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Class A.

(FURTHER SERIES.)

CORRESPONDENCE

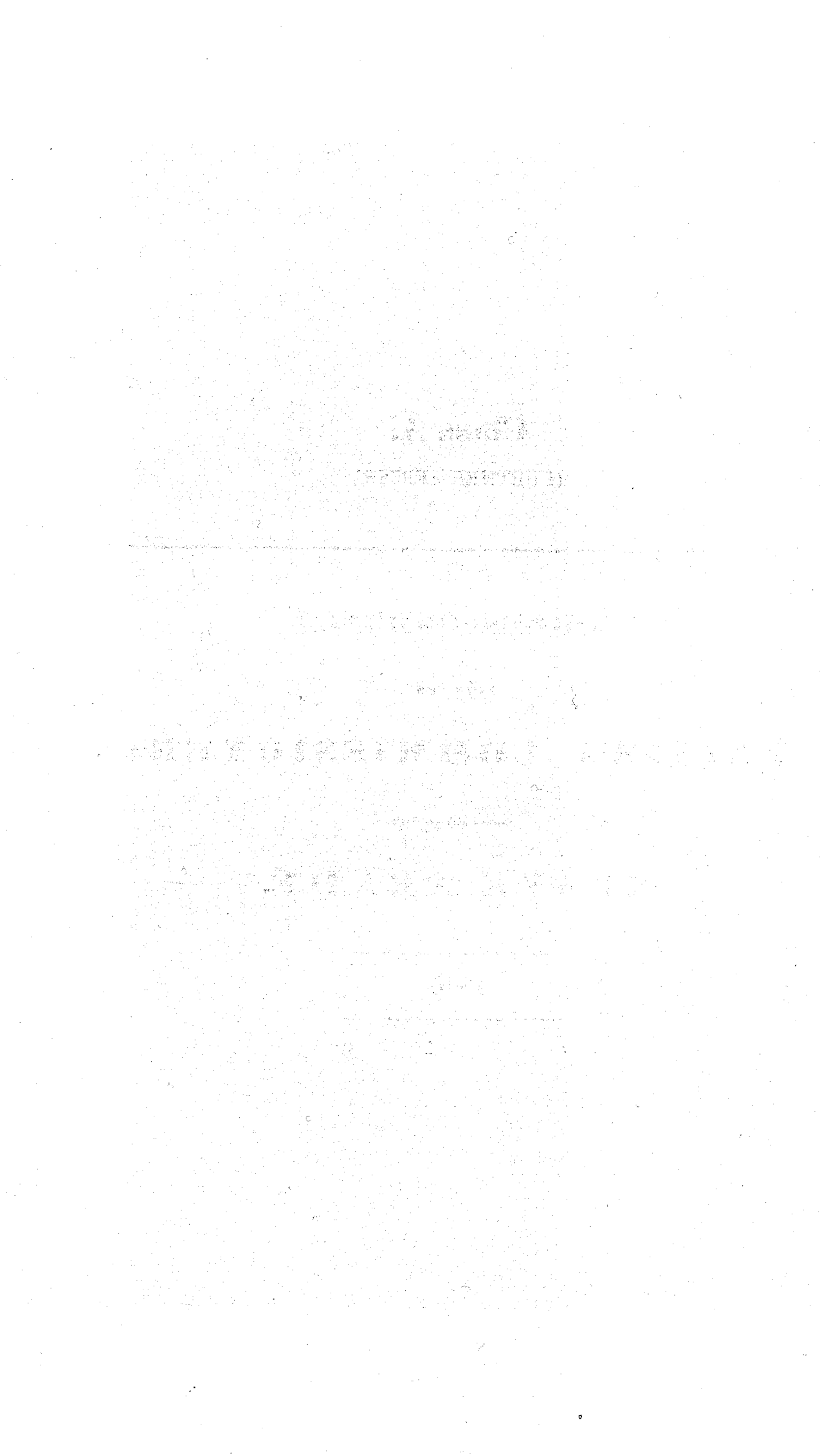
WITH THE

BRITISH COMMISSIONERS

RELATING TO THE

SLAVE TRADE.

1840.



Class A.

(FURTHER SERIES.)

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS

AT

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

RELATING TO

THE SLAVE TRADE.

From January 1st to May 10th, 1840, inclusive.

Presented to both Houses of Parliament, by Command of Her Majesty
1840.

LONDON:

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

1840.

THE UNIVERSITY OF CHICAGO

PHYSICS 435

PROBLEM SET 1

Due: Monday, September 10, 2012

1. A particle of mass m moves in a potential $V(x) = \frac{1}{2}kx^2$.

QUESTION 1

(a) Find the energy levels E_n for $n = 0, 1, 2, 3$.

(b) Calculate the expectation value $\langle x \rangle$ for the ground state.

(c) Compute the probability of finding the particle in the region $x > 0$ for the first excited state.

(d) Determine the uncertainty in position Δx for the ground state.

Class A.--(Further Series.)--1840.

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(FURTHER SERIES.)

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

SIERRA LEONE. (*General.*)

No. 1.

Viscount Palmerston to Her Majesty's Commissioners,

GENTLEMEN,

Foreign Office, February 20, 1840.

I HEREWITH transmit to you a Copy and a Translation of an Apostolical Letter, promulgated on the 3rd December, 1839, by His Holiness the Pope, on the subject of the Slave Trade.

I have to desire that you will cause this letter to be inserted in the public journal of the place where you reside, and that you will avail yourself of any other suitable opportunity which may offer to make its contents known.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 1.

Papal Brief against the Slave Trade, December 3, 1839.

(See Class C.)

No. 2.

Her Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Sierra Leone, November 15, 1839.

(Received March 17, 1840.)

WE have the honour to acknowledge your Lordship's Despatch, of the 25th of August last, transmitting four copies of an Address upon the Slave Trade from the House of Peers to Her Majesty, and of Her Majesty's most gracious Answer thereto; and for which we beg leave to express our thanks to your Lordship.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

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

No. 3.

Her Majesty's Commissioners to Viscount Palmerston.

MY LORD,

Sierra Leone, November 15, 1839.

(Received March 17, 1840.)

WE have had the honour to receive your Lordship's Despatch, dated the 26th of August last, conveying to us the opinion of the Queen's Advocate, on the subject of the disposal of captured negroes, previously to the adjudication of the vessel on board of which they have been captured.

With reference to the Queen's Advocate's opinion, we beg leave respectfully to intimate, that the opinion given by the Law Officers of the Crown in January 1827,

CLASS A.—FURTHER SERIES.

did not, as the Queen's Advocate supposes, refer to the detention of negroes in the character of Slaves in the British West Indies, at a time when Slavery had a legitimate existence there; but to negroes awaiting adjudication in the free Colony of Sierra Leone, where a state of Slavery was never recognised by law.

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

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

No. 4.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 15, 1839.

(Received March 17, 1840),

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated the 23rd of September last, accompanying six copies of an Act of Parliament passed on the 24th of August, 1837, for the suppression of the Slave Trade.

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 Commissioners to Viscount Palmerston.

Sierra Leone, December 26, 1839,

(Received March 17, 1840.)

MY LORD,

WE have had the honour to receive yesterday your Lordship's Circular Despatch of the 2nd ultimo, stating what farther measures have been adopted for carrying into effect the recent Act of Parliament for the suppression of the Slave Trade; and cautioning the persons entrusted with the execution of that Act against exceeding the powers with which they are thereby invested.

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

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

No. 6.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 23, 1840.

I HEREWITH transmit to you for your information, 12 Copies of a Treaty, concluded at Caracas on the 15th of March, 1839, between Her Majesty and the Republic of Venezuela, for the abolition of the Slave-trade.

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

No. 7.

Lord Leveson to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 30, 1840.

WITH reference to your Despatches dated the 31st of December, 1839, enclosing returns of vessels adjudicated during the last half year, by the Mixed Courts of which you are members. I am directed by Viscount Palmerston to desire that in making out such returns, for the future, you will insert columns showing the tonnage of each vessel according to her register, and according to English measurement.

I am, &c.
(Signed) LEVESON.
Her Majesty's Commissioners,
&c. &c. &c.

SIERRA LEONE. (*Spain.*)

No. 8.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, January 21, 1840.

I REFERRED to Her Majesty's Advocate General your Despatches marked "Separate," of the 31st January, and of the 12th February, 1839, together with other Papers which I had received on the subject of the Slave-vessel "Florida," detained by Her Majesty's Brig, "Saracen," and taken to Sierra Leone for adjudication.

I have now to make the following observations on this case for your future guidance.

You state in your Despatch of 31st of January, that you declined to accede to the application of the captor for the admission of the "Florida" into the British and Spanish Court of Justice, on the ground that all the Papers of the detained Schooner set forth, that she was an American vessel; but you afterwards observe, that unfortunately for the credit of the bill of sale, another paper was discovered, showing that Messrs. Mazanedo and Abrisqueta, who are well known as a Slave-trading firm at the Havana, were either the real owners or the agents of the real owner of the "Florida;" and that Williamson, the only American on board, instead of being, as asserted, the owner of the Florida, was to receive from Messrs. Mazanedo and Abrisqueta a small monthly stipend for assisting by his name and presence in concealing a Spanish Slave-trade Adventure under an American cover.

Again in a subsequent part of the same Despatch, you state that the equipment of the "Florida" for the Slave-trade was complete, and that the captor would thus have possessed ample means of convicting his prize of being an essentially Spanish Vessel engaged in the illicit Traffic, if he had been permitted to take advantage of the information acquired by his unauthorised search.

But it is to be observed, that the American colours were not flying on board the "Florida" when the search took place; and concluding the vessel to be, as you admit it to be, "essentially Spanish," I cannot see how the search can be considered unauthorised, when made by one of Her Majesty's ships of war, furnished with the instructions required by the Treaty between this Country and Spain.

I have further to state to you upon this case, that the Queen's Advocate having taken into consideration the circumstances which you have detailed, is decidedly of opinion that the Florida was in reality a Spanish, and not an American vessel; and consequently that she might have been adjudicated upon and condemned by the Mixed British and Spanish Court at Sierra Leone, under the treaty of June, 1835.

I am, &c.

(Signed) PALMERSTON.

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

No. 9.

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

GENTLEMEN,

Foreign Office, March 17, 1840.

I HEREWITH transmit to you a Copy of a Note from Mr. Stevenson, the United States' Minister at this Court, expressing a desire, on the part of the United States' Government, to be furnished with one or more of the forms which Mr. Trist, the United States' Consul at the Havana, acting also as Portuguese Consul at that place, is said to have signed in blank, and to have furnished to the owners of vessels about to be engaged in the Slave Trade.

I beg to refer you on this subject to your Despatch of the 20th October, 1838, giving a report of the case of the "*Constituçao*," and also to No. 25, Class B, Further Series of Papers on Slave Trade, presented to Parliament in 1839, containing my Despatch to Mr. Fox upon this subject; and I have to desire that you will transmit to me any papers which may be in your possession, or which you may be able to obtain, similar to those referred to in the Letter from Mr. Trist.

I am, &c.,

(Signed) PALMERSTON.

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

Enclosure in No. 9.

Mr. Stevenson to Viscount Palmerston, February 27, 1840.

(See Class D, Further Series No. 80.)

No. 10.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 15, 1839.**(Received March 17, 1840).*

MY LORD,

WE have had the honour this day to receive your Lordship's Despatch dated the 26th of August, covering Copy of a Despatch from Her Majesty's Commissioners at Havana, containing a Report of such Slave-vessels as arrived at, and departed from, that port during the month of June last.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

Right Hon. Viscounta Palmerston, G.C.B.,
&c. &c. &c.

No. 11.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 15, 1839.**(Received March 17, 1840).*

MY LORD,

WE beg leave to acknowledge the receipt of your Lordship's Despatch of the 27th of August last, communicating the pleasing fact that the Queen's Advocate, to whom our decision in the case of the "*Diligente*" had been referred, fully concurred in the view which we took of the case.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

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

No. 12.

(Extract.)

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 15, 1839.**(Received March 17, 1840.)*

WE have the honour to acknowledge your Lordship's Despatch of the 28th of August last, on the subject of our decision, in the case of the schooner "*Sirse*," that the course of trade in which that vessel was engaged had affixed upon her a Spanish national character.

No. 13.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 15, 1839.**(Received March 17, 1840.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 31st of August, 1839, covering a Copy of a Letter which has been addressed, by your Lordship's direction, to the Admiralty; and which contained the opinion of the Queen's Advocate upon the case of the "*Hazard*," detained on a charge of being concerned in the Slave Trade, although bearing the flag of a state which has not conceded to Great Britain the right of search.

We beg leave to return our thanks to your Lordship for this communication.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

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

No. 14.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 15, 1839.**(Received March 17, 1840.)*

MY LORD,

WE have the honour to acknowledge your Lordship's Despatch dated the 5th of September last, informing us that the Queen's Advocate is of opinion that the schooner "*Mary Ann Cassard*" was, at the time of her detention, Spanish and not American property, and that the Commissioners would have been justified in condemning her under the Treaty between Great Britain and Spain for the suppression of the Slave Trade.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

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

No. 15.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, December 26, 1839.**(Received March 17, 1840.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 11th of October last, transmitting an Extract from a Despatch from Her Majesty's Commissioners at Havana, relative to the Slave-vessels which have arrived at, and departed from that port, during the month of July last.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

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

No. 16.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, August 17, 1839.*

MY LORD,

(Received April 10, 1840.)

WE have the honour to transmit to your Lordship herewith Copy of a Letter, and its Enclosure, addressed by Captain Tucker of Her Majesty's sloop "Wolverene," to Mr. Macaulay, on the subject of a vessel called the "*Tres Emanuel*," alias "*Maria Segunda*," which, whilst lying in the River Congo, fired upon the "Wolverene's" boats when they attempted to visit and search her.

Conjecturing with good reason that Captain Tucker would not leave this insult unnoticed, the Master of the "*Tres Emanuel*," scuttled and sunk his schooner, intending to raise her again as soon as the "Wolverene" should take her departure.

To prevent the execution of this purpose, Captain Tucker, on reaching the sunken vessel effectually destroyed her ("considering her in every respect as a pirate,") by cutting away her masts, and cutting her sides and decks through.

Having thus inflicted the most summary punishment on the vessel, on the ground that she was a pirate, Captain Tucker wished apparently to prosecute her, after her destruction, as a Spanish vessel equipped for the Slave Trade, and for that purpose wrote the enclosed letter to Mr. Macaulay.

Of this Letter and its Enclosure no notice could of course be taken by the British and Spanish Judges; but they directed that the Papers thus sent to them should be handed over to the professional gentleman who acted as Captain Tucker's Proctor in the Mixed Courts. The Proctor returned the Papers to the Registry, after a short interval, with an intimation that, as no ship's papers, and no witnesses had been sent up to Sierra Leone, he was without the means of commencing a prosecution against the "*Tres Emanuel*," or of proving the Captor's allegations against her, even if the previous total destruction of the vessel would allow of her being libelled in the Court.

The services and gallantry of Captain Tucker, when employed many years ago in the suppression of the Slave Trade, are still the subject of frequent mention and praise on this Coast; but in those earlier times the practice and proceedings of the Courts, then in their infancy, had not probably acquired the system and order, which time and experience, and a great increase in their business, have since introduced; and this circumstance will sufficiently account for the irregularity which was committed by Captain Tucker in addressing a Letter, on the subject of a suit in which he was one of the litigant parties, to one of the Judges who was afterwards to decide the case between the Captor and Claimant.

We have, &c.,
(Signed)

H. W. MACAULAY.
R. DOHERTY.

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

&c. &c. &c.

Enclosure in No. 16.

Commander Tucker to Mr. Macaulay.

SIR,

Her Majesty's Sloop, "Wolverene," West Bay Princes, July 8, 1839.

I BEG to report to you, for the information of the Court of Mixed Commission at Sierra Leone, that the Commander and crew of the Spanish schooner "*Tres Emanuel*," at Ponta da Lanha, in the River Congo, fired upon the boat of this Sloop on the 2nd of June, and afterwards scuttled and sank the schooner; that on the 5th of June, having taken the "Wolverene" up to the place, I destroyed the said schooner as a piratical vessel, for having fired upon my boat, the particulars of which are contained in the annexed declaration; but I beg you will notice that my declaration states her as a Spanish vessel equipped for the Slave Trade, under which head I bring her before the Court of Mixed Commission. Should any of my prize crews be at Sierra Leone, I beg you will call upon them, that, if present at the destruction, they may give evidence of the facts.

I have, &c.
(Signed) WILLIAM TUCKER (b),
Commander.

W. H. Macaulay, Esq., Sierra Leone,
&c. &c. &c.

Sub Enclosure in No. 16.

(Declaration.)

I, WILLIAM TUCKER (*b*), Commander of Her Britannic Majesty's Sloop, "Wolverene," hereby declare that the Master and crew of the Spanish schooner "Tres Emanuel," of and belonging to the Havana, equipped for the Slave Trade, passing under the name of the Maria Segunda of Rio de Janeiro, with Portuguese Papers and Colours, fired upon the boats of this Sloop on the 2nd of June, as they were proceeding to board the said vessel with the English Ensign and Pendant flying, and wounded one man in the boat; that I took Her Britannic Majesty's Sloop, "Wolverene" up to the place and found the said schooner, the "Tres Emanuel," scuttled and sunk. That I fully ascertained and clearly proved before witnesses, that the master and crew of the said schooner had fired upon the boats of this Sloop and afterwards scuttled and sunk the vessel, supposing I should send more boats up to take her, intending to return and raise her so soon as this Sloop left the river. That I destroyed the said vessel on the 5th June by cutting away her masts, her sides, and decks through, considering her in every respect as a pirate. That the said vessel had Spanish papers and logs on board, and was from the Havana (bound) to the Havana equipped for the Slave Trade. That the accompanying extract of the boarding book contains her name and description, and that I enter her into the Mixed Commission Court as a Spanish vessel fitted for the Slave Trade in contravention of the Treaty with Spain of 1835.

(Signed)

WILLIAM TUCKER (*b*), *Commander.*
C. F. NEWLAND, *Lieutenant.*

Extract from the boarding Book of Her Majesty's Sloop, "Wolverene."

Name of Vessel	Tres Emanuel. Maria Legunda.
" Owner	Bartholomew José Dias.
" Master	José Maria de Albuquerque.
Where from	Havana.
" bound	St. Paul de Loando and Havana.
" belonging	Cape de Verdes.
Number of Days out	Two Months.
How Rigged	Two Topsail Schooner.
Under what Colours	Portuguese.
Number of Men	Twenty.
" Guns	One.
" Tons	Seventy-seven.
Remarks	Fitted for Slaves.

(Signed)

WILLIAM TUCKER (*b*),
Commander.

No. 17.

*Her Majesty's Commissioners to Mr. Backhouse.**Sierra Leone, December 31, 1839.*

MY LORD,

(Received April 13, 1840.)

In pursuance of the 75th clause of an Act passed in the fifth year of the Reign of His Majesty 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 enclose a return of all Vessels, adjudicated in the British and Spanish Mixed Court of Justice, from the 1st of July to this date.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.J. Backhouse, *Esq.*
&c. &c.

Return of Spanish Vessels adjudicated by the British and Spanish Mixed Court of

NAME OF VESSEL.	NAME OF MASTER.	Date of Seizure.	WHERE CAPTURED.		Property seized.	SEIZOR.
			Latitude.	Longitude.		
Jack Wilding . . .	William Young . .	1839. May 26	British	Accra.	Schooner and cargo	Edward Holland, Esq. H.B.M. Brigantine "Dolphin."
Merced	José Urresti . . .	June 18	New	S estos	Ditto.	Ditto Ditto.
Emprendedor . . .	Fran. Lavandeira	June 28	7° 6' N.	11° 50' W.	Brigantine and cargo.	Rt. Hon. Lord F. J. Russell, H.B.M. Sloop "Harlequin."
Sin Ygual	José Pereyra . . .	,, ,,	,,	,,	Ditto.	Ditto Ditto.
Victoria da Libertade	José Maria de Cunha	June 26	5° 42' N.	9° 52' W.	Schooner and cargo.	Ditto Ditto.
Christiano	Nathaniel Crane . .	,, ,,	,,	9° 51' W.	Brigantine and cargo.	Ditto Ditto.
La Bella Fiorentina	Pietro Siccoli . . .	May 20	5° 45' N.	9° 40' W.	Schooner and cargo.	Ditto Ditto.
Matilde	José Paolo das Nevis	June 29	3° 7' S.	9° 50' E.	Brig and cargo.	Arthur Kellett, Esq. H.B.M. Brig "Brisk."
Constituçao	Antonio Rodrigues	July 8	4° 20' N.	4° 40' E.	Schooner and 344 slaves.	Henry J. Matson, Esq. H.B.M. Brig "Water-witch."
Dos Amigos	José Antonio da Silva	Aug. 27	5° 25' N.	50' E.	Schooner and cargo.	Edward Holland, Esq. H.B.M. Brigantine "Dolphin."
Victoria	Joaquim Antonio Oliveiros	1838. Dec. 18.	Off	Cuba.	Brigantine and cargo.	Philip Hast, Esq. H.B.M. Schooner "Pickle."
Scorpio	Angelo Elloriaga	Nov. 26	21° 7' N.	81° 45' W.	Brig and 212 Slaves	Thomas Bushby, Esq. H.B.M. Sloop "Wanderer."
Josephina	Miguel Clemente Sonte	1839. Sept. 7	River	Congo.	Schooner and cargo.	John Luke Rich. Stoll, Esq. H.B.M. Brig "Bonetta."
Liberal	Franc. Barraillier, otherwise Franc. dos Santos	,, ,,	,,	,,	Brigantine and cargo.	Ditto Ditto.
Ligeira	Domingos da Costa Lage	,, ,,	,,	,,	Schooner and cargo.	Ditto Ditto.
Sete de Abril . . .	Manoel Martinho	Sept. 27	5° 55' N.	3° 20' E.	Schooner and 424 Slaves	Henry James Matson, Esq. H.B.M. Brig "Water-witch."
Brilhante	Victor de Silva . .	Oct. 16	River	G allinas.	Ditto.	H. W. Hill, Esq. H.B.M. Brig "Saracen."
Fortuna	José Antonio Barboza	Nov. 1	6° 20' N.	4° 20' E.	Brig and cargo.	Henry James Matson, Esq. H.B.M. Brig "Water-witch."
Magdalena	Juan Ramon	Nov. 11	4° 16' N.	7° 7' W.	Schooner and cargo.	Godolphin J. Burslem, Esq. H.B.M. Schooner "Viper."
Lavandeira	Miguel Oliver . . .	Nov. 27	7° 2' N.	12° 52' W.	Ditto.	Henry Broadhead, Esq. H.B.M. Brigantine "Lynx."

in No. 17.

Justice established at Sierra Leone between June 30 and December 31, 1839.

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, whether any part remains unsold, and in whose hands the proceeds remain.
July 8	Condemned for being engaged in the illicit traffic in Slaves.	Vessel and stores sold at public auction, and the proceeds paid into the Military Chest.
..	Ditto.	Ditto Ditto.
July 12	Ditto.	Ditto Ditto.
..	Ditto.	Ditto Ditto.
July 18	Ditto.	Ditto Ditto.
Aug. 6	Ditto.	Ditto Ditto.
..	Ditto.	Ditto Ditto.
Aug. 12	Ditto.	Ditto Ditto.
Aug. 15	344	6	338	Ditto.	Vessel and stores sold at public auction, and the excess of expenses over the proceeds of such sale paid by the British Government.
Sept. 24	Ditto.	Vessel and stores sold at public auction, and the proceeds paid into the Military Chest.
Oct. 19	Ditto.	Brigantine and stores left at Port Royal, Jamaica, and a Commission issued for the sale thereof.
Oct. 23	212	22	190	Ditto.	Ditto Ditto.
Oct. 26	Ditto.	Vessel and stores sold at public auction, and the proceeds paid into the Military Chest.
..	Ditto.	Ditto Ditto.
Oct. 30	Ditto.	Ditto Ditto.
Nov. 2	424	9	415	Ditto.	Vessel and stores sold at public auction, and the excess of expenses over the proceeds of such sale paid by the British Government.
Nov. 7	Ditto.	Vessel and stores sold at public auction, and the proceeds paid into the Military Chest.
Dec. 3	Ditto.	The stores sold by public auction, and the proceeds in the hands of the Commissioner of Appraisalment and Sale; the vessel still remaining unsold, in consequence of the great press of business in the Courts.
..	Ditto.	Ditto Ditto.
Dec. 10	Ditto.	Ditto Ditto.

Sierra Leone, December 31, 1839.

J. MILLER, Acting Registrar.

No. 18.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, January 20, 1840.*

MY LORD,

(Received April 28.)

HER Majesty's Commissioners had the honour, on the 12th of February last, by their Despatch of that date, marked "separate," to report to your Lordship their refusal to entertain the case of the Brigantine "*Eagle*," sailing under American colours, which had been detained and sent to this port by Her Majesty's Sloop "*Lily*."

This case has been again brought before the Courts under very peculiar circumstances;—the recapture of the vessel (which her first prize crew had never released) by Her Majesty's Brigantine "*Buzzard*" under the same American flag which was the cause of the non-admission of the case in the first instance; an interval of nearly ten months occurring between the seizure and the prosecution, during which time the captors made a voyage with the detained vessel to America, and offered to place her at the disposal of the American Government; the absence, in consequence of that voyage, by their arrest or escape at New York, of the portion of her crew who had been detained as witnesses, and finally the non-existence of the vessel herself, which foundered at sea on her passage hither from New York and Bermuda.

Under these circumstances the British and Spanish Court has now decreed the "*Eagle*" to have been liable to seizure and condemnation at the time of her detention by Her Majesty's Brigantine.

The Courts had previously, as your Lordship is informed, received the opinion of Her Majesty's Advocate upon the case of the "*Hazard*," which was enclosed with your Lordship's Despatch of the 31st of August last. Guided therefore by this opinion, they have now first taken cognizance of a vessel, detained under the Flag of a nation with which Great Britain has no Treaty conceding the right of search and condemnation. The "*Eagle*," libelled as a Spanish vessel, has been received into the British and Spanish Court, without reference to the colours under which she was seized; and, after a very anxious consideration of her papers, containing almost the only evidence in proof of a Spanish character which the captors adduced, we have pronounced the condemnatory judgment in question; founded on the clear proof, which those papers and which the circumstance of her being manned by a Spanish crew afforded, of the connection of the vessel with Spanish interests at Havana, and the impossibility, as it appeared to us, of assigning to her any other than a Spanish nationality—a conclusion supported at the same time and pressed upon us by several circumstances attending the case; and in particular by the sworn declarations of the captors respecting the free and complete admissions of Spanish ownership which were made by the American Master.

Together with our report of the case, copies of this judgment and of the captor's declaration on oath are enclosed; but they are unaccompanied by any description of the papers found on board the vessel; the customary Abstract of the contents of those papers having been already transmitted with the Despatch of the 12th of February last, to which reference has been made.

We have, &c.

(Signed)

R. DOHERTY.

E. HOOK.

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

&c

&c

&c.

First Enclosure in No. 18.

*Report of the Case of the Spanish Brigantine "Eagle," J. W. Littig, Master.**Sierra Leone January 18, 1840.*

THIS vessel, apparently owned, if we are to place any reliance upon the master's statement reported in the captor's declaration, by José or Francisco Morales, a Spaniard of Havana, and certainly cleared out at Havana by that person in the month of May, 1838, sailed from thence to the Coast of Africa during that month, with a slave-trading equipment and cargo, which he then and there put on board of her; and with a crew entirely Spanish, or very nearly so. She proceeded by way of the Cape Verd Islands to Lagos; and from thence sailed again for Bahia, where she arrived in the month of September. At Bahia, she received a tobacco cargo, stated to be shipped by Duarte da Silva, by order

of Joaquim Andreo, of Havana, "on account of, and at the risk of the parties to whom it might belong;" and with this cargo she returned to Lagos, where, on the 23rd of November following, the master entered into a written agreement with Isidoro Miguel Braga, to proceed with her once more to Bahia; and to receive on board for that place, at the freight of two dollars each, thirty-two casks; which are said to have recently belonged to different vessels captured at Lagos, and which were to be shipped and filled with fresh water, that they might serve the double purpose of ballasting the vessel and of watering her for a great number of passengers, who are stated to have belonged to the same captured vessels, and who were to be put on board, on payment of their passage-money, at the rate of thirty dollars for each person. It was further agreed, that to enable her to prosecute her voyage, the vessel should, in the first instance, go to windward for provisions; and that, on her arrival at Bahia, she should make a return-voyage to Lagos with a second lading of tobacco.

In the execution of this plain-enough-agreement, the master of the "*Eagle*" was employed in purchasing provisions for the Slaves to which it has reference, when, after being three times visited by Her Majesty's cruisers, the Brigantine was detained by the "*Lily*" in the month of January, 1839; and during the following month arrived at this place, where the case was presented unsuccessfully for admission into the Courts, as hath been already reported to your Lordship.

On the rejection by the Courts, the prize-master and crew still kept possession of the detained vessel, and carried her back to Lagos Roads. From thence they proceeded with her to the Island of Fernando Po, where Her Majesty's Brigantine "*Buzzard*" was lying, and where the prize-officer joined that vessel as supernumerary mate. The officer in command of the "*Buzzard*," one of the vessels by which the "*Eagle*" had been already visited previous to her detention by the "*Lily*," now again boarded her, and, on a full admission made by the American master of the Spanish ownership, he took possession of her with the intention, it seems, of bringing her back to Sierra Leone for judgment. But first, he repaired with her to Princes' Island, and from thence, in consequence of orders from his senior officer at that place, to New York, where he offered to place her at the disposal of the American Government. That Government, however, declined to interfere with the case, on the ground of the foreign and Spanish character of the vessel, which they conceived to be undeniably made out; and confined themselves to proceeding for his participation in the slave-trading adventure against the American master, who had been previously arrested on board the "*Buzzard*," at a civil suit, and removed on shore. This decision of the American Government was not communicated to the Commander of the "*Buzzard*" until the 19th of August, when, the evidence of the captor being required in the prosecution to be instituted against the master, Lieutenant Fitzgerald, with the sanction of the Lords of the Admiralty, with whom he had been in correspondence on the subject, determined to prolong his stay until the 18th of September, for which day the trial was appointed. On that day, however, it was declared to be postponed on account of the death of the prisoner's mother; though it is not stated what apprehended connexion between the two events could render it advisable that, the one having happened, the other should not follow it until after some interval of time. The testimony of the commander and his officers was now taken by commission, and they were no longer detained on this account. In the mean time, however, the "*Eagle*" had been blown on shore in the harbour on the 16th of August, on which occasion the captor, having already lost in the master one witness for the prosecution in this Court, was deprived of the remaining two whom he had on board, the Spanish mate and steward, by their then leaving the vessel, or not returning to her from the shore: and the opinion of the Court as to the degree of blame that appears to attach to the captors in the matter of this escape, as well as in that of the stranding of the vessel which led to it, will be found stated in the judgment. The vessel, therefore, being in the month of September still on shore, a further delay became necessary before she could be got afloat, and after such an accident prepared for sea. This was effected on the 11th of November; and on that day she proceeded with the "*Buzzard*" to Bermuda, in order to her being libelled, in obedience to an instruction from the Lords of the Admiralty, in the Court of Vice-Admiralty in that island. But that Court declined to entertain the case; and the "*Eagle*" having here undergone a very extensive repair, which would appear, however, from what afterwards befel, to have been executed with shameful carelessness and insufficiency, the two vessels finally sailed in company for this port: with what reasonable object is by no means apparent, as the captor could have no grounds, as yet, to presume any change of opinion on the part of Her Majesty's Commissioners on the question of jurisdiction in cases of a capture such as that which he had made. Here, on Christmas-day, the "*Buzzard*" arrived alone, the captured vessel having perished in a gale at sea, in consequence of her leaky condition, soon after leaving Bermuda; when the prize-crew were with difficulty saved on board Her Majesty's Brigantine.

From the 25th of December till the first day of the year, the captor did not move in the case before these Courts; but, that interval elapsed, he brought the vessel's papers before the British and Spanish Court in the usual manner, by petition. The reasons assigned by him in evidence for this delay, and for his now libelling the vessel, were his knowledge of the intention of Her Majesty's Commissary Judge to quit the Courts on the 31st; and his desire to ascertain whether, with reference to the opinion which he understood Her Majesty's Government had expressed respecting the jurisdiction of Courts of Mixed Commission, in cases of seizure like that of the "*Eagle*," the Court, when partly constituted anew, would not take a new view of the general question favourable to his case.

The first petition was refused; and a second being presented on the 3rd instant, with the addition to the papers already given in of an English and Spanish log, it was granted on the 6th; and the captor's declaration filed, and the monition issued on that day. The same day affidavits were brought in, and then or subsequently executed, certifying to the signature of the American master, Littig, subscribed to the Declaration, and to the voluntary nature of the admissions made by him as reported in that document; and proving the seizure, the slave-equipment, the escape of the witnesses, and the loss of the vessel. On the 8th, the captor was sworn to the truth of this declaration.

The Registrar was then occupied at intervals till the 14th, in examining the captors on special interrogatories, put chiefly by order of the Court, and designed to illicit explanation respecting the several unfortunate incidents which distinguish the detention in this case; as well as to supply an important omission in the Declaration; and to afford an opportunity to the prize-master, and one of the prize-crew, of accounting for and rectifying some very gross misstatements contained in one of their affidavits, and repeated on the first day of these examinations.

In the depositions thus taken, the Commander of the "*Buzzard*" gave a full narrative of his proceedings, and of what befel the "*Eagle*," from the date of the detention until she perished in the manner

related; and an abstract of some of his statements is already embodied in this Report. He further deposed, that the slave-equipment on board when he detained the vessel, consisted of from fourteen to sixteen leaguers, the largest he ever saw, a complete slave-deck, two large copper boilers, and large quantities of farinha, beans, and a kind of pig-meat usually given on board slavers to Slaves; that his intention when he detained the "*Eagle*" was to bring her as soon as possible for judgment to this Court, as the Mixed Court of Justice nearest to the place of detention, agreeably to what is required by the first Article of the Instructions for the Navy under the Treaty with Spain; but being desirous, as the case was a novel one, to accompany her himself with Her Majesty's brigantine under his command, and having orders to attend upon the senior naval officer commanding in the Bights, within a week from the day when the capture had taken place, he sent the "*Eagle*" on to Prince's Island to await his arrival there, which having effected, he was there ordered by the senior officer in question to proceed with the prize to New York, and to deliver her to the American Government, should that Government claim her, or to any American man-of-war he might fall in with; that he arrived at New York, touching at Barbadoes for water, after a voyage of upwards of two months; and having submitted the case to the American Government, received through the British Ambassador, on the 19th of August, its decision declining to interfere; that the "*Eagle*" having been stranded three days before, he could not, on the receipt of this decision, and on determining, as he then did, to remain with the "*Buzzard*," in order to abide the issue of the master's trial, have then dispatched the former vessel to this place; but that in other circumstances, he would not have been disposed to do so without himself accompanying her in the "*Buzzard*," knowing as he did the danger she might have to encounter from the hostility of the Spaniards in the American seas.

With respect to the total absence of witnesses belonging to the detained vessel, this witness, after deposing to the arrest of the master on board the "*Buzzard*," and to the circumstances under which the mate or steward absconded, stated, that having no authority to detain those persons in confinement, no precautions to prevent their escape could be used by him. He added, however, on a subsequent day, that he had authority to detain them in the "*Buzzard*" or "*Eagle*," so long as the American Government should not have interfered to procure their removal on shore, as it did in the case of Littig; that they *were* watched on board the "*Eagle*," and he did not doubt he would have brought them to this place had the accident of her stranding not happened, when not the prisoners only, but all the prize-crew left her; that he could not fairly remove the prisoners to the "*Buzzard*," which at that time he and his crew had themselves abandoned, by medical advice, as being infected with fever; though, on re-examination, he admits that this occurrence did not take place until the month of July; that the master, Littig, had indeed been removed to the "*Buzzard*," at sea, before they arrived in America; but, at his own request, and on his statement, that he considered his life to be in danger from the Spanish mate in consequence of the disclosures he had made respecting the vessel; that had the "*Buzzard*" never been infected he would not have thought himself justified in removing the mate from the "*Eagle*," and thereby depriving him of the opportunity of seeing that her stores were not plundered or destroyed; nor would it, in his opinion, have been better for the safe custody of those persons had their removal to the "*Buzzard*" taken place; finally, that he knew nothing of precautions used by the prize-officer to prevent the prisoners from leaving the "*Eagle*," more than the usual one of keeping watch; and with regard to his having made no endeavour to recover them after their escape, that he knew the laws of the United States too well to make any application to that effect to the authorities of America; that he did not think the men would have been delivered up to him, as prisoners in the custody of *him*, duly authorized to detain them as charged with violating the laws of their country, and as witnesses necessary in the prosecution of this case before this Court, even through the intervention of the British Ambassador in the United States; nor was he of opinion, from the instances which he knew and which he here adduced, wherein the Ambassador had declared his inability to interfere, that an application to that effect would have been worth trying, even considering the importance of the case; that the stranding of the "*Eagle*," which immediately led to the absconding of the prisoners, occurred during a gale which caused her to drag from her anchor, and which blew several vessels ashore at the same time; that she was previously placed about a quarter of a mile from the "*Buzzard*," and the usual precaution taken of having a second anchor ready to let go; that this anchor was indeed not dropped; but that he was convinced, from the violence of the wind, that it would have been of no avail if it had; that the vessel was in charge of a petty officer, who had the customary orders to attend to her safety, but who was in bed when the accident happened, and was not called until she was on shore.

