners on the part of Her Most Faithful Majesty the Queen of Portugal.

Present, Michal Linning Melville, Esq., Registrar.

Friday, the 9th day of February, 1838.

Brig "Camoës," Antonio Gomes da Silva, Master.

The amended report of the Registrar in this case having been brought up and read, the Court confirmed the same; that is to say, so much therein as the Registrar stated that the Claimant was entitled to for costs of suit;—so much therein as the Registrar stated his opinion that the Claimant was entitled to for demurrage, and for losses and damages actually sustained by detention;—and so much therein as the Registrar stated his opinion that the Claimant was not entitled to for freight of the negroes, put on board the "Camoës," at the instigation of the captors. The Court, therefore, did award and decree, that William Brown Oliver, Esq., the Captor in this case, do pay to the said Antonio Gomes da Silva, the Claimant, or his lawful Attorney or Attorneys, for his use, absolutely and unconditionally, the sum of 1734*l.* 14*s.*, for the said costs of suit, and for special damages, expenses, and demurrage occasioned to the said brig by her detention.

## British and Portuguese Court of Mixed Commission, Sierra Leone.

In the case of the Portuguese brig "Camoës," Antonio Gomes da Silva, Master, seized and detained by Her Britannic Majesty's schooner of war "Fair Rosamond," Lieutenant William Brown Oliver, commanding, under a charge of being engaged in the illicit traffic in slaves.

These are to certify that the said Portuguese brig "Camoës," her cargo, tackle, apparel, and furniture, were prosecuted in the British and Portuguese Court of Mixed Commission established at Sierra Leone, for the prevention of the Illicit Traffic in Slaves by the said Lieutenant William Brown Oliver, under a charge of having on board 138 slaves at the time of the seizure and detention thereof, and that it appeared to the said court, that the said Lieutenant William Brown Oliver, did not adduce any evidence to prove that the said 138 slaves were on board for the express purpose of the Illicit Traffic in slaves; but that, on the contrary, the said 138 slaves were placed on board the said vessel, with the knowledge, consent, and connivance of the said Lieutenant William Brown Oliver;—without the privity of the said Antonio Gomes da Silva, the master of the said vessel, and for the purpose of affording an opportunity to the said Lieutenant William Brown Oliver, to detain the said vessel.

Wherefore conformably to the provisions of the Treaty between Her Majesty, and Her Most Faithful Majesty the Queen of Portugal, of January 22d, 1815, and the additional convention thereto, signed at London on July the 28th 1817; the said brig "Camoës," her cargo, tackle, apparel, and furniture, were, on the 22d day of January, 1838, pronounced by the said court to belong as claimed; and the said court decreed the same to be restored to the said Antonio Gomes da Silva, the Claimant, or to his lawful Attorney or Attorneys, for the use of the Owners and proprietors of the said brig; together with the costs, damages, and expenses, incurred in consequence of the said seizure and detention.

And these are further to certify, that the sum awarded by the said court to the said Antonio Gomes da Silva, the Claimant aforesaid, or to his lawful Attorney or Attorneys, for the use of the owners, and proprietors of the said brig, in consideration of the said costs, damages, and expenses incurred through the said seizure and detention, amounts to £1734 14*s.*; all which matters and things more fully appear by the records of the said court; and for which three certificates, of the same tenor and date, have been granted to the said Antonio Gomes da Silva, to serve as one.

In faith and testimony whereof we have hereunto set our hands, and affixed the seal of the said court of Mixed Commissioners at Freetown, in the Colony of Sierra Leone, this 9th day of February, in the year of Our Lord 1838.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

(Signed)

M. L. MELVILLE, Registrar.

These are to Certify that the documents hereunto annexed, are just and true copies of the "Registrar's Report," made in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the case of the Portuguese brig "Camoës," Antonio Gomes da Silva, Master, of the "Minute" of the proceedings of the said court, confirming the aforesaid Report; of and the "Certificate" of restoration, with costs and damages, of the before-named brig, signed by the judges of the said court.

In Faith and Testimony whereof I have hereunto set my hand, and affixed the seal of the Mixed Commission at Freetown, in the Colony of Sierra Leone, this 28th day of February, in the year of our Lord 1838.

(L. S.)

M. L. MELVILLE, Registrar.

No. 26.

## Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 13, 1838.

Your Despatch marked Portugal of the 26th January, 1838, having under my direction been transmitted to the Board of Admiralty, and the attention of the Lords of the Admiralty having been drawn to the circumstances, under which the Portuguese brig "Camoës" was seized by Her Majesty's brig "Fair Rosamond," their Lordships have intimated to me, that they have expressed their disapprobation of the conduct of Lieutenant Oliver in this matter.

I am, &c.

Her Majesty's Commissioners,

(Signed)

PALMERSTON.

&c.

&c.

&c.

No. 27.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received June 21.)*

MY LORD,

*Sierra Leone, March 3, 1838.*

With reference to your Lordship's Despatch, dated September 25th, 1837, on the subject of Mr. Joseph Egan's appointment as British Consul at the Cape Verd Islands, we have the honour to inform your Lordship, that we have learned with much regret, that the death of that gentleman took place within a fortnight after he had arrived at his post.

This melancholy intelligence has been communicated to us by Mr. J. F. Gomes, whose arrival in this colony from the Cape Verd Islands, and installation as his Imperial Majesty's Commissioner of Arbitration, we had the honour to report on the 26th ultimo.

We hoped to have received much useful information from Mr. Egan; and we trust that another gentleman will shortly be appointed to the same station; for recent experience shows, that there is now a greater necessity than ever for such a resident in that quarter.

We have, &amp;c.

(Signed)

H. W. MACAULAY.

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

R. DOHERTY.

&amp;c.

&amp;c.

&amp;c.

No. 28.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received June 21.)*

MY LORD,

*Sierra Leone, March 8, 1838.*

WE have the honour to enclose our Report of the case of the Portuguese brigantine "*Arrogante*," Augusto C ezar Medina, Master, together with an abstract of the evidence submitted to the Court.

The "*Arrogante*" was formerly the Spanish Slave vessel "*Urraca*," and has frequently come under the notice of Her Majesty's Commissioners at Havana. The Portuguese flag, which was assumed at the Cape Verd Islands, was, we believe, only a cover for Spanish interests; as the former Spanish captain, who transferred the vessel to her present ostensible owners, is entered on the official muster-roll as the first officer under the Portuguese captain, who was appointed to the command when the "*Urraca*" changed her name and her nationality.

On the 3rd of December, 1836, the "*Arrogante*" became a Portuguese vessel, and on the 23rd of the following month received a passport as such from the Civil and Military Governor of the Cape Verd Islands. There is no indorsement to show for what place the "*Arrogante*" then cleared out, nor is any thing known of her movements until the 7th of September last, except that she was at Cadiz on the 29th of March, 1837, on which day her passport was visaed by the Portuguese Consul-General at that port. We have no doubt, that a successful slaving trip was made, in the period which intervened between the departure of the "*Arrogante*" from Cadiz and her return to the Cape Verd Islands.

The "*Arrogante*" cleared out from St. Jago for Havana on the 7th of September, 1837, and her official muster-roll certifies, that she had then on board a crew of 37 persons. The log-book, however, describes her as not having left Porto Praya before the 23rd of September. On the 14th of the following month the "*Arrogante*" left the river Gallinas, with a full cargo of Slaves, and was captured off Cuba on the 23rd of November, by Her Majesty's Sloop "*Snake*," Alexander Milne, Esquire, Commander.

After capture, the detained vessel was carried to Montego Bay, Jamaica, where the Slaves, owing to their sickly and debilitated state, were landed, and the vessel herself was despatched to Sierra Leone, with the necessary papers and witnesses, under the charge of Lieutenant Robert Boyle Miller.

On the 27th ultimo, the case was brought into Court, and the evidence of the witnesses produced by the captor, having proved that the "*Arrogante*" was illegally engaged in Slave Trade at the time of her capture, the British and Portuguese Court of Mixed Commission, on the 6th instant, decreed the condemnation of that vessel, and the emancipation from slavery of the survivors of the slaves, who had been landed from her at Jamaica.

After a sentence of condemnation had been pronounced, the captor's proctor moved that, instead of issuing a commission for the appraisement and sale of the condemned vessel, then in the harbour, the Court would permit her to be made use of to carry back Lieutenant Miller and his prize-crew to Her Majesty's Sloop "Snake," in the West Indies, and to be sold there for the benefit of the parties concerned. We felt bound to refuse a compliance with this request; and, for the grounds of our decision, we beg leave respectfully to refer your Lordship to the enclosed Report.

We have, &c.

(Signed)

H. W. MACAULAY.

R. DOHERTY.

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

&c.

&c.

&c.

First Enclosure in No. 28.

*Report of the Case of the Portuguese Brigantine "Arrogante," Augusto Cezar Medina, Master.*

THE papers of this vessel presented to the Court are four in number; viz., a General Passport, an Official Muster-roll or List of Crew, a Notarial Copy of a Bill of Sale, and a Log-book.

1. The Passport is dated at Villa da Praya, in the Island of St. Jago, on the 23rd of January, 1837; and is granted by Domingo Correa Arouca, the Civil and Military Governor of the Cape de Verde Islands, to the Portuguese brigantine "Arrogante." It describes the vessel as being owned by a Portuguese subject, named Antonio Donizio Furtado, commanded by Augusto Cezar Medina, and measuring 155 tons. She is said to be armed, for her own security, with 1 brass 12-pounder revolving gun, 26 muskets, 29 cutlasses, and 3 pistols; and she is authorised to navigate the seas as a Portuguese vessel, with a crew, not less than two-thirds of whom must be Portuguese subjects. A note is appended on the following day (the 24th of January, 1837) stating, that the owner of the vessel had signed an agreement at the Secretary's Office of the Government, by which he is bound to warn the different Commanders of his vessel not to engage in the "inhuman traffic in slaves."

The next endorsement is dated at Cadiz on the 29th of March, 1837, in the Office of the Consul-General of Portugal at that place. It is signed "Manoel de Souza Machado, Consul-General," and merely states that the Passport had been visaed by that officer, on the return of the vessel to the Cape de Verde Islands.

Nothing further is noted on the face of the Passport until the 7th of December, 1837, on which date a Clerk in the Secretary's Office of the government of the Cape de Verde Islands, certifies that the "Arrogante" was about to proceed on a voyage to Havana.

2. The Official Muster-roll or List of Crew is in the usual form. It is dated at the Cape de Verde Islands on the 7th of September, 1837, and describes the vessel as bound to Havana with a crew of 37 persons, including the Master and the cabin boys.

3. The Bill of Sale, of which this paper is a copy, is dated at Villa da Praya on the 3rd of December, 1836. The copy produced is certified to be correct by Miguel de Britto Pereira, an authorised Public Notary. This person declares that Don Bartholomew Cavalleiro, the seller, and Antonio Dionizio Furtado, the purchaser, are well known to him and of good credit; that the two witnesses, Candido Paulo Medina and Anastacio Florindo Medina, are both known to him, and their signatures are with the authorities; and that the brigantine previous to her sale was Spanish, and called "Urraca." A certified copy of a receipt, signed by Antonio Muniz de Arango, a Clerk in the Custom House, is then added, to prove that the Government duty of 15 per cent. on the purchase-money had been paid by the purchaser.

4. The Log-book is headed, "Log-book of the Portuguese brigantine 'Arrogante,' on her voyage from St. Jago to Havana by way of the Coast of Africa."

It begins on the 23rd of September, 1837. On the 7th of October the vessel is represented to have reached the Gallinas, and on the 14th of the same month to have left that river on her voyage to Havana. From this time until her capture on the 23rd of November, off the Island of Cuba, the log is continued regularly and, to all appearance, truly.

The "Arrogante" was carried by the captors to Montego Bay, Jamaica, where, on the 4th of December last, the survivors of the slaves found on board of her were landed, and a receipt given for them by the Collector of Customs. The necessity for disembarking the slaves at Jamaica is set forth in the prescribed form by Captain Milne, and appears to have been very urgent, as a large number of the slaves had died in the short interval between the 23rd of November, the date of capture, and the 4th of December, when the Collector took charge of the survivors.

From Montego Bay the prize was carried into Kingston Harbour. She thence proceeded to Sierra Leone, having on the voyage been obliged to put into Port au Prince for a short time, in consequence of some damage which she had received.

On the evening of Sunday the 25th ultimo the "Arrogante" arrived in this harbour, and her arrival was duly reported by the Marshal on that day; but it was not until the 27th ultimo that the case was brought into Court. The ship's papers were then received, verified by the affidavit of Robert Boyle Miller, Esquire, Second Lieutenant of Her Majesty's sloop "Snake;" and in compliance with a petition to that effect, the declaration to the captor, and his certificate of the necessity for disembarking the slaves, were received; the usual Monition citing all parties interested in the detained vessel was issued, and the evidence in preparatory was ordered to be taken. A receipt for the 332 slaves landed at Montego Bay, on the 4th of December, was then produced by Lieutenant Miller, and filed; and an affidavit of that officer was taken, to prove that 75 other slaves had died before the landing could be effected.

On the 1st instant, the Master and cabin-boy of the detained vessel were examined on the standing interrogatories, and all that is material in their depositions is comprised in the annexed abstract of evidence.

Publication of the evidence was prayed for on the 2nd instant, and the trial was fixed to take place on the 6th instant; on which day the Monition, issued on the 27th ultimo, was returned into the Registry, with the certificate of the Marshal that it had been duly served.

When the Court met, the exhibits filed in the case were read; and they so clearly established the charge of illegal slave-trading against the detained vessel, and so fully justified her seizure by Her Majesty's sloop "*Snake*," Alexander Milne, Esq., commanding, that a sentence was immediately pronounced, by which the Portuguese brigantine "*Arrogante*," Augusto C ezar Medina, Master, was condemned as good and lawful prize to the Crowns of Great Britain and Portugal; and the survivors of the 332 slaves landed at Jamaica were emancipated from slavery. It was further decreed to have been proved, that 407 slaves were on board the "*Arrogante*" at the time of her capture, and that 75 of the said slaves died before they could arrive at Montego Bay, where their surviving companions were landed.

The Bill of Sale shows that the "*Arrogante*," before she changed her national character at the Cape de Verde Islands, was the Spanish brigantine "*Urraca*," whose name appears frequently in the lists of the Havana Commissioners. The "*Urraca*" left Havana on the 3rd February, and returned on the 10th November, 1834, under the command of Gumesindo Loureiro. She again sailed from Havana on the 19th January, 1835, under the command of Francisco de los Reyes, and returned on the 28th March, 1836. She left Havana, for the last time as a Spanish vessel, on the 14th October, 1836, and was sold on the 3rd December following, at the Cape de Verde Islands, by Bartholomew Cavalleiro, who apparently went out in her from Havana as Master.

We are of opinion that the sale of the "*Urraca*" at St. Jago was altogether fictitious, as Bartholomew Cavalleiro, the seller, and the former Captain of the vessel whilst under the Spanish flag, appears in the official Muster-roll of the crew employed to navigate the vessel under the Portuguese flag, as Pilot and first officer, under the new Portuguese Master, Medina.

The Bill of Sale plainly discovers the interest which the Colonial Governments of Portugal have, in conniving at the fictitious transfer of Spanish property to Portuguese subjects, it being necessary to the validity of the deed of transfer, that it should contain a receipt from an Officer of the Custom-house for the duty of 15 per cent. on the nominal amount of the purchase-money.

The Notary at Villa da Praya, by whom the Bill of Sale was drawn, declares his knowledge of the persons, and respectability of the seller, the purchaser, and the witnesses to the execution of the deed; and as the Master, Medina, in his evidence, has deposed that the Purchaser and Owner of the vessel, Antonio Dionizio Furtado, was also the sole Owner of the slaves, and is a merchant, residing with his wife and family on the Island of St. Jago, no difficulty could be experienced, we should suppose, in this instance, in enforcing the conditions of the violated bond into which Furtado entered on the 24th January, 1837 (as appears by the endorsement on the Passport already noticed), and in carrying into effect the punishment awarded to such guilty practices by the 1st Section of the 19th Article, and by the 20th Article of the Decree issued at Lisbon on the 10th December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions.

It will be observed that the "*Arrogante*" cleared out from St. Jago in January, 1837, and proceeded to Cadiz to be repaired. The vessel's Passport is visaed by the Portuguese Consul-General at Cadiz, on the 29th March, 1837; but, from this date until the 7th September, when the "*Arrogante*" again cleared out from St. Jago for Havana, nothing whatever is known of her proceedings. We have no doubt that a successful slaving trip was made in the intervening period of five months and nine days: more especially as, during the last voyage, the "*Arrogante*" was captured by Her Majesty's sloop "*Snake*" off Cuba, in little more than two months after clearing out from the Cape de Verde Islands; and, after being carried into Montego Bay to land her slaves, and calling at Kingston and Port-au-Prince, a sentence of condemnation was pronounced upon her at Sierra Leone, within six months of her leaving the Cape de Verdes. The rapidity, indeed, of this vessel's movements, is one of the most extraordinary circumstances of the case. At the Gallinas, her cargo of slaves must have been prepared for her; and her slaving equipment, wood, water, and provisions, must all have been embarked before her departure from Porto Praya on the 23rd September. On the 7th October, according to the log, the vessel anchored in the Gallinas; and on the 14th of the same month, she left that river again on her voyage to Havana, with a full cargo of slaves. Nothing can more convincingly prove the increased activity with which the Slave Trade is carried on in the immediate neighbourhood of this Colony, than the fact that nearly 500 slaves were shipped on board the "*Arrogante*" in the space of six days.

When the Court had pronounced the sentence of condemnation on the "*Arrogante*" above referred to, Mr. Proctor Dougan, who appeared for the captor, instead of making the usual motion that the Court would permit a Commission to issue for the appraisal and sale of the condemned vessel, moved the Court, in accordance with his instructions, to permit the Prize Master, Lieutenant Robert Boyle Miller, to carry over the vessel to the West Indies for sale. The Proctor represented the inconvenience which would be sustained by Her Majesty's sloop "*Snake*" from the long absence of Lieutenant Miller and the seamen who formed his prize crew, if they should be obliged to return to England for a passage to the West Indies.

It was further urged on behalf of the captors, that Lieutenant Miller was empowered by Commander Milne to give a guarantee to make good the amount at which the vessel might be appraised at this place, in case the vessel should fail to realise her appraised value when sold in the West Indies.

On these grounds it was moved that the "*Arrogante*" might be appraised; that a guarantee for the amount of her appraisal might be accepted; and that a Commission might issue for the sale of the vessel in the West Indies.

To this application the Court, felt bound to refuse its assent. We considered it contrary to the spirit and intention of the Treaty for the Court, to delegate to any other authority the carrying into full effect its own decrees, whenever it is in its power to do so itself, or to accept of any private security, however good it might be, for the probable proceeds of the sale of condemned property, in lieu of the actual and immediate realisation of those proceeds under its own superintendance.

It would, besides, be impossible in any way to estimate the extent to which the property, thus voluntarily removed for our cognizance, might be depreciated by accident, loss, or even by the regular wear and tear of another voyage across the Atlantic, before it could be exposed to sale. Nor does the Court possess any power to enforce the fulfilment of any engagement or guarantee given on the part of Captain Milne, should the condemned vessel be lost on her passage to the West Indies, or in the

event of Captain Milne's death, or his unwillingness to confirm the undertaking of his officer. How in such a case, is Portugal to be satisfied for the loss which she would sustain?

If it had been a matter of urgent necessity that this vessel should return to the West Indies with Lieutenant Miller, and the prize-crew from Her Majesty's sloop "Snake," there was nothing to prevent Lieutenant Miller from making use of the authority which he had received from Captain Milne, and purchasing the vessel at public auction when exposed to sale a few days hence; and then employing her to convey himself and prize-crew to the West Indies.

The Commissioner of Appraisal and Sale attached to the Courts at Sierra Leone has given bond to a very large amount (himself in 2000*l.* and two sureties in 1000*l.* each) that he will honestly and faithfully discharge the duties of his situation. The remuneration which this officer receives for his services consists entirely of commissions on the sale of condemned property, and it would be manifestly unfair, without some obvious necessity, to deprive him of his commissions on the disposal of this vessel and her stores.

The Government of Portugal is of course equally interested with that of Great Britain in realizing the proceeds of the "*Arrogante's*" sale; and when we considered the risk that always must, to a certain degree, accompany the entrusting such delicate duties to unknown and wholly irresponsible persons in a distant Colony, the extreme difficulty, and almost impossibility, of getting account sales prepared, and the proceeds remitted, in the prescribed form, and the delay which must necessarily take place before the Account Sales would be finally closed, we thought that a sufficient case had not been made out to justify us in acceding to the application of the captor's Proctor, that the detained vessel should be allowed to return to the West Indies before being disposed of at public auction.

A decision conveying these opinions was accordingly given.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

Sierra Leone, March 8, 1838.

### Second Enclosure in No. 28.

*Abstract of the Evidence in the case of the Portuguese Brigantine "Arroganté."—Augusto César Medina, Master.*

#### *Captor's Declaration.*

I, ALEXANDER MILNE, Commander of Her Britannic Majesty's sloop "Snake," hereby declare that, on this 23rd day of November, 1837, being in or about latitude 21° 27' N., longitude 84° 53' W., I detained the brigantine named the "*Arrogante*," sailing under Portuguese colours, armed with one long brass 12-pounder gun, commanded by Augusto César Medina, who declared her to be bound from the Rio Gallinas, Coast of Africa, to Havana, with a crew of 35 men, one boy, no super-cargo, 7 passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 406 slaves, said to have been taken on board at the Rio Gallinas, on the 12th day of October last, and are enumerated as follows:—

	Healthy.	Sickly.
Men . . . . .	101	} . . . . . About 40 or 50.
Women . . . . .	57	
Boys . . . . .	144	
Girls . . . . .	104	

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

I do further declare that, on inspection, I found the said vessel to be most complete in every way, being well found in rigging, sails, &c., apparently a new vessel, and the slaves apparently healthy, and well attended to.

(Signed)

ALEXANDER MILNE, *Commander Her Majesty's sloop, "Snake."*

(Signed)

HENRY MAPLETON, *Master,*  
JAMES BANKIER, *M.D. Surgeon,* } *Her Majesty's sloop, "Snake."*

#### *Extract from the Captor's Certificate of the necessity for disembarking the slaves.*

I do further declare that, finding it necessary to disembark the whole of the slaves before the vessel could arrive at Sierra Leone, to which place it was my intention to send her for adjudication, on account of the extreme length of the voyage, the debility of the slaves, and the want of provisions; I did, on the 4th day of December, 1837, disembark 382 of the slaves at Montego Bay, Island of Jamaica, where they remained.

(Signed)

ALEXANDER MILNE, *Commander of Her Majesty's sloop "Snake."*

(Signed)

R. B. MILLER, *Lieutenant,* { *of Her Majesty's sloop "Snake," in the*  
W. L. MACDONALD, *Mate,* { *charge of the "Arrogante," slave brigantine.*

#### *Examination on the standing Interrogatories.*

Augusto César Medina, the master of the detained vessel, being produced, sworn, and examined on the standing interrogatories, deposed, that he was born in Madeira, and has resided at St. Jago, Cape de Verdes, for the last 10 years; that he has never served any state but Portugal; that he is not married; that he was appointed to the command of the detained vessel, and possession of her was given to him, at Cape de Verdes, in January, 1837, by Antonio Dionizio Furtado, a resident of St. Jago, and a Portuguese subject; that he first saw the vessel there and then, and believes she is North American built; that he was present when the vessel was captured for having slaves on board; that he sailed under Portuguese colours, and had also an American ensign for a signal; that the detained vessel has always been called "*Arrogante*" since he has known her, but he has heard she was formerly called "*Urraca*;" that she is 150 tons burthen, and had about 28 officers and mariners, exclusive of witness, part of whom were Portuguese, and part Spaniards, but all hired and shipped

by witness at Cape de Verdes in January, 1837; that neither he, nor any of the officers or mariners had any interest in either the vessel or the cargo; that he was master on board; that there were 7 passengers, consisting of Spanish and Portuguese seamen, who were embarked at Gallinas in October last, for a passage to Havana, whither they were going to seek for employment, that none of them had any authority on board, or any interest in either vessel or cargo; that the present voyage commenced at Cape de Verdes, and was to have ended at Havana; that from St. Jago, which was the last clearing port, the detained vessel proceeded to the Gallinas, where she arrived on the 10th of October, and remained there about 5 days, during which time she shipped her slaves; that the capturing vessel was first seen off Cape St. Antonio in the Island of Cuba on the 23rd of November last, and capture took place the same day, after a chase of about three hours; that the detained vessel was steering for Havana at the time, and made every endeavour to escape, but it was a calm; that there is 1 gun mounted, 10 muskets, a few cutlasses, and a small quantity of ammunition for the defence of the vessel; that no resistance was made to capture, nor were there any instructions to resist, or to conceal or destroy any of the vessel's papers; that the sole owner of the vessel is Antonio Dionizio Furtado, a Native and Merchant of Cape de Verdes, where he has always resided with his wife and family; that there is a Bill of Sale for the vessel, which is amongst the papers; that he cannot say whether the price was paid at the time of purchase; that he believes the vessel was sold for a fair equivalent, that the sale was a true one, and that the vessel, if restored, will belong to the said Furtado, and to no other person; that the said Furtado is also sole owner of the cargo; that the lader of the slaves at Gallinas, and the consignee there, was Francisco Gracia, a Portuguese trader at that place; that the slaves were to have been landed at Havana, for account and risk of the said Furtado, and, if restored, will belong to him only; that he believes so from having always heard and understood that Furtado was the sole owner; that the former voyage of the vessel was from Cape de Verdes to Cadiz in ballast, for the purpose of being repaired; that no cargo was shipped on her return to Cape de Verdes; that the cargo on the present voyage was slaves, of whom 473 were embarked, but he does not recollect their descriptions; that 67 slaves died before capture, and a great number since, but he does not know how many; that after capture the vessel was taken to Montego Bay, Jamaica, and thence to Kingston; that afterwards, on her passage hither, she sprung a leak, and was taken in Port au Prince, and thence came to Sierra Leone; that the slaves were disembarked in the Island of Jamaica by the captors.

*Sierra Leone, March 8, 1838.*

No. 29.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received June 21.)*

MY LORD,

*Sierra Leone, March 8, 1838.*

Enclosed we have the honour to transmit to your Lordship our Report and Abstract of Evidence in the case of the Portuguese schooner "*Isabelita*," Antonio Jozé de Assumpção, Master, captured by Her Majesty's Ship "*Sappho*," Thomas Fraser, Esq., commanding, off Cape Tiburon, in the island of St. Domingo, on the 5th of December last, with 163 slaves on board.

The "*Isabelita*" was surveyed in the West Indies by a numerous board of officers, who declared her unfit to make the voyage to Sierra Leone. The vessel and stores were accordingly given in charge of the officer commanding the coal-depôt ship "*Galatea*," at Jamaica; and the slaves were handed over to the Collector of Customs at Kingston.

A prize-master from Her Majesty's Ship "*Sappho*," with two witnesses from the crew of the detained vessel, were then despatched to this place on board the Portuguese brigantine "*Arrogante*," which had been detained by Her Majesty's Sloop "*Snake*," and the case of which vessel we have had the honour to report to your Lordship under this date.

The "*Isabelita*" was brought before the British and Portuguese Court on the 27th ultimo, and on the 6th instant she was declared a good and lawful prize; and the survivors of the 159 slaves landed on the island of Jamaica on the 12th of December, 1837, were decreed to be emancipated.

We beg leave to request your Lordship's attention to the fact, that the ostensible owner of both the vessels which were adjudicated on the 6th instant, is Antonio Dionizio Furtado, a Portuguese merchant residing with his wife and family at Villa da Praia, St. Jago, in the Cape de Verde Islands.

In the present case there is no record on the face of the ship's passport, as there is in the case of the "*Arrogante*," that Furtado had given bond that the "*Isabelita*" should not be engaged in Slave Trade; but we presume that a bond of this nature has nevertheless been given; and at any rate, the violations of the late Portuguese decree, on the part of Furtado, are in several particulars so manifest, and he has so clearly subjected himself to the penal clauses of that decree, and to the penalties of his bond, that the Portuguese Government have now an opportunity of proving, whether they ever had an honest intention of carrying the decree into effect. Even in the letter written in his own hand, and found on board the "*Isabelita*" at the time of her capture, Furtado gives directions to the supercargo



of his vessel with regard to his trading for palm oil *on the Coast of Africa*, at the same time that he clears his vessel out for the port of Maranham direct. It may be very true, that this letter is not a *bonâ-fide* letter of instructions, but only intended to mislead; and that Furtado himself is only the nominal owner of vessels which have violated their passports, and engaged in prohibited traffic; but he cannot now free himself from the liabilities which he has incurred in the character which he has fraudulently assumed. Although, however, Portugal should be constrained, by the remonstrances of Her Majesty's Government, to carry her own decree into effect in some individual instances, our experience of the Portuguese authorities on this coast convinces us, that, so long as they can collect the enormous duty of 15 per cent. on the amount for which foreign vessels are fictitiously transferred to Portuguese owners, every encouragement will be given to the purchase of the protection so disgracefully afforded by the Portuguese flag to the slave-dealers of all nations

So far as we are able to form a conclusive opinion from the contradictory evidence of two perjured witnesses, and from the log-book and papers of the vessel, we consider that the real owner of the "*Isabelita*" was Pedro Poşadillo, a Spaniard, who was on board the vessel as passenger and supercargo; that the slaving voyage in which the "*Isabelita*" was detained, was the second made subsequently to her clearing out at the Cape Verd Islands; that her first cargo of slaves was shipped in the river Sherbro in May, and her second in the river Gallinas in October of last year; that she succeeded in safely landing her first cargo on the coast of Brazil, and that the second cargo was destined for Cuba, off which island she was happily captured before her guilty intention was accomplished.

In another Despatch of this date we have noticed the increasing activity of the Slave Trade in this neighbourhood. In confirmation of this opinion, we may remark, that the two cargoes of slaves shipped by the "*Isabelita*," in the space of about five months, were drawn from the Sherbro' and Gallinas.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

&c.

&c.

&c.

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First Enclosure in No. 29.

*Report of the Case of the Portuguese Schooner "Isabelita," Antonio Jozé de Assumpção, Master.*

THE ship's papers, found on board this vessel at the time of her capture, are as follows:—

1. A Notarial copy of a Bill of Sale, drawn up by Antonio Jozé de Silva Macedo, a Notary Public. This document certifies that the American schooner "*Bee*" was sold on the 11th April, 1837, by the Master of her, James Ireland, to Antonio Dionizio Furtado, at Villa da Praya, in the Island of St. Jago, in the Cape de Verdes. In the body of the paper is, as usual, inserted the copy of a receipt dated the previous day, from Jozé de Silva Pereira, Provider, stating that the duty of 15 per cent. on the amount of the purchase money had been paid by the purchaser. The witnesses to the execution of the transfer are Francesco Alberto de Azwedo and Jozé Xavier Crato.

2. A Passport from Joaquim Pereira Marinho, Governor General of the Province of Cape Verde and the coast of Guinea, dated at Villada Praya, St. Jago, on the 14th April, 1837, authorises the Portuguese schooner "*Isabelita*," owned by Antonia Dionizio Furtado, and commanded by Antonio Jozé de Assumpção, to proceed to the city of Maranham.

3. A Muster-roll in the usual form and of the same date as the Passport.

4. Is an original paper, of which the following is a copy:—"This is to certify that the Bill of Sale and Power of Attorney of the American schooner "*Bee*," James Ireland, Master, is in my possession at this Vice Consulate.

"Given under my hand and seal of office, this 18th day of April, 1837, at Villa da Praia St. Jago, Cape de Verdes.

"(Signed) JOZE J. LUIS, Vice Consul, U. S."

The purpose for which such a certificate was given by the American Vice Consul seven days after the "*Bee*" had become a Portuguese vessel, and four days after she had obtained a Portuguese passport, is not very apparent.

5. A letter to the supercargo of the vessel from the owner, Antonio Dionizio Furtado. It is addressed to Señor Pedro Possadillo, on board the Portuguese schooner "*Isabelita*," bound to Maranham, and dated Cape de Verde, City of Praia, 16th April, 1837. The letter is evidently written with the object of misleading any person into whose hands it might fall. The following is an extract:—

"Enclosed is an Invoice of different articles which I have placed on board my schooner "*Isabelita*," whereof Señor Antonio Jozé de Assumpção is Captain, and which I have consigned to you, hoping you will be able to make a good market at the city of Maranham, whither my schooner is bound, with you as a passenger on board of her. From the proceeds of the goods you will load her on my account with a cargo of rice, and consign her to Señor Guillerme Gram of Lisbon, and the remainder of the proceeds

of the cargo you will remit to me, in good Bills of Exchange on this city, giving me due notice of the same.

*Some of the articles on board my schooner are well adapted for the African trade, for which they are intended. Keep me acquainted with your speculations in Africa, and with the prices that you pay there. On board the same vessel are 20 pipes in staves for the purpose of holding palm oil, also a caldron to boil the oil in Africa.*"

It is pretended in the first part of this letter that the goods on board the "*Isabelita*" were destined for sale at Maranham, for which place alone the vessel had cleared out; but the reference to the palm oil and African trade in the latter part of the letter is at variance with such a statement. The palm oil casks, and large caldron, are of course the water casks and boiler for slaves.

6. The Log-Book commences on the 20th April, 1837. The "*Isabelita*" is represented to have left Porto Praira on that day, and to have come to anchor in the Sherbro River on Sunday the 30th April. The next entry in the Log is on the 18th of October last, when the "*Isabelita*" left the river Gallinas bound to Cuba, and is continued until the 5th December, on which day the vessel was detained off Cape Tiburon, in the Island of St. Domingo, by Her Majesty's sloop "*Sappho*," Thomas Fraser, Esq., Commander.

After capture, the "*Isabelita*" was carried by the "*Sappho*" to Kingston, Jamaica, where her slaves were disembarked on the 12th December, on account of the unseaworthy condition of the vessel. An officer from the "*Sappho*," and two of the "*Isabelita*'s" crew as witnesses, were subsequently put on board the Portuguese brigantine "*Arrogante*," captured by Her Majesty's ship "*Snake*," for a passage to Sierra Leone; and they arrived here on board that vessel on the evening of Sunday the 25th ultimo.

The prosecutor of the "*Isabelita*" commenced on the 27th ultimo, on which day the ship's papers, together with the captor's declaration, and certificate of the necessity for disembarking the slaves, were received and filed; the usual Monition was issued; and the captor's witnesses were ordered to attend at the registry.

The Prize-Master, Mr. Taplin, Mate of Her Majesty's ship "*Sappho*," having verified on oath the facts stated in the two declarations of the captor, and authenticated the ship's papers, produced the Report of the Surveyors appointed to examine the condition of the prize, and the receipt of the Collector of Customs at the Port of Kingston, Jamaica, for the slaves landed at that place.

The Report of Survey is dated in Port Royal Harbour, on the 9th December, 1837, and is signed by a Lieutenant, the Master, and the Carpenter of Her Majesty's ship "*Magnificent*;" by the Master and Carpenter of Her Majesty's ship "*Sappho*;" and by the Carpenter of Her Majesty's ship "*Madagascar*." It describes particularly the various injuries which the "*Isabelita*" had received, and declares her total unfitness to attempt a voyage to Sierra Leone. An exact inventory was then made of all the stores, sails, &c., on board the "*Isabelita*," and a receipt taken for the same from the Boatswain of Her Majesty's coal depôt ship "*Galatea*," in whose charge the detained vessel and stores were placed, to await the adjudication of the Court.

The receipt of Mr. Swanson, the Collector of Customs at Kingston, states, that 99 male and 60 female slaves were delivered into his custody from the "*Isabelita*" on the 12th December, 1837; and the affidavit of the Prize-Master shews, that one other female slave had died three days previously.

The witnesses produced by the captor for examination on the standing interrogatories were the Boatswain and supercargo of the detained vessel; and an affidavit of Mr. Taplin was filed to prove that the cause of the non-production of the Master and Mate of the "*Isabelita*," was the death of the former in the Royal Naval Hospital at Jamaica, on the 20th December, 1837, and the extreme illness of the latter. Certificates to this effect from the Surgeons who attended the persons referred to were annexed to Mr. Taplin's affidavit. An abstract of the evidence given by the witnesses in the case accompanies this Report. Publication of the evidence was granted on the 2nd instant; and the 6th instant was fixed upon for the trial, that being the day on which the Monition, issued on the 27th, was returnable by the Marshal.

Notwithstanding the manifest perjury of both the witnesses examined on the standing interrogatories, and their direct contradictions of each other's testimony, no attempt was made by either to deny, as indeed it would have been useless to do, the illegal employment of the "*Isabelita*" in Slave Trade at the time of her capture. A sentence of condemnation was accordingly pronounced on the vessel; and the survivors of the slaves landed at Kingston, Jamaica, were decreed to be emancipated. It was further declared that 160 slaves were on board the "*Isabelita*" when she was captured by Her Majesty's ship "*Sappho*," of whom one died previous to the arrival of the detained vessel at Jamaica.

It will be observed that the witness, Pedro Posadillo, is the same person whom the owner (in Paper No. 5.) addresses as the Consignee of the "*Isabelita*, bound to Maranham, and yet both this man and Vicente Morales, the Boatswain, agree in declaring that he was merely a passenger, without any authority on board, and without any interest in the vessel or cargo. In almost every other respect the witnesses contradict each other. The Boatswain swears that Posadillo, the Supercargo, (for such we consider him to have been,) embarked at the Cape de Verdes in April, 1837, for a passage to Cuba. Posadillo, on the contrary, swears that he embarked at that time for a passage to Maranham, to visit a relation there. The Boatswain swears that, after leaving the Cape de Verdes, the "*Isabelita*" touched first at the river Gallinas, and left the Captain there, and then traded for rice on the coast as far as Cape Palmas; and, returning after some time to the Gallinas, re-embarked the Captain, shipped her slaves, and prosecuted her voyage to Cuba. Posadillo, on the contrary, swears that the "*Isabelita*" went direct from the Cape de Verdes to the river Amazon in Brazil; that from that place he again embarked on board the same vessel for a passage to Cuba (his place of residence), *via the coast of Africa*; that from the Rio Amazon the "*Isabelita*" went direct to Gallinas, and there took on board the cargo of slaves with which she was captured off the island of Cuba.

Such barefaced perjury as was evidently committed by both of these witnesses, without any apparent object, is only another proof, if any were wanting, of the utter disregard of the solemnity of an oath, which is the universal characteristic of those who are engaged in the same brutalizing traffic.

From the Log-Book and the other papers we form the following conclusions:—That Pedro Posadillo, a Spaniard, resident at Havana, was the real owner of the "*Isabelita*;" that the reason of this person being addressed as Consignee and Supercargo by Furtado, the ostensible Portuguese owner, and being described by himself and his fellow-witness as only a passenger, was to conceal his ownership of the detained vessel; that the "*Isabelita*" arrived in the river Sherbro from the Cape de Verde Islands

on the 30th of April, 1837; that between that date and the 18th of October following, she made a slaving voyage to the coast of Brazil, and returned to the river Gallinas for another cargo of slaves for the Cuba market.

Sierra Leone, March 8th, 1838.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

Second Enclosure in No. 29.

*Abstract of evidence in the case of the Portuguese Schooner "Isabelita," Antonio Jozé de Assumpção Master.*

*Captor's Declaration.*

I, Thomas Fraser Esquire, Commander of Her Britannic Majesty's ship "Sappho," hereby certify, that on this 5th day of December 1837, being in or about latitude 18° 19' N. longitude 70° 33' 52" W. I detained the Schooner named "Isabelita," sailing under Portuguese colours, armed with no guns, commanded by Antonio Jozé de Assumpção, who declared her to be bound from Gallinas to Cuba, with a crew consisting of 18 men (including the Captain) no boys, no supercargo, one passenger, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 160 slaves, said to have been taken on board at Gallinas on the 28th day of October 1837, and are enumerated as follows:—

	Healthy.	Sickly.
Men . . . . .	7	''
Women . . . . .	2	''
Boys . . . . .	86	6
Girls . . . . .	55	4

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

(Signed)

THOMAS FRASER, Commander.

SAMUEL LARK, Master.

MITCHEL THOMPSON, Surgeon of H. M. S. "Sappho."

*Extract from the Captor's Certificate of the necessity for disembarking the slaves.*

I do further declare that, finding it necessary to disembark the said slaves before the vessel could arrive at Sierra Leone, to which place it was my intention to send her for adjudication, on account of the vessel being unseaworthy, I did, on the 12th day of December 1837, disembark 159 of the said slaves, at Kingston, Jamaica, one of the number on board at the time of detention, having died in the interim.

(Signed)

THOMAS FRASER, Commander.

THOMAS M. TAPLIN, Mate in charge of Slave Schooner "Isabelita."

*Examinations on the standing Interrogatories.*

Vicente Morales, Boatswain of the detained vessel, being produced, sworn, and examined on the standing interrogatories, deposed that the name of the master was Antonio de Assumpção; that the said master died at Jamaica a short time after capture, and witness believes that he had been a native and resident of the Cape Verdes; that he does not know who appointed the deceased master to the command, or gave him possession, of the detained vessel; that he believes the master received the same at the Cape Verdes, but does not know at what time; that he first saw the detained vessel at the Cape Verdes about a year since, but does not know where she was built; that he was present when the vessel was captured with slaves on board; that she had no colours but Portuguese; that the vessel had no name to his knowledge but "Isabelita," that she was 36 tons burthen, and had a crew of 14 officers and mariners, exclusive of the master, all Portuguese, and hired and shipped by the said master at St. Jago, Cape Verdes, about a year since; that neither he nor any other of the officers and mariners, to his knowledge, had any interest in either the vessel or cargo; that he was boatswain on board; that there was one passenger Pedro Posadillo, a Spanish subject, who embarked at Cape Verdes, about 10 months ago, for a passage to Cuba; that he does not know the profession or trade of the said Posadillo, and cannot tell what his business at Cuba might have been; that the said passenger had no authority on board, and no interest, to witness's knowledge, in vessel or cargo; that the present voyage commenced at Cape Verdes, and was to have ended at the Island of Cuba; that St. Jago was the last clearing port, after leaving which the vessel touched first at Gallinas, where the master remained on shore, and she then proceeded along the Coast, trading for the rice, and as far as Cape Palmas; that she then returned to the Gallinas, where she re-embarked the master, and shipped her slaves; that the capturing vessel was first seen at day-break to the southward, and in sight of St. Domingo, and capture took place about an hour afterwards; that the detained vessel was steering for the Island of Cuba at the time; that no resistance was made to capture; that he is ignorant who is the owner of the vessel, and knows nothing of any Bill of Sale, or of the price of the vessel, or to whom she would belong, if restored; that he knows nothing of the owner or consignee of the cargo of slaves, or to whom the slaves would belong if restored; that the slaves were shipped by the master, and were to have been landed, he believes, on the coast of Cuba; that he knows nothing of the former voyage; that the cargo shipped at the Cape Verdes on the present voyage consisted of tobacco and rum; that subsequently 186 slaves were shipped; that he does not recollect their descriptions; that three died before capture and one afterwards; that the vessel was taken to Jamaica after capture; that after leaving the Cape Verdes, bulk was first broken at Grand Bassa, and the whole of the cargo, which was very trifling, was disposed of along the coast in barter for rice; that the slaves were landed at Jamaica by the captors.

Pedro Posadillo, passenger on board the detained vessel, being produced, sworn, and examined on the standing interrogatories, confirmed in some respects the statements of the last witness, and in other

respects contradicted them. He deposed that he embarked on board the detained vessel, about eight months ago, for a passage to Brazil, and again, at the Rio Amazon, in the same vessel for Cuba, *via* the Coast of Africa; that his business in Brazil was to visit a relation, and his reason for taking so circuitous a rout to Cuba, (his place of residence) was, that no other opportunity presented itself; that he cannot say when the present voyage commenced, or what was the last clearing port; that he was sick the greater part of the time he was on board, and cannot say at what ports the vessel touched, after he embarked in her at the Rio Amazon; that he knows the vessel went thence to the Gallinas, and did not touch at the Cape Verdes; that he cannot say when he embarked at the Rio Amazon, but the vessel arrived at Gallinas, and shipped her slaves in November last.

*Sierra Leone, March 8th, 1838.*

No. 30.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received July 10.)*

MY LORD,

*Sierra Leone, April 7, 1838.*

WE have the honour to enclose our Report of the case of the Portuguese schooner "*Ingemane*," Antonio Joaquim da Faria, Master, together with an Abstract of the papers found on board that vessel at the time of her capture; an Abstract of the Evidence given by the witnesses; and a Copy of the Judgment pronounced by the Court on the 3rd instant.

The "*Ingemane*" cleared out from Havana as the Spanish schooner "*Lince*" Angel Jimenes, Master, on the 21st February, 1837, and arrived at St. Jago, in the Cape Verd Islands, on the 30th March. From this time until the 23rd June, nothing is known of her proceedings; but on the latter date she cleared out from St. Jago as the Portuguese schooner "*Ingemane*," owned and commanded by subjects of Portugal, and bound to Pernambuco. From St. Jago the vessel sailed direct to the Rio Nunez, where she remained about a month, and having in that period collected and shipped a cargo of slaves, she again sailed for Havana, and was captured off the coast of Cuba, on the 12th September, by Her Majesty's Sloop "*Comus*," the Honourable Plantagenet Pierrepont Carey, Captain, with 82 slaves on board.

At Havana the "*Ingemane*" was surveyed, and reported to be unfit to make the voyage to Sierra Leone. She was then taken in tow by Her Majesty's Sloop "*Comus*," Captain Carey intending to leave both vessel and slaves in charge of the authorities at Nassau in New Providence.

On the same day that the "*Ingemane*" left Havana for Nassau, Mr. Francis Freeling, Mate of the "*Comus*," with the papers of the prize and two of the detained crew as witnesses, left Havana for England, and eventually arrived in this Colony on board Her Majesty's Ship "*Lynx*" on the 18th ultimo.

The prosecution of the vessel was commenced on the 20th ultimo, and the evidence of the witnesses left no doubt as to the illegal employment of the detained vessel in Slave Trade at the time of her capture. We felt a difficulty nevertheless in proceeding to the final adjudication of the case. All the witnesses having left Havana for England on the same day that the "*Ingemane*" and her slaves left the same place for New Providence, there was no evidence to prove that the detained vessel ever arrived at her destination. If, therefore, we had decreed the condemnation of the vessel and the emancipation of her slaves, we might have been pronouncing a sentence, and giving rise to claims on Her Majesty's Government, with respect to property and persons no longer in existence. The course which we adopted under these circumstances was to decree that, at the time of capture, the "*Ingemane*" was subject and liable to condemnation, and that she had on board 82 slaves, who were in like manner subject and liable to emancipation. The final decree, which will entitle the captors to the pecuniary benefits of their capture, will be withheld, until some documentary or other proof is afforded to the Court, at what place, and under whose care, the vessel and the slaves may have been placed, and what may be the number of the surviving slaves.

The sentence thus pronounced, though partial and incomplete, is strictly in accordance with precedent; and will have the effect of freeing the prize-master and witnesses from further attendance, of barring any claim on the part of the owners of the detained vessel, and of preventing the reclamations of the Portuguese Government, on the ground that the Treaty requires every case brought before the Court to be disposed of within a limited period. It will also have the effect, we trust, of inducing a greater degree of attention to the instructions issued for the guidance of naval officers employed in the suppression of the Slave Trade. The irregularities of which we have in the present instance to complain are, the absence

of the captor's declaration, of the Report of Survey held on the vessel at Havana, and of any receipt for the vessel or her slaves.

We beg leave to call your Lordship's notice to the circumstances attending the fictitious transfer of the "*Ingemane*" to a nominal Portuguese owner; also to the mode adopted for preventing the insertion of this person's name in the official papers causing any loss or inconvenience to the real Spanish proprietor.

We have lately had frequent occasion to remark on the increased activity of the Slave Trade in the immediate vicinity of Sierra Leone. The shipment of the "*Ingemane's*" slaves in the Rio Nunez is a fresh confirmation of the truth of this remark.

It will be observed from the evidence that, whilst the detained vessel cleared out from Havana under the name of "*Lince*," and assumed the name of "*Ingemane*" at the Cape Verd Islands, both of the witnesses produced agree in deposing "that the vessel is called "*Volante*," and that they never heard her called by any other name." Strange as this statement may appear, we are still far from thinking it improbable; for the facility with which sets of papers are bought, sold, and transferred, and the frequency with which the same vessel is accustomed to change her name, as well as the practice, which we believe extensively prevails at the present moment, of carrying both Spanish and Portuguese papers, and adopting either the Portuguese or Spanish name, as occasion may require, render it very likely that a vessel may be known by the crew under one name, and be spoken of by the owner under another; and that the former may designedly be kept in ignorance of the various changes effected by the latter in the title and character of the vessel, which they are employed merely to navigate.

We have, &c.  
(Signed)

H. W. MACAULAY.  
ROBERT RANKIN.

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

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First Enclosure in No. 30.

*Report of the case of the Portuguese Schooner "Ingemane," Antonio Joaquim de Faria, Master.*

On the 21st of February, 1837, this vessel cleared out from Havana as the Spanish Schooner "*Lince*," Angel Jimenes, Master, with a Royal Passport numbered 57; and two days afterwards she commenced her voyage to the Cape de Verde Islands, where she arrived on the 30th of the following month.

In an agreement between the Captain, Angel Jimenes, and the crew of the "*Lince*," dated at Havana on the day before the Royal Passport was obtained, the vessel is said to be Portuguese as well as Spanish; her object in going to the Cape de Verde Islands is declared to be to obtain a Portuguese flag; and those who signed the agreement bound themselves to remain on board and serve under either flag. From this and other circumstances it would seem to have been intended that the vessel should assume either a Spanish or Portuguese character, as circumstances might require.

Nearly three months elapsed between the arrival of the "*Lince*" at the Cape de Verde Islands, and her nominal sale and transfer to a Portuguese proprietor, but nothing has been discovered respecting her proceedings during that period.

A Bill of Sale having been executed at St. Jago on the 23rd June, 1837, the "*Lince*" became the Portuguese Schooner "*Ingemane*," and was transferred in due form to Timotio Cardo de Mello, the ostensible purchaser, by the real Spanish owner, Joao Mariano de Aldecor. In this case the true nature of the transaction is not left to conjecture; but the transfer is declared to be fictitious by the parties immediately concerned in it. Three days after the vessel under her new name had obtained a Passport as a Portuguese vessel, on the ground of her being owned by Mello, a Portuguese subject; Mello signed a formal declaration, in presence of two witnesses, stating that the Bill of Sale was counterfeit, and executed solely for the purpose of enabling a Spanish vessel to obtain Portuguese papers; that no money had been actually paid by him; and that he had no interest whatever in the vessel, the proprietor of which he was stated to be in all the official papers obtained at the Cape de Verde Islands. In order also to avoid any difficulty which might be experienced by the real Spanish owner in disposing of the vessel in consequence of Mello's name appearing in the Passport, a power of attorney was granted by the latter to the former, authorizing him to act as proprietor of the vessel in every respect, to regulate her movements, to sell her if necessary, and to grant a Bill of Sale to the purchaser. One of the witnesses to the execution of the Bill of Sale, Ignacio Carlos de Fonçeca, appears also as a Witness to the execution of the Power of Attorney; and the names of the other persons concerned in the transaction have been so frequently mentioned in connexion with similar frauds, that it seems useless to continue to point them out to the Portuguese Authorities for the purpose of their being apprehended and punished.

On the same day that the Bill of Sale was executed, a Portuguese Passport was obtained by the purchaser, the "*Ingemane*" cleared out for Pernambuco, and Joao Mariano Aldecor, the Spanish owner, received a Passport from the Governor-General, authorizing him to proceed to Pernambuco as a passenger. It has evidently been the object of the Portuguese witnesses to conceal Aldecor's connection with the expedition. In opposition to the passport just mentioned, and to the Power of Attorney referred to above, the Master and Boatswain of the detained vessel deposed, that Aldecor (or

Mariano) embarked as a passenger at the Rio Nunez, not at Cape de Verde Islands; and that he had no authority on board, or interest in the vessel and cargo. It is however very probable that neither of the witnesses was aware of all the facts of the case, or even of the existence of those documents which throw light on the transaction.

After leaving the Cape de Verdes, the "*Ingemane*" went direct to the Rio Nunez, where she shipped a cargo of 85 slaves, and made sail for the Coast of Cuba, off which she was captured by Her Majesty's ship "*Comus*," the Honourable Plantagenet Pierrepont Carey, Captain, on the 12th September last, with 82 slaves on board, only 3 having died on the passage across. The captors immediately carried their prize into Havana, where she was surveyed by competent persons, and pronounced to be unfit to make a voyage to Sierra Leone. She was then taken in tow by the "*Comus*," with the intention of carrying her to Nassau, in New Providence, and landing her slaves there; but as the Prize-Master, Mr. Francis Freeling, and the Master and Boatswain of the detained vessel, who were selected as witnesses in the case, left Havana for England on the same day that the "*Comus*" and her prize left Havana for Nassau, nothing whatever is known respecting the "*Ingemane*" and her slaves after that time.

On the 20th ultimo the case of the "*Ingemane*" was brought before the British and Portuguese Court of Mixed Commission here, and on the same day the vessel's papers, duly authenticated by the affidavit of Mr. Freeling, the Prize-Master, were lodged in the Registry; a Monition was issued, summoning all interesting parties, and an order was given for the attendance of the witnesses.

In addition to the want of any evidence to show what had become of the detained vessel and her slaves, or if they ever reached their destination in New Providence, no declaration of the facts of seizure was made by the Captor, nor was any Surveyor's Report produced to establish the alleged unseaworthiness of the vessel. Following the example set in the case of the "*Arrogante Mayaguesana*" in the year 1834, and the "*Fabiana*" in 1823, the absence of the usual Declaration by the captor was not deemed a sufficient deviation from the Treaty to prevent our entering upon an examination of the case. A Declaration of the Prize-Master was substituted, as in the instances referred to, and will be found with the Abstract of the evidence which accompanies this Report. The want of a Surveyor's Report was also in some measure supplied by the evidence given by the Prize-Master as to the result of the survey.

The Monition issued on the 21st ultimo was returned into the Registry on the 28th, duly certified by the Marshal; but owing to the absence of His Excellency Colonel Richard Doherty, the Governor of the Colony, and Her Majesty's Commissioner of Arbitration *ad interim*, the petition for a day of adjudication was not answered until the 2nd instant, on which day a Despatch was received from Her Majesty's Secretary of State for Foreign Affairs, prescribing the course to be pursued in the absence of an Acting Commissioner from Freetown. His Honour, Chief Justice Rankin, was then immediately sworn in to perform the duties of Arbitrator, and the following day was fixed upon for the adjudication of the case.

When the Court met, the Proctor for the captors moved for the condemnation of the detained vessel, and the emancipation of the 82 slaves found on board of her at the time of capture. This motion was negatived by the Court, on the ground that there was no evidence whatever to prove the condition, or even the existence at the present moment, of the detained vessel and her miserable cargo; or whether she ever arrived at her destination in New Providence, and landed her slaves there. Slave dealing, however, had been positively established against the "*Ingemane*;" and it had been as satisfactorily shewn that 82 slaves were on board of her at the time of her detention. The Court therefore contented itself with decreeing that the "*Ingemane*" was subject and liable to condemnation, and that her slaves were subject and liable to emancipation; and withheld the *final* sentence, which would condemn the vessel as good and lawful prize to the crowns of Great Britain and Portugal, and which would emancipate the slaves, until the requisite evidence should be supplied. A copy of the judgment pronounced on the occasion accompanies this Report.

It is beyond doubt that, in this instance, the Portuguese flag covered Spanish property. The "*Ingemane*" might therefore have been prosecuted by the captor in the British and Spanish Mixed Court of Justice, instead of in the British and Portuguese Court of Mixed Commission. In either case the result to him would have been the same; but he preferred adopting that course which would not needlessly impose upon him the necessity of proving the perjury of his own witnesses. The condition of a vessel captured with slaves on board off the coast of Cuba was as certain under the Portuguese as under the Spanish flag; and the captor's object was in every way answered by assenting without hesitation to the pretensions of the "*Ingemane*" to be considered as a Portuguese vessel.

(Signed)

H. W. MACAULAY.  
ROBERT RANKIN.

Sierra Leone, April 7, 1838.

### Second Enclosure in No. 30.

*Abstract of the Papers found on board the Portuguese schooner "Ingemane," Antonio Joaquim de Faria, Master, at the time of her capture.*

PART of the papers found on board the "*Ingemane*" were obtained by her as a Spanish vessel named "*Lince*," in the early part of last year, when she cleared out from Havana for the Cape de Verde Islands; and part were subsequently obtained when she had assumed the Portuguese flag.

No. 1. The first document in point of time is an Agreement or Ship's Articles, signed at Havana on the 20th February, 1837, the day before the vessel cleared out as the Spanish schooner "*Lince*." It is entitled, "Contract and conditions agreed upon with the crew of the (Portuguese) Spanish schooner called '*Lince*,' Captain, Don Angel Jimenes." By the first Article the crew are bound to go a voyage for an indefinite period, and to such places as the Commander of the expedition may direct. The second and third Articles relate to the pay and allowances of the men. The fourth Article states that, in the event of capture or shipwreck, the men shall not be entitled to any wages. The fifth Article forbids any individual of the crew to leave the vessel at any port which she may touch at for the purposes of the expedition. The sixth Article binds the crew generally to good behaviour. The seventh and last Article sets forth, that it was intended that the vessel should change her flag at the Cape de Verde Islands, and that those of the crew who sign their names to the contract, and who have

received their wages to date, would not be entitled to any further advance at the Islands, as the circumstance referred to would not in any way interfere with the well being of the expedition.

Only five names are subscribed to this agreement, none of which appear in the Muster-roll of the crew, with which the vessel afterwards cleared out from the Cape de Verde Islands. At this place it is probable that other names were assumed by the subscribing parties. According to the Portuguese law (not, we are afraid, very strictly enforced), two-thirds of the crew of a Portuguese vessel must be subjects of Portugal; and this may account for so small a proportion of the crew shipped at Havana binding themselves to continue with the "*Lince*" after she should adopt the Portuguese flag at the Cape de Verde Islands; as the remainder of her complement would have to be shipped at that place, and would consist of Portuguese sailors.

No. 2. The only paper which has been produced, connected with the clearance of the vessel from Havana, is the official certificate, in the usual form, that a crew of 15 persons had been embarked on the 21st February, 1837. It will be seen hereafter that the Royal Passport, obtained on the same day, was left with the Spanish Consul at Porto Praia.

No. 3. The log-book states that, "on the 23rd February, 1837, the Spanish schooner '*Lince*' sailed from the port of Havana for the Cape de Verde Islands, on the coast of Africa," and that she arrived at Porto Praia, St. Jago, on the 30th of the following month.

Nos. 4 and 5. Two certificates, under the hand and seal of Joao da Silva Pereira, the Spanish Vice-Consul at the Cape de Verde Islands, describe the mutinous conduct of some of the crew of the schooner, against whom the Captain, Jimenes, had complained, and the measures which the Consul had taken to restore order. These certificates are both dated on the 8th April, 1837.

No. 6. A notarial copy of a Bill of Sale, drawn up by Antonio Jozé da Silva Macedo, a Notary Public, in the usual form. It is dated at the City of Praia, in the Island of St. Jago, on the 23rd June, 1837, and sets forth that Don Joao Mariano de Aldecor has sold to Timotio Cardozo de Mello his Spanish schooner called "*Lince*," and that the Government duty of 15 per cent. on the purchase money had been paid to José da Silva Pereira, the Receiver-General of the Island. The witnesses to the execution of the deed are José da Nascimento Ventura, and Ignacio Carlos da Tonçéca. A declaration by the Notary is added, stating that since the Bill of Sale was drawn out, the purchaser had given his schooner the name of "*Ingemane*."

No. 7 is a general Passport for the Portuguese schooner "*Ingemane*;" and declares her to be of Dutch build, to be owned by Timotio Cardozo de Mello, commanded by Antonio Joaquim de Faria, navigated by a crew of whom two-thirds are Portuguese subjects, and bound to Pernambuco. It is granted by Joaquim Pereira Marinho, Governor-General of the Cape de Verde Islands, and is dated at Praia on the 23rd June, 1837.

No. 8. The official Muster-roll, dated at the same time and place as the last paper.

No. 9 is a Passport from the Governor-General of the Cape de Verde Islands, countersigned, by order of his Excellency, by the Secretary-General of the Government, and sealed with the Portuguese arms, authorising Don Joao Mariano Aldecor, a Spaniard, to proceed to Pernambuco on board the Portuguese schooner "*Ingemane*," of which Timotio Cardozo de Mello is owner.

Nos. 10 and 11 are such curious specimens of the mode of obviating the difficulties likely to arise to the real Spanish owners of vessels nominally Portuguese, by the appearance of the name of a Portuguese owner in the official papers, that we give a full translation of those documents.

#### Translation of No. 10.

I do declare that the deed, dated on the 23rd of the current month, drawn out by Antonio José da Silva Macedo, a Public Notary of this city, and purporting to be a Bill of Sale, made to me on that day by Don Joao Mariano Aldecor, of the Spanish schooner "*Lince*" (now "*Ingemane*"), was solely for the purpose of enabling the said vessel to navigate the sea under Portuguese colours, and with papers from this Government; and that I have not really purchased the said vessel, or paid any money for her, and consequently that I have no interest in her now or hereafter. In faith of which, I have duly subscribed my name to these presents, at the City of Praia, St. Jago, in the Cape de Verde Islands, this 26th day of June, 1837.

Witnesses, (Signed) TIMOTIO CARDOZO DE MELLO.

(Signed) FRANCISCO CARDOZO DE MELLO.  
ANTONIO DIONIZIO FURTADO.

#### Translation of No. 11.

I, the undersigned, do hereby declare, before the undersigned witnesses, that I give all power and authority to Don Joao Mariano Aldecor, in my name, to possess, to act for, to navigate, on his own account or that of another, as he deems most fit, the Portuguese schooner called "*Ingemane*," my property, and to sign all contracts and public documents, and to do whatever may be necessary, in the same manner that I could in my own person; and to sell and dispose of the vessel as he may think proper, on my account, and for my benefit, and to execute Bills of Sale, and a transfer of the said schooner. In faith of which I sign these presents in the City of Praia, St. Jago, in the Cape de Verde Islands, on this 28th day of June, 1837.

Witnesses, (Signed) TIMOTIO CARDOZO DE MELLO.

(Signed) ANTONIO DIONIZIO FURTADO.  
IGNACIO CARLOS FONCECA.

No. 12 is a certificate from the Spanish Vice-Consul at St. Jago, dated the 29th June, 1837, stating that Angel Jimenes, the Captain of the Spanish schooner "*Lince*" had delivered at the Consul's Office the Royal Passport received at Havana on the 21st February, 1837, and numbered 57, for the purpose of its being transmitted to the Consul-General of Spain, established at Lisbon.

*Sierra Leone, 7th April, 1838.*

## Third Enclosure in No. 30.

*Abstract of Evidence in the Case of the Portuguese Schooner "Ingemane," Antonio Joaquim de Faria, Master.*

*Declaration of the Prize Master.*

I, FRANCIS FREELING, Mate of Her Majesty's ship-of-war "Comus," the Honourable Plantagenet Pierrepont Carey, Captain, hereby declare that, on the 12th day of September, 1837, being in or about latitude 20° 09' 58" N, longitude 82° 59' 30" W, we detained the schooner or vessel named the "Ingemane," sailing under Portuguese colours, not armed with any gun, commanded by Antonio Joaquim de Faria, who declared her to be bound from Rio Nunez to the Havana, with a crew consisting of 10 men, 1 boy, and 1 passenger, and having on board 82 slaves, all of whom were healthy, and said to have been taken on board at Rio Nunez on or about the 4th day of August, 1837.

I do further declare that the said schooner or vessel appeared not to be seaworthy, and was supplied with a stock of water and provisions for the support of the said negroes and crew on their destined voyage to Havana.

I do further declare that the said schooner having been carried to Havana and carefully surveyed, she was found to be unseaworthy, and unfit to proceed to the Port of Sierra Leone; that she was ordered to proceed to Nassau, in New Providence; and that she sailed from Havana for the said Port of Nassau on or about the 24th day of September, 1837, with the before-mentioned 82 slaves on board.

(Signed) FRANCIS FREELING.

*Affidavits of the Prize-Master.*

Francis Freeling, Mate of Her Majesty's ship "Comus," having been duly sworn, deposed that the Portuguese schooner "Ingemane," Antonio Joaquim de Faria, Master, prize to Her Majesty's ship "Comus," was surveyed at Havana by Mr. Thomas A. Wemyss, Master of Her Majesty's said ship "Comus," and the Carpenters of Her Majesty's ships "Belvidera," "Wanderer," and "Comus;" that this Deponent verily believes that the Surveyor's Report was given to Captain Charles B. Strong, of Her Majesty's ship "Belvidera," the Senior Naval Officer at the Havana at the time the survey was held; that this Deponent never had the said Surveyor's Report in his possession; that the Honourable Plantagenet Pierrepont Carey, the Captain of Her Majesty's said ship "Comus," is now on the West Indian Station, and that he never furnished this Deponent with a Declaration relative to the capture of the said schooner and slaves; that the number of slaves found on board the said schooner at the time of capture was 82; that the whole of the said slaves were healthy; that none of them died previous to the arrival, or during the stay, of the said schooner at Havana; that this Deponent left Havana for England on the same day that the said schooner left Havana for Nassau in New Providence.

*Examination on the Standing Interrogatories.*

Antonio Joaquim de Faria, the Master of the detained vessel, being sworn and examined on the standing interrogatories, deposed that he was born in Lisbon, and has lived at St. Jago, in the Cape de Verde Islands, for the last three years; that he has never served any State but Portugal; that he is not married; that he was appointed to the command of the detained vessel at the Cape de Verde Islands, in June last, by Francisco Cardozo de Mello, a resident of that place, but, witness believes, a Brazilian subject; that witness was present when the detained vessel was captured with slaves on board; that the vessel is called "Volante," and he has never heard her called by any other name; that she is about 50 tons burthen, and had 12 officers and mariners, exclusive of witness, all Portuguese, who were hired and shipped by witness at the Cape de Verde Islands in June last; that neither he nor any other of the officers or mariners had any interest in either vessel or cargo; that he was Master on board; that there was one passenger, a Spaniard, named Mariano, embarked in the Rio Nunez for a passage to Havana; that he does not know the profession of the said Mariano, or his business at Havana; that the said passenger had no interest in either vessel or cargo, or any authority whatever on board the captured vessel; that the last clearing port was St. Jago, in the Cape de Verde Islands, and the voyage commenced there and was to have ended at Havana; that from St. Jago the vessel proceeded to Rio Nunez direct, where she lay about one month, and shipped her slaves; that the capturing vessel was first seen about 25 leagues to the north of Matanzas, in September last; that seizure took place the same day; that the detained vessel was steering for Havana at the time, and in the sight of the man-of-war made every effort to escape; that there was no gun mounted, and only 12 muskets and as many cutlasses on board for the defence of the vessel; that no resistance was made to capture, nor were there any instructions to resist, or to conceal or destroy any of the vessel's papers; that Francisco Cardozo de Mello was the sole owner of the vessel, a Brazilian by birth, who lives with his wife (whom witness believes to be also a Brazilian) at the Cape de Verde Islands; that witness believes that the vessel, if restored, will belong to the said De Mello, and to no other person; that the owner and consignee of the cargo was Don Pedro Martinez, a Spaniard, and a resident merchant of Havana; that the slaves were to have been landed near Matanzas, on account and risk of Martinez, and, if restored, will belong to him only; that witness believes so, because he knows that Cardozo de Mello is the correspondent of Martinez, and because he believes that the vessel was the property of Martinez, until she was transferred to De Mello for the purpose of obtaining the Portuguese flag; that the cargo laden at the Cape de Verdes on the present occasion was tobacco, rum, and dry goods, that bulk was broken at the Rio Nunez, where 85 slaves were shipped from the shore; that 3 of the said slaves died before capture; that after capture the vessel was taken to Havana, and thence, witness believes, to New Providence.

André Gabeno, who had shipped as cook, and was afterwards boatswain, of the detained vessel, was also sworn and examined on the standing interrogatories. His evidence is of a very limited nature; but, so far as it goes, it is similar to that given by the last witness.

*Sierra Leone, April, 7th, 1838.*



## Fourth Enclosure in No. 30.

*Judgment given in the Case of the Portuguese Schooner "Ingemane," Antonio Joaquim de Faria, Master.*

IN disposing of this case for the present, the Court will briefly advert to the irregular manner in which it has been presented to its notice.

1st, There is no *Captor's Declaration*, as prescribed in the Regulations, issued by the Lords Commissioners of the Admiralty to the Commanders of all Her Majesty's ships and vessels employed on the several naval stations for the suppression of illegal Slave Trade. This irregularity, it is true, is not such as would prevent our adjudicating upon the case. No captor's declaration was produced in the prosecutions against the "*Fabiana*" in 1820, and the "*Arrogante Mayaguesana*," in 1834, and yet both vessels were condemned. It may however be observed that, in the two instances referred to, the want of the usual declaration was most satisfactorily accounted for.

2ndly. It has been stated in evidence that the detained vessel was surveyed whilst lying in the Port of Havana, and that she was declared to be unfit to attempt the voyage to Sierra Leone. *No Report of Survey has been produced.* The deficiency, however, is in some measure supplied by the affidavit of the Prize-Master, Mr. Francis Freeling.

3rdly. The Court is left in total ignorance of the condition, position, or even the existence at the present moment, of the detained vessel and her cargo of slaves. Nothing whatever is known respecting either by any of the witnesses produced by the captor, further than that the "*Ingemane*" left the Port of Havana in company with Her Majesty's ship "*Comus*," with the intention of proceeding to Nassau, in New Providence. We are therefore without any evidence to show that the Prize arrived at Nassau, or landed her slaves in the care of the Colonial Authorities at that place; and without some satisfactory proof of these facts, documentary or otherwise, some receipts, in the usual form, for the vessel and the slaves, the case cannot be *finally* disposed of.

The evidence against the "*Ingemane*" is clear and decisive, and her guilty employment in the prohibited traffic in slaves is established by the concurrent testimony of those who were concerned in the illegal adventure. It has also been satisfactorily proved that 82 slaves were on board the detained vessel at the time of her capture.

Under these circumstances, and in accordance with the practice which has ever been pursued with regard to vessels which, although engaged in illicit Slave Trade, and liable to confiscation at the time of their seizure, were subsequently not brought within the jurisdiction of the Courts, this Court decrees that the Portuguese schooner "*Ingemane*" Antonio Joaquim de Faria, master, was lawfully and justifiably detained by Her Majesty's Ship "*Comus*," Captain the Honourable Plantagenet Pierrepont Carey, commanding, and that the said schooner "*Ingemane*" was, at the time of her seizure, subject and liable to confiscation, for being engaged in the illicit traffic in slaves, contrary to the provisions of the Treaty and Convention between Great Britain and Portugal of the 28th of July, 1817. The Court further decrees that it has been proved that 82 slaves (the sexes and ages of whom have not yet been ascertained) were on board the said schooner "*Ingemane*" at the time of her detention as aforesaid, and which slaves were therefore subject and liable to a sentence of emancipation.

In accordance with the practice already referred to, the Court withholds the *final* sentence, which will *condemn* the vessel as good and lawful Prize to the Crowns of Great Britain and Portugal, and which will *emancipate* the slaves captured on board of her, until the Court shall be made aware, in the usual manner, of the existence of the vessel and her cargo, where they have been left, and in what condition they may be.

All the evidence having been taken in the case, the witnesses dismissed, and the decree just pronounced being an effectual bar to any claim against the captors on the part of those who are interested in the detained vessel, the only inconvenience which can result from the delay in giving final sentence is, that the captors will not be entitled, so soon as they otherwise would be, to realise the pecuniary benefits resulting from their seizure. We trust, however, that this inconvenience, slight as it is in the case of a man-of-war which, like Her Majesty's ship "*Comus*," has only lately arrived on her station, will have the effect of causing a greater degree of attention to the regulations, issued for the guidance of Naval officers in preparing the necessary documents for the Court which has to adjudicate their prizes.

The application of the Proctor for the captors, that the Court should now finally dispose of the case, is not more opposed to practise than it is to reason. The consequence of a sentence of condemnation on the "*Ingemane*" would be the emancipation of the slaves, and the issue of a Commission for the Appraisal and Sale of the condemned property. And were we to comply with the Proctor's request, we might find ourselves in the condition of having adjudicated respecting property and persons long since lost at sea, or driven into foreign parts and places, where the sentence of the Court could not be carried into effect.

There is no instance on record in which the course recommended by the Proctor has been pursued. On the contrary, judgments in the same form as that pronounced to-day, have been passed by Her Majesty's Commissioners on various vessels similarly situated.

See, in the Spanish Court, the cases of the

" <i>Dichosa Estrella</i> ,"	adjudicated	June 18, 1822.
" <i>Y Canam</i> ,"	"	June 25, 1822.
" <i>Maria la Luz</i> ,"	"	Sept. 8, 1823.
" <i>Teresa</i> ,"	"	Jan. 3, 1826.
" <i>Christina</i> ,"	"	Nov. 27, 1829.

And in the Portuguese Court the

" <i>Esperanca Felix</i> ,"	adjudicated	July 4, 1822.
" <i>Defensora da Patria</i> ,"	"	"
" <i>Nymfa del Mar</i> ,"	"	Aug. 28, 1822.
" <i>San Jozé Xalaca</i> ,"	"	"
" <i>Toninha</i> ,"	"	July 21, 1827.

In these cases, it is true, the vessels were known to have been lost, subsequent to capture, and before they could arrive at Sierra Leone for adjudication; but the same principle is of course applicable

equally to vessels, the fate of which is uncertain, and the existence of which there is no evidence to prove.

On the grounds therefore which guided our predecessors in the cases which have just been quoted, we must defer pronouncing a judgment for the condemnation of the "*Ingemane*" and the emancipation of her slaves, until the captor has supplied the requisite evidence to enable us to do so.

*Sierra Leone, April 3rd, 1838.*

No. 31.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received July 10.)*

MY LORD,

*Sierra Leone, April 21, 1838.*

WE have the honour to enclose, for your Lordship's information, our Report of the case of the Portuguese brig "*Felicidades*," Manoel Francisco Cardozo, Master, captured by Her Majesty's Sloop "*Scout*," Robert Craigie, Esq., Commander, off the Old Calabar River, on the 8th ultimo, with 559 slaves on board. An Abstract of the Evidence given by the witnesses is also enclosed.

The "*Felicidades*" arrived here on the evening of the 6th instant, and was brought into the British and Portuguese Court on the following day. The charge of illegal Slave Trading was distinctly admitted by the parties engaged in it; and on the 17th instant a sentence was pronounced, by which the vessel was condemned as a good and lawful prize, and the survivors of the numerous slaves captured on board of her were emancipated from slavery.

The Portuguese passport with which this vessel was furnished, is dated at the Cape Verd Islands on the 29th December, 1835, about the time when it first became known on the coast that a new treaty for the suppression of Slave Trade had been entered into with Spain; and yet it does not exhibit a single endorsement until the 3rd of October last, on which day the vessel cleared out from Havana for St. Thomas. Many different voyages have no doubt been made by the "*Felicidades*" during the two intervening years; and indeed the Master of the detained vessel has deposed, that the last voyage of the vessel was from Monte Video to Havana with Brazilian jerked beef, such as is used in feeding slaves on their passage from the Coast. The absence, therefore, of any endorsement on the passport during so long a period can only be accounted for by supposing, that the vessel has sailed with other papers for some time past; and that this document, though bearing date in 1835, was only lately obtained for the purposes of the present voyage.

The endorsement of the 3rd of October, 1837, to which we have referred, is made by the Portuguese Consul at Havana; but there is a total absence of any description of clearance from the Spanish Authorities at the same place; and this circumstance leads us to believe that the "*Felicidades*" was also supplied with Spanish papers, and that she intended to assume the flag either of Spain or Portugal, as occasion might require, sheltering herself, when necessary, from the operation of the Equipment Article of Spain, by means of her Portuguese papers; and, should she succeed in safely landing her slaves on the coast of Cuba, entering inwards *in ballast* at the Port of Havana as a Spanish vessel. Owing to the ease with which papers may be purchased, and transferred from one to another, and to the double and constantly changing names of the same vessel, it is difficult, and in many cases impossible, to detect the frauds which it would seem to be the main object of every Spanish and Portuguese functionary to connive at and protect.

In the present instance we have no doubt, that the vessel was owned by Francisco Ferrête, a Spaniard resident at Havana, who embarked at that port as a passenger, but whom the witnesses describe as the supercargo intrusted with the management of all the trading operations of the vessel, the consignee at Havana, and the Old Calabar River, and the person who engaged and appointed the officers at the former place.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

&c.

&c.

&c.

CLASS A.

## First Enclosure in No. 31.

*Report of the case of the Portuguese brig "Felicidades," Manoel Francisco Cardozo, Master.*

THE papers found on board this vessel at the time of capture, are the following:—

No. 1.—A general Portuguese Passport, granted by Joaquim Pereira Marinho, the Governor-General of the Cape de Verde Islands, and the coast of Guinea, dated at Villa da Praia, in the Island of St. Jago, on the 29th of December, 1835. It describes the vessel to be a brig of American build, to be owned and commanded by José Justinho Peres de Farias, a Portuguese subject, and to be 218 tons burthen. The only endorsement on this Passport is one by the Portuguese Consul at Havana, on the 3rd of October, 1837, stating that the vessel was about to make a voyage to St. Thomas's, under the command of Manoel Francisco Cardozo, the present master.

No. 2.—The muster-roll of the vessel, signed and sealed by the Portuguese Consul at Havana, on the 4th of October, 1837, mentions José Faustinho Peres de Farias, as the owner. The crew is said to consist of 40 persons, including the captain; and one person, Francisco Ferréte, is named as a passenger on board. Although there is a slight difference in the name given to the owner in this paper, we presume that the person referred to in No. 1, is intended.

No. 3 is an Official Manifest, dated the 2nd of October, 1837, of the cargo taken on board the "*Felicidades*" at Havana; and to it is attached a certificate of the Portuguese Consul on the following day.

Furnished with these papers, authorising only a voyage to St. Thomas, the "*Felicidades*" went direct to the Old Calabar River, and there bartered her cargo of trade goods for slaves, of whom she took on board between 500 and 600 on the 5th ultimo, and immediately made sail for the Havana, but was captured 3 days after leaving the Calabar by Her Majesty's sloop "*Scout*;" Robert Craigie, Esquire, Commander.

The "*Felicidades*" arrived in this harbour on the 6th instant, in charge of Mr. George Horwood, Master's-Assistant of the "*Scout*;" and her arrival was duly reported by the Marshal on the same day. The Surgeon's Report stated that there were numerous cases of bowel-complaint, ulcer, and ophthalmia on board, requiring immediate treatment; and recommended that the whole of the slaves should be landed as soon as possible, owing to their crowded and diseased state.

On the 7th instant, the "*Felicidades*" was brought into Court in the usual manner. The affidavit of Mr. Horwood, the Prize-Master, authenticating the ship's papers, and verifying the facts stated in the captor's declaration, was received and filed; the ship's papers, and the captor's declaration were lodged in the Registry; the Monition was issued to the Marshal for publication; and the witnesses in preparatory produced by the captor, were ordered to give immediate attendance for the purpose of their being examined on the standing interrogatories. The whole of the slaves were landed on the same day, the sickly being conveyed to the hospital at the village of Kissy, and the remainder being placed in charge of the Liberated African Department in Freetown.

The different witnesses were examined on the standing interrogatories, on Monday the 9th instant; and their depositions will be found fully detailed in the Abstract of Evidence which accompanies this Report.

The affidavit of the Prize-Master, on the subject of the deaths which had taken place amongst the slaves subsequently to their detention, was filed on the 10th instant. It declares that, notwithstanding every care and attention on the part of the deponent and the prize crew, 134 slaves had died between the 8th ultimo, and the 7th instant, when the survivors of the slaves were landed in this Colony, and that 5 of that number had thrown themselves overboard, and been drowned. The evidence being thus complete, publication was granted on the same day, on the petition of the captor's Proctor.

The Monition issued on the 7th instant, was returned into the Registry by the Marshal on the 14th instant; but owing to the indisposition of His Excellency, Colonel Richard Doherty, the Acting-Commissioner, the Court did not assemble for the adjudication of the case until 3 days afterwards.

At the sitting of the Court, the Marshal's return of slaves up to that date was presented, shewing that, of the 425 slaves landed on the 7th instant, 14 had since died, and that 3 more had absconded. The exhibits filed in the case were then read, and the charge of illegal Slave Trading having been fully established, the Court decreed the condemnation of the "*Felicidades*," as good and lawful prize to the Crowns of Great Britain and Portugal. And with respect to the slaves, it was decreed that 559 were on board the detained vessel at the time of her capture by Her Majesty's sloop "*Scout*," Robert Craigie, Esquire, Commander; that 134 of the said slaves died whilst in charge of the Prize-Master, and 14 subsequently; and that the 408 slaves remaining in charge of the Liberated African Department be emancipated from slavery. Three other slaves had absconded whilst awaiting the adjudication of the case, who were also decreed to be emancipated, if still alive.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

Sierra Leone, April 21st, 1838.

## Second Enclosure in No. 31.

*Abstract of the Evidence in the case of the Portuguese Brig "Felicidades," Manoel Francisco Cardozo, Master.*

I, Robert Craigie, Esquire, Commander of Her Britannic Majesty's Sloop "*Scout*," hereby declare that, on this 8th day of March, 1838, being off the Old Calabar River, I detained the brig "*Felicidades*," sailing under Portuguese colours, armed with two guns, twelve-pounders, commanded by Manoel Francisco Cardozo, who declared her to be bound from Old Calabar to Havana, with a crew consisting of 33 men, no boys, no supercargo, one passenger, whose names as declared by them respectively, are inserted in a list at foot hereof, and having on board 559 slaves, said to have been taken on board at Old Calabar on the 6th day of March, 1838, and are enumerated as follows:

	Healthy.	Sickly.
Men . . .	216	21
Women . . .	39	2
Boys . . .	134	24
Girls . . .	109	14

I do further declare that the said brig "*Felicidades*" appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions, for the support of the said negroes and crew on their destined voyage.

*Examinations on the Standing Interrogatories.*

Manoel Francisco Cardozo, Master of the detained vessel, being produced, sworn, and examined on the standing interrogatories, deposed that he was born in Pico, one of the Azores, and resides there; that he has never served any state but Portugal; that he is not married; that he was appointed to the command of the detained vessels and possession of her was given to him at Havana in October last, by the supercargo, Francisco Ferréte, a resident of Havana, and a Spanish subject; that he first saw the vessel there about two months previously, and believes she is Spanish built; that he was present when the detained vessel was captured with slaves on board; that she sailed under Portuguese colours, and had also a French flag for a signal; that she never had any name but "*Felicidades*," to witness's knowledge; that she is 218 tons burthen, and had a crew of 41 officers and mariners, exclusive of witness, part Portuguese, and part Spaniards, all hired and shipped by witness at Havana, in October last; that neither he, nor, to his knowledge, any of the officers or mariners had any interest in either vessel or cargo; that he was master on board; that there was no passenger; that the last clearing Port was Havana, where the voyage commenced, and where it was to have ended; that from Havana the vessel proceeded direct to Old Calabar, where the supercargo went ashore, and that the cargo was landed, and the slaves shipped in that river; that the capturing vessel was first seen outside the bar of the Old Calabar on the 8th of last month, and capture took place a few hours afterwards, by means of the man-of-war's boats; that at the time of capture the detained vessel was steering for Havana; that there were two guns mounted, twenty muskets, as many cutlasses, and some cartridges and powder, for the defence of the vessel; that no resistance was made to capture, nor were there any orders to resist, or to conceal or destroy any of the vessel's papers; that he believes one Farias, a resident of the Cape Verdes, and a Portuguese subject, is the owner of the vessel; that he is not acquainted with the said Farias, and knows nothing about him; that he knows nothing of any Bill of Sale, and has never seen or heard of one; that he knows nothing of the price paid for the vessel, which he believes to be the property of Farias because he has always heard so; that he knows nothing of any private agreement; that he believes the said Farias to be also the owner of the cargo of slaves; that the lader and consignee of the slaves was Francisco Ferréte; that he does not know where the said Ferréte lived previously to his residing at Havana, or how long he has lived in the latter place; that the slaves were to have been landed on the coast of Havana, on the account and risk (witness believes) of Farias, and that they would belong to him if restored; that he believes the former voyage of the vessel was from Monte Video to Havana with jerk beef; that the cargo shipped at Havana for the present voyage was tobacco, rum, and dry goods; that the present cargo is slaves, of whom 549 were taken on board in the Old Calabar; that 9 of the said slaves died before capture, but he does not know how many have died since; that after capture the detained vessel was carried to Sierra Leone; that he is ignorant whether the vessel or cargo be insured; that she was under the management of the supercargo with regard to her trade.

