



Center *for* Research Libraries  
GLOBAL RESOURCES NETWORK

The Center for Research Libraries scans to provide digital delivery of its holdings. In some cases problems with the quality of the original document or microfilm reproduction may result in a lower quality scan, but it will be legible. In some cases pages may be damaged or missing. Files include OCR (machine searchable text) when the quality of the scan and the language or format of the text allows.

If preferred, you may request a loan by contacting Center for Research Libraries through your Interlibrary Loan Office.

### **Rights and usage**

Materials digitized by the Center for Research Libraries are intended for the personal educational and research use of students, scholars, and other researchers of the CRL member community. Copyrighted images and texts may not be reproduced, displayed, distributed, broadcast, or downloaded for other purposes without the expressed, written permission of the copyright owner.

### **Center for Research Libraries**

Identifier: 5e845896-16e5-4993-9310-80eb0d317b0c

Range: Scans 001 - 372

Downloaded on: 2022-05-20 17:18:33

**Class A.**

---

**CORRESPONDENCE**

WITH

**BRITISH COMMISSIONERS**

RELATING TO

**THE SLAVE TRADE.**

---

1840.

---

THE UNIVERSITY OF CHICAGO  
PHYSICS DEPARTMENT  
530 SOUTH EAST ASIAN AVENUE  
CHICAGO, ILLINOIS 60607  
TEL: 773-936-3700  
WWW.PHYSICS.DENVER.CU.EDU

PHYSICS 439: QUANTUM MECHANICS  
LECTURE 10: THE HARMONIC OSCILLATOR  
PROFESSOR JOHN J. HOPF  
FALL 2004

PHYSICS 439: QUANTUM MECHANICS  
LECTURE 10: THE HARMONIC OSCILLATOR  
PROFESSOR JOHN J. HOPF  
FALL 2004

**Class A.**

---

**CORRESPONDENCE**

WITH THE

**BRITISH COMMISSIONERS**

AT

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

RELATING TO

**THE SLAVE TRADE.**

---

From May 11th, to December 31st, 1840, inclusive.

---

---

*Presented to both Houses of Parliament, by Command of Her Majesty,*  
1841.

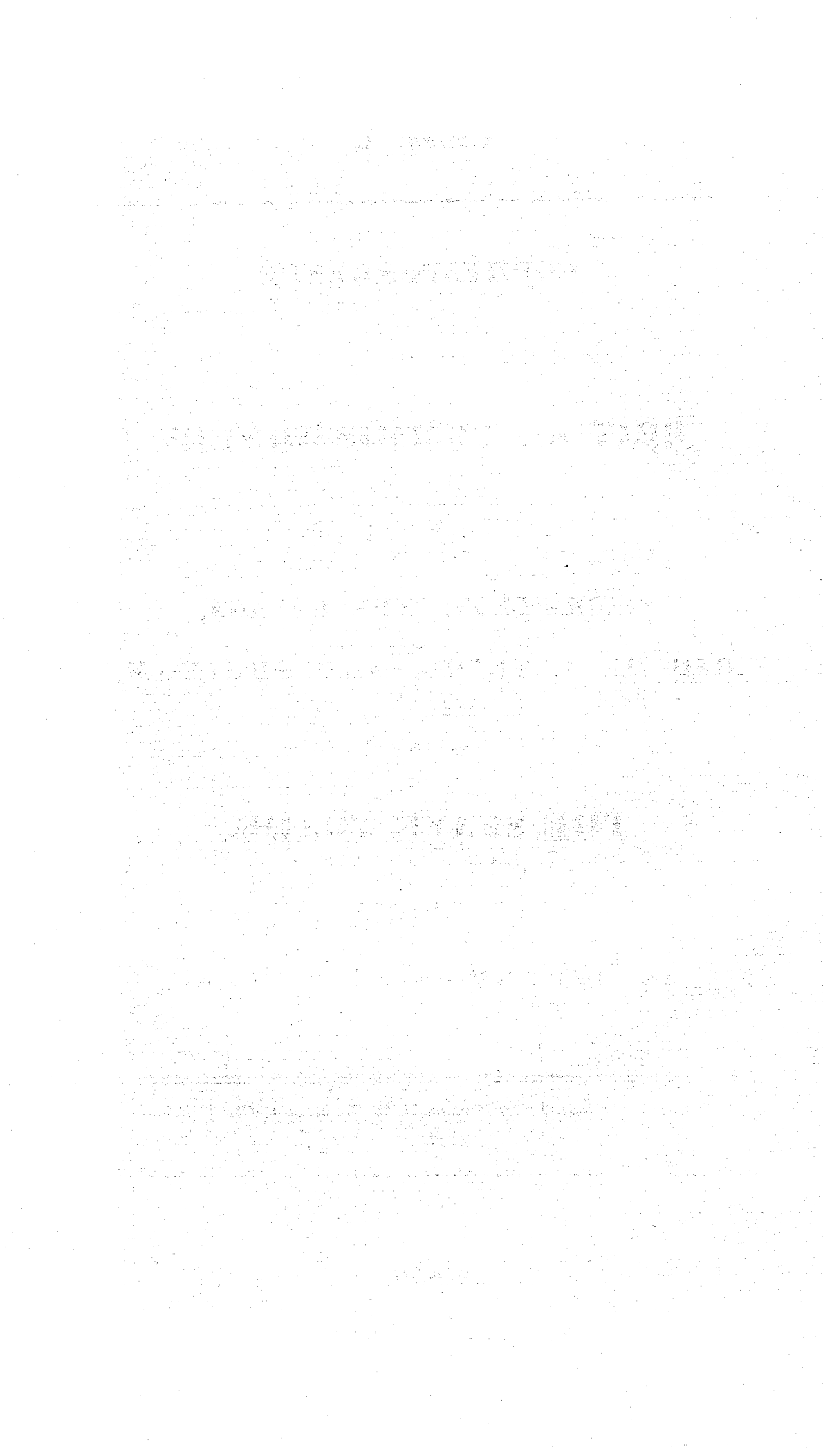
---

---

LONDON:

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

1841.



## Class A.—1840.

### LIST OF PAPERS.

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

No.	Date.	Receipt.	SUBJECT.	PAGE
	1840.	1840.		
1. H. M.'s Commissioners to Viscount Palmerston	Feb. 20	May 30	American cruiser . . .	1
2. H. M.'s Commissioners to Viscount Palmerston Three Enclosures	Dec. 31	June 1	French vessel, "Séné- gambie." Slaves pur- chased for the French service . . .	. . . ib.
3. H. M.'s Commissioners to Viscount Palmerston	1840. March 17	June 1	Pope's Brief . . .	3
4. H. M.'s Commissioners to Viscount Palmerston	April 25	June 11	Mr. Lewis's departure from Sierra Leone . . .	4
5. H. M.'s Commissioners to Viscount Palmerston	May 6	June 11	Pope's Brief . . .	ib.
6. H. M.'s Commissioners to Viscount Palmerston One Enclosure	May 6	June 11	French vessel, "Séné- gambie" . . .	ib.
7. Viscount Palmerston to H. M.'s Commissioners Two Enclosures	July 16		Bounty on tonnage . . .	6
8. Viscount Palmerston to H. M.'s Commissioners	Aug. 8		Bounty on tonnage . . .	9
9. Viscount Palmerston to H. M.'s Commissioners	Aug. 13		Papers presented to Par- liament . . .	ib.
10. H. M.'s Commissioners to Viscount Palmerston	June 2	Aug. 13	French vessel, "Séné- gambie" . . .	ib.
11. H. M.'s Commissioners to Viscount Palmerston One Enclosure	1839. Dec. 31	Sept. 17	Cases adjudicated, and Report, 1839 . . .	10
12. H. M.'s Commissioners to Viscount Palmerston One Enclosure	1840. June 30	Sept. 28.	Negroes registered as emancipated, — half- yearly Return . . .	15
13. Viscount Palmerston to H. M.'s Commissioners One Enclosure	Oct. 22		Information to be com- municated to British naval officers . . .	ib.
14. H. M.'s Commissioners to Viscount Palmerston	July 29	Nov. 11	Treaty with Venezuela: acknowledgment . . .	16
15. H. M.'s Commissioners to Mr. Backhouse	July 29	Nov. 11	Bounty on tonnage . . .	ib.
16. H. M.'s Commissioners to Viscount Palmerston	Aug. 18	Nov. 11	Mr. Macaulay's departure for England . . .	17
17. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Aug. 27	Nov. 11	British brig "Guiana" condemned in Vice- Admiralty Court . . .	ib.
18. Viscount Palmerston to H. M.'s Commissioners	Dec. 16		Breaking up of con- demned vessels . . .	21
19. H. M.'s Arbitrator to Viscount Palmerston	Sep. 8	Dec. 19	Acting Commissioners . . .	ib.
20. Viscount Palmerston to H. M.'s Commissioners Three Enclosures	Dec. 21		Delays in adjudication . . .	22

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

21. H. M.'s Commissioners to Viscount Palmerston	1840. Feb. 7	1840. May 30	"Clara" . . .	24
22. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Jan. 31	June 1	"Laura" . . .	25
23. H. M.'s Commissioners to Viscount Palmerston	Feb. 22	June 1	"Eagle," "Clara," and "Wyoming" . . .	27
24. H. M.'s Commissioners to Viscount Palmerston One Enclosure	March 12	June 1	"Asp" . . .	28
25. H. M.'s Commissioners to Viscount Palmerston One Enclosure	March 14	June 1	"Lark" . . .	29
26. H. M.'s Commissioners to Viscount Palmerston	March 17	June 1	"Merced" . . .	31
27. H. M.'s Commissioners to Viscount Palmerston	March 17	June 1	"Florida" . . .	ib.
28. Viscount Palmerston to H. M.'s Commissioners	June 20		"Eagle" . . .	ib.
29. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	1839. April 15	June 25	"Iago" . . .	32
30. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	June 17	June 25	"Perry Spencer" . . .	34
31. H. M.'s Commissioners to Viscount Palmerston One Enclosure	May 31	June 25	"Constanza," <i>alias</i> "Con- stancia" . . .	36
32. H. M.'s Commissioners to Viscount Palmerston One Enclosure	June 8	June 25	"Si" . . .	38
33. H. M.'s Commissioners to Viscount Palmerston One Enclosure	June 27	June 25	"Vigilante" . . .	40
34. Viscount Palmerston to H. M.'s Commissioners One Enclosure	1840. July 4		Slave Trade at Havana, March, 1840 . . .	42

## LIST OF PAPERS.

No.	Date.	Receipt.	SUBJECT.	PAGE
	1839.	1840.		
35. H. M.'s Commissioners to Viscount Palmerston One Enclosure	April 30	July 4	"Mary Cushing" . . .	42
36. H. M.'s Commissioners to Viscount Palmerston	May 13	July 4	"Merced" . . .	43
37. H. M.'s Commissioners to Viscount Palmerston	May 13	July 4	"Catalana" . . .	44
38. H. M.'s Commissioners to Viscount Palmerston One Enclosure	June 17	July 4	"Raynha dos Anjos" . . .	ib.
39. H. M.'s Commissioners to Viscount Palmerston	June 24	July 4	"Carolina" . . .	47
40. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 3	July 11	"Euphrates" . . .	48
41. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 11	July 11	"Merced" . . .	50
42. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 14	July 11	"Sin Igual" . . .	53
43. Viscount Palmerston to H. M.'s Commissioners	1840. July 17		"Mary Cushing" . . .	56
44. H. M.'s Commissioners to Viscount Palmerston	1839. May 13	July 18	"Ontario" . . .	ib.
45. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 20	July 18	"Victoria da Libertade." . . .	58
46. H. M.'s Commissioners to Viscount Palmerston One Enclosure	May 13	July 31	"Traveller" . . .	62
47. H. M.'s Commissioners to Viscount Palmerston Four Enclosures	July 11	July 31	"Jack Wilding" . . .	64
48. Viscount Palmerston to H. M.'s Commissioners	1840. Aug. 11		"Iago" . . .	71
49. H. M.'s Commissioners to Viscount Palmerston Three Enclosures	April 24	Aug. 18	"Eliza Davidson" . . .	72
50. Viscount Palmerston to H. M.'s Commissioners	Sep. 8		"Eliza Davidson" . . .	76
51. H. M.'s Commissioners to Viscount Palmerston One Enclosure	1839. May 13	Sept. 8	"Goloubtschick" . . .	77
52. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 14	Sept. 8	"Emprendedor" . . .	80
53. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	July 31	Sept. 8	"Christiano" . . .	83
54. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	July 31	Sept. 8	"Bella Fiorentina" . . .	87
55. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Aug. 14	Sept. 8	"Matilde" . . .	90
56. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Aug. 17	Sept. 8	"Constituçao" . . .	92
57. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Aug. 24	Sept. 8	"Mary" . . .	93
58. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Aug. 28	Sept. 8	"Catherine" . . .	95
59. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Sept. 18.	Sept. 8	"Butterfly" . . .	98
60. Viscount Palmerston to H. M.'s Commissioners	1840. Sept. 10		"Florida" . . .	100
61. H. M.'s Commissioners to Viscount Palmerston One Enclosure	1839. Dec. 14	Sept. 17	"Fortuna" . . .	ib.
62. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Dec. 14	Sept. 17	"Magdalena" . . .	103
63. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Dec. 14	Sept. 17	"Labandeira" . . .	104
64. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Dec. 31	Sept. 17	Abstract of Proceedings, 1839	106
65. H. M.'s Commissioners to Viscount Palmerston One Enclosure	1840. June 22	Sept. 17	"Octavia" . . .	111
66. H. M.'s Commissioners to Viscount Palmerston One Enclosure	1839. Oct. 31	Sept. 18	"Scorpio" . . .	115
67. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Oct. 31	Sept. 18	"Liberal" . . .	117
68. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Nov. 15	Sept. 18	"Ligeira" . . .	120
69. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Nov. 15	Sept. 18	"Sete de Avril," alias "Mary Cushing" . . .	122
70. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	Nov. 15	Sept. 18	"Brilhante" . . .	124
71. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Sept. 26	Sept. 28	"Dous Amigos" . . .	133
72. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Oct. 31	Sept. 28	"Josephina" . . .	135
73. H. M.'s Commissioners to Mr. Backhouse One Enclosure	1840. June 30	Sept. 28	Cases adjudicated. Half- yearly Return . . .	136
74. H. M.'s Commissioners to Viscount Palmerston One Enclosure	1839. Oct. 31	Oct. 2	"Nossa Senhora da Vic- toria" . . .	138
75. Viscount Leveson to H. M.'s Commissioners Four Enclosures	1840. Oct. 28		Slave Trade at Havana, April, May, June, and July, 1840 . . .	140
76. Viscount Palmerston to H. M.'s Commissioners	Nov. 9		"Mary" . . .	ib.
77. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	July 1	Nov. 11	"São Paulo de Loanda" . . .	141

## LIST OF PAPERS.

vii

No.	Date. 1840.	Receipt. 1840.	SUBJECT.	PAGE
78. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 1	Nov. 11	"Maria Rosaria"	144
79. H. M.'s Commissioners to Viscount Palmerston	July 29	Nov. 11	Slave Trade at Havana.	145
80. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Aug. 3	Nov. 11	"Rebecca"	146
81. H. M.'s Commissioners to Viscount Palmerston	Aug. 15	Nov. 11	"Eagle"	150
82. H. M.'s Commissioners to Viscount Palmerston	Aug. 29	Nov. 11	Slave Trade at Havana.	<i>ib.</i>
83. H. M.'s Commissioners to Viscount Palmerston	Aug. 29	Nov. 11	"Mary Cushing"	151
84. H. M.'s Commissioners to Viscount Palmerston	Aug. 31	Nov. 11	"Republicano"	<i>ib.</i>
85. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Sept. 8	Nov. 12	"Plant"	153
86. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Sept. 8	Dec. 7	"Carolina"	160
87. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Sept. 23	Dec. 7	"Diana"	165
88. H. M.'s Commissioners to Viscount Palmerston	Sept. 23	Dec. 7	"Sirena"	167
89. Viscount Palmerston to H. M.'s Commissioners One Enclosure	Dec. 17		Dr. Madden	169
90. Viscount Palmerston to H. M.'s Commissioners Three Enclosures	Dec. 18		Slave Trade at Havana; August, September, and October, 1840	<i>ib.</i>
91. Viscount Palmerston to H. M.'s Commissioners Two Enclosures	Dec. 19		Spanish authorities at the Havana	170

SIERRA LEONE. (*Portugal.*)

	1840.	1840.		
92. Viscount Palmerston to H. M.'s Commissioners One Enclosure	May 22		Papers of condemned Portuguese slave ves- sels.	171
93. H. M.'s Commissioners to Viscount Palmerston One Enclosure	May 13	May 30	"Passos"	172
94. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 20	May 30	"Casualidade"	173
95. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	May 13	June 1	"Liberal"	175
96. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Aug. 14	June 1	"Pomba de Africa"	180
97. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Aug. 14	June 1	"Sedo ou Tarde"	182
98. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Dec. 31	June 1	"Andorinha"	183
99. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Dec. 31	June 1	"Vencedora"	186
100. H. M.'s Commissioners to Viscount Palmerston Four Enclosures	Dec. 31	June 1	Papers of condemned Portuguese slave ves- sels.	188
101. H. M.'s Commissioners to Viscount Palmerston	Feb. 20	June 1	Papers of condemned Portuguese slave ves- sels	193
102. H. M.'s Commissioners to Viscount Palmerston	Feb. 24	June 1	"Flor de Loanda"	<i>ib.</i>
103. H. M.'s Commissioners to Viscount Palmerston	March 17	June 1	"Aurelia Feliz"	<i>ib.</i>
104. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Dec. 31	June 25	Abstract of Proceedings, 1839	194
105. H. M.'s Commissioners to Viscount Palmerston Five Enclosures	May 12	July 18	Mr. Trist, American Con- sul at Havana	197
106. H. M.'s Commissioners to Viscount Palmerston One Enclosure	May 28	Sept. 17	"Olimpa"	200
107. H. M.'s Commissioners to Viscount Palmerston	June 22	Sept. 28	Slave Trade at the Cape Verds	202
108. H. M.'s Commissioners to Mr. Backhouse One Enclosure	June 30	Sept. 28	Cases adjudicated. Half- yearly Return	<i>ib.</i>
109. H. M.'s Commissioners to Viscount Palmerston	Aug. 3	Nov. 11	Papers of condemned Portuguese slave ves- sels	204
110. H. M.'s Commissioners to Viscount Palmerston Twenty-six Enclosures	Sept. 10	Nov. 12	Papers of condemned Portuguese slave ves- sels	<i>ib.</i>

SIERRA LEONE. (*Netherlands.*)

111. H. M.'s Commissioners to Mr. Backhouse	1840. June 30	1840. Sept. 28	Cases adjudicated. Half- yearly Return	213
---	------------------	-------------------	---	-----



SIERRA LEONE. (*Brazil.*)

No.	Date. 1840.	Receipt. 1840.	SUBJECT.	PAGE
112. H. M.'s Commissioners to Viscount Palmerston	Feb. 24	June 1	"Emprehendedor"	214
113. Viscount Palmerston to H. M.'s Commissioners	Aug. 22		Appointment of Senhor Nitheroy . . . .	<i>ib.</i>
	1839.			
114. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	July 20	Sept. 8	"Jacuhy" . . . .	<i>ib.</i>
115. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	Sept. 11	Sept. 8	"Simpattia" . . . .	222
116. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Sept. 26	Sept. 8	"Intrepido." . . . .	225
117. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	Dec. 31	Sept. 17	"Sociedade Feliz" . . . .	229
118. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Dec. 31	Sept. 17	Abstract of Proceedings, 1839 . . . .	232
	1840.			
119. H. M.'s Commissioners to Viscount Palmerston One Enclosure	May 28	Sept. 17	"Santo Antonio Victorioso . . . .	234
120. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	June 22	Sept. 17	"Republicano" . . . .	237
	1839.			
121. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Sept. 16	Sept. 18	"Firmeza" . . . .	240
122. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	Oct. 31	Sept. 18	"Augusto" . . . .	243
123. H. M.'s Commissioners to Viscount Palmerston Three Enclosures	Nov. 15	Sept. 18	"Pampeiro" . . . .	249
124. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Nov. 15	Sept. 18	"Golfinho" . . . .	251
125. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Dec. 14	Sept. 18	"Calliope" . . . .	253
	1840.			
126. H. M.'s Commissioners to Mr. Backhouse One Enclosure	June 30	Sept. 28	Cases adjudicated. Half-yearly Return . . . .	255
	1839.			
127. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Nov. 30	Oct. 2	"Destemida." . . . .	257

## THE HAVANA.

	1840.	1840.		
128. H. M.'s Commissioners to Viscount Palmerston	April 20	June 12	Acknowledgment of Despatches . . . .	260
129. H. M.'s Commissioners to Viscount Palmerston Three Enclosures	April 20	June 12	"Tres de Fevereiro" . . . .	<i>ib.</i>
130. H. M.'s Commissioners to Viscount Palmerston Four Enclosures	April 20	June 12	Pope's Brief . . . .	262
131. H. M.'s Commissioners to Viscount Palmerston	April 25	June 12	"Vencedora" . . . .	264
132. H. M.'s Commissioners to Viscount Palmerston	April 25	June 12	Certificates of Emancipation . . . .	<i>ib.</i>
133. H. M.'s Commissioners to Viscount Palmerston Three Enclosures	April 28	June 12	"Mercedita" . . . .	<i>ib.</i>
134. H. M.'s Commissioners to Viscount Palmerston	April 28	June 12	Report for March . . . .	267
135. H. M.'s Commissioners to Mr. Fox Strangways	April 29	June 12	"Romney" receiving ship . . . .	268
136. Viscount Palmerston to H. M.'s Commissioners	July 6		Certificates of Emancipation . . . .	269
137. Viscount Palmerston to H. M.'s Commissioners	July 7		"Romney," receiving ship. To send half-yearly Returns of Negroes . . . .	<i>ib.</i>
138. H. M.'s Commissioners to Mr. Fox Strangways	May 19	July 20	"Romney" receiving ship. Lieutenant Fitzgerald . . . .	<i>ib.</i>
139. H. M.'s Commissioners to Viscount Palmerston	May 28	July 20	Report for April . . . .	<i>ib.</i>
140. H. M.'s Commissioners to Viscount Palmerston	June 13	July 20	Report for May . . . .	270
141. H. M.'s Judge to Viscount Palmerston Five Enclosures	June 15	July 20	Mr. Trist, American Consul . . . .	271
142. Viscount Palmerston to H. M.'s Commissioners	Aug. 13		Papers presented to Parliament . . . .	276
143. Viscount Palmerston to H. M.'s Commissioners One Enclosure	Aug. 24		Memorial against British Functionaries holding Slaves . . . .	277
144. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 1	Aug. 24	Cases adjudicated. Half-yearly Return . . . .	<i>ib.</i>
145. H. M.'s Commissioners to Viscount Palmerston	July 1	Aug. 24	Acknowledgment of Despatches . . . .	278
146. H. M.'s Commissioners to Viscount Palmerston	July 18	Aug. 24	Report for June . . . .	<i>ib.</i>
147. H. M.'s Commissioners to Viscount Palmerston	Aug. 17	Sept. 25	Report for July . . . .	279
148. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	Aug. 18	Sept. 25	Boat of H. M.'s ship "Rover" beat off by a slaver . . . .	280
149. H. M.'s Commissioners to Viscount Palmerston	Aug. 31	Oct. 20	"Romney" receiving ship. Half-yearly Return . . . .	283

## LIST OF PAPERS.

ix

No.	Date. 1840.	Receipt. 1840.	SUBJECT.	PAGE
150. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	Aug. 31	Oct. 20	"Iberia" . . . . .	283
151. H. M.'s Commissioners to Viscount Palmerston	Sept. 30	Oct. 26	Report for August . . . . .	284
152. H. M.'s Commissioners to Viscount Palmerston	Oct. 24	Dec. 1	Report for September . . . . .	285
153. H. M.'s Commissioners to Viscount Palmerston	Nov. 7	Dec. 9	Liberated Africans. Mr. Turnbull . . . . .	<i>ib.</i>
154. H. M.'s Commissioners to Viscount Palmerston Five Enclosures	Nov. 7	Dec. 9	Assault on a black sol- dier of the "Romney." . . . .	286
155. H. M.'s Commissioners to Viscount Palmerston	Nov. 10	Dec. 9	Report for October . . . . .	290

## RIO DE JANEIRO.

	1840.	1840.		
156. H. M.'s Commissioners to Viscount Palmerston	Mar. 5	May 25	"Recuperador" . . . . .	292
157. H. M.'s Commissioners to Viscount Palmerston One Enclosure	Mar. 24	May 25	Law of November, 1831 . . . . .	293
158. H. M.'s Commissioners to Viscount Palmerston Three Enclosures	Mar. 24	May 25	"Pompeo." Claim for indemnities . . . . .	294
159. H. M.'s Commissioners to Viscount Palmerston	Mar. 24	May 25	"Providencia" captured at Pernambuco . . . . .	296
160. Viscount Palmerston to H. M.'s Commissioners	June 1		"Leal." Negroes de- tained by Commodor- Sullivan . . . . .	<i>ib.</i>
161. Viscount Palmerston to H. M.'s Commissioners	June 2		"Dom João de Castro" . . . . .	<i>ib.</i>
162. H. M.'s Commissioners to Viscount Palmerston One Enclosure	April 8	June 3	"Africano Atrevido" . . . . .	97
163. H. M.'s Commissioners to Viscount Palmerston Five Enclosures	April 14	June 3	Law of November, 1831 . . . . .	298
164. Viscount Palmerston to H. M.'s Commissioners	June 17		"Recuperador" . . . . .	302
165. Viscount Palmerston to H. M.'s Commissioners	June 20		"Africano Atrevido" . . . . .	303
166. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	May 4	July 20	Law of November, 1831 . . . . .	<i>ib.</i>
167. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	May 7	July 20	"Pompeo" . . . . .	305
168. H. M.'s Commissioners to Viscount Palmerston Twelve Enclosures	May 8	July 20	"Providencia" . . . . .	306
169. H. M.'s Commissioners to Viscount Palmerston	May 12	July 20	Pope's Brief . . . . .	316
170. H. M.'s Commissioners to Viscount Palmerston One Enclosure	May 15	July 20	Law of November, 1831 . . . . .	317
171. H. M.'s Commissioners to Viscount Palmerston	May 19	July 20	Portuguese Authorities at Quilimane . . . . .	<i>ib.</i>
172. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	May 20	July 20	Reports by Brazilian Ministers to the Cham- bers . . . . .	318
173. Viscount Palmerston to H. M.'s Commissioners	Aug. 4		Nationality of vessels owned by persons re- siding in Brazil . . . . .	320
174. Viscount Palmerston to H. M.'s Commissioners	Aug. 6		Sale of condemned slave vessels . . . . .	321
175. Viscount Palmerston to H. M.'s Commissioners	Aug. 13		Papers presented to Par- liament . . . . .	<i>ib.</i>
176. H. M.'s Commissioners to Viscount Palmerston	May 22	Aug. 13	Slave-trading company at Pernambuco . . . . .	<i>ib.</i>
177. H. M.'s Commissioners to Viscount Palmerston One Enclosure	May 25	Aug. 13	Law of November, 1831 . . . . .	322
178. H. M.'s Commissioners to Viscount Palmerston	May 27	Aug. 13	Delays in adjudication of vessels . . . . .	325
179. H. M.'s Commissioners to Viscount Palmerston One Enclosure	May 27	Aug. 13	Correspondence on nego- tiations with Portugal reprinted . . . . .	326
180. Viscount Palmerston to H. M.'s Commissioners	Aug. 24		Memorial against British Functionaries holding Slaves . . . . .	327
181. H. M.'s Commissioners to Viscount Palmerston Three Enclosures	June 2	Aug. 24	Report on Slave Trade. "Pilgrim" . . . . .	328
182. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	June 20	Aug. 24	"Pompeo" . . . . .	329
183. Viscount Palmerston to H. M.'s Commissioners	Sept. 2		Correspondence on ne- gotiations with Portu- gal . . . . .	330
184. Viscount Palmerston to H. M.'s Commissioners	Sept. 8		"Flor de Loanda" . . . . .	<i>ib.</i>
185. H. M.'s Commissioners to Viscount Palmerston Twelve Enclosures	July 7	Sept. 28.	"Dom João de Castro," delays in adjudication . . . . .	<i>ib.</i>
186. H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 7	Sept. 28.	Cases adjudicated. Half- yearly Return . . . . .	343
187. H. M.'s Commissioners to Viscount Palmerston	July 8	Sept. 28.	"Maria Carlota." Em- bargo on proceeds . . . . .	<i>ib.</i>
188. H. M.'s Commissioners to Viscount Palmerston	July 9	Sept. 28.	Tonnage of condemned vessels . . . . .	344
189. H. M.'s Commissioners to Viscount Palmerston Seven Enclosures	July 10	Sept. 28.	"Pompeo" . . . . .	<i>ib.</i>
190. H. M.'s Commissioners to Viscount Palmerston Two Enclosures	July 11	Sept. 28.	Persons declared guilty of piracy by sentence of Mixed Court. . . . .	349
191. H. M.'s Commissioners to Viscount Palmerston Four Enclosures	July 28	Sept. 28.	"Pompeo" . . . . .	351

CLASS A.

## LIST OF PAPERS.

No.	Date. 1840.	Receipt. 1840.	SUBJECT.	PAGE
192.	H. M.'s Commissioners to Viscount Palmerston	July 29	Treaty with Venezuela .	353
193.	H. M.'s Commissioners to Viscount Palmerston One Enclosure	July 30	Law of November, 1831	<i>ib.</i>
194.	Mr. Grigg to Viscount Palmerston . . .	Aug. 1	Sept. 30. Complaints against H. M.'s Commissioners .	354
195.	H. M.'s Commissioners to Viscount Palmerston One Enclosure	Aug. 10	Oct. 1. Law of November, 1831	<i>ib.</i>
196.	H. M.'s Commissioners to Viscount Palmerston	Aug. 11	Oct. 1. Emancipated negroes. Collection of wages .	355
197.	H. M.'s Commissioners to Viscount Palmerston	Aug. 11	Oct. 1. "Pilgrim" . . . . .	<i>ib.</i>
198.	Sir G. Jackson to Viscount Palmerston . . .	Aug. 12	Oct. 1. Exonerates H. M.'s Arbitrator . . . . .	356
199.	Mr. Grigg to Viscount Palmerston . . .	Sept. 26	Nov. 23. Illness of H. M.'s Judge. "Paquete de Benguella" . . . . .	<i>ib.</i>
200.	Viscount Palmerston to H. M.'s Commissioners	Dec. 17	Delays in adjudication of slave vessels . . . . .	357

## SURINAM.

	1840.	1840.		
201.	Mr. Samo to Viscount Palmerston . . .	Mar. 25	May 25	Acknowledgment of Despatch . . . . .
202.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	July 24		Sale of vessels at Curaçoa . . . . .
203.	Mr. Samo to Viscount Palmerston . . .	May 23	July 30	Pope's Brief . . . . .
204.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	Aug. 13		Papers presented to Parliament . . . . .
205.	Viscount Palmerston to H. M.'s Commissioners One Enclosure	Aug. 24		Memorial against British Functionaries holding Slaves . . . . .
206.	Mr. Samo to Viscount Palmerston . . .	June 29	Sept. 1	Dutch enlistments on the Gold Coast . . . . .
207.	Mr. Samo to Viscount Palmerston . . .	Aug. 22	Nov. 11	Acknowledgment of Despatch . . . . .
208.	Mr. Samo to Viscount Leveson . . . . .	Aug. 22	Nov. 11	Acknowledgment of Despatch . . . . .
209.	Mr. Samo to Viscount Palmerston . . .	Oct. 10	Dec. 9	Sale of vessels at Curaçoa . . . . .

# Class A.—1840.

---

## CORRESPONDENCE

WITH THE

## BRITISH COMMISSIONERS.

---

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

---

No. 1.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, February 20, 1840.*

MY LORD,

*(Received May, 30, 1840.)*

WE have the honour to acquaint your Lordship that the American brigantine of war "Dolphin," Charles H. Bell, commanding, appointed by the Government of the United States to cruize upon this coast for the repression of the Slave Trade, in so far as it is prosecuted under the flag of America, arrived in this harbour on the 9th instant, and sailed seven days thereafter for Cape Monserrado and the American settlement of Liberia. It was the intention of Lieutenant Bell to proceed to the southward and eastward as far as Cape Coast, from whence he proposed to retrace his course, and again to visit the colony, in passing upwards to the rivers to the north of it. The period for which his cruize is appointed does not extend beyond the month of June next; but on his return to America he will leave behind him on the coast the American schooner of war "Grampus," which was under orders to proceed on the same service forthwith, and which, he informed Governor Doherty, might be expected in this port within a fortnight from the present date.

We are much gratified in being enabled to communicate to your Lordship this intelligence, and trust that the adoption by the American Government of a measure so decisive will be attended with the best results, in favour of the cause which it is intended to serve, and will concur powerfully with the other circumstances to which reference was made in our Despatch of the 31st ultimo, marked "Spain," in putting a period to the scandalous abuse of the American flag, by its employment in the illicit traffic, which has now been so long and, we fear, so successfully persevered in.

We have, &c.

(Signed)

R. DOHERTY.

L. HOOK.

P.S.—The "Grampus" arrived here this day.

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

*&c.*

*&c.*

*&c.*

---

No. 2.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, December 31, 1839.*

MY LORD,

*(Received June 1, 1840.)*

WE have the honour to transmit to your Lordship, enclosed, a copy of some

CLASS A.

B

extracts from letters, written during the present month to Her Majesty's Commissary Judge, on the subject of a contract entered into by the French Government of Goree for the supply of 600 slaves, for the service of the French settlements on the Senegal.

In submitting these papers for your Lordship's consideration, it will hardly be necessary to allude to those unhappy effects, which must obviously result from this infraction of law and treaty on the part of the French Government. The revival of the Slave Trade, with all its attendant horrors, in our immediate neighbourhood—wars and dissensions amongst the native tribes—the destruction of a legitimate commerce carried on by our own subjects in the Rio Nunez and adjacent rivers, which is yearly increasing in value and importance—are some of the immediate consequences to be apprehended. But if France now contract for the supply of 600 slaves, for the service of her colonies on the river Senegal, what is to prevent her keeping up that supply by similar means? What is to prevent her contracting for the purchase and transport of 6000, and eventually even of 60,000 African slaves, for the use of her colonies in the West Indies and elsewhere; and thus perpetuating on this coast the existence of a traffic, which she is all the while denouncing as odious and inhuman?

The extraordinary plea urged by France to justify this disregard of her solemn engagements with Great Britain and numerous other Powers, is the desire to raise a black force for the defence of her settlements on this coast; and she may perhaps point to our black troops in the Royal African Corps and the different West Indian regiments. The negroes, however, who compose the recruits in our service are not reduced into slavery, and purchased and paid for by the Government, but belong almost exclusively to the body of liberated Africans located at Sierra Leone. Having been rescued from the holds of slave-ships by the exertions of our squadron, and emancipated by the decree of a competent court, they voluntarily enlist in a service, where they are entitled to the pay, the food, the clothing, the pension, and every other privilege of a British soldier; and all undue persuasion to enlist is equally opposed to the Articles of War, and to the practice of the recruiting officers at this station. No parallel indeed can be drawn between our mode of enlisting black troops, which differs in no respect from the method pursued in England of increasing our military force, and the system of kidnapping, driving, chaining, barracooning, and shipping the slaves, whom Kyetan and other notorious slave-dealers on this coast have contracted to supply to the French Government, at from 60 dollars to 80 dollars per head; the very highest price given for prime slaves for the Cuba market.

We may perhaps be likewise referred to the system of recruiting, followed by the Dutch General Vermeer, in the kingdom of Ashantee, which occasioned so much correspondence between the British and Netherlands Governments in the years 1836, 1837, and 1838. But dangerous and objectionable as that system was, it differed in many important particulars from the downright buying and selling of slaves, to which the French Government looks, as the means of obtaining Negro troops for the service of their colonies.

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

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

### First Enclosure in No. 2.

*Extract from a Letter to H. W. Macaulay, Esq., dated Rio Nunez, December 1, 1839.*

KNOWING how readily the natives catch at a bait, such as the re-opening of the Slave Trade would be, the French purpose applying to the Nalooos for a spot of ground, whereon to establish a factory for the purchase of 600 slaves, to be made soldiers of for the use of the government. They have gone so far as to receive tenders from the merchants of St. Louis for the supply of these 600 slaves, and the tenders have varied from 50 dollars to 80 dollars per head. The Frenchmen here are daily expecting two or three vessels from Senegal, under convoy of "*La Fine*," to carry this project into execution. Of course it is to be under the auspices and protection of the French Government.

As you will doubtless wish to communicate this circumstance to the Government at home, you have

my permission to make use of this letter, and it is but right you should have my authority for the statement. Mr. ———, on his late visit to Goree, was informed of these intentions by the Commandant of Goree, and also by the Commandant of the French man-of-war "*La Fine*," as well as by the party who had tendered for the supply at 80 dollars per head, who was very eager for information as to the extent of the Slave Trade to be carried on here.

To suppose that French subjects, having once revived the Slave Trade under the auspices of Government, and for government purposes, will halt after purchasing 600 or even 6000 slaves, would betray a total ignorance of human nature, when engaged in these transactions.

The Government will, of course, have the option of rejecting such as are not suitable for soldiers. What is to be done with the rejected, and the numbers of women and children, who must be bought along with the able-bodied men, if offered for sale? Why, they will suit the Spanish and other Slave Traders in the Rio Pongas, and means will probably be found to ship them direct from hence to Cuba.

I need hardly allude to the mass of evil consequences, which will follow the revival of the Slave Trade under these circumstances; the nuisance and injury it will be to the pursuits of legitimate commerce; the disturbances that must follow; the insecurity of property that it will give rise to; and the protection we shall necessarily require from the naval authorities. I know you will do all in your power to thwart the iniquitous views of the French, but I fear the information comes too late to blight the evil project in the bud.

Another consideration of importance is, that, when the French have succeeded in obtaining this supply of 600 able-bodied men for the service of their settlements on the banks of the Senegal, they will find out that they require 800 or 1000 for the use of Martinique and Guadaloupe, 300 or 400 for Cayenne, 1500 or 2000 for their new settlements on the Amazon, and more again for some of their recent conquests. Thus the Slave Trade will be perpetuated by France, when Great Britain is using every exertion to suppress it.

### Second Enclosure in No. 2.

*Extract from a Letter to H. W. Macaulay, Esq., dated Rio Nunez, December 18, 1839.*

A CHANCE opportunity offering of sending you a few lines, I embrace it to acquaint you that a French schooner, the property of a Monsieur Marbeau, a merchant of St. Louis, is now on her way to this place, under convoy of "*La Cigale*," a small French schooner of war; the said Monsieur Marbeau, who has undertaken to supply 100 able-bodied young men for the service of the French Government, expecting to be able to purchase them here. Another schooner of war, "*La Fine*," is expected to accompany the other vessels; the protection of the French commerce here being the professed object of her visit.

### Third Enclosure in No. 2.

*Extract from a Letter to H. W. Macaulay, Esq., dated Rio Nunez, December 31, 1839.*

I WROTE you fully, about a month since, respecting some Slave Trade transactions of the French in this quarter, under the auspices of their Government. I have now to acquaint you, that a French merchant schooner is here, belonging to a Monsieur Marbeau, of St. Louis, escorted by the two French schooners of war "*La Fine*" and "*La Cigale*."

Monsieur Marbeau, on his way here, called at Bissão, and found he could obtain his supply of slaves more advantageously from Caetano (Kyetan) than in this river, and has arranged with him to deliver 100 slaves eight days hence. He has left this place to receive them, and the two men-of-war will escort him to Senegal.

There is also here a French sloop belonging to Avril frères, also of St. Louis, which I am told is come to purchase slaves, in like manner, on account of the Government contract.

### No. 3.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, March 17, 1840.*

*(Received June 1, 1840.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 31st of December last, transmitting to us a copy of a brief which has been issued by His Holiness the Pope, enjoining all Catholics to abstain from Slave Trade, and which your Lordship desires may be inserted in the principal newspapers of Sierra Leone.

We beg to acquaint your Lordship in reply, that no newspaper is published in this colony ; but we have placed this document among the records of the Courts.

We have, &c.

(Signed)

R. DOHERTY.  
L. HOOK.

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

No. 4.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, April 25, 1840.*

(*Received June 11, 1840.*)

MY LORD,

WE have the honour to acquaint your Lordship that Mr. W. W. Lewis, Her Majesty's Arbitrator, returned to this Colony from England yesterday, and resumed his duties in the several Mixed Courts established here.

In consequence of the absence from Freetown of Mr. Macaulay, Her Majesty's Judge in the mixed Courts, it became necessary for Mr. Lewis to fill the vacant judgeship in the British and Spanish Court, and for his Excellency the Governor to take upon himself the duties of Arbitrator. In the three other Mixed Courts the Governor continues to supply the place of Mr. Macaulay.

We have, &c.

(Signed)

R. DOHERTY.  
WALTER W. LEWIS.

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

No. 5.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, May 6, 1840.*

(*Received June 11, 1840.*)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 20th of February last, covering a copy of an apostolical letter, promulgated on the 3rd of December, 1839, by His Holiness the Pope, on the subject of the Slave Trade.

It will not be in our power to give publicity to this letter in the manner desired by your Lordship, as there is not any public journal in this place ; we shall however avail ourselves of every suitable opportunity which may offer of making its contents known.

We have, &c.

(Signed)

R. DOHERTY.  
WALTER W. LEWIS.

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

No. 6.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, May 6, 1840.*

(*Received June 11, 1840.*)

MY LORD,

WE beg leave to refer to the Despatch of the 31st of December last, in which Her Majesty's Commissioners had the honour of reporting to your Lordship, that a contract had been entered into by the Government of Senegal, for a supply of 600 negroes, who, it was said, were to form a black force, for service of the French colonies on this coast.

It was also reported, that in furtherance of the contract in question, a schooner, the property of M. Marbeau, a French merchant of St. Louis, Senegal, had arrived in the Rio Nunez, convoyed by the French vessels of war, "*La Fine*" and "*La Cigale*," to procure a hundred negroes; the number that M. Marbeau and his partner, M. Pellett, had agreed to furnish.

The statements upon which Her Majesty's Commissioners founded their report to your Lordship have lately received full confirmation, in the facts disclosed in the papers of the schooner of M. Marbeau, which was seized for illegal equipment whilst in British waters.

The circumstances connected with the detention of M. Marbeau's schooner, the "*Sénégalie*," were these:—Lieutenant Hill, in command of Her Majesty's brig "*Saracen*," found the "*Sénégalie*" at anchor in the port of St. Mary's, River Gambia, undergoing repairs; and as she was equipped in some respects for the Slave Trade, he seized her on the 7th of February last, for adjudication by the Vice-Admiralty Court in this colony, in which she was condemned, on the above-stated charge, on the 4th of March last.

The official papers of the schooner "*Sénégalie*" describe her as owned by M. Jacques Marbeau, merchant of St. Louis, Senegal, and commanded by "*Sénégal, noir à M. Betz*." The crew was composed of slaves and free negroes.

Enclosed we beg leave to lay before your Lordship a certified copy, from the Records of the Vice-Admiralty Court here, of the contract made with the Government of Senegal by Messrs. Pellett and Marbeau of St. Louis, for the delivery of 100 slaves at Goree, destined ultimately, as this paper states, for service at Cayenne, as military pioneers. The price to be given for each of these negroes is stated to be 463 francs.

Attached to that contract there is a letter from the Commander of the French vessel of war "*La Fine*," serving to prove the fact of her having been convoyed by that vessel.

There was also among the papers a code of signals, established by the commander of the French vessel of war "*La Cigale*," employed as part of the convoy on this occasion, in which there are two signals in the event of "the passengers" mutinying, or making a disturbance, a circumstance by no means to have been anticipated, provided it was intended to treat them otherwise than as slaves.

This contract for the supply of 100 negroes will, we think, go to establish the intention on the part of the French authorities on this coast, to revive, if possible, the Slave Trade, under the plea of giving as many negroes freedom, as they may consider it advisable to employ as black troops in their colonies.

M. Marbeau, the late owner of the "*Sénégalie*," having been with his vessel when she was seized at the Gambia, was bound over by the British authorities there, to take his trial for aiding and abetting in the Slave Trade, the result of which proceeding will soon be learnt, as the officiating Chief Justice is now at those settlements holding the Sessions.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

&c.

&c.

&c.

#### Enclosure in No. 6.

(Contract.)

*Marché pour le Rachat de Cent Noirs destinés pour Cayenne.*

Entre Monsieur Motas, Sous-Commissaire Ordonnateur, d'une part; et Messieurs Pellen et Marbeau, Négocians à St. Louis, d'autre part.

IL a été convenu ce qui suit, en présence de Monsieur Thomas, Inspecteur Colonial, et aux termes de la Dépêche Ministérielle du Mai, 1839, numérotée 108.

Messieurs Pellen et Marbeau s'engagent à livrer à l'administration le nombre de cent Noirs, engagés à tems, destinés à former à Cayenne une Compagnie de Pionniers Militaires.

Ces Noirs seront livrés à Gorée, où, avant d'être admis définitivement, ils seront visités par une Commission de Récûtement.

Pour être admis, chaque Noir devra réunir les conditions suivantes:—

1° Être âgé de 18 ans au moins, et de 24 ans au plus.

2° Avoir la taille de 1 m. 70 c. au moins.

3° Être robuste et bien constitué, n'avoir aucune infirmité, et paraître sous tous les rapports dans un bon état de santé.

Ceux que seront rejetés par la Commission de Récûtement, comme impropres au service auquel ils sont destinés, resteront au compte de Messieurs Pellen et Marbeau, en qualité d'engagés à tems.



Messieurs Pellen et Marbeau s'engagent à vêtir les dits cent, Noirs et à les nourrir, jusqu'au jour de leur embarquement pour Cayenne, en admettant toutefois que leur séjour à Gorée ne se prolongera pas au delà de trois mois, qui courront de la date de leur admission.

Si, passé ce délai, tout ou partie des Noirs admis se trouvait encore à Gorée, Messieurs Pellen et Marbeau s'engagent à leur continuer leur nourriture jusqu'au jour du départ, à charge par l'administration de payer les rations délivrées, dans ce dernier cas, au prix de l'adjudication passée à St. Louis pour les rationnaires du Gouvernement.

La ration à fournir sera celle du soldat indigène.

L'habillement se composera d'une blouze en Guinée bleue avec ceinture de même étoffe, de deux chemises (tissu nette), d'un pantalon (toile de coton, même couleur), d'une paire de souliers, et d'un bonnet de laine ou d'un chapeau de paille.

Le navire destiné à l'expédition devra être en route du 5 au 10 Novembre au plus tard, et les livraisons des cent Noirs auront lieu, savoir :—

Cinquante au moins au 15 Janvier pour tout délai et à défaut de la totalité; les cinquante autres, de fin Janvier au 15 Février prochain.

De son côté le Gouvernement s'engage à faire escorter par un bâtiment de guerre, du point où ils auront été rachetés jus-qu'à leur débarquement à Gorée, les dits cents Noirs, qui, préalablement, auront été affranchis par acte authentique passé par un fonctionnaire délégué à cet effet.

Le prix de chaque Noir admis à Gorée par la Commission de Recrutement est fixé, y compris la nourriture pendant trois mois, et l'habillement ci-dessus spécifiés, à la somme de quatre cent soixante trois francs, quatre-vingt douze centimes, passible de la retenue de 3 per cent. dévolue aux invalides de la marine.

Enfin, en cas de non exécution du présent Marché, Messieurs Pellen et Marbeau s'engagent à verser à la Caisse Coloniale la somme de cinquante francs pour chaque Noir non livré aux époques sauf les cas de force majeure dûment constatés.

Fait double à Saint Louis, le 21 Octobre, 1839.

(Signed)

(Signed)

(Signed)

ANT. PELLEN et J. MARBEAU.

D. MOTAS.

M. THOMAS.

Vu le Gouverneur.

(Signed)

CHARMASSON.

(A true Copy.) (Signed) T. L. INGRAM, *Acting Lieutenant-Governor.*

(L.s.)

MONSIEUR,

*A bord de la "Fine," le 6 Janvier, 1840.*

LES soins de la surveillance de votre bâtiment exigeant la plus stricte attention dans la navigation, et d'après la lettre que je vous ai écrite à votre départ de Rio Nunez, votre pilote s'étant chargé sur votre aveu de la conduite du pilotage des bâtimens dans les Bisagos, vous voulez bien lui donner l'ordre de calculer sa route, de manière à se maintenir à deux encablères au plus, sur l'avant de la "Fine," et à votre patron, de faire de la toile selon les circonstances. Si vous l'aimez mieux, envoyez votre pilote à bord, et alors votre bâtiment suivra en se tenant à la même distance derrière. S'il était nécessaire de payer au pilote quelques frais en sus, je suis prêt à le faire. Prevenez votre patron que d'après la loi il est responsable de l'exécution des ordres que je donne, et qu'il est passibles de toutes les peines encourues pour leur non-exécution.

Recevez, &c.

(Signed) J. QUERRET.

*Monsieur Marbeau, Négociant sur la Senégambie.*

MONSIEUR,

*A bord de la "Fine," le 3 Janvier, 1840.*

JE viens de remettre le commandement de l'escorte à Monsieur Cournier, ce sera donc à lui que vous aurez à vous adresser pour toutes les demandes que vous aurez à faire dans le cours de la navigation, et à obtempérer à tous les ordres qu'il vous donnera pour le bien du service.

Je désire, comme précédemment, que votre goëlette marche en tête, mais ayant soin de se tenir toujours à une distance qui ne sera pas plus de deux encablures des autres batimens.

Recevez, &c.,

*Monsieur Marbeau, Négociant.*

(True Copy.)

(Signed) J. QUERRET.

J. W. MACDONALD, *Dep. Reg. V. A. Court.*

*Sierra Leone, 6 May, 1840.*

[For Translation of these Papers, see Class C.]

No. 7.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 16, 1840.*

I REFERRED to the Treasury your Despatch, of the 24th August, 1839, respecting tonnage-bounty payable to captors of condemned Slave-vessels; and I have now to transmit to you a copy of their Lordships' reply, from which you will perceive that their Lordships are of opinion, that the existing method of

estimating the tonnage of captured Slave-vessels ought to be adhered to. I have also to state to you, that I have suggested to the Lords of Her Majesty's Treasury to issue instructions to the officers of Her Majesty's customs at Sierra Leone, to admeasure captured Slave-vessels in conformity with the provisions of the Act of the 1st and 2nd Vic., cap. 47, sec. 3.

I am, &c.

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

(Signed)

PALMERSTON.

First Enclosure in No. 7.

*Mr. Trevelyan to Mr. Backhouse.*

SIR,

*Treasury Chambers, 7 July, 1840.*

WITH reference to your Letter of the 25th April last, enclosing copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, on the subject of the tonnage-bounty payable to the captors of condemned Slave-vessels, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit copy of a Report from Mr. Rothery, dated 17th ultimo, thereon, for the consideration of Viscount Palmerston; and to state to you that my Lords are of opinion that, as the existing method of estimating the tonnage of captured Slave-vessels furnishes an equal basis for the calculation of the bounty, it ought to be adhered to; and that, if it be desirable to recommend to Parliament to increase the remuneration allowed to the captors, it ought to be done in the shape of an addition to the bounty, and not in that of an alteration of the value by which the bounty is calculated.

My Lords do not at present see any reason to believe that the rewards authorised by the existing law to be given to the captors of vessels fitted out for the Slave Trade are inadequate. Those rewards consist, first, of 4*l.* per ton; secondly, 1*l.* 10*s.* per ton when the vessel is broken up; and, thirdly, a moiety of the proceeds of the sale of the vessel and cargo; and as such vessels have generally a cargo of goods on board, intended to be employed in the purchase of Slaves, the moiety to which the captors are entitled, in addition to the bounty, sometimes amounts to a considerable sum. These rewards were fixed after long and careful examination; and the alteration in the mode of estimating British tonnage, which had been made nearly three years before, was kept in view, and entered into the calculation. I am also to observe, with reference to that part of the Report of the British Commissioners in which they state that no instructions had been issued by the Board of Customs to their principal officers at Sierra Leone to admeasure captured Slave-vessels, that my Lords will, if Lord Palmerston should think fit, desire that instructions may be issued accordingly.

I am, &c.

(Signed)

C. E. TREVELYAN.

*To John Backhouse, Esq.*

Second Enclosure in No. 7.

*Mr. Rothery to the Lords of the Treasury.*

*Stratford Place, 17 June, 1840.*

To the Right Honourable the Lords Commissioners of Her Majesty's Treasury:

MAY IT PLEASE YOUR LORDSHIPS,

By your Lordships' commands, I have perused and considered the documents herewith returned, consisting of a letter from J. Backhouse, Esq., dated the 23rd of April last, with the Copy of a Despatch from Her Majesty's Commissioners at Sierra Leone. After referring to the Act passed on the 27th July, 1838, being the 1st and 2nd of Victoria, cap. 47, which grants to Her Majesty's cruizers certain bounties upon the British tonnage of condemned Slave-vessels, advert to what they state the recent Act of Parliament establishing a new method of estimating the tonnage of British ships, meaning the Act of the 5th and 6th of Will. IV., c. 56, and observe that its application to the extremely shallow schooners and brigantines, which constitute almost the only vessels employed in the Slave Trade, will operate very injuriously upon the interests of the naval captors; and that, on the other hand, to follow the former British mode of admeasurement, in which the actual depth of hold does not enter at all into the calculation of the tonnage, would give an undue and disproportioned advantage to captors, because the extreme length and the extreme breadth of these Baltimore Clippers, taken alone and without reference to their depth, would give a very large nominal capacity to a class of vessels, of which length of keel, breadth of beam, and small draft of water, are the chief characteristics: and the Commissioners then state, that it appears extraordinary to them that the bounty should have been made payable upon the British tonnage of a condemned vessel, rather than upon the foreign tonnage mentioned in the ship's papers, and observe that it is according to the foreign tonnage that demurrage is payable, when a foreign vessel is restored; and they consider it to be manifestly unfair, that where a vessel is shown to be 120 tons by her papers, but only 60 tons by British admeasurement, the captor should be liable to pay demurrage on double the number of tons for which he can claim a bounty; and in support of this reasoning the Commissioners refer to two cases of the "*Nova Sorte*" and "*Pepita*," adjudicated at Sierra Leone.

It is my duty, in the first instance, to dispose of these two cases, by observing that neither in the "*Nova Sorte*," nor in the "*Pepita*," was any demurrage allowed by the Mixed Commission Court at Sierra Leone, as your Lordships will find, upon reference to the awards in those two cases, and to my reports thereon; one dated the 16th January, 1824, in the "*Nova Sorte*," and the other in the case of the "*Pepita*," dated the 27th of October, 1835; and I must here observe, that neither of these awards were paid by the captors, but that both of them were paid by the British Government. Indeed, upon all occasions, the captors engaged in this arduous duty have always been treated with great liberality, and

full indemnification has been granted to them in every instance where the seizure and their proceedings under it can be justified; and therefore the observation as to the liability of captors to pay demurrage upon foreign tonnage does not appear to me to be so manifestly unfair to the captors as the Commissioners represent.

The Commissioners further observe, that doubling the present rate of bounty would, of course, have the same effect to the captors as doubling the number of tons on which the present bounty is payable; and although they recommend as the fairest plan, in their opinion, to grant a certificate for bounty for that number of tons upon which damages and demurrage would have been claimed and paid if the vessel had been restored, yet they say that it ought not to obviate the necessity of the British tonnage of condemned vessels being ascertained, because the British tonnage is very frequently the only means which they possess of estimating the foreign tonnage, by converting British into foreign tons; secondly, because it is absolutely necessary to obtain the British tonnage of all vessels sold, in order to procure British registers. And, in conclusion, they observe, that the person appointed under the Act to admeasure condemned slave-vessels is "the principal officer of the Customs at the port where the vessel may be at the time of condemnation." On inquiry, however, they find that neither the Act, nor any instructions respecting it, have been issued to the collector of customs at Sierra Leone, by the Commissioners of Customs in England, and no emolument apparently being annexed to the performance of the service, they cannot wonder that the officer referred to declines to act in the absence of orders from his superiors. Upon this part of the subject I beg to observe, that I am not aware that any inconvenience has arisen from this circumstance, for the Commissioners at Sierra Leone have nominated a Mr. M'Cormack to be the surveyor of the court, and your Lordships have not hesitated to grant bounty to the captors upon that gentleman's certificate, in every instance where it has been produced. The Commissioners of the Customs not having written to their officers at Sierra Leone may easily be obviated, by your Lordships' giving directions for an extract from the Commissioners' letter on this subject to be forwarded to the Commissioners of Customs, desiring them to give directions to their principal officer at Sierra Leone to admeasure such vessels in future, and for which he should charge the party requiring it a reasonable sum to compensate him for that duty. The charge made by Mr. M'Cormack has been at the rate of 1s. per ton on the tonnage of the vessel, and which I think is amply sufficient; or, should your Lordships think proper, the charge may safely be left to the Commissioners of the Customs, to fix such sum as they may deem expedient, acquainting your Lordships therewith, in order that you may know that the proper and regular charges only are made. I cannot, however, omit referring to the 3rd section of the said Act of the 1st and 2nd of Victoria, c. 47, which is the section that directs the person to admeasure the vessel, and your Lordships will there find that it is not confined solely to the officers of the Customs, but is as follows: "Either by the principal officer of the Customs at the port where the vessel may be at the time of condemnation, or, in default thereof, by the best evidence which can be obtained, to be certified by the Commissioners by whom such condemnations shall be pronounced." With regard to the main question for your Lordships' consideration, as to whether the bounty now granted to the captors of condemned slave vessels should be altered, and that they should receive bounty on the foreign tonnage of the vessel, instead of the British tonnage, it is my duty further to observe, that Mr. Backhouse, in transmitting the copy of the letter from the Commissioners at Sierra Leone, observes, that Lord Palmerston has heard much complaint as to the effect of the present system of calculating the tonnage, which is said to diminish unduly the amount of tonnage-bounty payable to the captors; and that, as the service is irksome, the climate unwholesome, and the object to be attained one of great importance, his Lordship strongly recommends the adoption of the system proposed by the Commissioners, for calculating the amount of the bounty to be given for the tonnage of condemned slavers.

The subject being thus recommended, it becomes necessary that it should receive the most attentive consideration, and unless there should be any paramount objection to the recommendation of the Commissioners, measures should be taken by legislative enactment to carry the same into effect; but as some objections have occurred to me, it is my duty to point them out for the consideration of your Lordships, and which I shall do with great deference, after the suggestion of the Commissioners has been so strongly recommended by such authority as that of Her Majesty's Secretary of State for Foreign Affairs, confident however that your Lordships will determine rightly, whether or not they are of sufficient weight to entitle your Lordships to request a reconsideration of the subject by Viscount Palmerston.

First; It appears to me that it would be an anomalous proceeding for a British Act of Parliament to allow bounty or any other tonnage than that of British tonnage, more particularly as the foreign tonnage of different nations varies very considerably. The only description of vessels the Commissioners allude to are what they term "the Baltimore Clippers;" besides these, however, there are Portuguese, Spanish, as well as Netherlands vessels, and as they vary in their mode of measurement, if the bounty were to be paid on the foreign tonnage and not on the British, your Lordships will perceive that vessels might be seized of the same size and dimensions, and about the same actual tonnage according to our practice of admeasuring vessels, yet the captors, instead of receiving an equal sum, or thereabouts, for tonnage-bounty on each vessel, and to which alone they ought to be entitled, might be receiving different rates of bounty on the same sized vessels.

Secondly; It has lately been of frequent occurrence that many of these slave-vessels have had fictitious and fraudulent papers on board, and which documents may specify a very different rate of tonnage to what the vessel really is, and these papers may not in point of fact belong to the vessel, but are merely used to screen her from capture. Questions may arise as to what tonnage should be paid under those and other circumstances, the whole of which is avoided by allowing the bounty on the British admeasurement of tonnage, which gives an equal benefit to all parties.

The Commissioners allude to the Act for ascertaining the British tonnage of vessels, as if it had been a recent Act of Parliament, and from the terms which are used, as if it were a new regulation by which the captors had been injured. This is not so. The Act which regulates the manner of ascertaining tonnage passed on the 9th of September, 1835, the 5th and 6th of W. IV. c. 47, and the Act which grants the bounty to captors passed on the 27th July, 1838, and therefore it can hardly be said that "the present system of calculating the tonnage of these slave-prizes unduly diminishes the amount of tonnage-bounty payable to the captors." I beg leave further to observe that previous to the passing of the Act granting this tonnage-bounty every attentive consideration was given to the subject, not only by your Lordships' deponent, but by Her Majesty's Secretary of State for Foreign Affairs, and also the Lords Commissioners of the Admiralty. At first a lower rate of bounty was considered would

have been amply sufficient. The circumstances which have been mentioned as to the service being irksome, the climate unwholesome, and the object to be obtained of great importance, were then most fully considered, and it was, after due consideration of all the circumstances, determined to give—

4*l.* 0*s.* per ton where no slaves were on board.  
1*l.* 10*s.* per ton where the vessel was broken up.

Making 5*l.* 10*s.* per ton.

Being a higher rate of bounty than was suggested by the Lords Commissioners of the Admiralty.

In craving your Lordships' reference to my Report of the 28th of January, 1837, and to Sir John Barrow's letter to your Lordships' Secretary of the 17th of February following, I have only to add, that it should not be forgotten also, that in addition to the tonnage-bounty, one moiety of the sale of the proceeds of the vessel and cargo is also granted to the captors by this Act of Parliament, and which in some instances amounts to a very considerable sum.

To the Lords of Her Majesty's Treasury,  
&c. &c. &c.

All which, &c.  
(Signed)

WM. ROTHERY.

No. 8.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, August 8, 1840.*

WITH reference to my Despatch to you of the 16th ultimo, respecting the tonnage of captured slave-vessels, I have to acquaint you, that I have received a communication from Her Majesty's Treasury, stating that orders have been issued to the Commissioners of Customs to instruct their principal officers at Sierra Leone to admeasure captured slave-vessels, in conformity with the provisions of the Act of the 1st and 2nd Vic. c. 47, sec. 8.

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

I am, &c.  
(Signed) PALMERSTON.

No. 9.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, August 13, 1840.*

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

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

I am, &c.  
(Signed) PALMERSTON.

No. 10.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, June 2, 1840.*

MY LORD,

(*Received August 13.*)

WITH reference to the Despatch which we had the honour of addressing to your Lordship on the 6th ult., respecting the late seizure and condemnation of the French schooner "*Sénégalie*," for being in the river Gambia equipped for the Slave Trade, we now beg leave to report to your Lordship that the owner of that vessel, M. Marbeau, who was bound over to take his trial at the next ensuing sessions, to be held at the British settlements on that river, for aiding and abetting in the Slave Trade, failed to make his appearance at the appointed time, although he received due notice of the sitting of the Court of Sessions.

The bond which Messrs. John Hughes and Richard Lloyd, two British merchants residing at St. Mary's, River Gambia, had entered into for the appearance of M. Marbeau, in consequence became forfeited, and the amount thereof, 500*l.*,

CLASS A.

was ordered by the acting Chief Justice to be paid into Court, which was accordingly done by those gentlemen.