On the most important of these points the evidence of Mr. George Sayer Boys, the prize-master, and of petty-officer Richard Rowe, who had been in immediate charge of the vessel at New York, varied extremely from the foregoing statements; and was even contradicted in some remarkable particulars, both by those statements and by their own depositions received subsequently. They declared by affidavit that all the three prisoners, the master, Littig, and the Spanish mate and steward, had escaped from the "*Eagle*" on the 15th of July; and Mr. Boys afterwards deposed that this escape had been effected by all three in the middle of August. In a subsequent examination he corrected this statement in so far as it applied to Littig, declaring that he must have made and signed it through inadvertence and oversight, that person never having been on board the "*Eagle*" from the date of her arrival at New York, in the month of June. He swore that he used every precaution to prevent the escape of the others; and being asked what those precautions were, replied that they were visiting the "*Eagle*" frequently and seeing that the general orders of the commander to prevent the prisoners from going ashore were duly observed, and that the discipline of the vessel was maintained; that he himself gave no orders, and was not at that time prize-officer; and that the general orders of the commander were not observed on occasion, and in consequence of the vessel being driven ashore in the month of August, when the prisoners escaped during night.

The petty-officer Rowe made similar and still further corrections of a similar statement on his part made by affidavit. He had never intended to say that Littig, who was not at all on board the "*Eagle*" at New York, had escaped or absconded from that vessel at that place; and if any one of the affidavits he had made contained anything to the contrary, he was not made aware of it by the proctor for the captors when that gentleman recited to him the contents of those affidavits previous to his swearing to them in Court. The examiner then reminding the witness that he himself had read over to him the whole of the affidavits in question, so far as they concerned him, previous to his swearing to and signing them, he replied, that when that was done he did not take notice of the name of Littig, as included with those of the others who were stated to have escaped.

This person further declared, and here he was at direct variance with the other witnesses, that the mate of the "*Eagle*" did *not* escape in company with the steward of that vessel, as the declaration of his Affidavit might cause it to be supposed; but that the steward escaped the night after the "*Eagle*" was stranded, in company with the boatswain of the "*Clara*," another prize-vessel, at that time in charge of the "*Buzzard*;" while the mate, *who had previously had occasional leave to go on shore*, did not, as he had been accustomed to do, return on board after the stranding of the vessel, his reason for then continuing to absent himself being, as witness understood, the uncomfortable state of his berth, occasioned by the vessel having heeled over.

This closed the case. The following day Mr. Whitfield, a proctor in the Courts, prayed that he might be allowed to act for the captors in the room of their proctor, Mr. Power, who had left the colony for Europe; and this being allowed, he petitioned the same day for a day of adjudication. The Motion had been returned, duly certified by the Marshal, two days before. The Court, therefore, appointed the day prayed for, the 18th; and on that day pronounced the judgment, of which the copy is enclosed.

(Signed) R. DOHERTY.
E. HOOK.

Second Enclosure in No. 18.

Judgment given in the Case of the Brigantine "Eagle," Joshua W. Littig, Master.

VERY few prosecutions have ever been undertaken in these Courts under the disadvantages that attend on the present case. The papers from the detained vessel which the captor has been enabled to file afford but an indirect and meagre evidence, no witnesses can be produced from among her officers and crew to supply the deficiency in her papers, and to complete the misfortune of the captors, although it adds little to the difficulties experienced by the Court, the vessel herself is no longer in existence, having foundered at sea on her passage hither from America.

This last circumstance alters, of course, the object of the present proceedings on the part of the captors, from what is usually proposed in prosecutions of this nature. What the Court is now called upon to do is not, of course, to condemn a vessel which does not exist; but to pronounce her to have been liable to seizure and condemnation at the time of her detention by Her Majesty's Brigantine.

This is now the second occasion on which the case of the "*Eagle*" has been presented to this Court. In the month of January of last year, she was detained and sent to Sierra Leone by the Commander of her Majesty's Sloop "*Lily*;" but a petition for her admission, presented during the following month, was at that time unsuccessful, in consequence of the rule which the Court had then prescribed to itself of rejecting all cases of vessels seized while sailing under the flag and pass of America, or of any State with which England has no Treaty conceding the right of visitation and search, a rule first observed in the month of November 1838, in the case of the "*Mary Anne Cassard*," which is still full in the recollection of the present members of the Court. Since however the rejection of the case of the last vessel captured and brought to the Colony, under such circumstances, a communication has been received from Her Majesty's Government, conveying an opinion of the Queen's Advocate-General, by which it appears that Courts of Mixed Commission are deemed to possess jurisdiction in all cases of vessels really belonging to a nation with which Great Britain has Slave Trade Treaties conceding the right of search and condemnation, without reference to the flag under which such vessels may have been detained; the responsibility of seizing a vessel belonging to a nation with which no such Treaty exists, upon a suspicion which shall turn out to be unfounded, being declared to rest with the captor, and to be of a serious nature.

The Court has therefore been enabled to consider the case on this second presentation of it, with reference to this opinion of the Queen's Government; and to receive it for adjudication.

The case being admitted, the first circumstances attending it which have required consideration, are the singular length of time (not much less than ten months,) which has intervened between the detention of the vessel and her being now libelled in this Court; and the non-production of witnesses from among the detained crew, with the questions that arise, in consequence, as to how far those accidents are to be regarded as the misfortune merely of the captors, or to be ascribed to them as likewise occasioned by their fault. In the case of the "*Conchita*," (Class A of the printed correspondence, 1824-25), the Court remarked upon the long unexplained interval which had elapsed from the detention, as being contrary to a provision of the 1st article of the instructions for the two Navies appended to the Treaty, which it certainly was. In the present instance the captor assigns in explanation, first, the orders of his senior Officer, commanding in the Bights which he was under at the date of the detention, to meet him about that time at Prince's Island; and secondly, the further orders which that Officer gave him on his joining him with his prize there, to proceed with her to America, and this explains the matter to a certain extent. But he might have complied with the first of those orders, and yet have despatched the "*Eagle*" at once to this port; and at all events he had no more pressing orders to obey than those which required him so to send the captured vessel, so soon as he had once detained her for the purpose, as he states, of doing so; although it is difficult to perceive the accuracy of the reasoning upon which the intention was formed, of re-seizing a vessel which had been rejected by this Court only one month previous; and of sending her back for judgment to the very same Court, when there existed no ground for supposing any change to have taken place in its opinion respecting the legality of the first capture, and when the circumstances of the second were precisely the same.

Respecting the still more important point of the escape of the witnesses, the stranding of the "*Eagle*" at New York, which immediately led to that event, is admitted to have been attended with neglect in some quarter; and we are constrained to observe, that in the custody of those important prisoners throughout, the captors appear to us to be not wholly exonerated from blame. We make allowance for the difficulties, as he has stated them in evidence, under which the Commander of the "*Buzzard*" was placed at New York, with disease on board his own vessel, and with the care of two prizes on his hands, in a foreign country, and a country like America. But these latter circumstances only demanded stricter measures with respect to his prisoners, if he still retained the intention or contemplated the contingency of using their testimony in this Court. The prize in which they remained, however, was moored

at a distance from the "Buzzard;" no special orders were given respecting them to the petty officer in charge of her; and Mijares the mate, had occasional leave to go ashore. Above all, it does not appear that, before the "Eagle" was stranded and before the "Buzzard" was infected, any reasonable objection could have existed against removing them to the latter vessel, that they might be there watched with greater vigilance, under the immediate observation of her commander. The third article of the instructions under the Treaty for the two Navies does indeed state that such prisoners shall be left on board the detained vessel; but it is to be observed, first, that when the captor carried the "Eagle" and her detained crew to America, he was not acting under the provisions of that or of any other Treaty for the prevention of the Slave Trade; and secondly, supposing him to have been so acting, yet the spirit of that instruction would, in our opinion, not only have justified the removal in question, but under all the circumstances positively required it. The principal object in directing that the detained crew shall be left on board their vessel is clearly their conveyance as witnesses to the Mixed Commission station to which the vessel is to be sent; and if the capturing ship accompanies her prize, a case not expected often to occur, it would surely be too much to say (the safe custody of the prisoners requiring it) that they are not to be transferred to that vessel, especially under circumstances like those of the "Eagle" at New York. If, too, the letter of the instruction was to be adhered to, to the neglect of its spirit, no exception ought to have been made in the case of the American master, Littig, himself, merely because he requested that it should be so. It is, indeed, after all true, that had the removal to the man-of-war taken place, it might not, and from the "Buzzard's" subsequent state of disease, probably would not, have proved effectual for the final security of the men; but it would have shown that the captors had taken the best means to produce the best evidence; an obligation under which they are placed, and any remissness in the fulfilment of which, this Court has always noticed with great jealousy.

We are compelled the more to these observations from the imperfect nature of the only evidence which is offered in proof of the nationality alleged, that of the papers found on board the vessel, for it is needless to observe that the unsworn admissions of the master, Littig, cannot be received as evidence in this Court; although the circumstance of these being reported in the captor's declaration, to which that officer has made oath, cannot be without its weight with us in forming a judgment, which must proceed, so much as the present, on evidence of a general and presumptive kind.

Desirable, however, as it would have been that this documentary proof had been much more complete, its production, such as it is, combined with the official knowledge of it which the commissioners already happened to possess, is sufficient to distinguish this case from those which have been presented or adjudicated at former periods under the similar difficulty of the total absence of the detained crew. In the case of the "*Conchita*," already referred to, which was finally terminated by condemnation, though documentary evidence did exist, it had to be accepted entirely on the faith of the prosecutors; and indeed in that case as much as in any other recorded, does the difficulty of the captors appearing at once in the two characters of prosecutors and witnesses seem to have embarrassed the Court. But, on the present occasion we are, in this respect, somewhat differently placed, for we do not find ourselves relying for the authenticity of the papers filed, solely on the testimony of the interested party; but possess the advantage of being already cognizant of them by their first presentation in February last; and of being able to collate them now with an official report of their contents which was then made to Her Majesty's Government.

The captors have sworn to the fact of a slave equipment having been on board at the time of seizure, although all mention of it had been omitted in the declaration; and their evidence receives some confirmation from an entry made in Littig's English log, on occasion of the "Buzzard's" first visiting the "Eagle" on the 1st of January 1839, in which it was stated that he was at that time ballasted with large water-casks. Affidavits have also been filed to the circumstances under which the vessel was inevitably lost; and an affidavit is further made by the prize-officer, and one of the prize crew, explanatory of the absence of her witnesses, in which it appears, by the depositions of the same parties and of the Commander, subsequently taken, that they have fallen into some strange inaccuracies of statement.

These facts being established, the first question that arises on examination of the papers found on board, regards the professed American character of the vessel, as determined in particular by the truth or falsehood of the Bill of Sale, in favour of the alleged master, Littig, made on the 10th of March 1838. And it is at once a *prima facie* circumstance of great suspicion, that this instrument is executed at the Havana; nor, from what is known to this Court of the American Consul and Vice-Consul at that place, Messrs. Trist and Smith, is there anything in their attestations appended to it which is qualified to weaken this impression; but everything, on the contrary, to render it strong. This will certainly not be the less felt when it is remarked, that a power of attorney granted to the seller by the first owners in Baltimore, which is attached to the Bill of Sale, and by virtue of which alone the sale could have been executed, is attested by Mr. Trist two months subsequent to a similar attestation by the same individual of the Bill of Sale itself. This power of attorney is dated at Baltimore on the 1st of December, 1837; and the same date appears on what is declared to be the copy of a Baltimore Register which the Bill of Sale embodies, and which states the "Eagle" to have been built at Baltimore in that year; with respect to the register itself it is affirmed by Mr. Trist to be deposited at his consulate, for transmission to the collector of customs at Baltimore.

Of the Muster-roll it may be remarked that it contains only one English or Anglo-American name, besides that of Littig himself; while the other papers are almost none of them in the English language, and none point to American ownership or American interests, in any manner whatever; and still less in that indirect, accidental manner which in cases of this nature, is worth all the ostentatious declarations of a Bill of Sale; nor do they indicate any American course of trade.

There arises a high probability, therefore, little short of a certainty, that the alleged sale to Littig was illusory, and the vessel not American property.

But to this certainty it will amount if from those papers, deriving corroboration from other circumstances, any other nationality can be presumed or proved against her; and if that nationality shall, at the same time, be Spanish, her prosecution in this Court will be justified, and the case determined.

Here then we remark, that the Muster-roll and Manifest shew her to have cleared out from Havana for St. Thomas's on the 9th of May, 1838; manned by an entire Spanish crew, with the exception of Littig, and apparently of one other person; and furnished with a complete slave-trading cargo and equipment, shipped by José Morales, at Havana; thus connecting her at once with Spanish interests; while an invoice of a large tobacco cargo, shipped subsequently at Bahia for Lagos, traces a direct act of ownership to another resident at Havana, by whom at that distance its shipment is ordered, the

order being executed by the Bahia house, of the well-known slave trader, Duarte de Silva, who has likewise an establishment at Havana.

We should not know, therefore, what national character to ascribe to this vessel were we to refuse her that of a Spanish ship, which we think these and other circumstances warrant us in fixing upon her—which the captors have sworn that Littig himself assigned to her—which has been assigned to her by the law authorities of United States, and of which the presumption was sufficient, in our opinion, to throw the burthen of disproving it on those whom it may have concerned. We will not affirm that the proof is as full as could be desired, and give no opinion as to how far it might influence or determine a tribunal strictly termed a court of law. But what we say is, that as the vessel must belong by her ownership to some nation, the balance of the evidence, such as it is, and certainly the balance of the probabilities, is in favour of the allegation of the captor that she belongs in that manner to Spain. Nor will this Court, when the deficiency of other proof may render it necessary to consider them, turn aside its regards even from such probabilities of a case as exist in the present instance—probabilities resulting from more than one circumstance—from the present state itself of the illicit traffic, the arts of evasion practised by those engaged in it, and the reasons that exist in the increased determination and activity exerted in its repression for practising those arts continually—from the resemblance which the case bears in its most remarkable features to cases of other Spanish Slavers which have appeared on this coast, under the same American flag—and from the statements relative to the flag captain, Littig, which have been filed in evidence. The Court will not disregard these things; but remembering that it sits to decide in equity, it will avail itself of that circumstance not to exclude from its view any of those more general and less direct proofs and considerations which, though singly insufficient to guide us to a decision, may possibly by their number and combination supply the want of a stronger light of testimony, proceeding from fewer points. And this is nothing more than the reasonable view of the subject which we find taken by the late Lord Stowell, in the case of the "*Rosalie*" and "*Betty*," reported in 2nd Robinson, page 344; where the observations made by him on the influence of such general considerations upon prosecutions of a very similar character, those of frauds carried on under the neutral flags by the subjects of belligerent states, are so perfectly opposite to the circumstances of the present case that they well deserve to be extracted here; "I am told," says that great judge, "that in considering this case, I am to set off without any prejudice against the parties, from any thing that may have appeared in former cases; that I am not to consider former circumstances, but to suppose every case a true one till the fraud is actually apparent. This is undoubtedly the duty, in a general sense, of all who are in a judicial situation; but at the same time they are not to shut their eyes to what is actually passing in the world—to that obvious system of covering the property of the enemy, which, as the war advances, grows notoriously more artificial: higher prices are given for this secret and dishonourable service, and greater frauds become necessary; old modes are exploded as fast as they are found ineffectual; and new expedients are devised to protect the unsound parts better from the view of the Court. Not to know these facts as matters of frequent and not unfamiliar occurrence, would be not to know the general nature of the subject upon which the Court is to decide; not to consider them at all, would not do justice. No reasonable man will say, that the Court is to look at cases in the same manner where no special reason for fraud exists, and where the enemy is driven to it by a necessity that is notorious, as the only means of getting home his property." With a few obvious alterations, these remarks will apply with singular force and propriety to the present state of the Slave Trade; and to the frauds by which it is carried on under the flags of those nations who are here in the position of neutrals during war, who still choose to maintain a selfish and inglorious neutrality, while England and the other contracting states of Europe are leagued together in the justest war ever undertaken—the war of justice and humanity against the atrocious enemies of both, and of the human race. Supported therefore by the wisdom, the large, enlightened principles of justice of one of the most judicial minds of our time—remembering the decisions in the cases of the "*Conchita*" and "*Joseph*," which were pronounced with the approval or in consequence of the instructions of Her Majesty's Government—satisfied, above all, from the evidence of the papers of the real Spanish character of the Brigantine, we will give a judgment "founded," in the words of the same Lord Stowell, "upon a view collecting around it all the circumstances of suspicion with which the case abounds;" and decree the "*Eagle*" to have been liable to seizure and condemnation at the time of her detention by Her Majesty's Brigantine "*Buzzard*," Lieutenant Charles Fitzgerald, Commander; condemning at the same time a ship's chronometer, the only article that has been saved belonging to the lost vessel.

Sierra Leone,
January 18, 1840.

(Copy.)

Third Enclosure in No. 18.

Captor's Declaration in the Case of the Brigantine "Eagle," Joshua Wells Littig, Master.

I, Lieutenant Charles Fitzgerald, commanding Her Britannic Majesty's brigantine "*Buzzard*," hereby declare, that on this twelfth day of March, 1839, being in Clarence Cove, Fernando Po, I detained the brigantine named the "*Eagle*," commanded by Joshua Wells Littig, who declared himself to be a citizen of the United States, and that he was not the *bonâ fide* owner of the said brigantine, as set forth in the Bill of Sale found amongst her papers; and that the said brigantine and cargo are *Spanish property*; and that she was equipped in the port of Havana, for the purpose of carrying on the Slave Trade, in May of last year; and that the two persons (whose names as declared by them respectively, are set forth in a list at foot hereof) now on board the said brigantine are part of the crew shipped on board at Havana at that time; that the other seamen composing her crew were landed at Lagos, in the Bight of Benin, by Commander Reeves of Her Britannic Majesty's sloop "*Lily*," when that officer detained the said brigantine "*Eagle*," while she was riding at anchor in the said Road of Lagos, on the 14th day of January, 1839; that Commander Reeves sent the said Brigantine to Sierra Leone for judication in the Court of Mixed Commission at that place, under the charge of Mr. George Sayer Boys, a mate in Her Majesty's Sloop (at that time a passenger in the "*Lily*," in order to join the vessel he had been appointed to) and a prize crew; that the said Court refused to take cognizance of the charge laid by Commander Reeves against the said brigantine "*Eagle*;" and that thereupon

Mr. George S. Boys, the prize master, proceeded with her from Sierra Leone back to Lagos, and to this island, where on my boarding the said brigantine this day, he, the said Joshua Wells Littig, feeling that he could no longer disguise the true character of the said brigantine "*Eagle*," frankly and voluntarily declared to me, in the presence of the said Mr. George S. Boys, mate, and other witnesses, that he surrendered her to me as *Spanish property*, both on account of Her Majesty's Brigantine under my command being present, and because that he was boarded by the boats of the "*Buzzard*," in the roads of Lagos, and himself and papers strictly examined on the night of 31st of December, 1838, when he, the said Joshua Wells Littig, refused to acknowledge what he has now voluntarily stated to me.

The said Joshua Wells Littig also declares, that he was engaged by Don Francisco Morales, at Havana, as a citizen of the United States, in order to cover the said Spanish brigantine "*Eagle*" with the flag of the nation of which he is a citizen; and that he hath no interest, nor expected interest, in the said brigantine "*Eagle*," further than what his wages might have amounted to at the termination of his expected voyage.

The said Joshua W. Littig, also declares that, when first boarded by Her Majesty's brigantine "*Buzzard*," and subsequently by her Majesty's sloop "*Lily*," he was engaged in taking in provisions for the expected cargo of Slaves for the said Brigantine "*Eagle*," and that when the Slaves might have been ready for embarkation, he should have gone ashore at Lagos, and the Spanish flag would have been hoisted by the said brigantine.

The said Joshua Wells Littig further declares, the said Bill of Sale found amongst the said Brigantine's papers was drawn out without his being at all a party to it; and that he gave no consideration, money, or other value, for the said brigantine being transferred or sold to him; and that he supposes the whole was transacted in the United States' Consul's office at Havana, without his being privy to it; and that having sworn to nothing, he does not consider that he is at all a perjured man.

The said Joshua W. Littig further declares, that an agreement was drawn up at Havana, before the said Brigantine "*Eagle*" left that port, between himself and a Don Francisco Morales, a Spaniard residing in Havana (but believed to have come across to the coast of Africa in the said Brigantine, and to be now on shore at Lagos), by which he, the said Joshua Wells Littig, bound himself to obey the orders of the said Don Francisco Morales on board the "*Eagle*;" but which document is not now to be found amongst the papers of the said brigantine "*Eagle*," although I found and read it when I examined that vessel's papers on the morning of the 1st of January, 1839.

Given under my hand on board Her Britannic Majesty's brigantine "*Buzzard*," in Clarence Cove, Island of Fernando Po, this 12th day of March, 1839.

(Signed)

CHARLES FITZGERALD, *Lieutenant and Commander.*

In witness and testimony to the truth of the above declaration, Joshua W. Littig has hereunto set his hand, this 12th March, 1839.

(Signed)

JOSHUA W. LITTIG.

In my presence.

(Signed)

WALTER SCOTT, *Clerk in Charge.*

Names of the crew of the "Eagle," 12th March, 1839.

Names.	Quality.
José Mijares	First Pilot.
Benito Cajigar	Majordomo.

On the 9th day of January, 1840, the said Charles Fitzgerald was duly sworn to the truth of this declaration before me.

(Signed)

J. MILLER, *Acting Registrar.*

No. 19.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 5, 1840.

I HEREWITH transmit to you for your information, Copies of Despatches from Her Majesty's Commissioners at the Havana, containing lists of vessels which have arrived at that place from the coast of Africa during the months of September, October, November, December, and January last, together with lists of such vessels as have sailed from the Havana for Africa during the same period.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 19.

Her Majesty's Commissioners to Viscount Palmerston.	Havana, October 18, 1839.
"	" November 11, "
"	" December 16, "
"	" January 20, 1840.
"	" February 28, "

No. 20.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 8, 1840.

I TRANSMITTED to Her Majesty's Envoy at Washington a Copy of your Despatch of the 10th of April, 1839, respecting the Slave-vessel, the "*Rebecca*," and I directed that Minister to communicate the Papers to the United States Government, with a view to their taking measures for preventing the American flag from being abused, as in the instance in question, to purposes of Slave Trade.

I now transmit to you, copy of the Answer which Her Majesty's envoy at Washington has received to his communication upon this subject. By that answer you will perceive that the United States Government are desirous of receiving authentic documentary evidence, touching the facts disclosed in your report upon the case of the "*Rebecca*," in order that proceedings may be instituted before a Court of Justice, for violation of the existing laws of the United States.

I have therefore to desire that you will furnish me with such evidence on these points, as may be in your possession, that I may forward it to the United States Government for the above-mentioned purpose.

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

(Signed)

I have, &c.

PALMERSTON.

 Enclosure in No. 20.

Mr. Fox to Viscount Palmerston. Washington, April 1, 1840.

(See Class D. Further Series, No. 90.)

SIERRA LEONE. (*Portugal.*)

No. 21.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 15, 1839.

MY LORD,

(Received March 17, 1840.)

WE have the honour to acknowledge your Lordship's Despatch, dated on the 31st of August last, stating that the Queen's Advocate is of opinion, that our judgment in the case of the Portuguese schooner "*Feliz*," was correct and proper.

Deciding that case, as we did, in direct opposition to previous precedents, it is gratifying to us to find that our opinion has received the sanction of such high authority.

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

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

No. 22.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 26, 1839.

MY LORD,

(Received March 17, 1840.)

WE have had the honour to receive your Lordship's Despatch, dated the 12th of October last, enclosing a printed copy of the remonstrance of the Portuguese Government against certain measures which the Parliament and Executive Government have recently taken for the repression of the Slave Trade under the Portuguese flag, and of the reply which your Lordship has addressed to that remonstrance, for the information of the Courts who were parties to the Treaties and Conventions concluded at the Congress of Vienna, in 1815.

We respectfully thank your Lordship for this communication.

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

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

No. 23.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 26, 1839.

MY LORD,

(Received March 17, 1840.)

WITH reference to your Lordship's Despatch, dated the 12th of October last, and which we have the honour to acknowledge, we regret to inform your Lordship that no means exist within the Colony of reprinting the Lisbon "*Cor-*

reiro" of the 16th of September last, which your Lordship enclosed to us for that purpose.

Should it, however, be deemed advisable to supply us with copies of that paper from England, our best endeavours shall be used to circulate it as extensively as possible.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

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

No. 24.

Her Majesty's Commissioners to Mr. Backhouse.

Sierra Leone, December 31, 1839.

SIR,

(*Received, April 13, 1840.*)

IN pursuance of the 75th Clause of an Act passed in the fifth year of the reign of His Majesty George IV., entitled "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit enclosed, a Return of all Vessels adjudicated in the British and Portuguese Court of Mixed Commission established here, in the period from the 1st of July to this date.

In our last half-yearly Return of the same nature, the case of the Portuguese schooner, "*Rozalia Habaneira*" was included; the Slaves captured on board that vessel, and who had been landed at Honduras, having been emancipated by the British and Portuguese Court of Mixed Commission, on the 12th of March last.

We were, however, left at that time without any evidence to prove the existence and position of the vessel herself: and a sentence of condemnation on the hull and stores was only pronounced on the 10th instant; on which day the detained property was shown to be in the custody of the Superintendent of the Dock Yard of Port Royal, Jamaica. A note of this circumstance is made in the Return now sent, although the case is not included in the body of that Return, having been previously inserted in the one for the first six months of the year.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

John Backhouse, Esq.
&c. &c.

Enclosure in No. 24.

Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commission established at Sierra Leone, between June 30 and December 31, 1839.

NAME OF VESSEL.	NAME OF MASTER.	Date of Seizure.	WHERE CAPTURED.		Property seized.	SEIZOR.	Date of Sentence.	Number of Slaves captured.	Number died before Adjudication.	Total Number Emancipated.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
			Latitude.	Longitude.								
Casualidade . .	Joaquim Antonio	1839 July 6	8° 10' N.	13° 25' W.	Schooner and 88 Slaves.	Edward Holland, Esq. H.B.M. Brigantine "Dolphin,"	July 16	88	..	88	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.
Pomba da Africa	Jorge P. da Franca Almeda	June 25	3° 29' N.	9° 11' E.	Schooner and 155 Slaves.	Wm. Brown Oliver, Esq. H.B.M. Schooner "Fair Rosamond."	Aug. 12	155	35	120	Ditto.	Ditto.
Sedo ou Tarde	Luiiz Antonio . .	"	"	"	Sloop and 21 Slaves.	Ditto	"	21	..	21	Ditto.	Ditto.
Andorinha . .	Christovao X. Fellozo	Oct. 2	13' N.	7° 3' E.	Schooner and 3 Slaves.	George Beaufoy, Esq. H.B.M. Brig "Nauticus."	Dec. 24	3	..	3	Ditto.	The schooner in charge of the Commissioner of Appraisement and Sale, and the stores in charge partly of that officer and partly of the President of Cape Coast Castle; and two Commissions issued on the day of condemnation for the sale of the whole.
Vencedora . .	Thome Ferriera Netto	Oct. 4	45' N.	6° 56' E.	Launch and 53 Slaves.	Ditto	"	53	3	50	Ditto.	The stores in charge of the Commissioner of Appraisement and Sale, and the launch herself left at West Bay, Prince's Island; and two Commissions issued on the day of condemnation for the sale of the whole.

In the case of the "*Rosalina Habaneira*," which appears in the Return of Portuguese Vessels adjudicated during the six months ended on the 30th June of the present year, the sentence on the vessel, which was withheld until her existence and position should be ascertained, was pronounced on the 10th instant, and was one of Condemnation.

Sierra Leone, December 31, 1839.

H. W. MACAULAY.
R. DOHERTY.

J. MILLER, *Acting Registrar.*

No. 25.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, December 14, 1839.*

MY LORD,

(Received April 21, 1840.)

IN our Despatch of the 20th of March last, we had the honour to report to your Lordship the emancipation of the Slaves found on board the Portuguese schooner "*Rozalia Habaneira*," and landed at Honduras, and that a final sentence of condemnation on the vessel and cargo was withheld, until evidence should be produced to prove their existence and situation; nothing at that time having been heard of the prize, after her departure from Honduras for the island of Jamaica.

This deficiency in the evidence has now been supplied, and the certificate which contained the required information is to the following effect:—

"This is to certify, that the schooner '*Rosalia Habaneira*,' captured by Her Majesty's sloop '*Sappho*,' for illicit traffic in Slaves, being unfit, from the condition of her hull and furniture, to proceed to Sierra Leone, was sent, after the Slaves were landed at Belize, to Port Royal, Jamaica, under the charge of Mr. Edward Marshall, mate of Her Majesty's sloop '*Sappho*,' whose signature is hereunto attached. That some time after her arrival at that port, namely, on the night of the 8th of March, 1839, she sank, in consequence of her very leaky and rotten condition, although she had been pumped out as usual the previous evening. That after she had been under water until the 26th of March, 1839, she was raised by the officers and crew of the '*Sappho*,' and laid a-ground at the Dock Yard, Port Royal, Jamaica, where she now remains.

"Given under our hands on board Her Majesty's sloop, '*Sappho*,' at anchor in Port Royal Harbour, Jamaica, this 29th day of July, 1839.

(Signed)

"THOMAS FRAZER, *Commander.*

"

"THOMAS HOPE, *Senior Lieutenant.*

"

"EDWARD MARSHAL, *Mate of Her Majesty's sloop 'Sappho.'*"

The above certificate was received as a supplementary declaration of the Captor, and as such was held sufficient to warrant the Court in proceeding to a final sentence. Accordingly, on the first day after its reception, the Proctor for the prosecution prayed for and obtained a decree of condemnation, in the usual form, against the "*Rozalia Habaneira*," and the stores and cargo on board of her.

We have, &c.

(Signed)

H. W. MACAULAY.

R. DOHERTY.

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

&c.

&c.

&c.

SIERRA LEONE. (*Brazil.*)

No. 26.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, January, 7, 1840.

(Received February 11.)

MY LORD,

WE have the honour to inform your Lordship, that the Brazilian brigantine "*Conceição*," Jozé Pires da Silva, Master, was yesterday condemned in the British and Brazilian Court of Mixed Commissions, for being equipped for the Slave Trade, by having an extraordinary number of water casks on board.

This vessel was detained on the 28th of November last, off Whydah, Bight of Benin, by Her Majesty's ship "*Termagant*," Lieutenant Henry Seagram, commanding.

We beg leave to transmit the accompanying report of the case, with an abstract of the papers seized, and the evidence taken.

We have, &c.

(Signed)

R. DOHERTY.
L. HOOK.

Enclosure in No. 26.

Report of the Case of the Brazilian Brigantine "Conceição" Jozé Pires da Silva, Master.

THIS vessel, of ninety tons burden, sailed from Bahia on the 5th of May last, commanded by a Portuguese resident in Brazil, and owned by Estavao de Brito, a Brazilian of Bahia; manned by twelve persons, inclusive of the master, ten of whom were Brazilians; and bound for the coast of Africa, and for St. Thomas's and Prince's Islands.

The papers with which the "*Conceição*," proceeded on this voyage were, so far as they now appear, 1st, a Muster-roll, dated at Bahia on the 2nd of May, 1839, which states the Master to be a Brazilian citizen; 2nd, a clean bill of health of the same date, granted at the Municipal Chamber of Bahia; and 3rd, 4th, and 5th, three clearances or passports issuing at the same place and time. The vessel was unfurnished, however, with any ship's passport that has been produced, save one for a voyage from Rio de Janeiro to Monte Video, granted by the Brazilian Minister of Marine, and dated in May of the year preceding, when the vessel was under the command of a different Master, named Joaõ Antonio Loutro. A bill for anchorage dues incurred previous to the departure from the port of Bahia, and a log-book of the voyage written up to the time of capture, complete the list of the papers given in.

This log-book shows the brigantine to have arrived on the coast during the month of June last; from which period till that of her detention, she seems to have been employed in coasting trips, made doubtless, in prosecution of the chief object of her nefarious voyage; and she would appear to have been visited more than once by Her Majesty's cruisers.

The petition to receive those papers with the captor's declaration and the affidavit of seizure having been granted on the 28th ultimo, the day subsequent to the vessel's arrival in this harbour the Proctor for the prosecution brought them into Court, two days thereafter, and on that day the monition issued.

The declaration of the captor set forth, that on the 28th of November being off Whydah in or about latitude 6° 19' North, and longitude 2° 3' East, he seized the Brazilian brigantine "*Conceição*," there at anchor under Brazilian colours; manned by a crew of twelve persons; carrying four passengers; having on board thirty-four leaguers; and being engaged in the Slave Trade, contrary to the Treaty between Great Britain and Brazil, signed at Rio de Janeiro, on the 23rd of November, 1826; for which reason the vessel is declared to have been detained.

The witnesses examined in the case were the master and boatswain of the detained vessel. The master deposed that "he was born near Vianna, in Portugal, but was now a subject of Brazil, residing at Bahia; that he received command and possession at Bahia, in the month of May last, from Joaquim Fernandez da Silva, of that place; that he first there saw the vessel five months ago; that he does not know where she was built; that he was present at the capture, which was occasioned

by the number of water casks on board; that the vessel sailed under Brazilian colours and had no others; that she never bore any name but that of 'Conceicao,' to witness's knowledge; that she was of nine tons burden, and had eleven officers and mariners, exclusive of witness, nine of whom were Brazilians, one a Frenchman, and one a Neapolitan, all shipped by witness at Bahia in May last; that neither he himself nor any of those persons had any interest or share in the vessel or her lading; that he was master on board; that there were no passengers; that the voyage began and was to end at Bahia which was the last clearing port; that he touched at Onim or Lagos to discharge his cargo, but that finding that place in a disturbed state, he proceeded on to Whydah, and landed the whole of it there; that there the vessel was subsequently captured on the 28th of November last, at four o'clock in the forenoon, as she was steering back into the harbour of the place, after losing her anchor, and being driven out in consequence; that the course prescribed by the papers had been always adhered to when the weather would permit; that the vessel was without guns, arms, or ammunition, and that there were no instructions for avoiding capture, or destroying, or withholding the ship's papers; that he had supposed Fernandez da Silva, the person who gave him command and possession, to own the vessel, but was undeceived at sea by examining the papers, which stated the owner to be another Brazilian subject, named Estavao Brito, of whom he knows nothing; and that he knows nothing of the Bill of Sale, price, or transfer of the vessel; that Fernandez da Silva was, however, the sole lader, owner, and consignee of the cargo; that he knows nothing of the lading of the last voyage; that the cargo on the present voyage consisted of aquadente; that the papers relating to vessel and cargo, were true and fair; and that none of them were destroyed, concealed, or made away with, or exist elsewhere; that there was no charter-party, nor was the vessel or cargo insured; that the vessel was under his own management in respect to her trade; and that bulk was broken no where but at Whydah."

The only article of Slave equipment declared by the Captor, that of an extraordinary number of water casks, was admitted by this witness, and admitted apparently to very much the full extent of the Captor's assertion, it being deposed that there were casks capable of receiving thirty-three pipes of water in all; a statement by which the witness undoubtedly refers to the leaguers of the declaration, which, however, were thirty-four in number, not thirty-three.

The evidence of the mate, Camelo Matthias, who had only joined the vessel at Whydah, was very imperfect; but confirmed, nevertheless, the statement of the master in the two essential particulars of the Brazilian colours under which the seizure took place, and of the extraordinary number of water casks on board.

Publication of this evidence having been decreed on the 31st instant, and the monition duly certified, being returned into Court yesterday the 6th, the trial took place the same day; and the vessel was condemned on the clear evidence of the witnesses, admitting the Brazilian flag and character, and the article of Slave equipment alleged by the Captor.

(Signed) R. DOHERTY.
L. HOOK.

Sierra Leone, January 7, 1840.

No. 27.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, January 8th, 1840.

MY LORD,

(Received February 11.)

WE have the honour to enclose for your Lordship's information our Report in the case of the brigantine "Julia," Joaquim Marianno da Silva, Master, which, on the 29th of November last, was captured off Whydah, by Her Majesty's brigantine "Termagant," Lieutenant Seagram commanding, as a Brazilian vessel equipped for the Slave Trade, contrary to the Treaty existing between Great Britain and Brazil; and was on the same grounds condemned as prize, in the British and Brazilian Court of Mixed Commissions on the 6th instant.

It will be perceived by our report, that this case resembles in many particulars that of the "Conceicao," detained a day earlier by the same captors, and condemned at the same sitting of the Court, as we had the honour to report yesterday; the only essential point of difference being that of the detention of the present vessel under Portuguese instead of Brazilian colours.

We have, &c.
(Signed) R. DOHERTY.
L. HOOK.

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

Enclosure in No. 27.

Report of the Case of the Brigantine "Julia," Joaquim Marianno da Silva, Master.