João Netto, a seaman of the detained vessel, was also examined on the standing interrogatories, and deposed to the same effect as the Master.

*Sierra Leone, April 21st, 1838.*

No. 32.

*Her Majesty's Judge to Viscount Palmerston.—(Received October 17.)*

MY LORD,

*Sierra Leone, May 30, 1838.*

IN the absence of His Excellency Governor Doherty, I have the honour to enclose to your Lordship the Report of the case of the Portuguese brig "*Velox*," Joaquim Antonio Coelho, late Master, adjudicated in the British and Portuguese Court of Mixed Commission on the 5th instant; together with an Abstract of the Ship's Papers; an Abstract of the Evidence given by the several witnesses; and a translation of various documents, papers, and letters, found on board the detained vessel by the captor, Lieutenant William Brown Oliver, commanding Her Majesty's Schooner "*Fair Rosamond*."

On the 18th September last, the "*Velox*," having a full cargo of slaves on board, was fallen in with outside the bar of the Benin, by the "*Fair Rosamond*," and chased back into that river, where she disembarked her slaves on the same evening. A boat from the man-of-war attempted on the same day to board and examine the chase, but was fired upon and beaten off by the Portuguese crew, and one British seaman was killed. Shortly afterwards, the "*Fair Rosamond*" herself entered the river, and took possession of the "*Velox*" and her crew, intending at that time, and for six months subsequently, to prosecute the case as one of piracy. Nor was it until the 26th ultimo that the "*Velox*" was brought before the Mixed Commission Court at this place.

Of the piratical acts charged against the detained vessel, this Court could of course take no cognizance, nor was any evidence of such acts either tendered or required; but the illegal shipment of 228 slaves "for the purposes of the traffic," on the 18th September last, and the subsequent relanding of these slaves on the evening of the same day, were so clearly established by the depositions of the Captain and Mate of the "*Veloz*," that no doubt could exist of a breach of the first Additional Article to the Portuguese Convention of the 28th July, 1817, having been committed.

All the proceedings in the case were closed on the 4th instant, by the return of the Monition into the Registry; and on the following day the Court decreed the condemnation of the "*Veloz*" and her cargo, as good and lawful prize to the Crowns of Great Britain and Portugal. Immediately after the sitting of the Court, His Excellency Governor Doherty, Her Majesty's Commissioner of Arbitration *ad interim*, left this Colony for the Gambia, on board Her Majesty's Schooner "*Fair Rosamond*," and has not yet returned.

I beg leave respectfully to request your Lordship's attention to the documents found on board the "*Veloz*" at the time of her capture, and of which I have obtained translations after much difficulty and delay. These papers contain indubitable evidence of the system and extent of the Slave Trade carried on in Brazil by nominal Portuguese subjects, and of the total absence of any moral sentiment in that country with regard to this disgraceful traffic; nor is it to be supposed that a vessel like the "*Veloz*," in every way fitted for slaves, and which appears to have had a large quantity of slave-irons on board, could have cleared out from Pernambuco without the knowledge of the Custom-House Authorities, and of the Portuguese Consul, and without their connivance at her illegal equipment.

The following is a brief history of the transactions disclosed in the accompanying papers:—On the 14th December, 1836, an Association or Joint Stock Company was formed at Pernambuco, with a capital of eighty millions of reis, and consisting of twenty members, each subscribing four millions of reis. By a formal contract or bond, signed by all the members, it was stipulated that one-half of the capital should be paid up within twenty days from the date of that instrument; that the Association should last for a period of three years; and that proper vessels for the transport of cargoes should immediately be bought and built. For the management of such an extensive undertaking José Francisco de Azevedo Lisboa has been appointed Treasurer at Pernambuco, by the general consent of the members; and two of the proprietors, named Joaquin Leocadio d'Oliveira Guimariens, and Manoel Alves Guerra, have been nominated to assist in conducting the speculation, and in keeping the accounts, of which a statement or balance-sheet is to be presented to the subscribers every half-year. The river Benin, on the coast of Africa, is the spot which has been selected for the establishment of a slave-factory on a very extensive scale; and three principal agents have been appointed to purchase slaves, and to superintend the operations of the Company in that quarter. The amount of remuneration which the Treasurer and the agents will receive for their services, is made to depend on the profits realized by the Company; the net balance being divided into twenty-four equal parts, of which twenty parts are taken by the twenty proprietors, and the remaining four are handed over to the Treasurer and the three agents. But although these persons are thus entitled to share in the profits of the Company, and although one of them (the Treasurer) is to appear in the registers and passports of the vessels, and on all other occasions, as the sole and responsible proprietor, it is expressly declared that none of them possesses any right or interest in the property committed to his care. Of the three shares appropriated to the servants of the Company resident in Benin, one is held by Joao Baptista César, who is to act as the principal agent, and to conduct the correspondence with the Treasurer at Pernambuco; another is held by a Manuel José Delgado, and the third is divided at present, by a provisional arrangement, between Joaquim Gomez Coimbra and Antonio Fez Vianna.

From the evidence taken in this case, and in that of the "*Camoës*," reported in the Despatch of the 22nd of January last, it has been clearly proved that José Francisco de Azevedo Lisboa, the Company's Treasurer, the ostensible owner of the "*Veloz*," and the owner of the cargoes of both vessels, is resident at Pernambuco with his wife and family, and conducting the mercantile business of Messrs Antonio da Silva and Co., merchants of that city. A reference to the same evidence, and to some of the letters comprised in the annexed translations, will show, that the wife and family of João Baptista César, the principal agent at Benin, are

also living at Pernambuco, "where he has been carrying on the business of a mercantile agent;" and that it is probable that he has himself by this time resumed his residence in the same place. With respect, also, to the two shareholders named as assistants to the Treasurer, viz., Manoel Alves Guerra, and Joaquim Leocadio d'Oliveira Guimariens, the circumstance of their being appointed to conduct the affairs of the Company in Pernambuco, as well as the letters numbered 11 and 15, point them out as residents in that city. It may therefore be hoped that so good an opportunity will not be lost of enforcing the penalties prescribed by the laws both of Portugal and Brazil, against parties illegally engaged in Slave Trade.

The Company being fully established by the Contract of the 14th December, 1836, and proper agents having been selected for conducting its affairs, both in Brazil and on the coast of Africa, business was commenced by the despatch of the Portuguese brig, "*Camoës*," Antonio Gomes da Silva, Master, which cleared out from Pernambuco on the 3rd February, 1837, for the Cape de Verde Islands, by way of Bahia, St. Thomas', Princes', and other ports of Africa. The proceedings of the "*Camoës*" are so intimately connected with those of the "*Veloz*," and so frequently alluded to in the accompanying papers, that I beg to refer your Lordship to the Despatch of Her Majesty's Commissioners reporting the restoration of that vessel on the 22nd January last.

From Pernambuco the "*Camoës*" went direct to Bahia, where a cargo of merchandise was procured from the mercantile house of Messrs. Duarte and Warren; and she sailed again from that port, direct for the river Benin, on the 13th March, 1837, having on board as a passenger Antonio Fez Vianna, one of the agents already mentioned; and leaving behind in Bahia, Antonio Dias (the ostensible Captain of the "*Camoës*"), and Manuel José Delgade, another of the Company's agents, who shortly afterwards followed in a small schooner or yacht, called the "*Especulador*," which was purchased for the use of the factory at Benin, by Messrs. Duarte and Warren. The "*Camoës*" was succeeded by the Portuguese brig "*Veloz*," nominally commanded by Joaquim Antonio Coelho, but really by Joaquim Pedro de Sa Faria, which vessel cleared out from Pernambuco on the 29th April 1837, and carried out João Baptista Cêzar, the principal agent of the Company on the coast of Africa, and Joaquim Gomes Coimbra, also mentioned above as sharing with Vianna one twenty-fourth part of the Company's profits. The "*Camoës*" arrived in the Benin in April, 1837, and the "*Veloz*" on the 6th June following. The time when the yacht "*Especulador*" arrived is not known; but it is certain that she made a voyage from Benin to Princes' Island and back, with Cêzar, the principal agent on board, between the 25th July and the 16th August, 1837. Besides the vessels already named, two small schooners were being built at Oporto for the service of the Company, which were expected to arrive about the middle of August last, but which had not made their appearance in September, at the time when both the "*Camoës*" and "*Veloz*" were taken possession of by Her Majesty's schooner "*Fair Rosamond*."

The instructions drawn up by the Treasurer at Pernambuco for the regulation of Factories in the Benin, display an intimate acquaintance with the African mode of trading; but it would hardly perhaps have been expected, that a correct moral deportment, and an observance even of the forms of religion, would have been so strictly enjoined on the agents of a slave factory. It seems to have been the object of the Company to obtain from the native chiefs, if possible, the right of trading for slaves in the river Benin, to the exclusion of all other slave vessels; but in this object they have not succeeded. They however purchased the right of establishing factories at Gotto, at Oery, and Bobim, by the payment of heavy duties to the kings or headmen, and at those places the purchase of slaves was regularly proceeding, at the time when the "*Veloz*" left the river. Two hundred and twenty-eight slaves were shipped on board the "*Veloz*" on the 18th September, and it was intended to despatch the "*Camoës*" with a full cargo by the latter end of the following month. Preparations were also made for loading the two schooners expected from Oporto, and it was estimated that from 200 to 250 slaves might be purchased monthly throughout the year, if only the agents were regularly supplied with a proper assortment of goods from Pernambuco.

The total loss of the "*Veloz*" and of the 138 slaves (part of the cargo of the "*Veloz*") who were brought to this colony in the "*Camoës*," just at the outset of the Company's operations, will, it is to be hoped, so derange their plans and exhaust their resources, as to lead to the abandonment of their scheme. It may also be remarked, that the expense and delay to which the "*Camoës*" was subjected, in

consequence of her unjustifiable detention by Her Majesty's schooner "Fair Rosamond," were but inadequately compensated by the damages awarded against the captor.

The directions issued to the Company's vessels for their outward and homeward voyages are curious, as shewing the systematic frauds practised by experienced slave traders. The use of a code of signals on their making the coast of Africa, and the appointed places of landing their cargoes in Brazil; the constant look-out from the mast-heads; the avoidance of all communication with other vessels; the loosening the iron-knees which bind the beams, and the cutting away stanchions, or anything else which may check their speed in chase; the throwing overboard the slave-irons and boilers, when likely to be overhauled, even on their outward voyage; the keeping the slaves below on their approaching boats or the land, on their homeward voyage; the filling up of a prescribed form of protest, to be signed by all on board, accounting for the return of the vessel to Pernambuco *in ballast*, by declaring that they had been detained and plundered at sea by a pirate; these and other observances are strictly enjoined on the Commanders of all the Company's vessels.

As a matter of convenience, and also for the purpose of deceiving Her Majesty's cruizers, and ascertaining their position and movements, the Company's vessels are in future, after landing their goods in the Benin, to proceed to Princes' Island, and there to take in their wood, water, and provisions for the slaves, returning to Benin by the time appointed for the embarkation of their human cargo. To assist in effecting this object, the agent, Antonio Fez Vianna, has taken up his residence at Princes', where he is stated to be on the best possible terms with the Portuguese Governor.

It cannot fail to be remarked, that not the slightest apprehension is expressed in the enclosed papers, or appears to have been entertained by any of the parties concerned, that punishment would follow their wholesale infraction of the law, or that the plans of the Company would be either endangered or obstructed by the interference of the Brazilian authorities, or the Consular Agents of Portugal, or the Governor of Princes' Island. On the contrary, all the precautions adopted have reference to the cruizers of Her Majesty's squadrons on the African and South American stations.

In conclusion, I hope I may be excused for observing, that the correctness of the opinion which the Commissioners formed respecting the difficult case of the "*Camoës*," is amply confirmed by the accompanying papers, which prove that the slaves placed on board that vessel, with the knowledge and connivance of the captor, were part of the cargo of the "*Veloz*," and that the "*Camoës*" was not intended to sail, until long after the date of her capture.

I have, &c.

(Signed)

H. W. MACAULAY.

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

&c.                      &c.                      &c.

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#### First Enclosure in No. 32.

*Report of the Case of the Portuguese brig "Veloz," Joaquim Antonio Coelho, late Master.*

THIS vessel cleared out from Pernambuco with a Portuguese passport, on the 29th of April 1837 and came direct to the river Benin, where she arrived on the 6th of June, after a passage of 37 days Trade was then immediately commenced with the natives for slaves; and on the 18th of September the "*Veloz*," left the Benin, bound to Pernambuco, with a cargo of 228 slaves on board. Soon after clearing the river, she was descried by Her Majesty's Schooner "Fair Rosamond," Lieutenant William Brown Oliver, commanding; chase was given, and the "*Veloz*" ran back to Benin, crossed the bar, and disembarked her slaves again the same evening. A boat from the "Fair Rosamond," under the command of the senior mate, was then despatched to examine the suspected vessel; but the most determined resistance was made by the crew of the slaver, the boat was fired upon and beaten off; and a British seaman was killed.

On the return of the Man-of-War's boat, after her unsuccessful attempt to exercise the right of search, the "Fair Rosamond" blockaded the Benin for several days, until the state of the tides enabled her to enter the river, when she ran along side the "*Veloz*," which was then lying at anchor off the town of Bobim, and immediately took possession of the slave vessel and her crew. This occurred on the 23rd of September last, and it does not appear that Lieutenant Oliver entertained the idea until very lately of bringing his prize before the Courts of Mixed Commissions, for a breach of the slave trade treaty. The captor seems to have intended to prosecute her as a pirate in the Court of Vice Admiralty, and it was only on his arrival here on the 23rd of April, that he determined on a contrary course. The "*Veloz*" in the mean time was carried first to Princes' Island, then to St. Thomas', and afterwards to Ascension, where she remained for a considerable time, awaiting the arrival of Admiral Sir P. Rick

Campbell in Her Majesty's ship "Thalia," whose advice and directions Lieutenant Oliver was anxious to obtain.

On the 26th of April, the "Veloz" was brought before the British and Portuguese Court of Mixed Commissions, for violating the first additional article to the Portuguese Convention of 1817, in having had slaves on board in the particular voyage in which she was captured. The usual petitions from the captor's Proctor having been presented, the captor's declaration and affidavit of seizure were received and filed; the papers of the vessel duly authenticated were lodged in the Registry; and a Monition was issued, calling upon all interested parties to appear on or before the 4th instant.

The witnesses in preparatory were the Master and Mate of the detained vessel. They were examined on the standing interrogatories on the 27th ultimo; and their evidence clearly established the fact of the shipment, and subsequent disembarkation, of a large number of slaves, on the 18th of September 1837. Indeed no attempt was made to deny or to palliate the offence; nor was any claim for the vessel presented.

The Monition, issued on the 26th ultimo, was returned into Court on the 4th instant, with the certificate of the Marshal that it had been properly served; and on the following day, a Court assembled for the adjudication of the case. The facts charged against the "Veloz" having been distinctly admitted by the guilty parties themselves, a decree was pronounced, condemning the detained vessel as good and lawful prize to the crowns of Great Britain and Portugal, and a commission was at the same time issued for her appraisement and sale.

Sierra Leone, 30th May, 1838.

(Signed) H. W. MACAULAY.

### Second Enclosure in No. 32.

*Abstract of Ship's Papers found on board the Portuguese Brig "Veloz."—Joaquim Antonio Coelho, late Master.*

No. 1. A Passport from the Portuguese Consul-General in Brazil, dated at Rio de Janeiro, on the 25th of January, 1837, for the Portuguese brigantine "Veloz," Francisco Izidro Monteiro, Master, and José Francisco de Azivedo Lisboa, Owner, to sail from Pernambuco for Lisbon, by way of the Islands of St. Thomas and Princes, and other ports of Africa. This Passport was visaed by the Portuguese Consul at Pernambuco, on the 29th of April, 1837, who mentions in his endorsement that the Master of the vessel, at that time, was Joaquim Antonio Coelho, and warns the parties concerned of the penalties attached to slave trading, by the Portuguese Decree of the 10th of December, 1836. There is also another indorsement on this paper in English, in the following words:—"Boarded by U. P. H., June 1st, 1837."

No. 2. The Matricula, or List of the Crew of the "Veloz," signed by the Portuguese Consul at Pernambuco, April 26th, 1837, naming Coelho as the Master, and Joao Baptista Cézar as the supercargo, of the vessel.

Nos. 3, 4, 5, 6. Four Certificates from Joaquim Baptista Moreira, the Portuguese Consul, dated at Pernambuco, on the 26th of April, 1837, relative to the Clearance of the "Veloz" from that port.

No. 7. The Bill of Lading and Manifest of the cargo shipped on board the "Veloz," and to which are attached the seal and signature of the Portuguese Consul at Pernambuco, on the 28th of April, 1837.

No. 8. A sealed Despatch, addressed "On Her Most Faithful Majesty's Service," to the Principal Officer of Customs at the Islands of St. Thomas, or Princes, by the Portuguese Consul at Pernambuco, and enclosing the Custom-house Clearance, and Cockets of the Cargo of the "Veloz."

No. 9. A Fort Pass for the "Veloz" dated the 29th of April, 1837.

No. 10. A Log-book, of which the first part is apparently torn out, as it commences with the 16th day of the voyage from Pernambuco to Benin (May 16th). It mentions that, on the 1st of June an English schooner-of-war was seen at half-past 6 in the morning, which boarded the, "Veloz" a few hours afterwards, and proved to be Her Majesty's schooner "Dolphin." The "Dolphin," then put on board the "Veloz," for a passage to Benin, 19 prisoners, who had been taken out of a prize captured just before, and sent up to Sierra Leone. On the 6th of June, 1837, the "Veloz" anchored outside the Bar of the Benin.

In the same book is the Journal of a voyage from Benin to Princes' Island and back, made by the launch or-yacht "Especulador," with the supercargo, or agent, J. B. Cézar, on board. This vessel left Benin, on the 25th of July, 1837, and returned to that river on the 16th of the following month.

Nos. 11, 12. There were two other manuscript Books, written in English, found on board the "Veloz," in possession of the mate, Francisco de Paulo Medina.

No. 11 is a small Account-book, headed "Disbursements of the Schooner 'Swift.'" It commences on the 18th of January, 1823, and shows that the "Swift" was at that time lying in Bance Island Roads, in the river Sierra Leone, and that she was consigned to Mr. W. H. Savage, lately deceased, and one of the Proctors in the Mixed Courts. The death of this gentleman has prevented our acquiring any information relative to the fate of this vessel, after she left this port, which it appears she did on the 31st of March, 1823.

No. 12 is the private Log or Journal of a Mr. George Smith, a Master in Her Majesty's Navy, but whose name does not now appear in the Navy List. It contains sailing directions for various rivers, coasts, and islands; a few sketches and charts, a rough Sea Log kept for a short period on board His Majesty's schooner "Spey" in 1816, with calculations of the longitude and day's works, at various times, from the 18th of August, 1820, to the 26th of July, 1829.

It does not appear by what means these books came into the possession of the Portuguese Mate of the "Veloz."

### Third Enclosure in No. 32.

*Abstract of Evidence in the Case of the Portuguese Brig "Veloz," Joaquim Antonio Coelho, late Master.*

*Captor's Declaration.*

I, William Brown Oliver, Lieutenant commanding Her Majesty's schooner "Fair Rosamond," do hereby declare that, on the 23rd September, 1837, being in the river Benin, I detained the brig or



vessel named the "*Veloz*," then at anchor in that river, and furnished with Portuguese colours and papers, armed with 2 guns, and commanded by Joaquin Antonio Coelho (since dead), with a crew of about 21 men and boys; and the names of those I was enabled to detain are inserted (as declared by them respectively) in a list hereto annexed.

And I further declare that, on the 18th of the same month, being off the mouth of the said river Benin, I fell in with the said brig, then laden with a cargo of slaves, and chased her back into the said river, where she succeeded in landing the said slaves, resisted search, and, without hoisting any colours, fired into the boat of Her Majesty's schooner "*Fair Rosamond*," and killed one of her seamen.

And I further declare that I blockaded the mouth of the said river, from the period of chasing the said vessel, until the date of capture, and that on her capture I found her to be seaworthy, and furnished with a sufficient stock of water and provisions for the support of her crew, and of a cargo of slaves.

(Signed)

WILLIAM BROWN OLIVER,

Lieut. and Com. H. M. S. "*Fair Rosamond*."

Freetown, 26th April, 1838.

*Examinations on the Standing Interrogatories.*

No. 1.

Joaquim Pedro de Sa Faria, being produced, sworn, and examined, deposed that the Master's name was Joaquin Antonio Coelho; that it is about a year since witness became acquainted with the said Master, who was a native of Lisbon and unmarried, and that he died a few days after the vessel's capture; that the Master was appointed to the vessel, and possession of her was given to him at Pernambuco in April, 1837, by one Azevedo Lisboa, a resident of that place; that witness first saw the vessel at Pernambuco the month previous, and that she was built in New York; that he was present when the vessel was seized for having repulsed one of the boats of Her Majesty's schooner "*Fair Rosamond*," when chased back into the Benin, whither the "*Veloz*" was running for the purpose of relanding her slaves; that she sailed under Portuguese colours, and had no others; that the vessel is called "*Veloz*," and has been so named since she was purchased from the Americans; that she had previously been called "*Tobasco*;" that she is about 240 tons burthen, and had 21 officers and mariners exclusive of the Master all Portuguese, shipped and hired at Pernambuco, about a year since, by the aforesaid Azevedo, the owner of the vessel; that neither he, nor any other of the officers or mariners, had any interest in either vessel or cargo; that he was a passenger, and the only one, on board; that he is a Portuguese by birth, and a seaman by profession; that he embarked in the vessel in Pernambuco, in April, last year, for the purpose of trading for slaves in the ports of Africa; that, although he had no property in the vessel or her cargo, he directed her course, and generally superintended her concerns, being authorized by the owner so to do; that the last clearing port was Pernambuco, where the voyage commenced, and where it was to have ended; that from that port the vessel proceeded direct to Benin, where trade was made with the natives for slaves; that the capturing vessel was first seen on the outside of the Bar of the Benin on the 18th of September last; that capture took place in that river on the 23rd of the same month, whilst the "*Veloz*" was at anchor; that when first pursued on the 18th of September the "*Veloz*" was steering for the coast of Brazil, with a cargo of slaves; that the course of the "*Veloz*" was then altered, and she ran back into the Benin, and disembarked her slaves; that there are 2 guns mounted, 1 musket, and 4 or 5 cutlasses, and a small quantity of powder, for keeping the slaves under; that, when the man-of-war's boat first attempted to board on the 18th September, the crew of the "*Veloz*" resisted, and beat the boat off, but witness states that it was in ignorance that it was a man-of-war's boat; that the crew of the "*Veloz*" acted on the occasion of their own accord, and without authority; that there were no instructions for resisting capture, or for concealing or destroying any of the vessel's papers; that Azevedo Lisboa, before named, is the owner of the vessel, as he knows from having received orders from him; that the said Azevedo is a Portuguese by birth, and has long resided with his wife and family at Pernambuco; that he does not know where Azevedo resided previously; that the owner of the vessel is also the owner of the cargo; that the consignee of the vessel at Benin was a native of Portugal named Cézar, whose wife and family reside at Pernambuco, where he carries on the business of a mercantile agent; that the lader of the cargo at Pernambuco was the said owner, Azevedo, who is the book-keeper of the house of Antonio da Silva and Co., merchants of that city; that the lader of the slaves was the said Cézar; that they (the slaves) were to have been landed at Pernambuco on account and risk of the said Azevedo; that 228 slaves were shipped altogether in the Benin upon the 18th of September last, and they were all disembarked the same night, on the vessel's being chased back by the man-of-war; that after capture the detained vessel was taken, first to Princes' Island, then to St. Thomas', and from that to Ascension, where she was anchored on the 16th November, and remained there till brought to Sierra Leone; that bulk was broken in Benin; that 228 slaves were received on board in the Benin, for the purpose of the Slave Trade, on the 18th September last.

No. 2.

Francisco de Paulo Medina, Mate of the said vessel, having been produced, sworn, and examined on the Standing Interrogatories, deposed, that Azevedo, a resident of Pernambuco, appointed the late Master, Coelho, to the command of the said vessel; that witness believes the vessel to have been built at New York; that he was present when the vessel was captured; that he has heard the vessel was seized for having resisted and beaten off the man-of-war's boat; that she sailed under Portuguese colours, and had no others; that the vessel is at present called the "*Veloz*;" that formerly, when under American colours, she was called the "*Tobasco*;" that neither he nor any other of the officers or mariners, except the supercargo, had any interest in the vessel or her lading; that he has heard that the supercargo, João Baptista Cézar, had some interest in both, but does not know to what extent; that witness was First Mate on board; that, at the time of capture, there were two passengers on board, whose names witness does not recollect: one a Spaniard, put on board the "*Veloz*" with 22 others, in June last, by Her Majesty's schooner "*Dolphin*," the other a Portuguese seaman, who had been turned ashore in Benin from the "*Camoës*," and had been received to work his passage in the "*Veloz*;" that there was another person, Joaquim Pedro de Sa Faria (the first witness examined) who had been furnished with a Passport, but conducted himself, and was treated, as the first officer of the vessel in all respects, and whom he believes to have acted under the authority of Azevedo, before named; that the capturing vessel was first seen on the 18th of September last, as the "*Veloz*" was

going out of the Benin, on her way to Pernambuco, with a cargo of slaves; that, on the appearance of the man-of-war, the course of the "*Veloz*" was altered, and she stood back into the Benin, where the slaves were disembarked the same evening; that capture took place on the 23rd of the same month, whilst the "*Veloz*" was at anchor in the Benin; that no resistance was made at the time of capture, but that, on the 18th, the boat of the man-of-war was beaten off by the people under the authority of the Boatswain, and in opposition to that of the other officers; that he has heard that the vessel is the property of a number of persons, believes about 24, with whose names witness is unacquainted, but believes Azevedo is one of them, and that C ezar is also interested in the vessel; that both Azevedo and C ezar are Portuguese by birth, married to Brazilians, and are both resident at Pernambuco; that Azevedo is book-keeper to the mercantile house of Antonio da Silva and Co., of that city; that he believes, if the vessel be restored, she will belong to Azevedo and the other owners, with whose names witness is unacquainted; that he believes the same parties whom he has stated to be the owners of the vessel were also owners of the cargo; that the cargo shipped at Pernambuco was laden by Azevedo; that the slaves were laden by C ezar, who acted as consignee at Benin; that the slaves were to have been landed on the coast of Brazil, close to Pernambuco, on account of Azevedo and the other parties, whose names witness is unacquainted with.

#### Fourth Inclosure in No. 32.

*Translation of certain Papers found on board the Portuguese Brig "Veloz."*

##### No. 1.

##### *Contract for the Establishment of a Commercial Company.*

"WE, the undersigned, have contracted and agreed to establish a Commercial Company, the conditions of which are as follows:—

1st. The order of all associations being to promote the interests as much as possible of all parties, it is also acknowledged that, to obtain this object, it is necessary to apply proper means, so that the interests of all may be in relation to the amount of funds. With this view, a Social Fund shall be forthwith established of eighty millions of reis currency of this realm, consisting of 20 members, each subscribing four millions of reis.

2nd. That, as it is necessary to have in all associations one common centre to direct all its operations, for its better and more regular management, the necessity of having a Treasurer in this place to take the lead is evident; therefore Joz  Francisco d'Azevedo Lisboa is elected by the general consent of the Members, Messieurs Joaquim Leocadio d'Oliveira Guimarens and Manoel Alves Guerra being joined with the aforesaid in all respects, for the purpose of consulting and deliberating on any measure that may be brought before them.

3rd. That this Society, having for its principal object speculation and maritime risks, it is at once considered desirable that proper vessels should be bought and built for the transport of cargoes and returns on account of the Company; it being unanimously agreed upon that, as soon as possible, a factory should be established at Benin, which at any future period may be removed to any other point that may be considered more advantageous to their interests; having there three agents to take the entire management of the business, investing one of them with superior authority to undertake the correspondence, and to follow the orders of the Treasurer here, the other two remaining responsible for the transactions which shall transpire there, not doubting but they will emanate from an unanimous concurrence; it being explicitly and imperatively declared that none of the agents shall leave the factory except in case of serious indisposition, when such party shall repair to this place in any of the Company's vessels that may have completed their cargoes, his pay ceasing from the date of leaving, which shall be given to the party performing his duty, having however the right to demand his nett amount of pay whenever the general balance of the Company may be ascertained.

4th. That the Treasurer, having the principal control of the Company's affairs, shall, in accordance with his associates before mentioned, be authorised to have the vessels built and effect the purchase of others and their cargoes, to appoint their destination, to employ and instruct the agents, promoting generally the interests of the Company; the Treasurer being required to keep regular accounts relative to this business; it being understood that nothing should be concealed, nor deliberated upon without the consent of the two associates, to whose inspection the accounts and documents relative thereto shall be open, whenever required.

5th. That the Treasurer taking the responsibility of the transactions of the Company, and the three agents exposing their lives in unhealthy climates, and undertaking duties in whatever part their residence may be, neither party shall enter with capital, but shall partake of the nett interests of the concern, which shall be divided into twenty-four equal parts; twenty for the contributing Members, and four for the Treasurer and the three agents; it being clearly understood that if any of the transactions yield a loss, and others a contrary result, the Treasurer and the three agents shall contribute their share towards such loss when the half-yearly accounts are made up; but when the losses exceed the profits, they shall not be required at any time to meet the same, it being understood that their laborious occupations entitle them to this consideration, granted by the unanimous consent of the Members.

6th. That although the Treasurer is the party who figures in the purchase of vessels, and in them represents the Proprietor, he has nevertheless no right to such vessels, nor any of the three agents, seeing that they have not contributed to the purchase of them, nor entered with any capital, in conformity with the foregoing article; the sole Proprietors being the contributing Members, who, moreover, incur immediate risk.

7th. That as it is impossible for the Treasurer to superintend all the operations, and assist at the disembarkation of the cargoes imported from the factory, he shall be at liberty to employ whomsoever he may deem fit, giving a preference to one of the Members, who shall receive remuneration for such service; the proceeds arising from these sales being entered in favour of the Treasurer and his two associates, the parties intrusted with the management, and who account for all the funds of the

CLASS A.

Company, proceeding regularly and in the most clear form to make a half-yearly balance, which shall be submitted to the Members generally, leaving the books and documents open for that purpose, and then proceed to divide the profits, it being at the same time established and provided that the capital of eighty millions of reis shall be preserved by the contributing Members; and in the event of the first speculation proving unsuccessful, the Members shall be obliged forthwith to come forward with a sum sufficient to make up the original capital; and should any Member refuse to comply, he shall only be exempted by a majority of Members; it being also declared that the Members generally shall not be responsible in their persons and property to lose more than the capital before stated, and that the Treasurer and his associates shall not have the power to employ the said capital in any other manner than that agreed upon.

8th. That all the expenses of disembarkation, payment of persons employed in the factory, (exclusive of the agents, who receive no more than their proportion of the profits), the general expenses of the said factory, including provisions, purchasing of books and utensils, the pay and support of clerks, and other expenses of every kind, shall be defrayed by the Company, accounts being rendered of the whole, with as ample proof as possible of their correctness.

9th. That the Treasurer and his associates, having authority to dispose of the funds as they may deem best for the interests of the Company, though they risk the Company's property, no responsibility shall attach to their persons or effects, in the event of any loss, total or partial, whether by capture or otherwise.

10th. That it being advisable to form this Company without delay, and commence operations, the Members shall be required to advance half their shares within the space of twenty days from the date of this contract, and the remainder whenever called for by the Treasurer. Those however who do not conform to these conditions will no longer be considered Members, but forfeit the capital with which they have entered, excepting in case of death, when the heirs shall not be so deprived.

11th. That in the event of the demise of any one of the Members, the Treasurer shall be required to show the heirs the state of the Company's affairs, and when the General Balance shall be struck, the said heirs shall be at liberty to remain as Members, subject always to the existing Regulations.

12th. That the interests of the Company being in common, each Member obliges himself to render to the Company mutual assistance without recompense, excepting in the case mentioned in Article 7.

13th. That the Members being desirous of obtaining the best possible result, have unanimously agreed that this Association shall not be of a shorter duration than three years, unless Treaties between nation and nation, or any other extraordinary occurrence, should render its dissolution necessary, with the concurrence of a majority of the Members; proceeding in such case, to a final liquidation of the Company's affairs, in such manner as the said majority shall see fit.

14th. That should experience prove that this Company ought to be reorganized, it may be altered wholly or in part, as may be deemed expedient by a majority of the Members; and also, when the said majority shall see fit, they may call a General Meeting of the Members as circumstances require.

15th. That this Society being formed of upright and honourable men, and being established in the best possible faith, it is only right to conclude that the Members generally will act in perfect unison, observing the necessary secrecy, and contributing as far as possible to the well being of the Society; and in case of compromise which may endanger the person or effects of any Member, one and all bind themselves to afford every possible assistance to extricate him from such difficulty; and for the validity of this contract, which shall possess all the strength and faith of the most solemn document, it shall be signed by the Members generally, and the entries being completed, it shall be duly registered in a book under the special charge of the Treasurer, to be afterwards laid before the said Members. A receipt for the amount of funds, signed by the Treasurer, shall possess the same validity as if it were entered at the foot hereof. It is mutually agreed to conform to all the conditions exacted herein. Dated at Pernambuco the 14th of December, 1836. In conformity the following are the signatures of the Members.

(Signed) JOSE FRANCISCO D'AZEVEDO LISBOA.

No. 2.

*Instructions for the persons employed at the Factory to be established in the Benin River.*

All establishments, however insignificant they may be, require an administrative regimen to regulate and guide all their operations. Acting upon these principles, the character of Treasurer of an important association points out to me the expediency of giving to the factory, which is about to be established at Benin, these necessary instructions.

It cannot be doubted that in an establishment, located at so great a distance, without the protection of authority or a civilised government, it can only be made respectable by the good and proper conduct of the agents, which I look upon as indispensably necessary, and that all the functionaries maintain the most perfect union, thereby rendering themselves respected, the agents by their uprightness, and the subordinates by their implicitly obeying all orders, to obtain which it is not necessary to assume an imperious style; each one knowing his place, complete order may easily be maintained. Although the natives do not possess the refined feelings of more enlightened nations, they have reasoning faculties; and from their intercourse with more civilised people, they immediately become sensible, if those residing among them are men of proper conduct, and capable of showing them good example and making themselves respected. The good example of superiors must always have a tendency to induce a similar line of conduct on the part of inferiors: it is therefore necessary to avoid all licentiousness, to be modest, to have no contentions with persons about the King, to be moderate and tractable, by no means to allow the people employed in the factory to get intoxicated, to respect the usages of the country, and, although I cannot interfere with the rights of conscience, it appears to me that the exercise of some external forms of religion would give a desirable moral tendency to the establishment. All nations, even the most barbarous, have some religion; and it is acknowledged that without it no people can be properly governed; this therefore must be observed among the people with whom you will be in immediate communication.

The principal gent, who is at present a M. Manoel Jozé Delgado, in the absence of M. João Baptista César, on his arrival at the port of destination should place himself in communication with Captain Antonio Gomes da Silva (the Master of the "*Camoes*"), who is going to establish a factory,

employing also the other two agents, should it be necessary, who shall jointly with him perform all duties; the two latter undertaking the correspondence and general accounts of the factory, the former not having the necessary information; therefore all the books shall be given up to them. As to the mode of transacting the business, it is necessary to adhere to the practice and usage of the country, and to see that those articles which have not already a fixed value are estimated at the highest possible prices. I deem it prudent that you should treat with civility all with whom you may have transactions, but not to place implicit confidence in them, attentively observing that no temptation may be put in their way; for should it be a person in authority, it would be better to submit to the loss than come to open rupture; and therefore to avoid such accidents, a strict attention and vigilance should be observed. It also appears to me, for purposes of trade, it is not necessary to introduce these parties into the interior of your stores, but that the different articles should be shown to them in a place for the purpose, whereby all opportunities for theft will be avoided.

The vigilance of the people employed as a guard is of essential importance, also that the establishment be in a state of security, and the same be maintained strictly. I also consider it proper that it be made known to the King and the authorities that the factory, being possessed with ample means, will at all times be furnished with the best tobacco and rum, and other requisite articles of trade, and that therefore the commerce should be exclusively with the said factory, not admitting any other vessel for the same trade; making a kind of treaty which shall be binding according to the laws in force at that place, moreover assuring the said King that, independent of the regular routine of business, occasional presents shall be made to him. Although the agents may not be acquainted with the practice of the trade of the country, I am convinced that it may be easily acquired, and that in a short time an active and advantageous trade may be carried on. I have, however, already said sufficient on this subject, and repeat my recommendation that the most perfect union be observed among all the agents, including the crew of the launch (who shall perform duty on shore), that strict moral conduct be maintained, and that they lead not a debauched life, as I have already mentioned that these are the only means whereby a moral and physical strength can be obtained, the establishment be respected, and security insured, by not placing it at any time in collision with the authorities.

Treating now of the plan necessary to regulate the external operations of the factory, I consider it indispensably necessary that a mast should be erected on the most elevated point discernible from the sea, to have there a code of signals which shall be also in use by the Company's vessels, in order to keep up a strict communication; the code shall be properly taken care of, and only be seen by the agents. It is the plan of the Company that, on the establishment being firmly fixed, the vessels which succeed the first shall not enter into the port, but take their cargo and provisions on board outside. Every vessel, however, in coming in sight of the port shall immediately make use of the signals, giving information whether they bring cargo, that the agents may be prepared to receive it by the launch, they making a signal from the land of the number of people ready for the ships, that preparations may be made to receive them; and the orders which the respective vessels may have shall be a guide to the agents as to the expediency of waiting for the completion of her cargo or proceeding with the number already provided; it being at once established that, in vessels carrying 300, the deficiency of 50 shall not delay her a moment; and it is also necessary that so soon as the vessel is seen, all the people ready shall be brought to the factory, or to any other point where they may be readily disposed of, and so collected at the factory to effect their immediate embarkation. I shall hereafter enlarge on the subject in letters which I shall have to address to the establishment, giving every necessary information for the better regulation of the affairs, pointing out the quantity of articles required at the factory according to the number of people it is necessary to bring in monthly or annually, attention being paid to those months of less active business, which are during the rainy season, as at such a period it will be necessary to diminish the deposits, in order to prevent the goods being injured. As a Launch will leave Bahia in company with the "*Camoës*," this vessel ought not to carry a larger crew than is absolutely necessary; as the people of the establishment, and also the crews of the Company's vessels, will render assistance whenever necessary for the vessels to go in or out of the port, as in some cases the agents may deem it expedient for them to cruise in the neighbourhood of the port, or to proceed to any other destination which may be pointed out from hence.

The inferiors are in every respect subject to the orders of the agents, that is, of the principal: as although there ought to be an unanimous feeling and understanding, and nothing should be decided on, without the perfect concurrence of all the agents, it becomes absolutely necessary that the former should distribute the orders, and either himself, or the other two, see them put into execution; it being understood that all the agents possess an equality among themselves, and are superior to the others of the establishment; but it is, at the same time necessary, that the orders emanate from the principal as the centre of order.

Among the number of people, there are two coopers, one carpenter, one cook, a barber, and a bleeder, and others available in their different avocations when necessary, besides which, they can be employed in any other manner by the establishment, and also to assist in the launch, in case of emergency, which vessel should have its rudder on shore when not required to go to sea.

The said people employed receive monthly 25 milreis paid in goods, at the prices at which they are sold at the factory, as may be agreed upon between the agents and themselves; and out of their wages they may be allowed to purchase and send away only one person in each vessel, in conformity with the Agreement I have made with them, copy of which is sent herewith.

Every person employed, who shall not conduct himself in a proper manner, shall be immediately dismissed, his wages ceasing from that date, and he shall be sent back by the first Company's vessel, and should she have a person on board capable of taking his place, he shall be admitted with the consent of the Captain, if the agents consider it indispensably necessary, and the man is willing. The period of engagement is for one year or more, provided their health admits of it. Should they contract any disease, they shall be sent back in the Company's vessels, and treated with proper care.

The factory will be furnished with every requisite at the expense of the Company; and the principal agent intrusted with the correspondence, will inform me of what may be required, so that it may be sent without delay.

A vigilant eye ought to be kept day and night on the people, the goods, the vessels containing the liquids; and the house, which is about to be built of wood, will have all the necessary capacity and security for the reception of dry goods and such other articles as are liable to suffer from humidity. It is also necessary to remark that, as there are other foreign establishments in that port, it is most

desirable that a good feeling be maintained towards their Agents, which object will be easily attained, in consequence of the necessity of a reciprocal feeling among the whites, by which a greater force may be constituted. Nevertheless, the object of this establishment ought by no means to be communicated to these foreigners, and especially they ought to know nothing of the Code of Signals, (not even the subordinates of the establishment;) and when, by experience, they become acquainted with its object, it must be maintained that it is a trade from the Havana, never allowing them to see the despatches which may undeceive. The contract with the Company, copy of which you have herewith, expressly declares the interests which the agents have in the concern; and the two sub-agents, Vianna and Coimbra, share between them the portion of one agent, until circumstances occur to place them on a footing with a full agent, in conformity with the said Treaty. If, notwithstanding the wish of the Company to have the trade exclusively their own, any other vessel should go to the port that may be desirous of using the small vessels of the factory for the embarkation of their cargoes, they shall be obliged to deliver to the establishment thirty picked people, no other mode of payment being admissible; and if the contrary be practised, the agents shall be responsible in their own interests, in so far as the Company may think proper; and the Captain will incur the same penalty, who, without the order of the principal agent, shall employ the people of the factory.

N.B.—The haste with which these instructions have been written, may possibly have led to the omission of many things essential; therefore, what may not occur to me at the present moment shall form an additional instruction, which shall be equally as valid as this present one, and equally as binding as though it had been signed by the agents generally. The zeal which I expect to find in the said agents superceding the necessity of entering into minutiae, which practice alone can establish; and the agents are therefore authorized to alter any part of these instructions which refer to the mode of trading, and any unforeseen circumstances; but by no means to swerve from the essential meaning of the said instructions, nor under any pretext to deviate from orders which shall be transmitted from hence. I further declare, that it appears expedient that the vessels which shall not be ready to receive on board their cargoes as soon as they are discharged, and having sufficient ballast to proceed to sea with safety, shall leave the port and cruise at a convenient distance, always to windward, so that without the least difficulty they may take on board the cargo on the day appointed by the agents, which must necessarily be the case with the "*Camoës*" and "*Tabasco*" ("*Veloz*,") on their present voyage; and I therefore recommend the greater caution in this respect.

February 3rd, 1837.

P. S. In the factory you should never sell on credit even articles on the smallest value; as, besides losing what you trust, it justifies others in expecting the same favour; and when they do not pay, it obliges the factory to have recourse to unpleasant measures; it is therefore expressly ordered that no credit be given.

(Signed)

JOZE' FRANCISCO D' AZEVEDO LISBOA.

No. 3.

*Letter of Instructions for the Agents proceeding to Benin viâ Bahia.*

*To Señor Manoel José Delagado; in his absence, to Señor Antonio Fex Vianna.*

FRIEND AND SIR,

*Pernambuco, February 5th, 1837.*

IN the Portuguese brig "*Camoës*" you will proceed to Benin, by way of Bahia, where on your arrival, you will immediately proceed on shore in company with the captain, repairing to the house of Duarte and Warren, who are the consignees of the brig, acquainting them that, in conformity with my orders, you are desirous of meeting with as much expedition as possible, which object you will further as much as you can. Messrs. Duarte and Warren, have already orders for the purchase of a launch between 2600, and 3000 arrobes burthen, which if not yet effected, you will be consulted thereon. The launch ought to be coppered, and not to draw six feet of water. In the purchase of rum and goods you will consult with these gentlemen, and also with the captain, who is perfectly acquainted with the trade of your port of destination. In Bahia also you will consult with the same gentleman in the purchase of provisions and other articles for the expenditure and use of the establishment; and although I am desirous that the greatest economy be observed, I do not wish that any thing should be wanting, being of opinion with my colleagues that you ought to enjoy every possible comfort and convenience were it only for the preservation of your health, whereby you will be better able to devote your time to the interests of the establishment, in which you also participate.

On board the brig there are two coopers, one cook, a barber, a bleeder, and one servant, at 25 milreis each per month, payable at Benin in goods, at the factory price, they being allowed in each of the Company's vessels one head free of freight, as declared in the instructions; and I must inform you that I advance to the cook 25 milreis, to the cooper (Cunha) 25 milreis, and to the cooper (Ferrara) 50 milreis from the 1st of the present month, and you will advance in Bahia no more to these people or to any other person on board, including the captain, pilot, and mate. I annex a copy of a letter to the captain, and as it embraces all the necessary directions, I need not repeat them, as the instructions will make you perfectly acquainted with the measures to be pursued, and it is necessary I should be furnished with every information from thence for my government. Until the arrival of M. Cézár, you will assume the character of principal agent; and as you do not write legibly, you will employ in the office the sub-agents, Coimbra and Vianna, not only in the correspondence which must be signed by yourself, but also in the account books which I deliver to you, three in number, and two small memorandum books, for the immediate entry of any transaction which will be afterwards copied into these account books. The orders of the captain on his return must be observed, as I have already pointed out in my letter to him; and you will see that the water and provisions are in a proper state, and more than sufficient for the voyage. The business will be established by the captain, you having the control, and the sub-agents being employed in the most advantageous manner, you remaining at the most important station with the funds for the better security thereof; the coopers and carpenters that you take from Bahia and also the crew of the launch will be employed altogether at the factory, either in their callings, or to keep watch, to work in the store, or to go to Gotto; in short, to render every assistance wherever their services can be made available; and you will give positive instructions that the

captains do not admit on board their vessels any of these persons, except in cases of serious illness, (as I am not barbarous) and when you will give orders that they may be received on board. It was not my wish that the medicine chest did not come ashore, but it shall follow shortly in the "*Tabasco*," "*Veloz*" and in case of necessity, the one which belongs to the brig may always be used, it being amply provided.

In Bahia, besides a large trunk, you ought to obtain two chests, with secure locks, to keep the dry goods in; and if not to be procured, to take wood and materials, in order that the carpenter may make them. I deliver to you herewith a code of signals, to be taken the greatest care of, to be only seen by yourself and the other agents, concealing it from the subordinates, and more especially from foreigners. I also furnish you with the original *true* instructions, a copy of which, signed by yourself and the sub-agents, remains in my hands; and the *false* instructions, to be presented in case of meeting a vessel at sea, or being required to show them ashore. Anything that may not have occurred to me will be supplied by your zeal; and I am confident that you will not abuse the confidence I repose in you, nor compromise me with my colleagues, to whom I was the cause of your introduction.

Good harmony at sea and on shore, with the fulfilment of my instructions, is what I principally desire; and in wishing you a prosperous voyage and health,

I am, &c.

(Signed) JOSE FRANCISCO D'AZEVEDO LISBOA.

P.S.—Write me immediately on your arrival at Bahia, during your stay there, and on your departure. In the hands of the Captain there are two satin dresses, which in Bahia you will have converted into two cloaks, to be presented to the King and Prince at Benin.

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No. 4.

*Letter containing further Instructions to the Agents of the Company.*

*To Señor Manoel José Delgado; in his absence to Señor Antonio Fex Vianna.*

FRIEND AND SIR,

*Pernambuco, 20th February, 1837.*

I CONFIRM what I personally delivered to you under date of the 5th instant; and without any information of your arrival in Bahia, I am informed, by a letter of the 31st ultimo, that the tobacco was in preparation, and consequently you will meet with very little delay. Enclosed is a copy of the letter which I address by this opportunity to the Captain, respecting the course he ought to pursue, the destination to follow on leaving Benin, and my opinion as to the "*Camoës*" going into port, as I am afraid she will not be able to get out, although only with sufficient ballast for her safety. I recommend harmony and prudence as the only means of avoiding danger, and the absence of all pride, caprice, or opposition. By the "*Tobasco*" ("*Veloz*"), whose time of sailing will depend on the movements of the "*Camoës*," I shall send you some vaccinating matter in the medicine-chest, as I am informed that the place to which you are destined is subject to the small-pox. I mentioned, and again repeat, that the pipes, so soon as empty, shall be cut and prepared for water, thereby preventing a scarcity; and if it be necessary, on the return of the vessel, they can be thrown overboard; and by the "*Tobasco*" ("*Veloz*") I will send iron-hoops, nails, &c.; also the filtering-stones, the coppers for the shore: those on board the "*Camoës*" must, in the mean time, be made use of. I recommend the greatest possible despatch; and make my respects to Vianna, Barrato, and the other agents, and tell them they have my particular esteem, the continuance of which will depend on their future conduct.

I am, &c.

(Signed) JOSE FRANCISCO D'AZEVEDO LISBOA.

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No. 5.

*Inclosure in the last Letter, being Copy of a Letter of Instructions to the Captain of the "Camoës."*

*To Captain Antonio Gomes da Silva.*

*Pernambuco, 20th February, 1837.*

THIS is the copy of the Letter of Instructions which I handed to you, and I now confirm its contents. On your arrival at the point of destination, you will be guided wholly by them; but most likely it will be necessary to have another place of disembarkation at the Bar of Serenhaem; consequently from Unna you will use the greatest care, and place yourself under shelter of the Island of St. Aleixo, which I am informed offers a good anchorage: I shall be there on the look out. I hope you will take the greatest care of the tender, as she is so necessary for unloading the "*Camoës*," having decided that her cargo shall be discharged outside, and afterwards sail to and fro till a day mutually agreed upon for her return, being informed that she runs great risk in going inside. On your return here, you must run the coast down until you clear Fernando Po; that is, when you have no favourable wind to proceed on a direct course, though it will prolong the voyage, it will be much safer; and in that case care must be taken that provisions and water are regulated accordingly.

(Signed) JOSE FRANCISCO D'AZEVEDO LIBOA.

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No. 6.

*Form of Protest to be made by the Company's Ships on returning empty to Port.*

THIS is a copy or form of protest which the captains of vessels are required to have by them.

This form of protest was made on board the Portuguese schooner \_\_\_\_\_

Be it known to all to whom this protest may come, that in the year of our Lord Jesus Christ 1837, of \_\_\_\_\_ in the same year, in latitude \_\_\_\_\_ I called after the crew, officers, and passengers (if there are passengers) to witness the substance of this protest, and to vouch for the truth of its having been executed on board the said schooner as declared below. Having left the port

of Nova Redondo on the morning of the day at such an hour, I kept such a course to clear the coast, and to prosecute my voyage to my place of destination, the port of Pernambuco, but on the afternoon of such a day after , taking the sun, I observed a vessel coming up with us on the same course, apparently chasing us. Not understanding this, I immediately made all sail, but finding that she was superior to us in sailing, it was useless attempting to get away. At four o'clock we were within range of her long gun; seeing this, I laid to, and saw she was a square-rigged brig, armed with six carronades aside, two stern chasers, and one long gun on a swivel, with a numerous crew, and so soon as she came within speaking trumpet distance, I was ordered to send my boat on board, which I did, with the mate and six men. Half an hour had not elapsed before a large launch shoved off from her with 25 men, 20 of whom were armed with muskets, pistols, and cutlasses. When she came alongside, I was ordered to open the hatches, and part of them went below, and sent some of my crew down also, leaving others to erect a derrick on deck, to hoist out the goods, at the same time beating the crew if they hesitated to work; and after loading the two long boats (theirs and the schooner's), three times, they emptied the whole cargo, consisting of 224 lumps of wax, 58 teeth of ivory, 84 casks of gum copal, 64 barrels of nut oil, and 682 bundles of mats. At the same time they stove in several casks of water, leaving us only 10; and when I expostulated with them, and told them that we should not have sufficient ballast for the schooner, he answered in a sarcastic way, that I must do my best; that I did not require to make sail in chase with the said schooner; that her cargo was not enough for his vessel, which would go in search of other Portuguese who had cargoes fit for the port of Havana. After seizing every thing useful, they finished by taking the sheep and provisions, tearing up all letters and documents, and nothing but my imploring them saved the register from the same fate. They cautioned us that if we met with any vessel (particularly of war) within three days, we were not to inform them of the course they had taken; should we do so, we would, either in this voyage or the next, pay for it with our lives, as he purposed keeping on this coast, merely running into Havana to discharge his cargoes. With this he set sail, steering such a course. From what I saw of the crew, there must have been about 60 of all nations, but the language spoken was Spanish, and I concluded she was a regular pirate. By this act the whole of the cargo is lost to the owners, and I do hereby protest against the owners of the said piratical vessel, against her insurance, and also whatever persons may have a part therein, and have directly or indirectly any interest in her; by this means securing to the owners of the vessel the value of their vessel's cargo; and in this I have consulted with the undersigned, and drawn out the same in their presence, so that this solemn protest may be ratified in conformity to the law.

———— Captain ——— Pilot ——— Boatswain ——— Passengers, and Sailors.

N.B. This protest ought to be made some distance from your destination, where you must state that you fell in with the pirate, observing to date your Protest within 24 hours after the piracy. State the name of the vessel in the blank space. The schooner "*Andorinha's*" last Protest was made agreeable to this.

No. 7.

*Further Instructions to the Agents of the Company whilst remaining at Bahia.*

*To M. Manoel Jozé Delgado.*

FRIEND AND SIR,

*Pernambuco, March 2, 1837.*

I confirm what I addressed to you under date of the 20th ultimo, and have now to acknowledge your esteemed favour of the 13th ultimo. I was very happy to hear of the favourable passage of the "*Camoës*," and the perfect good feeling that existed on board, which I trust will continue, being of vital importance to the well being of such an undertaking. I am also happy to hear that the cargo was ready; but regret that so many difficulties presented themselves in the purchase of the launch, which I hope to see overcome, knowing the energy of Mr. Duarte, to whom I wish you and the Captain Silva, to give assistance; and as the launch, for the price that has been paid for it, will have sufficient capacity, it is my positive wish that the "*Camoës*" be not exposed to the risk of going in and out of the river Benin, being informed that her loss will be inevitable, as that place they have no arsenal where she may undergo the necessary repair, consequently exposing the speculation to a total loss, as the negroes invariably plunder all the property that is wrecked. For this reason, in my general instructions to the factory, I have on several occasions repeated that it is necessary to conciliate the natives by every possible means. I also recommend to you every precaution in the transit of the launch in and out of the river, not trusting too small a draft of water, and this ought not to be left to the sole management of the crew of the launch, but under the immediate inspection of the agents, particularly yourself, who have nautical experience. I informed you that, in the purchase of provisions, &c., for the factory, the greatest economy should be observed, as it must be understood that you will be furnished from hence with provisions in the Company's vessels, and that you can procure fowls, oxen, yams, fish, &c., and not to burthen the establishment with superfluous expenses. The passport of the brig "*Veloz*" arrived on Monday, and she ought to sail from this forty or fifty days after the departure of the "*Camoës*" from Bahia. Cruz has told me nothing about Martins. To-day I shall call upon him, but am afraid nothing will be arranged, and I already know that Martins is proceeding to Assú. I am desirous for the preservation of harmony and good order, and am with pure affection,

Yours, &c.,

(Signed) JOZE FRANCISCO D'AZEVEDO LISBOA.

P.S. Tell the Captain I cannot write to him for want of time, and that he must seriously consider what I mentioned respecting the entry of the "*Camoës*" into the river, which was a positive order, and must be obeyed, as though given to him personally.

No. 8.

*Letters of Instructions for the Portuguese Brig, "Veloz."*

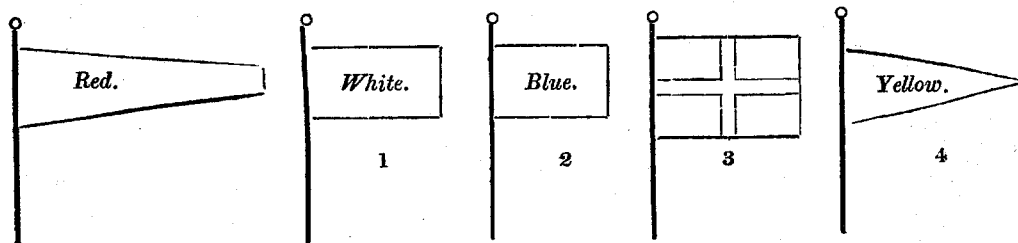
*Captain Joaquim Pedro de Sà Faria; in his absence, to the Mate, Francisco Paulo de Medina.*

*Pernambuco, April 28, 1837.*

THE Captain of the Portuguese brig, "*Veloz*," Joaquim Antonio Coelho, will proceed to the

bar of Benin on wages for the voyage, viz., in the event of arriving in safety 3000 milreis; and 1000 as a bonus, whether he arrives or not in safety. He has already received on account the sum of 400 milreis, and 200 will be paid on his account, to M. Joaquim Leocadio de Oliveira Guimariens. I expect that during your voyage you will maintain good order and unanimity; and so soon as you arrive, you will hoist the signal, which is a blue flag at the main-top-gallant-mast-head, to communicate with the factory on shore. You will either go in, or discharge your cargo into the schooner, as may be determined by the agents on shore. You will see to the draft of water, and how much there is on the bar. All these circumstances must have your serious consideration; your movements will altogether depend on the agents at the factory; they will instruct you as to whether it is advisable to cruize off and on, or far out, always taking care to run to windward, so as to make your port on a day mutually agreed upon. During your absence, you will have good lookers-out at the mast-heads; and on espying a sail, you will use your utmost endeavour to run from her. If it should be necessary, you will loosen the iron-knees which bind the beams, and cut away the stanchions, or any thing else that may tend to impede her speed. Kind treatment towards the people, and cleanliness, are most essential. You must impress this on those about you. Experience has taught me that such speculations, though apparently auspicious, have proved the reverse, from this line of conduct not being adopted. As on your return the winds are frequently from the southward, it will be better for you to make the port of Calvo, hoisting at the foretop-gallant-mast-head a white flag; and as your object is to effect the disembarkation at Sevenhaem, which is your appointed place, or close by, you must be prepared to receive on board a canoe or catamaran, which will exhibit a white handkerchief; you will also give her the signal, and by her you will receive my orders. It is necessary to advise you that, on getting close to the shore, vessels, or boats, you must have all your people below, and use every means to conceal the business on which you are engaged. I wish the same caution to be used on your outward-bound voyage, to run clear of all vessels, should it even take you off your course; and finding yourself unable to get away, you will then throw the irons overboard, for which purpose you must always have them at hand, to prevent unnecessary trouble; and *although the boilers are included in the Custom-house clearance for making oil*, it will be as well if they are out of sight. Your own long experience, and the zeal you have always shewn on all occasions, will, I feel confident, dictate to you a proper line of conduct under all circumstances. On your arrival, you will derive much assistance and advice from M. Cezar. Wishing you all health and a fortunate voyage, and remember me to all, &c.

I am, &c.



13. News on board. This signal with a horn *above* signifying disturbance on board among the crew, and *below*, that the vessel is leaky. The signal for the place of disembarkation, is a blue flag at the maintop-gallant-mast-head, and white at the foretop-gallant-mast-head, with the top-gallant-sail furled.

#### No. 9.

*General Instructions to the principal Agent of the Company, Passenger on board the Brig "Veloz" bound to Benin.*

*To M. Joao Baptista Cezar; in his absence Messrs. Manoel José Delgado, Joaquim Gomez Coimbra, and Antonio Fez Vianna.*

FRIEND AND SIR,

*Pernambuco, April 29th 1837.*

In the capacity of principal agent you will proceed to Benin in the Portuguese brig "*Veloz*," being already acquainted that a factory has been established at that place under the charge of the second agent, Manoel José Delgado, and the third agent, Antonio Fez Vianna, which was formed by the Captain of the brig "*Camoës*," he having a personal knowledge of that port. It is therefore to be presumed that the said factory is already in operation; but if it can be benefited by experience, you will use every means to attain this object; as the character which attaches to the principal agent will give you every facility, it being at the same time advisable to consult with the other Agents for the better regulation of affairs. The said brig "*Camoës*" has received orders not to sail until the arrival of the "*Veloz*;" and such being the case, you will despatch her as quick as possible for the same place as the "*Veloz*;" according to the letter addressed to Joaquim Pedro, copy of which (see former letter) I send you for your final guidance on this head. It is reasonable to suppose that the cargo of the "*Veloz*;" will be ready, or nearly so; in which case she need meet with no delay, and on her arrival there, and making the signal, and receiving directions from the shore, you will decide whether it is better to go in or to discharge her cargo into the tender, and whether she ought to cruize out side or remain inside for a few days, attention being paid to the tides. Prudence and experience in these points are always requisite to obtain a good result. I am not aware if Captain Antonio Gomez da Silva has conducted himself properly; but as there was a misunderstanding at Bahia between him and Delgado, it may be necessary to ascertain whether the evil has increased; and if the bad conduct of the said Captain should in any way endanger the speculation, that he be then removed from the command, and Medina (first mate of the "*Veloz*") appointed in his stead; but it will be necessary to consider the matter, and see if the people are in his favour, in which case it will be advisable to conciliate the parties in the best manner possible, as a contrary line of conduct will only aggravate an evil which it is better to avoid. What I have mentioned respecting the Captain of the "*Camoës*" may apply to any other officer in the different vessels, and even to all that may be employed in the



factory who shall conduct themselves improperly, and such parties shall be immediately dismissed from the factory. It may be well to inform you, that there are being built at Oporto two schooners, one of 67, and the other of 53 feet of keel; and it is probable they may arrive between the end of July and middle of August, making themselves known by the private signals of which you have a copy; and besides these, all the Company's vessels will have a white flag at the fore, and the sail immediately below it furled, observing the same mode on their return when approaching their port. If the schooner belonging to Eugidio should meet with quicker despatch than the other, I shall be very much gratified, provided it does not retard the loading of the other vessels, and the Captains assenting thereto, in which there will not be much difficulty. By these explanations you will see the necessity of expediting the general business of the factory; and by the annexed calculation, it is shown that for this object there are sufficient funds, it being presumed the goods will realise an equivalent to the tobacco and rum; and as I am informed they show a much better result, I expect that this difference may be set against the pay of the agents and the provisions of the country, &c. Treating now of provisions, you were a witness that no exact account of those supplied to the "*Camoës*" could be taken, only the gross amount, 702 milreis. It being impossible to form an opinion of what was required, I therefore give you authority to purchase what you considered necessary, preferring such articles as were least perishable; and I recommend that the factory make use of the provisions of the country when plentiful, adopting proper measures for their preservation: and as the negroes are partial to yams, it is desired that their principle food consist of this vegetable. I annex herewith a copy of the instructions which were taken by the second agent, Mr. Delgado. By these, as I subsequently remarked, you must be guided; and I am convinced that you will receive this letter as part of your instructions, and use all your energy, zeal, and prudence, in directing the affairs intrusted to you, in the conviction that the only means of rendering an establishment prosperous and respectable is an observance of the most perfect union and harmony; and whoever shall disturb it, thereby prejudicing the interests of the factory, you have only to put the party so offending into the first Company's vessel, which can be easily accomplished with the assistance of the said vessels.

I also annex a copy of the invoices from Bahia, by the "*Camoës*," the originals of which go by the "*Veloz*," including under the centre column the value of 850 packages of tobacco, shipped from thence, and which you reported to be of the best quality, an entry of the whole being made, in order that an exact account be kept, distinguishing the cargoes of different vessels each voyage. In the number of pipes of rum is included one of a superior kind, which appears to be No. 98, and which ought to be made use of as a liquor. I suppose that the said cargo is composed of saleable articles, and you will point out what is most in demand and offers the best profits, specifying the quantity of each article. It appears to me desirable that in the purchase of bales, ("*fardos*," the term applied to slaves), the price of the cloths should be affixed, with a view to my making my calculations with greater accuracy. I am not aware whether the mate of the launch will be able to go to St. Thomas. It appears to me that if on any occasion the provisions of the factory should run out, they can be procured there with a few goods and some tobacco, a sub-agent being sent for that purpose.

As to the selection of the people, I wish it to be as choice as possible, not rejecting the women with full breasts, but only the old negroes who have already been offered for sale in several markets and rejected. You are acquainted with the taste of the country in this respect, and that people from the age of 12 to 20 are the most valuable. I have already mentioned, and again repeat, the necessity of forming an exclusive trade with the port, which may perhaps be accomplished. Should it not succeed, and any other vessel going there be desirous of using the launch for the embarkation of her cargo, such vessel shall, in conformity with the instructions, pay thirty slaves. I also consider it expedient that the factory should purchase gold, ivory, and good coast cloths, which latter article some of the partners are desirous of obtaining for domestic purposes. I wish much that you would make some experiment in the production of beans and other vegetables; and it would be also desirable to pay attention to the bitter cassada, for which purpose I will send you a complete apparatus for making the bread, the process of which you are acquainted with.

Should the telegraph be at a distance, it ought to have two men comfortably lodged; but if near to the factory, it ought to be visited occasionally.

If the caulker who is on board the vessel gives satisfaction, I wish that he may be taken into the factory, and for this purpose I have purchased all the necessary tools, as I consider he may be useful in any repairs required in the tender, which it would be advisable not to expose on the bar of the river, being aware of the small depth of water.

I am not aware if anything has escaped me; but your good sense will readily replace the deficiency. I wish you health, and hope you will attend to the climate to which you are going; and I am, &c.

(Signed) JOZE FRANCISCO D'AZEVEDO LISBOA.

P.S.—See if the gum copal is to be procured in your neighbourhood or the interior, and Urzola; this drug is a species of moss growing on stones, as you will perceive by the sample herewith.

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No. 10.

*Letter from the Captain of the brig "Velos" to the Treasurer of the Company reporting his Arrival at Benin, and the Occurrences on the Voyage.*

M. JOZE FRANCISCO D'AZEVEDO LISBOA,

*Benin, June 7th, 1837.*

It is my duty to make you acquainted with our arrival at this port on the 6th instant, after a passage of thirty-seven days, which might have been done in less time, but never having been here before, it required the greater caution, from the various settings of the currents occasioned by the number of rivers on this part of the coast, which are always stronger during the rains. Throughout the passage nothing important occurred; little else but calms and contrary winds. We were boarded by an English brigantine of war, who made us receive 19 Spaniards, lately belonging to a Spanish schooner captured by them under Portuguese colours. Not knowing the character of these men, we were under the necessity of keeping a good watch. We arrived very soon after this. I regret to say that the boatswain is not a character suited to this trade; he is very quarrelsome and mutinous. I feel confident that we should have had a disturbance on board, had I not taken the necessary precautions, and that we should have been obliged to return to Pernambuco. M. Cézár is well acquainted

with our mishaps. I was much depressed in spirits in consequence. I am delighted to see M. Cézar's ready mode of doing business. He tells me that I shall meet with quick despatch, but there are yet some difficulties. The brig is a strong vessel but not quick. I would say more about her and other things, but time will not admit; and I hope in your good fortune you will not forget what you promised me,—the advance for the support of my poor sisters. I wish you health and very good fortune.

I am, &c.  
(Signed) JOAQUIM PEDRO DE SA FARIA.

No. 11.

*Letter from the Captain of the "Veloz" to a Friend at Pernambuco, relative to the Prospects of the Company.*

*M. J. S. Oliveira Guimariens.*

*Benin, June 7th, 1837.*

FRIEND,

I HAVE the pleasure to inform you of my arrival at this place, where I anchored after 37 days' passage. I have had much trouble in keeping things in good order, which it appeared almost impossible to effect at first. Nothing occurred during our voyage, further than being boarded by a man-of-war brig, who put on board of us 19 Spaniards to be landed; they belonged to a Spanish schooner carrying Portuguese colours, which the brig had captured. These men still remain with us. Oh, my friend, I am very melancholy from the manner in which I see things going on. I know not when we shall meet. Should I ever return you shall know all. There is one thing that gives me confidence, the knowledge that M. Lisboa has the management, and is conducting the affairs of the Company. To-day the tender goes to Princes' to call the "*Camoës*." God's will be done! As to the things you delivered me, I am afraid they will not sell. My friend, do not forget my sisters, and to arrange with M. Azevedo to advance for their support; as for the rest, I leave it to God to do as he pleases. I enclose a letter for my sisters, which you will oblige me by forwarding the first opportunity. Farewell, my dear Friend, until God pleases that we may embrace. Remember me to Donna Maria, M. Bernardo, M. Joaquim, and M. Francisco, and all their families. Adieu, &c.

(Signed) JOAQUIM PEDRO DE SA FARIA.

No. 12.

*Letter from the Principal Agent at Benin to the Captain of the "Veloz."*

*To Captain Joaquim Pedro de Sa Faria; and, in his absence, to M. Joaquim Gomez Coimbra.*

FRIEND AND SIR,

*Bobim, July 25th, 1837.*

THE motives which compel me to leave this in the tender "*Especulador*," for Princes, you are already acquainted with; I need not, therefore, repeat them, as no one is better acquainted than yourself with all that has occurred, having been an eye-witness. As my time and hasty voyage do not permit me entering into explanations, I have only to recommend to your notice what may be most essential, as I am very certain that if, during my absence, you should require advice on any subject, your good sense will supply my deficiency, for which, however, I shall make myself responsible to the partners in Pernambuco; and it will be the same as though I had myself acted in every respect. You have in the factory on shore 87 slaves, which belong to the cargo of this vessel, who are to be supplied with everything necessary for their support, partly with the provisions on board, and partly with what may be exchanged for any of the goods (an inventory of which I leave in your hands, to see if any are missing of those I sent to purchase at Gotto), at the same time that they are properly treated by a person whom you must send on shore, more particularly for the care of wounds, &c., as it is necessary they should be examined daily, in consequence of the neglect of those to whom they were intrusted, until the recovery of M. Bastos, whose duty it is to have charge of them. The object of my voyage to Princes' is to order to this port the brig "*Camoës*," and, as it is possible I may not find her there, she must come to anchor in this port, and her Captain, Antonio Gomez da Silva, shall take no steps until my return, except in the purchase of such goods as shall be necessary for the business with which the Captain is so well acquainted; and for this purpose I enclose a letter to him, to be delivered on his arrival, when the two little negroes shall be sent on board where they are to remain. It is necessary to remark that Prince Jalie is debtor to this cargo 100 rolls of tobacco and six pipes of rum; the King of Oery 200 rolls tobacco, and goods amounting to 33 slaves; and the Queen 101 rolls tobacco, 30 pieces of goods, and six pipes of rum; and should any of these parties come on board, you will inform them that I am gone to Princes', to order to this port the brig "*Camoës*," and should they wish to give you any people on account of what they owe, you are at liberty to receive them. M. Delgado is at Gotto; and not knowing what arrangements he has made either for the purchase of slaves or provisions (as I have already informed you), it will be necessary to consult with M. Coimbra as to what is advisable to be done, informing him of everything that occurs. It will be well to proceed in making preparations for the slaves, such as wood, water, &c., and everything else to expedite the business. I also leave in your hands a copy of the Letter of Instructions given by the treasurer at Pernambuco. In the event of anything occurring to me on the voyage (which God forbid!), your good sense will supply any deficiency on my part; and, wishing you health and happiness, I am, &c.

(Signed) JOAO BAPTISTA CEZAR.

*Goods which I delivered over, on board.*

7 pieces of muslin,  
17½ pieces of muslin,  
23½ pieces of chilloes,  
1 piece of chilloes,  
10 pieces of handkerchiefs,  
10 pieces of handkerchiefs.

CLASS A.

P.S. I don't mention the tobacco and rum, which are still in the hold, as it is all under your care; and only remind you that there are some rolls of tobacco in the factory (the quantity I cannot exactly say), 1 box of hats, and nothing more.

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No. 13.

*Letter from the Captain of the "Camoës" to the Captain of the "Veloz" reporting his Arrival at Benin from Princes' Island.*

*To Captain Joaquim Pedro.*

IN the first place I wish you health; I beg to acquaint you that I arrived after a passage of two days, and came in to-day in the English schooner, the Captain of which begs the loan of your boat, with two Kroomen, until to-morrow, as he wishes to go on board the brig when the tide suits early in the morning, for which he asks this favour.

(Signed) I am, &c.  
ANTONIO GOMEZ DA SILVA.

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No. 14.

*Report from the Principal Agent in Benin on the State and Proceedings of the Company's Factories established in that River.*

*To Señor Francisco de Azevedo Lisboa.*

*Princes', August 4th, 1837.*

IN my letter of the 8th of June, which I wrote you from Benin, I informed you of all that occurred during the voyage, till we arrived in safety at that port, the state in which I found it, and the occurrences within a few hours of our anchoring; what had transpired relative to the establishment, the conduct of the Captain of the "Camoës," and my determination as to the departure of the "Especulador" tender to Princes' Island, on the information furnished me by M. Delgado respecting the said Captain, concerning whom I have much to say. I have here the documents which were sent to me by Vianna, and which will be submitted to you. The sudden departure of the vessel which conveys this, under cover to Mr. Duarte, does not afford me time to say all I could wish on various subjects, although I have just been informed by Vianna that he has already made you acquainted with them by the smack; I shall therefore confine myself to a few essential points, if time will allow. Wishing to proceed to Princes' immediately on my arrival, I made M. J. P. Coimbra and M. Delago acquainted with my intentions, but they dissuaded me from it, and recommended me to stay and commence with the business of the establishment. I then ordered the tender to start for this, with Captain Martins on board, to whom I delivered a letter of instructions requiring him to return to Benin as soon as possible, and another for the Captain of the "Camoës," expressing my surprise at his going to Princes' under the pretext, as Delgado informed me, of getting water, and to procure wood for making yards, as, having 2 carpenters on board, he could readily have furnished himself with both at Benin, having a practical knowledge of that port, where he could easily have procured necessary wood, as I know and saw on my visit to the river Oery; thus neglecting to fulfil the orders he had received respecting the establishment. M. Delgado remains stationed there, without in any way forwarding the object in view, seeing that the carpenters and coopers are on board, as also the planks, &c., for the erection of the house. With respect to his letter on this subject, I here enclose it to you, in his own handwriting, without signature, received on the 28th June, having by me at that time 130 slaves on shore at the factory, in a thatched house which I had rebuilt, where was Claudio, captain of the schooner belonging to M. Guerra; and there are now 203 slaves without proper accommodation, not even a tub to eat out of, and without any one to assist me. These motives, the delay of the brig, the imprisonment of the Captain, (which he concealed from me in his letter, but I heard it from Vianna,) the illness of Coimbra and Bastos, the stay of Delgado at Gotto, 8 sailors of the brig sick, and 3 in the tender, the great expense of the slaves at this time of scarcity of yams, and the miserable accommodation on shore for them, determined me to depart immediately in the tender, with the Pilot Medina, for this. Vianna says he has already made you acquainted with all particulars. I have ordered the brig to Benin, for which place I proceed to-morrow (having been delayed five days to procure farinha and yams) to confront that scoundrel, who is not worthy a better name: from thence I will write more fully touching the factory. I found this establishment very well arranged. I purpose erecting a good house in a proper situation, having the materials and the express permission of the King and Queen, and that, if necessary, the huts of the natives shall be pulled down for the purpose; but it is desirable that it should continue as at present until the goods are properly assorted, in the same manner as those of the English residents, who on my arrival paid me the compliment of visiting me on board. I have since returned it, with Pilot Medina as my interpreter, and the King came in person, in company with the King of Oery, to present me to the four factories here, to tell them that if they throw any obstacles in the way of the Portuguese, and prevent their carrying on the Slave Trade, that their people should not trade with them any more, and that they should be expelled the port, and that the Portuguese should remain masters of it as they always were, and much more to the same effect, which will only fill up paper. M. Pedro (Captain of the brig "Veloz") will communicate all to you personally, more than I can possibly do here; among other matters he will acquaint you of the existing intrigue between the King and Gomez (the Captain of the "Camoës,")—Gomez, so well acquainted with this port, where he was in the habit of killing fish with a stick! All his knowledge was gained by one voyage in M. Guerra's schooner. At that time they were all sick in the factory. He never went up to the King about the duties but this once, when he did little else but indulge in his bad propensities, since which time he bears the name of "Moxaquori," which means "drunkard." On the 9th of June I went up to the King of Oery, who lives at a distance of about 14 leagues up the river Benin. I spoke concerning, and made arrangements for, the duties on the 12th, fully explained what I wanted, and the description of establishment I purposed keeping, and for what period. I endeavoured to impress on his mind the necessity of decreasing our duties, as our trade being more constant would increase

his revenue beyond any other trade. He answered that we should pay the same as all his other friends from Pernambuco, Pascual, and Claudio, and from Bahia Cordoza. At this I remonstrated. Not being able to convince him by any argument, I was satisfied to obtain a small abatement of the duties to some of his grandees, such as the governor, the principal woman of the King, the magistrates, the interpreters, the headman of the Fetish, the fisherman, and the priest, which, by Pernambuco prices, will amount to 350 milrees and upwards for each vessel, as you will perceive. On the 14th instant I paid the duties to the Prince who came on board; I gave him a salute of 5 guns, and again on his landing, the custom at this port; and on the 21st I held a palaver to buy slaves, and was permitted to go to Gotto, and arrange the duties with the King there, which I did by sending M. Delgado and M. Coimbra on the 29th with goods already divided, also liquor and tobacco; and after being there 12 days they obtained leave to speak to the King respecting the duties for three years, or such period as the factory may continue in force. We find they are much higher than at Oery, which has annoyed me, because they had the advantage of a clever interpreter who could have arranged with the King's valuers to have put a higher price on the goods, making them a suitable present for it; but the formal manner in which M. Delgado conducts business with the blacks would not allow him to adopt this mode of mutual accommodation. I have sometimes given him a hint, shewing the necessity of bending and making himself agreeable to those in authority. Had I not been engaged, or had I any one to have left behind me, I would have gone up to ascertain the cause of their not having bought any slaves, as I expected some from thence. The brig "*Veloz*," at my departure, had her slave-decks laid, and water on board, without any cooper, only wanting provisions for the voyage, part of which I am in hopes of purchasing at Gotto, such as yams and corn; the remainder I shall supply from the "*Camoos*." From this time forward the vessels must bring with them an ample supply of farinha and beef to be furnished here with yams, and thus prevent our being at a loss as at present. I hope you will in future adopt this plan, which is the result of my short experience here. With respect to the cargo of the "*Veloz*," which had a very quick sale, the printed calicoes and stripes must be small patterns and wide, the striped cambric and red handkerchiefs and the blue to be had of Pogetti, and some with a blue field and white spots; there are others with a brown field and white spots which do not answer for the purchase of slaves; and also the bales of stripe, bought of Rosas and Braga, and the pieces of cambric from Patten, were only taken in exchange for provisions. By a perusal of this you will see what I have got to purchase the cargo for the "*Veloz*." They will not take more than 2 rolls of tobacco on each head, and, should they take 3, the head must be inferior. I have found among the cargo of the tender 58 rolls damaged, of which I have already acquainted you in my letter of the 8th of June. Almost all the hides (covers for the tobacco) are rotten outside. I have cured some with a barrel of molasses, that came in the tender. Besides these, I have found about 100 quite rotten to the inside. It is very evident it was not properly cured at Bahia; moreover it is old tobacco, and prior to my leaving, the King returned 28 rolls, which prevented their taking tobacco afterwards, without first opening it; before, they only bored the hides with a piece of stick, and so pierced the tobacco. Whenever there is cause for doubt among these people, it destroys all confidence, and injures the trade most materially. These and other circumstances have caused me a deal of anxiety. I believe that M. Duarte must have paid very little attention to any part of the business, even in the purchase of the tender, which, although said to be a new vessel, requires already to go into the carpenter's hands. Under all the circumstances, I think there is very little inducement held out to those visiting this unhealthy climate, where we have death always before us, and with such uncertain advantages, moreover with an Establishment so ill supplied with the requisite articles for the purchase of slaves. I wish you could see the English factories here, the quantities, quality, and variety of their goods. Whenever I think of them, it only reminds me of the inadequacy of the funds of our Company. We have not even enough for the purchase of cargoes for the two schooners from Oporto, particularly if the tobacco continues in the same state, and in which I cannot look for improvement. I have thus told you plain facts, that you may see the real state of things. I enclose a list of articles most in demand in this trade, with which I should always be able to command the market, as they say. I should not be surprised if we bought from 200 to 250 per month, which would be highly advantageous to those engaged or interested in this business, and give active employment to the agents and others, who would have no time to get sick, being engaged up the river buying the slaves, in informing the King's people of our having such and such goods as they like, the same as Cordoza of Bahia always did, and at the end of six years he paid no more duties. The King says our factory will enjoy the same privilege hereafter, provided his demands in the meantime are complied with; and you will see how much the interests of the Company will thrive by the factory being kept full of assorted goods, not as it is now, when the King knows our deficiency in every particular. I take the liberty of pointing out the necessity of these suggestions being acted on, as the only means of bringing the establishment into repute, and making it a place of importance to the natives, where they can get anything they want. Kind treatment also goes a long way with them. My companions have had ample warning in this respect, in what occurred at an English factory here, where some of them went to save the factory from being burnt down. I have not been able to get more than 20 bars from the people, and 15 from the King, in trade for the tobacco; and even at this rate I allowed him to open them, but to the people it was only pricked with a stick; the half-pieces of calico, which they call pieces, and the rest of the pieces of 14 and 15 yards, and pieces of handkerchief, 8 bars for the people, and for the King 7 bars; Friars' hats at 4 bars for the King, and 5 to the people; also hats of Braga, at 3 bars to the people, and 2 to the King; and there are other arrangements equally good; 3 pipes of spirits will produce 4½; and everything else in proportion. It is also true that many things are lost, but the choosing of the slaves pays well for all; those of the king are from 85 to 100 bars, from the people 70 to 80 bars; but it is very difficult to trade with the King, without which, however, nothing can be done, as he first opens trade. No English men-of-war boats came to search the port before I left, neither were there any near when I went out; it is not usual for them to enter, in consequence of the heavy surf which sets on the bar. Before my arrival, on one occasion, they were the cause of the smack's landing her cargo, and going to Pernambuco empty. The boats boarded her with two persons in naval uniform, and the crew armed, as it was found afterwards for the purpose of a joke, they being two people from an English factory on shore, who had the boat belonging to an armed schooner with six guns that was then taking in palm oil. The only excuse they offered was, that it was a drunken frolic, and that they wished to be on friendly terms. The same trick was played

upon before we became acquainted with them. They pulled alongside one night about 12 o'clock in an armed boat, when two officers boarded us, and demanded the register and other papers connected with the vessel, ordering the hatches to be opened; they went below, &c. The next day we learnt that they were Englishmen from the factory; one, Miller, who was in the brig "*Aracati*" of Pernambuco, and the other, Hope, employed by Mr. Smith. Their masters have two large factories for oil, and they were loading nine vessels when I left, the only vessels in harbour. One of these men will pilot the brig over the bar, which I hope will be at the latest from the 25th to the 30th instant, if the bar permits, of which I give you due notice. It should have been earlier, had I found the house of the factory ready, a comfort indispensably necessary in such a climate. I attribute the sickness of the people of the brig and tender as well as myself, when I was deprived of reason for eight days, altogether to M. Gomez. May God grant that our misfortunes end here! In the brig I send two very small heads with a fire-mark on the left arm, whom (after you affixed their price) I beg you will deliver to my wife. This I ask of you as a friend, hoping they will not be changed for others; as in the act of the valuation I hope to have some consideration, which I think I have merited. It is unnecessary that I should say anything to remind you that, in the bonus awarded to those of the establishment, M. Gomez (Captain of the "*Camoës*") cannot possibly be entertained, as nearly the whole of the delay and difficulties have originated in this man. He has been giving goods in larger proportions than he was authorised, which he did on the first payment of duties to the King, when Delgado accompanied him, giving him a promissory note to this effect, as you will see by the quantity of tobacco sold; to the Queen 100 rolls, to the Prince 100, and to the King 100, and an equal proportion of cloths, which, when the document was presented, I could not help paying. He told me that it should not be altered. This I did not wish, as it would have been a breach of faith, and might have created a bad feeling, and injured the interests of the factory. Such has been the conduct of M. Gomez throughout; he has done the Company as much injury as he can. I have experienced the want of the irons that were thrown overboard. Luckily the Queen has given me 48 pair, which, with others I have ordered to be made for the "*Veloz*," will be sufficient; and should I require more, they can be made, although to make them is rather expensive, as the blacksmith is at Oery, 14 leagues distant. During the transit of the tobacco from the tender to the factory, I missed 25 rolls, which I told the Captain of the tender; and now mention for your information, that I received 625, instead of 650 rolls; also in box, No. 2 of the cargo of the "*Veloz*," instead of 7 pieces of stripe we found 6, which you will note. There ought to be now about 1000 to 1050 rolls of tobacco, which as soon as I ascertain its state, I shall endeavour to get a quick sale for, and buy slaves, which until now I have not been able to do, they knowing we have cloths. I therefore calculate on the cargo of the "*Camoës*," which must be taken into consideration to complete the schooners from Oporto. Your idea, from the information you had, not being by any means correct, you have made no allowance for presents and duties to the Kings, &c., and other contingent expenses which are not small, to payment of wages to whites and blacks, and to canoes, &c., that go to Oery and Gotto, 20 bars for each trip, and provisions for 20 people in each canoe, taking into consideration the scarcity of yams, &c., at times. The majority of these expenses, when the factory is well established, will disappear, because these trips will be made by canoes belonging to the factory, which I have already bought, and arranged for putting slaves into them as canoe men, with three or four freemen belonging to the King. Wages to the latter cannot be avoided. You must not be surprised at the expenses on the first formation of so extensive an establishment, which, should I remain here, will soon be decreased, but my stay is uncertain for many reasons that have induced me to change my ideas and disposition. I think it but right to comply with the request of the Queen for a string of the largest coral beads that can be found, such as those that Bastos showed you; it is for one who is always willing to oblige us. I feel confident that you will forward them by the very first vessel; I think she will pay well. She has settled several disputes that the Prince and I have had concerning trade. I wish to advise you that part of the goods that come from you for the factory must be divided as I tell you. The pieces of English calico that contain 28 yards must be cut in the middle and stitched at the sides. This may be done to any description of English calico that has not more than 28 yards. The stripes which contain more, and others less, ought to be divided into pieces of 14 or 15 yards, which can very easily be done by counting the folds in the act of dividing of it; where it is doubled they must afterwards be stitched. If it happens that a piece has the number of yards which would divide into one of 13, one of 14, and another of 15, do so; as by this means they can never be less than 12 to 15 yards. This arrangement answers to every description of goods excepting silks, beads, and coral; and pieces of handkerchiefs, of whatever quality, must be cut into pieces of 8: if any have 15, you can cut them in two, one of 8, and another of 7. The reason of my explaining these particulars is, in consequence of the King's always going on board on the arrival of the vessel to receive his duties. For this the goods must be parted ready for his inspection beforehand, and you can have a distinguishing mark on these boxes. When at Oery I saw some gum copal; they stop leaks in their canoes with it, and use it otherwise in their repair. I asked if it was to be had, and was told that it came in considerable quantities from a place up the country, the inhabitants of which were constantly at war with the King of Benin. Respecting the Orchilla I did not ask, as the country is flat without mountains, like Angola, Benguela, and Nova Redondo. The only produce of this part is a dye-wood, of which the English export large quantities. I send you a small piece as a sample: the sticks are long and thin. The traffic in both gum and copal and this dye-wood is almost wholly confined to the English; now and then a French vessel takes a small quantity. The natives are very partial to their goods, as is shown by their asking for French calicos and red handkerchiefs. As to planting beans and cassada, I cannot form an opinion as to its utility; it might answer up the country, but not down here, as the soil is nothing but morass and mangrove, and the houses are raised from the ground several feet in consequence of its swampy nature. I think it necessary I should mention to you that I have contracted with Vianna at Princes to supply the vessels with fresh provisions when they have discharged at Benin; and when complete with water and provisions, they will return to that port for their cargoes, by which means parties will be ignorant of our movements, paying Vianna either in goods or by bills. This arrangement will not only make a material difference in the price of provisions, but prevent any unnecessary delay in the vessels, which plan I hope will meet your approval: it was always adopted by those from Bahia. I am happy to say Vianna is very popular, and in great favour with the Governor. He is sick, and will go to Benin so soon as he recovers. He married very well, and has plenty of slaves, so the Governor Jacinto Pereira tells me; he also informs me that we can make a cargo of 250 slaves in twenty days, more or

less. I am in hopes of being able to get Portuguese colours for the tender, and put on board five slaves as sailors to save expenses. The acting President told a few more particulars respecting Gomez (Captain of the "*Camoës*"). Be assured I will set things at rest very soon with this villain, who appears bent on injuring the interests of his employers. I have no time to say more. If the vessel is detained, it will not be my fault. I am going to Benin, taking with me provisions which I bought with spirits, notwithstanding my contract with Vianna. The vessels must bring out their usual supply of provisions, particularly farinha, which at some seasons of the year (as at present) is very scarce, having paid two dollars per bushel. Beans I could find none, which I regret much, but I have plenty of yams at a moderate price. I wish you perfect health, and that I may always enjoy the same; there are several here very sickly. Nothing troubles me so much as to meet with difficulties everywhere occasioned by this one individual, of whom we have already had to speak too much.