It is reported that M. Marbeau is now actively engaged, under the convoy of a French schooner-of-war, in completing his contract with the Senegal Government for the 100 slaves, and which had received very material interruption from the proceedings consequent upon the seizure of his schooner, in the manner we have described.

We have, &c.

(Signed)

R. DOHERTY.  
WALTER W. LEWIS.

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

No. 11.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, December 31, 1839.*

*(Received September 17, 1840.)*

MY LORD,

WE have the honour herewith to enclose to your Lordship a list of all the cases adjudicated in the Mixed Courts established at Sierra Leone, between the 1st of January and the 31st of December, 1839.

In that period no vessel was brought before the British and Netherlands Mixed Court of Justice; 13 cases were tried in the Portuguese Court, 38 in the Spanish Court, and 11 in the Brazilian Court. One Portuguese vessel, the "*Aurelia Feliz*," and one Spanish vessel, the "*Merced*," were restored, and all the others were condemned. Two cases remain over for adjudication in the ensuing year.

Although 38 cases are comprised in the Spanish list, only 37 vessels, strictly speaking were before the Spanish Court; the schooner "*Merced*" having been twice before us, once on the occasion of her being restored, and again at a subsequent period, when she was prosecuted to condemnation. Whilst, therefore, the number of *cases* adjudicated was 62, the number of *vessels* upon which sentences were passed was only 61.

3233 slaves were emancipated during the same time, of whom 2795 were registered here: 25 slaves died after emancipation, but before their descriptions could be taken to be registered; and 413, though emancipated at Sierra Leone, had been previously landed at Nassau in New Providence, and at Honduras, and therefore could not be registered by us.

The total number of slaves emancipated by the Mixed Commission Courts at this place, since their establishment, is 58,811, and the total number registered 51,154.

Of the 61 vessels which have passed through the Courts during the past year, 3 were captured in the West Indies and the remainder on this coast; 8 were captured to the southward of the line, but none below the latitude of 4° 58' South; and of the 50 vessels captured north of the line, 30 were met with to the eastward, and 20 to the westward, of Cape Palmas.

Eighteen of the whole number of vessels had slaves on board at the moment of detention; 11 of the cargoes having been shipped in ports to the eastward of Cape Palmas, and seven to the westward of the same point, viz., 1 cargo at Bissão, 1 in the river Pongas, 3 in the river Sherbro, 1 at Gallinas, 1 at New Cestos, 2 at Lagos, 1 in the river Bras, 1 in the river Nun, 3 in the river Calabar, 2 at Cape Lopez, 1 in the river Camma, and 1 at Cabinda.

Only 2, out of the 37 vessels which came before the Spanish Court, were supplied with Spanish papers: 30 of them sailed with Portuguese passports, 1 with Danish, 1 with Tuscan, 1 (which was captured in British waters) with American papers, and 2, whose national character was fixed by other circumstances, were altogether unprovided with documents of any description.

Five of the 11 vessels condemned in the Brazilian Court sailed with Portuguese papers, and the other 6 vessels were acknowledged to possess a Brazilian character. All the 13 vessels adjudicated in the Portuguese court were of course under the protection of the flag and pass of Portugal.

The 48 sets of Portuguese papers above mentioned were obtained as follows:—

6 at Lisbon, 18 at the Cape Verd Islands, 5 at Bissão, 10 at Prince's Island, 2 at the Island of St. Thomas', 4 at St. Paul de Loando, 1 from the Portuguese Consul-General at Rio de Janeiro; 1 from the Portuguese Consul-General at Baltimore, and 1 at some place unknown, the captain of the flag in this particular instance being on shore with the Portuguese papers at the time when his vessel was captured.

The ports to which the same vessels severally belonged, as proved by ownership and course of trade, were as follows:—Havana, 26; Matanzas, 2; St. Jago de Cuba, 2; Porto Rico, 4; Havana and Matanzas, 3; Havana and Porto Rico, 1; Havana and Corunna, 1; Havana and Barcelona, 1; Havana and Cadiz, 1; Rio de Janeiro, 1; Bahia, 10; Portuguese settlements on the coast of Africa north of the Line (trading between the islands and the mainland, generally very small vessels), 7; and 2 vessels whose course of trade was both Brazilian and Spanish, carrying their cargoes sometimes to Bahia, and at other times to Havana.

From this statement it appears, that 6 out of the 13 vessels condemned in the Portuguese court might have been condemned in the Spanish court, had they been subjected to the rule which has latterly been adopted, of trying all vessels professing to be Portuguese, but to which a Spanish character can be affixed, only in that court in which a sentence of condemnation will be followed by the destruction of the condemned property.

In addition to the cases already described, 12 other vessels (as per margin\*) came before us, and our Reports respecting them form part of the series of the last year's correspondence. They were not, however, admitted to prosecution in the Mixed Courts, because in our opinion they were exempt from capture by the fact that they were sailing under the flag and pass of a Power which has not conceded to our cruisers the right of visiting, searching, and detaining her vessels for any purpose whatever.

Every one of these vessels was engaged in Spanish Slave Trade, or in that mixed Slave Trade, which is carried on to a great extent, partly with Bahia and partly with Havana. The "*Iago*" was owned at Matanzas, and all the rest apparently at Havana. Six of the same vessels were detained east, and 6 west, of Cape Palmas; and they received their registers severally as follows:—6 at Baltimore, 3 at New Orleans, 1 at Mobile, 1 at Philadelphia, and 1 was sailing under Russian papers obtained at Odessa.

In our Despatch, marked "Spain," of the 24th of June last, we had the honour to report to your Lordship that a prosecution which had been instituted against the schooner "*Carolina*," in the British and Spanish Mixed Court of Justice, had been abandoned by the capturing officer, who restored the detained vessel to the foreign crew. The schooner was in every respect fitted for carrying slaves; and in consequence of her delaying, for some time after her withdrawal from the Spanish court, to leave the harbour of Sierra Leone, she was again seized, but not by the same naval officer, and was prosecuted to condemnation in the Vice-Admiralty Court of this place, as a foreign vessel equipped for the Slave Trade, lying in British waters.

We had also the honour to report to your Lordship, in our Despatch, marked "Spain," of the 17th August last, that an unsuccessful attempt had been made to bring into court a Spanish vessel named the "*Tres Emanuel*," alias "*Maria Segunda*;" but as this vessel was totally destroyed in the river Congo by Captain Tucker, of Her Majesty's sloop "*Wolverine*," in consequence of her having wantonly fired into one of the boats of that ship, she was, like the "*Carolina*" just mentioned, as effectually withdrawn from the Slave Trade, as if a sentence of condemnation had been passed on her by the court.

Our Despatches of the 12th of February, and the 17th of May, stated that the slave-schooners "*Florida*" and "*Perry Spencer*" (two of the vessels which the British and Spanish judges declined to admit to prosecution) were cut up and sold at Sierra Leone by the American captains of the flag, who appropriated the proceeds to their own use. Here also a sentence of the court could have done no more than was effected by the dishonesty of two men, who took this method of overreaching those, by whom they had been employed to carry out a scheme of deception and villany.

The following is an account of the disposal of that portion of the slave-vessels mentioned above, the fate of which has become known to us:—

\* *Russian*—Goloubtschick. *American*—Florida, Hazard, Eagle, Iago, Mary Cushing, Traveller, Perry Spencer, Euphrates, Mary, Catherine, Butterfly.



## Enclosure in No. II.

A List of Cases adjudicated in the Courts of Mixed Commissions established at Sierra Leone, betwixt the 1st day of January and the 31st day of December, 1839.

Sierra Leone, December 31, 1839.

No. of Cases adjudicated between June 1819, and 31st December 1839.	No. of Vessels liberated between June 1819, and 31st December 1839.	No. of Cases adjudged between 1st January and 31st December 1839.	Nation.	Name of Vessel.	Class.	Whether Condemned or Liberated.	No. of Slaves on board at the time of capture.	No. of Slaves Emancipated.	No. of Slaves Emancipated and Registered.
			SPANISH.						
335	..	1	1	Ontario . . .	Schooner	Condemned	219	(a)200	199
336	..	2	2	Ligeiro . . .	Brigantine	..	..	..	..
337	..	3	3	Victoria (d)	Brig	..	..	..	..
338	..	4	4	Dous Amigos . . .	..	..	..	..	..
339	..	5	5	Amalia . . .	Schooner	..	..	..	..
340	..	6	6	Izabel . . .	..	..	..	..	..
341	..	7	7	Victoria (e)	..	..	..	..	..
342	20	8	8	Merced . . .	..	Liberated	..	..	..
343	..	9	9	Maria Theresa . . .	Brigantine	Condemned	..	..	..
344	..	10	10	Matilde . . .	Brig	..	..	..	..
345	..	11	11	Tejo . . .	..	..	..	..	..
346	..	12	12	Serea . . .	Schooner	..	..	..	..
347	..	13	13	Braganza . . .	Brig	..	..	..	..
348	..	14	14	Rebecca . . .	Schooner	..	..	..	..
349	..	15	15	Constanza . . .	..	..	..	..	..
350	..	16	16	Si . . .	Faluca	..	360	(b)358	355
351	..	17	17	Rayuha dos Anjos	Schooner	..	..	..	..
352	..	18	18	Vigilante . . .	Brig	..	..	..	..
353	..	19	19	Jack Wilding . . .	Schooner	..	..	..	..
354	..	20	20	Merced . . .	..	..	1	1	1
355	..	21	21	Emprendedor . . .	Brigantine	..	..	..	..
356	..	22	22	Sin Ygual . . .	..	..	..	..	..
357	..	23	23	Victoria da Libertado	Schooner	..	..	..	..
358	..	24	24	Christiano . . .	Brigantine	..	..	..	..
359	..	25	25	La Bella Fiorentina	Schooner	..	..	..	..
360	..	26	26	Matilde . . .	Brig	..	..	..	..
361	..	27	27	Constituição . . .	Schooner	..	344	(c)338	337
362	..	28	28	Dos Amigos . . .	..	..	..	..	..
363	..	29	29	Victoria (f)	Brigantine	..	..	..	..
364	..	30	30	Scorpio . . .	Brig	..	212	(d)190	..
365	..	31	31	Josephina . . .	Schooner	..	..	..	..
366	..	32	32	Liberal . . .	Brigantine	..	..	..	..
367	..	33	33	Ligeira . . .	Schooner	..	..	..	..
368	..	34	34	Sete de Abril . . .	..	..	424	415	415
369	..	35	35	Brilhante . . .	..	..	..	..	..
370	..	36	36	Fortuna . . .	Brig	..	..	..	..
371	..	37	37	Magdalena . . .	Schooner	..	..	..	..
372	..	38	38	Lavandeira . . .	..	..	..	..	..
			PORTUGUESE.						
373	..	39	1	Violante . . .	..	..	191	191	191
374	..	40	2	Gertrudes . . .	..	..	168	168	168
375	..	41	3	Magdalena . . .	..	..	320	(e)302	293
376	21	42	4	Aurelia Feliz . . .	..	Liberated	..	..	..
377	..	43	5	Rozalia Habaneira	..	Condemned	247	(f)223	..
378	..	44	6	Lavradora . . .	..	..	251	(g)248	247
379	..	45	7	Passos . . .	..	..	87	81	81
380	..	46	8	Liberal . . .	..	..	41	40	40
381	..	47	9	Casoalidade . . .	..	..	88	88	88
Carried forward .							2,953	2,843	2,415

(a) One boy died after emancipation, but before his description could be taken to be registered.

(b) One man and two boys died after emancipation, but before their descriptions could be taken to be registered.

(c) One boy died after emancipation, but before his description could be taken to be registered.

(d) These slaves were landed at Nassau, New Providence, and therefore are not registered here.

(e) Eight men and one boy died after emancipation, but before their descriptions could be taken to be registered.

(f) These slaves were landed at Honduras, and therefore not registered here.

(g) One man died after emancipation, but before his description could be taken to be registered.



A List of Cases adjudicated in the Courts of Mixed Commissions established at Sierra Leone, between the 1st day of January and the 31st day of December, 1839—continued.

No. of Cases adjudicated between June 1819, and 31st December 1839.	No. of Vessels liberated between June 1819, and 31st December 1839.	No. of Cases adjudged between 1st January and 31st December 1839.	Nation.	Name of Vessel.	Class.	Whether Condemned or Liberated.	No. of Slaves on board at the time of capture.	No. of Slaves Emancipated.	No. of Slaves Emancipated and Registered.
			PORTUGUESE.			Brought forward	2,953	2,843	2,415
382	..	48	10	Pomba da Africa.	Schooner	Condemned	155	<sup>(a)</sup> 120	115
383	..	49	11	Sedo ou Tarde	Sloop	..	23	21	21
384	..	50	12	Andorinha	Schooner	..	3	3	3
385	..	51	13	Vencedora	Launch	..	53	<sup>(b)</sup> 50	49
			BRAZILIAN.						
386	..	52	1	Jacuhy	Schooner	..	203	<sup>(c)</sup> 196	192
387	..	53	2	Emprehendedor	Brig	..	..	..	..
388	..	54	3	Simpathia	Brigantine	..	..	..	..
389	..	55	4	Firmeza	Brig	..	..	..	..
390	..	56	5	Intrepido	..	..	..	..	..
391	..	57	6	Augusto	Barque	..	..	..	..
392	..	58	7	Pampeiro	Brigantine	..	..	..	..
393	..	59	8	Golfinho	..	..	..	..	..
394	..	60	9	Destemida	Brig	..	..	..	..
395	..	61	10	Calliope	Schooner	..	..	..	..
396	..	62	11	Sociedade Feliz	Brigantine	..	..	..	..
							3,390	3,233	2,795

(a) Two men, one woman, one boy, and one girl, died after emancipation, but before their descriptions could be taken to be registered.

(b) One woman died after emancipation, but before her description could be taken to be registered.

(c) Three men and one boy died after emancipation, but before their descriptions could be taken to be registered.

Emancipated at Sierra Leone, but not registered between June 1819, and 1st January, 1839	7,291
Died subsequent to emancipation, but before their descriptions could be taken to be registered, between 1st January and 31st December, 1839	25
Emancipated at Sierra Leone, but not registered there, in consequence of their having been previously landed at Nassau, New Providence, and at Honduras, between 1st January and 31st December, 1839	413
Total	7,657

Total of slaves emancipated and registered here between June 1819, and 1st January 1839	48,359
Total of slaves emancipated, and not registered here, between June 1819, and 1st January 1839, for reasons assigned in previous returns	7,219
Total of slaves emancipated between 1st January and 31st December 1839	3,233
Grand total of slaves emancipated at Sierra Leone between June 1819, and 31st December 1839	58,811
Of which number there has not been registered here, as appears by the foregoing remarks	7,657
Grand total number registered here up to this day	51,154

N.B.—The sentence on the schooner "*Rozalia Habaneira*," which, in the return of Portuguese vessels adjudicated during the half-year ended on the 30th June of the present year, is stated to have been withheld until her existence and position should be ascertained, was pronounced on the 10th of December instant, and was one of condemnation.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.  
J. MILLER, Ag. Reg.

No. 12.

*Her Majesty's Commissioners to Viscount Palmerston.*Sierra Leone, June 30, 1840.  
(Received September 28.)

MY LORD,

WE have the honour to enclose to your Lordship a certified copy of the List of Emancipated Slaves registered by the Courts of Mixed Commissioners here, from the 1st January to the 30th June, 1840.

The number of slaves emancipated during the same period was 372, of whom 2 died before registration.

We have, &amp;c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

Enclosure in No. 12.

*Abstract.*

	Number Registered.	Number died before Registration, but Emancipated.	Number Emancipated.	Remarks.
Eliza Davidson . . .	2	..	2	
Olimpa . . . . .	368	2	370	
Total . .	370	2	372	

MEM.—Number registered up to 31st December, 1839 . . . . .	51,154
„ „ from 1st January to 30th June, 1840 . . . . .	370
Total . . . . .	51,524

These are to certify that the foregoing is a true and correct copy of the original List of Slaves registered and emancipated by the Courts of Mixed Commissions established at Sierra Leone, under the Treaties with Foreign Powers for preventing the illicit traffic in slaves, during the period from the 1st day of January to the 30th day of June, 1840.

In faith and testimony whereof I have hereunto set my hand, and affixed the Seal of the Mixed Commissions at Freetown, in the said colony, this 30th day of June, in the year of our Lord 1840.

(L.s.)

(Signed)

J. MILLER, *Acting Register.*

No. 13.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, October 22, 1840.*

I HEREWITH transmit to you an extract from a letter addressed by Commander Tucker to the Admiralty, suggesting that the Commissioners at the Mixed Court at Sierra Leone should be directed to communicate to the senior officer on the Sierra Leone station all the information relating to the trade, which they collect in evidence, and from the translation of correspondence and papers produced before the court on the trial of detained vessels.

I have to state to you that I concur in the suggestion of Commander Tucker; and I have accordingly to desire, that you will furnish the senior officer on the station with the information required.

I am, &amp;c.

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

(Signed)

PALMERSTON.

## Enclosure in No. 13.

*Extract of a Letter from Commander Tucker to Mr. More O'Ferrall.**Her Majesty's ship "Wolverine," at Sea, July 9, 1840.*

I WOULD beg to suggest that it would be of the utmost benefit and importance, if the Commissioners of the Mixed Commission Court at Sierra Leone were directed to communicate to the senior officer all the information they collect in evidence, and from the translation of correspondence and papers, &c., produced before the Court at the trial of detained vessels.

## No. 14.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, July 29, 1840.**(Received November 11, 1840.)*

MY LORD,

WE had the honour of receiving on the 22nd instant your Lordship's Despatch of the 23rd of April last, transmitting to us 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, and beg to thank your Lordship for this communication.

We have, &amp;c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

## No. 15.

*Her Majesty's Commissioners to Mr. Backhouse.**Sierra Leone, July 29, 1840.**(Received November 11, 1840.)*

SIR,

WE have the honour to acknowledge the receipt of your Despatch of the 30th of April last, conveying to us Lord Palmerston's desire, that there should be inserted in our half-yearly returns of vessels adjudicated by the Mixed Courts in this colony, columns showing the tonnage of each vessel according to her register, and according to her British admeasurement.

In reply thereto we beg to acquaint you, for Lord Palmerston's information, that we have ordered the admeasurer to the Mixed Courts to furnish us with the requisite particulars for having the returns in question made up in future, according to his Lordship's directions.

There will, however, be an expense of 3*l.* in each case for ascertaining the British tonnage of the vessels in question, which we shall cause to be charged against the proceeds of such vessels, until we can receive his Lordship's instructions upon the subject.

As this information is apparently sought entirely for the use of Her Majesty's Government, the defraying of the expense of obtaining the same from the proceeds of the vessel admeasured seems questionable, such an arrangement throwing one-half of the said expense upon a foreign government, and the other moiety upon the British captors.

It has not been in our power, however, to comply with Lord Palmerston's directions without specially employing a person, as we have done, to furnish the required information; for the captors of condemned vessels which may be cut up are at liberty to employ their own admeasurer, and under no obligation to furnish the Mixed Courts with the tonnage of their prizes, but purchasers of condemned vessels which may be sold entire, if such purchasers are British subjects, and wish a British register for their vessels, need only furnish their tonnage to the collector of customs, and, if foreigners, the law does not require them to have their vessels admeasured at all.

We have, &amp;c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

No. 16.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, August 18, 1840.**(Received November 11, 1840.)*

MY LORD,

IN the Despatch which Her Majesty's acting Commissioners had the honour of addressing to your Lordship, under date of the 3rd of January last, it was reported that the very ill state of health which Mr. H. W. Macaulay had been in for some months previous, had rendered it necessary for him to retire for a time from his duties as Commissary Judge in the Mixed Courts, and that that gentleman had taken up his residence at one of the Banana islands, where he purposed completing, as rapidly as his health would permit, the arrears of business which had, from causes already explained, unavoidably arisen during the year 1839.

With reference to that communication, we now beg leave to acquaint your Lordship, that on the 1st instant Mr. Macaulay returned from the Banana islands in very impaired health from the effects of his residence in this climate, and that on the 16th instant he took his departure hence for England, by way of the Island of Ascension, in Her Majesty's sloop "Wanderer."

We have, &amp;c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

No. 17.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, August 27, 1840.**(Received November 11, 1840.)*

MY LORD,

IN the Despatch which we had the honour of addressing to your Lordship, under date of the 28th of May last, reporting the seizure and condemnation of the Brazilian brig "*Santo Antonio Victorioso*," we stated that, from some of the papers found on board of that vessel, it appeared that the British brig "*Guiana*" had been chartered by a resident of Bahia, to convey thence to the coast of Africa a cargo of merchandize, and that whilst so engaged she had been seized by one of Her Majesty's cruisers, and sent to the Vice-Admiralty Court of this colony for trial, on a charge of aiding and abetting in the Slave Trade.

The detention of the "*Guiana*" took place on the 26th of March last, in latitude 4° 27' north, and longitude 5° 26' west, by Her Majesty's schooner "*Viper*," Lieutenant E. G. Burslem, commander, and early in the month of May she arrived in this port for adjudication on the abovementioned charge; proceedings against her were instituted in the Vice-Admiralty Court on the 22nd of May.

At the time of seizure the "*Guiana*" was stated to be on a voyage from Bahia to several ports on this coast, in the Bight of Benin.

The "*Guiana*" having been lately adjudicated, we now beg leave to lay before your Lordship such particulars of her case as we have been enabled to obtain from the vessel's papers and the proceedings in the Admiralty Court, as well as from the papers found on board the condemned Brazilian brig "*Santo Antonio Victorioso*."

The register of the "*Guiana*" describes her as being of American build, of the burthen of 172 tons, as owned by James Logan and John Moore, junior, merchants, of Liverpool, and commanded by George Nickels, junior, at the time of her sailing from that port, and who was found in command when the brig was detained.

The "ship's articles," which had been signed with the crew in October 1839, at Liverpool, stipulated that they were to make a voyage in the brig "*Guiana*" from that port to Bahia, or any other ports in Brazil, at the option of the master, and back to some port of the United Kingdom.

CLASS A.

The brig left Liverpool on the 17th of October, 1839, and on the following 3rd of December arrived at Bahia, as appeared by her log-book. Her original crew, on learning that the brig was about to proceed to the coast of Africa, refused to go with her, and ultimately seven of them left the vessel, and in their places an equal number of men were embarked, all which was certified to on the back of the "ship's articles", by Her Majesty's Vice-Consul at Bahia, Mr. Whately, under his hand and seal of office, on the 1st of February last.

On the arrival of the "Guiana" at Bahia, the cargo which had been shipped at Liverpool was all disembarked; an opinion, however, having obtained here that all the dry goods which had formed part of that cargo were immediately re-embarked in the brig, and were found on board at the time of her detention, we give here-under an extract of the manifest showing what dry goods were on board at the time of seizure, so, as if necessary, the correctness of the opinion alluded to may be determined by a reference to the books of the Custom House at Liverpool.

Marks.	Nos.	Packages.
[P.]	1 to 132.	Cases and bales.
[L.]	1 to 4.	Ditto.
[F.]	1 to 4.	Ditto.
[E. and A.]	1 to 4.	Ditto.

The foregoing packages were all embarked by Manoel Francisco Lopez, the alleged charterer of the brig, and consigned to her supercargo Joaquim Pinto de Menezes Campos, or in his absence to Domingo José Martins, of Lagos.

The charter-party, under which the "Guiana" was represented to be employed as above mentioned, was made at Bahia on the 2nd of January last, between the Master of the brig and Manoel Francisco Lopez, a merchant of that city. The conditions were for the brig to carry a cargo of "lawful goods or produce" from Bahia to Elmina, there to deliver what might be directed by the supercargo, J. P. M. Campos, and to receive on board such "lawful goods and produce" as the supercargo may desire to embark, with three canoes and two sets of free rowers to facilitate the vessel's discharge at Lagos. The brig was then to touch at Agui on her way down to Lagos from Elmina, there landing what the supercargo might order, and ultimately to complete her discharge at Lagos. For these several landings there were allowed 60 lay-days. The cargo shipped at Bahia was to be taken from on board, and the ballast requisite for her return, as well as the water which might be wanted, were to be shipped at the cost of the charterer, in addition to which he was to bear all port charges. The consideration money in this contract was 9000 milreis, one half of which was to be paid down, and the penalty was determined by both parties at a like amount for any breach of the contract.

Twenty demurrage days were stipulated for at 7*l.* 10*s.* per diem.

At the examination of the Master, on the trial of his vessel in the Admiralty Court, he stated that the brig's consignees at Bahia were Messrs. J. Edwards and Co., and that they had negotiated the foregoing charter-party, but that he had signed it, considering it "right to do so."

In accordance with the charter-party the brig visited Elmina, at which place the supercargo made trade, and embarked various articles; there were not, however, any canoes purchased or received on board, though that would seem by the charter-party to have been the principal object of visiting that port.

From Edwards and Co. the Master received a letter of instructions, dated at Bahia, February 1, 1840, inclosing copies, in English and Portuguese, of the said charter-party; and after giving him directions as to the disembarkation of the cargo, they desire that, in the event of the supercargo proposing to ship a return cargo in the brig, he, the Master, should make a new agreement for the proposed freight. The Master is strictly enjoined to obey the orders of the Commander of any British cruiser as to the free rowers, which are to be embarked at Elmina; and on no account whatever to allow any other black person on board, without the consent and sanction of some of the British authorities.

We are at a loss to comprehend what British authorities Edwards and Co. expected the Master of the "Guiana" to find in the Dutch port of Elmina, or in the native African ports of Agui and Lagos; unless, indeed, he might accidentally meet there the Commander of a British cruiser, who would, of course, have considerable doubt as to the propriety of granting, even to a British vessel, any sanction or authority for embarking blacks, no matter with what alleged or ostensible object, in such notorious slaving-marts as Agui and Lagos.

From the general tone of the instructions in question we are led to believe, that there were considerable doubts with the originators of the brig's voyage as to the character which would be given it by uninterested persons; or whence all this unusual display of anxiety to avoid everything which British officers might condemn, and this prohibition of the employment of negro labourers in any way on board, notwithstanding that such is the practice with British as well as foreign vessels, in all the ports along the coast?

The instructions from the Charterer, Lopez, to the Supercargo, Campos, betray an equal apprehension of difficulties, should the brig meet with a British cruizer; for, after the necessary instructions as to the disposal of the cargo, &c., Lopez says, if anything goes wrong, the Captain has instructions (he does not say from whom) to protest against detention by a British ship of war, or any other; and in the event of being compelled to a different route, to extend that protest, so as to render secure the recovery of the insurance which has been effected at Liverpool for 60,000 dollars, or 15,000*l.*, in respect to this adventure, which the invoice of Lopez describes as being to the amount of 52,626 milreis, which, at 3*s.* 4*d.* each, (the value given in M'Culloch's Commercial Dictionary,) is only equal to 8,771*l.*

In connexion with these grounds of suspicion may be taken into consideration the fact, which is contained in the letter of João da Costa, junior, of Bahia, to the consignee at Lagos, of the condemned brig, the "*Santo Antonio Victorioso*," (found on board that vessel,) in which he states that the Master of the "*Guiana*" had received certain packages of spirits from three parties at Bahia, for delivery at Lagos, for which he had declined signing the usual bills of lading, but had granted one in favour of Da Costa, who had no apparent interest, either in these shipments or their disposal. The Master's alleged explanation, as given by Da Costa, was his unwillingness to sign so many bills of lading; lately, however, he has stoutly denied, before the Admiralty Court, that he ever refused to sign any such documents when they agreed with his mate's cargo-book.

From the bills of lading attached to the official manifest of the brig, it appears, however, that, instead of her being hired to Lopez in the way described in the charter-party, the Master had engaged the vessel in taking goods on freight, for delivery at Lagos, which freight was to be paid to the said Master for the benefit of those concerned in the brig. The following is the substance of the bills of lading on this subject; in each of which it is distinctly stated that the freight is to be paid to the Master:—

	Milreis.
The goods shipped by Lopez, and consigned to the supercargo of the brig, or his successor, at Lagos, to pay a freight of - - -	8,115
The six pipes of spirits, shipped by José Maria Henriquez Ferreira, and consigned to José de Brito Lima, to pay a freight of 25 milreis each - - - - -	150
The eighteen pipes of spirits embarked in the name and to the order of João da Costa, Junior, at the same rate - - - - -	450
The articles embarked by the supercargo, Campos, to pay a freight of	100
The goods shipped by José Joaquim Gomez Guimaraes for Domingo José Martinez, to pay a freight of - - - - -	25
The goods shipped by Eustaquio Joaquim da Silva Porto, and consigned to supercargo, to pay a freight of - - - - -	160
	<hr/>
	Milreis 9,000

This joint amount of freight agrees with the sum named in the charter-party for the hire of the brig. The correctness of the charter-party is, however, rendered doubtful, if any faith be granted to the bills of lading.

The Master of the "*Guiana*," whilst under examination on the 3rd of this month, produced a rough paper relating to the chartering of the vessel, which he swore was "in the handwriting of the British Consul at Bahia, although not signed by him." The Master added that "this was the only communication, verbal or written, which he had, to his knowledge, had with the British Consul." The paper in question is undated and unsigned, and was evidently written at

different times, and by different persons; and we must observe that the interlineations in the first part of it, containing the outlines of the terms of the charter, and the concluding part, giving an opinion upon those terms, are in a handwriting very similar to that in which the Consul's certificate is written on the manifest of the brig. We have inclosed a copy of this paper for your Lordship's perusal.

Of the connexion with the Slave Trade for some time past of the alleged Charterer of the "Guiana," and nearly all the shippers and consignees of the goods embarked in her, we have proof, either in the "Guiana's" papers, or in some of the papers of vessels which have been condemned in the Mixed Courts.

Lopez, the Charterer, was a party concerned in the Brazilian brigantines "*Pampeiro*" and "*Sociedade Felix*" (condemned in 1839); in the latter of which vessels, among his shipments, he had embarked a slave-boiler secreted in a case.

The consignees of Lopez, at Lagos, were the supercargo of the "Guiana," and Domingo José Martins, both of whom have been concerned in the traffic for some time past. The passports of the supercargo show that he has been engaged between Rio de Janeiro, and Angola, and Bahia, and some of the northern ports of the African coast, for more than two years past; and the correspondence establishes his intention to have employed himself in the purchase of slaves on his arrival at Lagos.

Martins is a resident of Lagos, and also engaged in the traffic, as we found from a letter to him written at Bahia, in February last, by the Master of the condemned slave-vessel "*Santo Antonio Victorioso*," in which, also, the shipment in the "Guiana" of five pipes of spirits is mentioned, and which are stated to be part of the eighteen pipes, to which we have alluded as having been falsely shipped in the name of Da Costa Junior. The real owners of the remainder of the said eighteen pipes appeared by the correspondence to be Gonçalo Alfonço Vianna, mate of the schooner "*Maria*," trading between Bahia and Lagos, and Domingos José da Costa Lieres, of whom we have at present no precise information.

In our report of the case of the "*Santo Antonio Victorioso*," we have alluded to a letter found on board of that vessel, in which the engagement in the Slave Trade of José Maria Henriquez Ferreira, of Bahia, and of his correspondent at Lagos, Joaquim José de Brito Lima, is clearly established. In the letter referred to, the bill of lading for the six pipes of spirits shipped by Ferreira for Lima, in the "Guiana," was transmitted.

That José Joaquim Gomez Guimaraes of Bahia, and his correspondent at Lagos, Domingo José Martinez, are concerned in the Slave Traffic, is sufficiently established by the letter from the former to the latter (found on board the "Guiana"), inclosing an account dated 16th January, 1840, showing the proceeds of the sale at Bahia of 18 negroes, sent to Gomez by Martinez, from Lagos.

João da Costa junior and Co.'s engagements in the Slave Trade are too numerous and too notorious to need particularising, and we shall, therefore, only mention, that the "*Santo Antonio Victorioso*," condemned here in May last, was, with the cargo seized on board of her, the property of that house.

Eustaquio Joaquim de Silva Porto's connexion with the Slave Trade has been clearly established in the case of the Portuguese schooner "*Josefina*," condemned here in the year 1837, and his continued residence since that time at so notorious a slaving port as Lagos leads to the impression of his continuing in that traffic.

The adjudication of the "Guiana" took place on the 12th instant, when the Judge of the Vice-Admiralty Court declared the vessel as forfeited under the 4th section of the Act of 5th George IV., cap. 113; and at the same time pronounced all the shippers of the merchandise laden in this vessel to be liable to the penalties attaching to persons who knowingly and wilfully ship property destined for the Slave Trade; ordering, at the same time, that the said merchandize be held in deposit until the penalties shall be paid. Subsequent to the pronouncing of the abovementioned interlocutory judgment, the cargo of the brig has been sold, owing to its perishable character in this climate.

Between the case of this vessel and that of the British brig "George and James," condemned in the Vice-Admiralty Court here on the 17th of October, 1825, and referred to on several occasions in the printed correspondence, Classes A. and B., of the years 1825 and 1826, there will be found considerable similarity; and we have been thus particular in bringing the case of the "Guiana" under your Lordship's notice from the desire expressed by Mr. Secretary Canning, in his Despatch

to Mr. Consul Pennell, of July 1825, that the fullest information should be transmitted to Her Majesty's Government of transactions like that in which the "Guiana" has been employed.

We have, &c.

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

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

Enclosure in No. 17.

*Rough Sketch of Charter-party.*

NINE THOUSAND six-dollars for the voyage; to load a cargo of tobacco and other lawful merchandize here, and proceed to Accra, on the coast of Africa; to remain there, if required, ten days, and then to proceed to Onim (Lagos), and at French or English roads discharge the cargo: 50 days to be allowed for this, the charterer having the power of keeping her further 30 days, paying demurrage at the rate of 30 Spanish dollars per day: all expenses to the coast of Africa to be borne by the charterer; ballast and water for the vessel to return also to be put on board at the charterer's expense, and within the time specified for unloading.

It would be better to specify the days here to load, and, if they exceed, deduct them from those on the other side. Also the name of the consignee at Onim, in order that the captain may notify to him his arrival, and that he is ready to discharge, and further, to provide against political differences, (should they occur) that the master shall be at liberty after the expiration of the days, and the cargo still on board, to return to this port.

No. 18.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 16, 1840.*

It has been stated to me that an opinion prevails at Sierra Leone, that the health of the settlement is affected by the effluvia, which proceeds from the dismembered parts of condemned slave-ships, cut into pieces according to the present practice, and sometimes lying for a considerable time exposed to the action of the sun.

I shall be glad to know whether there appears to you to be reason to think such opinion well founded; and if so, whether it would be possible, by a temporary immersion of these slave-vessels under water, or by some other means, to prevent so great an evil arising out of an arrangement intended to accomplish only good purposes.

I am, &c.

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

(Signed) PALMERSTON.

No. 19.

*Her Majesty's Arbitrator to Viscount Palmerston.*

*Sierra Leone, September 8, 1840.*

*(Received December 19).*

MY LORD,

I HAVE the honour to report to your Lordship, that the severe indisposition of Governor Doherty rendered it necessary for me to call upon the Chief Justice of the colony to fill his Excellency's place, as one of Her Majesty's Commissioners *ad interim*, so that the adjudication of two Spanish prizes which had been appointed for this day, as well as other business before the Mixed Courts, might not be unnecessarily delayed. The Chief Justice was accordingly sworn in this morning, and the business before the courts proceeded in the regular manner.

Mr. Acting Registrar Miller having been also unable to attend to his duties from illness, it became necessary that a substitute for that gentleman should be present at the sitting of the courts to-day, and Mr. C. B. Bidwell, of the British Commissioners' office, having officiated as Mr. Miller's *locum tenens* under similar circumstances last year, his services were made available on this occasion.



The illness of Governor Doherty will explain to your Lordship why the accompanying originals of the Despatches, are without His Excellency's signature.

I have, &c.

(Signed)

WALTER W. LEWIS.

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

No. 20.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 21, 1840.*

WITH reference to your Despatch, marked "Spain," of the 31st July, 1839, I herewith transmit to you, for your information and guidance, copies of a correspondence which has passed between this Office and the Admiralty upon the subject of arrangements which have been made for preventing delay in the adjudication of vessels by the Mixed British and Foreign Courts at Sierra Leone.

I am, &c.

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

(Signed)

PALMERSTON.

First Enclosure in No. 20.

*Mr. Backhouse to Sir John Barrow.*

SIR,

*Foreign Office, September 25, 1840.*

I AM directed by Viscount Palmerston to transmit to you the accompanying extract from a Despatch from Her Majesty's Commissioners at Sierra Leone, containing remarks on the delay in the adjudication of slave-vessels, which arises when the Court has to wait for evidence that the capturing vessel was in possession of the requisite authority for making the seizure.

I am to request that you will lay this paper before the Lords Commissioners of the Admiralty, and that you will draw the attention of their Lordships to the observation made by Her Majesty's Commissioners, that much difficulty and loss of time may be prevented for the future, if a general order be issued by the Admiralty to all vessels appointed to the African station, that, on their first visit to Sierra Leone, they should show all the Slave Trade Papers with which they are furnished to Her Majesty's Commissioners, in order that those Commissioners may make a memorandum thereof, to be recorded in the Registry Office of the Mixed Courts.

But if a compliance with this proposal should be considered incompatible with the usages of the service, I am to suggest that the end proposed might be attained, if the Commanders of Her Majesty's cruisers were instructed to furnish Her Majesty's Commissioners with a certified list of the Slave Trade Papers, under which they are respectively authorized to act, and were to give notice from time to time of any further papers, which might afterwards reach them from the Board of Admiralty.

I am, &c.

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

(Signed)

J. BACKHOUSE.

Second Enclosure in No. 20.

*Sir John Barrow to Mr. Backhouse.*

SIR,

*Admiralty, October 8, 1840.*

HAVING laid before my Lords Commissioners of the Admiralty your letter of the 25th of this month, and its enclosure from Her Majesty's Commissioners at Sierra Leone, containing remarks on the delay in the adjudication of slave-vessels, which arises when the Court has to wait for evidence that the capturing vessel was in possession of the requisite authority for making the seizure; I am commanded by their Lordships to inform you, for Viscount Palmerston's information, that the commanders of Her Majesty's cruisers will be instructed to furnish Her Majesty's Commissioners with a certified list of the Slave Trade Papers, under which they are respectively authorised to act, and to give notice from time to time of any further papers, which might afterwards reach them from this Office, if Lord Palmerston thinks it sufficient, and will inform my Lords that such is his opinion.

I am, &c.

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

(Signed)

J. BARROW.

## Third Enclosure in No. 20.

*Mr. Backhouse to Sir John Barrow.*

SIR,

*Foreign Office, October 21 1840.*

I AM directed by Viscount Palmerston to acknowledge the receipt of your communication of the 8th instant, stating the directions which the Lords of the Admiralty propose to give to the Commanders of Her Majesty's cruisers, in order to obviate delay in the proceedings of Her Majesty's Commissioners at Sierra Leone, in the cases of prizes taken before them for adjudication; and I am to state to you, for the information of the Lords Commissioners of the Admiralty, that Lord Palmerston is of opinion, that the course which their Lordships propose will be sufficient for the end in view, and his Lordship therefore recommends its adoption.

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

I am, &c.  
(Signed) J. BACKHOUSE.

---

## SIERRA LEONE. (*Spain.*)

---

No. 21.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, February 7, 1840.*

*(Received May 30.)*

MY LORD,

WHEN Her Majesty's brigantine "Buzzard," Lieutenant Fitzgerald, commanding, left Bermuda for this Colony in the month of November last, in company with the Spanish brigantine "*Eagle*," as we have related in our Report of the case of that vessel, which we had the honour to address to your Lordship on the 20th ultimo, she was also accompanied by the schooner "*Clara*," which had been detained by her during the same month in which she took possession of the "*Eagle*," under the circumstances precisely similar of the captured vessel sailing under an American flag and pass, of her being commanded by an American citizen manned by a Spanish crew, furnished with Spanish papers, and equipped for the Slave Trade. The "*Clara*" had, therefore, in obedience to the same orders under which Lieutenant Fitzgerald acted in the case of the other vessel, been conducted by that officer across the Atlantic at the same time, and placed at New York by the same overture, at the disposal of the American Government, by whom her character was regarded as essentially the same, and who, therefore, in her case likewise, finally decided to abstain from interference. She was then sent on to Bermuda, being followed thither after some interval by the "Buzzard" and "*Eagle*;" and from thence the three vessels sailing together for this port, the "*Clara*" parted company from her convoy some time previous to the foundering of the "*Eagle*," which we had the honour to report, and has not since been heard of.

The captor of the two vessels having, shortly after his arrival in this harbour towards the close of last year, first libelled in this court the "*Eagle*," delayed to enter proceedings against the "*Clara*" until the vessel herself should make her appearance, of which event he was for some days in expectation, while the other case was depending. But that case having been disposed of on the 18th ultimo, and a few days afterwards the "Buzzard" having returned from a short cruise which she had made in the mean time to one of the neighbouring rivers, and still no appearance having taken place of the expected vessel; and there being now, from the interval which had elapsed without any intelligence being received of her, great reason to apprehend that she had shared the fate of her companion, more especially as it was considered almost certain that she had encountered the same heavy gale in which the latter perished, it was determined to present the case to the Court, when on the 28th ultimo, the usual petition for that purpose being granted, the papers, 31 in number, were received and filed, with an affidavit of seizure, in which oath is made to the sum of 155½ dollars having been found on board the schooner, and having been since diminished, by circumstances which are stated, to 91½ dollars, now lodged in the registry of the Courts; and with two sworn declarations of the captor; the first, the customary declaration made at the time of seizure, containing the subscription of the American Master to the truth of an admission made by him of the Spanish character of the vessel; and the second, an additional statement, declaratory of the equipment, and explanatory of the circumstances under which the vessel was carried to America before being brought to this port, and under which she remained in that country during some months, and finally sailed from thence to Bermuda, and from Bermuda hither. This declaration relates likewise the escape in America of two officers of the captured vessel, who had been detained as witnesses for the prosecution; for in this circumstance, as in almost all others, the present case bears a strict resemblance to that of the "*Eagle*."

There being no depositions to receive, no further proceedings have been had in this case for the present; it having become necessary, in consequence of the unex-

plained absence of the vessel, to postpone adjudication. We have caused it to be intimated to the captor's proctor that this postponement is made for one year, unless the vessel shall arrive, or her existence be ascertained within that time, and unless your Lordship shall instruct us to abridge the period. Until its expiration we abstain from entering upon an examination of the papers filed, which will then be more conveniently done.

We have, &c.

(Signed)

R. DOHERTY,  
L. HOOK.

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

No. 22.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, January 31, 1840.*

(Received June 1.)

MY LORD,

WE have the honour to transmit, for your Lordship's information, our Report of the case of the Spanish schooner "*Laura*," Henry Hantsman, captain of the flag, and Juan Costa, master, which was detained off Cape Monserrado on the 7th instant, while sailing under American colours, by Her Majesty's brigantine "*Viper*;" Godolphin James Burslem, lieutenant and commander; and was condemned three days ago in the British and Spanish Mixed Court of Justice, for being fully equipped for the illicit traffic, contrary to the treaty of 1835.

The history of this schooner resembles, in its most important particulars, that of the several Spanish vessels which, during the last sixteen months, have been detained on this coast, and brought to Sierra Leone under the flag of America, and which have been successively reported to your Lordship. Built at Baltimore for the Spanish Slave-trade, the "*Laura*" is there provided, after no great interval of time, with a permanent register; and the same day on which it is dated, measures are adopted for effecting her sale at Cuba, the owners granting a power of attorney for the purpose in favour of a person who is employed to navigate her to that island, and who, on arriving at the Havana, transfers this authority by means of a power of substitution endorsed on the deed, to the nominal American master, whose services are there engaged; and at the same time actually disposes of the vessel to Spanish purchasers, one of whom proceeds with her to this coast, on her first slaving adventure, as actual master and supercargo. In completing this fraud, the parties to it are assisted in the usual manner by the consular agents of the United States at the Havana; and if we may judge from what has fallen under our own observation in these Courts, the Baltimore ship-builders and their attorneys are but rarely, if ever, deceived in the just reliance with which they depend for assistance on those gentlemen.

We entertain a strong hope that this disgraceful system draws to a termination, and that the present is one of the last instances of the prostitution of the flag of the United States to the purposes of the Slave Trade, which it will be our duty to communicate to your Lordship. One circumstance which induces us to form this expectation is the great interest which the recent visit made to America by Lieutenant Fitzgerald, in Her Majesty's brigantine *Buzzard*, in company with his prize, the "*Eagle*," of which we had the honour to report the case on the 20th instant, as well as the arrival there about the same time of the "*Wyoming*," captured under similar circumstances, would appear to have excited in that country; the feeling of indignation loudly expressed by the American public at the dishonour done to their flag by its employment in this commerce—an employment apparently now first disclosed to them in all its extent and infamy; and the alarm among the friends and parties to those slaving adventures in the United States, with which the expression of this sentiment could not fail to be accompanied. Another reason is, the sudden removal, which is said to have taken place, of Nicholas Trist, the American Consul at Havana, from those functions in which he has so much abused the trust reposed in him by his government, to the protection and encouragement of the illicit traffic. And, finally, our chief ground of hope is in the new course respecting American-Spanish vessels which these Courts have been enabled to pursue, and which when the intelligence of it shall have reached the Bights and crossed

CLASS A.

the Atlantic, will of itself probably have the greatest effect, in causing the American flag to disappear from the coast in this commerce.

We have, &c.

(Signed) R. DOHERTY.  
L. HOOK.

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

---

Enclosure in No. 22.

*Report of the Case of the Schooner "Laura," Henry Hantsman, Master.*

*Sierra Leone, January 31, 1840.*

THE schooner "*Laura*," built at Baltimore in the year 1838, and first owned by James Hooper, William Cobb, and Andronicus Cheeseborough, of that place, was by these persons despatched to the Havana during the month of May last, under the command of James Tyler, likewise of Baltimore, to whom they granted a power of attorney, to enable him to effect her sale on his arrival at that port. A register having been procured on the same day on which the power of attorney is dated, Tyler proceeded with the vessel by way of the Spanish Main, where at a place called Sebasco he loaded a cargo of log-wood; and reaching Havana some time in last autumn, he acted on his authority and commission from the Baltimore owners, by selling the vessel to Juan Costa and another person, both Spaniards by birth, and residents of Havana. Costa shipped a Spanish crew, and engaged the services of Henry Hantsman, of Baltimore, as nominal Master, and of other Americans as a part of his officers and crew, that they might support and justify by their presence the fraud of carrying the American flag and American papers, which it was his intention to commit: nor in effecting their respectable purpose did he and Tyler want for the sure assistance of Mr. Consul Trist. During the month of October Costa sailed for Matanzas, where he hired the remainder of his crew, Americans or Spaniards; and on the 9th of November following cleared out from thence, with a complete slave equipment, for Cape Monserrado.

The "*Laura*" was already within sight of this destination, and the last preparations were making on board for the cargo of human beings she was to embark there; an additional bulkhead was completed and ready to set up, and the carpenter was even proceeding, in obedience to the orders he had just then received, to pierce the hatchways for the iron bars provided to receive them, when, on the morning of the 7th inst., the "*Viper*" happily hove in sight, and sent off her boats in chase. As soon as this took place and capture became inevitable, the Spanish papers and all the most disposable articles of equipment were destroyed; the shackles, mess-tins, and a boiler, being thrown overboard, and the papers burnt or sunk. The schooner, on her detention, was carried into the American settlement of Liberia; and arrived here on the evening of Saturday the 18th, accompanied by the capturing vessel.

On the following Monday the Marshal reported this arrival, and the same day the captor petitioned, by his proctor, for permission to enter the case. This being granted, and next morning, the 21st, his declaration being received, the seizure being sworn to, and a few papers, which escaped the destruction of the others, filed, the monition was immediately issued.

The papers saved and filed were five:—

1. A Permanent Register, in an entire state, dated at Baltimore on the 11th of May last, containing the names already cited of the three owners, declaring James Tyler to be Master, and referring to a certificate of registry of the 15th of February preceding, said to be "now surrendered," "the property being part transferred." An endorsement on this Register of the 19th of October, subscribed by the American Consul at Havana, declares Henry Hantsman to be Master in the room of James Tyler.
2. The Power of Attorney, of the same date as the Register, executed by the Baltimore owners in favour of Tyler, with a Power of Substitution by the latter person endorsed upon it, constituting the Master, Henry Hantsman, attorney in his room, dated at Havana on the 19th of October, and the same day attested by Mr. Trist.
3. A Muster-roll of the crew nominally under Hantsman on the voyage from Havana to Matanzas, containing the names of four Americans and two Spaniards.
4. A Muster-roll and Seamen's Articles of the same crew on the voyage from Matanzas to Cape Monserrado, containing the substitution of two additional American names for those of the two Spaniards in the first list, and the addition of that of a ship's cook. This paper states the Master to be Henry Hantsman, or *whoever shall go for Master*; and it mentions that the voyage was to end "in some port or ports of the West Indies."
5. A Manifest from Matanzas, which certifies to the equipment of 40 water-casks, of rice, fire-arms, and cutlasses.

Little or none, therefore, of the information sought for was obtained from those papers, but the disclosures made by the witnesses amply compensated for this deficiency. The Master, Hantsman, spoke with some reserve, especially at the commencement of his deposition, having been severely threatened by Costa, a man of great ferocity, and being under considerable apprehension in consequence; but, nevertheless, even his admissions were more than sufficient to condemn the vessel. He stated that he had been placed in the command, which he alleged he held, by Tyler, and by another person whom he believed to be a Spaniard; that the vessel was built at Baltimore; that he was present at the capture, which took place on account of water-casks and a slave-deck on board; that the vessel sailed under American colours, and carried no others; was called the "*Laura*," and never, to his knowledge, bore any other name; that he was master, and his crew consisted of three Americans and two Spaniards, shipped by him at Matanzas in October, none of whom, so far as he knew, had any interest in the vessel or lading, as he had none himself; that he also received on board at Matanzas three cabin and nine fore-castle passengers, all Spanish seamen, proceeding to Cape Monserrado, in order to take possession of the vessel there when he himself and his crew should leave her, which they were permitted to do on their arrival in that place; that two of those passengers, named Housa and

Costa, exercised some authority on board, which the deponent gave them in consequence of the great interest they appeared to take in the vessel, and that he thought it probable Costa had some share in vessel and cargo; that the voyage, having begun at Matanzas, was to end in Cuba; that the capture took place near Cape Monserrado while they were steering for the land, that place being the destination of the vessel; that there were on board 10 cutlasses and 10 muskets, with a small quantity of ammunition for the use of the vessel on the return voyage, but against whom those articles were to be used he could not tell; that the vessel was owned by Juan Costa, of Havana, one of the passengers, and the cargo by Cabrida, a merchant of Matanzas, both Spaniards by birth; that a bill of sale of the vessel was made by the Baltimore owners in favour of the present master, James Tyler, which by him was transferred to witness, and by witness to Costa; that this instrument was dated 18 or 19 months ago, and that he last saw it when he delivered it up to Costa at the time of the seizure; that the transfer was a true one; that when the "Viper" hove in sight Costa and the other cabin-passengers threw into the galley fire different Spanish writings, with the nature of which he, witness, was unacquainted; that 20 round iron bars were ready for securing the hatches, although the combings of the hatchways were not yet bored; that a complete slave-deck was laid fore and aft; that a bag of shackles and bolts was thrown overboard just before the boats of the man-of-war came alongside; that there are 40 leaguers capable of receiving, on an average, 150 gallons of water each, all filled with fresh water at the time of capture; that he has no doubt they were intended to carry water for slaves; that there were 24 mess-tins, an iron boiler, 200 bags of rice, and eight of peas and beans, all for the use of slaves.

The deed spoken of in this deposition as a bill of sale is obviously the power of attorney, which now appears with the other papers, although the witness falls into so great an error with respect to its date. It will be observed that as he proceeded in his evidence this deponent scarcely attempted to conceal the fact of Spanish ownership, or the object of the equipment; but the American carpenter, who was next examined, spoke out without any reservation.

This witness declared that there were two masters, the flag-captain, Hantsman, and the real Spanish master, named, as he thought, Costa, and a resident at Matanzas; who, from the day of the vessel's sailing from that place until the time of her capture at Monserrado, took the entire charge and command of her, evinced the greatest interest in the success of the voyage, and with another Spaniard of Matanzas, who had appointed both masters, was in fact owner of the vessel and her stores, for cargo there was none. That this person informed witness, the day after they sailed, that he was proceeding to Africa for slaves, whom he intended to take back to Cuba; that as there were two masters, so there were likewise two crews, one consisting of four Americans, and another of 15 Spaniards, exclusive of the two masters respectively; that an additional bulk-head, a complete slave-deck, water, iron bars, shackles, mess-tins, a boiler, and stores, were all provided and ready for the use and consumption of a cargo of slaves; and that, had the capture not taken place when it did, witness would the same day have pierced the combings of the hatchways for the reception of the bars; that he himself assisted in throwing overboard shackles, mess-tins, and a boiler, on the approach of the capturing boats; that the vessel was steering for *Gallinas* at the time of seizure, and that the return voyage would have been for Matanzas, although the slaves were to be landed at the most convenient part of the coast of Cuba. In the remaining particulars embraced by the interrogatories this witness corroborated the testimony of the master.

Information so complete could leave no room for doubt as to the nationality of the vessel, and her infringement of the Spanish Treaty. It more than confirmed the averments of the captor's declaration. No claimant appeared; and the monition being returned on the 28th instant, the court decreed the same day that the American flag under which the "*Laura*" had been detained was falsely and fraudulently assumed by that schooner; and that at the time of her seizure she was a Spanish vessel engaged in the Slave Trade; and that she should be condemned as prize to the Crowns of Great Britain and Spain.

(Signed) R. DOHERTY.  
L. HOOK.

No. 23.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, February 22, 1840.*

MY LORD,

(Received June 1.)

WE had the honour to receive yesterday your Lordship's Despatch of the 15th of November last, transmitting to us the copy of a communication which had been addressed to Her Majesty's Commissioners at the Havana, acquainting them that instructions had been given to the officers in charge of three vessels, the "*Eagle*," "*Clara*," and "*Wyoming*," to bring the cases of those vessels before the Mixed Commissions at that place; and we beg leave to thank your Lordship for this information.

We have, &c.

(Signed) R. DOHERTY.  
L. HOOK.

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

No. 24.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, March 12, 1840.**(Received June 1.)*

MY LORD,

WE have the honour to acquaint your Lordship, that the Spanish schooner "*Asp*," Wilson L. Weems, nominal master, having been detained in the month of January last, while lying at anchor in the river Nun, by Her Majesty's sloop, *Wolverine*, William Tucker, commander, and brought to this Colony on the 29th ultimo, was on the 9th instant condemned as prize in the British and Spanish Mixed Court of Justice, on the ground of a Slave equipment found on board.

This vessel was Baltimore built, and at the time of her detention displayed the flag, and was furnished with the pass of America; but her Spanish ownership and course of trade were placed beyond any doubt—the latter by the testimony of the master and steward, and the former by the full disclosures of the master, from which it appeared that the "*Asp*" was the property at Havana of the well-known house of Pedro Martinez and Company, and of Ramon Garcia, the supercargo and real commander, himself a Spaniard by birth and allegiance.

We beg leave to enclose our Report of the case for your Lordship's information.

We have, &amp;c.

(Signed) R. DOHERTY.  
L. HOOK.

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

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 24.

*Report of the Case of the Spanish schooner "Asp," Wilson L. Weems, Master.**Sierra Leone, March 12, 1840.*

It would appear that this vessel, although constructed at Baltimore, never had any American owners, but was built to the order and on account of the Havana house of Pedro Martinez and Co., to which at the time of capture she chiefly belonged. She was built in 1839, but by whom is not discovered. Before leaving Baltimore for Cuba, her first voyage in the trade to which she was destined was so far prepared for, that she received a shipment of rice, which was subsequently found on board by the captors. At this time she was commanded by a Baltimore master named William Knight, who proceeded with her to the Havana, where she arrived about the beginning of November last, and where, in concert with Charles Tyng, an American by birth but a naturalised Spaniard, Knight placed the flag-captain Weems in nominal charge; a Spaniard named Ramon Garcia Bior, the real master and a part owner, going on board at the same time as supercargo, with a large Spanish crew, all furnished with passports, and with five Americans, Weems exclusive. A quantity of specie and tobacco being then shipped by Tyng—who appears to have acted as agent for the vessel and shipper of the cargo, the better to keep a name so notorious as Martinez and Co. out of view—the "*Asp*" proceeded direct to the Bight of Benin; and having landed her small cargo for the immediate purchase of slaves at the mouth of the Rio Nun or Bras, she sailed a few miles up that river, and there anchoring on the 13th of January, was within three days captured by the "*Wolverine's*" boats.

By that vessel she was carried, in the first instance, to Accra and Cape Coast, and on the 29th ultimo arrived in this harbour. Sunday intervening, a petition to receive the declaration and affidavit of the captors was presented on the 2nd instant, when it was immediately granted, and the same day the monition issued.

On board of this vessel were found the following seven papers:—

1st. A permanent register, dated at Baltimore on the 2nd of October, 1839, and bearing an endorsement made at Havana on the 14th of November by the American Vice-Consul Smith, certifying to Wilson L. Weems being at that time master.

2nd and 3rd. The muster-roll and seamen's articles, containing the names of six Americans, two Spaniards, a German, and a Frenchman; the muster-roll being certified at Havana on the 16th of November, by Mr. Consul Trist.

4th and 5th. A custom-house clearance and bill of lading from Havana, declaring the shipper of the cargo to be Charles or Don Carlos Tyng.

6th. A personal passport, dated at Havana on the 15th of November, 1839, for Don Ramon Garcia Bior, declared to be proceeding to the islands of St. Thomas's and Princes.

7th. A very imperfect ship's log, written in English.

On the day following the reception of the case, the evidence of the flag-captain, Weems, was received, to the effect that he was a citizen of the United States, born near Annapolis, in Maryland; that he lived at Baltimore, where the detained vessel was built; that he first saw her about the beginning of November last at Havana, and on the 17th of that month was there put in command and possession by Tyng and Knight; that he was present at the capture; that the colours were American, and that no others were on board; that the vessel never had any name but "*Asp*," and measured 140 $\frac{1}{2}$  tons (the

tonnage stated in the register); that her crew comprised 8 Anglo-Americans and 21 Spaniards; that of the Spaniards 18 were not enrolled as crew, but were furnished with passports as passengers, though they did the duty nevertheless of seamen, and were intended to form the crew on the return voyage; that the entire ship's company were shipped at Havana, the Americans by Tyng, and the Spaniards by the supercargo, Don Ramon, who alone of all on board had any interest in vessel or cargo, and who was largely interested in both; that this person and one Francisco were to be respectively master and mate on the return voyage, which was to be for Havana, where the outward voyage had commenced; that, after leaving Havana, the vessel had touched nowhere till she reached the mouth of the Nun, where her specie and tobacco were landed for the purchase, as he believed, of slaves; that she then anchored a few miles up the river, and that the capture was there effected by the boats of the man-of-war on the 16th of January at sunrise; that she joined that vessel next morning.

This witness further declared that no resistance was made to capture, nor, so far as he knew, were there any instructions enjoining it; that, nevertheless, the vessel was armed with 12 cutlasses, 24 muskets, and 2 pair of pistols, with a canister of cartridges, to be used, as he imagined, on the return voyage against risings of slaves or man-of-war boats; that the principal owner of the vessel was Simon Terran, the present acting partner of the house of Pedro Martinez and Co., of Havana, and himself a Spaniard by birth and allegiance, and that to him witness was to look for payment; that the other partners of that house were also part owners, as well as the supercargo, Ramon; that in his, witness's belief, the vessel was built to order for the account of Terran and the others concerned, and that this real ownership had been covered by the name of the former master, Knight; that Tyng was lader and consignee of the cargo, which belonged to the same owners as the vessel, and consisted of rice, specie, and tobacco; that of the papers a private journal, kept by the Spaniard, Francisco, was taken ashore on the approach of the capturing boats; that he (the deponent) corresponded with the owner Terran; that, previous to capture, no slave had yet been received on board; that there were on board at the time of seizure many iron bars proper for securing the hatches, spare planks intended for a slave-deck, leaguers and casks half filled with fresh water, capable of holding 90 pipes, and intended to carry water for slaves, and 70 or 80 bags of rice in the cargo, intended for slaves and crew; besides which a barrel of shackles, a box of mess-tins, and one large iron boiler, had been conveyed on shore previous to capture.

Such was the clear testimony of the first witness. It was in a good measure corroborated, and in no respect shaken, by that of Manoel Arrojo, the Spanish steward of the vessel, who was next examined. This witness concurred in representing the course of trade as Spanish, and admitted that Don Ramon acted as an officer of the vessel, and held the command while the master slept. As was to be anticipated, he knew nothing of the ownership; and he affected to consider the Spaniards as passengers only, and to be ignorant of their business on board. Nevertheless, in his further depositions respecting equipment, he not only spoke to the facts of their having been bars on board for securing the hatches, planks for a slave-deck, water-casks for 60 or 70 pipes of water, and 80 or 90 bags of rice, but declared that those articles were intended, as he conjectured and could not but believe, for a cargo of slaves.

No further deposition was taken; and publication of this evidence being decreed, nothing more was done in the case until the return of the monition. It was returned duly certified by the Marshal on the 9th instant; and on that day judgment was pronounced declaring the vessel to be a lawful prize.

(Signed) R. DOHERTY.  
L. HOOK.

No. 25.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, March 14, 1840.*

MY LORD,

(Received June 1.)

WE have the honour to enclose herewith, for your Lordship's information, our Report of the case of the Spanish schooner "*Lark*," T. M. Solomon, American Master, detained in the river Nun under the flag of the United States of America by the boats of Her Majesty's sloop "*Wolverine*," William Tucker, Esq., commander, on the same day with the sister vessel "*Asp*" reported by us on the 12th instant, in our despatch of that date.

The "*Lark*" was in like manner condemned on the same day with that vessel (the 9th instant) for being by her equipment clearly engaged in Spanish Slave Trade. She was commanded, and partly owned, by the well-known Spanish Captain Juan Barba, who since the month of November, 1838, had been twice before brought to the Colony as supercargo and real master of the schooner "*Mary Ann Cassard*," or "*Violante*;" and whose experience of the efficacy of the American flag in procuring the release of that vessel on the first of those occasions was sufficient to determine him to resort again, in a new adventure in the traffic, to the expected protection of the same colours.

In issuing from the Nun subsequent to her capture, and passing over the bar of that river in a heavy sea, this prize lost a boat and an anchor and chain-cable; and bad fortune of the same kind continuing to attend her, she parted from another anchor while lying at Cape Coast, where she touched on her way hither, and lost at the same time 25 fathoms of another chain. It did not, however, appear that the



circumstances attending those vexatious losses involved any blame against the captors.  
We have, &c.

(Signed)

R. DOHERTY.  
L. HOOK.

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

---

Enclosure in No. 25.

*Report of the case of the Spanish schooner "Lark," Thomas M. Solomon, Master.*

*Sierra Leone, March 14, 1840.*

THIS vessel arrived on the 29th ultimo, and the case was received into Court, and the monition issued on the 2nd instant.