THE sumaca or brigantine "Julia," having been employed, during a great portion of the two years preceding, in trading between Portugal and the Cape Verd Islands, and from Bahia to Rio de Janeiro, sailed on the 29th of August last from the latter place, bound ostensibly for the Island of Princes, with a general cargo for the Coast. Instead of proceeding, however, to her pretended destination, she made

directly for the Gold Coast, which she reached on the 7th October; and after cruising along it, and disposing of her cargo, she finally arrived at a place called Ardre near Lagos; and was there at anchor on the 29th, when her progress was arrested by Lieutenant Seagram, who seized her while she lay there, under Portuguese colours, and with a large provision of water casks on board.

The papers found in this vessel, which the captor has filed in the case, are eight in number.

1. A Passport from Monte Video from the Portuguese authorities at Princes' Island, dated in June, 1837, and issued by the well-known Francisco d'Alva Brandaõ, who makes so prominent a figure in the recent Portuguese case of the "*Andorinha*;" and who is here styled Acting-Secretary to the Government of Princes' and St. Thomas's. The Document is inspected and renewed for the present voyage at the Portuguese Consulate Rio de Janeiro, on the 20th of August last.

2nd. The Muster-roll, signed at the same Consulate on the previous day, with a similar list attached to it of the crew shipped at Princes', on the voyage to Monte Video, in 1837.

3rd. The Manifest with four Bills of Lading.

4th. A Certificate of the master having observed the required formalities, and of the vessel being free to pass out from the empire of Brazil.

5th. A Bill of Health from Rio.

6th. A Pass from the port of Rio.

7th. A Letter from the Portuguese Consulate at Rio to the Governor of Prince's Island, enclosing an abstract of the Manifest.

8th. The Log-book of the voyage, and of the vessel's previous voyages in 1837 and 1838.

Of these papers the first four and the seventh are signed by Jozé Marcellino da Rocha Cabral, Vice-Consul of Portugal at Rio de Janeiro; the first four and the sixth name, Joaquim Manoel Loureiro, as owner of the vessel, and of part of her cargo; and the fourth and sixth state the burthen of the brigantine at 83 tons.

The captor's declaration stating, that being off Whydah, in lat. 6° 19' North, and long. 2° 3' East, he had, on the 29th of November, detained the "*Julia*," a Brazilian vessel, sailing under Portuguese colours, for having 24 leaguers, or large water casks on board, contrary to the Treaty with Brazil, was received and filed in Court on the 30th ultimo; and the usual monition was issued the same day.

The day following two witnesses in preparatory, the master and mate of the detained brigantine, were examined by the Registrar.

It was deposed by Joaquim Marianno da Silva, the Master, that "he was a native of Brazil, but that having lived in the Island of Fayal, Azores, during twenty-four years, he had never been a subject of any State save Portugal; that he was married, and had a family at Fayal; that five months ago he received command and possession of the detained brigantine, at Rio de Janeiro, from Joaquim Manoel Loureiro, a Portuguese residing there; that there and then he first saw the vessel, which he supposes to be Brazilian built; that the capture took place because he had no license authorising him to trade in palm oil; that the vessel sailed under Portuguese colours, and there was besides a Danish flag on board for use, as a private signal; that the vessel was called the '*Julia*,' and never to witness's knowledge bore another name; that she is of 130 tons burthen; that there were 15 officers and mariners, exclusive of witness, one of them a Brazilian, and the rest Portuguese, all shipped by witness at Rio de Janeiro in the month of August last; that, with the exception of two pipes of aquadente owned by witness, neither he nor any of the officers or mariners had any interest in the vessel or lading; that he was master on board; that there were no passengers on board; that the voyage began, and was to end at Rio de Janeiro which was the last clearing port; that the vessel touched at Castell d'Elmina, Cape Coast, Annamaboe, Accra, and Whydah, and at those places sold her cargo and purchased palm oil; that on the coast of Whydah, while at anchor at Ardre, near Lagos, witness first saw the capturing ship, at three o'clock in the evening of the 28th of November, and the vessel was detained two hours thereafter; that the course for Prince's Island had been deviated from for the purpose of procuring provisions: that there were no guns mounted on board, and only four muskets in the vessel, with no ammunition, save a quantity contained in the cargo; that no resistance was made to capture, nor had witness any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers; that Joaquim Manoel Loureiro, from whom he received command and possession was the sole owner of the vessel, and that he is married, and has a family at Rio de Janeiro, having formerly lived with them in Portugal; that he knows nothing of the bill of sale, price, or transfer of the vessel; that the owner of the vessel was the lader, consignee, and part owner of the cargo, which consisted of aquadente, wine olive oil, rice, sugar, tea, and flour; that the vessel after capture was brought direct to this port; that the papers given in were true, fair, and complete; that the supercargo had charge of the vessel with respect to her trade; and that bulk was broken at the several places at which she touched on the coast; that casks and leaguers were on board capable of holding 24 pipes of water in all; that these contained two pipes of fresh water at the time of capture, and were destined to receive palm oil; that there were four mess tins for the use of the crew; and that, for the same purpose, there were half a barrel of rice, 14 half barrels of flour, three or four kegs of Indian corn, and a bag of farinha."

The testimony of the mate, afforded no further information as to the ownership of the vessel or cargo; but confirmed all the depositions of the master relative to the course of trade, deviation from the route prescribed by the papers, the transactions of the voyage, and the state of the vessel, particularly with respect to her equipment of water casks.

The important facts of the ownership, course of trade, and equipment, being thus either attested by the papers, or admitted by the officers of the vessel; and thus proving in the most satisfactory manner the Brazilian character of the vessel and the illicit object of her voyage; the proctor for the captors closed his case; the monition was returned duly certified, by the Marshal on the 6th instant, and the vessel was the same day condemned as prize to the two Crowns.

(Signed)

R. DOHERTY.
L. HOOK.

Sierra Leone, January 8th, 1838.

No. 28.

*Her Majesty's Commissioners to John Backhouse, Esq.**Sierra Leone, December 31, 1839.**(Received April 13, 1840.)*

SIR,

IN pursuance of the 75th clause of an Act passed in the fifth year of the reign of His Majesty George the Fourth, intituled, "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 Vessels adjudicated in the British and Brazilian Court of Mixed Commission, from the 1st of July, to this date.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.*To John Backhouse, Esq.*

&c. &c. &c.

Enclosure in No. 28.

Return of Brazilian Vessels adjudicated by the British and Brazilian Court of Mixed Commission established at Sierra Leone, between the 30th day of June, and the 31st day of December, 1839.

NAME OF VESSEL.	NAME OF MASTER.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZOR.	Date of Sentence.	Number of Slaves Captured.	Number died before Ajudication.	Total Number Emancipated.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been Sold or Conveyed, and whether any part remains unsold, and in whose hands the Proceeds remain.
			Latitude.	Longitude.								
Jacuby .	Joaquim B. Camacho.	1839 14 June	4° 58' 8" S.	6° 56' W.	Schooner and 203 slaves.	Arthur Kellett, Esq. H.B.M. brig "Brisk."	18 July	203	7	196	Condemned for being engaged in the illicit traffic of Slaves.	Vessels and stores sold by public auction and the proceeds paid into the military chest.
Emprehendedor	Joaquim Telles de Menezes	23 June	Whydah		Brig and cargo.	William Tucker Esq. H.B.M. sloop "Wolverene."	3 Aug.	..	..	..	Ditto.	Ditto.
Simpatia .	Joaquim da Silva Marquez	27 July	60° 16' N.	1° 40' E.	Brigantine and cargo.	Henry Broadhead, Esq., H.B.M. brigantine "Lynx."	7 Sept.	..	..	..	Ditto.	Ditto.
Firmeza .	Antonio da Cruz Baptista	25 July	Whydah		Brig and cargo.	William Tucker, Esq. H.B.M. sloop "Wolverene."	14 Sept.	..	..	..	Ditto.	Ditto.
Intrepido .	Joaõ Ramos de Souza	9 Aug.	5° 50' N.	0° 54' E.	Brig and cargo.	Edward Holland, Esq., H.B.M. brigantine "Dolphin."	24 Sept.	..	..	..	Ditto.	Ditto.
Augusto .	Bernardo Xavier de Castro	5 Sept.	5° 48' N.	1° 0' E.	Barque and cargo.	William Brown Oliver, Esq., H.B.M. schooner "Fair Rosamond."	19 Oct.	..	..	..	Ditto.	1 Ditto.
Pampeiro .	Jozé Maria Ribas	..	Legos		Brigantine and cargo.	William Tucker, Esq., H.B.M. sloop "Wolverene."	30 Oct.	..	..	..	Ditto.	Ditto.
Golfino .	David Thomaz	19 Sept.	6° 0' N.	1° 45' E.	..	Henry F. Seagram, Esq., H.B.M. brigantine "Termagant"	..	..	..	..	Ditto.	Ditto.
Destemida .	Manoel Francisco Pinto	29 Sept.	Off Winebah		Brig and cargo.	H.B.M. brigantine "Lynx."	18 Nov.	..	..	..	Ditto.	Ditto.
Calliope .	Silveiro José Pereira	27 Oct.	5° 50' N.	1° 38' E.	Schooner and cargo.	Henry J. Matson, Esq., H.B.M. brig "Water Witch."	3 Dec.	..	..	..	Ditto.	Ditto.
Sociedade Feliz	Joaõ de Souza	21 Nov.	Off Cape Palmas		Brigantine and cargo.	The Rt. Hon. Lord. F. J. Russell, H.B.M. sloop "Harlequin."	24 Dec.	..	..	..	Ditto.	The brigantine and stores in charge of the Commission of Appraisement and Sale, the same being ordered to be sold at public auction, and the proceeds paid into the Registry twenty-one days from the date of the condemnation.

Sierra Leone, December 31, 1839.
(Signed)

J. MILLER,
Acting Registrar

(Signed)

H. W. MACAULAY.
R. DOHERTY.

SIERRA LEONE. (*Netherlands.*)

No. 29.

Her Majesty's Commissioners to John Backhouse, Esq.

Sierra Leone, December 31, 1839.

(Received April 13, 1840.)

SIR,

WE have the honour to report, that no case has come before the British and Netherlands Mixed Court of Justice for adjudication during the past half year.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

To John Backhouse, Esq.,
&c. &c. &c.

HAVANA.

No. 30.

Her Majesty's Commissioners to Viscount Palmeston.

Havana, December 3, 1839.

MY LORD,

(Received January 17, 1840.)

ON the 20th November, the notorious slave Ship "*Amalia*," under Portuguese colours, formerly the "*Cavallo Marino*," entered this harbour, having a few days previously landed on the coast a large cargo of Slaves. This was the same vessel which we denounced to the Captain General in the beginning of this year, as reported to your Lordship in our Despatch of the 4th of February last, and respecting which the usual evasive answer was then returned.

On the following day, the 21st, having ascertained the facts upon what we considered trustworthy report, we addressed a letter to His Excellency the Captain General, stating that this same vessel had, a few days previously, landed at Mariel (a small port 12 leagues from Havana) the large number of 840 negroes, and remarking that the introduction of such a number could not be possibly unknown to the police or to the Government.

We added that we had not lately denounced to His Excellency the arrival of any vessel, though aware of so many having arrived, hoping that the energetic measures lately adopted by the British Government to suppress the Slave Trade under the Portuguese flag might have induced the Spanish authorities to follow the example. And as, in the correspondence last January, respecting this same ship "*Amalia*," the Commandant of Marine expressly declared that he had no authority to interfere with her, because she was under a foreign flag, we called His Excellency's attention to Art. 276 of the Criminal Code of Spain of 1822, and to the Royal Order of the 2nd January 1826, by which the Naval Commandant is directed to search every vessel (without distinction made) on her arrival from Africa.

In answer to our representations the Captain General sent the answers he had obtained from the Commandant of Marine here, and the Commandant at Mariel; the latter acknowledging that the "*Amalia*" had been, at the time specified, at Mariel, but denying all knowledge of her having landed any cargo of Slaves; while the Commandant of Marine here simply repeats his denial of possessing any authority to interfere in the case of a foreign vessel.

That both answers are evasive, and one incredible, cannot be questioned; but to neither could we reply. The Criminal Code we understand is denied to be law, having been passed in the time of the "Constitution," and not subsequently ratified; while the Royal Order is of no stringency, though in force, inasmuch as it gives only power to inspect the log-books of the vessels, and it is idle to suppose that the parties would unnecessarily insert anything therein to convict them.

We have it, therefore, only left us to submit these circumstances to your Lordship's judgment, and to express a hope that the better order of affairs in Spain may induce the Government to enact more effectual laws, and provide here officers more disposed to obey them.

Subsequent reports which have reached us state, that the number of negroes landed from the "*Amalia*" did not exceed 540; but the probability is, that, coming from Mozambique, the larger number had originally been embarked, and the difference may be accounted for from the losses on the voyage (generally amounting

to one-third) from the necessity of battenning down the hatches in doubling the Cape. All reports, however, concur in saying that the negroes were bought at an average of 31 dollars per head, and have been sold at an average of 425 dollars !

We have, &c.
 (Signed) J. KENNEDY,
 CAMPBELL J. DALRYMPLE.

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

First Enclosure in No. 30.

Her Majesty's Commissioners to the Captain-General.

Havana, 21st November, 1839.

MOST EXCELLENT SIR,

WE regret exceedingly to find it again our duty to complain of continued flagrant infractions of the laws and treaties of Spain, and defiance of your Excellency's authority.

The energetic measures lately adopted by the Government of Her Britannic Majesty had led us to hope, that corresponding good effects would result from the example, as well as from the measures themselves, and we therefore have lately refrained from denouncing to your Excellency the several acts referred to, though of so frequent and notorious occurrence. One case, however, has come to our knowledge of so shameful notoriety that we cannot think it consistent with our duty, or the respect we owe to your Excellency, to pass it by without calling to it your Excellency's attention. We mean the case of the ship "*Amalia*," which yesterday entered this harbour, under the Portuguese flag, from Mozambique, after landing a few days previously at Mariel, near this city, as we are fully assured, no fewer than 840 negroes. With a police so efficient as that of this island undoubtedly is, it is impossible to believe that so large an increase to the black population of the country can have been made, without coming to the knowledge of the principal officers of your Excellency's Government; and we trust, therefore, that this breach of the laws will not be allowed, like so many others, to pass with impunity.

This is the same ship that we denounced to your Excellency in our official communication of the 19th January last, and which we have good reason to believe is, in reality, the property of Spanish subjects. But, whether or not, we must remind your Excellency that foreign vessels as well as Spanish are forbidden, by Art. 276 of the Criminal Code of Spain of 1822, to introduce Slaves from Africa into any of the ports of the Monarchy; and that the Royal Order of the 2nd January, 1826, subjects foreign vessels, as well as Spanish, to examination by the Naval Commandant, on their arrival from Africa, and imposes therefore on this officer the responsibility of guilt in screening the offenders from the punishment due to them.

We have, &c.
 (Signed) J. KENNEDY,
 CAMPBELL J. DALRYMPLE.

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

Second Enclosure in No. 30.

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

GENTLEMEN,

Havana, November 24, 1839.

I HAVE received your communication of the 21st instant, in which you are pleased to call my attention to the arrival in this port of the ship "*Amalia*," under the Portuguese flag, from Mozambique, after having landed a few days previously at Mariel, as you have been assured, no fewer than 840 negroes; upon which occurrence I have to acquaint you, by way of provisional answer, that, in order to proceed to the necessary investigation, in conformity with the laws, I have referred your official letter to His Excellency the Commandant General of Marine, and will in due time inform you of the result.

God preserve you many years,
 (Signed) JOAQUIN DE EZPELETA.

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

Third Enclosure in No. 30.

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

GENTLEMEN,

Havana, November 30, 1839.

According to the promise contained in my official letter of the 24th instant, I transmit you the reply of His Excellency the Commandant-General of Marine, addressed to me under date of the 28th inst.; and also a copy of the report made by the Military-Commandant at Mariel, in which he states that the ship "*Amalia*" did in fact touch at that port, owing to the bad weather which threatened,

and sailed again on its clearing up; but that he has no intelligence of her having either brought or landed negroes: all which I state in reply to your official communication of the 21st inst., it being my intention to report the affair to Her Majesty by the next packet, for her sovereign determination.

God preserve you many years,

(Signed) JOAQUIN DE EZPELETA.

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

Sub Enclosure in No. 30.

The Commandant of Marine to the Captain General.

(Translation.)

Havana, 26th November, 1839.

MOST EXCELLENT SIR,

BEING informed of what has been reported to your Excellency, by the British Commissioners in the Mixed Court of Justice, and which your Excellency was pleased to transcribe to me in your official note of yesterday, relative to the arrival at this Port, of the Portuguese ship "*Amalia*," which has been denounced to those gentlemen as having landed 800 Bozal Negroes on the coast, in infringement of existing Treaties, I have to acquaint your Excellency, that I have no knowledge of the way in which this vessel may have been employed, as from her being foreign, I have only the report of her arrival, as from Mozambique, in ballast, made to me by the Captain of the Port. Had she been Spanish, in which case I could interpose my authority to investigate the fact, I should direct the usual summary inquiry to be instituted, and then refer it to your Excellency; but being foreign, as I have stated, it is not possible for me to do so, as she has no connexion whatever with this *Comandancia General*, which I beg to state to your Excellency in reply.

God preserve your Excellency many years,

(Signed) MANUEL DE CANAS.

(A true copy,) Signed ANTONIO M. DE LA TORRE Y CARDENAS.

To his Excellency the Captain General of this Island.

(Translation.)

Mariel, 29th November, 1839.

MOST EXCELLENT SIR,

YESTERDAY morning I received your Excellency's official letter of the 27th inst., in which you were pleased to transcribe the communication, addressed to your Excellency on the 21st, by Her Britannic Majesty's Commissioners, in the Mixed Court of Justice, relative to the repeated and public infractions of the Laws and Treaties of Spain, in contempt of your Excellency's authority, with other remarks, consequent upon the ship "*Amalia*" having been reported to have touched at this Port, with Negroes from the coast of Africa, in consequence of which your Excellency directs me to enter upon the proper investigation, and to make my report thereon. In obedience to your Excellency's superior commands, I have taken the necessary steps for ascertaining the arrival of the ship in question, from whence she came, and the object of her touching at this Port, and have made out, that the said vessel touched at this Port, about the 18th or 19th inst., in consequence of the threatening appearance of the weather, and that she put to sea again on its clearing up; there being no information of her having either brought or landed Africans. This is all I can state to your Excellency on the subject.

God preserve your Excellency many years,

(Signed) FRANCISCO ANTONIO VERNA.

A true copy, (Signed) ANTONIO M. DE LA TORRE Y CARDENAS.

To His Excellency the Captain General of this Island.

No. 31.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, December, 3, 1839.

(Received, January 17, 1840.)

MY LORD,

THE difficulties we have sometimes found to arise, in preparing certificates of emancipation for the Africans, liberated by decree of the Mixed Court of Justice at this place, induce us to submit to your Lordship the advisability, in any future arrangements with the Spanish Government, to direct the dispensing with such certificates hereafter, in cases of vessels captured by British Cruisers.

As, by the last Treaty, the Negroes captured in Slave-vessels, are to be given over to the Government to which the capturing vessel belongs, and those to be given up to the British Government, are directed to be sent to the British Colonies, where all classes are now free, it is manifest that the granting certificates of Emancipation in such cases, is at best a work of supererogation.

But even in cases otherwise of no difficulty, it is a work of much trouble, expense, and loss of time. Independently of preparing the tickets of number, the noting the distinctive marks, and characteristics of each individual, for his certificate, the expense of printing, and the number of days these

labours necessarily occupy the Secretaries, who are entitled to fees according to attendances, the greater objection is, that with all these drawbacks for unnecessary purposes, the Africans may be detained an indefinite time longer in the harbour, and the duties of her Majesty's Superintendent, in forwarding them to their destination, may be materially impeded.

These may be extreme cases, but other cases have arisen which prove equally the futility, and the inconvenience of rigidly requiring these certificates of emancipation.

At the latter end of 1837, the negroes taken in the Slave-vessel "*Antonica*" were obliged, on account of a failure of provisions to be landed at Nassau, and the same circumstance in July last, rendered necessary the landing in the Island of Jamaica of the Negroes found in the "*Caridad Cubana*." In both cases the Court was compelled to send to those places for a description of each individual, in order to make out his certificate; and it must unquestionably have occasioned the authorities in those colonies much labour to comply with the requisition. In the first case, the lists returned, not having been made precisely according to the accustomed forms, were required to be sent back for correction; and your Lordship will not be surprised to hear of great anxiety having been expressed to comply exactly with the letter of the Treaty, when no object could be obtained but giving unnecessary trouble, and when the spirit of the Treaty was so little acted up to on other occasions.

In the case of the "*Caridad Cubana*," the negroes had been kept together at Port Antonio, in Jamaica, on account of the small pox having broken out among them; but had they, as might have been expected, been dispersed through the island, the forms required perhaps might never have been obtained, and the settlement of the case might have been indefinitely postponed.

These circumstances we trust will at least induce your Lordship to think we are warranted in suggesting the question we have submitted, for consideration.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

No. 32.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, December 5, 1839.

(Received January 17, 1840.)

MY LORD,

WE have the honour to acknowledge having received your Lordship's Despatches of the 12th October last.

The first, transmitting a copy of the "*Correio*," of Lisbon, of the 16th September, 1839, containing two notes addressed by Lord Howard de Walden to the Portuguese Government, on the African Slave Trade, carried on under the flag of Portugal; and the second, transmitting six copies of papers relative to the negotiations between Great Britain and Portugal, on the subject of the Slave Trade, with a reference to notes addressed by the Portuguese Government on the one side, and Her Majesty's Government on the other, to the Courts who were parties to the Treaties and Conventions concluded at Vienna, in 1815.

In obedience to your Lordship's directions, we will take immediate steps to circulate the notes first referred to as extensively as possible, respecting which, we shall consequently have to report to your Lordship further hereafter.

Of the other papers, we have presented copies to their Excellencies the Captain General, the Intendent General, the Commandant General of Marine, and the Spanish members of the Mixed Court of Justice at this place.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

No. 33.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, December 16, 1839.*

MY LORD,

(Received, January 17, 1840.)

DURING the last month the following vessels entered this harbour, from the Coast of Africa:—

- November 1, Portuguese schooner "*Felicidad*," Medail, Master, 120 tons, in 64 days from Lagos.
- „ 12, American Brigantine "*Mary*," Hutton, Master, 130 tons, in 59 days 11 hours, from Gallinas and Port Rico.
- „ 18, Portuguese schooner "*Josefina*," Carballo, Master, 124 tons, in 58 days from San Tomé.
- „ 20, Portuguese ship "*Amalia*," Costa, Master, 278 tons, in 84 days, from Mozambique.

Of these, the "*Amalia*" forms the subject of another Despatch, and of the others we have not learned further particulars than are stated above. We have reason also to believe that another vessel entered besides these, inasmuch as in the monthly summary of the "*Diario*," it is stated that four Portuguese vessels arrived here in November; and we have heard from a trustworthy source that 1800 Negroes were landed in the neighbourhood during the month. The "*Mary*" is known to have returned in ballast.

During the same period of time, the following were despatched for the Coast of Africa:—

- November 5, Portuguese Schooner "*Astrea*," for San Pablo de Loanda.
- „ 13, Spanish Pailebot "*Margarita*," for Gallinas.
- „ 14, American schooner "*Asp*," for Rio Braza, by Pedro Martinez and Co.
- „ 19, Portuguese schooner "*Elvira*," for Cape Verds.

Besides these, on the 9th November, the Spanish corvette "*Iriarte*," was despatched ostensibly to Valparaiso; but as there is no trade here with that place, and as she was despatched by the notorious Slave-dealer, Pedro Blanco, we have no doubt but that she will prove to be intended also for the Slave Trade.

On the 6th inst. the celebrated "*Socorro*," entered the harbour, after having landed, it is said, 590 Negroes, a few days previously on the coast.

Information has also been received of the Slave-vessel "*Manso*," of Matanzas, under Portuguese colours, having been taken off the Isle of Pines, with 500 Negroes on board. The crew, we understand, ran the vessel on shore, and escaped with eleven of the Slaves.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 34.

Viscount Palmerston to the Havana Commissioners.

GENTLEMEN,

Foreign Office, January 18, 1840.

I REFERRED to Her Majesty's Advocate-General the several Despatches addressed to me by Mr. Kennedy and Mr. Shenley respecting the Spanish vessel "*Vencedora*," adjudged in the Court of Mixed Commission at the Havana, upon a charge of having been concerned in Slave Trade; and I have now to desire your attention to the following observations, which may be useful for your future guidance, notwithstanding that the case to which they more immediately relate is already finally disposed of.

It appears from the statement of Mr. Shenley, the British arbitrator at the

Havana, that the Court of Mixed Commission in adjudicating the case of the "*Vencedora*," instead of proceeding in the first place to examine the papers of the detained vessel, as required by the 4th Article of the Regulations of the Mixed Courts (Annex B.) had examined only three of such papers, viz. :—

1st. The Muster Roll.

2nd. The Bill of Health.

3rd. The Passports of some Passengers ;

and that they had omitted to examine the following papers, viz.—

1st. The Ship's Register.

2nd. The Bill of Sale.

3rd. The Royal Sailing License.

4th. The Manifest of the Cargo.

5th. The Custom-House clearance from Cadiz.

6th. The Log Book.

Mr. Shenley objects to the proceedings of the Court of Mixed Commission in this respect, and the Queen's Advocate is of opinion that his objections are well founded: and in fact Mr. Kennedy, the Commissary Judge, himself admits it to be a matter of regret, that the last-mentioned papers were not produced and examined.

Mr. Shenley further observes, that the negroes, or some of them, ought to have been examined before the Mixed Court, because those negroes, if produced, would have been recognised as Bozales; and also because the strict examination of the negroes, as well as of the vessel, her cargo, and crew, and the production of the Log had been requested on two occasions by Commander Nixon, the captor, in his letters of the 22nd and 24th of October.

In this opinion the Queen's Advocate concurs, observing further, that it was not until the 25th of October, and therefore after the lot had been drawn for an arbitrator, and the door shut to further evidence, that Her Majesty's Judge laid the request of the captor before the Court.

Mr. Kennedy has indeed stated, in defence of his proceeding in this part of the case, that no doubt existed that the negroes were Bozales, and consequently that there was no necessity for the production of them before the Court in order to establish that fact; and he has further stated, with respect to the captor's Letters of the 22nd and of the 24th of October, that the former was very inconclusive in its information; and that although the latter had not been brought to him until the 25th of the month, two or three hours after the lots for an arbitrator had been drawn, he had, nevertheless, immediately upon the receipt of it, taken such steps as he could to accomplish its object, by following the Spanish Judge to his country house to inform him of the purport of the letter.

Mr. Kennedy has also stated, that so early as the 21st of October, before he received either of the two letters before mentioned, the evidence on the case had been closed.

The Queen's Advocate, however, observes that he does not agree with Mr. Kennedy, that the letter of the 22nd of October was "very inconclusive" in its information. For the letter stated, that a black woman, who spoke English, had been on board the "*Vencedora*," and had informed Mr. Phillips, the officer in charge, that the *negroes* declared that "*they were all direct from the Coast of Africa*." It further alleged that the captor had been grossly deceived, owing to the circumstance that the vessel had assumed the character of a Government packet from Cadiz; and it concluded with a request that the Commissioners would "call for the production of her Log before the Court, and that her cargo and the whole vessel might be strictly examined, as well as the negroes."

The Queen's Advocate thinks, that upon the information thus obtained on the 22nd, Mr. Kennedy and the Spanish Commissary Judge might very properly have acted; and that they ought to have ordered the production and examination of the papers and the negroes.

Mr. Schenley expressed his opinion, that the sentence releasing the vessel should not, at any rate, have condemned the captor in damages, since, owing to the non-production of papers, it had not been proved whether those papers were in regular order or not.

Mr. Kennedy says he contended that they were not in order, and that he

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was over-ruled. But whatever may have occurred in that respect, it cannot be denied that the production of the ship's papers would have been useful in clearing up the point on which the Judges differed in opinion.

Mr. Schenley further objects to the award of demurrage, as contrary to Treaty and precedent, the "*Vendecora*" being under 100 tons burthen.

Mr. Kennedy, in reply, argues that vessels under the burthen of 100 tons are, by the terms of the Treaty, entitled to demurrage; but the Queen's Advocate thinks that Mr. Kennedy would have acted more prudently in following the decisions of the "*Pepita*," and other cases, which have been approved by Her Majesty's Government.

The Queen's Advocate further concurs in the objection of Mr. Schenley to the allowance made by the Court on account of the deterioration of the cargo, as neither the manifest of the cargo nor any sufficient evidence of the alleged deterioration of it were produced before the Court.

Mr. Schenley objects to the recommendation of the Commissioners, that certain sums should be paid to the claimants. The Queen's Advocate is also of opinion that this objection is well founded, and that the Court should, as directed by the Treaty, have adjudged definitively all questions arising out of the capture.

Mr. Schenley asserts that the sentence ought to have been in the usual form, and to have pointed out distinctly by whom the costs are to be paid.

The Queen's Advocate concurs with Mr. Schenley in opinion upon this point also.

In respect to the payment of the damages awarded, the Queen's Advocate reports, that it is no part of the duty of the Judge to draw upon the Treasury for the amount of damages awarded by the Court; and that the only proper mode of proceeding would be to furnish the claimant with the decree of the Court against the captor.

With respect to the amount which the claimants are entitled to receive, the Queen's Advocate thinks that amount ought to be confined to what has been actually decreed by the Commissioners, viz., 700 dolls. for demurrage, and 1236-7 dolls. for deterioration of cargo, making, altogether, 1936-7 dolls., besides the costs of suit.

Mr. Kennedy himself appears to have no doubt of the guilt of the claimants, and they are therefore entitled to no favour.

Lastly, the Queen's Advocate observes, that the claim of the Secretary and Under-Secretary of the Court for fees in addition to their salaries is in direct contravention to the Treaty, and ought not to be allowed; but that the same objection does not apply to the fees of the Interpreter and Registrar of the Court, which in reality are a part of the costs.

I have, &c.

(Signed) PALMERSTON.

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

No. 35.

Viscount Palmerston to Her Majesty's Commissioners, Havana.

GENTLEMEN,

Foreign Office, January 31, 1840.

I HAVE received your Despatch of the 3rd December, 1839, submitting for my consideration the expediency of your discontinuing to give Certificates of Emancipation to the Africans liberated in the Mixed Court of Justice at the Havana; and I have to request, that you will state to me how many Certificates of Emancipation were given in the years 1838 and 1839 respectively.

I have, &c.,

(Signed) PALMERSTON.

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

No. 36.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, February 20, 1840.*

(Circular sending Papal Brief against Slave Trade.)

(See No. 2, page 1.)

No. 37.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, January 1st, 1840.**(Received March 12th.)*

MY LORD,

IN obedience to the Act 5 Geo. IV., c. 113, directing a Return to be made, on the 1st day of January and the 1st day of July in every year, of cases adjudicated in the six months preceding, we beg to transmit the enclosed, being a return of the only case brought before the Mixed British and Spanish Court of Justice at this place, during the last half year.

(Signed)

We have, &c.,

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

Enclosure in No. 37.

*Return of Case adjudicated by the Mixed Court of Justice at the Havana, within the half year ending**December 31, 1839.*

Date of Seizure	Property Seized.	Seizor.	Date of Sentence.	Decree.	Whether Property has been sold or converted, and whether any remains unsold, and in whose hands.
1839. 3 July	Spanish slave schooner "Caridad Cubana," with 174 negroes on board.	Commander John B. Hay, H.M. sloop "Snake."	3 Aug. 1839.	Forfeiture.	The hulk of the vessel has been broken to pieces, and the fragments, together with the tackle, apparel, and everything pertaining to her, has been sold by public auction; the proceeds of which remain in the hands of the Secretary.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

No. 38.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, January 1, 1840.**(Received March 12.)*

MY LORD,

WE have the honour to submit to your Lordship our annual summary of remarks on the state of the Slave Trade at this place, and at the same time to enclose, as usual, the lists, completed as far as they have come to our knowledge, of the vessels that have arrived here during the past year from the coast of Africa, and also of those despatched hence, suspected of having been engaged in the Slave Trade, in 1838 and 1839.

From these lists your Lordship, considering especially the greater degree of accuracy than formerly to be ascribed to them, on account of the sources from which they have been obtained, might perhaps at first be led to conclude that the trade during the last year had somewhat decreased, insomuch as in 1837 and 1838 the number of vessels cleared out was 71 in each year, while in the last it was only 59; but we fear this decrease is to be ascribed solely to the fact of the Slave-dealers removing their depôts, feeling the inconvenience of being under greater observation here than in other ports of the island, and of finding, at the same time, those other ports more contiguous to the new estates, for which the former demand for Slaves continues undiminished.

In our Despatch, dated the 1st of January, 1839, we attempted to show, from the histories of captured vessels, that this port had not that engrossing possession of the trade for which it has had the credit, and that a greater direct intercourse was carried on between Africa and the other ports of the Spanish possessions than was commonly supposed. In this opinion we have been confirmed by every subsequent inquiry, and in further corroboration of our remarks would point out the circumstance of one vessel, the "*Hound*," No 26 in list No. 2, as having been removed from this place to Puerto Rico, whence we hear, she now sails to the coast of Africa.

Under these circumstances, believing therefore that a smaller number of Africans than heretofore has, during the last year, been brought into this port or neighbourhood, we cannot indulge the hope that any diminution has taken place in the aggregate. When the demand is so great, and the prices to be obtained so high, we fear that the obstacles to the supply will be found inefficual, and we learn accordingly from quarters on which we can rely, that the numbers introduced into the island generally have not, on the whole, varied from those of former years.

On this point of numbers, as an exaggerated estimate has been formed, we beg leave to refer to a Despatch sent hence, dated the 31st May, 1836, in doing which we trust your Lordship will consider us warranted, as our silence might otherwise be construed into an acquiescence. In the Despatch referred to are the words "I wish I could add that this list contained even one fourth of the number of those which have entered after having landed cargoes, or sailed after having refitted in this harbour;" and from these expressions Mr. Buxton, in his valuable work on Slave Trade, has drawn a conclusion, that into this port alone were introduced annually 60,000 Africans.

We regret deeply that the number actually introduced should be so great as it undoubtedly is, but we feel also that every addition would imply in some degree a censure upon the British cruisers, as well as upon the local Government; and, however highly the latter may deserve reprobation, we feel gratified to think, that it is owing solely to the British cruisers that the numbers now introduced are not greater than in former years, though the demand has risen so considerably, and the price also, beyond precedent, in proportion.

In fact, upon this subject, there is no affectation maintained of secrecy, and the average number of Africans introduced per annum, is as well known as any other part of the statistics of the population. We have therefore, the less hesitation in saying that the average number brought here is said, and we believe it, to be about 18,000 per annum, and about 7000 more into the other Ports of the island, making a total of about 25,000.

In another Despatch, dated the 2nd of January, 1837, is found a passage which has also been made the subject of considerable remark, and to which therefore, we also beg to refer, considering it calculated to mislead. It is in these words "Whatever may at one time have been the feeling of some of the principal landed proprietors in favour of the suppression of the Slave Trade of this island, we confidently believe that there scarcely exists, at the present time, any individual who entertains such a wish; nay, who would not do his utmost to sustain it." With this assertion we cannot coincide. We believe, on the contrary, that the principal landed proprietors would make no opposition, and that the suppression might be effected without difficulty, and almost without a murmur, but for the fees and perquisites paid to the different officers of the Government, for every African introduced.

In coroboration of this opinion, we enclose also a translation of an anonymous letter we have lately received, containing extracts from a pamphlet privately much circulated here and in Spain, in crimination of the former Captain General Tacon. These extracts refer to his conduct in conniving at the Slave Trade, and in his

treatment of the emancipados particularly, all which was at the time reported to your Lordship by our predecessors: see Parliamentary Papers for 1839, Class A, p. 135, and on different occasions.

Of the pamphlet we have not been able to procure a copy, but the extracts prove it to be written with great talent, while it bears strong impress of a decided repugnance, on the part of the writer, to the Slave Trade. It was written certainly by an enemy of General Tacon's, and the sentiments expressed may perhaps be only assumed; but even then, surely those topics would not have been so severely, though so justly, animadverted on, had the able writer thought his readers would not consider them discreditable, or not calculated to reflect the deepest stigma on Tacon's character.

We trust, then, there may be found here many persons in favour of the suppression of the Slave Trade, from the worthiest motives; but we are also convinced, that there are many who would coincide in it from policy. Among the richer classes, many fear that the number of negroes introduced may hereafter lead to disastrous consequences; while the poorer classes of the whites are almost unanimous in expressing a wish for the suppression of the Slave Trade, partly because they are repugnant to labour with the blacks, and partly because they believe that these continued importations tend to keep down the price of labour.

We feel, therefore, warranted in assuring your Lordship that there are few supporters here to be found of the Slave Trade, except those who are some way or other interested in maintaining it; and that these persons, principally not natives, comprise but an inconsiderable proportion of the inhabitants of this great and opulent city. The Creoles frequently assert that no Creole is to be found engaged in it; and, as far as our inquiries extend, the assertion is true; while some of them do not hesitate to express their repugnance at being obliged to participate in purchases of slaves from the necessity of keeping pace with their less scrupulous neighbours.