I am, with esteem, respect, and friendship, most truly yours,  
(Signed)

JOÃO BAPTISTA CEZAR.

P.S. I have not sent you the sample of wood, having mislaid it either here or at Benin. You shall have it from there with some other things to be forwarded hereafter.

No. 15.

*A Second Report from the same on the same Subjects.*

*M. José Francisco de Azevedo Lisboa; or in his absence, to M. Manoel Alves Guerra.*

FRIEND AND SIR,

*Benin, September 16, 1837.*

THE Captain and Coimbra will acquaint you with my motives for not being more explanatory, as time will only admit of my advising you of the shipment on board the "*Veloz*" of 217 slaves, viz. 212 on the Company's account, and 5 from the authorities on shore, for the purchase of articles of which M. Coimbra will give you an account, and to whom I have handed a list as to their quality. I must not omit to remind you that the King has sent one of his own boys in the brig, to learn the customs of the whites; he must return by the brig without fail, or it may create an unpleasant feeling between the King and myself. Give the boy clothes, and treat him well, that when he comes back it may create a favourable impression. The Captain, Joaquim Pedro, will relate to you every thing that has occurred, and what he has seen here, and the important reasons that prevented me allowing the brig to proceed on the day I stated to you in my letter of the 4th August, written at Princes, by a brig to your place, which vessel left so suddenly that I was unable to extend my letter as I could have wished. Coimbra's going to Pernambuco is in consequence of his being thoroughly acquainted with every thing that has transpired here, being himself so mixed up with them, and fully competent to answer all questions regarding the affairs of this Company. He has with him a number of papers connected with the "*Camoës*" and her Captain, and her unprofitable cargo, of which I send you a sample by Coimbra, in whom, I repeat, you may place every confidence. He will inform you of the conduct of this unfortunate man, who pretends that he had not time to take a copy of my letter to him from Princes; but on all these points you will be much better informed by Captain Joaquim Pedro (of the "*Veloz*"). I shall very soon be left without any other assistance than that of M. Delgado, which is so trifling that his absence would not be felt; as also Barretto, who is gone some days back to Gotto. M. Coimbra will deliver you a number of letters from Vianna, being a correspondence between him and the Captain of the "*Camoës*" during his stay at Princes, together with an account of disbursements made by the said Captain, who pretended to make purchases with a view to save the provisions intended for the voyage back: notwithstanding which I found only 51 arrobas of salt meat remaining out of 150 brought from Bahia; and the farinha has also disappeared in the same proportion. You will receive the list of presents to be bought for the King, according to the advice given to Coimbra, and which must be ready to come in the first vessel for this. The girl shipped on the King's account is to buy eatables, such as hams, saussages, butter, biscuit, sugar and tea. M. Coimbra has also a memorandum of articles required in exchange for the two slaves shipped by the Queen. The want of these articles will, I am afraid, injure me in their estimation. The King returned me yesterday 80 rolls of tobacco damaged, which makes 600 rolls that have been rejected from their inferior quality, of which I have before spoken. I send two small negroes, with the mark O on the left arm, as I mentioned in my letter of the 4th August last, and which I begged you to deliver to my wife as soon as they had been valued, hoping they will not be changed. I have omitted many things from want of time, as I find it necessary to start the brig earlier than I had anticipated. My motive you will learn from Coimbra and Captain Joaquim Pedro, whereby you will form some idea of the state of our establishment, and the hardships I am exposed to from more sources than the mere sickly climate, which few would endure.

I am glad to inform you that I am on most friendly terms with the authorities here, and also with the English residents. Without this mutual understanding, no person could reside here. I have just heard that they have had a disturbance at Gotto among the blacks, but nothing important to affect the establishment there. I sent the "*Camoës*" launch to bring some corn, it being the only place where it can be had readily, but it has not yet arrived; therefore the brig must sail without it. Respecting the sailing of the "*Camoës*," I will endeavour to effect it by the middle or end of October, which delay will be occasioned by my having no goods to purchase, and consequently being unable to say how many I may have. The Captain of the "*Camoës*" appears very exact in all his transactions with me, but it is not in his power to deceive me by his cunning readiness: on this point he may rest satisfied. Coimbra will give you a balance, struck on board the "*Camoës*" after her arrival from Princes, wherein you will perceive the deficiency, &c. By Captain Joaquim Pedro you will hear the bad feeling that exists between the King of Oery, the Prince, and the said Captain of the "*Camoës*," and also what I suffered by the arrival of the said brig whilst I was delivering the presents to the King. I take the liberty of sending my measure for four pairs of shoes, to be made with high fronts, and which I hope you will forward as early as possible, being without any, as they wear out very fast at this place. Send me also some good clogs, and have made for me two pea-jackets, with pockets outside, and well lined, to fit M. Coimbra; any coloured cloth, blue or brown, not of very inferior quality, as they will soon wear out; also one dozen pair of Spanish worsted stockings, very thick; and a good Scotch

cloak, lined with flannel. Provisions for the factory will be required by the first vessel: as to the quantity, M. Coimbra will inform you; as also, ten barrels of white sugar, to exchange with the English for other articles, as we have already done by bartering sugar for two arrobas of rice.

M. Coimbra and the Captain will inform you of the reason of my not complying with my obligation respecting the vessel's entry into this river, which was unavoidable, in consequence of the continual arrival of the cruisers off the bar, particularly as the position of the banks offers the means of ingress and egress, provided care is used. I have now little time to complete this hurried letter. I can only repeat, that the above two persons have been eye-witnesses to almost every transaction, and will consequently give you every information. Pray send the provisions as soon as possible. You already know by my letter of the 4th ultimo my anxiety to establish our factory on the same principle as the English, with a good assortment of articles, therefore I need not repeat it. Any other information you may require you can gain from Coimbra and the Captain, for the truth of which I can vouch, as time is precious, and I cannot say more. M. Azevedo, the expenses have been great, although I have curtailed them as far as I could. On my arrival here, things were in a miserable state, rendered worse by the want of a proper factory, and the requisites to establish it. M. Coimbra will deliver you a list of the slaves belonging to the Company, also to the King and others. That you may know them, they are all marked O in different parts, agreeable to the said list. I wish you perfect health, and that it may continue for many years, as I desire for myself.

I am, &c.

(Signed) J. B. CE'ZAR.

N.B.—I send you, among Coimbra's papers, a list of the goods most desirable for the purchase of slaves.

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No. 16.

*Letter from the Same to his Wife at Pernambuco.*

*Benin, September 15th, 1837.*

JOZEPHINA, DEAR SPOUSE OF MY HEART,

I WRITE these few lines in haste to inform you that, by the hands of the captain of the "Veloz," Joaquim Pedro, I send you a quantity of country cloths which are to be kept, also three fine mats and two parrots, one ram goat for my little son John to play with, being very tame, three sea-horse teeth to be polished and ornamented for our little daughter Henrietta, also a little girl very pretty, and a little black boy for Johnny, which you will request of your father to go and receive from Mr. Lisboa, or his order, they having the mark O on the left arm. He will also deliver you two parrots if they arrive safe. Few are the moments that my eyes do not shed tears when thinking of you all, and for reasons I cannot mention. Recommend me to your father, my father-in-law, and mother-in-law, and the rest of the family. Do not forget to ask of our Virgin health and happiness: and I ask the same at the hands of Miss Francisca, to whom you will kindly remember me. With a sweet kiss to each of our children, which distance precludes me from giving,

Believe me &c.

(Signed)

J. B. CE'ZAR.

I have no time to say more.

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No. 17.

*Order from the Same for the Delivery at Pernambuco of two Slaves shipped in the "Veloz."*

M. JOZE FRANCISCO DE AZEVEDO LISBOA.

*Benin September 16th, 1837.*

PLEASE to deliver to my wife, or M. John Henriques da Silva, my father-in-law, two slaves, being male and female, marked on the left arm as below, the value of which you will carry to my account.

(Signed)

J. B. CE'ZAR.

Mark on the left arm O.

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No. 18.

*Letter from the Same to the Captain of the "Veloz" on the Departure of the latter for Pernambuco.*

CAPTAIN JOAQUIM PEDRO.

*Benin, September 16th 1837.*

MY DEAR FRIEND AND SIR,

HAVING many things to request of you, friend, I take this opportunity of begging the favour of your executing a few commissions for me, knowing you will readily comply. In the first place, I wish you a speedy and lucky voyage; and if God carries you in safety, you will deliver to my wife, in the house of my father-in-law, the bag with the country cloths, two parrots, two sea-horse teeth, and the little he-goat, which I beg you will deliver personally. Embrace for me my little son and daughter, as also my father-in-law, to whom you will give an exact account of the state of things. Respecting M. Azevedo, it is quite unnecessary for me to tell you any thing, as he is already in possession of all particulars. Good bye, my dear friend. I am with esteem,

Yours &c.

(Signed)

J. B. CE'ZAR.

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No. 19.

*Letter from one of the Agents of the Company in Benin to his Friend at Pernambuco.*

MR. JOAO HENRIQUES DA SILVA.

*Benin (no date).*

IN the first place, I hope this may find you in good health as also your family, as it leaves me. Sir, I can hardly relate to you the troubles I have had to contend with, partly on account of a villain who

they put on board the brig "*Camoës*," and partly from my residence being at a factory at a place called Gotto, distant from the vessel about ten leagues, where necessity compelled me to eat corn and bananas, which was my only food for several days, without so much as a glass of wine. When we want to buy a fowl, which is only so by name, there is none to be had; the same with a goat, as also a pig, neither of which can be obtained when required. It was reported that every thing could be had here, and that fish were so plentiful that they could be knocked down with a stick whilst walking on the beach. I can only say that I thank God when I am able to get a few shrimps to put on the fire. I must not complain of this individual of the "*Camoës*," though I cannot help feeling hurt at those who placed him there. Notwithstanding my having been acquainted with this trade for 21 years, I am put aside as though I knew nothing, and everything is conducted on quite a different principle. It is annoying to be under the orders of a wretch who only came here once with the late Claudio. He and the boatswain have purchased every thing; I have not bought one slave; but I bear all in mind to talk over at a future period, should I survive. M. Joao Henriques da Silva, may I beg of you, without taking the advice of a third party, to have the whole affair exposed in the newspaper; and I would wish to know at the same time whether or not I ought to address another person on the subject. I must request you to send me one of the papers enclosed in a letter, and for which I must wait your usual punctuality, knowing you will not fail. You will not forget to remember me to all your family, to whom I recommend myself, as also to you, wishing you health and happiness, and all others known to me.

Believe me yours, &c.

(Signed)

MANOEL JOZE DELGADO.

No. 20.

*Letter from the Sub-factory established at Gotto in the Benin, to the principal Agent of the Company in that River.*

M. JOAO BAPTISTA CEZAR,

*Gotto, June 22nd, 1837.*

TO-DAY at 10 o'clock we arrived at this place, after a pleasant passage, although yesterday, at 6 P.M., we had a pretty heavy tornado, which obliged us to take shelter among the mangrove, where we were much annoyed by musquitoes. It is almost impossible to explain to you how bad the road is to the place where we stow the goods and spirits, and where we also reside. It is hardly credible how the blacks manage to get the pipes up so steep a place, which is only equal to the mount of Pernambuco; but luckily now everything is under shelter, excepting the pipes, which the negroes are now bringing up. The landing is also very bad, as even canoes get aground at a great distance; we were obliged to be carried ashore. Now I believe what the sailor Emigidio told me, that the spirits ought to have come in barrels, for convenience of transport. After some cost and small sacrifice, I do not doubt but all things will be arranged. I regret you did not accompany us, as you might have seen all these difficulties. By what the Governor says, I shall not be able to see the king before the 25th instant. To-morrow he will give notice, and the third day I purpose going. The ceremony with which we are received is very different to that at Oery. We go first to the house of the ovidor and priest, which appears like the infernal regions; we receive a knock on the head, and are crossed, and afterwards go to the Governor's house. After all is over you shall have it detailed in my next letter. You will do me the favour to send me the box of hats and flannels which I forgot, also the padlocks and cap. Send them in the large canoe, as the other leaks. The houses here are very badly secured. Pray send me the planks I left, also some pine-planks from the schooner, which I much require. As to provisions, we have been to the market, and find nothing but yams, two large ones for a bar; if small, five. Indian corn is plentiful; fowls and goats also. I cannot yet give you a correct account of all, but will do so on the return of the canoe. They seem to say there are plenty of slaves. Remember me to all.

I am, &c.

(Signed)

JOSE DELGADO.

P.S.—So soon as the tender arrives, send me the watch that the mate has got. Do not take notice of the writing, for the multiplicity of business prevents my paying proper attention to it, having round me at this moment fifty of these devils. Remember me to Joaquim Pedro.

(Signed)

ÇOIMBRA.

No. 21.

*From the Same to the Same.*

M. JOAO BAPTISTA CEZAR,

*Gotto, June 25th, 1837.*

I HOPE you have enjoyed perfect health. The bearer of this is our friend that boarded us the other night. I supped with him yesterday, when we had a long conversation: he told me that Mr. Hope complained of our not visiting him. This gentleman has two factories, the principal one at Bobim, to which place he is going, and requested to be the bearer of this letter. Mr. Delgado was very unwell some days ago; in consequence of the constant fall of rain, he has not been able to see the king; it being a day's journey distant, he is obliged to sleep on the road. We are waiting for the canoe; by her you shall have all particulars. We have made the house tolerably secure; the houses are in this respect generally bad. I hope you will not forget to send the boards. At present I cannot send you a further supply of corn and yams, until the rains have somewhat abated; moreover the people will not sell until the permission of the king has been obtained. I can assure you the supply here is far greater than below.

I am, &c.

(Signed)

ÇOIMBRA.

N.B.—Mr. Delgado requests you will send him some soap, and the table oil-cloth. This same Englishman sent us half a dozen small jugs and six spoons, and the persons of the other factory have already sent us some crockeryware without solicitation. The people ask for a small bullock 40 bars.



No. 22.

*From the principal Agent of the Company in the Benin, to the Sub-factory at Gotto.**Messieurs Manoel José Delgado, and Joaquim Coimbra, Gotto.*

FRIEND AND SIR,

*Benin, June 25th, 1837.*

YESTERDAY I received your letter of the 22nd instant at 8 P.M., and was much pleased to hear of yours and Mr. Coimbra's arrival in safety, though after much trouble and anxiety; but, my friend, nothing can be obtained without them in this part. As for Saint John's day, it was to me the greatest torment, having to entertain the queen and her mob, who came for goods. After a long time, when my patience became pretty well exhausted, they made arrangements about some slaves; after which, the business being concluded, they left. Such is the nature of this trade. Below is a list of articles which you requested, with the exception of the planks, which you should have secured before the "Camoes" left. The tender has not arrived, nor yet the schooner from Pernambuco. I wished yesterday to send the launch up, but it was impossible; I shall do so however to-day at 8 P.M.; and by her I send you instructions regarding the selection of slaves. Friend Coimbra will give you his aid and good advice; for throughout the voyage and delay at this port I derived much valuable assistance from him. I regret to say Bastos, whom you refused to take up with you, has evinced a very different feeling. Time is short; I must therefore beg you to remember me to Coimbra, in which our Captain joins us, also to yourself. As you pay your duties to the king you will let me know. I have to receive from the king, the prince, and the queen, 187 slaves, including those in exchange for the goods they took yesterday, agreeing at last to take 3 rolls of tobacco for 1 slave. Mr. Joaquim Pedro wishes to send you some fowls and yams by the canoe, also a saw, 100 nails, a box with flannel and hats, 2 cups and saucers, 3 planks of Brazil wood, 4 knives, forks and spoons, 15 rolls of tobacco, 1 pipe of spirits without mixture, 12 pieces of checks of 44½ yards, and 50 cutlasses. Your cap cannot be found.

I am, &amp;c.

(Signed)

J. B. CEZAR.

No. 23.

*From the Sub-factory at Gotto to the Principal Agent in Benin.*

MR. JOAO BAPTISTA CEZAR,

*Gotto, June 30, 1837.*

WE received your letter of the 26th instant, and all that you sent; but advise you that, on counting the checks, I only found 8 instead of 12, as you state; and 51 cutlasses instead of 50. It is as well to ascertain who has made this mistake, for the box was full, and incapable of holding more; and I also opened the large chest to see if they were there, but did not find them. This makes 4 pieces of checks deficient, and 1 cutlass surplus. I have already informed you of the difficulty we have in getting the pipes of spirits up to the house. We must have barrels, or great loss will accrue. I now proceed to acquaint you of the inconveniences we have been subject to, from the mal-information of parties respecting this place. On the 27th instant we left this for Benin, sleeping at the priest's house. Here we started one barrel into a demijohn, as a present for the said priest. The next day we paid a visit to the Fetish man, and here they made us wait until the King was informed of our arrival. At about 10 o'clock it was intimated to us that we could see him; we were then put into a house to wait the return of the King's messenger, with his symbols of office and the walking-stick. They asked us what we had brought as presents to the King; we answered, nothing. I cannot express to you the frightful noises and gestures they made, when I answered in the negative; it quite alarmed me. Fortunately, there was a black present who could talk Portuguese, by which means I entered into an arrangement to return to Gotto for some goods, leaving Delgado as a hostage. I came down yesterday in the midst of the rain, and in the morning sent six pieces of goods by the bearer with all speed; but the King cannot be spoken to till the second or third day, whereas we were persuaded that we could not see the King until the 3rd of July, not having brought him any presents. I think it necessary to tell you that, if the King of Oery merits what you brought him, this King should have a great deal more. From the little I observed, it must be a good place for slaves. I was astonished to see so large a market the day I arrived. You may calculate on the duties being very high here, so black Antonio tells me, who speaks tolerable Portuguese. It was he that gave me correct information of the trade of Benin, and he promises to secure me large supplies of slaves, male and female, and plenty of provisions. It is necessary to inform you that they will not sell us goats or yams, &c., until we have paid the customary duties to the King. My friend, I wish those well-informed characters who give false accounts of things would pay a visit here, to see what the duties amount to. There is a sailor in Benin who came here from St. Thomas as pilot of the smack, and required fresh provisions. The King sent to demand his duties, and, having no goods, the King detained him until he paid. Mr. Delgado delayed the canoe for the purpose of acquainting you of the amount of duties, in the expectation that all would be arranged in three days; but, such not being the case, the canoe is now despatched to prevent further expenses. You will send her up about the 6th of July, as when we open trade there will be plenty of slaves forthcoming. I am afraid I shall find the goods very inadequate to the demand; but we will first see the commencement of the business, when we can always increase our stock. The greater portion of the people here are aware that we have not yet paid our duties to the King, and cannot therefore commence business. What few things we have had in the way of fresh provisions is through the Governor, as the people will not trade without permission. I must again beg you to send me two padlocks, which are much required; but for the transport of goods and slaves, this place would be preferable to Benin for a factory. I am sure you would be surprised to see the population of this place. The town is large and eligible, and in the street where the market is held there appears to be at least 4000 persons assembled, with all sorts of commodities for sale.

I can only send the undermentioned either for you or Joaquim Pedro at present. I have my health, and Mr. Delgado is much better. Let me know if you received a letter forwarded by an Englishman that boarded us one night. I have nothing more at present to tell you.

I am, &amp;c.

(Signed)

Pro Mr. DELGADO.

JOAQUIM GOMEZ COIMBRA.

One sheep, ten fowls, thirty yams, two boxes bananas. Send me half a dozen quires of paper.

## No. 24.

*From the Captain of the "Veloz" to the Sub-factory at Gotto.*

MR. JOAQUIM GOMEZ COIMBRA,

*Benin, July 3rd, 1837.*

I RECEIVED your letter of the 30th ultimo, which afforded me pleasure, to hear you were in good health, as it leaves me. I have had little else but troubles, particularly since Mr. Cezar fell sick with severe ague; for, on the day of Saint John, the king and his followers came here, and plagued us for more goods, as also the queen, to which we were obliged to submit. At the same time they saw three boats on the bar pulling in, which were supposed to belong to vessels outside, that could not be seen from us. As you may suppose, we were somewhat alarmed. We consulted as to the propriety of sending the coppers on shore, although the prince told us to be quiet. In a short time, however, we found they were boats which had gone out to commit the body of the late supercargo of an English schooner to the deep. We passed the rest of the day without anything new occurring. On Sunday we were getting the canoe ready to go to Gotto, and, as Mr. Cezar would move about, though it was raining, he got a relapse, and got worse towards the evening; so much so, that I was greatly alarmed. All recommended different remedies; at last I determined upon sending for the English doctor. Mr. Cezar became delirious for a time, after which the fever abated, when I felt more easy. I have observed, until now, that he has had the ague every other day but Tuesday, that was yesterday; I mean; Saturday it assumed a milder type. God grant that he may get better for all our sakes. I acquainted you that on the 1st instant, at ten o'clock, the schooner "*Camoes*" hove in sight, and was at anchor here at twelve, without any news. She was 48 hours from Princes, and 9 days going. The Captain of the brig is in prison, and in great disrepute there, and it is only by Vianna's intercession that he will be released. I should be much more communicative, but Mr. Cezar has already written you. He is in much better spirits, and more satisfied in other respects. The smack sailed for Pernambuco two days before the tender left for this, taking all our letters. Now, I think, all our arrangements will go on better, at which I think you will also feel more satisfied. I am astonished at the conduct of the captain boasting of his authority, which will be put to the test when the brig arrives. I give her 15 days to be here. I am obliged to you for your kind thoughts, but must beg of you not to buy the things I requested, without first knowing the price of the cloths, and with what they can be bought, as I will then ask Mr. Cezar's permission to take goods for them; you can inquire if any of those things I bought from Locadio will be taken in exchange. I wish you health, and that you will be more reconciled, and that Mr. Delgado's health will improve, to whom you will recommend me. Hoping you will honour me with your commands,

I am, &amp;c.

(Signed)

JOAQUIM PEDRO.

This letter was written some days ago, supposing I could then send it up. Yesterday, the 5th instant, there was a great disturbance at the English Factory, where a negro was killed, and the people are yet determined on revenge. The Factory is shut up; it has already paid for one palaver: you will hear more of it. Mr. Bastos came on shore three days ago, to take charge of the goods that have been landed, but the effect of the liquor on the said Bastos in some measure defeats our object. Mr. Cezar is highly displeased with him. I beg you will let me know the price of parrots, and what they can be bought with, as a guide to me. Farewell, my friend, excuse my writing. The canoe is almost ready; we have had four sick, but all are now convalescent. Mr. Cezar is well, and partakes of everything at table. God grant you and all of us health! Coelho is getting much better, since he came on shore. He now visits the English Factories. Farewell!

(Signed)

JOAQUIM PEDRO DE SA FARIA.

## No. 25.

*From the Sub-factory at Gotto to the Captain of the "Veloz."*

MR. JOAQUIM PEDRO.

*Gotto, July 8, 1837.*

I AM much pleased to hear that you keep good health. I have, thank God, been equally fortunate, and, having good faith in the Virgin Mary, I have been enabled to sustain it. Believe me, dear friend, I never thought that this business would have caused so much trouble and anxiety. I find myself alone, with more than I can manage, from Mr. Delgado's being almost always ill. I can hardly express to you what a tyrant [the king is, as also those about him. I shall be better able to inform you in person, that the whole of the information given by the Captain of the "*Camoes*" is as opposed to truth as day to night. That man had the effrontery and plausibility to deceive half-a-dozen men of experience at Pernambuco. From the tenor of Mr. Vianna's letter to Mr. Delgado, I doubt much if he will ever bring the brig here. I am informed that the business at this place is better than it was; the presents are above 1200 bars. To-day we commence trade; it has caused us a deal of trouble to do so. By your letter I learn that I must not buy anything without first knowing the price of the cloths, and what articles are necessary for the purchase of slaves. Until now I have been unable to ascertain this, because the blacks are so cunning, that they say, until we open trade, they will not sell us anything. We have had much trouble in getting even a few provisions. Bastos's great predilection for liquor is nothing new to me. God preserve him where he is! We have much need of Mr. Medina (Mate of the "*Veloz*") at this place for many reasons. If you can spare him for a few days, it would be a great favour; that is, if he is agreeable.

(Signed)

J. G. COIMBRA.

## No. 26.

*From the same to the Principal Agent in Benin.*MR. JOAO BAPTISTA CEZAR, on board the Brig "*Veloz*," *Bobim.**Gotto, July 8, 1837.*

IN the first place I am glad to hear of your better health. Mine has not been very good, being every day more tired of entertaining these wretches, by whom I am surrounded. In the first place, the

CLASS A.

king's miscreants fix the goods at a low value, compared with those of Pernambuco. With a view to its being better explained, I have sent Mr. Coimbra to inform you of the whole business, about which and other matters I wish to see you. Pray send me a pair of clogs, a cap, also two hoes which are in the tender; also a saw, two chisels, and an axe, which are in your state-room, and the table oil cloth which I left my mistake; also the soap, a barrel of beef and pork. I enclose you a letter which Vianna sent me.

I am, &c.  
(Signed) MANOEL JOZE DELGADO.

No. 27.

*From the same to the same.*

*M. João Baptista César.*

*Gotto, July 16th, 1837.*

FRIEND AND SIR,

I HAVE received your letter of the 14th instant, and can sympathise with you, knowing the trouble these people give. Immediately on my arrival here, they brought, as near as I can judge, 60 slaves. Being now without goods, I feel most anxious for their arrival. The people were much disappointed when they learnt the canoe had brought none; they are constantly annoying me about them, so much so that I scarcely know what answer to make. I send you a list of what I have, so that you may see the position in which I am left. I have some knives and cutlasses which are valued at 2 bars each. They wish to take what things I have; they want also writing-paper, but of this I have not sufficient for myself, and moreover I do not wish to encourage them, or they will never leave my house. Respecting provisions, I have none to use, and must therefore beg you to send me 2 barrels of salt provisions and half a cheese. I am also much in want of hoes and a carpenter's axe to cleau the road, as it is impossible to get a pipe of spirits up the hill, without breaking the staves or startling the head; one came up the other day with three staves broken, and the cask thereby rendered quite useless. The provisions here consist of corn and yams. When any canoe arrives from below with salt, I have tried to buy yams, but could not, as the price is much increased. I have bought at times 50 heads of corn for a bar, 5 large yams for a bar, and 8 small for the same; there were 60 small yams offered me for 10 bars, but I did not take them.

Respecting Coelho, instead of 20 pieces of handkerchiefs sent by you, there were only 11, being 5 of 18, 4 of 16, and 2 of 19. I send you herewith 9 fowls and 2 goats; yams I have none. Wishing you perfect health, I beg you to remember me to Joaquim Pedro, and all friends.

(Signed) MANOEL JOZE DELGADO.

I send you 600 heads of corn in 2 boxes.

N.B. Those planks that came in the canoe, and a door which I want, are gone to a carpenter to fit them, having already got the iron-work. I wish you to procure me a 12-gallon cask, to hold the Governor's customary present, for he is constantly annoying me.

(Signed) DELGADO.

No. 28.

*From the same to the same.*

*M. João Baptista César.*

*Gotto, July 26th, 1837.*

FRIEND AND SIR,

I RECEIVED your letter of the 18th instant, and in answer thereto I cannot but regret that you should have any cause to complain of my mode of doing business. I do not know why the English gentleman should assert that the King has deceived me, as I have endeavoured first to make myself acquainted with the amount and nature of their duties, and the first account which they rendered me was 900 cowries. It immediately gave me a fever; for no sooner had I left them than I was obliged to go to bed. They took 1 pipe of spirits for 200 bars; the King of Oery took 2. My goods were first valued at the rate at which the King of Oery took them; he took pieces and not bars, and will sweat cold sweats until he receives payment to his own satisfaction; and I can only say that I am astonished, with your experience, that you should place any confidence in these Englishmen, knowing, as you must, that they are our only enemies. I have not the opportunity, or would ask them if the trade of ivory is the same as that of slaves; however, you can act as you please.

I send you a very pretty girl, which I bought for two rolls of tobacco at twenty bars each, two fathoms of flannel, and one piece of calico at 7 bars; and should you not have these three articles, you had better not send the canoe. There are plenty of slaves for goods, and should the canoe come up without any, it only creates an uproar, to which I cannot again subject myself if it can be avoided. You tell me, also, that you can buy slaves without flannel or printed calicoes; those that I brought with me are much approved of. Not having goods we must wait. If I had seen the cost of the articles before they were cut, I would have returned them to you, because goods at such a price must be from Pernambuco, and much too high for this market. There are now none remaining, and we will say no more on this head. I have been under the necessity of parting with some of the tobacco at fifteen bars the roll from its bad state. Some of the people will not even look at it. You insinuate that the bad state of the tobacco is owing to my neglect; if you think so you are sadly deceived. Another thing that I cannot understand is your telling me that 9 pieces of handkerchiefs have been stolen by the servants of the factory. Most likely those who spread the report assisted in the robbery, because the chest arrived at the factory perfectly secured with a lock, and the key in Mr. Coelho's possession, who opened it in my presence. I can say no more, as I do not know. Were I in your situation, I would give Mr. Gomez the beach for his residence, as he does not merit more. There are some things I require which I did not intend to mention here, because they were not sent. I have from the 22nd instant been eating salt meat, being unable to procure fresh; for the last 5 days I have not seen a fowl or a goat. I requested a barrel of pork, instead of which you send me a barrel of beef; the pork answers two purposes, the meat I eat, and it serves at the same time to season my fresh

food. There is no pork here to be bought. Should any one have found the boards, pray send them, as I am much in want of wood to make a door. I mentioned in my last letter that if I wished to write I could not, having no paper. I wish you perfect health, and all that are with you. Remember me to the Captain, who will oblige me with a few onions and some heads of garlic when the canoe comes, that I may plant a few. Regarding goods, I have none; that is, to buy slaves with. I have as follows: 63 pieces of blue handkerchiefs, 38 pieces of check, and 21 knives, cutlasses, half a pipe of spirits, and nothing more. You desire me to buy corn and yams; I will do so when they are to be had: sometimes for days there are none to be seen, particularly when any canoes come to trade with salt; I can buy nothing until they are gone. You must pay some attention to a girl that has two sores, one on each leg, which escaped my notice when I bought her. Had I seen them I would have rejected her; but now there is no other remedy than curing the sores. I have now 39 rolls of tobacco which they will not take even at 15 bars, from its bad state. Pray do not send the canoe, unless you have goods, for reasons before stated. If you do, I shall be under the necessity of shutting myself up in the house, and not shewing myself.

(Signed)

I am, &amp;c.

MANOEL JOSE DELGADO.

No. 29.

*From the Captain of the "Veloz" to the Sub-factory at Gotto.*

M. MANOEL JOZE DELGADO.

*Benin, August, 1837.*

I RECEIVED your letter of the 26th ultimo, which was received with 21 slaves, viz., 7 males and 14 females, 1000 head of corn (out of which there came to hand 500), also 25 yams, and 5 calabashes of palm-oil, 16 mats, and half a bag of peppers, all which was duly delivered. I have not been able to send you a letter advising the arrival of the "*Camoës*" on the 24th ultimo, as also the departure of M. Cézar for Princes in the schooner. The delay of the brig "*Camoës*" has been very great; she is now at anchor off the bar; she will come in as soon as the tide permits. The captain has been on shore, but nothing new has occurred; she waits the arrival of M. Cézar, which I have reason to believe will be shortly. I regret that I have nothing worth communicating further than Mr. Coimbra has as yet escaped fever; all the rest are sickly. I have been myself in the greatest affliction, supporting these people from the provisions which I had brought for the return voyage; and what distresses me most, is not having sufficient to meet the wants of the negroes at the factory; indeed, I know not what to do, as nothing can be procured at this place.

(Signed)

JOAQUIM PEDRO DE SA FARIA.

No. 30.

*From the Sub-factory at Gotto to the Captain of the "Veloz."*

CAPTAIN JOAQUIM PEDRO DE SA FARIA.

*Gotto, August 10th, 1837.*

I SEND you 100 yams by an Englishman, who has offered to take them, knowing I have no canoe: I have also a quantity of corn which will be sent hereafter. I have no provisions, having lived on salt meat for some time; there is neither a goat nor a fowl to be had. I am without biscuit, sugar, and tea: the Englishmen have kindly spared me some. This is the time that I can purchase yams and corn for the vessels. My spirits are all expended to-day; this is what the natives most want: the goods they do not require. My wine is also out, so that my stock is reduced to nothing; if convenient, send the canoe for the corn, that is, should you find M. Cézar make too long a stay at Princes. I also inform you that, if I had goods this month, I could buy a cargo for the vessel of 400. I was under the necessity of borrowing this paper from the Englishman, having none to keep my accounts. Do me the favour to tell M. Cézar, when he sends goods, to forward the small box containing beads that I bought in Bahia, the manifest of which I delivered to him; the box is marked C, by the mistake of the person who sold it. I do not ask you for anything else, as you may not be able to send it; and having nothing more to say, I wish you good health and happiness. I am, &c.,

(Signed)

M. J. DELGADO.

No. 31.

*From the Same to Senor Coimbra at Benin.*SENOR JOAQUIM GOMEZ COIMBRA, on board the brig "*Veloz*," Bobim. *Gotto, August 10th, 1837.*

I RECEIVED your long-looked for letter, in expectation of some pleasant news, as the letters which I had contained nothing but accounts of sickness. I am much relieved by your informing me of an improvement on the whole. I wish to have you with me as soon as possible; I have missed you much, for on the commencement of the business I was quite bewildered with the multiplicity of work; the only thing that carried me through it was knowing that I was disposing of the goods so rapidly. Had I more articles, I should to-day have had 200 slaves, for there are many more here waiting. Friend, the day that M. Coelho left this, I had an attack of fever, since which I am much better, thank God. I am now without anything to eat, no pork, nothing to season my dishes. I have nothing to send you but a few ochras which were picked yesterday; I had no time for anything more. I am very sorry to be under an obligation to the English gentlemen to make up my accounts. You can tell M. Cézar the same, and show him this letter; and tell him that the account of bars is a very great mistake of mine, for instead of 200 and so many, it was 1644. I have nothing more to say than I wish you were with me, as it is necessary that I should go down before the sailing of the "*Veloz*." Recommend me to all friends, to whom I wish health. I am, &c.,

(Signed)

MANOEL JOZE DELGADO.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received October 17.)*

MY LORD,

*Sierra Leone, May 30th, 1838.*

WE have the honour to inform your Lordship, that on the 19th instant the British and Portuguese Court of Mixed Commission condemned the Portuguese schooner "*Dous Irmaos*," Jozé Rosecuta, Master, as good and lawful prize to the Crowns of Great Britain and Portugal, for being engaged in illicit Slave Trade; and at the same time emancipated 241 slaves, the survivors of 305, who were on board the detained vessel on the 2nd ultimo, at the time of her capture by Her Majesty's brigantine "*Forester*," Lieutenant Francis Seymour Nott commanding.

Our Report of the case, together with an Abstract of the Ship's Papers, and an Abstract of the Evidence, we have now the honour to enclose.

There is little to distinguish this case from those with which we have lately had to deal. The "*Dous Irmaos*," though provided with a Portuguese register from the Minister for Foreign and Marine Affairs at Lisbon, was, there is every reason to believe, a Spanish vessel owned at Havana, to which port she was conveying her fourth cargo of slaves (since clearing out from Lisbon in 1836), when she was fallen in with by the capturing cruizer.

We beg leave to request your Lordship's attention to the translation of the clearance of the "*Dous Irmaos*," in which the principal custom-house officer at Havana certifies, that "twelve casks or barrels, twelve others taken to pieces, for bringing back palm oil, and 3000 feet of boards," are part of the cargo shipped on board that vessel; nor is any mention made of a bond having been given or required.

It cannot be wondered at, that every facility for carrying on the Slave Trade should be readily afforded at Havana, and that the protection of the Portuguese flag should be readily granted to all who require it, when the Consul selected to enforce at that place the observance of the laws and treaties of Portugal, is one of the most extensive and notorious of the slave-dealers whose names are to be found on the records of the different Mixed Courts. The character and former occupations of Jozé Miguel Fernandez could not have been unknown at Lisbon; and we have little right to expect the faithful observance of the Portuguese Decree in the distant colonies of Portugal, when the Government of the mother country, as if to convince its officers of the insincerity of its public professions, at the same moment that it promulgates a law for the total abolition of Slave Trade, appoints such a well-known slave-dealer as Fernandez to enforce obedience to it, on the part of the actual or nominal Portuguese slave-dealers at Havana. This Don Jozé Fernandez appears to be the same person to whom the letter at page 49 of Class A of the printed Correspondence for 1831 was addressed by Edward Jousiffe, now a convict in Freetown gaol. In that letter Jousiffe offered to take a share in some of Fernandez's slave-vessels, and to ship him 1000 prime slaves yearly from the Rio Pongas.

We have, &c.

(Signed)

H. W. MACAULAY.  
THOMAS COLE.

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

&c.

&c.

&c.

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First Enclosure in No. 33.

*Report of the Case of the Portuguese Schooner, "Dous Irmaos," Jozé Rosecuta, Master.*

THE history of this vessel, so far as it can be traced, is as follows. On the 3rd of February 1836, she was furnished with a register as a Portuguese vessel at Lisbon by the Viscount Sa da Bandeira; and on the 2nd of July following she cleared out from the Cape de Verde Islands for St. Thomas'. In December of the same year she cleared out from Havanah for the river Bonny, and returned to Havana on the 24th of April 1837. She then again took her departure for the Coast of Africa in July, and returned in November following; and on the 23rd of December 1837, she left Havana on her fourth slaving voyage, and was happily captured on the 2nd ultimo, by Her Majesty's brigantine "*Forester*," with more than 300 slaves on board, who had been shipped the day before on the river Bonny.

The "*Dous Irmaos*" arrived in this harbour on the evening of the 11th instant, and was immediately visited and reported upon, by the Marshal and surgeon to the courts. The latter gentleman stated that it was represented to him by Mr. Fiddes, the prize master, that 55 of the slaves had died since capture from dysentery, and that 6 others had thrown themselves overboard and were drowned. Of the remainder, all appeared to be tolerably healthy except 45 persons, who were separated and marked

in the usual manner for hospital treatment. The landing of the whole was however earnestly recommended, on account of the very inadequate size of the vessel in which they were confined. This recommendation was carried into effect on the following morning, as soon as the vessel was admitted into Court.

Early on the 12th instant, Mr. Proctor Dougan, on behalf of Lieutenant Francis Seymour Nott, commanding Her Majesty's brigantine "Forester," and the officers and crew of the said brigantine, petitioned that the affidavit of the prize-master, authenticating the papers of the detained vessel, and verifying the facts of capture, might be received and filed, together with the captor's declaration; that the usual monition might issue; and that the witnesses in preparatory, whose names were endorsed on his petition, might be produced and examined on the standing interrogatories.

This petition having been granted, another was immediately presented, for permission to land the slaves, which was cheerfully complied with; His Honour acting Governor Cole having given orders for the immediate reception of the invalids into the lower hospital at Kissy, and of the remainder into the liberated African premises in Freetown.

The evidence in preparatory was taken on the 15th instant, and whilst it clearly established the guilty employment of the detained vessel, whether considered to possess a Portuguese or a Spanish character, it is evident that her Portuguese flag was assumed, in violation of the Portuguese law, merely for the purpose of covering Spanish property, and of protecting it from confiscation under the Equipment Article of the Treaty of the 28th of June 1835.

The affidavit of Mr. Fiddes, the prize-master, filed on the 6th instant, accounting for the deaths which had occurred amongst the slaves between the date of capture and the landing of the survivors at the Sierra Leone, averred that 62 slaves had died in that period, chiefly from dysentery, notwithstanding every care and attention on the part of himself and his prize-crew.

On the same day publication of the evidence was decreed; and Saturday the 19th instant, on which day the monition was returnable into the registry, was appointed for the adjudication of the case.

The sentence of the Court was, that the Portuguese schooner "*Dous Irmaos*," Jozé Rosecuta, master; be condemned as good and lawful prize to the Crowns of Great Britain and Portugal, and that the survivors of her slaves, 240 in number, be emancipated from slavery. It was moreover decreed that 305 slaves were on board the detained vessel at the time of her capture by Her Majesty's brigantine "Forester," of whom 62 died before, and two after, the arrival of the vessel in this harbour.

(Signed)

H. W. MACAULAY.  
THOMAS COLE.*Sierra Leone, May 30th 1838.*


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### Second Enclosure in No. 33.

#### *Abstract of Ship's Papers in the case of the Portuguese schooner "Dous Irmaos," Jozé Rosecuta, Master.*

No. 1. A Passport or Register from the Viscount Sa da Bandeira, Secretary of State for Marine and Foreign Affairs, dated at Lisbon on the 3rd February, 1836, states that the Portuguese schooner "*Dous Irmaos*," commanded by José da Luz de Carvalho, and owned by Luis Monteiro de Ornellas, was authorised to proceed to Madeira, Cape de Verde Islands, Azores, and other Portuguese ports, to return to Lisbon. On the 2nd July, 1836, the Passport was visaed at the Cape de Verde Islands on the vessel proceeding to the Island of St. Thomas. It was again endorsed on the 23rd December, 1836, by the American Consul at Havana (performing the duties of Portuguese Consul at that port), on the occasion of the "*Dous Irmaos*" leaving the Island of Cuba for "the River Bonny, on the coast of Africa." Two other endorsements by José Miguel Fernandez, the Portuguese Consul at Havana, dated respectively on the 14th July and the 23rd December, 1837, show that the vessel left that notorious slave mart on two subsequent voyages, bound to the coast of Africa, under the command of the present master.

No. 2. A Matricula, or List of Crew, dated at Havana on the 22nd December, 1837, and signed by the Portuguese Consul, Fernandez.

No. 3. The following is a literal translation of this document:—"I, Don Tomas Rodriguez de Yurre y Echavarras, Honorary Commander in the army, and Principal of the General Custom-house of Maritime Duties to Her Majesty at this place, do certify that the Registry issued from this Custom-house to the Portuguese schooner named "*Dos Hermanos*" (Two Brothers), Captain Don José Rosecuta, bound for Princes Island, contains, amongst other Bills of Loading, that numbered eleven, of which the purport is the following:—Bill of Lading, No. 11. The above-named Captain registered twelve casks or barrels, twelve others taken to pieces, for bringing back palm-oil, a boiler for melting palm-oil, a bale of goods, and 3000 feet of boards, for the purposes for which they are fit. And by virtue of a decree of the First Administrator-General, I give the present at the Havana on the 22nd day of December, 1837.

(Signed)

TOMAS DE YURRE.

No. 108. "I, Jozé Miguel Fernandes, Consul of Portugal in the ports of the Island of Cuba, and resident in this city, do certify that the signature to the annexed document is from the own hand of Tomas de Yurre, Principal Accomptant (or Auditor) of this Custom-house, actually authorised in this city, which signature he uses in all his writings, and to which all faith and credit are due, both in and out of a court of justice. In witness whereof, I pass the present, which I sign, and seal with the Royal Seal of this Consulate at Havana, on the 22nd day of December, 1837.

(Signed)

JOSE MIGUEL FERNANDEZ.

No. 4. A Custom-house Manifest, signed by Jozé Perez Santin, of the cargo shipped on board the "*Dous Irmaos*," and in which the casks, boiler, and plank, referred to in the last paper, are included.

No. 5. A Log-book.

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## Third Enclosure in No. 33.

*Abstract of Evidence in the Case of the Portuguese Schooner "Dous Irmaos," José Rosecuta, Master.*

*Captor's Declaration.*

I, Francis Seymour Nott, commanding Her Britannic Majesty's brigantine "Forester," hereby declare that, on this 2nd day of April 1838, being in or about latitude 4° 13' N., longitude 7° 20' E., I detained the schooner named the "Dous Irmaos," sailing under Portuguese colours, armed with 1 gun, 8 pounder, commanded by José Rosecuta, who declared her to be bound from the river Bonny to Havana, with a crew consisting of 17 men, 1 boy, no supercargo, and 2 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 306 slaves, said to have been taken in the river Bonny on the 1st day of April 1838, and are enumerated as follows:—

	Healthy.	Sickly.
Men . . . .	186	4
Women . . . .	38	2
Boys . . . .	32	"
Girls . . . .	42	2
	298	8

I do further declare that this schooner appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions, for the support of the said negroes and crew on their destined voyage to Havana.

(Signed) FRANCIS SEYMOUR NOTT,  
Lieutenant Commanding.

Witnesses, (Signed) A. L. PANCHEN, Second Master.  
JAMES M'NICOLL, Assistant Surgeon.

*Examinations on the Standing Interrogatories.*

## No. 1.

José Rosecuta, the Master of the detained vessel, having been produced, sworn and examined on the standing interrogatories, deposed that he was born in Genoa, and has lived in Havana for the last two years; that he formerly resided at Oporto, is a subject of Portugal, and has never served any other state; that he is not married; that he was appointed to the command of the detained vessel, and possession of her was given to him, about five months since at Havana, by Francisco Monteiro, a resident of that place, and a Spanish subject; that he first saw the said vessel at Havana about eight months since, and believes she is American built; that he was present when the vessel was captured for having slaves on board; that she sailed under Portuguese colours, and had no others; that he has never heard of the vessel being called by any other name than "Dous Irmaos;" that she is 64 tons burthen, and had a crew of 20 officers and mariners, exclusive of witness, part Portuguese and part Spaniards, all shipped and hired at Havana in December last by Francisco Perez the boatswain, who was himself shipped by Francisco Monteiro; that neither he nor any of the officers or mariners had any interest in the vessel or her cargo; that he was Master on board; that the last clearing port was Havana, and the voyage began, and was to have ended there; that from Havana the vessel proceeded to the Bonny, touching in the way at Cape Palmas for provisions; that on the arrival of the vessel in the Bonny, the supercargo, Francisco Monteiro, went on shore, and traded with the natives for slaves; that the capturing vessel was first seen on the 2nd of April about 25 or 30 miles outside the bar of the Bonny; that capture took place the same day after a short chase; that the "Dous Irmaos" was steering for Havana when fallen in with by the capturing ship, from which she made every endeavour to escape; that Francisco Monteiro, the supercargo, is, to the best of his belief, sole owner of the vessel; that he believes so, from having been shipped by him, and from his exercising supreme authority on board the vessel; that the said Monteiro is a Spaniard by birth, and witness believes unmarried, but he does not know where he lived before he resided at Havana; that the said Monteiro was lader and consignee of the cargo of slaves, who were to have been landed on the coast of Havana, on account and risk, as witness believes, of Monteiro, and would belong to him, if restored; that the former voyage of the vessel was from the river Bras to Havana with a cargo of slaves; that the outward cargo on the present voyage was shipped at Havana, and consisted of rum, tobacco, and dry goods; that the present cargo is slaves, 306 of whom were shipped altogether, all from the shore in the river Bonny; that none of the said slaves died before capture, but several have died since, though he does not know how many; that after capture the vessel was taken to Sierra Leone; that the vessel was under the management of Monteiro with regard to her trade.

## No. 2.

Gabriel Domlão, the cook of the detained vessel, confirmed the Master's testimony in every particular to which he could depose, though his evidence was necessarily of a more limited nature.

## No. 34.

*Her Majesty's Commissioners to Viscount Pamerston.—(Received September 3.)*

MY LORD,

*Sierra Leone, June 4th, 1838.*

WE beg leave to acknowledge the receipt of the copies of two Despatches from Her Majesty's Commissioners at Rio de Janeiro, containing their reports of the arrivals and departures of slave vessels, at and from that place, during the

months of November and December, 1837, and which papers were enclosed in your Lordship's Despatch of the 9th April, 1838.

(Signed) We have, &c.  
H. W. MACAULAY.  
R. DOHERTY.

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

No. 35.

*Her Majesty's Commissioners to Mr. Backhouse.—(Received September 3.)*

SIR,

*Sierra Leone June 30th, 1838.*

IN pursuance of the Seventy-fifth Clause of an Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit enclosed a return of all cases of Portuguese vessels, adjudicated in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the period from the 1st January, 1838 to this date.

We have, &c.  
(Signed) H. W. MACAULAY.  
R. DOHERTY.

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



## Enclosure in No. 35.

*Return of Portuguese Vessels, adjudicated by the British and Portuguese Court of Mixed Commission, established at Sierra Leone, between the 1st day of January and the 13th day of June, 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.								
Princenza Africana	João Bufo . . . . .	1837 29 Dec.	7° 21' N.	12° 40' W.	Schooner and 222 slaves.	Edm <sup>d</sup> . Norcott, Esq., H.B.M. brig "Curlew."	1838 10 January	222		222	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.
Deixa Falar . . . . .	João Anastacio Baker	20 Nov.	5° 53' N.	4° 16' E.	Brigantine and 205 slaves.	Robt. Craigie, Esq., H.B.M. sloop "Scout."	10 , ,	205	19	186	Ditto	Ditto
Gratidão . . . . .	João Fernando Bouvier	23 Dec.	5° 40' N.	4° 15' E.	Brig and 450 slaves.	Ditto	19 , ,	452	72	380 <sup>a</sup>	Ditto	Ditto
Camoos . . . . .	Ant <sup>o</sup> Gomes da Silva	28 Sept.	In the River Benin.		Brig and cargo.	Wm. B. Oliver, Esq., H.B.M. schooner "Fair Rosamond."	22 , ,			<sup>b</sup>	Restitution	Brig and cargo delivered up to the master.
Isabelita . . . . .	Ant <sup>o</sup> Jozé de Assumpção	5 Dec.	18° 19' N.	75° 33' 52" W.	Schooner and 160 slaves.	Tho <sup>s</sup> . Fraser, Esq., H.B.M. sloop "Sappho."	6 March	160	1	159 <sup>c</sup>	Condemned for being engaged in the illicit traffic in slaves.	Schooner and stores left at Port Royal Jamaica; and commission issued for the sale thereof.
Arrogante . . . . .	Augusto César Medina	23 Nov. 1838	21° 27' N.	84° 53' W.	Brigantine and 407 slaves.	Alex <sup>r</sup> . Milne, Esq., H.B.M. sloop "Snake."	6 , ,	407	75	332 <sup>d</sup>	Ditto	Vessel and stores sold by public auction, and the proceeds paid into the military chest.
Felicidades . . . . .	Manoel F. Cardozo	8 March 1838	Off the Calabar River.		Brig and 559 slaves.	Robt. Craigie, Esq., H.B.M. sloop "Scout."	17 April	559	148	408 <sup>e</sup>	Ditto	Ditto
Veloz . . . . .	Joaq <sup>m</sup> . Ant <sup>o</sup> . Coelho	1837 23 Sept.	In the River Benin.		Brig and cargo.	Wm. B. Oliver, Esq., H.B.M. schooner "Fair Rosamond."	4 May				Condemned for having had slaves on board previous to capture, for the purpose of the illicit traffic, in the particular voyage on which she was captured.	Ditto
Dous Irmãos . . . . .	Jozé Rosecuta . . . . .	1838 2 April	4° 13' N.	7° 20' E.	Schooner and 305 slaves.	Francis S. Nott, Esq., H.B.M. brigantine "Forester."	19 , ,	305	64	241 <sup>f</sup>	Condemned for being engaged in the illicit traffic of slaves.	Ditto

<sup>a</sup> One man, one woman, and six boys died, and two men absconded after emancipation, and before their descriptions could be taken to be registered.

<sup>b</sup> 116 natives of Africa were landed here from the "Camoos," the survivors, of whom seventy-one in number not having been claimed, were (on decree of restitution of the vessel being made) handed over to the Colonial Authorities by direction of the Court.

<sup>c</sup> The slaves of the "Isabelita" were landed at Port Royal, in the Island of Jamaica.

<sup>d</sup> The slaves belonging to the "Arrogante" were landed at Montego Bay, in the Island of Jamaica.

<sup>e</sup> Three men absconded prior to adjudication, and are not included in the number emancipated, a conditional decree of emancipation only having been passed on them; and three men, and one boy died after emancipation, and before their descriptions could be taken to be registered.

<sup>f</sup> Four men, one woman, and two girls died after emancipation, and before their descriptions could be taken to be registered.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

(Signed)

Sierra Leone 30th June, 1838.  
M. L. MELVILLE,  
Registrar.

No. 36.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received October 17.)

MY LORD,

*Sierra Leone, July 31st, 1838.*

WE have the honour to inform your Lordship, that on the 2nd instant the British and Portuguese Court of Mixed Commission condemned the Portuguese schooner "*Prova*," Francisco Jozé Dias, Master, for being engaged in the illicit traffic in slaves, and emancipated the survivors of the slaves, found on board of her at the time of her capture by Her Majesty's sloop "*Pylades*," William Langford Castle, Esq., Commanding.

The "*Prova*" was captured on the 3rd ultimo, whilst lying at anchor in the Calabar river, having just before taking on board a cargo of 225 slaves, and being on the point of getting underweigh for the purpose of conveying those slaves to Havana. She arrived in this harbour on the evening of Saturday the 23rd ultimo; and proceedings in the usual form were commenced against her on the following Monday, which were closed on the 2nd instant; when she was adjudged to be a good and lawful prize.

Our Report in this case we have now the honour to inclose, from which your Lordship will perceive that this is one of the ordinary cases of slave traders, owned and freighted at Havana, but sailing under the Portuguese flag, and with Portuguese papers obtained at the Cape de Verde Islands. The water-casks and slave-deck were, as usual, cleared out as part of the lawful cargo of the vessel.

Stress of weather and damage received at sea compelled the "*Prova*" soon after she left the Havana, to put into Charleston to refit; and she remained there for nearly three months. The outward appearance alone of this vessel would, it might be supposed, have excited suspicion as to the real object of her voyage; but it is surprising that, fitted and equipped as she was for the Slave Trade, and with her leaguers (shaken) and slave-deck on board, she should have been permitted to clear out from an American port for the Coast of Africa.

We have, &amp;c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 36.

*Report of the Case of the Portuguese Schooner, "Prova," Francisco José Dias, Master.*

THIS vessel was furnished with a commercial passport, or register, from the Government of the Cape de Verde Islands, dated at Villa da Praia, in the island of St. Jago, on the 29th of December, 1835. She is therein stated to be of American build, to be owned by the notorious Luis Pereira de Mello, and to be commanded by Libano Agostinho de Campo. It does not appear that this passport was made use of for a long period after it was obtained; and the first endorsement upon it was made by Fernandez, the Portuguese Consul at Havana, on the 27th of July, 1837, when she cleared out from that place for the Island of St. Thomas', under the command of Francisco Jozé Dias, the present Master. The passport is again endorsed by the Portuguese Vice Consul at Charleston, on the 13th of November last, the vessel having been obliged to put into that port in distress a few days after leaving the Havana. The only other endorsement is in the following words,—"Boarded by H. M. B. "G. N. U.," after a long chase, in latitude 4° north, longitude 3° 30'. He had his guns and muskets "loaded, and states he is going to Calabar to land a passenger." This memorandum is without any date; but we have reason to think that the initials or number is that of H. M. schooner, "Fair Rosamond." The passenger, on account of whom it was pretended by the "*Prova*" that she was running into the Calabar, is presumed to be a person of the name of Andres Cibras, by whom a passport for St. Thomas', which is among the ship's papers, was obtained from General Tacón, the Captain-General of Havana, on the 26th of July last year.

In the official manifest and clearance from Havana, 20 bundles of shaken casks for bringing back palm oil, and 2000 feet of boards, are mentioned as part of the legitimate cargo; and it is remarkable, as a proof of the utter disregard of even ordinary forms by the authorities at Havana in despatching slave vessels, that whilst the Custom House clears out the "*Prova*" solely for the river Calabar on the 26th of July, the Portuguese Consul certifies on the following day, that she was cleared out solely for the Island of St. Thomas.

From the 24th of August to the 16th of November, the "*Prova*" was detained in Charleston. It does seem somewhat extraordinary that a vessel, both in appearance and fittings obviously destined for the slave trade, should have been allowed quietly to leave a port of the United States with her slave trade equipment on board, after such ample opportunity had been afforded of ascertaining the real object of her voyage. In the documents signed by the American Custom House officers it is stated, that the "*Prova*" put into Charleston in distress, and that no part of her cargo was landed

CLASS A.

there. The cargo which she had on board is however described, and "20 bundles of shooks" are included in the description. This circumstance alone was, it would be supposed, calculated to cause suspicion.

From two log books found on board the prize, it appears that she came direct from Charleston, which she left on the 16th of November, 1837, to the river Calabar, which she did not reach until the 22nd of January, 1838, having been much impeded by calms.

After a lapse of rather more than four months, the guilty intention of the "*Prova's*" voyage was carried into effect, and a cargo of slaves was taken on board on the morning of the 3rd ultimo, immediately after which she was boarded, and taken possession of by the boats of H. M. sloop, "*Pylades*," William Langford Castle, Esq. commanding. A midshipman and prize crew were then placed on board the prize, and she was despatched to this place for trial.

On the 23rd ultimo the "*Prova*" came to anchor in this harbour; and the clean and comparatively comfortable condition of the slaves and the vessel, reflect great credit on Mr. Willoughby Gordon Macpherson, the officer who commanded her. The Marshal's report stated that 225 slaves had been on board the detained vessel at the time of capture, and that only 20 had died during the passage up. The surgeon represented that the slaves, generally, were thin and squalid, owing, as was represented to him, to their having been confined in barracoons for several months before their embarkation; that dysentery was prevalent among them, and that 54 cases of that disease would require to be treated in hospital; that the size of the vessel was quite inadequate to the numbers on board; and that it was desirable that the whole of the slaves should be landed as soon as possible. This recommendation was carried into effect on Monday morning, the 25th ultimo, the "*Prova*" having only arrived on Saturday evening, and it being therefore impossible to receive her into Court, or to present a petition for the landing of the slaves, until the following Monday morning.

The vessel was libelled in the British and Portuguese Court in the usual manner; and on the petition of the captor's Proctor, the affidavit of the prize-master, verifying the facts of seizure, and the authority of the seizer, and authenticating the ship's papers, was received; together with the captor's declaration and the inventory of stores found on board the detained vessel. A monition was issued to the Marshal, summoning all interested parties to appear on or before the 2nd instant; and the witnesses in preparatory, produced by the captor's proctor, were ordered to give immediate attendance, for the purpose of their being examined on the standing interrogatories.

On this occasion Francisco José Dias, the Master of the detained vessel, deposed that he was born in Lisbon, and has lived there till within the last two years; that he now resides at Boa Vista, in the Cape de Verde Islands; that he has never served any State but Portugal; that he was recently married at Matanzas, where his wife now is, but only temporarily, as witness's house is at Boa-Vista; that he was appointed to the command of the detained vessel, and possession of her was given to him, at Havana, about 12 months since, by Don Gregorio Menendes, a resident in Havana, but, whether a Spaniard or a Portuguese witness is ignorant; that witness first saw the vessel there about a month previously, and believes she is Brazilian built; that he was present when the vessel was seized for having slaves on board; that she had no colours but Portuguese; that she is 91½ tons burthen, and has a crew of 23 officers and mariners, exclusive of witness, all of whom, except two Spaniards, were Portuguese subjects, and all were hired and shipped at Havana by witness in July last; that neither he nor any other of the officers or mariners had any interest in either vessel or cargo; that he was Master on board; that there was one passenger, a Spaniard, named Pedro Cibras, who was a clerk at Havana and was taken on board there for a passage to St. Thomas; that witness knows nothing further about him; that he was not taken to St. Thomas's, because his health would not permit of it, and that he had no interest or authority respecting the vessel or cargo; that the voyage commenced, and was to have ended, at Havana; that the last clearing-port was Charleston; that the vessel was proceeding on her voyage from Havana to the coast, when she carried away her jib-boom, and received other considerable damage, which compelled her to go to Charleston, where she remained about two months refitting, and thence sailed direct to the Calabar, where her slaves were shipped; that the capturing vessel was first seen outside the Calabar, on the day after the seizure of the "*Prova*" by her boats; that the capture took place within the bar of that river on the 3rd of June; that the name of the owner of the vessel is in the Passport, but witness does not recollect it, being personally unacquainted with him; that the owner resides at St. Jago, Cape Verde, and is a Portuguese by birth; that witness is ignorant of any bill-of-sale; that he believes the vessel, if restored, will belong to the party named in the Passport, and to no other person; that the consignee of the vessel at Havana, and the lader of the vessel there, was Don Gregorio Menendes, a resident merchant in that place; that witness was the purchaser and lader of the slaves shipped in the Calabar, and who were bought, by order of Menendes, with the goods shipped by that person at Havana; that the slaves were to have been landed at Havana, on account and risk of Menendes, and will belong to that person if restored; that the vessel was under witness's management with regard to her trade, and he corresponds with Menendes only; that he knows nothing of the former voyage of the vessel; that the cargo shipped at Havana was a general trade one; that the present cargo is slaves, of whom 225 were shipped altogether, all from the shore in the old Calabar River; that after capture the vessel was taken to Sierra Leone.

Ramon Peuâ, the Cook of the "*Prova*," was the other witness examined; but his deposition is of no consequence, as he pretended ignorance on every point respecting which he was questioned.

The publication of the above evidence was decreed on the 26th ultimo; and, on the same day, the Prize-master was allowed to file an affidavit accounting for the deaths which had occurred among the slaves. By this document it appeared that 24 slaves had died between the 3rd ultimo and the landing of the survivors on the 25th ultimo, notwithstanding every care and attention on the part of the officer and seamen composing the prize crew.

A petition for a day of trial was then presented, which was answered by appointing Monday the 2nd instant for the purpose, the Monition issued on the 25th ultimo, being made returnable on that day.

When the Court met, a return from the Liberated African Department was presented by the Marshal, shewing that 7 slaves had died in the interval between their landing; and the sitting of the Court. The evidence taken in the case, of which an abstract has been given above, was read; and the illegal employment of the detained vessel at the moment of her capture, being fully admitted by all parties, the "*Prova*" was pronounced a good and lawful prize to the Crowns of Great Britain and Portugal; and the survivors of the slaves captured on board of her, 194 in number, were decreed to be emanci-

pated from slavery. It was also declared that sufficient proof had been produced, that 225 slaves had been on board the detained vessel when taken possession of by the captors, of whom 24 had died before the vessel could land her slaves in this colony, and 7 subsequently.

*Sierra Leone, July 31, 1838.*

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

No. 37.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received October 17.)*

MY LORD,

*Sierra Leone, July 31st, 1838.*

WE have had the honour to receive your Lordship's Despatch of the 13th June, 1838, informing us that the attention of the Lords of the Admiralty had, under your Lordship's directions, been drawn to the circumstances under which the Portuguese brig "*Camoës*" was seized by Her Majesty's schooner "*Fair Rosamond*," and that their Lordships have expressed their disapprobation of the conduct of Lieutenant Oliver in this matter.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

&c.

&c.

&c.

## SIERRA LEONE. (*Netherlands.*)

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No. 38.

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

**MY LORD,**

*Sierra Leone, June 4th, 1838.*

WE have the honour to acknowledge your Lordship's Despatch, under date April 9, 1838, transmitting us twelve 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 suppression of the traffic in slaves. This important document has been deposited with the Archives of the British and Netherlands Mixed Court of Justice established at this place.

We have, &c.  
(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

&c.                      &c.                      &c.

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No. 39.

*Her Majesty's Commissioners to Mr. Backhouse.—(Received September 3.)*

**SIR,**

*Sierra Leone, June 30th, 1838.*

WE have the honour to report, that no case has come before the British and Netherlands Mixed Court of Justice for adjudication, in the period from the 1st January 1838 to this date.

We have, &c.  
(Signed)

H. W. MACAULAY.  
R. DOHERTY.

*John Backhouse, Esq.*

&c.                      &c.                      &c.

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## SIERRA LEONE. (*Brazil.*)

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No. 40.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 19.)*

MY LORD,

*Sierra Leone, February, 26th 1838.*

WE have the honour to inform your Lordship, that M. Joaquim Feliciano Gomes arrived in this Colony a few days since from Rio de Janeiro, bringing with him a Diploma from the Regency of Brazil, by which he has been appointed Commissioner of Arbitration in the British and Brazilian Court of Mixed Commission established here, in the room of M. Santos, promoted to be Commissary Judge in the said Court, in the room of M. Silveira, deceased.

The Diploma of appointment produced by M. Gomes appeared to be in the regular form. The usual oath of office was accordingly administered to that gentleman on the 24th instant by his Honour the Chief Justice; and a British and Brazilian Court was held this day, for the purpose of installing M. Gomes in his new situation.

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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No. 41.

*Her Majesty's Commissioners to Mr. Backhouse.—(Received September 3.)*

SIR,

*Sierra Leone, June 30th, 1838.*

WE have the honour to report, that no case has come before the British and Brazilian Court of Mixed Commissions for adjudication, in the period from the 1st January 1838 to this date.

We have, &c.  
(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

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No. 42.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received October 17.)*

MY LORD,

*Sierra Leone, June 31st, 1838.*

IN our Despatch marked Brazil of the 26th February, 1838, we had the honour to inform your Lordship of the arrival in this Colony of M. Joaquim Feliciano Gomes, and of the installation of that gentleman in the British and Brazilian Court of Mixed Commission, as His Imperial Majesty's Commissioner of Arbitration.

We have now the honour to report the departure of M. Gomes on the 29th instant for England, on board the merchant barque "Lord Wellington."

No case came before the British and Brazilian Court during the short stay of of M. Gomes in this Colony; it may therefore seem strange, that we should have anything to object to the official conduct of our colleague, from whom the only services required were, his presence in Court on the day of his installation, and the

payment every quarter of the Brazilian quota of the contingent expenses of the Courts of Mixed Commissions; in both of which respects his duty was punctually performed.

Soon after M. Gomes's arrival, it was observed that his chief, indeed almost his only associates, were the Captains and supercargoes of slave vessels; and this circumstance was generally remarked upon. The propriety of making a communication to your Lordship on the subject was then considered by us; but we thought it better to defer it on account of the daily expected arrival of M. Santos, the Brazilian Commissary Judge, whose correct conduct and better acquaintance with the English language, habits, and modes of thinking, would, we hoped, have an immediate and beneficial effect on his countrymen and colleague. In the meantime Mr. Macaulay wrote a note, a copy of which is enclosed, to M. Gomes, on the 22nd May last, to which, on the 8th ultimo, he received the enclosed reply. Mr. Macaulay's note, it will be observed, is private; the reply, official; it may therefore perhaps be supposed, that M. Gomes intends to found on that correspondence some representations to his own Government, or to the Brazilian Minister in London; and it is solely on this ground, that we venture to trouble your Lordship with copies of the letters in question.

We of course did not consider ourselves warranted in making officially to our colleague any comments on any part of his conduct; but we may now remark, that the first arrival of M. Gomes in the Colony was extraordinary, he having been landed on one of the Banana Islands about 30 miles to the southward of Cape Sierra Leone, in an open boat from a vessel, which had just before left *the River Gallinas*, and which, without coming to anchor, immediately made sail, as soon as the disembarkation of her passenger was effected.

We have, &c.  
(Signed) H. W. MACAULAY.  
R. DOHERTY.

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

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First Enclosure in No. 42.

*Mr. Macaulay to M. Gomes.*

DEAR SIR,

*Hunting Lodge, May 22, 1838.*

IN order to prevent the imputation of my having acted in an uncivil or unfriendly manner towards a foreigner, a stranger, and an official colleague, I beg leave frankly to acquaint you with the reason of my not having called upon you for some time past. On the last two occasions that I called at your house, I found myself in the company of persons notoriously engaged in the Slave Trade, one of whom, indeed, was the master of a slave vessel, which had been condemned for slave trading a short time before. Such associations, both personal feeling, and a sense of what I owe to my public situation, compel me to avoid.

Having said thus much, in explanation of my conduct, and not for the purpose of dictating the course which you ought to pursue, whilst holding the situation of a judge in the British and Brazilian Court of Mixed Commission, I beg to assure you that now, as formerly, my house and my table, both in town and in the country, will always be at your service.

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

*Joaquim Feliciano Gomes, Esq. His Imperial Majesty's Commissioner of Arbitration.*  
&c. &c. &c.

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Second Enclosure in No. 42.

(Translation.)

*M. Gomes to Mr. Macaulay.*

MY COLLEAGUE,

*Kissy, June 8, 1838.*

I HAVE received your official letter, edict, proclamation, the cause of which is apparent, but officially I do not conceive that you have any authority to give me orders, your appointment and my own being equal, and the edict or proclamation not viewing me in the light of an English subject. As to the latter part of your letter, wherein I am accused of a crime, I willingly reply to it; and only wish that you, my colleague, understood the Portuguese idiom, that you might know the force of your own expressions.

My house, table, and indeed, every thing has always been at your service, and were offered at the time with sincerity and friendship, but I was mistaken.

I regret that you say you do not come to my house because you met contraband traders, and persons with whom I ought not to associate, and also inform me that you would have wished to have had more of my society, but for these contraband traders. In the true sense of the word, they are men engaged in a contraband trade; but the owner of a ship, the captain, or a sailor, having a large fortune in his own country, and who is judged here, and thrown ashore in this colony, without the smallest means or protection; can such a situation be contemplated by any man of feeling, without his granting assist-

ance? The trade in which they are engaged is lost sight of; the destitute should always be respected; and this circumstance alone is sufficient to demand our aid.

As my colleague does not wish to come any more to my house, and I know not in what manner I have offended, it is of little consequence, the loss having resulted from so trifling a cause. As to my duties, whenever necessary, they can be communicated to me officially.

I am, &c.,  
Your Colleague,

(Signed) JOAQUIM FELICIANO GOMES.

*H. W. Macaulay, Esq., Her Britannic Majesty's Commissary Judge,*  
&c. &c. &c.

(True Translation.)

(Signed)

W. F. MENDES.

No. 43.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, November 7th, 1838.*

I FORWARDED your Despatch of the 9th September, 1837, to Her Majesty's Consul at Bahia, in order to ascertain the practice at that port, as to supplying Manifests of cargo to vessels cleared from thence.

I now transmit to you for your inspection a copy of the answer, which I have received to my inquiry.

You will perceive, that the authorities at Bahia do not furnish Manifests to vessels loaded at that port, but that such a document is generally provided by the Consignee; and that the Master of a vessel, or his agent, is bound to leave a copy of the Manifest at the Export Office, before the clearance of the ship can be obtained.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 43.

*Mr. Consul Whateley to Viscount Palmerston, Bahia, July 26, 1838.*

(See Class B. No. 228.)

No. 44.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 13th, 1838.*

I HEREWITH transmit to you, for your information, a Copy of a Despatch which I have received from Her Majesty's Chargé d'Affaires at Rio de Janeiro, containing a return of Portuguese slave-vessels which entered the harbour of Rio de Janeiro during the month of August last, together with returns of vessels which had entered the port of Bahia from Africa, and which had cleared out from that port for the African Coast, during the months of June and July last.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 44.

*Mr. Ouseley to Viscount Palmerston, Rio de Janeiro, September 24, 1838.*

(See Class B. No. 210.)

No. 45.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 15th, 1838.*

I HEREWITH transmit to you, for your information and guidance, Copies of Despatches and Letters which I have received respecting the slave-vessel the "*Flor de Loanda*," together with a Copy of a Despatch which I have addressed



to Her Majesty's Commissioners at Rio de Janeiro, and a Copy of a Note which I addressed to the Portuguese Chargé d'Affaires in this country, in answer to a Note from M. de Carvalho to myself, upon the subject in question.

I am, &c.

(Signed) PALMERSTON.

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

Enclosures in No. 45.

First. *Mr. Gordon to Viscount Palmerston, Rio de Janeiro, April 21, 1838.*

Second. *Her Majesty's Commissioners to Viscount Palmerston, Rio de Janeiro, May 21, 1838.*

Third. *Mr. Gordon to Viscount Palmerston, Rio de Janeiro, May 21, 1838.*

Fourth Enclosure in No. 45.

*Mr. Wood to Mr. Strangways.*

*Admiralty, August 6th, 1838.*

Sir,

In return to your letter of the 1st instant, I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of a letter from Commander Charles Eden, late of the "Rover," dated the 3rd instant, and its inclosure in original, relative to the case of the "Flor de Loanda," slave schooner, detained by that vessel.

I am, &c.

(Signed)

C. WOOD.

*To the Hon. W. Fox Strangways,*  
*Foreign Office.*

First Sub-Enclosure in No. 45.

*Commander Eden to Mr. Wood.*

*14, Half Moon Street, August 3rd, 1838.*

Sir,

In compliance with the orders of my Lords Commissioners of the Admiralty, conveyed to me in your letter of the 2nd instant, I have the honour to forward the only document at present in my possession relative to the case of the "Flor de Loanda," slave schooner, detained by the "Rover."

I beg also to state that copies of the whole of the papers relating to the detention and trial of the "Flor de Loanda" may be expected in England by the next packet from Brazil.

I have, &c.

(Signed)

CHARLES EDEN,  
*Commander.*

*To Charles Wood, Esq.*  
*Admiralty.*

Second Sub-Enclosure in No. 45.

(Translation.) *Captor's Statement of the Case of the "Flor de Loanda."*

CHARLES EDEN, Commander of Her Britannic Majesty's corvette, "Rover," represented by his authorized agent, says, in vindication of the capture of the schooner, "Flor de Loanda," for illicit trade in slaves, as follows:—

The question of which we treat at present is the capture of the schooner "Flor de Loanda," by Her British Majesty's schooner, "Rover." She was taken on the 11th of April, of this current year 1838, off the Marica Islands, when she was navigating under Portuguese colours, and had 289 African slaves on board, in violation of the Treaties subsisting between Brazil and England, and also Portugal.

The captured individuals say that they embarked the Africans at Cabinda, intending to carry them to Montevideo, and dispose of them there as colonists or cultivators; and if the Government of Montevideo had not allowed them to be landed there, then to take them to Mozambique, with the view of employing them there in agriculture. This invention, containing a compound of fallacies, deserves not the least credit. The documents and despatches of the "Loanda" make no mention of cultivators. There is no passport for such cultivators on board, as is required by the Convention of 1817; and the last Portuguese Decree of the 10th December, 1836, expressly forbids the exportation of blacks from the ports of Africa, except under the circumstances, and with the formalities specified in that Decree.

There is no doubt that the expedition was destined for Brazil, where the slaves were to be landed. To prove this, an inspection of the log-book is sufficient, whence it appears that no storms during the voyage forced the vessel from her course, which sailed always straight for the coast of Brazil, and never for Monte Video, so that on the 4th April the following observation occurs in the Log-book:—"I navigated this day as is seen above in the Journal. At 5 o'clock we saw the islands of Martim Daz, and at noon I came in sight of the Isle of Trinidad, &c." And it is remarkable that after they had seen Trinidad, their course was direct for Cape Frio. On the 8th April the Log-book has this observation:—"The way we made to-day appears from the Journal; the wind was regular, the sea high. Upon examining the pump as usual, I found 20 inches of water, and ordered the working of it; an hour afterwards I found 16 inches, and the ship made every hour 16 inches." Whence it is manifest that the intention was to make some arrival, capable to excuse the schooner being met on the coast of Brazil with a cargo of slaves; and the arrival, by reason of a leak, was to have served as a pretext for his infernal plans. It is true that among the papers delivered to the captors, there is a statement of an arrival on the same date, the 6th April, yet there is no mention of a leak, the arrival being said to have been effected for the purpose of taking in water, as they had only 6 pipes of water left on board.

The groundlessness of that arrival is obvious from the fact that, on the 14th April, the day when the sloop-of-war entered this port with the captured schooner, there were still 6 pipes of water left, and that eight days after the arrival alluded to. Moreover, the reputed Master and Owner of the schooner deposed, in his interrogatory, that the excuse of the arrival was want of water and *provisions*, though in the entry nothing is said of provisions.

The First Mate says in his deposition that the leak was stopped up. Now, if it was so, it could not be till after the 7th of April, because the Log-book says, that on that day the vessel continued to make the same quantity of water; it is, therefore, extraordinary that they made no mention of so serious an accident in the protest of their arrival, which appears under date of the 6th of April. The truth is, that the pretended arrival did not take place on the 6th, but was invented some days after, perhaps at the very hour that the vessel was captured, when the perturbation of the Master and his crew made them forget what they had previously entered in the Journal.

In addition to all this, we have, as a proof of our assertion, the fact, that during the search made several days after the capture, two letters were found addressed to persons residing at Rio de Janeiro, which letters are among the proceedings.

The persons captured professed that the vessel in question is Portuguese, she having hoisted the flag of that nation when she was taken. Even thus she is not absolved from criminality, inasmuch as by the Convention between Portugal and Great Britain, Portuguese vessels are expressly prohibited from carrying on the Slave Trade to any port out of the dominions of H. M. F. M. Monarchy. The pretended destination for Mozambique alters nothing in this law, since it is not likely that they would carry Africans, as is pretended in the present case, from Cabinda, after touching at Mozambique, to Montevideo. Beside this, the same Convention directs that, with the view to the permitted Slave Trade to the south of the Equator, vessels must be furnished with a special passport, which is not found among the documents given up to the captors. Moreover, the last Decree of the 10th of December, 1836, expressly prohibits Portuguese vessels from trading in slaves.

To give any weight to the assertion about the nationality of the vessel, it would be necessary for the captured to prove that they navigated in conformity with the Portuguese laws now in force; but so far from it, they set all these laws at defiance, and yet insist that a vessel illegally navigating under the Portuguese flag is to be considered as national, and guaranteed as such by other Powers.

By Article 1316 of the Portuguese Code of Commerce, promulgated as a law the 18th of September, 1833, it is ordained, "That every Portuguese ship must be lawfully registered and navigated as such; the certificate of registry is one of the ship's papers." And by Article 1318 it is ordained, "That the ship's registration shall be effected in the Intendency of the Port to which the ship belongs. A ship purchased from a foreigner or captured can only be registered in the Registry of Lisbon." And Article 1319 likewise says, "That the Register of a ship comprehends—1stly. The name of the ship; 2ndly. Her tonnage proved by the certificate of admeasurement with reference to her date (age); 3rdly. The name and surname of each of the owners and their respective residences; 4thly. The time of the respective acquisition of a share in the ship, with reference to the nature and date of the title, and the particular specification of the share of each shareholder." In Article 1379 it is likewise ordained, "That every captain of a ship undertaking a sea voyage to foreign countries shall be obliged to have on board—1stly. The registered title of the ownership of the vessel; 2ndly. A passport; 3rdly. A list of the ship's company; 4thly. The invoices and freight; 5thly. The receipts for the payment of the expenses of the port, of pilotage, and of every other description; also a copy of the Code of Commerce."