The papers found on board were the following:—

1. A permanent Baltimore register of the 22nd of April, stating the tonnage to be 94 $\frac{1}{2}$  tons, with an endorsement upon it by the American Vice-Consul at Havana, of the 29th of June following, declaring Thomas M. Solomon to be Master at that date.
2. A charter-party made on the 11th of April last, between W. B. Smith, agent of the owners, and Juan Barba, for a voyage of four months from Havana to Prince's Island, or elsewhere, as Barba might direct, it being provided that at the end of that period the vessel should return to Havana. In this deed it is declared to be an express condition of the charter that no article of illicit traffic shall be shipped or received on board during the term of it. A note is annexed, signed by S. P. de Terran, by which that person, one of the owners, guaranteed the performance of the articles of agreement by the charterer, so that, even supposing Barba not to be himself an owner, which, however, he was, it is one and the same party which contracts on either side, and the agreement is illusory.
3. A muster-roll, certified by the American Consul at Havana, containing the names of the American crew, six in number, who were shipped at Havana in September last.
4. Seamen's articles, containing the same names, with the addition of those of four Spaniards subsequently received on board at St. Thomas. In this document the crew are stated to be hired for the coast, or elsewhere, as the master might direct.
5. An American protection for the flag-captain Solomon, certifying to his being a citizen of the United States.

The remaining number, amounting to 33, consisted of passports for Juan Barba, Simon Camps, and the Spanish crew; one English and sundry Spanish logs and books of navigation, with a few letters of Barba, and a variety of unimportant memoranda, all in the Spanish language.

From this abstract it will be perceived that the history of the "Lark" does not differ from that of other American-Spanish vessels which have been before the Court; and in the absence of further evidence, the information which the papers afford would itself have sufficed to establish the Spanish ownership of the vessel, and her Spanish course of trade. The testimony, however, of the American Master, who withheld nothing, was in all respects conclusive against her.

This person deposed that, himself a native of Philadelphia, he received command and possession from William Moore, another American citizen, who had been formerly master; that he had first seen the schooner at Baltimore in February of last year, before she was yet masted; that he shipped as crew at Havana, an Italian and four Americans, which four he afterwards discharged at St. Thomas, and replaced by four Spaniards; that there were further 15 Spanish passengers with passports for St. Thomas, who were destined to receive over the vessel at the Nun or Bras River; that of those persons, Juan Barba the supercargo, who had an interest in the adventure, and was to supersede witness in the command there, had the management of the vessel with respect to her employment in trade, and already acted as an officer on board, together with another Spaniard named Simon Camps; that the voyage began and was to end at Havana; that the vessel proceeded direct to the Nun, and discharged tobacco, beads, and 2000 feet of plank; that she then went to St. Thomas for farina and water, with which returning to the Nun, she anchored there on the 16th of January last, and was captured while at anchor by the boats of the "Wolverine;" that she was armed with muskets and cutlasses, and had a supply of ammunition for defence against canoes; that he believed the owners of the vessel to be Simon de Terran and Juan Barba, both Spaniards and residents at Havana, and that they were also the laders and owners of the cargo; that on the voyage to Sierra Leone, after capture, the vessel was taken to Accra and Cape Coast; that the charter-party was made at Havana; that during the voyage no slave had been put or received on board for the purpose of the illicit traffic; that there were on board at the moment of seizure five pairs of shackles and bolts, water-casks for 70 pipes of water, all filled with water, 20 mess-kids, two iron boilers, 100 bags of rice, and 24 of farina; and that those provisions and the water were intended, as the witness supposed, for the use and consumption of a return cargo of slaves.

The Spanish cook, who was also examined, could not speak to the ownership, but confirmed the Master's statement respecting the course of trade and equipment, and declared the Spaniards on board to be, what they were even on the outward voyage, not passengers, but crew.

On the eighth day (the 9th of the month) the monition was returned, duly certified by the Marshal, and in the British and Spanish Court held that day the vessel was condemned as prize.

(Signed)

R. DOHERTY.  
L. HOOK.

No. 26.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, March 17, 1840.*

MY LORD,

*(Received June 1.)*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 28th of December, by which we are informed that the restoration of the Spanish schooner "*Merced*," to the claimant by decree of the British and Spanish Court, pronounced on the 11th of February, 1839, has been approved by Her Majesty's Advocate-General.

We beg leave to thank your Lordship for this communication.

We have, &amp;c.

*(Signed)*

R. DOHERTY.

L. HOOK.

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

&amp;c.

&amp;c.

&amp;c.

No. 27.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, March 17, 1840.*

MY LORD,

*(Received June 1.)*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 21st of January last, communicating to us the opinion entertained by Her Majesty's Advocate-General of the course adopted by the British and Spanish Court, in the month of January of last year, in refusing to receive for adjudication the case of the schooner "*Florida*," on the ground of all her papers setting forth that she was an American vessel.

Upon this ground of rejection your Lordship observes that another paper was discovered showing that the vessel was Spanish property.

But we beg leave to remark to your Lordship, that this additional paper was not stated by us to be, nor in fact was, one of the papers of the vessel. It was not, as were the others referred to, one of those official documents of a vessel which are called the *ship's papers*; papers under which the vessel navigates the seas, and in which, in the absence of a flag, her professed national character is to be recognised, whether that character be falsely assumed or otherwise. It was simply a paper coming under the designation of *papers found on board*.

We submit therefore, with great deference, that, on the principles which at that time actuated the Courts in such cases, the restoration of the "*Florida*" was unavoidable.

We have, &amp;c.

*(Signed)*

R. DOHERTY.

L. HOOK.

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

&amp;c.

&amp;c.

&amp;c.

No. 28.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, June 20, 1840.*

I REFERRED to Her Majesty's Advocate-General your Despatch of the 20th January last, containing a report of the vessel the "*Eagle*," condemned in the British and Spanish Mixed Court of Justice at Sierra Leone, upon a charge of being equipped for Slave Trade; and I have now to acquaint you, that the Queen's Advocate is of opinion, that you acted properly in taking cognizance of the "*Eagle*;" and that, notwithstanding the loss of the vessel, and the absence of such witnesses-

as were detained or escaped at New York, the Evidence before you was yet sufficient to justify the sentence pronounced by you in the case.

I am, &c.

(Signed) PALMERSTON.

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

No. 29.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, April 15, 1839.*

*(Received June 25, 1840.)*

MY LORD,

WE have the honour to report to your Lordship, that another vessel has been detained whilst sailing under the American flag, and has been sent in for adjudication.

The schooner "*Iago*," commanded by Adolphus Dupony, a citizen of the United States, was visited and searched by Her Majesty's brigantine "*Termagant*," Lieut. Henry Frowd Seagram, commanding, off Cape St. Paul, on the 21st of January last, and was then taken possession of, on the ground that she was in reality the property of Spanish subjects, equipped for and engaged in the Slave Trade.

The detained schooner arrived at Sierra Leone on the 23rd ultimo, and an attempt was made two days later to bring her case before the British and Spanish Mixed Court of Justice; but, as the captor's declaration stated especially that the vessel was "sailing under American colours" at the time of her detention, we felt bound to follow with respect to her the same course which had been adopted in the cases of the "*Mary Anne Cassard*," "*Florida*," "*Hazard*," and "*Eagle*," and we did not admit the captor's allegations to proof, considering that it was not competent for the Court to proceed upon information, obtained by the unauthorised visitation and search of a vessel belonging to a power, which has not conceded to our cruizers the right which in this instance was exercised.

In the four cases above referred to, there was abundant reason to believe that the captor's allegations, as to the fraudulent assumption of the American flag, would have been proved, even from the papers produced, if opportunity for doing so had been afforded. But the papers found on board the "*Iago*," an abstract of which we have the honour to enclose, afford very meagre information, and would of themselves lead to no such presumption.

The seizure of the "*Iago*" must therefore be looked upon as an experiment, made with the hope that the examination of different individuals of the crew would throw discredit upon the ship's papers, and bring to light the suspected Spanish ownership.

It is remarkable that no clearances or custom-house documents, either from Havana or Matanzas, were found by the captor.

We have further the honour to enclose an abstract of the captor's declaration, with the annexes thereto. These, together with all the other papers, were returned to Lieutenant Seagram, a note first having been made of their contents.

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

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

First Enclosure in No. 29.

*Abstract of the Papers found on board the schooner "Iago," Adolphus Dupony, Master.*

*Sierra Leone, April 15, 1839.*

No. 1.—An American register, dated at New Orleans on the 3rd of November, 1837, stating that the schooner "*Iago*," of New Orleans, was built at Hampton, State of Virginia, in the year 1836, as appears by a register, No. 96, issued at New Orleans on the 6th of December, 1836, and which had been surrendered on account of a change in the ownership of the schooner.

It is further declared that Adolphus Dupony, of the city of New Orleans, and State of Louisiana, a citizen of the United States, had become the owner, and that the vessel admeasured 53½ tons.

No. 2.—A muster-roll of the crew, dated at Havana, the 3rd of September, 1838, verified on the

same day by Mr. J. A. Smith, the American Vice-Consul, and stating that the "*Iago*" was then bound to Matanzas, being navigated by a crew of six persons, all of whom are declared to be "citizens of the United States," although the names of four out of the six are evidently Spanish.

Attached to this list is a certificate of the American Vice-Consul at Matanzas, on the 9th of November, 1838, stating that the "*Iago*" was bound from that port to Cape Mesurado; that the crew shipped at Havana had deserted, and that a fresh crew, consisting of 18 persons besides the master, had been entered at Matanzas.

The names of the eight are as follows:—

1. Antonio Dias.
2. José Monso Abascal.
3. Ramon Garcia.
4. Bartolo Seguin.
5. Geronimo Dias.
6. José Garcia.
7. Francisco Antonio.
8. Manuel Chirombo.

It was not pretended that these men were citizens of the United States; and it was intended apparently to make the alleged desertion of the former crew an excuse for allowing an American vessel to sail with a crew entirely foreigners, in opposition to the laws of America.

No. 3.—The log-book, commencing at Matanzas, on the 13th of November, 1838, and kept up to the 24th of January last, when the schooner was in 7° north latitude, and 13° west longitude. It is written in Spanish, with the exception of one entry in English, on the 7th of January, signed with the initials "A. D." (Adolphus Dupony), and mentioning that the correct longitude had that day been obtained from a British man-of-war.

No. 4.—A warrant as first pilot for Cayetano Bru, of New Orleans, granted at Havana on the 20th of June, 1838. The name of this man appears in the muster-roll of the crew shipped at Havana; and although the American Vice-Consul at Matanzas asserted that he and the rest of the Havana crew had deserted, he was found on board in the capacity of first mate on the day when the vessel was detained.

No. 5 is a note without date, hastily written in pencil by John Marmac, the master of an English vessel called the "*New Times*," trading on this coast, and addressed to his mate.

The note was apparently intercepted, and fell into the hands of the very person against whom it was Captain Marmac's object to warn his officer. The following is a copy:—

"Mr. Pilcher,—The American schooner is Spanish, and I believe will do any piratical thing that may lay in his way.

"Yesterday, on our coming ashore, he addressed Captain Mora, who came down with (me) to know if he would join him in pirating, as he says he intends to keep the money he has on board, and will rob any vessel he may fall in with; you will therefore keep all your *arms in readiness*, in case of anything, and not allow any boat to come on board.

"The crew of a vessel that was taken about 20 days ago, and landed at Quittah, he has sent for them to join his vessel on the piratical expedition; so keep a good look-out. Send by canoe the cutlas I got from Serjeant last voyage. Also send for Captain Mora 30 romalls from my state-room, and 20 kegs of powder that came on board at Accra. Give canoe-men one keg liquor, two heads of cowries, and a rug each.

"Yours, &c.  
(Signed) "JOHN MARMAC."

## Second Enclosure in No. 29.

*Abstract of the Captor's Declaration and the annexes thereto.*

*Siera Leone, April 15, 1839.*

I, Henry F. Seagram, Lieutenant and Commander of Her Majesty's brigantine "*Termagant*," hereby declare that, on this 21st day of January, 1839, being in or about latitude 5° 46' north, longitude 55' east, I detained the schooner named the "*Iago*," (Spanish property,) sailing under American colours, not armed, commanded by A. Dupony, who was on shore; and the mate, Cayetan Bru, declared her to be bound from Matanzas, Island of Cuba, to Cape Mesurado, and back to Matanzas, with a crew consisting of one Master, one Mate, six men, and one passenger, whose names, as declared by them respectively, are inserted in a list at foot hereof; the said vessel being equipped for the traffic in slaves, having part of her slave-deck laid, and her slave-coppers buoyed alongside, contrary to the treaty with the Queen Regent of Spain, signed at Madrid, June 25, 1835. And the stores found on board, and documents seized by me, are enumerated in the following lists.

(Signed) H. F. SEAGRAM, *Lieutenant and Commander.*

*List of Crew.*—A. Dupony, *Master*; Gayetan Bru, *Mate*; C. H. Bourjolly, *Passenger*. Then follow the names of the crew.

Attached to the above declaration was a list of stores found on board the "*Iago*" at the time of her detention; and the following articles were, amongst others, enumerated:—

Eleven large water-casks; slave-coppers and irons; five tanks; a bundle of flat iron bars.

Another annex to the Captor's declaration was, a rough memorandum of the facts, which had been elicited by examinations of different persons of the crew who are named; but such a document was altogether inadmissible as evidence, or in any form whatever. It is signed by Lieutenant Seagram, and states that the mate of the "*Iago*," Cayetano Bru, as well as others on board, considered the owner of the schooner to be a merchant named Ferdinand Chenuiac, living at Matanzas; that the voyage was to end, as it began, at Matanzas; and that the only Americans on board were the captain and one seaman.

CLASS A.

The person named H. Bourjolly, who is mentioned in the Captor's declaration as a passenger on board the "*Iago*," will, perhaps, be recollected as one of the witnesses to the execution of the transfer of the "*Mary Anne Cassard*" at Matanzas, on the 20th of June, 1838, from Hernandez and Basden to Moncada. (See Abstract of Paper, No. 5, in Enclosure No. 1, in our Despatch marked "Spain, of the 30th of November, 1838.)

No. 30.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, June 17, 1839.*

*(Received June 25, 1840.)*

MY LORD,

WE have the honour to enclose to your Lordship an Abstract of the Papers found on board the schooner "*Perry Spencer*," Joseph Monroe, master, navigated under the flag and pass of the United States of America at the time of her detention by Her Majesty's brigantine "*Lynx*," Lieutenant Henry Broadhead commanding. We have the honour also to transmit a copy of the captor's declaration.

The "*Perry Spencer*" was detained in the river Gaboon on the 8th ultimo, and was presented for adjudication in the British and Spanish Mixed Court of Justice on the 3rd instant; but although the papers discovered by the captor clearly proved that the owner as well as master of this nominal American vessel was a Spanish subject named Francisco Costa, and that the American character which she wore was only a cover to Spanish interests, the recognition of her American nationality by the authorities of Cuba and the Consular Agent of the United States rendered it improper, in our opinion, for any of the Mixed Courts to take notice of discoveries produced by the exercise of a right which America has always refused to concede to Great Britain, namely, the right to search her vessels, for any purpose whatever, in time of peace.

The adoption of such a principle, in its strictest sense, has been, in our opinion, unavoidable; whether we look to repeated decisions of the High Court of Admiralty upon this point, or only refer to the instructions of the Admiralty in former years, that vessels of the United States "should not be interfered with," and to the assertions so frequently made by the late Lord Castlereagh at the Congress of Vienna, "that the return of peace had rendered it illegal for British cruizers to visit vessels sailing under foreign flags;" "that the right of search, being a belligerent right, had ceased with the war, and that all British cruizers had been directed to abstain from exercising the same;" that "peace had extinguished this right," &c. &c. Jealous as the United States have always been of the honour and independence of their flag, we sincerely hope that a conviction, which they cannot but now entertain, of the infamous purposes which it is notoriously serving at the present moment on both sides of the Atlantic, will induce them to adopt some early and energetic measures, to prove that they are not themselves conniving at its prostitution.

Nor is it possible that a much better opportunity should offer of manifesting the desire which the American Government professes to entertain, of punishing American citizens who may be found aiding and abetting the Slave Trade, than this case supplies. A vessel proved to be engaged in Spanish Slave Trade, and to be owned by a Spanish slave-dealer, has been met with navigating under the American flag, with an American register on board, granted to Messrs. Austin and Tardy, and Mr. Edward Griffin, all American citizens resident at Mobile; who, although they had sold their property to a foreigner, still allowed him to use their names and nationality, in order that he might violate law and treaty with impunity. To assist them in this disgraceful scheme a Consular Agent of the United States at Havana gave a false certificate to the captain of the flag, and authorized the vessel to sail with only two American seamen on board.

The fraudulent intentions of all these parties has, we are happy to say, been frustrated by a man as unprincipled as themselves. Joseph Monroe, the nominal captain of the "*Perry Spencer*," in imitation of the conduct lately pursued by the nominal captain of the "*Florida*," as reported in our Despatch to your Lordship of the 12th of February last, assuming a right which no one here was qualified to question, had the "*Perry Spencer*" cut into four parts, and then sold her by public auction, with her masts, spars, stores, rigging, cables, and anchors, appropriating the proceeds thereof to his own use. All the effects which would have followed

from a sentence of condemnation in the British and Spanish Court have thus taken place, and another vessel has been irrevocably withdrawn from the Slave Trade.

We have, &c.

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

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

---

First Enclosure in No. 30.

*Abstract of the Papers of the Schooner "Perry Spencer," Joseph Monroe, Master.*

Sierra Leone, June 17, 1839.

No. 1 is an American Register, marked No. 27, permanent, dated at Mobile, on the 2nd of April, 1838, declaring that the schooner "*Perry Spencer*" was of the burthen of 79 $\frac{2}{3}$  tons; that she was owned by the firm of Austin and Tardy jointly with Edward Griffin, all of Mobile; that Dominique Naguet was captain; and that the said ship was built in Dorchester, state of Maryland, as appears by Register No. 20, issued at Mobile on the 6th of March, 1838 (only 27 days before the present Register was issued), which is now surrendered, the property being changed.

There is only one endorsement on the Register, made by Mr. J. A. Smith, the American Vice-Consul at Havana, on the 27th January last, stating that Joseph Monroe, the present master, had taken the oath required by law, and was in command of the vessel in lieu of Dominique Naguet, the late master.

No. 2 is a "List of persons composing the crew of the schooner '*Perry Spencer*,' of Mobile, whereof is master Joseph Monroe, and bound for Cape Verds (Islands)." It is dated at Havana on the 21st of February last, and is signed "Joseph Monroe" by a man who evidently can hardly write. The list contains the names of only four persons. Of these two are said to be American citizens belonging to Baltimore, and the other two are merely said to reside at Havana, but it is not mentioned "of what country they are citizens or subjects;" and, with respect to all four, no note whatever is made as to their place of birth, although a column in the printed form was provided for the purpose. But to this imperfect muster-roll of only four seamen, in which the blanks are even to this day not filled up, is attached a certificate from the same Mr. J. A. Smith, under his signature and seal of office, in the following words:—"Havana, February 21st, 1839. I, J. A. Smith, Vice-Consul of the United States of America, do hereby certify that on the day of the date hereof, before me personally appeared Joseph Monroe, master of the schooner '*Perry Spencer*,' of Mobile, and being duly sworn, did declare that the list hereunto attached contains the names of the persons composing the crew of the said vessel, together with *the places of their birth* and residence, so far as he can ascertain the same;" and yet there is not a single entry of the "place of birth" opposite one of the names in the muster-roll.

No. 3. From Havana the "*Perry Spencer*" appears to have gone direct to Matanzas, as there is a Custom-house clearance from the latter place on the 26th of February last.

No. 4 is an Invoice or Bill of Parcels, dated at Havana, on the 9th of February, 1839, and headed "Ildefonso Peres, to Torres and Rodrigues, Dr." Then follows a regular account of goods, apparently the cargo shipped on board the "*Perry Spencer*" at Havana. It is written in English, probably from a copy, but evidently by a person who did not understand the English language: dozen is spelt "dozains;" "tobaco," "rom," "razon," mean tobacco, rum, razors; and the words "Sum of backward," are met with instead of "Amount brought forward." There is no signature to the invoice, which makes Ildefonso Peres a debtor to Torres and Rodrigues in the sum of 8961 dollars.

Nos. 5 and 6 appear to be exact copies of the same invoice, but written in the Spanish language.

No. 7 is a private agreement written in Spanish, and laying open the real character of the vessel, the illegal objects of her voyage, and the position which the American master occupied on board.

The following is a translation:—

"This document is to show that we, the undersigned, Jozé Monroe on one side, and Francisco Costa on the other, have agreed to what follows:—

"1st. I, Jozé Monroe, engage to conduct the American schooner "*Perry Spencer*" to the port of Gallinas, in Africa, or to any other which her owner and master, Don Francisco Costa, may direct me, he paying me at the rate of 90 dollars per month during the time which I remain on board.

"2nd. And I, Francisco Costa, owner and master of the said schooner, engage to pay the said Jozé Monroe, as her captain, at the rate of 90 dollars per month during the time which he may remain on board; and, in case it should suit my interest and that of the undertaking to sell the vessel, it shall be obligatory upon me to keep him on board, paying him the same monthly wages of 90 dollars, until she return to the city of Havana. And, for mutual protection, we have signed two documents of this tenor at Havana, on the 20th of February, 1839.

(Signed) FRANCISCO COSTA.  
JOSEPH MONROE.

Witnesses.

(Signed) M. H. MORRIS.  
FRANCIS GOUMOLE.

No. 8 is the log-book of the vessel written in Spanish. It is very imperfect, and some of its leaves have been torn out both at the beginning and end. The first date is February 28th, 1839, when the schooner had left Matanzas, and the last date is April 30th, 1839, eight days previous to capture.

## Second Enclosure in No. 30.

*Copy of the Captor's Declaration in the case of the Schooner "Perry Spencer," Joseph Monroe, Master.*

I, Lieutenant Henry Broadhead, Commander of Her Britannic Majesty's brigantine "Lynx," hereby declare that, on this 8th day of May, 1839, in the River Gaboon, I sent an officer on board the schooner "Perry Spencer," which then hoisted American colours. She had no guns, a crew of five men, with twelve Portuguese passengers, and was commanded by Joseph Monroe.

On the following day I arrived with the brigantine "Lynx," and, on examining the papers, found the vessel to belong to Ildefonso Peres and Francisco Costa, Spanish merchants resident at Havana; and pointing out to the captain the irregularity of his papers, and stating that I must send him to New York, in the United States, to be adjudged, as in the cases of the "Eagle" and "Clara," lately sent over by Her Majesty's brigantine "Buzzard," he himself hauled down the American colours, and hoisted Spanish colours, and declared her a Spanish vessel, owned by the Spanish merchants Ildefonso Peres and Francisco Costa, as above mentioned, and to be equipped for trafficking in slaves.

(Signed)

H. BROADHEAD,

*Lieutenant and Commander.*

(Signed)

FREDERIC SLADE, *Senior Mate.*L. I. WOOD, *Clerk in Charge.*

## No. 31.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, May 31, 1839.**(Received June 25, 1840.)*

MY LORD,

WE have the honour to enclose to your Lordship our Report of the case of the schooner "Constanza," alias "Constancia," Francisco José Dias, Master, which was seized on the 15th instant by Her Majesty's sloop "Harlequin," Lord Francis John Russell, Commander, whilst attempting to run into the Gallinas. In this river a cargo of slaves, ready for shipment, was awaiting the "Constanza's" arrival.

The detained vessel was sailing under Portuguese colours when seized, and had a Portuguese subject on board as captain of the flag, but the evidence was clear that she was really the property of Messrs. Pedro, Martínez, and Co., of Havana; nor was the proof of illegal equipment less decided, the water being filled, the slave-deck laid, and the slave provisions stowed away. The "Constanza" was accordingly condemned on the 29th instant for a violation of the Tenth Article of the Spanish Treaty.

We have, &amp;c.

(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

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

## Enclosure in No. 31.

*Report of the case of the schooner "Constanza," alias "Constancia," Francisco José Dias, Captain of the Portuguese flag.*

*Sierra Leone, May 31, 1839.*

THE "Constanza" sailed under a passport granted by Roque Collaço da Veiga Vidal, charged with the government of the Island of St. Jago, Cape Verds, in the absence of the Governor-General. It is dated on the 26th of June, 1836, and declares the vessel to be a schooner of 98 tons burthen, to have been built in America, and to be the property of João José Claudia de Lima. The first Master, João José Amorim, is said to be a Portuguese subject. An endorsement on the 15th of February, 1837, shows that the vessel was at Prince's Island on that date.

Little is known of the earlier voyages made by the "Constanza" under her Portuguese papers, or as to the persons by whom she was successively commanded. She arrived at Havana on the 6th of May, 1838, under the nominal command of a Portuguese subject, named Plat; and the log-books found on board show that she subsequently embarked a cargo of slaves at Gallinas in August of the same year, and landed them on the coast of Cuba on the 1st of October last, arriving at Havana three days afterwards. She again left Havana, on her present voyage, on the 25th of December last.

The muster-roll of the vessel is certified at Havana on the 24th of December, 1838, by Mr. S. A. Smith, the Vice-Consul of the United States, who further declared that the present Master, Francisco José Dias, a well-known slaving captain, was appointed to the command by Jacobo Velasco, who came forward as the agent of the pretended owner, J. J. Claudio de Lima, of the Cape Verd Islands, and who has frequently appeared in that character.

The envelope of the Custom-house manifest was all that was discovered of the clearing papers of the "*Constanza*." This showed that she cleared out from Havana on the 22nd of December last, and that she was professedly bound to the Island of St. Thomas on this coast. We had, however, been for some time expecting the "*Constanza's*" arrival at Gallinas, as we learnt from the valuable and interesting papers, translations of which we transmitted to your Lordship with our Report of the "*Veterano's*" case, under date the 15th of December 1838, that the "*Constanza*" was the property of the Messrs. Pedro Martinez and Co., of Havana, who, in their letters to their agent at Gallinas, written during the month of September last, promised to despatch that vessel without delay for another cargo, "in order to prevent the accumulation of slaves."

The "*Constanza*" came to anchor at Gallinas on the 22nd of February, and the two following letters, written on that and the succeeding day to Don Pedro Bouza, the real Master of the schooner, by José H. Alvares, the agent of Pedro Martinez and Co., in that river, show the state of alarm into which the recent captures have thrown the slave-dealers on this coast.

(Translation).

Señor Don Pedro Bouza.

SIR,—You will have the goodness to deliver to the bearer of this the correspondence, and if you bring any money, deliver it to him also, to secure it against misfortune. I will to-morrow morning send the boats for unloading you. Have the goodness to let me know the quantity of rum which you bring, and also of rice.

The bearer will inform you verbally of what is going on now-a-days respecting vessels.

I remain, &c.

(Signed) JOZE H. ALVARES.

(Translation.)

Señor Don Pedro Bouza.

SIR,—At nine o'clock last night I received your esteemed letter, with the correspondence.

Have the goodness to come ashore in the balander, giving orders to your Mate to put to sea if any sail should come in sight, and to return to the anchorage as soon as he may have ascertained that the vessel seen is not a suspicious one. You will send the rum in the canoes, and the rice in the boats and the launch, and we will see if you cannot be unloaded in one day. When you come on shore, we can talk over matters.

I remain, &c.

(Signed)

JOZE H. ALVARES.

On the 25th of February last, two days after the last letter was written, the "*Constanza*" left Gallinas, and continued cruising up and down the coast, trading for rice, until the 15th instant, when she was detained by Her Majesty's sloop "*Harlequin*," the Right Hon. Lord Francis John Russell, commander, whilst running into the Gallinas, in order to embark her slaves.

The arrival of the prize was reported by the Marshal on the 20th instant, and on the following day a prosecution was commenced against her in the British and Spanish Mixed Court of Justice, when the papers seized were properly authenticated, and filed with the seisor's declaration; the usual monition issued, and the witnesses in preparatory were produced for examination.

The declaration is to the following effect:—"I, the Right Hon. Lord Francis John Russell, commander of Her Britannic Majesty's sloop '*Harlequin*,' hereby declare, that on this 16th day of May, 1839, being in or about lat. 7° 10' north, long. 12° 20' west, I detained the schooner "*Constanza*" sailing under Portuguese colours, armed with sabres and muskets, and commanded by Francisco José Dias, who declared her to be bound from Havana to Gallinas, and thence to a port in the West Indies, with a crew consisting of 17 men and one boy, 10 of whom declared themselves Spaniards, and the remainder Portuguese and Chinese, having on board a slave-deck completely fitted and laid, with large water-casks already filled with water, much more than sufficient for a vessel of her size, slave-coppers, a large quantity of rice and other food for slaves, and a general Slave Trade equipment, so that slaves might have been shipped at the shortest notice.

"And I further declare that I detained this vessel for having persevered in trying to escape after several shots had been fired at her by the '*Harlequin*;' having observed her throw overboard canoes, and having found, on boarding, that the upper works had been sawn through, and the rigging slacked off, to increase her rate of sailing. The proof, from private papers found on board, that she was Spanish property; the acknowledgment of the first mate (a Spaniard named Pedro Bouza), who was obeyed by the crew as captain, that, had he not been captured by the '*Harlequin*,' his slaves would have been on board an hour after he had anchored at the Gallinas; together with her chief officers being all Spaniards, fully confirmed her Spanish character."

The examination of the Portuguese master of the detained schooner, Francisco José Dias, took place on the 22nd instant, when he deposed, that "he was born at Lisbon; has lived two years and a half at Havana; is a subject of Portugal; and has never been a subject of any other state. Is married, and his wife and family reside with him at Havana. He was appointed to the command by Jacobo Paça, who lives at Havana, and is a subject of Portugal, and from whom, also, he received possession there in the month of December last. First saw the vessel there seven months ago. Does not know where she was built; thinks it must have been in America. There were seventeen officers and mariners, exclusive of witness, nine of them Portuguese and eight Spaniards, all hired and shipped by witness at Havana in December last. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. He was master on board. The last clearing port was Havana, where the voyage began, to end at Prince's Island. The vessel had touched and purchased rice at Beriby, Tahou, San Pedro, St. Andrew, and other places on the coast. First saw the capturing ship about five leagues off the river Gallinas at six o'clock in the evening of the 15th instant. Capture took place within four hours. The vessel was steering for Gallinas at the time. The destination by the papers was Cape Verds, St. Thomas, and Prince's Island. Having, however, made the land of the coast first, witness took upon himself to deviate from this course, as he found it would be more convenient to employ the vessel in carrying rice from thence to the Gallinas, which he was, accordingly, engaged in doing at the time of the capture. Jacobo Paça, from whom he received command



and possession, was sole owner of the vessel, as he knows from that circumstance. Does not know how long he may have resided in Havana. Knows nothing of the bill of sale, price, or transfer of the vessel. Verily believes, if restored, she will belong to Paça. The owner of the vessel was also owner of the cargo, of which witness was lader and consignee. Verily believes, if restored, it will belong to Paça only. All the passports and other papers were entirely true and fair. No slave had been put or received on board for the purposes of the traffic in slaves during the present voyage. The hatches are not fitted with open gratings. The coamings of the hatchways have been bored, but the holes are now filled. There are no iron bolts or bars on board. A second deck is laid fore and aft, on which the rice is stowed for its preservation from the leakage of the hold. There are leaguers, casks, and staves on board, sufficient to contain, altogether, forty-four pipes, or thereabouts. The casks and leaguers were filled with fresh water, with the exception of two, which contain salt-water for ballast. The schooner was supplied with so many casks as the means of carrying palm-oil, should she be enabled to procure such freight, and for which it was the intention of witness to return to the coast at Calabar, after proceeding to Cape Verds, St. Thomas, and Prince's. In the mean time these vessels were filled with water as ballast. There were six bags of rice as ship's provisions on board, exclusive of what was carried as cargo, and which consisted of five tons. There were also three quarters of a barrel of flour, and one and a half bag of beans, for the use of the crew."

The other witness produced in the case was Pedro Bouza, nominally the Spanish mate, but really the Master of the detained vessel, who was examined on the same day. Bouza's evidence differed little from that of the Master, when he admitted he knew anything at all; but having denied all knowledge of the owners of the vessel and cargo, and the nature of the voyage, and where it was to terminate, his testimony was very limited. Upon the subject of the equipment of the schooner, he confirmed the statements of the Master, thereby proving her to be illegally equipped as regarded a second deck, a greater number of water-casks, and a larger quantity of water and rice than were requisite for her as a merchant-vessel, the casks besides not having been cleared at the Custom-house of the port of Havana, where she fitted out.

On the 23rd instant a petition from the Captor's Proctor, invoking one of the papers referred to above as having been filed in the case of the "*Veterano*," was received, accompanied by the following affidavit: "In the case of the schooner '*Constanza*,' Francisco Jozé Dias, Master, appeared personally Robert Dougan, of Freetown, in the colony of Sierra Leone, gentleman, seignor's Proctor in this cause, who, being duly sworn, maketh oath and saith that, in the case of the brig '*O Veterano*,' lately adjudicated in the British and Spanish Mixed Court of Justice, a certain paper writing, or letter, purporting to be written by Messrs. Pedro Martinez and Company, merchants of Havana, addressed to Señor Don Jozé H. Alvarez, and dated at Havana, the 26th of September, 1838, was produced and filed as evidence on behalf of the seignor of the said brig '*O Veterano*,' in which paper writing allusion is made to the schooner '*Constanza*,' which deponent verily believes to be the above-named vessel. And deponent further saith, that the said paper writing, which is now sought to be invoked, is necessary and material evidence in this cause."

The letter thus invoked was allowed to be placed on the file in this case, and publication was at the same time decreed of the examinations in preparatory.

The monition which had been issued on the 21st was returned into Court duly certified, on the 29th instant, which day was appointed for the adjudication of the "*Constanza*."

The correspondence produced proved clearly that Pedro Martinez and Company, of Havana, were the owners of the detained schooner, and that they had fitted her out for a voyage to the Gallinas, whence she was to convey a return cargo of slaves to the Island of Cuba, as she is known to have done on her last voyage. And even if we accepted as credible the evidence of the Master, who denied the truth of the papers under which he sailed, we should still have been obliged to condemn the "*Constanza*," which, according to the sworn testimony of Dias, belonged to a resident merchant of Havana, named Jacobo Paça (Jacobó Velasco appears to have been meant), and was fully equipped for the traffic in slaves. On the several grounds, therefore, of Spanish national character, and illegal equipment, a sentence of condemnation was pronounced against the "*Constanza*" and her cargo.

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

No. 32.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, June 8, 1839.*

*(Received June 25, 1840.)*

MY LORD,

ENCLOSED we have the honour to transmit to your Lordship our Report of the case of the Spanish felucca "*Si*," Gaspar Roig, master, which was captured on the day that she left the Gallinas, bound to the Island of Cuba, with 360 slaves on board. These facts being clearly established, a sentence of condemnation was pronounced against the detained vessel on the 5th instant, and the survivors of her slaves, 358 in number, were at the same time emancipated.

The "*Si*" cleared out from Barcelona in the month of April, and within six weeks after leaving that port she was on her voyage to Havana from Gallinas, with the slaves which had been embarked in that river.

She was captured on the 27th ultimo, after a severe chase, by Her Majesty's brig "*Waterwitch*," Lieutenant Henry James Matson commanding. This

officer was obliged repeatedly to fire into the felucca to make her heave-to, and only effected his purpose by bringing down the main-yard of the prize.

We have, &c.

(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

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

### Enclosure in No. 32.

*Report of the case of the Spanish Felucca "Si," Gaspar Roig, Master.*

*Sierra Leone, June 8, 1839.*

THIS vessel received all the papers found on board of her at the time of detention at Barcelona in the month of March, 1839. They were as follows:—

1. A Royal passport (No. 37), originally issued in May, 1838, to Don Francisco Sanchez, captain of the polacca "*Ronda*," and reissued on the 23rd of March last to the felucca "*Si*," on account of there being no blank passports at Barcelona. The "*Si*" is described as being of the burthen of 89 tons.

2. The parchment contraseña, dated the same day, and numbered 524.

3. A muster-roll of the crew, which consisted of 37 persons, besides three passengers, whose names are given, and who were still on board the felucca at the time of her capture. However disproportioned such a large crew may appear to a vessel of only 89 tons, the immense length of the main-yard, and the weight of canvass set upon it, rendered this number necessary for their proper management. The latest official endorsement at Barcelona on this document is dated the 8th of April, 1839.

4 is a bill of health, dated at Barcelona on the 26th of March, 1839, and showing that the "*Si*" cleared out for the Island of St. Thomas, although no custom-house papers have been discovered.

The equipment, fittings, and general appearance of this fast-sailing vessel ought to have excited suspicion in the minds of the Spanish authorities at Barcelona who cleared her out for this coast; for, besides being armed with two heavy guns, a large supply of muskets, cutlasses, and 4 cwt. of ammunition, her upper-works were protected between the outer and inner boarding with a thick lining of cork, quite impervious to musket-balls; so that she had nothing to fear from the efforts of our men-of-war's boats which are generally employed on this coast in the capture of slavers.

Instead of proceeding to St. Thomas, the "*Si*" came direct to the Gallinas, and there embarked a cargo of 360 slaves, with whom she was bound to the Island of Cuba, when she was fallen in with, and after a severe chase, captured by Her Majesty's brig "*Waterwitch*," Lieutenant Henry James Matson commanding, which had fortunately arrived on the coast a few days before, and was, perhaps, the only one of Her Majesty's squadron now on the coast, from which the "*Si*" would not have escaped by her superior sailing qualities.

The time of the "*Si*'s" departure from Barcelona cannot be ascertained. We know that she was there on the 8th of April, and as she was captured on the 27th ultimo off the Gallinas, the embarkation of her slaves must have taken place about six weeks after she left her port of clearance. It is therefore evident that her cargo of slaves must for the most part have been previously collected in anticipation of her arrival.

The chase was fired into repeatedly by the "*Waterwitch*," and although struck several times by shot from the man-of-war, which killed one man and wounded two others, she would not heave-to. At last, after the bowsprit had been badly wounded, and a shot had gone completely through her mainmast, which was of unusual thickness, a large iron block of several sheaves, by means of which the heavy main-yard was raised and supported, was shot away, and the yard came down by the run.

Two days afterwards the arrival of the prize in company with the "*Waterwitch*" was reported by the marshal, and the surgeon of the court examined the condition of the slaves. From the Medical Report it appeared that one of the slaves had died during their passage hither, and that the survivors were healthy, with the exception of a few who were marked for hospital treatment.

The prosecution of the "*Si*" in the British and Spanish Mixed Court of Justice was commenced on the 29th ultimo, when the ship's papers, authenticated by the seizer, were filed, together with his declaration; a monition was issued, the witnesses were summoned for examination, and the slaves were disembarked and placed in proper custody.

On the 30th ultimo the Master, Gaspar Roig, was examined, and deposed that "he was born at Villasar, in Spain, where he has since lived; is a subject of Spain, and has never been a subject of any other state; he appointed himself to the command of the detained vessel, and took possession of her at Barcelona in February or March last; first saw the vessel there and then; she is Spanish-built; she sailed under Spanish colours; he himself owned one-half of the vessel, while the other half was shared between his two mates and the boatswain; chase took place immediately the capturing ship was seen, and capture within four or five hours afterwards; there are two guns mounted on board, and there were 17 cutlasses, 25 muskets, 2 pair of pistols, and 4 cwt. of ammunition; the vessel was so armed for defence against pirates; no resistance was made to capture, but the man-of-war fired about 30 guns; the two mates and boatswain, named Pedro Manau, José Marsella, and Yamé Yern, who were, with witness himself, the owners of the vessel, are all Spaniards by birth, and have always resided, the first near Barcelona, and the two others in the Island of Minorca and Ivica; the vessel was built by the present owners in the month of February last; no cargo was brought from Barcelona; Antonio Martinez, a Spaniard who lives and carries on business at Havana, was, so far as witness knows, the sole owner of the slaves shipped at Gallinas by Francisco Fabias, the consignee."

Pedro Manau, the mate of the detained vessel, gave evidence generally confirmatory of that given by the master. In respect to the ownership of the vessel and slaves, he differed materially from the master,

stating that he (witness) was interested in the vessel and slaves to the extent of 3000 dollars, and that the master was sole owner of the remainder.

The above evidence having been published, and the monition issued on the 29th ultimo having been returned into court on the 5th instant, a court assembled on that day, when the felucca "Si" was condemned as prize, and the survivors of her slaves, 358 in number, were emancipated from slavery.

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

No. 33.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, June 27, 1839.*

*(Received June 25, 1840.)*

MY LORD,

WE have the honour of transmitting herewith to your Lordship our Report of the case of the brig "*Vigilante*," Francisco José de Souza, Master.

The "*Vigilante*" was a vessel belonging to Havana, and traded between that port and Angola, and it was in the course of such a voyage that she was seized, whilst at anchor in the river Congo, on the 23rd ultimo, by Her Majesty's sloop "*Wolverine*," William Tucker, Esq., commander, on the ground of her being a Spanish vessel, equipped for the Slave Trade.

At the time of detention, the "*Vigilante*" was sailing under the Portuguese flag, and with a passport from the Government of the Cape Verd Islands, in which the Master appeared as the owner.

This ostensible ownership the Master himself denied, as well to the captor, as in his evidence before the Court, and declared that a French merchant, named Francisco dos Santos, living at Havana, owned both the vessel and cargo.

The undoubted equipment of the "*Vigilante*" for the traffic in slaves exposed her, under the Spanish character which she had acquired by the acknowledged mercantile residence of her owner in a Spanish port, to the penalties of the Treaty which she had violated. A sentence of condemnation was accordingly pronounced upon her in the British and Spanish Mixed Court of Justice on the 25th instant.

We have, &c.

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

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

Enclosure in No. 33.

*Report of the case of the brig "Vigilante," Francisco José de Souza, Master.*

*Sierra Leone, June 27th, 1839.*

THE "*Vigilante*" was found sailing under a passport from the Government of the Cape Verd Islands, bearing date the 9th of March, 1837: Francisco José de Souza was therein described as master and owner of the vessel, which was bound to Angola, and a strong prohibition was inserted against engaging in the illicit traffic in slaves. From the other endorsements on this document, it appeared that in November 1837 the "*Vigilante*" cleared from Havana for a second voyage to St. Paul de Loando, and that on the 19th of January, 1839, she cleared from Charleston, United States, with a like destination, having touched in distress at that port on her way to Loanda from Havana.

The Custom-house clearance from Havana for this voyage was dated the 13th of October, 1838, and showed that a general cargo had been embarked by the Master for St. Paul de Loanda.

Another clearance from Charleston, dated the 10th of January, 1839, contained a certificate from the Custom-house authorities there, that the brig had actually arrived in distress, and this statement was authenticated by the Portuguese Vice-Consul resident at that city.

The muster-roll of the vessel was prepared and signed by the Master at Havana, on the 12th of October, 1838, and was accompanied by a certificate of the American Vice-Consul, Mr. Smith, which bears date on the day previous to that on which the paper to which it professes to give an official character was prepared. Attached to the muster-roll was a second certificate, under the seal of the Portuguese Vice-Consul at Charleston, dated the 19th of January, 1839, stating that two seamen had deserted the brig at Charleston, and that the Master had shipped in their room Peter Mark and Thomas Larkins, whose names would lead to the suspicion that they were citizens of the United States.

A bill of health, granted to the brig on her leaving Charleston, formed the only remaining official paper of the "*Vigilante*" connected with the voyage in which she has been detained.

Two log-books, kept by the Mates, showed that the "*Vigilante*" left Havana on the 17th of October, 1838, touched at Charleston as above alluded to, and ultimately reached her destination in April 1839.

One official document, found among the large number of papers seized, related to the previous voyage in which the vessel was engaged. On that occasion the parties concerned took the precaution of clearing at the Custom-house at Havana a large number of casks, as well as the water with which they were filled on the outward voyage, preparatory to their being filled on the return voyage with palm-oil, to clarify which a regular slave-boiler was carried and cleared as cargo, but no security for the proper employment of these articles was stated to have been taken in the clearance, which bore date the 18th of November, 1837.

The remainder of the papers were chiefly private letters belonging to the Mate, and nautical calculations which it is unnecessary to describe minutely in this report.

On the 17th instant the Marshal reported the "*Vigilante's*" arrival, on the preceding evening, as a prize to Her Majesty's sloop "*Wolverine*;" and on the same day a prosecution against her was commenced in the British and Spanish Mixed Court of Justice, by the filing of the seizor's declaration, together with the ship's papers, duly authenticated by the affidavit of the prize-officer, the issuing of the usual monition, and the production of the witnesses for examination.

The declaration of Commander William Tucker stated that Her Majesty's sloop "*Wolverine*," being on the 23rd day of May, 1839, at Punta Leña, in the River Congo, fell in with the brig "*Vigilante*," sailing under Portuguese colours, armed with two guns, and commanded by Francisco Jozé de Souza, who declared her to be bound from Havana and Charleston to Punta Leña, in the River Congo, and St. Paul de Loanda, and thence to Havana; and that the vessel was detained and sent up for adjudication in the British and Spanish Court, because she was owned by a resident merchant of Havana, and was generally fitted for the Slave Trade.

On the 18th instant the Master of the detained vessel was examined by the Registrar, and deposed as follows:—"He was born at Coimbra, in Portugal, and has lived there since. Is a subject of Portugal, and has never been a subject of any other State. Is not married. He was appointed Master by Francisco dos Santos, a Frenchman, residing in Havana, and received possession from this person at Havana in November last. First saw the vessel at St. Jago, Cape Verd Islands, in the month of December 1837. Does not know her build. The vessel sailed under Portuguese colours, and had none others on board. Neither he nor any of the officers or mariners had any interest in the vessel or cargo. The voyage began, and was to have ended, at Havana. The last clearing port was Charleston, United States. After leaving Havana, the vessel put into that place to repair a leak, and from thence sailed for the coast, and touched at the River Congo for palm-oil and ivory, which was procured in exchange for the outward cargo, the whole of which was there discharged. Don Francisco dos Santos already named was the sole owner of the vessel, as he knows from his having given him the command and cleared the vessel out. He is married, and his wife and family live with him at Havana. Has known him to be a resident in that place for one year, but does not know how long he may have lived there previously. He knows nothing of a bill of sale, or of the price or transfer of the vessel. The owner of the vessel was also the owner of the cargo; and he not only resides, but carries on business, at Havana. He (witness) knows nothing of the last voyage. All the passports and other papers are entirely true and fair. The hatches are not fitted with open gratings. There are five short spare planks for the repair of the vessel. There is no part of a second deck laid. There are casks on board capable of receiving 60 pipes of water in all, some of which contained at the time of capture five pipes of fresh water, the remainder being filled with salt water, or empty. These casks were destined to receive palm-oil. There are no copper or iron boilers. There were four bags of rice, but no flour, beans, or Indian corn."

The Mate of the detained vessel, Santiago de Abaroa, confirmed the Master's testimony with respect to the voyage having commenced, and being intended to end, at Havana; and as regarded the illegal equipment of the vessel, excepting only that the Mate swore that all the casks were filled with *fresh* water for ballast. Upon other matters relating to the vessel and her voyage, he either declared he knew nothing, or he differed little from the Master's statements.

Publication was granted the same day, the 18th instant, and on the 21st a Commission of Survey was prayed for and issued, the sworn report under which proved, that the hatches of the detained vessel were fitted for open gratings, and the deck cut in four places for air-holes, which were temporarily boarded over and caulked. There were about 7000 gallons of water on board, and the extraordinary number of 46 leaguers, capable of containing from 13,000 to 14,000 gallons. The cabouse was fitted with four boilers, and had the usual accommodation for a slave-boiler, and there were 47 bushels of rice on board.

Previous to the Report of Survey coming in, the Master tendered through one of the Proctors a claim for this vessel, which, being quite at variance with his deposition before the Court, and otherwise contradictory and irregular, was, after its reception had been opposed by the captor's Proctor, withdrawn on petition. The monition, which was issued on the 17th instant, was duly returned into Court on the 24th, and on the following day the case was adjudicated.

The Master and claimant having admitted that the owner of the "*Vigilante*," who was also the owner of the outward cargo, resides and carries on business at Havana, and that the present voyage began and was to have ended at the same place, mercantile residence and course of trade combined to affix a Spanish character on the detained vessel; and the Report of the Surveyors of the Court having confirmed most fully the Captor's allegations with regard to illegal equipment for the Slave Trade, the Court adjudged the brig "*Vigilante*," Francisco José de Souza, Master, to be a good and lawful prize to the crowns of Great Britain and Spain.

(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

No. 34.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 4, 1840.*

I HEREWITH transmit to you, for your information, a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing a Report of the state of Slave Trade at that port during the month of March last.

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

Enclosure in No. 34.

*Her Majesty's Commissioners to Viscount Palmerston, Havana, April 28, 1840.*

(No. 133.)

No. 35.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, April 30, 1839.**(Received July 4, 1840.)*

MY LORD,

WE have the honour to enclose to your Lordship an abstract of the papers found on board the schooner "*Mary Cushing*," lately detained, whilst sailing under American colours, by Her Majesty's brigantine "*Lynx*," Lieut. Henry Broadhead, commander.

Although the rule which had been applied to such cases prevented the prosecution of the vessel in any of the Mixed Courts, we were favoured with a perusal of her papers by the kindness of the capturing officer, and a summary of their contents has been recorded.

The consignee of the "*Mary Cushing*," at Bahia, André Pinto da Silveira; her consignee at Lagos, Mathias Baptista de Carvalho; and her agent at Prince's Island, Francisco d'Alva Brandão; are well known for their extensive engagements in the Slave Trade, and would alone have excited suspicion respecting the proceedings of this nominal American vessel; but her real character and the illegal objects of the voyage were sufficiently shown, by a complete slave-trading equipment, by a numerous foreign crew, the captain of the flag being the only American on board, and by the schooner being under the sole direction of the Spanish supercargo, Fernando Reyes, who acted in all respects as the owner, which he very probably was.

We have, &amp;c.

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

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

Enclosure in No. 35.

*Abstract of the Papers found on board the Schooner "Mary Cushing."**Sierra Leone, April 30, 1839.*

No. 1 is a Permanent Register, No. 87, dated at Baltimore, September 29th, 1837, naming William Hooper, Andronicus Cheesebrough, and Thomas Whitridge as the owners, and James Tyler as the captain. It describes the "*Mary Cushing*" to be a schooner of the burthen of 144½ tons, and to have been built at Baltimore during the year 1837.

An endorsement on the Passport by Mr. N. P. Trist, the American Consul at Havana, dated on the 19th of May, 1838, is to the following effect:—"Benjamin Ruynolds, having taken the oath required by law, is at present master of the within-named vessel, in lieu of James Tyler, late master." The present master, who is here called Benjamin Ruynolds, is in the Havana muster-roll called B. L. Reuynolds, and he signs that document "Benjamin Reuynals." A bill of lading at Prince's was afterwards made out in the name of B. L. Ruynals, and at Bahia he was called Benito Louis Reynals. But this man, who signed himself in May, 1838, at Havana, "Benjamin Reuynals," signed his name on

the 11th ultimo at El Mina "Benito Reynolds." What may be his proper name, it is impossible to say.

No. 2 is a Power of Attorney, made at Baltimore on the day after the register was obtained, by which the three owners of the "*Mary Cushing*" authorise the master, Tyler, to sell that vessel forthwith, or to appoint a substitute for the purpose. Tyler accordingly appointed "Don Fernando Reyes, of the city of Havana, supercargo of the '*Mary Cushing*,'" to dispose of the vessel. This power of substitution was executed by Tyler at Havana, on the 30th of April, 1838, and was witnessed by J. A. Smith, the American Vice-Consul. A certificate of the acknowledgment of the deed was added on the same day by Mr. Trist, the American Consul, under his official seal and signature. Reyes was most probably the owner of the "*Mary Cushing*." He, at any rate, possessed the most absolute control over her, directed all her proceedings in the character of supercargo, and was empowered to sell her when and where he pleased.

No. 3 is a Muster-roll, containing the names of 16 persons, including the master and the supercargo Reyes. Of these only one is stated to be a citizen of the United States, and he (Silvestre Roçy) was "born at Buenos Ayres." This paper, which, like all the others procured at Havana, bears the certificate of Mr. Trist, on the 21st of May, 1838, is headed, "List of persons composing the crew of the schooner '*Mary Cushing*,' of Baltimore, whereof is master B. L. Reuynals, bound for \_\_\_\_\_." It is extraordinary that Mr. Trist should have felt no difficulty in clearing out an American vessel with a wholly foreign crew, and with her destination left blank; nor was the schooner supplied, so far as appears, with any clearance from the custom-house authorities.

The reasonable presumption from such circumstances is, that the "*Mary Cushing*" cleared out as Spanish or Portuguese vessel, and carried with her the above papers at the same time, to give a colour to her pretensions, so long as it might suit her to wear an American character.

No. 4. We next hear of the "*Mary Cushing*" on the 19th of October, 1838, at Prince's Island, on the occasion of her leaving that place for Bahia. A bill of lading, which names B. L. Ruynals as the captain, but it is signed by the noted slave-dealer Francisco d'Alva Brandão as consignee, declares that three pipes of palm-oil were shipped at Prince's for delivery to André Pinto da Silveira, at Bahia. There can be little doubt that the cargo really carried to Brazil consisted of slaves, and the fact might be ascertained, if it were worth while, through our consul at Bahia.

No. 5 is a Bill of Lading, dated at Bahia on the 19th of January, 1839, and signed by *Benito Louis Reynolds*, for 30 pipes of spirits and a few cutlasses, to be delivered at Lagos to Senhor Mathias Baptista de Carvalho. This is the same person whom we had occasion to refer to as the consignee of the condemned Spanish slave-brig "*Dous Amigos*," reported in our Despatch marked "Spain," of the 31st of January, 1839.

No. 6 is an official Muster-roll of a new crew, shipped at Bahia on the 23rd of January, 1839, and certified on the same day under the hand and seal of the American Acting Consul, Mr. George R. Foster, whose zeal in forwarding slave-trading adventures under the American flag was so conspicuous in the case of the brig "*Eagle*," reported in our Despatch, on the 12th of February, 1839. The crew, with which the "*Mary Cushing*" was allowed by this gentleman to clear out from Bahia, consisted of 20 men, exclusive of the American master, every one of whom was a foreigner. The only person of the old crew who remained on board was Fernando Reyes, who still bore the title of supercargo. The schooner was cleared by Mr. Foster for Prince's Island, although the bill of lading just referred to shows that she was bound to Lagos.

Nos. 7 and 8 are two certificates, dated on the 23rd and 24th of January, from the same American Consul, that the vessel had cleared at the custom-house, and that the American Register and Muster-roll had been delivered up.

Nos. 9 to 12 are four official documents from the authorities of Bahia, dated on the 25th and 26th of January last, acknowledging the receipt of harbour and customs dues, and authorising the vessel's departure.

No. 13 is a Dutch paper or receipt, signed by the Governor of El Mina on the 11th ultimo, a giving the native names of 19 negro passengers, who had been placed on board the "*Mary Cushin*" apparently for a passage to El Mina. It is not unlikely that these passengers were some of the negro recruits, whom the Dutch Government have been enlisting in large numbers in that quarter.

No. 14 is a Spanish log-book, kept by Reyes, the Spanish supercargo, of the voyage from Havana to Prince's Island in May and June 1838.

### No. 36.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, May 13, 1839.*

*(Received July 4, 1840.)*

MY LORD,

WE beg leave to inform your Lordship of the arrival in this port, about a week since, of the Spanish schooner "*Merced*," José Urresti, Master, which had been captured in this neighbourhood by Her Majesty's sloop "*Harlequin*," the Right Honourable Lord Francis J. Russell, Commander.

This is the same vessel whose restoration, when prosecuted by Lieutenant Edward Holland, of Her Majesty's brigantine "*Dolphin*," we had the honour to report to your Lordship, in our despatch of the 14th of February last.

No attempt was made by Lord Francis Russell to bring the "*Merced*" into court; and he is understood to have acted under the advice of his Proctor in resigning her to her Master, and allowing her to depart, the internal equipment of the vessel being exactly in the same state in which it was when

lately the court adjudged it to be insufficient to justify condemnation under the 10th article of the Spanish Treaty.

We have, &c.

(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

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

No. 37.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, May 13, 1839.*

*(Received July 4, 1840.)*

MY LORD,

WE beg leave to inform your Lordship that her Majesty's brigantine "Termagant," Lieutenant Henry Frowd Seagram commanding, arrived here on the 9th instant, towing astern what appeared to be a large long-boat, but which turned out to be the hull of a small Spanish schooner, called the "*Catalana*," which had been taken possession of, on the 27th ultimo, in the river Sinou.

When discovered by the boats of the "Termagant," the "*Catalana*" was lying in a creek a considerable distance up the river, without anything on board. Every effort seems to have been made to conceal her, and to remove all cause of detention. The vessel was stripped, and even the masts, rigging, and sails were taken out of her. The hull moreover was painted green, so as to resemble, as nearly as possible, the mangrove-bushes by which it was surrounded. In this state the schooner was left in charge of two men, whilst the remainder lived on shore, and carried on trade with the natives.

Our Despatch of the 14th of February last, drew your Lordship's attention to the necessity of meeting such cases, by adopting an additional article to our present Treaty with Spain, which would render Spanish vessels liable to condemnation, under the 10th article of the Spanish Treaty, if clear and undeniable evidence could be produced, that a slaving equipment, even though not met with at the moment of visitation, had been on board during an earlier period of the voyage.

In the absence, however, of such a stipulation, we could, of course, take no notice of the equipment of the "*Catalana*" previous to her capture, and when Lieutenant Seagram arrived at Sierra Leone, his legal adviser very wisely recommended him to abstain from prosecuting his prize in the British and Spanish Mixed Court of Justice, and to restore her as quickly as possible to the situation in which he had found her. No time was lost in following this wholesome advice, and the "Termagant" is now on her voyage to the southward, with the "*Catalana*" in tow as before.

From the ship's papers, of which we had a momentary sight, we learn that the "*Catalana*" was a schooner of 29 tons, and was owned by Alberto Gonzalez, of Porto Rico, from which island she cleared out on the 29th of December, 1838, for this coast.

We have, &c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

No. 38.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, June 17, 1839.*

*(Received July 4, 1840.)*

MY LORD,

WE have the honour to transmit to your Lordship, enclosed, our report of the case of the schooner "*Raynha dos Anjos*," José Gomes Bandeira, Captain of the Portuguese flag.

This vessel left Havana on the 28th of December last, bound by her Custom-house clearance to the Island of St. Thomas on this coast; but the muster-roll of the crew, which was certified in the office of the American Consul at Havana three days after the clearance for St. Thomas was obtained, mentions only St. Paul de Loando as the destination of the schooner.

Without regard, however, either to the clearance or muster-roll, the "*Raynha dos Anjos*" came direct to Cape Lopez, where her cargo was discharged, and where the Spanish captain landed, for the purpose of procuring slaves in barter for the goods which he had brought out. The schooner was then sent into the Rio Nazareth, about 15 miles north of Cape Lopez, where she lay concealed, awaiting the collection of the slaves who were to form her return cargo to Cuba. In the mean time her water-casks were made up, and when she was boarded and detained by the boats of Her Majesty's brigantine "*Forester*," Lieutenant Francis Godolphin Bond commanding, on the 10th ultimo, her water was filled, and the greater part of her slave-deck was laid.

Captured without slaves on board, and met with to the southward of the line, the "*Raynha dos Anjos*;" could only be successfully prosecuted as a Spanish vessel. Such Lieutenant Bond conceived her to be; and he accordingly brought her before the British and Spanish Mixed Court of Justice, for a breach of the 10th article of the Spanish Slave Trade Treaty.

Nothing was heard of the Portuguese captain of the flag after the vessel left Havana, nor does it appear that he accompanied the vessel from that port. All the other officers were confessedly Spanish; but the Spanish captain was left on shore at Cape Lopez, as mentioned above, with several of the crew. The chief mate and cook, who were despatched to Sierra Leone by the captors, died on the passage; and the third mate and one seaman, who were the only persons forthcoming to be examined in support of the prosecution, pretended that they knew nothing respecting the nation, residence, or even the name of the Master, the name and residence of the owner, the build of the vessel, or the owners, laders, and consignees of the cargo. A Spanish "course of trade" had nevertheless been clearly established, even from the testimony of these unwilling witnesses, and for the reasons which guided our decision in the case of the "*Sirise*," reported on the 22nd of December last, the illegal equipment of the vessel was deemed sufficient to warrant a sentence of condemnation.

Were it otherwise, indeed, in all cases like the present, where the witnesses produced are, or profess to be, uninformed upon all essential points, and where private letters and documents, which might destroy the credit of Portuguese registers and papers, have been carefully concealed or destroyed, detained vessels fully equipped for the Slave-trade, although constantly sailing from, and returning to, a Spanish port, although navigated by Spanish officers and crews, loaded with Spanish merchandize, and enriching Spanish merchants, must still be considered Portuguese vessels, and must be restored with damages against their captors, unless the real owners can be brought to light, and their residence in Spanish territory be proved.

There is reason to believe that the vessel which we condemned, under the name of "*Raynha dos Anjos*," of Lisbon, was in reality the Spanish schooner "*Maria Francisca*," of Havana, and that the Lisbon passport which she carried belonged to a small craft (yacht) which no longer exists. The names of the owner and master are given in the passport granted by the Viscount de Sá da Bandeira to the "*Raynha dos Anjos*;" and if it be thought of sufficient importance, the fact might easily be ascertained by Her Majesty's Consul at Lisbon.

We have, &c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

---

Enclosure in No. 38.

*Report of the case of the Schooner "Raynha dos Anjos," José Gomes Bandeira, Captain of the Portuguese Flag.*

*Sierra Leone, June 17, 1839.*

THE papers found on board this vessel at the time of her capture were as follows:—

No. 1.—A Lisbon passport, granted by the Viscount de Sá da Bandeira, on the 11th of February, 1836, to the yacht (hiate) "*Raynha dos Anjos*," owned by Jozé Rodrigues da Costa Silveira, and



commanded by Jozé Rodrigues Ramos, and authorizing the vessel to navigate between Lisbon, Oporto, the Azores, and other Portuguese ports.

On the 27th of April, 1836, the vessel left Oporto for Lisbon; and again, on the 8th of August, 1836, and the 7th of March, 1837, similar voyages were performed, as appears by endorsements of those dates. So far the terms of the passport were not exceeded; but an endorsement follows, purporting to have been made at New York on the 7th of September, by Paulo J. Figueira, Vice-Consul for Portugal at that place, authorizing the vessel bearing the above passport to make a voyage to Havana. It was, however, in direct opposition to the licence, under which the "*Raynha dos Anjos*" sailed, for her to be at New York at all, and still more for her to be making passages between one foreign port and another; nor does any endorsement show when the voyage to New York was performed. We are inclined to believe the endorsement dated at New York, and to which, besides Figueira's signature the Consular seal is attached, is a forgery. For the sake of Mr. Figueira, we hope this is the case; for it is certain that the schooner, whose case we are now reporting, is not the hiate "*Raynha dos Anjos*" to which the passport in question was granted, but has always been known and spoken of, even during the present voyage, as the schooner "*Maria Francisca*." There is no endorsement on the register at Havana when the schooner left that port in the month of December last.