Among the persons, however, who entertain an apprehension of the negroes becoming in time too powerful for the whites, are some who think that to counteract this it is best to obtain fresh negroes from Africa, instead of rearing natives, inasmuch as the former, from their greater ignorance, are less likely to form really dangerous combinations; and indeed the planters generally seem to agree that it is cheaper and wiser to buy newly-imported Slaves, who can more easily be made to work excessively, than to wait the tedious term of the more generous system. It is with this view they discourage, therefore, the importation of females, and thus there are many estates in the island on which not one female is to be found. In the Parliamentary Papers for 1838-9, Class A, Further Series, p. 54, your Lordship will find a remarkable letter from a Slave-dealer to his agent on this point:—"The vessels which have lately arrived have brought a large proportion of females, whom we have not been able to dispose of at any price; on this account we recommend you to embark the smallest possible number, *or none*." That this system has been acted up to on former occasions, is to be deduced from the fact that of the Africans found on board the last 14 vessels, or those reported in the last three volumes, as captured and brought before the Mixed Court here, 2765 were males, and 988, or about one-third only, females. From these numbers we may form a judgment of the cargoes (to use a common expression) of the other vessels, and thus we believe that a very disproportioned number is sent into the country, while though perhaps 60 or 70 to a hundred may be found left in the city, yet the promiscuous intercourse thereby occasioned, is as disastrous as any other part of the system.

Of the great demand for negroes we cannot give your Lordship a stronger proof than the fact, that even Mozambique Africans, who formerly were sold only for about 300 dollars per head, are now sold at an average of 425 dollars, while the planters continue their exertions to obtain greater quantities of sugar than ever. In the year preceding the last, 100,000 boxes of sugar, or upwards of one-sixth more than in any year preceding, as we stated in our Yearly Report of January, 1839, were exported from this harbour and Matanzas, and the exports last year were only about 70,000 boxes less, though the season was one of extraordinary drought, in consequence of which the canes gave considerably less than an average produce. In the present season it is well ascertained that the exports will have reached full 700,000 boxes, or 140,000 tons, a quantity nearly equal to the consumption of Great Britain and Ireland, which is, we believe, under 180,000 tons.

Of the vessels recited in the lists your Lordship will perceive that in 1838 were despatched :—

Portuguese	42
American	19
Spanish	8
French	1
Brazilian	1
	—
Total	71

And that in the last year were despatched,—

Portuguese	26
American	23
Spanish	8
Mónte Videan	1
Hamburgh	1
	—
Total	59

We cannot conclude without expressing very respectfully our humble though sincere concurrence in those energetic measures, which your Lordship adopted in the last Session of Parliament to put down the Trade in its strongest holds; or, without adding our conviction, that it is by such means alone your Lordship's anxiety to effect it can be crowned with success.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

First Enclosure in No. 38.

List of Vessels which sailed from the Havana for the Coast of Africa during the Year 1839.

No.	Date.	Nation.	Class.	Name of Vessel.	Destination.	REMARKS.
1	Jan. 18	Spanish	Schooner	Negrita	Isla del Principe	
2	" 19	American	"	Gabriel	"	Returned Sept. 16
3	" 20	Spanish	"	Cexes	Cape Verds	
4	Feb. 1	Portuguese	"	Olympia	San Tomé	
5	" 15	Spanish	"	Pronta	Cape Verds	
6	" 20	"	"	Josefina	San Tomé	
7	" 22	American	Brig	Alexander	"	Returned
8	" 27	"	"	Dido	"	
9	Mar. 17	French	"	Havre	San Pablo de Loanda	
10	" 24	Portuguese	"	Constitucion	San Tomé	Condemned as Spanish at Sierra Leone.
11	" 27	Spanish	"	Carmen	"	
12	April 4	Brazilian	"	Feliz Constancia	Lagos	
13	" 5	Portuguese	Brigantine	Felicidad	"	Returned Jan. 30, 1839.
14	" 18	"	Schooner	Vigilante	San Tomé	
15	" 24	"	Brig	Maria Teresa	Lagos	Returned Oct. 4, 1838.
16	" 26	Spanish	Schooner	Victoria	San Tomé	" Aug. 9, "
17	May 2	"	"	Ramocito	"	Condemned at Sierra Leone
18	" 5	Portuguese	"	Prova	"	Ditto Ditto
19	" 7	American	"	Mary Hooper	Cape Verds	
20	" 8	Portuguese	"	Maria Segunda	San Pablo de Loanda	
21	" 9	American	Brig	Eagle	San Tomé	
22	" 15	Portuguese	Schooner	Triumphant	"	
23	" 23	"	"	Circe	Santiago de Praya	
24	" 26	"	"	Maria	San Tomé	
25	" 26	"	"	Dulcinea	Lagos	Condemned at Sierra Leone.
26	June 2	"	Brig	Nostra Sra del Bom Viage	Cape Verds	Returned.
27	" 7	"	Schooner	Constitucion	Santiago de Praya	
28	" 8	"	"	Segunda Union	Isla del Principe	Returned Jan. 30, 1839.
29	" 9	"	"	Constitucion	Loanda	Condemned as Spanish at Sierra Leone.
30	" 16	"	Ship	Amalia	Madagascar	Returned Jan. 3, 1839.
31	" 16	American	Schooner	Fame	San Pablo de Loanda	
32	" 16	Portuguese	"	Veloz	San Tomé	
33	" 21	"	Brig	Matilde	"	
34	" 26	Spanish	"	Esperanza	Isla del Principe	
35	" 30	Portuguese	"	Victoria	San Tomé	Returned.
36	July 5	"	"	Dos Amigos	Lagos	
37	" 10	"	Schooner	Ligera	Isla del Principe	Condemned as Spanish at Sierra Leone.
38	" 12	"	"	Josefina	San Tomé	Returned Jan. 7, 1839.
39	" 13	"	"	Eliza	Isla del Principe	Condemned as Spanish at Sierra Leone.
40	" 17	"	"	Elisa	Santiago de Praya	Returned Feb. 25, 1839.
41	" 18	American	"	Traveller	Isla del Principe	
42	" 23	"	"	John Holland	San Tomé	
43	Aug. 6	Portuguese	Brig	Matilde	Cabo Lopez	Returned Feb. 3, 1839.
44	" 7	"	Schooner	Sirse	Cabo Verde	Condemned as Spanish at Sierra Leone.
45	" 13	"	"	Victoria	San Tomé	
46	" 14	"	Brig	Macximo	Isla Oriental	
47	" 18	"	Ship	Maria Segunda	Mosambique	Returned March 11, 1839.
48	" 18	American	Schooner	Dolphin	San Tomé	
49	" 22	"	Brig	Plant	Cabo Verde	
50	" 23	"	Ship	Venus	Bahia de todos los Santos	Returned Jan. 7, 1839, as "Duguese de Braganza."
51	" 27	"	Schooner	Shark	Cabo Verde	
52	" 29	"	Brig	Mary Jane	"	Returned under American flag, Jan. 31, 1839
53	Sept. 18	"	"	Comet	"	Returned Jan. 4, 1839.
54	" 24	Portuguese	"	Veterano	San Tomé	Condemned as Spanish at Sierra Leone.
55	" 29	"	"	Triunfo	Loanda	
56	" 29	"	Schooner	Victoria	Rio Pongo	
57	Oct. 9	American	"	Florida	Cape Verds	
58	" 11	"	"	Hazard	San Tomé	
59	" 13	Portuguese	Brig	Vigilante	San Pablo de Loanda	
60	" 23	"	Schooner	Sin Igual	San Tomé	Returned April 16, 1839.
61	" 27	"	"	Amalia	Bonny	
62	Nov. 7	"	"	Labandeira	Isla del Principe	Returned Feb. 21, 1839.
63	" 7	American	"	Clara	San Tomé	Captured.
64	" 20	Portuguese	"	Emprendedora	Gallinas	Ditto.
65	" 20	"	Brig	Maria Teresa	Lagos	
66	Dec. 3	American	Schooner	Liberty	Rio Pongo	
67	" 7	Portuguese	"	Cerca	Cape Verds	
68	" 21	"	"	Reyna de los Angeles	San Tomé	
69	" 21	"	"	Maria Segunda	S. Pablo de Loanda	Returned March 11, 1839.
70	" 22	American	Schooner	Constanza	San Tomé	
71	" 24	"	"	William Savin	Bahia de todos los Santos	

Recapitulation.

Portuguese	.	.	.	42
American	.	.	.	19
Spanish	.	.	.	8
French	.	.	.	1
Brazilian	.	.	.	1

Total . 71

Second Enclosure in No. 38.

List of Vessels that have arrived in the Port of Havana from the Coast of Africa, during the Year 1839.

No.	Date.	Nation.	Class.	Name of Vessel.	Destination.	REMARKS.
1	Jan. 23	American	Schooner	Rebecca	Gallinas	
2	„ 26	„	Brig	Oriental	Lagos	Returned 24th Oct. and sailed 26th for New Orleans.
3	„ 28	Portuguese	„	Fortuna	„	Returned July 19,
4	Feb. 8	American	Schooner	William Bayard	Cape Verds	
5	„ 19	Spanish	„	Nra. Sra. del Rosario	„	
6	„ 19	Portuguese	„	Montana	San Pablo de Loanda	Returned Oct. 5.
7	„ 19	American	Brig	Morris Cooper	Lagos	
8	„ 21	„	Schooner	Perry Spencer	Gallinas	
9	Mar. 6	„	Brig	Wyoming	Pitavasa	Captured.
10	„ 6	„	Schooner	Octavia	Costa de Oro	Returned Sept. 2.
11	„ 12	Portuguese	„	Josefina	San Tomé	Returned June 14.
12	„ 21	„	„	Constitucion	„	
13	„ 21	American	„	Joseph Wilding	Cape Verds	
14	Apr. 12	Portuguese	Brig	Matilde	Prince's Island	
15	„ 22	„	„	Elisa	Rio Pongo	Returned Oct. 11.
16	May 7	„	Schooner	Josefina	Loanda	
17	„ 7	„	„	Victoria	Cape Mesurado	
18	„ 7	„	Ship	Amalia	Madagascar	Returned Nov. 20.
19	„ 16	Oriental	Brig	Primogenito	San Pablo de Loanda	
20	„ 16	Portuguese	Schooner	Liberal	Loanda	
21	„ 29	Hamburg	Brig	Margaret	Isla del Principe	
22	June 5	Portuguese	Ship	Maria Segunda (a) Socorro	Mozambique	Returned Dec. 6.
23	„ 5	„	Brig	Ulises	Princes Island	
24	„ 5	„	Schooner	Ligera	Loanda	
25	„ 17	„	Brig	Duquesa de Braganza (a) Venus	Goa	Returned.
26	„ 17	American	Schooner	Hound	Lagos	Returned to Puerto Rico.
27	„ 17	„	Brig	Mary	Gallinas	Returned Nov. 12.
28	„ 25	„	Schooner	Catherine	Gallinas and Bonny	Captured by Her Majesty's ship Dolphin, and carried to the United States.
29	„ 26	„	„	Elvira	Prince's Island	
30	July 1	Portuguese	„	Dos Amigos	San Tomé	
31	„ 2	American	„	Butterfly	Isla del Principe	Captured by Her Majesty's Ship Dolphin, and carried to the United States.
32	„ 5	Portuguese	Brig	Triunfo de Loanda	Mozambique	
33	„ 8	„	Brig	Felicidad	Lagos	Returned Oct. 7.
34	„ 20	Spanish	Brig	Ensaydor	Cape Verds	
35	„ 26	Portuguese	Schooner	Victoria	Rio Congo	
36	„ 27	„	„	Josefina	San Tomé	Returned Nov. 18.
37	Aug. 1	American	Brig	Douglas	Bonny	
38	„ 2	Spanish	Schooner	Yberia	San Tomé	
39	„ 5	Portuguese	„	Magdalena	Gallinas	
40	„ 5	„	Brig	Fortuna	Lagos	Alias "Llobregat" captured.
41	„ 24	Spanish	Schooner	Numantia	Cape Verds	
42	Sept. 10	American	„	Lark	Isla del Principe	
43	„ 10	Portuguese	„	Lavandeira	San Tomé	
44	„ 19	Spanish	„	Mercedita	Cape Lopez	
45	„ 21	American	„	Hound	Cape Mesurada & Gallinas	
46	„ 24	„	„	Cutter Cambell	Gallinas	
47	Oct. 12	„	„	Nymph	Rio Braza	
48	„ 23	„	Ship	John	Costa Oro	
49	„ 23	Spanish	Brig	Joven Emeline	„	
50	Nov. 5	Portuguese	Schooner	Astrea	San Pablo de Loanda	
51	„ 13	Spanish	Paillebot	Margarita	Gallinas	
52	„ 14	American	Schooner	Asp	Rio Braza	
53	„ 19	Portuguese	„	Elvira	Cape Verds	
54	Dec. 11	American	„	Hannah	Isla del Principe	
55	„ 15	Spanish	„	Montaña	Cape Verds	
56	„ 16	American	„	Centipede	San Tomé	
57	„ 22	Portuguese	Brig	Dos Hermanos	„	
58	„ 23	American	Schooner	Hyperion	„	
59	„ 25	Portuguese	„	Velos	Santiago de Praya	

American Schooner "Hound," at St. John's Puerto Rico, about the middle of November, bound to Africa.

Third Enclosure in No. 38.

List of Vessels that have arrived in the Port of Havana from the Coast of Africa during the Year 1839.

No.	Date.	Nation.	Class.	Name of Vessel.	Master.	REMARKS.
1	Jan. 4	American	Brig	Comet	Dickson	From Gallinas.
2	" 4	Portuguese	Ship	Amalia	Migute	" , Mozambique.
3	" 6	"	Schooner	Dichoza	Lettos	" , San Pablo de Loanda.
4	" 7	"	Ship	Duquesa de Braganza	Cadet	" , San Tomé.
5	" 7	"	Schooner	Josefina	"	
6	" 17	"	"	Brillante	Sanchez	Landed 223 Negroes at St Jago de Cuba.
7	" 22	"	Brigantine	Unknown	"	From Aguda.
8	" 30	"	Schooner	Segunda Union	Olinda	" , Isla del Principe.
9	Feb. 2	"	Brig	Felicidad	Barroso	" , Lagos.
10	" 2	"	"	Ulisses	Fernandez	" , Aguda.
11	" 3	"	"	Matilde	J. P. Navat	
12	" 14	Oriental,	"	Primogenito	"	
		Monte Vidlean				
13	" 20	Portuguese	Schooner	Ligera	Sousa	" , Onim.
14	" 21	"	"	Lavandeira	Rodriguez	" , San Tomé.
15	" 25	"	"	Eliza	Fonseca	" , Cape Verds.
16	" 24	Spanish	Brig	Temerario	Bernabeu	" , Sierra Leone with passen-
						gers, the crew of condemned vessels.
17	Mar. 3	Portuguese	Schooner	Constitucion	Rodriguez	Landed 213 Slaves near Matanzas.
18	" 7	"	"	Josefina	Antonio	From San Tomé.
19	" 11	"	Ship	Maria II. (a) Socorro	Batalle	" , Mozambique.
20	" 16	Spanish	Schooner	Volanta	Veiga	" , From Sierra Leone with several
						passengers of the crews of captured vessels
21	" 22	Portuguese	"	Libertad (a) Victoria	Acuña	Landed her Slaves near Matanzas.
22	" 23	"	Brig	Liberal	Santos	" , 257 Slaves near Trinidad.
23	April 15	"	Schooner	Sin Igual	Pereira	From Isla del Principe.
24	May 3	"	"	Ligera.	Sales	" , Cape Verds.
25	" 10	"	Brigantine	Macximo	Silva	" , Mozambique.
26	" 10	"	Brig	Trinidad de Loanda	Campos	" , "
27	" 14	"	Brigantine	Victoria	Santures	" , San Tomé.
28	June 9	"	Schooner	Dos Amigos	José Silva	" , "
29	" 14	"	"	Josefina	Ac. Rodriguez	" , "
30	" 20	"	"	Astrea	Sabino	" , "
31	July 10	"	"	Magdalena	Moradillo	" , "
32	" 12	"	Brig	Fortuna (a) Llobregat	Barboza	" , "
						St. Thomas, took on board 650, lost
						350 on the passage; owned by his Excellency
						D. J. Gomez.
33	Aug 1	"	"	Felicidad	Freitas	" , San Tomé.
34	" 12	"	Schooner	2nd (a) Amable Salomé	Gonçalvez	Landed her Slaves near St. Jago daCuba
35	Sept. 2	American	"	Octavia	Hicaling	From Gold Coast.
36	" 28	Portuguese	"	Porto Formoso	Medal	" , San Tomé
37	Oct. 4	"	"	Recurso	Rebas	" , "
38	" 5	"	"	Montana	Viana	" , San Pablo de Loanda.
39	" 7	"	Brig	Feleicidad (a) Jacinto	Souza	" , Lagos.
40	" 11	"	Schooner	Eliza	Vives	" , Rio Pongo.
41	" 24	American	"	Oriental	Hatch	" , Bahia de San Salvador.
42	Nov. 1	Portuguese	"	Felicidad	Medail	" , Lagos.
43	" 12	American	Brigantine	Mary	Hutton	" , Gallinas and Puerto Rico.
44	" 18	Portuguese	Schooner	Josefina	Carbello	" , San Tomé.
45	" 20	"	Ship	Amelia	Costa	" , Mozambique.
46	Dec 6	"	"	Maria Segunda	Figueira	" , "
47	" 25	American	Brig	Alexander	Hill	" , Isla del Principe.

Fourth Enclosure in No. 38.

Translation of an Anonymous Letter addressed to Mr. Kennedy,

Havana, November 30, 1839.

MY DEAR AND MUCH ESTEEMED SIR,

In a publication entitled "*Sketch of the Conduct of Lieutenant General Don Miguel Tacon in the Island of Cuba,*" which has been circulated with the utmost publicity in the face of the supreme Government of Madrid, and with greatest acceptance in this city, though but in few copies, we read the following:—

Page 2nd, 20th line, "He commenced several works apparently of mere public utility; he improved the lighting, mended the streets, which he found impassable, and rejected, with much vaunted disdain, the first loathsome impost which his predecessors were said to take for tolerating the clandestine trade in negroes, protesting '*that his only object in coming here was the happiness of the island, and that he would severely punish whomsoever he might find engaged in this infamous traffic.*' (This was in the commencement of his government.) Thus we see such immense disinterestedness, blazoned with such noble sentiments, and accompanied by the assurance of individual security, which is earthly happiness, ought duly to excite the gratitude and exalt the enthusiasm of the inhabitants, as were manifested in eulogiums of so zealous a chief; But it was not long before the curtain was drawn which concealed," &c. "Let us return (it goes on to say at page 14, second paragraph) to the disinterested rejection of the first impost for the *trade in negroes*, and we shall find that very unpromising rejection (*arrangue repulsivo*) and that menace, the apparent nobleness of which dazzled the Havaneros, had their rise in the fact, that venality itself is not without its scruples, which consisted, in this instance, in not receiving on the nail, and by his own hands, as was the custom unceremoniously to present the rejected quota; that he subsequently took it through the hands of another person, to wit the plenipotentiary, who arranged the business, whereby all the purity or ostentation of purity resolved itself into the fact, that His Excellency the Captain General, and more than that, the *Caballero Tacon* sold his connivance, at the rate of ten dollars for every *negro* clandestinely introduced. This amount was received by a person in his fullest confidence, who accompanied him from Spain, and has followed him to Bordeaux. In this way the sale became so public that there are five or six depôts, called here *Barracones de negros* within musket shot of the country house and public promenade, to which General Tacon went every evening. The impost in question, which would be disgusting, I will not say to a man of honour, but to any authority not lost to shame; this impost obtained with no other labour than winking at his duty, was received by General Tacon; the merchants divulged it by charging it to purchasers upon the intrinsic value of the negroes, as the fee for the connivance of the Superior Authority; and yet this abomination cannot be proved in *law*, (*litis Español*) such insuperable checks upon truth are the terrors inspired by the exacting bashaws, and the very interest of the dealers in human flesh, that by a judicial confession the doors of their abominable merchandize would be closed. The poll-tax of ten dollars is, however, indubitable, as also that on the arrival of Africans, during the three years and ten months of the most wretched administration, the contribution for negro flesh has produced the sum of 500,000 dollars at least, and all for the Señor Tacon.

"At this point of grossest indecency it would appear morally impossible for a man to blacken himself more, as one does not think that in this, as in every thing else. Tyranny produces extraordinary characters, upon whose wings Tacon was enabled to attain to the most brutal ferocity in his dealing with the *emancipados*. These are the cargoes of negroes captured by the English, and brought to this part for adjudication, whose judgment is irrevocably dictated by the act of capture declaring them free."

"But in the treaty with the British nation, it was borne in mind that these unfortunate beings, accustomed to a life of brutality in Africa, would, if set at large here, be like so many wild beasts disturbing the peace of society; and it was agreed that they should be distributed gratuitously among respectable persons, who might avail themselves of their domestic service *within the city*, during their apprenticeship to *Religion*, the *language*, and some employment, on the completion of which they should be left in perfect freedom. This was so punctually observed during the Governments of Generals Vives and Ricafort, that if any person possessing emancipated negroes, desired to take them into the country with his other domestics, he needed a special licence for the purpose; and on the first of every month, the whole who was distributed had to be presented to the Governor for examination, as to the treatment and instruction they received; for it appeared to be then the purpose to place them, as in a school of rational liberty, rather than in the exercise of an undefined Slavery. In this manner and subject to these conditions, did those captains-general, with more or less preference to persons, but always preserving the appearance of justice, in regard to the number and priority of the claims, make the distribution gratis; although, behind their backs, some inferior hands used to exact from the favoured individuals, besides the moderate costs, one or two ounces of gold per head, which they never succeeded. This was the practice before the time of Don Miguel Tacon, and as his mode of proceeding was *harsh* in all matters, *always harsh* in every individual transaction, as he himself used to say, he imposed upon the appropriation of emancipados prices which, regulated by the quality, abundance, or scarcity of the article, ranged between 51 and 102 dollars for females, and from 102 dollars to 170 dollars for males, removing the restriction (as to both males and females) of *domestic* service, extending it to the *rudest services of the field*. And this was practised not only towards the last comers, but also those first distributed, who were called in at the expiration of their term of service, when, far from effecting the manumission of the unfortunate beings, their subjection was renewed in favour of their possessors, if these paid the stipulated price, or else they were re-sold to other claimants, together with the children the women might have had. Still I have not told all: for as yet I have only spoken of the iniquitous abolition of the first Regulation, most humane according to circumstances, and the African barbarity of putting up for sale and re-sale a number of free people. But what ought to make the human species tremble is the horrid system of barter pursued in this already most sanguinary transaction, which is, that a young man (godson of the largest Slave-dealer,* who was also the principal friend and tool of Tacon) came forward with a proposal to purchase the emancipados by wholesale, that he might retail them for his own account and risk, which proposal was admitted, that Havana might behold the establishment of a monopoly of human flesh, so lucrative too, on account of the retailer being the only storekeeper, (the *Barracones* are his property,) that it was in his power to sell the emancipados, at 250 dollars and even 300 dollars each.† Morality is shocked at the view of this

* Don Joaquim Gomez.

† These prices cause no astonishment, because, to heighten the abomination, this retailer did not sell them as emancipados, but as negroes of his *barracon*; already chained, without remedy, to perpetual slavery.

picture, which did not disturb the slumbers of the merciless Tacon, notwithstanding he was made acquainted with the diabolical consequences of those contracts, and it is moreover clear that the purchaser of these unhappy people must begin by depraving himself almost as much as the vendors, for as, in the Barracones, the negroes of unlimited Slavery were sold at 300 dollars, and even 250 dollars each, for cash, by whom capital was preserved and increased, besides the produce of their labour; it is not to be presumed that, for a temporary Slavery, whereby capital is sunk, and the value of the employment he may have been taught, lost; anybody would give even the 102 dollars of the Taconian tariff, in its mean point, if he did not intend to rivet the chains of slavery, by reporting the emancipado to be dead or fugitive; which it is easy enough to do with Bozales, who neither know our language nor their own names and condition; and even the most scrupulous of masters would exact in labour, not only sweat but vitality itself; so that the enslaved being, on completing his sentence, if he ever should complete it, would be broken down and incapable of even assisting himself in his misery. If he ever should complete it, I have said—for to say the truth, most poignant and sorrowful as it is to my heart, it is now some fourteen years that emancipated negroes have been distributed, and I have yet to witness a single act of manumission. . . . Horrible!

"I am weary of seeking for expressions to qualify the baseness of juggling away freedom: and am but ill satisfied with what have occurred to me for the delineation of a governor who, regardless of the character of protector of the rights of free men, with which he was entrusted, sold those men, proving himself to be worse than the tyrants of ancient Rome, who were only purchasers, and more ferocious than those warriors who established Slavery in place of the right which they arrogated to themselves over the lives of the vanquished, and scarcely less cruel than the anthropophagi, in his treatment of the emancipados; for, although he did not devour them, he caused them to be made the most wretched of Slaves, as the following parallel will show. It is indisputable the right possessed by actual Slaves to seek a new master when ill treated by the present one, and likewise to claim their freedom, on payment of their fixed price: whereas the emancipated negro cannot escape from his possessor, however inexorable an executioner, nor liberate himself with the money he may have acquired by his industry, or by a prize in the lottery, or the loan of some fellow countryman. Those who know what Slavery is can estimate the torture of not been able to seek another master when the severity of the one they have become insupportable. And to our inconceivable misfortune, we, the inhabitants of Cuba in the 19th century (under the political oppression of Tacon) could well by analogy give an exact idea of the suffering of the emancipated negro, as deprived of the power of changing his master! It has been attempted to palliate the sale thus effected of this hopeless Slavery, by urging that its proceeds were in part destined for the improvement of public works, as if, even were they for sacred purposes, this could extenuate the brutal tyranny of converting the freedom of mankind into bricks and stones for the raising of edifices, the more execrable if designed by vanity. Add to this the ill-gotten wealth, as proved to the enormous amount of upwards of 700,000 dollars, which must have been produced by the first sale of more than 7000 emancipados, and that up to the present day no account whatever has been rendered of the disposal of so much blood. This amount does not include the further sum 200,000 dollars or 300,000 dollars which the retailer of free men may have realised. The pen drops from my hand in dismay at the sketch of this frightful picture—a picture of exhaustless consequences, not only against martyred philanthropy, in her cherished design of extending freedom over the civilized world, but also as detracting from the honour of the Spanish nation.

"Thus far the author of the pamphlet: I regret not to be able to extract paragraphs from many others that have been published respecting these most villainous dealings, and the infamous treachery of General Tacon: they are all circulated in print, and yet the Government of England says nothing, or appears indifferent. In the name of humanity—in the religious observance of your duties, do you, Mr. Kennedy, defend the abolition of so horrible a traffic; the sacred cause which demands of you the most important services for its complete triumph.

"I remain with the highest esteem and respect, &c."

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

No. 39.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 15, 1840.

(Received March 12.)

MY LORD,

WE have the honour to enclose copies of two Letters that have lately passed between us and the Captain-general Ezpeleta, in reference to the Emancipados of the Slave-vessel "*Negrilo*," captured in 1832.

The survivors (490 in number) of the negroes found in that vessel, and declared, by decree of the Mixed Court at this place, "freed from all Slavery and Captivity," were, conformably to the Treaty of 1817, delivered over to the Local Government; and though it was then declared (see Parliamentary Papers for 1833, p. 28) that they would be employed only upon the public works, it appears they were afterwards assigned, as in other cases, at a stated sum per head, to such persons as had sufficient interest to procure them. We scarcely know in which capacity their condition could be pronounced the worst. By being employed on the public works is understood the breaking of stones, or such other employment, from which they could learn no means of obtaining a livelihood; while during the time they were so employed they would be classed with felons and the worst characters, to whom those works are otherwise allotted as a punishment, and, like them, be kept, by day and night in gangs, under the charge of the several taskmasters. If, however, assigned to private individuals, the condition of the emancipado was for the time even worse than that of the Slave. The master,

having only an interest for a term of years, and no interest in the life or permanent welfare of the emancipado, treated him worse than any slave, so that in both cases the term of emancipado became a by-word of reproach. Frequently it has happened, especially in the country, that if a slave died on the estate, the emancipado was put in his place, and forged certificates of his death returned, and passed, unenquired into. In another respect also his condition was worse than that of the slave, inasmuch as the latter has as a right by law to claim a change of masters, or to be sold upon comparatively slight grounds, in town easily allowed; but no such privilege was reserved for the emancipado, who was consequently obliged to submit to whatever tyranny his master pleased to inflict. It is true that periodical examinations were said to be had, but we can suppose few cases to have occurred where they were made effectually.

Many of the emancipados have been hired out by their masters, or allowed to work out of their houses, upon condition of paying a sum stated per day, like other negroes bought for slaves; among the persons guilty of this conduct is the United States' Consul, Mr. Trist, who had a woman of that class assigned him without payment of premium, but who makes this poor being pay him at the rate of eighteen pence a day, how obtained it is impossible to say, for the privilege of working or living out of his house, as she pleases. We know not in what terms to characterize this conduct, but had she been bought with his money he could scarcely have exacted more.

The conduct pursued with regard to the emancipados has justly excited the indignation of the creole inhabitants themselves, and as we have shown in our former Despatch, has been reprobated in severe terms accordingly. In those censures we fully coincide, and especially in that part reprobating the re-assignment of the emancipados when their original term of apprenticeship or assignment was expired. After such avowed disapprobation of the conduct of the Government we scarcely could have expected a repetition of the measure. But on the 3rd instant an order was issued from the Captain-general, calling on the persons who had assigned to them the emancipados of the "*Negrito*" to present them within eight days at the Office of the Secretary to the Governor, and a report was prevalent in the city that their term having expired, it was intended to re-assign them for another term, upon payment of such sums of money as the officers of the Government should impose. These sums would certainly not be less than at the rate of £20 or even £30 per head, and are considered the perquisite of the Governor. If, therefore, only half the original number were produced, and re-assigned, the Captain-general would obtain, say certainly £5000.

Believing this report then to be correct, we addressed a letter to the Captain-general, asking his intentions with respect to those emancipados, stating the report we had heard, and suggesting that if they were to be re-assigned, it should be only for a year, in order that the circumstances might be reported to the two Governments, and their determination obtained as to their ulterior disposal. We further intimated our protest against any longer assignment, and expressed our opinion that it would be preferable to give these emancipados the option of being sent to the British Colonies (as the Government here professes to be so repugnant to have them and as the British Colonists we know would readily pay the expenses of their removal.

In answer to our letter, the Captain-general sent a reply, stating that he had already apprized his Government of the condition of the emancipados, and should do so again in consequence of this incident, and that the measures taken meanwhile should be compatible with whatever determination it might adopt, in accordance with existing Treaties.

In our Despatch dated 30th of September, 1839, we mentioned a report, circulated here at the time, that a Royal order had been received from Spain, directing the emancipados to be given up to the British Government, and we expressed a hope that the report might prove correct. Not finding it, however, confirmed, we have it only left us to suggest whether your Lordship might not think it advisable to demand all persons of this class from the Spanish Government, thus to relieve them from such a miserable state of tyranny, and supply our Colonists with a number of free labourers whose services they would no doubt find very useful.

We have, &c.,

(Signed) J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

First Enclosure in No. 39.

Her Majesty's Commissioners to the Captain-General.

Havana, January 8, 1840.

MOST EXCELLENT SIR,

HAVING observed in the Diario an order from your Excellency, directing all persons holding the Emancipados of the Slave Schooner "*Negrilo*," to present them to the Secretary of the Government within eight days from the 3d instant, we beg respectfully, for the information of our Government, to ask what may be your Excellency's intentions as to their future disposal.

There is a report prevalent in the city that it is intended again to assign these Emancipados (their term being expired) to their present or some other owners, upon conditions similar to those on which they were formerly assigned. But as they have completed the term of seven years, we must conclude that the negroes have become sufficiently qualified for that full enjoyment of freedom, which the Mixed Court of Justice awarded, and which the Two High Contracting Parties undoubtedly contemplated.

Should it, however, be your Excellency's intention to re-assign these Emancipados, we have to request your Excellency will ordain it only for a space of time not exceeding a twelvemonth, in order that the two Governments may be apprized of the circumstances, and instructions be obtained, as to their future disposal.

So strongly do we feel convinced that the British Government will not sanction any future assignment of these Emancipados, that we should strongly protest against any for a longer period of time. We believe even that it would be considered preferable to take charge of them at once, or at least give them the option of being removed to one of the British Colonies.

We have, &c.
J. KENNEDY.
CAMPBELL J. DALRYMPLE.

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

Second Enclosure in No. 39.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

Havana, January 9, 1840.

GENTLEMEN,

I have received your Official letter of the 8th instant, wherein, owing to an order published in the Diario for the purpose of summoning all persons holding Emancipados of the Schooner "*Negrilo*" to present them in the Government Secretary's Office within eight days from the 3rd instant, you enquire what may be my intentions as to the manner of disposing of them in future, a report being circulated in this city that it is intended again to assign these Emancipados to their present owners, or to others, under similar conditions to those on which they were formerly assigned. You desire to be acquainted with these particulars, for the information of your Government, and moreover suggest, that in the event of these negroes being re-assigned, it may be only for a space of time not exceeding a year, in order that the two Governments may, in the interval, determine upon what they may consider most expedient.

On consideration of your above-mentioned note, I think it right to acquaint you, that I have already apprized my Government of the condition of the Emancipados, and shall do so again in consequence of this incident; and I have to add, that the measures I may direct in the meantime will be compatible with whatever determination it may adopt in accordance with existing Treaties. This is all it is necessary for you to know on the subject.

God preserve you many years,
(Signed) JOAQUIN DE EZPELETA.

The British Commissioners,
&c. &c. &c.
in the Mixed Court of Justice.

No. 40.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 20, 1840.

(Received March 12.)

MY LORD,

DURING the last month the following vessels were despatched from this place for the Coast of Africa.

1. December 11, American Schooner "*Hanna*" for Isla del Principe.
2. " 15, Spanish " "*Montana*" for Cape Verds.
3. " 16, American " "*Centipede*" for San Tomé.
4. " 22, Portuguese Brig "*Dos Hermando*" for do.
5. " 23, American Schooner "*Hyperion*" for do.
6. " 25, Portuguese " "*Veloz*" for Santiago de Praya.

During the same term the following arrived here, after having landed cargoes of slaves on the coast.

1. December 6, Portuguese Ship "*Maria 2nda*"—Figuiera Master, from Mozambique in 64 days—320 tons.
2. " 25, American Brig "*Alexander*"—Hill Master, from Isla del Principe in 87 days—198 tons.

The first named one is the celebrated "*Socorro*," and she brought, we understand, 580 negroes, who have been sold at average of 425 dollars per head. Within the

last few days it is said the "*Venus*," otherwise the "*Duquesa de Braganza*" also has arrived, with a number exceeding 720 negroes on board.

Another vessel has arrived, the Spanish Ship "*Augusto*," on the 13th instant, bringing passengers, the crews of several captured vessels condemned at Sierra Leone, who will probably be left here to resume their former courses. They report that more than 14 slave vessels have been captured on the coast, but among them only one belonging to this port, the "*Llobregat*," the property of His Excellency Don Joaquin Gomez. The captain and mate of the "*Llobregat*" arrived here in the "*Augusto*," and state that having been enveloped some time in a fog, when it cleared up they found themselves alongside of the British cruizer, which was alone the cause of their capture.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 41.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 20, 1840.

MY LORD,

(Received March 12.)

WE have had the honour to receive from your Lordship, by the Reindeer Packet, which arrived here the 10th instant, the following despatches; one, dated the 2nd of November last, informing us of the measures adopted by Her Majesty's Government, in furtherance of the powers given by the Act of Parliament lately passed for the suppression of the Slave Trade; and a second, dated the 15th November last, transmitting us copies and abstracts of the papers found on board the slave vessels "*Mary Ann Cassard*," "*Eagle*," "*Clara*" and "*Wyoming*," detained sailing under the American Flag; also the opinion of Her Majesty's Advocate on the case of the "*Mary Ann Cassard*," with your Lordship's directions to us to act conformably to the same, in the event of any vessel being brought here under similar circumstances.

Should any vessel of a similar character be brought here, we will not fail to act to the best of our ability, in accordance with your Lordship's directions.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 42.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 22, 1840.

MY LORD,

(Received March 12.)

WE have the honour to acquaint your Lordship that, on the 10th of January instant, His Excellency the Principe de Anglona arrived at this place, to assume the office of Captain-general of the Island, to which Her Majesty the Queen Regent of Spain had lately appointed him, on the retirement of General Ezpeleta.

Having received Official notice of His Excellency's assuming the command, we this day proceeded, according to usual form, to the Government House, and produced the Commissions under which we are appointed Her Britannic Majesty's Commissioners.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 43.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, January 25, 1840.**(Received March 12.)*

MY LORD,

IN obedience to your Lordship's directions in the Despatch, dated the 12th October last, to have the two Notes addressed by Lord Howard de Walden to the Portuguese Government reprinted and circulated in this place, as extensively as possible, we thought it, in the first place, in accordance with your Lordship's order, to have them translated into the Spanish language, as, in the original, they would have been totally incomprehensible to the great body of the people.