The register of the ship was the principal document which she ought to have had on board, it being the only one by which the property of a ship can legally be established. Now in the present case neither the register nor the documents above enumerated existed on board, with the exception of a passport from Loanda, and the list of the ship's company; but there appears no document relative to the voyage from this port to that.

Unquestionably, for want of the register and the other papers necessary to every Portuguese ship in virtue of the above Code, the Mixed Commission cannot recognise the schooner "*Flor de Loanda*" as Portuguese, for, by a just and laudable proceeding on the same principle, that Commission passed sentence in the case of the brig "*Orion*," in the beginning of 1836, which was similarly circumstanced.

This Portuguese Law was subsequently confirmed by the Decree of the 17th of December, 1836, which Decree was published by the Consul-General of the Portuguese nation in this capital, in the Journal of Commerce of the 1st of April, 1837, and of which the document No. 1. hereunto annexed, is a certified copy. The 1st and 2nd Articles of that Decree say: "1stly. With a view to the entering of the register of the Portuguese vessels established in Articles 1316 and 1320 of the Portuguese Maritime Code, there shall be kept in the Intendencies of the Marine of Portugal and its dependencies a book, in which shall be entered the registers of vessels, with all the designations expressed in the Code; 2ndly. An authentic certificate of the registry of each ship respectively shall be delivered to her owner or owners, or to the master lawfully authorized, and this certificate shall be the ship's document denominated 'Register.'"

From all these enactments, it is clear and unquestionable that, in order to call the "*Flor de Loanda*" Portuguese, it would be necessary for her to have on board a certificate of Registry, and the registered Title of the property of the ship. Since these documents are not in existence, she must be considered a pirate. The case is not amended by the forthcoming of the Passport and the list of the ship's company, made out in the port of Loanda, because, as the first and chief documents are wanting, these latter ones can only be looked upon as gratuitous, and prove the connivance of the authorities of Loanda, for the purpose of covering the illicit and infamous traffic of importing slaves into Brazil.

There is yet another circumstance showing the illegality with which the schooner "*Flor de Loanda*" navigated. It is customary among all nations for a ship armed with ordnance to be furnished with a License from her Government, or at least to have her armament mentioned in the ship's papers. The "*Flor de Loanda*" is armed with a piece of the caliber of a nine-pounder, mounted as a swivel, and with two other cannons of the caliber of six, likewise mounted; yet there exists no document to authorize such armament, so that the vessel in question has the character of a pirate.

Having established that the schooner "*Flor de Loanda*" can on no principle claim the title of a Portuguese vessel, we proceed to demonstrate the reasonableness of our principle, that the Mixed Commission may take cognizance of the question, and adjudge it in conformity with existing Treaties

CLASS A.

since in her expedition are interested either Brazilian subjects, or persons residing in the Empire, and who, by their residence, have acquired a national character, in conformity with the law of nations.

It is a principle known in every country, and adopted by the law of nations, that a foreigner resident in another country, or domiciliated there, has acquired a national character of the country where he resides, or is domiciliated. The justice and wisdom of such a law are evident, because every one residing in a country is subject to, and obliged to conform with its laws; those of his own country being suspended while he is absent, and he not being liable to any obligation, inasmuch as it would be an injustice for a man to be obliged to conform with, or obey to, the laws of two Governments frequently following opposite systems.

Accordingly, it is manifest that every foreigner residing or domiciliated in Brazil is bound to conform with, or obey, the laws of the Empire, one of them being that of the solemn Treaty touching the prohibition of the Slave Trade concluded with England.

It is therefore unnecessary for the Mixed Commission to take cognizance of the question whether Brazilian subjects, born in the country, are interested in the enterprise, it is sufficient for us to establish that the expedition originated in Brazil, or that persons residing or domiciled in it, or having acquired the national character, are concerned in it.

In the question brought before this Mixed Commission, relative to the ship "*Maria da Gloria*," the Owner of the ship, and of the cargo of slaves, was a Portuguese, and resident in Brazil, and the expedition had its origin in this port. But at that time the law of nations, which directs that a foreigner, by his residence in the country, acquires a national character, was not well understood; but subsequently this question came to be discussed by the Brazilian and English Governments; and both Governments, in consequence, issued Instructions to the Mixed Commission, under the 29th October, 1835, which are very peremptory.

In the answers of the reputed Master and Owner of the "*Flor de Loanda*," Manuel Antonio Leixa Barboza, to the usual interrogatories, he confesses that the "*Flor de Loanda*" was an American bottom, bought by him in 1836, and that she performed a voyage that year to Loanda, and returned to this port in December, 1836, or January, 1837; that in May of the same year she made another voyage to Loanda, and that she is now returned. Thus it is clearly proved, that from the time of the purchase of this vessel, she has solely been navigating between this port and Loanda, and that the present enterprise had its origin in Brazil, under circumstances analogous to those of the "*Maria da Gloria*."

The same reputed Master or Owner of the enterprise says he is by birth a Portuguese, but he furnishes no document to prove what he says in this respect. He at the same time confesses that it is now ten years since he came to this port; that he has served six years as purser; and during the last four years he has been an itinerant merchant between the Brazilian and foreign ports. Hence the proof is complete from his own confession, that the reputed Owner of the vessel, and of the venture, is by birth a Portuguese, and that by his residence in Brazil he has also acquired a national character. Perhaps he will allege that, by having, during the last four years, been moving about as a merchant, he has lost the national Brazilian character which his previous residence had obtained for him. Our reply to this is, that the circumstance just mentioned could not have lost him the acquired character of a Brazilian, seeing that, as his voyages have been undertaken to ports of the Empire, they were in nowise contrary to his character of residence; and as he has constantly returned to this capital, which was his domicile, it is evident that the character which he had acquired still subsists. It does not appear that he, on any occasion, returned to Portugal; and as he has not particularised the foreign ports visited by him, we have every right to presume that the foreign ports to which he refers in his deposition are those of Loanda and Cobinda; and since he bought the "*Flor de Loanda*," in January, 1836, and has been navigating in her between this port and that of Loanda, it is evident that he has never abandoned his domicile at Rio de Janeiro, having always returned thither.

This question relative to the acquisition of national character by seafaring men has been argued before Sir William Scott, the celebrated Judge of the English Court of Admiralty, and in Vol. I., p. 17, of the Admiralty Reports, we find the following decision on the subject of a ship which was originally Dutch, but was sold in Holland to a Prussian subject at Emden, who was a natural born subject of Prussia, and master of the ship. The question turned on this, whether the master, by the law of nations, was to be accounted a Prussian or a Dutchman, seeing that for ten previous years he had been navigating from Amsterdam, a port of Holland. Says Sir W. Scott on this question:—"The first distinction is taken as to the national character of the master, but I think that he has little right to be considered as a Prussian subject; he is a single man, that has no established domicile from family relations, and he has for ten years constantly employed himself in navigating from Amsterdam to Greenland; by such an occupation he is divested of his national character, and becomes by adoption a perfect Dutchman." The present case is analogous. The master and owner of the "*Flor de Loanda*" is single, and has no established home by family relations; and he has for ten years constantly employed himself at Rio de Janeiro, or in sailing from and for this port; therefore he has acquired the national character of a Brazilian, and is subject to all the laws of Brazil.

Besides what we have said respecting the reputed master and owner of the vessel having acquired by his residence a national Brazilian character, we beg the attention of the most illustrious judges to the deposition of Francisco Jozé de Souza Pimenta, the first mate, who says, that he is single, born at Porto, and 23 years of age. This individual deposes that when 6 years old he came to Brazil, and that he resides at Pernambuco, whence he has made several voyages as well to the coast of Brazil as to Africa, and that he has his family at Pernambuco; consequently there can be no doubt that he has acquired a national Brazilian character by the choice he has made of Brazil for his residence, a choice the more established by the fact, as during his residence he passed the epoch of 20 years of age, the time when the law directs the emancipation of a male; hence the choice of nation for one's country at that age is the most solemn.

We now proceed to state some facts relative to another class of persons found on board the vessel in question. Thomas Jozé Luis de Oliveira, who by his passport declares himself to be a Brazilian, and by his deposition owns to it, as also that he was a passenger in this vessel at her departure from this port in the month of March of last year, the time when the present voyage commenced, and that he is now on board the same vessel in her return voyage. Notwithstanding that this individual avers that he has no interest in the cargo of slaves, and that he even did not know that the vessel was about to carry such a cargo, his ignorance is against all credibility. Can it be possible that a man should

embark for the Coast of Africa on the 11th of March, 1837, remain at Loanda with the same vessel to the latter end of February, 1838, and a second time take his passage in her, and notwithstanding all the knowledge which he, only by this continued sojourn on board the vessel, must have acquired, should know nothing of the object of the voyage? No one can credit this. But it seems unnecessary to prove the direct participation of the said Oliveira, a Brazilian subject, in the negotiation of the illicit Slave Trade, inasmuch as, by his being on board, the participation or interest he had in such enterprise, is in some manner established. We see by the 1st Article of the Treaty between Brazil and England that Brazilian subjects are not allowed to carry on the Slave Trade to the Coast of Africa, under any pretext or in any way whatsoever. Assuredly the spirit of this article goes to forbid subjects of the empire to navigate in any vessel, even under the denomination of passengers, when such vessel is engaged in the illicit traffic. The latest law enacted last year by the senate in respect to the Slave Trade, expressly ordains that all persons found on board a vessel carrying slaves, beside the chief agents, are accomplices, and as such liable to punishment. The Portuguese Decree of the 10th December, 1836, art. 19, sect. 2, also considers as accomplices all those individuals found on board ships employed in the traffic; hence it is clear and evident, that the sojourn on board the vessel in question of the said Brazilian subject, is a sufficient ground for considering the expedition as Brazilian.

It is true that the said Oliveira and the other reputed passenger, Manoel José Borges de Carvalho, own to both of them having sailed in the vessel referred to as passengers in their voyage to the Coast of Africa, and having returned in her. But referring to the Journal of Commerce of the 13th May of last year, document No. 2, annexed, we find the announcement of the departure of that vessel, but not the names of those passengers, which shows the mystery there is with regard to those individuals, and the character in which they figure on board, and consequently the little faith deserved by their allegations in respect to the object of, and their interest in, the voyage.

It might seem that we have said more than enough to convince the most illustrious judges that the adventure of the "*Flor de Loanda*" is Brazilian, but we have still to produce a fact which abundantly proves that both vessel and cargo have incurred the penalties denounced in the Treaty and Conventions between Brazil and England. It is manifest from the examination that the "*Flor de Loanda*," immediately after her purchase, made a voyage to Loanda prior to the present, and returned to this port; and from the Journal of Commerce of January, 1837, document No. 3, annexed, the entry of the vessel into this port appears, being recorded thus:—"Entries on the 8th; Angola, 32 days; Portuguese schooner "*Flor de Loanda*," 90 tons, Francisco Silveira, Master; crew 12, in ballast; to Joaquim Azevedo Castro: she was impeded."—[detained, captured?]

Now, in the Registry of the vessel for the present voyage, are entered two blacks, José Antonio and Manoel, among the crew, and it is declared that these are the slaves of Joaquim de Azevedo Castro, evidently the same person to whom the vessel was consigned at her entry on occasion of the former voyage, and, consequently, who despatched her on her present voyage. The reputed Master and Owner of the vessel, on being interrogated with regard to the two blacks, declared, in his depositions, that they are the slaves of Joaquim de Azevedo Castro, and that he is a merchant established in the street Quisanda in this city.

It is unnecessary for us to advance anything as to the nationality of this owner of slaves, inasmuch as it is proved that he is a merchant established in this capital, and therefore he has acquired a national Brazilian character. Were it not so, the traffic which is illicit for the Brazilian, would become allowable to the foreign resident in the country. But, even in the case of the owner of these slaves being a foreigner, it does not follow that the slaves ought to be accounted foreigners, for, having been purchased in the country, they must be considered as Brazilians. But, however that may be, their presence on board proves that persons residing in the country are interested in the illicit voyage.

For all these reasons, and for others which the Illustrious Judges will supply, they will find it necessary to declare the freedom of the Africans found on board, and will condemn the vessel, together with whatever cargo she may have laden, according to, and in conformity with, the Treaty between Brazil and Great Britain, of the 23rd November, 1836, and the Conventions to which that Treaty refers.

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#### Fifth Enclosure in No. 45.

*Sir John Barrow to the Hon. W. Fox Strangways.*

SIR,

*Admiralty, 7th September, 1838.*

WITH reference to former correspondence respecting the "*Flor de Loanda*," and "*Cesar*," captured for illicit traffic in slaves, I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a Letter from Captain Herbert, of the "*Calliope*," dated the 2d of July last, and its Enclosures, relating to these vessels.

I am, &c.

JOHN BARROW.

(Signed)  
*The Hon. W. Fox Strangways.*

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#### First Sub-Enclosure.

*Captain Herbert to Commodore Sullivan, C. B.*

SIR,

*Her Majesty's Ship "Calliope," Rio de Janeiro, 2d July, 1838.*

I BEG leave to enclose, for your information, a Communication addressed to me as the Senior Officer in this port, by Sir George Jackson, the Senior British Judge in the Mixed Commission Court, relative to some blacks abstracted from the slave-vessels under the charge of Lieutenant Bowers, then commanding the "*Wizard*," together with his statement of the particulars, and my instructions on the occasion; also some communication from Mr. Stevenson on the same subject.

I have, &c.,

J. HERBERT, *Captain.*

(Signed)  
*Commodore Sullivan, C. B., Her Majesty's Ship "Stag."*

## Second Sub-Enclosure.

*Sir George Jackson to Captain Herbert, R.N.*

SIR,

*Rio de Janeiro, 26th June, 1838.*

THE accompanying representation was made to the Court on the 23rd instant. For the reasons stated by them they refrained from considering it at all, but, as it will be the duty of the British Commissioners to transmit the same for the information of Her Majesty's Government, together with the Letter from Mr. Armitage, to Lieutenant Bowers of the 21st instant, submitted to the Court at the same time by Mr. Stevenson, I think it right that you shall be apprised of the circumstance, and only fair to those officers that they also should be informed thereof.

I therefore, according to your desire, conveyed to me through Lieutenant Bower, forward for your information through Mr. Stevenson, a copy of the representation in question.

Captain Herbert, R.N.  
&c., &c., &c.

I have, &amp;c.,

(Signed)

GEORGE JACKSON.

## Third Sub-Enclosure.

*Translation of the Petition of Manuel Antonio Teixeira Barboza to the Mixed Commission, and the Decision of the Commissioners as to the same.*

MOST ILLUSTRIOUS MEMBERS OF THE MIXED COMMISSION,

MANUEL ANTONIO Teixeira Barboza, Master and Owner of the schooner "*Flor de Loanda*," captured by Her Britannic Majesty's corvette "*Rover*," the passenger Maga, the pilot, and four seamen of the same schooner, represent to your worships the heinous violence practised against them by order of the Commander of the brig "*Wizard*," which, without doubt, will continue for some time, if your worships do not immediately assist them with some effectual measure.

Sirs, yesterday the 22nd instant, the frigate "*Calliope*," Captain Herbert, having gone out to cruize, under whose guard was the said schooner, and this Captain having intrusted that guard to that of the said brig "*Wizard*," it happens that in place of his imitating the conduct of his antecessor, he yesterday ordered that the petitioner should be loaded with irons during the night, which despotic and arbitrary order was executed, and will be every night, according to the recommendations of the Commander of the said brig; and in this manner, Sirs, the petitioners are suffering, and will continue to suffer under the prepotency, heinous despotism, and barbarity of this officer. Which proceeding becomes more scandalous and revolting when already a similar one on the part of the Commander of the above-mentioned capturing corvette was reprehended, when he put in irons the petitioners, the Master, and passengers of the schooner. To what has been said, Sirs, is to be added, that the petitioners thus fettered were thrown into the hold, where they passed all the night, suffocated with heat and pestiferous and insupportable vapour; which if it continues, will certainly shorten the days of the petitioners who are unable to resist such sufferings, to inhumanity, and to ignominy, being treated like beasts or bales, or rather as vile beings and criminals. And as, Sirs, the petitioners are intimately convinced, that such atrocity in violation of all laws human and divine, and of all the treaties which tend to straighten more and more the bonds of union and unity between civilised and friendly nations, never can have the approbation of Her Britannic Majesty, and as the petitioners are also persuaded, that the Most Illustrious Commission will not consent that their dignity and authority shall be set at nought, nor that, within this port, shall be practised a violence and barbarity so atrocious and unheard of, by this officer and Commander of the forementioned brig, without respect for the honour and dignity of the Brazilian nation and of his Imperial Majesty; therefore they hope and ask, your worships will be pleased to take into consideration what has been said, and take necessary and prompt measures for the termination of such arbitrary proceedings.

(Signed)

BERNARDO AUGUSTE NASCENTES DE AZAMBIQUE.

As Attorney.

*Decision by the Mixed Commission to the above Petition.*

The schooner "*Flor de Loanda*" being out of the jurisdiction of this Commission by the definitive sentence given in her case, the petitioners should apply to the agent of their nation, here resident, to take the measures which he may think proper.

(Signed)

CARNEIRO.  
J. JACKSON.*Rio de Janeiro, 23rd June, 1838.*

## Fourth Sub-Enclosure.

*Lieutenant Bowers to Captain Herbert.*

SIR,

*Her Majesty's Brig "Wizard," Rio de Janeiro, June 25, 1838.*

MR. ARMITAGE, Mate, in charge of the slave-vessel, "*Cæsar*," has reported to me that he found two slaves had been taken from that vessel on the night of the 20th instant. Mr. Armitage states, that they must have been stolen whilst the sentry was trimming his lamps on looking out abaft, and he believes that Joa Natio (prisoner) had preconcerted a signal with some one in a canoe for effecting the theft. On the morning of the 21st, I found that two prisoners had escaped from the brig; under these circumstances, and also knowing that a sentry, on board the "*Brilliant*," refused a bribe to permit two slaves (boys) being taken out of the vessel, I have ordered that the prisoners on board the slavers be put in irons every night at sunset, and that they have no communication with their friends, or any other person, as this theft could not have been made without a previous arrangement, and small canoes are continually in the habit of dodging round the prizes, and when chased and come up with, they are found with a line over the side, and say they are fishing. I cannot interfere with them, although it is evident from their being night after night in the same place, their intention is to wait a signal from either of the prizes, for a fit opportunity of coming under the bow to steal slaves. Sir George Jackson has informed Mr. Stevenson, that my conduct is illegal. The prisoners have re-

monstrated against my orders; but as those slaves were stolen when the "Calliope" was here, they certainly would be more likely to attempt it now with a better chance of success, unless I took those additional precautions, and if the prisoners find it hard to be in irons all night, they must recollect that some of them, at all events, were concerned in stealing the slaves, therefore, it is brought on themselves. I do not intend to rescind my order, and I hope my conduct will meet your approval. The Master of the "*Flor de Loanda*" has protested against Captain Eden for damages, and Mr. Stevenson informs me it is not of the least consequence, and it is only done for annoyance.

I am sorry to add, that the small-pox has appeared amongst the blacks of this vessel, and I have taken every precaution I can think of, for preventing the disease from spreading amongst the other slave-vessels, and have also informed the Health-office, through Mr. Stevenson, of the circumstance, that they may take their own measures for preventing the contagion from getting into the city: this, at all events, must put an end to any idea of the vessel going to sea.

Since writing the above, I received a communication from Mr. Stevenson, acquainting me that the Portuguese Consul wished me not to confine the Masters of the vessels, "*Flor de Loanda*" and "*Brilhante*" in irons. I replied that I did not do so until I was obliged, but that, if the Consul would meet our wishes about the "*Flor de Loanda*," I would do every thing in my power to meet him. I enclose Mr. Stevenson's reply, and I have acted under his advice, as far as removing the Master of the "*Brilhante*" to the "*Wizard*;" but, as I think it likely the "*Flor de Loanda*" may be put in quarantine tomorrow, I have delayed the removal of the other, until I hear what steps the Health-office intend to take about this vessel.

I have, &c.

J. BOWERS, *Lieutenant Commanding.*

(Signed)

Captain Thomas Herbert, *Her Majesty's Ship "Calliope."*

&c.

&c.

&c.

#### Fifth Sub-Enclosure.

*Captain Thomas Herbert to Lieutenant Bowers.*

SIR,

*His Majesty's Ship "Calliope" off Rio de Janeiro, June 26, 1838.*

I HAVE to acknowledge the receipt of your communication of the 25th instant, received this afternoon, and regret much that any of the slaves should have been stolen from the vessels under your care, although satisfied of your having done every thing for their security.

Those abstracted from the "*Cæsar*" on the 20th instant, were never reported to me, and I was in total ignorance of the circumstance till mentioned in your communication of this afternoon. I would advise your following the advice of Mr. Stevenson and Mr. Gordon, on all points connected with the prize-crews and prisoners, recommending, however, as far as it is consistent with your duty, as much leniency as possible. Should the Health-office determine upon placing the "*Flor de Loanda*" in quarantine, their wishes must be complied with.

My absence from port will be of short duration, and in returning the enclosures, which being in Portuguese, I do not understand, having no interpreter,

I have, &c.

THOS. HERBERT, *Captain.*

(Signed)

*To Lieut. Bowers, Her Majesty's Brig "Wizard" off Rio de Janeiro.*

#### Sixth Sub-Enclosure.

*Mr. Stevenson to Captain Herbert.*

SIR,

*Rio de Janeiro, July 1, 1838.*

THE enclosed despatch from Sir George Jackson was delivered to me yesterday afternoon open, for my perusal, and with a request that I would transmit it to you; I have delayed doing so, in order that I might accompany it with a translation of the extraordinary document it refers to, a complaint of the Master, and others of the "*Flor de Loanda*," for being put in irons by order of Lieutenant Bowers.

It is unnecessary for me to make any remark upon the measure resorted to by Lieutenant Bowers for the security of the prisoners on board the slave-vessels, and the protection of the slaves from being stolen during the night, as that gentleman will, no doubt, have reported to you the whole of the circumstances of the case.

What astonishes me is, that, after the Mixed Commission have explicitly declared in their despatch to the petition of the Master of the "*Flor de Loanda*," that they had no jurisdiction in the case, yet still Sir George Jackson should think of addressing Her Majesty's government on the subject. It appears to me that the matter at issue altogether relates to the police, and discipline on board of Her Majesty's vessels of war, and with which the Mixed Commission has nothing whatever to do, whether the parties belong to a prize-vessel, under their jurisdiction or otherwise; therefore, in the present case, there seems to be a certain unauthorised and officious intervention on the part of Sir George Jackson, which I cannot reconcile with his restricted authority as one of the Commissary Judges of the Mixed Commission.

In the case of the "*Flor de Loanda*," there have occurred so many complaints on the part of the Master, against the conduct of the captor, and which unfortunately have been too much countenanced by the members of the Mixed Commission, that I would suggest the propriety of Her Majesty's Government adopting some measures to prevent the recurrence of similar complaints.

The most serious accusation made by the Master of the "*Flor de Loanda*" was, that of the captor's having sold some of the slaves, and he alleged that two of those slaves could be produced on shore.

From the first, I never doubted but that the story was a fabrication, and it turned out that he was unable to support it with any proof whatever. But on the 23rd of last month, Mr. Armitage reported to me that two of the slaves had been stolen on the night previous, from on board the vessel under his charge, the "*Cæsar*," it immediately occurred to me to be probable, that a similar occurrence had

taken place on board the "*Flor de Loanda*," and upon this, the parties connected with that vessel had trumped up the story of slaves having been sold by the captors.

For this, and many other reasons, it would be highly desirable that, when a vessel with slaves is captured, the crew should not be allowed to remain on board, either of the captured vessels or that of the captor, longer than is necessary, or after they have been interrogated by the Mixed Commission Court. I would therefore suggest, that application be made to Her Majesty's Chargé d'Affaires to make arrangement with the Brazilian Government similar to that which is followed at the Havana, where, whenever the Master, and two or three of the crew of the captured vessel, have appeared before the Court to be interrogated, (which is generally concluded on the first or second day after the arrival of the vessel in port,) the Master, and the whole of the crew, are transferred to the custody of the civil authorities on shore, with the understanding that they are to be forthcoming to the Mixed Commission Court when called for. Were such an arrangement as this adopted, it would tend to prevent in future such vexatious and unfounded complaints as those referred to.

I have, &c.  
DAVID STEVENSON

(Signed)  
Captain Herbert, Her Majesty's Ship "*Calliope*."  
&c. &c. &c.

#### Sixth Enclosure in No. 45.

Her Majesty's Commissioners to Viscount Palmerston, Rio de Janeiro, August 28, 1838.

See No. 127.

Seventh,	<i>ditto</i>	to Viscount Palmerston, Rio de Janeiro, Sept. 26, "
		See No. 131.
Eighth,	<i>Mr. Ousely</i>	to Viscount Palmerston, Rio de Janeiro, " 14, "
		Class B. No. 208.
Ninth,	<i>Mr. Carvalho</i>	to Viscount Palmerston, London, Nov. 15, "
		Class B. No. 146.

#### Tenth Enclosure in No. 45.

Sir John Barrow to Mr. Backhouse.

SIR, Admiralty, 3rd December, 1838.  
I AM commanded by my Lords' Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copies of two letters from the senior officer of Her Majesty's ships at Rio de Janeiro, and of their enclosures, respecting the "*Flor de Loanda*," a slave schooner, captured by Her Majesty's sloop "*Rover*."

I am, &c. (Signed) J. BARROW.  
To John Backhouse, Esq., &c. &c. &c.  
Foreign Office.

#### First Sub-Enclosure.

Commodore Sullivan to Mr. Wood.

SIR, H. M. S. "*Stag*," Rio Janeiro, 4th September, 1838.  
I HAVE the honour to acquaint you that the prize slave schooner, "*Flor de Loanda*," sailed from this port on the 24th ult., in company with Her Majesty's ship, "*Sparrowhawk*," which vessel I directed to see her 20 leagues to the eastward of Cape Frio, and then proceed to the river to relieve the "*Electra*."

On the 30th ult. the "*Flor de Loanda*" again returned to this port, having sprung a serious leak, and being with difficulty kept afloat by baling, her pumps being choked. She is now clearing out and stripping preparatory to heaving down, to ascertain the full extent of the defects in her bottom.

I herewith enclose the copy of a letter from Mr. Whaley Armitage, the mate in charge of that vessel, to me, reporting his proceedings.

I have, &c. (Signed) J. B. SULLIVAN, Commodore.  
To T. Wood, Esq., M.P., &c. &c. &c.  
Admiralty.

#### Second Sub-Enclosure.

Report of Commission of Survey.

Pursuant to an order from Commodore Thomas Ball Sullivan, C.B., Commander-in-Chief of Her Majesty's ships and Vessels on the East Coast of South America, and to us directed.

WE whose names are hereunto subscribed have been on board the prize slave schooner, "*Flor de Loanda*," and having held a strict and careful survey on the vessel, we find as follows:—

We find her floor timbers rotten; that she is making a great deal of water; and in her present state we consider her totally unfit to go to sea.

Given on board the prize slave schooner "*Flor de Loanda*," 14th September, 1838.

(Signed) H. D. FOSTER, Lieutenant, } H. M. S.  
J. BROWN, Master, } "*Stag*."  
JOHN BLACK, Carpenter. }

Approved. (Signed) J. B. SULLIVAN,  
Commodore and Commander-in-Chief.

## Third Sub-Enclosure.

*Mr. W. Armitage to Commodore Sullivan.*

SIR,

*Prize Schooner "Flor de Loanda," 30th August, 1838.*

I HAVE the honour to state, for your information, that after completing our water from Her Majesty's ship, "Sparrowhawk," on the 27th inst., a fresh breeze from E.N.E. came on about 7 P.M. Cape Frio bearing N.E. 30 miles at 11 P.M., we discovered the vessel under my charge had sprung a serious leak, the water being nearly up to the slave deck. I immediately hove to and fired minute guns, and burned a blue light as signal to Her Majesty's ship, "Sparrowhawk," some distance on our lee-beam, which was not answered. The pumps becoming choked we had recourse to baling; finding the leak still gaining on us, I wore round on the starboard tack, the vessel now nearly unmanageable, and in a sinking condition: she shipped a sea, which damaged the coppers, as to render them of no further use. Under these circumstances I recommenced easing her, by heaving overboard two guns, spare anchor, 40 bags of farina, 30 bags of beans, 1810 lbs. carne seed, 8000 billets of wood. Daylight, on the 28th inst. I stood under easy sail for this port, the water at times gaining on us. After starting 12 tons of water and clearing the fore parts of the vessel, we found three bad leaks on the larboard side of the keelson. Being fortunate enough to get one of our pumps to work, we continued pumping and baling, the whole of the night keeping under easy sail.

Clearing away the after part of the hold on the 29th, we found another leak the starboard side the keelson, and when she laboured nearly the whole of the starboard side about two streaks up.

The exertions of our crew, as well as the prisoners, have been very great. The negroes becoming frightened were little or no use. I have the honour to transmit with this the log of our proceedings up to this date, which I trust, under all circumstances, will meet with your approval.

I have, &amp;c.

(Signed)

WHALEY ARMITAGE

*Mate in charge of prize schooner  
"Flor de Loanda."**To Commodore J. B. Sullivan, C. B., &c. &c. &c.  
Rio de Janeiro.*

## Fourth Sub-Enclosure.

*Commodore Sullivan to Mr. Wood.*

SIR,

*H. M. ship "Stag," Rio de Janeiro, 13th September, 1838.*

THE difficulties thrown in the way of the Mixed Commission Court at this place in the case of the slave schooner, "Flor de Loanda," detained by Her Majesty's sloop, "Rover," in April last, leaving no hope of final adjudication here, I had determined on sending her to Sierra Leone, and on the 24th of August she left this port for that destination, but on getting to sea she was found so leaky, and perfectly unseaworthy, that the mate in charge found it necessary to throw overboard many articles, including much of the provisions for the negroes; and after experiencing excessive fatigue at the pumps, and in baling, she returned here on the 30th ult. with her crew and many of the negroes exhausted.

I immediately ordered the master of the "Stag" to inspect her, and it was found indispensable to lighten her as much as possible to keep her afloat.

My applications to the Brazilian authorities, through Mr. Ouseley, Her Majesty's Chargé de Affaires, for the loan of a hulk for the use of the slaves, or to take charge of them during the time she might be under repair, proved utterly unavailing, and it is very questionable whether the hull is worth the expense of such extensive repair as she stands in need of.

In order, therefore, to make some approach towards the settlement of this troublesome case, I take advantage of the arrival here of Her Majesty's store ship, "Buffalo," to send by her to England the mate in charge, the master of the "Flor de Loanda" and two others of her crew as witnesses towards adjudication.

In taking this step I am led to hope I shall meet their Lordships' concurrence, supported as I conceive it to be by the case of the "Traga Milhas," which is so nearly parallel. This vessel was seized by Her Majesty's sloop, "Racer," on the 11th of June, 1837, and being found unfit for sea, was left in charge of the superior officer of Jamaica Dockyard to await adjudication of the case. The slaves having been previously landed at Port Antonio, and the prize officer with the vessel's papers, and the Portuguese master of her were sent to Sierra Leone by way of England.

I beg leave to inclose a report of survey this day taken on the "Flor de Loanda" by officers of this ship. She has been dismantled, and will be kept in a sufficiently efficient state to contain the negroes until she shall be finally disposed of, or until I receive their Lordships' commands respecting her.

I have the honour to be, &amp;c.

*W. C. Wood, Esq., M.P., &c. &c. &c.  
Admiralty.*

(Signed)

J. B. SULLIVAN, *Commodore.*

## Eleventh Enclosure in No. 45.

*Viscount Palmerston to Rio Commissioners, Foreign Office, December 5th, 1838.*

See No. 132.

## Twelfth Enclosure in No. 45.

*Viscount Palmerston to M. Carvalho, Foreign Office, December 14th, 1838.*

See Class B. No. 149.



No. 46.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 17th, 1838.*

I HEREWITH transmit to you a Copy of a letter, which has by my direction been this day addressed to the Admiralty, suggesting that directions shall be given, that after you shall have pronounced judgment on the case of the "*Flor de Loanda*," the individuals belonging to her who were sent to Sierra Leone for the adjudication of the case of the vessel, shall be sent on to Lisbon to be tried there for their infraction of the Portuguese law; and I have to desire, that you will furnish to the Commander of Her Majesty's ship having the charge of these prisoners, all the documents of which you may be possessed, which may be of use in the trial of the prisoners in question in Lisbon.

I am, &amp;c.

(Signed)

PALMERSTON.

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

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 Enclosure in No. 46.
*Mr. Backhouse to Mr. Wood.*

SIR,

*Foreign Office, December 17th, 1838.*

I HAVE laid before Viscount Palmerston your letter of the 3rd instant with its enclosures, respecting the slave vessel the "*Flor de Loanda*," and I am directed by his Lordship to request, that you will move the Lords Commissioners of the Admiralty to give directions, that the individuals belonging to that vessel who have been sent to England as prisoners in the "*Buffalo*," may, together with such documents upon the case of the "*Flor de Loanda*," as the captor may have transmitted, be forwarded to Sierra Leone, for the adjudication of the case of the "*Flor de Loanda*," by the Mixed Commission there, upon a charge that the vessel was concerned in the Slave Trade. I am further to suggest that so soon as judgment shall have been pronounced by the Mixed Commission upon the case of the vessel, the prisoners and documents on the case may be sent on to Lisbon, and through Her Majesty's Minister there be delivered up to the Portuguese Government, in order that the prisoners may be tried in the Portuguese Courts for having been concerned in the Slave Trade, and for having hoisted the Portuguese flag for that purpose, contrary to the Portuguese decree of the 10th of December, 1836.

Her Majesty's Commissioners at Sierra Leone have been directed to furnish to the commander of Her Majesty's ship which may take the Prisoners to Lisbon, all the documents of which they may be possessed, which may be of use in the trial of those individuals before the Portuguese Court.

I am &amp;c.

*To C. Wood, Esq.*

(Signed)

J. BACKHOUSE.

## HAVANA.

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No. 47.

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

MY LORD,

*Havana, March 1st, 1837.*

THE only slave-vessel that has arrived at this port during the month past is the Spanish schooner "*Con la Boca*," Ferreira, Master, on the 25th ultimo, reported as from Sierra Leone, and the Danish island of St. Thomas, at which latter possession she is said to have landed a cargo of slaves.

The clearances for the Coast of Africa in the course of the month, are as follows, viz.

February	1.	Portuguese schooner	Olimpia	cleared for	San Tomé.
"	15.	Spanish	Pronta	"	Cape de Verdes.
"	20.	"	Josefina	"	San Tomé.
"	22.	American brig	Alexander	"	"
"	27.	"	Dido	"	"

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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No. 48.

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

MY LORD,

*Havana, March 17th, 1838.*

WE have the honour to enclose Copies of a Letter from Lieutenant Jenkin, commanding Her Majesty's Ship "*Romney*" at this port, together with our answer, relative to the desertion of a petty officer named Henry Anthony, who is believed to have engaged on board the American schooner "*Dido*," which vessel sailed from this port about the 3rd instant for the Coast of Guinea.

We have recommended Lieutenant Jenkin to send information of this circumstance, not only to the Admiral on the station, but also to the Lords of the Admiralty, that orders may be issued, directing a strict search to be made in all vessels that may be met with answering to the description of the "*Dido*," though under different colours, on the Coast of Africa, as well as in these seas, for the deserter in question.

The high wages given to seamen engaging in slave vessels, amounting to 40 dollars and upwards per month, of course affords a temptation, which ought to be counteracted by ensuring a certain punishment for such an offence.

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. 48.

*Lieutenant Jenkin to Her Majesty's Commissioners.*

GENTLEMEN,

*H. M. S. "Romney" Havana; 10th March 1838.*

I BEG leave to represent to you that a petty officer named in the margin,\* (description of person annexed) run from Her Majesty's ship "*Romney*," under my command on the 25th of February

CLASS A.

1838, and I am credibly informed has entered on board the "Dido," American schooner, which vessel sailed for the Coast of Guinea about the 3rd of this month.

I shall take the earliest opportunity of informing the Commander-in-chief of this circumstance, under the anxious hope his detection may be effected by the cruisers, either on the Coast of Africa, or in the West Indies, and will otherwise use my best endeavours to forward his conviction.

To Her Majesty's Commissioners of the  
Mixed Court of Justice. &c. &c. &c.

I have the honour to be,

(Signed)

CHARLES JENKIN,  
Lieutenant and Commander.

\* Henry Anthony, (Quarter Master), born at Portsmouth in Hampshire, is 25 years of age, 5 feet 5 inches in height, of dark complexion with small whiskers, hazel eyes, and dark brown hair.

Second Enclosure in No. 48.

*Her Majesty's Commissioners to Lieutenant Jenkin.*

SIR,

*Havana, 16th March, 1838.*

WE have to acknowledge having received your communication of the 10th instant, relative to the desertion from Her Majesty's ship "Romney," under your command, of a petty officer named Henry Anthony, who you have reason to believe has gone on board the American schooner "Dido," which vessel sailed about the 3rd instant for the Coast of Guinea.

We regret to have to state the practice, which has lately been extensively adopted for the purpose of evading the Treaty of the 28th of June 1835, by persons engaged in the Slave Trade, to purchase vessels in the United States, which are sent equipped under American colours to the Cape de Verde Islands, on the Coast of Africa, where the purchase is then said to be made, and the vessel transferred to pretended Spanish or Portuguese owners. It is very probable that such is the arrangement with the "Dido," which may therefore, under some other name, be met by some of the British cruisers on her return with a cargo of slaves. With this probability in view, we would suggest that you should forward your communication to the Admiral on the station, and also to the Lords of the Admiralty, that orders may be issued, directing a strict search on board all vessels met with on the Coast, for the deserter who has left you to engage in such a vessel.

We have, &c.  
(Signed)

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

To Lieutenant Jenkin.

No. 49.

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

MY LORD,

*Havana, 19th March, 1838.*

WE have the honour to enclose Copies of a Correspondence, which has passed between us and His Excellency the Captain-General of this island, relative to the disembarkation in this harbour, on the 5th instant, of a number of Bozal negroes from the Portuguese brig "Tres Febreiro."

Your Lordship will perceive from the evasive answers of the Spanish authorities, to whom the investigation was referred, that there can be no doubt of the accuracy of the information we received, nor of the continued inclination of the officers of the inferior departments to permit, even more frequently, the most shameful and open infractions of the treaties between the two countries. We fear, that no hope can be entertained of a correction of the evil practices existing, except by the strictest vigilance on our part and that of the cruisers, of whom, however, we regret to say, we know few at this time cruising upon the coast, though a week seldom passes without some vessel being reported to have arrived, with a large cargo of slaves.

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. 49.

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

MOST EXCELLENT SIR,

*Havana 12th March, 1838.*

A REPORT having reached us that 150 negroes were landed on the 5th instant in the Harbour of Havana from the brigantine "Tres Febreiro," under Portuguese colours, but stated to be manned by Spaniards, we have to request your Excellency will institute such inquiries into the transaction as may lead to the punishment of those persons, who shall be found guilty of such an infraction of the laws of the country, should the account prove to be correct. The "Tres Febreiro" is stated to have been con-

signed to a person of the name of Mazorra, and the slaves were landed, according to report, for Don Joaquin Gomez.

We have the honour to be,

(Signed)

J. KENNEDY.

E. W. H. SCHENLEY.

To His Excellency the Captain General,  
&c. &c. &c.

Second Enclosure in No. 49.

(Translation.)

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

GENTLEMEN,

*Havana 18th, March 1838.*

As in your communication of the 12th instant, you state that you had received information of the Portuguese brig "*Tres Febrero*," having disembarked on the 5th in this port, 150 negroes, I issued directions, agreeably with my provisional answer to you on the 15th, to the Comandancia General of Marine of this station, to proceed to the investigation of the case, from which it appears, as you will perceive by the official letter of the Commandant of Marine dated the 16th, that it does not appear credible that the said negroes should have been landed, as they could not be concealed from the examination, which every vessel undergoes on her arrival, by the Commissioners, by the Government, by the Marine Department, and by the Custom House Officers; which I make known to you in reply to your beforementioned communication.

God preserve you many years,

(Signed)

MIGUEL TACON.

To Her Britannic Majesty's Commissioners  
of the Mixed Court of Justice.

Sub-Enclosure in No. 49.

(Translation.)

*The Commandant of Marine to the Captain-General.*

MOST EXCELLENT SIR,

*Havana, 16th March, 1838.*

I REFERRED YOUR Excellency's Official Letter of the 15th inst., in which you were pleased to transcribe one from Her Britannic Majesty's Commissioners to your Excellency, relative to a foreign vessel, namely, the brig "*Tres Febrero*," to the Captain of the Port, for his Report thereon, which, on the same date, he gives, as follows:—"In obedience to your Decree, having acquainted myself with the contents of the Official Letter which the Commissioners of Her Britannic Majesty addressed to his Excellency the Captain-General of this Island, I have to state in reply, that the Portuguese brig "*Tres Febrero*" entered this port on the 5th instant, from Angola, after a passage of 55 days; and, having examined her Muster-roll, there does not appear to be a single Spaniard amongst the 14 individuals composing her crew; her Captain being named Guillermo, and her cargo of logwood and hides being consigned to Mazorra. This is all that is recorded in this Department, and I acquaint you therewith, in obedience to your before-mentioned Decree."

And it is all I have it in my power to state upon one of the particulars to which the Commissioners refer, it not being credible that the 150 negroes they mention, can have been landed in this port, as they could not have been concealed from the examination which every vessel undergoes, on her arrival, by the Commissioners, by your Excellency, by the Marine Department, and by the Custom-house Officers; but, whatsoever be the suspicions respecting the introduction into this port of the said negroes, this Comandancia-General is not empowered to take any proceedings against a foreign vessel, after the act of entering her in the port, during which act there appeared to the Marine nothing to occasion suspicion against her, and from that moment no other authority besides your Excellency is competent so to do; and, excepting the regulations of the port, with the execution of which the Marine Department is charged, it has absolutely nothing to do with foreign vessels while they remain here; the moment, therefore, passed, and the Marine Department fulfilled its duty on finding nothing to do, either because there were no Spaniards on board, as appears from the Report of the Captain of the Port, or because, had there been any, they were found to possess the required licenses for sailing in foreign vessels, as passengers or sailors. The Authorities to whose Governments these vessels belong being immediately responsible in their own Ports, or their Consuls in those which are not theirs, that she do not compromise her flag by having on board more passengers than she is allowed to embark by the laws of her country, as are also in ours the Authorities of the Marine Department, not to despatch vessels belonging to us in contravention of the regulation of the regulations prescribed for them.

God preserve your Excellency many years,

(Signed)

JUAN B. JOPETE.

To his Excellency the Captain-General of the Island.

No. 50.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, May 21st, 1838.*

I have received your Despatch of the 31st January, 1838, with its Enclosures, containing an account of the case of the Spanish schooner "*Vigilante*," detained by Her Majesty's Ship "*Ringdove*," on a charge of Slave Trade, and subsequently released by the sentence of the Mixed Court of Justice at the Havana.

I referred your communication to Her Majesty's Advocate-General for his opinion.

The fact, that 18 slaves had been concealed in the hold of the "*Vigilante*"

afforded strong grounds for concluding, that the vessel had been engaged in the illicit traffic, and rendered it highly desirable, that the matter should undergo a thorough investigation, in order that the vessel might be condemned and the slaves liberated, if it should appear, that they had recently been brought from Africa to Porto Rico.

The Commissioners were, however, placed in a situation of considerable difficulty, in consequence of the absence of the Captor, and of his having omitted to send the master or any of the crew of the captured vessel for examination before the Mixed Court. Even this difficulty might perhaps have been surmounted, had not Commander Nixon delivered up the vessel to the owner.

Under all the circumstances, the course taken by the Judges of the Mixed Court in this case was proper; and the judgment which they delivered upon the evidence produced in Court, was correct.

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

I have, &c.  
(Signed)

PALMERSTON.

No. 51.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, May 21st, 1838.*

I HEREWITH transmit to you, for your information and guidance, the Copies of a Correspondence with Her Majesty's Envoy at Madrid, by which you will perceive, that the Custom-House authorities of Cuba have been directed not to issue certificates to vessels carrying casks for the trade in palm oil, without exacting a bond, which may be a security in case it should afterwards be proved, that the prohibited articles were destined for illegal purposes.

I have, &c.

(Signed)

PALMERSTON.

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

First Enclosure in No. 51.

*Viscount Palmerston to Sir G. Villiers, Foreign Office, March 27, 1838.*  
(See Papers of 1837. Class B., Further Series. No. 23, p. 15. . .)

Second Enclosure in No. 51.

*Sir G. Villiers to Viscount Palmerston, Madrid, April 14, 1838.*  
(See Papers of 1837. Class B., Further Series. No. 30, p. 24.)

Third Enclosure in No. 51.

*Sir G. Villiers to Viscount Palmerston, Madrid, April 21, 1838.*  
(See Class B. No. 6.)

No. 52.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 23.)*

MY LORD,

*Havana, 20th April, 1837.*

WE have the honour to acknowledge having received your Lordship's Despatch dated the 5th January last, together with the Despatch dated the 8th January, communicating the Correspondence with the Government at Madrid, on behalf of the black soldiers of Her Majesty's West India regiment, stationed on board the hulk "Romney" at this place.

The inconclusive nature of the Correspondence with the Government at Madrid, and the well-known character and opinions of the late Captain-General Tacon giving us no reason to hope for an alteration in his determination to prevent the black soldiers coming on shore, and his immediate resignation of office having been for some time expected, we thought it advisable to wait, until we received further instructions, or till the appointment of another Captain-General might obtain for us a more favourable consideration of the subject, before we mooted it further.

The expected assumption of the office of Governor and Captain-General of the island by His Excellency Don Joaquim de Espeleta having taken place on the 16th instant, we now propose without delay to submit to His Excellency the propriety of at once relieving the black soldiers from the hardships of confinement on board, to which they have been subjected.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

No. 53.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 23rd.)*

MY LORD,

*Havana, 20th April, 1838.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 17th January, 1838, respecting the release of the "*Constituciao*."

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

No. 54.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received, May 23.)*

MY LORD,

*Havana, 20th April, 1838.*

ON the 16th instant His Excellency Don Miguel Tacon resigned the Office of Governor and Captain-General of this island, when His Excellency Don Joaquim de Espeleta, who had been appointed his successor, assumed the Government. Having received in due course the official communications of his appointment, we took an early opportunity on the 18th to wait upon the present Captain-General, and inform him of our commission, when His Excellency was pleased to say, "that the principles upon which he was resolved to govern the island were, a strict observance of the laws, and rigid impartiality in their administration—that he would respect and sustain the rights of foreigners, endeavour to improve commerce, and to ameliorate the condition of all classes of society.

"Respecting our particular office and duties, that it was not less the implicit desire and order of his Government than his own individual wish, to carry into effect the treaties subsisting between the two countries, under which we act, and that he should at all times feel happy in communicating with us, personally or by letter, for the furtherance of the desirable object of finally suppressing 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. 55.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received, May 23.)*

MY LORD,

*Havana, 21st April, 1838.*

FOR the last month we have found it impossible to obtain the list of vessels cleared out from this harbour for the Coast of Africa, but will use our utmost endeavours to supply the deficiency by the next packet.

Of the arrivals we have been able to ascertain the following :—

3rd March.	—Brazilian brig "Feliz Constancia"—Sacramento, Master, consigned to Mazorra.
5th	" Portuguese brig "Tres Fevereiro"—Guillermin, Master, consigned also to Mazorra.
10th	" " " " "Victoria"—Ferreira, Master.
14th	" " " " "ship "Amelia"—Flores, Master, from Madagascar, consigned to Forçade.
16th	" " " " "schooner "Dulcinea"—Reyes, Master.

Mazorra, the consignee of two of the vessels, is, we believe a Portuguese subject, and the person referred to in our yearly Report, dated the 1st January last. Forcade is a subject of France, and has also been referred to in former Despatches.

The Portuguese brig "*Tres Febreiro*," your Lordship will remember, formed the subject of our Despatch, dated the 19th March last. The brig "*Victoria*" was boarded at sea by Her Majesty's sloop "*Pickle*," Lieutenant Hast, on the 1st March, when she was found provided with papers and clearances from Puerto Rico, where she had every appearance of having recently landed a cargo of slaves. These no doubt will be brought in smaller vessels, in portions, to this Island, as was done in the cases of the "*Vencedora*" and the "*Vigilante*."

In addition to the arrivals mentioned in our Despatch, we have learned, since it was forwarded, that in the month of February a schooner, under American colours, landed a cargo of between 200 and 300 negroes at or near Camarioca, not far from Matanzas. She had been sold to Spanish owners, and was to have been transferred to the Portuguese flag at the Cape Verd Islands; but the Master dying before they arrived, and the crew not knowing what to do, proceeded to the Coast of Africa, and having procured a cargo of negroes, returned with them under American colours. Information of this having been forwarded to Philadelphia, and thence to Pensacola, the "*Grampus*," American schooner of war, was sent from the latter place to Matanzas, to inquire into the circumstances, when it was said to have been satisfactorily proved, that there were none but Spaniards on board.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

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

&c.

&c.

&c.

No. 56.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received May 23)*

MY LORD,

*Havana, 21st April, 1838.*

REFERRING to our Despatch of the last year, dated the 20th December, 1837, we beg to remind your Lordship, that we therein reported the circumstance of the Master of the Spanish schooner "*Vencedora*" (liberated by decree of the Mixed Court, as detailed in our Despatch of the same year), having sent in to the Court certain claims for compensation, not only for demurrage and other causes provided for by the Treaty, but also for a number of articles, charts, and other equipments of the vessel, and wearing apparel of the crew, alleged to have been taken away, while under detention of Her Majesty's sloop "*Ringdove*." We also stated, that the Court had appointed Don Juan Francisco Cascales, the Secretary to the Court, and Mr. R. B. Jackson, the Clerk to the Commissioners, to inquire into the truth of these allegations, and to report first, what loss had been occasioned to the vessel by the detention, as provided by the Treaty, and second, what other loss had in any probability been sustained by the alleged defalcations, not contemplated by the Treaty.

We have now the honour further to state to your Lordship, that the Court having received and approved the Report drawn up in pursuance of the Commission, together with the estimate of two valutors, who were called in to ascertain the value of the several articles on the 10th instant, agreed upon a decree upon the basis of the Report, which we trust will also meet with your Lordship's approbation.

From these documents your Lordship will perceive, that the charges of speculation and demands, which were made to a large amount, for clothes and other articles, have been utterly discredited and disallowed. With regard, however, to the alleged injury to the sails, rigging, and other equipments of the vessel, it was supposed very probable, that considerable damage might have been done to them in the confusion of detention with so many people (65 passengers, including the negroes) on board, and when the Master and crew were away. For these, therefore, half the amount of apparent damage was allowed, to the extent of 251 dollars.

The allowance for demurrage, according to the Treaty, amounted to 700 dollars, to which it was therefore restricted, though great complaints were made on this account, especially as a claim for wages to the Captain and crew in addition was refused.

For deterioration of cargo, which was to some degree proved, a sum of 1236 dollars, 7 rials, was awarded, including a charge for a deficiency in the provisions, which there was no doubt were used for the people on board, after the Captain and crew were given into the custody of the local authorities. (See Mr. Phillips's statement, Enclosure No. 6.)

During their detention in custody about a month, the Captain and crew incurred also a considerable expense for prison and other charges, amounting to 720 dollars, 2½ rials, which sum, together with the damage to the equipments of the vessel, the Court were of opinion ought to be reimbursed. But as the Treaty only specifies certain grounds upon which they are empowered to award compensation, namely—1st. For special damages and expenses occasioned by the detention, and for loss of freight. 2nd. for demurrage, according to the Schedule; 3rd. for any deterioration of cargo; and 4th. for all premium of insurance and additional risks; and as claims were only advanced on the second and third of these grounds, the decree was given for them only. Yet as the other claims appeared also reasonable, namely, for damages to the ship, though not to be construed as "special damages occasioned by the detention," together with those for prison and other expenses, incurred on charges from which they were exonerated by the Court, a recommendation in favour of their payment was submitted to the consideration of Her Majesty's Government. The total of these, which can scarcely be said to be disputable claims, amounts to only 972 dollars, or about 200*l.* sterling. But the sum of the whole we regret to say amounts to 2908 dollars, 7 rials, or about 600*l.* sterling, according to account annexed. (Enclosure No. 9).

Notwithstanding this heavy liability, however, we confidently trust that your Lordship will consider Commander Nixon to have been fully warranted in bringing this case before the Court, especially as under the practice he attacked, and the protection it has now obtained, of making Puerto Rico a depôt for negroes, an extensive and increasing trade appears to be carried on, which, unless checked, may probably counteract all our efforts for the suppression of this unhappy traffic.

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. 56.

(Translation.)

*Decree.*

*Havana, 15th December, 1837.*

For the better resolution of this case the Secretary, conjointly with Don Ricardo Belgrave Jackson, will enter upon its investigation, and will liquidate, according to the Treaty, the claims made by Don Antonio Lloret, Master of the polacca "*Vencedora*," on account of the detention he experienced, without prejudice to any other Decree that the Tribunal may consider it expedient to issue.

(Signed) FERNANDINA.

J. KENNEDY.

(Signed)

JUAN FRANCISCO CASCALES, *Secretary.*

#### Second Enclosure in No. 56.

(Translation.)

*Report.*

*To his Excellency the Conde de Fernandina, and James Kennedy, Esq., Spanish and British Judges of the Mixed Court.*

MOST EXCELLENT SIR, AND GENTLEMEN,

*Havana, December, 1837.*

HAVING been appointed by this Mixed Court of Justice to regulate the claims made by the Captain of the Spanish polacca "*Vencedora*," against the Prize-master, Mr. Griffith Grismond Phillips, of Her Britannic Majesty's brig "*Ringdove*," in consequence of the definitive sentence pronounced with the intervention of the Spanish Arbitrator, we have endeavoured to fulfil the object proposed in your Decree of the 15th instant, by sounding all the paths leading directly to this end; and as, in the first steps taken towards a just indemnification, both parties omitted to adopt the effectual means for securing, without risk, the indemnification or agreement, with the regulation of which we are now charged, we have had no difficulty with this antecedent, by proceeding in good faith; and, knowing that the real interests of the parties is to put an end to disputes, always expensive and likely to increase, in adopting a course which we now submit to your Excellency and your Honour for your approval.

The effects contained in the first page of the Inventory do not require our attention the Spanish Captain declaring himself content with regard to them. It is not so, however, with regard to those between pages 137 and 139, with reference to which our attention is particularly called to articles said to be missing, which it is next to impossible could disappear, as being of a nature which must exist



and be permanent, but which are not set forth in the Inventory which ought also to have been made, the omission whereof is a fault which tells against both parties. As, however, this step was neglected, notwithstanding its being ordered by the Court, considering also the nature of the other articles beginning at the top of page 139, and ending at the bottom of page 143, and that their having existed cannot be denied, we think that one-half of the items contained therein should be made good to Captain Lloret, who, in like proportion, will satisfy the other persons interested, whom he represents.

The provisions set down at page 139 as wanting, we are of opinion should be made good, but not the outfits detailed, because that, besides there being no necessity for each of the individuals carrying such an outfit, there is no proof of their having been put on board, and, moreover, Captain Lloret might set down whatever he pleased if his word alone were to be taken; which is widely different as regards the other things to be made good, the existence of which is rendered probable by the nature of them, and, under the circumstances of the case, cannot be denied.

The deficiencies in the cargo, as detailed at page 143 and following, are justly due; and, with regard to the spirits mentioned in the paper at page 155, for which no allowance being asked in the account it must be computed on their delivery, thus removing the responsibility of the Prize-master on this head.

Captain Lloret should, we think, moreover, be allowed the amount of the receipts from page 145 to 154 inclusive, if they be not already allowed for in the accounts.

We likewise think that demurrage should be allowed from the time of the detention until the delivery up of the vessel, according to the Instructions for the Mixed Courts contained in the Treaty of the 28th June, 1835, annex. B. art. 7; and we are of the same opinion with regard to the payment of the costs of these proceedings, which may be amicably settled between both parties, or by intelligent persons to be chosen by either party; taking also into consideration that the costs or expenses which the owners would of necessity have incurred by the sale or barter of their goods have to be deducted, and in so far lessen the responsibility of the Prize-master, saving what your Excellency and your Honour, on better reflection, may consider more to the purpose.

God preserve your Excellency and your Honour many years,  
(Signed) JUAN FRANCISCO CASCALES. R. B. JACKSON.

### Third Enclosure in No. 56.

(Translation.) *Appraisers' Report.*

MOST EXCELLENT SIR AND GENTLEMEN,

Havana, 20th March, 1838.

HAVING been appointed by the Mixed Court of Justice to appraise sundry articles belonging to the Spanish Polacca schooner "Vencedora," Don Antonio Lloret, Master, we have executed our commission, and beg to enclose to your Excellency and your Honour the valuation made by us, to the best of our knowledge and ability.

God preserve your Excellency and your Honours many years,  
(Signed)

SANTIAGO NORMAN.  
JOSE A. IRIGOZEN.

### Sub-Enclosure.

(Translation.)

*Valuation made by the Undersigned, as Appraisers named by the Mixed Court of Justice, of Sundry Articles belonging to the Spanish Polacca Schooner "Vencedora," Don Antonio Lloret, Master.*

#### *Blocks, Rigging, &c.*

	Drs.
6 treble and double blocks 8 inches, iron bound and hooks, at 14rs.	10 4
7 single blocks 7 do. do. do. at 8rs.	7 0
4 do. 12 do. do. do. at 14rs.	7 0
4 treble and double blocks 13 do. do. do. at 22rs.	11 0
1 top block 11 do. do. . . . .	3 4
1 snatch block 10 do. do. . . . .	4 4
2 flat blocks 14 do., not bound . . . . . at 12rs.	3 0
4 water-scoops . . . . . at 2rs.	1 0
4 hair-brooms for cleaning decks . . . . . at 3½rs.	1 6
4 marline-spikes of various sizes . . . . . at 3½rs.	1 6
1 studding-sail haulyard (new) 35 fathoms, 2½ inch rope . . . . .	7 4
1 spare piece hemp rope 100 fathoms, 3 inch rope . . . . .	28 4
1 piece hemp rope for top-gallant clewlines, 50 fathoms 2½ inch rope . . . . .	10 0
1 do. for do. bowlines 40 fathoms 2½ inch rope . . . . .	8 2
1 do. for downhauls to jib and fore stay sail, 50 fathoms 2 inch rope . . . . .	7 0
2 sets of fore-sheets with their hooks, each 9 fathoms 5 inch rope . . . . .	8 0
1 running tackle with case hooks to hoist pipes and 22 fathoms 5 inch rope . . . . .	7 0
1 piece rope for ratlines 140 fathoms . . . . .	10 0
½ piece knittles 70 fathoms . . . . .	3 2
1 spare top-gallant haulyard 40 fathoms 3½ inches . . . . .	14 0
5 pine planks of 1 inch and 30 feet long each . . . . .	4 1
6 pieces houseline 40 fathoms, all sizes . . . . .	3 4
3 pieces marline 80 fathoms each . . . . .	1 2
25 lbs. spunyarn (two threads) . . . . .	4 6
25 lbs. spunyarn (three threads) . . . . .	4

	Drs.	
3 fishing lines 30 fathoms each . . . . .	0	7
2 tin pumps . . . . .	1	6
12 pieces 10 feet long each and 2 inches thick . . . . .	18	0
	<hr/>	192 0

*Sails.*

1 top-gallant sail not half used, found almost useless . . . . .	22	4
1 jib not half used, found almost useles . . . . .	20	0
2 fore studding-sails not half used, one found all in pieces, the other half rotten } with water . . . . .	27	0
2 fore-staysails in same condition . . . . .	27	0
1 royal, new and of duck, found almost rotten . . . . .	11	0
1 boom mainsail not half worn, found torn in many places and in use as an awning	42	0
1 foresail, 2nd voyage, found bent to the yard, rotten and torn . . . . .	39	4
1 fore-topsail half worn, found bent to the yard, rotten and torn . . . . .	32	4
1 tarpaulin for main hatchway, found torn . . . . .	3	0
	<hr/>	224 4

*Ironmongery Missing.*

1 spade . . . . .	0	7
1 hatchet . . . . .	1	2
3 augers . . . . .	1	1
1 new saw . . . . .	1	3
1 mallet and 1 hammer . . . . .	1	2
	<hr/>	5 7

*Articles of the Table, Cabin, and Caboose.*

24 knives and forks . . . . .	4	4
12 steel forks for the crew . . . . .	1	1
4 linen table-cloths at 2½ drs. . . . .	9	0
6 serviettes at 5rs. . . . .	3	6
6 dozen plates coloured and white, at 5rs. . . . .	3	6
6 dishes do. do. . . . .	1	7
2 tin soup-tureens with ladles . . . . .	6	6
2 tureens white flint ware . . . . .	2	4
2 teapots do. . . . .	1	6
3 glass-bottles for the table . . . . .	1	7
2 salt-sellers do. . . . .	0	4
2 oil and vinegar-cruets . . . . .	4	4
2 waiters . . . . .	1	6
1 teaboard . . . . .	1	2
12 chocolate-cups and saucers and 18 teacups and saucers . . . . .	2	0
12 white cups with handles and 12 tumblers . . . . .	2	0
6 large tumblers and 12 wine-glasses . . . . .	2	3
4 large chrystal glasses and 2 sugarbasins . . . . .	1	7
1 butter-stand and 2 white pitches . . . . .	0	7
1 iron-pot found broken and 2 skimming ladles of tin . . . . .	2	6
1 gridiron and 1 copper chocolate-pot . . . . .	1	5
1 tin spice-box and 2 large tin-jugs . . . . .	1	2
2 tins for water and 2 pairs tongs . . . . .	0	6
1 copper coffeepot scarcely used . . . . .	2	6
6 tin pails and 6 large Seville dishes . . . . .	3	2
2 tin oil bottles and 1 bronze candlestick . . . . .	2	0
1 fire-stand of platina . . . . .	1	3
1 wash-hand basin painted flint ware . . . . .	0	4
1 tin wash-hand basin . . . . .	1	2
2 water coolers and 1 fireshovel . . . . .	0	5
2 axes and 4 iron spoons for the caboose . . . . .	1	2
	<hr/>	73 3

*Medicines.*

2 bottles sweet almond oil . . . . .	2	4
2 bottles castor oil . . . . .	2	2
1 bottles copaiba . . . . .	1	2
2 lbs. cremor tartar . . . . .	0	7
1 lb. salt of figs . . . . .	0	4
1 bundle of mallows . . . . .	0	2
	<hr/>	7 5

Total . . . . . (Drs.) 503 3

Half to the credit of the Captain . . . . . 251 5½

CLASS A.

<i>Provisions.</i>	<i>Drs.</i>	
10 Quintals biscuit . . . . .	70	0
6 arrobas codfish . . . . .	6	0
7 arrobas rice . . . . .	9	5
4 arrobas beans . . . . .	5	6
3 arrobas peas . . . . .	3	1½
2 arrobas bacon . . . . .	6	4
4 arrobas tunny fish . . . . .	9	0
1 barrel pickled fish . . . . .	3	4
1 arroba fine vermicelli . . . . .	2	6
½ arroba macaroni . . . . .	1	3
1 arroba large vermicelli . . . . .	2	6
6 Dutch cheeses . . . . .	3	6
1 arroba chocolate . . . . .	7	6½
1 arroba white sugar . . . . .	1	5
1 arroba yellow sugar . . . . .	1	1
4 lbs. ground coffee . . . . .	0	6
½ lb. tea . . . . .	0	6
1 demijohn of anisette of majorica . . . . .	2	6
2 demijohn of manzanilla wine . . . . .	9	0
1 demijohn brandy . . . . .	5	2
1 demijohn sherry wine . . . . .	2	6
1 barrel rum (4 in a pipe) . . . . .	20	0
½ pipe Cataluña wine . . . . .	18	4
½ pipe Cataluña wine, one-third missing . . . . .	6	0
10 lbs. tallow candles . . . . .	2	1
10 fowls . . . . .	7	4
1½ arrobas anchovies . . . . .	3	0
6 jugs gin . . . . .	1	1
1½ arrobas coloured pepper . . . . .	4	4
2 lbs. black pepper . . . . .	0	4
dozen Valencia melons . . . . .	24	0
1½ quintals potatoes . . . . .	3	0
1½ quintals onions . . . . .	5	2
2½ quintals coals . . . . .	3	0
<b>Total to the credit of the Captain</b>	254	

*Deficiencies in the Cargo.*

12 demijohns Manzanilla wine belonging to the Captain . . . . .	54	0
3 barrels tunny fish belonging to the mate . . . . .	6	6
27 bottles olives . . . . .	8	3½
8 kegs sausages belonging to Dr. Salvador Rodriguez . . . . .	51	0
	120	1½

*Recapitulation.*

Half of value of various articles . . . . .	251	5½
Value of provisions missing . . . . .	254	4
Value of deficiencies in cargo . . . . .	120	1½
<b>Total</b>	(Drs.) 626	3

## Fourth Enclosure in No. 56.

Mr. Kennedy to Mr. Nixon.

MY DEAR SIR,

Havana, February 17th, 1838.

AT the time of giving up the schooner "*Vencedora*" to the owners, I received a communication from Mr. Philipps, the officer placed by you in charge of that vessel, when you detained her on the 14th October last, stating that he had attended three days the discharging of her cargo, and requesting my approval of his so doing. In my answer of the 22nd November last, I replied, that though I had not previously received any intimation of the discharging of the cargo, yet I could have no hesitation in saying that he had acted prudently in attending. The object in view of course was to guard against the probability of demands being made for articles, which they might allege to have been taken away while the vessel was under detention. Not having heard further from Mr. Philipps, I hoped that he had secured himself against any such demands, but I regret to have now to inform you that the Master of the "*Vencedora*" has sent to the Mixed Court a long list of deficiencies, consisting not only of provisions and liquors, but also of sails, ropes, and other articles belonging to the vessel, and even the wearing apparel of the crew.

That some deficiencies might be found among the provisions I was prepared to expect; and that some other articles might have been taken away, I was not able to dispute, considering there were so many Spanish passengers (49, I think) left so long on board, after the crew had been placed at the disposal of the Captain-General. But the other alleged defalcations I was not willing to admit, though ultimately a Commission was appointed, consisting of the Secretary to the Mixed Court, and the Secretary to the Commissioners, to inquire and report as to the truth of the allegations, and the value of the articles said to be missing. The full report we have not yet received, but I cannot delay longer to

inform you that the parties have made it appear, that great deficiencies did exist in the cargo, the provisions, the wearing-apparel of the crew, and even among the sails and rigging.

I do not know how it will be possible for you to disprove these charges, which it is equally impossible for us to credit, at least to the extent alleged, unless Mr. Philipps took the precaution to obtain an acknowledgment to the contrary, which I fear he cannot have done. I regret he left this place without communicating to me the result of what passed at the conclusion of the discharging, and it is therefore only left me now, in making you acquainted with these circumstances, to request you will inform me whether any such allegations were made at the time, and whether you have it in your power, in any way, to disprove them. For this purpose I even think it would be highly advisable for you to return to the Havana as soon as possible, or allow Mr. Philipps to come the first opportunity.

With sincere regard, I have the honour to be, &c.

(Signed)

J. KENNEDY.

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

### Fifth Enclosure in No. 56.

*Mr. Nixon to Her Majesty's Commissioners.*

GENTLEMEN,

H. M. S. "Ringdove," March 10th, 1838.

IN answer to your letter dated the 17th of February, received yesterday, in which you state that it has been represented to the Mixed Court, that the sails, rigging, and clothes were taken from the "Vencedora" while under our detention, I have to inform you in reply, as I do with regret, that two of my men (marines) stole some wine or spirit on which they got drunk, and for which they were flogged. The facility of getting at wine or spirits on board her caused me to remove two casks with some of each in them, which were deposited in the "Ringdove's" spirit-room, till I heard of the liberation of the "Vencedora," when I sent both casks to her, but they were declined being received. As for anything else being taken away, it is totally untrue. I declare, most solemnly, after the strictest investigation, that not one fathom of rope or yard of canvass ever left her with our people; and as to clothes, granting they would have stolen them (though I deny that they would) not an article could ever have been used, being so totally different from their own. My men had but one change with them, and were strictly examined on their return to prevent the possibility of their having spirits, so they could have brought nothing without detection.

I therefore, on my honour, declare the whole charge to be false. Mr. Philipps, the officer in charge, is a gentleman of the highest and unimpeachable character, and both he and Mr. Lloyd, a junior officer, had their gold-laced uniform caps stolen. I herewith enclose Mr. Philipps's statement.

I have the honour to be, &c.

(Signed)

H. STOPFORD NIXON.

P.S. I beg to add not the slightest charge or allusion to any deficiency was made on Mr. Philipps giving her up, and a note I gave Mr. Jackson from Don Antonio Lloret will show the wine and spirits were sent back and refused, after which they were deposited on board the "Romney," under charge of Lieutenant Jenkin, to await the orders of the Mixed Court. I had given three of the passengers permission to live on board on their stating their being concerned in the cargo, and how much it would convenience them, but finding that six availed themselves of this leave, I withdrew it altogether. Afterwards two of the same men were received on board, by order of the Mixed Court, for the security of the cargo.

To the Commissioners for the Suppression  
of the Slave Trade, Havana.

(Signed)

H. S. NIXON.

### Sixth Enclosure in No. 56.

*Mr. Philipps to Mr. Nixon.*

SIR,

H. M. S. "Ringdove," March 10th, 1838.

IN consequence of your communication to me of the 9th instant concerning the articles missing in the "Vencedora," I have only to state that it is wholly and severally false.

In discharging the "Vencedora," Don Antonio Lloret and myself took our separate accounts of cargo, which were compared each day; and on so doing, the said Don Antonio Lloret appeared perfectly satisfied.

Of the provisions missing I have only to add, that, after the departure of captain and crew, the passengers, amounting to 65, still remained on board (living of course on the ship's provisions) for three days; the passengers from Old Spain then received their passports, and were landed. There still remained 49 for four days, after which you gave permission for three to live on board, and have free egress and ingress; but six having told me they had your leave, on my reporting it to you you withdrew all permission. After which the Mixed Court ordered two of the original men who had your leave to be received on board for the security of the cargo, which they were. The cabin passengers occupied the cabin, with free access to the provisions, wines, spirits, &c., not thinking it incumbent on me to interfere.

On deck had been stowed a cask of wine and one of spirits, both of which had been previously broached for the use of the passengers. Two of my men in the night extracted some wine, thereby causing drunkenness and riot. I immediately sent the wine, spirits, and the two men who had been guilty of this breach of discipline on board of the "Ringdove." The liquids, for the better security thereof, were put into her spirit-room, and returned on her being given up; but Don Antonio Lloret refused to receive them.

During forty days, the time I had charge of the "Vencedora," the negroes, 27 in number, were still supplied with their daily sustenance from provisions left on board.

When the cabin was cleared out (it being in a disgusting state of filth) previous to your seal being stamped on the hatchway, I ordered the wearing-apparel (with the exception of that contained in the trunks) to be put into the main-hold, as a place of security—they being loose and strewed about the

cabin, with which place neither myself or crew had any communication, after the hatchway had been sealed up by your order.

The foremast passengers (I mean those who did not mess in the cabin) lived in the main-hold, on top of the cargo, where their luggage was likewise stowed, and on any appearance of bad weather, both eat and slept there. I leave it to your judgment, when taking into consideration the perishable materials of which the upper part of the cargo consisted, viz., bags of grain, boxes of vermicelli (numbers of whose lids were partially broken or otherwise injured) bales of paper, &c., whether Don Antonio Lloret has not made use of the detention of the "*Vencedora*," not only to improve his cargo in point of sale, but to bring disgrace on myself and crew.

Touching the deficiencies in the riggings, sails, stores; I have only to bring Lieutenant Gray and the officers of the "*Ringdove*" to witness that not one inch of rope found its way on board.

I have nothing further to add, but again to deny most strongly any embezzlement on my part or that of my crew.

I have the honour to be, &c.

(Signed)

G. G. PHILIPPS,  
Mate.

To H. Stopford Nixon, Esq.  
Capt. of H. M. S. "*Ringdove*."

### Seventh Enclosure in No. 56.

Mr. Kennedy to Mr. Nixon.

DEAR SIR,

Havana, 18th April, 1838.

I HAVE received your letter of the 10th March, which only confirmed my conviction of the gross injustice of the charges made against your crew by the captain and others of the "*Vencedora*." I am happy to inform you that the Court, upon a full consideration of the demands, disallowed even before we received your letter, any compensation for the alleged defalcations. But having been obliged by the Treaty to allow so much per day for demurrage, and also for deterioration of cargo, we included a sum of about 50*l.* for what we thought might have been used by you for the maintenance of the negroes and others on board. In doing this I find we are borne out by Mr. Philipps's statement. With regard to the damage to the sails and rigging, we have also allowed half of their demand, viz. about 50*l.*, thinking that in the confusion of detention, with so many people on board, some considerable damage might have been incurred, and I assented in consideration of the charge for demurrage having been so very limited.

I expect to receive instructions by the next packet as to the mode of payment, but should none arrive, I shall most probably draw on the Treasury. I remain, &c.,

(Signed)

J. KENNEDY.

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

### Eighth Enclosure in No. 56.

#### DECREE.

Havana, 10th April, 1838. Having considered the claims made by the owner and others interested in the Spanish schooner "*Vencedora*" for demurrage, deterioration of cargo, and other losses, as detailed in their petition to this Court of the 7th December, 1837, and having considered also the Report of Don Juan Cascales and Mr. R. B. Jackson, to whom this Court directed the Commission to inquire into the truth of the allegations made in the said application of the 7th December, 1837, together with the Report of the valutors, Don José Antonio Irigozen and Don Santiago Norman, as to the value and amount of the several demands, it is hereby decreed, that the sum of 700 dollars, being the amount of demurrage as directed by the Treaty of the 28th June, 1835, and the sum of 1236 dollars 7 rs., being the amount of demand for deterioration of cargo, making together the sum of 1936 dollars 7 rs., be paid to the owners of the said schooner "*Vencedora*," according to the provisions of the Treaty; and this Court further recommends, in accordance with the Report of the said Don Juan Francisco Cascales and Mr. R. B. Jackson, that the further sum of 251 dollars 5½rs. be paid to the said owners and others interested therein, for the defalcations and injuries occasioned to the vessel and equipments, as shown at page 156 of the proceedings, on her detention by her Britannic Majesty's sloop "*Ringdove*," and also the further sum of 720 dollars 2½rs. for prison and other expenses incurred by the captain and crew whilst under the charge of the Captain-General, during the progress of the trial.

(Signed)

FERNANDINA.  
J. KENNEDY.

### Ninth Enclosure in No. 56.

#### ACCOUNT SUMMARY OF CLAIMS.

##### Claims Allowed:

Demurrage . . . . .	700	0
*Deterioration of cargo . . . . .	982	3
Deterioration for provisions and stores (see account of valutors) . . . . .	254	4

##### Claims Recommended to be Allowed:

Damages to the ship and equipments (see account of valutors) . . . . .	251	5½
Prison and other expenses . . . . .	720	2½

(Drs.) 2908 7

*Claims Disallowed:*

For articles alleged to have been taken away . . . . .	287	7½
Wages of captain and crew . . . . .	340	0
Price of a negress who died during the detention . . . . .	339	7
Funeral expenses of one of the crew who died in prison . . . . .		
	(Drs.)	967 6½

*Particulars of Deterioration of Cargo.*

Account presented by Don Ramon de la Camara for deterioration of his cargo of beans . . . . .	839	0
Account presented by Don Pedro Juan Roig and Don Antonio Moré and Llanara for } damage done to sundry bales of paper . . . . .	23	1½
For deficiencies detailed in account of the valutors . . . . .	120	1½
	(Drs.)	982 3

No. 57.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 24th May, 1838.*

I HEREWITH transmit for your information five copies of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the Session, by Her Majesty's command.

I am, &c.

(Signed) PALMERSTON.

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

No. 58.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, June 9th, 1838.*

I HEREWITH transmit to you the copy of a resolution which was voted unanimously by the House of Commons on the 10th May, 1838, for an Address to Her Majesty upon the Slave Trade, and a copy of the answer which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

You will see from these Papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am, &c.

(Signed) PALMERSTON.

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

No. 59.

*Her Majesty's Judge to Viscount Palmerston.—(Received June 20.)*

MY LORD,

*Havana, 15th May, 1838.*

I HAVE the honour to inform your Lordship that, on the 10th instant Her Majesty's sloop "Pearl," commander Lord Clarence Paget, sailed from this port with a view of proceeding to Portsmouth, after calling at Nassau, Bermuda, and Halifax; when Mr. Schenley took advantage of the opportunity to return to England, in pursuance of the leave of absence granted him for that purpose.

I have, &c.

(Signed)

J. KENNEDY.

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

No. 60.

*Her Majesty's Judge to Viscount Palmerston.— (Received June 20.)*

MY LORD,

*Havana, 15th May, 1838.*

I HAVE had the honour to receive from your Lordship, since the last acknowledgment of Despatches on the 20th April last, the following, viz. :—

That dated the 22nd February, 1838, containing instructions respecting the payment of the costs in the case of the "*Vencedora*," which have been duly communicated to the parties interested ; and the four bearing date the 6th March last, and communicating copies of various correspondence with the Government at Madrid.

I have, &amp;c.

(Signed)

J. KENNEDY.

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

&amp;c.

&amp;c.

&amp;c.

No. 61.

*Her Majesty's Judge to Viscount Palmerston.— (Received, June 20.)*

MY LORD,

*Havana, May 15th, 1838.*

REFERRING to the intention expressed to your Lordship in the Despatch from Her Majesty's Commissioners, dated the 20th April last, to appeal to the present Captain General Espeleta on his assuming office, to permit the soldiers of Her Majesty's West India regiment, serving on board the "*Romney*" at this place, to come on shore ; I have now the honour to enclose to your Lordship copies of the application made in this behalf, and of the answer received.

From this answer your Lordship will perceive, that our anticipations of a refusal were sufficiently well founded to warrant the delay in making the application, though that delay was rendered difficult by the importunities of the men, which were great, as indeed might be expected. Their situation undoubtedly must be extremely irksome, and we ventured to think we might hope for the indulgence, under the conditions we proposed, as satisfactory on all sides.

Our only hope, however, now depends upon the success of your Lordship's remonstrances with the Government at Madrid ; but fearing they may not have immediate effect, or that they may be shackled with impracticable provisoes, or that the prohibition may be even renewed, on the probable occurrence of some slight excess, magnified, as it no doubt would be, into a serious matter, it may be perhaps deserving of your Lordship's consideration, whether the existing evil may not be beneficially met by a system of frequent relief. Were changes to be made at intervals of three, four, or six months, as may be convenient, with other detachments of the regiments stationed at Nassau, Belize, or other dependencies, there would remain no reasonable ground for complaint on the part of the men, if kept on board as only for the length of time of an ordinary voyage.

I have, &amp;c.

(Signed)

J. KENNEDY.

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

&amp;c.

&amp;c.

&amp;c.

First Enclosure in No. 61.

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

MOST EXCELLENT SIR,

*Havana, May 1st, 1838.*

WE have the honour, in the discharge of our duty, to apprise your Excellency, that in the month of August last, her Britannic Majesty's Government not having been able to obtain in this island a fit place for the reception of negroes found in captured slave vessels, sent one of Her Majesty's ships, the "*Romney*," under the command of Lieutenant Jenkin, for the purpose of receiving such negroes, until they could be forwarded to some other place, according to the treaty between the two countries, Spain and Great Britain. At the time of her arrival the "*Romney*" had on board a number of soldiers, now 36, acting as marines, who, though men of colour, were selected from one of Her Majesty's West India regiments, part of Her Majesty's regular army, such as are also existing in this island, in the service of her Catholic Majesty. The sole cause of their having been selected, it should be observed, was on account of their being considered best adapted for the service in this climate, and without any reference whatever to the population of the island ; but shortly after their arrival His Excel-

lency the late Captain-General Tacon, under a mistaken supposition of intentions being entertained to recruit among the free negroes at this place, intimated his determination to Her Britannic Majesty's Commissioners to put into confinement any of those black soldiers who should be found on shore. This determination he justified by reference to a royal order of the 12th March, 1837, which, however, could not reasonably be construed to refer to soldiers of an allied power, upon such peculiar terms of amity with Spain as that of Her Britannic Majesty. Notwithstanding this persuasion, Lieutenant Jenkin, the officer in command of the "Romney," from a due respect to the authority of the Captain-General, has, since that time, from August till now, forbidden the soldiers from coming on shore, while in the meantime the subject was duly submitted to Her Britannic Majesty's Government. In answer to this reference we have received communications from Her Majesty's Government fully coinciding in our views of the royal order not extending to the soldiers of the regular army of an allied power, and remonstrances accordingly have been made to the government at Madrid, condemning this forced construction of a royal order, which can only have the effect of placing unnecessary difficulties in the fulfilment of existing treaties.

Under these circumstances, feeling assured of your Excellency's desire to promote sincerely the object of those treaties, we are induced to hope that your Excellency will take into immediate consideration the hardship to which these soldiers have been subjected, from being detained so long as prisoners on board, and be thus inclined to afford them relief from your own sense of justice rather than from the orders of her Catholic Majesty's Government. We have therefore to request your Excellency will be pleased to permit these soldiers to come on shore at such times, and subject to such restrictions, as may be considered reasonable. With this view we would undertake that they shall not be permitted to come in a greater number than six at a time, attended always by a non-commissioned officer, and only in the undress of the service, without arms.

We think it right to add, that from the time of the arrival of the "Romney," the officers and crew have been most anxious in all respects to conform to the regulations of the harbour; and in the case of a negro slave who had secreted himself on board the "Romney," the conduct of Lieutenant Jenkin in giving him up to the proper authorities, has received the full approval of both governments.

We have the honour to be, &c.,

(Signed)

J. KENNEDY.

E. W. H. SCHENLEY.

To His Excellency the Captain-General.  
&c. &c. &c.

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### Second Enclosure in No. 61.

(Translation.)

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

GENTLEMEN,

*Havana, 2nd May, 1838.*

I HAVE received your official note of the 1st instant, in which, after alluding to the measures of my predecessor in respect to prohibiting the black soldiers of Her Britannic Majesty's ship "Romney" from coming on shore, you express the necessity of my dispensing with the observance of those measures, by permitting the said soldiers to land without impediment, under the restrictions prescribed by you.

My predecessor possessed motives for dictating the said resolution: he submitted them to the consideration of Her Majesty the Queen Regent; and the resolution of the subject is still pending. These circumstances are sufficient to convince you of the impossibility of my making alterations; and I flatter myself, notwithstanding, that you will do me the justice to believe, that I am determined on the punctual observance of the Treaties, and to afford the greatest possible protection to the subjects of a friendly nation.

This I have the honour to state to you in reply, availing myself of this first occasion to assure you of my highest consideration.

God preserve you many years.

(Signed)

JOAQUIN DE ESPELETA.

To the Commissioners of Her Britannic Majesty.

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### No. 62.

*Her Majesty's Judge to Viscount Palmerston.—(Received June 20.)*

MY LORD,

*Havana, 21st May, 1838.*

I HAVE the honour to enclose the copy of a letter to His Excellency the Captain General Espeleta, on the subject of a gross defiance of his authority and the laws of the country, which had come to my knowledge. A number of negroes having been landed from one or more vessels on the coast between this harbour and Matanzas, some I understood from the Russian brig "Gollupk," referred to in the Despatch of this date, the "Principeño," steam-boat, usually running between here and Matanzas, was engaged to bring them, in number 306 negroes, and landed them in this harbour, at a wharf near the Factoria, or place for the Government stores, where the landing could not have been possibly effected without the sanction of the officers of the Government on the spot. There was reason to fear also that this was not a solitary instance of the like misconduct, as, according to credible information, there were on that same day 750 negroes at or about the same place.