No. 2 is a clearance from the custom-house at Havana, dated on the 24th December, 1838, stating that the Portuguese schooner "*Reinha des Anjes*," Captain Don José Gomes Vendeyra, was bound direct to the Island of St. Thomas.

No. 3.—The muster-roll of the crew of the schooner, dated three days later, and prepared in the office of the American Consul, declares, in opposition to the custom-house clearance, that the destination of the vessel was St. de Paul Loando. All the officers, but the captain of the flag, who signs his name "Jozé Gomes Bandeira," are said to be Spanish subjects. Two certificates are added by Mr. J. A. Smith, the American Vice-Consul; one to declare that Don Francisco Serrano, a merchant of Havana, being thereunto authorized and empowered by Don Jozé Rodrigues da Costa Silveira, the owner at Lisbon of the true "*Raynha dos Anjos*," had appointed the present captain of the flag as master of the schooner in the place of Jozé Rodrigues Ramos, the original master named in the Lisbon register. The other certificate verifies the correctness of the crew-list, consisting of 15 names.

Nos. 4 to 6 are three log-books, all kept in Spanish, and relating to the present voyage, but containing nothing worthy of remark.

Nos. 7 to 13 are a bundle of notes addressed to Francisco Ansotequi, the mate of the schooner, whilst she was lying in the river Nazareth, by Jozé Manoel Gomez, whose name does not appear in the muster-roll, but who was in fact the captain of the vessel, and superintended all her internal arrangements. Gomez was on shore at Cape Lopez making trade with the natives for slaves, and his vessel was at anchor for purposes of concealment in the river Nazareth, about 15 miles distant. In all the letters, which under these circumstances passed between him and his mate, the Portuguese captain of the flag is not once alluded to; and the vessel herself, instead of being called "*Raynha dos Anjos*," is invariably referred to as the "*Maria Francisca*."

In one of the letters, which are all in the Spanish language, Gomez writes to the mate: "With regard to what you say about Mafuca, tell him if he be willing to sell the 20 slaves he may embark them in the canoe, and I will purchase them if they be good ones." Other papers in like manner show that the object of the voyage was to procure a slave cargo, for the reception of which the schooner was fully provided.

On the 3rd instant the marshal of the courts reported the arrival of the "*Raynha dos Anjos*," and that she had been detained under Portuguese colours in the river Nazareth, on the 10th ultimo, by Her Majesty's brigantine "*Forester*," Lieutenant Francis Godolphin Bond, commander, and was brought in as a Spanish vessel illegally equipped for Slave Trade.

A petition from the captor's proctor was received on the same day, praying that the prize-master's affidavit of seizure and the captor's declaration might be filed with the ship's papers, that a monition might issue, and that evidence in preparatory might be produced and taken.

The declaration merely stated that the detention of the "*Raynha dos Anjos*" took place in 38' south latitude, and 9° 2' east longitude, and that the vessel was prosecuted under the Spanish Treaty, for having on board a large quantity of water, and a slave-deck partially laid. The prize-master's affidavit further informed us, that the captain of the schooner was living on shore at Cape Lopez when his vessel was detained in the river Nazareth, and that the first-mate and cook had died on their passage to this port, leaving only the third-mate and one seaman as witnesses in the cause.

The two last were examined on the standing interrogatories on the 4th instant. Santiago dos Angelas, the third-mate, deposed "that he does not know the name of the master of the detained vessel, never having heard him called anything but captain; that he has known him only since the 28th of December last, but cannot say where he was born, where he resides, or if he be married; that he does not know who appointed the master to the command, nor where, nor when, nor from whom he received possession; that he first saw the detained vessel at Havana in December last, and does not know where she was built; that all the crew were hired and shipped at Havana in December last by the master; that the last clearing port was Havana, where the voyage began, but where it was to have ended is unknown to witness; that the vessel touched at St. Thomas to discharge part of her cargo, and she then proceeded to Cape Lopez and discharged the remainder; that the master went on shore at Cape Lopez to prosecute his trade (witness does not know of what nature), and sent the vessel, after having supplied her with water, to the river Nazareth, about 15 miles to the northward, for safe anchorage; that he does not know who were the owners of the vessel, nor the laders, owners, and consignees of the cargo; that a second deck is laid, extending about half the length of the vessel; that there are casks on board capable of receiving 20 pipes of water in all, and all filled with fresh water at the time of her capture, but witness does not know why this water was fresh rather than salt-water; that there were on board 30 bags of farina and half a bag of beans."

The seaman, by name Santiago Moray, followed the example of the third-mate, in professing entire ignorance respecting the name, birth, or residence of the master; respecting the owners of the vessel, or her build; and respecting the owners, laders, and consignees of the cargo. He deposed "that the crew were all hired and shipped in the month of December last at Havana, where the voyage began and where it was to end; that the whole of the cargo was discharged at the Island of St. Thomas, from which place the schooner proceeded direct to the Rio Nazareth, where she was captured; that a second deck is laid half-way along the vessel; that there were 20 pipes of fresh water on board, but for what

purpose is not known to witness ; that there were also 40 or 50 bags of farina, half a bag of beans, and half a bag of Indian corn."

The above evidence was published on the 5th instant, and the monition, which had been issued on the 4th, was returned into the registry by the marshal on the 11th instant, with a certificate that it had been duly served. Owing, however, to the illness of Mr. Lewis, Her Majesty's Commissioner of Arbitration, no court could be held until the 15th instant.

The absence of the parties who are generally the principal witnesses, and the limited information obtained from the unsatisfactory and conflicting testimony of the two seamen who were examined in this case, rendered it impossible to ascertain with whom the ownership of the "*Raynha dos Anjos*" actually rested ; and had we been obliged to rely solely upon the mercantile residence of her owner, for the purpose of fixing upon her a Spanish national character, we should have had much difficulty in pronouncing a sentence of condemnation. It had, however, been decided, in the case of the "*Sirse*," that "a course of trade," duly established, was to be accepted as an independent and sufficient proof of the national character of a detained vessel.

In this case the voyage began at Havana ; the outward cargo was there shipped ; the crew were there hired ; and the voyage was to end at the same place ; the vessel was under the management of a Spanish captain and Spanish officers ; and no part of her proceedings was connected either with Portuguese subjects or a Portuguese port. For the reasons therefore which guided our judgment in the case of the "*Sirse*," already quoted, the schooner called the "*Raynha dos Anjos*" was condemned as a Spanish vessel violating, by her illegal equipment for Slave Trade, the 10th article of the Spanish Treaty.

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

No. 39.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, June 24, 1839.*

MY LORD,

(Received July 4, 1840.)

WE have the honour to report to your Lordship that Lieut. Francis Godolphin Bond, commanding Her Majesty's brigantine "*Forester*," detained on the 22nd ultimo the schooner "*Carolina*," lately commanded by P. F. da Costa, deceased.

The "*Carolina*" was sailing under Portuguese papers and flag at the time of her detention in the Bay of Magumba, situated about three degrees south of the Line ; but, conceiving her to be Spanish property, and illegally equipped for the Slave Trade, Lieut. Bond determined to prosecute her in the British and Spanish Mixed Court of Justice at this place.

A prosecution was accordingly commenced against the detained vessel on the 15th instant, the ship's papers were lodged at the Registry, a monition issued, and the witnesses in preparatory were examined on the standing interrogatories.

Shortly after the publication of the evidence, the Captor's Proctor, considering "that the said schooner could not be adjudicated as a Spanish vessel," petitioned that the proceedings in the case might be withdrawn, and that the schooner's papers might be delivered up.

The petition was granted, on the payment of the Marshal's fees and the Interpreter's expenses ; and, on the 21st instant, a receipt was given by the senior officer of the "*Carolina*" for the papers which had been placed in the custody of the Registrar.

We consider the legal adviser of Lieut. Bond exercised a sound discretion in declining to press for a decision in the case ; for although a slave-trading equipment showed the illegal intentions of the vessel, there was nothing in the papers or evidence to prove a Spanish ownership.

The "*Carolina*" cleared out from the island of St. Thomas, in the West Indies, for the island of St. Thomas on this coast ; but the master, P. F. da Costa, died a few days after the voyage began ; and the first mate, who then succeeded to the command, remained on shore at Mayumba owing to severe illness. The second mate and cook were the only witnesses in preparatory produced by the captor, and they professed entire ignorance respecting almost all the points upon which information was required.

Under these circumstances the captor abandoned the prosecution, rather

than incur the risk of a sentence of restoration, which would have been followed by an assessment of damages.

We have, &c.

(Signed)

H. W. MACAULAY.  
WALTER W. LEWIS.

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

No. 40.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, July, 3, 1839.*

*(Received July 11, 1840.)*

MY LORD,

WE have the honour to inform your Lordship that Her Majesty's brigantine "Dolphin," Lieut. Edward Holland, commanding, being on the 17th ultimo in 5° 52' north latitude, and 10° west longitude, detained the schooner "Euphrates," sailing under American colours, (but having no colours hoisted at the time of seizure, which took place during the night,) furnished with papers as an American vessel by the Vice-Consul of the United States at Havana, and commanded by Charles A. Molan, a naturalised citizen of the United States, who declared, with respect to the detained schooner, of which he was the alleged master and owner, that she was bound from Havana to the coast of Africa, and was to return to Baltimore.

In the declaration of seizure, which Lieut. Holland presented on the 26th ultimo to the Judges of the British and Spanish Mixed Court of Justice, accompanied by a petition that the "Euphrates" might be admitted to prosecution, the captor stated that he had "detained the said schooner for being Spanish property, and equipped for the Slave Trade, contrary to the 10th article of the Treaty between Great Britain and Spain, signed at Madrid on the 28th of June, 1835;" "and further that by her log she had, since her arrival on the coast, been engaged in supplying the notorious slave establishments at Gallinas and Young Sesters with rice, contrary to the spirit of the 4th article of the aforesaid Treaty."

For the reasons which have frequently before been mentioned, as having prevented our acknowledging the right of detention of American vessels, or of such vessels as are recognised as American by the authorities of the United States, we declined to permit of the "Euphrates" being libelled in the British and Spanish Court.

The captor appeared to expect that a distinction would be made by the Court between this case and others of the same class, in consequence of the "Euphrates" "hoisting no colours" at the time of seizure; but as the schooner was boarded at night, the wearing her colours at such a time would have been contrary to the universal practice.

Upon this point, which involves many considerations, we still entertain the opinions which we expressed more than five years ago, in giving judgment in the case of the "Maria da Gloria," (Class A, 1834, page 39,) with respect to the right enjoyed by Her Majesty's cruizers to visit, to search, and to detain foreign vessels on the high seas in time of peace. A right of visitation may exist, where there is no right to search and to detain; and a right of visitation and search may both exist, where there is no right of detention. In the case of *bonâ fide* Portuguese vessels, and with reference to our Slave Trade Treaties with Portugal, it has long been admitted that, "whilst the right to visit and search all such vessels on the high seas is universal, and confined to no latitude, the right of detention has been restricted within certain bounds, &c." Again, "The British cruizer may visit and search Portuguese vessels suspected of having slaves on board, in any latitudes northern or southern, and though in southern latitudes he cannot detain them, yet can he make use of the information obtained by his search, and furnish means to Her Majesty's Ministers and Envoys effectually to urge upon the Government of the offender the punishment due to his illicit acts."

So also the right of visitation exists, under such circumstances as accom-

panied the visitation of the "*Euphrates*," even with respect to vessels belonging to a power which has not conceded that right "on the high seas." A vessel which exhibits no national colours, whether wilfully or accidentally, is not, as Lord Stowell expresses it, "the apparent vessel" of any particular country, and she may be boarded for the purpose of ascertaining what national character she professes to bear. But when this justifiable, and indeed necessary, visitation has led to the discovery, that the visited vessel is recognised by her own Government authorities as part of the mercantile marine of a nation, which has not accorded the right of visitation and search for any purpose whatever, all further interference, on the part of the British cruiser, is improper and unlawful, and the subsequent search and detention of a vessel so situated cannot, in our opinion, be justified.

On these grounds we consider that Lieut. Holland was right in boarding the "*Euphrates*," which had no colours hoisted at the time, but that he was wrong in overhauling, and then detaining her, after her ship's papers had been exhibited to him.

We have the honour to enclose to your Lordship an abstract of the ship's papers found on board the "*Euphrates*," and which was made before the papers were returned to the master. We have here only another instance of the shameless disregard of the laws of the United States, and of the professed wishes of the American Government, evinced by the American Vice-Consul at Havana. The "*Euphrates*," if we are to believe her papers, was purchased by her present captain, Molan, on the 5th of December last, the bill of sale being made out by Mr. Vice-Consul Smith himself; her crew, all Spaniards without one exception, was shipped by the master on the following day, the 6th; and on the 7th the vessel was cleared out at the Custom-house; but while the muster-roll declares the "*Euphrates*" to have been bound to Gallinas, the Custom-house clears her out for New Cesters, and the passengers' passports mention the Cape Verds as her destination.

We have, &c.

(Signed)

H. W. MACAULAY.

W. W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 40.

*Abstract of the Papers found on board the Schooner "Euphrates," Charles A. Molan, Master.*

*Sierra Leone, July 3rd, 1839.*

No. 1 is a cancelled American register, cut from the right-hand corner at the top, to the left-hand corner at the bottom, and of which only one-half was on board the vessel. It is endorsed "Register No. 24, Schooner '*Euphrates*,' of Baltimore, 16th March, 1838, tons 84 $\frac{3}{4}$ ." Attached to this mutilated document is a bill of sale, filled up in the usual printed form, in the hand-writing of Mr. J. A. Smith, the Vice-Consul of the United States at Havana, and by which Thomas Dukehart, of Baltimore, sole owner of the "*Euphrates*," transfers that vessel, for the sum of 3800 dollars, to Charles A. Molan, a naturalized citizen of New York.

The above deed of sale was signed and sealed by the buyer and seller at Havana, on the 5th of December last; and Mr. Smith, who copied the paper, added to it on the same day two certificates under his signature and seal of office; one, to declare that Dukehart had acknowledged the transfer as his act and deed; and the other, to state that the purchaser of the vessel was also the master, and had taken the appointed oath as such according to law.

No. 2 is an official muster-roll, prepared and certified in the office of the American Consulate at Havana, on the day following that on which the bill of sale was executed. It is entitled "List of persons composing the crew of the schooner '*Euphrates*,' of Baltimore, whereof is Master, Charles A. Molan, bound for Gallinas, coast of Africa."

	Places of Residence.	Of what Country	Subjects.
Nicholas Fernandez . . . . .	Havana	.	Spain.
Pedro Orfila . . . . .	do.	.	do.
Francisco Lerda . . . . .	do.	.	do.
Francisco Rodriguez . . . . .	do.	.	do.
Cayetano Nadal . . . . .	do.	.	do.
Benito Berino . . . . .	do.	.	do.
Jozé Padron . . . . .	do.	.	do.

The Master, Molan, adds his signature, and Mr. Vice-Consul Smith certifies that the list was verified in his presence. It surely cannot be consistent with the wishes of the United States Government that one of its national vessels, on the day following its sale in a Spanish port, should be despatched under the sanction of an American Consul to the most notorious slave-mart on the coast of Africa, navi-

CLASS A.

gated entirely by a foreign crew, of whom every person, without one exception, was a resident of Havana, and a subject of Spain.

Nos. 3 and 4.—On the same day two passports were taken out by Don Pedro Badia and Don Francisco Cañal, who were described as passengers, making a voyage in the “*Euphrates*” to the Cape Verd Islands. These persons were evidently the Spanish Master and Mate of the nominal American vessel, and their characters may be correctly estimated by what is known of their previous history.

Pedro Badia was the Captain of the “*Vengador*,” captured on the 8th of January, 1834, by Her Majesty’s steam-vessel “*Pluto*,” with 405 slaves on board. The “*Vengador*” was very heavily armed, and made considerable resistance to capture. Speaking of Badia so long ago as February 1834 (Class A. 1834, page 15), Her Majesty’s Commissioners at this place remarked that he was “well known in connexion with illicit adventures from Havana.”

Francisco Cañal, the other pretended passenger, was Master of the Spanish schooner “*Dolores*,” condemned in the British and Spanish Mixed Court of Justice at this place on the 23rd of May, 1837, for having been captured with 314 slaves on board (Class A. 1837, page 30).

No. 5 is the Custom-house clearance from Havana, in which Molan, the American Captain of the flag, is called Captain Molena. His vessel was cleared out on the 7th of December last for Nerveister, meaning, we presume, New Cester, the large slaving station of Monsieur Tédore Canot, in the neighbourhood of Gallinas. Amongst the shippers of the cargo we meet with the names of the English house of Messrs. Drake and Co. of Havana.

No. 6 is a log-book, written in miserable English. The sea-log begins on the 9th of December last, under the general head of “Transactions on board the schooner ‘*Euphrates*,’ from Havana to Gallinas.” On the 31st of January the schooner reached Rio Pongas, and remained in that river until the 26th of February. On the 4th of March she was off Cape Mesurado, and on the 7th was boarded by a British brig-of-war (name not mentioned), and again on the 10th by the same brig. On the 12th she was boarded by Her Majesty’s brigantine “*Forester*,” and again on the 6th of April by the same man-of-war, who overhauled her, “suspecting” (as Captain Molan remarks) “her to be a slaver, which God forbid she ever should be while I command her.” On the 19th of April the schooner was boarded by Her Majesty’s brigantine “*Tomkin*” (“*Termagant*” must be meant), and on the following day by Her Majesty’s brig “*Saracen*,” when Lieutenant Hill, the Commander of the “*Saracen*,” endorsed on the ship’s papers that the schooner was evidently prepared for the Slave Trade. She was subsequently boarded on the 14th of May by Her Majesty’s brigantine “*Dolphin*,” and on the 17th of May by Her Majesty’s brig “*Harlequin*.” The log ends on the 15th ultimo, and the schooner’s detention by the “*Dolphin*,” Lieutenant Edward Holland, commander, took place during the night of the 16th ultimo.

No. 7 is a bundle of papers of no particular interest. One of them shows that the writer had been on board the American ship “*Black Hawk*,” commanded by Captain Hickling, whose name has already come before us in connexion with Slave Trade.

## No. 41.

*Her Majesty’s Commissioners to Viscount Palmerston.*

*Sierra Leone, July 11, 1839.*

*(Received July 11, 1840.)*

MY LORD,

WE have the honour to enclose our Report of the case of the Spanish schooner “*Merced*,” Jozé Urresti, Master, captured by Her Majesty’s brigantine “*Dolphin*,” Lieutenant Edward Holland, Commander, at New Cestos, on the 18th ultimo, and condemned on the 8th instant for a breach of the additional Article of the Treaty between Great Britain and Spain, of the 23rd of September, 1817, in having had a slave or slaves on board for purposes of the traffic in the particular voyage in which she was detained.

The “*Merced*” had been boarded by the “*Dolphin*” whilst running into New Cestos on the night immediately preceding her capture, and had been suffered to depart when it was discovered that her fittings and equipment were exactly in the same state as when they were pronounced by the British and Spanish Mixed Court of Justice, on the 11th of February last, insufficient to cause her condemnation.

Within a few minutes after leaving the “*Merced*,” the cries of a man in the water were heard on board the “*Dolphin* ;” boats were instantly lowered, and a negro male slave was picked up, who proved to have been removed from the “*Merced*” a short time prior to her being boarded by the man-of-war. The “*Merced*” was then again pursued, and was detained at New Cestos early on the following morning.

As in the case of the “*Violante*,” reported in our Despatch marked “*Portugal*,” of the 14th January last, which was seized by, and condemned to, the same naval officer who a short time previously had unsuccessfully prosecuted the same vessel in the British and Spanish Mixed Court of Justice; so also was the “*Merced*,” in this instance, eventually condemned to the same officer, Lieutenant Holland, who had been compelled to pay costs, damages, and expenses for having improperly detained her a few months before, as reported in our Despatch

(Spain) of the 14th of February, 1839, and (Spain) of the 14th of March, 1839; and in the mean time the "*Merced*" had been detained, and brought to Sierra Leone, but not prosecuted, by Lord Francis Russell, Commander of Her Majesty's sloop "*Harlequin*," as reported in our Despatch (Spain) of the 13th of May, 1839.

We have, &c.

(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

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

---

Enclosure in No. 41.

*Report of the case of the Spanish schooner "Merced," Jozé Urresti, Master.*

*Sierra Leone, July 11, 1839.*

In a Report which was written respecting the above vessel, on the 14th of February last, on the occasion of an unsuccessful prosecution against her, Nos. 1, 2, and 3 of the ship's papers were fully described. At the time of the present capture, No. 4, the Custom-house clearance from Porto Rico, dated on the 31st of August, 1838, was not found on board, and the Spanish log-books of the voyage were likewise missing.

After the restoration of the "*Merced*" to her master and owner, she left this colony on the 11th of March last, bound to the American settlement at Liberia, with 45 demijohns of palm-oil and 100 pieces of cotton goods on board, and on the 27th of the same month she cleared out from Liberia to New Cestos with the same cargo, and from that time we know nothing of her proceedings until she was fallen in with off New Cestos, during the night of the 17th ultimo, by Her Majesty's brigantine "*Dolphin*."

The arrival of the "*Merced*" in this harbour, for the third time within a few months, was reported by the Marshal on the 26th ultimo, and on the same day the captor's proctor petitioned that the affidavit verifying the papers found on board the detained schooner might, with the papers themselves, and the captor's declaration of seizure, be received and filed in the British and Spanish Mixed Court of Justice, that the usual monition might issue, and that the petitioner might be allowed to adduce his evidence.

The captor's declaration is to the following effect:—"I, Edward Holland, Lieutenant and Commander of Her Majesty's brigantine '*Dolphin*,' hereby declare that on this 18th day of June, 1839, I detained the schooner named the '*Merced*,' sailing under Spanish colours, commanded by Jozé Urresti, who was on shore, and navigated by a crew of 16 men, of whom were on board six.

"That I detained this vessel for being Spanish property, and for having been engaged in the traffic in slaves during the present voyage, contrary to the Treaties between Great Britain and Spain, signed on the 23rd of September, 1817, and the 28th of June, 1835.

"I further declare that I caused this vessel to be examined on the night of the 17th of June, but not finding anything contrary to the Tenth Article of the Treaty between Great Britain and Spain of the 28th of June, 1835, I permitted her to depart.

"That shortly after so boarding her, I found a negro swimming in the track which the said vessel must have pursued; that the said negro was branded in the manner usual with slaves, and from his account I had reason to believe that he had been thrown overboard from the '*Merced*,' in order to avoid the detention which would have been consequent on our finding him on board; and that on these grounds I detained the '*Merced*' on the following morning, off New Cestos, as before stated."

The above declaration was sworn to, and the slave alluded to immediately landed and placed in charge of the liberated African department, to await the adjudication of the case.

On the 28th ultimo the witnesses in preparatory produced by the captor were examined on the standing interrogatories.

The Master had been left on shore at New Cestos; and the Mate, Domingo Barazorda, as on the former occasion when the vessel was prosecuted, was the principal witness examined. To the first seven of the standing interrogatories, his replies were precisely similar to those which he gave on the 22nd of January last, and which were reported in our Despatch marked "*Spain*," of the 14th February. In reply to the 8th and some subsequent interrogatories, Barazorda deposed "that the voyage began and was to end at Porto Rico; that the last clearing port was Monrovia, Cape Mesurado; that the '*Merced*' was formerly detained by the English ship-of-war '*Dolphin*,' on suspicion of being engaged in the Slave Trade, and being sent to Sierra Leone was there tried, and restored to the Master by a decision of the Court; that when the vessel returned to New Cestos, the Master was there landed, and thence she proceeded to Little Cape Mount, when she was again detained by Her Majesty's sloop '*Harlequin*;' that she was again released at Sierra Leone, and went once more to New Cestos and Little Cape Mount, and whilst returning to New Cestos was finally detained on the present occasion; that no slave has been received on board the '*Merced*' for the purpose of the traffic in slaves during the present voyage."

Francisco Cheverio, a seaman of the detained vessel, was the other witness examined, but no further information could be elicited from him.

Publication of the evidence in preparatory was decreed on the 28th ultimo, and several examinations then took place upon special interrogatories prepared by the captor's proctor, and approved by the court.

Samma, the slave alleged to have been on board the detained vessel, having been sworn according to his country's fashion, deposed "that he was on board a vessel shortly before he was picked up in the water; that he does not know the name of the vessel; that she was a large vessel, with two masts and a deck, not a boat, and he was on board of her three days; that he did not go on board of his own will, but by compulsion; that a white man called Captain Tom, who lives in witness's country,

bought him there, and sold him to the Spaniards, who sent him in charge of some black men on board the vessel he spoke of; that there were more than 20 other slaves in the vessel; and one night witness and 10 other slaves were ordered out of the vessel and put into a boat, in which were four black boatmen; that he had observed during the day that the vessel was in sight of land; that he was ordered out of the vessel by a man whom he recognises in the man produced (Francisco Cheverio); that some time after the boat left the vessel, she was upset owing to the number of people in her, and to the roughness of the sea; that witness's companions, being all little boys, were unable to swim, but witness and the four boatmen kept themselves afloat till they had righted the boat and bailed her out; that the boatmen then got into the boat themselves, but told him he must not come in, and they hit him on the head with the oars, and shoved him off; that he swam after them for a time, and afterwards in what he supposed to be the direction of the land, when heard a gun fired, and afterwards seeing a light, made towards it, and was at last picked up by a boat from the English vessel; that he has seen a vessel in this harbour which is the one on board of which he was kept as a slave; that he recognises Pedro Rodriguez, Ramon Martinez, and Juan Arabi, three of the 'Merced's' crew, who with other persons were produced to him, as having been on board the vessel from which he was sent away."

Mr. William H. Pike, second master of the "Dolphin," deposed "that at the time when the 'Merced' was seized the leaguers and water-casks in the hold of the detained vessel were all placed forward and aft, so as to leave a clear space over the sand-ballast, where slaves might be stowed; that several spare sails, which were laid upon the sand, were covered with dirt and human excrement, the latter indicating not the health of ordinary passengers, but the diseases, such as dysentery, by which slaves on board slave-ships are usually affected; that the smell below was also of a kind well known to those whose are accustomed to visit slave-vessels, as being the uniform and peculiar smell met with in such cases."

Alfred Laurence, an able seaman of the "Dolphin," confirmed the testimony of Mr. Pike, deposing "that, on visiting the hold of the detained vessel immediately after her seizure, it appeared in a very confused state; that having occasion, after the vessel had got under way, to go down with others to clear a space for the chain-cable, his attention was called to the bonnet of the fore and aft foresail, which was lying almost underneath the fore-hatch, and which was covered in four or five places with human filth, &c.; that there was at the same time a very strong and disagreeable smell; that witness has observed a similar appearance and stench on board of other vessels where slaves have been stowed."

The additional evidence having been published, and the monition returned into court on the 3rd instant, a petition for a day of trial was presented on the following day; and on the 8th instant a court was summoned for the adjudication of the case, when judgment was pronounced in the following terms:—

The "Merced" is an acknowledged Spanish vessel, and has been prosecuted for a breach of the explanatory Article to the Treaty between Great Britain and Spain, signed at Madrid on the 23rd of December, 1817. This Article declares that if "there shall be clear and undeniable proof that a slave or slaves has or have been put on board a vessel for the purpose of illegal traffic, in the particular voyage in which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel shall be detained by the cruisers, and finally condemned by the Commissioners."

This Article only professes to be "explanatory," or declaratory of "the true intent and meaning of the stipulations of the Treaty;" and although its preamble refers merely to cases in which it has been attempted to evade the Treaty by "putting slaves momentarily on shore," we are sufficiently instructed, by the terms in which the explanation is conveyed, that the object of the high contracting parties was to bring within the penalties of the violated Treaty every vessel which shall have embarked a slave or slaves for the purpose of illegal traffic in the particular voyage in which she has been captured, whether such slave or slaves shall have been actually relanded, or only placed in a boat or canoe for such a purpose (as in the present instance), or shall have been thrown overboard in chase, or shall have died under the effects of confinement and ill-usage.

Such being our understanding of the Article in question, our business is to inquire whether there is sufficient evidence to show that the slave Samma, on account of whom this prosecution has been instituted, had actually been detained on board the "Merced" as a slave on the present voyage of that vessel. The concurrent testimony of different witnesses has proved to our full satisfaction that, on the approach of Her Majesty's brigantine "Dolphin," on the night of the 17th ultimo, some persons held as slaves on board the "Merced" were put into two boats or canoes and were despatched for the shore; that the slave Samma was one of those persons; that the canoe in which he was conveyed having been upset, he was only saved from drowning, or being destroyed by sharks, by the exertions of the crew of the "Dolphin," who heard his cries in the water; and that the identity of the "Merced" and her crew has been fully established.

On these grounds we now pronounce the condemnation of the Spanish schooner "Merced," José Urresti, master, her hull, tackle, apparel, and furniture, and the emancipation of the slave Samma, who was so happily rescued from death.

No information could be obtained as to the fate of the remainder of the slaves who were still on board the "Merced" when Samma and his companions were sent away from her in a boat. It is probable that they were in like manner despatched to the shore, which was not far distant, and they may have reached it in safety. The vessel having been found with only six men on board when she was visited by the man-of-war favours this supposition; but the facts could not be ascertained from the Spanish witnesses, who maintained that no slaves whatever had been on board the "Merced" during the present voyage.

The captor stated, in the declaration which he made immediately after the seizure of the "Merced" took place, that he believed that the negro Samma had been thrown overboard from the detained vessel. Samma's evidence shows this not to have been the case; and for the cruelty exercised towards him by the four black boatmen belonging to the shore, the Spanish crew were of course not accountable.

At the time when the "Merced" was chased by Her Majesty's brigantine "Dolphin," she was evidently not bound to the islands of Porto Rico or Cuba, but from the Gallinas or some other port in that neighbourhood to New Cestos, where the Captain, Urresti, and part of the crew were living on shore, and where the return cargo of slaves was being collected.

It may appear strange that the very marked indications of the recent occupation by slaves of the

hold of the "*Merced*," which presented themselves to the captor, and were noted by him so minutely on his search of the detained vessel on the morning of the 18th ultimo, should not have been observed on his visit and examination of the previous night. On the last-named occasion, the captor himself states in his declaration, that, "not finding anything *contrary to the 10th Article of the Treaty between Great Britain and Spain of the 28th of June, 1835*, he permitted her to depart." The very unusual occurrence of a vessel sailing between different ports of the coast with slaves on board was not suspected, or made the subject of investigation, by the boarding officer, whose whole attention was directed to the equipment. He saw that the vessel was in exactly the same state as when seized by the same man-of-war on a former occasion, when restoration of the seizure, with costs and damages against the captor, followed the decision of the British and Spanish Court that proof of the fitting and equipment of the vessel for Slave Trade had not been established.

On the following morning, however, the case was widely different. A man-slave had been picked up in the mean time swimming in the track just before passed over by the "*Merced*;" and this man, as far as could be discovered from an imperfect interpretation of his statement by one of the "Dolphin's" Kroomen, gave such a description of the circumstances which immediately preceded his being picked up, that Lieutenant Holland felt convinced that he had been removed from the "*Merced*," which he had just before chased and boarded, "in order," as Lieutenant Holland says in his declaration, "to avoid the detention which would have been consequent on finding him on board."

When, therefore, the "*Merced*" was boarded on the following morning at New Cestos, the whole object of the search was to ascertain, not if the 10th Article of the late Spanish Treaty had been violated by an illegal equipment, but whether there was anything to show that the additional Article to the Spanish Treaty of 1817 had been violated by the shipment of a slave, or slaves, on board the "*Merced*," during the particular voyage in which she was then engaged. And the result of this examination, together with the evidence of the slave Samma, and his recognition both of the vessel and the Spanish crew, fully brought to light a fact of which, at the time of the captor's former visit to the prize, he had entertained no suspicion.

(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

No. 42.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, July 14, 1839.**(Received July 11, 1840.)*

My LORD,

WE have the honour herewith to transmit to your Lordship a Report of the case of the schooner "*Sin-Ygual*," José Pereira, Master, which was captured off Gallinas on the 28th ultimo, by Her Majesty's sloop "*Harlequin*," the Right Hon. Lord Francis John Russell, Commander, and condemned in the British and Spanish Mixed Court of Justice on the 12th instant, for a violation of the 10th Article of the late Spanish Treaty.

We had been for some time expecting the arrival of this vessel, with whose previous history we were acquainted; and had the captor been unable, from the evidence adduced by himself, to prove that the Portuguese flag and papers under which she sailed were only a fraudulent cover for a Spanish ownership, that object would have been attained by the invocation of various papers, which have been filed in other cases which have come before us during the last eight months.

For years before the "*Sin-Ygual*" obtained her false Portuguese papers at Villa da Praia, she was under her former name of the Spanish schooner "*Tres Manuelas*," and has since been, under her present name, a constant slave-trader between Havana and the coast, and she must, first and last, have made a considerable sum for her owners, Pedro Martinez and Co., of Havana, who however have lately suffered very severe losses, from the numerous vessels belonging to them which have been condemned and destroyed at Sierra Leone.

We have, &amp;c.

(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

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

Enclosure in No. 42.

*Report of the Case of the Schooner "Sin-Ygual," José Pereira, Captain of the Portuguese Flag.**Sierra Leone, July 14th, 1839.*

THE papers found on board this vessel at the time of her capture are as follow:—

1. A bill of sale, in the same form and words employed by the Notary Public, Miguel de Britto Pereira, of Villa da Praia, St. Jago, in the Cape Verd Islands, in numerous other cases where the



same parties have appeared as the nominal purchasers of Spanish vessels, when it became necessary for those vessels to assume the Portuguese flag. The present document is dated the 25th of October, 1836, and sets forth that Pedro Passadillo, the master and owner of the Spanish schooner "*Dido*," sold that vessel to Antonio Dionizio Furtado, and that the money was paid, the deed executed, and the property transferred in the presence of Francisco Cardozo de Mello and Ignacio Carlos de Fonseca. There is nothing to identify the "*Dido*" here mentioned with the vessel called the "*Sin-Ygual*." There is a brig, sailing under American colours, called the "*Dido*," belonging, like the "*Sin-Ygual*," to Pedro Martinez and Co., of Havana: and there is also a schooner under Portuguese colours, of the same name, belonging to Havana, but to what owners we do not know. We are convinced that the bill of sale thus produced has no connexion with the "*Sin-Ygual*." The Portuguese passport of the vessel, which is generally obtained within two or three days after the fictitious transfer has taken place, is here dated nearly seven months after the bill of sale produced; and it seems clearly proved that the "*Sin-Ygual*" was formerly the well-known "*Tres Manuelas*," owned under both names by Pedro Martinez and Co., of Havana. On the last voyage which the "*Tres Manuelas*" made under her Spanish name and colours, she landed a cargo of slaves, immediately before entering Havana, on the 21st of June, 1836 (Class A. 1836, page 155). Portuguese colours must have been obtained on the succeeding voyage, as, when the schooner subsequently left Havana for the Coast on the 3rd of February, 1837, Her Majesty's Commissioners at that place describe her (Class A. 1837, page 106), as "the Portuguese schooner '*Tres Manuelas*,' alias '*Sin-Ygual*.'"

2. Notwithstanding this mention of the "*Sin-Ygual*" at Havana on the 3rd of February, 1837, her Portuguese passport, which we now proceed to describe, is not dated at Villa da Praia until the 8th of May, 1837. It was then, according to its own declaration, granted by Joaquim Pereira Marinho, the Governor-General of the Cape Verd Islands, to the Portuguese schooner "*Semigual*," of American build, owned by Antonio Dionizio Furtado, and commanded by the present master, José Pereira, and authorises her to navigate solely between the Cape Verds and ports of Brazil. Instead, however, of seeking any Brazilian port, the schooner went direct to Havana from the Coast, and from that place cleared out, under the same passport, for Prince's Island, on the 25th of November, 1837, as stated in an endorsement made by José Miguel Fernandez, the late Portuguese Consul at Havana. From a letter found on board the "*Velos*" (reported in our Despatch marked "Spain," of the 30th November, 1838), addressed by Emilio Martin, the agent of Pedro Martinez and Co. at Lagos, to José H. Alvarez, the agent of Pedro Martinez and Co. at Gallinas, we learn that Martin had been obliged to despatch the "*Sin-Ygual*" from Lagos, on the 24th of August, 1838, "with only 328 slaves on board," owing to a disturbance amongst the natives. The schooner arrived at Havana on the 5th of October following, after landing 279 slaves in the neighbourhood, 49 of the cargo shipped having died on the passage.

On the 23rd of October, 1838, the schooner again cleared from Havana for St. Thomas; but an endorsement on her passport, made by Josef Croza, the Portuguese Consul for the Canary Islands, shows that she was at Santa Cruz, in the Island of Teneriffe, on the 21st of December following. We have observed that Santa Cruz has latterly been much frequented by vessels of the class of the "*Sin-Ygual*:" and highly useful information respecting their movements might be obtained from Her Majesty's Consul in that quarter.

The "*Sin-Ygual*" then succeeded in safely completing another voyage from the coast, and again cleared from Havana for St. Thomas in the month of May last, as appeared by the latest endorsement which the passport bears, signed by Pasquale Pluma, the Tuscan Consul, acting *pro tempore* as Portuguese Consul at Havana.

3 is a muster-roll of the crew shipped at Havana, consisting of 23 persons, including the Portuguese "Captain of the Flag," who signed the list on the 17th of May, 1839. The document is attested on the same day by the signature and seal of the Portuguese Pro-Consul Pluma.

4 and 5 are two pilotage certificates, obtained in like manner on the 17th of May last by Ramon San Martin and Miguel Martorell, who were, in fact, the master and mate of the detained vessel, although their names are not to be found in the muster-roll. These men were found on board the "*Sin-Ygual*" when she was detained, and, contrary to the usual practice, were unprovided with passports as passengers, which they professed themselves to be.

6 is the Custom-house clearance from Havana, dated also on the 17th of May, stating that the whole cargo of the vessel on her past voyage consisted of a few quarter-casks of spirits.

7 and 8 are two log-books in Spanish, beginning the 19th of May last, when the "*Sin-Ygual*" left Havana, and ending on the 26th ultimo, when she came to anchor at Gallinas. Capture took place two days afterwards.

9 is a short code of signals, which would appear to be intended for use at Lagos.

The following is a copy:—

White Broad Pendant.	Blue Broad Pendant.	White Flag.	Blue Flag.
1.	2.	3	4.

*Signals to be made from the Vesse to the Shore.*

1. No goods can be landed, from the bank being bad.
2. No cargo can be taken on board, from the state of the bank.
3. No canoe can go, from the bank being bad.
4. Send a canoe aboard.
12. We are going to sail, as the chain is broken.
13. We want water.
14. A misfortune aboard.
21. Nothing extraordinary.
23. Captain gone to the town,
24. Captain gone ashore.
31. A sail to windward.
32. A sail to leeward.
34. Sail outside, or to the southward.

41. The sail in sight is a merchantman, or neutral.  
 42. The sail in sight is an enemy, or English.  
 43. Make haste. Let the canoes come alongside, with cargo, without cargo, or empty.  
 123. At 12 o'clock on Sundays and Thursdays this signal is to be hoisted, in order to regulate the clocks.  
 124. Send some fresh provisions.

10 is a letter written by the owners of the "*Sin-Ygual*," and discovers the real position of Ramon San Martin, one of the pretended passengers, on board that vessel. It is written on the day after the "*Sin-Ygual*" had cleared out at Havana for St. Thomas, on her last voyage:—

(Copy.)

Señor Ramon San Martin,

Havana, 24th October, 1838.

SIR,—As you will sail to-morrow in the Portuguese schooner "*Sin-Ygual*," the object of our writing to you is to inform you that, on the 8th of the present month, we opened an account with you, and credited you in it with the two following sums:—

	Dollars.
By salary, as pilot of the " <i>Sin-Ygual</i> ," during nine months and 12 days, at 70 dollars per month	658
By gratification agreed upon of 3 dollars per slave, upon 279 slaves landed	837
Total	1,495
On the other side we debit you with the sum delivered to you on the 16th instant	995
Leaving a balance in your favour of	500

We request that you will be pleased to inform us at whose disposal we are to place the said balance, in case you should die on the voyage which you are about to undertake: and we remain, in the hope of your speedy and happy return,

Your most affectionate,  
 (Signed) PEDRO MARTINEZ & CO.

The "*Sin-Ygual*" arrived in the harbour of Sierra Leone on the 2nd instant, and the Marshal the same day reported that she had been seized by Her Majesty's sloop "*Harlequin*," the Right Hon. Lord Francis John Russell, Commander, on the 28th ultimo, off the Gallinas, under Portuguese colours, from a conviction that she was actually a Spanish vessel equipped for the Slave Trade.

Two days later the captor's proctor brought in a petition, that the affidavit verifying the papers found on board the "*Sin-Ygual*" might be sworn to, that the captor's declaration of seizure might be received, that a monition might issue from the Registry of the British and Spanish Mixed Court of Justice, and that the witnesses in preparatory might be summoned to give their attendance.

Jozé Pereira, the Captain of the Portuguese flag, deposed in reply to the standing interrogatories and standing special interrogatories—"that he was born at the island of Madeira, where he has since lived; is a subject of Portugal, and has never been subject of any other state; that he was appointed to the command of the detained vessel by Antonio Dionizio Furtado, at Villa da Praia, in the month of September, 1836; that the detained vessel was built in North America, and is of 90 tons burden; that she sailed under Portuguese colours, and had no others on board; that she is called the "*Sin-Ygual*," and he has never heard of her bearing any other name; that he was present at the capture of his vessel, but does not know why it took place; that there were 22 officers and mariners on board the "*Sin-Ygual*," exclusive of witness, partly Portuguese, but all hired and shipped by witness at Havana in March last; that there were two passengers on board, named Ramon San Martin and Miguel Martorell, both Spaniards by birth and allegiance, and seamen by profession, of the rank of pilots or mates, embarked at Havana for a passage to St. Thomas or Prince's, witness does not know on what business, but having no interest or authority in or over the vessel or cargo; that the only person on board interested in the vessel or her lading was witness himself, who owned 15 casks of aquadente, part of the cargo; that the voyage began at Havana, which was the last clearing port, and was to end at Havana or Brazil, as should be determined by witness; that the vessel was bound by her papers to the island of St. Thomas, but was carried by currents to the coast of the Gallinas; that Antonio Dionizio Furtado was sole owner of the vessel; that witness himself shipped the cargo taken in at Havana, and which belongs, with the exception of the small portion owned by himself, to Furtado, the owner of the vessel; that the combings of the "*Sin-Ygual*'s" hatchways are pierced to receive round iron bars, of which there are about 30 on board; that there are 40 or 50 spare planks on board, about 20 feet long, and a foot and a half to two feet wide, and one inch and a half thick, intended for the construction of huts on shore at any place where he might land for the purpose of trading; that there are casks on board capable of containing 70 pipes of liquid, and of them one half are filled at present with fresh water, but they are all intended to hold palm-oil on the return voyage."

Pasquel Piedra, who figures in the muster-roll as first officer of the detained vessel, but who cannot even write his own name, was the other witness examined. He deposed, in opposition to Jozé Pereira, the Portuguese Captain, "that Jozé Pereira himself was sole owner of the vessel as well as of all the cargo on board; that the voyage began and was to end at Havana; that the vessel touched at Gallinas, and there discharged her cargo, immediately after which she was captured."

With respect to the equipment of the detained vessel for Slave Trade, Piedra deposed, "that the combings of the hatchways are pierced to receive round iron bars; that besides 14 spare planks on deck, intended for repairs to the vessel, there are planks below intended for a slave-deck; that there are casks on board capable of receiving 75 pipes, and which were intended to receive palm-oil."

The above evidence was published on the 10th instant; and the monition having been returned into the Registry on the 11th instant, the following day was appointed for the adjudication of the case. It was not considered necessary to hold further examinations to investigate and disprove the inconsistencies and falsehood of the evidence given by the Portuguese master and boatswain of the "*Sin-Ygual*;"

for the admission on the part of those witnesses of an illegal equipment for the Slave Trade, taken in connection with the Spanish character which the detained vessel had acquired by the residence of her owner in a Spanish port, and by her exclusive employment in Spanish trade, rendered her so clearly liable to condemnation under the 10th Article of the Spanish Treaty, that a sentence of confiscation was, without any more delay, pronounced against all the property seized.

(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

No. 43.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 17, 1840.*

I REFERRED to Her Majesty's Advocate-General your Despatch of the 30th April, 1839, respecting the vessel the "*Mary Chusing*," "*Cushing*," or "*Lushing*," and I have now to acquaint you, that the Queen's Advocate has reported it to be his opinion, that the American colours and the character of an American vessel were assumed by the vessel in question, for the mere purpose of fraud and concealment, and that you ought to have entered into a consideration of the case.

I am, &amp;c.

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

(Signed) PALMERSTON.

No. 44.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, May 13, 1839.*

MY LORD,

*(Received July 18, 1840.)*

IN our Despatch of the 20th of January last, containing our report of the case of the schooner "*Ontario*," captured whilst sailing under Spanish colours, with 220 slaves on board, we remarked that the American papers under which the "*Ontario*" had sailed up to the day when her slaves were embarked, still remained in the possession of Eleazer Huntington, the former owner of that vessel, and would probably be again made use of, as before, to protect some other Spanish vessel, until a shipment of slaves rendered such papers no longer available.

At the time of the detention of the schooner "*Traveller*" by Her Majesty's sloop "*Harlequin*," as reported in our Despatch of this date, the same Eleazer Huntington was found on board in the character of a passenger, and as such accompanied the "*Traveller*" to Sierra Leone.

The opportunity thus offered of preventing any further use being made of the "*Ontario's*" American papers, was gladly embraced; and when they were placed in our hands by the kindness of Lord Francis Russell, the captor of the "*Traveller*," a memorandum in the following words was written in a large hand across the body of each document:—

*"Sierra Leone, May 7, 1839.*

"The within-named schooner '*Ontario*,' of Baltimore, was sold and transferred by Eleazer Huntington to Jozé Maria Mendez, in the river Nun, on the coast of Africa, on the 1st day of December, 1838, and was captured a few days afterwards by Her Majesty's sloop '*Pelican*,' with 220 slaves on board, who had been embarked in the aforesaid river. The '*Ontario*,' was subsequently condemned at Sierra Leone, where she was cut up and entirely destroyed.

(Signed)

"H. W. MACAULAY,  
"British Commissary Judge."

The rage exhibited by Mr. Huntington, on receiving back his papers endorsed as above, sufficiently proved that he had contemplated making some further improper use of documents which related to a vessel no longer in existence, and which had been cut up and destroyed under our own inspection.

It is curious to observe, in reference to the abstract of the "*Ontario's*" papers, which we have the honour to enclose to your Lordship, how frequently, even within our own limited experience, the names of the same parties are met with in connexion with Slave Trade adventures under the American flag; and we trust that the information which we have been able to obtain respecting these persons will induce the authorities of the United States to watch their illegal proceedings more vigilantly.

Three of the four original owners of the "*Ontario*," namely William Hooper, Andronicus Cheesebrough, and Thomas Whitridge, were the original owners of the "*Mary Cushing*," reported on the 30th ultimo. There is a difference only of 21 days in the dates of the two registers; and in each case a power of attorney was prepared by the notary public, Fernandes, on the same day that the registers were taken out, authorising the respective masters to sell their vessels forthwith.

Thomas Wingate, the master of the "*Ontario*," to whom authority was given to sell the schooner, is the same person to whom a similar power was granted by the owners of the "*Eagle*," just six weeks subsequently, as reported in our Despatch of the 12th of February last. Wingate sold the "*Eagle*" at Havana, on the 10th of March, 1838, and the "*Ontario*" on the 31st of May, 1838. It would thus appear that Wingate was appointed master of those vessels solely for the purpose of selling them. He was placed in command of the "*Ontario*" in October, 1837, and sold her in May, 1838; and in the period between those two dates, namely between December, 1837, and March, 1838, he both commanded and sold the "*Eagle*," if any reliance is to be placed on the representations of the American authorities at Havana.

Nathan Farnsworth, who was the purchaser of the "*Ontario*" on the 31st of May, 1838, was also the purchaser of the "*Traveller*" on the 7th of July, 1838, as mentioned in another Despatch to your Lordship of this date; and Peter Crusoe, who was a witness to the execution of the bill of sale of the "*Traveller*," acted in the same capacity when the "*Ontario*" was transferred to Farnsworth, and afterwards when the same vessel was purchased by Eleazer Huntington.

We have, &c.

(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

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

&c.

&c.

&c.

Enclosure in No. 44.

*Abstract of the Papers of the Schooner "Ontario," Eleazer Huntington, Master.*

*Sierra Leone, May 13, 1839.*

No. 1. The principal papers of the vessel are attached together, and endorsed in the following words by Mr. N. P. Trist, the American Consul at Havana:—"I, N. P. Trist, Consul, &c., do hereby certify that the documents hereunto attached are the true and proper title-papers of the schooner '*Ontario*,' of Baltimore, in the place of the original register granted her at the port of Baltimore, which register has been duly cancelled in this office, upon the sale and transfer of the said schooner from the owners therein named. In testimony whereof, &c. Signed and sealed with the consular seal on the 23rd of June, 1838."

The papers referred to in the above certificate of Mr. Consul Trist were, first, a copy of an American register, granted at Baltimore on the 20th of October, 1837, to William Hooper, William Cobb, Andronicus Cheesebrough, and Thomas Whitridge, owners of the "*Ontario*," and stating that the said vessel was a schooner of the burthen of 95 $\frac{3}{4}$  tons, and that she had been built in Dorchester, in Maryland, in the year 1833. A power of attorney, prepared at the same time that the above American register was taken out, and signed by the four owners above named, authorised Thomas Wingate, the master of the schooner, to sell her. The execution of this deed was witnessed by Samuel Fernandes and John Powers, the former of these witnesses having been employed as a notary public to prepare the power of attorney.

Wingate accordingly carried the "*Ontario*" to Havana, and there sold and transferred her, on the 31st of May, 1838, to Nathan Farnsworth, the transfer having been witnessed by Peter Crusoe, and its acknowledgment certified by Mr. Consul Trist on the same day.

Three weeks afterwards Farnsworth transferred his newly-bought vessel, at Havana, to Eleazer Huntington for the sum of 3800 dollars.

The bill of sale was, as before, witnessed by Peter Crusoe, and its acknowledgment attested by the consular signature and seal of Mr. N. P. Trist, on the 22nd of June, 1838.

The "*Ontario*" then sailed for the coast of Africa, and there continued under the American flag until the day when the cargo of slaves, which had been prepared for the return voyage, was ready for shipment, when Eleazer Huntington executed a bill of sale, in the river Nun, in favour of a Spaniard named Mendez, who, however, it afterwards appeared, had been the real owner of the schooner from the time when she first arrived at Havana.

CLASS A.

*Her Majesty's Commissioners to Viscount Palmerston.*

Sierra Leone, July 20, 1839.

(Received July 18, 1840.)

MY LORD,

WE have the honour to transmit enclosed to your Lordship a Report of the case of the schooner "*Victoria da Libertade*," Jozé Maria da Cunha, master, captured whilst sailing under Portuguese colours, on the 26th ultimo, at anchor off the river Sestos, by Her Majesty's sloop "Harlequin," the Right Hon. Lord Francis John Russell, commander, and condemned in the British and Spanish Mixed Court of Justice on the 18th instant, for having, under the Spanish character which really belonged to her, violated the 10th Article of the late Spanish Treaty, by an illegal equipment for Slave Trade.

We beg leave to request your Lordship's attention to the conduct of Mr. Pasquale Pluma, the Consul-General of Tuscany at Havana, and who at present holds the Consulship of Portugal in commission. This gentleman, it will be seen, is zealously and not unsuccessfully labouring to surpass his notorious predecessors in rendering active aid to the Havana slave-dealers, and in protecting them, as far as he can, from the consequences of their determined violation of law and Treaty.

We have, &amp;c.

(Signed)

H. W. MACAULAY,  
W. W. LEWIS.

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

## Enclosure in No. 45.

*Report of the case of the Schooner "Victoria da Libertade," Jozé Maria de Cunha, Master.*

Sierra Leone, 20th July, 1839.

Of the papers found on board the above vessel, the first in order of date is a Cape de Verde passport, granted by Joaquim Pereira Marinho, the Governor-General of those islands, on the 28th of June, 1838. It declares that the "*Victoria da Libertade*" was a Portuguese schooner, that she was owned as well as commanded by Jozé Maria da Cunha, a Portuguese subject, that she was of the burthen of 97 tons, that she was bound from Villa da Praia, St. Jago, direct to the coast of Brazil, and that she had been warned against engaging in the traffic in slaves.

An endorsement made within two months from the issuing of the passport by Lieutenant Arthur Kellett, of Her Majesty's brig "Brisk," shows that, instead of proceeding direct to Brazil, the schooner was then waiting for a cargo of slaves at the Gallinas; and a second endorsement, made at Havana on the 27th of April last, by Pasquale Pluma, the Portuguese Provisional Consul, states that she was at that time bound on a second voyage for the coast of Africa. There is, therefore, every reason to believe that in the mean time a cargo of slaves was successfully landed on the coast of Cuba. How Mr. Pluma was satisfied of the correctness of the schooner's proceedings, in having cleared out from a Portuguese port for the Brazils, and then sailing for the Gallinas and Havana, does not appear. Indeed, on this occasion, as on many others, propriety and good faith seem to have been as little regarded by the Tuscan Consul as by his notorious predecessors, Smith, Trist, and Fernandez.

No. 2.—It is extraordinary that the passport in which the present master, Da Cunha, is registered as owner of the "*Victoria*," "in consequence of authentic proof to that effect from legal documents lodged with the Secretary-General of the Government," was dated and signed by Governor-General Marinho one day prior to the execution of the bill of sale, the only legal document which could prove Da Cunha's title to be considered as towner of the vessel at all. By this deed, which is dated at Villa da Praia on the 29th of June, 1838, Don Joaquim de Andricain, a well-known Havana slave-dealer, nominally sold the Spanish schooner "*Victoria*," which had cleared out from Havana as a Spanish vessel just two months before, to the Portuguese captain of the flag, in the presence of Luis Pereira de Mello and Jozé Joaquim de Faria Lima e Abreu. The transfer of the vessel, and the assumption of the Portuguese flag, were in such circumstances in direct opposition to the Portuguese law of January, 1837; but the observance of that law has never been required by Portugal from her Governors on this coast, who are daily issuing passports which state, without hesitation or disguise, that the vessels which they invest with Portuguese nationality are of American or Spanish build.

It soon appeared, as might have been anticipated, that the bill of sale was purely fictitious, that Andricain retained all his former control over the "*Victoria*," that the first voyage made under, but in direct opposition to the new papers, was to Havana, the place of Andricain's residence, and that the present voyage was intended to have a similar termination.

No. 3.—On the 18th of April last Andricain went through the farce of executing a formal charter-party, to hire the use of his own vessel from his own captain, to carry a cargo of goods on freight on account and risk of a person named Juan Barcelo, and to be delivered to that person at New Cestos in the neighbourhood of Gallinas. To render this document more formal, it was prepared in the office and in the hand-writing of the Portuguese Provisional Consul at Havana, and sealed with the Consular seal. We subjoin a translation:—

*“ Consulate-General of Tuscany at Havana.**“ Havana, 18th April, 1839.*

“ IN consequence of the petition of Captain Jozé Maria da Cunha, commanding the Portuguese schooner called ‘ *Vittoria da Libertade*,’ of 97 tons, to be authorized to undertake a voyage to Nussel (New Cess or Cestos) and the Coast of Guinea, wherever she may be freighted,—

“ By virtue of the power conferred by His Imperial and Royal Highness, we authorize the above-mentioned Captain Jozé Maria da Cunha to execute with his said vessel the above projected voyage, and his return to the United States of America; conforming in all other things to the royal regulations and the royal patent of Portugal for his schooner, No. 702.

[L.S.]

(Signed)

“ PASQUALE PLUMA.

“ *To the Consul-General of Tuscany,  
charged with the Consulate of Portugal.*”

*“ Havana, 18th April, 1839.**“ Contract of Freight.*

“ THE undersigned, Jozé Maria da Cunha, captain and owner of the Portuguese schooner ‘ *Victoria da Libertade*,’ of the burthen of 97 tons, on one side, and Joaquim Andricain, freighter of the said schooner, on the other, have agreed and promised under this date the following:—

“ 1. Jozé Maria da Cunha, captain and owner of the above-mentioned vessel, at present riding at anchor in this port, engages so hold her ready, and perfectly well equipped and provided with everything that is necessary for undertaking the voyage from this port to that of Nussel (New Cess) on the coast of Guinea, on the 30th day of the present month, when she must sail, saving bad weather or one of those unforeseen and inevitable accidents which may obstruct her.

“ 2. Joaquim de Andricain, freighting the said vessel, engages to prepare the cargo within the period of six days, consisting of 21 pipes of rum, 400 muskets, 250 barrels of powder, 117 packages of dry goods (cases and bales), 40 rolls of tobacco, 400 boilers, 11 puncheons taken to pieces, 500 bars of iron, 1500 feet of plank, and 11 beams, which he embarks on account, and at the risk, of Juan Barcelo, and consigned to him, being bound to place them all alongside the schooner in good condition and at his own expense.

“ 3. Captain José Maria da Cunha engages, as soon as he shall have arrived safely at the said port of his destination, to deliver all the above-mentioned effects to the said Juan Barcelo in good condition and to his satisfaction; and the latter is bound to deliver to the captain 3000 dollars, which is the price agreed upon as freight in this present outward-bound voyage.

“ 4. Captain da Cunha grants to Juan Barcelo 30 laying days, to be counted from the day on which he may have delivered the cargo, which he considers sufficient time to receive the return cargo, which is to be palm-oil; he being obliged to receive only as much as he may be able to embark within the before-mentioned period of 30 days, beyond which he is not bound to receive any more cargo; and if it should happen that bad weather or other unforeseen causes should prevent the oil being collected, the lader, Barcelo, is bound to pay the captain 30 dollars for each day's delay, whatever may be the reason thereof.

“ 5. Juan Barcelo will pay to Captain Cunha for every 110 gallons of oil 11 dollars over and above the demurrage above mentioned, provided that, in the port of the United States where he is to unload, he be not delayed more than ten days; after which time he will pay the demurrage specified in Article 4 for each day exceeding the ten granted.

“ And for the due accomplishment of all that is stated in the five articles of this contract, we, the undersigned contractors, have bound ourselves, mutually one with the other, in the partial sum of 1000 dollars, which is to be paid to the one who observes, by the one who breaks or fails to fulfil, the agreement; and for greater formality, we have signed it in the presence of the Señor Consul of Tuscany and Portugal, the original remaining deposited in the archives of the Consulate.

“ And we, in consequence of the urgency of the case, have granted it to him, declaring that the signatures above affixed are the true and real ones of the contracting parties, Captain José da Cunha, and Joaquim de Andricain, and certifying that they signed this document, in duplicate, before us, this 18th of April; and in order that the same may be made to appear wherever it may be requisite, we grant this present, signed with our own hand, and sealed with the seal of this Imperial and Royal Consulate of Tuscany and Portugal in commission. At Havana the 16th of April, 1839.

(L.S.)

(Signed)

“ PASQUALE PLUMA.

“ *The Consul-General of Tuscany and Portugal in Commission.*”

It surely cannot be in accordance with the wishes of the Grand Duke of Tuscany, who so readily gave his accession to the French Treaty on the subject of the Slave Trade, that his representative at Havana should thus make himself a party to the shipment “ for the coast of Guinea ” of a complete slaving equipment of water-casks and slave-deck with beams to correspond, besides 400 boilers for the supply of slave-vessels, as well as the barracoons on the coast. Nor can this conduct be considered as inadvertence or oversight on the part of Mr. Pluma, for the document is, from the beginning to the end, written with his own hand.

No. 4 is the Custom-house clearance from Havana, dated on the 27th of April, 1839, and declaring that the “ *Victoria da Libertade* ” was bound to Cape Mesurado and St. Thomas, by way of Matanzas, with a slaving equipment and a few trade goods on board. The remainder of the cargo was to be shipped at Matanzas.

No. 5 is the Muster-roll of the “ *Victoria's* ” crew of 18 persons, dated at Havana on the 29th of April, 1839, and signed and sealed by Mr. Pasquale Pluma.

No. 6.—On the same day the following certificate, under the hand and seal of the same Portuguese Consul, was written on the first page of the log-book:—

(Copy)

"In the year of our Lord 1839, on the 29th day of April, at Havana, appeared personally before me, the Consul-General of Tuscany, charged with the consulate of Her Most Faithful Majesty Donna Maria the Second, Captain Jozé Maria de Cunha, commanding the Portuguese schooner called "*Victoria da Libertade*," of 97 tons, and the individuals of his crew, who bound themselves to execute with the said vessel a voyage to St. Thomas and to return to the <sup>United States,</sup> Havana, with the wages agreed upon per month, which are granted from to-day, to go to the United States.

"In witness, &amp;c.

(L.S.)

(Signed)

"PASQUALE PLUMA.

*The Consul-General of Tuscany and Portugal."*

The words "*agli stati Uniti*," which are written above the words "*all' Avana*," are in a smaller hand than the body of the certificate, and together with the unconnected words at the conclusion of the last sentence, "*Andare agli Stati Uniti*," seem to have been written after the document had been drawn out. But, be that as it may, Havana is still left as one of two probable destinations for the vessel on her return voyage.

No. 7 is a Clearance and official Manifest of the cargo shipped at Matanzas, independent of the slaving equipment and cargo which had been taken in at Havana. This document, which is dated on the 3rd of May, merely mentions Cape Mesurado as the place to which the "*Victoria*" was bound.

No. 8.—The goods shipped on freight at Matanzas are precisely described in a Bill of Lading, which contains all the articles specified in the Charter-Party (No. 3). The vessel is therein declared to be bound to Cape Mesurado, and the goods are to be delivered to Juan Barcelo at that place. But although Da Cunha is represented as captain and owner of the "*Victoria*," the Bill of Sale is signed by Andricain.

The log-book does not commence until the 3rd of May, on which day the schooner left Matanzas, and she sailed direct for the "River Sester," to which the English name is given, lying in 3° 32' west of the Meridian of Cadiz, and 5° 42' north latitude, and she anchored in that river on the 20th ultimo.

No time was lost in discharging the cargo; and very nearly the whole of it was landed when the schooner was met with and detained by Her Majesty's sloop "Harlequin," Lord Francis John Russell, Commander.

The carelessness of even the appearance of consistency, which we have so frequently had to observe on other occasions, with respect to official documents connected with slave adventures, was in this instance remarkable. The charter-party, prepared by Mr. Pluma, states that the "*Victoria da Libertade*" was bound to "Nussel," evidently meaning "New Cess," or "New Sester;" and in accordance with this charter-party, we have already mentioned, the vessel made a passage direct from Matanzas to the "River Sester," where the captor found her at anchor a few days after her arrival on the coast, and where the outward cargo was landed. In the certificate (No. 6) the same Mr. Pluma stated that the "*Victoria da Libertade*" was bound solely to "St. Thomas to return to Havana;" and in the muster-roll, prepared in like manner by Mr. Pluma, and on the same day, the vessel's destination is mentioned as "*Cape Mesurado and St. Thomas.*"

The Havana Custom-house clearance is the same in this respect as the muster-roll; but the Custom-house clearance at Matanzas, and the bill of lading signed in that place, both declare that the schooner was bound only to Cape Mesurado.