Having obtained the translation made, we were next under the necessity of applying to his Excellency the Captain-General for his permission to have them printed, as the censorship of the press here is rigidly enforced, and under his immediate control. We therefore addressed to him a Letter, enclosing the translation, and soliciting the permission required, to which he has this day returned an answer refusing the request.

We fear this act of the new Captain-General betokens a preparation on his part to follow in all respects the policy of his predecessors, with respect to the Slave Trade.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

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

First Enclosure in No. 43.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, January 17, 1840.

HAVING been directed by Her Britannic Majesty's Government to have reprinted and circulated in this place two Notes addressed by Lord Howard de Walden, Her Britannic Majesty's Ambassador at Lisbon, to the Portuguese Government, and finding the regulations here respecting all matters for the Press require your Excellency's previous sanction to be obtained, we take leave herewith to send your Excellency the Notes referred to, and respectfully request your Excellency will give us the authority required to have them printed and circulated accordingly.

We have the honour to be, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

To His Excellency the Captain-General.
&c. &c. &c.

Second Enclosure in No. 43.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, January 24, 1840.

CONFORMABLY with the rules for good government established in this place, respecting matters of the press, I referred to the Royal Censor the communication and document which you sent me on the 17th inst.; and this officer being of opinion that the publication of the said papers would be extremely prejudicial to the tranquillity and security of this Island, and esteeming his opinion to be well-founded, I am under the necessity of stating to you that I cannot therefore permit it to be done.

God preserve you many years,

(Signed) MARQUESS DE JAVALQUINTO,
El Príncipe de Anglona.

J. Kennedy and Campbell J. Dalrymple, Esqs., Her Britannic Majesty's Commissioners
in the Mixed Court of Justice.

No. 44.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, February 28, 1840.

(Received April 21.)

MY LORD,

ON the 3d February instant, we had the honour to receive your Lordship's Despatch, dated the 22nd November last, transmitting for our information Copies of Despatches from Her Majesty's Commissioners at Sierra Leone, with returns of cases adjudicated in the Mixed Courts of Commission established in that Colony, during the half year ending 30th June, 1839.

At the same time we received the duplicate Copy of the Despatch, dated the 17th November, 1838, the original of which had not reached us.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

No. 45.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, February 28, 1840.

(Received April 21.)

MY LORD,

DURING the last month the following vessels arrived from the Coast of Africa, but we believe the first and last named in the list brought no negroes, having been chartered expressly to bring the crews of vessels condemned at Sierra Leone.

July 13th	Spanish brig	"Augusto,"	Veiga Master, 200 tons, in 41 days from Sierra Leone.
22nd	Portuguese brig	"Duquesa de Braganza,"	A. Moreno Master, 204 tons, in 59 days from Mozambique.
24th	Spanish schooner	"Numantina,"	Perez Master, 90 tons, in 52 days from Cape Verds.
30th	"	"Rosario,"	Peyrano Master, 62 tons, in 31 days from Cape Verds.

The circumstances relating to the "Duquesa de Braganza," otherwise the "Venus," we detailed in our last month's report. It is said that she and the celebrated "Socorro" are again fitting out in the harbour, and also another fine vessel of the same class, named the "Grande Antilla."

During the month the following vessels were despatched:—

January 3rd	Portuguese schooner	"Adelaide,"	for Isla del Principe.
18th	Spanish	"Concepcion,"	for San Pablo de Loando.
21st	Portuguese brig	"Diligente,"	for Lagos.
25th	"	schooner	"Formosa," for Gallinas.
31st	"	"Pailebot Constituciao,"	for Cabo Verde.

From this list, and the reports we have heard of other adventures preparing, we regret to state, that the traders continue as determined as ever to prosecute their schemes. The dealers here, however, have received some check from an order issued by the new Captain-General to break up the barracones in the neighbourhood of this city, an order which we are enabled to say has been strictly obeyed. We should feel greater satisfaction in reporting this circumstance could we believe that it will be attended with any other effect, than that of removing them to somewhat a greater distance from the city. It is, however, to the Prince de Angolona's honour to record, that he has refused to allow within a hundred yards of the principal paseo of the city, and of the country-house of the Governor, those disgraceful exhibitions, openly and daily to be seen, of violations of laws and treaties, such as Generals Tacon and Ezpeleta permitted.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

No. 46.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, April 23, 1840.*

CIRCULAR sending Treaty with Venezuela.

(See No. 6, page 2.)

No. 47.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 30, 1840.

I HEREWITH transmit to you for you information the accompanying Copies of Despatches from Her Majesty's Commissioners at Sierra Leone, enclosing the returns of cases adjudicated during the half year ending 31st December, 1839, by the several Mixed Courts of Commission established in that Colony, under the Treaties between Great Britain and Foreign Powers for the Suppression of Slave Trade.

I am, &c.

(Signed) PALMERSTON.

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

Enclosures in No. 47.

First	<i>H. M.'s Commissioners to Viscount Palmerston—</i>	(Spain),	<i>Sierra Leone, Dec. 31, 1839; see p. 7.</i>		
Second	„	to	„	(Portugal),	„ „ 19.
Third	„	to	„	(Netherlands),	„ „ 27.
Fourth	„	to	„	(Brazil),	„ „ 25.

No. 48.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, March 21, 1840.*

MY LORD,

(Received May 2.)

ON the 15th instant Mr. Trist, the United States Consul at this place, sailed hence with his vice-Consul, Mr. Smith, it is said at the order of his Government, to answer the charges made against him by the American ship-masters and merchants connected with this port, for causes of complaint they had against him, and also for his interference on behalf of the Slave-dealers in their fraudulent assumptions of the American and Portuguese Flags. For some months, however, he had ceased to act as Portuguese Consul, the duties of which office we understood had been undertaken by an Italian merchant, named Pascual Pluma, who is Consul for the Duke of Tuscany. This he is said to have done at the request of the late Captain-General Ezpeleta, and without any authority as yet from the Portuguese Government.

We have, &c.

(Signed) J. KENNEDY.
 CAMPBELL J. DALRYMPLE.

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

No. 49.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, March 23, 1840.*

MY LORD,

(Received May 2.)

DURING the last month we believe the two following were the only vessels that entered this harbour from the Coast of Africa, suspected of being engaged in the Slave Trade.

- February 7. Portuguese schooner, name unknown, after landing on the Coast 320 negroes.
 „ 26. Spanish brig "*Iberia*," Rodriquez Master, to Pedro Martinez and Co., believed to have landed a cargo at Porto Rico.

Of the departures we regret having no list to transmit, but we have been made acquainted with one vessel having been cleared out for Loanda, the American schooner "*Hudson*," Captain Cliff, "with effects."

In the beginning of the month a schooner belonging to Matanzas, named the "*Felix*," arrived there under Portuguese colours, with 180 Mandingoes. A drawing elaborately executed of her escape from three British vessels of war in chase, with three other British cruizers in the offing, has been here publicly and somewhat ostentatiously exhibited at the "Lonja."

During the month we have heard of several captures on this Coast, one the "*Ulises*," taken by the "Skipjack," it is said with 529 negroes on board, and two others with 280 and 350 negroes on board respectively. One of these may be the "*Victoria*," under Portuguese colours, taken lately by Her Majesty's sloop "Ringdove," of which we have heard another report, stating that she had already landed her cargo.

Her Majesty's packet "Delight," which entered this harbour yesterday from Vera Cruz, fell in with a slaver on the Coast, the crew of which, taking the packet for a cruizer, ran their vessel ashore near Mariel, where they were then seen to land their cargo.

With reference to the circumstance mentioned in our last month's Despatch of the new Captain-General having ordered the immediate removal of the Barracones in the vicinity of this city, we regret to add that the parties had sufficient interest to procure the suspension of the order for a month, no doubt to admit of their having the necessary leisure and opportunity to make other arrangements.

We have, &c.

(Signed) J. KENNEDY,
 CAMPBELL J. DALRYMPLE

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

No. 50.

Lord Leveson to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 5, 1840.

WITH reference to previous instructions from the Secretary of State, directing you to transmit to this Office half-yearly returns of vessels adjudicated by the Mixed Court of which you are members, I am directed by Viscount Palmerston to desire, that in making out such returns for the future, you will insert columns shewing the tonnage of each vessel according to her Register, and according to English measurement.

I am, &c.
 (Signed) LEVESON.

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

RIO DE JANEIRO.

No. 51.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, November 29, 1839.

(Received February 11, 1840.)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 14th September, transmitting to us copies of a Despatch, and of its enclosures, from Her Majesty's Envoy at Lisbon, by which it appears that the Portuguese subjects, forming part of the crews of the "*Carolina*" and "*Especulador*," and who were sent to England by the Commander-in-Chief of Her Majesty's Naval Forces on the Brazilian station, have been made over to the Government of Her Most Faithful Majesty.

Our first impression was to communicate this proceeding to our Brazilian colleagues, as establishing the precedent by which all similar cases were to be governed, and thus save the Brazilian authorities any unnecessary trouble in proceeding against subjects of Portugal implicated in Slave Traffic, and brought under the cognizance of this Mixed Commission; but as your Lordship has not expressly instructed us to do so, nor, in fact, informed us whether the course pursued in regard to the crews of the above vessels is to be followed in all future cases, we have thought it better to make no formal communication of your Lordship's Despatch for the present.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

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

No. 52.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, December 16, 1839.

(Received February 11, 1840.)

MY LORD,

WE have the honour to transmit to your Lordship, herewith, a Copy of a Letter (A) which we addressed, on the 5th instant, to Her Majesty's Chargé d'Affaires, by which your Lordship will perceive that a Petition for Indemnification has been presented to the Court, on the part of the claimant, in the case of the "*Pompeo*."

The votes of the respective Commissary Judges detail the grounds on which they gave them, and the only observations which we have to offer, in addition are:—

1st. That, though the Brazilian Commissary Judge omits no opportunity of protesting, as he again does in his present vote, against the detention of vessels without

Slaves on board, or without proof of there having been any, he yet considers the principle so far settled, as regards this Commission, that he would not hesitate to proceed to adjudicate any case of the kind that may be brought before us.

2nd. That, in the discussion on the subject of the indemnities claimed for illegal detention, he invariably refused his assent to the principle urged by Her Majesty's Commissary Judge, founded on the repeated declarations made by Her Majesty's Government to that of Portugal and Brazil, from the year 1823 forwards, so long as such declaration remained without the formal and recorded sanction of his Government.

We have, &c.,

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

December 19, 1839. P. S.—We have the honour to add a translated Copy of the Despatch (B) addressed by the Brazilian Commissary Judge to his Government respecting the above claim, and the mode to be followed in adjusting it.

(Signed) G. J.
F. G.

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

First Enclosure in No. 52.

(A.)

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, December 5, 1839.

A PETITION for Indemnification having been presented to the Court on the part of the Claimant, in the case of the "*Pompeo*," we think it right that you should be made acquainted with the fact, and with what has occurred in consequence.

The enclosed papers will put you in possession of the whole case, as far as it has yet gone. A question is still pending relating to the mode, in which the decreed Indemnification is to be carried into effect, and, generally, to the regulations by which the proceedings of this Court are to be governed.

On this subject, we also enclose a Copy of the Instructions which the British Commissioners received from their Government in 1821, and which they, at the time, embodied in a representation to the then Royal Government. No notice was taken of it, at the time, and subsequent events, both in England and this country, prevented the subject being pressed.

It has been revived, on the present occasion, in consequence of the Brazilian Commissioners having proposed, in lieu of the mode prescribed by the regulations, that the captor and the claimant should each name a person to consider and decide upon the amount of Indemnification, &c. To this apparently fair course, Her Majesty's Commissary Judge, though he preferred that pointed out in the Regulations, would have been disposed, to avoid unnecessary discussion, to have acceded; but, when his Brazilian colleague went on to say, that, in the event of the two persons named not agreeing, a third should be named, and that that third, as the Commission was sitting in Brazil, should be a Brazilian, he decidedly refused his concurrence, and, citing the engagement, to assimilate as much as possible, the legislation in this respect (the Slave Trade) to that of Great Britain, required that the whole question should be referred to the Imperial Government, which has been done accordingly.

The difficulty arising out of the course proposed by the Brazilian Commissioner is the best comment, as we observed, on the inexpediency of not following that established by the regulations.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

To W. G. Ouseley, Esq.
&c. &c. &c.

First Sub-Enclosure in First Enclosure in No. 52.

(Translation.)

Petition to the Commissary Judges of the Mixed Brazilian and British Commission.

Rio de Janeiro, November 5, 1839.

ANTONIO FERREIRA, Master of the brig "*Pompeo*," represents for himself, and as proctor for the owner and shippers of the said brig, that the same having left the port of Rio de Janeiro for that of Moçambique, to touch at Angola, on the 28th August last, she had scarcely crossed the Bar, when she was visited, detained, and arrested by the English tender "*Fawn*," under the Command of Lieutenant Tyssen, who taking possession of the said brig brought her, as a prize, to this port, delivering her, as such, to the British Commander-in-Chief on this station. The brig being brought for adjudication before this Commission, under the pretext that she was destined for the illicit traffic in Slaves, you, gentlemen, having heard the captor, and the captured, for the prosecution, and the defence, pronounced

a sentence declaring the detention of the brig to be illegal, and ordering the restitution of the same to the petitioner with all her cargo, and this for the weighty reasons given in the same sentence definitively signed on the 26th October last.

And since, according to the provisions of the 6th Article of the instructions of this Commission, the respective owners in the case of a detained vessel being released, may claim from the same Commission which tried it, the indemnities to which they were entitled for the unjust detention, the petitioner, therefore, acting as it is his duty to do, in the name of the owners, and of those interested in the brig and her cargo, comes before you, gentlemen, to claim the indemnities stipulated in the second part of the 8th Article of the aforesaid instructions, under numbers 1, 2, 4, 6, and 7, viz. :— For all losses and special expenses occasioned by the detention, such as the anchorage of the vessel, port charges and dues, and costs of suit; for demurrage from the 28th August, the day on which the detention of the vessel took place, to that on which she was actually released and delivered to the petitioner, such demurrage being calculated according to the tonnage of the vessel, and according to the scale which forms a part of the aforesaid 8th Article.

For whatever deterioration of the cargo if any.

For interest at 5 per cent. on the capital employed in the purchase of the cargo, during the period of the detention.

And finally for interest at 5 per cent. per annum on the amount of the indemnities which may be adjudged, till they shall be finally liquidated by the Government of the captor

It is not necessary for the petitioner to state the grounds of the right which he unquestionably has to the indemnities which he claims, inasmuch as the right results from the very sentence of acquittal, since, recognising as it does on the one hand, that the captor was not furnished with the precise instructions to enable him to visit and detain the capturing vessel, not being even among those which the British Admiralty authorises to cruise in the way we are treating of, and, on the other hand, having committed, in the act, and after the detention, many other irregularities, the said sentence declares, consequently, the right of such indemnities, it being impossible to separate the injustice, from the necessity of compensating it on the part of the person who may have committed the same; more especially, when the two essential circumstance concur such as—first, having made the detention without any Slaves having been on board; and secondly, there having been nothing on the part of the captured to lead the captor into error, the only exception which by the latter part of the 8th Article would avail him to relieve him from the penalty of the indemnities which the Treaties providently established for those cases, where as in the present the excess of the captor is recognised by the Judges themselves, as well as the pointed illegality with which he pertinaciously persisted in the unjust detention.

The petitioner therefore requires that this, his petition for Indemnity being received and appended to the original process regarding this detention, you, gentlemen, should proceed to arbitrate and adjudicate according to the law, the petitioner being admitted, so soon as he may be put in possession of the brig, to prove by documents the items of the same Indemnities, which he claims, offering the proper protests.

(Signed)

CAETANO ALBERTO SOARES.

Proctor for the Petitioner.

Answer of the Court to the above Petition.

On filing this Petition let the account of the Indemnities claimed be presented, in order to proceed in the same ulteriorly.

(Signed)

SOUZA.

CARNEIRO.

GEORGE JACKSON, *Dissentient.*

Rio de Janeiro, December 6, 1839.

Second Sub-Enclosure in First Enclosure in No. 52.

(Translation.)

Vote of the Brazilian Commissary Judge

Rio de Janeiro, November 28, 1839.

THE Brazilian Commissary Judge, considering the 8th Article of the Regulation of this Commission, cannot but allow the indemnities which the master of the brig "Pompeo" claims for himself, and as agent for the owner and shippers of the said brig, in virtue of the sentence that has lately declared her detention to be illegal; without showing that the captors in such detention, was led into error, the only case in which, according to the said article, *in fine*, the parties interested would have no right to the demurrage stipulated by the said article.

The said Commissary Judge, having always impugned the right that is pretended to be established of detaining Brazilian vessels on their voyage to the coast of Africa, under any pretext whatsoever, until new conventions be agreed upon between the Imperial and British Governments, notwithstanding even that this principle has been ruled in the Commission, and having, further declared, in his separate vote, the grounds upon which he adjudged the release of the brig in question to be proper, it would be a self contradiction if, perchance, he should admit the least doubt as to the right which the convention between Brazil and Great Britain so positively guarantees to the proprietors of Brazilian vessels illegally detained; and, under these circumstances, regretting to find himself under the necessity of dissenting from the opinion of his colleague, the British Commissary Judge, he requires that arbitration in the proper form should be had recourse to for the final decision of this question.

(Signed)

JOAO CARNEIRO DE CAMPOS.

A true Copy

(Signed)

BRAZ MARTINS COSTA PASSOS.

Third Sub-Enclosure in First Enclosure in No. 52.

(Translation.)

*Vote of the Brazilian Commissary Judge.**Rio de Janeiro, November 28, 1839.*

THE British Commissary Judge cannot agree to allow the indemnifications claimed in the present case, because, besides that "the voluntary and reprehensible fault, on the part of the captain of the detained ship," which the 8th Article of the Regulations speaks of, is, in his opinion, realised by the fact of there being found on board a greater number of water-casks than was necessary for the crew, without showing that he had conformed to the provisions of the Decree of the Queen of Portugal, of the 10th of December, 1836; it further appears, that, so early as the year 1823, the Government of Her Most Faithful Majesty was informed, by that of Great Britain, that no compensation is, in equity, due to traffickers engaged in the illicit commerce.

The Government of Portugal did not object to the proposition contained in the aforesaid declaration, and, by such tacit acquiescence, the same became a part of the engagements between the two Governments, subsequently adopted by Brazil in the Convention of 1826.

The same declaration was made in a note addressed to Mr. Gordon, the British Minister at this Court, to the Marquess Queluz, on the 4th of July, 1827, which, having, in like manner, remained without any observation on the part of the Brazilian Government, that Government must be held to have had no objection to acknowledge this declaration as an established principle; the more so, as the Imperial Minister in London, having again advanced claims, in 1837, in respect to certain vessels adjudicated at Sierra Leone, Viscount Palmerston replied that he was very sorry that he could not take a different view of the question, and that it was therefore impossible for him to accede to the wishes of the Government of Brazil, in respect to such claims, and as from that time to the present there has been no further question of this business.

Upon this same principle, all compensation was denied, in 1834, to parties interested in the barque "*Maria da Gloria*," although it was provisionally conceded by the British Commissioners in Sierra Leone, who, acting for the Portuguese Commissioner, in his absence, ventured to leave the question to the final decision of the two Governments, and in this, as well as in the former case, the parties escaped the punishment due to their crime, not because they did not deserve to suffer it, but solely because of the irregularity attending the capture.

(Signed) GEORGE JACKSON.

A true Copy,

(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary.

Fourth Sub-Enclosure in First Enclosure in No. 52.

(Translation.)

*Vote of the Brazilian Commissioner of Arbitration.**Rio de Janeiro, December 3, 1839.*

(Presented in the Session of December 5, 1839.)

THE Brazilian Arbitrator having considered the votes of the Brazilian and British Commissary Judges, as to the indemnities claimed by the master and shippers of the brig "*Pompeo*," is of the same opinion as the Brazilian Commissary Judge, conforming himself in everything that he lays down in his note.

(Signed) JOAO PEREIRA DE SOUZA.

A true Copy,

(Signed) BRAZ MARTINS COSTA PASSOS.

Second Enclosure in No. 52.

(Translation.)

*Rio de Janeiro, December 5, 1839.**The Brazilian Commissary Judge to the Brazilian Minister for Foreign Affairs.*

THE master of the brig "*Pompeo*," lately released by sentence of this Commission, having claimed the indemnities from the court which, in conformity with the Convention between Brazil and Great Britain, ought to be allowed him for the losses sustained by the illegal detention; and there being, between myself and the British Commissary Judge, a difference of opinion upon this subject, and lots being drawn for an arbitrator, in conformity to the regulations annexed to the same Convention, and the lot falling on the Brazilian Arbitrator, who concurred in my opinion that the required indemnities should be allowed.

I have, therefore, the honour to lay before your Excellency the enclosed copies of the vote I then offered, as well as of that of the British Commissary Judge, and of the Arbitrator who agreed with me.

This being a subject that for the first time occurs in this Commission, and there being no rule for the process to be formed, the British Commissary Judge proposing that we should adopt the practice followed in Sierra Leone, by which the Secretary of the Commission proposes the amount of indemnities, aided by two British merchants, submitting it, afterwards, to the revision of the Court; but it

seeming to me to be more in conformity with the practice of the country that the captor and captured should each name an arbitrator, and in case of their not agreeing, that the Court should finally decide and give the respective sentence.

I offer this to your Excellency's consideration to determine what you may consider most proper, as the Commission never received from the Government any decision respecting the proposals made by the British Commissioners, and which were forwarded to the Government, through the Foreign Office, with the Despatches of the Portuguese Commissary Judge of the 16th of November, 1820, and the Brazilian Commissary Judge of the 31st of July, 1822.

I avail myself of this opportunity of informing your Excellency, that not only the English Commodore insists, unduly, in requiring the deduction of one per cent. from the money found on board of the barque "*Maria Carlota*," for deposit, whereas such money, being considered as cargo of that vessel, ought, without any deduction, to be added to the total sum resulting from the sale of this prize, to be equally divided between the two Governments, but, also, that the Municipal Judge having been ordered, through the Minister of Justice, to sell the brig "*Ganges*," condemned by this Commission to the Government, in conformity with the law, that Judge, in consequence of this order, deducted one-fifth part of the value, and remitted the balance to this Commission.

The British Commissary Judge would not allow such a deduction, declaring that it could not take place in such sales, and that nothing of the kind was practised in this case of the prize bought at auction by the British Government, in consequence of which, the money delivered by the Judge remains in the hands of the Secretary of the Commission, as also what was already deposited in the treasury, waiting the decision of the Imperial Government, as well respecting this deduction of a fifth part, as with regard to the per-centage which the English Commodore claims on what is in his hands; and I request your Excellency will take this into your consideration, so as to come to a decision on this question, which may establish an invariable rule for the future.

The British Commissioners press for the accounts of the expenses of the subaltern employés for the nine months of the current year, in order to satisfy what may belong to their Government. I therefore request your Excellency will give the necessary orders to the public treasury.

God preserve, &c.

(Signed) JOAO CARNEIRO DE CAMPOS.

To Senhor Cameiro Maria Lopes Gama,
Minister for Foreign Affairs.

No. 53.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, December 20, 1839.

MY LORD,

(Received February 11, 1840.)

THE Brazilian Commissary Judge has this day communicated an "Aviso" from his Government, covering the opinion of the Law Officer of the Crown, in reply to his letter of the 5th December, 1839, transmitted in the postscript of our preceding number. Copies of both these papers (A. B.) we have the honour to enclose herewith, in original and translation.

It would appear that, in drawing up the letter requiring the opinion of this Officer, sufficient care was not taken to point out the precise object on which that opinion was asked; and your Lordship will perceive, accordingly, that his reply refers mainly to a point on which the proceedings of the Commission which he reviews show that no doubt existed, namely, the question of entertaining the claim for indemnities or not, and is altogether silent on the matter more immediately submitted to him, viz., whether the regulations originally offered by the British Government for the guidance of the several Slave Trade Commissions should be definitely adopted by that of Brazil.

The doubt on this head remaining thus in full force, the Brazilian Commissary Judge again urged the nomination of two arbitrators, with this difference, however, that if they should not agree, the ultimate decision should rest, not with a third selection, but with the Court, a proposal which, on the grounds mentioned in the accompanying extract (C.) from our minutes of this day, Her Majesty's Commissary Judge assented to.

A further question then arose as to who should constitute the Court, when, in conformity to the opinion of Her Majesty's Advocate, transmitted in your Lordship's Despatch to this Commission of 4th July, 1831, it was determined that it should consist of the Commissary Judge and Commissioner of Arbitration on whom the lot had fallen, and that the other Commissary Judge should take no further part in the proceedings than by signing his name, according to the custom of this country in such cases, as dissentient.

The reluctance to adopt the British regulations in this particular instance may be ascribed very much to the apprehension felt by all Brazilians to

commit themselves in any way with their fellow-citizens, who, in all questions of Slave Trade transactions, are sure to visit, in some mode or other, on the functionary who may thus expose himself to their attacks, the honest performance of his duty.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

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

First Enclosure in No. 53.

(A.)

(Translation.)

Aviso.

Palace, December 18, 1839.

I ACKNOWLEDGE the receipt of the Despatch which you addressed to me on the 5th inst. respecting the indemnification for the losses sustained by the master of the brig "*Pompeo*," and in reply I have to signify to you my concurrence in the opinion of the Law Officer of the Crown, Sovereignty, and National Finances, a copy of which accompanies this as regards the difference of opinion existing between the members of the Mixed Brazilian and British Commission on this point.

God preserve, &c.

(Signed) CARTANO MARIA LOPES GAMA.

To Joao Carnerio de Campos,
&c. &c. &c.

Second Enclosure in No. 53.

(B.)

(Translation.)

Opinion.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

December 13, 1839.

SUBMITTING my opinion respecting the difference which exists between the members of the Mixed Brazilian and British Commission, relative to the indemnification for the losses sustained by the master of the brig "*Pompeo*," which was sentenced to be released, I declare to your Excellency as follows:—

With regard to the question of right, whether such indemnities ought or ought not to be conceded, although it is already definitively settled in conformity to the 3rd Article of the Regulations of the Commission, and by a sentence which once passed in judgment can no longer be matter of controversy, I would still say that if such could take place I should prefer the votes of the Brazilian Commission, inasmuch as they appear to me to be well founded, as opposed to that of the British Commissary Judge, which consists of inaccurate deductions.

With respect to the process by which the indemnities conceded should be settled, I am of opinion that it is clearly and definitively designated in the 8th and 10th Articles of the aforesaid Regulations. Thus, according to the literal stipulation of these Articles and of others to which they refer, the same Mixed Commission is charged to adjudge to the claimants, in whose favour the sentences may have been given, a just and complete indemnity, conformably to the bases established in the said 8th Article, to effect which it should receive and consider the claims presented to it in the form specified in the 3rd Article, that is, by proceeding to the examination of the papers offered to it, in order, on proof of the losses and principally of those of the vessel, to receive the depositions on oath of the Captain and principal individuals on board, to judge and decide as may appear to it just in view of all the circumstances, and to have recourse to arbitration in case of the Commissary Judges not agreeing.

God preserve your Excellency, &c.

(Signed)

JOZE ANTONIO DA SILVA MAIA.

A true copy.

(Signed)

BENTO DA SILVA LISBOA.

To Senhor Caetano Maria Lopes Gama.
&c. &c. &c.

Third Enclosure in No. 53.

(Translation.)

(C.)

Extract from the Minutes of the Session of the Court of the 19th December 1839.

THE Brazilian Commissary Judge presented the *Aviso* of the 18th instant in reply to his Despatch of the 5th, covering a copy of the opinion of the Law Officer of the Crown, Sovereignty, and National Finance, relative to the form of proceeding and to the question of indemnities in the case of the brig "*Pompeo*," and observed that the Imperial Government, not having come to a decision respecting the previous Regulations submitted for its approval, was of opinion that the parties (captor and captured) should each name an arbitrator, who, after being approved and sworn, should present

their respective opinions to be submitted to the Court, this being in conformity to the practice and laws of the country: to which the British Commissary Judge replied that it still seemed to him most advisable to follow in this respect the regulations offered by his Government and observed in the several Mixed Commissions, with a view particularly to that uniformity in their proceedings which is so desirable; but that, since the Imperial Government had not come to the decision which they had hoped for in reply to the Despatch of the Brazilian Commissary Judge, he did not hesitate, to avoid further delay, to adopt provisionally the plan proposed by his colleague, till such time as the two Governments should come to a definitive understanding respecting the adoption of the aforesaid Regulations.

No. 54.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, December 20, 1839.**(Received February 11, 1840.)*

MY LORD,

YOUR Lordship was informed, by our Despatch of the 23rd September, of what had occurred respecting a mortgage which it was attempted to enforce against the barque "*Maria Carlota*," when first brought before this Court for adjudication, to the prejudice of the British and Brazilian Governments, in the event of such adjudication ending in the condemnation of the vessel.

We have now the honour to acquaint your Lordship that, immediately on the sale of the "*Maria Carlota*" being effected, this attempt was renewed, in the way your Lordship will see, in the Letter from the Municipal Judge, of which, as also of one which we thought it right to address to Her Majesty's Chargé d' Affaires, we have the honour to enclose herewith a translation and a copy.

We have, &c.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

First Enclosure in No. 54.

(Translation.)

The Municipal Judge to the Mixed Court.

SIR,

Rio de Janeiro, December 19, 1839.

IN reply to your Letter, I have to inform you, for the information of the Mixed Brazilian and British Commission, that, having proceeded in due form of law, I caused the barque "*Maria Carlota*" to be put up at auction; an embargo having been placed on the same by Joao Pereira de Andrade, who for this purpose had obtained permission from his Excellency the Minister of Justice, and thus the embargo was continued on the product of the sale; all which I communicated to his Excellency the Minister, whose orders I await in order to be then enabled to make the delivery to the Commission.

God preserve, &c.

(Signed) JOAQUIM ANTONIO PEREIRA DA CUNHA.

To Bras Martins Costa Passos.

&c.

&c.

&c.

Second Enclosure in No. 54.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, December 20, 1839.

CONSIDERING the Answer which this Commission has just received from the Municipal Judge, in answer to an inquiry addressed to him relative to the sale of the "*Maria Carlota*," as involving a question of great importance, and as attacking the first principles on which this Commission is founded, we lose no time in forwarding to you herewith a Copy of the Document in question; in doing which it is scarcely necessary to advert to the facilities which this precedent, once permitted, would afford towards defeating the object of the Convention. In fact, no readier or more sure way could be found of insuring every future Slave adventure, than by simulating a mortgage on each vessel so employed.

We have, &c.

(Signed)

GEORGE JACKSON,
FREDERICK GRIGG.*W. G. Ouseley, Esq.*

&c.

&c.

&c.

No. 55.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, December 21, 1839.*

MY LORD,

(Received February 11, 1840.)

WE have the honour to inform your Lordship that the deduction of one fifth part of the proceeds from the sale of the brig, "*Ganges*," which had been made at the time of the sale of that vessel by the Municipal Judge referred to by the Brazilian Commissioner in his Despatch of the 5th instant, has been disapproved by the Imperial Government, after the question had been submitted to the law officer of the Crown, and that orders have been issued to refund that portion of the deduction which is due to the British Government.

We only wait the fulfilment of these orders to remit the accounts of that vessel, but such has been, and still is, the pecuniary pressure on this Government, that, though the sale of the "*Ganges*" took place nearly six months ago, the partial payment of the same was only lately made (the transaction having been irregularly concluded, and possession given to this Government, who were the purchasers of the vessel, without previously requiring the payment), nor can we now obtain any more satisfactory reply to our inquiries after the remainder, than that the orders have been given, but that it is not known how soon they can be executed.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

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

No. 56.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, December 21, 1839.*

MY LORD,

(Received February 11, 1840.)

WE had hoped by this packet to have been enabled to report the close of the proceedings in the case of the Slave vessel, "*Dom Joao de Castro*," the detention of which by Her Majesty's brig of war "*Grecian*" we had the honour to report in our Despatch of the 15th November; but those proceedings not having yet terminated, owing in a great measure to the difficulties already adverted to, we must confine ourselves on the present occasion to transmitting the opening parts of that case, viz. :—

Copies of the Declarations of the Captor. (A.)

Copy of Report of Survey on the detained Vessel made by his order. (B.)

Translation of the Argument on behalf of the Captor. (C.)

Translation of Argument on the part of the Claimant. (D.)

Of the criminality of the "*Dom Joao de Castro*," as well as of her Brazilian character, no doubt whatever exists, the only point of difference at present existing between the Commissary Judges having reference solely to the ownership of the vessel, and we doubt not but that we shall very shortly have the honour of announcing to your Lordship the result, with our report of the case.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

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

First Enclosure in No. 56.

(A.)

Captor's Declarations.

I, WILLIAM SMITH, Commander of Her Britannic Majesty's sloop "*Grecian*," hereby declare that on this 17th day of October, 1839, being about three miles north by east of point Castillanos, and at the east entrance of Marambaya, on the Coast of Brazil, I detained the brig named "*Dom Joao de Castro*," sailing under Portuguese colours, armed with two guns, four or six pounders, commanded by Vicente de Freitas Serpa, who declared her to be bound from Mozambique to Montevideo, with a crew

consisting of 20 men, no boys, no supercargo, and one passenger, whose names declared by them respectively are inserted in a list at the foot hereof, and having on board sundry articles hereinafter mentioned, which render the vessel, in my opinion, a slaver, or a vessel employed in the illicit traffic in slaves. I further declare that the sloop I command was standing into the Bay of Marambaya when I saw the above-mentioned vessel working out of the entrance with a boat in tow. I directed my course towards her, hoisted the colours, and fired a gun, which was no sooner done than the brig hoisted Portuguese colours. I altered my course, and shortened sail to allow the aforesaid brig to draw further from the point Castillanos before I boarded her, as she was too near the land to lay to. After hailing her I sent an officer on board to ascertain the particulars of the vessel, directing him to make a signal if he had reason to believe that she was a slaver. He made the signal, and I went on board to examine the brig. I found her to be 79 days from Mozambique, bound, as the Captain declared, to Montevideo. I asked him what he did here? He made no justifiable excuse for being 700 or more miles out of his course. I asked him how long he had been in the port of Marambaya? His answer was, two days. I then asked him for his papers, and he gave me those which I now present before the Mixed Commission Court, but not all, as some were obtained the day following, namely, his outward-bound log, wherein the vessel is called the "*Leao*," and two letters. After this I proceeded to examine the vessel, and found that she has two very large hatchways, with notches in the combings for gratings, and having the fore and after parts uncovered, such as are only to be found on board vessels that are engaged in the illicit traffic in slaves; that she has a large brick-built fireplace, such as is used (almost exclusively) on board slave-vessels; the boilers had been removed. I then went below in the vessel, where the *stink of the slaves was just as strong as that which I have experienced when they are actually on board*; a great part of the hold is in the utmost confusion, with large water-casks and other articles laying about without regard to stowage, manifestly proving to me that great expedition must have been made in the landing of the slaves and slave-gear; there are three tiers of leaguers, or very large water-casks, and such only as are used on board a vessel carrying slaves; there is a bulk-head which separates the after part of the vessel from the fore part, which is always the case on board slave-vessels, to separate the sexes; all the fore and aft planking of the foremost slave-deck is removed, the beams only remaining; the after or women's part remains untouched; there is also a farinha-room, such as is used in large slave-vessels, and a very large quantity of farinha remaining on board.

Upon examination of the brig's log, I found that she arrived at Marambaya on the 15th instant, and remained in the bay the 16th, and was coming out on the 17th when I fell in with her, and in that interval (between the time of her arrival and departure) there was ample time for landing the slaves, with the slave-deck, boilers, &c. &c.

Night coming on with a strong breeze and heavy sea prevented me personally making a more minute investigation of the vessel. I therefore detained her till the following morning, and then ordered three officers on board to examine minutely the vessel, or as much as was possible, while at sea, and report to me in writing what their opinions were respecting her; which report I herewith lay before the Court, stating at the same time my *firm belief*, from what I saw on board, and from the circumstantial evidence of her having touched nowhere else since leaving Mozambique, that during the time the vessel was in the bay of Marambaya she had landed a cargo of slaves; and further, that it never was intended that she should proceed to Montevideo until after she had landed her slaves in the neighbourhood of Rio de Janeiro, for both by her log and chart *her course has been uniformly and determinately maintained for the entrance of Rio de Janeiro, or to its immediate locality.*

List of the crew and passengers:—

Captain.	1. Vicente de Freitas Serpa
Boatswain.	2. Antonio Joaquim d'Oliveira
Seaman.	3. Bento Jozé
"	4. Agostinho Alz de Carvalho
"	5. Manoel da Silva
"	6. Francisco Antonio
"	7. Gonçalo Jozé Vianna
"	8. Antonio Ferreira
"	9. Manoel Bento Gonçalo
"	10. Francisco da Silva
"	11. Jozé Jacinto
"	12. Antonio Fernandez
"	13. Manoel Francisco de Arruda
Cozinheiro.	14. Manoel Francisco de Roza
Moços.	15. Manoel da Costa
"	16. Manoel Vieira
"	17. Sebn Jozé da Silva
"	18. Antonio Mathias de Paiva
"	19. Jozé Feliciano Fonseca
Negro	20. Joaõ
Passenger	Antonio Florencio da Costa

(Signed)

WILLIAM SMYTH,
Commander.