To this letter written and forwarded to the Captain General on the 4th instant, His Excellency has not yet returned an answer.

I have, &c.

(Signed)

J. KENNEDY.

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

&c.

&c.

&c.

Enclosure in No. 62.

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

MOST EXCELLENT SIR,

*Havana, 4th May, 1838.*

WE regret we have to call your Excellency's attention to a daring infraction of the laws of the country, and defiance of your Excellency's authority. A vessel, supposed to be the Russian brig "*Gollupk*," entered here the 26th April, having landed a number of Bozal negroes on some part of the coast between this city and Matanzas, the "*Principeno*" steam-vessel was engaged, and did bring the negroes, on Friday last, the 27th April, in number above 300, and landed them in this harbour, at a wharf near the Factoria. On that day, we understand there were either at the wharf, or in the Factoria, upwards of 700 negroes, all brought in like manner, and permitted by the inferior authorities of the Island, in disobedience to the laws, and in disregard to the Treaties entered into by Spain with Great Britain, which circumstances we beg to submit to your Excellency's serious consideration for inquiry, with a view to the punishment of those who shall be found guilty of being concerned in these proceedings.

We have, &c.

(Signed)

J. KENNEDY.

E. W. H. SCHENLEY.

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

No. 63.

*(Extract.)—Her Majesty's Judge to Viscount Palmerston.—(Received June 20.)*

MY LORD,

*Havana, 21st May, 1838.*

OF the vessels arrived at this place during the last month (April) from the Coast of Africa, I have been able to ascertain the following:—

April 1st,	Portuguese	brig	" <i>Matilde</i> ,"	Ferreira, Master
,, 19th,	,,	schooner	" <i>2 Amigos</i> ,"	Careira, ,,
,, ,,	,,	brig	" <i>Serafina</i> ,"	————, ,,
,, 21st,	,,	schooner	" <i>Feliz Triunvirato</i> ,"	Sarazabal, ,,
,, 26th,	Russian	brig	" <i>Gollupk</i> ,"	Barnadas, ,,

Of these your Lordship will perceive that one is a Russian, said to have been fitted out from Odessa, from which port also it is said there is another on the Coast of Africa.

In addition to these, Her Majesty's sloop "*Pearl*," Commander Lord Clarence Paget, on the 28th April came into the harbour with two Portuguese vessels, one the "*Diligente*" (being the notorious fast sailing slaver formerly known under the name of "*Vengador*"), having on board 480 negroes, and the other the "*Opposiçào*," which had recently landed a cargo of negroes on the coast. The former vessel was sent off immediately to Nassau, thence to proceed to Sierra Leone, and the "*Pearl*" sailed with the other in company on the 10th instant, to be taken before the Mixed Court at Sierra Leone, under the additional articles of the Treaty with Portugal of the 15th March, 1823. The object Lord Clarence Paget had in view was—1st. To clear up a doubt as to the character, Portuguese or Spanish, of the "*Diligencia*," which appeared satisfactorily to be Portuguese; and, 2ndly, in the case of the "*Opposiçào*," which was unquestionably Portuguese, to learn the opinion of Her Majesty's Judge; whether it came within the additional Articles of the 15th March, 1823, referred to. Though this practice of taking an extra-judicial opinion is objectionable, as leading to many inconveniences, Her Majesty's Judge thought it his duty, in furtherance of the service in which he holds his appointment for the suppression of the trade, to reply that, in his judgment, the evidence offered "clear and undeniable proof of slaves having been put on board the vessel for the purpose of illegal traffic, in the particular voyage on which the vessel was captured." The fact is a matter here of unquestioned notoriety, though the landing had been effected unwitnessed two or three days previous to the detention. The "*Diligente*," otherwise the "*Vengador*," though Portuguese beyond capability of proof to the contrary, was well known here to be engaged in the behalf, if

not actually the property, of the great slave-dealer, Pedro Martinez of Cadiz, and uninsured, in reliance upon her fast sailing qualities.

Your Lordship will be gratified further to learn, that another Portuguese vessel, the "*Camoens*," belonging to an individual here named Mazorra, of whom mention has been made in former Despatches, was about the same time captured by Her Majesty's sloop "*Sappho*," Commander Frazer, with 575 slaves on board, and taken to Nassau. Commander Frazer had been in this harbour a few days previously, and having cruized long unsuccessfully, was recommended by Her Majesty's Judge to sail to the east of the island, on the supposition that the best vessels, with the ablest seamen, might prefer that more dangerous course to avoid the cruisers, rather than the easier navigation by the Isle of Pines, where slave-vessels have hitherto been generally met with. Commander Frazer left this place on the 27th April, expressing an intention to follow this advice, and, as it has proved, with success.

In connexion with the name of Mazorra (your Lordship may remember his being named in the Report for the last year as concerned in the supplying of vessels with Portuguese papers, to be placed under the Portuguese flag), I regret to have now to inform your Lordship, upon authority which may be relied on, that the principal agent in this fraudulent proceeding has been the Portuguese Consul at Baltimore, whence so many vessels have come here and proceeded to the Coast of Africa, regularly equipped for the Slave Trade under American colours, and there pretended to be passed over to Portuguese owners and the Portuguese flag, in accordance with schemes previously devised. In consequence of a disagreement on this subject between the Portuguese Consul at Baltimore and the Portuguese Consul at this place, the latter has been suspended, and this circumstance has thus acquired notoriety beyond doubt, which before had not been suspected.

I have, &c.

(Signed)

J. KENNEDY.

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

No. 64.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, June 25th, 1837.*

WITH reference to your several Despatches relative to the Spanish vessel the "*General Laborde*," and to the construction which, in that case, the Spanish Commissioners gave to the Tenth Article of the Treaty of the 28th June, 1835, between Great Britain and Spain: I herewith transmit to you, for your information and guidance, the copy of an instruction which by Her Majesty's command I have addressed upon the subject to Sir George Villiers, Her Majesty's Envoy at Madrid, and an extract of a Despatch which I have received in answer from that Minister.

I am, &c.

(Signed)

PALMERSTON.

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

First Enclosure in No. 64.

*Viscount Palmerston to Sir George Villiers, Foreign Office, April 6, 1838.*  
(See Papers of 1837, Class B, Further Series, No. 24, p. 16.)

Second Enclosure in No. 64.

*Extract from Sir George Villiers' Despatch of May 12, 1838.*  
(See Class B., No. 7.)

No. 65.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 6th, 1838.*

WITH reference to my Despatch to you of the 25th ultimo, transmitting to you copies of correspondence relative to the Spanish vessel "*General Laborde*,"

CLASS A.

I herewith transmit, for your information and guidance, the copy of a Despatch, and of its enclosure from Sir George Villiers, containing the form of instructions to be given on the part of Her Catholic Majesty, to the Spanish Commissioners at the Havana, for their guidance in the interpretation of the Tenth Article of the Treaty of June 28, 1835, between Great Britain and Spain.

I have, &c.  
(Signed) PALMERSTON.

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

Enclosure in No. 65.

*Sir George Villiers to Viscount Palmerston, Madrid, June 16, 1838.*

(See Class B., No. 16.)

No. 66.

*Her Majesty's Judge to Viscount Palmerston.—(Received July 17.)*

MY LORD,

*Havana, 19th June, 1838.*

I HAVE the honour to acknowledge having received from your Lordship the Despatches of the 4th April last, being that communicating your Lordship's demand to the Government at Madrid to dismiss Lieutenant Cruz from Her Catholic Majesty's service, on account of his misconduct in not bringing the "*Matilde*" slave-vessel before the Mixed Court; and a second correspondence with the Count Ofalia, respecting the permission given at St. Jago de Cuba, to the vessel "*Eliza*," to carry 120 pairs of leg-irons on boards.

I have, &c.  
(Signed) J. KENNEDY.

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

No. 67.

*Her Majesty's Judge to Viscount Palmerston.—(Received July 17.)*

MY LORD,

*Havana, 19th June, 1838.*

IN my Despatch dated the 21st ultimo, I enclosed to your Lordship the copy of a letter I had addressed to His Excellency the Captain-General, on the fact having come to my knowledge of 306 negroes (who had been put on shore a few miles distant from this place from some vessel not ascertained, but supposed to be the Russian brig "*Gollupk*,") being brought here and landed in the harbour by the "*Principeño*" steam-boat.

Not having received any answer to the complaint thus made of this daring infraction of the laws of the country and treaties with Great Britain, I directed a verbal application to be made to one of the Secretaries of the Government, intimating an intention of again calling the attention of the Captain-General to the subject, unless I received an early reply to my former communication.

On the 30th May accordingly I received His Excellency's reply, together with a copy of the proceedings taken in a delusive inquiry made into the charge, of which, with His Excellency's letter, I enclose your Lordship an abstract.

From these proceedings, carried on partly by the Captain of the *Barrio*, and partly by order of the General of the Marine, your Lordship will perceive such remarkable discrepancies in the evidence as can leave no doubt of the fact of the parties having been guilty of the transaction alleged. In the one examination the real Captain of the steam-boat, Ramon Ferrer, deposes that at the time specified he did not go out with the steam-boat, being then under arrest for debt in consequence of a law-suit, whereas in the other examination he acknowledges the reverse; that he did go out with the steam-boat on the 26th April, "to go to Matanzas," without a word as to any engagement to look after any vessel that had got on shore on the Colorados, which is on the other side of the harbour from the course to Matanzas; while the other pretended captain of the steam-boat, Damian Ferrer, who signs his examination with a cross, not being able to write, deposes

that he took the steam-boat out on the 26th April, to look for a Spanish vessel which had got on shore on the Colorados, and which he found and brought into the harbour on the 27th, on going out a second time. If there be any truth in this statement, the vessel had probably either got on shore in landing the negroes, or had put them on shore there, when finding the vessel on the reefs of the Colorados. Altogether, your Lordship will see that there is no direct answer or denial to the accusation; nor does it appear that the question was directly put to them, or direct answer required, whether they did or did not at any time bring into this harbour upwards of 300 negroes, who had been shortly before landed on the coast from some slave-vessel a few miles from this place! Meanwhile their equivocating declarations respecting the steamer being engaged on that day in bringing off a vessel that had got on shore on the Colorados, will afford a satisfactory conviction that the charge was well founded.

Under these circumstances I felt it my duty to address another letter to His Excellency the Captain-General, pointing out those considerations to his notice, and, though without hope of any successful result, trust I may convince the inferior officers of the Government that their attempts to conceal the real guilty character of the transaction, are not calculated to deceive any but those who are willing to be deceived.

I have been the more induced to persevere in forcing this matter upon the attention of the Captain-General, because I have heard of another transaction of the same kind about a month previous, in which the "*General Tacon*" steam-boat was engaged, though the length of time that has elapsed, and my ignorance of particulars, prevent my making with respect to it a formal complaint. These circumstances, however, prove that the practice has been reduced to a system of slave-vessels landing their cargoes wherever they had an opportunity on the coast, and then of having a steamer despatched to bring those cargoes as required. Strict watch, therefore, ought to be observed to counteract these machinations, and I intend to propose to the next cruiser coming into this harbour, to follow any steam-boat that shall go out at any time of the day for which it was not advertised.

In confirmation of these remarks I would further point out to your Lordship that part of the charge of there being upwards of 750 negroes on the day specified in the Factoria (a place for government stores), and the wharfs adjoining, which is not attempted to be denied, while the evidence so carefully expressed of no negroes having been seen to be landed in the day-time reduces the supposition to a certainty of what was done in the night.

I have, &c.

(Signed) J. KENNEDY.

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

&c. &c. &c.

First Enclosure in No. 67.

(Translation.)

*The Captain-General to the Honourable Commissioners.*

GENTLEMEN,

*Havana, 29th May, 1838.*

I RECEIVED in due time your communication of the 4th instant, informing me of the landing on this Coast from a vessel, supposed to be the Russian brig "*Golluph*," of a number of Bozal negroes, who, to the number of 300 and upwards, were brought into this port in the steam-boat "*Principeño*," and landed at a wharf adjoining the Factoria; and in order to proceed in this affair according to law, I directed it to be referred to the first *Teniente Asesor General* for his opinion, which, under date of the 5th instant, he gave as follows:—

"Most Excellent Sir—It is expedient, without loss of time, to proceed to the summary investigation of the facts to which the British Commissioners refer in their official note, and your Excellency may therefore be pleased to direct, that a certified copy of the said official letter, also of this opinion, and the Decree consequent thereon, if approved, be communicated in the usual form to the Commandant-General of the Station, in order that his Lordship may direct, on his part, the necessary steps to be taken, and be pledged to acquaint your Excellency with the result: and likewise that the before mentioned official letter of the Commissioners be forwarded to the Capitan of the Ward of Jesus Maria, that he may immediately proceed to the necessary inquiry, with all the activity and zeal required by the affair in question, and make a report of the result. This is my advice, saving your Excellency's better judgment."

In conformity with this opinion, I addressed the Commandant-General of Marine for the above-mentioned object; and, at the same time, directed the Capitan of the Ward of Jesus Maria to enter upon his inquiry with the greatest possible dispatch. The investigations of both being concluded, I remit you a copy of each Report, for whatever purpose you may require it.

God preserve you many years,

(Signed)

JOAQUIM DE ESPELETA.

*To the Commissioners of Her Britannic Majesty.*

## Second Enclosure in No. 67.

*Abstract of the Summary of Proceedings against the Steam-Boat "Principeño," in consequence of the complaint made by Her Britannic Majesty's Commissioners of her having introduced Bozal Negroes into this Port.*

A TRANSLATION of the official note of Her Majesty's Commissioners of the 4th May is submitted to the Assessor for his opinion thereon, who, on the following day, gives it in the terms, as transcribed in the reply of the Captain-General to the Commissioners, dated the 29th May. In consequence of the Assessor's opinion the Commandant-General of Marine is directed, on the 7th May, to cause investigation of the circumstance to be made, who, on his part, refers it to the Commandant of Registers, by whom the Lieutenant in the Spanish Navy, Don Joaquim de Luazo, is commissioned for the purpose. This officer, together with the public Notary, Don Juan Agustin de la Peña, proceed to summon for examination the Captain and crew of the "Principeño," find that she is not in port, but that her former Captain, Don Ramond Ferrer, happens to be, whereupon he is summoned, and declares as follows:—

*Declaration of Don Ramond Ferrer.*

That on the 27th of last month he was no longer Captain of the "Principeño," being under arrest in consequence of a law suit prosecuted against him by Don Manuel Leuria for a debt, but he knows for certain that the "Principeño" left this port on the 27th ultimo, in search of a Spanish brig which had got ashore to leeward, and was reported to have been carried off by the stream to windward; for this she was freighted, and went out with only the fuel she had at the time on board, which, on examination, was found to be insufficient, and seeing nothing of the brig, it was determined that she should return, which she did accordingly, and went alongside the wharf of Tallapiedra, where she took on board 60 tons of coals, which deponent had bought expressly of Don José Chicota, several persons being present the while, amongst whom were Don José Sesmon and Don José Sesgónsa. This occupied her from 9 in the morning till 2 in the afternoon, at which hour she put off to her usual anchorage opposite San Francisco. The following day (the 28th) in the morning she went again in search of the brig, found her to the N.W., about 6 miles from the Moro, and brought her into port. The preceding evening she was busy cleaning the boilers, and when this was done it was too late to go out, it being midnight, and the situation of the brig not ascertained. That the said steam-boat left for Guanaja on the 5th instant, and is expected to return in 8 or 9 days as usual. That he knows from Damian Ferrer that the two last trips she touched at no intermediate port. That he has nothing to add to this declaration, which he signs, together with the Lieutenant, Don Joaquim Zuaza, and the Notary.

*Declaration of Don José Chicota.*

On the same day Don José Chicota, a Coal Merchant, whose premises are adjoining the wharf of Tallapiedra, was examined, and declared as follows:—That on the 26th or 27th of last month, he is not quite certain which, about 9 o'clock in the morning, Don Ramon Ferrer, part owner of the "Principeño," came to his store and bargained with deponent for 70 tons of coals at 8 dollars per ton. After 10 o'clock, as it appears to him, they saw the "Principeño" arrive, but she landed nothing whatever, and shipped part of the coal with 2 boats, leaving the remainder in the store, which operation kept her till 2 in the afternoon, when she went off into the Bay. That several persons were present when she arrived, whilst she remained at the wharf, and when she put off into the Bay, but that he cannot name any of them as he did not notice them. Which is all he knows respecting the affair, and has, therefore, nothing to add to his declaration, which he signs with the before-mentioned Lieutenant and the Notary.

*Declaration of Don José Tesmon.*

Don José Tesmon, by trade a Carpenter, was then examined, and he declared as follows:—That on the 27th of last month, whilst at work near the wharf at Tallapiedra, and the store of Don José Chicota, about 9 in the morning he saw the "Principeño" steam-boat anchor there and load boats, although he cannot say how many, from the said store to the steamer; that during this time she landed nothing whatever, and after a good while deponent saw her put off into the Bay, which is all he knows respecting her. He then signs his declaration, together with the Lieutenant and the Notary.

*Declaration of Don José Lesgónsa.*

Don José Lesgónsa, a Timber Dealer, is next examined, and declares:—That on the 27th of last month he was as usual on the wharf at Tallapiedra buying and selling timber, when, about 10 o'clock in the forenoon, the "Principeño" steam-boat anchored, and began with her boats and others from the wharf to load a great quantity of coals, as he perceived by their often-repeated trips; but that he saw nothing whatever landed from the steamer, which, on concluding the before-mentioned operation, about 2 in the afternoon, went off into the Bay. This is all he knows on the subject, which he affirms with his signature, the Lieutenant and the Notary also signing.

*Suspension of Proceedings.*

The examination was then suspended until the return of the "Principeño," and notice thereof given to the Commandant General.

*Declaration of the Master Damian Ferrer.*

On the 21st May the "Principeño" arrives, when the Master, Damian Ferrer, is summoned, and declares: That on the 25th of last month, early in the evening, Messrs. Roig and Brunet, consignees of the Spanish brig "Amnistia," came on board and told him they had notice that the said vessel from Monte Video, had got ashore on the Colorados, and although nearly off again, had no helm; and they feared that unless she was immediately looked after, the current would carry her out to sea and she would be lost. Deponent stated to them, that having just arrived from sea he had but little fuel on board; and unless the vessel was very near he could not go out in search of her, besides, that his engine was dirty. The consignees, however, insisted; and thinking she would be near, and must have got off from where she stranded the day before, he determined to go out very early on the 26th; he went to windward, thinking the current would have drifted her to the N. E., but seeing nothing of her, and the breeze freshening, and his fuel nearly expended, he returned into port about 10 o'clock the

same morning, and anchored off Talla-piedra, for the purpose of taking in coals. There he found Don Ramon Ferrer, part owner of the steamer, and was ordered by him to load with his two boats, and one from the shore as quickly as possible, coals which he had bought at a store adjoining the wharf, belonging to Don José Chicota. This occupied him all the morning. In the evening he went off to his usual anchorage, and ordered the engine to be cleaned, which was not finished until late at night. The next morning he went out again, and found the brig about 7 miles to windward, took her in tow, and brought her in. That he has nothing to add to this declaration, which he affirms with the sign of the cross, not knowing how to write; the Lieutenant and the notary signing their names.

*Supercargo deposes.*

The Supercargo of the "*Principeño*," Don Cayetano Basurto, next deposes in precisely the same terms.

*Steward deposes.*

Also the steward, Francisco Arrans.

*Two of the Crew.*

Also Pedro Pascual, and Juan Prast, companeros on board the "*Principeño*."

The examinations being concluded, the Lieutenant commissioned for the investigation reports to the Commandant of registers.

"It appears by the examination of the witnesses in this case, that Damian Ferrer, master of the steam-boat "*Principeño*," was invited by the consignees of the Spanish brig, "*Amnistia*," from Monte Vidéo, to go in search of her, for though they had intelligence of her having got off the Colorados, where she had been ashore, she had lost her helm. Ferrer told them that if she was very far off he could not go, as, having recently arrived from sea he was short of fuel, and his engine was also dirty; but they insisting upon the urgency, and deploring the loss of the expedition, he determined to go out under the express condition of returning if he did not find her near the port, and to windward, for he calculated on the current drifting her there. Accordingly on the 26th of last month, the "*Principeño*" steered to windward, and seeing nothing of the brig after having gone about 20 miles to the N. E., and the breeze freshening, he returned into port, and anchored off Tallapiedra, where Ramon Ferrer awaited him with coals, which he had purchased there of Don José Chicota, whose store it appears is in the neighbourhood. He embarked the coals and went to his anchorage the same evening. The following morning he went out again to perform his agreement, brought the brig in tow, and anchored in this port. This is the statement of the deponents, corroborating that of the Master, and others interested; and there being no positive proof to the contrary, it appears worthy of attention what has been proved by possible means; that no blame does attach to the Master of the "*Principeño*," from the proofs which he presents against his accusation. This is my opinion, saving your better judgment.

Havana, 22d May, 1838.

(Signed) JOAQUIM ZUAGO."

Agreeing with the above, the Commandant of Registers on the same day remits the summary to the Commandant General of Marine, who also, on the same day remits it to the Captain General, with the following letter.

*The Commandant General to the Captain General.*

"MOST EXCELLENT SIR,

"In compliance with your Excellency's request, contained in your official letter of the 7th Inst. I enclose the summary of the proceedings consequent upon the complaint made by Her Britannic Majesty's Commissioners against the Captain of the steam-boat "*Principeño*," of her having introduced Bozal negroes into this port, it being proved thereby, that the accusation is not certain ("*no ser cierta la acusacion.*") God preserve your Excellency many years!

Havana, 22d May, 1838.

(Signed)

JUAN BAUTISTA TOPETE."

Third Enclosure in No. 67.

*Abstract of the Summary of proceedings by the Capitan of the ward of Jesus Maria, in consequence of the complaint of Her Majesty's Commissioners that Bozal negroes were landed near the Factoria, in his ward.*

The Capitan of the ward of Jesus Maria, Don Manuel de Moya y Morejon, being directed by his Excellency the Captain General to enter upon an enquiry in consequence of the complaint of Her Majesty's Commissioners that Bozal negroes were landed from the "*Principeño*," at a wharf near the Factoria, proceeds to examine the proprietor of the wharf at Tallapiedra, adjoining the Factoria, the store-keepers, shopmen, and others in the vicinity. Their several declarations are as follows:

Don Francisco Cacho, proprietor of an eating and coffee-house adjoining the wharf at Talla-piedra, deposed, that on the 26th of April last, until after 8 o'clock in the evening, when he left the wharf, where he had been all day in his business as a dealer in coals and wood, there was nothing landed or embarked besides the said articles of fuel; that he recollects on that day seeing the steam-boat "*Principeño*" loading coals with a boat; that he has been about 10 years established at Talla-piedra or its immediate vicinity, and has never seen or heard of Bozal negroes being landed there; that the coals the "*Principeño*" loaded were from the store of Don José Chicota.

Don Ramon Ferrer deposes that he is captain of the "*Principeño*;" that on the morning of 26th April last he went out in the said vessel under his command to go to Matarzas, but returned early the same morning for want of coals; that on going out he left the Russian brig "*Golluph*," about which he is questioned, in port, and on his return found her in the same place, so that she could not, as suggested to him, offer him any cargo; that on entering the port he went direct to the place called

Tallapiedra, where he purchased from Don José Chicota 60 tons of coals, which were put on board the steamer by her boats; that he paid 8 dollars a ton for the coals, which made the whole amount to 480 dollars; that they were shipped from the wharf of Don Pedro Urrutia, in Tallapiedra.

Don José Chicota, a coal-merchant, whose store is close to the Real Factoria, deposed, that he could not well recollect having on the 26th ultimo seen anything but coals and wood, which are the usual articles of traffic there, at the wharf, but particularly mentioned the shipment of 60 tons of coals, which he sold on that day to the captain of the steam-boat "*Principeño*," which coals deponent had been himself landing at the wharf on that and several previous days, and continued landing afterwards; that the coals for the steamer were shipped from the wharf of Don Pedro Urrutia, in boats belonging to her; that they cost 80 dollars a ton, and the whole quantity 480 dollars; that he has never seen, or even heard of Bozal negroes being landed at or near the Factoria, or anywhere thereabouts.

Don Pedro Urrutia, proprietor of a Pulperia (wine-shop) and a timber-yard, with a wharf near the Factoria, deposed, that nothing was landed or shipped from his said wharf on the 26th April but coals and wood; that he was there the whole day; that he cannot recollect all the vessels that were at the wharf on that day, as there are generally several coasters there employed in the above trade, but he recollects having seen the boats of the "*Principeño*" loading a quantity of coals; that Don Antonio Caparro has an establishment adjoining for selling coals, Don José Chicota has another, and Don José Cacho an eating and coffee-house; that he has never seen or heard of Bozal negroes being landed in Tallapiedra, at the Factoria, or any where in the neighbourhood.

Don José Hernandez, a coal and wood dealer at Tallapiedra, near the Real Factoria, and owner of two coasters employed in the trade, deposes that he was on the wharf the whole of the 26th April until the hour of "*oracion*," and that nothing was landed or embarked from there but coals and wood; that neither on that day, or any other, has he ever seen or heard of Bozal negroes being landed there or thereabout.

Don Antonio Allsma, skipper of a coasting vessel employed in the coal and wood trade, deposed that on the 26th April last he was all day on the wharf at Tallapiedra, from daylight until sun-set, engaged in his ordinary occupation of dealing in the above articles; that he has never seen or heard of Bozal negroes being landed there; that on the said 26th April he saw the steam-boat "*Principeño*" at anchor off the wharf, but knew not for what purpose she was there, although he did see them carrying coals on board in their boats from Don Pedro de Urrutia's wharf.

Don Lorenzo Orfila, a dealer in coals, deposed that he was as usual the whole day of the 26th April on the wharf at Tallapiedra, and that he saw nothing landed at, or shipped from it but coals and wood; that he never saw or heard of Bozal negroes being landed at or in the vicinity of the Factoria; that on that day he saw the boats of the "*Principeño*" loading coals from the said wharf at Tallapiedra.

Don Antonio Caparro, proprietor of a coal wharf in the Bay at Tallapiedra, near the Factoria, and owner of three coasting vessels employed in carrying coals and wood, deposed that he was the whole day of the 26th April in his house, which overlooks the Bay, and that nothing but coals and wood were landed at or taken from the wharf; that he has never either seen or heard of Bozal negroes being landed thereabout; that he saw the "*Principeño*" anchored off Tallapiedra on the 26th April, and knew that Don José Chicota had sold coals for her use, and that he saw the said steamer's boat landing them.

Don Luis Rebolledo, a servant in the Pulperia (wine shop) also in the timber yard, and on the wharf of Don Francisco Urrutia, deposed, that he was all day at his usual work, from daylight till night, and saw nothing but coals and wood landed or shipped at the wharf, as usual, on the 26th April; that he has never seen or heard of Bozal negroes being landed in that neighbourhood; that on the said day he saw the "*Principeño*" anchored off Tallapiedra, and heard that she had come there to take in coals, which were, in fact, sent off from the wharf.

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#### Fourth Enclosure in No. 67.

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

MUST EXCELLENT SIR,

Havana, 7th June, 1838.

I HAVE had the honour to receive your Excellency's reply of the 29th May to my complaint of the 4th May, respecting the "*Principeño*" steam-boat having landed in this harbour, on the 26th April last, upwards of 300 Bozal negroes, who had a short time previously been put on the coast a little distance from this place. At the same time your Excellency was pleased to send me copies of proceedings taken in the enquiry into the transaction, which your Excellency has instituted.

Relying fully on your Excellency's determination to observe the Treaties between the two countries, as well as to maintain the supremacy of the law, I must beg to point out to your notice, 1st. the remarkable discrepancy in the answers of the Captain of the steam-boat, Ramon Ferrer, when examined by the Captain of the *Barrio*, and when examined by order of the General of the Marine. In the one examination he intimates that he did not go out with the steam-boat at the time specified, being then under arrest, in consequence of a law-suit; whereas, at the other examination, he acknowledges that he did go out with the steam-boat on the 26th April, "to go to Matanzas," without any reference to any engagement to look after any Spanish vessel on the coast, while the other pretended Captain, Damon Ferrer, deposes that he took the "*Principeño*" out that day in search of a Spanish vessel that had got on shore on the Colorados. These discrepancies are so remarkable that I feel surprised at their having escaped the notice of your Excellency's Assessor, while the whole examination appears to me only of a character to deceive those who are willing to be deceived.

2d. That, in answer to these enquiries no denial of the charge is made, nor does any direct question

appear to have been put, or direct answers required, whether the parties were engaged or not, at that time, in the alleged transaction of bringing negroes into the harbour from any part of the coast.

3rd. That no supposition existed, nor was any charge made, that the negroes were landed in the harbour in the day-time, to which alone the witnesses examined refer: while that part of the charge is totally passed over, stating that there were the same day in the Factoria, or wharfs adjoining, upwards of 750 Bozal negroes, all, no doubt, landed under similar circumstances.

In corroboration of this, I regret to have to inform your Excellency that the steam-boat "*General Tacon*" was engaged, a short time previously, in a like transaction; and I have good reason to believe these are not the only instances of such infractions of the law of recent occurrence through the instrumentality of the steam-boats.

To his Excellency the Captain-General, &c. &c. &c.

I have the honour to be, &c.,

(Signed) J. KENNEDY.

No. 68.

(Extract.)—*Her Majesty's Judge to Viscount Palmerston.*—(Received July 17.)

Havana, 19th June, 1838.

DURING the last month, I believe the following were the only slave-vessels that arrived in this harbour, viz.

May	3.	Portuguese schooner	2da. Union	Canosa,	Master.
"	6.	" "	Bn Viaxe	Proenza,	"
"	"	" "	Constancia	Plat,	"
"	23.	" "	Veloz	Roberdeo	"

Others however may have arrived, respecting which we have not received information, as our means of procuring any are so very precarious; thus I have reason to think, that in addition to the 5 vessels reported in my Despatch of the 21st May last, there were two others under Portuguese colours, of which I have learned neither the names nor the precise date of arrival (though no doubt to be found in the books at the custom-house, from the monthly report of the numbers of which, as published in the "*Diario*," I make this conjecture). In the same summary it is stated, that two Portuguese vessels sailed from this harbour during the same month of April; and as Portugal has no other trade with this place, there can be no doubt of their destination.

Of the number of negroes brought in the above-named vessels I have not been able to ascertain the particulars; but I regret to have to say, that the "*Barracones*" are reputed to be well supplied, and the price of negroes in the market is reduced. One of these repositories is in the immediate vicinity of the public "*Paseo*;" and in a visit to this city, paid in the beginning of last month by His Royal Highness the Prince de Joinville, the French Consul took His Royal Highness to this *Barracon* in open day, as to one of the sights of the place!

The Russian brig "*Gollupk*," which I reported to your Lordship in my Despatch above referred to, cleared out from this harbour on the 26th ultimo for Genoa; according to announcement in the "*Diario*" of the 27th, though I suspect this was inserted for the purpose of deception, as considerable notice had been excited by the entry of such a vessel from such a quarter. I have had it repeated from the Russian Consul, that he had examined the vessel's papers very carefully, and found she had been sent from this port to Odessa, where the transfer was made, and that her sea-pass was signed by the Russian Ambassador at Constantinople. Under these circumstances, perhaps your Lordship will think it advisable to send a notice of the vessel to Her Majesty's Consul at Genoa, to observe the movements of the parties, as I am informed there are several other vessels on their way to Odessa, and as a vaunt has been made that "even if they (the slave-dealers) should be deprived of the Portuguese flag, they had another in reserve with which the English would not dare to interfere," apparently referring to the Russian.

Your Lordship will no doubt have been informed of the miserable fate of upwards of 300 negroes wrecked on board the "*Estella*" schooner, under Portuguese colours, on the coast of Jamaica. The crew, it appears, escaped on shore, leaving the unfortunate Africans on the shoal, and had been landed some days before they made known the fatal circumstances of the wreck, so that when the fact transpired and search was made, it was found their victims had all unfortunately perished. It is said that several of the crew have informed against others having stabbed one or more of the Africans, who attempted to get with them into the boat, and that the authorities at Jamaica have them in consequence in custody upon a charge of



murder. The owner is a person here named Ramon Font, and he has been making anxious enquiries as to the best means, by bribes or otherwise, of procuring the liberation of the captain and crew, for whose benefit it is certainly true that a large sum of money has been remitted to Jamaica. The "*Estella*" sailed from this place on the 19th October, and was formerly known in the trade, when under Spanish colours, as the "*Francisca*."

No. 69.

*Viscount Palmerston to Mr. Kennedy.*

SIR,

*Foreign Office, July 17, 1838.*

HER Majesty has been pleased to nominate Mr. Edward Wyndham Harrington Schenley, now arbitrator, on the part of Great Britain, in the mixed British and Spanish Court of Justice established at the Havana, to be arbitrator, on the part of Great Britain, in the British and Netherlands mixed Court of Justice established at Surinam. And Her Majesty has been further pleased by the accompanying commission to nominate and appoint Mr. Campbell James Dalrymple, now arbitrator at Surinam, to succeed Mr. Schenley as arbitrator on the part of Great Britain in the British and Spanish mixed Court of Justice, established at the Havana.

I have directed Mr. Dalrymple to repair forthwith to the Havana to undertake the duties of the situation to which he is appointed.

You will, on his arrival, communicate to him this dispatch. You will deliver to him Her Majesty's commission of appointment, and invite him to take in due form the oath which is prescribed to be taken by him prior to entering upon his duty in the character assigned to him in Her Majesty's commission.

You will announce this appointment to the Spanish members of the mixed Court of Justice, destined to act with you under the treaty of the 28th of June, 1835, for the abolition of the Slave Trade.

You and Mr. Dalrymple will be guided in your respective characters of judge and arbitrator by the instructions which have heretofore been addressed to Her Majesty's Commissioners by the Secretary of State; and you will receive from me such further instructions as Her Majesty may judge it necessary to give for your guidance.

I enclose to you a copy of the instruction which I have addressed to Mr. Schenley on the subject of this letter.

I am, &c.

(Signed)

PALMERSTON.

*To James Kennedy, Esq., Her Majesty's Commissioner, Havana.*

No. 70.

*Her Majesty's Judge to Viscount Palmerston.—(Received August 22.)*

MY LORD,

*Havana, 2nd July, 1838.*

THE Act of Parliament 5 Geo. IV. c. 113, s. 75, requiring a return to be made on the 1st day of July in every year of all cases which shall have been adjudged in the several Mixed Commission Courts respectively during the 6 months preceding, I have the honour to inform your Lordship, that the enclosure contains the only case, which has been brought before the Mixed Court of Justice at this place, since the 1st day of January last.

I have, &c.

(Signed)

J. KENNEDY.

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

&c.

&c.

&c.

## Enclosure in No. 70.

*Return of Case adjudicated in the Mixed Court of Justice at Havana between the 1st January and 1st July, 1838.*

Name of Vessel.	Date of Seizure,	Property seized.	Seizor.	Date of Sentence.	Decretal part of Sentence, whether Forfeiture or Restitution.
Vigilante . . .	15th Decem. 1837.	Spanish Schooner, with 18 negroes.	Commander Nixon, H. M. Sloop. "Ringdove."	19th Jan. 1838.	Restitution.

(Signed)

J. KENNEDY.

## No. 71.

*Her Majesty's Judge to Viscount Palmerston.—(Received August 22.)*

MY LORD,

Havana, 2nd July, 1838.

I HAVE the honour to acknowledge having received your Lordship's Despatch of April 28th last, communicating the opinion of Her Majesty's Law Advisers on the case of the "*Vencedora*," and your Lordship's consequent directions to Her Majesty's Minister at Madrid. In expressing my gratification to learn, that the opinion of Her Majesty's Law Adviser coincides with my own, I cannot but express a hope, that the representations of your Lordship to the Spanish Government may be speedily allowed their due weight; as from all the inquiries I have made, I have reason to believe that the system has been carried on to a very great extent, of making Porto Rico a depôt for slaves, and thence smuggling them into the Havana in smaller vessels.

I have at the same time to acknowledge your Lordship's separate Despatch, notifying the appointment of Mr. Dalrymple as Commissioner of Arbitration at this place, in the stead of Mr. Schenley; which change of appointment I have duly communicated to the local authorities and the Spanish members of the Commission.

I have, &amp;c.

(Signed)

J. KENNEDY.

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

&amp;c.

&amp;c.

&amp;c.

## No. 72.

*Her Majesty's Judge to Viscount Palmerston.—(Received August 22.)*

MY LORD,

Havana, 17th July, 1838.

ON the 30th of June last, having myself observed two slave vessels enter the harbour, one under Portuguese and the other under Spanish colours, and both signaled at the Moro' Castle as having come from the Coast of Africa, I found it more imperatively my duty to address a letter on the subject, to His Excellency the Captain General, of which I enclose your Lordship a Copy. I transmit it thus early, though as yet I have received no reply, as the peculiar character of the vessel last referred to is one to excite our utmost indignation, while the miserable fate of so many victims of such inhuman traffic must also excite the utmost horror.

The vessel which came in here under the name of the "*Esplorador*" sailed hence on the 13th June, 1837, under the name of the "*Aguila*," or "*Aguila Vengadora*," supplied with fire-arms and ammunition to a great amount. She sailed it is said to Madagascar and Mozambique, and not finding any negroes on the Coast to be

CLASS A.

bought, forcibly and piratically took from the other vessels there on the same errand, the cargoes they had collected, and gave the robbed vessels a quantity of gunpowder, &c., with a recommendation for them to adopt the same course. Having thus got together about 560 negroes, the report further states, that before they got out of the range of the monsoons they encountered very violent weather, which lasted two days, and compelled them to shut down the hatches, without being able to give the negroes during that time air or food. The consequence was that when the storm abated, and they went to examine their condition, they found about 300 negroes had perished of suffocation and hunger, and with the other ordinary mortality afterwards attending such voyages, arrived here with only about 200 surviving.

Since denouncing this vessel to the Captain-General, another Spanish brig which I have likewise denounced, arrived on the 8th instant, the "Irene," Ageo Master, also from Mozambique, which sailed on the 7th of July, 1837, from this harbour, and was a sort of partner with the "*Esplorador*," having been fitted out by the same owners, Ironmongers of this place, named Fernandez, to the same coast, where they were together blockaded by a British vessel of war, about 3 months. In consequence of this detention and other circumstances attending them, the speculation has proved far from profitable, as, in addition to other disadvantages, and the longer voyage, the negroes from Mozambique at the best only command the average price of 272 dollars per head, while those from the Gold Coast would be worth 425 on account of their being more intelligent and hardy. The loss thus upon the speculation is said to have been no less than 60 per cent.

I have, &c.

(Signed)

J. KENNEDY.

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

&c.

&c.

&c.

First Enclosure in No. 72.

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

MOST EXCELLENT SIR,

*Havana, 7th July, 1838.*

THE following circumstances having come under my own observation, it becomes more particularly my duty to submit them to your Excellency's consideration, in the hope that your Excellency will take such steps respecting them as will be in accordance with the good faith due to existing Treaties.

On Saturday last, the 30th June, about 2 o'clock in the afternoon, I saw a vessel come into the harbour under Portuguese colours, which, on passing through Moro' Castle, was signaled there as from her last port by a red flag, signifying that she had come from the coast of Africa. This vessel, I have since learned, was the Portuguese schooner "*Eliza*."

About a quarter of an hour afterwards I saw another vessel enter the harbour under Spanish colours, for which the same signal was hoisted, as coming from the coast of Africa. This vessel, I have also since learned, was the Spanish brig "*Esplorador*," and I observed on board a long brass gun, and a remarkably full complement of men.

Under these circumstances I can have less hesitation in repeating the horrifying accounts reported of this vessel, and which, if true, cannot fail to excite your Excellency's indignation.

The "*Esplorador*," otherwise the "*Aguila*," it is said, sailed from this place for Africa, abundantly supplied with gunpowder and fire-arms, and, not finding any slaves on her arrival there, forcibly and piratically took the cargoes of slaves from some other vessels, for which the crew left a quantity of ammunition in exchange, with a recommendation to the robbed vessels to adopt the same course. That, with a cargo thus nefariously obtained, to the number of about 560 negroes, they sailed on their return from Madagascar, but, having encountered a violent storm, they were obliged to shut down the hatches for more than two days, when, the storm having abated, they went to look at the negroes, and found about 300 had died of suffocation and hunger, cooped up in the miserable hold of the vessel. That, accordingly, the "*Esplorador*" has not brought many more than 200 negroes to this Island, who were landed on the coast, a few days previously to her arrival here on the 30th June last.

At the same time the "*Esplorador*" entered the harbour, a Spanish brig-of-war was also signaled at the Moro', having been for many hours in sight, and then apparently not more than a mile distant from the shore. This brig-of-war, which I did not see enter the harbour, was, I understand, the "*General Laborde*," and appeared to have been a considerable time in company with the "*Esplorador*," so that from neither vessel could they have failed to have observed the character of the other. And yet the officer in command of the vessel of war does not appear to have taken any steps to examine into the cargo or equipments of a vessel so evidently a slaver, nor have I heard of any condemnatory notice taken of the "*Esplorador*" on such account by the Authorities of the port." Your Excellency, therefore, may now probably learn for the first time of a vessel of such a murderous character having arrived at this place, and arriving unchecked by a Spanish vessel-of-war, and by your Excellency's subordinate Authorities of the Island. Such flagrant disregard of their duties, I feel assured, your Excellency will not sanction: and, as no pecuniary profits or perquisites of office can possibly counterbalance such enormities, and such disregard of solemn Treaties, so, I trust, your Excellency will show the parties that they must not further presume on the forbearance of the Government.

I have the honour to be, &c.

*To his Excellency the Captain-General, &c. &c. &c.*

(Signed)

J. KENNEDY.

## Second Enclosure in No. 72.

(Copy)

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

MOST EXCELLENT SIR,

*Havana, 12th July, 1838.*

I REGRET to have to inform your Excellency of another slave-vessel having arrived in this harbour, on the 8th July instant—the Spanish brig “*Irene*,” from Madagascar, Master's name Ageo.

As the circumstances attending this vessel, together with those of the “*Esplorador*,” will unquestionably be brought before the Government of her Catholic, as well as her Britannic Majesty, I trust your Excellency, in instituting an inquiry into the equipments and cargoes of these vessels, and also into the character and conduct of their crews, will employ such Agents as will execute their duties faithfully in the spirit of the Treaties for the suppression of so inhuman a traffic as that in which the parties referred to have been engaged.

To his Excellency the Captain-General, &c. &c. &c.

I have the honour to be, &c.

(Signed) J. KENNEDY.

## No. 73.

*Her Majesty's Judge to Viscount Palmerston.—(Received August 22.)*

(EXTRACT.)

*Havana, 17th July, 1838.*

I REGRET to have to report to your Lordship an alarming increased series of operations on the part of the Slave-dealers, during the last month at this place. Early in the month I was informed, that there were no fewer than 18 vessels fitting out in the harbour for the Coast of Africa, which number appeared to me so incredible, that I requested Lieutenant Jenkin of the “*Romney*,” to ascertain if possible, the truth of the fact, when he informed me that he had himself counted 15, fitting out apparently for that destination, and had no doubt there were others. I had heard from a quarter on which reliance may be placed, that 13 actually sailed for the Coast of Africa during the month, and in the summary of vessels sailed from this place in June, as published in the *Diario*, it appears there were actually nine sailed under the Portuguese flag, of whose character there can be no doubt. The others I believe were small American vessels, called clippers, from Baltimore, which will return under some other flag; and I understand that in this form of small vessels, the trade may in future be expected to be carried on.

With regard to the use of the Portuguese flag, it is said that most of the vessels either have no papers at all, or that the papers are forged. No valid Portuguese papers can be procured for a less sum than from 1 to 2000 dollars, according to the size of the vessel; and the papers, which it has been said were to be procured at the Cape de Verde Islands for a few dollars, were no doubt counterfeits. There has been, as I before informed your Lordship, a dispute on this point between the Portuguese Consul at this place, and the Portuguese Consul at Baltimore, on account of which the former has been suspended from his office, and I have heard that the other also has been removed.

During the last year, as I stated in the Report for the year, there seemed to have been given some decided check to the course of the trade. Of two insurance companies established at this place, one declined to take further risks on slave vessels, and the other company has been dissolved insolvent, though I believe they have began again operations, upon the system, however, of refusing to ensure slave trading speculations. As, from the most accurate calculations I can learn, it appears, that the return of two vessels out of three would only afford a remunerating profit, it may therefore be deduced, from the facts above stated, that the vessels insured have been taken or lost in greater proportion. For a short time then, the check seems to have been given so decidedly to the trade, that in the first quarter of this year, I believe I may state confidently, there were not more than 13 vessels sailed for Africa, though the numbers since have so alarmingly increased. The fact was, that in the meantime, not only did the increased price of negroes tempt the cupidity of the dealers, but an increasing demand for them also arose from the planters here, expecting to have an extended market for their produce, in the prognosticated decrease of exportations from the British West Indies, consequent upon the measures of emancipation. With a view to this, apparently, very increased exertions are going on, in putting new land into cultivation, and in improving the old. A very intelligent merchant told me, that he knew of no fewer than 40 new estates that had been lately opened, (remembering that it will take about two years to make them productive); and with regard to the older plantations, it is well ascertained that there have been about 100,000 boxes of sugar, of 400lbs. each, exported, the season just closed, more than in any preceding.

A considerable number of negroes have been imported during the last month, of whom 1300, it is said, were brought in three vessels, mostly for a merchant named Joaquin Gomez, who has lately been honoured by Her Catholic Majesty, with the grand cross of Carlos Tercero, in right of which he is designated "His Excellency." These 1300 were, I understand, principally sold for the new Plantations in the neighbourhood of Cardenas, at the average, per head, of 340 dollars, and were sent to Matanzas on their way there in the steam-boats, on the 25th of June, and two days following. One lot I saw marched to the wharf to be embarked, all apparently under 20 years of age, and some very young children. Many were exceedingly emaciated, and a number, who appeared unable to walk, were put by twos and threes on the backs of horses and mules, to which they clung with awkwardness, being little better able to ride.

The summary in the Diario, above referred to, gives the announcement of five Portuguese vessels having arrived during the month, which agrees with the list of slave vessels I had reported to me as follows:—

June 8	Portuguese brig	Josepha	Durate	Master. from San Tomé
" 15	" schooner	Ligera	Losa Barti	" Isla Principe
" 24	" brig	Fortuna	Barbosa	" San Tomé
" "	" "	Ligero	Miguel Antonio	" Rio Pongo
" 30	" pilot-boat	Eliza	Galindo	" Puerto Praza
" "	Spanish brig	Esplorador	Gorronda	" Madagascar

For the horrifying circumstances attending the course of the last vessel I have to refer your Lordship to the other Despatch of this date. Besides these, on the 22nd of June, according to an insertion in the Diario of the 8th of July inst., (apparently by oversight) there is announced the arrival at Trinidad, in this Island, of the Spanish brig "*Emprendedor*," Captain Beyga, from Gallinas on the Gold Coast; and we cannot suppose it to be a solitary instance of a slave vessel coming to another port of the Island.

Having in my last monthly Report informed your Lordship, from the announcements in the Diario, of two Portuguese vessels having sailed from this harbour during the month of April, I have now only further to add, that, on the same authority, there sailed six under the same colours during the month of May, and I believe several others for the same destination, under Spanish or American colours.

## No. 74.

*Her Majesty's Judge to Viscount Palmerston.—(Received August 22.)*

(EXTRACT).

*Havana, 17th July, 1838.*

SINCE writing the Despatches of this day's date, I have procured the clearances of vessels from this harbour for the Coast of Africa, during the last four months. They agree so sufficiently with the conjectures I had made in the several monthly Reports, that I have only to point out to your Lordship's attention the circumstance I had not before this day learned, of a French vessel having cleared out of that destination in March last. Had I at the time been aware of the fact, it would of course have been my duty to have made a communication on the subject to the French Consul General at this place.

## Enclosure in No. 74.

*List of Departures for the Coast of Africa during the last four months.*

March 17	French brig	Havre	cleared for	San Pablo de Loando.
24	Portuguese brig	Constitucion	"	San Tomé.
27	Spanish "	Carmen	"	"
April 4	Brazilian "	Feliz Constancia	"	Lagos.
5	Portuguese brigantine	Felicidad	"	"
18	" schooner	Vigilante	"	San Tomé.
24	" brig	Maria Teresa	"	Lagos.
26	Spanish schooner	Victoria	"	San Tomé.

May	2	Spanish schooner	Ramoncito	San Tomé
	5	Portuguese "	Prova	"
	7	American "	Mary Hooper	Cape de Verds.
	8	Portuguese "	Maria Segunda	San Pablo de Loanda
	9	American brig	Eagle	San Tomé.
	15	Portuguese schooner	Triunfante	"
	23	"	Circe	Santiago de Praya,
	26	"	Maria	San Tomé.
	"	"	Dulcinea	Lagos.
June	2	" brig	Nostra Señora del buen Viage	Cabo Verde.
	7	" schooner	Constancia	Santiago de Praya.
	8	"	Segunda Union	Isla del Principe.
	9	"	Constitucion	Loanda.
	16	" ship	Amalia	Madagascar.
	"	American schooner	Fame	San Pablo de Loanda.
	"	Portuguese "	Veloz	San Tomé.
	21	" brig	Matilde	"
	26	American schooner	Ontario	Isla del Principe.
	"	Spanish brig	Esperanza	"
	30	Portuguese "	Victoria	San Tomé.

## No. 75.

*Mr. Dalrymple to Viscount Palmerston.—(Received September 1.)*

MY LORD,

Havana, July 21, 1838.

I HAVE the honour to acquaint your Lordship, that I arrived here on the 19th instant; and, immediately upon landing, obeyed your Lordship's instructions by waiting upon Mr. Kennedy, Her Majesty's Commissary Judge, to enquire for my commission; but was informed by that gentleman, that he had not received it. I am, therefore, prevented for the present taking the necessary oaths of office before the proper authorities.

I have, &c.

(Signed) CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

## No. 76.

*Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)*

MY LORD,

Havana, 10th August, 1838.

I HAVE the honour to acknowledge having received your Lordship's Despatches of the 21st May, communicating the approval by Her Majesty's law adviser of the judgment of the Mixed Court in the case of the "*Vigilante*," on the 19th January last, and the correspondence with the Government at Madrid as to Certificates and Bonds to be required at the Custom-house for vessels carrying casks to be used in the trade for palm oil: and those of the 24th May and 9th June; the first transmitting five copies of the series of papers relating to the Slave Trade, presented to the two Houses of Parliament by Her Majesty's command; and the second enclosing the resolution of the House of Commons of the 10th May last, on the subject of the foreign Slave Trade, together with Her Majesty's most gracious answer to the Address presented in conformity therewith.

I have, &c.

(Signed)

J. KENNEDY.

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

&c.

&c.

&c.

## No. 77.

*Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)*

MY LORD,

Havana, 10th August, 1838.

OBSERVING, that your Lordship has thought it advisable, regularly to forward to Her Majesty's Commissioners at Sierra Leone the lists of departures of vessels

from this port for the Coast of Africa, as reported to your Lordship by Her Majesty's Commissioners at this place, I beg to submit to your Lordship the advisability of forwarding also to us the half yearly list of vessels brought before the Mixed Court at Sierra Leone for adjudication, as transmitted in obedience to the Act of Parliament, 5 Geo. IV., c. 113.

Having perused with much interest the several cases, as connected with this community, of vessels condemned at Sierra Leone during the last year, I consider the fullest and latest information respecting them will be especially desirable, in making out the lists, required to be sent to your Lordship with our yearly Reports in January next.

I have, &c.

(Signed) J. KENNEDY.

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

&c.

&c.

&c.

No. 78.

*Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)*

MY LORD,

*Havana, 10th August, 1838.*

ON the 19th July, last the Hon. P. P. Carey, Commander of Her Majesty's sloop "Comus," having arrived here with Mr. Dalrymple, Her Majesty's Commissioner of arbitration, on board, signified to me that he had orders from the Lords Commissioners of the Admiralty, and also from the officer in command on the Jamaica station, to take such steps as might be advisable, to bring to an amicable conclusion the measures adopted by the Government of this island, prohibiting the black soldiers, serving on board the "Romney," from coming on shore.

On the 21st July, Mr. Dalrymple having become sufficiently disengaged to attend, we had a meeting on the subject, when I told Commander Carey, that having every desire to act in unison with all departments of the service for attaining the objects we all had in view, I had great pleasure in informing him of what had been done by Her Majesty's Commissioners, as stated in our Despatch to your Lordship of the 15th May last. After a perusal of the correspondence, Commander Carey expressed himself desirous of entering into further communications with His Excellency the Captain General, proposing we should join in another letter which he should deliver. This I declined to agree to, when he declared his intention of taking such a step with Her Majesty's Consul. To this I stated I should object also, adding that though of course I had no right to gainsay any steps he might take under the orders of the Admiralty, yet that M. Consul Tolmé, being an officer under the same department of the Government as Her Majesty's Commissioners, I should object to his joining in any act, which would be an infringement of the peculiar office of the Commissioners. Commander Carey then asked me to give him in writing a statement of my opinions on the subject, as a warrant to his superior officer, and the Lords of the Admiralty, for no further compliance with their orders in the matter than in having this conference. Considering this proposition but reasonable, I immediately gave him a written reply to his communications, of which I enclose your Lordship a copy.

Since then, I have received from your Lordship the series of Parliamentary Papers, containing a correspondence on the subject with the Government at Madrid, which I had not previously received; but feeling assured, that the question would not remain unattended to in your Lordship's hands, I was glad to find a confirmation of my views of the inadvisability of any further appeals, after those made by Her Majesty's Commissioners, under your Lordship's instructions, and those of Her Majesty's superintendent of liberated Africans, acting under instructions from the Colonial Office. I was glad also to learn, that the subject of relieving the soldiers at stated intervals, was taken into consideration, and suggested to Her Majesty's superintendent the propriety of recommending the removal of the "Romney" altogether, in the hope of allaying certain ill feeling, and of obtaining now from the new Captain General those accommodations, if required, on shore, the refusal of which by General Tacon, had rendered necessary the stationing of the hulk in this harbour.

I have, &c.

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

&c.

&c.

&c.

(Signed) J. KENNEDY.

## Enclosure in No. 78.

*Mr. Kennedy to Commander Carey.*

SIR,

*Havana, 21st July, 1838*

I HAVE the honour to acknowledge your communications of this day, detailing the orders you have received from the Lords' Commissioners of the Admiralty, and the officers in command on the Jamaica station, to take such steps as might be advisable for bringing to an amicable conclusion the measures adopted by the Government of this island, prohibiting the coming on shore of the black soldiers now on board Her Majesty's ship, "Romney."

Acting under the instructions of Her Majesty's Secretary of State for Foreign Affairs, I have lately had a correspondence on the subject with the present Captain-General, which I duly transmitted to Lord Palmerston, in my despatch of the 15th of May last. Of this despatch I beg to inclose you a copy, from which I think you will conclude that every means have been adopted in our power to bring the matter to a satisfactory arrangement, and that no hope of one can now be entertained, but from the intervention of the superior Governments, to whom it has been referred. I would, therefore, suggest to you the propriety of forwarding the copy of the despatch referred to, with one of this letter, to their Lordships, and, repeating my reservations of the peculiar responsibilities of the Commission to which I have the honour to be appointed, I beg also to repeat my anxiety to act in unison with all departments of the service for attaining the objects we all have in view.

I have, &amp;c.

To the Honourable P. P. Carey,  
Commanding H. M. S. "Comus."

(Signed)

J. KENNEDY.

## No. 79.

*Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)*

MY LORD,

*Havana, 17th August, 1838.*

REFERRING to my Despatch of the 17th July, relative to the Spanish brig "*Esplorador*," which entered this harbour from Mozambique and Madagascar on the 30th June last, after landing her cargo of negroes a few days previously on the coast, I have now to submit to your Lordship the reply of the Captain General, stating the result of the inquiry he had instituted into the matter, and the subsequent correspondence in consequence between us.

From these your Lordship will perceive, that His Excellency has not been pleased this time, as in the case of the "*Principeno*" steam-boat, to forward to me a copy of the proceedings taken in the investigation, no doubt to guard against the contingency of similar detections of palpable fabrications; but contenting himself with simply stating the results, has manifestly submitted to a gross imposition, to say the least of it, on his judgment and discrimination. The story repeated of the voyage, that the vessel went for palm oil and came back in ballast, on account of not being able to procure any, is so extremely improbable, especially in conjunction with the twin case of the "*Irene*," that it is impossible to come to any other conclusion, than that His Excellency is prepared to lend the shelter of his authority to the traffic, as much as any of his predecessors. This presumption receives still further corroboration, from the language which he allows to be used by the department of Marine, and the Commander of the brig the "*General Laborde*." (See Enclosure No. 1.) This officer, after desiring the Commissioner to be informed, that he "knows full well what his duties are," goes on to give an exemplification of his assertion by stating, that though he "was tacking to and fro off the harbour all the morning, and saw several vessels both enter and depart, and among the rest the '*Esplorador*,' the vessel in question, he did not think it necessary to examine any of them, because he knew there were visiting barges in the port, by which they are all most scrupulously examined!"

In my answer to His Excellency the Captain General, I have pointed out this strange dereliction of duty, with such other comments as I thought necessary on the conduct of the officers to whom His Excellency had delegated the inquiry. I know not in what light your Lordship may consider the language I felt myself bound to adopt; but with every wish to conduct myself with all due respect to the different authorities of the place, I could not consent to lend myself to a system of deception, by doing which, though no doubt my course might be smoother, it could not be consistent either with honesty or sound policy. I consider, that there is no other hope of inducing the parties referred to, to give up their several fees and perquisites on the importation per head of negroes, and to shame them into an observance of the obligations of laws and treaties, than by forcing upon their attention, in language firm though respectful, the opinions entertained of their conduct by the British Government and nation. The more I see of this system of slavery, and the



traffic to perpetuate it, the more painful are my considerations on the amount of human misery and national demoralization they produce, and the more strongly therefore must I express my disinclination, to pretend to be the dupe of those who profit by them.

I have been induced to enter more largely into this explanation of my views, partly on account of the terms which His Excellency the Captain General has thought fit to apply to my expressions, as being "little decorous;" and partly on account of the intimation of his intention to complain to the Government at Madrid on the subject. This intimation has been carried out into a threat, in the language I have had repeated to me, as used by other officers of the Government; and I have it therefore only left for me to express a hope, that your Lordship will consider my letters to have been fully warranted by the circumstances under which they were written.

I stated in my concluding reply (Enclosure No. 4), that I should "be rejoiced to have the whole matter brought before the notice of the Government of Her Catholic, as well as of Her Britannic Majesty, trusting they were both equally animated with the same sincere desire to suppress, if possible, this iniquitous and demoralizing traffic;" and I should indeed have good reason to rejoice, if it might be the means of adopting some further or other means to reach and punish the offenders. But this cannot be hoped for, so long as only such delusive investigations as at present are instituted; combinations of fraud and connivance, of corruption and falsehood through all departments of the Government. The only remedy appears to me to be, to give the Mixed Court the power of calling before them parties suspected of being engaged in the illicit trade, to be subjected to the same course of examination, as is now pretended to be carried on by the administrative officers of the Government.

I have, &c.

(Signed)

J. KENNEDY.

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

&c.

&c.

&c.

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Enclosure in No. 79.

(Translation.)

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

SIR,

*Havana, 24th July, 1838.*

HAVING acquainted the Commandant-General of Marino with your communication of the 7th inst., respecting the arrival at this port, from the Coast of Africa, of the Spanish brig, "*Esplorador*," Captain Don Blas Mariano Gorde, that officer has transmitted to me the summary of the proceedings he caused to be entered upon, to ascertain if the said vessel had been employed in the prohibited trade in Bozal negroes; and it not resulting therefrom, that this vessel was engaged in the said illicit commerce. I send herewith a certified copy of the opinion of the law officer appointed for the purpose, as also of the official letter of the said Commandant-General, and of the reply of the Commander of Her Majesty's brig, "*Cubano*."

God preserve you many years.

*To H. B. M.'s Judge  
in the Mixed Court of Justice.*

(Signed)

JOAQUIN DE ESPELETA.

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Sub-Enclosure, A.

(Translation.)

*Summary of Proceedings.*

SIR,

*Brig "General Laborde," Havana, 14th July, 1838.*

I HAVE received your official letter of the 11th inst., in which you transcribe one from His Excellency the Captain-General, dated the 9th, wherein His Excellency refers to another of the 7th, from Her Britannic Majesty's Commissioner in the Mixed Court of Justice, relative to my not having examined a Spanish merchant brig, which he states to be the "*Esplorador*," on the 30th ult., off the entrance to the harbour. In reply to which I have to state as follows:—On the day in question I kept a short distance off the port awaiting your orders, and whilst tacking to and fro saw several merchant vessels enter and come out of port, none of which I visited, it being natural enough not to incommode those coming out by a fruitless detention, considering them to be properly cleared, and still less those that entered, knowing that there are in this port visiting barges by which they are all most scrupulously examined; therefore I am persuaded no blame can attach to me, and I know full well what my duties are, as I would request you to give the said Commissioner to understand. I beg to call your particular attention to the paragraph wherein he states that I was in company with the brig, which was not the case, as I was, at nearest, a mile to leeward of her, which was when she was entering the mouth of the harbour, and, consequently, it is plain I was not within hailing distance: moreover, I am much surprised at the said Commissioner venturing to state that it was sufficiently evident she was a slaver, when she had no signal to indicate it, or if reference be made to her length of hull, it should be remembered that most of the Spanish vessels built in Cataluña for the merchant service make a better appearance than the slavers, and are as fast sailors; of which I could cite an infinity of cases were it necessary: for which reasons I beg to point out to your notice, that among the various vessels in

sight that day I saw a Spanish merchant brig, with the private signal of her consignees, enter the port, where I suppose she was visited by the officers of the Government, and embargoed, if found to be of the character described in the official letter of the Commissioner, who, I assure you, has considerably mortified me with his axioms, my conduct having always been approved by my superiors in command. This, Sir, is all I have to state in reply to your official note.

God preserve you many years.

(Signed) PABLO DE LLANES.

(A true Copy.)

(Signed)

FRANCISCO DE IRIGOLLEN.

(A true Copy.)

(Signed)

ANTONIO M. DE LA TORRE Y CARDENAS.

To the Commandant-General of the Station.

### Sub-Enclosure, B.

(Translation.)

*Opinion of the Law Officers.*

“ SENOR COMMANDANT OF REGISTERS OF THIS PROVINCE,

“ HER Britannic Majesty’s Commissioner in this city denounces to His Excellency the Captain General of this island, in the terms as transcribed by His Excellency to the Commandant-General of this station, who, consequently, directs a summary investigation to be made, relative to the proceedings of the brig ‘*Esplorador*,’ after leaving this port for the Philippine Islands and Madagascar, from whence she returned on the 30th of last month. The said Commissioner details horrible deeds practised by the ‘*Esplorador*,’ and recommends their punishment, adding at the same time the expression, if they should be true, which is tantamount to hazarding proceedings upon what might result, and even without the support of the justification of the *corpus delicti*, whereby to regulate the investigation of the truth of the circumstances, and the application of condign punishment. In this state of the case the investigation was entered upon, according to the capacity of each of the crew, of whom 12 have deposed, and there does not appear the most remote indication of what is set forth by that Gentleman, for they state that having sailed hence with a cargo of legal merchandize to exchange for palm oil; they were unable to effect their object, and returned in ballast; which, being compared with her log-book, and the notes on the roll agree in the relation, so that nothing can be argued against it, for want of grounds, notwithstanding that the witnesses were examined distinctly and separately upon their solemn oath; and it is strange that amongst them the author of the denunciation should not have appeared, who would also have had to declare upon oath, otherwise his declaration is not to be considered valid. On the whole, I consider the accusation against the ‘*Esplorador*’ to be unfounded, and her Captain free from responsibility, saving your opinion, to which I defer.

“ Havana, 18th June, 1838.”

(Signed)

“ JOAQUIN ZUAZO.

SENOR COMMANDANT-GENERAL,

It being proved by this summary that the brig “*Esplorador*” was not employed in the illicit trade in negroes, but that she conveyed lawful merchandize to those seas, and returned in ballast, I beg to submit proceedings to you, for your superior determination.

Havana, 18th July, 1838.

(Signed)

EL CONDE DE LOS ANDES.

(A true Copy.)

(Signed)

ANTONIO M. DE LA TORRE Y CARDENAS.

### Sub-Enclosure, C.

(Translation.)

Havana, 18th July, 1838.

MOST EXCELLENT SIR,

I BEG to inclose herewith to your Excellency the summary of the proceedings entered upon in investigation of the conduct of the Captain of the Spanish brig, “*Esplorador*,” D. Blas Mariano Gorde, on his voyage to the Asiatic Seas, and which vessel the British Commissioner of the Mixed Court of Justice acquainted your Excellency he was informed had been engaged in the illicit trade of negro slaves, which information is without foundation, as is proved by the said summary. I likewise enclose to your Excellency a copy of the official reply which I have received from the Commander of the brig “*Laborde*,” relative to the charge preferred against him by the said Commissioner, of his having held communication with the brig “*Esplorador*” at the entrance of the harbour; in which reply the said officer points out the incorrectness of the statement of the British Commissioner, inasmuch as he had no communication with the said vessel, and complains, as is natural, that his conduct and operations should be so atrociously criminated by the before-mentioned British Commissioner, to whom it does not pertain to judge of them, more especially as the complaint has been proved to be without foundation.

God preserve your Excellency many years.

(Signed)

JUAN B. TOPETE.

(A true Copy.)

(Signed)

ANTONIO M. DE LA TORRE Y CARDENAS.

To his Excellency the Captain-General of the Island.

### Second Enclosure in No. 79.

(Copy)

*Her Majesty’s Judge to the Captain-General.*

MOST EXCELLENT SIR,

Havana, 1st August, 1838.

I HAVE the honour to acknowledge having received your Excellency’s official letter of the 24th July, communicating the answers of the General of Marine, of the Commandant of Registers, and of the Commander of the “*General Laborde*,” severally, relative to my allegations of the 7th and 12th July last, against the Spanish vessels, “*Esplorador*” and “*Irene*.”

As your Excellency has not been pleased to favour me, as formerly, with the summary of proceed-

CLASS A.

ings, to which reference is made in the answers of the General of Marine and Commandant of Registers, I cannot be expected to attach any value to them of my own consideration, but remembering the extraordinary self-contradictions, and palpable fabrications imposed upon your Excellency in the case of the steam-boat, "*Principeño*," which I had previously also denounced, and which I pointed out to your Excellency in my letter of the 7th June last, I must the more regret that your Excellency has not thought fit, in the present instance, to subject the proceedings to my scrutiny in like manner.

With regard to the complaint of the Commander of the "*Laborde*," who says, "he knows full well what his duties are," I must beg to express my surprise, that he should think it right to abstain from visiting suspicious vessels, on account of "there being in this port visiting barges, by which they are examined" on their entrance. If the British cruisers had been equally complaisant, I need not remind your Excellency how many a condemned slave-vessel would have escaped. Besides, in the case of the Spanish schooner, "*Matilde*," condemned by the Mixed Court in December last, I cannot forget that every attempt was made by an officer of the Spanish navy commanding a vessel of war, and also, by the Marine Department, to screen under a variety of false pretences, a notorious slaver that was shortly after captured, with 259 negroes on board.

As, however, His Excellency the General of Marine considers the crimination "atrocious," I rejoice that both he, and the Commander of the "*Laborde*," look with so much indignation on the offence, which I believed the latter to have committed. But he must acknowledge that he gave good reason for the charge, as, according to his own statement, he was tacking to and fro about the harbour all the morning, and did not think fit to examine any vessel, though he saw several enter and come out of the port, and among the rest, the "*Esplorador*," the vessel in question.

In submitting thus of necessity to the judgment which your Excellency has adopted of this investigation, I feel proud to assure your Excellency, that the Government of Her Britannic Majesty is fully determined not only to fulfil strictly the stipulations of the Treaties between the two countries, but also, if possible, utterly to suppress this murderous traffic. I do not despair, therefore, whatever obstacles may for the present be interposed, shortly to see the generous wishes of the British nation crowned with the happiest success.

I have, &c.  
(Signed)

J. KENNEDY.

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

### Third Enclosure in No. 79.

(Translation.)

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

SIR,

*Havana, 4th August, 1838.*

I HAVE received your two communications of the 1st instant, respecting the Spanish vessels, "*Esplorador*" and "*Irene*," denounced by you as having been engaged in the illicit trade in slaves. I have informed myself of their contents, and in reply, must state to you that, since the time the Royal Order of the 2d January, 1826, was promulgated, it has always been the custom to communicate to Her Britannic Majesty's Commissioners the result of the proceedings adopted by the Marine Department, accompanied by the opinion of the law-officer, in the same manner as when reporting to Her Majesty, as I have already done in the cases of the aforesaid vessels.

The expressions, little decorous, which you have taken the liberty to use, with reference to this Superior Government and the National Marine, do not allow of my entering upon disagreeable explanations, and I shall therefore limit myself to merely giving an account thereof to Her Majesty the Queen Regent.

God preserve you many years,

(Signed)

JOAQUIM DE ESPELETA.

Her Britannic Majesty's Judge in the Mixed Court of Justice.  
&c. &c. &c.

### Fourth Enclosure in No. 79.

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

MOST EXCELLENT SIR,

*Havana, 4th August, 1838.*

I HAVE had the honour to receive your Excellency's letter of this date, in reply to mine of the 1st instant, relative to the proceedings in the cases of the Spanish vessels, "*Esplorador*" and "*Irene*," lately arrived from the coast of Africa.

I regret that your Excellency should consider me to have taken the liberty of using expressions worthy of being characterized as "little decorous," and assure your Excellency that, whatever were the expressions, I used them (believing your Excellency to have been much deceived) only in the fulfilment of an imperative duty.

I shall rejoice, therefore, in having the whole proceedings and correspondence laid before the Government of Her Catholic, as well as of Her Britannic Majesty, trusting they are both equally animated with the same sincere desire to carry into effect the stipulations of solemn Treaties, and to suppress, if possible, this most iniquitous and demoralizing traffic.

I have, &c.  
(Signed)

J. KENNEDY.

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

No. 80.

*Her Majesty's Judge to Viscount Palmerston.*—(Received September 27.)

MY LORD,

Havana, 17th August, 1838.

IN enclosing to your Lordship the further proceedings and correspondence had in the case of the Spanish brig "*Irene*," which entered this port from Mozambique and Madagascar on the 8th July last, I will content myself with merely referring your Lordship to the Despatch of the 17th July, and the other of this date.

I regret extremely, that two such cases as these of the "*Esplorador*" and "*Irene*," should be so passed over in the commencement of his authority by the new Captain General; and can augur but unfavourably for the success of our endeavours to put down the traffic, when such manifest protection is extended to those engaged in it.

I have, &amp;c.

(Signed)

J. KENNEDY.

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

&amp;c.

&amp;c.

&amp;c.

## First Enclosure in No. 80.

(Translation.)

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

SIR,

Havana, 24th July, 1838.

HAVING acquainted the Commandant-General of Marine with your communication of the 12th instant, respecting the arrival in this port of another slave-vessel, the brig "*Irene*" from Madagascar, that officer has transmitted to me the summary of the proceedings he caused to be adopted, to ascertain if the said vessel has been engaged in the prohibited trade of Bozal negroes; and it not appearing therefrom, that this vessel has been so engaged in the illicit commerce, I send you herewith a certified copy of the opinion of the Law-officer named for the purpose.

God preserve you many years,

(Signed)

JOAQUIN DE ESPELETA.

*Her Britannic Majesty's Judge in the Mixed Court of Justice.*

&amp;c.

&amp;c.

&amp;c.

## Sub-Enclosure in No. 80.

(Translation.)

*Opinion of the Law Officer.*

SEÑOR COMMANDANT OF REGISTERS.—Eleven depositions of the like number of individuals of the crew of the brig "*Irene*," support the declaration of her Captain, Don José Anto de Ageo, in which he states, that having sailed from this port for the Philippine Islands and Madagascar, with ballast and money, she touched at the latter place in pursuit of her business, and then went to winter at Mozambique, where she joined the "*Esplorador*," and they both set sail at the same time, although for different places, the "*Irene*" touching at Madagascar, and returning in ballast to this port, in consequence of not shipping the cargo of palm-oil which had been offered to her: this is the unanimous relation of the whole, and it agreeing with the log-book which the Master presented, I am of opinion that no charge attaches to the said Captain, whilst the accusation brought against him presents no further proofs than at present exist. This is my opinion, which I submit to yours.

(Signed) JOAQUIN ZUAZO.

*Señor Commandant General.*

Agreeing with the preceding opinion, I beg to submit it to you, together with the log-box, which contains the particulars of the voyage, for your superior resolution.

(Signed)

EL CONDE DE LOS ANDES.

Havana, 20th July, 1838.

(A true Copy.)

(Signed)

ANTO. M. DE LA TORRE Y CARDENAS.

## Second Enclosure in No. 80.

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

MOST EXCELLENT SIR,

Havana, 1st August, 1838.

I HAVE the honour to acknowledge having received your Excellency's official letter of the 24th July, communicating the result of the investigation which the Commandant of Registers states he has made into the circumstances of the voyage of the Spanish vessel "*Irene*," which I had denounced to your Excellency in my official letter of the 12th July.

As your Excellency has not been pleased, either in this case or in that of the "*Esplorador*," to give me copies of the proceedings, I must be content to submit to the judgment which your Excellency has adopted, though I feel assured your Excellency cannot but be persuaded of the great degree of suspicion attaching to parties engaged in such traffic, and giving such accounts of their transactions.

Referring your Excellency to my other letter of this date, I have the honour to be, &amp;c.,

*To His Excellency the Captain-General.*

(Signed)

J. KENNEDY.

&amp;c.

&amp;c.

&amp;c.

*Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)*

MY LORD,

Havana, 22nd August, 1838.

ON the 13th day of July, His Excellency, the Conde de Fernandina, called a meeting of the Mixed Court of Justice, to consider the memorial of Don Jayme Taulina, the consignee of the Spanish schooner "*Vencedora*," praying an order for the payment of costs, as awarded by decree of the Court of the 10th April, 1838.

From this memorial it appeared, that Taulina having had the vessel consigned to him here, and having chartered it back, he, to avoid delay and greater loss, was obliged to pay the Master of the "*Vencedora*" the demands he had under the decree of the Court above-mentioned; and having received from the Master a Power of Attorney to receive the same, now came before the Court for assistance to procure it.

His Excellency, the Conde de Fernandina, agreeing with me that the powers of the Court had ceased when the sentence was pronounced, held that the British Government was to be applied to under the latter part of the Article Six of the regulations in the Treaty of 1835, which states—

"The two high contracting parties bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that the indemnifications shall be at the expense of the power of which the captor shall be a subject." And His Excellency therefore directed the said merchant, Don Jayme Taulina, to present a memorial to the British Government, and requested me to forward it, with the expression of his conviction, that your Lordship would give immediate effect to the sentence of the Court. In compliance with this request, I now beg humbly to call your Lordship's attention to the memorial transmitted herewith, prepared in conformity with the Act of Parliament 5 Geo. IV. c. 113, sec. 73, by which power is given to the Lords of the Treasury to make payments in such cases,

At the same time I have to submit to your Lordship the claim of the Registrar of the Court, Don Juan Francisco Cascales, 479 dollars 5 rials, for fees of office in attendance upon the trial of the case, as valued by the public appraiser. I ought, perhaps to observe, that this is according to the usual practice of payment, though having been deducted from the proceeds of sales of condemned vessels, the items may not have come under your Lordship's attention.

Should your Lordship think proper, in whole or in part, to accede to the petition of the merchant Taulina, and authorize Her Majesty's Commissioners to draw for the amount required, this further sum of 479 dollars 5 rials may perhaps be added to the account. As I have not held out any hopes whatever of your Lordship's consenting to pay the whole of what is stated in the decree, it will remain for your Lordship to decide, whether it be a fit case for the parties to be reimbursed more than what in due respect to the Court should be paid, considering that there is no doubt of the guilt of the parties, and considerable doubt of the justice of the sentence by which they were exonerated.

I cannot resist adding, that I trust these suggestions may meet with your Lordship's approval, not only to allay existing excitement, but also to relieve Commander Nixon from that responsibility, which would be so extremely discouraging to the service, if incurred in the zealous fulfilment of an unprofitable duty.

I have, &c.

(Signed) J. KENNEDY.

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

&c.

&c.

&c.

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First Enclosure in No. 81.

*To the Lords Commissioners of Her Britannic Majesty's Treasury.*

The humble memorial of Jayme Taulina y Va, merchant of Havana, sheweth,

THAT in the month of October last the Spanish schooner "*Vencedora*," consigned to your petitioner from Cadiz, was brought into the Havana by Her Britannic Majesty's sloop "*Ringdove*," for having on board a number of negroes, when after a full trial of the case, the Court of Mixed Commission decreed a sentence of liberation with costs, as according to the treaties of the two countries, Spain and Great Britain.

That your petitioner had no share or interest whatever in the vessel, beyond having some goods and the vessel consigned to him, according to the practice of merchants.

That having the vessel so consigned after sentence of liberation, he was induced to charter the vessel

back again to Cadiz, not knowing that any difficulty would arise in the fulfilment of the sentence of the court. Shortly after, however, the master refused to sail until he was paid the costs awarded him, amounting to 1933 dollars and half a rial, with a recommendation from the court for the further sum of 972 dollars and 6½ rials, amounting in the whole to 2905 dollars and 7 rials.

That your petitioner, in order to avoid greater loss, which would have accrued, having already suffered much loss by the delay, was under the necessity of paying the said captain the sum of 2070 dollars and 7 rials, for the repayment of which your petitioner took the master's power of attorney.

That the petitioner having applied to Her Britannic Majesty's Commissioners respecting the payment, has been informed that he must apply to the commander of the detaining vessel, and in default of his paying the money, must apply to the Government of Her Britannic Majesty.

That your petitioner has no means of access to the said commander of the detaining vessel, not knowing when he may return here, and if he did return, being advised that no suit at law could affect him from the courts at this place, while he is assured it would be equally vain to have recourse to any courts in England.

That your petitioner, in looking into the treaty, sees it agreed to between the two governments, that in cases similar to his, the two high contracting parties bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that those indemnifications shall be at the expense of the power of which the captor shall be subject.

Your petitioner therefore prays that your Lordships, in accordance with these stipulations, will direct Her Britannic Majesty's Commissioners forthwith to pay him the said sum of 2905 dollars and 7 rials, according to the sentence which was decreed by the Court of Mixed Commission.

Havana, August 22nd, 1838.

JAYME TAULINA-Y-VA.

Second Enclosure in No. 81.

(Translation.)

ACCOUNT of the Fees of Office of the Secretary of the Mixed Commission and of his assistant, incurred in consequence of the proceedings on the capture of the Spanish polacra schooner "*Vencedora*" by the English brig of war "*Ringdove*," for having found Bozal negroes on board, which account I have made by virtue of the foregoing decree, viz. :—

	Drs.	rs.
To the Secretary of the Mixed Court, Don Juan Francisco Cascales, for his services	-	319 6
To the Assistant in the said Secretary's office, Don Andres Cascales, for his services	-	159 7
Total	-	479 5

Havana, July 7th, 1838.

(Signed)

JOSE MA. CISNEROS.

No. 82.

*Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)*

(EXTRACT.)

Havana, 22nd August, 1838.

DURING the last month, I have good reason to believe, that the following were the only arrivals in this harbour from the Coast of Africa:—

July 7th, Portuguese schooner " <i>Tirsa</i> ,"	Espencer, Master,	from Cape de Verdo.
" 8th, Spanish brig,	" <i>Irene</i> " Ageo,	" from Madagascar.
" 19th, Portuguese "	" "	" "

Of these, the "*Irene*" forms the subject of a separate despatch. Another vessel, the "*Rosalia*," under Portuguese colours, belonging to the French house of Forçade and Co., with 272 negroes on board, was taken the latter end of the month, off the island, by that active and meritorious officer, Commander Frazer of Her Majesty's sloop "*Sappho*," who, only three months before, also took the Portuguese brig, "*Camoens*," with 575 negroes.

Of the departures, I regret I am again unable to send your Lordship any account. I assure your Lordship I use every endeavour to procure the list, being desirous not only of adding it to the despatches, but also of giving it to the Commanders of the various Cruizers that come into the harbour, with such other information as may come to my knowledge. The departure of one vessel, however, I will notice, as mentioned in the Diaro of the 5th instant, to have cleared out from Trinidad in this Island for Cadiz, the Spanish brig, "*Emprendedor*," which I reported to your Lordship in my despatch, of the 17th of July last, to have arrived from the Gallinas. This vessel I find mentioned in the letter from Her Majesty's Consul at the Cape Verd Islands, (Parliamentary Papers for 1837, Class B, Further Series, page 36,) as having cleared out thence also for Cadiz, though her destination was well ascertained to be the Gallinas; and I have no doubt a similar deception is now here repeated.

The celebrated "*Socorro*," under her present name of "*Maria Segunda*," arrived here the 13th instant, as stated, "from Ferrol," where it is said she went to be repaired. Not having heard of her bringing a cargo, as no doubt it would have been exultingly announced, had she again made another successful voyage, the announcement may possibly be true. She sailed again yesterday under the Portuguese flag.

Another vessel of the like character arrived here the 4th instant, and is thus reported in the *Diario* of the 5th: "From Baltimore, in 24 days, the American ship, '*Venus*,' Captain Wallace, tons 460, with bricks, to Don José Mazorra, passengers 2." Of this vessel, there is the following notice in a Baltimore paper, the "*American*," of the 4th July:—"A noble corvette ship, the '*Venus*,' Captain Wallace, pierced for 18 guns, built in this city on foreign account, is also ready for sea. She is, we learn, the sharpest clipper built vessel ever constructed here, and, according to the opinion of nautical men, must outsail any thing that floats." The consignee's name, Mazorra, your Lordship will remember to have had reported several times, and it is said he is half owner of the "*Venus*." I have not learned, whether she is actually to sail with long-guns, but I have heard reports of two other vessels having been prepared during the last month, with 6 guns each; and that one was to sail equipped to cope with any cruizer on the coast.

The "*Venus*" is destined for Mozambique, and is arranged to bring as many, even as 1000 negroes, in which case it is said, she would clear to the speculators from 100,000 to 200,000 dollars in her first voyage, her cost price being estimated at 50,000 dollars, and the expenses of cargo and slaves, &c., at another 50,000.

On the subject of vessels going equipped under the American flag to the Coast of Africa, there to be pretended to be transferred for the first time to some Portuguese or Spanish owner, I have had several conversations with the American Consul at this place, a gentleman of high character, as well as of considerable reading and observation. I regret, however, to say, that I have received only the most discouraging replies on every point relating to the prohibited traffic, and to add that this seems the general feeling here of the American community. They all seem to declare, that it would be a question not to be entered on of enquiring into their equipments, as interfering with their trade, not knowing how far such interferences might be led to extend; and that England may as well think of closing up the workshops at Birmingham, where they say the bolts and shackles are manufactured, as call on America to forbid the sailing of vessels equipped with them. In answer, I have not hesitated to express my disbelief of the shackles coming from Birmingham; and to declare my full conviction that at no port whatever in England, would they allow any such articles to be shipped, had they any idea of their being intended for the Traffic in Slaves.

I regret to have also to inform your Lordship, that during the suspension of the Portuguese Consul, as I have previously stated, the American Consul has been acting *pro tempore* in that character, thus unquestionably giving a certain degree of effect to the abuse of the flag of his Republic, under its association with the Slave Trade, and the pretended transfers to other owners on the Coast of Africa.

No. 83.

*Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)*

MY LORD,

*Havana, 22nd August, 1838.*

ON the 18th instant, more than two months after the letter had been sent, to which it purports to be a reply, I received the communication which I have herewith to submit to your Lordship, from His Excellency the Captain General, respecting the case of the "*Principeño*" steam-boat, which your Lordship may remember my having denounced for having brought a cargo of negroes into the harbour, as detailed in the despatch, of the 19th June last.

With that despatch, I forwarded to your Lordship my letter of the 11th June, to the Captain General, commenting on the glaring inconsistencies and falsehoods

contained in the evidence of the persons belonging to the "*Principeño*," as manifested upon the face of the proceedings they themselves forwarded to me. To that letter of the 11th June, I then received no reply, and was not surprised at it, considering how difficult it would be to explain away the proofs I pointed out of guilt, as deducible from their own examinations. Since then, the case of the "*Esplorador*" arose, when, warned, no doubt, by their former failure, the summary only of the proceedings was sent me, and the depositions kept back. My observations upon this are now before your Lordship, in my letter of the 1st instant, in the despatch of the 17th inst. ; on the receipt of which, His Excellency the Captain General evidently seems to have felt the necessity of furnishing some sort of answer, and therefore called on his assessor for one accordingly. This is clear from the date of the assessor's opinion, as communicated in His Excellency's letter, and is the 11th instant, showing that the order to him was of recent date, as he could not have ventured to keep the matter by him for two months, had he been called upon at the time my letter of the 11th June was received.

In my reply to His Excellency, I have not thought it fit to enter into further dispute on the subject, only wishing it to be understood, that I remained unsatisfied with the explanation afforded. This explanation of the assessor is to the effect, that the complaint referred to two different days, the 26th and 27th April, the fact being that the vessel was engaged both of those days on the errand denounced ; and to the truth of which one of the witnesses approached, when he said that the "*Principeño*" was engaged those days in bringing a vessel off the Colorados which had got on shore there. The other witness said, that on the first day the "*Principeño*" had gone to Matanzas, which is in the opposite direction to the Colorados, so that it was quite impossible for both testimonies to be true ; and as to the pretence of the Captain of the "*Principeño*" not wishing it to be known that he had not gone that voyage, and so making a mistaken statement, it is enough to say that he, the Captain, does not appear to have made the slightest hesitation in acknowledging at the time, that he did not go that voyage, having been, as he then deposed, under arrest in some action at law.

As His Excellency evidently seems to have felt the force of the observations I made in answer to both the cases of the "*Principeño*" and the "*Esplorador*," I had the less hesitation in giving up all further controversy respecting them ; convinced that no further benefit was to be expected, when such a determined and extensive combination seems to exist, through all departments of the Government, to screen persons engaged in or promoting such nefarious traffickings.

I have, &c.

(Signed) KENNEDY.

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

&c.

&c.

&c.

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First Enclosure in No. 83.

(Translation.)

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

SIR,

*Havana, 17th August, 1836.*

Having referred to the First Assessor-General your official letter of the 7th of June last, relative to the doubts which occurred to you respecting the steam-boat "*Principeño*," he has advised me, under date of the 11th instant, as follows :—

"Most Excellent Sir,—The objection opposed with plausible zeal by the British Commissioners in their official letter of the 7th of June last, are, according to my conception, satisfied by the proceedings adopted in the commencement, and those subsequently entered upon. Don Ramon Ferrer doubtless gave very different replies on the two occasions of his examination before different tribunals, but the dates to which the questions referred were also different. The Judge of the Ward of Jesus Maria referred to the 26th of April, considering the lading of the negroes to have been on that day, and the investigation before the Marine Department referred to the 27th of the same month. This mistake is not very strange, if we observe that the Commissioners involuntarily fell into the same in their official letters of the 4th May and the 7th June ; for in the first they state that the negroes were landed on the 27th April, and in the second they affirm that the landing was effected on the 26th. Ferrer, moreover, gives a very probable reason for the inexactness of his declaration. His leaving the port being prohibited, he sent in his stead his brother, Don Damian, who, he did not wish it to be known, had sailed without the competent authorisation, and thus declared as an actual witness what he only knew from his brother. He certainly deserves some correction for this offence, but this tribunal is not competent to decree it. For the rest there is not the slightest evidence of the landing of the negroes ; there is not a single individual who witnessed it ; and although the communications made by the Commissioners, according to our laws, are very worthy of your Excellency's attention, the tribunal should not prefer a charge against any particular individual, unless the offence be proved in the proceedings beyond



a doubt. Every person who could know of the arrival of the steamer at the Factory Wharf has been examined, and if the result of the investigation has not been equal to the hopes, under which it was directed to be made, nothing more can be expected from your Excellency; and it may even be inferred, that those who informed the Commissioners that slaves had been introduced at that place were not very exact, for it appears scarcely credible that not a single individual should have deposed to a fact which must have attracted the attention of many. Your Excellency may, therefore, be pleased to direct the proceedings to be filed until other evidence shall be presented, and that this determination be communicated to the Commissioners. This is my opinion."

And having conformed to this advice, I transcribe it for your information.

God preserve you many years,

To Her Britannic Majesty's Judge in the  
Mixed Court of Justice.

(Signed) JOAQUIM DE ESPELETA.

### Second Enclosure in No. 83.

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

MOST EXCELLENT SIR,

Havana, 20th August, 1838.

I HAVE had the honour to receive your Excellency's communication of the 17th instant, favouring me with the opinion of your Excellency's Assessor, to account for the glaring inconsistencies in the evidence of the persons belonging to the "Principeño" steam-boat, as pointed out in my official note to your Excellency of the 7th June last.

I shall not fail immediately to forward this communication to the Government of Her Britannic Majesty, who will, I am sure, feel highly gratified to observe your Excellency's anxiety to detect and punish persons guilty of so flagrant an infraction of the laws, and defiance of your Excellency's authority, as I had found it my duty to denounce.

I have, &c.

To His Excellency the Captain-General,

(Signed) J. KENNEDY.

&c. &c. &c.

### No. 84.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, 29th September, 1838.

WITH reference to former correspondence on the subject of the black soldiers employed as marines on board the "Romney" hulk, I herewith transmit, for your information, the copy of a Despatch which I have received from Her Majesty's Chargé d'Affaires at Madrid.

From the note of the Spanish Minister, enclosed in this Despatch, you will learn, that the Spanish Government has offered to relax the regulations in force against the landing office people of colour of Cuba, so far as respects these men; but this will be done under certain precautions, which are alluded to in the note in question.

Her Majesty's Government have thought it right to accept this offer; and I have therefore to instruct you to put yourselves in communication with the Captain-General of Cuba, in order that the necessary arrangements may be made, with as little delay as possible, for the occasional landing of detachments of the black marines of the "Romney," at the place, and on the days, which that officer may appoint.

It is probable that, in course of time, and when experience has shown that no evil has resulted from the occasional landing of these men, the most inconvenient parts of this arrangement may be relaxed.

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

(Signed) I am, &c.  
PALMERSTON.

### Enclosure in No. 84.

Lord William Harvey to Viscount Palmerston, Madrid, September 1, 1838.  
(See Class B. No. 50.)

### No. 85.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, October 6th, 1838.

IN perusing your Despatches on the subject of the Spanish vessels "Vencedora" and "Vigilante," detained under a charge of Slave Trade, my attention has

been drawn to the reference, which you make therein to an instruction of mine, dated the 15th October, 1836, to His Majesty's Commissioners at Sierra Leone.

The passage which you quote from that instruction is as follows:—

“The Treaty of the 28th June, 1835, neither annuls nor supersedes the Treaty of the 23rd September, 1817; but, on the contrary, it extends the power given by the latter instrument to suppress the Slave Trade.

The construction which you seem to place upon that passage is different from that which I intended it to bear, because you have grounded on it a confirmation, not of those stipulations of the Treaty which were meant to suppress the trade in slaves, but of those clauses which formed an exception to the general principle, and allowed, under special and temporary circumstances, the transport of slaves even for the purposes of traffic.

The treaty of 1817, after stating the cases which formed an exception to the general principle of seizure and condemnation of vessels having slaves on board, states, that in respect to those vessels which should come under the exception, the vessels detained for Slave Trade in Africa, where the traffic continued to be lawful, must, in order to be free from condemnation, be provided with a “Royal Passport,” as described in the Treaty; and the vessels conveying slaves from one Spanish port to another must, for the like purpose, be provided with a passport, *ad hoc*, from the “local Government.”

It appears from the cases of the “*Vencedora*” and “*Vigilante*,” that you contend for the continuance up to this day of the power given by the Treaty of 1817, to exempt from condemnation vessels furnished with passports according to its stipulations, although such vessels may now be detained with a cargo of slaves on board.

It is necessary, therefore, to remark to you, that the Treaty of 1835 does not contain the limited permission for the transport of slaves, either from Africa to Spain, or from one port of the Spanish possessions to another; and that it states in direct terms, on the other hand, that not only in Africa, but “in all parts of the world, the Slave Trade is, on the part of Spain, to be henceforward totally and finally abolished.”

Whenever the exceptions expressed in the Treaty of 1817 are, as in the instance quoted of the passports, omitted in the Treaty of 1835, those exceptions are virtually and necessarily set aside by the latter Treaty: and the extended powers given by the Treaty of 1835 are to be put into full effect against the tenour of those exceptions, for the purpose of suppressing the Slave Trade of Spain, in any place, and in any shape whatsoever.

I have to desire that you will bear in mind these facts, in your future arguments and decisions under the commission which you hold, and under which only you are acting, for carrying into full effect the Treaty of 1835.

I am, &c.

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

(Signed) PALMERSTON.

No. 86.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 8th October, 1838.*

IN compliance with the suggestion contained in Mr. Kennedy's Despatch of the 10th August last, I herewith send, for your information, a copy of the list of vessels brought before the Mixed British and Portuguese Court at Sierra Leone, during the half-year ending the 30th June, 1838.

No vessels were brought before the other Mixed Courts resident at Sierra Leone during the period above-mentioned.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 86.

*List enclosed in the Despatch from Her Majesty's Commissioners at Sierra Leone to Mr. Backhouse, June 30, 1838. (See No. 35.)*

No. 87.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 15th October, 1838.*

I HAVE received your Despatches up to that of the 22d of August last inclusive.

I regret to perceive, from the correspondence enclosed in your Despatch of the 17th August last, relative to the alleged importation of slaves by the Spanish brig "*Esplorador*," that another case has occurred, in which the representations of Her Majesty's Commissioners have failed to produce any satisfactory result, and that General Espeleta seems inclined to follow the example of his predecessors in the Government of Cuba, in respect to the non-execution of the Treaty for the Suppression of the Slave Trade.

Your Despatches upon the subject of the recent importation of slaves in the "*Esplorador*," "*Eliza*," and "*Irene*," have been communicated to the Spanish Government. That Government has promised to call upon the Captain-General of Cuba for an immediate and detailed report upon these cases; and you shall be duly informed of the result of this inquiry.

With respect more particularly to the letters addressed by Mr. Kennedy to General Espeleta upon the subject of the "*Esplorador*," I have to inform you, that I fully approve of the animadversions therein contained, both upon the conduct of the Commander of Her Catholic Majesty's ship "*General Laborde*," in not examining the "*Esplorador*" when he met with her on her arrival off the Havana; and upon the conduct of the officers to whom His Excellency delegated the inquiry into the case of that vessel; the expressions contained in those letters being, in my opinion, fully warranted by the circumstances to which they were applied.

I am, &amp;c.

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

(Signed)

PALMERSTON.

No. 88.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received October 18.)*

MY LORD,

*Havana, September 10th, 1838.*

WE have the honour to acknowledge having received your Lordship's Despatches, dated the 25th June and the 6th July last, communicating the instructions which your Lordship had suggested to the Government at Madrid to be given, on the part of Her Catholic Majesty, to the Spanish Commissioners at this place, for their guidance in the interpretation of the 10th Article of the Treaty of the 28th June, 1835.

In expressing our satisfaction to learn, that the Government of Her Catholic Majesty have adopted your Lordship's suggestions in this particular, we beg leave respectfully to add our opinion, that we consider them well calculated to guard against the evil, which might otherwise be apprehended from the precedent created by the decision of the Spanish Commissioners in the case of the "*General Laborde*."

We have, &amp;c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&amp;c.

&amp;c.

&amp;c.

No. 89.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received October 18.)*

MY LORD,

*Havana, 13th September, 1838.*

DURING the last month the following vessels engaged in the Slave Trade arrived in this harbour :

August 9	Portuguese schooner,	Victoria*	. . . . .	Proenza, master.
12	"	brig,	Triunfo de Loanda†	. Bandura, "
13	"	ship,	Maria Segunda	. Pegada, "
"	"	brig,		
28	"	"	General Espartero	. Barreiro, "

Of these we have only heard particulars respecting one, the "*General Espartero*," which sailed from this place in November last, under the name of the "*Vigilante*," having been formerly taken and condemned at Sierra Leone, and bought again for the trade at the sale under the decree of the Court. The "*General Espartero*" has made, it is said, a remarkably successful voyage, having brought 502 negroes, without the loss of one on the passage; so that the owner, the Frenchman Forçade, who had not effected an insurance upon the vessel, it is said has cleared by the speculation upwards of 70,000 dollars.

We congratulate ourselves also on having been able to procure the clearances from this harbour of vessels to the Coast of Africa, during the two months of July and August, as per list enclosed. Among them your Lordship will perceive there were no fewer than seven sailed under the American flag; thus giving much reason to fear, that all your Lordship's efforts to suppress the traffic under the covert of the Portuguese flag will be unavailing, when the traders can so easily procure the protection of the American.

As an evidence of the arts of the slave-dealers, your Lordship will perceive that the "*Socorro*," under her present name of the "*Maria Segunda*," cleared out on the 18th ultimo, ostensibly for Goa, though in reality for Mozambique, and the command has been resumed by her old captain, Muzard, who some time since had to boast of having beat off the British cruiser "*Leveret*." He had amassed a sufficient competency to purchase a share in a mercantile house of considerable dealings in this place, but the love of the enterprize, as much as the sake of the gain, seems to have taken him off again to his old pursuits.

The "*Venus*" has cleared out for Bahia; and according to the articles of agreement is there to have the purchase effected, when she will also sail under the Portuguese flag to the coast of Mozambique.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

#### Enclosure in No. 89.

*List of Vessels which have sailed from Havana for the Coast of Africa, during the Months of July and August.*

July 5	Portuguese brig	. Dos Amigos	. . . . .	sailed for Lagos
10	" schooner	Ligera	. . . . .	Isla del Principe.
12	" "	Josefita	. . . . .	San Tomé.
13	" "	Eliza	. . . . .	Isla del Principe.
17	" "	Elisa	. . . . .	Santiago de Praya.
18	American "	Traveller	. . . . .	Islas del Principe.
23	" "	John Holland	. . . . .	San Tomé.
Aug. 6	Portuguese brig	Matilda	. . . . .	Cabo Lopez.
7	" schooner	Sirce	. . . . .	Cabo Verde.
13	" "	Victoria	. . . . .	San Tomé.
14	" brig	Maximo	. . . . .	Isla Oriental.
18	" ship	Maria Segunda	. . . . .	Goa.
"	American schooner	Dolphin	. . . . .	San Tomé.
22	" brig	Plant	. . . . .	Cabo Verde.
23	" "	Venus	. . . . .	Bahia de todos los Santos.

#### No. 90.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, November 17th, 1838.*

IN answer to the Despatch from Her Majesty's Judge of the 10th August, 1838, I have to acquaint you, that the reasons therein stated for recommending the

\* Landed her cargo at or near Matanzas.

† Landed her cargo at or near St. Jago de Cuba.

removal of the "Romney" hulk, do not appear to me sufficient to justify the adoption of the step recommended.

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

I am, &c.  
(Signed) PALMERSTON.

No. 91.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 19th November, 1838.*

WITH reference to previous correspondence upon the subject of the black soldiers, employed as marines on board the "Romney" hulk at the Havana, I herewith transmit to you the accompanying copy of a Despatch from Her Majesty's Minister at Madrid, enclosing the copy of a note, which he had addressed to the Spanish Minister upon this subject.

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

I am, &c.  
(Signed) PALMERSTON.

Enclosure in No. 91.

*Sir George Villiers to Viscount Palmerston, Madrid, October 20, 1838.*  
(See Class B. No. 65.)

No. 92.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received December 4.)*

MY LORD,

*Havana, 25th October, 1838.*

WE have the honour to acknowledge having received your Lordship's Despatch, dated the 17th July last, with Her Majesty's commission of appointment to Mr. Dalrymple, as Commissioner of Arbitration on the part of Great Britain, in the Mixed British and Spanish Court of Justice at this place. Having communicated the receipt of the commission to the Captain-General of the island, for the purpose of enabling Mr. Dalrymple to attend and take the oath before him, as required by the Act of Parliament, 6 William IV. c. 6, His Excellency was pleased to appoint Monday the 8th instant, when Mr. Dalrymple accordingly attended, and was duly sworn to the execution of the duties of his office.

We have, &c.  
(Signed) J. KENNEDY.  
CAMPBELL J. DALRYMPLE.

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

No. 93.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received December 4.)*

(EXTRACT.)

*Havana, 25th October, 1838.*

WE herewith enclose to your Lordship a list of vessels which sailed from this harbour, and another of those also which arrived during the last month, suspected of being engaged in the Slave Trade.

The last vessels arrived from the Coast of Africa report, that the British cruisers there are taking all vessels under Portuguese colours, whose papers do not prove them to have been duly authorized to carry that flag by the competent authorities in Portugal, thus striking a blow at those which have been procured in the Cape Verd Islands, or other places out of Europe. The report may, however, be only a device of the dealers, to enhance the price of slaves, of whom we regret to state that more than 2000 have been brought here already this present month, from six vessels of which we have received information. Such a rumour would no doubt prove useful to counteract another, which was lowering the price of slaves, namely, that there had been

a severe drought and famine in the interior of Africa, in consequence of which there was a great supply of slaves on the coast, waiting for vessels to purchase and take them. Thus we understand, that the "*Montanhesa*," named in the list as the "*Montaña*," has only been four months out of port, and returned with a full cargo of slaves.

We think it right to observe, that in August last a French vessel, the "*Claudine*," cleared out from this harbour for Goree, which we did not insert in our list, as upon enquiry of the consignors, the English house of Drake and Co., we received satisfactory assurance that she was not engaged, directly or indirectly, in the illicit traffic.

P.S. Since writing the above, we learn that the sale of the "*Christina*" was for the purpose of ascertaining the amount of damage on account of the underwriters, and the vessel has since been repaired at a cost of 1700 dollars, and has cleared out again.

J. K.  
C. J. D.

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Enclosure in No. 93.

*List of Vessels despatched from the Port of Havana in the month of September, 1838, suspected of being engaged in the Slave Trade.*

Sept. 18	American brig	Comet	to the Cape de Verdes.
24	Portuguese "	Veterano	to San Tomé.
29	" "	Triunfo	to Loanda.
"	" schooner	Victoria	to Rio Pongo.

*List of Vessels arrived in the Port of Havana in the Month of September, 1838, after having landed Slaves, as it is said, on the adjacent Coast.*

Sept. 14	Portuguese brig	Vigilante	. .	Sonza, after landing, it is said,	500 slaves.
16	" "	Gabriel	. .	Giraud, "	340 "
"	" schooner	Ala	. .	" "	200 "
18	Spanish "	Lalomé	. .	Foz "	203 "
19	Portuguese	Lavandeira	. .	San Martin.	
23	" brig	Palmella	. .	—	
25	" schr.	{ Montaña (a) Montanhesa }		Griana "	213 "

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No. 94.

*Her Majesty's Commissioners to Viscount Palmerston.—  
(Received January 10, 1839.)*

MY LORD,

Havana, November 23rd, 1838.

WE have received the enclosed list (No. 1.) of vessels that sailed from this harbour, during the last month, for the Coast of Africa.

WE have also received a list of vessels engaged in the Slave Trade that arrived here in the same month, enclosed (No. 2) with our remarks. These comprise the substance of what had reached us from our former sources of information, still remaining available, and which therefore it would be a neglect of duty not to submit to your Lordship's attention. Your Lordship will observe some difficulty to exist in identifying the several vessels under their different names, but as the official monthly publication of vessels announces only six Portuguese to have entered the harbour, during the month of October, we may conclude, as all the accounts give the same number, that we have satisfactorily traced those names in the list enclosed, through the discrepancies that appeared between it and that which we had prepared.

In addition to the five vessels, which cleared out from this place as above stated, for the Coast of Africa direct, there have been two published in the "*Diario*," despatched ostensibly, one for Malaga, and the other to Barcelona, under Spanish colours, but which we have reason to believe are intended for the Slave Trade. We understand also that there will be great probability in future of slave-vessels returning, at least here, more under the Spanish flag, as

the Portuguese schooner "*Cerca*," which arrived in this harbour on the 14th instant, after first landing a cargo at Matanzas, brings a confirmation of the report referred to in our despatch of the 25th October last, respecting the seizure by British cruisers of Portuguese vessels, merely for alleged informality in their papers. The "*Cerca*," we are informed, has further brought the crews of two vessels which had thus been actually taken, though they had not on board any slaves at the time.

We have, &c.

(Signed) J. KENNEDY.  
CAMPBELL J. DALRYMPLE.

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

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First Enclosure in No. 94.

*List of Vessels despatched from the Port of Havana in the Month of October, 1838, suspected of being engaged in the Slave Trade.*

9th.	American schooner,	Florida,	for the Cape de Verds.
11th.	"	Hazard,	for San Tomé.
13th.	Portuguese brig,	Vigilante,	for San Pablo de Loanda.
23rd.	" schooner,	Sin Igual,	for San Tomé.
27th.	"	Amalia,	for Bonny.

The Portuguese brig, "*Triunfo*," which was despatched in September, and put back in distress on the 30th September, sailed again in the month of October.

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Second Enclosure in No 94

*List of Vessels arrived in the Port of Havana in the Month of October, 1838, after having landed Slaves, as it is said, on the adjacent Coast.*

(1)	Portuguese schooner,	Provisional	. . . . .	after landing, it is said,	240 slaves.
(2)	"	Constancia	. . . . .	" "	213 "
(3)	Portuguese brig,	Teresa	. . . . .	after landing, it is said,	360 slaves.
(4)	" schooner,	Amalia	. . . . .	" "	200 "
(5)	"	Nõstra Senõra del Buen Viage,	. . . . .	" "	213 "
(6)	" brig,	Volador	. . . . .	" "	269 "

Commissioners' Remarks.

(1) This is the well-known vessel formerly the "*Tres Manuelas*," and afterwards the "*Sin Igual*," Pereira, master, from Para, which arrived here on the 5th October, and sailed again on the 23rd, (See Enclosure, No. 1.)

(2) Master's name Rodriguez; entered from Santiago de Praya; arrived the 4th October.

(3) The same as the "*Maria Teresa*," Lampayo, master, which arrived here the 4th October, from Lagos.

(4) Arrived here the 9th October, from Isla del Principe, having landed her cargo at Trinidad de Cuba, master's name, Aloes; sailed again the 27th.

(5) Arrived the 7th October from Cape de Verds, master's name, Villar.

(6) Arrived here as the "*Escorpion*," the 5th October, after landing her cargo at or near Santiago de Cuba; Master's name, Carlo. The name of the vessel was changed when put under the Portuguese flag.

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No. 95.

*Her Majesty's Commissioners to Viscount Palmerston.—*

(Received January 10, 1839.)

MY LORD,

*Havana, 1st December, 1838.*

WE have the honour to acknowledge having received from your Lordship the following Despatches.

One, dated the 29th September, communicating to us the conditions, upon which the Spanish Government had consented to allow the coming on shore of the Black soldiers, serving on board Her Majesty's ship "*Romney*."

One, dated the 6th October, explaining the relation which the treaty of the 28th June, 1835, bears to that of the 23rd September 1817.

One, dated the 8th October last, return of slave vessels condemned at Sierra Leone between the 1st January and the 30th June, 1838; and one, dated also the 15th October last, approving of the correspondence between Her Majesty's Commissary Judge and the Captain General of Cuba, relative to the cases of

the Spanish vessels "*Esplorador*," and "*Irene*," as detailed in the Despatch from Her Majesty's Commissioners at this place of the 17th of August.

We shall have great satisfaction in carrying into immediate effect your Lordship's instructions, to enter into a correspondence with the Captain General, for the relaxation of the order prohibiting the landing of the Black soldiers; and with reference to each of the Despatches, we beg to express our grateful acknowledgments for your Lordship's prompt attention to our suggestions, and favourable construction of our proceedings.

With regard to your Lordship's Despatch of the 6th of October, we shall not fail to bear in mind your Lordship's directions, in all cases arising similar to those of the "*Vencedora*," and "*Vigilante*," and in exemplification of our views would beg to point out to your Lordship's attention the concluding portion of the letter of Her Majesty's Commissary Judge, printed in the papers relating to the Slave Trade for 1837, Class A. Further Series, page 49, in these words: "Every reasonable construction that can be given to the subject appears to us to show, 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." Thus then in respect to the two passports provided for by the first Treaty, the one which allowed a limited traffic in slaves by "Royal Licence," was of course understood to be annulled by the provisions of the treaty of 1835, which declared that "in all parts of the world the Slave Trade is, on the part of Spain, henceforward totally and finally abolished." But there being no contradictory provision to the other passport required to be granted, "*ad hoc*, for the conveyance of slaves from one Port in the Spanish possessions to another, from the Government on the spot," we should have been anxious to obtain its strict fulfilment, as a means of guarding against fraud, in any real or pretended transfers of slaves from different parts of the island, or Spanish possessions elsewhere.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.



## RIO DE JANEIRO.

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No. 96.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 24th May, 1838.*

I HEREWITH transmit, for your information, five copies of two series of papers, relating to the Slave Trade which have been presented to the two Houses of Parliament during the present session, by Her Majesty's command.

I am, &c.

(Signed)

PALMERSTON.

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

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No. 97.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 9th June, 1838.*

I HEREWITH transmit to you the copy of a resolution, which was voted unanimously by the House of Commons on the 10th May, 1838, for an address to Her Majesty upon Slave Trade, and a copy of the answer which; on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am, &c.

(Signed)

PALMERSTON.

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

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No. 98.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received June 21.)*

MY LORD,

*Rio de Janeiro, 9th April, 1838.*

WE have not considered it necessary, especially in the present state of the Slave Trade question in this country, to trouble your Lordship with noticing, as they have occurred, the almost daily arrival of vessels under the Portuguese Flag from the Coast of Africa; but we think it right to put your Lordship in possession of the enclosed return, by which it appears that not fewer than 16 have entered this port alone, professedly in ballast, within the last three months, the tonnage of the same amounting to 3481 tons, which, allowing on an average three souls to each, gives a total of between 10,000 and 11,000. To this number, many more, landed from vessels which do not enter Rio de Janeiro, and of which continual notice appears in the public papers, must be added.

The process is uniformly the same. In the one case the vessels are placed at the disposition of a Justice of the Peace, and as regularly released; in the other, orders are issued to investigate the reported landing, and an official answer returned, that it does not appear that any such has taken place. If, by chance, the proofs should be so strong as to force the authorities to take cog-

nizance of them, every thing that bribery and chicanery can effect, is resorted to to avert the consequences.

In truth, no better description of the actual state of things can be given, than in the words of the late Minister of Justice. "The law of the 7th November is a complete nullity; the object of putting a stop to the traffic has not been attained, nor have the Government any hopes that it will be. The speculators in it rely on a total impunity the moment the landing is effected. Many of the local authorities protect the disembarkation of the slaves, and their passage from one point to another. In several places this is going on in the face of open day, and at any hour, without concealment. Woe to the magistrate who should attempt to interfere! He becomes an object of hatred, his life is in danger, and some have been assassinated. No captures are made at sea, for the promised reward is no longer paid to the captors. In a word, all conspire in favour of the traffic, and against the law to repress it."

The reference to their navy will be best illustrated by the occurrence, which your Lordship will see noted in the inclosed paper, in the case of the "*Doze da Outubro*," where, though the vessel was boarded, no capture was made; and by the fact, that, in one or two instances, where officers have shown some zeal in the suppression of the traffic, they have, under one pretext or another, invariably lost their command, whilst others who have been detected in it have been, nevertheless, countenanced and employed. The withholding the promised reward is upon the pretence, that it was to come out of the proceeds of the vessel; and, as no condemnation can be obtained from the Juries, there is, of course, no fund for the purpose.

Such, my Lord, is the Report which it is our painful duty to make. If since this language was held, any alteration has taken place, it has been only for the worse, arising, no doubt, from the avowed sentiments of the majority, at least, of the present Cabinet, and the influence which such knowledge can hardly fail to have on the question. Accordingly we find, that in the last three months, 27 vessels under the Portuguese flag have sailed for the Coast of Africa; the tonnage of which exceeds 4000, so that the number of the slaves, which on the preceding calculation, may be shortly expected from thence, will be greater even than in the earlier part of the year; nor do we see any remedy for this, but in the excess of the evil itself, and in the decision and energy of Her Majesty's Government.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

Enclosure in No. 98.

*Arrivals of Vessels, under the Portuguese Flag, in Ballast, at Rio de Janeiro, from Africa, in January, February, and March, 1838.*

Date.	Name.	Tonnage.	Where from.	Remarks.
1838.				
Jan. 2	Dous Amigos	210	Quilimane	Boarded at sea by a Brazilian man-of-war, who took out the Master and papers.
4	Jupiter	190	Angola	
5	Generoso Feliz	200	Quilimane	
9	Doze de Outubro	190	Angola	
10	Innocento	103	"	
17	Fortuna d'Africa	200	Moçambique	
25	Pompeio	180	Angola	
Feb. 2	Leao	300	Benguela	
14	Maria Carlota	288	Angola	
"	Principe Augusto	140	do.	
20	Carolina	300	Quilimane	
March 1	Aventureiro	250	Angola	
3	Adamastor	200	Quilimane	
16	Resolução	340	Moçambique	
18	Jehovah	250	Angola	
30	General Cabrera	140	"	
Total .	16 vessels.	3481		These vessels, after being detained by the police, were all liberated.

CLASS A.

No. 99.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received July 2.)*

MY LORD,

Rio de Janeiro, 16th May, 1838.

WE have the honour to enclose herewith, translated extracts of the only passages of the Reports made this year, by the Ministers for Foreign Affairs and of Justice, to the General Legislative Assembly, which bear on our immediate functions.

The statement of both these Ministers, on the subject of the Slave Trade, is equally vague and unsatisfactory; nor does either appear to call for any particular notice from us, unless it be the assertion, in the former of these papers, that the traffic is not prohibited to the Portuguese nation, except in the ports to the north of the Equator, and the idea still held out, in the second, of treating with the "African Authorities," for an Asylum for such Negroes, as have been imported since the laws of the 7th of November 1831.

The apparent inaccuracy, on the first of these points, is calculated to do much mischief, and can only be explained by supposing His Excellency to be referring solely to the treaty-engagements. The inconsistency on the other is more extraordinary, considering the very general expectation, that the law thus cited by the Minister of Justice is on the eve of being repealed.

It is remarkable, that the subject of the ratification of the different articles signed by Mr. Fox, in July 1835, is only incidentally mentioned, in speaking of an overture from France, to enter into negociation with this government in the question of the Slave Trade.

The assent of the chambers to these articles is not even asked for, much less insisted on; and the subject is closed by an observation, that "all measures, which do not go to the preventing the exportation of Africans from the dominions of the Crown of Portugal will be not only nugatory, but prejudicial and dangerous, in consequence of the immorality resulting from an unavoidable contraband."

We have, &amp;c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

## First Enclosure in No. 99.

(Translation.)

*Extract from a Report of Minister for Foreign Affairs.*

Mixed Brazilian and English Commission.

THE Mixed Brazilian and English Commission, established in this capital, in conformity with the Additional Convention of the 28th July, 1817, referred to in that of the 23rd November, 1826, would not have had before it, during the present year, any case of contravention of the Treaties concluded between Brazil and Great Britain for the abolition of the traffic, were it not for the very recent occurrence of the capture of the schooner "*Flor de Loanda*," and of the patacho "*Cesar*," by the corvette "*Rover*;" the proceedings and judgment upon which are submitted to the same Commission.

Notwithstanding, however, so extraordinary a circumstance, it would be an error to believe that the introduction of slaves into the territory of Brazil has ceased, or even diminished, inasmuch as there are facts of public notoriety, which fully evidence the continuation of transactions as immoral as they are punishable.

The Government, feeling all the horror which the barbarous commerce in human flesh excites, impressed with the weight of a subject so intimately connected with the most vital interests of the Empire, and conscious, moreover, of the fatal effects of the flagrant violation of the laws, very much deplores the inefficacy of its endeavours to repress such shameless speculations; for, as observation demonstrates, that all, or almost all, the ships employed in such transactions belong to the Portuguese nation, to whose subjects the traffic is not prohibited, except in the ports to the North of the Equator, as is stipulated in the Treaty of the 22nd of January, 1815, and the Additional Convention of the 28th July, 1817, the system of capture, in other respects so fit for repressing contraband, is rendered useless, and without effect.

The Imperial Government, knowing the true cause of the evil, and ardently desiring to put a stop to the torrent of frauds and abuses, which all deplore, has not neglected to call the attention of the Cabinet of Her Most Faithful Majesty to this important subject; and, although no arrangement has yet been concluded between the two Crowns, yet it is to be hoped, that the negotiations begun on this subject will be brought to a due conclusion as soon as circumstances may permit.

*Emigration of European Colonists.*

As it is not to be presumed, considering certain prejudices, that the best combined treaties, and the most severe laws, will produce the desired effect of repressing the contraband of Africans, so long as the want of free labour for our rural industry, and as a substitute for the Africans destined for the

estates, shall be felt in the Empire, the Government has not ceased to shew the greatest favour and protection to the emigration of useful and orderly European colonists, thus doing all which its limited means would permit to augment our labouring population.

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Second Enclosure in No. 99.

*Extract of Report of the Minister of Justice.*

(Translation.)

New Africans.

It has been impossible to prevent the contraband in Africans, which, as it is reported, is carried on the coasts of Brazil, notwithstanding the most urgent orders transmitted to all the authorities. The desire of advantage, the thirst for gold, however obtained, impels men to incur every danger, and blinds them to all the fatal consequences which ensue from their criminal undertakings. Further, those who infringe the law are in vain prosecuted, inasmuch as they are always acquitted of the crime; the greater number of the judges being interested, in various ways, in the continuation of this illicit commerce. The Government, however, will not cease to use all its endeavours, if not to put an end to it, at least to restrict it as much as possible. It also endeavours to render effective the enactment of the law of the 7th of November 1831, by contracting with the African authorities for a fit asylum to which may be conveyed the free Africans imported since that period, it being requisite that you authorise and enable the executive to make the necessary disbursements.

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No. 100.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received July 19.)*

MY LORD,

*Rio de Janeiro, 21st May, 1838.*

WE have the honour to inform your Lordship, that Her Majesty's Commissary Judge received a letter dated the 17th of April, 1838, from the Commander of Her Majesty's sloop "Rover," of which the inclosed is a copy, stating the particulars of the detention of two slave vessels within a short distance of this port; the one on the 11th, the other on the 13th of the same month.

On the 19th April Commander Eden brought into Court the papers found on board the vessel first detained, accompanied by the annexed declaration, stating her to be named the "*Flor de Loanda*," to be sailing under Portuguese colours, and to have on board 289 slaves.

Long arguments were offered, both on behalf of the captor and of the claimant, in this case; but as the first turned chiefly on uncontroverted points, and on the question whether the Portuguese commercial code was or was not in force in all its parts, and the second on the incompetency of this Court, we do not think it necessary to trouble your Lordship with the same.

Our report of the case, which, together with the sentence of the Court, we have the honour to enclose herewith, will show your Lordship, that, of the intention of the "*Flor de Loanda*" to land her slaves on this coast the Court entertained no doubt; as also that no credit whatever was given by them to the several pretexts under which it was sought to account for and justify the proceedings of the "*Flor de Loanda*;" and that the only difficulty felt was with regard to the national character of the vessel. On this point the Brazilian Commissary Judge was decidedly of opinion, that the transaction was Portuguese: no evidence to the contrary was offered; and the facts and circumstances set forth affording no sufficient proof that this vessel is the property of either British or Brazilian subjects, or of persons resident in the dominions of Great Britain or Brazil, the British Commissary Judge concurred with his colleague in the sentence pronounced.

We have only to hope, as we took occasion to observe in reporting the case to Her Majesty's Mission, that by the intervention of the Portuguese authorities at this Court (in virtue of the 23rd Article of the Portuguese decree of the 10th December, 1836), or by that of the Imperial Government, measures may be taken, by which the ends of justice and humanity may be as fully attained, as if this tribunal had had jurisdiction in the case.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

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## First Enclosure in No. 100.

Commander Eden to Sir George Jackson.

Her Majesty's Sloop "Rover," at Rio de Janeiro,  
17th April, 1838.

SIR,

I BEG to inform you that on the 11th instant I detained (off the Marica Islands) a schooner, the "*Flor de Loanda*," under Portuguese colours, with 289 slaves on board.

And that on the 13th instant I detained (also off the Marica Islands) a brigantine, name unknown, having no colours hoisted, but Brazilian bent on; crew deserted, and 207 slaves on board, both of which are now in this Harbour for adjudication, they having been employed in the illegal traffic of slaves.

I have the honour to be, Sir,

Your most obedient humble servant,  
CHARLES EDEN, Commander.

(Signed)

To Sir George Jackson, K.C.H.  
&c. &c. &c.

## Second Enclosure in No. 100.

*Captor's Declaration.*

I, Charles Eden, Commander of Her Britannic Majesty's sloop "Rover," hereby declare that on this 11th day of April, 1838, being off the Marica Islands, distant from the shore from 6 to 8 miles, I detained the ship or vessel named the "*Flor de Loanda*," sailing under Portuguese colours, armed with 1 nine-pounder and 2 six-pounder guns, commanded by Manoel Antonio Teixeira Barboza, who declared her to be bound from Cabinda to Monte-Video, with a crew consisting of 15 men, 1 boy, no supercargo, and 4 passengers, whose names, as declared by themselves respectively, are inserted in a list at foot hereof, and having on board 289 slaves, said to have been taken on board at Cabinda, and are enumerated as follows:—

Men and boys apparently healthy, 183.

Women and girls apparently healthy, 106.

I do further declare that the said ship or vessel appeared seaworthy, and was supplied with a sufficient quantity of provisions, but as stated by the Master, only two days' water.

(Signed.)

CHARLES EDEN, Commander.

(Witnessed.)

GRAHAM E. H. HAMMOND, Lieutenant.

HARRY GOLDNAY, Surgeon.

## Third Enclosure in No. 100.

*Report of the Case of the Schooner "Flor de Loanda," taken under Portuguese colours by Her Majesty's Sloop "Rover."*

The schooner "*Flor de Loanda*," commanded and owned by Manoel Antonio Teixeira Barboza was detained on the 11th April, 1838, by Her Majesty's sloop "Rover," Charles Eden, Esquire, Commander, off the Marica Islands, distant from the shore from 6 to 8 miles, sailing under Portuguese colours, armed with 1 nine-pounder and 2 six-pounder guns, having on board 289 slaves, said to have been taken on board at Cabinda. The schooner was furnished with a passport from the Governor of Loanda, Manoel Bernardo Vidal, for a voyage from thence to Mocambique, by way of Cabinda and Montevideo, without specifying, however, whether in ballast or otherwise, but declaring her to be owned and commanded by the aforesaid Manoel Antonio Teixeira Barboza, a subject of Her most faithful Majesty; no foreigner having any part or interest in the same.

The monition having issued according to the usages of this country, four witnesses were in the first instance examined. The first, Manoel Antonio Teixeira Barboza, 26 years of age, unmarried, swore that he was a Portuguese subject, native of Bastos, in the province of Minho; that he came first to Brazil in 1828; that he was employed for 5 years as clerk to merchants in this city, and that, since that time, he had been engaged in different voyages between this port and the coast of Africa; that he was the Master and sole owner of the "*Flor de Loanda*," which vessel was originally North American, and that he bought her in 1836 from an American citizen in this city; the truth of which was certified by the production of a regular Bill of Sale; that he had made two voyages from hence to the coast of Africa, since his purchase of the schooner, the first with a Passport from Joaquim Antonio de Magalhaes, the late Portuguese minister at this court; and the second voyage with a Pass-port from João Baptista Moreira, the present Portuguese Chargé d' Affaires, which Passports were left with the Governor at Loanda, from whom the said Master received other passports in return; that he shipped the blacks at Cabinda, intending to settle them as colonists at Montevideo, and if not permitted to do so, to take them on to Mocambique; and that he was obliged by the want of provisions, to bear up for the port of Rio de Janeiro. The truth of this statement regarding the passports was confirmed by an Official Certificate from the Portuguese Mission at this court, which is filed in the present proceedings.

The second witness produced by the Captor.

Joze Luiz de Oliveira, furnished with a passport from the Government of Loanda, declaring him to be a Brazilian subject, sworn, that he was a passenger on board the "*Flor de Loanda*;" that as such he had also sailed in her for Loanda about 8 months before; that he was engaged in general commerce; and that he knew nothing of the intention of this vessel to take in a cargo of slaves till they were actually on board. In other respects his testimony was similar to that of the preceding witness.

The third witness.

Francisco Joze de Souza Pimenta, sworn: that he was a subject of Portugal; that he came to Brazil 6 years ago; that he engaged himself as Pilot to this vessel in Angola; that his residence was

in Pernambuco, where he had relations; and that he had made several voyages between this coast and that of Africa.

The fourth witness.

Manoel Joze Borges de Carvalho, swore, that he was a Portuguese subject, born at Oporto; that he came to Brazil 8 years ago; that he has been engaged since then in Commercial voyages to different parts; and that he went to Angola and returned in this vessel as passenger, for objects of lawful commerce; with regard to the destination of the Africans, and the reasons for making the coast of Brazil, his deposition was the same as that of the preceding witnesses.

A claim was preferred on the part of Manoel Antonio Teixeira Barboza, who denied the competency of the Court, to take cognizance of this case, the vessel and her owner being both Portuguese; this fact being certified by the passports and other documents granted by the Portuguese Minister, Plenipotentiary at this court; and no proof being offered on part of the Captor to disprove it, or to show that any British or Brazilian subject had any interest in either the vessel or cargo; the British and Brazilian Commissary Judges, after an anxious and protracted examination of every person and circumstance which threw any light on the question, were of opinion that this Court had no jurisdiction in the case, and on the 15th May gave their sentence accordingly.

*Rio de Janeiro, 21st May, 1838.*

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Fourth Enclosure in No. 100.

(Translation.)

Sentence.

*“Rio de Janeiro, May 15th, 1838.*

AFTER due examination of the process relative to the detention of the schooner “*Flor de Loanda*,” by her Britannic Majesty’s sloop-of-war “*Rover*,” off the Islands of Marica, in consequence of 289 Africans having been found on board, the Commissary Judges of the Mixed Commission, although intimately convinced that this vessel was destined to land the said Africans on some point of the coast of Brazil, notwithstanding the allegation that they were to be directed to Moçambique, as colonists, touching at Montevideo (besides its being notorious that, in the Oriental Republic of Uruguay, the admission of such Africans is on no pretext whatever permitted, not even under the fictitious name of colonists), it is not credible that Africans should be transported from Angola to Moçambique for any purpose whatever, particularly in such numbers; on the contrary, it is most probable that the whole allegation is nothing more than one of the many means to which the traffickers in human flesh resort, in order to elude the existing Treaties and Laws; still, it being ascertained from the proceedings that the said schooner, formerly belonging to the United States, was sold here, in the year 1836, to Manoel Antonio Teixeira Barboza, a Portuguese subject, who, having complied with all the Regulations prescribed in similar transactions at that time in force, required and obtained from the Minister Plenipotentiary of Her Most Faithful Majesty at this Court the regular Portuguese Passport, in virtue of which he received the necessary Licence from the Brazilian Authorities, and proceeded on his first voyage to the coast of Africa, making a second voyage with regular papers, granted by the Portuguese Chargé d’Affairs and Consulate; and it not having, moreover, been discovered, either from the papers brought in, or from the depositions of the individuals examined, that any Brazilian or English subject had any interest in the said schooner and its cargo, and further, the principle that a resident in this Empire is to be considered as a temporary subject of the Brazilian Government, and, as such, amenable to the laws and any other stipulations to which Brazilian subjects are liable, not applying to him, inasmuch as, though it appears, by his own depositions, that he arrived in this city from Portugal more than 10 years ago, and lived in it as clerk to different merchants—a circumstance which cannot give him the character of an established merchant in the country—it is, at the same time, shown, that, after purchasing this vessel, he only resided here the necessary time for the conclusion of his affairs, thus becoming a mere travelling merchant, having no fixed residence in the country. On all these accounts, and it being impossible for the said Commissary Judges not to give faith to the papers granted by the Portuguese Legation, and, consequently, not to acknowledge as property of that nation the aforesaid schooner “*Flor de Loanda*,” they declare that the final decision of the said detention does not appertain to this Court, in virtue of the Treaties between Brazil and Great Britain.

(Signed) JOAO CARNEIRO DE CAMPOS.  
GEORGE JACKSON.

(A True Translation.) JOHN BAPTIST COSMELLI,  
*Interpreter of the Mixed Commission, ad hoc.*

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No. 101.

*Her Majesty’s Commissioners to Viscount Palmerston.—(Received July 16.)*

MY LORD,

*Rio de Janeiro, 21st May, 1838.*

WE have the honour to acquaint your Lordship, that the second vessel referred to in our preceding despatch, as having been detained by Her Majesty’s ship, “*Rover*,” is still under adjudication.

The sentence of the Court will, however, probably be pronounced very shortly; and we shall, of course, take the earliest opportunity after its publication, of transmitting the particulars of the case to your Lordship.

We have further to report the detention on the 13th of May last, of the brig schooner, “*Brilhante*,” sailing under Portuguese colours, by Her Majesty’s brig, “*Wizard*,” Lieutenant Bower, Commander.

The proceedings in this case began on the 17th instant; and the Court have already made considerable progress therein.

We have, &c.  
(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

No. 102.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received August 9.)*

MY LORD,

*Rio de Janeiro, 31st May, 1838.*

THE second vessel detained by Her Majesty's sloop "Rover," and which we stated in our last number, to be still under adjudication, proved to be the "*Cesar*."

We have now the honour to transmit to your Lordship, the declaration of Commander Eden, to which is annexed one from Mr. B. G. Le Mesurier, the Mate in charge, detailing the circumstances of the detention.

Our report of the case is enclosed with a copy and translation of the sentence of the Court, pronouncing the "*Cesar*" to be Brazilian property, and, as such, a good and lawful prize, under the Convention of the 23rd November, 1826, declaring two Brazilian citizens, belonging to the same, to have incurred the penalty imposed by the first article of that Convention, and emancipating the surviving Africans on board, to the number of 202.

In this case, as your Lordship will perceive, no doubt, whatever existed in the mind of either the Brazilian or the British Commissary Judge, respecting the national character of the vessel; but there was, in the first instance, a very great difference between them, as to the propriety of declaring the Brazilian citizens belonging to her to be guilty of piracy. With regard to the Mate, this difference shewed itself rather in the backwardness, with which the Brazilian Commissary Judge agreed to introduce his name, than in a positive denial of the obligation to do so; but, on being called upon to insert that of the second also, who appeared only as a common sailor on board, he peremptorily refused, alleging that neither did the Alvara of 1818, nor the law of the 7th November, 1831, warrant such a proceeding; both those acts limiting the penalty to the officers of the vessel.

The British Commissary Judge replied, that the law by which the Commission was to be guided, was the Convention of 1826; and that, by the first article thereof, "the carrying on of the trade by *any* subject of His Imperial Majesty, is deemed, and treated as piracy." His colleague, however, still persisted in his refusal; and only yielded the point on the British Commissary Judge declining, in that case, to sign the sentence, and proposing arbitration.

We do not trouble your Lordship with the arguments, either of the captor or of the claimant, the former resting on the facts stated in the sentence, and the latter on the old ground of the vessel being Portuguese, and, therefore, not amenable to the jurisdiction of the Court.

We have, &c.  
(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

First Enclosure in No. 102.

*Captain's Declaration.*

I, CHARLES EDEN, Commander of Her Britannic Majesty's sloop "Rover," hereby declare that, on the 13th day of April, 1838, the said sloop detained a brigantine (name unknown), under no colours (and whose crew had deserted her), she being then off the Marica Islands (as reported to me by the officer who boarded her under the circumstances detailed in his declaration attached hereto). She had on board 207 slaves enumerated, as follows:—

Men and boys, apparently healthy ..... 146  
 Women and girls, apparently healthy ..... 61

And I do further declare that the said vessel appears perfectly seaworthy, and had on board, at the time of detention, a considerable quantity both of provisions and water.

(Signed) CHARLES EDEN, *Commander.*  
 B. G. MESURIER, *Mate in Charge.*  
 HARRY GOLD, *Surgeon.*

I, BULKELY G. LE MESURIER, Mate in charge of her Majesty's sloop "Rover," hereby declare that, on the 13th April, 1838, Her Majesty's sloop "Rover," being in chase of a brigantine which had not, though fired at, hoisted any colours, and refused to heave to, and from which a boat had been observed to leave for the shore full of men, I was detached with two boats, and found her deserted by her crew, with 207 slaves on board, and with a Brazilian ensign bent on ready for hoisting, in consequence of which I took possession of her, she being then about five miles distant from the shore, the centre of Outer Marica Island bearing about W.  $\frac{1}{2}$  S., and Cape Negro N.E. by E., the "Rover" being at the time within gun-shot.

(Signed) B. G. LE MESURIER, *Mate in Charge.*  
 Witness WILLIAM CHAMBERS, *Senior Lieutenant*  
 HENRY GOLDNEY, *Surgeon.*

I do further declare that I found some oranges in the boat, hoisted up astern.  
 (Signed) B. G. LE MESURIER.

### Second Enclosure in No. 102.

#### *Report of the Case of the Patacho, "Cesar," taken by Her Majesty's Sloop "Rover."*

The patacho formerly Brazilian, and denominated the "Uniao," when first seen by Her Majesty's sloop "Rover," on the morning of the 13th of April, 1838, though fired at, hoisted no colours, and refused to heave to; and a boat being observed to leave her full of men, and to make for the shore, two boats were despatched after her from the "Rover," when (being then off the Marcia Islands, about 5 miles distant from land) she was found deserted by her crew, and having 207 slaves on board, and with a Brazilian ensign bent on ready for hoisting, in consequence of which the officer detached from her Majesty's sloop took possession of her, and on the 19th of April brought her into Court.

The usual monition having issued, Sebastiao Rodrigues de Moura, subject of Her Most Faithful Majesty, and described as a Merchant resident at Angola, appeared, by his Proctor, on the 24th of the same month, to demand the restoration of the patacho and her cargo, asserting that both were Portuguese property, and denying the jurisdiction of the Court over such, and offering, on behalf of the reputed Owner, the Bill of sale made to him by a Brazilian subject, bearing date Angola, October, 1836, by which her name was changed to that of "Cesar," and from which date she had constantly sailed as Portuguese, engaged, till this voyage, in the coasting trade on the coast of Africa, and also presenting a protest made since their arrival in this city, stating this fact, and the reason for the patacho being found off this coast, which was as usual ascribed, first, to want of provision, and next, to having heard, from a vessel spoken some days before, of the blockade of the river Plate.

Up to the 28th of April none either of the officers or crew of the patacho had appeared in answer to the monition, but a fresh summons being issued by the Court under that date, directed against the Master and other individuals of the crew, who had signed this protest.

The former, Benardino Portugal da Graça, presented himself on the 7th of May, and swore that he was a subject of Portugal, born at Moçambique, that he was Master of the patacho "Cesar," that his crew having forced him to quit her, on his being chased by the "Rover," he left all the ship's papers, together with the log, on board, and that the orders he had received from the Owner at Angola, were to take in the Africans at Ambriz and convey them to Moçambique, touching at Montevideo for refreshments.

On the 19th of May, the Affidavits of several individuals, taken according to the practice of this country, before a Brazilian Court of Justice, were laid before the Commission, to prove:

1st. That the claimant Sebastiao Rodriguez de Moura, was a Portuguese subject, Master and sole Owner of the patacho "Cesar," in virtue of the before-mentioned sale.

2nd. That the vessel had been legally nationalized as Portuguese, at Loando.

3rd. That from the date of the purchase to the present time, she had always been navigated with a Portuguese passport, and with such sailed from Loando in the month of March last, for Ambriz, Montevideo, and Moçambique.

4th. That the Master and almost all the crew were subjects of Portugal.

On the 15th of May Mr. B. G. Le Mesurier, Mate in charge, was examined, and having deposed to the fact, that no other papers whatever had been found on board the patacho than those which he had in the first instance brought into Court, and having made the usual affidavit relative thereto, the Commissary Judges, after a personal examination of the principal deponent adduced on the part of the claimant, were unanimously of opinion, for the reasons enumerated in their sentence, that the bill of sale was fictitious, and that the "Cesar" had never ceased to be Brazilian, more especially as the date of the power of attorney, authorizing the same, was only two days subsequent to that of the passport with which she was furnished as Brazilian by the Imperial authorities for a voyage from this Port to and from the coast of Africa, and, on the 26th instant, they pronounced sentence of condemnation against the "Cesar" and her cargo, declaring two of her crew, Brazilian citizens, to have incurred the penalty imposed by the first article of the Convention of the 23rd of November, 1826, and emancipating the Africans on board to the number of 202, male and female, in conformity with the 7th Article of the Regulations, 5 of the same having died since the capture.

Rio de Janeiro, 31st May, 1838.

(Signed) GEORGE JACKSON.  
 FREDERICK GRIGG.



## Third Enclosure in No. 102.

(Translation.)

Sentence.

From the examination of these proceedings it is ascertained that on the 13th of April of the present year, Her Britannic Majesty's corvette "Rover" chased a patacho distant about five miles from the Marica Islands, and on her being boarded by the boats of the corvette, the officers charged with this service found her totally abandoned by her whole crew, who, during the chase, escaped in a boat to the shore, the only persons on board being 207 Africans, without even the passport and other papers with which she was navigating to show her national character, the only token of the same being a Brazilian ensign bent on ready for hoisting. It is also seen that on her being carried into this port by the capturing sloop, and brought by the captors before the Mixed Commission, José da Costa Roiz Guimaraens, on behalf of Sebastiao Roiz de Moura, a Portuguese subject resident at Loanda, came forward to require the delivery of the same patacho calling it the "Cesar," on the ground that he had purchased her at Angola, while Brazilian property, from the attorney of Manoel José Duarte Guimaraens, a Brazilian subject, the patacho being then called "Uniao," offering, in proof of his allegations, the public bill of sale passed there in the year 1836, and, to justify the vessel's being fallen in with in the place where she was captured, another public document, viz., a protest made on board and ratified in this city by the notary Castro, declaring the causes which obliged the vessel to make for the ports of Brazil instead of proceeding to her destination, viz., to Mozambique, touching at Monte Video; and he also offered the justification which he made before the Civil Judge of First Instance in this city, by which he endeavoured to supply the want of the passport and papers of the patacho pretending that they were on board but had been lost.

The Commissary Judges, having attentively examined the whole of the proceedings, cannot give faith to the bill of sale, which they hold to be fictitious, grounding their judgment as well on the circumstance of similar bills of sale having been made for the purpose of covering all the vessels, employed in the inhuman traffic in slaves, with the Portuguese flag, in the hope of thus withdrawing them from the cognizance of this Commission, by means of the payment of the inconsiderable duties to which such sales are subject, as in the present case, where the sale of this vessel and her appurtenances is pretended to have been made for the trifling sum of 1 conto 400 milreis, as on the situation of the buyer, who, as one employed in the custom-house at Loanda, could not, according to the laws of Portugal, engage in trade, and is further known as a mere man of straw in slave transactions, from previous trials which have come before the court, and moreover on the want of the documents from the Portuguese authorities, which cannot be substituted by a "Justification," alike suspicious on account of the persons who deposed thereto, and gratuitous and inadequate to serve as proof.

This judgment of the Commission is corroborated by the Brazilian passport, with which the patacho sailed from this port in 1836, rendering it unquestionable that it is still Brazilian property, and probable that it had made another voyage, from the protest which, among other insignificant papers, was found on board, made at sea and ratified before the justice of the peace at Macahé in the month of September, 1837. This fact, in opposition to the allegation of the reputed owner, which declares the captured vessel to have been engaged solely in the coasting trade, and that only on the Coast of Africa, and that this—undertaken to carry Africans to Mozambique, by way of Monte Video—was her first long voyage, converts the well-grounded suspicion into certainty that she had made other voyages with the intention of afterwards returning to this port with the same passport with which she left it. Nothing else can be inferred from her being completely abandoned by the whole of her crew and passengers, and from the concealment of her papers, because, had they been regular, as alleged, there would have been no reason whatever for so extraordinary a proceeding.

Besides this, there exists the well-founded suspicion of her having communicated with the land before she was fallen in with by the sloop of war, and even of her having disembarked some of the Africans; from finding some oranges on board, said to have been received from a smack on the day preceding her capture; and from the circumstance of 53 of the same being wanting to complete the number of 260, which the reputed owner himself declares that he took on board in the port of Ambria.

In consideration of all these circumstances, which, combined, afford convincing proof that the aforesaid patacho is Brazilian, although its real owner cannot be discovered, the individual who figured as such in the voyage to Angola, Manoel José Duarte Guimaraens, having left the empire, nor the transactions which, before his departure, he may have entered into while here, the Commissary Judges of the Mixed Commission adjudge the detention of the "Cesar" by the British sloop of war "Rover" to be lawful, and condemn it and all its appurtenances and cargo on board, in virtue of the convention of the 23rd November, 1826, to be dealt with according to the seventh article of the regulations annexed to that of the 28th July, 1817, and pronounce Manoel Joaquim de Mello and Elias Bathazar to have incurred the penalty expressed in the first article of the aforesaid convention of the 23rd November, 1826, both Brazilian subjects, the first having sailed as mate and the second as sailor in the patacho and further the aforesaid Africans, to the number of 202, now alive, to be free and emancipated, 144 of the same being of the masculine, and 58 of the feminine sex.

Rio de Janeiro, 26th May, 1838.

(Signed)

JOAO CARNEIRO DE CAMPOS.

GEORGE JACKSON.

BRAN MARTINS COSTA PASSOS, Secretary.

JOHN BAPTIST COSMELLI,

Interpreter of the Mixed Commission, *ad hoc*.

(A true Translation)

No. 103.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received August 13.)*

MY LORD,

*Rio de Janeiro, 16th June, 1838.*

WE have the honour to acknowledge the receipt of your Lordship's despatch, dated the 19th March, acquainting us with the instructions to the

Commanders of Her Majesty's ships and vessels, to discontinue the practice 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.

(Signed) We have, &c.  
GEORGE JACKSON.  
FREDERICK GRIGG.

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

## No. 104.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received August 13.)*

MY LORD,

*Rio de Janeiro, 16th June, 1838.*

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 18th April, and its two enclosures.

We must beg your Lordship's indulgence, for confining ourselves at present to a simple acknowledgment of the same, the pressure of business before the Court not allowing opportunity, before the departure of this packet, for going into the subject, with that minuteness and attention which its importance requires.

(Signed) We have, &c.  
GEORGE JACKSON.  
FREDERICK GRIGG.

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

## No. 105.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received August 13.)*

MY LORD,

*Rio de Janeiro, 16th June, 1838.*

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 19th April, transmitting printed copies of each of the under-mentioned documents, viz. :

1st, 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 which article were exchanged at the Hague on the 27th February 1837.

2nd, The 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 traffic in slaves; the Ratifications of which Treaty were exchanged at Hamburgh on the 12th September, 1837.

3rd, The Treaty, by which the Grand Duke of Tuscany has acceded to the above-mentioned Conventions between His late Majesty and the King of the French, the Ratifications of which Treaty were exchanged at Florence on the 2nd March, 1838.

(Signed) We have, &c.  
GEORGE JACKSON.  
FREDERICK GRIGG.

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

## No. 106.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 10.)*

MY LORD,

*Rio de Janeiro, 20th June, 1837.*

YOUR Lordship was informed, by our despatch of the 6th August, 1836, that no official publication had then appeared of the understanding between the two Governments, arising out of the principle laid down in your Lordship's  
CLASS A.

despatch of the 8th October, 1834, that the character of a merchant is to be taken from the place of his residence, and of his mercantile establishment.

To this day no such publication has been made. We therefore gladly availed ourselves of the opportunity afforded us by the Brazilian Commissary Judge, in discussing the sentence to be given in the case of the "*Flor de Loanda*" pointedly to introduce into that sentence the principle in question. He, himself, we may observe, seems of late more disposed to become a convert to it, than he was at first; but the doctrine thus put forth has been contested, and has caused much comment—as a specimen of which we have the honour to enclose, herewith, the translation of an article, which has appeared in the principal paper in this city.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

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Enclosure in No. 106.

(Translation.)

The simple reading of the sentence given by Messrs. Jackson and Campos, Members of the Mixed Brazílico-Britannica Commission, relative to the Portuguese schooner "*Flor de Loanda*," detained as being engaged in Slave Trade by the British sloop "*Rover*," is calculated to raise discussions, which, although at first sight of little interest, are, however, of great importance, and very serious. Looked at in this point of view, the question becomes one on which we must necessarily speak; we, who have so strenuously contended, from the commencement of the case, that the Commission should declare itself an incompetent Court, as it has in fact done. Allowing, as we do, due praise to the members of the said Commission, for having come to such a decision, we cannot, however, pass unnoticed certain expressions put forth at the end of the sentence, which strike directly at the spirit of the political constitution of the Empire, converting the two Special Judges into Brazilian Legislators, who, unopposed, dare to reform articles of our Fundamental Compact. These motives compel us to analyze the sentence, and to give our opinion upon it. The two Members say that it is abundantly proved, that the "*Flor de Loanda*" belongs to a Portuguese merchant, Manoel Antonio Texeira Barboza, and adds that, to this individual cannot apply the principle, "that a resident in this place is to be considered a temporary subject of the Brazilian Government, and, as such, amenable to the laws and any other stipulations to which Brazilian subjects are liable." What do these phrases mean? Where, in what law, and in what time, have Messrs. Jackson and Campos discovered that there were temporary subjects in Brazil? And, above all, what is a temporary subject? The moment we are subjects of a foreign nation, can we possibly be subjects of the country where we reside? To how many nations, then, can we belong? What an heterogenous and extravagant compound have the Commission combined in these phrases! Allowing even that one can be subject of as many nations as the Commission chooses, belonging, at the same time, to Russia and to the United States, to China and to Brazil, how dare Messrs. Jackson and Campos proclaim this in Brazil, in spite of our constitution, which recognises only *entire* and not half subjects; that is to say, temporary, according to this fine theory? We are in the habit of seeing and hearing every day extravagant things, and habituated to bear the arbitrary acts of various authorities, who exceed their power and functions, but they had not yet attained such a height: to reach this was reserved to the Mixed Commission, who, in two words, and two dashes of ink, make known to all Brazil, in their name, and not in that of the Emperor, that there are temporary subjects in Brazil; that they can reform the political constitution of the Empire, oppose the spirit of the same, and become lords and masters to make, destroy, annul, revoke, and re-establish whatever laws they think the country stands in need of. But the members of the Commission have made another discovery, namely, that those who have been in the country more than ten years, and have been engaged as clerks to merchants, and have not been mere travelling merchants, are to be considered as temporary subjects. Here, then, we have disclosed the famous enigma; here we see cut the accursed Gordian knot which produced terror in every mind. To establish on a solid foundation the principle of the existence of temporary subjects in Brazil, the Commission had recourse to the expedient of acknowledging them according to the time of their stay and residence in the country! One only observation remains to be made by us at present, as we shall probably soon return to the subject, and that is, how we are to interpret the character of a merchant established in the country, a phrase purposely introduced by the Commission in the middle of their sentence. We suppose that it is placed there only in contradistinction to that of a travelling merchant, although it has, in fact, no sense whatever.

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No. 107.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 10.)*

MY LORD,

*Rio de Janeiro, 27th July, 1837.*

IN the cases both of the "*Flor de Loanda*" and the "*Cesar*," embargoes were presented to the Court, as soon as its sentences were made known.

On their first presentation, the Brazilian Commissary Judge proposed the observance of the recent regulation prescribed by the Imperial Government in

all embargoes, the effect of which is to submit the sentence embargoed to the opinion of the law-officer of the Crown. This, Her Majesty's Judge positively objected to, and his colleague declaring his inability to forego the observance required, without orders from his Government, the question was necessarily suspended, and remained so till the 16th instant, when he presented a "portaria," in which the concurrence of the Imperial Government—founded on the opinion of its law officer—in the view taken by the British Commissary Judge, is intimated.

We have the honour to enclose herewith a translation of its document, as well as of the Minutes of the Court of the 28th May, in which the decree, enjoining the above-mentioned regulation, is received.

Your Lordship will observe, that the sentences to be embargoed are here said to be "definitive," a term, which of itself, should seem to exempt them from the operation of that practice. This, however, was used as an argument against us; and, inasmuch as the sentences, so described in this decree, were subject to this process, those pronounced by the Commission must, it was contended, be so likewise. It was in vain for us to appeal to the Third Article of the Convention, which engages to assimilate, as much as possible, the legislation of this country, in the prohibition of the slave traffic, to that of Great Britain—a stipulation framed as if for the express purpose of meeting questions of this nature.

On this, as on other occasions, when the subject has been discussed, the Brazilian Commissary Judge admitted his belief, that the intention of the signers of the Convention was to preclude any further consideration whatever of the case, when once sentence was given; but he said that, as that instrument was worded, nothing but an additional explanatory article, and a consequent legislative enactment, modifying the law of Brazil, on that point, could do away with the observance of "embargoes;" and that, even should he concur in rejecting the application of either party for that resource in any sentence pronounced by the Court, there would be a great risk of such sentence being returned to it by the officer charged with its execution, as had, in fact, happened, owing to some informality or misunderstanding, in the case of the "*Emilia*," in 1821.

In the case of the "*Cesar*," the proctor asked to be allowed to present authentic documents of the papers with which that vessel sailed on the voyage in which she was captured. The Brazilian Commissary Judge was of opinion, that according to the First Article of the Regulations, a term not exceeding four months should be granted on the security there specified. His colleague was of a contrary opinion, and recourse being had to arbitration, and the lot falling on the Brazilian Commissioner, the delay was conceded.

The reasons of the two Commissary Judges, for their respective opinions, appear in the annexed Minutes: the grounds of the arbitrator, declared on the 11th June, were not given. We may, however, state, confidentially, that the question was submitted, in private conversation, to the Regent, and to some of the first authorities here, who all decided in favour of the concession. From that time to the 26th was occupied in the arrangement of the requisite security, when, it evidently appearing that the parties were only endeavouring to gain time, the Brazilian Commissary Judge yielded to the persuasions of his colleague to reject the embargoes altogether, and to decree the final execution of their sentence.

We have, &c.  
(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

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First Enclosure in No. 107.

(Translation.)

*Portaria.*

The Regent *ad interim* in the name of the Emperor, conforming with the opinion of the Law Officer of the Crown, orders the Foreign Department to reply to the Official Despatch addressed to me by you on the 28th ultimo, relative to the objection which has been taken regarding the sentence of the schooner "*Flor de Loanda*," that the objection of the British Commissary Judge is well grounded, as the aforesaid Officer states that it is not conformable with the principles of law nor with custom that he, or any other officer, or even any party, should be heard in embargoes offered in sentences given in suits in which there had been no previous appearance either as plaintiff, defendant,

party in the cause, or opponent; the said Officer adding also that if the Mixed Commission wished to consult him in matters merely private, he would decline interfering.

The which I communicate to you for your information.

God preserve you, &c.

(Signed)  
Rio de Janeiro, 16th June, 1838.  
(A true Translation.)

ANTONIO PEREGRINO MACIEL MONTEIRO.

JOHN BAPTIST COSMELLI,  
*Interpreter ad hoc to the Mixed Commission.*

To João Carneiro de Campos.

### Second Enclosure in No. 107.

(Translation.)

*Minutes of Session of the 28th May, 1838.*

In consequence of the Proctor of the Captor of the schooner "*Flor de Loanda*" having presented embargos to the sentence given by the Commission relative to this prize, the Brazilian Commissary Judge was of opinion that, in deciding the same embargos, the depositions of the last Decree of the Government, dated the 29th November, 1837, should be observed; to which the British Commissary Judge replied, that, not having yet received the definitive determination of his Government, whether the practice of admitting or not admitting embargos should be followed, he had no hesitation in admitting them in the present case, notwithstanding that he still persists in the opinion already given by him in the Session of the 2nd August, 1836, "that the admission of such a practice is contrary to the dispositions of the Treaty, which require that these causes should be terminated within 20 days." He, therefore, is not opposed to the embargos now offered being shewn to the other party, as the said Decree points out; but he cannot agree that afterwards they should be submitted to the Law Officer of the Crown to give his opinion upon. The Commission, therefore, resolved that this matter should be postponed until the decision of the Imperial Government, and the Brazilian Commissary Judge undertook to lay the subject before the said Government.

(A true Copy.)

(A true Translation.)

(Signed) BRAN MARTIUS COSTA PASSOS, *Secretary.*

JOHN BAPTIST COSMELLI,

*Interpreter ad hoc to the Mixed Commission.*

### Third Enclosure in No. 107.

(Translation.)

*Minute of Session, 9th June, 1838.*

The Brazilian Commissary Judge presented the Official Letter from the Minister and Secretary of State for Foreign Affairs, in reply to his communication relative to the condemnation of the patacho "*Cesar*," in which the Minister says, that on being informed of the decision of the Commission, he gave directions for the transmission of the affair to the Department of Justice. And the two Commissary Judges proceeding to discuss the "embargos" put in by the Proctor of Sebastiao Roiz de Moura, who styles himself owner of the patacho "*Cesar*," a difference of opinion ensued between the said Commissary Judges in respect to the granting of the term required in the same "embargos," for the presenting of an authentic documents of the papers with which the patacho sailed on the voyage in which she was captured; the Brazilian Commissary Judge being of opinion that, according to the last part of the First Article of the Regulations of the Mixed Commissions, the terms of four months should be allowed on the security specified in the said Article. The British Commissary Judge was of a contrary opinion, considering the sentence already given by the Court as definitive, because, though, he did not oppose the admission of the "embargos," still the term demanded by the Petitioner is not a resource derived from the said "embargos," but only from the Regulations annexed to the Convention referred to by his colleague. To enable, therefore, the Petitioner to avail himself of it he should have demanded it before the sentence was passed. In consequence of this difference, lots were drawn in conformity with the Third Article of the Regulations, and the lot fell on the Brazilian Commissioner of Arbitration, who thereupon received the "embargos" in order to consider them, and to give his opinion thereon.

(A true Translation.)

(Signed) T. B. COSMELLI, *Secretary ad interim.*

JOHN BAPTIST COSMELLI,

*Interpreter ad hoc to the Mixed Commission.*

### No. 108.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 10.)*

MY LORD,

*Rio de Janeiro, 28th June, 1838.*

WE have the honour to inform your Lordship, that the proctor, in the case of the "*Flor de Loanda*," declared his intention to offer embargos to the sentence of the Court so early as the 28th May; in consequence, however, of the circumstances detailed in our preceding number, the consideration of them was not pressed on his part, nor entered into by the Court, till the 19th instant, when the embargos appearing to contain no new matter, and to afford no proof by which the "*Flor de Loanda*" could be deemed Brazilian, they were rejected, and the original sentence was confirmed.

For the ultimate fate of this vessel, we must refer your Lordship to the

Reports of Her Majesty's Mission ; but, before closing the subject, we cannot but again draw your Lordship's attention to the conduct of the Portuguese authorities at Loanda, who continue unscrupulously to issue passports and other documents for vessels to proceed in ballast, which vessels they know are to receive cargoes of slaves at the very mouth of the harbour.

This has been the case in each of the three recent captures ; and no doubt can, for one moment, be entertained, but that the same has happened with respect to every one of the many vessels, which have recently arrived at this port from the Coast of Africa.

Indeed, we have been informed, that the Governors, both of Mozambique and Loanda, have refused, or at least suspended, obedience to the decrees of their Government for the total abolition of the traffic in slaves, and that they published proclamations to that effect.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 109.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 10.)*

MY LORD,

*Rio de Janeiro, 29th June, 1838.*

The case of the "*Flor de Loanda*," reported in our Despatch of the 21st May last, has given rise, from the first moment of her coming into this port, to more excitement and unpleasant discussion, than any previous prize which has come within our cognizance.

We purposely refrained from adverting to the circumstance which occurred, soon after her arrival, between Her Majesty's sloop "*Rover*," and a Brazilian boat, as not coming within our immediate province, and knowing that Her Majesty's Government would be fully and more perfectly apprised of every particular relating thereto, through other channels ; and with regard to what has passed before the Mixed Commission, we thought it better to delay addressing your Lordship thereon, till the whole case should be finally closed.

We have now, accordingly, the honour to state that, on a representation from Commander Eden, that he apprehended a rescue in bringing the witnesses up to the Court, the Brazilian Commissary Judge was instructed to require an escort from the War Department whenever, a witness was to be examined, a service which was promptly and efficiently rendered, without any symptom of disturbance.

The public journals were, in the mean time, loud in their charges and complaints against the "*Rover*," to which the Court paid no attention ; but the master and owner of the "*Flor de Loanda*" having, in a protest against her detention, complained of his having been put in irons, Her Majesty's Commissary Judge objected to such protest being filed, without its being first shown to Commander Eden, and giving him an opportunity of placing the matter in its proper light. An extract from Commander Eden's reply to the Court on this head, which is filed, we have the honour to enclose herewith ; and further to mention that, on a second examination, the master declared that he had no complaint to make.

On the 10th May a paragraph appeared in a paper of little note in this city, asserting that the English were selling blacks, during the night, from on board the slave-vessels, an accusation which was treated at the time, by every member of the Court, as well as by the more respectable part of the community, as a groundless calumny ; ascribable only to the ill-will and vexation of interested parties, or, at most, to the sympathy which is too generally felt in this country for all concerned in slave speculations.

Far be it from us, my Lord, even now, to give it any other explanation ; but it is not less our duty to put your Lordship in possession of every circumstance, and to lay before you the whole of the documents and correspondence bearing on this distressing occurrence.

They will be found sub-letters B to N.

The first is a representation from the master of the "*Flor de Loanda*," complaining of the robbery of the blacks.

The "*Rover*" having sailed for England, this representation was forthwith forwarded by the Court to Captain Herbert, as senior British officer in this port, in a letter from their Secretary.

Captain Herbert's reply was received on the 26th May.

The Court immediately called on the complainant for proof of the charge, and receiving his reply on the 2d June, again wrote to Captain Herbert on the subject. This letter, that of Captain Herbert, and the answer to that officer's request, are annexed.

No satisfactory reply having reached the Court from Captain Herbert, and the excitement in the public mind increasing, the Commissary Judges thought it incumbent on them again to call the master. This they did on the 11th June, but he was not allowed to obey their first summons; and, owing to the intervention of two successive holidays, he did not appear till the 15th, when, in consequence of his deposition, the officer of the Court was ordered to repair on board, and report as to its truth. This deposition and report are marked.

In the interim we received a letter from Captain Herbert, dated the 10th June.

With this closed the correspondence of that officer with the Mixed Commission; but a further correspondence, originating in the motives therein expressed, ensued between Captain Herbert and Her Majesty's Commissary Judge. The last of these letters was caused by a fresh complaint against the officers in charge of the prizes, of the robbery of two blacks from on board, and of ill-treatment, which, for the reason stated, the Court declined to entertain, but which it was judged right to communicate to Captain Herbert.

The letter from Mr. Armitage, referred to in the last communication to Captain Herbert, we think it best to send in original.

We regret to be under the necessity of troubling your Lordship so much at length on this subject; but it appears to us to be of too great importance in its several bearings, whether with reference to the honour of Her Majesty's service, or to the effect produced thereby in this country, to allow of any curtailment. Not, however, to extend this Despatch beyond what we consider absolutely necessary, we refrain from any comments on any part of the proceedings, and submit the whole, anxiously indeed, but confidently, to your Lordship's judgment, only adding that, considering the great mortality on board the "*Flor de Loanda*," previous to the sailing of the "*Rover*," it is highly desirable that the log, or an attested copy of it, as suggested by Captain Herbert, should be sent to the Court, the more so, as the Imperial Government have required to be furnished with every document which we are now transmitting to your Lordship.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

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#### First Enclosure in No. 109.

*Extract of a Letter from Commander Eden to the Mixed Court, dated Her Majesty's Sloop "Rover," at Rio de Janeiro 27th April, 1838.*

I have the honour to acknowledge the receipt of your letter of yesterday's date, written by order of the Mixed Commission, accompanied by the protest of Manuel Teixeira Barboza.

In reply to which, allow me to thank the Commissioners for the opportunity they have afforded me of giving the most positive denial to the truth of the greater part of the statements, therein set forth.

The complainant on the day of the arrival in this port, of the prize, hailed a boat, and attempted to communicate with her, and when desired to desist, conducted himself in a most violent manner, saying, "That he was captain of the vessel until her condemnation, and would until that time act as he pleased;" in consequence of which, he was brought on board the "*Rover*," and persisting in that line of conduct, was after dark put in irons, and so kept until daylight, when he was released, and sent on board the schooner, since which he has not been put in irons, and has been under little or no restraint.

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## Second Enclosure in No. 109.

(Translation.)

*Claimant's Petition.*

TO THE COMMISSARY JUDGES.

José Maria Frederico de Souza Pinto, Proctor of Manoel Antonio Teixeira Barboza, Master and owner of the Portuguese schooner "*Flor de Loanda*," actually in this harbour, respectfully submits the following representation.

That, while this schooner, laden with Africans, was under the charge of the British sloop "*Rover*," besides the ill-treatment given to those men, they were secretly sold, and the sales were involved in mystery. But immediately after this respectable Court had given their final sentence, this scandal reached such a height, that no mystery was any longer observed; and regularly every night the schooner saw disappear from on board 6 and 8 Africans, sold to the first who chose to go for them. Such is the philanthropy of the captors, and such is the respect they pay to the decisions of the Court. Their respectable sentence has just been embargoed; and who knows but this step has been resorted to, with a view only to gain time and sell the whole cargo? This schooner is, in the meanwhile, under the jurisdiction of the Commission; consequently, it is their duty to take prompt and very efficacious measures, to put a stop to so scandalous a proceeding.

Your petitioner, therefore, begs that the Registrar of this Court may be ordered to take an account of the Africans now alive, and that orders may be given that none of those that may die be buried, except in the presence of the said Registrar, who shall draw up a declaration of the same signed by two witnesses.

And your petitioner, &amp;c.

(Signed) JOZÉ MARIA FREDERICO DE SOUZA PINTO.

*Rio de Janeiro 22nd May, 1838.*

## Third Enclosure in No. 109.

(Translation.)

*The Mixed Court to Captain Herbert.*

SIR,

*Rio de Janeiro, 22nd May, 1838.*

THE enclosed Petition having been this day presented to the Brazilian and British Mixed Commission by the proctor of the Master of the "*Flor de Loanda*," Manoel Antonio Teixeira Barboza; and as the Commission cannot avoid taking the same into consideration, the Commissary Judges of the said Commission have directed me to forward it to you, in the absence of the Captor of the said schooner "*Flor de Loanda*," in order that, causing the proper inquiries to be made into the important matter which it contains, you may be pleased to transmit (together with the said petition) an exact and minute statement respecting it; directing, likewise, that the Africans actually on board of the schooner be numbered, in order that an account of those now on board, and of those who may have died since their arrival to the present time, may also be afforded to the Court.

I have the honour to be, &amp;c.

(Signed)

BRAZ MARTINS COSTA PASSOS,

*Secretary.*

Captain Herbert, R.N.  
&c &c. &c.

## Fourth Enclosure in No. 109.

*Captain Herbert to the Mixed Court.**Her Britannic Majesty's Ship "Calliope," Rio de Janeiro, 24th May, 1838.*

GENTLEMEN,

IN consequence of the representation made in your letter of yesterday, stating that the Master of the slave schooner "*Flor de Loanda*" had alleged "that slaves had been clandestinely taken from her during the stay of the '*Rover*,' and that, since her departure, the practice of selling the slaves had been more openly followed, so much so, that nightly from 6 to 8 slaves were sold to the first boat that came along side for them, and calling upon me to adopt measures to put an end to this scandalous proceeding," I have caused an inquiry to be made into the circumstances of the case, and enclose for your information the report of the officers ordered upon this service. I shall refrain from entering into any discussion on the subject of your statement, as the explanation given in the enclosed will set the affair in its true light; and considering the groundless charge of ill-treatment of the Master of the slaver during Captain Eden's stay, and so completely rebutted by him, I must request, before any further complaints are preferred to me against officers under my orders, that you will cause the truth of the charges to be fully ascertained, as the character and feelings of gentlemen are not to be trifled with under such a frivolous and groundless pretext.

I have the honour to be, &amp;c.

(Signed) T. HERBERT, Captain.

To the Commissary Judges of the Mixed  
Brazilian Commission Court,  
&c. &c. &c.  
*Rio de Janeiro.*

P. S.—A certificate from the Master of the slaver accompanies this, denying in the same strong language the truth of the assertions made on this occasion, as he did on a former charge preferred against Captain Eden on the ground of ill-treatment.

(Signed) T. HERBERT.



## Sub-Enclosure A.

Report.

SIR,

Rio de Janeiro, 23rd May, 1838.

IN obedience to your order of this day's date, to proceed on board the "Flor de Loanda" slave schooner, under Portuguese colours, captured by her Majesty's sloop "Rover," and left in charge of Mr. Dyatt, mate of that sloop, to await a final settlement of her case, in consequence of an official representation to you, from the allegation of the master of the said slave schooner, "that while the "Rover" remained here, some of the slaves were clandestinely sold, but since the sentence of the Mixed Commission Court was published, and the "Rover" left the harbour, the practice of selling the slaves "has been openly followed; so much so, that nightly, from six to eight slaves were sold to the first boat that came alongside for them; therefore the Court is called upon to adopt measures to put an end to this scandalous proceeding," we have repaired on board the said slave schooner, "Flor de Loanda," and having carefully investigated the particulars of the charges, as enumerated in your order, we find that the two slave vessels were placed under the superintendence of Mr. Armitage, and the vessel more particularly mentioned in charge of Mr. Dyatt, under his directions: we therefore called upon those officers to assist in the investigation, and afford us such information as their local knowledge only could afford; and having caused the whole of the slaves to be sent below, a sentry planted, and counted up, we found 236 living. From Mr. Armitage's statement it appears that, during the time Lieutenant Hamond had charge, previous to the sailing of the "Rover," 50 had died, who were regularly inserted in the log, and 3 since, making deaths altogether 53, which, deducted from the total number at the time of capture (289), leaves the number at present on board 236, as before stated. It is necessary to observe that the log kept by Lieutenant Hamond was taken by that officer, on rejoining the "Rover:" the small number (3) have been satisfactorily accounted for. And as the charge was said to have been preferred by the master of the "Flor de Loanda," we considered it necessary to call upon him to ascertain if the statement, said to come from him, had any foundation in truth. He most positively asserted that "he had never known a boat to come alongside to take slaves out," nor "had he known a slave to have been taken out of the vessel clandestinely." We are therefore of opinion, that the charge has originated in error, and is most false, as borne out by the correct and uniform details of all the circumstances, since the said vessels have been in charge of her Majesty's ships.

We have the honour to be, Sir,

Your most obedient humble Servants,

(Signed)

GRAHAM GORE, *Lieutenant, "Volage."*E. TENNYSON D'EYNCOURT, *Lieutenant, "Calliope."*

THOMAS HERBERT, Esq., *Captain of Her Majesty's ship, "Calliope," and Senior Officer at Rio de Janeiro.*

## Sub-Enclosure B.

(Translation.)