The charter-party is thus the only official document which has correctly described the destination of the vessel; and the other places mentioned are too far distant, both from one another and from the place where the cargo was actually delivered, and whither the vessel was really bound, that the misrepresentation must have been intentional.

On the 1st instant the "*Victoria da Libertade*" arrived in this harbour, and her arrival, and the circumstances of her capture, were duly reported by the Marshal. The case was brought before the British and Spanish Mixed Court of Justice on the 4th instant, when the captor's declaration, and the affidavit, verifying the facts of seizure, and authenticating the ship's papers, were received and filed, a monition was published, and the witnesses in preparatory were produced by the captor, and were ordered for examination on the following day.

The captor's declaration is to the following effect:—"I, the Right Honourable Lord Francis John Russell, Commander of Her Majesty's sloop "Harlequin," hereby declare that on the 26th of June, 1839, being in or about latitude 5° 42' north, longitude 9° 52' west, I detained the schooner named "*Victoria da Libertade*," sailing under Portuguese colours, and commanded by Jozé Maria da Cunha, who declared her to be bound from Matanzas to Cape Mesurado and St. Thomas, but refused to declare to what port he was bound on his return voyage.

"And I further declare that I have seized this vessel as being Spanish property, and equipped for the slave-trade, contrary to the treaty between Great Britain and Spain."

The Portuguese master, Jozé Maria da Cunha, deposed "that he was born at Lisbon, where he resides, is a subject of Portugal, and has never been subject to any other state; that he appointed himself to the command of the detained vessel, and took possession of her at St. Jago, in the Cape de Verde Islands, in the month of July last year; that he was present at the capture, but does not know why it took place; that the vessel sailed under Portuguese colours; that the two mates were both Spaniards, and the rest of the crew Tuscan and Portuguese, but all hired and shipped by him at Havana in April last; that the voyage began at Havana, and was to end at some port in the United States; that the last clearance port was Matanzas, from which place the vessel went direct to New Sesters, and discharged the cargo which had been taken on board at Havana and Matanzas; that witness is himself sole owner of the vessel; that a bill of sale was made to him by Joaquim Andricain in the month of July last, at Villa da Praia; that the sole owner of the cargo was the same Joaquim Andricain, a Jew, residing and carrying on business at Havana, and witness verily believes that the cargo, if restored, will belong to him only; that there are casks on board, capable of receiving nineteen pipes of water; that one of the casks was filled with fresh water at the time of capture, and the rest with salt water, for ballast, and they were only taken on board for that purpose; that there was one cask of American rice, one barrel of flour, and three bags of beans on board, for the use of the crew."

The Spanish chief-mate, Juan Coll, was likewise examined, and his evidence confirmed the master's

testimony, except with respect to the port of return, of which Coll deposed that he was altogether ignorant.

Publication of the above evidence was decreed on the 5th instant, and on the following day a Commission of Survey and Inspection upon the fittings of the detained vessel was prayed for and issued. The Report of the Surveyors was delivered in on the 8th instant, and is to the following effect:—

“We found a pair of slave-calls; we found one small cask and a scuttle-butt full of fresh water, about two hundred and fifty gallons; we found thirteen leaguers of various sizes, holding from two hundred to four hundred gallons each, besides five small casks and the scuttle-butt, capable altogether of containing about three thousand eight hundred gallons of water; we found the leaguers full of salt-water, and in place of bung-holes, square openings about six inches square were cut at the top, and pieces of perforated tin were nailed over these openings; we found the cabouse, fitted with four small boilers of four and a half gallons each, and so constructed as to be able to receive a large boiler, or boilers, at pleasure; we found part of a cask of farina, and about sixteen bushels of rice in casks, also a bag of peas.”

This was followed on the same day by the presentation of a petition for the acceptance of a claim for the detained vessel and her cargo, accompanied by an affidavit in support of the facts stated therein. The only part of the claim and affidavit deserving of notice is the positive assertion of the master that he was sole owner of the cargo, as well as of the vessel, although in his previous evidence he had sworn that the cargo was owned entirely by Joaquim Andricain, and although the charter-party (No. 3), which is signed both by Da Cunha and Andricain, declares that the cargo was shipped “on account and risk of Don Juan Barcelo,” at New Sesters, and was consigned to the same party.

The prize-master and surveyors were then examined by the claimant’s proctor, with the object of showing that the instrument denominated “a slave-call” in the surveyor’s Report was customarily in use on board Spanish and Portuguese merchant-vessels, for the purpose of calling the watch; and further, that the reason of having so many as four boilers was that one or two of them leaked; but the claimant’s attempt failed in both instances.

In the mean time the monition, which had been issued on the 4th instant, was returned into court on the 11th, and a joint petition from the proctors of captor and claimant having been presented on the 17th instant for a day of trial to be appointed, the following morning was named for the adjudication of the case.

The precise intentions of the conductors of the expedition in which the “*Victoria da Libertade*” was engaged at the time of her capture had been very imperfectly ascertained. Enough, however, had been admitted by the witnesses, and discovered from the papers found on board, to warrant us in forming an opinion upon the justice of the captor’s allegations.

In direct opposition to the Portuguese Decree of the 17th of January, 1837, the “*Victoria*” was nominally sold at Porto Praya, in the Cape de Verd Islands, about a year since, by Don Joaquim Andricain, to the present master and claimant, José Maria da Cunha. Andricain is stated by the claimant to be a mere merchant, residing and carrying on business at Havana, and who, in spite of the bill of sale which he passed to Da Cunha, has ever since continued to employ the vessel in all respects as he did before the transfer took place. He was the lader of the outward cargo; and under the assumed character of the charterer of the vessel he was found directing all the proceedings of the present voyage. This is the second voyage made by the “*Victoria*” under her present papers; and although on the last voyage she cleared out from Villa da Praya direct for the Brazils, Her Majesty’s brig “*Brisk*” met with her two months after she had left her clearance port, trading at the Gallinas, from which part of the coast she subsequently found her way, not to the Brazils, but to Havana, the residence of her former owner.

As on the last voyage a port of the Brazils, so, on the present occasion, a port of the United States has been put forward as the destination of the “*Victoria*” on her return. The representation in both cases is, we have no doubt, equally false, and that the vessel would now, as formerly, have returned to Havana, where her crew were hired, and where the outward cargo was shipped. The endeavours made by the claimant to conceal this destination are exceedingly awkward. He first of all positively “refused to declare to what port he was bound on his return voyage.” The mate deposed “that he does not know where the voyage was to end;” and the master at last declared that “the voyage was to end at some port of the United States,” but does not pretend to know at which of them.

On the first page of the log-book the real state of the case has been certified by the Portuguese Consul at Havana, on the 29th of April last, in the following words:—“On this day personally appeared before me the captain and crew of the Portuguese schooner ‘*Victoria da Libertade*,’ who bound themselves to execute with the said vessel a voyage to St. Thomas, and to return to Havana.” This is plain enough; and no attempt has been made to obliterate the words “to return to Havana,” but, as an interlineation above the word Havana, is written in a small hand “United States,” as if the captain and seamen had bound themselves to go either to one or the other, as might be found necessary. And at foot is added the note, “to go to the United States.” We thus see that the route originally marked out was “Havana to St. Thomas, to return to Havana;” and the United States, in a most indefinite manner, were subsequently mentioned as a probable or possible place of destination.

We were further convinced that Cuba, and not America, would have been sought on the return voyage, because the equipment of the “*Victoria*,” as described by the surveyors to the court, demonstrated that the homeward cargo was to consist of slaves, the introduction of whom into Boston, New York, or any other port of the United States, would have exposed the importers, as the claimant well knew, to consequences very different from those which would attend their importation into Cuba, where he might rely upon receiving the utmost assistance and support from all the authorities.

The claimant was apparently determined that we should not suppose that his suspicious equipment was shipped for legal purposes; for, although his fictitious charter-party speaks of palm-oil being carried on the homeward voyage, both master and mate positively swore that their numerous casks, capable of containing about 4000 gallons, were not to have been filled with palm-oil, or with anything else liquid or solid that might have possessed some exchangeable value in the United States or elsewhere, but with salt-water only.

Regarding the bill of sale alleged to have been executed at the Cape de Verd Islands as entirely fraudulent; considering the ownership of the vessel still to reside in Andricain, of Havana; believing that the port of departure was also to have been that of return; and the prohibited articles of equipment having



been unsatisfactorily accounted for; we deemed the "*Victoria da Libertade*" fully invested, for all commercial purposes, with a Spanish character, and liable as such to the penalties annexed to the breach of the 10th Article of the Spanish Treaty. We accordingly condemned the detained vessel and her cargo.

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

No. 46.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, May 13, 1839.*

(Received July 31, 1840.)

MY LORD,

HEREWITH we have the honour to enclose to your Lordship an abstract of the Papers found on board the schooner "*Traveller*," Andrew Johnson, Master, which was detained on the 30th ultimo whilst sailing under American colours, by Her Majesty's sloop "*Harlequin*," the Right Hon. Lord Francis John Russell, Commander, having on board a crew of 14 persons and one passenger, named Eleazer Huntington, and being furnished with a general slave-trading equipment of slave-coppers, spare plank, water-casks, &c.

Lord Francis Russell made an unsuccessful attempt to get the "*Traveller*" admitted to prosecution in the British and Spanish Mixed Court of Justice, the same rule being applied to this case which had guided our conduct with regard to all recent seizures under the American flag. But it seems doubtful whether it would have been in the captor's power to affix a Spanish ownership upon the detained vessel, even if she had been admitted into Court.

We have no doubt that the Spanish or Portuguese flag would have been assumed by the "*Traveller*," when her return cargo of slaves was ready for embarkation; but there is nothing in the papers to indicate the parties who were really interested in the result of the adventure.

Messrs. Cucullu, Lapeyre, and Co., of New Orleans, who sold the "*Traveller*" for Messrs. Blanco and Carballo of Havana, the former owners, have been already pointed out in our Despatch of the 15th of December last, as the agents and correspondents of the well-known slaving firm at Havana for which they acted on this occasion.

We beg to refer your Lordship to the enclosed abstract for further information respecting this vessel's proceedings.

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

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

Enclosure in No. 46.

*Abstract of the Papers of the schooner "Traveller," Andrew Johnson, Master.*

*Sierra Leone, May 13, 1839.*

No. 1 is a collection of papers bound together, and intended to show the right possessed by the present master, Johnson, to dispose of the vessel which he commands when and where he pleases.

The first of these papers in point of date is a Notarial Certificate, by Carlile Pocock, a Notary Public at New Orleans, that Manuel Simon Cucullu, senior, partner in the commercial house of M. S. Cucullu, Lapeyre, and Co., agents and attorneys of Blanco and Carballo of Havana, had appeared before him in the month of June 1838, and acknowledged the sale of the schooner "*Resaca*" of Havana, for the sum of 3000 dollars, to Charles Salvi, a resident of New Orleans, and a citizen of the United States. The receipt of the purchase-money on behalf of Blanco and Carballo, the former owners, is then acknowledged by M. S. Cucullu, and Salvi is declared to be thenceforth the owner.

A second certificate by the same notary, dated at New Orleans on the 11th of June, 1838, states that Charles Salvi, the purchaser of the "*Resaca*," appeared before him on that day, and swore that he was a citizen of the United States, and the sole owner of the said vessel. It then continues:—"Wherefore I, the said notary, do hereby certify that the said vessel, being of foreign construction, is precluded by the law of the Congress of the United States, passed on the 26th of March, 1810, from having any register or sea-letter, and these presents are intended to supply, as far as may be, the want of such documents, by proving that the said vessel is *bonâ fide* the property of a citizen of the United States. In witness whereof, &c. Signed, sealed, &c." To the above papers a certificate was attached on the 23rd of June, 1838, by E. D. White, the Governor of the State of Louisiana, and coun-

tersigned by W. C. C. Clarborne, the State Secretary, that Carlile Pocock was a duly authorized Notary Public.

In less than three weeks from this time, a Bill of Sale was executed at Havana by Charles Salvi, in the presence of Peter Crusoe, by which the schooner "*Traveller*" was transferred to Nathan Farnsworth of New York for the sum of 3000 dollars, "as she now lies in the port of Havana, no description being given of the said schooner only what is given in the annexed documents, to wit, foreign built, and 100 $\frac{1}{4}$  tons admeasurement."

The process by which the schooner "*Resaca*" became the schooner "*Traveller*" is not explained; however, Mr. N. P. Trist, the American Consul, received Salvi's acknowledgment of the deed on the 12th of July, 1838, and on the 18th following certified under his official seal that Nathan Farnsworth, the new owner, had taken the oath as Master of the vessel which he had purchased, in lieu of Charles Salvi, the late Master. On the 30th of the following month (August) we find the "*Traveller*" at Villa de Praya, St. Jago, Cape de Verde Islands, where Farnsworth, the owner and Master, left the vessel, owing to ill health, appointing the First Mate, Andrew Johnson, in his place, and at the same time executing in his favour a Power of Attorney to enable him to sell the "*Traveller*" whenever he might think it necessary to do so, and to give a Bill of Sale to the purchaser.

This Power of Attorney was acknowledged by Farnsworth as his act and deed before Mr. F. Gardner, the American Consul at the Cape de Verde Islands, who added his certificate on the 31st of August, 1838, that the new Master, Johnson, had taken the requisite oath before him on that date.

No. 2 is headed "List of persons composing the crew of the schooner '*Traveller*,' of New Orleans, whereof is Master Nathan Farnsworth, bound for the island of Principe."

This list contains the names of nine persons, but only three of them are said to have been citizens of the United States, amongst whom is Andrew Johnson, the present Master, who was shipped as mate.

To account for the disappearance of the American crew shipped at New Orleans by Salvi, and as an excuse apparently for permitting an American vessel to clear out with a crew consisting almost entirely of foreigners, Mr. Consul Trist certified, on the 19th of July, 1838, that the whole of the men and officers, who had sailed in the vessel from New Orleans on the 24th of June, had *run away* at Havana on the 6th of July. A similar statement was made in the case of the "*Iago*" by Mr. Charles P. Trant, the American Vice-Consul at Matanzas, and we may expect that this subterfuge will now be generally resorted to by such American functionaries as are inclined to imitate Mr. Trist, by enabling Spanish slave-vessels, navigated entirely by Spanish crews, to avail themselves of the protection of the American flag.

No. 3 is a certificate of American citizenship, granted on the 3rd of May, 1834, by the collector of customs at Charleston, to Andrew Johnson, of 30 years of age.

No. 4 is the custom-house clearance from Havana, dated on the 18th of July, 1838. It describes the vessel as the American schooner "*Traveller*," bound to Prince's Island, and clears out a slaving equipment of water-casks, slave-deck, and slave-coppers.

No. 5.—The log-book is marked on the outside,

" The  
" Traveller  
" of  
" New ~~XXXXXXXXXX~~

The word "Orleans" has been apparently obliterated, probably with the intention of inserting the word "York," the present professed owner, Farnsworth, belonging to New York.

From this book we learn that the schooner left New Orleans on the 24th of June, 1838, and arrived at Havana on the 3rd of July. Between this time and the 20th of the same month, no mention is made of the vessel having changed her name, her ownership, and captain; nor is anything said of all her crew having deserted. But we meet with such entries as these, showing the preparations which were being made for carrying on her illegal pursuits on this coast: "July 11th, employed lashing water-casks in bundles. July 12th continues same work. July 13th, stowing 17 large casks; *done at night*. July 15th, lashed the water-casks on deck. July 18th, taking in firewood."

On the 20th of July the sea-log began, and was headed "Schooner, '*Traveller*,' from Havana, towards Gallinas; Nathan Farnsworth, master." The "*Traveller*" cleared for Prince's Island; but no intention seems to have existed of visiting that part of the coast, nor is that destination once mentioned in the log. On the 29th she came to anchor at Porto Praya, in the Cape de Verde Islands; and on the following day it was noted that Captain Farnsworth left the ship on account of sickness, and that the mate, A. Johnson, was made captain in his room. On the 1st of September the "*Traveller*" was again at sea, running to the southward. She anchored in the Gallinas on the 9th, but was under way again on the following day for Young Sesters, where she arrived on the 12th, and began discharging her cargo, "the supercargo and passengers going on shore there." This extensive slave-mart, presided over by the notorious Theodore Canot, was evidently the place where the "*Traveller*'s" return cargo was to be shipped; and during the seven months and a half that she was detained on this coast she was constantly employed in trading with the natives, for rice and other provisions, at all the neighbouring stations—Grand Bassa, Sinou, Settra-kroo, Garaway, Cavally, the Sherbro, Cape Palmas. She frequently visited the Gallinas and Young Sesters whilst so employed, and was often boarded by different British men-of-war; for instance, on the 24th of September, by a British man-of-war not named; 26th December, by Her Majesty's brig "*Brisk*;" 9th January, by the "*Buzzard*;" 15th January, by the "*Bonetta*;" 3rd March, by the "*Forester*;" 13th March, by the "*Saracen*;" and finally, on the 30th, by Her Majesty's sloop "*Harlequin*," Lord Francis Russell, commander, by whom she was detained and brought to Sierra Leone.

No. 47.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, July 11th, 1839.**(Received July 31st, 1840.)*

MY LORD,

HEREWITH we have the honour to transmit to your Lordship an Abstract and Translation of the papers found on board the schooner "*Jack Wilding*," William Young, master; also an Abstract of the Evidence taken in the case; a Report of the proceedings in the British and Spanish Mixed Court of Justice, which were concluded on the 8th instant, by the condemnation of the detained vessel and her cargo; and a copy of the judgment pronounced by the court.

We beg leave to refer your Lordship for information, to the enclosed papers, which we have endeavoured to make as full and minute as possible; thinking it probable that representations on the subject of the "*Jack Wilding's*" seizure and condemnation may be made to your Lordship by the government of the United States.

We have been careful to explain the grounds of our decision in this case, for the purpose of guarding against an impression, that the course which has been pursued towards the "*Jack Wilding*" is owing to any change in our opinions as to the inviolability of the American flag, and the exemption from visitation and search on the high seas enjoyed by the apparent vessels of the United States.

We have, &amp;c.

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

First Enclosure in No. 47.

*Abstract and Translations of the Papers found on board the schooner "Jack Wilding," William Young, Master.*

No. 1 is a Permanent American Register, No. 49, issued at Baltimore on the 12th of June, 1838, to Thomas Whitridge, Andronicus Cheesebrough, and William Hooper, of Baltimore, for their schooner "*Jack Wilding*," built during the year 1838, and measuring 98 $\frac{1}{2}$  tons, and commanded by James Tyler, of the United States.

There are two endorsements on this document made at Havana by Mr. J. A. Smith, the Vice-Consul of the United States at that port; the first is dated on the 11th of March, 1839, and states that Fullerton T. Kneass had taken the oath required by law, and was Master in place of James Tyler; the second, dated on the 20th of the same month, certifies that the present Master, William Young, had been sworn into the command of the vessel in the room of F. T. Kneass, who was unable to proceed on the voyage.

The nominal owners of this vessel will be recollected as the owners of the "*Mary Cushing*" and "*Ontario*," reported on the 30th of April and the 13th of May last; and the Captain Tyler, who figured in this case as the Master from the 12th of June, 1838, to the 11th of March, 1839, appeared as Master of the "*Mary Cushing*" from the 29th of September, 1837, to the 19th of May, 1838.

No. 2 is a "List of persons composing the crew of the schooner '*Jack Wilding*,' of Baltimore, whereof is Master William Young, and bound for Cape de Verds and St. Thomas." This list contains the names of 11 seamen, of whom 7 are Spaniards and 4 Portuguese, but not 1 American besides the Master, who signed the list on the 21st of March, 1839, and swore to its correctness on the same day before the American Vice-Consul, Mr. Smith, as certified under his hand and seal of office.

No. 3 is a Third Pilot's Certificate, granted to Lorenzo Capo at Havana on the 22nd of March, 1839. This man's name appears first on the Muster-roll, which was made up on the previous day.

Nos. 4 to 13 are ten Passports, in the names of the ten other seamen who, with Lorenzo Capo, just mentioned as a Spanish Third Pilot, formed the crew according to the Muster-roll. These passports are the first of the kind that have come under our notice; they are very much in the form of a *carte de séjour*, are issued to the seamen of foreign vessels by the Captain of the Port of Havana, and are renewable every month. We have already mentioned that only 4 of the seamen, whose names are inserted in the "*Jack Wilding's*" Muster-roll, are there said to have been Portuguese subjects; and yet from the tenor of these passports it would appear that they all wished to pass for Portuguese sailors, in order, we suppose, to be eligible to serve on board the numerous Spanish vessels sailing from Havana under Portuguese papers and flag; for, in addition to the signature of the Captain of the Port, each of the Passports was visaed and signed by Pasquale Pluma, the Tuscan Consul at Havana, who is charged temporarily with the duties of the Portuguese Consulate. Of the 10 seamen thus referred to, 4 are represented by their Passports to have arrived at Havana in the Portuguese brigantine "*Ulysses*,"

4 in the Portuguese schooner "*Josefina*," 1 in the Portuguese schooner "*Montaña*," and 1 in the Portuguese schooner "*Ligeira*."

Nos. 14 to 20 are seven Passports, which were taken out at Havana on the 22nd of March, 1839, by Antonio Capo, Antonio Rodriguez, Domingo de los Rios, Jozé Sladon (or Badon), Jozé Hernandez, Jozé Contreras, and Jaymé Pivis, to embark as passengers on board the "*Jack Wilding*," bound to the Islands of St. Thomas and Princes, although Princes Island is not mentioned in the ship's Clearance or Muster-roll. These persons, who were Spaniards, were in fact all connected in some manner with the trade or navigation of the vessel. Antonio Capo is well known as the Master and Owner of the Spanish brigantine "*General Manso*," adjudicated at this place in 1836, and which afterwards became the Portuguese brigantine "*Ulysses*," mentioned above as having supplied 4 seamen to the "*Jack Wilding*;" and he is the brother of the Lorenzo Capo, who appears in the Muster-roll as an officer of the "*Jack Wilding*." These passengers' Passports were countersigned at Matanzas on the 27th of March, 1839, five days after they had been issued at Havana.

No. 21 is a Custom-house Clearance from Havana, dated on the 23rd of March, 1839, and which received an endorsement at Matanzas two days afterwards. Both on the envelope and in the enclosure the master of the vessel is called Captain Kimcain, a name which it seems impossible that any foreigner could confound with Young. A full slaving equipment, as well as a valuable cargo, was shipped by Don Jozé Ferran, and some other articles by Y. M. Zangronis, of Havana, a brother of the noted slave-dealer, J. J. Zangronis, carrying on business at Whydah.

No. 22 is a Permit, for the shipment of a quantity of gold, in the following words:—"Permit Don Ignacio Maria Zangronis to embark in the American schooner '*Jack Wilding*,' Captain Young, 1000 doubloons, destined for St. Thomas's, of which he has defrayed the duties; and in order that this said Captain may carry proof of the legality of the shipment of the said sum, you will deliver to him this order, with the certificate of its having been complied with.

(Signed)

"SANTIN.

"On behalf of the Custom-house,

(Signed)

"ZAPATERO."

The order is again signed with the name of Valdes, apparently the officer of Government to whom it was addressed.

Nos. 23 and 24 are two Log-books in Spanish, beginning on the 24th of March when the "*Jack Wilding*" left Havana, and continued up to the 26th of May, the day prior to that on which the vessel was captured.

No. 25 is a Log, kept in English by William Young, the American Captain of the flag, but it contains nothing worthy of notice. The schooner was at anchor at Porto Praya in the Cape de Verd Islands from the 3rd to the 6th of May, and from that place came direct to Accra Roads, where she was at anchor when boarded and detained by Her Majesty's brigantine "*Dolphin*," Lieutenant Edward Holland, commanding, during the night of the 27th of the same month.

No. 26 is an account, in English, of the personal expences at Havana of the American Master, William Young. It mentions a sum of 17 dollars paid to Nathan Farnsworth at that place during the month of March last. Farnsworth's disgraceful proceedings, in connection with the "*Ontario*" and "*Traveller*," as reported in our dispatches of the 13th of May, renders such a connection very suspicious.

No. 27 is a Memorandum, in Captain Young's hand-writing, of the answers which he judged it would be proper for him to give to the questions which would, in all probability, be put to him by such cruizers as might board him on the coast. We now subjoin a literal copy of this paper, from which it will be seen that Young has all along wished to represent himself as part owner of the vessel:—

(Copy.)

"Where from?—Matanzas.  
Where owned?—Part in Baltimore and *part myself*.  
What cargo?—General cargo for trading.  
Where bound?—Down the coast.  
Who are the owners?—William Cheeseborough, principal owner.  
Where bound from the coast?—Matanzas.  
Where did you call?—St. Jago.  
How many tons?—98 tons.  
What flag?—American.  
How long out?—58 days."

No. 28 is a letter which was sent off to the detained vessel on her coming to anchor in Accra Roads by the well known slave-trading Captain, Francisco Reyes, who happened to be there at the time. Reyes was formerly master of the successful slaver "*Urraca*," and before that of the "*Bella Ines*," and is frequently mentioned by Her Majesty's Commissioners at Havana. The following is a translation of the letter:—

"Sir,

*To Señor the Captain or Pilot.*

"I am informed that you are a Spaniard, and I warn you to act with caution on these coasts, as things are very critical for vessels that are under that flag, but are not of its own nation. As soon as we meet I will tell you all about the matter.

"Yours, &c.

(Signed)

"FRANCISCO REYES."

No. 29 comprises a number of papers found in the possession of Antonio Capo, mentioned above as having taken out a passport as a passenger in the "*Jack Wilding*" from Havana. These papers were deposited in a pocket-book, which contains various memoranda respecting Slave Trade transactions in which the writer had been engaged from the year 1834 to the present time, embracing the period during which he was detained at Sierra Leone in 1836, when he was in command of his own vessel the "*General Manso*," of Matanzas. It begins with an account of goods delivered to J. T. Zangronis and Francisco Feliz de Souza, alias Char-char, at Whydah, from the "*General Manso*" in 1834, showing that Capo's connection with these persons is of old standing. An account is also kept of the

CLASS A.

sums expended at Sierra Leone from December, 1835, to the time when the "*General Manso*" was restored in 1836. From this place Capo sailed direct to Whydah, where he delivered to Char-char 103 pipes of spirits and 1098 doubloons, and then carried his vessel to the Cape de Verde islands, where her flag was changed, and she became the Portuguese brigantine "*Ulysses*." A note of these transactions made at Whydah on the 3rd of June of the following year, 1837, is in the following words:—

"Memorandum of 1098 doubloons which I delivered to Senor de Souza last voyage:—187½ doubloons were advanced to me to complete my cargo; there are also to be deducted 968 dollars, which I received when I went to the Cape de Verdes to change the flag. There remain in favour of the present voyage 13,600 dollars, besides 100 pipes of rum."

This statement was subsequently confirmed by Char-char himself, who, in an account rendered to Capo at the close of the last year, reduced the whole amount into slaves, thus:—

(Copy.)—Cargo delivered here by Don Antonio Capo, of the Spanish Brigantine "*General Manso*."

100 pipes of rum, at 20 ounces (of 6 dollars each) per pipe	• • • • •	2,000
13,600 dollars, at 6 dollars per ounce	• • • • •	2,267
		<hr/>
		4,267 oz.

4,267 oz., at 12 oz. for each slave, all expenses paid, is equal to . . . 356 slaves.

Cargo delivered by Don Antonio Capo, of the Portuguese Brigantine "*Ulysses*,"

51 casks of rum, at 60 dollars	• • • • •	3,060
490 demijohns of rum, at 3 dollars	• • • • •	1,470
13,500 cigars, at 16 dollars per 1,000	• • • • •	216
14,528 dollars in specie	• • • • •	14,528
		<hr/>
		19,274 dollars.

19,274 dollars, at the rate of 66 dollars for each slave, not including expenses, is equal to . . . 290 slaves.

Recapitulation.

For the first cargo	• • • • •	356 slaves.
„ second cargo	• • • • •	290 „
„ salt	• • • • •	3 „
		<hr/>
		649 „

Errors and omissions excepted.

(Signed) FRANCISCO FELIZ DE SOUZA.

Whydah, December 18th, 1838.

The following letter was addressed by the house of Morell and Co., of Matanzas, to Antonio Capo, at Havana, and shows how practised the parties connected with the present vessel have been in making different national flags subservient to their illegal purposes:—

(Copy.) "To Señor Don Antonio Capo, into his own hands.

"DEAR SIR,

"Matanzas, November 30th, 1837.

"WE have received your letter of yesterday, and assent to what you and Ferran may arrange respecting the *American* and *Spanish* captain. It appears to us prudent to embark the smallest number of persons, in order to lessen the expenses; and as regards salary, the same may be agreed upon that the others sailed with. We have informed Ferran that when the vessel sails, cleared for her destination, we wish her to touch here, that we may have the pleasure to see her, and breakfast on board, and deliver the specie and instructions which the captain is to carry.

"We think that the *Portuguese* captain of the "*Ulysses*" must have embarked, as, the day after you went out, he took away all the things belonging to him that we had in charge.

"We remain, &c.,

(Signed)

"FRANCISCO MORELL and CO."

The following letter is without signature and without date; but, from the nature of its contents, we may conclude that it was written in the early part of last year, by the Portuguese captain of the flag on board the "*Ulysses*:"—

(Copy.)

"Señor Don Antonio Capo.

"FRIEND CAPO,

"Whydah, ———.

"A PILOT-BOAT coming from Windward, and going down the Coast, has just passed within hail, and told me that to Windward they are taking all vessels with Portuguese colours, under a new Treaty which has recently come out from London. Will you therefore consider what steps you think it best to take? If this be the case, being as we are, I think it impossible we can escape. I await your orders, and remain, &c. &c."

One of the papers is a settlement of accounts between Antonio Capo and José Ferran, for Capo's share of the proceeds of some slaves who had been sold by Ferran at 293 dollars a-head. It is dated and signed at Havana on the 23rd of March, 1839, the day before the "*Jack Wilding*" left that port on her present voyage. Two other papers of the same date are receipts for a coffee set, tumblers, glasses, cabin stores, and a pump, sent on board the "*Jack Wilding*" by Antonio Capo.

No. 30. From the numerous other documents found on board the "*Jack Wilding*," we have selected one letter addressed to Don José Mora, at the port of Occo, by Pedro Manegat and Jacinto Llobet, showing that the former of these two Havana merchants was the actual owner of the schooner "*Hazard*," which was detained whilst sailing under American colours, on the 4th January last, as reported in our Dispatch marked separate of the 31st of January, 1839.

(Copy.)

*To Don José Mora, or Don Thomas Sastre, at the Port of Occo.*

SIR,

*Havana, March 24th, 1839.*

On the 16th of this month we received a letter from Sierra Leone, dated 16th of February, from the pilot of the American schooner "*Hazard*," informing us of the death of her captain on the very day of her entering that port; and also that the vessel had been detained since the 26th of January by a brigantine of war, without his knowing the reason of her being sent thither. Having also been informed of the occurrences of which you are aware, and not knowing what will be the result of the said "*Hazard*" (although we think it will be good) and the other circumstances of the business, we think it necessary to apprise you that the American schooner "*Octavia*," which sailed for Popo some days since, freighted solely for the outward voyage, may be freighted by you to bring back what you may have to send, in case of an unfortunate result to the "*Hazard*" either on account of her captain, or because she is the private property of Don Pedro Manegat. At any rate we do not doubt that you will do everything in favour of the undertakings which were confided to your care, you in particular as the principal. We wish you health, and more success than you have hitherto had.

Your affectionate servants,

(Signed)

PEDRO MANEGAT.  
YACINTA LLOBET.

### Second Enclosure in No. 47.

*Abstract of the Evidence in the case of the Schooner "Jack Wilding," William Young, Master.  
Captor's Declaration.*

*Sierra Leone, July 11, 1839.*

I, EDWARD HOLLAND, lieutenant and commander of Her Majesty's brigantine "*Dolphin*," do hereby certify that on the 27th day of May, 1839, being at anchor in British Accra roadstead, I detained the schooner "*Jack Wilding*," which hoisted no colours, commanded by William Young, who declared her to be bound from Matanzas to trade on the coast of Africa and to return to Matanzas with a crew consisting of 11 men and 7 passengers.

That I detained this vessel for being Spanish property, and equipped for the Slave-trade, contrary to the 10th Article of the Treaty between Great Britain and Spain, signed at Madrid on the 28th day of June, 1835.

That the master refused to give up any other of the ship's papers than the Muster-roll.

That a log in Spanish kept by the mate (No 23) was found concealed in the cabin, with the letter (No. 28) from Francisco Reyes.

That the custom-house Manifest of cargo shipped at Havana (No. 21) was taken against the master's consent, and that the other books and papers, seized by me from different trunks and places in the cabin, and from the bags and persons of the crew and passengers, are enumerated in a list annexed.

That the crew and passengers are all either subjects of Spain or Portugal, as appears by their passports.

(Signed)

EDWARD HOLLAND, Lieutenant and Commander.

On the 26th day of June, 1839, the said Edward Holland was duly sworn to the truth of the above declaration before me,

(Signed)

J. MILLER, Acting Registrar.

In the list of stores attached to the Captor's Declaration are included four leaguers in strakes with hoops, 29 planks, 12 beams, 1 copper, and 5 small boilers, also 2 spare boilers.

### *Examinations in Preparatory.*

June 27, 1839. William Young, the master of the detained vessel, being produced, sworn and examined on the standing interrogatories and standing special interrogatories, deposed,—That he was born in the town of Jersey, in the state of New York, and is a citizen of the United States of America; that he was appointed to the command of the detained vessel by William Cheesebrough, a citizen of Maryland, residing at Baltimore, and received possession of the vessel in the month of March last at Havana from Mr. John Smith, the American Vice-consul there; that he first saw the vessel at Baltimore six months ago; that he was present when the vessel was captured on the pretence that she was engaged in the Slave-trade; that the vessel was built at Dorchester in Maryland, and sailed under American colours, which, however, were not hoisted at the time of capture, as it was then night; that there were 11 officers and mariners on board the "*Jack Wilding*," exclusive of witness, 3 or 4 of them Portuguese, and the rest Spaniards, all hired and shipped by witness at Havana in March last; that he is interested in the vessel and cargo to the extent of one-fourth of their value; that no other officer or mariner on board had any interest in either vessel or cargo; that there were 7 passengers, all Spaniards by birth, none of whom lived in the cabin with the exception of Antonio Capo, who is a merchant; that they were all taken on board at Havana, and were destined for St. Thomas's; that Capo intended, as was understood, to settle on that island, and the other 6 passengers, who were seamen by profession, intended to join different vessels at the same place; that none of the passengers had any interest or authority in or over the vessel or cargo; that the voyage began at Havana and Matanzas, and was to have ended at the latter place; that the last clearing port was St. Jago, Cape de Verd Islands, where the "*Jack Wilding*" went to discharge part of her cargo, and to take in water and provisions; that the capturing ship was first seen at eight or nine o'clock in the morning of the 28th ultimo, whilst the

detained vessel was at anchor off the castle of British Accra on the Gold Coast; that the destination by the vessel's papers was the Cape Verde Islands and St. Thomas's, but witness had been verbally instructed from the owners to proceed to the Coast; that the owners of the "*Jack Wilding*" were William Cheesebrough, a married man whose wife and family, American citizens like himself, reside with him at Baltimore, William Yates also residing at Baltimore, unmarried, Jozé Pancho a Spaniard residing at Matanzas, and witness himself; that the ownership was divided amongst the four owners in equal shares; that about one-half of the cargo destined for trading on the Coast was laden by witness, and belonged to the owners of the vessel; that the remainder was shipped for Whydah by Jozé Carvalho, a Spanish merchant in Havana; that the owner and consignee of this part of the cargo was one Zangronis, living and carrying on business at Whydah, and, as witness presumes, a Spaniard; that neither vessel nor goods were insured; that the ship, with respect to her employment in trade, was under the management of witness, who, when in the United States, corresponds with Cheesebrough, and, when at Cuba, with Pancho; that bulk was broken at the Cape de Verde Islands, and nowhere else during the voyage; that there are 20 spare planks on board, 16 feet long, a foot and a foot and a half broad, and an inch in thickness, not numbered or fitted to any part of the vessel, and they were intended for repairs; that there are casks and staves on board, which, if the latter were made up, would be capable of receiving 20 pipes of water in all, and were intended to hold the palm oil which was to have been purchased on the Coast; that there are about 25 mess-tins for the use of the crew; that there are 2 copper boilers on board, each capable of receiving 50 gallons, one of them being intended for cooking, and the other for boiling and clarifying the palm oil; that there are about 4 or 5 tierces of rice and cargo, besides about half a bag as provisions, a barrel and a half of flour, and half a bag of beans.

Lorenzo Capo, mate of the detained vessel, being produced, sworn, and examined on the standing interrogatories and standing special interrogatories, deposed generally to the same purpose as the master, but gave different evidence in several respects. He stated, that the "*Jack Wilding*" sailed under American colours, which were not hoisted at the time of capture as it was then night; that neither he nor any of the officers, mariners, or passengers, had any interest in the vessel or her cargo; that bulk had been broken nowhere during the voyage, but the vessel had called at the Island of St. Vincent, one of the Cape de Verds, for water; that the vessel was captured on the first night after she came to anchor, at Accra, about ten or eleven o'clock at night; that he does not know who were the owners, laders, and consignees of the cargo.

In the sworn report of the surveyors of the court, those gentlemen state:—we found a large quantity of plank and scantling stowed with the cargo, and also about 350 feet of plank on deck; one pair of slave-calls; about 250 gallons of fresh water filled; 4 leaguers, each capable of holding about 300 gallons, also the shakes of 21 more leaguers with iron hoops complete, and which, from the size of the hoops and the length of the shakes we computed to contain 8400 gallons; 5 mess-tins, and 58 tin cups; the cabouse fitted with five small boilers of about three gallons each, and so constructed as to be able to receive two large boilers which we also found on board, and ascertained to be capable of holding 45 gallons each; six bushels of beans.

The evidence in preparatory having been closed and published, a claim for the vessel and cargo was on the 3rd instant filed, and supported by the affidavit of the master and alleged part owner, William Young. With respect to the cargo, Captain Young swore, "that Jozé Carvalho, of Havana, was the true, lawful, and sole owner of the cargo shipped on freight on board the said vessel, and that no other person or persons hath or have any right, title or interest in the goods, wares and merchandize on board the same."

Several examinations then took place upon special interrogatories, prepared by the proctors on both sides, and approved by the court.

William Young, master of the detained vessel, deposed that he is aware that a person giving false evidence on oath is exposed to severe punishment; that the American register of the "*Jack Wilding*" is in possession of witness, and he now produces it; (the Registrar placed it amongst the ship's papers;) that he knows there is a law regulating what proportion of the crew of an American vessel shall be American citizens, but does not know what the law is; that he consulted the Vice-Consul of the United States at Havana, who told him he might ship what men he thought proper; that he understands the Spanish language sufficiently to command his vessel, and to make out the meaning of any written paper; that the letter shown to him (No. 28 in the accompanying abstract of papers), addressed to the captain or pilot, was intended for himself, and was sent on board to him on the same day that the "*Jack Wilding*" arrived at Accra; that he knows the writer of it, Francisco Reyes, who is the owner of a vessel which trades on the coast, and he was at Accra when witness arrived there; that witness does not know anything of Jozé Ferran (mentioned in the Custom-house clearance from Havana, No. 21 of the accompanying abstract, as the shipper of the "*Jack Wilding's*" cargo); that no bills of lading were signed for the cargo taken on board at Havana or Matanzas, because witness himself was part owner of the trading cargo, and because, with respect to the cargo taken on freight, he would not sign bills of lading for it, as he did not wish to take it, and it was sent on board without his being responsible for it; that no bond or engagement was given to, or required by, the Custom-house authorities at Havana; that the boilers, plank, scantling, and leaguers now on board the vessel should not be employed in Slave Trade; that he solemnly swears that he is not aware, and that he has never heard, that the return cargo of the vessel about which he is examined was to consist of slaves; that he received the instructions which he had to proceed to the coast from Cheesebrough and Yates at Baltimore, and from Pancho at Havana; that his instructions were to proceed to the coast after landing the passengers at St. Thomas, and to call wherever witness might consider it necessary; that the shippers of that part of the cargo in which the owners were not interested were not aware of the intended deviations from the route marked out in the ship's papers, nor did witness consider it necessary to acquaint them with it, not having signed bills of lading, or agreed to be responsible for their goods; that he cannot account for the non-appearance of Carvalho's name in the Custom-house manifest from Havana; that the doubloons (in value about 3500*l.* sterling) shipped by Ignacio Maria Zangronis at Havana were, like every other part of the freight, sent on board without a bill of lading, and he has no other account to give of the absence of a bill of lading in this case than he has already given with respect to the rest of the goods; that the 58 tin cups found on board were for the use of his crew (12 men including captain and officers), and so many were laid in to provide against their being broken, rusted, lost, or dropped over-board; that one of the large boilers on board was, as witness has already

stated, for cooking, and the other for clarifying palm-oil; and the five small boilers were for double clarifying the palm-oil.

Lorenzo Capo, the mate of the "*Jack Wilding*," in his cross examination deposed, that Antonio Capo, one of the passengers on board the detained vessel, and who has been landed from Her Majesty's brigantine "*Dolphin*," is his brother; that he does not know with what object his brother came on the coast, or what was his business at St. Thomas, or how long he was to remain there; that he is not aware, and has not heard of his brother having been connected in business with De Souza and Zangronis at Whydah.

Antonio Capo, passenger on board the detained vessel, deposed that he has before seen the letter shown to him (No. 28 in the accompanying abstract of papers); that he found it under his bed in a room in which himself and three other masters of vessels slept the night that he was ashore at Accra, and it does not refer to the "*Jack Wilding*"; that the name of the "*General Manso*" was changed into that of "*Ulysses*" after witness left Sierra Leone in 1836; that he made a voyage in the "*Ulysses*" from the coast to Havana in November, 1836; and completed another voyage in the same vessel about a month and a-half before he embarked in the "*Jack Wilding*," but during both voyages he was only a passenger, as he had sold the vessel when her flag was changed at the Cape de Verd Islands, 1836; that witness was on shore at Dutch Accra when the "*Jack Wilding*" was detained, and after a conference between the British Naval Commander and the Governor of Dutch Accra, witness was forced on board from the shore, with as much roughness and want of consideration as if he had been a common negro.

A letter, of which the following is a copy, was then put in by the captor's proctor, verified by the affidavit of Lieutenant Holland, as to the handwriting and the circumstances under which it was given.

(Copy.)

SIR,

I HAVE to acknowledge the receipt of your letter of this date, inquiring whether the schooner detained by Her Majesty's brigantine "*Dolphin*" is lying in the British roadstead; and in reply thereto, I have to inform you that the said vessel is lying in the British roadstead, and in the same place where she was anchored prior to her detention.

*James' Fort, Accra, May 31, 1839.*

I have, &c.  
(Signed)

J. W. HANSON,  
Commandant.

*Edward Holland, Esq., Lieutenant and Commander.*  
&c. &c. &c.

### Third Enclosure in No. 47.

*Report of the Case of the Schooner "Jack Wilding," William Young, master, dated Sierra Leone, July 11th, 1839.*

AN Abstract and Translation of some of the Papers found on board the "*Jack Wilding*," and an Abstract of the Evidence taken in the case being attached to this Report, it will only be necessary here to refer generally to their contents, and to give a summary account of the proceedings connected with the adjudication of the vessel.

The "*Jack Wilding*" was captured during the night of the 27th of May last, by Her Majesty's brigantine "*Dolphin*," Lieutenant Edward Holland commanding, at anchor in the roadstead of British Accra. The detained vessel was under the American flag, and was furnished with American papers at the time of her seizure. But although the American flag would have exempted her from visitation and search "on the high seas," it could of course afford no such protection whilst she was lying in British waters. The "*Dolphin*," as a duly commissioned vessel of Her Majesty, possessed the right to board and examine the "*Jack Wilding*," and Lieutenant Holland was free to "avail himself of the discoveries thus produced." The examined vessel was found to have on board a complete equipment for the Slave Trade, and she was suspected to be really owned by Spanish subjects resident in Havana; and when on these grounds she had been detained by Lieutenant Holland, it was open to the captor to prosecute her either in the Court of Vice-Admiralty at Sierra Leone, for a breach of the municipal law of Great Britain, by having a slaving equipment on board in our waters, or to libel her in the British and Spanish Mixed Court of Justice, for having as a Spanish vessel, violated the 10th Article of the Slave Trade Treaty between Great Britain and Spain.

The latter course was adopted by the captor, and we are glad that it was so; for if the case had been carried to the Admiralty Court, we should have known nothing respecting the ship's papers, the evidence of the witnesses, or the grounds of judgment; the vessel when condemned would have been sold entire, not cut up and destroyed; and the opportunity would have been lost of showing the distinction which existed between this case and the numerous other cases of vessels which had been captured under the same flag, but to which we had refused admission into the British and Spanish Court.

Our power was of course limited to adjudicating upon *the vessel*; but it was still open to the magistrates, upon information received, to commit the guilty parties to take their trial for the offence which they had committed against British law. Such commitments indeed actually took place; but the persons accused, who were very improperly admitted to bail, absconded on the very day when bail was accepted for their appearance.

The "*Jack Wilding*" arrived at Sierra Leone on the evening of the 24th ultimo, and her arrival was reported by the Marshal on the following morning; immediately after which the captor's proctor brought in the ship's papers, properly verified, and the captor's declaration of seizure, and petitioned that these documents might be received and filed; that a monition might issue from the British and Spanish Mixed Court of Justice; and that witnesses in preparatory might be produced.

No hesitation was felt in granting the prayer of this petition; because the right, which in all former captures of vessels under the American flag had been wanting, was in this instance enjoyed; the right, we mean, to visit and search an apparent American vessel, and to make use of the information which had been obtained by an authorised search.

The evidence in preparatory was published on the 27th ultimo, and on the following day a petition was presented for a commission of survey and inspection on the fittings and equipment of the schooner. On the 29th ultimo the commission was returned into the Registry, with the report of the surveyors of the Court upon the matters which had been submitted for their examination.



On the 1st instant, William Young the master, Lorenzo Capo the mate, and Antonio Capo, a passenger on board the "*Jack Wilding*," were examined upon special interrogatories; and the publication of their evidence was followed by the presentation of a claim for the restoration of the detained vessel, with costs, damages, and expences. The motion which had been issued on the 26th ultimo was returned into Court on the 3rd instant, with the Marshal's certificate that it had been duly served.

Some further examinations then took place upon special interrogatories approved by the Court, and these having been published and the case closed, a joint petition was received on the 6th instant from the proctors of the captor and claimant, praying that a day of trial might be appointed.

Monday, the 8th instant, was accordingly fixed for the decision of the case, when the captor's allegations with regard to his right to search and detain the "*Jack Wilding*," the Spanish character of the prize, and her illegal equipment for Slave Trade, were affirmed by the Court; and the hull, cargo, and stores were condemned as good and lawful prize.

It will be observed, from the accompanying abstracts, that William Young, the master, and professed part owner of the "*Jack Wilding*," himself threw discredit upon the papers under which his vessel sailed. The American register, granted so lately as the month of June last year, declared the ownership of the vessel to rest with Thomas Whitridge, Andronicus Cheesebrough, and William Hooper of Baltimore, three names always found associated, and now as well known in connexion with Spanish Slave Trade as were formerly the names of Francisco Cardozo de Mello, Antonio Dionizio Furtado, and J. J. Claudio de Lima, of the Cape de Verd Islands. Captain Young, in opposition to this statement of the ship's papers, swore that he himself owned one-fourth share of the vessel; that a Spaniard named Pancho owned another fourth; and that William Cheesebrough and *William Yates*, of Baltimore, owned each one-fourth share; Whitridge and Hooper not having anything to do with her at all. Again, the person called in the American register, and in many other papers which have come before us, *Andronicus* Cheesebrough, was by Captain Young, throughout his whole evidence, styled *William* Cheesebrough. The reckless manner in which Young perjured himself over and over again, has rendered his evidence on any subject utterly valueless; but it is difficult to see what advantage he hoped to gain by thus falsifying the documents by which alone he could hope to prove the American character of his vessel. He misnamed one of three American citizens recorded as owners in the register, and in the place of the other two he substituted himself and a Spanish merchant of Havana, although the latter could not legally hold any share whatever in a *bonâ fide* American vessel.

The custom-house clearance from Havana was in like manner discredited. Jozé Ferran, a well-known Spanish merchant, was named therein as the shipper of the cargo and of the slave equipment placed on board the "*Jack Wilding*." He is also mentioned in the accompanying abstract of papers, in a letter from Francisco Morell and Co., of the Matanzas, and in the account sales of Capo's slaves; and yet Young swore that he knew nothing at all about Jozé Ferran; that himself, not Ferran, had shipped one-half of the cargo; and that the other half of the cargo had been shipped by Jozé Carvalho, a Spanish merchant in Havana, whose name does not at all appear in any of the official papers.

A reference having been made to the "*Jack Wilding's*" muster-roll, which showed that every one of the crew without exception was a foreigner, Captain Young admitted on oath, "there is a law of the United States regulating what proportion of the crew of an American vessel shall be American citizens; but that he consulted the Vice-Consul of the United States at Havana, who told him he might ship what men he thought proper." It is certain that Mr. Vice-Consul Smith gave his official sanction under the consulate seal on the 21st of March last to the "*Jack Wilding*" being navigated with an entirely foreign crew.

In the affidavit which accompanied the claim for the restoration of the "*Jack Wilding*," Captain Young swore that one-half of the cargo had been shipped on freight, and was the sole property of Jozé Carvalho of Havana; whilst on his examination on the standing interrogatories it will be observed, that he swore that the whole of the cargo shipped by Carvalho was owned by Zangronis, of Whydah. It will be to no purpose to follow Young through all his perjuries and contradictions, which were caused by his having acted on board not as part owner of the vessel and director of the expedition, as he asserted himself to be, but merely as "Captain of the flag," employed to conceal the real character of an adventure, of the details of which, whilst he was entirely ignorant, he was obliged to pretend knowledge. No better proof of the correctness of this opinion can be given than the fact, admitted by the master himself, that although one-half of the cargo, besides nearly 4000*l.* sterling in gold was shipped on freight, he had signed no bills of lading for any part of the valuable property thus entrusted to his care.

It may be worth while to notice one or two of the instances in which the different witnesses contradicted each other in rather a singular manner, evincing their utter disregard of the obligations of an oath. The letter (No. 28), from Francisco Reyes to the captain or pilot of the "*Jack Wilding*," on her arrival at Accra, hinting that the writer was aware of the "*Jack Wilding*" being a "Spaniard," and warning him (in allusion evidently to the cases of the "*Eagle*," "*Clara*," and "*Wyoming*," which had been sent to New York, and given up to the government of the United States), that "things were very critical for vessels which are under that flag but are not of that nation," was found by the captor concealed in the "*Jack Wilding's* cabin." When examined on the subject of this letter, Captain Young admitted "that it had been addressed to and intended for himself; that it was sent on board the '*Jack Wilding*' on the day that she arrived at Accra; that he knows Francisco Reyes, the writer of it, &c." The discovery of this letter seems to have been unknown to all the witnesses; and when the nominal passenger, but real director of the voyage, Antonio Capo, was examined respecting it, he deposed, "that he had before seen the said letter, and that he had found it under his bed, in a room in which himself and three other masters of ships had slept the night that he was ashore at Accra; and it does not at all refer to the '*Jack Wilding*.'"

Again, Captain Young swore, that bulk was broken, and part of the cargo was landed at the Cape de Verd Islands; whilst the mate swore "that bulk had been broken nowhere during the voyage."

The right of Lieutenant Holland, the captor, to visit and search the "*Jack Wilding*" was fully established by the admission of Young, that his vessel was lying at anchor "*off the coast of British Accra*," when capture took place; and a Spanish character having been affixed to the schooner by the course of Spanish trade in which she was confessedly engaged, her decided equipment for the Slave Trade exposed her to the penalties of the Treaty which she had violated.

(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

## Fourth Enclosure in No. 47.

*Judgment given in the case of the Schooner "Jack Wilding," William Young, Master.*

*Sierra Leone, July 8th, 1839.*

ALTHOUGH the evidence taken in this case has extended to great length, and embraces a great variety of subjects, the facts which it is of importance to ascertain, those on which the present decision must rest, are few and simple.

Acknowledging the vessel now before the Court to have been at the time of her detention an apparent American vessel, sailing under the protection of an American flag and pass, we are compelled to enquire in the first place whether the captor possessed a right to visit and search her; for if there was no right to visit and search, then could there have been no ulterior right of detention.

The ground on which it is sought to support the claim to the right in question, is that the "*Jack Wilding*" was at anchor in British waters at the moment of seizure. If this allegation be proved, her visitation and search were not only justifiable, but imperatively called for. The captor's declaration on oath states that the "*Jack Wilding*" was taken at anchor in British Accra roadstead; and the American captain, William Young, swears that when detained "he was at anchor off the Castle of British Accra." The British Commandant of Accra agrees in this representation: no evidence whatever has been adduced to show that the capture took place in Dutch waters; nor does it weaken the force of the claimant's admission to say that the Dutch Fort was within a short distance; as it would be impossible to admit the principle, that the proximity of a foreign settlement deprives a British cruiser of the right which he enjoys to visit the vessels of all nations within the limits of British jurisdiction.

Admitting then the right of visitation and search in this instance, and the consequent right to make use of the information thereby obtained, we have next to enquire whether there is sufficient evidence to warrant the condemnation of the "*Jack Wilding*" as a Spanish vessel, illegally equipped for the Slave Trade.

We will not insist strongly upon the Spanish character impressed upon the "*Jack Wilding*" by the residence of her owners, although it is confessed by the master that one-half the vessel and cargo is owned by himself, trading as he does on this voyage between Havana and this coast, and by Jozé Pancho, a resident merchant of Havana; because that character has been much more distinctly acquired by the course of trade in which she is found to be engaged.

Out of the very few nominal American vessels which have lately come before us, it is a remarkable fact that three of them profess to be owned by the parties who are named as the owners of the "*Jack Wilding*" in her American register. Every one of these vessels was engaged exclusively in Spanish trade; two of them were commanded at the moment when their registers were obtained by the same captain, James Tyler; and one of them, the "*Ontario*," was happily captured with a full cargo of slaves on board, bound to the island of Cuba. With respect to all these vessels a course of Spanish trade has been clearly established. That old and experienced slave-captain, Francisco Reyes, was therefore fully borne out in the suspicion expressed by him in paper No. 28, that the "*Jack Wilding*," though sailing under American colours, was in fact a Spanish vessel. She cleared out from, and was to return to, a Spanish port; every individual on board, except the captain, was a Spaniard; and the shippers of the cargo and of nearly 4000*l.* in money were Jozé Ferran, and Ignatio Maria Zangronis, two of the most notorious of the Havana slave-traders.

The only remaining point to be considered is, whether the "*Jack Wilding*," as a Spanish vessel, has rendered herself liable to condemnation under the Spanish Treaty; and on this head, the evidence of the Surveyors of the Court has so clearly established the fact that the 10th article of the late Treaty with Spain has been violated by various parts of her equipment, that we have no hesitation in pronouncing a sentence of condemnation on the "*Jack Wilding*" and the cargo and money found on board of her.

No. 48.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, August 11, 1840.*

I REFERRED to Her Majesty's Advocate-General your Despatch of 15th April, 1840, reporting the case of the schooner "*Iago*," brought before you for adjudication; and I have now to acquaint you, that the Queen's Advocate is of opinion, that the Mixed British and Spanish Court of Justice at Sierra Leone would have been justified, under the circumstances, in proceeding to the adjudication of the "*Iago*." For that vessel was evidently equipped for the Slave Trade; the papers found on board of her were of a suspicious character; and all her crew, but two, were Spaniards; and the Queen's Advocate is of opinion, that if the case had been investigated by you, proof would have been afforded that the vessel was in reality Spanish, and not American, and that she was consequently liable to condemnation.

I am, &c.

(Signed) PALMERSTON.

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

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, April 24, 1840.**(Received August 18.)*

MY LORD,

WE have the honour to acquaint your Lordship, that on the 4th of this month Her Majesty's sloop "Wanderer," the Hon. Joseph Denman, commanding, detained in the neighbourhood of this colony a brig called the "*Eliza Davidson*," sailing under American colours, and furnished with American papers; and that this vessel being prosecuted for slave-trading in the British and Spanish Mixed Court of Justice, was, on the 18th instant, condemned in that Court as a Spanish vessel, detained with two slaves actually on board, and equipped for the illicit traffic.

We transmit in this case, for your Lordship's information, not only our report of the proceedings and papers, but copies of the judgment delivered, and of a charter-party, or virtual bill of sale, by which we determined the property of the vessel to reside in a Spanish owner.

The existence of this remarkable document forms a new feature in cases of this description, and exhibits the Spanish slave-traders of the Havana as more embarrassed than discouraged by the difficulties which now surround them; and still tasking their invention to contrive new modes of violating the laws of their country, and new kinds of subterfuge under which to escape from the vigilance by which, in cases of Slave Trade, those laws are enforced.

On the present occasion, however, the contrivance resorted to is not very conspicuous by its ingenuity. Indeed a clumsier expedient, or one more sure and easy of detection, than that of covering the sale of an old vessel, sold for a large sum, by means of a deed of charter by which, for that sum, she is professedly transferred to her purchaser for a limited period on hire, can hardly be imagined. And this thin disguise is used in a case in which parties are concerned, some of whom are known for their constant connexion with slaving adventures; whilst others are the most notorious slave-traders of the whole world.

But in pronouncing upon the real character of this vessel, we felt that we could not be a moment embarrassed by the document in question, even considering it as a *bonâ fide* instrument. Even if we could suppose the sincerity of that stipulation of it which provides that at the termination of two years the vessel shall revert to her American proprietors, its existence in the deed could not be viewed as in any respect changing the position which the rest of the contract assigns to the subscribing parties during its term. This position was clearly such that by all the analogy of English commercial law, and agreeably to the plainest dictates of reason, the subscriber who had agreed to act as owner during two years must, during those two years at the least, be regarded as giving to the vessel her national character, to the full extent to which, in ordinary cases, any vessel can receive that character from the owner named in the register. It had been laid down by the most eminent legal authorities that when a ship is let, not for a single voyage only, but for a definite term of years, to be employed under the entire management of the hirer—"the registered owner thereby divesting himself of all control and possession of the vessel for the time being in favour of another"—his liability as owner ceases for that time and passes to the charterer. It had been so ruled by the highest tribunals in cases involving liability of a pecuniary nature. And it appeared to us that if it was approved and reasonable law that under such circumstances the hirer or charterer should incur an owner's responsibility in such cases, it could not be less so that under the same circumstances he should be regarded as standing in the owner's stead in a case of illegal trading of the vessel.

Thus, either on the supposition that the vessel was really to return to her American owners, which we did not believe, or on the opinion, to which we had decidedly come, that there had been a final sale by means of the charter-party, we deemed ourselves entitled to regard the Spaniard, Teran, as the owner of this brig at the time of her detention by Her Majesty's sloop, when, as had been proved to our satisfaction, she was engaged in Slave Trade. Her nationality was therefore Spanish; and a Spanish course of trade being admitted by

the witnesses in preparatory, the two circumstances conspired to justify a sentence of condemnation.

Immediately upon judgment being pronounced, three of the crew, who admitted themselves to be Englishmen, and during the progress of the trial had been detained in arrest, were brought up by the captors before the Police Court of the colony; and, after examination, were committed for trial at the Quarter Sessions on the charge of slave-trading.

We have, &c.

(Signed)

R. DOHERTY.

N. N. MACDONALD.

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

---

First Enclosure in No. 49.

*Report of the Case of the Brig "Eliza Davidson," Alexander B. Hanna, Master.*

*Sierra Leone, April 24th, 1840.*

It appears that the "*Eliza Davidson*," a vessel built at New York during the year 1828, and apparently not then destined for the Slave Trade, changed her owners nearly two years ago when at Baltimore; and on that occasion procured a permanent Baltimore Register. Her owners when this was done were James Corner and James J. Corner, of Baltimore, with John J. Mattison, of the same place, who was, at the same time, Master. After this transfer she made a voyage to Cadiz; and of her subsequent proceedings nothing is known until the month of December last, when it appears that she was in the port of Havana. On the 16th of that month a charterparty, of which a copy is herewith enclosed, was concluded between the registered owners and Simon de Teran, sufficiently known as a leading partner of the house of Pedro Martinez and Company of that place; and a new American master, Alexander B. Hanna, was at the same time placed in charge of her, with a crew chiefly American and partly English. Thus commanded and manned, she was despatched to the river Gallinas documented with the following papers:

1. The Register above referred to, dated at Baltimore on the 30th of July, 1838, declaring the owners to be the Baltimore citizens above-mentioned, and stating the tonnage at 197 $\frac{3}{4}$  tons.
2. The charterparty.
3. An Havana clearance, which was not found on board.
4. The seamen's articles.
5. The muster-roll.

This last document is attested at Havana by the American Consul, Mr. Trist, and contains the names of 11 individuals in all; namely, 7 who are declared to be American citizens, and 4 of whose country by birth or residence it is stated that no proof has been given; the description of their persons being at the same time wholly omitted in the description column. Of these 4, three have been acknowledged to be Englishmen, and the name of the fourth is an English name.

With these papers were seven protections for the 7 Americans, several bills of lading in the Spanish language; various unimportant letters, notes, and receipts; and, finally, the vessel's log-book, in which it is recorded that she sailed from Havana on the 9th of January last, and arrived off Gallinas on the 26th of February. Between this date and that of her capture she was employed in landing her Havana cargo at the slave factory of José Alvarez on the Gallinas, and in shipping at Shebar and the Plantain Islands in this neighbourhood a cargo of rice for that person. During this interval, or from her arrival on the coast, she was visited three times by Her Majesty's cruisers; and she was finally detained by Her Majesty's sloop "*Wanderer*," on the 4th instant.

On the 8th she arrived in this harbour; and next day, on petition of the captor, the case was admitted into Court, and the monition issued.

The captors' declaration set forth that the *Spanish* brig "*Eliza Davidson*" had been detained under American colours, having three slaves on board; and the affidavit of seizure further charged her with being equipped for the Slave Trade.