Witnesses,
W. B. PEARCE, *Acting Master.*
JOHN MUNRO, *M.D., Surgeon.*

I do further declare that I am duly authorised and empowered to detain vessels engaged in the Slave Trade, and that the papers mentioned in the certificate which accompanies this declaration are now brought and delivered up in the same plight and condition as when received by me, without any fraud, addition, subduction, alteration, or embezzlement whatever, save the numbering thereof.

(Signed)

WILLIAM SMYTH,
Commander.

I, WILLIAM SMYTH, Commander of Her Britannic Majesty's sloop "Grecian," hereby certify that on this 17th day of October 1839, being about two or three miles south-east of the point Castilhanos, and at the east entrance of Marambaya, I detained the brig "Dom Joao de Castro," sailing under Portuguese colours, armed with two guns, four or six pounders, commanded by Vicente de Freitas Serpa, who declared her to be bound from Mozambique to Montevideo, with a crew consisting of 20 men and one passenger, and no supercargo, and having on board a great quantity of large casks or leaguers for water, her hatchways fitted for slaves, and many other appearances which induce me to believe that the vessel only landed her slaves a few hours before I detained her.

And that the papers and documents seized by me on board the said brig are marked from No. 1 to 28.

(Signed)

WILLIAM SMYTH, *Commander,*
H. B. M. Sloop "Grecian."

Second Enclosure in No. 56.

(B.)

Report of Survey.

PURSUANT to an order from William Smyth, Esq., Commander of Her Majesty's brig "Grecian," we whose names are hereunto subscribed have been on board the brig "Dom Joao de Castro," and having examined her and made a minute, strict, and careful search on board of the said vessel, we make the following Report; and that has been done with such fairness and impartiality, that we are ready to make oath to the correctness of the same if required so to do.

We found the vessel without cargo, but on entering her hold the stench which is peculiar to Africans was distinctly perceived, so strongly indeed as to leave no doubt that Slaves had been landed from her within a few hours.

Her hatchways are much larger than any merchant-vessel can possibly require, they are fitted for gratings and bear that proportion to the size of the hold which those of vessels in the Slave Trade generally do.

A bulkhead is fitted across the hold, which seems to have been for the purpose of dividing the male from the female Slaves, as is usually done in Slave-vessels. In the after part of the vessel the Slave-deck is laid, but in the fore part it has, we believe, been removed, but the beams run across the hold in such a way as to serve for floor-timbers, and the laying or removal of the Slave-deck would occupy very little time.

We found on board fifteen bolts for shackles. Her hold is completely filled with water-casks fore and aft; they are very numerous and very large, such as are generally used by Slavers. The quantity of water they are capable of containing very far exceeds any quantity that could possibly be necessary for the crew of a merchant-ship; we could not count them, there being three tiers of these large casks, but they seemed, as far as we could judge, to be capable of containing *water sufficient for five or six hundred persons for three or four months*; indeed her hold is wholly occupied by them, nearly up to the beams where the Slave-deck has been laid: the hold was in a complete state of confusion, the upper tier of water-casks having been recently unstowed, for the purpose of removing or stowing things under them, or for the purpose of filling up the under casks for ballast; the casks were quite adrift and loose, and evidently not in the state they would be in a vessel which had just crossed the Atlantic: no vessel could have done so in the state she was. Her hatches were open fore and aft, and the beams in her hold, where the deck had been laid, were in many places covered with human excrement.

Several long bars were found, such as are generally used in securing the gratings over the hatchways in Slave-vessels.

Two large pumps and five small ones were found, for pumping the water from the leaguers, and three of the long tin tubes that are used by the Slaves in sucking from the water-casks on deck. Also a pair of clappers or rattles, such as are generally used on board of Slave-ships for calling the Slaves to their meals.

We found on board a great quantity of farinha and Indian corn, at least thirty-two bags of the former, which is a far greater quantity than could possibly be required for the consumption of her crew; also several sacks of calavances and rice. There is a farinha-room fitted up under her cabin, lined with mats, in which farinha has been kept, and which is capable of containing a very large quantity; part is left in it now.

We are further, from the general appearance of her hold, &c., quite confident that negro Slaves have been there very lately: on examining between the timbers on the Slave-decks we found stowed in several little holes strings of coloured beads, such as are in common use among negro Slaves; also several of the little bags in which they lay aside remnants of food, &c.; also several small spoons, such as are always used by Slaves on board of Slave-ships; and many other corroborative proofs of Slaves having been there recently.

On the whole there is no doubt that Slaves have been recently landed from this vessel, and the absence of the Slave-deck and coppers (should they not be found on unstowing the hold) is easily explained by the circumstance of her having been at anchor in the harbour of Marambaya, where she may have landed them. It is evident she had communication with the shore there, from her having on board green bananas, which must have been cut from the tree within a few days at the furthest.

A sleeping berth or "bunk" has been thrown down into the hold, as if some passenger had landed and it was no longer required on deck. She has in the hold two guns and carriages and a quantity of shot.

And I, the Surgeon undersigned, have examined minutely the state of the health of the crew of the vessel, and found them in good general health, with the exception of a certain cutaneous disease which prevails among negroes on board of ship, and which generally extends to the crew of the vessel, and which disease I have not seen except on board of Slave-vessels, or in those who have only recently

left them. The whole crew are affected with this disease, which I consider another undeniable proof that Slaves have only lately landed from her.

Given under our hands on board the brig "Don Joao de Castro," this 18th day of October 1839.

(Signed)

A. B. PEARCE, *Acting Master,*
JOHN MUNRO, *M.D., Surgeon,*
L. KNIGHTON, *Mate in Charge,* } *Of Her Majesty's*
} *Brig "Grecian."*

Third Enclosure in No. 56.

(C.)

(Translation.)

Argument on behalf of the Captor.

WHEN in any country the spirit of gain predominates over any class whatever, the laws become impotent, if the judges, who are their soul and their life, do not show themselves inexorable with such speculators: if too indulgent or scrupulous they do not pay attention to all which the relation of the known facts with the crime under investigation discloses; if they do not bear in mind the nature of the crime, often the results of a premeditated and well-considered combination; if they forget that the crime is derived from a plan projected and concerted antecedently and with great forethought, crime will certainly multiply and the criminals will become encouraged.

This is what the history of the prohibition of the odious traffic in Slaves now offers in Brazil. Cupidity, and a desire of enriching themselves with ease, have animated the speculators, and their ambition has suggested to them various plans and combinations to elude the laws and the best-conceived measures which the Governments of both nations, Brazil and England, have taken to render the abolition of this odious traffic effectual.

If this Commission does not sustain the attitude which pertains to it, and which belongs to the character which distinguishes each of its worthy members, the efforts of the Governments in this respect will certainly be in vain.

The case in question—that of the vessel now covered with the Portuguese flag and with the name of "Dom Joao de Castro"—is an evident proof of what we have just said, and of which this Commission must be convinced in view of what we now proceed to demonstrate.

The questions which we have to resolve are doubtless twofold; the first consists in determining whether the vessel in question is or is not Brazilian property; second, whether she was employed in the illicit traffic of Slaves. These points being decided, affirmatively as we pretend, this vessel certainly, in our opinion, cannot fail to be condemned.

She is Brazilian, and the flag which she has on board, in manifest violation of the nation to which it belongs, was only employed to cover the fraud and the crime committed. We declare that the vessel is the national brig named the "Senador Vergueiro," the property of the Brazilian citizens, Vergueiro and Faro, despatched in this port on the 4th of March 1839 for Monte Video, to touch at Santos.

Our first reason for making this assertion is, the finding on the muster-roll of this vessel almost the same crew which left this port on board the "Senador Vergueiro," changing only their position, as is at once known by comparing the muster-roll which exists in this process attributed to the vessel "Dom Joao de Castro," with that of the "Senador Vergueiro."

This comparison will give us not only the greater number of the crew of the one and the other, but even the same officers with a change of position: *i. e.* Antonio Joaquim de Oliveira, who is master on board the "Senador Vergueiro," becomes mate on board the "Dom Joao de Castro;" and the mate of the "Senador Vergueiro," master of the "Dom Joao de Castro;" and in the same manner almost the whole of the crew of the "Senador Vergueiro."

Our second reason is, that the "Dom Joao de Castro" has the same admeasurement as the "Senador Vergueiro," as may be seen by comparing the certificate of the Consulado with the survey and examination which was made on board, in addition to which she has precisely the same and identical appearance; besides the proof deduced from a comparison of the above admeasurement, we have that which is derived from the passport of the "Dom Joao de Castro," compared with the aforesaid admeasurement of the "Senador Vergueiro," because by the latter it is seen that the tonnage of this vessel is of 294 tons, which is the same as that of the "Dom Joao de Castro."

Our third reason is drawn from the log found on board the "Dom Joao de Castro," made from this port direct to Moçambique, and which all refers to the "Senador Vergueiro," in the writing of Serpa, which demonstrates that the ostensible clearance of the "Senador Vergueiro" for Monte Video, to touch at Santos, was nothing more than a pretext or fraud to cover the voyage; to which may be added the fact that the same chronometer is found on board the "Dom Joao de Castro" as is referred to in the declaration of the movement of the chronometer belonging to the "Senador Vergueiro."

Our fourth reason is, that no Portuguese brig or vessel whatever of the name of "Leao" sailed from this port for any part whatever in March 1839, as is shown by the Certificates of the Consulado, and of the Portuguese Vice-Consul.

For these causes, which evidently and to conviction demonstrate the identity of the vessel in question, and show with all the clearness which the matter admits of, that the vessel now called "Dom Joao de Castro" is the same vessel "Senador Vergueiro," belonging to Faro, Vergueiro, and Co., Brazilian citizens, residing in this city; can any one in good faith entertain a doubt of the fraud of this vessel and of her navigation? certainly not; but it will be said, if the "Senador Vergueiro," was despatched from this port for Monte Video to touch at Santos, how could she go to Moçambique, and how do the captors prove that she did? This objection, the only one that can be made against the identity of the vessel, is destroyed by the fact of the log of the "Senador Vergueiro," which cleared out from this port for Monte Video, to touch at Santos, and which exists in this process, having been found on board the vessel in question: from this log, which is indisputably that of the "Senador Vergueiro," it is evident that this vessel, although cleared out for Monte Video, went direct not to the place indicated in her passport, but to Moçambique, whence she came metamorphosed into the "Dom Joao de Castro;" and thus the identity of the "Senador Vergueiro," is unequivocally demonstrated, which, being a national vessel, is evidently subject to the jurisdiction of this Commission.

It may be said that this does not contain a positive proof, but we reply that it is not only by direct and positive proof that decisions and human justice are directed.

To require that public tribunals shall not judge, except by direct and positive proofs, is not to wish for justice; it is even to destroy the difference that exists between a supernatural and a limited and obscure comprehension; it is to wish to disarm society of its force, delivering it over to the calculations of the wickedness of individuals, which certainly would be an extravagance. It may happen that some chance may produce a circumstance indicative of a crime, but this which may take place with respect to one or two circumstances can hardly occur at the same time with respect to many. In our case it might happen that the same tonnage was given to the brig "*Dom Joao de Castro*" as to the "*Senador Vergueiro*," but it is not possible that, with the like tonnage, there should be the same dimensions even to the tenth part; that, with a little and very common difference, such as always occurs on board any vessel after entering a port, there should be found the same crew; it is not possible that there should appear at the same time on board the "*Dom Joao de Castro*," besides the crew, tonnage, dimensions, as well as log of the "*Senador Vergueiro*," the chronometer also. So many circumstances could not be the effect of chance, and they thus completely demonstrate the identity of the vessel "*Senador Vergueiro*," which cleared from this port for Monte Video, to touch at Santos, on the 11th March 1839, as the register of the port proves; but in fact sailing for Moçambique, as proved by the log found on board.

The second point or question consists in demonstrating that this vessel was engaged in the hideous traffic of Slaves. It is not certainly of an attempt at crime that this vessel is accused, but of a crime fully consummated and completely effected, and the very documents inserted in the defence denounce and prove this. The passport of the vessel it is which affords the proof; from this passport it is seen that the vessel was despatched in ballast for Angola, to touch at Monte Video, on the 26th July of the present year: if we compare this passport with the log, we shall easily find that the pretended voyage indicated in the passport was to give a colouring to the fraud of her real and natural voyage, in the same way as was practised on her leaving this port, as has already been shown; and therefore, if this vessel sailed from Moçambique for Angola to touch at Monte Video, how is it that her log is directly from the port of her departure for that of Rio de Janeiro? how is it that without any cause or apparent motive the vessel makes directly for the coast of the province of Rio de Janeiro, neglecting altogether the course of her destination? If we do not lose sight of the demonstration already made that the vessel in question is the identical "*Senador Vergueiro*," we shall see that she is addicted to similar frauds, that is to say, to cover by her papers the real port of her destination, taking out a passport for one and sailing straight for another, as already shown, and thus similar documents can only serve as a charge against the vessel, from the deception and fraud practised by her on her voyages, which proves completely her crime, viz. that she did not sail either in ballast or for Angola, to touch at Monte Video, but for Rio de Janeiro with a cargo of Slaves.

The survey ordered by the Commodore on board the vessel in question, combined with the captor's declaration, with the proofs of her having had communication with the shore, with the vestiges and indications found on board of her having had Slaves,—all this is proof that the vessel, shortly before her capture, landed such Slaves in Marambaya Bay.

These proofs of the crime of the vessel cannot be eluded by the declaration of the party captured, accused of heavy crimes, convicted of having surreptitiously obtained clearances to cover her voyage, deceiving the authorities of this city, obtaining clearances for Monte Video to touch at Santos, when her sole destination was direct for Moçambique.

Her documents are deserving of no credit or faith, inasmuch as the same surreptitious nature and the same fraud must be ascribed to them as to the clearances from this port.

We will say nothing respecting the clearances obtained in Moçambique, because, having clearly shown that the vessel is not the "*Dom Joao de Castro*," but the national brig "*Senador Vergueiro*," not proving by any legitimate title the transfer of property, conformably to the laws of the country, by which she would lose her Brazilian nationality, it follows that all the clearances which she obtained from the Portuguese authorities at Moçambique were surreptitiously obtained, the more so as it is seen that her register is dated the 29th July of the present year, the passport bearing date the 26th and the clearance the 27th, so that the Register is posterior to her passport and to her clearance, which proves the surreptitious manner in which the whole was obtained, and therefore the little credit which these documents deserve.

We will not again enter on the question of the right of visit and capture pertaining to the captor; this right is now no longer a question in this tribunal, it is a settled point which every juriconsult, every sensible and reasonable man, respects and pays attention to, in every country, whatever may be the considerations to the contrary; and thus this right is now a rule for this Commission which can no longer be contested or called in question.

The proofs of the identity of the vessel the "*Senador Vergueiro*" are so many, that even the bill which the watchmaker gave, with the number of the chronometer for that vessel, is found on board the one in question, as also the chronometer itself with the same number; and with such proofs it is impossible that the vessel in question should fail to be considered the national brig "*Senador Vergueiro*;" and if this Commission reflects on the difficulties which the captors have in making good any direct proof whatever, they will be satisfied by the multiplied proofs presented in this case that they exceed even what is ordinarily practicable, and will thus the better appreciate those now presented.

We therefore hope that the national vessel "*Senador Vergueiro*," covered with the name of "*Dom Joao de Castro*," may be condemned conformably to the Treaties, as having been actually employed in the illicit traffic of Slaves.

(Signed) ROBERT HESKETH.

Fourth Enclosure in No. 56.

(D.)

(Translation.)

Argument on behalf of the Claimant.

To the Commissary Judges of the Mixed Brazilian and English Commission.

THE Portuguese brig "*Dom Joao de Castro*," Vicente de Freitas Serpa, Captain, having been detained and captured by Her Britannic Majesty's brig-of-war "*Grecian*," Captain Wm Smyth, on the

17th of October last, close to Marambaya, or about three miles from Point Castillos; and her owner not being present to defend her before this court, which has to judge of said detention and capture, it is the bounden duty of Captain Serpa to represent his owner, and to take upon himself his own as well as the vessel's defence, which he now proceeds to do through the medium of his undersigned advocate lawfully authorised as allowed by this Commission.

The Portuguese merchant-brig "*Dom Joao de Castro*," belonging to the Portuguese subject Antonio Braz dos Rios, residing in Moçambique, as is shown by the document, page 30, and in which no person of any other nation has any share or interest, as is seen by document, page 24, sailed from that port for Monte Video on the 30th July last, lawfully cleared out and with all her papers regular, as is plainly proved by the documents, pages 23, 24, 27, and 30.

But as the said brig during the voyage met in the latitude and longitude marked in his log-book, page 78, great storms and very strong winds from the south-west, and a heavy sea having broken on his starboard-side, which drove in his bulwarks as well as seven of his stanchions by the waterways, he was obliged to run before the wind to avoid greater danger. The storm having ceased, and the wind becoming more calm, as is seen by the log, though at the same time it was contrary, and the atmosphere foggy for a number of days, it was impossible to get an observation, besides, there existed a strong current to the northward; for these reasons he found, on the 15th of October at daylight, his vessel close to land, becalmed, with great fog and rain, without his being able to discover, for this reason, the place where he was. In this dangerous situation he was obliged to lower down his boat and tow the vessel off from the shore, which having effected by five o'clock of the afternoon, he then found that he was between Ilha Grande and Marambaya, and ordered his sails to be kept loose to proceed on his voyage so soon as the wind permitted.

Thus he continued the rest of that day, and the 16th was a calm; on the 17th, about 5 A. M., with a light breeze from the north, the brig began to make way. Shortly afterwards coming to anchor, owing to its becoming again calm till about ten o'clock, when, a breeze springing up from the north-east, he again got under way to continue his voyage, and then it was that he came in sight of the brig-of-war that captured him, which nearing him obliged him to heave to and there detained him until the 20th, when he brought him to this port of Rio de Janeiro, all which is seen by the log, and his protest made on board, duly ratified, which is here added.

Such is the fact, and it thus appears that neither the captor had any lawful right to detain the "*Dom Joao de Castro*," the circumstances and requirements which the treaties and respective instructions call for, in order for cruisers to detain vessels suspected of being employed in the illicit traffic of Slaves, not being verified, nor is this Court competent to judge of property belonging to Portuguese subjects. But as the captor, in his declaration (page 4), has made a long list of the indications, some false, others exaggerated, and others finally inconsequent, from which he draws the conclusion of his own gratuitous conviction (if in fact he feels such) of this brig's having been employed in the illicit traffic, it becomes necessary to examine minutely that declaration and these indications. In the first place, it seems incredible that the captor should have had on board the Instructions annexed to the Treaty of the 28th July, 1817, to enable him, according to the 5th Article of the Treaty, to visit and detain merchant-vessels, for, if he had them, it was to be hoped that he would not have acted so arbitrarily against what is therein established and provided against.

But as, if he has those instructions, he will have to present them to the Commission, we will now proceed to examine the indications by which he was actuated.

In two cases only can cruisers detain merchant-vessels on account of illicit traffic in Slaves; the first is that foreseen in the 5th Article of the Treaty of 28th July, 1817, and in the 1st Article of the Instructions annexed, viz. the case of finding on board Slaves destined for the traffic; the second is the case declared in the additional Articles to that Treaty signed at Lisbon on the 15th March 1823, of there being clear and undeniable proof of Slaves having been shipped on board for the traffic on that same voyage.

In the present detention it is evident that the first case of finding slaves on board for the traffic is not verified; it is therefore evident that only on finding full, clear, and undeniable proof of slaves having existed on board on this same voyage could the brig "*Dom Joao de Castro*" be detained.

We will allow that indications may constitute proof under certain circumstances, but it is necessary that they should be proved, and in connection with the facts, in a manner to leave no kind of doubt: "undeniable and clear" proof (the express words of the law) is not any kind of indication, nor may it be presented in any manner.

We will now show that the indications presented by the captor will not afford a clear proof, and much less an undeniable one, of this vessel's having had slaves on board in this present voyage on which she has been detained.

1st Indication. The vessel being found out of her natural course on a voyage from Moçambique to Montevideo. This indication proves nothing in the present case; for, having shown by the log of the vessel, as is seen in page 78 of this process, and by the protest duly ratified, now added to this defence, that the fact of this vessel being out of her course was owing to the storms and other natural causes therein declared, all suspicion arising from that circumstance vanishes.

2nd Indication. The vessel being armed with two guns, four or six pounders. The captor, in mentioning this indication, miserably contradicts himself, as one that does not love truth and is not faithful in narrating facts. In the beginning of his declaration he declares that the vessel was armed with two guns, and afterwards he confesses that those two guns were in the hold; besides that, he conceals that they were not mounted, and merely served as ballast. Moreover, this fact has no connexion with the traffic in slaves.

3rd Indication. The vessel having a crew of 20 men, without boys or supercargo.

In fact, the captor did not even read the muster-roll, which he added, and which is seen at page 28 of this process. If he had read it, he would find, as boys, five from No. 15 to No. 19. As to supercargo, it is clear that a vessel in ballast has no need of one; and as to the number of the crew, it is not great for a brig of 294 tons, as is proved by document, page 30; much more so, five of them being boys.

4th Indication. The log-book of the outward voyage of this brig under the name of "*Leao*." The "*Dom Joao de Castro*" was never called "*Leao*;" that brig was much smaller than the "*Dom Joao de Castro*," and therefore it was impossible to be the same. To ascertain the truth of this, as well as other facts falsely insinuated in the captor's declaration, as we will hereafter mention, the

petitioner requests of this Commission that, according to articles 1st and 3rd of the Regulation of the Mixed Commissions, it will allow time and opportunity for a survey on board of the captured vessel. The log found in possession of the Captain was a copy which he had taken from another for the ends which he declared in his answers; and that that document may not serve against the "*Dom Joao de Castro*" it will be sufficient to prove that it neither is nor could have been the "*Leao*."

5th Indication. Two hatchways larger than is usual. The "*Dom Joao de Castro*" has certainly two hatches like any other vessel of the same size, the main and after hatches; but these were not made larger, as may be seen by the survey which is again prayed. Besides, no gratings were found for the hatchways, which proves that they were not destined for the traffic in slaves.

6th Indication. The vessel having a brick fireplace, as is usually found in slave-vessels. It is not only in slave-vessels that brick fireplaces are found; in all vessels that have no iron ones this is the case, and the one which the "*Dom Joao de Castro*" has is a regular one for her size and crew, which may be easily seen by the survey that is prayed. This indication is the more futile as no boilers were found that might prove that the fireplace was for the use of a cargo of slaves. And though the captor declares that the boilers had been removed, which seems a mistake, for the word removed (if the translation is not wrong) indicates the changing from one place to another of the same vessel, it is certain that on board no boilers existed for the use of slaves, and even no indication of their having had them; and this point may be likewise verified by the survey that is prayed.

7th Indication. Strong smell of the slaves. This indication is certainly new. Neither in the Treaties, Instructions, or Regulations annexed, nor in the different additional articles, have the high contracting parties ever thought of making the smell of the vessel a proof of the illicit trade in slaves. The olfactory power of the captor is an indication as well as his nose.

Indeed, the vessel having come with ballast of water, and that not Cologne water, the hold might not have a pleasant smell, and that disagreeable smell might be qualified by any person's nose as he pleased; but what is certain is that the vessel had only one slave on board, which one belonged to her owner, and who is found in the muster-roll, No. 20. The declaration, page 4, is so exaggerated in its contents, that it is no wonder that the smell of the hold of the vessel should be named as an element of proof and an officious agent for the captor.

8th Indication. The hold of the vessel being full of pipes of water, and all out of order. The same exaggeration accompanies this indication as is manifest in the captor's declaration on the other points. There existed on board 100 pipes and 16 tun butts or leaguers, that might in the whole contain 150 pipes of water, which would never be sufficient for 500 or 600 blacks, as is affirmed in the said declaration.

Now, it being certain that the vessel was despatched in ballast of water, as is seen by document, page 27, and likewise that part of that water was salt, destined merely to be used as ballast; this indication will have no force whatever, as being inconsequent. And as to the apparent disorder of the hold, it was owing to the strong weather having caused the ballast-water to leak, which made the vessel rather crazy, and it was necessary to refill the empty casks, and, for that, to remove those that were on the top.

9th Indication. A division separates the aft from the fore part of the vessel. This division is a permanent one, and caulked ever since the vessel was built, and is used to stow fine goods when shipped, that they may not be subject to being robbed; it was not, therefore, newly made, much less was it to separate the slaves according to their sexes, as the captor gratuitously affirms. The survey that is prayed is particularly proper for verifying this fact.

10th Indication. There existed beams for a slave-deck. The petitioner positively denies this fact asserted by the captor. There are no extraordinary beams in the vessel, and no others than in building of vessels are generally put for safety; and therefore the petitioner ought not to be oppressed by the power and false imputation of the captor.

11th Indication. Having found on board a bread-room that might serve for the provisions of the slaves, as likewise sundry bags of farinha, beans, and rice. All vessels have their bread-room for ordinary uses, and, though this one may be used illicitly, from such possibility no conclusion can be drawn of the existence of the fact. As, therefore, no proofs exist of slaves having existed on board, such indication is inconsequent, which besides was never considered as such in the various articles of legislation for the suppression of the illicit traffic in slaves. As to the farinha, beans, and rice, that were found, that indication is against what it is meant to prove. If the vessel had actually brought such a large cargo of slaves as she is accused of, they certainly would have consumed those provisions; besides, in that case, the farinha would have been in the bread-room, and not in bags, as is declared.

Everybody knows that farinha, as well as beans and rice, are cheaper on the Coast of Africa than on this Continent, and it is therefore no wonder that some might come for trade.

12th Indication. 15 bars for irons. The existence of such bars is positively denied; what does exist are some bolts that may be used for different purposes. The survey will verify the fact.

13th Indication. Some beads concealed. It would be necessary to know who hid or deposited the said beads where they are said to have been found. The sailors might have placed them there, whether for trade or any other purpose; they might have been there a long time prior to this voyage. The claimant knows nothing about it, but this fact cannot prejudice him so long as he brought no slaves on board for the traffic, and of this there appear no clear and undeniable proofs.

14th Indication. Some pumps and suckers and a pair of rattles. There is not a vessel without pumps to draw not only water, but also wine, vinegar, or oil. In the same manner all have suckers for the crew to drink with; and as those found are in small number, this can be no indication of the imputed traffic. The rattles are used in all vessels that have no bell aft, and are used not only to call the hour, but also for other signals and callings; and as the brig "*Dom Joao de Castro*" had no bell, as may be seen by the survey, the rattles were indispensable for the said end.

15th and last Indication. The cutaneous disease with which all the crew were affected. Besides the exaggeration that appears here as well as in all the rest, this indication proves nothing, as it might proceed from different causes, and much less so in a vessel that comes from the Coast of Africa, and which remained there some time, where the itch is frequent, and which met with continued storms, leaving no time for cleanliness and cure.

I have shown that the captor made a long enumeration of things even useless, exaggerating everything, in order to draw from them indications by which to cover his violent and illegal act; and as

he, by his instructions, could not lawfully detain the aforesaid vessel, as well because he neither found slaves on board for the traffic, as because there were no clear and undeniable proofs of having had them in the present voyage.

The claimant will now proceed a little further.

This defence being made in the best good faith, the claimant will consider the case on all sides, that the illegality of the detention may be more clearly shown.

First of all we will notice that, the vessel having arrived at the said place of Marambaya on the 15th, and being about leaving it on the 17th, towed out, when she was detained, according to the captor's own declaration and the log, page 78, it is clear that it was not possible in such short space of time to land a cargo of slaves, and, besides this, to take out slave-deck, boilers, and other articles proper in such speculations, and put them ashore.

In the second place, we will observe that, the captor himself being the person that ought to examine with his own eyes the vessel captured, as only in this way can he comply with what is expressed in the 8th article of the instructions annexed to the Treaty of 1817, making (N. B.) the authentic declaration of the state in which he found the detained vessel, the captor did not comply with this, and left the examination to other persons, as he himself admits, alleging the stormy wind and heavy sea as a reason for not doing it himself.

In the third place, when we refer to the Portuguese Decree of 10th December 1836, the execution of which, moreover, could never belong to this Court, and even to the additional articles of the Treaty of 23rd November 1826, agreed on on the 27th July 1835, in this Court of Rio de Janeiro, which have not yet been put into execution, for they yet exist in the House of Representatives without being approved—even in that case we could not find matter for sustaining such capture. Of the facts proved, which, by these ulterior dispositions, might serve as justificatory proofs for this capture on account of illicit traffic, one only is found in the declaration, page 4, viz. the greater quantity of pipes of water.

Now, it being certain and verified by the document, page 27, that that water was used as ballast, and that the vessel was despatched in the Custom House of Moçambique with this water-ballast, it is evident that, even by those posterior dispositions, this vessel could not be detained, and much less condemned, for the illicit traffic in slaves.

The petitioner wishes to omit nothing that may deprive him of the right to claim all the protection that can be given to acknowledged and helpless innocence, and which it is the duty of justice to defend, that she may not fall a victim. Poor humanity deserves the sympathies of the Powers of the world, and praises are due to those that try to abolish the traffic of African slavery, but merchant-ships, their owners and officers, deserve likewise some consideration, and their rights ought to be guaranteed; justice, therefore, ought to be impartial, not allowing itself to be moved by passions or prejudices; in its sanctuary the right alone ought to be attended to, and in its balance proofs alone ought to be weighed.

The captain of the brig "*Dom Joao de Castro*," trusting that these will be the sentiments of the judges of this Mixed Commission, hopes that, by their known intelligence, love of justice, and impartiality, they will adjudge the capture to be illegal and unjust, ordering the vessel to be delivered to its owner, whom the said captain represents, that he may proceed on his voyage.

With justice,

(Signed) JOZE MARIA FREDERICO DE SOUZA PINTO.

No. 57.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, December 21, 1839.

(Received February 11, 1840.)

MY LORD,

A REPORT having reached us that five of the crew belonging to the prize "*Dom Joao de Castro*" had effected their escape from the hulk, we requested the attendance of Mr. Mowle, the prize-master, with a view of obtaining from him, for your Lordship's information, the particulars of such occurrence.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 58.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, February 20, 1840

Circular sending Papal Brief against Slave Trade.

(See No. 2, page 1.)

No. 59.

Viscount Palmerston to Her Majesty's Commissioners, Rio de Janeiro.

(Extract.)

Foreign Office, March 7, 1840.

I HAVE received your Despatch of the 29th of November, 1839, in which you state to me that, as you are ignorant of the nature of certain communications which I had received respecting the organisation of the Mixed Commissions, you are at a loss to give any satisfactory reply to that part of my instruction of the 13th September 1839, in which reference is made to complaints which had reached me of delay in the adjudication of cases. But I have to remind you, that complaints of delays in the adjudication of cases by the Court of which you are members had been made to me as early as the year 1838, and had been communicated to you in my Despatch of the 18th of April of that year; and one of the causes of those delays, namely, the observance of frequent holidays, was remarked upon by you in your Despatch, of the 10th June, 1839, "upon the organisation of the Mixed Courts," to which Despatch, my instruction, of the 13th September 1839, was an answer.

I have now, however, once more specifically to express my expectation, that you will, in your adjudication of cases, adhere strictly to the Treaty; and when the course prescribed by the stipulations of the Treaty is different from that which is followed in the Brazilian Courts of Law, you will take the Treaty, and not the Brazilian Law, for your guide.

I have expressly to desire, that in future you will not allow vexatious or technical difficulties to interfere with the performance of your duties; and I wish you to bear in mind, in all cases, that it is your duty to afford the utmost facility in your power to all the persons employed in Her Majesty's service, and whose duties are in any way connected with your own.

I am, &c.

(Signed) PALMERSTON.

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

No. 60.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, December 26, 1839.**(Received March 7, 1840.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 9th October 1839, acquainting us that you had considered it proper to take the opinion of the law officers of the Crown as to whether Mr. Platt (the owner of the negroes referred to in our Despatch of the 31st May, 1839, would be liable to prosecution in a British Court for a breach of law against Slave Trade, if the facts therein mentioned could be proved; and that the law officers had reported, that the facts stated in that Despatch are not sufficient to enable them to say whether Mr. Platt would, in the particular case in question, be liable to such prosecution.

In explanation, we beg leave to say, that we had no idea of imputing to Mr. Platt the crime of importing negroes into Brazil, but merely, in confirmation of previous statements made by us, to notice, first, the fact of British subjects making sales and purchases of blacks in this country, when imported; and, secondly, the great facilities which the laxity of the Brazilian Justices of the Peace and other authorities affords to abuses in this particular.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

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

No. 61.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, December 27, 1839.

(Received March 7, 1840.)

MY LORD,

ON the receipt of your Lordship's Despatch, of the 12th October last, transmitting to us a Copy of the "Correio" of Lisbon, in which were published the two Notes which Lord Howard de Walden was instructed, some months ago, to present to the Portuguese Government, on the subject of the African Slave Trade carried on under the flag of Portugal, we took immediate steps to cause the two Notes to be reprinted, according to your Lordship's desire; and we have the satisfaction of being able to add, though the dread of compromising themselves in any manner on the question of the Slave Trade induced more than one Editor to decline acceding to our proposals on any terms whatever, yet that we have finally succeeded in fulfilling your Lordship's Instructions, in such a way as to give the Notes in question the most extensive circulation possible.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

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

No. 62.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, December 28, 1839.

(Received March 7, 1840.)

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 12th October 1839, transmitting to us, for our information, a copy of M. Moncorvo's note to your Lordship, of the 30th September, 1839, as also of one addressed by you to the Ministers accredited to the Court of St. James's by the Powers who were parties to the Treaties of the Congress of Vienna in 1815, for the Communication of which Documents we beg leave to offer to your Lordship our best acknowledgments.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

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

No. 63.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, January 5, 1840.

MY LORD,

(Received March 7.)

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 report to your Lordship that Eight vessels under Portuguese colours, viz.—

The schooner "Carolina," and patacho "Epeculador," detained by her Majesty's sloop "Electra;"

The brigs "Ganges" and "Leal," the barque "Maria Carlota," and brig-schooner "Recuperador," by Her Majesty's brig-of-war "Grecian;"

The brig "Pompeo," by the "Fawn," as tender to her Majesty's ship "Stag;"

And the brig "Dom Joao de Castro," by the "Grecian;"

have been brought into this port between the month of April last and the present date for adjudication by the Mixed British and Brazilian Court of Commission

established in this city. The first five of these vessels were condemned; two, the "*Recuperador*" and the "*Pompeo*," were restored; and the last, "*Dom Joao de Castro*," is still under adjudication.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

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

No. 64.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, January 9, 1840.

MY LORD,

(Received March 7.)

WITH reference to our Despatch of the 21st December 1839, we have the honour to transmit, for your Lordship's information, a translated Copy of a Letter (A) of inquiry, addressed by this Court to the proctor for the captor in the case of the "*Dom Joao de Castro*," as also of that gentleman's reply (B). In addition to which, we were yesterday informed by the same authority that another of the crew has since also made his escape.

The above inquiry was addressed to Mr. Hesketh, as proctor, upon hearing from Mr. Mowle, the prize-master of the "*Dom Joao de Castro*" (and whose failure to attend the summons of the Court in the first instance appears to have been purely accidental), that he had nothing whatever to do with the crew or persons detained on board that vessel, they having been all removed on board the hulk, and he himself remaining in the prize; and we place before your Lordship Mr. Hesketh's reply, in order that your Lordship may the more clearly understand the difficulties and delays experienced by the Court, under the system pursued, in discharge of its functions.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

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

First Enclosure in No. 64.

(Translation.)

(A.)

The Mixed Court to the Captor's Proctor.

Rio de Janeiro, December 24, 1839.

SIR,

THE Mixed Brazilian and British Commission being informed that certain of the crew of the brig "*Dom Joao de Castro*" have made their escape from the hulk "*Nova Piedade*," with whose custody the Prize-master is not charged according to his statement, you are requested to inform the Commission on this point, and if the fact should prove true to declare the names of such individuals.

God preserve you, &c.

(Signed) BRAZ MARTINS COSTA PASSOS.

*To Robert Hesketh, Proctor for the Captor of the
Brig "Dom Joao de Castro."*

Second Enclosure in No. 64.

(Translation.)

(B.)

The Captor's Proctor to the Mixed Court.

(No Date.)

SIR,

IN answer to your Letter of the 24th instant, received the evening of that day, I have the honour to inform you that, inasmuch as the persons composing the crew of the brig "*Dom Joao de Castro*," are under the custody of the Commander of the British Naval Forces in this port, I immedi-

ately addressed myself to Mr. Ouseley in order to obtain official information with respect to the escape of the individuals detained under the responsibility of the said Commander on board the "Nova Piedade."

From the answer of Her Majesty's Chargé d'Affaires, it appears that on the 16th instant five individuals escaped, viz. :—

Antonio Ferreira.
Antonio Fernandes.
Manoel da Costa.
Manoel Vieira.
Sebastiao da Silva.

I have the honour, &c.
(Signed) ROBERT HESKETH.

Senhor Braz Martins Costa Passos.
&c. &c. &c.

No. 65.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, March 14, 1840.