THE undersigned having been informed that a report is current in the city, that some of the Africans from on board of the schooner "Flor de Loanda" had clandestinely disappeared, or been sold, and that this report had originated with the master, and been circulated by him, or by persons belonging to the said schooner; therefore the undersigned declare, and are ready, if necessary, to assert on oath, to all persons interested, that such reports are entirely false, that they never were circulated by any one on board of the said schooner, with the consent or the knowledge of the undersigned. We deem, therefore, as false, any and all persons who may endeavour to implicate us as the authors of such reports.

(Signed)

*Master.**Pilot.**Passengers.*

"Flor de Loanda," 23rd May, 1838.

I DECLARE that it appears from the colonists themselves, that in the night in which the "Rover" went on a further cruise of four days, one colonist went on shore, and from that time until her return some others went; but, after the sailing of the "Rover" for England, it does not appear that any others went.

(Signed)

MANOEL ANTONIO TEIXEIRA BARBOZA.

Rio, on board the schooner, "Flor de Loanda,"  
25th May, 1838.

## Fifth Enclosure in No. 109.

(Translation.)

*The Mixed Commission to Captain Herbert.*

SIR,

*Mixed Commission, 2nd June, 1838.*

THE Commissary Judges of the Mixed Commission, who have had under consideration your Letter of the 24th May, with its two accompanying documents, respecting the investigation instituted on board of the schooner "Flor de Loanda," in consequence of the imputation advanced by the proctor of the Master of the same, that some Africans belonging to her had been sold, direct me to reply to you, that the Commission made no representation whatever on that point, as you in your Letter assume that they did, and that, far from giving credit to so scandalous a proceeding, or from calling upon you to put an end thereto, they confined themselves to bringing under your cognizance the application which was made to them, convinced, Sir, that you would feel obliged to them for affording you an opportunity of giving the necessary information on so important a subject.

According to the wish expressed in your Letter, the Commissary Judges have delayed their reply until their requisition enclosed was complied with. And having this day received the

representation, which is also annexed they hasten to lay it before you, and as it appears by the investigation had on board of the vessel in question, that the entries of the deaths of the Africans are wanting, and that the declaration of the Master (if it be of any value at all) contradicts the certificate, which is said to have been given by the Master, the Mate, and the passengers, the Commissary Judges submit to you whether it be not indispensable for the information of their respective governments, that you would be pleased to give some further elucidation, the rather, as the master declared, in the presence of the interpreter to this Commission, that he would not sign the said certificate (which, moreover, has no name to it) unless accompanied by the declaration added at the end of the paper.

The Commissary Judges hope that you, Sir, will not consider this suggestion as proceeding from any idea of trifling with the character of any officer under your orders, but solely from the desire of giving the requisite satisfaction, as well to their respective governments as to the public, who have been much excited by the complaints made on this subject.

Upon this occasion the Commissary Judges direct me to represent to you, how much the miserable Africans suffer, in the present season, from the want of clothing.

It remains for me only to remind you, Sir, to be so good as to return the enclosed papers, as well as the former requisition, which it is indispensable should be annexed to the proceedings to which they belong.

I have the honour to be, &c.,

(Signed) J. B. COSMELLI, Secretary ad interim.

Captain Herbert, R.N.  
&c. &c. &c.

### Sub-Enclosure C.

(Translation.)

*Requisition.*

Let José Maria Frederico de Souza Pinto, the proctor of the Master and Owner of the schooner "*Flor de Loanda*," produce before this Commission within the term of two days, to end to-morrow, the 1st of June, the justification required of him under date of the 28th instant, relative to the complaint of the supposed sale of the Africans shipped on board of the said schooner, under pain of the said complaint being considered groundless.

*Rio de Janeiro, 31st May, 1838.*

(Signed) GEORGE JACKSON.  
CARNEIRO.

### Sub-Enclosure D.

*Representation.*

(Translation.)

*To the Commissary Judges.*

The justification required was in consequence of the petitioner having stated the sale of the Africans as a certain fact, respecting which the Court have asked for the necessary elucidation, and have now reiterated their representations on this head.

*Rio de Janeiro, 2nd June, 1838.*

(Signed) GEORGE JACKSON.  
CARNEIRO.

### Sub-Enclosure F.

(Translation.)

José Maria Frederico de Souza Pinto, proctor of the Master and Owner of the schooner "*Flor de Loanda*," says that yesterday the 1st instant, he was summoned in the middle of the street, by virtue of a summons signed by the Commissary Judge Jackson, to justify before the Commission his first representation, in which petitioner required measures should be taken respecting the disappearance of the Africans shipped on board the "*Flor de Loanda*," under pain of the allegation therein being considered groundless.

Petitioner represents to the Commissioners that, in his judgment, such justification is unnecessary, because, in that representation, petitioner required precautions to be taken relative to the fact, stated therein as matter of public notoriety, and which was moreover so supported as to call for the attention of whoever in any manner has any concern in this prize, whether as judge or as a party interested. It appears that several of these Africans have been sold, and are now in this city, but the proof of this fact, certain and positive, requiring the production of the Africans before a Court of Justice, would bring with it the heavy sanction of the law against those who should produce them, and who, by so doing, would confess themselves guilty of the crime of reducing free people to slavery.

Now, to require this proof, thus surrounded by danger, is not generous, and is, so to speak, to cause terror to those who circumspectly, respectfully, and in good faith, seek their right before so respectable a tribunal. It must be observed that, if petitioner in the name of his client, intended making a criminal complaint of such disappearance, he would have applied to the competent Court, and have there instituted legal proceedings. But petitioner did nothing more than call attention to the notorious fact, and subsequently asked for repressive measures, supposing the fact to be true, or preventive ones, if its currency originated in falsehood for measures which, from the first, ought to have been taken, and which he is well entitled to claim, because whilst such a step guarantees the right of his client, it in no way offends the decorum due to the Court.

Let the Commission be pleased to order the Africans now on board the "*Flor de Loanda*" to be counted. The number may perhaps prove to have greatly diminished, without the possibility of giving any legitimate reason for such diminution. And, if the contrary should be the case, still the petitioner has a right to make the demand, for it is founded on justice and good sense.

(Signed) JOSE MARIA FREDERICO DE SOUZA PINTO.

CLASS A.

## Sixth Enclosure in No. 109.

*Captain Herbert to the Mixed Court.**Her Britannic Majesty's ship "Calliope,"  
Rio de Janeiro, 8th June, 1838.*

SIR,

I HAVE to acknowledge the receipt of your official note (of the 2nd instant) received by me this morning, with Enclosures, relative to the slave schooner "*Flor de Loanda*," captured by Her Britannic Majesty's sloop "*Rover*," but, not understanding the Portuguese language, and to avoid any misinterpretation, have to return them, to be laid before the Judges of the Mixed Commission Court, with the request that they will be pleased to give directions for my being furnished with an official Translation, together with the enclosed.

I have the honour to be, Sir,

Your most obedient Servant,

(Signed)

T. HERBERT, *Captain.*

*Senor Joo Baptista Cosmelli,  
Secretary to the Judges of the Mixed Commission Court,  
&c. &c. &c., Rio de Janeiro.*

## Seventh Enclosure in No. 109.

*The Mixed Court to Captain Herbert.*

SIR,

*Rio Janeiro, 8th June, 1838.*

I have to acknowledge the receipt of your official letter of this day's date, in reply to which I have the honour to say, by order of the Commission Judges, that the Commission having no interpreter, but one appointed, *ad hoc*, for each respective case, who is paid, at the instance of the British Government itself, by the parties, the Commissary Judges have no means to comply with the request made in your said letter, leaving you to charge your proctor, or any other person in your confidence, with the translation of the documents, for which purpose you will find them herewith,

I have the honour to be, &amp;c.

(Signed)

J. COSMELLI, *Secretary, ad interim.**Captain Herbert, R. N., &c. &c. &c.*

## Eighth Enclosure in No. 109.

(Translation.)

*Deposition.*

On the 15th day of June, 1838, in this City of Rio de Janeiro, before this Commission, and in the presence of the Commission Judges, appeared Manoel Antonio Teixeira Barboza, who, being first sworn, was told that he had been summoned for the purpose of declaring what he knew regarding the accusation made, that some Africans from on board the schooner "*Flor de Loanda*," had been sold; the said Commission being informed that, on an Attestation being presented to him to sign, contradicting such declarations, he refused to do so, unless accompanied by a declaration which renders such attestation doubtful. The British Commission Judge, having recommended to him the greatest circumspection as to what he was going to depose, saying that, having already sworn that the destination of the Africans found on board was to Montevideo, as Colonists, the Commission could not give credit to such a declaration, being convinced that they were to be landed on some point of the coast of Brazil, as declared in their sentence. He replied that, as regards this last point, he ratifies all that he had before deposed as to the destination of the Africans to Montevideo, as colonists, and that his appearance in the vicinity of this port was owing to the necessity of putting into it, so much so that, when chased by the sloop, he did not attempt to escape from the sloop; that, with respect to the sale of the Africans said to have taken place, he declared that, a certificate being presented for him to sign, stating that the reports of such sale, having originated with him and other persons on board the said schooner, were false, he refused to do so, except with the declaration written at the foot of the same, he knowing the fact from the said colonists, as well as from the circumstances that some of the same (older blacks), serving on board the vessel at night, could not be found on the following morning, as it happened with one who, during the time the sloop went on a cruise, was made drunk, in order to put him the more easily into the boat to take him on shore, as well as with two others that also went on shore on the same occasion; as also another named Antonio, together with some others, during the absence of the sloop on the same cruise. That he knew the number of deaths to this time to be 38, two before entering this harbour, and 36 since then; adding that the blacks were very badly treated; that often they had only one meal a day, and were kept in the greatest state of filth, for want of cleansing the vessel, which caused great mortality, as well as the want of medical assistance and diet. That some masts or logs, belonging to the vessel had been used for fire-wood, and that, on the evening before the sailing of the "*Rover*" for England, a boat was sent from her to inquire whether anything had been taken from him (the Master); that he answered "No," but that at the very moment the sailor that brought the message went down into the hold and took away a ten-inch hawser, which he carried on board the sloop.

(Signed)

MANOEL ANTONIO TEIXEIRA BARBOSA.

(A True Copy) JOHN BAPTIST COSMELLI,  
*Interpreter, ad hoc, to the Mixed Commission.*

In compliance with the order given to me by the Commissary Judges of the British and Brazilian Mixed Commission, I went on board of the schooner "*Flor de Loanda*," and there, in the presence of the English naval officer actually in charge of the said schooner, as well as in the presence of the said Master, Manoel Antonio Teixeira Barboza, and passengers, I inquired whether he, the Master, would ratify the deposition made by him, on the 15th instant, before the Commission; and, having

presented the same deposition to him, in the presence of the officer and passengers, he replied that he ratified all that he had therein declared.

(Signed) *On board the Schooner "Flor de Loanda," 19th June, 1838.*  
 JOHN BAPTIST COSMELLI, *Interpreter, ad hoc.*  
 MANOEL ANTONIO TEIXEIRA BARBOSA.  
 MALCOLM R. DYATT, *Maté.*  
 JOZE' LUIZ DE OLIVEIRA.  
 JOAO JANUARIO DURAO.  
 MANOEL DOMINGOS MAIA.  
 MANOEL JOZE' BORGES DE CARVALHO.

I do also hereby declare that, in compliance with the said order, I proceeded to make the examination required, relative to the complaint made by the said Master of the schooner "*Flor de Loanda*," and, on examining the said vessel, I found, as regards what the Master affirmed in his deposition, that the vessel did leak, but the officer reported to me that he could not say to a certainty how much.

As to the Africans being in a state of the greatest filth, as well as that they were badly treated, and that often they had only one meal a day, I found only that want of cleanliness which, in similar vessels may be supposed to exist. As to their food, that it has sometimes happened that their meal was delayed, in consequence of waiting for fresh supplies from on shore. As to the want of medical aid and diet, it was reported to me, by the officer in charge, that the doctors of the "*Calliope*" and of the "*Cockatrice*" had occasionally seen them, but that they could not administer any medicine, unless the Africans should be removed from on board, as some of them shewed symptoms of scurvy. As to the want of the spars and hawser, the officer could only say that the latter had been taken out by superior order, before he took charge of the schooner. As to the spars, that only one had been burnt by his order, and this was in consequence of being broken in two by striking against another vessel.

(Signed) *Rio de Janeiro, 19th June, 1838.*  
 JOHN BAPTIST COSMELLI, *Interpreter, ad hoc.*

(A True Copy.) JOHN BAPTIST COSMELLI,  
*Interpreter, ad hoc, to the Mixed Commission.*

### Ninth Enclosure in No. 109.

*Captain Herbert to the Mixed Court.*

*Her Britannic Majesty's ship "Calliope,"  
 Rio de Janeiro, 10th June, 1838.*

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 8th instant, communicating the refusal of the Commissioners to give me the advantage of a translation of the previous one of the 2nd instant, with its inclosures, that you addressed to me, by their orders. I had hoped that the Commissioners would have had the kindness to grant me this courtesy; but being disappointed in this, I am forced to reply to their despatch, conveyed through you, trusting to the best means within my reach to attain a knowledge of the contents.

Putting aside the unfounded accusation, made without even a sense of shame, that slaves were sold from the "*Flor de Loanda*" by the officer in charge of that vessel, I shall refer to the Document inclosed in your letter of the 2nd instant, by which I understand that the parties in that calumination now declare, that they only ask for repressive measures, in the hypothesis that the charge is true, or preventive ones if the statement be false, such measure to be a return of the slaves now on board, as well as of those that are deficient: I conceive this answered in my communication to the Commissioners dated the 24th ultimo. As to the first enclosure in your said letter, it is translated to me as merely an intimation to the accusing parties, calling upon them for proof. I beg you will assure the Commissioners of my most anxious desire to furnish them with every information in my power regarding the unfortunate slaves, whose wretched condition, by long confinement, is most offensive to humanity. I herewith enclose a return of the slaves on board the "*Flor de Loanda*," "*Cesar*," and "*Brilliant*," and of their casualties up to this date, and similar returns shall be sent weekly, as it may be, on many accounts, satisfactory to the Commissioners to receive them.

With reference to the occurrences on board the "*Flor de Loanda*," prior to the departure of the "*Rover*," Lieutenant Hamond, who then had the charge, has taken the log of proceedings with him, and, if required, the original, or an attested copy, can easily be obtained from that officer.

The papers enclosed in yours of the 2nd instant, and also the petition alluded to in that letter, accompany this.

I have the honour to be, Sir,  
 Your most obedient Servant,

To the Secretary of the Mixed Slave Commission,  
 &c. &c. &c.

(Signed) T. HERBERT, Captain.

### Tenth Enclosure in No. 109.

*Sir G. Jackson to Captain Herbert.*

SIR,

*Rio de Janeiro, 12th June, 1838.*

YOUR letter of the 10th instant was received yesterday, conveying the assurance of "your most anxious desire to furnish the Commissioners with every information in your power regarding the unfortunate slaves, whose condition, by long confinement, is most offensive to humanity," and enclosing a return of the slaves on board the "*Flor de Loanda*," "*Cesar*," and "*Brilliant*," and of their casualties up to the 10th instant.

This communication will be duly laid before the contracting Governments, and, with it, ends the

present correspondence between yourself and the Court, with the additional remark only, that you take no notice whatever of the additional recommendation of the Commissioners respecting the clothing, which the present season of the year renders particularly necessary for the blacks; but there are one or two points, Sir, in your letter, which, as the Presiding Member of the British Branch of the Commission, I think it right to advert to.

The first and most important is, that in which you assume that the accusation was directed personally against the officer in charge of the "*Flor de Loanda*." The Court have already stated that no accusation of any kind was made by them, and a closer view of the charge itself will show that no one particular individual was involved in it, however the fact, had it been founded, would have necessarily argued remissness on the part of those in charge of the prize.

The second point is of less consequence, as being more immediately personal to myself; but as it is altogether at variance with those principles which I have ever wished should regulate my conduct, whether public or private, I cannot allow it to pass unnoticed.

I allude, Sir, to that passage of your letter, in which you would seem to impute a want of courtesy to the Commissioners. It has already been explained to you how they are precluded, as well by the rules as by the composition of the Court, from using any other than Portuguese language in documents proceeding from them as a body. Any facility that I could personally have given you would have found me well disposed to have afforded you, in the same spirit which dictated the first tender of my services; but I leave it to your own reflection, Sir, to decide how far your own deportment, either towards the Court collectively, or myself individually, since the decision with respect to the "*Flor de Loanda*" was first made known to you, has been such as to indicate a disposition, on your part, for any interchange of courtesy.

I have only to add, that, having now prepared the translations of the several documents in question, for the information of Her Majesty's Government, I will very readily forward the same to you, if such should be still your wish, for the purpose of enabling you to make whatever copies or extracts therefrom you may think fit, between this and the sailing of the packet.

I have the honour to be, &c. &c.

(Signed)

GEO. JACKSON.

Captain Herbert, R.N.,  
&c. &c. &c.

#### Eleventh Enclosure in No. 109.

*Captain Herbert to Sir G. Jackson.*

*Her Britannic Majesty's Ship "Calliope,"  
Rio de Janeiro, 14th June, 1838.*

SIR,

I HAVE to acknowledge the receipt of your communication of the 12th instant, relative to the correspondence concerning the slave-vessels captured by Her Majesty's ships, and now in this port; and as it appears that my representations and requests have been received in a spirit which neither their tenor nor purport was intended to convey, or will bear out, I owe it to myself, both as a public and private character, to disclaim anything like personality, or approaching to a reflection, either collectively or individually, towards the Mixed Commission Court; for I could not have the slightest interest in those vessels or their cargoes, beyond the feeling incident to my situation as the Senior Officer, in whose charge they were left, and the anxiety for the liberation of all parties concerned, that the officers and crew might be enabled to rejoin their ship in England, and be satisfactorily accounted for to the Admiralty, free from reflection or reproach.

With respect to the warm clothing for the blacks, I must say it is the first intimation I have had of such request, without it was made in the Portuguese language, of which I have repeatedly stated my entire ignorance; but had I been brought acquainted with the necessity of such a measure, necessary as it must be, I am not prepared to say how I, in my official capacity, could give an order to that effect, and am disposed to think a suggestion from the Mixed Commission Court to the Agent for these vessels, would be the most eligible line of proceeding, and be immediately attended to.

I have to acknowledge the tender of the translation of the several documents in question; but as they are to be transmitted for the information of Her Majesty's Government, reference can always be had to them in England, should circumstances hereafter render it necessary.

I have, &c.

(Signed)

T. HERBERT, Captain.

To Sir G. Jackson, &c. &c. &c.,  
Rio de Janeiro.

#### Twelfth Enclosure in No. 109.

*Captain Herbert to Sir G. Jackson.*

*Her Majesty's Ship "Calliope,"  
Rio de Janeiro, 15th June, 1838.*

SIR,

SINCE my letter of yesterday's date, respecting the recommendation of the Judges of the Mixed Commission Court to have clothing supplied for the blacks on board the captured slavers now in port, I have seen Mr. Stevenson on the subject; and directions are given for the necessary clothing being supplied.

I have, &c.

(Signed)

T. HERBERT, Captain.

To Sir G. Jackson,  
&c. &c. &c.

## Thirteenth Enclosure in No. 109.

*Sir G. Jackson to Captain Herbert.*

SIR,

*Rio de Janeiro, 16th June, 1838.*

I HAVE to acknowledge the receipt of your two letters of the 14th and 15th instant, the latter stating that directions are given for the necessary clothing being supplied for the blacks: this communication I have not failed to lay before my Brazilian colleagues.

With regard to the former, I shall not take up either your time, or my own, with any other observations upon it, than that the course you suggest had been more than once taken by me, prior to the application to you, from the Court, on the subject; namely, recommending, in the strongest manner, the necessity of the measure to Mr. Stevenson, who assured me, in reply, that he had spoken to you respecting it.

I am happy to learn from you that the impression made upon the Court, by the tenor of your previous communications, was not intended by you. How far their nature will "bear out" that impression, I leave to higher authority to decide, should circumstances hereafter render it necessary.

I have, &amp;c.

*Captain Herbert, R.N.,  
&c. &c. &c.*

(Signed) GEO. JACKSON.

## Fourteenth Enclosure in No. 109.

*Sir G. Jackson to Captain Herbert.*

SIR,

*Rio de Janeiro, 26th June, 1838.*

THE accompanying representation was made to the Court on the 23rd instant. For the reasons stated by them, they refrained from considering it at all; but, as it will be the duty of the British Commissioners to transmit the same for the information of Her Majesty's Government, together with the letter from Mr. Armitage to Lieutenant Bower, of the 21st instant, submitted to the Court at the same time by Mr. Stevenson, I think it right that you should be apprised of the circumstance, and only fair to those officers that they also should be informed thereof. I therefore, according to your desire, conveyed to me through Lieutenant Bower, forward, for your information, through Mr. Stevenson, a copy of the representation in question.

I have, &amp;c.

*Captain Herbert, R.N.,  
&c. &c. &c.*

(Signed) GEO. JACKSON.

## Fifteenth Enclosure in No. 109.

*Mr. Armitage to Lieutenant Bower.*

SIR,

*Brig "Cesar," 21st June, 1838.*

I BEG leave to state, for your information, that, on mustering the negroes belonging to this vessel this afternoon, I found two missing. From signs made by the men that Cook and ——— otherwise have charge of the rest, it appears that, on the night of the 20th instant, a canoe came alongside, on a signal being made by one of the prisoners, and the two missing boys were by him handed into her, while the sentry's attention was engaged in relighting his lamp, or looking out abaft. From previous bad conduct, my suspicions rest on Joaquim Nato, whom, with the rest of the prisoners under my charge, I have ordered to be placed for the present in irons.

I have, &amp;c.

*To Lieutenant Bower, &c. &c. &c.,  
Commanding Her Britannic Majesty's brig "Wizard."*

(Signed) WHALEY ARMITAGE,  
*Mate in charge of "Cesar" brigantine.*

## No. 110.

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

MY LORD,

*Rio de Janeiro, 30th June, 1838.*

The last Despatch, prior to that of the 18th of April of this year, received from your Lordship, on the subject of embargoes, was dated 22nd October, 1836, and was construed by us, we regret to perceive, erroneously, into a tacit, although reluctant, acquiescence in that practice.

We have, as your Lordship knows, uniformly objected to the admission of embargoes, as being contrary to the spirit of the convention; but, under the above mistaken impression, we considered that, as expressed in our minutes of the 28th of May, we had no alternative but to give, *pro hac vice*, and until the receipt of the ulterior instructions, a provisional consent to the admission of embargoes, in the case then before the Court; but on the receipt of your Lordship's abovementioned instruction, we lost no time in submitting to our Brazilian Colleagues a representation on the subject, a copy of which, in original

and translation, we have the honour to enclose herewith, and which, we trust, will meet the approbation of your Lordship.

This representation entered on our minutes of the 20th of June, has been laid before the Imperial Government; and, though we do not venture to anticipate their acquiescence, it will, at least, have this good effect, that the point will be fairly brought to issue, and that our colleagues will perceive, that, fortified by the positive instructions of your Lordship we can no longer entertain even the question of embargoes.

There is another point, besides that of embargoes, and of the intervention of holidays, which, as having the same tendency, we have taken the opportunity of introducing into our representation, although not adverted to, because not contemplated by your Lordship, namely, the hinderance resulting to the business of the commission from the liability of the Brazilian Members and subordinate officers to be called upon to serve on juries, in the National Guard, &c.

This, as we had the honour of reporting at the time, has more than once produced considerable inconvenience and delay; but a still more material impediment, because of constant operation, is the plurality of offices held by the two most effective members of the Commission, viz., the Commissary Judge, and the Registrar: the former, as your Lordship is aware, is under Secretary of State of the department of justice, and the other is a member the Board of Commerce. It is but justice to repeat, that both these gentlemen are disposed to make every personal exertion, to prevent the business of the Commission suffering from this circumstance; and, as regards the former, it is, perhaps, counter-balanced by the facilities which his situation as under Secretary, enjoying, as he does, the confidence of every successive Minister, affords him, and of which he is ever forward to give the commission the benefit, for expediting those frequently recurring references to the different departments of this Government, which its proceedings require; and which, were the post of Commissary Judge held by one unconnected with the executive, would produce yet greater delay and embarrassment.

Still, however, it is no less evident that, with every disposition on their part, the general business of the commission cannot proceed with the same promptitude and despatch, as if they could devote their whole and undivided attention to it, and, whatever advantage may, in fact, be derived from the above circumstance, it is impossible to regard, in any other light than as an indication of the lukewarmness of this Government, in their Slave Trade engagements with Great Britain, this nomination of two individuals, who, however eminently qualified, as they are, for the due performance of their respective functions, are still rendered physically incapable by their other duties, of giving that prompt and uninterrupted devotion to the commission, which the main object of those engagements require.

Any change, however, in this respect, can be effected only by direct representation from your Lordship, to whose intervention and good offices, we must also look for other reforms in the system hitherto pursued, no less indispensable to give the commission the requisite efficiency.

On this occasion, we beg leave, my Lord, to recapitulate the principal points, where alteration appears to us to be essential.

First and foremost is the circumstance, that this Court is not the executor of its own sentence; but that such sentence, whether as regards the disposal of a condemned vessel, or of the emancipated slaves, is subjected to the slow process and interminable formalities, attending all legislative and judicial acts in a country proverbially dilatory and procrastinating.

This defect takes off materially from the weight, which, as a court, the commission ought to have—causes considerable delay, not unattended, we fear, with malversation, and loss to both Governments, and as regards the penalties incurred by parties, renders its sentence nugatory.

Secondly, and this is a point where the sufferings of the unfortunate Africans are deeply interested, we would urge the absolute necessity of a British Hulk being stationed in this harbour, for their reception, pending adjudication. The Imperial Government consented, in their note to Mr. Hamilton, of the 22nd of March 1837, to consider any "special requisition," which might be made to them for this object; but even should they agree to it, the blacks would scarcely be safer under the Brazilian custody, afloat, than on shore, and

the too probable result of such an arrangement would be the loss of a great part of them. The evils resulting from their continuance on board the slave vessels are too well known to your Lordship to need enumeration; and they have indeed, unfortunately, been fearfully confirmed in the recent cases.

Thirdly, we would submit, that the distribution, superintendence, and control of the Africans emancipated by the commission, should, so long as they remain in this country, be vested in that body. At present, its concern in the liberated negro ceases with the signature of the ticket of emancipation; and it has no power to recommend, much less to select, or to interfere with in any way, the persons to whom the negro is nominally hired out as apprentice; whereas, it surely ought to be the duty of the commission to take the whole of that responsibility, as well as of the due collection and appropriation of his wages, on itself.

To the want of this precaution may be ascribed the return to slavery of a large portion of those emancipated, and the various frauds and abuses, such as simulated deaths, &c., so easily and frequently practised under the present system.

In recommending this alteration, we are fully aware, my Lord, of the very invidious and irksome duties which it would entail on the Commissioners; but we are convinced that it is the only course which affords a chance of securing the welfare of the emancipated negro. In fact that security, in a country where slavery is so deep-rooted, and so pertinaciously adhered to, as in Brazil, is at best, very problematical; and on this part of our subject, we would venture to suggest, as a far preferable measure, the transportation of the liberated African to any of Her Majesty's colonies, which may now be feeling the want of hands for agricultural purposes.

Under this, and the preceding head, is of course included the necessary arrangement for the medical treatment, food and clothing of these wretched beings, (the want of all which has been the subject of so much complaint in case of the "*Flor da Loanda*,") who by the present system are exposed to far greater hardships, than would have been their lot had their safe landing by the importers been effected.

Fourthly. A point which, though of secondary, is yet by no means of inconsiderable importance, is the nomination of the subordinate officers of the Commission, which we think should vest with the Commissioners. At present it is, like everything else in this country, a mere object of patronage; the consequence is, that persons are appointed who, from age and infirmities, are utterly inadequate to their duties, and who, moreover, from their independence of the Court, yield but unwilling and very unsatisfactory services.

Fifthly. The last point, my Lord, which we have to mention we approach with all that deference, which our knowledge of your Lordship's decision respecting it demands; but we should be wanting in our duty, if we did not beg leave again to bring it under your consideration, convinced as we are now by experience, of the inconvenience arising out of the change effected, in obedience to your Lordship's Instructions, as well as of the increased expense with which, should fresh cases occur, it will be attended. We allude to the suppression of the offices of Interpreter and Marshal. In reconsidering this subject we respectfully beg your Lordship to bear in mind, firstly, as regards the Interpreter, that the Convention requires that the proceedings of the Commission be carried on in the language of the country where it resides; and that, consequently, the intervention of such an agent is necessary to legalise various acts and documents, even where his aid as Interpreter might otherwise be dispensed with. And, secondly, with reference to the Marshal, that the customs of this country require the special agency of such an officer, duly sworn, in each of the several Courts of Justice, in every stage of their proceedings, and at every step. Without him no summons is legal, no notice is valid; the consequence has been that, in the cases recently under adjudication, it has been necessary to borrow the services of a Marshal from a Brazilian Court, and to pay him, at a high price, for each separate citation or act which the course of the proceedings called for. Nor was this the only evil, for, not being dependent on the Court, and having other more profitable calls upon his time, he was rarely to be met with when wanted, and thus reiterated delays and disappointments have ensued. We may add that, at the first institution of the Mixed Commission, its proceedings were suspended for want of those subordinate



officers, and that the remuneration, in this country, for all incidental or casual, as opposed to fixed and permanent, employment, is so great that, if there should be only a few more cases in the course of this year, the amount of the disbursements for the Interpreter and Marshal, *ad hoc*, would exceed the annual salary that was awarded to those officers.

Our original instructions on this head referred to the precedent of Sierra Leone, and directed that these expenses should fall on the parties, captor, or captured, as the case might be. The Mixed Commission, however, here, is without any authority to enforce such an arrangement, nor is the Brazilian branch of it prepared to act upon that principle. The only course, therefore, which can, for the present, be adopted, is to deduct these disbursements in each individual case of condemnation, from the proceeds divisible between the two Governments; and, when condemnation does not ensue, to charge them in the account of the contingent expenses of the Commission.

We have, &c.  
(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

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Enclosure in No. 110.

(Translation.)

*Extract from Minutes of the Court 20th June, 1838.*

THE British Commissary Judge referred to the minutes of the 28th May last for the reason which induced him to agree to the admission of the "embargoes" offered to the sentence of the Court in the case of the first of the three prizes now under adjudication, viz., his being, up to that date, without those definitive instructions relative to the practice, heretofore observed, of receiving such embargoes, which he had every reason to expect from the declared sentiments and feelings of his government on the subject.

In the propriety of this course he was the more confirmed from the pledge given by the Imperial Government, under date of the 22nd of March, 1837, to the minister of her Britannic Majesty at this Court, to bring the question before the legislative body; but that pledge remaining yet unredeemed, and the British Commissioners having now received the most positive orders from their government no longer to acquiesce in the practice in question, they hasten to inform the Brazilian Commissioners thereof, and thus early and formally to record on their minutes the impossibility of their concurring in the reception of embargoes in any future case whatever which may come before the Court, and to invite their colleagues to join with them in giving that interpretation to the first article of the regulations, which their colleagues cannot but recognise as the true one, and as that which the high contracting parties to the treaty had in view at the time of its signature.

By the practice of embargoes, in other words a re-hearing, which must be considered, at least to some extent as being in the nature of an appeal, an opportunity is expressly allowed for a reversal of the sentence, and a principle is thereby admitted in direct contravention to the regulation, the evil consequences of which, if we take only, as an example, the recent cases before the Court, without reference to the inconveniences which might accrue to the respective governments, are too evident and of too great magnitude to need any further argument to show the justice and the necessity of the proposed alteration.

There are two other points, tending to the same object, and scarcely less important, which the British Commissioners are also instructed to bring under the consideration of their colleagues. They are, first, the interruption of business by the intervention of holidays; secondly, the liability of the Brazilian members and officers of the Court to be called upon for whatever other public services they are required to perform as Brazilian citizens.

In these several instances a delay is produced inconsistent, with the intent of the conventions under which the Court sits, highly prejudicial to the interests of the captor and of the captured, as well as detrimental to the service, and extremely injurious to the unfortunate negroes, whose prompt release is one of the main objects of the treaty.

It is with a view to obviate the delays by which the business of the Commission has thus been hitherto retarded, that the British Commissioners are instructed to urge those points upon the serious consideration of their colleagues, and they do so with the more confidence, as in the case of juries no holidays are allowed in this country, and as the conventions, together with the several legislative enactments arising out of them, must be considered to supersede the previous laws both of Great Britain and Brazil, as far as those engagements are concerned, and the legality of the proceedings of the Mixed Commission does not therefore depend upon the conformity of such proceedings with the general laws of Brazil, but properly upon their conformity with the conventions under which the powers of the Court are given.

Part of the measures now proposed by the British Commissioners, they are aware, may require reference to the Imperial Government, or even the legislature; but the question of the observance of holidays is, they presume, within the immediate competence of their colleagues to decide at once, and they are too well aware of the sentiments of humanity by which the Brazilian Commissioners are actuated, to doubt of their readiness to make any personal sacrifice where its interests are concerned, or, consequently, of their willingness, in the few instances where such days may occur, to continue the sittings of the Court, agreeing, mutually, to some formal act, should such be necessary, to legalise its proceed-

ings and to give the same validity thereto, on Saints' days as on any others, a decision which has long since been acted upon by the British and Spanish Mixed Commission resident at the Havana.

The Brazilian Commissary Judge replied, that, not being competent himself to decide upon the points referred to, he would lay the whole before his government.

(A true copy.)

(Signed)

BRAN MARTINS COSTA PASSOS, Secretary.

(A true translation.)

JOHN BAPTIST COSMELLI,  
Interpreter *ad hoc* to the Mixed Commission.

No. 111.

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

MY LORD,

*Rio de Janeiro, 9th July, 1838.*

WE have the honour to enclose herewith, in original and translation, the sentence of the Court, delivered on the 25th ultimo, in case of the brig schooner "*Brilhante*," the detention of which, under Portuguese colours, by Her Majesty's brig "*Wizard*," was referred to in our despatch of the 21st May, 1838.

We are compelled, as well by press of other matter, as by the present suspension of the execution of this sentence, to defer to another opportunity the transmission of our report of the case, and of other documents connected with it.

From the details, however, into which the sentence itself enters, your Lordship will be at no loss to comprehend the merits of the case; and from the separate vote of the Brazilian Commissary Judge, annexed thereto, you will understand, that he did not concur in opinion with her Majesty's Commissary Judge, in regard to the national character of the vessel; and, the second signature to this sentence being that of the British Commissioner of arbitration, that recourse was had to that alternative, the lot falling on that gentleman, who agreed with his immediate colleague in decreeing, on the grounds stated in the sentence, the confiscation of the vessel, and the emancipation of the slaves, adjudging, also, certain Brazilian citizens, implicated in the transaction, to have incurred the penalty of piracy.

Our succeeding number will put your Lordship fully in possession of what has hitherto occurred in this case, relative to the question of embargoes.

The separate vote of our Brazilian colleague will show the grounds on which he places it, the principle of which is that the Portuguese decree, regulating the mode of nationalizing Portuguese vessels was not known, or not enforced, at Loanda, at the time of the "*Brilhante*" leaving that port, and that the circumstances from which Her Majesty's Commissioners inferred Brazilian agency, if not ownership, although affording strong presumptions, were yet insufficient as proof.

On this point it is, principally, that whatever difference of opinion may arise between the Imperial and the British Commissary Judges in the sentence to be pronounced will generally be found to rest; the former being disposed to require positive and undeniable proof; the latter thinking, from the very nature of the inquiry, that strong presumptive evidence is sufficient to justify condemnation.

With regard to the Portuguese decree, the British Commissary Judge declared, unhesitatingly, his opinion that the fact of it being in operation at Loanda, or elsewhere, at the departure of any vessel, was not requisite; that it sufficed to know that its full promulgations had taken place in the capital, and had been communicated to the respective authorities in the other parts of the Portuguese dominions, and that the obligation of any vessel, claiming to be considered as Portuguese, to observe the same did not depend upon the obedience, or non-obedience, of those to whom its execution was intrusted.

Your Lordship will observe that this separate vote bears date the 15th, and that the sentence to which it appears to be a reply, is dated the 25th June. The fact is, however, that it was not formally presented till that date, the grounds of the intended sentence having been collected by our colleague from the previous discussions which took place between us, and the interval having passed, first, in obtaining the attendance of the Brazilian Commissioner of

CLASS A.

arbitration, who was at the time indisposed, and, next in the process of arbitration, and the final drawing up of the sentence.

This, as will be seen, was signed by our colleague, as "dissentient as regards the national character of the vessel," thereby leaving to be inferred, not only—as expressed in his separate vote, which forms, in fact, no part of the sentence—his presumption, or belief, that the Africans on board the "*Brilhante*," were intended to be landed on the Coast of Brazil, and that she had been employed for the last two years in the traffic, but that the Brazilian citizens found on board had, in this voyage at least, been so likewise.

We urged him to let his concurrence of opinion with us, in these particulars, appear at the foot of the sentence, in the same way as his difference of opinion on one only point, was recorded; but this he declined, and contented himself with entering his separate vote on the Minutes.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

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Enclosure in No. 111.

(Translation.)

*Sentence.*

From the examination of these proceedings, it is seen that this vessel, originally called "*Valeria*," is of North American construction; that she was sold on the 21st May, 1836, by an American House in this city, to an individual named Jozé Vieira de Mattos, declared to be a subject of Portugal, and residing at Rio de Janeiro, which latter fact appears, as well from the bill of sale itself, as from a certificate given by the United States Consul here, in which he is further described as a merchant; both these papers being offered on behalf of the claimant; that, in July, 1836, having complied with the several forms required by the Portuguese authorities here, her name being changed to "*Brilhante*," she sailed with a passport from the Portuguese minister Plenipotentiary at this court, for an *outward* voyage *only*, to Angola and Benguela, nothing appearing to prove her employment in the interval between that date and her being despatched in April, 1838, *in ballast*, with a passport from the Governor of Loanda for Rio de Janeiro and Moçambique; that on the 13th May she was detained in latitude 23° 8' 6" S. longitude 44° 46' W. by Her Britannic Majesty's brig "*Wizard*," with a cargo of 250 Africans, who were taken on board at Loanda; that she was not provided with the register, required to constitute her Portuguese, by the maritime code of Portugal, nor was she, *in fact*, commanded, as will be seen presently, by a native of that country; an essential which, even when the traffic was partially allowed, was indispensable to exempt any vessel, having slaves on board, from capture, under the Treaties between Great Britain and Portugal.

Considering the neglect of this vessel to comply with the maritime code of Portugal, the obligations of which must be deemed as being fully known at Loanda, inasmuch as they have been successively confirmed and enforced by various orders and circulars from the different departments of that Government, from the 16th January, 1837, down to the publication of the last, dated the 2nd March, 1838, on the departure of a new Governor for the Islands of St. Thomas and Princes, as well as the discrepancy observable between the number borne on her muster-roll and that actually on board, and, further, the change of master in violation of the *provisional* register granted by the Portuguese Consul in 1836, it is evident that the "*Brilhante*" cannot be recognised as a legally nationalized Portuguese vessel; but had the case stopped here, it still might be argued, that, though stripped by these failures, of all just pretensions to be so considered, yet there is nothing in the above circumstances to justify her being dealt with as Brazilian.

From papers, however, found on board, it is further proved that three brothers, native Brazilians, of the name of Correa, who left Rio de Janeiro in January last, with passports as such, for Itaguahy, sailed from Dous Rios a few days later for Angola; that one of the brothers was immediately dispatched for Ambriz to collect slaves; that a second, João Antonio Correa, not only received a letter from thence, directed to him by that same brother as captain of the "*Brilhante*," but that he himself, in giving a list of clothes for the wash, and desiring others to be sent to him with the account of the whole, in order to its being paid, actually signed himself captain of the "*Brilhante*," which signature he acknowledged in his deposition to be his own hand-writing; that this individual (as well as the third brother rated as carpenter) returned from the coast in this vessel, under the assumed character of passenger, bound for Rio de Janeiro; and that another person, Francisco Antonio dos Santos, calling himself a subject of Portugal, and who accompanied the three Correas from hence to Itaguahy in January, is also found on board of this vessel, rated as mate.

The simple fact of the "*Brilhante*" having a passport for Rio de Janeiro, affords, of itself, a strong presumption that this transaction is essentially Brazilian, but, coupled with the several circumstances above enumerated, it leads to the almost inevitable conclusion that the "*Brilhante*" (already shown to have no passport or other document, by which her employment in July, 1836 to April, 1838 can be proved,) has in the interval been constantly carrying on the trade with certain Out-ports of Brazil, such Itaguahy, or Dous Rios, where, from the non-existence of a regular Custom House, greater facilities for fraud may, perhaps, exist; and that this vessel, last from Angola and Ambriz, under the real command and direction of the Correas, and not of the pretended master, Antonio Jorge da Costa (who admits in his deposition that he had never passed an examination as pilot, nor received a certificate as such) is the identical vessel in which these parties sailed for those ports in January last from this coast, in confirmation of which, we find among the papers on board a protest, ready drawn up for

signature, declaring her to be on the 19th January, 1838 in latitude 32° 40' longitude 40° 21' W., and to have sailed from Loanda on the 25th November; as also a letter from Josefine Antonio Correa, dated Dous Rios 17th January, 1838, in which he speaks of their being about to sail for Ambriz, and from thence back again to Dous Rios.

It is true that João Antonio Correa denies having been at Dous Rios at the period stated, asserting that he has resided constantly at Angola since 1835; but the falsehood of this statement appears, not only from the aforesaid letter, but was admitted, though after much prevarication, by the other brother.

To this denial therefore the Commissary Judges cannot give the slightest credit; and far from considering the inference which they draw from the several facts of this case, as above stated, as to the real character of the transaction and the criminality of the parties, as destroyed thereby, they deem it only a confirmation of the perjury and frauds practised in this and similar instances; and, without stopping to ascertain where the actual residence of the reputed owner of this vessel may be, now represented as at Rio de Janeiro, now at Angola, the Commissary Judges hesitate not to pronounce the three Brazilian citizens, José Miguel Correa, João Antonio Correa, Josefino Antonio Correa, to have incurred the penalties imposed by the first article of the convention of the 23rd November, 1826; adjudge the "*Brilhante*" to be a good and lawful prize to Her Britannic Majesty's brig "*Wizard*;" condemn the vessel and her appurtenances; and decree the Africans on board, to the number of 245, to be emancipated and placed at the disposal of the imperial government: the whole in virtue of the additional convention of the 28th July, 1817, and of the convention of the 23rd November, 1826, in conformity with the seventh article of the regulation annexed to the former.

*Flo de Janeiro, 25th June, 1838.*

(Signed)

GEORGE JACKSON.  
FREDERICK GREGG.

JOAO CARNEIRO DE CAMPOS,  
Dissentient as to the national character of the brig in question.

(A true translation.)

JOHN BAPTIST COSMELLI,  
Interpreter *ad hoc* to the Mixed Commission.

No. 112.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 14.)*

MY LORD,

*Rio de Janeiro, 10th July, 1838.*

IN our Despatch of the 20th June, we had the honour of enclosing the copy of a representation which we submitted to the Court, on the receipt of your Lordship's Despatch.

On the 5th instant, the Brazilian Commissary Judge presented a "*portaria*," in reply, a translation of which we have the honour to subjoin, together with the original, directing the continuance of the practice of embargoes, "as no other reason is offered for the proposed alteration than those previously given;" and embargoes having been presented in the interim, to the sentence against the "*Brilhante*," he required the Court to proceed to their examination.

For the course pursued by us, in consequence, we beg leave to refer your Lordship to the enclosed copy of an official letter, which we have addressed to Her Majesty's Chargé d'Affaires, to which we should add that the Brazilian Commissary Judge referred to the "*portaria*" sent to the Commission, in 1821, in the case of the "*Emelia*" (alluded to in our No. 12), declaring that the sentences of the Court must pass through the Chancery.

This determination, which had never been contested by the British Government, necessarily, he said, implied the admission of embargoes, inasmuch as no sentence could be passed by that authority for execution, to which a certificate was not appended, to the effect either that no embargoes had been offered within the prescribed term, or that, on examination, they had been rejected.

Of this latter "*portaria*" we have the honour to enclose an extract, with its translation.

This and various other arguments, derived from the delay and responsibility which we should incur by persisting in our opposition, were urged by our colleague to induce us to admit, even if under protest, the embargoes in the case of the "*Brilhante*," and the language he held, assuming, as a matter of course, that the British Commissioners were to be regulated by the instructions which he had received, was stronger, and more peremptory, than we remember him to have held on any previous occasion; declaring, not only his determination to enter a formal protest against our refusal and its consequences, but also his belief that the Imperial Government would not allow of such an opposition to their decision.

Though, as we remarked in our reply to such observations, there exists nothing on the Minutes of this Commission to show, that the British Government ever acquiesced in a determination, against the spirit of which it has, on

the contrary, so repeatedly protested, still it must be allowed that silence on the subject, for so long a time, after that determination was officially communicated, does afford an argument in favour of the continuance of embargoes, which the Brazilian Minister will, no doubt, make the most of.

This consideration, and the language above reported, suggested to us the expediency of giving, as a means of avoiding collision on a point, the discussion of which might be attended with much embarrassment, the turn we have given to our representation, rather than to ground it more expressly on instructions from your Lordship; and waiving, at least for the present, the question of holidays, an alteration which, perhaps, would require an Act of the legislature, to ask for the exclusion of embargoes, as depending solely on the interpretation of an existing law, and which, we presume, to be fully within the competence of the executive.

We have the honour to enclose a copy, in original and translation, of our proposed representation, which, subject only to the contingency mentioned in our letter to Mr. Ouseley, we shall enter on our Minutes, as soon as we shall receive that gentleman's reply.

The Imperial Government, in rejecting the proposal which, in obedience to your Lordship's instructions, we submitted to our colleagues, to hold our sittings on holidays, as well as on other days, speaks, as your Lordship will observe, of a special exception in their Criminal Code process with respect to juries. This exception we had quoted as a precedent, in the hope that it might be admitted. But, as they have decided in the negative, we do not see how we can press this point, without further orders from your Lordship. Indeed, at present, the concession would be of advantage, rather as a matter of principle, than as producing any essential practical result; and to re-urge it now might endanger the success of the more important object of the exclusion of embargoes.

We have, &c.  
(Signed) **GEORGE JACKSON.**  
**FREDERICK GRIGG.**

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

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First Enclosure in No. 112.

(Translation.)

PORTARIA.

THE Regent *ad interim* in the name of His Majesty the Emperor, in conformity with the opinion of the crown, given respecting the despatch addressed to me by you on the 27th ultimo, on the subject of the objection made by the English Commissary Judge, has been pleased to determine that, no reason for the required alteration having been offered anew, other than that presented in the session of the 2nd August, 1836, namely, the stipulation of the eighth article of the convention of the 28th July, 1817, and of the first article of the regulation of the same date, which forbid any appeal from the sentences of the Commission in which, by a too extended interpretation, it is sought to include the prohibition of embargoes, it is not proper to revoke what the Imperial Government decided in this respect, in the despatch addressed to you on the 11th of the same month of August, 1836, the practice of admitting embargoes to the sentences of the Mixed Brazilian and British Commission being consequently to stand.

With respect to the second objection, it being contrary to the general rule of Brazilian law, which renders null all acts and judicial proceedings done on holidays, and there being no express stipulation in the convention which established an exception, as there was in the code of criminal process respecting the sessions of juries, the transacting of business on holidays cannot take place by the mere will of the Commissioners, who can never give validity to that which the law annuls. The which I communicate to you for your information and in order to its execution.

Palace, 5th July, 1838.

(Signed)

God preserve, &c.  
**ANTONIO PERGO. MACID MONTEIRO.**

(A true copy.)

(Signed)

**BRAN MARTINS DA COSTA PASSOS, Secretary.**

(A true translation.)

**JOHN BAPTIST COSMELLI,**  
Interpreter *ad hoc* to the Mixed Commission.

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Second Enclosure in No. 112.

*Her Majesty's Commissioners to Mr. Ouseley.*

SIR,

Rio de Janeiro, 9th July, 1838.

You are already in possession of the representation which, in consequence of Viscount Palmerston's recent instructions, we submitted to the Court on the 20th ultimo.

On the 5th instant the Brazilian Commissary Judge presented the enclosed "Portaria" in reply; declaring, at the same time, in very positive terms, his determination to act up to it, as also his expectation that Her Majesty's Commissary Judge would equally concur therein.

After much discussion between the two Commissary Judges, in which the Brazilian insisted on the exact observance of the "Portaria," and the consequent immediate admission of the embargoes, offered to the sentence of the Court in the case of the "*Brilhante*," and the British reiterated his objections, both to the practice in general, and to the admitting it as regards that vessel, the former declared that if the opposition were persisted in, he should at once enter a formal protest, exonerating his government from all the consequences of a delay which might become indefinite, for that, without the admission of embargoes, no judge would be found to execute the sentence, and the vessel, and the Africans on board, must thus necessarily remain *in statu quo*.

The instructions of Viscount Palmerston being most positive, Her Majesty's Commissary Judge prepared the paper, a copy of which is subjoined, for presentation; but considering the great inconvenience of every kind, and to all parties, which would result from the postponement of the final decision respecting the "*Brilhante*," as also the mischief which might ensue to the cause which the British government and nation have so much at heart, from indisposing the Imperial Government to that cause more than it is already, by any abrupt procedure on the part of the British Commissioners, we have thought it advisable to suspend the official presentation of this paper, which has, however, been read confidentially to the Brazilian Commissary Judge, and to inform you exactly how the matter at present stands, in the hope that it may be in your power, in your communications with the imperial authorities, to induce them to alter their decision.

Should you, however, find this impracticable, Her Majesty's Commissary Judge will feel it to be his duty to enter this representation on the minutes, and to regulate his conduct in conformity thereto, unless officially requested by you to follow a different course.

We have the honour to be, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

W. G. Ouseley, Esq.  
&c. &c.

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### Third Enclosure in No. 112.

(Translation.)

*Extract of a Portaria addressed to the Mixed Commission, dated 28th August 1821, by Senor Pedro Alvarez Deniz.*

HAVING laid before the august presence of the Prince Regent, together with the sentence pronounced by the Mixed Commission in the case of the schooner "*Emilia*," taken by Captain William Finlaison, on account of her having been found engaged in the illicit traffic of slaves, the despatch addressed to me by you on the 18th instant, stating the reason why the said Commission judged that that sentence should not pass through the Chancery, Her Royal Highness has ordered me to inform you that, in order to its execution, the said sentence must pass through the Chancery as established by law.

The which I communicate to you, remitting to you the sentence, for you make it known to the same Commission.

A true Extract. *Mixed Commission Rio de Janeiro, 7th July, 1838.*

(Signed) BRAZ MARTINS COSTA PASSOS, Secretary.

A true Translation.

JOHN BAPTIST COSMELLI,  
*Interpreter ad hoc to the Mixed Commission.*

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### Fourth Enclosure in No. 112.

(Translation.)

THE British Commissary Judge having maturely reflected on the "Portaria" presented on the 5th instant by the Brazilian Commissary Judge, can only repeat how impossible it is for him to desist from his previous declarations of the 2nd August, 1836, and 28th May, and 20th June last, on the subject of embargoes.

It is unnecessary to assure his colleague, that in coming to this conclusion he has given every possible attention to the arguments and representations adduced by him. And he needs hardly disclaim any intention of failing in the respect due to that "Portaria," still less to the august source whence it emanates. But it is in that very "Portaria" that he finds the authority for the step which he is now about to take.

It is true that the recent instructions from his Government confirm and give the fullest sanction to the opinion, which from the moment of his instalment he has never ceased to entertain, respecting embargoes, namely, that they are contrary both to the spirit and to the letter of the convention; but, invested as he is by his Sovereign, as well as virtually by His Imperial Majesty, from the moment that His Majesty deigned to recognise him as British Commissioner, with special powers and authority, given specifically for certain purposes, the decision of which is intrusted to him under the solemnity of an oath, he is bound to look to a higher sanction than the decisions or instructions of either Government (to which he otherwise owes the greatest respect) in the discharge of his functions, so long as such delegation shall be unrevoked.

In this point of view it is that he can take for his guide only the convention and its annexes, and thus it is that he invokes in his justification the before-mentioned "Portaria" of the 5th instant.

That paper gives as a reason for not agreeing to a proposal, which, as being very conducive to the main object of the convention, he was instructed to propose, that it was not conformable to the Treaty. He, therefore, abstained from urging it, however salutary such measure appears to him to be. But

that same respect, which he owes to the convention in one point, forbids his deviating from it in any other.

By the express terms of the convention, all appeal from the sentence of the Commission, which is declared to be final, is precluded.

The 8th Article of the convention, and the 1st of the regulations, are not the only ones which determine this point.

The 6th Article of the regulations declares expressly—

*“As soon as sentence shall have been passed, the detained vessel, if liberated, shall be restored.”*

Now, unless it be argued, that without appeal there can be no sentence, this last provision is alone sufficient to exclude the resource of embargoes.

The jurisdiction derived from these stipulations may, or may not, be at variance with the ordinary legislation, either of Great Britain or Brazil.

Into this question the Commissioners, having only delegated powers, are prohibited from entering.

In the same way as the Alvara of 1818, promulgated in fulfilment of the stipulations with Great Britain, rescinds any decision which may be at variance with it, notwithstanding the law to the contrary, so the convention, the execution of which is confided to them (the Commissioners,) the British Commissary Judge can consider only as a new law, invalidating and superseding any previous law of either country, so far as its provisions are concerned, and rendering any subsequent act of legislation inadmissible so long as it may remain in force.

So true is this, that this same Alvarà, appointing the authority to be charged with its execution, in cases not brought before the Commission, decrees that parties in such cases are to be allowed to bring an appeal, according to the ordinance, while the instructions given to the same authority for carrying into execution the sentences of the Commission, make no mention of any resource whatever, adding on the contrary,—“and whatever the Commission may decide shall be carried into effect.”

Silence on this point is equivalent to its exclusion.

Whatever, therefore, may be the consequences of this determination of the British Commissary Judge, (and he is far from underrating those verbally referred to by his colleague,) that responsibility rests not on him.

The only points for his consideration are—

1st. Does the Convention, in any case, admit of an appeal from the sentence pronounced by the Mixed British and Brazilian Commission established in Brazil?

2nd. Is, or is not, the resource of embargoes, which is contended for, an appeal from such sentence?

The only question, then, is, What is an appeal,—whence its motive,—what its object?

Is not the one, dissatisfaction with the decision given? Has not the other in view its alteration or reversal?

Does not, in the Portuguese language, mischief without *appeal*, mean the same as mischief without remedy? To appeal, in the same language, is it not to have recourse to some other means?

The intervention of a different judge is not necessary to constitute an appeal. If it seek only the more enlightened arbitrament of the same mind, if discontented with a first decision, it asks only for its reconsideration by the same authority from which that decision sprung, it is not less an appeal, than if it were submitted to the judgment of another.

The question is not how far denial of the embargoes may be consistent with the rules of equity, nor whether a less summary course might not, generally speaking, and in ordinary cases, be more conducive to the ends of justice.

The sacred cause which these stipulations had in view is their best justification.

Without, therefore, stopping to examine this point, or the evils resulting from the practice of embargoes, subversive as it is, to the last degree, of the primary object which the high contracting parties had in view, the British Commissary Judge again asks, “Is the admission of embargo in the bond; if it be, however prejudicial such a resource may be, he should have no alternative but to admit it; if it be not, however calculated any other expedient might be to promote that object, it would equally, of necessity, be rejected by him.”

Such are the views of the British Commissary Judge. If he has refrained till now from acting up to them more decidedly, it has been only from a repugnance to insist too much on his own opinion, and still more from a hope that the Imperial Government, feeling, as well the importance of giving to the Convention the interpretation suggested, as that such interpretation would nowise offend either the national dignity or prejudices, would, of itself, have authorized its Commissioner to concur in a measure, the utility and propriety of which he himself acknowledges.

No. 113.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 14.)*

MY LORD,

*Rio de Janeiro, 11th July, 1838.*

THE last price-current issued by Mr. Stockmeyer, whose reports, we know, are deeply interesting to the mercantile community here, from his having access to the best and most extensive local information, contains a new and important reference to the Slave Trade, which we beg leave to bring under your Lordship's notice. It shews not only the enormous extent to which that trade has reached, during the last five years, and still continues, but also that, “it is far beyond any apparent adequate utility, or the existing wants of the planters, as may be inferred from the comparatively little progress

in the production of the country, during that period, in which this trade has absorbed an enormous part of its substance."

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 114.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 14.)*

MY LORD,

*Rio de Janeiro, 11th July, 1838.*

WE have the honour to transmit to your Lordship our report of the case of the brig, "*Brilhante*," condemned as Brazilian by the Mixed British and Brazilian Commission, on the 25th ultimo, and which it was impossible to prepare in time for the packet.

We annex also the separate vote, in original and translation, of the Brazilian Commissary Judge in this case, which for the same reason, did not accompany the sentence.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

First Enclosure in No. 114.

*Report of the Case of the "Brilhante."*

THIS vessel was sold by an American house in this city, in July, 1836, to a subject of Portugal, of the name of Jozé Vieira de Mattos, declared, in the bill of sale, to be a resident here, and, further, in a certificate from the Consul of the United States, to be a merchant of this city.

Having received a provisionial register from the Portuguese Consul at this Port, and having complied with the usual formalities, she sailed from hence in the same month of July, as a Portuguese vessel, under the command of Manoel da Rocha Miranda, for Angola, with a passport from the Portuguese Minister for the outward voyage only. From that time to the 13th May, 1838, the date of her detention in lat. 23° 8' 6" S., long. 42° 46' W., by Her Majesty's brig "*Wizard*," nothing certain appears of her employment. On that day she was sailing under Portuguese colours, and commanded by Antonio Jorge da Costa, who declared her to be bound from Loanda to Rio de Janeiro, thence to Mozambique, and having on board 250 slaves, shipped at Loanda.

She was furnished with a passport from the Governor at Angola, Manoel Bernardo Vidal, for a voyage to Mozambique, touching at Rio de Janeiro. In this passport nothing is said of the cargo, but a certificate from the same Sebastio Rodrigues de Moura, the pretended owner of the patacho "*Cesar*," recently condemned in this Court, declares her to be in ballast. On the 17th May the declaration of the captor, together with the ship's papers, were received and sworn to before the Court, and, the usual Monition having issued, according to the practice of this country, the examination of witnesses commenced.

The first witness,

Antonio Jorge da Costa, swore, that he is a native of Lisbon, and a subject of Her Most Faithful Majesty; that he is the Captain of the schooner "*Brilhante*," that he was appointed by the owner, Joze Vieira de Mattos, who resides at Angola, to take the vessel and Africans to Mozambique, touching at Rio, with orders to dispose of the latter as he best could at Mozambique, and that he had no intention of landing them here; that, though the vessel was despatched in ballast, he was nevertheless to embark the Africans, and that he, at that time, knew of no law of his country prohibiting such embarkation; that this is the first voyage he has made in this vessel; that he does not know whether it is the first she has made to Brazil, and that he is ignorant whether any one besides Joze Vieira de Mattos had any interest in her; that he came to this country in 1827-28; that he had sailed to other ports of this Empire and to Europe, but had never before been to the coast of Africa.

At the close of his deposition, this witness admitted the important fact that, though appearing as Captain, he had never passed an examination as pilot, nor received a certificate as such.

The second witness,

Francisco Antonio dos Santos swore, that he is a native of Oporto; that he is a subject of Portugal, and that he is Mate of the "*Brilhante*;" that Joze Vieira de Mattos is the owner, and that he believes, from having heard so, that he is a Portuguese, and established at Angola; that he was told the vessel was going in ballast to Mozambique; and that he only knew of the Africans on their being taken on board outside the bar, the night of sailing; and that he understood they were going to Mozambique, as Colonists.



This witness prevaricated much as to where he had been, and how engaged, for the last 11 or 12 years, when he first arrived from Portugal, denying specifically that he had been at Rio de Janeiro till now, any time this year; and, on a newspaper being shown to him, naming the smack in which he left this city for Itogoahy, on the 12th January last, in company with two individuals of the name of Correa, who were found with him on board the "*Brilhante*," he swore that he never made such a voyage, and knew nothing of the matter.

The third witness.

Jozefino Antonio Correa, a Brazilian subject, swore that he was a carpenter by trade; that he did not know who was the owner of the "*Brilhante*;" that he agreed with the Captain to come in her to Rio gratis, as carpenter, Mozambique being her destination, and that he knew nothing about the Africans.

This witness at first swore that he had not been in Brazil since 1835; but, on a letter being produced, dated Dios Rios (a village in the province of Rio de Janeiro), 17th January, of the present year, he acknowledged it to be his writing, and that he sailed from thence, with two other brothers mentioned in that letter, for Angola.

The fourth witness,

João Antonio Correa, a Brazilian subject, swore, that he lived by navigating; that he came in this vessel as passenger; that he did not know who was the owner, having made his agreement with the Captain; that the destination of the vessel was Mozambique, touching at Rio, and that he knew nothing of the Africans till they were taken on board; that he had no interest in them, nor did he know that any Brazilian subject had.

On a letter written to him by his brother, directed to "the Captain of the '*Brilhante*,'" being shown to this witness, he denied ever having received such a letter; said that his brother might write what he pleased, but that he was not the Captain; and, on further showing him the letter referred to in the preceding deposition, he denied the truth of its contents, and swore that he had resided constantly at Angola since the year 1835 till now.

The two brothers were then confronted together, when both persisted in their statements, the one again swearing that they were together at Dois Reis, and from thence sailed for Africa in January last; the other denying that he, until this voyage, ever left that coast since 1835.

The fifth witness.

Jozé da Siva Saldanha, born at Lisbon, but a Brazilian subject, sworn, that he does not know who was the owner of the "*Brilhante*," having merely heard that he lived in Angola, and that the vessel was bound to Mozambique; that he came in her as passenger, and that he agreed for his passage with the Captain; that he knew nothing of the Africans till they were taken on board; that the sailors took care of them under the direction of the Captain, and that the Correas appeared to have no concern with them, nor the one who came as passenger, to have anything to do with the direction of the ship.

A claim was filed by the Captain Antonio Jorge da Costa, on behalf of the reputed owner Jozé Vieira de Mattos, praying for her release as Portuguese property; in proof of which he offered the passport and other documents, both from the Portuguese and Brazilian authorities, with which she sailed from this port as soon as her purchase from an American house was completed.

The Brazilian Commissary Judge, paying but secondary attention to the facts above recited, tending to give this transaction an essentially Brazilian character, allowed the greater weight to the documents produced to shew that she was Portuguese.

On this point the Commissary Judges differed, and, recourse being had to arbitration, the lot fell on Her Majesty's Commissioner of Arbitration, who, on the 26th instant, concurred with the British Commissary Judge in a sentence of condemnation of the vessel, emancipation of the surviving slaves, to the number of 245, and a declaration that the three Correas, Brazilian citizens, had incurred the penalty of piracy.

This sentence the Brazilian Commissary Judge signed, "dissentient as regards the national character of the vessel."

(Signed)

GEO. JACKSON.  
FREDERICK GRIGG.

Rio, 30th June, 1838.

## Second Enclosure in No. 114.

(Translation.)

### *Separate Vote of the Brazilian Judge.*

THE Brazilian Commissary Judge having differed in opinion from his colleague, the British Commissary Judge, in their decision of the proceedings relative to the brig schooner "*Brilhante*," captured by the English brig of war "*Wizard*," respecting the national character of that vessel, although agreeing with him as to the destination of the Africans found on board, finds himself under the necessity of stating the proofs on which he rested his non-conformity with those offered by his aforesaid colleague:—

1st. That this brig, formerly the "*Valeria*," belonging to the United States of America, was sold in this city to a Portuguese subject, Jozé Vieira de Mattos, as is seen by the bill of sale, passed at the Portuguese Consulate, an authentic copy of which exists in the proceedings.

2nd. That the Consul afterwards proceeded to the necessary formalities on board, to enable this vessel to hoist the necessary Flag, and entitle her to be considered Portuguese, in order to her obtaining, in July 1836, as she actually did, from the Envoy Extraordinary and Minister Plenipotentiary of Portugal, resident at this Court, as well as from the Brazilian authorities, the proper passport and

other customary papers, to proceed on her voyage to the port of Angola, of which also there are authentic documents, as well as of the Provision Registry made in the Portuguese Consulate, in conformity with the maritime code of that nation.

3rd. That this vessel was furnished with the proper papers, issued by the Governor of Angola, as Portuguese property belonging to the aforesaid Mattos, at the time of her detention.

Having, then, shewn that the brig in question is Portuguese property, she having been navigated, both in the voyage she undertook from this port to Angola, and on her return voyage, with regular papers, it remains to be shewn whether the reasons offered by his colleague afford sufficient proof, against authentic documents, to admit of a doubt of the true national character of the vessel, and whether she can be reputed Brazilian, having originally been American.

The proofs offered by his colleague are—

The absence of a new registry in conformity with the express clause of the Provisional Register, which forbade the change either of the name of the vessel, of her masts, or even of the captain who sailed in her from hence, without a specific mention thereof being made in a new register.

The residence of the Portuguese, José Vieira de Mattos, who appears as the owner of this brig, in this city, and, further, his being a merchant here.

The vessel not having a Portuguese Captain, as required by the Convention, and a greater number of individuals being found on board, besides the passengers, than mentioned in the Muster-roll.

With regard to the first, although appearing to him more deserving of attention, yet it not being proved that the Governor of Angola had directed the execution of the last orders of the Portuguese Government, because the publication of them here in the "Jornal do Commercio" is not a sufficient proof that it had also taken place there, seeming more likely that such orders are not yet enforced there, because if so, the owner who here complied with the provisions of the code, would not have failed to do so there, nor would the Governor of Angola have considered that vessel as free and entitled to a passport to proceed on her voyage, if it had been also incumbent upon him to shew that he was in possession of the aforesaid register in virtue of the orders given by him to this effect.

As regards the second, it is a very doubtful fact in the opinion of the Brazilian Commissioner, because the simple declaration in the bill of sale, that the above-mentioned Mattos at that time resided in this city, and that of the American Consul in his certificate that he was a merchant here, cannot be taken as proof; not only because all the witnesses asserted (those who knew him) that this individual was actually established at Angola, but because nothing appears in the proceedings as to his commercial establishment in that city, either before or since that transaction, as would seem indispensable in order to apply to him, in consequence, the principle of temporary subject of Brazil, and, as such, to consider him amenable not only to the laws, but also to whatever Conventions the proper subjects of Brazil are liable to.

It would rather appear that he was precisely in the same circumstances of travelling merchant, without a fixed residence, as the owner of the "*Flor de Loanda*" was considered to be.

As to the want of a Portuguese captain, deduced from the circumstances of there being on board a Brazilian of the name of Joao Antonio Correa, who, living by the profession of pilot, appears to his colleague to be the real captain of this vessel, notwithstanding his coming as passenger and being called such in the passport given to him by the governor of Angola, the Brazilian Commissary Judge cannot concur in such a statement, because, besides that he cannot call in question the muster-roll of this vessel, nor the passport in which the Portuguese citizen, Antonio Jorge du Costa, is declared to be the captain, the fact of a letter being found addressed to the aforesaid Correa by his brother, with the direction, "Captain of the '*Brilhante*,'" and of a washing-bill, without date or direction, in which the same Correa calls himself so, does not appear to him sufficient proof to destroy the authentic documents with which this brig was navigating, nor even the additional fact that the same Correa, in company with two other brothers, proceeded from hence to Itaquahy, and from thence to Angola, and that he now appears jointly with one of those same brothers on board this vessel; because these coincidences, affording a bare presumption that, either directly, or as the agent of others, he is employed in the traffic of slaves, can never give a convincing proof that he is the real captain of the brig, and not the man who, as such, appears in the muster-roll and in the passport.

Considering therefore what has now been stated, the Brazilian Commissary Judge, although he is persuaded that the Africans were intended to be landed on some points of this coast, and that this vessel may possibly have been employed in this traffic in the interval between 1836 and the present time, cannot help, notwithstanding, in the absence of other proofs than those already referred to, recognising the "*Brilhante*" as Portuguese, and that this Commission is incompetent, under those circumstances, to decide upon the legality of her detention.

Rio de Janeiro, 15th June, 1838.

(Signed)  
JOAO CARNEIRO DE CAMPOS.

No. 115.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received September 14.)

(EXTRACT.)

*Rio de Janeiro, 14th July, 1838.*

WE have already had the honour of acknowledging the receipt of your Lordship's despatch of the 18th April, in which you transmit a copy of a letter addressed to your Lordship's 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, and call our attention to the statement of the delays which occur in the adjudication of Slave Vessels, in the Court of Mixed Commission.

CLASS A.

On this latter point, as well as on the great evils resulting therefrom, we have entered at large in our preceding despatches. It remains for us to notice the contents of the letter of Dr. Cullen to Lord Glenelg, which we shall endeavour to do with the utmost impartiality.

In the Doctor's statement there is much inaccuracy of detail, but also much of truth. This inaccuracy appears chiefly, (with the exception of what he relates of the "*Maria da Gloria*," and of the part which he attributes to the Mixed Commission in the landing of the blacks of the "*Rio de la Plata*," his ignorance of which cases is extraordinary,) in the dates and numbers he gives of the Africans imported, captured, and emancipated, and could easily be shown by reference to our official correspondence. But, as no practical good could now result from such an examination, we proceed to the consideration of his statement under the three main heads into which it may be most properly divided.

1st. The want of efficiency, the indecision, and negligence of the Mixed Commission, and the inefficacy of the system at present pursued for abolishing the Slave Trade on the coast of Brazil.

2nd. The abuses practised by those to whom the emancipated negro is hired out.

3rd. The notoriety and universality of the traffic, and the conduct of the Brazilian Authorities generally, and of Brazilian officers, in favouring it.

With respect to the first charge, the inefficiency of the Mixed Commission, and of the system at present pursued, no one, my Lord, can feel or deplore it more sensibly than ourselves; nor, we may be allowed to say, was the testimony of Dr. Cullen wanted on this point.

Her Majesty's Commissary Judge had not been very long at Rio de Janeiro, before the British Commissioners felt it incumbent on them to express their conviction, that the Convention had failed of its accomplishment, and that its immediate purpose had been defeated. This failure, as well as the inadequacy of the powers of the Commission, and the necessity of enlarging and extending them to the control and superintendence of the emancipated negro, till the moment of his acquiring his full and complete freedom, has been successively dwelt upon in our despatches.

How far such failure is imputable to the negligence or indecision of the members of the Mixed Commission, it is for your Lordship, on reference to the records of your office, to decide. To this we hope that, in justice as well to our predecessors as to ourselves, we may, without presumption, confidently appeal.

With regard to the second charge, the abuses practised by those to whom the emancipated negro is hired out, and the frauds devised to replace him in a state of permanent slavery, we beg leave to refer your Lordship to our despatches of the 10th December, 1834, and 27th July, 1835.

On the last head, viz., the conduct of the Brazilian Authorities in favouring the traffic in slaves, the Reports of this Commission for the last few years afford, unfortunately, but too abundant proof; and, on more than one occasion, we have noticed that misconduct on the part of Brazilian officers, which forms a prominent feature in the comments of Dr. Cullen.

There are two other points on which the Doctor incidentally touches, which, perhaps, we ought not to leave altogether unnoticed. The one regards what he calls "the instances of persecution exercised upon subjects of Her Majesty," on suspicion of their having in their possession newly-imported slaves; the other, the different system adopted by the late Admiral, Sir Michael Seymour, and his immediate successor, Sir Graham Eden Hamond.

The best reply, perhaps, that we can make to the former point is to cite the memorial presented by Dr. Cullen, and the answer which your Lordship was pleased to direct should be returned to it.

With respect to the second, it is a grateful act of justice on our part to the memory of Sir Michael Seymour, to add our testimony to the humanity shown by him in the cases alluded to. Under what instructions, or by what motives actuated, his successor followed "the wiser plan" which Dr. Cullen speaks of, it is not for us to inquire.

We might, not unnaturally, comment on the circumstance that these complaints against the Commission should have been addressed to a department with which, it is well known, we are not in correspondence, rather than to

your Lordship, under whom, the Doctor must have been aware, we had the honour of serving; but your Lordship's discernment will readily anticipate any observation on this head, and we have only respectfully to express the hope that this our reply will prove satisfactory, not less to your Lordship than to every member of Her Majesty's Government.

It will not, we hope, be regarded as irrelevant to this subject, although Dr. Cullen makes no such allusion, if we, in conclusion, again advert to the indirect, if it should not rather be called the direct, interest which British merchants and British capital, in Brazil, derive from the Slave Trade. With what but British goods is the African market, the freight which is to be bartered for the slave, supplied? With what, but slave-labour, are the works, originating in British capital and enterprise, carried on in this country? How are the various mines, which, but for similar support, would soon become inoperative, worked? Not by free, but by slave-labour.

These, and similar questions, my Lord, open, we are aware, a wide field for argument, and undoubtedly embrace the whole range of our commercial policy with this country. Into such it is not our province to enter; but it is impossible, in treating on this subject, to shut our eyes to their bearing upon it; more especially after witnessing, as we have lately done, the excitement in this capital, caused by the recent captures, and the scarcely concealed vexation and apprehension which such an indication of increased activity on the part of Her Majesty's Government, in the suppression of the traffic on this coast, has given rise to among the commercial body in general. The moment the seizures were known, claims for payment were abruptly pressed by persons calling themselves British as well as French merchants, on those who had taken their goods. The constant answer was, "Go to the British Commissioners, let them release our vessels and property, and then, and not till then, shall you be paid." With this answer they were obliged to be content; and, indeed, we have been assured that it is no uncommon practice, which however we do not undertake to vouch for as a fact, with some of the commission-houses here, of Liverpool, Leeds, Manchester, and Birmingham, to sell their goods, intended for the African market, on conditional terms; the debt to be acquitted, in part or in whole, according as the adventure may ultimately prove successful or otherwise.

The system of insurance, too, in these slave transactions, is fully established, some of the first foreign houses here taking part therein. But it is right to add, that we have never heard the name of any British subject being thus implicated.

No. 116.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)*

MY LORD,

*Rio de Janeiro, 30th July, 1838.*

IN our Despatch of the 14th instant, we had the honour to inform your Lordship of our having determined formally to enter our representation respecting embargoes on the minutes of the Court.

Since that time the subject has not even been alluded to by the Brazilian Commissary Judge; but we received, on the 21st instant, an official letter from Her Majesty's Chargé d'Affaires, a copy of which we enclose herewith as also of the reply which, under all the circumstances of the case, we have thought it our duty to return to Mr. Ouseley's recommendation.

Your Lordship will doubtless hear from that gentleman fully on this subject; and, as we are ignorant of any other grounds for the same than that contained in the letter itself, and are, moreover, unacquainted with the course which it may now be intended to pursue with regard to the "*Brilhante*," we abstain from doing more than referring your Lordship to the reasons, stated in our reply, which induced us to decline following the proposed suggestion; and have

only to add our hope, that our determination will meet with your Lordship's approbation.

We have, &c.  
(Signed)

GEORGE JACKSON,  
FREDERICK GRIGG.

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

First Enclosure in No. 116.

*Mr. Ouseley to Her Majesty's Commissioners.*

GENTLEMEN,

*Rio de Janeiro, 21st July, 1838.*

ON the receipt of your note of the 9th of July, and its enclosures, I had an interview with the Brazilian Minister for Foreign Affairs, and was in hopes, from the opinion then expressed by M. de Monteiro, that the Brazilian Commissioner might be instructed not to insist upon the exact observance of the "Portaria" relating to embargoes.

A delay occurring, however, in ascertaining the decision of the Imperial Government on this point, Her Majesty's Commissary Judge considered it his duty formally to present the paper, which having been taken into mature consideration by the Brazilian Government (as I am informed by M. Monteiro), they are, notwithstanding the opinions urged in that paper against the admission of embargoes, of opinion that their reception is indispensably required by the forms of Brazilian Law.

I, therefore, in order to avoid any further and indefinite delay, much inconvenience and suffering having already been occasioned by the long detention of the "*Brilhante*," strongly recommend that the embargoes offered in the case of that vessel should be, in this particular instance, allowed to be taken into consideration, according to the peculiar forms of Brazilian law, the observance of which has hitherto been submitted to by the Mixed Commission Court, although never recognised by Her Majesty's Government.

As, however, it is possible that the consent, in this instance, of Her Majesty's Commissary Judge to admit the embargoes may be misconstrued into an acquiescence in a system fraught with so much delay, and which cannot be reconciled to the letter or spirit of the Convention under which the Mixed Commission Court is formed, it will be necessary carefully to guard against any such misconstruction, by expressly protesting against a precedent for the future reception of embargoes, in other instances, being established by a concession, which is only advisable on account of the extreme urgency and the peculiar circumstances of the case of the "*Brilhante*."

I have the honour to be, Gentlemen,

Your most obedient servant,

*Sir George Jackson and Frederick Grigg, Esq.,*  
&c. &c. &c.

(Signed)

W. G. OUSELEY.

Second Enclosure in No. 116.

*Her Majesty's Commissioners to Mr. Ouseley.*

SIR,

*Rio de Janeiro, 23rd July, 1838.*

WE have to acknowledge the receipt of your Official Letter of the 21st instant, in which you inform us, that, contrary to the hopes you had been led to entertain from the language held to you by M. Monteiro, in the interview which you had with him, on the receipt of our letter of the 9th of this month, the Brazilian Government, having taken into mature consideration our representation on the subject of embargoes, are still of opinion that their reception is indispensably required by the forms of Brazilian law.

To this information you add, that, in order to avoid any further and indefinite delay, you strongly recommend, that the embargoes offered in the case of the "*Brilhante*" should be, in this particular instance, allowed to be taken into consideration; and you observe, further, that it will be necessary carefully to guard against any such admission being misconstrued into an acquiescence in the system, by expressly protesting against it as a precedent in other instances.

In our letter of the 9th instant, written in the uncertainty whether you might not possibly be furnished, Sir, with special instructions on the subject of embargoes, which might supersede those received by us from Viscount Palmerston by the last packet, we stated that, unless officially requested by you to follow a different course, Her Majesty's Commissary Judge would feel it to be his duty to regulate his conduct in conformity to the representation above-mentioned: as, however, it does not appear, from your last letter, that you have any such instructions, and as your recommendation to us to admit the embargoes in the case of the "*Brilhante*" rests solely on the expediency of avoiding any further and indefinite delay, in addition to the inconvenience and suffering already occasioned by the long detention of that vessel, it becomes our duty to consider well how far we should be justified in deviating from the aforesaid instructions.

From the enclosed extract from these instructions, you will observe that their tenor is most explicit and positive, and that, though written in contemplation of an alteration of the law, on the point in question, being proposed to the legislature, we are forbidden to allow such an intention on the part of the Brazilian Government to induce us to acquiesce in permitting the practice of embargoes to continue.

The case, as it now presents itself, is, as far as we understand it, Sir, still stronger. Not only had the above instructions reference to an assurance given so long ago as March 1837, and which, up to

the last moment of the existence of the Ministry under which it was given, was never more heard of; but that Ministry has been succeeded by one who have allowed a great portion of the present session to pass, without even attempting to give effect to it, and who, professedly formed on opposite principles from those of their predecessors, may not, perhaps, consider the pledge as binding upon them.

On the other hand, should we, from a consideration of the inconvenience which you point out, disobey the injunctions of Viscount Palmerston, and agree to the concession, *pro hac vice*, the same inconvenience, attended with increased embarrassment, might recur to-morrow, as it is quite certain, that, so long as the practice shall be allowed, no sentence would ever be pronounced by the Court of Mixed Commission which would not, on the one side or the other, be impugned by the same process, the mischief of delay consequent thereupon being, in either case, equal.

The recent instance of the "*Cesar*" is strongly in point. The objection of Her Majesty's Commissary Judge to concede the delay demanded in that case, rested, it is true, on different grounds, but the sole object sought by the presentation of embargoes, and which, had the required security been given, would infallibly have been attained, was the same—namely, a delay to the utmost extent permitted, in any possible case, by the convention.

However strongly the protest accompanying the concession might be worded, still such concession could hardly fail to be taken, and urged, as a precedent; at least till such time as reference could be had to Her Majesty's Government; nor, indeed, do we see how it would be possible for us to yield the point in this particular instance, and withhold our acquiescence in the continuance of the same practice, during the interval that must elapse before an answer can be received from England to our present despatches.

After giving, therefore, the most anxious consideration, Her Majesty's Commissary Judge has come to the conclusion that it is imperative upon him to refuse any longer to receive embargoes; and we cannot but hope that means may be found, by hiring, if necessary, some merchant ship or hulk, as suggested by Viscount Palmerston's prior instructions, which, with the aid of a competent and responsible guard from the flag-ship, may provide as well for the welfare as for the security of the Africans on board the "*Brilhante*" no less effectually than if they were at once disposed of and distributed in the usual way.

We have the honour to be, &c.

(Signed)

GEO. JACKSON.  
FRED. GRIGG.

W. G. Ouseley, Esq.,  
&c. &c. &c.

No. 117.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)*

MY LORD,

*Rio de Janeiro, 30th July, 1838.*

THE recent address of the House of Commons to Her Majesty, on the subject of the Slave Trade, was published here with the observations of the London editor, as soon as received, and the public were, at the same time, told pointedly, that the address had been voted unanimously.

This publication had not long been made before two articles appeared in a leading paper of this city, commenting on the same; from which, as the writer is professedly hostile to the traffic, we have translated the enclosed extract, not so much for any particular novelty of matter apparent in it, as because it shows the real feeling in this country, even among those most favourable to our policy on this question, and because it tends to confirm much of what we have previously had the honour of laying before your Lordship.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

Enclosure in No. 117.

*Translated Extract from a Newspaper.*

These observations ought not to pass without examination, their object being of the greatest importance to Brazil; of all countries perhaps that where the cessation of the traffic would compromise the greatest interests. That these interests are opposed to such a measure is shown by the proposal of concert with the Allies of Great Britain; as also the difficulty, if not impossibility, we regret to say so, of carrying it into effect.

The interests of commerce, instead of tending to the abolition of the traffic, are, on the contrary, opposed to its discontinuance, as to a measure which would bring with it the ruin of great and numerous private and public fortunes.

Brazil principally would feel a great and immediate want of hands, a considerable diminution of her produce, and, consequently, a falling off in her commerce and public revenue.

The only State which could be a gainer by the cessation of the trade in slaves by sea, is Portugal, because by it she would acquire in her African dominions a greater supply of hands, and at a cheaper

rate, with which, by means of wise measures towards the formation of agricultural societies, of colonisation, and the granting of privileges to this branch of industry, she might prodigiously and rapidly develop the culture of those articles, which spring and grow there spontaneously: but, on the other hand, the losses which her commerce would sustain by this measure would also be great, the evils would be certain and immediate; the benefits uncertain and more remote.

Even British commerce would have to undergo great losses; and numerous would be the English fortunes ruined by the total, sudden, and effectual abolition of the traffic.

To be convinced of this, it is only necessary to consider the great number of English houses with immense capital that are concerned, both in this and other slave-holding countries, in transactions with the slave-merchants. Houses which would be themselves utterly ruined, and would bring with them the ruin of others, so soon as those transactions should cease, by the wants of a *débit* for that kind of goods, by the failure of payments, by bankruptcies, and by all those disasters, which the sudden annihilation of an extensive and complicated branch of commerce always entails.

The evil of slavery, rooted as it is in the very essence of a country, cannot be suddenly torn up without great disasters; without great social shocks, which it behoves the respective Governments to avoid.

The means proposed by the House of Commons are not, unfortunately, that which can produce this great revolution in the habits and interests of so many nations; or extirpate this frightful evil; or wash out a stain which in the 19th century is a disgrace.

The following are those which, we think, England should employ.