The captor then produced his witnesses in preparatory, consisting of the master and his steward; and on the 11th those persons were examined by the Acting Registrar to the following effect:—

The master deposed that he was an American citizen, born, residing, and married in the city of Baltimore; that he was placed in the command by John J. Mattison, of the same place, on the 14th of December last; that the vessel sailed under American colours, and that there were no others on board; that the crew consisted of 11 officers and mariners, exclusive of himself, seven of them Americans, two Englishmen, one an Italian, and one a Maltese—all hired and shipped by himself at Havana; that there were no passengers; that the voyage began and was to end at Havana, which was the last port of clearance; that the river Gallinas was the first place at which the vessel touched on her voyage, and that having discharged there the greater part of her cargo to José Alvarez, she was loaded by that person with a quantity of dry goods, arms, and ammunition, with which she proceeded to Shebar, where those goods were consigned to one Louis, a Frenchman, by whom 60 tons of rice were put on board in return; that she then sailed for the Plantain Islands, and received there 70 tons of rice more, the whole quantity being intended for Alvarez; that while she was at anchor off those islands on the 4th instant, her detention by the "*Wanderer*" took place; that she was armed with 6 cutlasses, 12 muskets, 2 pair of pistols, and a box of ammunition, for defence against canoes, but no resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for destroying or withholding papers; that the owners of the vessel were the persons mentioned as such in the register and charterparty, all residing and having their families at Baltimore, and known to witness as the owners from

CLASS A.

their being so mentioned in these documents; that there was no bill-of-sale; that he believed the price of the vessei was 12,000 dollars, which he considered a fair equivalent; that the laders and Havana consignees of the cargo were Simon de Teran, a Spaniard, and Charles Tyng, apparently an Englishman, both residing and carrying on business at Havana; and that he supposed those persons were likewise its owners, the consignee on the coast being José Alvarez; that the lading on the last voyage, which was from Baltimore to Cadiz, was staves, and on the present consisted of aguardente, dry goods, tobacco, and specie (240 doubloons); that the papers were fair, and, with the exception of the Havana clearance, left on shore at Gallinas, had all been delivered up, the charterparty being among the number; that the vessel was insured at Baltimore for the voyage by her owners; that with respect to her employment in trade she had usually been under the direction of Mattison, one of the owners and the late master, but on the present voyage was under that of Alvarez; and that he (the witness) corresponded with Teran, the charterer, on the concerns of the vessel and cargo.

In reply to the special interrogatory, this witness affirmed, that no slaves had been put or received on board during the voyage for the purpose of the traffic in slaves; and he denied the existence of any article of slave equipment; although he admitted that the vessel was provided with the means of carrying 2000 gallons of water.

The second witness was Charles Knoff, the steward of the vessel, one of those of whom the muster roll gives no account, but who stated himself to be an Englishman. His evidence was entirely negative respecting the main points of ownership and equipment, except that he deposed to the existence of a still greater number of water-casks than that stated by the master. But from him were obtained additional particulars, some of them of the greatest importance. He mentioned that two Spanish seamen had been taken on board at the Gallinas, and were proceeding as passengers to Havana; and with respect to the three boys libelled as slaves, he spoke to the facts connected with their embarkation and presence on board. He stated that after the discharge of part of the outward cargo at Gallinas, the shipment of some new freight, and the embarkation of the Spanish passengers, two boys came off with the master in a canoe, in which the pilot (or a person called the *piloto*) was accustomed to come off to the vessel, and in which the master frequently went ashore with him; and that when the brig proceeded from that river on a first visit to the Plantain Islands (a visit which the master had not mentioned), a pilot who was procured there for the Shebar, brought on board to wait upon him the third boy, who was named Caulker, and was that person's relative.

In a special examination that followed, this witness deposed that the two boys who embarked at Gallinas were obtained as he believed, from a Mr. Alvarez, and that he believed it because he heard the Master say they were from that person's house or factory. He added that they were to be carried from the coast of Africa, as he knew from having heard the Master say, when he first came on board with them, that they were his apprentices; and, subsequently, that he would "carry them home to be with his children, provided no man-of-war troubled him about them." The deponent knew of no other purpose for which they were to be carried away; but he further stated that some days after they were brought on board, the chief mate cautioned the master against his having anything to do with them, warning him that they would probably get him into trouble, and mentioning the case of the captain of a vessel who had had boys on board in the same way, and had got into trouble about them.

It was remarkable that at his first examination the master made no allusion to those boys, and as if fearful of embarrassing himself with the subject, even avoided mentioning the first visit made by the vessel to the Plantain Islands, when the third of them came on board with the pilot. He afterwards deposed with respect to them, that the first two, called Enjahe and Wurrah, and to whom he had given English names, were taken on board by him at the Gallinas about the beginning of March; and that, as he intended to set them ashore again, on his return from the Plantains, he did not deem it necessary to enter the circumstance in the log-book; that he had received them into the vessel for the trip to those islands, in order that they might be taught to speak English, and wait at table, and had done so at the request of Mr. Stephen Rogers, a black man at Gallinas, a request made to him at the table of Mr. Alvarez; he added that the place on the Gallinas at which he had delivered the outward cargo to Alvarez was called Lombokorrow, and although he would not allow that he *knew* Alvarez to be engaged in the Slave Trade, he confessed that he thought it probable he was, because in a large building at Lombokorrow, a place at which Alvarez was a leading man, he had himself seen 30 or 40 negroes chained.

But this Lombokorrow was repeatedly and consistently declared by the two boys themselves, in reply to special interrogatories put both by the captors and the court, to be a slave-factory at which they had been detained as slaves, into which they had been sold from the interior, and from which they were resold or delivered to the master of the brig. They referred to it explicitly by the same name. Enjahe, the elder and more intelligent, stated that he was born in the Cossoo country, one day's journey from Gallinas, where he and his mother were slaves, and where they were purchased for rum, cloth, and cutlasses, by Teah, a Krooman, who took them to a place on the river called Lombokorrow, and sold them for similar articles to a white headman named Bongo; that at this place he (witness) was confined with a number of other slaves, children, men, and women, none of whom did any work, except the children, who occasionally swept their master's yard; that the children were not chained, but the men were manacled and fettered, and the women wore iron collars; that the white man, Bongo, had no other name known to him (witness), but was a Spaniard, as his house-slaves said, and that he delivered him (the deponent) to the master of the detained brig about the middle of the month of February, receiving first a great many goods from that person, which indeed were not all given for witness, but were so in part, because the entire barracoon at Lombokorrow, to which he belonged, was about to be sent away by this vessel as soon as the master should have obtained rice for them at the Shebar, as he (witness) heard Bongo say, and as was currently rumored among the other boys, his companions; and, further, because Bongo told him, after receiving the goods, that he intended to sell him to the American captain.

In most of these particulars the younger boy, Wurrah, made a very similar deposition, and declared in addition, that immediately before the man-of-war's boat boarded, he and his companions, Enjahe, and the third boy Caulker, were ordered to go out of view behind the foremast; though this statement was not confirmed by Enjahe, who described himself as having gone thither of his own accord.

Meanwhile the captors established by a survey of equipment that the vessel carried an extraordinary number of water-casks, and at the same time brought forward evidence to damage that part of the testimony of the papers and witnesses which assigned the ownership to citizens of America; and to

support the allegation, which they made against it, that the charter-party was in reality a bill of sale. It was stated in this evidence, that the value of an American vessel of the size of the *Eliza Davidson* would not, after seven or eight years from the date of her build, be much more than one-half the sum of 8,500 dollars, which four years later had been paid by that deed, and was acknowledged to have been paid down for the mere hire of her tonnage for a period of two years; and on this part of the subject it was further elicited from the master that he was to receive his wages from the charterer Teran (or rather from the house of Pedro Martinez and Co., whom he himself described to be the real charterers); that from him in part he had his instructions relative to the vessel and her employment in trade, and that to him he was accountable for his conduct as master, all this being, indeed, expressly provided for by the charter itself.

These proceedings brought the case to the eighth day, and closed it on the part of the captors, who appeared to have early abandoned their allegation of the slavery of the third boy Caulker, embarked at the Plantain Islands. The same day, the 16th, the monition was returned duly certified by the Marshal, without any claim having been presented on the part of the alleged owners of the vessel. The master had, indeed, applied for time to bring witnesses from the Gallinas; but as he did so without being authorised as a claimant, the application could not be entertained. He also offered a protest against condemnation, but agreeably to invariable rule the court declined to receive it.

A day of trial being petitioned for, and the following day being Good Friday, it was appointed for the 18th, when the judgment of condemnation was pronounced, and the two slaves decreed to be emancipated from slavery.

(Signed)

R. DOHERTY.  
N. N. MACDONALD.

### Second Enclosure in No. 49.

*Judgment given in the case of the Spanish Brig "Eliza Davidson," Alexander B. Hanna, Master.*

*Sierra Leone, April 18, 1840.*

Of the three children who have been found in this vessel the court cannot consider the two taken on board at the Gallinas in any other light than that of slaves. They were embarked by the master at the slave factory of the well-known José Alvarez, the consignee of the "*Eliza Davidson*," at that river, where they made part of a barracoon, there formed for the purposes of sale and shipment. They had been sold into this factory from the interior, and they were sold from it to the master of this brig; or if no price was specially paid for them (for that point is not made clear) then they were given; and it is of course immaterial whether their transfer was made on account of a payment in merchandise or gold, or for other considerations of interest or friendship. In either case the parties transferred were dealt with as chattels, not as human beings.

These facts derived from those parties themselves are as fully proved as they can be supposed to be by the circumstantial, concurring, repeated statements of children so young, who are not aware that they can have any interest in deceiving this court.

But supposing no credence to be due to them, the undeniable fact is—requiring great explanation—that these boys were found on board a vessel in the circumstances in which this brig was placed. Whether they were previously slaves or otherwise, and whether given or sold, if they were put on board a vessel chartered by, consigned to, trading among slave-dealers, and returning to a most notorious slave-mart, in order that they might proceed with that vessel on her return voyage, it is not to be presumed, in the absence of all proof, that they were so put as free boys. What says the master himself, who, at his first examination, made no mention of them? He says "they were on board at the request of a friend of the consignee, Alvarez, for the trip made to the Plantain Islands, that they might be taught to speak the English language, and to wait at table." But unfortunately for this explanation, in itself so lame and improbable, it is contradicted by the explicit testimony of the steward, which shows that they were in reality destined to Havana or America, and were not regarded either by the master or his chief officer otherwise than as slaves.

If they were on board in any other character—for any temporary purpose such as the master alleges—for any purpose not temporary yet lawful—for their passage as free boys to America—or for their service as domestic slaves—where is the strong proof of such a fact, the burthen of which lies heavily on the defendants in this cause? Where is any passport, certificate, indenture, or other authority for receiving them on board, or any explanation of the absence of such a document, or of the omission in the vessel's log-book of all entry of so remarkable an occurrence as their embarkation? Nothing of this kind existing, they must be regarded as slaves.

The same vessel in which these slaves are found contains one undeniable article of equipment, namely, a supply of water-casks, declared by the surveyors to this court to be more than sufficient for her as a licit trader. Nothing exists to show that any bond was given for the lawful employment of those casks, in obedience to the requirement of the Treaty of 1835; and if they were merely intended to ballast the brig, nothing ought to have been neglected in the case of a vessel coming upon this coast to enable the master to establish such a fact. It is to be observed that it is by no means enough for vessels trading on those parts of the coast of Africa which are devoted to the illicit traffic, to keep themselves free from that guilt. It is their peculiar business and bounden duty sedulously to avoid every circumstance of suspicion. And surely it is incumbent upon them in a still more eminent degree to be able to show, by the most irrefragible evidence, that they have at least not passed the limits of the law in cases like that of the present vessel, in which circumstances of suspicion of every kind shall have already accumulated around them.

Those circumstances on the present occasion are to be found in the whole history of the voyage; the character of the charterers, laders and consignees; the large rice cargo; the exclusive employment of the brig in the haunts of the most notorious slave-dealers; the intimacy of her master with those persons, as stated by himself, and apparent from the papers filed in the case; and his want of openness and candour as a witness; and taken in combination they render it certain of themselves that the vessel was employed in abetting Slave Trade, if not destined, as is sufficiently probable, to convey an entire human cargo to the Havana. The facts, however, are before us of the presence of two slave children.

on board, and of an extraordinary equipment of water-casks; and it becomes a superfluous labour to enter upon the consideration of any further proofs of an engagement in the prohibited traffic.

But the vessel so engaged is no American vessel, as her flag and papers declare her to be, but an undoubted Spanish brig. The Havana course of trade is admitted by the master, and not denied by second witness in preparatory, the steward Knoff. The Havana laders, consignees, and supposed owners of the cargo are the same Cuba merchants, Simon de Teran and Charles Tyng, who appeared so recently in this court in the same characters, in the cases of the "*Asp*" and "*Lark*;" and the former is not only the professed charterer, but, as appears by the tenor of the charter-party which declares him to be so, is connected with the vessel in a still more intimate relation, and is indeed virtually her owner. This extraordinary document, taken in connexion with the evidence which the captors have adduced respecting the value of American vessels, proves to demonstration that the sum which the owner, Mattison, there acknowledges to have received from Teran for the use of the vessel during two years was greatly beyond the price of a vessel of her class and age (the age being shown by her register to be not less than 12 years); and, that this high sum was given for her use only, is by the charter expressly affirmed, for the engagement to man, victual, and repair, and to pay other charges, and exercise other ordinary acts of ownership is undertaken, not by the owner but the charterer. The charter-party is therefore a virtual bill of sale; and supposing any doubt to rest on this point, still, in our opinion, the transfer to the charterer of the entire management of the vessel for two years did, *de facto*, transfer to that charterer the entire liability of ownership during the same period. And the charterer, Teran, being a Spaniard by allegiance and birth, and a partner in the Havana house of Martinez and Co., who, indeed, as the master more correctly declares, are the real charterers, this fact, with that of the course of trade, is sufficient to establish a Spanish character beyond doubt or cavil.

Under these circumstances, the flag and pass of America having been falsely and fraudulently assumed by this vessel, she has exposed herself to the penalties of the Treaties of 1817 and 1835, and been justifiably detained. This court, therefore, has no alternative but to pronounce her forfeiture to the two Crowns; and the "*Eliza Davidson*" and her cargo are accordingly condemned as prize for having been engaged in Slave Trade, taken in such traffic by Her Majesty's sloop "*Wanderer*," the Hon. Joseph Denman commanding; the two slaves captured on board of her, Enjahe and Wurrah, being at the same time decreed to be emancipated from slavery.

### Third Enclosure in No. 49.

#### *Charter-party.*

THIS *charter-party*, made, concluded, and agreed upon, this 16th day of December, in the year 1839, between John J. Mattison, part owner, and as attorney for the other owners, of the American brig "*Eliza Davidson*," of Baltimore, of the burthen of 198 tons, or thereabouts, whereof Alexander B. Hanna is master, now lying in the harbour of Havana, of the first part; and Simon Perez de Teran, of Havana, merchant, of the second part, *witnesseth* that the said party of the first part, for and in consideration of the sum of 8500 dollars, paid to him by the party of the second part, the receipt of which sum is hereby acknowledged, has granted, and to freight letten, and by these presents does grant and to freight let, unto the said party of the second part, the whole tonnage of said vessel, for the term of two years from this date, to be employed by him, the said party of the second part, or by his direction, in any lawful trade permitted under the American flag. The said party of the second part engages to pay all charges of every description for the navigating of said vessel, including manning, victualling, port-charges, pilotages, and repairs: and at the expiration of the said term of two years the vessel is to return to this port, or to the port of Baltimore, and to be delivered up to the owners or their agents. The present master to remain in command of the vessel; and in case of his death, the command to devolve upon such person, being an American citizen, as he shall designate. In case no fit person can be found to take command, the vessel and her papers are to be delivered up to the Consul of the United States at the port she may be at at the time of such decease, or at the first port at which she may arrive after it shall have occurred, and so to remain, until a lawful master can be obtained. The said party of the second part hereby engages and binds himself to the party of the first part, in the penal sum of 5000 dollars, that said vessel shall not be employed in any way not permitted by the laws of the United States; and that at the expiration of the before-named period she shall be returned in the way before agreed upon.

And for the true and faithful performance of all and singular the covenants and agreements herein-before specified, the said parties hereby respectively bind themselves, each unto the other, the said vessel and cargo in the penal sum of 5000 dollars.

In witness whereof the parties to these presents have hereunto interchangeably set their hands and seals, the day and year first above written.

Sealed and delivered in presence of }  
J. S. THRASHER. }

SIMON PEREZ DE TERAN.  
JOHN J. MATTISON.

(An exact copy,) J. MILLER, *Acting Reg.*

### No. 50.

#### *Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, September 8, 1840.*

I RECEIVED your Despatch, of the 24th April, 1840, containing your Report, and other papers relative to the case of the "*Eliza Davidson*," captured under American colours, and condemned in the Mixed British and Spanish Court of Justice at Sierra Leone.

I referred your Despatch and its enclosures to Her Majesty's Advocate General, and I have now to acquaint you that he has reported his opinion, that the "*Eliza Davidson*," having been chartered for two years, at a sum equivalent to her entire value, by a Spanish subject, resident at the Havana, who by the terms of the charter-party engaged to man, victual, and repair her, and to pay other charges, and exercise other acts of ownership, may properly be considered to have been a Spanish vessel, notwithstanding that she sailed under American colours; and, as she was equipped for the Slave Trade, and had slaves actually on board at the time of her capture, the Court was justified in pronouncing a sentence of condemnation.

I am, &amp;c.

(Signed)

PALMERSTON.

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

No. 51.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, May 13, 1839.*  
(Received September 8, 1840.)

MY LORD,

WE have the honour to enclose to your Lordship an abstract of the papers of the brig "*Goloubtschick*," which was lately captured, while sailing under Russian colours, by Her Majesty's brig "*Saracen*," Lieutenant Henry Worsley Hill commanding, and brought into Sierra Leone.

Lieutenant Hill was desirous of prosecuting the "*Goloubtschick*" as a Spanish vessel engaged in, and equipped for, the Slave Trade, and presented her for this purpose to the Judges of the British and Spanish Mixed Court of Justice. The Court, however, refused to admit her to prosecution, for the same reason which has withheld them from admitting the numerous vessels captured under the flag of the United States, namely, the absence of any right in the captor to visit and search, on the high seas, in time of peace, the apparent vessels of those Powers, which have not conceded such a right under any circumstances whatever.

The "*Goloubtschick's*" papers were accordingly returned to the captor's proctor on the 1st instant, the enclosed summary of them having first been made.

Six days afterwards a petition was presented by the captor's proctor, that we would revise our decision in consideration of two additional documents which had since been obtained by the captor, and which were produced. One of these papers was a declaration by Thomas Bernadas, "a Spanish subject," the original master of the "*Goloubtschick*," but who accompanied the vessel on the present voyage in the character of supercargo, that the said brig was still owned by Don Antonio Alarto, a merchant of Havana, and had not really been transferred by sale, as pretended in the passport, to Don Francesco Lauro, a merchant of Odessa. The other paper was a Report of survey, by two competent persons, of the condition and equipment of the vessel, from which it appeared that there were open gratings, temporarily boarded over, water-casks sufficient to hold eleven thousand five hundred gallons, a sliding cabouse, fitted to receive a large boiler, nine mess-tins, eighteen tin cups, sixteen wooden spoons, and a pair of slave-calls.

Little doubt indeed could be entertained that, had the prosecution of the "*Goloubtschick*," been permitted, her real Spanish character, and her equipment for Slave Trade, would have been fully established, and would have led to her condemnation. But the illegality of the detention put it out of our power to entertain the case; and, as Lord Stowell remarked, with regard to a precisely similar capture, made at the same spot (2 *Dodson*, page 242), "if these facts are made known to the seizer by his own unwarranted acts he cannot avail himself of discoveries thus unlawfully produced, nor take advantage of the consequences of his own wrong." In accordance with this view of the matter the Commissioners refused the prayer of the proctor's petition, and on the 9th instant the "*Goloubtschick*" sailed for England.

In the correspondence on Slave Trade (Class A, 1838-1839, pages 103, 104,



and 111) your Lordship will observe that this vessel arrived at Havana on the 26th of April, 1838, after having landed a full cargo of slaves on the coast between that port and Matanzas, and that she cleared out on the 26th of the following month for the Mediterranean. We have no doubt that the present voyage was intended also to end at Havana, and that a similar cargo to the last was to have been carried across from this coast.

This attempt, the first of the kind that has come under our notice, to carry on the Cuba Slave Trade under the Russian flag, was facilitated in every way, perhaps not designedly, by the very extraordinary circumstances attending the issue of the Russian passport. Francisco Lauro, said to be a merchant of Odessa, and a subject of Russia, but bearing a Spanish name, on his representing that he had purchased the brig in the year 1836 from a Spanish slave dealer at Havana, obtained for her a Russian register at Odessa, although the captain who commanded her, Thomas Barnadas, has declared himself to be a Spanish subject, and the passport, whilst leaving a blank for the national character of the master, mentions that the whole crew, without an exception, were foreigners. It authorizes her to traverse the ocean, wherever she pleases, for three years, under the Russian flag; and allied and friendly Powers are invited to give to the vessel thus accredited every protection, "d'après les principes du droit des gens."

Notwithstanding this invocation of the law of nations, it appears to us that it was clearly violated in this instance by the Russian authorities. At a time when the Cuba slave-dealers were anxiously seeking for some flag to protect them in the violation of the Slave Trade Treaty between Great Britain and Spain, a Spanish vessel, purchased in Havana, and navigated by a crew entirely Spanish, amongst whom it is not pretended that one Russian subject was to be found, was authorized to trade as a Russian vessel for a period of three years in all latitudes, and on all coasts. The consequence of such a permission might have been anticipated. The newly-made Russian brig, having accomplished the object with which she had visited Odessa, was never again seen to enter a Russian port; she hastened to the coast of Africa, and having been there protected from all molestation by the respect paid by our cruisers to the Russian colours, she embarked and made sail with a full cargo of slaves, whom she shortly afterwards landed in safety on the Island of Cuba, close to the residence of her real owner, Alarto, by whom a nominal transfer had been made to his correspondent at Odessa. She is now again met with on this coast, fitted in every respect for conveying to Cuba a second cargo of slaves, nearly the whole of which was, we understand, purchased and awaiting shipment at the time of capture.

We have, &c.

(Signed)

H. W. MACAULAY.

W. W. LEWIS.

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

&c.

&c.

&c.

---

Enclosure in No. 51.

*Abstract of the Papers found on board the Brig "Goloubtschick," Mathias Mestri, master.*

*Sierra Leone, May 13, 1839.*

No. 1. A printed Russian passport, of which the left side is written in the Russian language, and the right side is apparently a French translation. We now annex a literal copy of the French version, underlining all such words and passages as have been inserted in manuscript in the body of the printed document.

(Copy.)

Par ordre suprême de Sa Majesté L'empereur et Autocrate de toutes les Russies, &c. &c. &c.

Il est permis au Sr. *Francesco Lauro*, *Negociant de la première classe d'Odessa*, sùjet de Sa Majesté Imperiale en conséquence des documens qu'il a présentés, d'arborer le pavillon marchand russe sur son bâtiment marchand nommé "*Goloubtschick*" <sup>acheté</sup> [construit] dans l'année 1836 à *Havana* du sùjet *Espagn*: *Antoine Alarto*, contenant la cargaison de lasts 85, et commandé par le Capitaine *Thomas Bernadoz* sùjet à bord duquel il se trouve [matelots sùjets russes et] 13 *matelots étrangers*. Ce navire est autorisé à voyager tant pour faire le commerce que pour le transport de marchandises pour lequel il aurait été freté dans la mer Noire et L'Archipel par le détroit de Constantinople et les Dardanelles, sur les cotes de la Porte Ottomane, nommément celles d'Anatholie, de Syrie, d'Egypte, de Roumelie, et de Morée dans toute la Méditerranée, et dans d'autres mers, dans l'Océan, dans la mer Baltique, et dans toutes les autres mers, dans la mer blanche, et dans d'autres mers.

Ces courses pourront durer l'espace de trois années, à l'expiration du quel terme cette Patente devra être présentée à la Douane la plus voisine.

En conséquence de quoi les gouverneurs de provinces, commandans de la marine, et autres employés des hautes puissances, amies et alliées, sont invités, et les autorités militaires et civiles de Sa Majesté Impériale sont requises, d'accorder toute espèce de protection au navire et au capitaine susmentionnés, et de ne mettre aucune entrave à leur libre navigation dans les susdites mers, golfes et rivières, d'après les principes du droit des gens; une exacte reciprocité sera observée à cet égard envers les hautes puissances amies et alliées. La présente patente doit se trouver toujours à bord du susdit navire, tant qu'il se trouve dans la possession d'un sujet russe, et quand même il passerait par des ventes successives d'un propriétaire à un autre. Mais lorsque le navire n'est plus en état de service ou qu'il est rendu à un étranger, la susdite patente sera remise au Département du Commerce extérieur. Donné à St. Petersburg sous la signature du Conseil de l'Amirauté et le sceau.

(Signed) (The name cannot be made out.)

There is a Russian endorsement on this passport, apparently made when it was taken out, of which all that we can decipher are the figures "5539" and "1836." The other endorsements are literally as follows:—La Chancellerie Commerciale de la Légation Impériale de Russie près la Porte Ottomane certifie qu' à bord du présent navire se trouvent pour son propre besoin deux canons, dix fusils, et dix sabres.

(Signed) P. PIZANI.

Constantinople, ce 12 Decembre, 1836. S.V.

Le Directeur de la Chancellerie Commerciale  
Conseiller d'Etat actuel.

Vu au Consulat Impérial de Russie enregistré une fois pour toutes, sub No. 786.

Marseille, le 8 (21) Septembre, 1838.

Pour Monsieur le Consul absent: Le Vice-Consul gerant le Consulat.

(Signed) A. GIERRA.

No. 142. Conventant au propriétaire du bâtiment que le Capitaine Tomas Barnadas (he is called Thomas Bernadoz in the register) quitte le commandement du Brick "*Goloubtschick*," il a été remplacé par le Capitaine Mathias Mestri qui dès aujourd'hui s'est chargé, du commandement du dit Brick, ou a été enregistré.

No. 2 is a Russian paper, of which not one word is intelligible, except the figures "5540" and "1836," both referring, probably, by a different method of computing time, to the date of the execution of the paper, which appears to be a bill of sale.

No. 3 is a large Arabic document, apparently a clearance or bill of health from Constantinople.

No. 4 is a paper in Italian, signed by P. Pizani, the Russian Consul at Constantinople, on the 12th of December, 1836, S. V., and countersigned by Appollinare Boutineff, Minister Extraordinary for Russia at the same place, stating that the vessel No. 203 was on that date bound to Barcelona. This document was visaed on the 17th of January, 1837, at the Dardanelles; at Port Mahon, where quarantine was performed, on the 6th of April, 1837; at Barcelona on the 13th of June, 1837, on the occasion of her clearing out for Bahia; at Havana on the 23rd of May, 1838; at Marseilles on the 8th of September, 1838; and at Barcelona again on the 19th of November of the same year, when she cleared out a second time for Bahia. It will be observed that the "*Goloubtschick*" on her last voyage, although she cleared for Bahia, did not visit that port; nor did her sailing license show any endorsement after she left Barcelona until her arrival at Cuba. It is not, therefore, unfair to presume that the course of both voyages was the same—Barcelona to the Coast of Africa, thence to the Coast of Cuba, and thence to Barcelona again, no attempt having been made on either voyage to reach Bahia, the destination marked out in her several clearances from Barcelona.

No. 5 is a certificate in French, signed by Gierra, Russian Consul at Marseilles, on the 21st of August, 1838, declaring that the "*Goloubtschick*," Thomas Bernadas, master, navigated by a crew of 17 men, of whom none were Russians, had arrived in that port on the 13th of July, 1838, with a cargo of sugar, coffee, and cigars from Cuba. This certificate was endorsed at Barcelona on the 19th of November (1st of December), 1838, by Valdejuli, the Russian Consul there.

Nos. 6 and 7 are two official manifests of the cargo shipped at Marseilles, both in French, and dated on the same day, September 12 (24), 1838. One of these documents was signed by Gierra, and the other was apparently prepared by the French authorities.

No. 8 is a bill of health from Marseilles, dated on the 21st of September, 1838, which mentions Bernadas as still Captain on that date, and that the crew still consisted of 17 men. The signature of the health officer was verified a few days afterwards by the Spanish Consul at Marseilles.

On the departure of the brig from Barcelona on the 4th of December, 1838, the bill of health was again endorsed by the Custom-house officers of that place; but on the latter date the Captain Bernadas had nominally given place to the new Captain, named Mathias Mestri, as stated on the back of the Russian passport; and 24 men were added to the number of her crew, which now amounted to 41 men for a vessel of only 170 tons; but as if this was not sufficient to show that a slave-trading voyage was contemplated, iron bars, and at the same time additional water-casks, were taken on board. Notwithstanding the above statement with regard to a change of masters, Bernadas was found still acting as Captain at the time of the vessel's capture.

A further endorsement, tantamount to a new bill of health, was added on the 22nd of November (4th of December), 1838, by the Russian Consul at Barcelona.

No. 9, a muster-roll of the crew in French, signed by the Portuguese Consul at Barcelona on the 19th of November (1st of December), 1838, states that the "*Goloubtschick*" was bound to the port of Bahia, with a cargo taken in partly at Marseilles and partly at Barcelona, and that the crew consisted of 41 persons.

Nos. 10 and 11 are two clearances for Bahia, under the signature of the Russian Consul at Barcelona, on the 19th of November (1st of December), 1838.

No. 12 is a log-book of the pretended voyage, under Captain Mestri, from Barcelona to Bahia, beginning the 5th of December, 1838.

Nos. 13 to 17 are five unimportant books and papers.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, July 14, 1839.*  
(Received September 8, 1840.)

MY LORD,

WE have the honour to enclose to your Lordship a Report of the case of the brigantine "*Emprendedor*," Felix de Galindez, late Master, which was captured off the Gallinas, on the 20th ultimo, by Her Majesty's sloop "*Harlequin*," the Right Hon. Lord Francis John Russell, Commander.

The "*Emprendedor*," which was sailing under Portuguese colours when captured, was proceeded against by her captor in the British and Spanish Mixed Court of Justice, on the charge of being a Spanish vessel equipped for Slave Trade; and on the 12th instant a sentence of condemnation against the detained brigantine was pronounced by the court, the Spanish witnesses having themselves admitted that the owner of the "*Emprendedor*" resided in Havana, and that in several respects the Tenth Article of the Spanish Slave Trade Treaty had been violated by the manner in which the vessel was equipped.

With reference to the enclosed Report, we beg leave respectfully to request your Lordship's attention to the alarm expressed by the Spanish slave-dealers on this coast, on account of the manner in which they have been deprived of the protection of the Portuguese flag; and, secondly, to the eagerness with which the Canary Islands are now sought by fully equipped Spanish slave-vessels, as a place of refuge from the harassing and dangerous visitation and search of British cruisers.

We take the liberty of suggesting the advantage of having a man-of-war immediately stationed in that quarter, expressly for the purpose of intercepting, and sending in for adjudication, such vessels as the "*Emprendedor*," the Canaries being without the boundary within which seizure is interdicted by the late Spanish Treaty.

We have, &c.

(Signed)

W. H. MACAULAY.  
W. W. LEWIS.

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

Enclosure in No. 52.

*Report of the case of the brigantine "Emprendedor," Felix de Galindez, late Master.*

*Sierra Leone, July 14, 1839.*

THE following papers were found on board the "*Emprendedor*" at the time of her capture.

1. A passport from the Secretary of State for Foreign Affairs, at Lisbon, dated at Lisbon on the 2nd of September, 1836, authorising the brigantine "*Emprendedor*," owned by Jozé da Cunha, and commanded by Manoel Antonio dos Santos, to perform a voyage to Pernambuco and other ports of Brazil, to return to some port of Portugal. An endorsement, dated at Oporto, on the 22nd of the following month, states that the vessel was then bound to Pernambuco. There is no further endorsement until the 10th ultimo, when Jozé A. Benavidas, the Governor of the Island of Palma, in the Canaries, in the absence of a Portuguese Consul, stated that the "*Emprendedor*," which had arrived on the 4th of March previously, was about to sail for Havana by way of Gallinas.

The absence of any endorsement on this passport between October 1836 and June 1839, induces a belief that the paper was fraudulently made use of for the purposes of the present voyage, after it had been thrown aside for years, on the completion of the only voyage which it authorized—a voyage from Portugal to Brazil, and back to a part of Portugal.

No. 2. No Custom-house clearance or manifest from Havana has been discovered; but a muster-roll, dated at Havana, on the 17th of November, 1838, informs us that the "*Emprendedor*," of 144 tons, was bound from that port to the Gallinas and Bimbia. On the 19th of November a declaration was made before the American Vice-Consul, Mr. J. A. Smith, by Don Jozé Mazorra, a merchant of Havana, that, "being thereunto authorized and empowered by Don Jozé da Cunha, owner of the Portuguese brig-schooner "*Emprendedor*," he had appointed Don Felix de Galindez as master thereof, in the place of Manoel Antonio dos Santos, late master." And at the same time Felix de Galindez himself appeared before Mr. Vice-Consul Smith, and declared the muster-roll to be a true and faithful list of his crew, consisting of 26 men. Two certificates, stating the above facts, were signed by Mr. Smith, and attached to the muster-roll by the American Consular seal. The captain of the flag, Felix Galindez, is mentioned in the list as a native of Lisbon; but the first pilot, Francisco Lavendeira, and the second pilot, Francisco Losa, are both declared to be Spaniards; and there is reason to believe, from his always writing in the Spanish language, that Galindez himself was likewise a Spaniard.

Three is a log-book in Spanish, commencing the 20th of November, 1838, when the "*Emprendedor*" left Havana, and ending the 22nd of January, 1839, when the vessel anchored at the Gallinas.

Four is another log-book, written in the same hand, of a voyage from Gallinas to Palma, one of the Canary Islands, between the 28th of January and the 4th of March last.

5. This paper, which is a bill of health, dated at Palma, on the 10th of June, 1839, declares that Don Francisco Lavendeira (first mate) was at that time captain of the "*Emprendedor*," that she was

bound to Havana by way of Bimbia, on the coast of Africa, and had on board a crew of 21 men all told. It thus appears that the Portuguese master, Galindez, with four of the crew, which consisted originally of 26 persons, had remained behind at the Gallinas, to assist in preparing the return cargo of slaves.

6 is a Spanish log-book of the voyage from the Canary Islands, which were left on the 11th ultimo, to the river Gallinas, which was entered on the 26th ultimo. Capture took place two days afterwards.

Besides the above ship's papers several private letters were discovered by the captors, which explain the reasons of the "*Emprendedor's*" departure for the Canary Islands; the cause of her visiting Gallinas during the last week in June, when a payment of 320 slaves was due; and the destination of the brigantine on her return.

The first two letters were written immediately after the "*Emprendedor's*" arrival at Gallinas from Havana; and the following are translations:—

(Copy.)

*To Señor the Captain of the Brigantine which has just anchored.*

SIR—If that is the vessel of Don Jozé Quevedo, have the goodness to send by the Krooman the correspondence, and all small articles which are at hand. Take the greatest care; and the moment you see a boat you must fly, for otherwise you will be placed in a very precarious situation. Having nothing more to say at present,

I remain, &c.

(Signed) PABLO ALVAREZ.

The alarm here expressed of the English cruizers by that determined slave-dealer, Pablo Alvarez, seems to have been fully shared by the master, Galindez, when he went ashore; as he immediately addressed the following letter to Francisco Lavandeira, the Spanish first officer of the "*Emprendedor.*"

(Copy.)

SEÑOR LAVANDEIRA,

Jimenes (1) has been made prisoner, also Barba (2), Batalla (3), the "*Galgo*" (4), and in short every vessel on the coast under every kind of colours. Ferrer (5) is here, and advised me to go through with the business at any rate, and I have in consequence treated with Don Pablo Alvarez; but he will only give me 320 slaves at the end of five months. I await your answer to close. Ferrer told me that he would embark 60 (slaves) on freight; and if Quevedo (6) sends advice, he will also embark in her the cargo of the "*Fausta*" (7).

The English have burned Bissau (8), and Don Caetano (9) is a prisoner at Sierra Leone. If we close the bargain the cargo shall come ashore this very night; and as soon as it is unloaded we shall sail for the Canaries.

I remain, &c.

(Signed) FELIX GALINDEZ.

P. S. The day before yesterday the "*Sin-Ygual*" (10) went out flying from a brig of war, and as yet the result is not known. An endless number of vessels have been taken, for the Portuguese flag is useless. As soon as the business is settled we must be off to the Canaries (11); for, according to what Don Pablo says, it is impossible to stop here an hour.

Of the persons and vessels mentioned in this letter (1), Angel Jimenes was Spanish captain of the brig "*Veterano*," condemned on the 11th of December, 1838.

(2) Juan Barba was Spanish captain of the "*Violante*," formerly the "*Mary Anne Cassard*," condemned on the 10th of January, 1839.

(3) Juan Batalla was Spanish captain of the "*Constituçao*," condemned on the 10th of November, 1838.

(4) The case of the "*Galgo*," alias "*Ligeira*," was reported in our Despatch, marked "Spain," of the present year. She was condemned on the 28th of January last.

(5) Bartolomé Ferrer, an old slaving captain, who has frequently been mentioned in the Commissioners' Reports, was referred to more particularly in our Despatch marked "Spain," of the 12th of November, 1838.

(6) (7) Jozé Quevedo, alluded to in both the above letters, was the owner of the "*Fausta*," alias "*Josephina*," condemned on the 10th of November, 1838; and he cleared that vessel out from Havana with Spanish as well as Portuguese papers.

(8) (9) The attack made by Her Majesty's brig "*Brisk*," on the British island of Bulama, which is close to Bissau, and which had been taken possession of for slave-dealing purposes by Caetano, alias Kyetan, is evidently what is alluded to here. It was the barracoons at Bulama, not at Bissau, that were burned down; and Caetano's chief clerk, not Caetano himself, who was made a prisoner on the same occasion, as reported in our Despatch, marked "General," of the 31st of December, 1838.

(10) The "*Sin-Ygual*," whose capture by Her Majesty's sloop "*Harlequin*," on the same day on which the "*Emprendedor*" was captured, is reported in another Despatch of this date, unhappily escaped from the brig of war which chased her on the 21st of January, for she subsequently landed a full cargo of slaves on the Island of Cuba, and cleared out again from Havana within the last two months.

(11) This passage confirms the remark which we made in our last Despatch, as to the frequency with which the Canary Islands are now sought by vessels equipped for the Slave Trade.

The following letters were written five months later than the last, on the eve of the "*Emprendedor's*" departure from the Canary Islands, where she had remained at anchor upwards of three months, waiting until the slaves, who were to form her return cargo, were collected and prepared for shipment at Gallinas.

(Copy.)

*To the Licentiate Don Miguel Castañeda y Arturo, en la Guira de Melena, Havana.*

MY DEAR MIGUEL,

Palma, 8th June, 1839.

TO-MORROW will sail for Africa a brigantine, which arrived at this port about two months ago. Her captain is Don Francisco Lavandeira, a most respectable man, and esteemed by the whole island.

CLASS A.

If he arrive safely, *as we all hope he may*, he will land his traffic at Guanimar, and afterwards pass some time in your town; and I have asked and recommended him to pay you a visit in my name, which will gratify me, and afford you an opportunity of being attentive to a person recommended by me.

Your brother who loves you,  
(Signed) GABRIEL.

(Copy.)

*To Señor Don José Maria Fernandez Diaz, en la Plaza Vieja, Havana.*

MY BROTHER,

Palma, 8th June, 1839.

THE bearer of this is the captain of the "*Emprendedor*," who has been here *waiting until his negroes are collected in Africa*; and as he is a most honourable person, and a friend of mine, I avail myself of the opportunity to write to you.

This gentleman has made a present of some old rigging to your father-in-law, which will be of use to him in his vessel; therefore be grateful to him.

All the officers of the "*Emprendedor*" are good people, and have many friends here. Pray mention this, in order that their reputation may be publicly known, which they deserve by their good conduct.

Your most affectionate brother,  
(Signed) ANTONIO FERNANDEZ BAUTISTA.

The only other paper worthy of notice is a long disbursement bill, or account of the expenses incurred by the "*Emprendedor*," at Palma, between the 4th of March and the 10th ultimo. It amounts to 1265 dollars, and is signed both by the Captain Lavandeira and by the consignee, who makes out the bill, and whose name, José Miguel Fernandez, is the same with that of the late Portuguese consul at Havana, although the signature is not in the hand-writing of the latter.

The detained vessel arrived here on the 2nd instant, and proceedings were instituted against her on the 5th, when the vessel's papers, properly authenticated, were filed with the seizer's declaration, in the British and Spanish Mixed Court of Justice; the usual monition issued, and the witnesses were ordered for examination.

The captor's declaration is to the following effect:—"I, the Right Hon. Lord Francis John Russell, commander of Her Britannic Majesty's sloop "*Harlequin*," hereby declare, that on this 28th day of June, 1839, being in or about latitude 7° 6' north, longitude 11° 50' west (off the Gallinas), I detained the brigantine named the "*Emprendedor*," sailing under Portuguese colours, armed with muskets and cutlasses, commanded by Francisco Lavandeira, who declared her to be bound from Havana to Gallinas, and thence to Havana, with a crew consisting of 23 men and 2 boys, and having on board no slaves, but with her slave-deck laid, her leaguers containing much more water than required for her crew, hatchways bored, and hatchbars fitted, and otherwise equipped for the Slave Trade.

"I do further declare that the papers of this vessel clearly prove her being Spanish property, and on the approach of Her Majesty's sloop she slipped her cable and made every effort to escape."

Francisco Lavandeira, who was shipped as First Mate, and afterwards appeared as Master, was examined on the standing interrogatories on the 8th instant, and deposed "that he was born at Lisbon, but has lived six or seven years at Ferrol, in Spain, is a subject of Portugal, and has never been subject of any other state; that he was appointed to the command of the detained vessel by Felix Galindez, the original Master, a subject of Portugal, from whom he received possession at the Gallinas on the 27th of January last; that there were about 20 officers and mariners on board besides himself, part Spaniards and part Portuguese, all shipped by the late Master at Havana in November last; that the voyage began and was to end at Havana; that the vessel touched at Gallinas for rice, but in consequence of the discovery of a leak, it was found necessary to postpone the purchase of the rice, and to carry the vessel immediately to Palma to be caulked; that she then returned to the Gallinas, and was shortly afterwards captured; that the sole owner of the vessel, as well as the owner and consignee of the cargo, is José Loureyro, a Portuguese, who has resided in Havana for the last eighteen months; that the combings of the hatchways are pierced to receive round iron bars, of which about a dozen are on board; that there are three bulk-heads, those of the cabin, store-room, and fore-castle; that there are about fifty spare planks on board, of which one-half are numbered and fitted to the vessel, and they are so laid as to form the half of a second deck; that there are casks on board capable of receiving ninety pipes of water in all, and the whole of these were filled at the time of capture with *fresh* water for ballast; that there are forty bags of rice on board for the use of the crew."

The Mate, Francisco Losa, professed ignorance with regard to the ownership of the vessel; and with regard to equipment he deposed—"That the combings of the hatchways are pierced to receive round iron bars, of which about twenty are on board; that there is no *spare* plank on board, but an entire slave-deck is formed, but not all laid in its place; that the casks on board were all filled with *fresh* water to take from them the flavour of rum with which they had been previously filled."

The above evidence was published on the 9th instant; and the Monition issued on the 4th was returned into Court on the 11th instant. At the same time the Marshal produced a pocket-book, which he had discovered on taking charge of the detained vessel. It belonged to the present Master, Francisco Lavandeira, and contained, amongst various unimportant papers, two Passports; one dated at Ferrol on the 25th of January, 1834, stating that Lavandeira was a native of Ferrol; and the other of a later date, certifying that he was "*natural de Ferrol*," and that his wife and family resided there. Ferrol is even inserted in the Havana Muster-roll as the birth place of this man, and yet on his examination he swore, in order to justify his being in command of a nominal Portuguese vessel, "that he was born at Lisbon."

The trial of the "*Emprendedor*" took place on the 12th instant.

The vessel had been so clearly brought within the rules laid down in the cases of the "*Opposição*" and "*Sirse*," that we were not surprised that no attempt was made to defend her. According to Lavandeira's statement, the owner was resident at Havana, where the voyage began and was to have ended, where the outward cargo, the property of the same owner, was shipped, and where the crew were hired. The Master further admitted the partial, but quite sufficient, equipment of his vessel for Slave Trade.

This state of preparation might, indeed, have been anticipated from the fact, which was brought to light by the papers filed, that a return cargo of slaves had been collecting for the "*Emprendedor*" at the Gallinas during the five previous months. On these grounds a sentence of condemnation was pronounced against the detained vessel and her cargo.

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

No. 53.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, July 31, 1839.*

(Received September 8, 1840.)

MY LORD,

WE have the honour to transmit to your Lordship our Report of the case of the brigantine "*Christiano*," Nathaniel Crane, Master, detained whilst sailing under Danish colours, on the 27th ultimo, off New Sesters, by Her Majesty's sloop "*Harlequin*," the Right Hon. Lord Francis John Russell, Commander.

The affidavit of seizure which accompanied the ship's papers having stated "that the '*Harlequin*' is furnished with a warrant from the Government of Denmark to visit, search, and detain Danish merchant-vessels," the "*Christiano*" was admitted to prosecution in the British and Spanish Mixed Court of Justice, when the captor succeeded in proving all his allegations against her.

The detained vessel was shown to be the Spanish brigantine "*Carranzano*," José Maria Urrutia, Master, belonging to Porto Rico, and which cleared out from that island under her real Spanish name and character on the 10th of May last, a few days after she had cleared out from St. Thomas's as the Danish brigantine "*Christiano*," Nathaniel Crane, Master.

A very large quantity of slave-shackles and bolts, a complete slave-deck and beams, marked, numbered, and fitted, and an extraordinary number of water-leaguers, sufficiently proved the illegal objects of the voyage in which the "*Christiano*," alias "*Carranzano*," was engaged at the time of her capture, and led to her condemnation and that of the valuable cargo which she had on board.

We beg leave also to enclose a copy of the translations of some letters, which were found on board the brig "*Tejo*," reported in our Despatch marked "Spain," of the 20th of March, 1839, and which give information respecting both the vessel now reported, and several others carrying on the Slave Trade from the Island of Porto Rico.

We have, &c.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

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

First Enclosure in No. 53.

*Report of the Case of the brigantine "Christiano," Nathaniel Crane, Captain of the Danish flag.*

*Sierra Leone, July 31, 1839.*

THE above vessel arrived in the harbour of Sierra Leone on Sunday the 30th ultimo, in charge of Mr. Jackson, a Midshipman of Her Majesty's sloop "*Harlequin*," and the statement given by this officer to the Marshal of the Courts, as set forth in the Marshal's official Report, was that the "*Christiano*" had been detained by the "*Harlequin*" on the 27th ultimo, off New Cestos, whilst sailing under Danish colours.

On the 2nd instant the proctor for the captor presented a petition to the judges of the British and Spanish Mixed Court of Justice, on behalf of Lord Francis John Russell and the officers and crew of Her Majesty's sloop "*Harlequin*," praying that the prize-master's affidavit, in verification of the papers of the "*Christiano*," might be received by the Registrar; that the papers themselves, with the captor's declaration of seizure, might be filed; that the usual monition, citing all interested parties, might be directed to the Marshal for publication; and that the petitioner might be allowed to adduce his evidence.

The declaration referred to in the proctor's petition is to the following effect:—"I, the Right Honourable Lord Francis John Russell, Commander of Her Britannic Majesty's sloop '*Harlequin*,' hereby declare that on this 27th of June, 1839, being in or about latitude 5° 40' north, longitude 9° 50' west, I detained the Spanish brigantine named the '*Christiano*,' sailing under a flag which the

captain stated to be Danish, in support of which assertion he produced Danish papers, commanded by Nathaniel Crane, who declared her to be bound from the Island of St. Thomas, in the West Indies, to Monrovia, with a crew consisting of fifteen men and one boy, and having on board no slaves, but a general cargo, also leaguers capable of containing much more water than is necessary for her crew, and planks and beams ready for laying her slave-deck.

"I do further declare that I found on board this vessel Spanish papers, concealed in the sleeve of a jacket, and others, which prove that under different names this vessel has been many years engaged in the Slave Trade. Under these circumstances I now send her to the British and Spanish Mixed Court of Justice for adjudication, as being Spanish property, and equipped for the illicit traffic in slaves."

The following addition was made to the declaration by Lord Francis Russell, at sea, on the 1st instant:—"I do further declare that one of the crew belonging to the '*Christiano*' has, since his detention on board Her Majesty's sloop '*Harlequin*,' stated that the captain is generally known on board his vessel as Don Jczé, by which name he is always called, and which proves him to be the same captain mentioned in the Spanish papers."

The proctor's petition was then returned to him, with an endorsement thereon by the judges, in the following words:—"Let the affidavit of seizure state whether the capturing ship be furnished with a warrant from the Government of His Majesty the King of Denmark to visit, search, and detain Danish merchant-vessels, such warrant being required by the 3rd article of the treaty between Great Britain and Denmark, signed at Copenhagen on the 26th of July, 1834, and by the 5th article of the adopted French treaty, signed at Paris on the 30th November, 1831."

Mr. Jackson, the prize-master, being unable to furnish the desired information, the petition was withdrawn by the proctor, and the proceedings were stayed until the arrival of Lord Francis Russell, who was hourly expected.

In acting thus the judges only followed out the rule laid down in the case of the "*Mary Ann Cassard*" ("Spain," of the 30th of November, 1838), that a captor is bound to establish *his right* to visit and search a detained vessel, before he can be allowed to use against her the information which has been obtained by an examination of her equipment and papers.

On the 4th of July all impediment to the admission of the "*Christiano*" into the British and Spanish Court was removed on the arrival of the "*Harlequin*," by the presentation of a fresh affidavit of seizure, made by Mr. John Richardson, the Second-Lieutenant of that ship,—“that Her Majesty's sloop '*Harlequin*' is furnished with a warrant from the Government of Denmark to visit, search, and detain Danish merchant-vessels.” The case then proceeded in the usual way, in accordance with the petition of the captor's proctor, already noticed.

The ship's papers, which were in the first instance produced to the captor, are as follows:—

No. 1. A Danish register, dated at St. Croix, in the West Indies, on the 30th of April, 1839, and signed by Peter Carl Frederick Von Scholten, the Governor-General of the Danish West Indies. The purport of the document is that Nathaniel Crane, a Danish subject, belonging to St. Thomas, is both owner and master of the brigantine "*Christiano*." There can be no doubt that this is an old register, belonging formerly to some other vessel, and that it has been fraudulently made use of to protect, as far as possible, the present illegal voyage. When the paper is held up before a lighted candle it is plainly seen that erasures have been made in it wherever the names of the captain and owner of the vessel, the number of the crew, and the date of registration are mentioned; and these alterations would be still more apparent but that a piece of thick paper has been pasted over the whole of the back of it.

No. 2 shows why the present Spanish master of the "*Christiano*" calls himself Nathaniel Crane. It is a certificate of Danish nationality, granted to a person of that name at St. Thomas on the 4th of March, 1837.

In consequence probably of the production of the two last documents, the authorities at St. Croix granted No. 3, which is a certificate of the admeasurement of the "*Christiano*" of St. Thomas, Nathaniel Crane master and owner, and states that the brigantine was of ninety tons burthen. It is filled into a printed form, dated, like the register, on the 30th of April, 1839, and is signed by Governor Von Scholten.

We think it necessary to notice these facts, as this is the first instance which has come before us of the flag of Denmark being used to cover a Spanish Slave Trade.

The British Consul in that quarter could easily ascertain the facts connected with the clearance of the "*Christiano*" from St. Croix, and timely warning from the Danish Government may prevent future abuses of the same flag on an extensive scale.

No. 4. It would appear that the "*Christiano*" left St. Croix for St. Thomas on the same day that the certificate of admeasurement (No. 3) was granted at the former place; for on the following day, the 1st of May last, a muster-roll was prepared and sealed at St. Thomas by C. C. Moe, the notary-public there, whose name has so frequently appeared on other similar occasions.

No. 5. On the same day an "Invoice of Merchandise shipped on board the Danish brig "*Christian*," Captain Nathaniel Crane, per order and for account and risk of Major N. M. Hicks, of Monrovia" (the capital of the American settlement of Liberia), received a certificate under the hand and seal of the before-mentioned C. C. Moe, to the effect that Captain Nathaniel Crane had affirmed to its truth and correctness. Both the invoice and certificate are in the English language. The value of the shipment, which comprises "27 empty casks for palm-oil," is said to be 14,755 dollars. The shipper is not mentioned, nor the place where the cargo was taken on board. The Danish passport was only dated at St. Croix, 40 miles distant, on the previous day, at which time therefore the vessel must have been fully laden.

No. 6 is a slip of paper, dated on the 2nd of May last, containing apparently a clearance from St. Thomas. It says nothing of the cargo taken on board, and mentions Monrovia as the destination of the "*Christiano*."

The above were all the documents which the master would produce, or which he admitted to be on board; but a diligent search by the captors discovered the remaining papers, which we shall now proceed to describe, concealed in the master's trunk amongst his clothes.

No. 7. Although this nominal Danish vessel cleared out for Monrovia on the 2nd of May last, she went direct from St. Thomas to Porto Rico, where she again cleared out for Monrovia on the 10th of the same month, under her proper name of "the Spanish brigantine '*Carranzano*,' José Maria Urrutia, master." The correspondence found on board the brig "*Tejo*" (reported in "Spain," of the

20th of March last) showed that the "*Carranzano*" was a Spanish vessel belonging to Porto Rico, and that Urrutia was for a considerable period in command of a brig called the "*União*," belonging to the same island. The Spanish "*Carranzano*" is the same vessel as the pretended Danish "*Christiano*;" and to identify them more completely, the first seven names in the official muster-roll granted at Porto Rico, on the 10th of May, agreed exactly with the first seven names in the crew-list signed at St. Thomas on the 1st of the same month:—

"*Christiano's*" Muster-roll.

Boatswain.	Jorge Buso.
Carpenter.	P. Loane.
Cook.	A. Buso.
Seaman.	P. Rivera.
	M. Arteaga.
	A. Ygartua.
	M. Larrondo.

"*Carranzano's*" Roll.

Jorge Buso.
Pedro Lolane.
Antonio Buso.
Pedro Rivera.
Manoel Arteaga.
Antonio Ygartua.
Martin Larrondo.

Nos. 8 to 11. Nor were we left merely to infer the identity of the Spanish captain of the "*Carranzano*" with the person who was addressed as captain of the "*União*," in the letter which described the "*Carranzano*" as a vessel belonging to Porto Rico, for all the papers of the "*União*" herself were found by Lord Francis Russell in José Maria Urrutia's trunk. These papers consisted of a bill of sale of the Spanish brigantine "*Quatro Amigos*," at Villa da Praia, St. Jago, in the Cape de Verd Islands, on the 22nd of December, 1836, the vessel thenceforth being called the Portuguese brigantine "*União*;" together with the passport, muster-roll, and clearance, taken out at St. Paul de Loando on the "*União's*" last voyage.

No. 12 is the log-book of the voyage in Spanish. The first two pages are torn out, and the first entry to be met with is dated on the 14th of May, which is described as the third day of the voyage. It is then kept up regularly to the 27th ultimo, on which day capture took place.

Nos. 13 and 14 are two notes found in the boatswain's trunk, both signed "Urrutia," and which had been addressed to the former from the shore, giving directions respecting his proceedings on board the brigantine.

The witnesses in preparatory were examined on the standing interrogatories and standing special interrogatories on the 6th instant. The master of the detained vessel deposed "that he was born at the island of Curaçao, where he has since lived, and he is a subject of Holland; that he appointed himself captain, and took possession of the vessel at St. Thomas in May last; that the vessel sailed under Danish colours, and there were no others on board; that there were fifteen officers and marines on board, exclusive of witness, natives of different islands in the West Indies, all hired and shipped by witness himself at St. Thomas, in May last; that witness was master as well as sole owner of the vessel and cargo; that the last clearing port was St. Thomas, in the West Indies, where the voyage began, to end as should be determined by the consignee of the vessel at Monrovia; that the vessel had called off St. Vincent, in the Cape de Verd Islands, without anchoring, but he sent a boat on shore for fresh provisions, and then proceeded on to Monrovia, near which place she was captured on the 27th ultimo; that he was sole owner of the vessel, but there was no bill of sale given to him, as vessels are not sold in that way at St. Thomas, nor does he recollect the name of the person from whom he bought her; that he was the sole lader, as he is the sole owner and consignee of the cargo; that there was no charter-party; that there are from 20 to 40 spare planks on board, from eight to twelve feet long, a foot broad, and from an inch to an inch and a half in thickness, they are not numbered or fitted to any part of the vessel, but were intended for repairs; that there are no shackles, bolts, or handcuffs; that there were casks on board capable of receiving 33 pipes of water in all, which were bought with the vessel, and witness allowed them to remain on board, intending to fill them with palm-oil; that there were 38 mess-tins for the use of the crew."

Cristobal Salon, a seaman of the detained vessel, deposed "that the master's name is Don José; that he does not know who were the owners of the vessel, or the laders, owners, and consignees of the cargo; that there are several spare planks on deck under the long boat, the number and dimensions of which witness cannot describe."

In compliance with a petition of the 8th instant, a Commission was issued to the surveyors of the court, directing them to examine the fittings and equipment of the brigantine; the sworn Report under which stated that the Commissioners found on board 630 feet of plank, numbered and fitted as a slave-deck; also 12 pieces of scantling fitted for laying over the water-casks and beams, to support the slave-deck; a cask of the capacity of 150 gallons, one-third of which was filled with shackles and bolts; a ground-tier of leaguers fore and aft, capable of holding a very large quantity of water, but the closeness with which the cargo was stowed prevented the exact capacity of the leaguers from being ascertained; also 30 mess-tins, and 34 drinking-cups.

Publication of the above evidence was then decreed, and the monition, which had been issued on the 4th, was returned into the registry on the 11th instant; soon after which a claim was filed by Nathaniel Crane for the detained vessel and her cargo as his sole property. No witnesses were examined on the part of the claimant, nor was any endeavour made to explain the numerous suspicious circumstances which surrounded the case; and to a series of special interrogatories, which was prepared with the object of drawing from the claimant himself some account of the papers which had been found in his possession, a sullen acknowledgment, in reply to almost every interrogatory, that he could not account for the statements which they contained, was all that could be drawn from him.

On the three occasions on which the master was called upon to sign his assumed name he once, at his first examination, wrote it "*Nactanil Cran*," and twice he spelt it "*Nactaniel Cran*."

The proceedings were finally closed on the 22nd instant, the day on which Mr. Lewis, Her Majesty's Commissioner of Arbitration, left the colony for England; but the British Commissary Judge being at the same time in a very bad state of health, no court could be held until the 29th instant, on which day the case was disposed of.

The possession of a Danish certificate of nationalization (No. 2), granted to a person named Nathaniel Crane, had been, it appeared, the foundation on which it was attempted to build a false character for the detained vessel. An old Danish passport granted at St. Thomas was then procured, from which were erased the original names both of vessel and owner, and the original date; and the name of the brigantine "*Christiano*," of which Nathaniel Crane was said to be master and owner, was inserted



on the 30th of April last. But the erasures in the passport were made in so bungling a manner that the imposition was immediately detected.

Under this passport the "*Christiano*," as a Danish brigantine, cleared out from St. Thomas on the 2nd of May for the American settlement of Liberia, having procured on the previous day a certified muster-roll of her crew. Unfortunately, however, for the credit of the Danish papers, a Spanish paper, which had been concealed in the sleeve of a jacket belonging to the master, discovered that instead of proceeding to Liberia the "*Christiano*" went direct to the Island of Porto Rico, where, on the 10th of the same month, she cleared out as the Spanish brigantine "*Carranzano*," for the same American settlement, with an official crew-list, which contained almost the same names which had been inserted eight days before in her Danish muster-roll.

The master of the "*Carranzano*," alias "*Christiano*," was called Jozé Urrutia in the Spanish muster-roll; and although the person who figured as Nathaniel Crane pretended that the latter was his name, he could not even spell the words. A seaman of the vessel swore, in perfect innocence, that the master had always been spoken of as "Don Jozé;" and two of his own notes (Nos. 13 and 14), addressed to Jorge Buso, the boatswain, are signed "Urrutia."

The prize having thus been identified as the Spanish brigantine "*Carranzano*," and her equipment for Slave Trade having been proved by the presence of slave-leaguers, a slave-deck, and a large quantity of shackles and bolts, a sentence of condemnation was pronounced against the "*Christiano*," for a violation of the 10th Article of the Spanish Slave Trade Treaty.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

### Second Enclosure in No. 53.

*Copies of the Translations of two Letters found on board the brig "Tejo," Antonio Joaquim Brito, Master, reported in the Despatch marked "Spain," of the 20th March, 1839.*

No. 1.

Porto Rico, March 31, 1838.

*Señores Don Jozé Maria Urrutia and Don Atanasio Echevarria, on board the Portuguese Brig "União."*

MY MUCH ESTEEMED FRIENDS,

SINCE we took leave of each other I have had no opportunity to communicate with you; and although it is not a direct opportunity that is now afforded by the schooner "*Fabiana*," which Capetillo despatches to look after what was left by his "*Camadrira*," I avail myself of it to acquaint you that for the last month we have constantly had cruising, from Anegada to Anguila as far as the head of this island, an English brig of war which left this port in time to allow of the happy arrival of Melchor, and we suppose that some perverse person informed her that Urresti was \* expected, and that some other vessel was outside. For this reason, and as we do not know whether or not she will take up her station near this island, I inform you of it in order that you may take your precautions, and use the greatest vigilance in passing through the islands.

The brig is one of those that were cruising off Havana, and she did mischief there, though I do not think that it was owing to her extraordinary speed; but her appearance being little imposing, she has been able to deceive a great many people. She very often disguises herself by putting canvass on her sides, and doing other things that make her look like a trading-vessel. She sailed from hence perfectly black, even to her masts; and though she comes in sight almost every day, she changes her colour so often that it is impossible to reckon upon it.

I have already said that Melchor has arrived, and although he did not come exactly as was expected, it was not altogether without brilliancy. From the news he brought, I suppose you have remained in the same place where, when he left you, you had neither enemies nor opponents. In this supposition, and considering the good business which you have in your hands, it is hoped (and not without reason) that the result will be commensurate with your diligence, with which all are satisfied, as they know that you will omit no trouble or sacrifice to obtain success.

Nothing has been sold since you left, therefore there is no time to be lost, as both your good and mine are concerned. Labour perseveringly and actively to get away soon; make a good choice of the best articles for your cargo, and never relax the most severe precaution. Thus all will be landed, and you may reckon on the best disposition in your favour, under whatever circumstances, from one who hopes for your speedy return.

\* Don Jozé Urresti was master of the schooner "*Merced*," belonging to Porto Rico, and which was condemned on the 8th instant in the British and Spanish Mixed Court of Justice.

No. 2.

Porto Rico, April 20th, 1838.

*Señores Don Jozé Maria Urrutia and Don Atanasio Echevarria, on board the Portuguese Brig "União," New Sester.*

MY ESTEEMED FELLOW-COUNTRYMEN AND FRIENDS,

SINCE you sailed I have had no opportunity to write to you, and the non-arrival of Urresti, who ought to have come long ago, has prevented my hearing from you, and given me much uneasiness as to your destination; for, from what you said when you left, I cannot be certain of the point you have chosen for your business, though, from Melchor's report, I infer that if you touched at the place from which he sailed, as you offered to do, you will have remained there. On this account I direct this letter to Gallinas, the before-mentioned and understood place.