I HAVE received your Despatch of the 27th December 1839, stating that my instructions of the 12th October 1839, respecting the Notes addressed by Lord Howard de Walden to the Portuguese Government upon Slave Trade, have been fulfilled by you in such a way as to give to the Notes in question the most extensive circulation possible; and I have to desire that you will explain to me how you have done this.

I am, &c.
(Signed) PALMERSTON.

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

No. 66.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, January 18, 1840.

MY LORD,

(Received April 7.)

NO answer having been received by the Court from the Imperial Government, or from Her Majesty's Chargé d'Affaires, by the British Commissioners, on the subject of the mortgage on the "*Maria Carlota*," we thought it our duty to endeavour to bring the question to a decision one way or other without delay.

With this view we pressed our colleagues to join us in addressing a letter to the Municipal Judge, calling upon him peremptorily to pay the proceeds of the sale of that vessel into Court forthwith.

That Officer has returned the accompanying reply, and we fear we can now take no further step in this business; the Brazilian Commissary Judge (speaking, your Lordship will remember, the language of the Department of Justice) declaring that, though the Municipal Judge may have laid himself open to the censure of his Government for improperly allowing the proceeds to be embargoed in the first instance, and though that Government may eventually have to make good the amount to that of Great Britain, supposing the decision of the Courts of Law to be in favour of the mortgage, yet that, the deposit having been once made, it is beyond the power of the Executive to interfere.

We have, &c.,
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

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

First Enclosure in No. 66.

(Translation.)

The Mixed Court to the Municipal Judge.

MOST ILLUSTRIOUS SIR,

Rio de Janeiro January 9, 1840.

THE sale of the barque "*Maria Carlota*" having been already effected, as appears even by public advertisement, the Mixed Brazilian and British Commission directs me to signify to you that, in order to realise the division of the produce of such sale between the two Governments, conformably to the Convention and to the sentence respectively, it is right that you should, without loss of time, remit to this Commission the nett proceeds of the aforesaid sale.

God preserve you, &c.

(Signed) BRAZ MARTINS COSTA PASSOS.

To the Municipal Judge.
&c. &c. &c.

Second Enclosure in No. 66.

(Translation.)

The Municipal Judge to the Mixed Court.

ILLUSTRIOUS SIR,

Rio de Janeiro, January 15, 1840.

I HAVE received your Despatch in which you inform me that, the sale of the barque "*Maria Carlota*" having been realised, I ought to remit to the Mixed Brazilian and English Commission the nett proceeds of said sale; to which I have to answer that, that sum being placed in deposit, and there being upon it a protest of priority, it is in no way permitted by our laws to raise the embargo on this money, until it be decided in such process of priority who has the best right to it.

God preserve you, &c.

(Signed) DON JOZE JOAQUIM DE SEQUEIRA.

To Senhor Braz Martins Costa Passos.
&c. &c. &c.

No. 67.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, January 20, 1840.*

MY LORD,

(Received April 7,)

WE have the honour to enclose herewith a return of vessels which sailed from Rio de Janeiro for the coast of Africa during the year 1839, as also of those which have arrived at Rio de Janeiro from the coast of Africa in ballast during the same period.

Of the 53 vessels in enclosure (A), all sailed under the Portuguese flag, with one single exception, the "*Tejo*," which navigated as Brazilian; the amount of the tonnage being 9764; and your Lordship will see, by reference to the asterisks in enclosure (B), that the greater number of the vessels which sailed from hence in time to have completed the home voyage have returned in safety, and, after landing their respective cargoes, and going through the customary formality of being stopped by the authorities, have been released and declared to have incurred no guilt.

Of the 68 vessels, with a tonnage of 11,627, enumerated in the arrivals, three were under the Brazilian flag, and two under American colours: these last we have reason to believe were engaged in lawful commerce, but of the three Brazilians the same cannot be said, yet they were equally acquitted of all illegality.

In the last month, owing perhaps to this being the season when vessels mostly return from the coast, as well as to the absence of such cruisers as the "*Grecian*" and "*Wizard*," the arrivals have been more frequent; and, if the state of circumstances should continue for the next two or three months, it will probably appear that there will have been little or no diminution in the importation in the last year as compared with the preceding, the number of departures amounting to 53, of which three were detained by Her Majesty's cruisers shortly after leaving this harbour.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

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

First Enclosure in No. 67.

(A.)

DEPARTURES.

	Date.	Name.	Tonnage	Whither.
	1839.			
	Jan. 6	Paquete	100	Cape Verds and Africa.
	„ 9	Lealdade	109	„ „ „
	„ 11	Esperança	215	Goá por Africa. „
4	„ 16	Ascanio	136	St. Thomé „
	Feb. 13	Pallas	162	Cape Verds „
	„ 16	Zenobia	100	St. Thomé „
	„ „	Maria Virginia	232	„ „ „
	„ 19	Valeroso	202	Angola. „
	„ 22	Felicidade	111	Cape Verds and Africa.
6	„ 23	Minerva	101	„ „ „
	Mar. 5	Novo Destino	229	Quilimane. „
	„ 11	Ligeira	84	Cape Verds and Africa.
	„ „	Flor de Loanda	189	St. Thomé „
4	„ 24	Generoso Feliz	193	Goá „
	April 5	Sandade	219	„ „ „
	„ 13	Quatro de Março	290	„ „ „
3	„ „	Maria 2nd	161	Cape Verds „
	May 8	Doze de Outubro	138	„ Benguela and Angola.
	„ „	Angerona	118	„ „ „
	„ 9	Dous de Fevereiro	188	„ „ „
	„ 11	Fortuna de Africa	188	Goá por Africa. „
	„ 12	Animo Grande	217	„ Quilimane. „
	„ „	Treze de Junho	108	Benguela. „
	„ 19	Nympha	126	Cape Verds, Benguela, and Angola.
	„ 22	Prazeres e Alegria	500	Goá por Angola and Benguela.
	„ 24	Don Manoel de Portugal	213	Quilimane. „
	„ 26	Recuperador	„	Angola and Benguela. „
11	„ 29	Maria Carlota	276	Quilimane. „
	June 5	Duque de Victoria	138	Angola. „
	„ 6	Veloz	210	Moçambique. „
3	„ 30	Idalia	70	Cape Verds and Angola.
	July 13	Dous Irmaõs	216	Angola. „
	„ 14	General Cabreira	163	„ „
	„ 21	Dous Irmaõs	208	Moçambique. „
	„ 27	Nereida	170	„ „
5	„ 31	Paquete de Loanda	226	Cape Verds and Angola.
	Aug. 1	Oito de Dezembro	106	Benguela. „
	„ 8	Raymundo Io.	157	Moçambique and Angola.
	„ 11	Resolucaõ	351	Goá and ports of Africa.
	„ „	Diligencia	149	Cape Verds „
	„ 17	Esperança	184	Goá „
	„ 23	Amizade Constante	230	„ por Quilimane. „
	„ 28	Triumpho de Inveja	164	„ e Africa. „
	„ „	Pompeo	144	Moçambique. „
9	„ 29	Constante	237	Goá e Africa „
	Sept. 13	Feliz Animoso	180	Cape Verds „
2	„ 20	Joven Mathilde	217	Goá. „
	Oct. 12	Jehova	214	„ por Moçambique. „
	„ 14	Esperança	236	Angola and Benguela. „
3	„ 22	Constante	237	„ „ „
	Nov. 3	Dous Amigos	242	Goá and Moçambique. „
2	„ 25	Tejo (Brazilian	268	Cape Verds and Angola. „
1	Dec. 4	Dous d'Abril	142	„ „ „

Second Enclosure in No. 67.

(B.)
ARRIVALS.

	Date	Name.	Tonnage	Whence.
	1839.			
	Jan. 1	Felix *		Benguela, captured by H. M. brig of war "Wizard"
	,, 26	Tres Coraços *	350	Angola
3	,, 27	Lizia * (Brazilian)	150	"
	Feb. 2	Silencio	242	Inhambane
	,, 3	Nympha	202	Angola
	,, 5	Esperança *	243	Moçambique
	,, 6	Maria Carlota	288	Angola
	,, 7	Aventureiro	250	Moçambique
	,, 8	Relampago *	152	Zaire
	,, 10	Duque da Victoria	150	Angola
	,, ,	D. Manoel de Portugal	230	Quilimane
9	,, 25	Resolucaõ	359	Moçambique
	Mar. 2	Raimundo Primeiro	150	Angola
	,, 4	Dous Irmaõs * (Brazilian)	146	"
	,, 7	Dous de Fevereiro *	198	"
	,, 14	Nereida	80	"
	,, ,	Duas Irmãs	200	Cabinda
	,, 26	Portuense	191	"
	,, 27	Angerona *	100	Angola
	,, 28	Especulador *	,,	Captured by H. M. S. "Electra"
	,, 30	Carolina*	285	Quilimane
10	,, 31	Carolina	,,	Angola, captured by H.M.S. "Electra"
	April 3	Jehova *	180	Angola
	,, 10	Ganges	,,	Quilimane, captured by H. M. brig "Grecian"
	,, 12	Oito de Dezembro	110	Angola
	,, 13	Veloz *	240	"
	,, ,	Amizade Constante*	200	Quilimane
	,, 19	Diligencia	140	Angola
	,, ,	Emilia *	395	"
	,, 21	Leal	,,	Cabinda, captured by H. M. brig "Grecian"
	,, ,	Congresso	120	"
12	,, 27	Ulysses * (Brazilian)	256	Benguela
	,, 29	Josefina	97	Angola
	May 5	Tentador	200	Benguela
	,, 7	Constancia *	280	Angola
	,, 13	Jupiter	152	Quilimane
	,, 17	Roza	184	Cabinda
	,, 19	Jupiter	194	Moçambique
	,, 21	Bellona	180	Angola
	,, 30	Adamastor *	180	Zaire
	,, ,	Recuperador	,,	Quilimane
	June 3	Maria Carlota	,,	Captured by H. M. brig "Grecian" ditto
	,, 9	Feliz Animoso	130	Angola
	,, 21	Commodore	221	Moçambique
5	,, 30	Pallas*	150	Angola
	,, 30	Esperança *	215	Cabinda
	July 20	Nova Sociedade	200	Benguela
	,, 24	Dous de Abril	156	Zaire
3	,, 28	Valeroso *	205	Angola
1	Aug. 30	Florinda da Africa	80	Benguela
1	Sep. 24	Pompeo	,,	Detained by the "Fawn"
	Oct. 10	Edwin (American)	197	Angola
2	,, 21	Nova Desterro *	229	Quilimane
	Nov. 6	Dom Joaõ de Castro	294	Captured by H M brig "Grecian"
	,, 8	Generoso Feliz	200	Quilimane
	,, ,	Rozaline	132	"
	,, ,	Deposit (American)	124	Angola
5	,, 17	Flor de Loanda	160	"
	,, 23	Mariana	85	Benguela
	Dec. 5	Flor de Loanda *	180	Zaire
	,, 6	Idalia *	90	Angola
	,, 8	Quatro de Março *	260	Quilimane
	,, 11	Umbelina	139	Benguela
	,, 13	Fortuna d' Africa *	139	Quilimane
	,, 16	Felicidade	110	Angola
	,, 17	General Cabreira *	163	"
	,, 22	Doze de Outubro *	138	"
	,, 24	S ciedade	240	Benguela
	,, 25	Treze de Junho *	108	"
	,, 29	Andorinha *	88	Angola
12	,, 30	Animo Grande *	170	Quilimane

Total Number of Vessels . . . 68 Total Tonnage of the same . . . 11,627.
N.B. From the above List are deducted the three vessels taken on leaving this coast, viz. "Recuperador," "Maria Carlota," and "Pompeo."

No. 68.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, January 24, 1840.*

MY LORD,

(Received April 7.)

IN pursuance of the 75th Clause of an Act passed in the 5th year of the Reign of His Majesty George IV. entitled an Act to amend and consolidate the laws relating to the abolition of the Slave Trade, we have the honour to transmit herewith a return of all vessels adjudicated in the Mixed British and Brazilian Court of Commission, established in this city, from the 5th of July, 1838, to the 31st of December, 1839.

We have previously forwarded notices to the same effect, as far as we had the means of doing so, but the present return is made out in a more complete and detailed form, which the want of the requisite reports from the Brazilian authorities has, till within these few days, rendered impossible.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

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

Enclosure in No. 68.

Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission established at Rio de Janeiro, from the 5th July 1838, to the 31st December 1839.

NAME OF VESSEL.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZOR.	DATE OF SENTENCE.	Number of Slaves Captured.	Number died before adjudication.	Total Number Emancipated.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
		Latitude.	Longitude.								
Diligente . . .	1838 Dec. 1	16 38' S.	29° 54' W.	Brig and 302 Slaves.	Wm. Preston, Esq., Commander H.M.S. "Electra."	1839 10 Jan. 15 Feb.	302	56	246	Condemned for being engaged in the illicit traffic in Slaves.	Sold, and net proceeds (Rs. 1359,680) paid 22d April, 1839, to Messrs. Charles Tross and Company, in part of Rs. 4433, 380, amount of their account for the maintenance of the Africans.
Felix . . .	" 27	23° 59' S.	43° 18' W.	Brig Schooner and 236 Slaves.	Lt. Birch, Commanding H.M.B. "Wizard."	30 Jan. 15 Feb.	236	7	229	Ditto	Sold, and net proceeds (Rs. 1849, 820) paid 16th April, 1839, to Messrs. Charles Tross and Company, in part of Rs. 2700, 510, amount of their account for the maintenance of the Africans.
Especulador . . .	1839 Mar. 25	22° 35' S.	39° 30' W.	Brigantine and 278 Slaves.	Wm. Preston, Esq., Commander, H.M.S. "Electra."	4 May	278	10	268	Ditto	Sold, and moiety of net proceeds remitted to H.M. Principal Secretary of State, July 19, 1839.
Carolina . . .	" 27	24° 18' S.	40° 45' W.	Brigantine and 214 Slaves.	..	16 April	214	3	211	Ditto	Sold, and moiety of net proceeds remitted to H.M. Principal Secretary of State, July 20, 1839.
Ganges . . .	April 7	22° 57' S.	40° 44' W.	Brig and 419 Slaves.	Wm. Smyth, Esq., Commander H.M.S. "Grecian."	31 May	419	33	386	Ditto	Sold, and net proceeds of vessel and of monies found on board, after deduction of the usual expenses, remitted to H.M. Principal Secretary of State, Jan. 14, 1840.
Leal . . .	" 11	15 Miles of Cape Frio	..	Brig and 364 Slaves.	..	17 June	364	45	319	Ditto	Sold, and net proceeds (Rs. 2594, 760) paid 25th Aug. 1839, to Messrs. Charles Tross and Company, in part of Rs. 4059, 920, amount of their account for the maintenance of the Africans.
Maria Carlota	May 29	10 or 12 miles to the S.E. by E. of Raza J. Light	..	Barque and Cargo.	..	13 Sep.	..	..	..	Ditto	Proceeds of sale embargoed while still in the hands of the Municipal Judge by process of Brazilian law, in satisfaction of a mortgage, said to have been raised on the vessel before being despatched from this port.
Recuperador	" 28	30 Miles S. Frio	W. of Cape Frio	Schooner and Cargo.	..	24 Sep.	..	..	..	Restitution	..
Pompeo . . .	Aug. . .	23° 30' S.	40° 55' W.	Brig and Cargo.	Schooner "Fawn," as Tender to H.M.S. "Stag."	26 Oct.	..	..	..	Ditto	..

No. 69.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, January 30, 1840.*

MY LORD,

(Received April 7.)

THE statement contained in the enclosed translation having appeared in the public papers, we think it right to lay it before your Lordship.

The particulars of the transaction will doubtless be fully made known to Her Majesty's Government through other channels, but we are ourselves unable to give any further details of the same or even to state whether those thus reported be correct.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.,*
&c. &c. &c.

Enclosure in No. 69.

(Translation.)

Naval Intelligence taken from the Papers of the 21st of January, 1840.

THE Portuguese Patacho "*Congresso*," which sailed from this port on the 13th instant, for the Cape Verds and Benguella was putting back again to this port, having sprung her fore top mast, when being met off the Raza by the English brig of war, "*Wizard*," she was captured by her and brought to within a short distance of the Fortress of Laya on the 17th instant, where she remained at anchor in company with the brig until the night before last. The crew of the brig were at work all the day before yesterday on board the Patacho in running up a new fore top mast, and it is supposed that the "*Congresso*" was sent off to Sierra Leone.

No. 70.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, January 31, 1840.*

MY LORD,

(Received April 7.)

IN our Despatch of the 21st of December, 1839, we had the honour to inform your Lordship of the state of the proceedings in the case of the brig "*Dom João de Castro*," and our expectation, at that date, of shortly being enabled to report to your Lordships the result.

On the 24th, however, the claimant petitioned to be allowed time to obtain from Moçambique the bill of sale, by which it was averred that the reputed owner of the brig, Antonio Braz dos Reis, acquired the property.

This petition, and the circumstances arising out of it, as detailed in our report of the case, caused considerable delay.

The claimant, however, eventually withdrew this petition; and, on the 25th January, the proceedings were ordered to be closed, and we have now the honour to transmit to your Lordship herewith, as sequel to the documents inclosed in our despatch above referred to, a copy, in original and translation, of the sentence of the court, condemning the "*Dom João de Castro*" as Brazilian property, and declaring certain individuals, Brazilian subjects found on board, to have incurred the penalty of the first article of the Convention of the 23rd November, 1826; and our Report of the case.

We have, &c.

(Signed) GEORGE JACKSON.
FRED. GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.,*
&c. &c. &c.

First Enclosure in No. 70.

(Translation.)

Sentence.

Rio de Janeiro, 28th Jan., 1840.

THE present proceeding being examined, it is seen that the brig detained under the name of "*Dom Joao de Castro*," with Portuguese passport and flag, is the same Brazilian brig which sailed from this port of Rio de Janeiro in March last year, under the name of "*Senador Vergueiro*," which identity is shown as well by the corresponding of the two in regard to tonnage, form of vessel, and muster roll, in which latter are found the greater number of the individuals who then sailed in her from hence (the whole proved by authentic documents), as by the Log-book signed by Vicente de Freitas Serpa himself, the Captain of the "*Dom Joao de Castro*," who kept the same, though under the name of the Portuguese brig "*Leao*," with the greatest regularity and exactness from the eleventh March, 1839, when the brig "*Senador Vergueiro*" left this port, to the ninth day of May of the same year, when she arrived at Mozambique; the ridiculous fiction of the said Serpa, that the Log in question was nothing more than one copied at Mozambique from that of a Portuguese corvette to be used by him for his examination in this city, being destroyed by the certificate that no Portuguese brig whatever under the name of "*Leao*" was despatched from hence in the said month of March.

This identity is further proved by the finding on board of the "*Dom Joao de Castro*" the very chronometer which was supplied to the brig "*Senador Vergueiro*" on the eve of her leaving this port in the month of March last. That the depositions of this individual are deserving of no credit whatever is seen by the Charter Party which he presented in the session of the 25th instant; and which, while it corroborates the Portuguese documents granted at Mozambique, declares its object to be the shipping in the brig "*Dom Joao de Castro*" of four hundred and eighty colonists, he having declared in his deposition that his engagement was to take this vessel, in ballast, to Monte Video; and having more than once repeated that he had not had any Slaves on board. This fact, therefore, being ascertained, the passport and certificate of register cannot be deemed sufficient to constitute the vessel in question Portuguese; inasmuch as these documents, being in direct opposition to the provisions of the decree of the Queen of Portugal, of the tenth December 1836, it is manifest that the authorities of her most faithful Majesty at Mozambique allowed themselves to be deceived by the transaction, true or false, mentioned in the register and the passport; in the latter of which it is declared "that the owner of the "*Dom Joao de Castro*" is Antonio Braz dos Reis, a subject of her most faithful Majesty, shewing by the legal passport which he presented, and which is in the office of the Secretary-General, that no foreigner has any share whatever in the said brig or her cargo;" and in the former that "this brig was previously the property of Suiz José Gomes, and that she is now purchased by Antonio Braz dos Reis, a Portuguese subject, and resident merchant in this city of Mozambique, from the said Suiz José Gomes, as certified by legal documents by him presented."

Seeing what has been stated, confirming as it does, in every respect, the allegations of the captor, the Commissary Judges have no doubt whatever in declaring the brig called "*Dom Joao de Castro*" to be Brazilian property; to have been employed in the illicit traffic, and to have imported slaves from the coast of Africa into this empire. Wherefore they adjudge her detention to be lawful and condemn her, as good prize to Her Britannic Majesty's brig of war "*Grecian*," William Smyth, commander, in conformity to the first article of the Convention of the 23rd November, 1826, and of the first article of that of the 15th March, 1823, additional to that of the 28th July, 1817.

Were it not for the necessity of attending, as much as possible, to documents of an official character issued by the legitimate authorities of another country, the said Commissary Judges could hardly fail to connect with the identity of this vessel that of her former owners, and to include the same in this sentence of condemnation; but, as it appears that there was a transaction of transfer in respect to this brig at Mozambique; and that there exists a public instrument of affreightment duly authenticated, certifying that the said affreightment was effected by the same declared owner of the brig "*Antonio Braz dos Reis*," without its appearing that the former owners had any part therein, it would scarcely be just that those persons, and still less the shippers on the former voyage, should be subjected to the consequences of the present criminality of the brig.

For these reasons, the Commissary Judges confine themselves to taking cognizance of such individuals, being Brazilian, as, having been found on board of the "*Dom Joao de Castro*," show themselves to have been engaged in this illicit adventure up to its close; and they, therefore, declare the same to have incurred the penalties of the first article of the Convention of the 23rd November 1826, viz.: Antonio Joaquim de Oliveira, who sailed from this port as master of the brig "*Senador Vergueiro*," and now mate and second pilot of the brig "*Dom Joao de Castro*," native of Porto Alegre, in the province of San Pedro do Sul. Antonio Fernandez, who sailed as mate of the "*Senador Vergueiro*," and now mariner on board the "*Dom Joao de Castro*," native of Porto Alegre, and Brazilian subject.

Manoel Francisco da Arruda, steward on board the former, and mariner on board this brig, Brazilian subject, although a native of San Miguel.

Gonçalo Joze Vianna, mariner on board both brigs, native of Santa Catharina.

Manoel da Costa, mariner on board both brigs, Brazilian subject, though born in Oporto.

Sebastiao Joze da Silva, mariner on board both brigs, native of Santos; and

Joze Feliciano de Fonseca, mariner on board both brigs, and native of Rio de Janeiro.

And they further order that Antonio Florencio da Costa be set at liberty, because, though a native Brazilian, no indication exists in the proceedings to his prejudice; and it appearing that he came in this vessel only as passenger.

(Signed) JOAO CARNEIRO DE CAMPOS.
GEORGE JACKSON.

Second Enclosure in No. 70.

Report of the Case of the "*Dom Joao de Castro*."

THIS vessel was detained in Marambaya Bay, on the 17th of October, 1839, by Her Majesty's brig of war "*Grecian*," William Smith, Commander, on suspicion of having very recently landed a cargo of Slaves.

She arrived here, on the 21st of October, in charge of Mr. C. W. Mowle, Mate of the same, who brought the Papers into Court on the 24th of the same month; duly ratifying Commander Smyth's Declaration.

The "*Dom Joao de Castro*" was furnished with the following papers:—

1st. A Passport from the Council of Government at Moçambique, for a voyage from thence to Angola, touching at Monte Video, and good only for the outward voyage, in which she is declared to be the property of Antonio Braz dos Reis, subject of Her Most Faithful Majesty, who showed, by a legal Passport presented by him, and which exists in the General Secretary's Office, that no foreigner had any part in either the brig or cargo. This Document is dated the 26th July, 1839.

2dly. A Certificate from the Custom-house at Moçambique, dated 29th July, that the "*Dom Joao de Castro*" was in ballast of water.

3dly. A Muster-roll of the Portuguese brig "*Dom Joao de Castro*," about to sail from Moçambique for Angola, touching at Monte Video, also dated the 29th July.

4thly. A Clearance from the Marine Arsenal to the same effect; but omitting that the vessel was to touch at Monte Video. This Document is dated the 27th July.

5thly. A Certificate of Register dated the 29th July, a copy of which, in original (1) and translation, is herewith subjoined, and which declares the "*Dom Joao de Castro*" to be Portuguese, and to have been bought of Lewis Jozé Gomes, (without, however, more particularly describing him,) by Antonio Braz dos Reis, a Portuguese subject, and resident merchant in the city of Moçambique.

Such are the ship's papers with which the "*Dom Joao de Castro*" was brought before the Court.

The usual Monition was duly issued, according to the forms of this country, and the evidence of the witnesses, five in number, taken with as little delay as possible, commencing on the 30th October.

First Witness.

Vicento de Freitas Serpa, swore that he is a Portuguese subject, born at Fayal; that he is Master of the brig "*Dom Joao de Castro*;" that he took charge of her in Moçambique; that she did not sail from hence under this or any other name, and that he does not know her as belonging to this place; that he heard in Moçambique that she was sailing between Bombay, Goa, and other ports of Asia. That his agreement was made with the Owner of the vessel in Moçambique, Antonio Braz dos Reis, to take this vessel, in ballast, from Moçambique to Monte Video, there to receive from the consignee of her Owner, the cargo and orders which he might give him for Angola, and, with respect to the various indications, so minutely described, in the declaration of the captor, of this vessel having brought a large number of Africans, he replied that such was not the fact, that the beams, which are said to serve for slave-decks, were nothing more than what all vessels of a large hold are in the habit of having for the purpose of running a fixed deck—that the division is the ante-room, which is nailed and caulked; that the great number of casks was for the ballast of the vessel; that the bad smell proceeded from the bilge water, and that he did not know of any bananas being on board, having had no communication with the shore: that he had made several voyages to the Coast of Africa, the last of which was in the Portuguese schooner "*Josefina*," bound for Benguela, in March, 1838; that he returned from thence, for this port, in the same schooner, in ballast, and subsequently went to Monte Video in the brig "*Estrella do Cabo*," as pilot, in November last, and from thence to Moçambique, in the Spanish brig "*Leao*," bound to Havana; that the "*Dom Joao de Castro*" was not Portuguese built, but that she was Portuguese, and navigated, as such, to the ports of Asia before being sold to her present owner. That the first time he came to Brazil was in 1820, to Bahia, that he was at Para on the Declaration of the independence of Brazil, on board the Portuguese ship "*Astrea*," and that he went in her to Portugal, without adhering to the Independence of this Empire—that he did not find this vessel at Moçambique on his arrival there, in May last, and that he had never seen her before he took charge of her, which was only a few days previous to her departure—that the cause of being at Marambaya and deviating so far from his course, was in consequence of the variation of his chronometer, having had contrary winds, want of observations, and strong currents—on all which accounts he found himself, on the morning of the 15th October, becalmed, near the land, in a heavy fog and rain, so as to oblige him to lower a boat, for the purpose of towing him off from the shore, and there being no wind at all, he was obliged to anchor; that, on the 16th, for want of wind, he continued at anchor, and was not able to weigh till the 17th, for which he referred to his log.

Second Witness.

Antonio Joaquim de Oliveira swore that he was a subject of Portugal, born at Lisbon, and now Mate of the "*Dom Joao de Castro*,"—that he made his agreement with her Owner at Moçambique, Antonio Braz dos Reis, to come with her to Monte Video, in ballast, and from thence proceed to Angola; that he arrived at Moçambique from Lisbon, in 1834, remaining at Moçambique till he entered on his duties on board the vessel about a month before she sailed, and upon its being observed, that, according to her Register, her reputed owner only bought this vessel on the 23d July, six days before she sailed, he swore that he was invited by a resident at Moçambique to go on board of her a month previously, but that he only made his agreement on the eve of sailing; that he does not know whether she is Portuguese, or foreign built, but that he considers her to be Portuguese from the papers and flag with which she sailed. With regard to the Indications mentioned by the captor, he denied their existence, and said that the casks were for the ballast of the vessel, that there was no Slave-deck, but only a running-deck, with which she was launched, that there was no smell of blacks, that the only black on board was one who cooked for the crew, and that the only communication there had been with the land was with a canoe that brought them some bananas and fish.

Third Witness.

Antonio Florencio de Costa swore that he was a Brazilian subject, born at Santos, that he did not go in the vessel to Moçambique, but had gone from Brazil to Lisbon after the "*Dom Joao's*" sixth arrival there; that he made a voyage to England, returned to Lisbon, and was one of the crew of a Government Transport to Goa, and that, stopping at Moçambique, he was left behind ill, with some others; that he was employed, as a clerk, in a retail wine store there, and that he afterwards went to the Havana, in a Spanish brig, with a cargo of Slaves, returning in the same to Moçambique, and that now, being unwell, he retired to Brazil, the captain of the vessel giving him a free passage—that one Reis was the owner of the vessel, which, from the flag she bears, is said to be Portuguese; and with respect

to the afore-mentioned indications, he never saw any blacks on board, besides the cook; that the vessel had no communication with the shore, nor had been boarded by any canoe, and, on being told of the admission, in this respect, made by the Mate, he said, that, being always ill, he was below, and knew nothing of what had passed.

The first Witness being recalled and examined as to a Log found on board, in his hand-writing supposed to belong to the brig "*Senador Vergueiro*," although in the name of the brig "*Leao*," declared that it was a Log copied by him in Moçambique from another belonging to a Portuguese sloop of war, which left this port for Moçambique, and that, being dated from hence and bearing the date of the day on which the "*Senador Vergueiro*" sailed, was owing to that being the same date, as when he, Deponent, left Monte Video, and that making it from Rio de Janeiro, was in consequence of its being necessary for him to make a faithful copy of the original, to present to the Marine Academy, for his examination to pass as Pilot; and, on its being further observed to him, as a proof that he had himself sailed in the "*Senador Vergueiro*," that the second pilot of that vessel was called Vicente Jozé de Oliveira, native of Fayal, as is also the Deponent, and of the same age, and that the Mate and several others of the crew belonging to the "*Dom Joao de Castro*" were included in that of the "*Senador Vergueiro*,"—he replied, that, of this latter circumstance, he knew nothing, and that, though his name had been Vicente Jozé de Freitas up to the 4th January, 1838, yet that, from that time to the present, he had been called Vincente de Freitas Serpa, as appears by the "*Journal do Commercio*," of that day, and further that a chronometer, found on board the "*Dom Joao de Castro*," and which from having been bought in this city on the 9th of March of the present year, was supposed to belong to the "*Senador Vergueiro*," was bought, at his request, in Moçambique by the owner of the former vessel from a brig arrived from Rio de Janeiro, on confronting further his former evidence with that of the Mate respecting their having had no communication whatever with the shore, after making land, in October last, while the latter declared that a canoe had been along-side and sold them bananas and fish, he replied, that, of this he had no knowledge, and that, when he went below to apply leeches, he left orders not allow any thing to come along-side of the brig.

The second witness, Antonio Joaquim de Oliveira, being re-called, and reminded of his former deposition, that, from 1834 till the present time, he had remained at Mozambique, whereas it appeared that he had sailed, as master of the brig "*Senador Vergueiro*," from hence, in March last, he replied that he was not the individual mentioned in that Muster-roll, and that he had never been to the ports of Brazil, nor knew anything of the brig "*Senador Vergueiro*."

Two other witnesses, whose names appear in the crews of both these vessels, made the same denial.

On the 11th of November, petitions from the Captain of the "*Dom Joao de Castro*," as claimant on behalf of the owner, and from the Proctor for the captor were received, and the argument* on the part of each duly filed.

In the former of these documents, the "*Dom Joao de Castro*," is claimed as Portuguese property, as proved by the papers above enumerated, and the consequent incompetency of this Commission to take cognizance of her is asserted, and after a long analysis, one by one, of the several indications alleged by the captor, of the vessel having been engaged in the Traffic of Slaves, the claimant ends by denying the existence of such indications, with the exception only of a greater quantity of pipes of water, which, he contends, could not justify the detention; both because the execution of the Portuguese Decree of the 10th of December, 1836; does not pertain to this Commission, and because the additional Article to the Treaty of the 23rd of November, 1826, agreed upon in July, 1835, have not yet been ratified; besides which the water was used as ballast, and as such despatched at the Custom House at Moçambique.

The object of the Proctor for the captor was to establish the identity between the brig "*Dom Joao de Castro*" and a Brazilian brig called the "*Senador Vergueiro*," which sailed from Rio de Janeiro in March 1839, in proof of which he shows that many of the individuals, from the master downwards, who sailed in the latter, are to be found on the Muster-roll of the former; that the admeasurement and the tonnage of both vessels are the same; that a log book found on board the "*Dom Joao de Castro*," in the hand writing of her captain, describes exactly the track followed by the "*Senador Vergueiro*," though under the name of the Portuguese brig "*Leao*," from the day of her leaving this port on the 11th of March, 1839, to her arrival at Moçambique, no such vessel as the "*Leao*" having been despatched from hence in that month; and, lastly, that the chronometer on board the "*Dom Joao de Castro*" was supplied to the "*Senador Vergueiro*" on the eve of her sailing from hence in March last.

With a view to controvert the allegation as to the identity of the two vessels, the claimant, on the 16th of November, prayed a survey on the "*Dom Joao de Castro*," which he presented on the 21st and, on the 23rd of the same month, the captor's Proctor prayed that the report and plan, hereto annexed, ordered to be made by Commodore Sullivan, might be filed, which was done accordingly.

On the 25th, the watch-maker, who had sold the chronometer, a British subject but whose appearance to give testimony before the court was obtained with great difficulty, and only after a Judicial citation from the Judge-Conservator, directed upon application to the Brazilian Government, was duly sworn, and deposed that the same was sold by him in March, 1838, the house of Faro, Vergueiro and company in this city, making themselves answerable for the payment; that it was returned to him the November following, and again delivered by him to some one, but he could not remember to whom, on the 9th of March, 1839.

Much time was spent in an endeavour, on the part of the Proctor, to identify the signature of the mate of the "*Dom Joao de Castro*," and that gentleman finding himself unable to overcome the difficulties in the way of his doing so, the Court, on the 16th of December, called upon the claimant to produce the title by which the reputed owner of the "*Dom Joao de Castro*" acquired the property, a call which was answered on the 24th of December, by a petition for time to send to Moçambique for the bill of sale.

This being a right secured to parties by the first Article of the Regulations, the petition was granted in the terms of the aforesaid Article, and the security required fixed at eight contos of Reis.

On the meeting of the Court, after the Christmas Holidays, on the 7th of January, the claimant, on the ground that the above security was excessive, prayed that it might be reduced and that, with that view, the "*Dom Joao de Castro*" might be appraised.

This was granted on condition that such appraisement should be made conjointly by persons appointed by both claimant and captor, and that the delay granted of four months should reckon from that day.

The captor's Proctor refusing to concur in this caused additional delay, and, on the 18th of January, the claimant was directed to proceed with the appraisement, *instantly*, alone. On the 21st the former

* Transmitted in Despatch, No. 75, of 21st December, 1839.

presented the annexed declaration, and finally, on the 23rd, on the "*Dom Joao de Castro*" being valued on the part of the claimant at two contos eight hundred milreis, the Court fixed the required security at six contos, with liberty to the parties to place on board the vessel not more than four persons to aid in the preservation of the same. On these and other conditions being made known to the claimant, he, on the 25th, declared them to be so severe that he could not subscribe to them, and that he, therefore, desisted altogether from the delay he had petitioned for, and offering for the consideration of the Court the affreightment referred to in the sentence, prayed that it would at once proceed to adjudicate on the detention of the "*Dom Joao de Castro*" as it might think just.

The proceedings were immediately ordered to be closed, and the Commissary Judges, on the 28th instant, pronounced their sentence, adjudging the "*Dom Joao de Castro*" to be Brazilian property, and to have been lawfully detained, as having been engaged in the illicit traffic of slaves, on the admission, however tardy, of the claimant himself; and condemned her as good prize to her Majesty's brig of war "*Grecian*," William Smyth commander, in virtue of the Convention of 23rd November 1826, and in conformity to that of the 28th July 1817, and of the additional Article to the same of the 15th March 1823; and declaring, moreover, seven individuals, Brazilian subjects, who formed part of the crews of both brigs, to have incurred the penalties of the first Article of the Convention of 23rd November, 1826.

(Signed)

GEORGE JACKSON.
FRED. GRIGG.

First Sub-Enclosure in No. 70.

(Translation.)

Certificate of Register.

REGISTER of the Portuguese brig called "*Dom Joao de Castro*," at anchor in this port. Brig "*Dom Joao de Castro*," of two hundred and ninety-four tons; seventy-eight and a half feet keel; nineteen seven-tenths beam; fifteen four-tenths depth of hold. Configurations: figure head, sides with railings, masts upright; which brig was formerly owned by Luiz Jose Gomes, purchased now by Antonio Braz dos Reis, Portuguese subject, merchant, residing in this place, from the said Luiz Jose Gomes, as he proved by lawful document presented by him, which purchase was effected on the 23rd of July 1839. In faith of which this Register was made. Secretary's Office of the General Government of Moçambique, 29th July, 1839.

(True Copy)

Member of the Government acting as Secretary-General.

(Signed)

JOAQUIM DE SANTA ANNA GARCA MORA.

Second Sub-Enclosure in No. 70.

Report of Survey.