To use her influence with those countries and legislatures where slavery obtains, for the adoption of proposals tending to establish a general and efficient system of agricultural colonisation; to promote, in concert with those Governments, aided by other measures, powerful companies for this object;—thus to obtain for our inland tracts, a free, labouring, and moral population, and facilitate to our planters, and those of other American States, the acquisition of free hands, careful, used to cultivation and to rural habits; thus substituting and rendering it practicable to dispense with slave-labour, without detriment to agriculture and to public and private wealth; to endeavour also in this way to aid the Portuguese Government in carrying civilization, liberty, and productive labour to the centre of Africa; to suggest at the same time, and assist, general measures for the gradual emancipation of slaves, and for the formation of establishments of industry in Africa, in order to receive them when free, and concur in transporting them to those establishments; and finally to attempt to form bonds between the Governments and the people, to expend those enormous sums to employ her fleets to bring to the States of America, and to carry to those of Africa, those elements of liberty and civilization.

If the British Government were to employ these means, it would attain its end without putting in peril the industry and wealth of so many nations. Its glory would be unequalled, it would not rest on an Utopian base, without any useful result, but on the greatest and most efficacious service done to humanity.

As regards Portugal and South America, we are told the best corrective is force.—Force! to oblige people to give up habits to which are linked essential interests—the fortunes of all its citizens—its social existence. Force! to compel a change in the economy of a whole continent of numerous independent States.

This can be only an idea of the writer, belied by history and by common sense. He seems to forget the distances which separate Mexico, Brazil, Buenos Ayres, Chile, and the Californias, from the Continent of Europe; to be unmindful of the relative situation of the nations of America with Great Britain; of the effects of such distance; of the power of the relations and the interests of industry to frustrate any crusades against independent people, because they profess this or the other principle of administration, this or that practice, within their own territories.

There is, now-a-days, a power superior to, and irresistible to such coalitions; the spirit of commerce, before which every other expediency falls; all measures taken so as to oppose this power must necessarily fail; and those proposed by the House of Commons, having this defect, cannot certainly attain its object.

No. 118.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)*

(EXTRACT.)

*Rio de Janeiro, 1st August, 1838.*

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 30th April, 1838, transmitting for our information, the copy of a despatch from Her Majesty's Consul at Lisbon, inclosing the translation of a "Portaria" from the Portuguese Minister of Marine, of the 2nd of March, 1838, as also of the circular addressed to the Portuguese Consuls in the ports of Brazil, of the same date.

The instruction which, having referred these papers to Her Majesty's law-adviser, your Lordship is pleased to give to Her Majesty's Commissioners upon the subject of them, we shall not fail implicitly to abide by, in the case of any vessel which may be brought before us for adjudication; and, although your Lordship has not distinctly directed us to do so, we have thought it right to lose no time in entering it officially on the minutes of the Court, and inviting the concurrence of our Brazilian colleagues therein; and it affords us,

my Lord, no little satisfaction to find that in the sentence on the "*Brilhante*," we, to a certain extent, anticipated the rule which your Lordship has now been pleased to lay down for our guidance.

No. 119.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)*

MY LORD,

*Rio de Janeiro, 3d August, 1838.*

IN our despatch of the 30th ult., we had the honour of transmitting to your Lordship copies of two letters, which had passed between Her Majesty's Charge d'Affaires, and ourselves, relative to the admission of the embargoes offered to the sentence of the Court in the case of the "*Brilhante*."

We had just closed our despatch, when the Brazilian Commissary Judge presented a "Portaria," dated 28th July, 1838, addressed to him by the Minister for Foreign Affairs, enclosing copy of a note to Mr. Ouseley, in both which papers the practice of receiving embargoes is insisted on, so long as the point shall not be permanently settled.

As your Lordship will, doubtless, receive from Mr. Ouseley a copy of the note in question, we confine ourselves to sending herewith the "Portaria," only, in original and translation.

Before the Court broke up, we received a second letter from Her Majesty's Charge d'Affaires, "officially requesting us," notwithstanding our previous communication to him, to admit the embargoes in the instance of the "*Brilhante*."

A copy of this letter, and of our reply, we have also the honour to subjoin; and, in pursuance of the course stated at the end thereof, after personal discussion with Mr. Ouseley, we offered at the meeting of the Court on the 2nd instant, to receive the embargoes in question, conditionally. The terms in which this offer was made, and received by our colleague, appear in the annexed Minute of that date.

In adopting this course, it has been our anxious endeavour to reconcile that strict obedience to your Lordship's instructions, which it is our paramount duty to observe, with the attention which is due to the representation of the head of Her Majesty's Mission, so much more competent from his situation than we can be supposed to be, of judging what is most likely to promote the general views of Her Majesty's Government; and, whatever may be the result, we venture to hope, that, in so far relaxing from the letter of your Lordship's instructions, we shall not be deemed to have exercised an improper discretion.

We have, &c.  
(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

First Enclosure in No. 119.

(Translation.)

*The Minister for Foreign Affairs to the Brazilian Judge.*

I transmit to you, for your information, the copy of a note which I addressed on the 26th instant to the Chargé d'Affaires of Her Britannic Majesty at this Court, informing him that the Imperial Government insisted on the practice hitherto observed by the Mixed Brazilian and English Commission, of receiving embargoes offered to their sentence, so long as the principle which forms the subject of the objection of the British Commissary Judge shall not be permanently settled.

God preserve, &c.  
(Signed) ANTONIO PEREGRINO MACIEL MONTEIRO.

*Palace, 28th July, 1838.*

To Senhor JOAO CARNEIRO DE CAMPOS.

A true Copy.

(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

A true Translation.

JOHN BAPTIST COSMELLI,

*Interpreter ad hoc to the Mixed Commission.*



## Second Enclosure in No. 119.

*Mr. Ouseley to Her Majesty's Commissioners.*

GENTLEMEN,

*Rio de Janeiro, July 26, 1838.*

I HAVE received your Note of the 23rd instant, (together with its enclosures) in which you decline to admit, as strongly recommended by me in my note of the 21st, in the exceptional case of the "*Brilhante*,"—certain embargoes, under an express stipulation that such concession shall not be regarded as a precedent.

The grounds upon which you consider it your duty to refuse the admission of the embargoes in question, are, in the first place, the nature of your instructions from Her Majesty's Secretary of State, and also the consideration that a concession, *pro hac vice*, might entail upon you the necessity of admitting embargoes in future cases, or incurring similar inconveniences attended, as you affirm, with increased embarrassment, the occasion for which might recur to-morrow. You consider that a protest could scarcely be so worded as not to allow of its being taken and urged as a precedent for the continuance of the practice, in which you would, you think, be obliged to acquiesce, at least until reference were had to Her Majesty's Government.

Finally, you recommend, rather than allow the embargoes, in this instance, to be received, to place the Africans in a hired merchant ship, or hulk, for an indefinite period.

The object to be attained by the refusal of the embargoes, being to avoid all unnecessary delay, and the consequent inconveniences and suffering, in carrying into execution the sentences of the Mixed Commission, it would, in the instance of the "*Brilhante*," be incurring a certain further delay, and probably, one of extreme duration, in the case of a vessel that has already been for a very considerable time under adjudication; nor do I perceive, that in the event alluded to by you, of the possible capture of another vessel, (supposing similar circumstances to arise out of its trial) the inconveniences of the anticipated case would be at all diminished by leaving those of the "*Brilhante*" still in existence.

I cannot agree with you in opinion, that no protest can be so worded as to avoid the possibility of an exceptional concession in this instance becoming a precedent. The trial of the "*Brilhante*" began some weeks before the positive instructions on which you now proceed arrived, and sentence was pronounced before they could be acted upon. No formal notification, consequently, had been, or could be given of the positive refusal on our part in future to admit of embargoes. The position of the question, therefore, in relation to any new case that may occur, will not be exactly similar, as notice will have been previously given to the Brazilian Government, as well as to the parties concerned, of the intentions of Her Majesty's Commissioners to refuse the admission of embargoes.

It by no means follows, therefore, that acquiescence, *pro hac vice*, will necessitate "the continuance of the same practice indefinitely," and still less, "during the interval that must elapse before an answer can be received from England to your present despatch," inasmuch as the principle to be established for the future being perfectly clear, and your right to insist upon it remaining unimpaired, no occasion for immediate reference to Her Majesty's Secretary of State exists, the case of the "*Brilhante*" being exceptional. Moreover, although the Brazilian Government, in the case of the "*Brilhante*," do not consider it possible to refuse the admission of the embargoes, they expressly reserve in their official communication to me, the point in question for future consideration, with a view to satisfactory arrangement. It will, of course, be my endeavour to induce the Brazilian minister to accede to the principle laid down by the Queen's Government; nor is it requisite for that purpose to await the capture of another vessel, nor to detain the Africans found on board the "*Brilhante*," until further instructions may be received by Her Majesty's Commissioners.

In order, therefore, to avoid a certain further delay in the present case, and, inasmuch as the future right to refuse the embargoes remains in full force, taking also into consideration the circumstances of the trial of the "*Brilhante*" having been, in fact, nearly completed before the intention of refusing the embargoes was formally announced, as also the reservation of the point for future consideration by the Brazilian Government, and the possibility of concluding a satisfactory arrangement of the question, before another case may arise for adjudication, I think it my duty officially to request that you will act as was strongly recommended in my note of the 21st instant, and admit, in this instance, the embargoes, carefully guarding against this exceptional concession being interpreted as a precedent for future cases.

I have the honour to be, &amp;c.

(Signed)

W. G. OUSELEY.

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

## Third Enclosure in No. 119.

*Her Majesty's Commissioners to Mr. Ouseley.*

SIR,

*Rio de Janeiro, 30th July, 1838.*

WE were about to inform you of the presentation of a "*Portaria*" this day by the Brazilian Commissary Judge, from the Minister for Foreign Affairs, transmitting, for his information, the copy of his Excellency's note to you of the 20th of this month, when we received your official letter, dated the 26th instant.

From the tenor of this "*Portaria*," and of its enclosure, we were the more confirmed in the propriety of the resolution announced to you in our last letter, because M. Maciel Monteiro, while professing the readiness of the Imperial Government to settle permanently the question relative to the admission of embargoes, and to observe from the moment of such settlement whatever should be agreed upon, seems to lose sight of the grounds on which their exclusion has hitherto been resisted by every successive ministry, viz., the necessity of a recurrence to the legislature; and, without either affirming or denying that necessity, or pledging himself in the former hypothesis to bring the question before them, speaks only of reserving its discussion for another and indefinite opportunity, enjoining the

observance of the practice hitherto followed, so long as the principle objected to by Her Majesty's Commissary Judge shall not be definitively decided.

In the letter which, under date of the 26th instant, we have received from you this day, you state that you think it your duty officially to request, that we will admit the embargoes in this instance of the "*Brilhante*," and you ground this request,—

1st. On the expediency of avoiding a certain further delay in the present case, and which would probably be one of extreme duration.

2nd. On the consideration, that the future right to refuse embargoes would not be impaired by conceding them in the present case, no formal notification, of the positive refusal on our part to admit of embargoes in future, having been made before the sentence on the "*Brilhante*" was pronounced; and,

3rd. On the expectation of a satisfactory arrangement of the question being concluded, without further reference to Her Majesty's Government.

With respect to the first point we can add but little to what we have already stated; so far, however, from considering that "the inconveniences of the anticipated case would be at all diminished by leaving those of the '*Brilhante*' still in existence." Our argument proceeded on the increased embarrassment, which would be caused in any future case by present concession; on the necessity of taking our stand at some given period, and on the belief, that a better moment than the present could not be chosen for that purpose; and that the course now to be adopted should be considered with reference, not so much to the inconveniences which may result from it, as regards the "*Brilhante*," as to the mischief which might follow in a future case, should such stand not now be made.

On the second point, we have to observe, that the instructions from Her Majesty's Secretary of State reached us on the 14th June, and that we lost no time in acquainting our colleagues with their purport. Embargoes were then before the Court, in the case of the "*Flor de Loanda*," and the first intention of Her Majesty's Commissary Judge was to act immediately on those instructions, which he had, in fact, anticipated in his official statement to the Court, so early as the 28th May; but he was subsequently induced to alter that intention, as well on the grounds now urged by you, and which, in the case of that vessel, applied with much greater force, as from the consideration pressed upon him by his Brazilian colleague, that those embargoes, though neither, at that moment, followed up by the Proctor, nor acted upon by the Court, had, in fact, been for a long time before it. In admitting them, these reasons were distinctly stated, with the intimation, that in no future case—the "*Brilhante*" being then under adjudication—could the British Commissary Judge agree to receive embargoes; and on the following day, the 20th June, our paper of that date, to which the "*Portaria*" of the 9th instant was a reply, was formally recorded and communicated to the Imperial Government. Sentence on the "*Brilhante*" was not passed till the 25th June; and the presentation of embargoes to that sentence was delayed so long, that the British Commissioners began to hope, that, in consequence of what was known to be their determination, none would have been offered.

The third consideration suggested by you, we deem it to be beyond our province to discuss on the present occasion; or we should remark that the impossibility to refuse the admission of embargoes, alluded to in the note, now for the first time communicated to us, is not confined to this particular case of the "*Brilhante*," and that neither the terms of the note, nor the actual position of this country, appear to us to afford any very sanguine grounds for expectation that a course, more in accordance with her engagements with Great Britain on all matters connected with the Slave Trade than that hitherto followed, is likely to be pursued by the present Government.

Still, however, we are not, Sir, less desirous than yourself to avoid the delay you deprecate; and it has occurred to us that it may be possible for you, if the Imperial government are really deserving of the confidence which you seem inclined to repose in them, in this instance, to obtain a formal and distinct assurance, in the nature of an express stipulation, that, supposing Her Majesty's Commissioners to acquiesce, *pro hac vice*, in the admission of embargoes, such exceptional concession shall not be taken as a precedent, in the event of any other case occurring before ulterior instructions may be received from the Queen's government.

With such an assurance we would venture to act as you recommend; but, without it, we should not feel ourselves justified in doing so.

We might ourselves propose this stipulation to the Brazilian Commissary Judge; and shall, as a last resource, not fail to do so before finally closing this discussion; but it is evident that, unless previously instructed by his government to agree thereto, it would have no practical effect; and we therefore offer the suggestion for your consideration, as the only effectual way, in our opinion, of guarding against the concession being taken and urged as a precedent for future cases.

We have the honour to be, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

W. G. Ouseley, Esq.

#### Fourth Enclosure in No. 119.

(Translation.)

*Declaration made by the British Commissary Judge at the sitting of the Court on the 2nd August, 1838.*

THE British Commissary Judge declared that, being desirous of obviating the inconveniences which may result from the delay in the decision of the proceedings of the brig "*Brilhante*," suspended till now by his objection to admit the embargoes offered to the sentence pronounced against that brig; and seeing by the copy of the note which accompanied the despatch addressed to his colleague, the Brazilian Commissary Judge, on the 28th ultimo, by the minister Secretary of State for Foreign Affairs, that the decision of such objection may very shortly be expected, through the intervention of Her Majesty's mission at this Court, he proposes to his Brazilian colleague to receive and decide the aforesaid embargoes, provided he will give him an assurance, that this practice shall definitively cease for the future, or that their present admission shall not serve as a precedent for such a resource being allowed henceforward.

The Brazilian Commissary Judge replied that, finding himself bound by the instructions recently received from his government, it was impossible for him, of himself, to come to any decision respecting this declaration; and that he would bring, afresh, this new circumstance to the knowledge of his government.

No. 120.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received September 24.)

MY LORD,

Rio de Janeiro, 4th August, 1838.

DURING the last four mouths, not fewer than 19 vessels have entered this port, in ballast, from the eastern and western coast of Africa, under the Portuguese flag; every one of which, after undergoing the usual process of examination by a justice of the peace, has been declared to have incurred no criminality, and has been almost immediately released.

There can be little doubt, that each of these vessels has imported a cargo of slaves into this country, some in very large numbers; and it is probable, that, had they been detained by Her Majesty's cruisers, and brought before this court, they would have been, for the most part, condemned; as almost all, we know, sailed hence subsequently to the publication of the Portuguese decrees; and though, as in the case of the "*Flor de Loanda*," the captors might possibly with regard to some, have failed in producing proof to justify their being dealt with as Brazilian, yet the chances are that the majority would not have been so fortunate; and we cannot but hope, that, when your Lordship's recent instruction shall be acted upon, it will have the effect of preventing that flagrant violation of the laws, both of Brazil and Portugal, which, till now has been daily passing before our eyes.

For this purpose, however, an additional number of fast-sailing cruisers on this coast becomes indispensable; as we cannot too often repeat our conviction, that little or no co-operation can be expected from the Brazilian Navy, more especially under the actual circumstances of this country; and consequently, that, unless British vessels of that description be appointed, for the express purpose of detaining all suspicious craft on this coast, every other measure which may be projected will be in vain.

We have, &amp;c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

No. 121.

*Her Majesty's Commissioners to Viscount Palmerston.*—(Received September 24.)

MY LORD,

Rio de Janeiro, 7th August, 1838.

WE have the honour to enclose herewith, the translation of a Despatch from the Brazilian Minister for Foreign Affairs, to the Brazilian Commissary Judge, of the 4th instant, acknowledging the communication by him of your Lordship's instruction of 30th of April, 1838, respecting vessels entitled to be considered as Portuguese, and informing him that the Imperial Government would take the same into consideration, and acquaint him afterwards with their determination.

We have, &amp;c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 121.

*The Minister for Foreign Affairs to the Brazilian Judge.**Presented on the 6th August.*

SIR,

ACKNOWLEDGING the receipt of the despatch addressed to me by you on the 3rd instant, transmitting a copy of the instructions presented by the British Commissioner at the sitting of the preceding day, I have to inform you that the Imperial government will take into consideration the subject of those instructions, in order afterwards to communicate to you the determination they may come to respecting them.

God preserve, &amp;c.

(Signed)

Palace, 4th August, 1838.

ANTONIO PEREGRINO MACIEL MONTEIRO.

SENHOR JOAO CARNEIRO DE CAMPOS.

No. 122.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)*

MY LORD,

*Rio de Janeiro, 9th August, 1838.*

WE regret to have to report, that the Imperial Government has declined to authorize its Commissioner to concur in a declaration, that, supposing the court to admit the embargoes in the case of the "*Brilhante*," such admission should not serve as a precedent. We have the honour to transmit herewith, a copy and translation of the Despatch of the Minister for Foreign Affairs, to Senhor Joao Carneiro de Campos, signifying such decision, and requiring him to sustain the vigorous observance of the principles on which his Excellency's note, of the 20th ultimo, to Her Majesty's Chargé d'Affaires, was founded.

In presenting this reply, the Brazilian Commissary Judge strenuously endeavoured to persuade his colleague to be satisfied with the assurance, that the Government of Brazil were ready to negotiate on the subject, and with an engagement on his part to press upon them the necessity of doing so without delay; but Her Majesty's Commissary Judge, conceiving that, in his proposal of the 2nd instant, he had gone to the utmost extent, if not beyond, what he would, but for the peculiar circumstances of the case, have been justified in agreeing to, expressed his regret, that he had now no alternative but to abide strictly by his instructions; and entered his decision, on the minutes, in the terms expressed in the enclosed paper.

We do not venture to anticipate any change on the part of the Imperial Ministry; but we may remark, that, as your Lordship will perceive, the Brazilian Commissary Judge, instead of proceeding at once as threatened, to enter a formal protest against Her Majesty's Government, making them responsible for all the consequences of the delay, contented himself with replying that he would inform his Government of the statement made by his colleague.

Much discussion occurred on the communication of the above refusal of the Imperial Minister, in which great stress was laid on the heretofore tacit acquiescence of the British Government in the practice of embargoes, which, our colleague contended, might justify his Government in considering the point as settled; and in which, moreover, he complained that the determination no longer to admit such practice should have formed a peremptory instruction to the British Commissioners, instead of being made matter of negotiation between the two Governments, in the same way as had been practised with reference to other points, not embraced in the convention, although arising out of it.

We replied, that that very observation at once constituted and explained the difference of the proceeding. Had Her Majesty's Government been seeking anything new, not comprehended in the words of the Convention, as, for example, the question of temporary residence, or the more recent interpretation to be put on the late decrees of Portugal, such a course, as our colleague suggested, would naturally have been followed; but that it was because both the letter and the spirit of the Acts under which the Commission sits, enjoin the course we were contending for, that it was left to the Commissioners to require, on their part, its observance. With regard to the assumed acquiescence of the British Government in the practice in question, we observed that its silence for some time was to be accounted for by the circumstance, that for several years so few cases had been submitted for adjudication, but that we had not ceased for the last four or five years from protesting against the practice.

It was not for us, my Lord, to observe upon the assurance of the readiness of the Brazilian Government to negotiate upon this subject, or on the facility which our colleague assured us the Minister would find, when more at leisure, in submitting the proposed alteration to the Chambers, and obtaining their sanction to it; or we might have called his attention to the fact that, to this day, the additional Articles have not been so submitted, and that the pledge given by the Brazilian Minister for Foreign Affairs, to His Majesty's Minister, in March, 1837, to bring the former subject before the legislative body, remains yet unredeemed.

From any such remarks, however, we thought it better to refrain, and simply observed, that the non-admission of the embargoes would not prejudice

or interfere with such negotiation, and that if the arrangement of the question was likely to be as speedily effected as was contemplated, the further inconsiderable delay, compared with what has already occurred, would not be very material, the more so as the "*Brilhante*" is a very fine vessel, and the Africans on board are reported as comparatively healthy.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

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First Enclosure in No. 122.

*Translation of a Note from the Brazilian Minister for Foreign Affairs to Senhor Joao Carneiro de Campos.*

I ACKNOWLEDGE the receipt of the despatch you addressed to me under yesterday's date, stating that the English Commissary Judge of the Mixed Commission declares, that he will only decide the embargoes relating to the "*Brilhante*" in case of his being assured that such resource shall definitively cease, the decision now taken not to serve as a precedent for the future; and in reply I have to signify to you, that having already communicated to you the note which I lately addressed to Her Britannic Majesty's Chargé d'Affaires on this subject, it is proper that you maintain the rigorous observance of the grounds on which that note rests. God preserve, &c.

*Palace, 4th August, 1838.*

(Signed)

ANTONIO PEREGRINO MACIEL MONTEIRO.  
SENHOR JOAO CARNEIRO DE CAMPOS.

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Second Enclosure in No. 122.

(Translation.)

*Sitting of 8th August, 1838.*

THE question of the expediency of deciding forthwith the embargoes presented by the owner of the brig "*Brilhante*" being brought forward by the Brazilian Commissary Judge, inasmuch as the imperial government had already replied to the objections made by the British Commissary Judge, the latter declared that, since his colleague was not authorised to concur with him in admitting this resource for this time only, so that the decision of the present embargoes shall not serve as a precedent for the future, and, being bound by the instructions of his government, he regretted that it was not possible for him to desist from the declaration, which he made on the 20th June last, when the aforesaid brig "*Brilhante*" was not yet adjudicated.

To which the Brazilian Commissary Judge replied, that he would bring this statement to the knowledge of his government. (Signed)

A true copy.

BRAZ MARTINS COSTA PASSOS, Secretary.

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No. 123.

*(Her Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 24.)*

MY LORD,

*Rio de Janeiro, 9th August, 1838.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 24th May last, transmitting for our information five copies of two Series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session, by Her Majesty's command.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

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No. 124.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 6th October, 1838.*

WITH reference to your Despatch of the 29th June last, I herewith transmit for your information a copy of a certified extract from the Log, kept by Lieutenant Graham E. Hamond, of Her Majesty's ship "*Rover*," while in charge of the "*Fleur de Loanda*," containing the information you require as to

the number of deaths which took place among the negroes on board that vessel, up to the date of the "Rover's" departure from Rio de Janeiro.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 124.

*Extract from the Log of Lieutenant Graham E. Hamond, of Her Majesty's Ship "Rover," in charge of the captured slave schooner "Flor de Loanda."*

Thursday, April 12, 1838,	8 A.M.,	buried a negro man.
Friday, " 13, "	" "	buried a negress girl.
Saturday, " 14, "	" "	buried a negro boy.
	P.M.,	buried a negress girl.
Sunday, " 15, "	A.M.,	died, a negro man.
	P.M.,	died, a negro man and a small infant.
Monday, " 16, "	A.M.,	died, a negro man.
	P.M.,	died, a negro boy.
	Midnight,	buried the above.
Tuesday, " 17, "	A.M.,	died, one negress woman.
	Midnight,	buried the above.
Wednesday, " 18, "	A.M.,	died, a negro boy.
	P.M.,	died, a negro boy.
	" "	died, a negro boy.
	Midnight,	buried the above.
Thursday, " 19, "	A.M.,	died, a negro boy.
	P.M.,	died, a negro man.
	Midnight,	buried the above.
Friday, " 20, "	A.M.,	died, a negress girl.
	Midnight,	buried the above.
Saturday, " 21, "	A.M.,	died, a negress girl.
	Midnight,	buried the above.
Sunday, " 22, "	A.M.,	died, a negress girl.
	" "	died, a negro boy.
	P.M.,	died, a negress girl.
	Midnight,	buried the above.
Monday, " 23, "	A.M.,	died, a negro man.
	" "	died, a negro man.
	Midnight,	buried the above.
Tuesday, " 24, "	A.M.,	died, a negress girl.
	Midnight,	buried the above.
Wednesday, " 25, "	A.M.,	died, a negress girl.
	P.M.,	died, a negro boy.
	Midnight,	buried the above.
Thursday, " 26, "	A.M.,	died, a negress girl.
	" "	died, a negro man.
	P.M.,	died, a negro boy.
	Midnight,	buried the above.
Friday, " 27, "	P.M.,	died, a negress girl.
	Midnight,	buried the above.
Saturday, " 28, "	P.M.,	died, a negro man.
	Midnight,	buried the above.
Monday, " 30, "	A.M.,	died, a negro man.
	Midnight,	buried the above.
Tuesday, May 1, "	A.M.,	died, a negress girl.
	Midnight,	buried the above.
Wednesday, " 2, "	A.M.,	died, a negro man.
	Midnight,	buried the above.
Thursday, " 3, "	A.M.,	died, a negro man.
	P.M.,	died, a negro boy.
	Midnight,	buried the above.
Friday, " 4, "	A.M.,	died, a negress girl.
	" "	died, a negro man.
	" "	buried the above.
Monday, " 7, "	A.M.,	died, a negro boy.
	P.M.,	died, a negro boy.
	Midnight,	buried the above.
Tuesday, " 8, "	A.M.,	died, a negro boy.
	" "	buried the above.
Wednesday, " 9, "	A.M.,	died, a negro boy.
	" "	died, a negro boy.
	Midnight,	buried the above.
Thursday, " 10, "	A.M.,	died, a negro boy.
	Midnight,	buried the above.
Friday, " 11, "	A.M.,	died, a negress girl.
	Midnight,	buried the above.

Saturday, May 12, 1838 A.M., died a negro boy.  
 " buried the above.  
 Tuesday, " 15, " A.M., died, a negress girl.  
 " died, a negress girl.  
 Midnight, buried the above.  
 Wednesday, " 16, " 7 P.M., received an order to rejoin Her Majesty's  
 ship "Red Rover," and to deliver up the charge of prize to Mr. Dyett,  
 Mate. Returned on board with prize crew, and arms.  
 (Signed) GRAHAM E. HAMOND,  
 Lieutenant Commanding.

*Abstract of Deaths occurring on Board the "Flor de Loanda," from April 11 to May 16, 1838.*

First week . . . . .	13 deaths,
Second " . . . . .	12 "
Third " . . . . .	8 "
Fourth " . . . . .	9 "
Fifth " . . . . .	5 "
Total . . . . .	47 in 5 weeks.

(Signed) GRAHAM E. HAMOND,  
 Lieutenant Commanding.  
 JOHN BARROW.

A true extract.

No. 125.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received October 23.)*

MY LORD,

*Rio de Janeiro, 21st August, 1838.*

AT one time we had some slight hope, that the Imperial Government would have so far given way to your Lordship's decision, on the point of embargoes, as to instruct its Commissioner to join with us in a declaration, that if admitted in the case of the "*Brilhante*," the concession should form no precedent for any future case; but any such expectation is now at an end; and we revert to the subject (in consequence of the blame which is imputed to our course in this business) only for the purpose of doing away with any erroneous impression, which the ambiguous wording of the despatch of the Minister for Foreign Affairs, to the Brazilian Commissary Judge, of the 4th instant, enclosed in our despatch of the 9th instant, might possibly give rise to.

Immediately on reading that despatch, it seemed to us that our declaration of the 2nd of August had been imperfectly understood, and that, instead of considering that paper as embracing, as it does, two branches, the alternative, comprised in the latter branch, had been entirely lost sight of by the Brazilian Minister. But, on mentioning this to our colleague, he assured us that no such misapprehension had existed; and, to prove that there could be none on this point, he showed to us, confidentially, the despatch which he had addressed to his Government, transmitting the copy of our declaration.

On the subject of the expectation, alluded to by us, in the above declaration, of a speedy settlement of this question by negotiation, we must refer your Lordship to Her Majesty's Mission, remarking that we introduced the allusion more with a view to strengthen the hands of Her Majesty's Chargé d'Affaires, than under any very sanguine expectation of a favourable result.

It remains for us only to wait the determination of your Lordship on this point, till the receipt of which no further steps, with regard to the "*Brilhante*," can, as we apprehend, be taken by Her Majesty's Government.

We have, &c.

(Signed) GEORGE JACKSON,  
 FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 126.

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

MY LORD,

*Rio de Janeiro, 5th July, 1838.*

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 have the honour to enclose a return of all the cases of vessels adjudicated in this Mixed British and Brazilian Commission, between the 1st January and 5th July, 1838.

We have, &c.  
(Signed) **GEORGE JACKSON.**  
**FREDERICK GRIGG.**

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

P.S.—27th August. We have suspended the transmission of the above, to be enabled to complete the return in all its particulars, which, till to-day, it has not been possible to do.

(Signed) G. J.  
F. G.

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## Enclosure in No. 126.

*Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission, established at Rio de Janeiro, between the first day of January, 1837, and the fifth day of July, 1838.*

Names of Vessel.	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 Loanda."	April 13, 1838.	Off Maricá	Islands.	Schooner and 289 slaves.	H. M. Sloop, "Rover," Commander Eden.	May 15, 1838. June 19, 1838.	299	. . . .	. . . .	Not taken cognizance of, being Portuguese.	
"Cesar."	April 13, 1838.	Off Maricá	Islands.	Brigantine and 207 slaves.	H. M. Sloop, "Rover," Commander Eden.	May 26, 1838. June 26, 1838.	207	5	202	Forfeiture.	Sold and moiety of net proceeds remitted to Her Majesty's Government.
"Brilhante."	May 13, 1838.	23 8 6 S. 42 46 W.		Brigantine and 250 slaves.	H. M. Brig, "Wizard," Lieutenant Bower, Commander.	June 25, 1838.	250	5	245	Condemned; but the Brazilian Government refuse to execute the sentence in consequence of British Commissioners' refusal any longer to admit embargoes.	

*Rio de Janeiro, 5th July, 1838.  
27th Aug. "*

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

No. 127.

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

MY LORD,

*Rio de Janeiro, 28th August, 1838.*

REFERRING your Lordship to our despatch of the 28th of June last, we have the honour to report, that, on the 30th ultimo, the Proctor, on the part of Commander Eden, in the case of the "*Flor de Loanda*," applied for, and obtained from the Court, the whole of the "Autos," or original documents in that case, "the sentence of the Court (so the application is worded) rendering it necessary, that the schooner should proceed elsewhere for adjudication."

At the above date, the total number of Africans surviving, belonging to this vessel, was 210, according to a return made by the officer in charge, on the delivery of the documents, and which the Court thought it incumbent on them to require, in consequence of the great mortality and loss of Africans, which have occurred on board of this vessel.

Beyond this, we have no means of giving your Lordship any certain information, nor can we at all account for the detention, for upwards for two months, of the "*Flor de Loanda*," in this harbour, after the definitive sentence of the Court was pronounced, no communication as to this fact, or to her ulterior destination, having been made to the Commission; but, in the Shipping List of the 24th instant, the name of the "*Flor de Loanda*" appears as having sailed for Sierra Leone, and that of Her Majesty's sloop "*Sparrow-Hawk*," as accompanying her.

If this be so, the absence of the only sloop-of-war at present on this station, at a moment, when, under your Lordship's late instruction, the vessels which are so continually entering this port from the coast of Africa might be liable to capture, is greatly to be lamented. We know not under what instructions the Commander of Her Majesty's naval forces on this station may be acting; but we thought it our duty, although not enjoying the advantage of any personal intercourse with him, to take care that he should be distinctly apprized of the state of the case, as regards all vessels *bonâ fide* Portuguese, as so clearly explained in your Lordship's late speech in Parliament on that subject, and of the impossibility of such being condemned under existing Treaties, for being engaged in the traffic in slaves to the south of the Line.

We have, &amp;c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&amp;c.

&amp;c.

&amp;c.

No. 128.

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

MY LORD,

*Rio de Janeiro, 5th September, 1838.*

IN the letter, 28th February, 1838, from Dr. William Cullen, to Lord Glenelg, a copy of which was enclosed in your Lordship's despatch of the 18th April, to Her Majesty's Commissioners, and which is also among the papers relating to the Slave Trade, presented to Parliament, there is the following passage respecting the slaves captured on board of the schooner "*Duquesa de Braganza*," and adjudged by the Mixed Commission to be emancipated:—

"The Brazilian Government advertised to hire out the survivors on apprenticeship for 14 years. Several gentlemen, English and French, 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, no one was served but the parties who had the hiring of them, and their immediate friends. *The only Englishmen who obtained any were those belonging to the Mixed Commission.*"

To this statement, I am warranted in giving, as far as I am alluded to, the

CLASS A.

most unqualified contradiction, inasmuch as, during the whole period of my service, I have never applied for, or received a single negro from the Brazilian Government, or any of its officers.

On the decease of Mr. Cunningham, in 1832, a negro of the name of Pedro, decreed to be emancipated, was removed from Mr. Cunningham's establishment to my service, with the consent of the "Curador;" but, as the man wished to change his mode of life, I returned him, and I understand from himself, that he is now employed in the Brazilian navy.

I have already laid this information before Her Majesty's Chargé d'Affaires at this Court.

I have, &c.

(Signed)

FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 129.

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

MY LORD,

*Rio de Janeiro, 13th September, 1838.*

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 9th June last, transmitting the copy of a resolution voted unanimously by the House of Commons, on the 10th May, 1838, for an Address to Her Majesty upon the Slave Trade, and a copy of the Answer, which, on the 23rd of the same Month, Her Majesty was pleased to return to that Address.

By these papers we rejoice to see the increasing and anxious desire of the Parliament and Government of Great Britain for the extinction of the traffic in slaves; and, whilst we beg leave to assure your Lordship, that you may rely on our most earnest endeavours to co-operate zealously and faithfully in that humane work, we humbly trust that we may be enabled, by your Lordship's instructions in reply to our late despatches, to carry those endeavours into efficient execution.

We have, &c.

(Signed)

GEORGE JACKSON.

FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 130.

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

MY LORD,

*Rio de Janeiro, 26th September, 1838.*

ON the 21st ult we had the honour to inform your Lordship, that the question of the embargoes in the case of the "*Brilhante*" remained, and was likely to remain, *in statu quo*, till such time as instructions could be received from your Lordship. We are happy, however, to have now to report, that the Imperial Government has at length agreed to our proposal of the 2nd August, that "the present admission of embargoes shall not serve as a precedent for such a resource being allowed henceforward," and that, consequently, we have consented to consider those offered on behalf of the owners of the "*Brilhante*," and that the proceedings are in such progress, as promises the final decision of the case within a very few days.

The following are the circumstances which seem to have led to this result.

Having communicated to Her Majesty's Chargé d'Affaires the purport of our despatch to your Lordship, we received from that gentleman, on the 30th ultimo, an official letter, a copy of which, as also of the answer, which we lost no time in returning to it, we have the honour to enclose herewith.

To this no reply was sent; but in a casual interview, which Her Majesty's Commissary Judge had with Mr. Ouseley, on the 7th instant, great stress was laid on the inconvenience resulting from the refusal of Her Majesty's Com-

missioners to comply with the "official request" made to them by that functionary, and on the impediments which the course we were pursuing threw in the way of his negotiations with this Government.

This was accompanied by the intimation, that he considered we might, and ought to, be satisfied with the official assurance which he had given us, that the Imperial Government was willing to agree to the afore-mentioned proposal, without requiring the entry on our journals of a formal acquiescence in the same on the part of the Brazilian Commissioners.

Her Majesty's Commissary Judge replied, that no official assurance to that effect had yet been given to them; on the contrary, that, to that moment, his Brazilian Colleague, both for his Government and for himself, persisted in rejecting any such understanding; but that, if Mr. Ouseley felt himself authorised to give such an assurance in writing, Her Majesty's Commissioners would feel themselves at liberty to act upon it, and to proceed at once to decide the case of the "*Brilhante*."

That gentleman answered that he was prepared to do so; that he was to see the Minister for Foreign Affairs very shortly, and that, if he wished it, he did not doubt but that he should be able to obtain from his Excellency, for our satisfaction, a letter containing the assurance we required.

Till the 20th instant nothing further occurred; on that day we received from Mr. Ouseley the letter dated the 14th, a copy of which we have the honour to subjoin.

We lost no time in inviting the Brazilian Commissary Judge (who for some time had discontinued his attendance) to meet us, and, being prevented from doing so for two days by indisposition, we forwarded to him an extract from Mr. Ouseley's letter.

He attended, in consequence, on the 22nd instant, bringing with him an "*aviso*" from the Minister for Foreign Affairs, communicating the assent of the Imperial Government to the arrangement.

We have, &c.  
(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

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First Enclosure in No. 130.

*Mr. Ouseley to Her Majesty's Commissioners.*

GENTLEMEN,

*Rio de Janeiro, 29th August, 1838.*

I enclose a copy of a note that I have received from the Commander-in-Chief of Her Majesty's Naval Forces on this Station, respecting the case of the "*Brilhante*." I should be obliged by your enabling me to furnish the Commodore with the information he requires.

I have to acknowledge the receipt of your note of the 30th ultimo, in which you finally refuse to act in relation to the above case, in accordance with the official request, which, at your desire, as expressed in your note of the 9th July, I addressed to you.

I have, &c.  
(Signed) W. G. OUSELEY.  
To Sir George Jackson and Frederick Grigg, Esq.,  
&c. &c. &c.

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Sub-Enclosure in No. 130.

*Commodore Sullivan to Mr. Ouseley.*

SIR,

*Her Majesty's Ship "Stag,"  
Rio de Janeiro, August 29th, 1838.*

As the negroes on board the prize brigantine "*Brilhante*" are getting weak and sick, in consequence of so many being crowded together in a small space for such a length of time, I have the honour to request you will be pleased to inform me when it is likely a final decision will be passed on the above-mentioned brigantine, previous to her being taken care of by the proper authorities.

I have, &c.  
(Signed) J. B. SULLIVAN,  
Commodore and Commander-in-Chief.  
*William Gore Ouseley, Esq.,  
Her Britannic Majesty's Chargé d'Affaires,*  
&c. &c. &c.

P.S. 29 at present at the Hospital, with 3 more hospital cases; 6 have died at the hospital.  
(Signed) J. B. SULLIVAN, Commodore.

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## Second Enclosure in No. 130.

*Her Majesty's Commissioners to Mr. Ouseley.*

SIR,

Rio de Janeiro, 31st August, 1838.

WE received yesterday your letter of the 29th instant, enclosing one addressed to you by the Commander-in-Chief of Her Majesty's Naval Forces on this Station, respecting the case of the "*Brilhante*," and stating that you should be obliged by our enabling you to furnish the Commodore with the information he requires.

Having already put you in possession of all that has passed on this subject, and, specifically, of our minutes of the 8th instant, the only further information that it is in our power to furnish is that, up to yesterday, the Brazilian Commissary Judge declared himself to be without any fresh instructions respecting the case in question; and that unless you, Sir, can induce the Imperial Government to authorize their Commissioner to accede to the expedient which, in compliance with your wishes, we suggested at the sitting of the Court on the 2nd instant, and to join with us in a declaration that the resource of embargoes (if now permitted) is allowed for this time only, and that their reception, in this instance, shall form no precedent for the future; a course which both the Brazilian Commissioner and, as he himself declares, his Government, have hitherto distinctly refused, we have no alternative, as we conceive, but to abide strictly by the instructions received by us from Her Majesty's Principal Secretary of State, and to wait the final decision of his Lordship, in answer to our several reports of the way in which we have carried those instructions into execution.

In saying this, however, we would be understood to speak only of ourselves. The Court having, as we contend, duly given its final sentence in the case of the "*Brilhante*," in strict conformity with the Convention, it only remained for the Imperial Government to perform their part, and to carry that sentence faithfully and promptly into execution—a duty which, it appears to us, is manifestly incumbent upon them, and which we should rejoice to see you, Sir, as Her Majesty's representative at this Court, firmly urging upon their serious consideration. On this point, however, you must, of course, be the best judge; nor do we presume to offer an opinion. We have, therefore, in conclusion, only to add that you seem to have misunderstood the purport of our letter of the 9th July. A reference to it will show that we were very far from desiring you to make any such application as that conveyed in your letters of the 21st and 26th ultimo: the only official request we contemplated on your part being as explained in our letter of the 23rd, in the possible case of your being furnished with special instructions superseding those received by ourselves, or the existence of such a state of things as might, in our judgment, justify our deviating from them. On this latter view of the subject we explained ourselves fully in the above-mentioned letter of the 23rd.

We have, &amp;c.

(Signed)

GEO. JACKSON.  
FRED. GRIGG.W. G. Ouseley, Esq.,  
&c. &c. &c.

## Third Enclosure in No. 130.

*Mr. Ouseley to Her Majesty's Commissioners.*

GENTLEMEN,

Rio de Janeiro, 14th September, 1838.

WITH reference to your latter notes to myself, as well as your verbal statements, to the effect that you did not consider yourself authorised to depart from the letter of your instructions, by admitting the embargoes in the case of the "*Brilhante*," unless you could be officially assured by me that such concession would not be regarded by the Imperial Government as a precedent in any future case, but was to leave the question of the reception or non-reception of the embargoes as free as if the case of the "*Brilhante*" had never occurred, it becomes my duty to inform you, that the Brazilian Minister for Foreign Affairs has officially assured me that he fully adheres to the above-mentioned arrangement, and that the Imperial Government do not consider the admission of the embargoes in this instance, as having any action on such future cases as may come before the Mixed Commission.

I, therefore, have again to repeat my official request that you will proceed, without any further avoidable delay, to the consideration of the embargoes in question, in the case of the "*Brilhante*," with a view to the ultimate execution of the sentence of your Court.

I have, &amp;c.

(Signed)

W. G. OUSELEY.

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

## No. 131.

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

MY LORD,

Rio de Janeiro, 26th September, 1838.

The "*Flor de Loanda*" returned to this port in a sinking state, after having been out four or five days, during which it was only with the utmost exertions of every soul on board that she could be kept afloat.

Providentially, the weather was moderate, or they must all have perished.

The owner, mate, and another, belonging to this vessel, were removed, in irons, on board the "*Buffalo*" transport, and sailed for England on the 16th instant.

These, and other particulars connected with this case, your Lordship will

doubtless learn from other quarters; but we consider it not less incumbent upon us to report the fact as it has reached us.

In doing so, we cannot but deeply regret the various circumstances which have occurred with regard to this vessel, since the final sentence of the Court was given on the 19th June, and which have been of a nature to do more harm to our cause, and to indispose even those most favourable to the suppression of the traffic, than any event within our recollection.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

No. 132.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 5th December, 1838.*

I HAVE received your Despatches up to that of the 24th September last.

I have referred to Her Majesty's Advocate-General your several Despatches upon the subject of the slave-vessel the "*Flor de Loanda*."

I have now to observe to you, that the "*Flor de Loanda*" was not provided with the certificate of registry required by the commercial code of 1833, to entitle a foreign-built vessel to be considered Portuguese, nor was she possessed of the passport required by the decree of the 10th December, 1836, to be carried by any vessel to the south of the Line, claiming protection under the Portuguese flag. On the contrary, many circumstances denoted that the vessel ought to be considered Brazilian, and that the slave trading expedition on which she was captured belonged to inhabitants of Brazil.

The person describing himself as owner and master of the vessel had been for several years a resident at Rio, and had purchased the vessel at that port; the passengers and others on board were connected with that place; the ship's papers were all furnished at Rio, and from the time when the "*Flor de Loanda*," which had been originally American, was purchased at Rio by a merchant resident in that place, her course of trade had uniformly been from Brazil to the Coast of Africa and back again; finally, she was captured close to Rio, and reasons, evidently not founded in truth, were given to account for her being found at the place where she was taken.

Under these circumstances the Mixed Commission Court would have been justified in attributing a Brazilian character to the "*Flor de Loanda*," and in dealing with that vessel, and with the slaves on board, accordingly.

I have, &c.

(Signed)

PALMERSTON.

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

No. 133.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 5th December, 1838.*

I WISH, with reference to the last paragraph in your despatch of the 26th September, 1836, that you would explain to me how, and why, "the various circumstances which have occurred with regard to the "*Flor de Loanda*," since the final sentence of the Court was given on the 19th June, have been (as stated by you) of a nature to do more harm to our cause, and to indispose even those most favourable to the suppression of the traffic, than any event within your recollection."

I am, &c.

(Signed)

PALMERSTON.

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

No. 134.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, 5th December, 1838.*

WITH reference to previous correspondence on the subject of the establishment of a hulk at Rio de Janeiro, for the reception of negroes from on board of slave traders, captured by Her Majesty's ships, I herewith transmit to you copies of correspondence, which has passed between this office and the Admiralty, from which you will perceive that a vessel will be sent out to Rio for the purpose, so soon as a suitable ship can be provided.

I am, &amp;c.

(Signed)

PALMERSTON.

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

## First Enclosure in No. 134.

*Mr. Backhouse to Mr. Wood.*

SIR,

*Foreign Office, October 13th, 1838.*

I HAVE received and laid before Viscount Palmerston the letter which you addressed to this office on the 26th ultimo, enclosing a communication from Commodore Sullivan, who represents the great inconvenience of providing for the custody of captured slaves on board her Majesty's ships at Rio de Janeiro, and who states that there appeared little probability that a safe deposit for these persons could be found on shore, and that Mr. Ouseley had failed in his application to the Brazilian government for a hulk for that purpose.

I am directed, with reference to this subject, to send you, for the information of the Lords Commissioners of the Admiralty, the enclosed copies of a correspondence transmitted to this office by Mr. Ouseley,\* which shows that, however desirous the Brazilian Government may have been to afford the accommodation required, they had no vessel either of sufficient size or in an adequate state of repair to fit her for the service; and it appears to Lord Palmerston that the proposed arrangement cannot be carried into effect, unless the British Government shall be able to send out a hulk for the purpose.

The inconveniences which arise from detaining on board slave vessels, during the proceedings of the Mixed Court, the crews of those vessels, and the negroes found on board of them, are so serious, that Lord Palmerston is of opinion that Her Majesty's Government would be justified in incurring the expense of sending out such a hulk.

I am therefore to request that you will be pleased to lay this letter, with its enclosures, before the Lords Commissioners of the Admiralty, and will suggest to their Lordships the expediency of sending out a hulk, to be stationed as a receiving ship in the harbour of Rio de Janeiro.

This course has been successfully pursued at the Havana, on the refusal of the authorities at that port to allow the negroes, emancipated by decrees of the Mixed British and Spanish Court of Justice, to be landed, while waiting their removal to a British colony, and it would no doubt be equally efficacious at Rio de Janeiro.

I am, &amp;c.

(Signed)

J. BACKHOUSE.

*Charles Wood, Esq.*  
 &c. &c.

## Second Enclosure in No. 134.

*Sir John Barrow to Mr. Backhouse.*

SIR,

*Admiralty, November 23, 1838.*

WITH reference to the correspondence which has taken place, in regard to the inconvenience of providing for the custody of captured slaves on board Her Majesty's ships at Rio de Janeiro, and more particularly to that part of your letter of the 13th of last month, suggesting the expediency of sending out a hulk to be stationed there as a receiving ship, I am commanded by my Lords Commissioners of the Admiralty to request that you will acquaint Viscount Palmerston, that a vessel will be sent for this purpose so soon as a fitting ship can be provided.

I am, &amp;c.

(Signed)

JOHN BARROW.

*J. Backhouse, Esq.*  
 &c. &c.

No. 135.

*Viscount Palmerston to Sir George Jackson.*

SIR,

*Foreign Office, December 5th, 1838.*

I REFER you to the following paragraph, contained in the letter dated February 28th, 1838, from Dr. William Cullen, a copy of which was transmitted to you with my despatch of the 18th of April, 1838:—

“ The Brazilian Government advertise to time out the survivors on apprenticeship for 14 years.

\* See Mr. Ouseley to Viscount Palmerston, dated Rio de Janeiro, July 26, 1838.

"Several Gentlemen, English and French, were most desirous to obtain some one, some two or more, of these apprentices; although numerous applications were made on the very day the advertisement appeared, no one was served but the parties who had the hiring of them, and their immediate friends. *The only Englishmen who obtained any were those belonging to the Mixed Commission.*"

I wish to have from you an explanation of your conduct in the transaction alluded to in the preceding paragraph; and especially as to the charge which appears to be therein implied, that you hired as apprentices negroes emancipated by the Mixed Commission.

I am, &c.,  
(Signed) PALMERSTON.

Sir George Jackson,  
&c. &c. &c.

No. 136.

Her Majesty's Commissioners to Viscount Palmerston—(Received December 17.)

MY LORD,

Rio de Janeiro, 1st October, 1838.

WE have the honour to transmit herewith, in original and translation, an extract from the Minutes of the Court of the 22nd September last, in which is recorded the assent of the Imperial Government to the provisional arrangement, under which this Commission consented to receive the embargoes offered in the case of the "*Brilhante*" and we have further to enclose a copy and translation of the definitive sentence of the Court in this case, delivered on the 26th ultimo.

We do not trouble your Lordship with the argument of the party offering these embargoes, which is very long; but you will readily perceive the only material points which it contains, from the comments made on it in the definitive sentence.

The necessary steps will now be adopted, without loss of time, for giving full effect to this sentence, and for emancipating the surviving Africans belonging to this vessel, to the number of 229, no more than 22 having been lost, by death or otherwise, during the period of nearly five months which have elapsed since her capture, according to the enclosed return from the prize-master.

It remains for us only to repeat our hope, that our conduct throughout this anxious and distressing case, will meet with the approbation of your Lordship.

We have, &c.  
(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

First Enclosure in No. 136. .

(Translation.)

Minutes of Session of the 22nd September, 1838.

THE Brazilian Commissary Judge read an "Avizo," which the Minister and Secretary of State for Foreign Affairs addressed to him on the 17th instant, transmitting the copy of a despatch from Her Britannic Majesty's Chargé d'Affaires at this Court to the aforesaid Minister, referring to a letter which he intended to address to the British Commissioners, a copy of which was also annexed, which, being compared with that presented by the British Commissary Judge the preceding session, and being found to agree, the British Commissioners determined to receive and decide the embargoes in the case of the brig "*Brilhante*," in consequence of which it was agreed between them and the Brazilian Commissary Judge that the whole should be entered on the minutes of the day.

"Avizo" above referred to. Her Britannic Majesty's Chargé d'Affaires having communicated the instructions, of which a copy is inclosed, which he intended to address to the British Commissioners of the Mixed Brazilian and English Commission, established in this Court for the purpose of concluding the adjudication of the brig "*Brilhante*," and the same being found to agree with what the said Chargé d'Affaires settled with me, the Regent, *ad interim*, in the name of the Emperor, orders that you, on your part, observe what is determined in the aforesaid instructions.

Palace, 17th September, 1838.

(Signed)

God preserve, &c.  
ANTONIO PEREGRINO MACIEL MONTEIRO.  
SENHOR JOAO CARNEIRO DE CAMPOS.  
BRAZ MARTINS COSTA PASSOS, Secretary.

A true copy.

(Signed)



Second Enclosure in No. 136.

(Translation.)

*Definitive Sentence.*

Entering into an examination of these embargoes, it is right to notice the very improper terms used by the person offering them, and which are such as might well justify the embargoes being sent back to be amended.

With this observation the Commissary Judges proceed to comment on one or two points of the embargoes, more, however, with a view of proclaiming the principles by which this Court of Mixed Commission is regulated, than for the weight which the objections to the embargoes are themselves entitled to.

The authority or jurisdiction of this commission to take cognizance of infractions, committed by the subjects of Portugal against the laws of their country, is here denied: without, however, entering into this question, suffice it to observe, that, in the sentence, such infraction was adverted to by the Court, not so much to call for punishment on the offenders, as to show that a vessel failing to comply with the dispositions of the maritime code of the nation whose flag she assumes, is, by that act alone, divested of all claim to be considered as belonging to it; and, further, such fact, once established, is a *prima facie* presumption, even though the real owner should remain undiscovered, that the vessel and cargo are the property of persons resident in the country where such vessel was originally fitted out.

With regard to the new matter now alleged to be adduced, it is only necessary to read the proceedings, with the slightest attention, to be convinced that the fact that the "Corred" in question sailed from hence for Itagoahy in January last, so far from being a new circumstance, is one of the grounds on which the sentence of condemnation is founded.

The Commissary Judges of the Mixed Commission, therefore, order, that, notwithstanding the above embargoes, which are not received because they contain nothing to controvert the grounds of the original sentence, the latter be put into execution in the form therein declared.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

Rio de Janeiro, 26th September, 1838.

JOAO CARNEIRO DE CAMPOS,

Dissentient as regards the nationality of the brig in question.

Third Enclosure in No. 136.

*Slave brigantine "Brilliant," Rio de Janeiro, September 27th, 1838.*

I hereby certify the following is a true statement of the slaves captured by Her Majesty's brig "Wizard," 13th May, 1838.

	Men.	Boys.	Women.	Girls.	Total.
Number of slaves on board . . . . .	142	43	16	6	207
Number at the Hospital . . . . .	9	2	9	2	22
Number of deaths on board since capture . . . . .	7	1	1	.	9
Number of deaths at hospital since 19th July . . . . .	9	1	1	.	11
Number missing on board . . . . .	.	1	.	.	1
Number missing at the hospital . . . . .	1	.	.	.	1
Total . . . . .					251

(Signed)

WILLIAM JOHNSTON,  
Master's Assistant Prize Officer.

No. 137.

EXTRACT.—*Her Majesty's Commissioners to Viscount Palmerston.*—  
(Received December 17.)

MY LORD,

Rio de Janeiro, 18th October, 1838.

ON the officer proceeding, according to the laws of this country, to intimate the sentence of the Court to the Master of the "*Brilhante*," and to the two Brazilian subjects found on board of her at the time of her capture, and convicted of piracy, in virtue of the First Article of the Convention of the 23rd November, 1826, it was found that they had all three been sent on shore to the hospital, and had made their escape.

On receiving the official return of the officer to this effect, the Court addressed a letter of inquiry to the Commodore, Commander-in-Chief, a copy of

which, together with copies of a correspondence which has ensued between that officer and the Commission, we have the honour to enclose herewith, in which your Lordship will see the confirmation of the return made respecting the three individuals in question.

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First Enclosure in No. 137.

(Translation.)

MOST ILLUSTRIOUS SIR,

*Rio de Janeiro, 9th October, 1838.*

The Mixed Brazilian and English Commission being informed, by the return of their officer, that Antonio Jorge da Costa, the Master of the brig "*Brilhante*," João Antonio Correa, and Josefino Antonio Correa, are not on board the said brig, nor at the Marine hospital, where he was told that they were gone for medical treatment, having made their escape from the same Hospital, and the sentence, consequently, which condemned the said Correas, as Brazilian subjects, not having been intimated to them, the Commissary Judges request, Sir, that you will have the goodness to give them the necessary information on this point, the Commission not having received any communication whatever, respecting the transfer of these individuals from on board the prize to the Hospital.

God preserve, &c.

(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

*Commodore Sullivan, C.B., Commander-in-Chief.*

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Second Enclosure in No. 137.

*Commodore Sullivan to the Secretary of the Mixed Commission.*

SIR,

*Her Majesty's ship "Stag," Rio de Janeiro, 10th October, 1838.*

I BEG leave to acknowledge the receipt of your letter of yesterday's date, and, agreeably with the request of the Commissioners of the Mixed Brazilian and English Commission Court, herewith transmit all the information I have been able to obtain of the three persons therein mentioned, belonging to the slaver, "*Brilhante*," accompanied with a copy of the receipt of Simao Jozé dos Santos, late chief-pilot of the "*Brilhante*," for Joao Antonio Correa, on his being sent to the hospital.

As the Mixed Commission Court, in its constitution, embraces an acquaintance with the English language, I may be permitted to intimate that it would tend to forward the service and facilitate correspondence, by making communications to me in that language.

I am, &c.

(Signed) T. B. SULLIVAN, *Commodore and Commander-in-Chief.*

*Braz Martins Costa Passos, Esq., Secretary to the Mixed,*

*Brazilian and English Commission Court.*

&c.

&c.

&c.

*Notes respecting the three persons under-mentioned, of whom information is requested by the Mixed Commission Court, from Commodore Sullivan, 9th October, 1838.*

*Antonio Jorge da Costa*, Master of the "*Brilliant*," appears to have been discharged from the books of Her Majesty's ship "*Stag*," to the hospital at Rio de Janeiro, on the 11th July last.

*Joao Antonio Correa*, it appears, was a passenger on board the "*Brilliant*," and, being afflicted with pneumonia, the Assistant-Surgeon recommended his being sent on shore, which was accordingly done, a receipt having been given for him, (as per accompanying copy) with an engagement to deliver him to the proper authorities when called upon, by Simao José dos Santos, chief pilot of the "*Brilliant*," and countersigned by Correa on 29th June last. This Dos Santos was also afterwards sent to the hospital.

*Josefim Antonio Correa*, also a passenger on board the "*Brilliant*," was likewise sent to the hospital, but escaped on his way thither, and no further account has been had of him.

(Signed) T. B. SULLIVAN, *Commodore.*

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Third Enclosure in No. 137.

(Translation.)

*The Secretary to the Mixed Commission to Commodore Sullivan.*

MOST ILLUSTRIOUS SIR,

*Rio de Janeiro, 11th October, 1838.*

HAVING laid before the Mixed Brazilian and English Commission the letter of the 10th instant, which, in reply to mine of the preceding day, you addressed to me, respecting the information requested by the Commission, touching the Master of the brig "*Brilhante*," and the two Correas, who came in the same brig, who, it appears, have made their escape, I have to inform you, Sir, that the Commissary Judges, desiring to avoid in future the recurrence of circumstances of this nature, hope that you

CLASS A.

will have the goodness not to permit the landing of individuals similarly situated, without previous communication with the Commission, in order to their taking the necessary steps respecting them, conformably to the laws of the country.

As regards the desire expressed by you, Sir, that my letters should be written in English, I am directed by the Commission to reply that, the Convention stipulating that the whole proceedings of the Commission should be carried on in the language of the country, and that the Secretary should be a Brazilian, the Commission regret their inability to comply with your suggestion, the more so, as they are at present without any actual Interpreter.

God preserve, &c.

(Signed) BRAZ MARTIN COSTA PASSOS, *Secretary.*

*Commodore Sullivan, &c. &c. &c.*

#### Fourth Enclosure in No. 137.

*Commodore Sullivan to the Secretary of the Mixed Commission.*

SIR,

*Her Majesty's Ship "Stag," Rio de Janeiro, 12th October, 1838.*

I HAVE the honour to acknowledge the receipt of your letter, wherein you say the Commissioners request that I will not in future allow any one to make their escape.

I beg their Excellencies, the Commissioners, will understand *I have not allowed* any one to make their escape; but when individuals sent here from vessels detained, as in the present instance, are afflicted with the same disease, I cannot think of allowing it to be communicated to my ship's company, but send them to the hospital. The authorities of the place must be held responsible for the escape of any of them.

I have, &c.

(Signed)

T. B. SULIVAN,

*Commodore and Commander in Chief.*

BRAZ MARTINS COSTA PASSOS, ESQ.,

*Secretary to the Mixed Brazilian and English Commission Court.*

#### Fifth Enclosure in No. 137.

(Translation.) *The Secretary to the Mixed Commission to Commodore Sullivan.*

I have the honour to acknowledge the receipt of the letter, which you addressed to me on the 12th instant; and having laid the same before the Commissary Judges of the Mixed Brazilian and English Commission, they have directed me to make the following observations.

In reply to the letter of inquiry addressed to you on the 9th by the Commission, with a view to the due execution of its sentence in the case of the "*Brilhante*," you transmitted, as containing all the information you had been able to obtain of the Master of the same, and of the two *Correas*, certain notes, from which it appears that they were all three sent on shore.

In their answer, the Court neither stopped to rectify the mistake of calling one of these *Correas* a passenger, when, in fact, he is rated in the muster-roll as carpenter, nor allowed themselves to call in question either the authority or the necessity under which the removal of these individuals from on board the *Prize* took place; but taking your statement as they found it, they contented themselves with expressing a hope, that in order to avoid similar occurrences in future, you would have the goodness not to allow individuals in like circumstances to be landed, without previous communication with the Court, with a view to their taking the proper steps regarding them, conformably with the laws of the country.

You will thus, Sir, perceive that the Commissioners by no means imputed to you the "having allowed any one to make his escape," at the same time they cannot refrain from observing, that they were the less prepared for what has occurred, as on a representation being forwarded to you by them from the Master of the "*Flor de Loanda*," stating him to be dangerously ill, and requesting on that account to be allowed to land, you declined permitting it, unless the Commission would become answerable for his reappearance when called upon.

In the first case, no sentence of condemnation had been passed, and the life of the Master was said to be in danger; in the other, the parties suffering only from asthma had been pronounced guilty of piracy. In the former instance, the party was put in irons more than once; in the latter, released on the word of two interested individuals.

It is true, that when once any one is *legally* delivered over to a Brazilian authority, that authority becomes responsible for him; but in the case of Josefino Antonio Correa, it appears from your statement, Sir, that he escaped while on his way from on board ship to the hospital.

God preserve, &c.

(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

*Rio de Janeiro, 16th October, 1838.*

*Commodore Sullivan.*

*&c. &c. &c.*

#### No. 138.

*Her Majesty's Commissioners to Viscount Palmerston—(Received December 17.)*

MY LORD,

*Rio de Janeiro, 24th October, 1838.*

WE have the satisfaction of enclosing to your Lordship, herewith, a copy and translation of a "portaria," dated 19th instant, addressed by the

Minister for Foreign Affairs to the Brazilian Commissioner, ordering them to regulate themselves by your Lordship's instruction to us of the 30th April last, a copy of which we communicated to our colleagues, and entered on our Minutes at the time of its receipt.

This "portaria" was presented yesterday, and will forthwith be officially published; and we have little doubt that we shall soon have to congratulate your Lordship on the beneficial results of this measure; provided only Her Majesty's naval commanders be instructed and empowered to give effect to it.

We have, &c.  
(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

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Enclosure in No. 138.

(Translation.)

HER Britannic Majesty's Chargé d'Affaires having, in the note, of which the inclosed is a translation, requested the Imperial Government to give the necessary orders to the Brazilian Commissioners of the Mixed Brazilian and English Commission resident in this city, in order that, in adjudicating vessels captured under the Flag of Portugal, bringing slaves from the Coast of Africa, they should regulate themselves by the instructions (a translation of which is also enclosed) which the British Government has given to its Commissioners; and the Regent, in the name of the Emperor, being desirous of giving yet another proof of how much he strives to cause the cessation of a traffic, as odious as it is inhuman, orders by the Secretary of State for Foreign Affairs, that the aforesaid Brazilian Commissioners, having in view the Convention of the 23rd of November, 1826, between this Empire and the kingdom of Great Britain and Ireland, take cognizance of all vessels belonging to Brazilian subjects, or to Portuguese, resident in Brazil, that may be captured, with slaves on board, from the Coast of Africa, even though covered with the Portuguese Flag, those vessels only being excepted from this rule, which may have been built in the Ports of the Dominions of Her Most Faithful Majesty, or shall have borne the Flag of Portugal, and of no other nation, prior to the Decree of the 16th of January, 1837, as also the steam-boats purchased within three years from the date of the said Decree, belonging to Portuguese subjects, and navigated according to the laws of Portugal.

(Signed) ANTONIO PEREIRA MACIEL MONTEIRO.

Palace, Rio de Janeiro, 19th October, 1838.

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No. 139.

*Her Majesty's Commissioners to Viscount Palmerston.—(Received December 17.)*

MY LORD,

*Rio de Janeiro, 27th October, 1838.*

AFTER a protracted Session, the Legislative Chambers have closed without taking a single step with reference to the suppression of the Slave Trade; and, if the repeal, hitherto so loudly called for, of the law 7th November, 1831, has not been proposed, it may be said to be only because it has become so completely and notoriously a dead letter, that those in favour of the traffic have considered, that their views would be better answered by allowing such a semblance of restriction to exist, than by risking that agitation of the question, which insisting on the repeal of the law might have caused.

Thus, although a few words have occasionally passed in the House of Deputies, on the subject of the traffic, and though the dangers resulting therefrom, may have been incidentally alluded to, no serious attempt has been made by either party, to bring the question forward, nor to take up the Bill sent last year from the Senate, under the auspices of the Marquis Barbacena, who has, moreover, himself refrained, throughout the whole Session, from even adverting to the subject.

When, in addition to this, your Lordship is informed of the decided majority which the present Executive have obtained in both Houses, a majority which has enabled them to carry triumphantly every measure they have thought fit to propose, you will at once see how hopeless must be the expectation of the adoption of any measure whatever, tending to repress the traffic in this country, so long, at least, as its councils shall be under the direction of the present leading member of the Administration, who may be said to be now Regent, *de facto*, and would, in virtue of his office, as Minister of the Empire, become so, *de jure*, in case of any thing happening during the next four years, to Senhor Pedro de Arango Lima, who has just been proclaimed Regent for that period.

CLASS A.

Indeed, unless the whole subject be put upon another footing, and the disposal of the Africans, when nominally emancipated, shall be differently ordered, little or no benefit, we consider, to the cause of humanity, can result from the sacrifices made, or making by Great Britain, to suppress the Brazilian Slave Trade.

In the case of the late prizes, the negroes have been sought after with an avidity, to be explained only by the impression universally abroad, that, when once obtained, those hiring their services would be called to no very strict account, as to what might eventually become of them. Senators and Deputies have vied with each other in endeavours to obtain them, and their distribution has been converted into a means of favouring political adherents.

According to the original regulations, no black, so emancipated, was allowed to be hired out, beyond the limits of the municipality; lately a licence appeared in the "Correio Official," in the name of the Emperor, and signed by the minister of justice, granting permission to a deputy to take a considerable number of them, with him, to his own province, that of Pernambuco. It is true that this permission was embodied in a recommendation to the President of that province to attend to the proper treatment &c. of these negroes; but it is evident that this was a mere illusory form, and that, under the present system, and with the feelings prevalent on this subject in Brazil, little distinction can be made between these negroes and those bought in the market, beyond the saving of the purchase money to the receivers of them, and the difficulty of their being sold to another master.

We close this Report with returns of vessels, which have sailed from this port for the Coast of Africa, and have arrived thence in ballast, during the last four months. The arrivals, amounting to 26, have all been under the flag of Portugal, and with only three exceptions, the departures, to the number of 34, have been so likewise; and in these cases there is little doubt, that the vessels will get a fresh set of papers from some Portuguese authority or other, before returning to this port.

For a moment the speculators seemed to be paralysed by the three successive captures made by the "Rover," and "Wizard," and by the intended increase of Her Majesty's cruizers off this coast, which, about that time, was announced in the public journals; but this alarm soon wore off, and has ended only, as your Lordship will perceive, in a still greater number of adventures, and with no other check than an increased rate of premium, perhaps, demanded for insurance. An examination of the returns of this year exhibits the same vessels, with only a trifling difference of the tonnage declared, entering and sailing again from this port in a shorter time than an ordinary merchant vessel would require; and if we apply the usual calculation to these slave ships, namely, three souls on an average per ton, it will appear that very nearly 13,000 Africans have been imported into this province alone, within the last four months, and that not less than 21,000 may be expected from the return voyages.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

First Enclosure in No. 139.

Return of Vessels which have sailed from Rio de Janeiro for the Coast of Africa, during the Months of July, August, September, and October.

Date.	Name.	Tonnage.	Whither bound.
1838. July 11th	Venus	178	Azores and Africa
" 14th	Andorinha	127	Benguela
" 17th	Esperança	213	Goa and Ports of Africa
" 28th	Feliz	124	Cabo Verde and Africa
" 30th	Desengano	213	Goa and Ports of Africa
August 11th	Saude	230	Goa
" 18th	Esperança	243	Goa and Ports of Africa
" "	St. Domingo Eneas	169	Cape de Verds and Ports of Africa
" 20th	Monte Deserto	191	Lisbon by Africa
" 26th	Carolina	296	Goa and Ports of Africa
" "	Principe Auguste	191	Ditto ditto
" 28th	Jehovah	228	Cabo Verde and Ports of Africa
" "	Especulador	90	Ditto ditto
September 4th	Ulysses	340	Ditto ditto
" 5th	Tres Coraços	495	Ditto ditto
" "	Providencia	127	Goa and Africa
" 6th	Resolução	341	Ditto
" 8th	Constante	249	Quilimane
" 9th	Brilhante	124	Cabo Verde and Ports of Africa
" 12th	Halcyon (American)	197	Cabo Verde
" 16th	{ Visconde de Sá de Bandeira }	122	{ Azores
" 16th	Amizade Constante	240	Goa and Africa
" 17th	Relampago	152	Cabo Verde and Africa
" "	Adamastor	199	Goa and Africa
" 23rd	Lisia (Brazilian)	150	Benguela and Angola
" "	Dous Trinaos (do)	155	Cabo Verde and Africa
" "	Audaz	259	Ditto ditto
October 3rd	Dous de Ferreiro	169	Ditto ditto
" "	Amizade Constante	240	Goa and Africa
" 7th	Veloz	218	Cabo Verde and Africa
" 8th	Angerona	115	Ditto ditto
" 21st	Emilia	337	Lisbon by Africa
" 25th	Mariana	99	Benguela
" 26th	General Cabrera	192	Cabo Verde and Africa
	31 Portuguese	7013	
	2 Brazilian		
	1 American		

Second Enclosure in No. 139.

Vessels which have arrived at Rio de Janeiro from the Coast of Africa, in ballast, during the Months of July, August, September, and October.

Date.	Name.	Tonnage.	Whence.
1838. July 1st	Relampago	152	Zaire
" 12th	Angerona	116	Angola
" 13th	Brilhante	180	Quilimane
" 18th	Nova Piedade	227	Angola
" 26th	Providencia	96	Mozambique
" 27th	Commodore	210	Ditto
August 4th	Rosa	176	Angola
" 23rd	Dous de Ferreiro	198	Ditto
" 27th	Veloz	248	Ditto
September 1st	Tentador	200	Ditto
" 4th	Asseiceira	182	Ditto
" 9th	Jupiter	152	Cabinda
" 11th	Bellona	100	Zaire
" 17th	Dous de Abril	156	Ditto
" 19th	Ascanio	160	Cabinda
" 23rd	General Cabrera	180	Angola
" "	Josefina	97	Benguela
" 27th	Innocente	100	Angola
October 1st	Mariana	75	Benguela
" "	Dous de Outerbro	201	Mozambique
" 5th	Maria Segunda	100	Angola
" 7th	Maria Virginia	232	St. Thomas
" "	Novo Destino	200	Quilimane
" 8th	Almeida	200	Angola
" 18th	Firmeza	170	Zaire
" 23rd	Ouze de Novembro	150	Angola
	26 vessels	4281	

No. 140.

*Her Majesty's Commissioners to Viscount Palmerston.—*  
*(Received January 7, 1839.)*

(EXTRACT.)

Rio de Janeiro, 12th November, 1838.

THE Court having received a reply from the Commodore to their letter of the 16th ultimo, we think it our duty to enclose to your Lordship a copy of it.

## Enclosure in No. 140.

SIR, *Commander Sullivan to the Secretary of the Mixed Commission.*  
*H. M. S. "Stag," Bahia, 27th October, 1838.*

IN acknowledging the honour of the receipt of your letter of the 16th instant, referring to the late correspondence between the Mixed Commission Court and myself, relative to the master and others on board the "*Brilhante*," I beg leave to offer the few following observations, as affording the only explanation which now appears necessary upon this subject.

The Commissioners are in possession of my reasons for sending the parties in question on shore, and acquiesce in my opinion that, when once delivered over to the Brazilian authorities, they are responsible for their security. In the case of Josefino Antonio Correias this responsibility was truly not incurred, the officer who took him on shore not being able, after taking him to the hospital, immediately to find the proper officer to give charge of him, and whilst proceeding to the dock-yard to the Intendente, the man effected his escape, an accident not unfrequent with persons practised in the custody of culprits.

I cordially accept the admission of the Commissioners that I did not, in this instance, exceed the limits of my authority; or afford a latitude to impute to me a want of due caution to prevent escape; and I candidly admit the pertinency of their suggestion of my communicating with them on any future occasion to prevent its recurrence, in which, or any other measure that could tend to the attainment of the ends of justice, they might rely on my entire co-operation.

The surgeon of the "*Stag*" not concurring with the master's representation of his health requiring his removal to hospital, was my reason for not granting this permission in the first instance, and my subsequently requiring a guarantee for his appearance when necessary, there having been no sentence of condemnation, arose from the importance of *his* evidence to that end—a consideration that did not bear equally upon the other parties.

In my desire to give all possible information to the Commissioners I was led to the inquiry of circumstances which, as well as that of the men alluded to being put in irons, took place prior to my arrival at Rio de Janeiro.

I have, &c.  
 (Signed)

T. B. SULLIVAN,  
 Commodore and Commander-in-Chief.

*Braz Martins Costa Passos, Esq., Secretary to the Mixed*  
*Brazilian and English Commission Court, Rio de*  
*Janeiro.*

No. 141.

*Her Majesty's Commissioners to Viscount Palmerston.—*  
*(Received January 7th, 1839.)*

MY LORD,

Rio de Janeiro, 13th November, 1838.

As everything on the subject of the Slave Trade, more especially when proceeding from the pen of the adherents of this Government, can hardly fail to merit your Lordship's attention, we have made translations of two articles which have appeared in a Government, though not the official, paper, which we have the honour to enclose.

The former accompanied the publication of your Lordship's instruction of the 30th April, 1838, and, while professing to approve the principles which dictated that measure, and to wonder that Portugal should not herself have been the first to solicit its adoption, it distinctly avows the belief, that the contraband traffickers will find means to elude whatever good results may be expected from it, in putting down the trade.

The latter refers to a report that Great Britain intended to blockade the ports of Brazil, in consequence of the continuance of the traffic on those coasts, and in a tone at once deprecatory and ironical, gives the writer's reasons for not believing that England would resort to such a measure—attributing her denunciation of the trade to interested motives, and its continuance, in violation of the laws of this country, not to the government of Brazil, but to the interest of speculators, and to popular prejudices.

The ground for disbelieving the report is, that such a measure, though avowedly most prejudicial to this empire, would be not less so to Great Britain; almost the whole commerce of Brazil being in the hands of the English.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

### First Enclosure in No. 141.

(Translation.)

*Extract from the "Correio Official."*

VARIOUS communications from the Minister of Her Britannic Majesty, to the Brazilian Government, were published in the "Correio Official" of yesterday, and in virtue of them, a "Portaria," ordering the Brazilian Commissioners of the Mixed Brazilian and English Commission to take cognizance of all vessels, captured with slaves on board from the Coast of Africa, although covered with the flag of Portugal.

Among the motives which the Regent, in the name of the Emperor, mentions, as influencing him to issue this "Portaria," he intimates the desire to give yet another proof of how much he strives to cause the cessation of a traffic, as odious as it is inhuman.

The illicit traffic in Africans, which has eluded all the vigilance of the authorities, not only of Brazil, but also of all the most civilized countries, such as England and France, fostered as it is by the prejudices of the people, who, for many years, have sought from Africa those who should minister to the most laborious and degrading services of life, the illicit traffic, we said, will elude this new obstacle which the Government of Brazil, in concert with that of England, opposes to it. This new measure, however, will have at least this infallible result, that of putting a stop to the scandal with which worthless traffickers abuse the flag of (another) nation, making it serve as a cover to its attacks against humanity. The speculator will now derive no benefit from going about, like the bat in the fable, calling himself at one time a mouse, at another a bird, according to his convenience; and the scandal will cease of seeing a vessel to-day Portuguese, which was yesterday Brazilian.

The Portuguese crown, the most interested, doubtless, in this business, because it concerns the protection of her flag, and which neither England nor Brazil will any longer respect, when covering so criminal a traffic, will certainly have no ground for complaint, because this agreement not only does not wound her dignity, but even defends it against the insults offered to it by the barbarity and inhuman speculations of individuals, who belong to no nation.

If in this business there be any thing to surprise us, it is that the Portuguese nation, knowing the shameful abuse which was making of its flag, was not the first to solicit the adoption of the measure which has just been taken.

God grant that the good results which many, doubtless, expect from it, may arise. God grant that the interests of these contraband traffickers may not elude this fresh check, as they have done all others.

### Second Enclosure in No. 141.

(Translation.)

*Extract from the "Correio Official."*

IN a list of blockaded ports, those of Brazil are enumerated, as to be blockaded by England, on account of the trade in slaves.

We are persuaded that our well-beloved ally, England, will not take such a step.

First, Because England cannot but acknowledge that the Governments of Brazil representing the nation have spared no pains, in their foreign relations, to repress this traffic, against which England, because she has no occasion for it for her colonies, has so strenuously declared herself, it not being the fault of these Governments, if the interests of certain speculators and popular prejudices favour the violation of the laws of the country, and elude the vigilance of the authorities.

Second, Because England well knows that an efficient blockade of the ports of Brazil, though most prejudicial to the empire, would be still more so to herself; for she is not ignorant that the major part of the articles consumed in Brazil are the product of her manufactures, and that almost the whole commerce of Brazil is in the hands of the English.

To France, whose very limited trade barely consists of bottles of perfumery, pomades, hair, and the fashions, it might be permitted to interrupt her mercantile relations, of little more value than the above, with this or that state of America—but England, who has so great a capital in circulation here!—Oh! she will certainly think twice before she takes such a step. Her interests are our security against her ambition—against her friendship.



## SURINAM.

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No. 142.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, May 24, 1838.*

I herewith transmit, for your information, five copies of two series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

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

I am, &c.  
 (Signed) PALMERSTON.

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No. 143.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, June 9, 1838.*

I herewith transmit to you the copy of a Resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an Address to Her Majesty upon the Slave Trade, and a copy of the Answer, which, on the 25th of the same month, Her Majesty was pleased to return to that Address.

You will see from these Papers the unceasing and anxious desire, of the Parliament and Government of this country, for the extinction of the traffic in slaves.

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

I am, &c.  
 (Signed) PALMERSTON.

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No. 144.

*Her Majesty's Judge to Viscount Palmerston.—(Received July 27.)*

MY LORD,

*Surinam, June 5, 1838.*

I have the honour to announce to your Lordship, that his Excellency the Governor-General, Baron Van Hiekeren, having obtained leave of absence to return to Europe, has this day resigned the government of these possessions to the Procureur-General, M. Philip de Kanter, who is the officer next in seniority to assume the functions, *ad interim*.

Mr. H. R. Hayunga, his Netherlands Majesty's Commissary Judge, having likewise returned to Europe, under similar circumstances, Mr. de Kanter has signified to me his intention at an early day to take upon himself the duties of that office in this commission.

I shall take the first opportunity to report to your Lordship that gentleman having taken the prescribed oath, for the due performance of his duties as his Netherlands Majesty's Commissary Judge, *ad interim*.

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

I have, &c.  
 (Signed) JOHN SAMO.

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No. 145.

*Her Majesty's Judge to Viscount Palmerston.—(Received July 27.)*

MY LORD,

*Surinam, 6th June, 1838.*

I am honoured by the receipt of your Lordship's despatch of the 19th March last, in which your Lordship announces, that the Lords Commissioners of the Admiralty had issued instructions to the captains and commanders of Her Majesty's ships and vessels of war, to discontinue the practice of taking from vessels detained by them, under treaties with foreign powers for the suppression of the Slave Trade, articles relating to navigation.

I beg most respectfully to return to your Lordship my best acknowledgments for this information.

I have, &amp;c.

(Signed)

JOHN SAMO.

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

&amp;c.

&amp;c.

&amp;c.

No. 146.

*Her Majesty's Judge to Viscount Palmerston.—(Received August 28th.)*

MY LORD,

*Surinam, June 28th, 1838.*

I HAVE the honour to acquaint your Lordship, that Her Majesty's sloop of war "Satellite," Commander John Robb, sailed from hence, this day, for Barbadoes, having on board Mr. Campbell J. Dalrymple, Her Majesty's Commissioner of Arbitration.

Mr. Dalrymple had previously intimated to the Members of this Commission, that Her Majesty has been graciously pleased to appoint him one of her Commissioners at the Havana.

I have, &amp;c.

(Signed)

JOHN SAMO.

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

&amp;c.

&amp;c.

&amp;c.

No. 147.

*Her Majesty's Judge to Viscount Palmerston.—(Received August 25.)*

MY LORD,

*Surinam, 5th July, 1838.*

I HAVE the honour to announce to your Lordship, that his Excellency the Acting Governor-General, P. de Kanter, having this day taken the prescribed oath before the principal magistrate in the colony, has assumed the functions of His Netherlands Majesty's Commissary Judge *ad interim*.

Mr. George de Veer, the Secretary and Registrar to this Commission, having been permitted to resign his office, that gentleman introduced to the Court Mr. John Ellis, who produced his appointment from the Governor-General of these possessions, to fill that situation until the pleasure of His Netherlands Majesty shall be known. The Court having administered to that gentleman the prescribed oath, Mr. John Ellis has this day entered upon the duties of his office, in the Netherlands and British Mixed Court of Justice.

I have, &amp;c.

(Signed)

JOHN SAMO.

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

&amp;c.

&amp;c.

&amp;c.

No. 148.

*Her Majesty's Judge to Viscount Palmerston.—(Received December 13.)*

MY LORD,

*Surinam, 3rd September, 1838.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, transmitting six copies of an Additional Article to the existing Treaty

between Great Britain and the Netherlands, for the prevention of the traffic in slaves, which Article had been ratified at the Hague on the 27th February, 1837.

I have, &c.

(Signed)

JOHN SAMO.

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

&c.

&c.

&c.

No. 149.

*Her Majesty's Judge to Viscount Palmerston.—(Received December 13.)*

MY LORD,

*Surinam, 3rd September, 1838.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, transmitting 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, and likewise two printed copies of a Treaty, by which the Grand Duke of Tuscany has acceded to the said conventions.

I have, &c.

(Signed)

JOHN SAMO.

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

&c.

&c.

&c.

No. 150.

*Her Majesty's Judge to Viscount Palmerston.—(Received December 13.)*

MY LORD,

*Surinam, 1st October, 1838.*

YOUR Lordship's despatch, dated May 28th last, together with five copies of the printed papers relating to the Slave Trade, which had been presented to both Houses of Parliament by Her Majesty's command, has been received.

Copies of these highly interesting and instructive documents have been placed amongst the archives of this Commission.

I have, &c.

(Signed)

JOHN SAMO.

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

&c.

&c.

&c.

No. 151.

*Her Majesty's Judge to Viscount Palmerston.—(Received December 13.)*

MY LORD,

*Surinam, 1st October, 1838.*

I AM honoured with the receipt of your Lordship's despatch, transmitting to Her Majesty's Commissioners a copy of an unanimous resolution, voted by the House of Commons, for an Address to Her Majesty upon the Slave Trade; and likewise a copy of the Answer, which Her Majesty was pleased to return to that Address.

I submitted these papers for the perusal of my Foreign Colleagues in this Commission, who most cordially respond to the feelings of the British Parliament and Government, in desiring the entire extinction of the odious traffic in slaves.

I have, &c.

(Signed)

JOHN SAMO.

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

&c.

&c.

&c.