About a month and a half ago there arrived here an English brig, one of those that did most mischief in cruising off Havana, and established herself at the head of this island as far as Fajardo and Loisa. Since then three or four vessels more have arrived, and established their cruize, two from Loisa to Culebra in front of Santa Cruz and St. Thomas, two to the south of this island, and another at Anegada and Anguila. Three are brigs, that every day disguise themselves with different paintings, and with the manœuvres and appearance of merchantmen. Your rigorous vigilance ought to avoid them; and as with your good chronometer you have no occasion to make any land in these Antilles

(for at St. Bartholomew and all of them I believe there are cruizers), it appears to me best for you to steer by the north as far as the meridian of the town where Echabarria has his warehouse, and which it is not necessary to mention; then directing yourself towards it, you can receive the orders lodged with Ortiz, or get rid of your troubles there, if you should find it most fitting, for everything will be prepared. This I think will be the best way not to meet anybody; and even if you should meet with a vessel, as you have a place to run into, and will exercise the greatest vigilance and mistrust even towards those that have the least formidable appearance, I think the risk will be less than between the islands and the head of this one, where you must positively meet with some.

Business is going on as you left it. Nothing has been sold, therefore you must not go to sleep, for you are "roasting meat."

All vessels, even the packets, are searched from Anegado to within sight of this port.

We are afraid that Urresti was taken yesterday, for we saw a cruiser carry off a vessel of the same size as his, which he searched before Fajardo. I have transmitted to Ortiz the signals that you agreed upon.

The "*Carranzano*," of which there is intelligence, is momentarily expected.

Neither of the above two letters has any signature attached to it; but from the letters which enclosed them, we learn that the writer was named R. Lorenzo.

Sierra Leone, July 31, 1839.

No. 54.

*Her Majesty's Commissioners to Viscount Palmerston.*

Sierra Leone, July 31, 1839.

(Received September 8, 1840.)

MY LORD,

WE have the honour to enclose to your Lordship an abstract of the papers found on board the schooner "*Bella Fiorentina*," Pietro Siccoli, master, captured off the river Sestos, on the 20th of May last, whilst sailing under Tuscan colours, by Her Majesty's sloop "*Harlequin*," Lord Francis Russell, commander; also a report of the Court proceedings taken in the case, which were closed on the 29th instant by the condemnation of the detained vessel and her cargo in the British and Spanish Mixed Court of Justice.

We beg leave to request your Lordship's attention to the disgraceful manner in which Mr. Pluma, the Consul-General of Tuscany at Havana, sought to protect this vessel from capture and condemnation, by issuing to her false papers, prepared by himself.

Although the "*Bella Fiorentina*" was captured on the 20th of May last, it was not until the early part of this month, when the "*Harlequin*" arrived in this harbour after a long cruize to the southward, that we could proceed with the case, the prize-master who conducted the detained vessel to Sierra Leone having been unable to depose, that the "*Harlequin*" was furnished (as she is now found to be) with the requisite instructions to visit and search vessels sailing under the Tuscan flag.

The delay of two months which occurred in bringing this case to trial; the necessity of deferring the prosecution of the "*Christiana*," as reported in another Despatch of this date; and much difficulty and loss of time on other occasions would have been easily avoided, and may be prevented for the future, if a general order be issued by the Admiralty to all vessels appointed to this station, that on their first visit to Sierra Leone they shall submit all the slave-papers with which they are furnished to the inspection of Her Majesty's Commissioners, for the purpose of a memorandum thereof being recorded at the Registry Office. As it is, hardly two men-of-war are furnished with precisely similar Slave Papers; and whenever the Midshipman or junior officer, who acts as the prize-master of a detained vessel, is unable to depose that the capturing ship possesses the requisite authority to make the seizure, the prize must either be given up, or kept at anchor in Sierra Leone harbour, at great expense, and great risk to the health and lives of the prize-crew, until the capturing ship either arrives or can be communicated with. The papers thus submitted to Her Majesty's Commissioners may always be returned to the naval commanders within half an hour, if requisite, and need never be kept beyond a very short period; and the convenience of the proposed arrangement to both services would be very great.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

&c.

&c.

&c.

## First Enclosure in No. 54.

*Abstract of the Papers found on board the Schooner "La Bella Fiorentina," sailing under Tuscan Colours.*

*Sierra Leone, July 31, 1839.*

No. 1 is a passport in Italian, granted in the name of His Imperial and Royal Highness Leopold the Second, Imperial Prince of Austria, Prince Royal of Hungary and Bohemia, Archduke of Austria, Grand Duke of Tuscany, &c. &c. &c., to Captain Pietro Siccoli, of the brigantine schooner "*La Bella Fiorentina*," admeasuring  $83\frac{2}{100}$  tons. The document is numbered 98, and was to be valid for only one year; it was signed at Florence on the 6th of November, 1827, by the Secretary of State (whose name is illegible), and was countersigned by the Secretary of the War Department, Della Stufa. An endorsement made by the Minister of Marine, Tanaron, on the 15th of the same month, states that the passport was registered at the 368th page of the 5th volume of the proper book.

This licence, which expired on the 6th of November, 1828, was again brought forward ten years and four months after it had become null and void, and received an endorsement from Pasquale Pluma, the Consul-General of Tuscany at Havana, on the 9th of March last, permitting a voyage to be performed under it.

No. 2 is a parchment register or Mediterranean pass, with the same signatures, and almost in the same words, as the passport just described, and it was issued on the same day. The document is said to be entered at page 106 of the 4th volume of the proper book; and it has received an endorsement under the hand and seal of Mr. Pluma, on the 9th of March, 1839, stating that the paper was valid for the present voyage.

Nos. 3 and 4 are two Consular Certificates from Mr. Pluma, dated on the 31st of January, 1839, and having reference apparently to the permission to make use of the old Tuscan Passport on the present voyage, and to the necessity which existed for shipping foreign sailors for the navigation of a Tuscan vessel.

No. 5 is a Charter-party, drawn up in the Spanish language, and dated at Havana on the 26th of February, 1839, between Don Pedro Siccoli, Captain and owner of the Tuscan schooner "*Bella Fiorentina*," and Don Fidel Montanero on the other side. By this agreement the schooner is chartered for a voyage from Havana to St. Thomas, to commence on or before the 11th of March, for the sum of 3000 dollars. Twenty laying days were to be allowed for the vessel to remain at St. Thomas, after which time demurrage was to become payable at the rate of 20 dollars per day. No port of return was mentioned.

No. 6 is a Muster-roll, prepared from the beginning to the end in the hand-writing of Consul-General Pluma, of Havana, and certified and signed by him on the 9th of March last. It declares that the "*Bella Fiorentina*" was under the command of Pietro Siccoli, the person named as the Captain of the vessel nearly twelve years before, and that she was bound to "Grand Cabotaggio." We cannot at all guess what place was intended by this extraordinary name. The crew is said to consist of 14 persons, and Fidel Montanero, the first officer, and some of the seamen, are described as Spaniards. In order to increase the numbers of the crew to the strength required for undertaking a slaving voyage, 4 seamen were added as a reinforcement—"rinforso"—and 8 others were also marked down in the crew-list as passengers, making 26 men altogether. A memorandum or endorsement was added by Mr. Pluma, to say that the destination of the vessel was not Cabotaggio but St. Thomas, in accordance with the Charter-party. The charterer of the schooner, it will be observed, accompanied the vessel which he had hired, in the capacity of first officer.

Nos. 7 to 14 are eight private Passports, taken out by the pretended Spanish passengers. They are all dated at Havana on the 9th of March, 1839, are endorsed by Consul-General Pluma, and permit the bearers to make a voyage to the Cape Verd Islands, although the "*Bella Fiorentina*" was declared to be bound to St. Thomas direct.

No. 15 is the Log-book, or as it may more properly be called the Journal of daily occurrences on board the schooner. It does not give the course, winds, or distance run, but only the latitude and longitude in which the vessel was each day at noon, with a few remarks on the weather. The Journal begins on the 11th of March, when the "*Bella Fiorentina*" left Havana, and it is continued up to the 19th of May, the day previous to her detention off Little Sestos.

---

 Second Enclosure in No. 54.

*Report of the Case of the schooner "Bella Fiorentina," Pietro Siccoli, Master.*

*Sierra Leone, July 31, 1839.*

THIS vessel was visited and searched by Her Majesty's sloop "Harlequin," the Right Hon. Lord Francis John Russell, Commander, on the 20th of May, 1839, off the river Sestos, in  $5^{\circ} 45'$  North latitude, and  $9^{\circ} 40'$  West longitude, whilst sailing under a Tuscan flag and with Tuscan papers; and was then detained and sent up to Sierra Leone for adjudication in the British and Spanish Mixed Court of Justice, Lord Francis Russell considering that the schooner was actually Spanish property, and that she was violating the Spanish Treaty by an illegal equipment for Slave Trade.

The "*Bella Fiorentina*" arrived at Sierra Leone during the night of the 28th of May last, and on the following day the captor's proctor presented the vessel for admission into the British and Spanish Mixed Court; but as the prize-master was not aware whether the "Harlequin" was furnished with instructions to visit and search vessels sailing under the Tuscan flag, the Court declined to admit the "*Bella Fiorentina*" to prosecution; nor was it until the arrival of the capturing ship in the early part of the present month, that she was discovered to possess the exceptional right which in this instance had been exercised.

On the 9th instant the affidavit, verifying the ship's papers, and deposing that Her Majesty's sloop "Harlequin" was "duly authorized and empowered, according to the provisions of the Treaty signed at Florence on the 24th day of November, 1837, to make seizures of vessels engaged in the Slave Trade, &c.," having been prepared for execution, the Court at once assented to a petition, praying that the said affidavit might be sworn to and filed, that the ship's papers and the captor's declaration might

be lodged in the Registry of the British and Spanish Court, that a Monition might issue, and that evidence in support of the captor's allegations might be adduced.

The captor's declaration is to the following effect:—"I, the Right Hon. Lord Francis John Russell, Commander of Her Britannic Majesty's sloop 'Harlequin,' hereby declare that, on this 20th day of May, 1839, being in or about latitude 5° 45' North, longitude 9° 40' West, I detained the schooner named the '*Bella Fiorentina*,' sailing under Tuscan colours, and commanded by Pietro Siccoli, who declared her to be bound from Havana to St. Thomas, with a crew consisting of 18 men, including the Master and Supercargo, and having on board a slave-deck and beams, and a general slave-trade equipment.

"I do further declare that I have detained this vessel as being Spanish property, and as such I now send her to the British and Spanish Mixed Court of Justice for adjudication."

Pietro Siccolo, the captain of the flag, was confined to his room by severe illness, and could not attend at the registry to be examined on the standing interrogatories. Mr. Acting Registrar Miller accordingly examined the witness at his own lodgings, on the 15th instant, when he deposed "that he was born at Leghorn, has lived 21 years at Genoa, is a subject of Tuscany, has never been subject of any other state, is married, and his wife and family live with him at Genoa; that he was appointed to the command of the vessel by the Consul-General of Tuscany, at Havana, on the 9th of March last; that he first saw the vessel there and then, and he thinks she is Spanish built; that there were 24 officers and mariners, exclusive of witness, half of them Italians and half Spaniards, all hired and shipped at Havana on the 1st day of March last, by Fidel Montanero, the consignee there; that the said Fidel Montanero was a Spaniard by birth and allegiance, and a seaman by profession, and is sole owner both of the vessel and cargo; that the voyage began at Havana, which was the last clearing port, and was to end at Leghorn; that the vessel touched at New Sesters for wood and water, and she was at anchor there when capture took place; that the course by the papers was St. Thomas and Leghorn, but it was deviated from by order of the Spanish supercargo, who assumed to himself the direction of the voyage, a proceeding against which witness was desirous of protesting when he arrived here, but was unable to do so from want of money with which to fee a lawyer; that Montanero, who resides at Havana, was both sole owner of the vessel, and sole owner, lader, and consignee of the cargo; that he knows nothing of any bill of sale, or of the price or transfer of the vessel; that he does not know whether the ship or cargo be insured; that the vessel, with respect to her employment in trade, was under the management of the owner and supercargo; that there were about 50 spare planks on board, which are from 15 to 19 feet long, a foot and a half wide, and an inch to an inch and a half in thickness; that he does not know for what purpose the said planks were on board, but they are not numbered or fitted to any part of the vessel; that there were casks on board capable of receiving 25 pipes of water, and containing at the time of capture 10 pipes of fresh water for the use of the crew; that there was one large iron boiler, the capacity of which is unknown to witness, as well as the purpose for which it was on board; that there were four or five barrels of rice, four or five bags of beans, and two or three bags of Indian corn, for the use of the crew."

Fidel Montanero, the Spanish supercargo and first mate, deposed "that he does not know who appointed the master to the command of the detained vessel, nor when, nor where, nor from whom he received possession; that he first saw the vessel at Havana in February last, and she is Tuscan built; that there were 24 officers and mariners, exclusive of the master, Tuscans, Spaniards, and Portuguese, all hired and shipped at Havana in March last; that he (witness) was mate and supercargo on board, and was interested in the cargo to the extent of 2000 dollars, but not in the vessel; that the course marked out in the ship's papers was deviated from by order of the master; that he does not know who were the owners of the vessel; that he himself was lader of the cargo, and owner to the extent of 2000 dollars, the remainder being owned by the house of Rafécas and Co., of Havana, who were also the consignees there; that there was no charter-party; that the vessel, with respect to her employment in trade, was under his (witness's) sole management, and he corresponded with no one respecting her concerns; that there were 20 or 30 spare planks on board, 12 or 14 feet long, six inches wide, and one inch thick, intended for the repairs of the vessel, and for his own house on shore at St. Thomas; that there were casks and staves on board capable of receiving 30 pipes of water, and they were intended for the use of the crew, and for ballast; that there was one large iron boiler on board, the property of witness, and which he intended to sell at St. Thomas."

Publication of the above evidence was decreed on the 16th instant, and the monition was returned into the registry on the following day.

Some further examinations on special interrogatories then took place, but nothing further of importance was elicited.

The case did not go to trial until the 29th instant, the health of Her Majesty's Commissary Judge rendering it impossible for him to sit in court before that day.

The Tuscan papers under which the detained vessel sailed on the present voyage, not only with the sanction but at the instigation of the Tuscan Consul-General at Havana, were so obviously made use of improperly, that it hardly required the direct testimony which was given on this point by the Tuscan captain of the flag, to show the falsehood of their pretensions; and had we not possessed abundant proof of the extent to which Mr. Consul Pluma has been willing to go in protecting Spanish Slave Trade adventures under the flag of Portugal, whose Consul he has for some time past represented at Havana, we should have considered it almost impossible that he should pursue a line of conduct so disgraceful to himself, and so unworthy of the respectable power by which he is employed. He overlooked the absurdity of bringing forward, probably from amongst the records and documents deposited in his own Consular office, an old Tuscan sailing licence, issued between 11 and 12 years before, and which was then only valid for one year, and reissuing it to the detained schooner ten years and four months after it had become inoperative and extinct; and he endeavoured to make it appear that the vessel, during the long intermediate period, had been sailing under a document which did not exhibit one endorsement.

In order to render this extraordinary representation somewhat plausible, Mr. Pluma certified that Pietro Siccoli, the original owner and master, to whom a passport for the "*Bella Fiorentina*" had been granted in 1827, was still, in March 1839, the proprietor and captain of that vessel; and, accordingly, a Tuscan captain of the flag was engaged and shipped at Havana, and to him was assigned by Mr. Pluma the name of Pietro Siccoli, as well as the nominal ownership and command of the pretended "*Bella Fiorentina*."

CLASS A.

The agent thus selected to carry into effect Mr. Pluma's fraudulent schemes was the very person who discovered the cheat. He solemnly swore that he was not the owner; that he was appointed to the vessel by Mr. Pluma himself at Havana, on the 9th of March last; that he saw the vessel for the first time there and then; that this little vessel of 83 tons had a full slaving crew of 24 men besides himself, including a number of Spaniards who had been shipped by Mr. Pluma as passengers; that a Spanish merchant of Havana, named Fidel Montanero, who accompanied the vessel in the character of super-cargo and chief officer, was the sole owner and consignee at Havana of the pretended Tuscan schooner, as well as the sole lader, owner, and consignee of the cargo, and the sole director of the expedition.

Fidel Montinero himself, whilst acknowledging that he had the sole management and direction of the vessel, did not pretend that the Tuscan captain of the flag was the owner, as represented by Mr. Pluma.

It will be observed that there are no custom-house or clearance-papers from Havana, although a large and valuable cargo was there embarked. This induced us to suppose that, whilst the detained vessel (like the "*Christiano*," reported under this date) was furnished by Mr. Pluma with Tuscan papers for presentation to any man-of-war by which she might be boarded, she cleared out from Havana under her real Spanish character.

The positive testimony of the captain of the flag had affixed the ownership of the "*Bella Fiorentina*" and her cargo on Fidel Montanero, a Spaniard by birth, allegiance, and residence in a Spanish port. An illegal equipment for Slave-trade was not less clear, both with respect to slave-deck and slave-leaguers, and more particularly a slave-boiler of unusually large size. The detained vessel and her cargo were accordingly condemned.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

No. 55.

*Her Majesty's Commissioners to Viscount Palmerston.*

Sierra Leone, August 14, 1839.

(Received September 8, 1840.)

MY LORD,

WE have the honour to enclose a Report of the case of the brig "*Matilde*," José Paulo das Neves, master, which was captured on the 29th of June last off the River Congo by Her Majesty's brig "*Brisk*," Lieutenant Arthur Kellett commanding, and condemned on the 12th instant in the British and Spanish Mixed Court of Justice; the captain of the flag having unreservedly admitted that the detained vessel, although sailing with Portuguese papers, was owned by a Spanish merchant resident at Havana, and was equipped and prepared for Slave-trade.

The "*Brisk*" came up with the detained vessel, after having chased her for upwards of twelve hours; and when the man-of-war's boat attempted to board and examine the chase, the Spaniards fired into and attempted to beat off the boat, and several of the British seamen were wounded. Had the "*Brisk*" herself not been so close at hand, it is probable that the most determined resistance would have been made to the boarding.

We have, &amp;c.

(Signed)

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 55.

*Report of the case of the brig "Matilde," José Paulo Das Neves, Captain of the Portuguese flag.*

Sierra Leone, August 14, 1839

The following papers were found on board the "*Matilde*" at the time of her capture.

No. 1.—A Portuguese passport granted at St. Paul de Loando on the 9th of July, 1836, by Domingos de Saldanda Oliveira é Daun, the civil and military governor of Angola and its dependencies, and authorizing the brig "*Matilde*," commanded by Camilla Antonio dos Reis, and owned by Francisco Cardozo de Mello, of the Cape Verd Islands, to make a voyage to the said islands by way of the river Zaire, the river Congo, and Havana. An endorsement by José Miguel Fernandez, the Portuguese Consul at Havana, on the 2nd of June, 1837, states that the vessel was then bound from Havana to St Paul de Loando, under the command of a new master, named João Pereira Roza. A second endorsement made at Havana by Mr. Pluma, Tuscan Consul-General and pro-Consul of Portugal, on the 10th of April last, states that the present voyage was to the Island of St. Thomas, and that the brig was navigated by a crew of 28 men.

No. 2.—The muster-roll of crew, prepared and certified by Mr. Consul-General Pluma, shows that another master had, already succeeded to João Pereira Roza. This person, named José Paulo das Neves, appeared as the Portuguese captain of the flag, and as such signed the crew-list on the 10th of April last, although it was with great difficulty that he wrote his own name. The numerous crew of

28 men carried by this small vessel must have plainly informed Mr. Pluma that the object of the voyage was either piracy or Slave Trade; and the Spanish character of the first three officers of the vessel José Rosello, Gaspar Hermandes, and Francisco Braza, might have also told him the real nationality of the vessel.

No. 3 is a Custom-house clearance from Havana, dated on the 12th of April, 1839, describing the shipment of a full slaving equipment of empty water-casks, slave-deck, and deck-beams, and two boilers; the first being as usual destined, according to the official declaration, to receive on the return voyage palm-oil, for clarifying which the boilers were required; and the plank and scantling were to be used in building huts on shore at St. Thomas. The cargo was said to be partly shipped by the Portuguese master, and partly by Don Francisco Alvarez.

No. 4 is a log-book of the present voyage, written in Spanish. The earliest date is the 15th of April, when the vessel left Havana, and the latest the 29th of June, when the coast of Mayumba was made, and capture took place a few hours afterwards.

The remaining papers are too unimportant to be particularly described.

The "*Matilde*" arrived at Sierra Leone on the 24th ultimo, and on the same day the Marshal reported the particulars of her capture, as detailed to him by the prize-master from the capturing ship.

No time was lost in prosecuting the detained vessel, and on the morning following her arrival the captor's declaration was received; the affidavit, authenticating the ship's papers and the facts of seizure, was sworn to and filed; the usual monition was directed to the marshal for publication; and the witnesses in preparatory were summoned to give their attendance on the 26th ultimo.

The captor's declaration is to the following effect: "I, Arthur Kellett, lieutenant and commander of Her Britannic Majesty's brig "*Brisk*," hereby declare that, on this 29th day of June, 1839, being in or about latitude 3° 7' south, longitude 9° 50' east, I detained the Spanish piratical slaving brig named the "*Matilde*," armed with two guns, eighteen-pounders, and commanded by José Paulo das Neves, who declared her to be bound from Havana to the river Congo, with a crew consisting of 27 men, 1 boy, and 2 passengers.

"I do further declare that for a length of time the only flag to be found was the piratical red flag, then the Spanish ensign, and some considerable time elapsed before the nominal master of the vessel could find any Portuguese colours: the British flag having been fired upon without any colours being hoisted."

In the inventory which accompanied the above declaration, we find amongst the ship's stores round shot, grape, wads, bags of musket-ball, and an arm chest complete with muskets, swords, and pistols; articles showing a determination to commit piracies on the coast, or to offer piratical resistance to the right of search if attempted by an inferior force.

The captain of the Portuguese flag, when examined on the standing interrogatories, deposed "that he was born at Oporto, where he has generally lived, is a subject of Portugal, and has never been subject of any other state; that he was appointed to the command of the detained vessel about three months ago by José Puxe, a Spaniard, residing and carrying on business at Havana; that he was present at the capture, but does not know why it took place; that there were 26 officers and mariners on board the vessel exclusive of witness, all of whom were hired and shipped by witness at Havana in April last; that the voyage began and was to end at Havana, which was the last clearing port, and from which the vessel came direct to the place where she was captured; that the capturing ship was first seen at sea about 25 miles off the Bay of Loango, at 8 o'clock of the morning of the 30th of June; that capture took place the same day at a quarter past 9 o'clock at night; that the course prescribed for the vessel was St. Thomas and Prince's, but she was carried out of her course towards Loango by the strength of currents; that two guns are mounted on board, and the vessel was besides armed with some muskets, cutlasses, pistols, bags of cartridges and shot, for defence against pirates; that no resistance was made against the capturing ship herself, but her boat approaching alongside during the darkness of night, and witness not knowing what boat she was, and being unable, after hailing her three times, to obtain from her any answer, he ordered his people to fire, merely for the purpose of frightening her off, when 14 muskets were discharged accordingly; that after this was done, the boat still continued to approach the vessel, and his crew then laid down their arms, and hid themselves on deck under the boat, or below; that witness himself took refuge in the cabin, from which he was presently called up by the English, who had boarded and taken possession of the brig; that José Puxe, who gave him command and possession, is the sole owner of the vessel, as far as witness knows, and he has no reason to believe that there is any other owner; that the same person is the consignee of the vessel at Havana, and with him alone witness communicated respecting the vessel and cargo; that the owner of the vessel was also sole owner and lader of the cargo, of which witness was himself the consignee; that the combings of the hatchways have been pierced to receive iron bars, but the holes are now plugged up; that the plugs can easily be drawn out, but there are no iron bolts or bars on board; that there are 50 or 60 rough planks on board, intended to be used in building a house for witness, in which to carry on his trade on shore at Loango; that there are about 50 pairs of shackles on board intended to be used, if necessary, against the crew; that there are casks on board capable of containing about 70 pipes of water, and which are intended to carry palm-oil on the return voyage; that there were 30 mess-tins on board, intended for filling the aforesaid casks with palm-oil; that there were two large iron boilers for the purpose of clarifying the said oil."

Gaspar Julio, the cook of the detained vessel, was also examined on the standing interrogatories. He deposed "that the name of the master is José Pablo; that he was born at Oporto, and lives at Havana, where he has a wife and family; that the capturing ship was first seen off the Rio Congo, but out at sea, at 6 o'clock in the morning, five or six weeks ago; that chase began about noon; that the detained vessel was steering for Loango at the time, but she was kept away a little on the appearance of the man-of-war; that resistance was made to the boat of the capturing vessel, by the discharge over her of 16 muskets, which were intended to alarm her only, and that it did not hurt her was apparent from her still coming on with cheers after it took place; that after firing the people all threw down their arms and ran below, with the exception of witness and two others, who remained on deck, and who were all three wounded by the cutlasses of the English when they came on board." In other respects the testimony of this witness corroborated that of the Portuguese master.

The above evidence having been published, and the Monition which had been issued on the 26th ultimo having been served and returned into the registry on the 2nd instant, a petition for a day of trial was presented; but it was not until the 12th instant that Her Majesty's Commissary Judge, who

had been unwell, was able to attend a court; and on that day a sentence of condemnation was passed on the detained vessel and her cargo; Spanish ownership and course of trade, as well as an illegal equipment for the traffic in slaves, having been unreservedly admitted by the guilty parties themselves.

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

No. 56.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, August 17th, 1839.*

*(Received September 8th, 1840.)*

MY LORD,

WE have the honour to transmit to your Lordship enclosed a Report of the case of the schooner "*Constituição*," Antonio Rodrigues, master, which was captured off Cape Formosa, on the 8th ultimo, after a long chase, by Her Majesty's brig "*Waterwitch*," Lieutenant Henry James Matson commanding, for having on board a cargo of 344 slaves, who had been shipped two days before at Lagos, and were destined to the island of Cuba.

Although the "*Constituição*" was sailing under Portuguese colours, and with forged Portuguese papers, it was not pretended by the witnesses that the vessel possessed any other than a Spanish character, which was attested by the residence of her owner in a Spanish port, and by the course of trade in which she was engaged. The establishment of these facts was followed by the condemnation of the "*Constituição*" in the British and Spanish Mixed Court of Justice, on the 15th instant, and by the emancipation of the surviving slaves captured on board of her, and who, on that date, amounted to 338.

We have, &c.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

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

&c. &c. &c.

Enclosure in No. 56.

*Report of the Case of the Schooner "Constituição," Antonio Rodrigues, Master.*

*Sierra Leone, August 17th, 1839.*

THE Papers found on board this vessel are as follows:—

No. 1.—A Portuguese passport, which is so evident and impudent a forgery that no one could be deceived by it. It purports to have been granted by Domingos Correa Arouca, Governor General of the Cape Verd Islands, and bears date at Villa da Praia, St. Jago, on the 26th of January, 1837. No attempt appears to have been made to imitate Governor General Arouca's signature, or to disguise the hand, which is the same throughout, both in the body of the document and in the signatures and countersignatures. Nevertheless Mr. Consul-General Pluma placed on this paper the first and only endorsement which it shows, and which states, under date the 18th of March, 1839, that the schooner was then bound from Havana to St. Thomas, with a crew of 19 men including the captain.

No. 2 is a Muster-roll, prepared in the office of Mr. Consul-General Pluma, and in the hand-writing of a person who was formerly a clerk of José Miguel Fernandez, when that person held the situation of Portuguese consul. The captain, by whom the list is signed, is declared to be a *Spaniard*, of the name of Antonio Rodrigues; and Mr. Pluma adds a certificate, under his hand and seal of office, on the 18th of March last.

No. 3.—On the same day the "*Constituição*" obtained a clearance from the custom-house of Havana, stating that St. Thomas was the destination of the vessel, and that the master, Rodrigues, was the shipper of the cargo.

Instead of going to St. Thomas, the "*Constituição*" went direct to Lagos, where she embarked a large cargo of slaves on the 6th ultimo, and had proceeded for two days on her return voyage to Havana, when she was chased and captured off Cape Formosa by Her Majesty's brig "*Waterwitch*," Lieutenant Henry James Matson commanding.

The detained schooner arrived at Sierra Leone on the 24th ultimo, and on entering the harbour was boarded and reported upon by the Marshal. The acting surgeon to the Courts then visited the slaves, and described them to be generally healthy and in good condition, but that there were 39 cases of ulcer, craw-craw, and bowel-complaint, which would require hospital treatment; whilst the inclemency of the weather at this season of the year, and the crowded state of the vessel, rendered it necessary for the health of the others that they should be landed as soon as possible.

The schooner was libelled in the British and Portuguese Court of Mixed Commission on the following morning, the 25th ultimo; and in compliance with a petition to that effect from the captor's proctor, the declaration of Lieutenant Matson was received, a monition was issued, the papers of the vessel were

lodged in the registry, after having been properly authenticated by the affidavit of the prize-master, the slaves were landed and placed in the charge of the Liberated African department, and the witnesses were ordered for examination.

The captor's declaration is in the follow terms: "I, Henry James Matson, lieutenant and commander of Her Britannic Majesty's brig "Waterwitch," hereby declare, that on this 8th day of July, 1839, being in or about latitude 4° 20' north, longitude 4° 40' east, I detained the ship or vessel called the "Constituição," sailing under Portuguese colours, commanded by Antonio Rodrigues, who declared her to be bound from Lagos to Havana, with a crew consisting of 22 men and 4 passengers, and having on board 344 slaves, said to have been taken on board at Lagos, on the 6th day of July, 1839, and are enumerated as follows:—

	Healthy.	Sickly.
Men . . . .	172	10
Women . . . .	67	9
Boys . . . .	47	10
Girls . . . .	19	10

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

"I do further declare, that the detained vessel made every effort to escape capture, and did not heave to until within reach of our guns."

The examinations on the standing interrogatories were taken on the 27th ult. Antonio Rodrigues, the master, deposed, "That he was born at Oporto, but has lived seven or eight years at Havana; was formerly a subject of Portugal, but is now a subject of Spain; that he appointed himself to the command of the detained vessel, being owner of her; that he was present at the capture of the vessel, which took place because she carried slaves; that she is between 70 and 80 tons in burthen, and was navigated by a crew of 21 officers and mariners, exclusive of witness, 3 of whom were Portuguese and the rest Spaniards, and all were hired and shipped at Havana in the month of March last; that witness himself owned the vessel, and the supercargo owned the cargo; that the voyage began and was to end at Havana, which was the last clearing port, and the vessel came thence direct to Lagos for slaves, and touched at no other place during the voyage; that the course prescribed by the papers was St. Thomas, but it was deviated from for the purpose of procuring slaves; that witness was himself sole owner of the vessel; that a bill of sale was made in his favour in February or March last by a Spaniard, whose name witness does not recollect, nor does he recollect who were the witnesses; that the price was 8500 dollars, and was truly paid, and was a fair equivalent: that there was no outward cargo, but the cargo of slaves was the sole property of the supercargo, Juan Prat, who was its lader as well as consignee, and it was to be delivered at Havana for his real account and risk."

Juan Prat, the Spanish supercargo and owner of the slaves, was also examined, but there is nothing in his evidence which it will be necessary to quote, as he entirely confirmed the master's testimony with respect to the ownership of the vessel and slaves, and on all other points.

An affidavit of the prize-master was then filed, to show that up to the time when the detained vessel arrived at Sierra Leone, only two of the slaves on board had died—a circumstance highly creditable to the humanity and care of Mr. Clarence Taylor, the officer to whose charge the prize had been committed.

Publication of the above evidence was decreed on the 29th ultimo, and the monition, which expired on the 2nd instant, was returned by the marshal, with his certificate that it had been duly served. Owing however to the illness of Her Majesty's Commissary Judge, no Court could be held before the 12th instant; and the evidence then read imprinted a Spanish character so manifestly on the detained schooner, that the Judges deemed it advisable to condemn her as a Spanish vessel, which she really was, rather than as a Portuguese vessel, which not even her own captain and crew would assert her to be.

If condemned in the Spanish Court the vessel would be cut into pieces, and for ever removed from the trade in which she had hitherto been engaged; whereas her condemnation in the Portuguese Court might be followed, within a few weeks, by her again embarking a cargo of slaves in this neighbourhood, where the want of vessels is very great, owing to the numerous captures of empty slavers which have recently been made.

An intimation to the above effect having been made to the captor's proctor, he withdrew the case from the British and Portuguese Court of Mixed Commission, where it had hitherto been prosecuted, and petitioned that he might be allowed to libel the "Constituição" as a Spanish vessel; that the ship's papers, authenticated by an affidavit of the prize-master, might be lodged in the registry of the British and Spanish Mixed Court; that a monition might issue therefrom; and that the captor's declaration, and the examinations in preparatory filed in the Portuguese Court, might be accepted as evidence in the new prosecution. To these requests the Court assented, making the monition returnable within three days; and when that time expired a court assembled for the final adjudication of the case.

The marshal's return of slaves showed that four slaves had died since the arrival of the "Constituição" at Sierra Leone, and that the number of surviving slaves was 338. Two slaves had been proved to have died on the passage of the prize to this port, and 344 to have been on board at the time of capture. A declaration to this effect was accordingly made at the same time that the vessel and her cargo were condemned as good and lawful prize, and the survivors of her slaves were emancipated.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 57.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, August 24, 1839.*  
*(Received September 8, 1840.)*

MY LORD,

WE have the honour to inform your Lordship that Her Majesty's brigantine "Forester," Lieutenant Francis Godolphin Bond, commanding,



whilst cruising off Cape Mount, on the 18th instant, detained the brig "*Mary*," David Tomlinson, master, sailing under American colours; and, as Lieutenant Bond deemed the American character to have been improperly assumed by the "*Mary*," in order to conceal a Spanish ownership, he immediately despatched the detained vessel to Sierra Leone, with the object of prosecuting her in the British and Spanish Mixed Court of Justice, for having on board slave-coppers, two bags of shackles, a slave-deck, and several large water-leaguers, in contravention of the 10th Article of the Spanish Treaty.

We beg leave to refer your Lordship for further information to the enclosed abstract of the papers found on board the "*Mary*," and which were given up to the captor, after their contents had been noted.

Permission to libel the brig in the British and Spanish Court was refused to the detaining officer, from a persuasion that the American flag and pass, which the vessel carried, should have protected her from the visitation and search of a British cruiser.

We have, &c.,

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

---

Enclosure in No. 57.

*Abstract of the Papers of the Brig "Mary," David Tomlinson, Master, sailing under American colours.*

*Sierra Leone, August 24th, 1839.*

No. 1. A Bill of Sale, prepared at Havana, on the 24th of January last, by Mr. J. A. Smith, the Vice-Consul of the United States at that port, sets forth that a Permanent American Register, No. 48, was granted to the brig "*Mary*," of Philadelphia, on the 7th of June, 1837, and that the brig at that time was owned by Joseph S. Snowden, of Philadelphia, and commanded by J. H. Haven.

Joseph S. Snowden, the original owner, then gave a power of attorney and substitution to Charles Snowden, who again, by virtue thereof, nominated Pedro Manegat, of Havana, merchant, to sell and transfer the "*Mary*."

Eight days after having received this authority, Manegat sold the brig at Havana to a person named Peter Sabate, of New Orleans, for the sum of 4500 dollars. The execution of the bill of sale was witnessed by Mr. Vice-Consul Smith, who at the same time added two certificates; one, declaring that "the original letter of attorney with the substitution is on file in the American Consulate at Havana, and Pedro Manegat is duly authorised by said letter of substitution to sell the brig '*Mary*' of Philadelphia; that Pedro Sabate, the purchaser, has shown sufficient proof that he is a naturalised citizen of the United States, and resident at New Orleans; and that the '*Mary's*' American register is deposited in the said consulate." The other certificate declared that Pedro Manegat had acknowledged the bill of sale to Pedro Sabate as his act and deed.

There are also two endorsements on the bill of sale, written like the above certificates by Mr. Vice-Consul Smith; the first, dated on the 2nd of May last, states that Charles Snowden, the same person who more than three months before had appointed Pedro Manegat his agent to sell the "*Mary*," had taken the necessary oath, and was master of that brig, in the place of J. H. Haven; and the second, dated on the 18th of June last, notifies that the present master, David Tomlinson, had been sworn in, in lieu of Charles Snowden.

Pedro Manegat, the pretended seller, but real purchaser, of the "*Mary*," is the same individual who was discovered to be the owner of the nominal American schooner "*Hyperion*," afterwards condemned as the Spanish schooner "*Isabel*," (see Despatch of the 12th of February, 1839,) also of the nominal American schooner "*Hazard*," (see Despatch of the 31st January, 1839,) and he is referred to in paper No. 30, filed in the case of the "*Jack Wilding*," (see Despatch of the 11th ultimo).

No. 2 is an official "List of the crew of the brig '*Mary*,' lately of Philadelphia, now of New Orleans, David Tomlinson, master, bound to Gallinas." It is signed by the master, and contains the names of seven seamen, of whom four are said to be American citizens, two Portuguese, and one Italian. In the certificate attached to this document by Mr. Vice-Consul Smith, that gentleman states that there were also five Spanish passengers on board, who were, in fact, the officers and part of the crew of the vessel.

Amongst these passengers, named Tomas Echevarria, Jaymé Moyse, Miguel Guerra, Antonio Suarez Canal, and Jozé Cors, we recognise several who have already been before us. Tomas Echevarria was master of the Spanish schooner "*Norma*," captured with 234 slaves on board on the 27th of November, 1835, and reported at page 86 of Class A for 1835-6; and this person we suspect to have been the real master of the "*Mary*."

No. 3 is a printed form of "Ship's Articles," very roughly filled up with the names of the crew, who, it is said, had engaged to navigate the "*Mary*" "from the port of Havana to the Gallinas, or wherever else the master may direct, for the term of six calendar months."

No. 4 is a receipted bill of an American crimp at Havana, for picking up and shipping six of the men composing the "*Mary's*" crew, at two dollars a-piece.

Nos. 5, 6, and 7, are three papers which the master, David Tomlinson, produced to prove his American citizenship. The first is a memorial or petition from *Pilo B. Tomlimerzt*, that he may be allowed to remain at Havana. The second is a license, dated July 13th, 1838, for the said *Pilo B. Tom-*

*limerzt*, who is described as a citizen of the United States, aged 26 years, and a carpenter, to reside and exercise his trade at Havana. The third, which bears date at Havana on the 29th of April, 1839, grants permission to *P. B. Tomlinson*, a native of the United States, to go to Matanzas. But even in the last paper, where the nearest approach is made to the name which the American master of the "*Mary*" professes to bear, the difference is so striking that we cannot but believe that an unfair use has been made of these certificates, more especially as, on referring to the American log of the present voyage, kept by the American mate, we find the master called Captain *Thomason*.

No. 8 is the Custom-house clearance from Havana, dated on the 19th of June, 1839, stating the brig to be bound to Gallinas and Cape Lopez, and mentioning as the shippers of the cargo Blanco and Carballo, Pedro Martinez and Co., Pedro Manegat, Tomas Echevarria (the Spanish captain), and others.

Nos. 9 to 11 are three bills of lading of goods shipped by Messrs. Blanco and Carballo at Havana, and consigned severally to Don Tomas Rodrigues Buron, Don Ignacio P. Rolo, and the order of Teodoro Canot, at the Gallinas. We beg to refer to Class A, Further Series of last year, pages 43 to 53, to show the close connexion subsisting, for slave-dealing purposes, between the laders and consignees of the cargo here mentioned.

No. 12 is a bill of lading for some goods shipped by the pretended passenger Tomas Echevarria, consigned to Ignacio P. Rolo at the Gallinas. This bill of lading, like all the others, was dated at Havana on the 20th of June last, and was signed "*David Tomlinson*."

No. 13 is a letter addressed by José de Ealo, of Havana, to Edwardo Reyes, at the Gallinas, asking the latter to forward to Havana by the first opportunity a slave belonging to the said Ealo, whose ownership of the pretended American schooner "*Rebecca*" was fully demonstrated in our own Despatch of the 10th of April last.

No. 14. We remarked that the persons shipped as passengers were in fact the Spanish officers and crew of the vessel. In confirmation of this opinion, we found a sea-journal of the voyage regularly kept by Miguel Guerra, one of the alleged passengers, but who, from a conviction apparently of the inference which would be drawn from such a circumstance, if the log were discovered, took care to insert a memorandum on the first page, for the information of himself and others, that "the book was only kept for his own amusement, and to pass the time."

No. 15 is a log in English, kept by the American mate. A note is made that "on the 21st of June," two days after the "*Mary*" had cleared out at the Custom-house, and on the same day that she sailed from Havana, "500 feet of lumber were received on board." This was evidently the slave-deck, which was still on board when the vessel was detained on the 18th instant.

No. 58.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, August 28, 1839.*

*(Received September 8, 1840.)*

MY LORD,

WE have the honour to enclose to your Lordship an abstract of the papers found on board the schooner "*Catherine*," Frederick Adolph Peterson, Master, detained on the 12th instant off Lagos, whilst sailing under American colours, by Her Majesty's brigantine "*Dolphin*," Lieutenant Edward Holland, commanding.

No attempt was made by Lieutenant Holland to bring the "*Catherine*" before the British and Spanish Mixed Court of Justice, the opinion of the judges of that court with respect to similar seizures being well known.

The detained schooner, which arrived at Sierra Leone yesterday, only remained here a few hours, whilst taking in water, and has to-day proceeded on her voyage to New York, the yellow fever, which is now raging throughout the colony, rendering it very undesirable that her stay here should be protracted beyond what was absolutely necessary.

During this short interval we made a memorandum of the "*Catherine's*" papers, which were obligingly submitted to our inspection by Mr. R. H. Dundas, the senior mate of the "*Dolphin*," and the prize-master appointed to carry the detained vessel to the United States.

We should have been glad if time had allowed of our rendering the enclosed abstract more full; but on this, as on almost every other occasion of the same kind, the necessity of returning to the captor without delay the papers of a vessel which is not admitted to prosecution, did not allow of great minuteness of research.

Lieutenant Holland showed great judgment in selecting a case like the present for representation to the Government of the United States. In none other of the numerous instances in which the American flag has been abused to cover a Spanish Slave Trade, has the exposure of the fraud been so complete and irrefragable. Nothing is here left to inference; no opening is left to cavil or doubt. In spite of all the falsehood and misrepresentation of the ship's papers, and in spite of the formal certificates, in which Mr. Vice-Consul Smith

announced the due and regular appointments of three, out of the four, successive masters who commanded this vessel within a period of 49 days; it is proved beyond question, that the actual captain of the vessel was Don Jozé Pereyra; that the actual crew consisted of 24 Spaniards, who took out passports as *passengers*, before leaving Havana; and that the American master and his few companions, after standing forward as the crew of the vessel on the outward voyage, were in their turn to become merely passengers, so soon as the return cargo of slaves should be shipped.

To facilitate the success of this iniquitous scheme, an American citizen named Thrasher, asserted in one of the papers, that the cargo of trade goods, and the slave equipment of the vessel—the boiler, slave-deck, beams, and leaguers, were shipped by him, and were his sole property; and the American Vice-Consul added his certificate that Thrasher “was *well known* to him, and that he was the *only shipper* of the said goods.”

Your Lordship has considered it right on some late occasions to remonstrate with Portugal on the conduct of her Consular Agents at Cadiz and Havana; but however disgraceful was the conduct of those functionaries, it has been considered not unworthy of imitation by the representative of the free Government of the United States.

It is reported here that Mr. N. P. Trist, the American Consul at Havana, has been recalled, owing to the assistance which he was charged with rendering to Spanish Slave Trade adventures. We cannot, however, credit this report, whilst we see Mr. Vice-Consul Smith zealously endeavouring, month after month, with perfect impunity, and to a far greater extent than it was possible for Mr. Trist to have done, to degrade his national flag, and to brutalize the character of American seamen, by encouraging them to engage in a contraband and inhuman traffic.

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

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

#### Enclosure in No. 58.

*Abstract of the Papers found on board the schooner “Catherine,” Frederick Adolph Peterson, Master, sailing under American colours.*

*Sierra Leone, August 28, 1839.*

No. 1. The American register of this vessel, which is numbered 61, and dated at Baltimore on the 10th of May, 1839, describes the “*Catherine*” to be a schooner of 125½ tons, and to have been built in Baltimore during the year 1839, to be owned by Robert W. Allen and John Henderson, both of Baltimore, and to be commanded by William S. Wedge.

Within 26 days after this register was granted at Baltimore, it received an endorsement at Havana under the hand of Mr. J. A. Smith, Vice-Consul of the United States at that port, stating that one Andrew Morrow had taken the oath required by law, and was appointed master of the “*Catherine*” in the place of W. S. Wedge, the late master.

A second endorsement, on the 28th of the same month, states that the newly appointed master, Morrow, had been replaced by Frederick Adolph Peterson, the present master, who accordingly took the requisite oath as the captain of an American vessel. Thus was the schooner commanded by three different captains during the short space of 49 days.

No. 2 is a muster-roll of the names of the persons who, it was pretended, formed the crew of the “*Catherine*.” They are as follows:—

	Of what Country Citizens or Subjects.
Ebenezer Tucker . . . . .	United States.
Joseph Macki . . . . .	Ditto.
William Manning . . . . .	Ditto.
James Williams . . . . .	Ditto.
John Francis . . . . .	Italy.
Henry Elliott . . . . .	Spain.

This list is dated on the 28th of June, and is signed by the master, and a certificate from Mr. Vice-Consul Smith is added, stating the master had before him verified the list of crew consisting of six persons all told. The names of the last two men on the list are evidently not either Italian or Spanish; and if not American citizens, we should suspect them to be British subjects. For the first four American protections were produced.

No. 3. A printed form of ship’s articles, in the rough state in which we have always found this document on board the other American vessels which have come before us under the same circumstances as the “*Catherine*.” The heading of the paper declares that the “schooner, ‘*Catherine*,’ Charles Babson, master, was bound for Prince’s Island, or to trade to other ports on the coast of

Africa, for a voyage not to exceed eight months." A pen has been drawn through the name "Charles Babson," the fourth captain mentioned as belonging to the schooner within a period of seven weeks, and the name "F. A. Peterson," has been written over it.

No. 4. The falsehood of the ship's papers was, however, clearly proved by the discovery of the muster-roll of the Spanish crew of the "*Catherine*," consisting of 24 persons, all of whom were on board that vessel at the time of her detention. The following were the officers:—

Captain . . . . .	Jozé Pereyra.
First Mate . . . . .	Estevan Barbett.
Second Mate . . . . .	Jozé Sanchez.
Boatswain . . . . .	Francisco Torres.
Boatswain's Mate . . . . .	Jozé Verua.
Cooper . . . . .	Juan Bargas.
Carpenter . . . . .	Carlos Saldaña.

Then foll ows a list of 17 other men.

No. 5 to 25 are 21 passengers' passports, taken out at Havana by the Spanish officers of the vessel whom we have named, and by almost the whole of the remainder of the Spanish crew.

From these documents alone, and without reference to the papers which we shall presently have to describe, it is evident that the nominal American master and his men were the passengers, and that the pretended Spanish passengers were the actual crew of the detained vessel.

No. 26 is a clearance from the Custom-house at Havana, dated on the 21st of June last. The Spanish authorities seem to have been in as much doubt respecting the name of the person who figured as captain of the flag, as were the agents of the vessel themselves. Mr. Vice-Consul Smith had certified that Wedge had ceased to be connected with the "*Catherine*" on the 5th of June, and yet on the 21st of the same month he was mentioned as the master in the official manifest of cargo. After the document was sealed up, the mistake was apparently discovered, for without any alteration being made in the enclosure, the envelope gives the names both of Captain Wedge and Captain Morrow—"Capitan Vedgo digo Morrow."

No. 27 is a printed form of charter-party, filled up in English, and dated at Havana on the 15th of June last, between Charles Fyng, *agent of the owners of the schooner "Catherine"* (Master's name scratched out), lying at Havana, of the one part, and John S. Thrasher of the other part. The former charters the "*Catherine*" to the latter, "for a voyage from Havana to the Isles of Prince's or other port or ports on the coast of Africa, as the *agent of the charterer may direct.*" Jozé Pereyra, the Spanish captain and supercargo of the "*Catherine*," and the consignee of her cargo, but who took out a passenger's passport, as mentioned above, must be meant by "the agent of the charterer."

The vessel was chartered for eight months, at the rate of 300 dollars per month, and the charterer was, in addition, to pay the wages of the crew and the victualling of the ship during the whole period.

No. 28 is an "Invoice of Merchandise shipped by J. S. Thrasher (the charterer) on board the American schooner *Catherine*, Peterson, (written over another name) master, bound to the *Isles of Principe*, for the account and risk of the shipper, being a native-born citizen of the United States, and consigned to Joseph Pereyra, Esquire."

The slave equipment of the vessel is included with the cargo of trade goods; and we particularly noticed the following articles, which would have infallibly condemned any Spanish vessel on board of which they had been found:—

14 large hogsheads (Shooks) } Leaguers.
10 long do. (do.) } Leaguers.
14 hogsheads containing 175 bundles of Tobacco.
1 Boiler for clarifying.
1500 feet of White Pine Boards.
14 Joists.

The above invoice was dated at Havana on the 22nd June, and signed by J. S. Thrasher. To this document, which proclaimed in all but express terms the slave-trading object of the "*Catherine's*" voyage, the indefatigable Vice-Consul of the United States did not hesitate to attach a certificate "that the shipper was *well known* to him as a citizen of the United States, and that he was the only shipper of the goods mentioned in the annexed invoice." "Well known" as Mr. Thrasher was to Mr. Smith, his connexion with Havana Slave Trade could not have escaped the observation of the consular agent of his own country, for even we have remarked upon it on one or two occasions. At any rate it might have been hoped that a gentleman in Mr. Smith's situation would have stopped short of sanctioning the shipment of such articles as we have enumerated.

No. 29 is a bill of lading for the goods comprised in the invoice just described. It was signed on the 27th of June by F. A. Peterson, although *Babson* is here again mentioned as master in the body of the document. The beams and plank for a slave-deck, the slave-boiler, and the empty leaguers, are said to have been received on board, and with the trade goods were consigned to Jozé Peyrera, the Spanish captain of the vessel.

No. 30 is an open letter of instructions to the nominal American master of the "*Catherine*" from her charterer, dated at Havana, June 28th, 1839. The following is an extract:—

"Should the consignee, Jozé Pereyra, Esquire, wish you to proceed to any other port or ports of Africa than Prince's Island, with or without cargo, you will implicitly obey his instructions, as he has my full power to act as he may see fit for my interest. You will be particularly careful, however, not to receive on board the schooner any cargo that is contraband, or that is not allowed by the laws of the United States to be laden on board American vessels. A number of persons having applied to me for a passage out in the schooner, I have consented (these are the Spanish officers and crew mentioned in Nos. 4 to 25); but you will take care that their passports are in order, and that there are no circumstances attending them which will be likely to bring you into the least difficulty."

No. 31.—On the same day that the above letter of instructions was written by Thrasher, a secret but formal agreement was entered into and signed between Jozé Pereyra, the Spanish captain named in the last document as the consignee of the cargo of the "*Catherine*" and the director of the expedition, on one side, and the nominal captain, F. A. Peterson, on the other side. It is hereby stipulated "that the

CLASS A.

said F. A. Peterson shall go out as master of the said schooner on her present voyage for the sum of 100 dollars per month, and 300 dollars gratification; that the wages of the said F. A. Peterson are to continue should he return in this vessel or in any other for which J. Pereyra is agent (in paper No. 27 Charles Fyng is called agent of the owners of the "*Catherine*"); but should the said F. A. Peterson wish to leave the vessel on the coast, the said Jozé Pereyra binds himself to pay the said F. A. Peterson 300 dollars gratification, and his wages up to the day he leaves the vessel, less 100 dollars received at Havana as one month's advance.

No. 32.—The Spanish list of crew (No. 4), and the last paper (No. 31), were of course only discovered after a careful and minute search on the part of the captor. But another concealed paper was at the same time brought to light, which on account of its interesting nature we copy entire. It is in a feigned hand, and is without either date or signature, but is most probably the composition of Mr. Thrasher, and was found in the possession of the nominal American master.

(Copy.)

"The main thing for you to do on this voyage is to be ready in case you are boarded by a man-of-war, to show your log-book (which must be regularly kept from the time you leave here), your ship's register, your charter-party, your muster-roll, and your instructions. You are, in that event, to take all command, with your American sailors, according to your roll, and all the others are to be passengers. You are to be very careful that in any cross questions you do not commit yourself, but always stick to the same story.

"When the vessel is discharged you must at once cut your register in two pieces; one piece you must enclose, direct, and send to Messrs. Thomas Wilson and Co., Baltimore; and the other piece you will bring with you, and give to me when you return here. You must be very particular about this, and do not let any time pass, after the cargo is out, before you cut the register in two pieces, and be careful to keep them separate. Throw one piece overboard, if you are obliged to it by being boarded by a man-of-war."

No. 33 is a sketch or drawing of the "*Catherine's*" hold, as it would present itself when all the leaguers and water-casks should be stowed fore and aft. The leaguers are marked and numbered in the sketch, and fitted exactly to the shape and run of the vessel; and although shipped in shakes could, with the assistance of the cooper, and a reference to the plan, be set up and stowed in their proper places in a very short time.

No. 34 is the log-book kept in English, or what is intended for English, by Peterson, who evidently is neither English nor American. His handwriting, as well as his composition, shows him to be a foreigner, probably a German or Swede. On the first page he remarks that the "schooner Cathrin was bound to Prinz Island;" on the second page he calls his vessel the "schooner Catharine;" and on the third page "schooner Catharien." The log begins on the 28th of June, and is kept up to the 12th instant, on which day, it is supposed, the detention of the vessel took place.

No. 35, a Spanish log, which ends in like manner on the 12th instant, mentions that the "*Catherine*" was at that time in 5° 34' north latitude.

We next come to a bundle of letters directed to several of the slave-dealers of "Lagos," by different well-known slaving merchants of Havana. The "*Catherine*" thus appears to have been bound to Lagos, and she was captured in that neighbourhood about six weeks after she left Havana.

Much interesting information might, we have no doubt, have been obtained from this correspondence; but as the "*Catherine*" only touched at Sierra Leone for a few hours on her way to New York, we were unable either to copy or translate any of the letters, and could only glance at their contents.

Nos. 36, 37, and 38 are three letters from Joaquim Jozé Pereira d'Abreo, of Havana, addressed severally to Izidoro Martins Braga, Jozé Cotta y Vrenda, and Domingo Jozé Martius, or to their order, if absent from Lagos. They are all duplicates of letters dated on the 8th of June, and a post-script is added to each under date the 23rd June. They refer generally to slave-trading vessels and plans, and particularly mention the arrival at Havana of the "*Astrea*," which had been despatched from Lagos on the 10th of April last with a full cargo of slaves, who had been sold at Havana at 367 dollars (equal to about 80*l.* sterling) a head all round.

Nos. 39 and 40 are two duplicates of letters written by Joaquim Jozé Duarte Silva, of Havana, formerly of Bahia, under date the 18th of June, to Manoel Luiz Pereira and Manoel de Pairão Pereira, and mentioning the sale of all the Negroes in the "*Astrea's*" cargo at 21 doubloons and 10 dollars, equal to 367 dollars, as stated in d'Abreo's letters; the doubloon or ounce containing 17 Spanish dollars.

The names thus introduced remind us of the case of the American brig "*Eagle*," reported in our Despatch of the 12th of February last; and it is more than probable that some of the same parties were interested in both vessels. Both were bound to Lagos. The cargo received on board the "*Eagle*" at Bahia was shipped by the firm of Joaquim Jozé Duarte Silva, the writer of the last two letters; and whilst the "*Eagle*" was consigned to Messrs. Wilson, Brothers, at Bahia, the captain's secret instructions in this case (No. 32) direct that one half of the "*Catherine's*" American register shall be sent to Messrs. Wilson and Co., of Baltimore.

No. 59.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, September 18, 1839.*

*(Received September 8, 1840.)*

MY LORD,

ENCLOSED we have the honour to transmit to your Lordship an abstract of the papers found on board the schooner "*Butterfly*," Isaac Morriss, master, detained on the 26th ultimo, whilst sailing under American colours, by

Her Majesty's brigantine "Dolphin," Lieutenant Edward Holland, commanding.

No attempt was made to libel the "*Butterfly*" in the British and Spanish Mixed Court of Justice, owing, we presume, to the opinion entertained by the judges of that court being known to be unfavourable to the detention of vessels protected by the flag and pass of America. The captor's proctor was, however, kind enough to allow us a perusal of the papers, from which the enclosed abstract was prepared.

After having taken in water at Sierra Leone, the "*Butterfly*" was dispatched to New York, in the charge of an officer from the capturing ship.

We have, &c.,

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

---

Enclosure in No. 59.

*Abstract of the papers found on board the schooner "Butterfly," Isaac Morriss, master, sailing under American colours.*

*Sierra Leone, September 18, 1839.*

No. 1 is a temporary American register, No. 77, dated and signed at New Orleans on the 24th of May, 1839, and sets forth that the schooner "*Butterfly*" of New York was built in Baltimore in the year (not known); that she is of the burthen of 118 $\frac{3}{4}$  tons, and that she was both owned and commanded by Nathaniel Farnsworth.

Twenty-four days after this register was granted at New Orleans, it was endorsed by Mr. J. A. Smith, the American Vice-Consul at Havana, with a certificate that Isaac Morriss, the present master, had succeeded the owner, Farnsworth, in the command of the vessel, and had taken the oath required by law.

No. 2 is an official list of the crew engaged to navigate the schooner from New Orleans to Havana, dated at the former place on the 28th of May, 1839.

On the 17th of June last Farnsworth resigned the command to Morriss, who came in the vessel as mate from New Orleans; and on the 28th of June Mr. Vice-Consul Smith certified that, with the exception of the master, Morriss, all the crew shipped at New Orleans, had on that day left the schooner, and that in their stead a crew of eight persons, all foreigners without exception, had been hired to navigate the "*Butterfly*" to Princes' Island. Mr. Smith further certified that Captain Morriss had sworn to the correctness of his crew-list, and had also declared that he carried with him 10 passengers.

No. 3. These passengers, who, however, amounted to 15 instead of 10 persons, proved to be, as might have been conjectured, the Spanish crew of the vessel; and a list of them, in the handwriting of Captain Morriss, begins with the well-known name of Francisco Montero, who lately came before us as the owner and supercargo of the nominal American schooner "*Hazard*," reported in our Despatch marked "Separate" of the 31st of January, 1839.

The professed owner of the "*Butterfly*," here called Nathaniel Farnsworth, we believe to be the same person who, under the name of Nathan Farnsworth, was so intimately connected with the slaving adventures in which the nominal American vessels "*Ontario*" and "*Traveller*" were engaged, as reported in two of our Despatches, under date the 13th of May last.

No. 4 is a printed form of "Ship's Articles," filled up in the usual rough and irregular manner.

No. 5 is a passenger's passport for Francisco Montero, just mentioned, dated at Havana on the 26th of June, 1839.

No. 6 is another passenger's passport, of the same date, in favour of José Antonio Cortina, a name with which we are also well acquainted, in connexion with former endeavours to elude the provisions of the Spanish Treaty under cover of the Portuguese flag.

No. 7 to 19 are 13 other passengers' passports, taken out by the rest of the Spanish crew, who, with Montero and Cortina and the eight Spanish seamen shipped under the sanction of the American Vice-Consul, formed a full slaving crew of 23 persons, independently of Isaac Morriss, the captain of the flag, and the only American citizen on board this nominal American vessel.

No. 20 is a charter-party between Jaymé Font and Co., consignees of the "*Butterfly*," and Francisco Montero, the passenger above mentioned, dated at Havana on the 22nd of June last.

By this document Montero engaged to load and dispatch the "*Butterfly*" within eight days. The vessel is said to have been "bound for Princes and St. Thomas, or to any other port on the north coast of Africa," meaning apparently any port north of the Line. Thirty days were allowed to unload and load at the port of delivery, after which time demurrage was to be payable; and 3,000 dollars was the price agreed upon for the use of the vessel during the voyage.

No. 21. It is rather remarkable that, although Montero was named in the last paper as the charterer of the vessel, Font and Co., the pretended agents of the owners from whom the vessel had been hired, were, in a formal manifest of the cargo dated at Havana on the 27th of June last, represented as the shippers of the goods, and Montero merely as consignee. Amongst the cargo thus shipped and consigned, we find one iron boiler and 1000 feet of lumber included; these articles being, in other words, the "*Butterfly's*" slave-boiler and slave-deck.

The last two papers, the charter-party and manifest of cargo, are both written in the English language, with the object apparently of at once satisfying the inquiries of the British cruisers on this coast by a plausible but false representation. We can fancy no other reason for having these docu-

ments drawn in English, the agent of the owners and the charterer of the vessel in one case, and the shipper and consignee of the cargo in the other case, being confessedly Spaniards.

No. 22. The bill of lading of the cargo named in the manifest (No. 21), and which, like the other document, includes the boiler and plank, is dated at Havana on the 27th of June, and is signed by Captain Morriss. Jaymé Font and Co. are therein again named as the shippers, Francisco Montero as the consignee, and freight is said to be payable according to charter-party.

No. 23. In the Custom-house clearance from Havana, dated on the following day, the 28th of June, Francisco Montero, and not Font and Co., is declared to have been the shipper of the cargo. But such inconsistencies may always be looked for in tracing the history of these fraudulent transactions.

No. 24. On the day after the "*Butterfly*" cleared out at Havana, Jaymé Font and Co., the pretended consignees of the "*Butterfly*" at Havana, and the agent of her owner, addressed a letter to Captain Morriss, recapitulating the ship's papers with which the schooner was furnished, with the object it would seem of reminding him what documents he ought to present for inspection, in the event of his being boarded by a man-of-war.

No. 25 and 26 are two Spanish log-books, commencing on the 1st of July, when the "*Butterfly*" left Havana, and continued up to the 26th ultimo, when the detention of the schooner took place.

No. 27 is a log of the voyage, kept by Morriss in the English language, but in a very slovenly manner, both the writing and spelling being very bad.

No. 60.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, September 10, 1840.*

I HAVE received your despatch of the 17th March last, in which, in reply to my instruction to you of the 21st of January last, relative to the case of the "*Florida*" slave-vessel, captured under American colours, you observe that the paper which shewed the "*Florida*" to be Spanish property, was not one of the "ship's papers;" and that, therefore, upon the principles by which the Court at that time regulated its proceedings in such cases, the restoration of the "*Florida*," was unavoidable.

I have referred this Despatch to Her Majesty's Advocate-General; and I have now to acquaint you, for your information and guidance, that he has reported to me his opinion, that the circumstance to which you advert does not carry with it the consequence which you appear to apprehend; for although the paper in question might not, strictly speaking, be one of those official documents usually denominated "ship's papers," yet there was no reason to doubt that it was a genuine instrument, or that it described the true nature of the transaction; and it proved (especially when taken in conjunction with the declaration and conduct of Williamson, the pretended owner) that the vessel was in reality Spanish, and that the "ship's papers" were false and colourable.

I am, &c.

(Signed) PALMERSTON.

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

No. 61.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, December 14, 1839.*

*(Received September 17, 1840.)*

MY LORD,

WE have the honour to transmit to your Lordship, enclosed, our Report of the case of the brig "*Fortuna*," Jozé Antonio Barboza, Captain of the Portuguese flag, which was captured off Lagos on the 15th ultimo, by Her Majesty's brig "*Waterwitch*," Lieutenant Henry James Matson, commanding, and was condemned in the British and Spanish Mixed Court of Justice on the 3rd instant for a violation of the 10th Article of the Slave Trade Treaty with Spain, signed at Madrid on the 28th of June, 1835.