Pursuant to an Order from T. B. Sullivan, Esq., C. B., Commander, &c. &c. &c., and in conformity with a Request from the Mixed Commission Court.

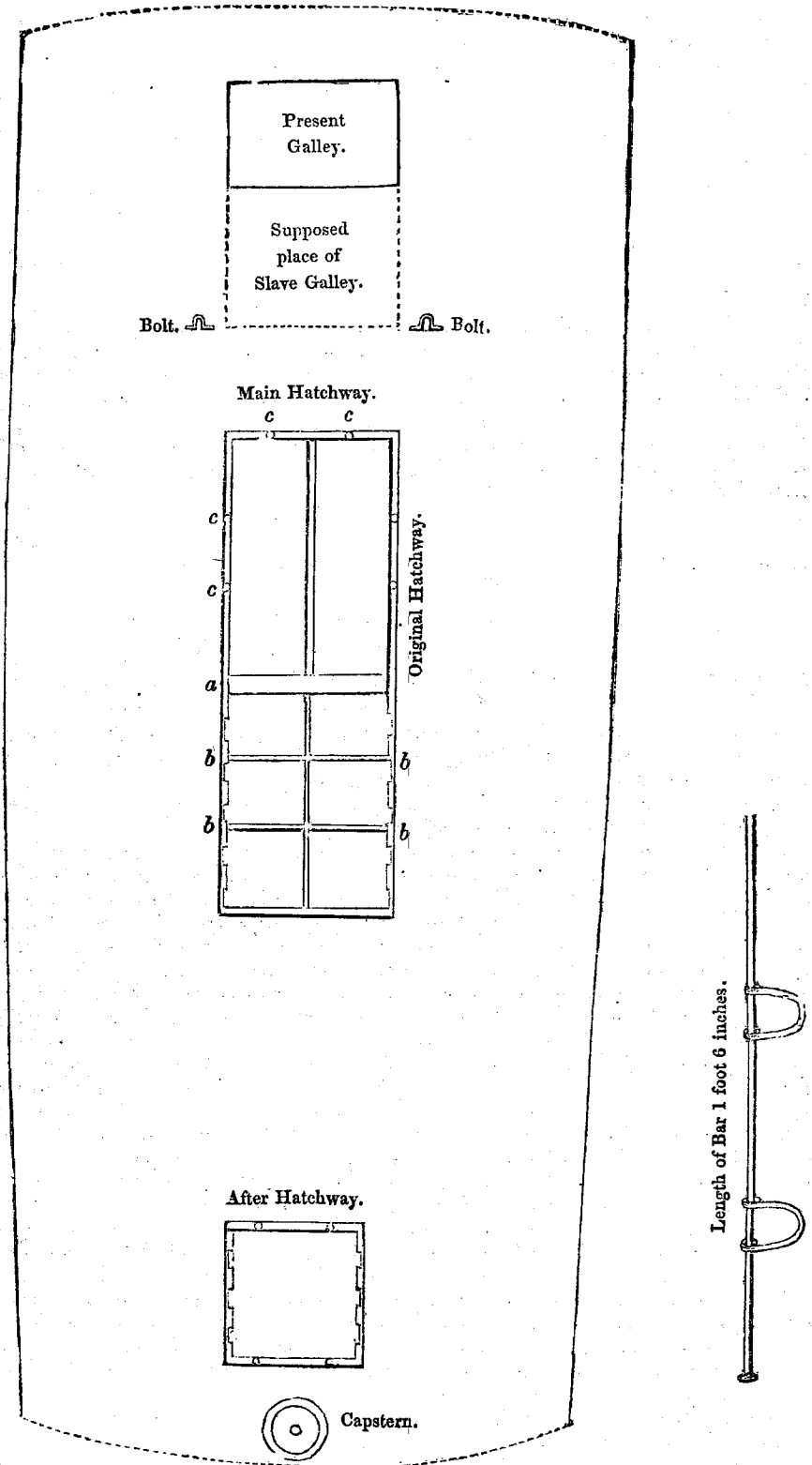
WE the undersigned, James Brown, Master, Roger L. Curtis, Mate, and John Blake, Carpenter, of Her Majesty's Ship "*Stag*," proceeded on board the "*Dom Joao de Castro*," accompanied by the parties sent from the Arsenal on the 19th of November, to examine and report the state in which we found the above brig; but in consequence of their refusing to act in concert with us, we beg to forward the following statement of our proceedings.

First, with respect to the beams in this vessel, although built with her, we pointed out to the authorities that they were so constructed as to receive a deck, the evident marks of there having been a deck so placed, such as the battens and cleats for the ends of the plank, and that the water-casks were just up to the under part of these beams, that these said water-casks were far more than could be required for common consumption, being three tiers in height, and that no owner or master of a merchant-vessel would ever go to the expense of between thirty and forty milreis per ton for casks as ballast, nor was such a thing ever known in the lawful transactions of merchant-ships for them to have such a quantity, being at least forty or fifty tons, excepting she had been employed collecting oil, of which there was not the slightest evidence, but, on the contrary, that they all had contained water, even the remains of pieces of lead left over the bungholes, which is done to purify the water. We also pointed out, for their information, many little things that remained in the hold of this vessel, such as spoons, beads, pieces of cotton cloth; the filthy state of the hold, tubs, pumps, greasy planks, and suckers, used for drinking, that were found, the sides and half-deck being smooth and greasy, the ends of the plank being fresh cut, that there were evident marks of a fire-place having been built abaft the present cooking-place, the deck being burnt thereabouts, and bolts being just in the position for lashing, all of which tends to prove the vessel has been employed in the Slave Trade, but the parties refused to take any notice of them, also the main hatchway had been altered, that part of it was made of *Brazil wood* and part of *English or American oak*, and that these pieces fully proved it was not built at the same time with the vessel; that no merchant-ship is in the habit of having such large hatchways; and, what is of more consequence in regard to proof, is that these hatchways are fitted to receive gratings for air; that merchant hatch-ways are not so fitted, but with close hatches; we also pointed out the bars and shackles, 14 in number, and some of these bars had shackles on them; that they are precisely the same as all irons found on board slavers; and that no evidence may be omitted, we beg to forward, for the information of the Mixed Commission, a drawing of the hatchway and slave-irons, which will fully prove that part of the main hatchway could not be intended for any purpose but for air; we must point that this hatchway is fifteen feet long, that the original one was only seven feet, that the eight feet has been added to it can be fully proved by the small beams or carlings being left across, as in the drawing, which would prevent anything like cargo going down this part of it; also the old marks of the nails in the beams show where the deck has been taken up; and it is altogether impossible for any impartial witness to be mistaken as to the certainty of this hatchway having been enlarged eight feet. There are also the holes in the sides of the hatchways, as marked in the plan, for bolts to run across over the gratings; and we beg to observe that it is not the customary way of securing hatches in merchant-ships, but is done to secure the gratings over the Slaves if necessary. The bulkhead across the hold was never built with the vessel, the plank is not even planed, but has been placed there evidently as a temporary partition. We are sorry to be under the necessity, but consider it our duty to report the general appearance of carelessness and reluctance with which the parties sent from the Arsenal to inspect, would take notice of articles that could in any way implicate or tend to prove this brig being engaged in the Slave Trade; and we now most solemnly declare our conviction she was so employed, making this declaration, and having made the above examination with such care, attention,

and impartiality to all concerned, that we are willing, if required, to make oath to the correctness of our statement and proceedings.

Dated on board the "Don Joao de Castro," at Rio de Janeiro, this 21st day of November, 1839.
 (Signed) J. BROWN, *Master*,
 ROGER L. CURTIS, *Mate*, } H. M. S. "Stag."
 JOHN BLAKE, *Carpenter*, }

Plan of Main and After-Hatchways of detained Bri: Dom Joao de Castro.
 Windlass.



	Feet.	Inches.
Length of deck, from the windlass to after-part of capstern	49	0
Breadth of deck abaft the windlass	21	3
Ditto abaft the capstern	19	0
From the windlass to the fore-part of the main hatchway	15	0
Length of the foremost part of main hatchway	7	9
Ditto after-part of main hatchway	8	0
Whole length of main hatchway	15	9
Breadth of main hatchway	5	7
From main to after-hatchway	11	2
Length of after-hatchway	4	7
Breadth of after-hatchway	4	1

a, Main beam. *b*, Carlines, or small beams. *c*, holes for hatchway-bars.
 Notches in hatchways for gratings thus marked. Fore and after combings of main hatchway made of English or American oak both sides; and middle piece are of Brazil wood.

Third Sub-Enclosure in No. 70.

Declaration Presented by the Captor's Proctor.

January 21, 1840.

THIS Declaration to the Commissary Judges of the British and Brazilian Mixed Commission Court at Rio de Janeiro for the Suppression of African Slave Trade, sheweth, That the Undersigned, acting on the part and behalf of the Captor of the Brig "*Dom Joao de Castro*," does most respectfully thus place before the British and Brazilian Commissary Judges the following observations, trusting that they, the Commissary Judges, will, on taking this Declaration and statement under consideration, attend to the present solicitation, and will, without delay, pass judgment on the case of the above-mentioned vessel (the "*Dom Joao de Castro*") which is a case that has been under the cognizance of the Mixed Commission Court since the 24th of October last.

The present Document is submitted to the consideration of the Commissary Judges, because, from the Citation sent on the 7th instant to ascertain the just valuation of the said vessel, as a preparatory step to fix the amount for which bond is to be exacted from the parties who are defendants in the case, it appears that those parties have prayed for, and expect the indulgence of, some months' delay in passing sentence on the case, said indulgence being solicited under the plea, that during such delay, the accused parties can obtain proof to establish their innocence, or at all events to justify this solicited arrest of judgment. But, for the following reasons, it is hereby urged, on the part and behalf of the captors, that the Commissary Judges do without delay pass sentence on the case of the "*Dom Joao de Castro*." The only circumstances under which an arrest of judgment can be justly asked for, and legally granted, is a want of proof, or such a deficiency in the evidence as to obscure the facts of the case, impeding thereby a conscientious decision. But the evidence produced to the Court in the case of the "*Dom Joao de Castro*," proves the following:

In the first place, that the "*Dom Joao de Castro*" is the same vessel which sailed from Rio de Janeiro on the 11th of March last, under the denomination of "*Senador Vergueiro*," owned by Pereira de Campos Vergueiro, Joaquim Joze Pereira de Faro, J. and Joao Pereira Danigeo Faro, all three residents of Rio de Janeiro, the vessel sailing under Brazilian colours direct for Mozambique, under the command of the nominal Master, Antonio Joaquim de Oliveira.

The proof in Court of this first stage of the illicit proceedings consists of official Custom-House certificates, proving the nationality and ownership of the "*Senador Vergueiro*," as well as the date of the departure under a false declaration as to destination; the log and tract chart showing that her voyage was direct from Rio de Janeiro to Mozambique. For the purpose of deception, that log is falsely headed as belonging to the "*Leao*," proof being before the Court that no such vessel departed from Rio at or about that period. This log, found on board the vessel, is proved to have been kept by Vicente de Freitas Serpa (the actual master of the "*Dom Joao de Castro*"), by having his own proper signature at the commencement.

The chronometer found on board the "*Dom Joao de Castro*," is duly identified to be that supplied to the "*Senador Vergueiro*" when she sailed last March, by a certificate of its rating, specifying its number, which corresponds with that in the existing instrument belonging to the "*Dom Joao de Castro*."

On comparing the muster-roll of both vessels many of the crew are found on board both. By the Custom-House clearance, or outward manifest of the "*Senador Vergueiro*," it has been shown in Court that the signature of the master is the same as that of the mate of the "*Dom Joao de Castro*." And lastly, the official certificates of the tonnage and description of the "*Senador Vergueiro*" have been produced in the Court, with documents showing that the "*Dom Joao de Castro*" answers exactly all the descriptions.

Then, in the second place, the evidence proved that the sale of the "*Senador Vergueiro*" at Mozambique was fictitious; that under the new name of "*Dom Joao de Castro*," and under the command of her former nominal mate, who assumed his real name, Vicente de Freitas Serpa, and who was assisted by the former nominal master, Antonio Joaquim de Oliveira, as mate, the "*Dom Joao de Castro*" sailed direct from Mozambique to the Coast of Rio de Janeiro, with a cargo of Slaves, which were landed only a short period before the vessel was met and captured by Her Majesty's ship "*Grecian*."

These facts appertaining to the second stage of the proceedings are thus proved to the Court: The "*Dom Joao de Castro*" has not on board an indispensable document for a Portuguese vessel, which is the Bill of Sale, or proof of property.

The Certificate of Register, as a Portuguese vessel, is defective, not stating the build of the vessel, and the date of this important document is two days after the vessel cleared outwards from Mozambique, and three days after the date of the passport—all showing that the last documents were fraudently granted. But the fictitious proceedings at Mozambique are more clearly brought to light by the vessel clearing in ballast from Mozambique to Angola, touching at Monte Video. On comparing the log for the voyage from Mozambique with the tract on the chart found on board, it is seen that the vessel was steered direct from Mozambique to the Coast of Rio de Janeiro, by noticing all the particulars in the captor's declaration as to the vestiges of Slaves having been recently on board when the vessel was detained, as well as the state of her hold, the quantity of water-casks, and the irons found on board; and lastly, by considering the Report of a British survey held on board the "*Dom Joao de Castro*," giving such clear and satisfactory evidence of the previous existence of all the requisite cooking accommodation for a number of Negroes and of all the needful alterations in the hatches and between decks for the same purpose, although a Brazilian survey on the same equipment produced a report most outrageously false. On taking all these facts and evidence thereon, the unlawful nature of the voyage from Mozambique to the Coast of Brazil is evident and undeniable.

After all these facts, proved by the satisfactory evidence produced in Court respecting this vessel, and all which facts are moreover notorious in this place, the next decisive circumstances attending the case, to which allusion ought to be made, are the outrageous attempts of the defendants to practise every species of deception and fraud on the Court, besides the frequent instances of perjury on the part of the crew belonging to the "*Dom Joao de Castro*," who have been examined by the Court. Reflecting that such outrageous proceedings during the process must have come under the cognizance of both the Commissary Judges, and that the parties who have petitioned for an arrest of

judgment have done so after adding perjury to the crime of which the evidence convicts them. The Undersigned conceives that, in justice to the captors, the object to be attained by delay ought to be examined, together with the consequences attending an arrest of sentence.

The evidence establishing the facts of the case is clear, connected, and has not been refuted; and as the "*Dom Joao de Castro*" is not Portuguese-built, there is not even a shadow of doubt that the vessel could never obtain a legal right to the Portuguese Flag; therefore there does not appear any obtainable proof that can destroy the facts of the case as proved by the evidence showing the illegal voyage of the "*Senador Vergueiro*," alias "*Dom Joao de Castro*."

Therefore, by entertaining a petition from the accused party or defendants to arrest judgment in the case of the "*Dom Joao de Castro*," the Commissary Judges do concede, without any justifiable motive, an indulgence, the result of which is injurious to the captors. And moreover this concession to the defendants in this case does weaken the salutary efficiency of the Court in effecting the suppression of the Slave Trade, because this petition for arrest of judgment, made against such conclusive evidence, was presented on the very day which completed the period of two months, within which alone a petition of such a nature could be accepted, at the same time that the case unaccountably lingered on to such an extended period.

From all these considerations, the Undersigned, on the part and behalf of the captors, declares that the delay of judgment in the case of the "*Dom Joao de Castro*" on the petition of the defendants is, on the face of the evidence, and under the circumstances the petition was made, an injustice to the captors, and therefore prays that the accused may not continue to receive such unjustifiable indulgence, but that sentence may be pronounced on the case.

The Undersigned hereby tendering this declaration of protest on behalf of the captors against any further delay in the process or case of the "*Dom Joao de Castro*."

The Court being provided with an interpreter this declaration is made in English, as the undersigned does not feel warranted in addressing to the Court a document of this description in any other language.

ROBERT HESKETH.

No. 71.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, February 14, 1840.

MY LORD,

(Received, April 7.)

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 2nd November, 1839, acquainting us with the orders which Her Majesty has been pleased to command should be given to the respective authorities, in furtherance of the Act of Parliament recently passed for the suppression of the Slave Trade, and apprising us that the officers commanding Her Majesty's cruisers had been informed, that nothing contained in the before-mentioned Act of Parliament is intended to confer upon British cruisers any new right of search as to any vessel under the Flag of a State with which Great Britain has no Treaty, granting a mutual right of search; nor to authorise the visit and search of vessels under the Flag of a State with which Great Britain has such a Treaty, in any other way than that which by that Treaty may be prescribed.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 72.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, February 15, 1840.

MY LORD,

(Received, April 7.)

YOUR Lordship's Despatch of the 20th November, 1839, acquainting us that the Lords of the Admiralty have been moved to cause inquiry to be made why Commodore Sullivan detained certain Africans belonging to the Slave-vessels, "*Leal*" and "*Ganges*," has been received; and we beg leave to tender to your Lordship our acknowledgments for your ready attention to the representation which we thought it our duty to make on this subject.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 73.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, February 17, 1840.*

MY LORD,

(Received, April 7.)

WE have had the honour to receive your Lordship's Despatch of the 22nd November, 1839, acknowledging our report of the case of the "*Maria Carlota*," condemned in this Court upon a charge of having been concerned in illegal Slave Trade, and conveying to us the approbation of Her Majesty's Government of our conduct in that case; and we beg leave to express to your Lordship the high gratification which the communication, which your Lordship has thus had the goodness to make, has afforded us.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

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

No. 74.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, April 23, 1840.*

[Circular sending Treaty with Venezuela.]

(See No. 6, p. 2.)

No. 75.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 24, 1840.

I HAVE received your Despatches, dated the 15th November and 21st December, 1839, and the 31st January, 1840, relative to the case of the Slave-vessel, the "*Dom Joao de Castro*."

By your Despatch of the 15th November I learn, that the case of this vessel was brought into the Mixed Commission Court on the 24th October, 1839. By your Despatch of the 21st December, I learn that, at that date, this case, which had then been upwards of eight weeks before the Court, was not yet disposed of, and no satisfactory reason is assigned, either in that Despatch or in its Enclosures, why the decision of the case should have been protracted up to that period.

In your Despatch of the 21st December you state that at the period of your writing that Despatch, there existed no doubt either of the criminality of the vessel, or of her Brazilian character; that the only point of difference remaining between the Commissary Judges had reference to the ownership of the vessel; and that you doubted not but that you should shortly announce to me the conclusion of the case. And yet by your Despatch, of the 31st January, I find that another month has elapsed, without any sentence being pronounced by the Court upon the case; and the only ground given by you for this delay is, that you were considering the terms on which a still further delay should be acquiesced in.

On the whole, I find that the case was before the Court upwards of thirteen weeks.

I have to remind you, that by the Convention under which you act, the Court is required to decide, as far as is practicable, in twenty days from the day on which a detained vessel is brought into port.

It does not appear that in this case there were any extraordinary circumstances calling for delay; yet the Court suffered the case in the first instance to be protracted up to the very last day of the two months allowed for unusual cases; and on that last day (the 24th December) they accepted a petition for a still further delay, and entertained the consideration of that petition from the 24th December to the 25th January following, at which time only they ordered the proceedings to be closed, and proceeded to make up their minds to pronounce sentence.

CLASS A.—FURTHER SERIES.

I observe in the sentence of condemnation in this case, that the Court specially excepted from it the Brazilian owners of the vessel, giving, as a ground for this exception, the existence of a paper, described in the sentence as a public instrument of affreightment, executed at Moçambique, duly authenticated, which declares that the affreightment was effected by Antonio Braz do Reis.

It does not appear, however, that you sent home a copy of this important document; and I observe that it was presented to the Court at a very suspicious moment, namely, on the 25th of January, 1840, on the very day of the close of the proceedings on the case.

On a consideration of these proceedings, I have to desire, that you will give me an explanation of your conduct on the several points, which are referred to in this Despatch, touching the trial and sentence of the "*Don Joao de Castro*."

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners, Rio de Janeiro,
 &c. &c. &c.

No. 76.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 30, 1840.

I RECEIVED your Despatches, dated the 23rd September, and the 20th December, 1839, and the 18th January, 1840, respecting an embargo laid on the proceeds of the Slave-vessel, the "*Maria Carlota*," by Joao Pereira de Andrade, on account of a mortgage held by him on that vessel; and having referred the case to Her Majesty's Advocate-General, I have now to state to you, for your information and guidance, that a party who has a mortgage on a vessel condemned for being illegally engaged in the Slave Trade, cannot, on account thereof, claim to be paid out of the proceeds of such vessel, and consequently such party has no right to lay an embargo on the vessel; and I have accordingly instructed Her Majesty's Chargé d'Affaires at Rio de Janeiro to protest against any contrary decision, which may be given by the Court at Rio de Janeiro, to which the matter is said to be referred.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners Rio de Janeiro,
 &c. &c. &c.

No. 77.

Lord Leveson to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 5, 1840.

WITH reference to previous instructions from the Secretary of State, directing you to transmit to this Office half-yearly Returns of Vessels adjudicated during each half-year, by the Mixed Court, of which you are members, I am directed by Viscount Palmerston to desire, that in making out such Returns for the future, you will insert columns showing the tonnage of each vessel according to her register, and according to English measurement.

I am, &c.

(Signed)

LEVESON.

Her Majesty's Commissioners, Rio de Janeiro,
 &c. &c. &c.

SURINAM.

No. 78.

Her Majesty's Commissioner to Viscount Palmerston.

Surinam, December 1, 1839,

MY LORD,

(Received February 7.)

I AM honoured with your Lordship's Despatch, dated August 31st last, transmitting a copy of the Opinion of Her Majesty's Advocate-General upon the case of the "*Hazard*," a vessel lately detained by one of Her Majesty's cruisers on a charge of being concerned in the Slave Trade.

I beg to offer my most respectful acknowledgements to your Lordship for this instruction, and to assure your Lordship that this important decision of Her Majesty's Advocate-General will be strictly followed by me in all similar cases.

I have, &c.

(Signed)

JOHN SAMO.

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

No. 79.

Her Majesty's Commissioner to Viscount Palmerston.

Surinam, December 1, 1839.

MY LORD,

(Received February 7, 1840.)

I HAVE had the honour to receive your Lordship's Despatch, dated August 25th last, with four copies of an Address upon the Slave Trade, from the House of Peers to Her Majesty and of Her Majesty's most gracious Answer thereto; and likewise your Lordship's Despatch, dated September 3rd last, transmitting four copies of an Act of Parliament (2nd and 3rd Vic., cap. 73) which had passed for the suppression of that traffic.

I have thought it right to furnish my Colleague in this Commission with copies of these Documents, as they afford additional evidence of the unceasing and zealous efforts of the Parliament and Government of Her Most Gracious Majesty, for the total extinction of the detestable traffic.

I have, &c,

(Signed)

JOHN SAMO.

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

No. 80.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, February 20, 1840.

[Circular sending Papal Brief against Slave Trade.]

(See No. 1, page 1.)

No. 81.

Her Majesty's Commissioner to Viscount Palmerston.

Surinam, January 23, 1840.

(Received April 9.)

MY LORD,

WITH reference to the subject of my Despatch to your Lordship, dated October 14th last, I have the honour to transmit herewith copies of two communications which I have received from his Excellency the Governor-General of His Netherland Majesty's West India Possessions, and a copy of my Note acknowledging the same.

Your Lordship will perceive that the sale of the Dutch Schooner "*Baron Van Heeckeren*," at the port of Curaçao, did there take place, to one Justin Ducassons, a Frenchman, who with his family are domiciled at that island.

On September 7th last, this vessel (which subsequently has taken the name of the "*Josephina*," and has assumed New Granadian colours) left Curaçao for the Danish Island of St. Thomas, with a Dutch pass, that being the port at which the vessel was to be delivered up to the purchaser.

The pass is stated to have since been given up to the proper authorities.

The schooner, however, returned to Curaçao on the 25th, of the same month; but the Lieutenant-Governor does not state under what flag she sailed at that period.

The vessel again departed on October 1st, bound for *Santa Marta*, and on November 13th following she returned with a valuable cargo of produce.

The voyage to and from St. Thomas occupied about 18 days, and as the license or pass from the Lieutenant-Governor was only to proceed to that port, the vessel most probably returned with her Granadian papers and colours, which, in such case, must have been obtained at the above Danish port, although the vessel was at that time and still remains the property of a Frenchman residing with his family in a Dutch colony.

I beg leave to state to your Lordship the motives by which I was led to view this transaction as originally represented to me, with much suspicion.

In the last year's series of papers containing the correspondence on the Slave Trade with Her Majesty's Commissioners, I remarked that it had been discovered that the Island of Puerto Rico had been selected for a depôt of Slave-cargoes from the Coast of Africa, and by means of small class vessels these unfortunate victims were smuggled from thence into the Havana.

The schooner in question is precisely the craft adapted for such nefarious attempts.

I therefore felt it my duty to suggest to this Government the propriety of an investigation being instituted in the present instance, and notwithstanding that the result tends to make it appear that the public authorities at Curaçao have acted in good faith, I venture to hope that your Lordship will consider my interference perfectly justifiable under the circumstances.

I have, &c.

(Signed)

JOHN SAMO.

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

&c.

&c.

&c.

Enclosure in No. 81.

Mr. Ryk to John Samo, Esq.

SIR,

Paramaribo, January 11, 1840.

HAVING had the honour of receiving your letter of the 14th October last year, containing some informations which were transmitted to you, regarding the sale of a Dutch schooner, from Curaçao, called the "*Baron van Heeckeren*," to a Spaniard from *Port Rico*, with a suggestion that this vessel should be equipped and employed for the Slave Trade, I made it a point of duty to learn all the particulars regarding this transaction, being actuated by the same earnest desire to suppress all attempts to this scandalous and illicit trade.

The Lieutenant-Governor of Curaçao, who has been directed by me to make a minute investigation of the case, has, by the last opportunity, transmitted the following informations, which I hope will explain the matter to the utmost satisfaction of the British Government.

The ex-proprietor of the schooner, "*Baron van Heeckeren*," an inhabitant of Curaçao, C. Z. de Hazeth, addressed himself in September last year to the Lieutenant-Governor, with the information that he had sold this vessel to one Mr. Justin Ducassons, (a Frenchman of Bordeaux, and no Spaniard as stated in your letter) on condition that she should be delivered at "St. Thomas's, requesting at the same time that a special permit should be granted to M. T. M. de Tough," also an inhabitant of

Curaçao, to carry the schooner to that port, as the sailing papers or registers were deposited at the Government Secretary's office, and could not be relinquished the vessel belonging now to a foreigner.

This just and equitable request has of course been granted, there being not the least reason to suspect fraud or illicit proceedings in the whole transaction, as the purchaser of the vessel was known to be a respectable person, who suggested a desire to come and establish himself at Curaçao, as he since has done, being at present a resident of that place, and married there with one Miss Louisa Josephina Merrel, of St. Thomas.

The schooner was consequently brought to St. Thomas, and the special permit given for that purpose, returned to the Government of Curaçao, whilst that vessel has since made several voyages, *vice versa* from St. Thomas to Curaçao, and was actually lying there under Granadian Colours, and is known at present by the name of "*Josephina*."

Thus far goes in substance the report of the Lieutenant-Governor, with a sincere request that you should if possible, mention the author from whom you received the informations, which now prove to be entirely false, and it is highly disagreeable for him to see a censure of the kind passed on transactions which have been conducted in the most fair and honourable manner possible, and on his part with all the precautions that could be expected from a commanding officer of his rank and dignity.

I trust that this thorough explanation of the case will suffice to obliterate any apprehension which might have been entertained on leniency on the part of the Dutch authorities with regard to the illicit traffic in African Slaves, which I abhor as much as any one can do; but having given you all the satisfaction possible on this point, I trust also that you will penetrate the justness of the request of the Lieutenant-Governor, whose honour and rectitude of conduct has been questioned in the matter, as it would be considered as an insult on the part of any British authority to whom such a charge were brought forward without sufficient grounds to justify the accusation.

I have, &c.

(Signed)

J. C. RYK,

Rear-Admiral and Governor-General of the Netherland West Indian Colonies.

To John Samo, Esq.
&c. &c. &c.

Sub-Enclosure in No. 81.

Mr. Ryk to John Samo, Esq.

SIR,

Paramaribo, January 21, 1840.

I TAKE the liberty, in compliance with your verbal request, to forward a copy of the letter of the Lieutenant-Governor of Curaçao, regarding the sale on that island of the schooner "*Baron van Heeckeren*."

And have, &c.

(Signed)

J. C. RYCK.

To John Samo, Esq.
&c. &c. &c.

Second Sub-Enclosure in No. 81.

The Governor of Curaçao to the Governor-General Ryk.

Curaçao, November 29, 1839.

I HAVE had the honour to receive your Excellency's communication of the 15th October, letter C, No. 1572, accompanied by a letter from Mr. John Samo, Her Britannic Majesty's Commissary Judge, for the Suppression of the Slave Trade, dated Surinam, the 14th October, 1839, desiring that the said Letter should be returned, and information given to your Excellency on the contents of the same.

Mr. Samo commenced by saying that a very questionable and suspicious transaction had taken place at Curaçao, the particulars of which he requested to bring under your Excellency's attention, and then proceeds by saying that a certain schooner called "*Baron van Heeckeren*" provided with Netherland Colonial Sailing Papers, and belonging to one De Hazeth, inhabitant of Curaçao, was lately sold here to a Spaniard from the Island of Porto Rico, that she had sailed from Curaçao with the purchaser on board, under Netherland Sailing Papers and flag, which papers on her arrival at Porto Rico were to be delivered over to the person who was sent to navigate the vessel to that port, it being a matter of notoriety that the said vessel was purchased, and to be equipped for the Slave Trade.

For as far as anything regarding the purchase of the said schooner came to my knowledge officially, will be found narrated in my Journal, under date the 6th September last, No. 360, containing a disposition on a petition sent in by C. Z. de Hazeth, stating that his aforementioned schooner was sold to a foreigner, under stipulations that she should be delivered at St. Thomas, and since the Sea Papers of the vessel had been deposited in the Colonial Secretary's Office of this Island, petitioning that F. M. de Tough, a Burgher of this Island, might be furnished with a permit to navigate the said vessel direct from here to St. Thomas, which petition in terms of the aforementioned resolution was granted (acting in so far with the spirit of Article 20 of the Regulations now in force, as regards the granting of Sea Papers and Passes,) under the strict stipulation that this sailing permit should be returned here after the voyage had been made, which has been duly complied with.

Now here ended all interference on my part as Governor of a Trading Colony, who, agreeable to his instructions (Article 10), must be received as the General Agent of Trade, it is my duty in accordance with that Article to afford every facility to all equitable transactions. While doing this I shall nevertheless always take care that nothing improper shall take place under my Government, either as regards

the Slave Trade or otherwise, and I shall endeavour to prevent any improper use being made of such Sea Papers as may be granted to me as Governor in the King's name.

What has however, farther come to my knowledge regarding this transaction I shall with much pleasure communicate, under the impression that such information may prove agreeable to your Excellency.

It was, then, not to a Spaniard, but to a Frenchman, by the name of Justin Ducassons, a native of Bourdeaux, in France, that the aforementioned schooner "*Baron van Heeckeren*" was sold—the said Ducassons arrived in *Curaçao*, in the month of August last, and on the 21st of the same month married a certain lady of the name of Louisa Josephina Merel, a native of St. Thomas,—he has since established himself here, and has moreover generally made known that such is his intention.

With this his purchased schooner, which since bears the name of "*Josephina*," and sails under the Granadian flag, he left here simply as a passenger, on the 7th of September, for St. Thomas, the vessel being principally laden with salt. On the 25th of the same month she again arrived here with a full return cargo, and again left here on the 1st October, for St. Martha, from which port she again arrived in this harbour on the 13th of this month, bringing with her a valuable cargo of produce, which has been landed here; the vessel is still here, and in all probability will remain for some time.

Bearing in mind what is written by J. B. Say:—"Une acquisition vraiment profitable pour une nation, c'est celle d'un étranger qui vient s'y fixer en apportant avec lui sa fortune.—Il lui procure à la fois deux sources de richesses, de l'industrie, et des capitaux. Cela vaut des Champs ajoutés a son territoire."

Verders:—"La meilleure manière de rétenir les hommes et de les attacher, c'est d'être juste et bon envers eux, et d'assurer à tous la jouissance des droits qu'ils regardent comme les plus précieux, la libre disposition de leurs personnes et de leurs biens, faculté d'exercer leur industrie d'aller de venir, de rester, de parler, de lire et d'écrire avec une entière sûreté;"—and, impressed with the same spirit, I have positively not attempted to know, or to inquire who or what Ducassons is, whom I willingly consider as a perfectly honest man, so long as nothing appears to the contrary.

Less favourable, however, do I think of the unknown calumniator of this Government to the British Commissary Judge, and when I figure to myself that the same can be no other than a countryman, and taking circumstances into consideration, I cannot remove the unpleasant idea—I am filled with feelings of deep indignation.

Be it as it may, the said Commissary Judge, will, it is to be hoped, be differently informed by your Excellency regarding this transaction; and if I may form a correct idea of Mr. Samo, I think he will regret not having used a similar degree of delicacy as your Excellency has evinced in the matter, to derive information on a subject in which he thinks himself *ex-officio* concerned, than so very plainly to give vent to such suspicious feelings towards the acts of my Government.

I have, &c.

(Signed)

R. F. VAN RADERS.

To His Excellency Rear Admiral Ryk, Governor-General of the
Netherlands' West Indian Possessions.

No. 82.

Her Majesty's Commissioner to Viscount Palmerston.

Surinam, January 25, 1840.

MY LORD,

(Received April 9.)

SINCE addressing your Lordship, transmitting the correspondence relative to the sale of a Dutch vessel at *Curaçao*, I have received from His Excellency the Governor-General a further communication on the same subject; a copy of which, with my reply, declining to give the information sought, I have now the honour to forward to your Lordship.

I cannot gather from the Despatch of the Lieutenant-Governor that he has expressed any desire to be furnished with the information which the Governor-General appears so very anxious to obtain.

I have, &c.

(Signed)

JOHN SAMO.

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

&c.

&c.

&c.

First Enclosure in No. 82.

Governor Ryk to Mr. Samo.

SIR,

Paramaribo, January 23, 1840.

I HAVE had the honour of receiving your Despatch of yesterday's date, acknowledging the receipt of mine, dated 11th instant, and of a copy of the Despatch from the Lieutenant-Governor of *Curaçao* regarding the sale of the Dutch schooner "*Baron Van Heeckeren*."

I have taken notice of your assurance, that the said documents would be transmitted to Her Britannic Majesty's Government, which is a matter of course, for as far as Her Majesty's Government has been made acquainted with the circumstances, attending that sale, and which, prior to the explanation of the Lieutenant-Governor, might have appeared "very remarkable."

This explanation, however, reducing the circumstances attending that sale to a very ordinary transaction, and proving, in a satisfactory manner, that the case had been misrepresented to you, I had some reason to believe that you would have had the goodness to pay some attention to the request of the Lieutenant-Governor, to be made acquainted with the informer, who, either through ignorance or maliciously, has led you to question, if not the honour, at least the prudence of that distinguished officer. Not finding that notice has been taken of that request, I think it due to the character of Mr. Van Raders, to request your peculiar attention to the latter part of my said Despatch, or if any particular motive exists on your side against the accomplishment of the desire of Mr. Van Raders to be made acquainted therewith, in order to inform Mr. Van Raders thereof.

I have, &c.
(Signed) J. C. RYK.

John Samo, Esq.,
&c. &c. &c.

Second Enclosure in No. 82.

Mr. Samo to Governor-General Ryk.

Surinam, January 23, 1840.

THE Undersigned, &c., has had the honour this day to receive the communication of His Excellency Rear-Admiral Ryk, Governor-General of His Netherlands' Majesty's West India Possessions, calling the attention of the Undersigned to a request of the Lieutenant-Governor of Curaçao to be furnished with the name of the person who gave the information relative to the sale at that Island of the Dutch schooner "*Baron Van Heeckeren*."

The Undersigned does not feel at liberty to state anything further relating to that transaction, than that the result of the investigation, so far as it has proceeded, tends to make it appear that the Public Authorities at Curaçao have acted in good faith.

The Undersigned, &c.
(Signed) JOHN SAMO.

His Excellency Rear-Admiral Governor-General Ryk,
&c. &c. &c.

No. 83.

Her Majesty's Commissioner to Viscount Palmerston.

Surinam, January 27, 1840.

(Received, April 9.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of 12th October last, together with Copies of Printed Papers, relative to the late highly interesting negotiations between Great Britain and Portugal on the subject of the Slave Trade.

I have, &c.
(Signed) JOHN SAMO.

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

No. 84.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, April 23, 1840.

[Circular sending Treaty with Venezuela.]

(See No. 6, page 2.)

No. 85.

Lord Leveson to Her Majesty's Commissioners, Surinam.

GENTLEMEN,

Foreign Office, May 5, 1840.

WITH reference to previous instructions from the Secretary of State, directing you to transmit to this Office half-yearly Returns of Vessels adjudicated by the Mixed Court of which you are members, I am directed by Viscount Palmerston to desire, that in making out such returns for the future, you will insert columns showing the tonnage of each vessel according to her register, and according to English measurement.

I am, &c.

(Signed) LEVESON.

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