The "*Fortuna*," at the time of her detention, was preparing for a third voyage to the island of Cuba within the last 12 months; two successful trips to Havana having been already made during the present year. The brig has been equally successful in former years, and her sailing qualities were very superior. She

was captured by Her Majesty's brig "Waterwitch" after a long chase, during which she threw overboard her guns, anchors, boats, and spars, nor would she heave-to until her masts and rigging were so much injured by shot from the man-of-war, that she could no longer carry sail.

She was found, on boarding, with her water filled, her slave-deck laid, her hatchways fitted with iron bars, and in a complete state of preparation for the immediate embarkation of a cargo of slaves.

We have, &c.

(Signed)

H. W. MACAULAY.

R. DOHERTY.

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

&c.

&c.

&c.

---

Enclosure in No. 61.

*Report of the Case of the Brig "Fortuna," Jozé Antonio Barboza, Captain of the Portuguese flag.*

*Sierra Leone, December 14, 1839.*

THIS vessel was captured off Lagos, sailing under Portuguese colours, on the 1st ultimo, by Her Majesty's brig "Waterwitch," and was sent to Sierra Leone for prosecution in the British and Spanish Mixed Court of Justice, on the charge of being really a Spanish vessel employed in, and equipped for the Slave Trade.

The "Fortuna" reached this place on the 24th ultimo, and on the following morning she was, by petition in the usual form, presented for admission into the British and Spanish Court, when the ship's papers and the captor's declaration, properly verified by the affidavit of the prize-officer, were received and lodged in the Registry; a monition was directed to the Marshal for publication; and the witnesses in preparatory were summoned for examination on the standing interrogatories.

The following papers were found by the captor on board the detained vessel:—

No. 1, a passport or register granted by the Provisional Government of Angola and its dependencies, and dated at St. Paul de Loando on the 24th of September, 1836, setting forth that the Portuguese brig "Fortuna," owned by Francisco Feliz de Souza, otherwise Char-Char of Whydah, a Portuguese subject, and commanded by Manoel Francisco Cardozo, was bound from St. Paul de Loando direct to Havana. This passport was endorsed at Havana on the 4th of August, 1837, by the late Portuguese Consul there, Jozé Miguel Fernandez, when the brig cleared out for Princes' Island under the command of the present master. There is no further endorsement until the 2nd of February, 1839, an interval of 18 months, when Mr. Consul Pluma certified that the vessel was on the point of leaving the Havana for Lagos and the coast of Africa, with a crew of 40 men, including the Captain. We learn, however, from Her Majesty's Commissioners at Havana (Class A, 1838-9, page 116), that the "brig 'Fortuna,' Captain Barboza," had in the meantime arrived at Havana, after landing a cargo of slaves in the neighbourhood, on the 24th of June, 1838. No record, however, of this voyage is preserved on the passport; and there is every reason to believe that other previous voyages of the same nature were made by this vessel, of which the Portuguese Consular Agents at Havana have taken no notice.

In little more than five months after leaving Havana for Lagos, as mentioned above, the "Fortuna" was again cleared out for Lagos by Mr. Consul Pluma, who stated, under date the 3rd of August last, that the crew consisted of 42 men all told, a circumstance which alone must have convinced that gentleman, if he had entertained any doubt, that the vessel, which the Captain has sworn to be only of the burthen of 180 tons, was meditating either a slaving or a piratical expedition.

Jozé Antonio Barboza, the Captain of the flag in this case, will be recollected as the Captain of the "Fenix," condemned at Sierra Leone on the 19th of December, 1836, for being found with 484 slaves on board; and he then admitted, in his examination before the Mixed Commission Court, that on the previous voyage of that vessel he had safely landed a similar cargo of slaves on the coast of Cuba, as indeed was reported by Her Majesty's Commissioners at Havana (Class A, 1835, page 183).

No. 2. The Muster-roll, dated and signed at Havana on the 3rd of August, 1839, and certified on the same day by the seal and signature of Mr. Consul Pluma, contains the names of 42 persons; and in addition to that number, Don Joaquim Goyaneche, who was found on board at the time of capture, is mentioned as a passenger.

No. 3 is the clearance from the custom-house at Havana, dated on the 6th of August, and, like the other papers, naming Lagos as the destination of the vessel.

No. 4. The Log-book, which begins from the 7th of August, when the "Fortuna" left Havana, is only continued up to the 8th of the following month, when the brig reached her destination at Lagos. Capture took place on the 1st of November.

The captor's declaration is to the following effect: "I, Henry James Matson, lieutenant and commander of Her Britannic Majesty's brig 'Waterwitch,' hereby declare, that on this 1st day of November, 1839, being in or about latitude 6° 20' north, longitude 4° 20' east, I detained the brig 'Fortuna,' sailing under Portuguese colours, commanded by Jozé Antonio Barboza, who declared her to be bound from Havana to Lagos, and thence to Havana, with a crew consisting of 41 men and 1 boy, and 1 passenger, and having on board:—

1st, Hatches with open gratings instead of the close hatches, which are usual in merchant vessels;  
2nd, A greater number of divisions or bulk-heads than are necessary for a vessel engaged in lawful trade;

3rd, Planks fitted and laid as a slave-deck;

4th, Shackles and bolts;

5th, A larger quantity of water in casks than is requisite for the consumption of the crew of the vessel as a merchant vessel;



- 6th, An extraordinary quantity of water casks, without any licence for them ;  
 7th, A greater quantity of mess-tins than are requisite for the use of the crew ;  
 8th, Two boilers of an unusual size ;  
 9th, An extraordinary quantity of rice and beans.

" I do further declare, that I have seized this vessel on account of her being Spanish property, the owners being merchants residing in Havana, to and from which port she has traded as a slaver for several years past, and for several voyages under the command of the present master.

" I do further declare, that she made every effort to escape capture ; that she threw overboard, when chased by this vessel, her guns (two 12-pounders), anchors, boats, hammock-nettings, sleeping-berths, spare spars, &c. &c ; and that she did not surrender until repeatedly struck by our shot, which so damaged her masts and rigging as to prevent her carrying sail.

" I do further declare, that I have retained on board this vessel 12 pairs of shackles with bolts to secure the prisoners lately received from her ; also 1150 pounds of rice, for the use of the ship's company of Her Majesty's brig ' Waterwitch,' she having only four days' bread on board.

" I do further declare, that the passenger Joaquim Goyeneche, who is a Spaniard, has acknowledged to me that he is the principal director of the voyage, and that he has already made two successful trips in the same vessel. The Spanish log and other papers were taken by me from this man's chest."

In the list of stores found on board the detained vessel, which is attached by the captor to the above declaration, we find the following articles, amongst others :

36 large water casks,  
 A slave deck,  
 Slave coppers,  
 2 large boilers,  
 A large quantity of rice,  
 A large quantity of beans,  
 24 shackles with bolts.

The removal of 1150 lbs. of rice from the detained vessel to the capturing ship, so properly noticed in the declaration of Lieutenant Matson, was, we consider, justifiable under the circumstances of distress for want of provisions of this description, which the " Waterwitch " was suffering at the time ; and as the value of the rice thus removed was paid over to the commissioner of appraisement and sale prior to the accounts of the vessel being closed, the Spanish government has suffered no loss by the previous withdrawal of a part of the cargo, which would otherwise have been exposed to sale on the condemnation of the vessel. It is only due to Lieutenant Matson to say, that on this as on all other occasions, and they have been many, where that gentleman has been concerned in seizures prosecuted before the Mixed Courts, the strictest attention has been paid to the instructions provided in the treaties for the guidance of naval officers.

On the 26th ultimo the captain of the flag, José Antonio Barboza, deposed, in reply to the standing interrogatories, " that he was born at Braga, in Portugal ; has lived seven years at Havana ; is a subject of Portugal, and has never been subject of any other state ; that he was appointed to the command of the detained vessel in August, 1837, at Havana, in consequence of a letter which he received to that effect whilst at Havana from Char-Char, otherwise Francisco Feliz de Souza, a Portuguese subject residing at Whydah ; that the vessel was built in Spain, is called the " *Fortuna* ;" is of 180 tons burthen ; was navigated by a crew of 41 officers and mariners, exclusive of witness, and sailed under Portuguese colours, no others being on board ; that the crew were all hired and shipped at Havana in August last, and four passengers were also there embarked at the same time ; that two of the passengers were Portuguese and two were Spaniards, and all four were bound to Lagos ; witness does not know on what business, none of them having any interest or authority in or over the vessel or her cargo ; that the voyage began and was to end at Havana, which was the last clearing port ; that he touched at Lagos, and discharged the whole of his cargo there ; that Francisco Feliz de Souza, who has for a long time resided at Whydah, is the sole owner of the vessel, as well as the owner and consignee of the cargo ; that the hatches are fitted with open gratings, which being on board when he first took the command he allowed to remain ; that the combings of the hatchways are pierced to receive round iron bars, of which there are about 25 on board, intended and fit for securing the hatches ; that there are about 100 spare planks on board, numbered and fitted to the vessel, and forming a complete slave-deck ; that there are leaguers and casks capable of receiving 70 or 80 pipes of water, and all of which were filled with fresh water at the time of capture, as ballast for the vessel ; that there are 60 mess tins, which have remained on board since the vessel was engaged in the Slave Trade in the year 1836 ; that there are two large iron boilers, measuring from 20 to 30 gallons each, which had also remained on board from the same period ; that there are about 30 bags of rice, 30 bags of beans, and a little flour, all for the use of the crew."

Clemente Freire Barboza, the second piloto, was also examined, and confirmed the master's testimony in every material point.

Publication of the evidence in preparatory was decreed on the 26th ultimo, and the monition being returnable on the 3rd instant, the latter day was appointed for the hearing of the case.

A slave-trading equipment had been acknowledged by the witnesses ; and it only remained for the Court to consider whether a Spanish character was concealed under the professed Portuguese ownership of the " *Fortuna*."

The connection of the alleged owner of the vessel (Francisco Feliz de Souza, alias Char-Char) with the Slave Trade of Cuba, has been of long standing, and has been the subject of constant remark from the earliest period of the existence of the Mixed Commissions.

Admitting, therefore, that the papers have truly described De Souza as the owner of the " *Fortuna*," that circumstance is rather in favour of the captor's presumption of the real Spanish character of the detained vessel ; for although De Souza may originally have been a Portuguese subject, he has been residing, since anything has been known of his history, in a native African town, having no pretensions whatever to the character of a Portuguese port.

Nor is there anything in the proceedings of the " *Fortuna*," which will sanction her claim to be considered as a Portuguese vessel. Every voyage, without any exception, which she has made since she received her Portuguese papers at St. Paul de Loando in September, 1836, has been from Lagos to

Havana, and from Havana to Lagos. Two voyages from the coast to Havana have been completed during the present year, and by the confession of the captain of the flag and the second mate, a third voyage, within a period of twelve months, was about to be made to the same quarter, when capture took place. No Portuguese port has been once visited since Portuguese colours were assumed on the strength of the birth-place of the alleged owner; and the port of return and departure, where the outward cargo has been shipped, where the homeward cargo has been landed, where the captain and officers and crew have been engaged at the commencement of a voyage, and discharged on its completion, and where every act indicating ownership has been constantly performed for the vessel—is a Spanish port.

On these grounds the Court affirmed the captor's allegation respecting the Spanish character of the "*Fortuna*," and accordingly condemned that vessel and her cargo for a violation of the 10th Article of the Spanish Slave Trade Treaty.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

No. 62.

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

MY LORD,

*(Received September 17, 1840.)*

WE have the honour to transmit to your Lordship herewith a Report of the case of the schooner "*Magdalena*," Pedro Fardino, late Portuguese Captain of the flag, which was captured off Cape Palmas on the 11th ultimo, by Her Majesty's schooner "*Viper*," Lieutenant Godolphin James Burslem, commanding, and was condemned on the 3rd instant in the British and Spanish Mixed Court of Justice; the Spanish Captain and Supercargo having unreservedly admitted that, although sailing under Portuguese colours, the schooner was owned by the well-known Fernando Albarzuza, of Havana, and that the complete slaving equipment, which was found on board, was provided for the reception of a cargo of slaves, which was awaiting shipment at the Gallinas, whither the "*Magdalena*" was steering at the time of her capture.

We have, &amp;c.

(Signed)

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 62.

*Report of the Case of the Schooner "Magdalena," Pedro Fardino, Captain of the Portuguese Flag.**Sierra Leone, December 14, 1839.*

THIS vessel was detained off Cape Palmas by Her Majesty's schooner "*Viper*," on the 11th ultimo, and although sailing under Portuguese colours, was deemed by the captor to be really Spanish, on which account she was immediately sent up to Sierra Leone for prosecution in the British and Spanish Mixed Court of Justice, for a violation of the 10th Article of the Spanish Treaty, in being equipped for the Slave Trade.

The arrival of the "*Magdalena*" in this harbour was reported by the Marshal on the 25th ultimo, and on the following day a petition in the usual form was presented by the captor's proctor, in compliance with which, the ship's papers and the captor's declaration, properly authenticated by the affidavit of the prize-master, were received and filed; a Monition, citing all interested parties, was issued from the Registry, and the witnesses in preparatory were summoned for examination.

The ship's papers produced were as follows:—

No. 1. A Portuguese Passport granted at Lisbon by Manoel Gonçalvez de Miranda, Secretary of State for Marine and Foreign Affairs, on the 2nd of September, 1836, to the schooner "*Magdalena*," owned by José da Cunha, and commanded by Manoel Antonio dos Santos. By this paper the vessel is permitted to make a voyage to Pernambuco and other ports of Brazil, and to return to some port of Portugal.

The first endorsement, which looks very like a forgery, purports to have been made at Oporto on the 22nd of October, 1837, nearly fourteen months after the Passport was taken out at Lisbon, when João de Souza, the Intendant of Marine at that place, is said to have authorized a voyage from Oporto to Pernambuco.

An interval of two years then occurs without any mention being made on the Passport of the voyages performed by the vessel; and on the 3rd of August, 1839, Mr. Pasquale Pluma, acting for the Portuguese Consul at Havana, certified that the "*Magdalena*" was then bound to Gallinas direct, under the command of Pedro Fardigno, in the place of Manoel Antonio dos Santos, named as the Captain three years before, who had been left on shore on account of sickness.

No. 2. Mr. Pluma on the same day attached his certificate to the Muster-roll of the crew shipped to

navigate the "*Magdalena*" to Gallinas. Amongst the nine men included in this list there is not one officer, and they are all declared to be Portuguese subjects.

Nos. 3, 4, and 5 are three Passengers' Passports taken out at Havana on the 2nd of August last by Juan Ramon de Madariaga, Carlos de Oria, and Jozé de Gorordo, who are described as Spaniards and seamen of the rank of third piloto, and all bound to the Cape Verd Islands on their private affairs. These men, as might have been predicted, were in reality the officers of the vessel, and were found on board at the time of capture, long after the "*Magdalena*" arrived on the coast, the first in the capacity of Captain, and the other two as First and Second Mate.

No. 6. On the 3rd of August the schooner cleared out for Gallinas at the Havana Custom-house, and the only cargo, which in the official Manifest she is said to have carried, are 80 bags of rice, shipped by the well-known Don Jozé Mazorra.

No. 7. The Log-book begins on the 4th of August, when the vessel left Havana, and is continued up to the 10th ultimo, the day before capture took place. She arrived at Gallinas on the 5th of October, and soon afterwards left that river to trade on the coast for provisions, and she was returning up the coast to the Gallinas, when she was boarded and detained off Cape Palmas.

The captor's declaration is to the following effect:—"I, Godolphin James Burslem, Lieutenant and Commander of Her Majesty's schooner '*Viper*,' hereby declare, that on this 11th day of November, 1839, being in or about 4° 16' North latitude and 7° 7' West longitude, I detained the schooner named the '*Magdalena*,' sailing under Portuguese colours, commanded by Juan Ramon, who declared her to be bound from Havana to the Gallinas, for the purpose of taking in slaves, with a crew consisting of 12 men and 1 boy, and having on board a slave-deck laid, a quantity of slave-irons, hatchways grated with iron bars, a slave-copper below, and a larger quantity of water and rice than would be required for the use of the crew.

"I do further declare that the present Captain, Juan Ramon, states, that the former Master is lately dead, that he and all the crew are Spaniards, that the vessel was purchased about eleven months since from the Americans, that she is owned by merchants resident in Havana, and that she is now bound to Gallinas for slaves, which were intended to have been carried to the Havana."

Juan Ramon de Madariaga, the Spanish captain of the detained vessel, was examined on the standing interrogatories on the 27th ultimo, and deposed "that he was born at Bilboa, in Spain, and has since lived near that place; is a subject of Spain, and has never been subject of any other state; that he assumed the command at sea on the 20th ultimo, in consequence of the death of the previous master, whose name was Pedro Fardino, and who was born in Portugal; that the late master was appointed to the command at Havana on the 1st of August last, by Don Fernando Albarzuza, a Spaniard, resident at Havana; that the detained vessel is American built, of 60 tons burthen, navigated by a crew of ten men, exclusive of the late master, all Spaniards, and all hired and shipped by the late master in Havana in August last; that neither he nor any of the officers or mariners had any interest in the vessel or her cargo; that he (witness) was acting as mate on board, with a passenger's passport, until the master's death, and in that capacity he (witness) had the real charge of the vessel and cargo, and was destined to Gallinas, to ship a cargo of slaves there; that the voyage began and was to end at Havana, which was the last clearing port; that the vessel touched at Gallinas for slaves, and cruised off that place until the slaves should be ready for embarkation; that the vessel was unarmed, but there were five cutlasses and three muskets, with a few musket cartridges, for defence against risings of the slaves; that Don Fernando Albarzuza was the sole owner of the vessel and the sole owner and lader of the cargo; that the said owner has of late years resided at Havana, but formerly lived at Cadiz; that all the cargo on the present voyage consisted of slave-provisions; that the hatches are fitted with open iron gratings; that the combings of the hatchways are pierced to receive round iron bars, of which there are about 15 on board, which are intended and fit for securing the hatches; that a complete slave-deck is laid fore and aft; that there are upwards of 100 pairs of shackles and bolts, with a few manacles, intended for securing the slaves who were to have been shipped; that there are leaguers and casks capable of receiving 42 pipes of water, and all filled at the time of capture with fresh water, which was intended for the slaves; that there were 20 mess-kids for the use of the slaves; that there was one large boiler for cooking for the slaves; that there were 62 bags of rice, and four or five bags of beans for the use of the slaves."

Carlos de Oria, another of the nominal Spanish passengers, was also examined on the standing interrogatories, and he admitted "that he was serving on board the vessel in the capacity of second mate, and that there were no passengers." With respect to the presence of a slaving equipment, this witness fully corroborated the master's testimony.

The above evidence was published in due course, and the monition was returned into the Registry by the Marshal on the 3rd instant, on which day a sentence of condemnation was passed on the "*Magdalena*" and her cargo, the Spanish ownership and slaving equipment of that vessel having been unreservedly admitted by the captain and supercargo.

(Signed)

H. W. MACAULAY.  
-R. DOHERTY.

No. 63.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, December 14, 1839.*

*(Received September 17, 1840.)*

MY LORD,

WE have the honour to transmit to your Lordship enclosed a report of the case of the schooner "*Lavandeira*," Miguel Oliver, captain, of the Portuguese flag, which was captured off the Gallinas, on the 27th ultimo, by Her Majesty's brigantine "*Lynx*," Lieut. Henry Broadhead, commanding, and condemned in the British and Spanish Mixed Court of Justice on the 10th instant;

the residence of her owner in a Spanish port, and her complete equipment for the Slave Trade, having been avowed without hesitation by the master in his sworn examination on the standing interrogatories.

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

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

Enclosure in No. 63.

*Report of the Case of the Schooner "Lavandeira," Miguel Oliver, Captain of the Portuguese Flag.*  
*Sierra Leone, December 14th, 1839.*

THIS is one of the vessels whose appearance has been for some time expected, and with whose history we have become acquainted from correspondence discovered and recorded in former cases.

On the 25th of November, 1837, the American schooner "*Cleopatra*," was cleared out at Havana by Messrs. Pedro Martinez and Co., for the Cape Verd Islands (Class A, 1837, Further Series, page 51), and she obtained Portuguese papers at Villa da Praia early in the year 1838, and thenceforward became the Portuguese schooner "*Lavandeira*."

We cannot perhaps trace all the voyages which have been made by this successful slaver, but we know that she took on board a full cargo of slaves in the River Pongas, in this neighbourhood, within five months from the time that she assumed Portuguese colours, and landed them safely at Guanamar on the 12th of September, 1838; as this circumstance was reported by Pedro Martinez and Co., to José H. Alvarez, their agent at Gallinas, in a letter dated at Havana, the 15th of September, 1838 (Class A, Further Series, 1838-9, page 40.)

The "*Lavandeira*" again left Havana for the Coast on the 7th of November, 1838, and returned to Havana, after having landed 229 slaves in the neighbourhood, on the 21st of February, 1839 (same correspondence, page 101 and 122).

It is probable that another expedition was then made from Havana to the Coast, prior to the commencement of the present voyage, but we have no account of the movements of the schooner during this interval. She cleared from Havana for St. Thomas' early in September last, and was fallen in with on the 27th ultimo by her Majesty's brigantine "*Lynx*," and captured after a chase of 13 hours, being bound at the time to the Gallinas, to take on board her return cargo of slaves.

The "*Lavandeira's*" arrival at Sierra Leone was reported on the 2nd instant, and on the following morning she was admitted to prosecution in the British and Spanish Mixed Court of Justice, on the petition of the captor's proctor. The ship's papers and the captor's declaration were at the same time verified by the affidavit of the prize-master, and filed in the Registry; the usual monition was directed to the Marshal for publication, and those of the detained crew who were produced by the captor as witnesses in preparatory were summoned to undergo their examination.

The only ship's papers obtained by the captors were the passport, muster-roll, clearance, and log.

The passport, which was granted by Joaquim Pereira Marinho, Governor-General of the province of Cape Verd, on the 3rd of March, 1838, states that the Portuguese schooner "*Lavandeira*," of American build, and of 95 tons burthen, was owned by João dos Santos Pereira, and commanded by Lucio Maria, both Portuguese subjects, and was authorized to navigate all seas under the Portuguese flag. There is no endorsement relative to the former voyage which began at Havana on the 7th of November, 1838, as mentioned above; but Mr. Consul Pluma certified, under date the 9th of September last, that the vessel was at the latter period bound from Havana to St. Thomas' direct, under the command of the present captain of the flag, Miguel Oliver. The insertion of the Portuguese island of St. Thomas' as the schooner's destination, was, as usual, only deception, and no attempt was made to reach that place, the river Gallinas being the spot where the return cargo of slaves was to have been shipped.

The muster-roll is also signed and sealed by Mr. Consul Pluma, and contains the names of 20 officers and mariners all told.

The clearance and manifest from the Custom-house at Havana is dated on the 10th of September, and is only worthy of notice, because it mentions that the English house of Drake and Co., so frequently met with on such occasions, were the shippers of a quantity of rice and tobacco.

The log-book was kept in the Spanish language; it began on the 12th of September, when the "*Lavandeira*" sailed from Havana, and ended on the 27th ultimo, when capture took place.

The captor's declaration is to the following effect:—"I, Lieutenant Henry Broadhead, Commander of Her Britannic Majesty's brigantine '*Lynx*,' hereby declare that, on this 27th day of September, 1839, being in or about latitude 7° 2' North, longitude 12° 52' West, I detained the schooner called the '*Lavandeira*,' sailing under Portuguese colours, commanded by Miguel Oliver, who declared her to be bound from Havana to St. Thomas' and Princes, and back to Havana, having a crew of 20 men, and being fully equipped for carrying a cargo of slaves; and it appearing to me that the vessel is employed for Spanish interests, and is actually Spanish property, I have therefore sent her before the Mixed Court of Justice at Sierra Leone, to deal with as they shall see fit."

In his examination on the standing interrogatories, Miguel Oliver, the captain of the flag, deposed "that he was born at Lisbon, where he has since lived, is a subject of Portugal, and has never been the subject of any other state; that he was appointed to the command of the detained vessel at Havana, four months ago, by Don Francisco Sala, a Spaniard who lives at that place; that the vessel is of American build, is called the '*Lavandeira*,' is of 95 tons burthen, and was navigated by a crew of 19 men, exclusive of witness, all hired and shipped by witness at Havana in August last; that the voyage began and was to end at Havana, which was the last clearing port; that the capturing-ship was first seen at daybreak on the 27th ultimo, and capture took place at six o'clock in the evening; that the

CLASS A.

vessel was steering for Gallinas at the time, but the course was altered, and all sail made; that the owner of the vessel is Don Francisco Sala, residing in Havana, who was also the lader and owner of the cargo; that the vessel, with regard to her trade, was under the management of witness, who corresponds on the subject with the aforesaid owner; that the combings of the hatchways are pierced to receive round iron bars, of which there are about 30 on board, fit for securing the hatches, and which witness found on board when he joined the vessel; that a slave-deck is laid fore and aft; that there are leaguers and casks capable of receiving 50 pipes of water, all of which, with the exception of four, were filled with fresh water at the time of capture, and they were destined ultimately to receive palm-oil; that there are from 20 to 30 mess-tins, intended to fill the casks with palm-oil; that there were 100 bags of rice, and one or two bags of beans for the use of the crew."

Manoel Fernandez, one of the seamen of the detained vessel, was the second witness examined, and he fully corroborated, by his replies, the testimony given by the master.

Publication of the evidence in preparatory was decreed in due course; and the monition being returnable into Court on the 10th instant, that day was fixed for the decision of the case.

The two circumstances, upon which alone the condemnation of a detained vessel for a violation of the 10th Article of the Spanish Treaty, can be founded—namely, a Spanish national character, and an equipment for the Slave Trade—were avowed in this case without hesitation by the master of the "*Lavandeira*," who deposed that the owner of his vessel was a merchant resident in Havana, and that she was prepared for the embarkation of a cargo of slaves, by having her water filled, her slave-deck laid, her slave provisions on board, and her hatchways fitted with round iron hatch-bars. The schooner and her cargo were accordingly condemned.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

No. 64.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, December 31, 1839**(Received September 17, 1840.)*

MY LORD,

WE have the honour to enclose to your Lordship an abstract of the proceedings in the British and Spanish Mixed Court of Justice during the last year.

During that period 38 vessels were adjudicated, of which all but one were condemned.

We have, &amp;c.

(Signed)

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 64.

*Abstract of the Proceedings in the British and Spanish Mixed Court of Justice during the Year 1839**Sierra Leone, December 31, 1839.*

No. 1. The schooner "*Ontario*" was captured on the 18th of December, 1838, sailing under Spanish colours, but without any ship's papers on board, 55 minutes north of the line, and in 4° 6 east longitude, by Her Majesty's sloop "*Pelican*," Brunswick Popham, Esq., commander, who immediately despatched the detained vessel to Sierra Leone for having on board 219 slaves, who had been embarked four days previously in the river Nun. The "*Ontario*" reached Sierra Leone on the 9th of January, 1839, and a prosecution against her was immediately commenced, the case being closed on the 17th of the same month by the condemnation of the vessel and the emancipation of the survivors of the slaves, 200 in number, 19 slaves having died in the interval between capture and adjudication.

The original Spanish captain, Jozé Maria Mendez, died immediately before capture; and the first mate, Jozé Hemens, who succeeded to the command, died shortly after the vessel was taken charge of by the captors.

No. 2. The brigantine "*Lageiro*," Miguel Antonio, captain of the Portuguese flag, was under Portuguese papers and colours at the time of her capture by Her Majesty's brigantine "*Dolphin*," Lieutenant Edward Holland, commanding, on the 16th of November, 1838. The vessel, at the time of detention, was lying at anchor in Lagos Roads, fully equipped for the reception of a cargo of slaves; and the papers found on board having discovered that the real owners were Spanish merchants residing at Havana, the captor prosecuted the "*Lageiro*" for a violation of the Tenth Article of the Spanish Treaty; and as the allegations both with respect to Spanish ownership and illegal equipment for Slave Trade were fully established, a sentence of condemnation was pronounced against the detained vessel and her cargo.

No. 3. The brig. "*Victorio*" (1), Antonio Jozé Alfonso, captain of the Portuguese flag, was supplied with Lisbon papers, and sailed under Portuguese colours. She was captured at anchor in Lagos

Roads, on the 16th of November, 1838, by Her Majesty's brigantine "Dolphin," Lieutenant Edward Holland, commanding.

The prosecution of this vessel at Sierra Leone brought to light her Spanish ownership, and the course of Spanish trade in which she had been invariably and exclusively engaged ever since her Portuguese register had been obtained, every voyage subsequently made having both begun and ended at Havana. An equipment for the Slave Trade was no less clearly proved by the captor; the brig and cargo were accordingly condemned.

No. 4. The brig "*Dous Amigos*" (1), formerly the American brig "*Two Friends*," commanded by a Spaniard named Fernando Jozé Carreira, and supplied with a Portuguese passport from the Portuguese Consul-General in Brazil, was captured under the Portuguese flag whilst lying at anchor in Lagos Roads, by Her Majesty's brigantine "Dolphin," Lieutenant Edward Holland, commanding. The detained vessel was prepared for the immediate embarkation of a cargo of slaves, her water-casks being filled, her slave-deck laid, and slave provisions on board.

Notwithstanding the representations of the ship's papers, it was discovered that the real owner of the "*Dous Amigos*" was a well-known slave merchant of Havana, named Joaquim Jozé Pereira d'Abreo. The Spanish character thus acquired by the residence of her owner exposed the vessel to the penalties of the Spanish Treaty on account of her illegal equipment for the Slave Trade. A sentence of confiscation was therefore decreed.

No. 5. The schooner "*Amalia*," Bernardo Jozé Alves, master, was captured by Her Majesty's brigantine "Dolphin," off Cape Sierra Leone, steering for the Gallinas, on the 27th of December, 1838. The detained vessel was sailing at the time under the Portuguese flag, and with papers obtained at the Cape Verd Islands; but the correspondence found on board proved that the "*Amalia*" was the property of Messrs. Blanco and Carvalho of Havana, and that she was to return to the same port with a cargo of slaves, for whose reception she was every way prepared. Spanish ownership and illegal equipment being thus established, the "*Amalia*" and her cargo were condemned.

No. 6. The schooner "*Izabel*," Jozé Lopes Condes, captain of the Portuguese flag, was sailing under Portuguese colours and papers at the time of her capture by Her Majesty's brigantine "Boneita," Lieutenant, John Luke Richard Stoll, commanding; but the private papers discovered by the captor having shown that the "*Izabel*" was the property of Pedro Manegat of Havana, from which port she had sailed, and whither she was to return, he determined to send her to Sierra Leone for adjudication as a Spanish vessel illegally engaged in and equipped for the Slave Trade; and these allegations having been clearly proved, the "*Izabel*" and her cargo were confiscated by a sentence of the court.

No. 7. The schooner "*Victoria*" (2), Alexandre Proença, master, was detained off Princes Island on the 24th of December, 1838, whilst sailing under Portuguese colours, by Her Majesty's brigantine "Lynx," Lieutenant Henry Broadhead, commander, and was sent to Sierra Leone for trial as a Spanish vessel illegally equipped for the Slave Trade.

The captain of the flag, whilst he declared the falsehood of the Portuguese papers under which he sailed, and asserted, in opposition to those papers, that he was himself the sole owner of the vessel, could substitute no papers in lieu of those which he set aside, nor bring forward any proof in support of his own assertions. The only means, therefore, which was left to the court of ascertaining the national character of the "*Victoria*" was, "the course of trade" in which she had been and was engaged; and this being altogether Spanish, and leading to the presumption that the ownership actually resided at Havana and Matanzas, the court admitted the vessel to prosecution in her Spanish character, and as such sentenced her to condemnation for the extensive slaving equipment with which she was provided.

No. 8. The Spanish schooner "*Merced*," Jozé Urresti, master, was detained off Cape Mesurado by Her Majesty's brigantine "Dolphin," Lieutenant Edward Holland, commanding, on the 10th of January, 1839, and was prosecuted on a charge of being equipped for the Slave Trade. The captain failed in establishing this allegation, and the detained vessel was restored with costs and damages for her detention, although there can be little doubt that her object in coming on the coast was to obtain a cargo of slaves, and that a slaving equipment for their reception had been on board at some former period. This vessel was subsequently seized by the same officer, and condemned.

No. 9. The brigantine "*Maria Thereza*," Jozé Moreira Sampaio, captain of the flag, was detained off Cape St. Paul on the 26th of January, 1839, as Spanish property engaged in and equipped for the Slave Trade, although sailing under Portuguese colours at the time of her capture, by Her Majesty's sloop "Lily," John Reeve, Esquire, commander. From the official and other papers found on board it was ascertained that the detained vessel was commanded on the present, as on former voyages, by a Spaniard of the name of Miguel Antonio Uriarte, who was on board as a pretended passenger; that the present, like the two preceding voyages, was to end as it began, at Havana; and that the real owner resided at the same port. The equipment of the vessel for Slave Trade was proved, as well by the admissions of the witnesses, as by the report of the surveyors to the court; the brigantine and her cargo were accordingly condemned.

No. 10. The brig "*Matilde*" (1), Mariano Sgitcovich, captain of the flag, sailing under Portuguese colours and with Portuguese papers obtained at the Cape Verd Islands, was detained on the 22nd of January, 1839, in the river Gaboon by Her Majesty's schooner "Fair Rosamond," Lieutenant William Brown Oliver, commanding, and sent up to Sierra Leone for trial as a Spanish vessel illegally equipped for the Slave Trade. The brig arrived at this place on the 27th of February, 1839, and was condemned on the 8th of the following month; the Portuguese Captain having unreservedly admitted that she was owned by a merchant resident at Havana, and that she was provided with a slaving equipment. The real captain of the "*Matilde*" was a Spaniard named Francisco Vinent, formerly captain of the schooner "*Especulacion*."

No. 11. The brig "*Tejo*," Antonio Joaquim Brito, master, was captured, like the last vessel, in the river Gaboon, by Her Majesty's schooner "Fair Rosamond," Lieutenant William Brown Oliver, commanding, on the 31st of January, 1839, and arrived at Sierra Leone on the 10th of March following. The detained vessel, formerly the "*Fortuna*," was sailing at the time of her capture under Portuguese papers and flag, but the captor conceiving that Spanish interests were thus covered, prosecuted her as a Spanish vessel illegally equipped for the Slave Trade. The facts deposed in evidence fully bore out the captor's allegations; the master declaring that the vessel was owned at Havana and Matanzas; that the voyage began and was to end at the latter place, and that a Spaniard named Domingo Valdes, who was the owner and shipper of the outward cargo, accompanied the brig to the

coast in the character of supercargo. The evidence of the surveyors to the court proved with equal clearness the existence of an ample slaving equipment. Sentence of condemnation was accordingly decreed.

No. 12. The schooner "*Serea*," Manoel da Silva, master, sailing under a Portuguese flag and pass, was captured on the 13th of March, 1839, in 5° 13' north latitude, and 9° 22' west longitude, by Her Majesty's brigantine "*Forrester*," Lieutenant Colin Yorke Campbell, commanding, and arrived at Sierra Leone on the 20th of the same month. The schooner was then prosecuted for a violation of the 10th article of the Spanish Treaty; and the evidence taken in the case having proved that the real owner was a Spaniard resident at Matanzas, named Manoel Tito, and that a sufficient slaving equipment was on board, the condemnation of the vessel and her cargo was decreed on the 1st of April, 1839.

No. 13. The brig "*Braganza*," Manoel de Nascimento Moura, master, sailing under Portuguese papers obtained at Lisbon, was detained off Lagos on the 9th of February, 1839, by Her Majesty's brigantine "*Termagant*," Lieutenant Henry Frowd Seagram, commanding, and arrived at Sierra Leone on the 20th of March, 1839. This vessel, formerly the Spanish brig "*Vigilante*," was discovered to be the property of Juan Menendez of Corunna, from which port she sailed direct for Lagos, and was thence bound to Havana; and a slaving equipment being acknowledged by the master and supercargo, sentence of condemnation was pronounced on the 1st of April, 1839, on the "*Braganza*" and her cargo.

No. 14. The schooner "*Rebecca*" was found in the river Gallinas on the 22nd of March, 1839, by Her Majesty's brigantine "*Forrester*," Lieutenant Colin Yorke Campbell, commanding, without papers and under no national flag. She was at the time in the charge of a Spanish first mate, named Nicholas Echevarria, and the master, Domingo Artata, was said to be on shore with the ship's papers, but none were produced. It appeared that the "*Rebecca*" had cleared out from Havana as an American vessel, commanded by a citizen of the United States, named George Watson, who was found on board at the time of capture.

The "*Rebecca*" arrived at Sierra Leone on the 27th of March, and from an examination of the private papers and correspondence found on board, as well as of the witnesses, it was proved that the real owner of the vessel was Jozé Ealo, a merchant of Havana; that the American papers under which the vessel had sailed, for greater security, on the outward voyage, had been transmitted to Havana two days prior to capture; and that no other papers had as yet been provided in their place. Notwithstanding this absence of any ship's papers, the court looked upon the distinct admissions of the witnesses that the owner was a Spanish merchant of Havana, and that the vessel was fitted for the Slave trade, as circumstances which rendered the detained vessel subject to the penalties imposed upon a violation of the 10th article of the Spanish Treaty. A sentence of condemnation was accordingly pronounced.

No. 15. The schooner "*Constanza*," Francisco Jozé Dias, master, was captured under Portuguese colours, on the 16th of May, 1839, by Her Majesty's sloop "*Harlequin*," Lord Francis John Russell, commander. The detained vessel was prepared for the immediate embarkation of a cargo of slaves, which was awaiting her arrival in the river Gallinas, whither she was running at the time of her capture. The prize reached Sierra Leone four days subsequent to her detention, and was condemned on the 29th of the same month, the ownership of the schooner being clearly traced to Messrs. Pedro, Martinez and Co., of Havana, and her illegal equipment admitting of no question.

No. 16. The Spanish felucca "*Si*," Gaspar Roig, Master, having received a Spanish Royal Passport at Barcelona, sailed direct from that port for the Gallinas, and within six weeks after leaving Spain embarked a cargo of 360 slaves, with whom she was bound to Havana; but she was fortunately intercepted and captured, on the same day that she left the Gallinas, by Her Majesty's brig "*Waterwitch*," Lieutenant Henry James Matson, commanding. These facts having been fully established, the felucca was condemned on the 5th of June, 1839, and the survivors of her slaves, 358 in number, were emancipated.

No. 17. The schooner "*Raynha dos Anjos*" was found in the river Nazareth fully equipped for the transport of a cargo of slaves, under the command of Spanish officers, and manned by an entirely Spanish crew, the Spanish Captain being absent at Cape Lopez with all the papers that might have thrown light on the real ownership of the vessel. The schooner was under the Portuguese flag and produced Lisbon papers, but as none of her proceedings were connected with a Portuguese port, and there was not a single subject of Portugal on board to give a colour to her pretensions, it was plain that a Portuguese character had been improperly assumed. Accordingly, when the schooner was seized on the 10th of May, 1839, by Her Majesty's brigantine "*Forester*," Lieutenant Francis Godolphin Bond, commanding, it was considered by the captor that the detained vessel was really entitled to a Spanish character. This allegation was eventually confirmed by the Court, when they found that the course of trade in which the "*Raynha dos Anjos*" was engaged was altogether Spanish; that the voyage began and was to end at Havana, where the Captain and crew, all of whom were Spaniards, had been shipped; and that the vessel was always spoken of by these persons not under her pretended Portuguese name, but under her Spanish name of "*Maria Francisca*." The slaving equipment was fully admitted.

No. 18. The brig "*Vigilante*," Francisco Jozé de Souza, Master, traded regularly between Havana and slaving ports south of the Line, under the protection of Portuguese papers. She was met with in the river Congo on the 23rd of May, 1839, by Her Majesty's sloop "*Wolverene*," William Tucker, Esq., Commander, who sent her to Sierra Leone for adjudication as a Spanish vessel equipped for the Slave Trade. The Master, in his examination before the Court, deposed, "that the vessel was owned by a merchant resident at Havana, named Francisco dos Santos," and the sworn report of the Surveyors of the Court having proved the presence of a complete slave equipment, the "*Vigilante*" and her cargo were condemned on the 25th of June, 1839, under the 10th Article of the Spanish Treaty.

No. 19. The schooner "*Jack Wilding*," William Young, Master, was captured under American colours, whilst lying at anchor in Accra Roads, on the night of the 27th of May, 1839, by Her Majesty's brigantine "*Dolphin*," Lieutenant Edward Holland, commanding. No exemption for search or seizure could be claimed in this instance, on account of the American colours and papers carried by the detained vessel, as she was confessedly within British waters at the moment when Lieutenant Holland took possession of her. From the papers then discovered, and the evidence subsequently given, it was discovered that the "*Jack Wilding*" was really Spanish, not only by course of trade, but by the fact that one share in her was owned by a Spanish merchant resident at Havana, and another by the nomi-

nal Captain who was trading from a Spanish port; that the representations of the ship's papers were false; that every person on board, with the single exception of the Captain of the flag, was either a Spaniard or a Portuguese; that the whole of a valuable cargo, and about 4000*l.* in money, was on Spanish account; that the voyage began and was to end at Havana; and that the vessel was in every respect fitted and prepared for the transport of a cargo of slaves. The schooner was accordingly condemned as good and lawful prize.

No. 20. The Spanish schooner "*Merced*," Jozé Urresti, Master, was boarded during the night of the 17th of June, 1839, by Her Majesty's brigantine "*Dolphin*," Lieutenant Edward Holland, commanding, and as no suspicious appearances immediately presented themselves, she was suffered to proceed on her way; but shortly after leaving her, the crew of the "*Dolphin*" heard the cries of a man in the water, who was happily picked up and taken on board. This man proved to be a male slave, who, with some others, had been dispatched in a boat from the "*Merced*" to the shore, not far distant, when the man-of-war gave chase, but the boat having been upset, all the negroes were drowned with the exception of the man rescued by the "*Dolphin*." On ascertaining these facts, through the interpretation of one of his Kroomen, Lieutenant Holland again gave chase to the "*Merced*," and captured her early on the following morning at New Cestos. It was clearly proved that the additional Article to the Spanish Treaty of the 23rd of September, 1817, had been violated by the "*Merced*," in having had on board of her a slave or slaves in the particular voyage in which she was captured. The vessel and cargo were therefore condemned on the 8th of July, 1839.

No. 21. The schooner "*Sin-Ygual*," Jozé Pereira, Captain of the Portuguese flag, was captured off Gallinas on the 28th of June, 1839, by Her Majesty's sloop "*Harlequin*," Lord Francis Russell, Commander, and was prosecuted on the 4th of the following month as a Spanish vessel illegally equipped for the Slave Trade. The equipment was fully admitted, and as satisfactory proof was afforded that the schooner was the property of the Spanish house of Pedro Martinez and Co., of Havana, a sentence of confiscation was pronounced on the 12th of July, 1839, upon the "*Sin-Ygual*" and her cargo.

No. 22. The brigantine "*Emprendedor*," Feliz de Galindez, late Master, was captured off the Gallinas under Portuguese colours on the 20th of June, 1839, by Her Majesty's sloop "*Harlequin*," Lord Francis John Russell, Commander, and was condemned on the 12th of the following month as a Spanish vessel illegally equipped, the witnesses having, without hesitation, admitted both the Spanish ownership of the vessel and her state of preparation for the prohibited traffic.

No. 23. The schooner "*Victoria de Libertarde*" was sailing at the time of her capture by Her Majesty's sloop "*Harlequin*," under a Cape Verd's passport; but the captor, properly considering her real character to be Spanish, detained and sent her to Sierra Leone on the 26th of June, 1839. At this place it was satisfactorily proved that Joaquim de Andricain, of Havana, was the owner of the schooner; and the surveyors of the court having reported that a slaving equipment was on board, the Court condemned the detained vessel for a violation of the 10th Article of the Spanish Treaty.

No. 24. The brigantine "*Christiano*," Nathaniel Crane, master, was sailing under Danish colours, and with Danish papers obtained at the island of St. Croix, in the West Indies, at the time of her detention off New Sester, on the 27th of June, 1839, by Her Majesty's sloop "*Harlequin*;" the commander, Lord Francis Russell, was, however, fortunate enough to discover papers which proved to him that the detained vessel was really the Spanish brigantine "*Carranzano*," belonging to Porto Rico, and that as such she had cleared out from that port a few days after she had obtained her false Danish papers at St. Croix. The pretended Dane, Nathaniel Crane, proved also to be a Spaniard of the name of Jozé Maria Urrutia. Intercepted correspondence, recorded in another case, had previously brought the "*Carranzano*" then, as now, under the command of the same Captain Urrutia, to our notice; and the private papers found in Urrutia's trunk confirmed the identity. The "*Harlequin*" being provided with a warrant from the King of Denmark to visit and search vessels sailing under the Danish flag, no doubt could exist as to the right to make the visit and search which led to these important discoveries; and the detained vessel was without hesitation admitted to prosecution in the Spanish Court. The surveyors of the court reported that the "*Christiano*" was in every way fitted for the Slave Trade; and her real Spanish character having been clearly established, the vessel and cargo were condemned.

No. 25. The schooner "*Bella Fiorentina*," Pietro Siccoli, captain of the flag, was detained on the 20th of May, 1839, whilst sailing under Tuscan flag and passport, off the River Sestos, by Her Majesty's sloop "*Harlequin*," and sent in to Sierra Leone for adjudication, as a Spanish vessel equipped for the Slave Trade. But as the prize-master was unable to say whether the "*Harlequin*" was supplied with instructions to visit and search vessels under the Tuscan flag, it was not until the 9th of July following, when the "*Harlequin*" arrived at Sierra Leone, that it was ascertained from Lord Francis Russell that he was supplied with the requisite authority. The schooner was then admitted into Court, and her captain having unreservedly admitted that, notwithstanding the declarations of the ship's papers, the vessel was owned by Fidel Montanero, a Spanish merchant resident at Havana, and that she was equipped for the Slave Trade, a sentence of confiscation against the vessel and cargo was pronounced.

No. 26. The brig "*Matilda*" (2), Jozé Paulo das Neves, captain of the flag, was sailing under Portuguese colours, and with Portuguese papers, off the River Congo, when she was detained by Her Majesty's brig "*Brisk*," Lieutenant Arthur Kellett, commanding, on the night of the 29th of June, 1839. The captor's allegations against this vessel were fully confirmed by the evidence of the captain of the flag, who deposed that the sole owner of the "*Matilda*" was a Spanish merchant resident at Havana, named Jozé Puxe, and that she was equipped for the traffic in slaves. A decree of condemnation was therefore passed on the 12th of August, 1839.

No. 27. The schooner "*Constituição*," Antonio Rodrigues, captain of the flag, was captured after a long chase, off Cape Formoso, on the 8th of July, 1839, by Her Majesty's brig "*Waterwitch*," Lieutenant Henry James Matson, commanding. At the time of capture, the schooner had on board 344 slaves, who had been embarked two days previously at Lagos, and with whom she was bound to Havana. She professed to be Portuguese, and produced a Portuguese flag and pass; but the captain, in opposition to the ship's papers, declared that he was himself sole owner of the vessel, and that he had been a resident at Havana for the last seven or eight years. Juan Prats, a Spaniard, who was on board the "*Constituição*" at the time of her capture, we suspect to have been the owner of the vessel, as he was admitted to be of the cargo of slaves. But the master's statement alone sufficed to impress a Spanish character on the prize; and although her condemnation either in the Portuguese or Spanish Court was equally certain, we preferred adjudicating her in that Court which would insure her total destruction. A sentence of condemnation was therefore passed in the Spanish Court on the 12th of



August, 1839, when the survivors of the slaves, 338 in number, received a decree of emancipation, 6 only having died between capture and adjudication.

No. 28. The schooner "*Dous Amigos*" (2), Jozé Antonio da Silva master, was captured off the Rio Volta on the 27th of August, 1839, by Her Majesty's brigantine "*Dolphin*," Lieutenant Edward Holland commanding, and was sailing under the flag and pass of Portugal at the time of detention. On his examination the captain of the flag admitted that the owner of the schooner was a Spaniard, residing and carrying on business at Havana, and that the vessel was equipped for the traffic in slaves, a full cargo of whom she was indeed prepared to receive at a moment's notice, the water-casks being filled, the slave-deck laid, &c. The captor's case was fully borne out by these statements, and on the 24th of September, 1839, the schooner and her cargo were condemned.

No. 29. The brigantine "*Victoria*" (3), Joaquim Antonio Oliveiros master, was sailing under Portuguese colours when captured on the 18th of December, 1838, off St. Jago de Cuba (and whilst running into that port, after having landed a cargo of slaves in the neighbourhood) by Her Majesty's schooner "*Pickle*," Lieutenant Philip Hast commanding. The detained vessel was left in Port Royal Harbour, Jamaica, to await the adjudication of the case at Sierra Leone; but owing to various impediments, no prosecution was instituted at this place until the 10th of October, 1839, nearly ten months after the capture took place. Condemnation was decreed on the 19th of the same month. The equipment of the vessel, as might be supposed from the circumstances under which she was captured, indicating sufficiently the illegal traffic in which she was engaged; and a Spanish character being impressed upon her by a constant Spanish course of trade, and a presumed ownership at Cuba, where this as well as the last voyage began and ended; where the outward and homeward cargoes were confessedly owned; where the captain and crew were engaged and discharged; and where all acts of ownership were performed.

No. 30. The brig "*Scorpio*," Angelo Elorriaga master, like the last vessel, was captured in the West Indies, off the south coast of Cuba, sailing under the protection of a Portuguese flag and pass; but as in the former case, she was deprived of her assumed nationality, and was received into Court in the Spanish character which was proved more properly to belong to her. At the time of her capture on the 26th of November, 1838, off the Isle of Pines, by Her Majesty's sloop "*Wanderer*," Thomas Bushby Esq. commander, the "*Scorpio*" had on board a cargo of 212 slaves, who had been shipped on this coast, a little to the southward of the Line, and were intended to be landed in the neighbourhood of Havana. They were subsequently carried to Nassau, in New Providence, where the survivors, 190 in number, were disembarked, 22 having died during the ten days following capture. The vessel was then left at anchor in Port Royal Harbour, Jamaica, and a prize-master was dispatched to Sierra Leone with the ship's papers and witnesses, to conduct the prosecution of the case. A period, however, of eleven months elapsed before the prosecution was instituted, and in the mean time the principal witness had absconded. When the proceedings were closed, the Court decreed the condemnation of the detained vessel, and the emancipation of the survivors of the 190 slaves, who had been landed at Nassau pending the adjudication of the case.

No. 31.—The schooner "*Josefina*," Miguel Clementi Soulé, master, was captured lying at anchor off the mouth of the river Congo, on the 7th of September, 1839, by Her Majesty's brigantine "*Bonetta*," Lieutenant Stoll commanding. The captain of the detained vessel was on shore at the time with the ship's papers, and as he never returned much difficulty might have been experienced in ascertaining the real character of the prize; but from the private papers found on board, as well as from intercepted correspondence obtained from another vessel owned by the same Havana house of Forcade and Co., the ownership of the "*Josefina*" was distinctly traced to that well-known slaving firm. Accordingly, when it was proved that the 10th Article of the Spanish Treaty had been infringed by an illegal preparation for Slave Trade, no difficulty was felt in divesting the schooner of her pretended Portuguese character, and condemning her as a Spanish vessel violating Spanish law.

No. 32.—The brigantine "*Liberal*," François Barraillier master, was owned, like the last vessel (the "*Josefina*") by Monsieur Forcade, of Havana, and was trading in company with that vessel at the same place, when both were captured at the same time by the same officer, and carried to Sierra Leone together. The correspondence found on board the "*Liberal*" removed all doubt respecting the ownership of either vessel; and as an illegal equipment and preparation for Slave Trade was combined with Spanish property, a sentence of condemnation was pronounced on the 26th of October, 1839, against the "*Liberal*" and her cargo, for an infraction of the Spanish Treaty.

No. 33.—The schooner "*Ligeira*," Domingos da Costa Lage master, was captured on the 7th September, 1839, off the entrance of the river Congo, under Portuguese colours, by Her Majesty's brigantine "*Bonetta*," Lieutenant Stoll commanding, and was condemned at Sierra Leone on the 30th of October following, as a Spanish vessel fitted and equipped for the Slave Trade. If regard had been paid to the ship's papers, which repeatedly declared the owner to be resident at Bahia, the "*Ligeira*" would have been condemned as a Brazilian vessel; but it clearly appeared that, at the time of capture, whatever may have been the case at a former period, the detained vessel was the property of two Spanish subjects resident at Havana, named Francisco Colomé and Francisco Vila. She was accordingly condemned as a Spanish vessel violating Spanish law.

No. 34.—The schooner "*Sete de Abril*," Manoel Martinho master (lately the American schooner "*Mary Cushing*," Benjamin Reynolds master) was captured on the 27th of September, 1839, whilst sailing under Portuguese colours, and with a full cargo of slaves on board, by Her Majesty's brig "*Waterwitch*," Lieutenant Matson, commanding. The slaves, 424 in number, had been shipped at Lagos the day previous to capture, and with the vessel were immediately despatched to Sierra Leone. Both the ship's papers and the depositions of the witnesses declared the ownership of the schooner to rest with Jojuino Baptista de Carvalho, a well-known Havana slave merchant; no difficulty was therefore felt in admitting the vessel to possess a Spanish character; and a sentence was passed in the Spanish court on the 2nd of November, 1839, confiscating the "*Sete de Abril*" for having been found with 424 slaves on board; and the survivors of that number on the day of adjudication, amounting to 415, were decreed to be emancipated.

No. 35.—The schooner "*Brilhante*," Victor da Silva, captain of the Portuguese flag, and papers, was captured running into Gallinas with water filled, and slave-deck laid, provisions on board, and prepared in every way for the immediate reception of a cargo of slaves. She was detained by Her Majesty's brig "*Saracen*," Lieutenant Henry Worsley Hill, commanding, on the 16th of October, 1839; and from the voluminous and interesting correspondence found on board, it was discovered that the

schooner was the sole property of Pedro Blanco, a Spanish merchant now resident at Havana, and formerly the principal slave merchant at the Gallinas. Condemnation for her illegal equipment was therefore pronounced on the "*Brilhante*" in the Spanish court on the 7th of November, 1839.

No. 36.—The brig "*Fortuna*," José Antonio Barboza, captain of the Portuguese flag, and papers, was captured off Lagos on the 1st of November, 1839, by Her Majesty's brig "*Waterwitch*," Lieutenant Matson, commanding. This well-known slaver was on the eve of shipping a *third* cargo of slaves for the Havana within the period of 12 months, when she was detained, and sent for adjudication to Sierra Leone. Her proved course of Spanish trade, independent of the character of her alleged owner and her Spanish build, led to her being admitted to prosecution in the Spanish court; and her complete state of preparation for the embarkation of slaves was the ground of a sentence of condemnation, which was passed on the 3rd of December, 1839.

No. 37. The schooner "*Magdalena*," Pedro Fardino, captain of the Portuguese flag, and papers, was captured on the 11th of November, 1839, off Cape Palmas, by Her Majesty's schooner "*Viper*," Lieutenant Godolphin James Burslem, commanding; and as the witnesses, on the arrival of the schooner at Sierra Leone, unreservedly admitted, not only that the real owner of the vessel was the well-known Fernando Abarzuza, of Havana, but that she was thoroughly equipped for the slave traffic, and was, indeed, then on her way to the Gallinas, to take on board a cargo of slaves, which was there awaiting her arrival, the court decreed her confiscation on the 3rd of December, 1839.

No. 38.—The schooner "*Lavandeira*," Miguel Oliver, captain of the Portuguese flag, and papers, was captured on the 27th of November, 1839, off the Gallinas, by Her Majesty's brigantine "*Lynx*," Lieutenant Broadhead, commanding, and was condemned at this place on the 10th of the following month; the witnesses having avowed without hesitation (what, indeed, could have been proved without their assistance), that the owners of the schooner were Pedro Martinez and Co., of Havana, and the vessel was in all respects prepared and fitted for the Slave Trade.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 65.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, June 22, 1840.*

*(Received September 17.)*

MY LORD,

ON the 3rd April last Her Majesty's brigantine "*Lynx*," Lieutenant Broadhead, Commander, detained the schooner "*Octavia*," bearing the colours of the United States, whilst at anchor off Popoe, on the ground of her being Spanish property, and being equipped for the Slave Trade.

The detained vessel arrived in this port on the 4th ultimo, and on the 11th her prosecution commenced in the British and Spanish Mixed Court.

A Spanish national character having been proved to belong to this vessel, and no proper explanation of her illegal equipment having been tendered, the condemnation of the "*Octavia*" was in consequence decreed on the 5th instant.

Our report of this case we have now the honour to transmit to your Lordship.

Three days since Nathaniel Hoyt, the master of this vessel, presented himself at our office, having come up to the colony in a merchant vessel from the leeward coast, and requested to be allowed to take copies of the evidence in this case, which we at once granted him permission to do. Mr. Hoyt was very anxious, when making this request, to impress us with the idea that he was prevented from joining his schooner after she had been seized, and which was the only reason of his absence at her trial. It is, however, in evidence in the case, that the usual signal was made for his embarkation at the time of capture by the mate of the "*Octavia*." Since then he stated he had used every exertion to reach the colony, and it is but justice to add that he came hither by the first conveyance from that part of the coast.

Mr. Hoyt was most earnest in assuring us that he never had any connexion whatever with the Slave Trade; and that had he been here at the trial of his vessel he should have been able to have proved to the Court that she was a lawfully employed American.

We do not, however, believe that Mr. Hoyt, had he been with his vessel, could have produced sufficiently good evidence to have established the lawful character of the schooner's voyage.

This person has just been identified by the master of one of the colonial trading craft as having been in command of an American vessel which, not very long since, changed her flag in the Rio Pongas, and carried off a cargo of slaves, he, it is said, going in her, but in what capacity we could not ascertain.

The "*Octavia*" is mentioned in the Havana list of April of last year, as having left that port, it was suspected, to engage in the Slave Trade.

We have, &c.

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

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

---

Enclosure in No. 65.

*Report of the Case of the Schooner "Octavia," Nathaniel Hoyt, Master.*

Sierra Leone, June 22, 1840.

THE "*Octavia*" was a vessel found by one of Her Majesty's cruisers, sailing under the flag and pass of the United States, but detained by her on the ground that the "*Octavia*" was *bonâ fide* entitled to a Spanish national character, and being unlawfully equipped was liable to condemnation.

The papers in support of the American character borne by this vessel consisted only of—

A Register, and  
A Muster-roll.

The former of these documents bore date at New Orleans on the 19th of January, 1839, and described James Bryden Behn, of that city, to be the owner of the vessel, which was of the burthen of 97 tons; and that Nathaniel Hoyt superseded the original master at Havana, on the 23rd of November, 1839.

The Muster-roll described the schooner as navigated by four natives of the United States, and five others, consisting of an Italian, a Dane, a Frenchman, and two Portuguese, all of whom, except the Portuguese, are, however, declared to be citizens of the States, "as far as the master could ascertain that fact." This document was authenticated by Mr. N. P. Trist, the United States' consul.

There were four other papers found when the vessel was seized, which, however, proved wholly unimportant to the case.

In the evening of the 4th of May ultimo, the "*Octavia*" anchored in this port, and on the following morning was duly reported by the Marshal to the Mixed Commissions.

Proceedings were not instituted against this vessel until the 11th ultimo, when the schooner's papers were lodged in Court, with the captor's declarations; the usual monition was issued, and the witnesses in preparatory, the mate and cook of the detained vessel, were ordered for examination.

In the prize-officer's affidavit authenticating the papers of the schooner, and describing the circumstances of the seizure, he mentions the mate of the schooner having, after seizure, made a signal to Captain Hoyt to come off, which he neglected attending to, and he was in consequence left behind at Popoe.

The first declaration made by Lieutenant Henry Broadhead, commanding Her Majesty's brigantine "*Lynx*," stated that on the 3rd of April, 1840, being in 6° 15' north latitude, and 1° 35' east longitude, he detained the schooner "*Octavia*," sailing under American colours, commanded by Nathaniel Hoyt, and bound from Havana to Popoe. That the schooner had a crew of seven men, had had two passengers, one of whom is named Don Felice; and that she was illegally equipped in respect to her water-casks and cabouse; and he accordingly sent her for adjudication to Sierra Leone.

A supplementary declaration from Lieutenant Broadhead made, we believe, on the same day, set forth, that he was aware of the responsibility that attached to seizing vessels under the colours of the United States without just grounds, and he was in consequence induced to give at length the various reasons which he had for believing that the "*Octavia*" was Spanish property.

The substance of these explanations from the seizer was as follows:—The vessel had, in her former voyage, sailed from Havana to this coast, and returned to that port; and the present voyage was of a similar description. The cargo of this and of the former voyage belonged to Spaniards, and these two have been her only voyages since she was built. The schooner had laid three weeks at Popoe after landing her cargo, and had made no preparation for her return. That the "*My Boy*" seized by him in December, 1839, was nominally owned by the same Mr. Behn, as appears in the passport of this vessel. That he has boarded on the coast a vessel consigned to the said Don Felice, which was fully equipped for the Slave Trade; and generally he had had such satisfactory reports from other vessels upon the coast respecting the character of the "*Octavia*," that he had come 150 miles to seize her, being convinced of her Spanish nationality, and of her being concerned in the Slave Trade. Lieutenant Broadhead, in support of some of his assertions, subjoined to his second declaration the voluntary statements made before himself of four of the seamen of the "*Octavia*;" which, although we could not receive them as evidence in the case, served the purpose of directing inquiries in the proper channel.

It was to be regretted that the seizer did not send up one or two of the men whom he had so examined, as they appeared to be more readily disposed to give evidence than the two witnesses selected.

On the 12th ultimo the mate of the schooner, Edward S. Wood, was examined by the Registrar on the standing interrogatories, to which he gave the following replies:—"The name of the master is Nathaniel Hoyt, whom he has known for five years. He (the master) was born at Portsmouth, New Hampshire, United States of America, and generally lives at New Orleans. He does not know who appointed the master to the command, nor from whom he received possession, which he did at Havana during the month of November last. First saw the vessel at that place on the 4th of December. He was present at the capture, which took place on suspicion of the vessel being engaged in the Slave Trade. She sailed under American colours, and there were no others on board. There were six officers and mariners, exclusive of the master; four of them Americans, one a Dutchman, and one a Frenchman; but all hired and shipped as *Americans* at Havana, in December last. With the exception of the master, who owned a quantity of rum and dry goods in the cargo, none of the officers or mariners had any interest in the vessel or her lading. There were two passengers, Don Felice and Don Sam-

payo, Portuguese, as witness believes, and merchants, taken on board at Havana when the vessel sailed from thence, the first destined for Popoe, and the second to Princes' Island, witness does not know on what business. Don Felice owned the whole of the cargo which did not belong to the master; but neither had any property in, or authority over the vessel. The voyage began at Havana, and was to end in some port of the United States. Havana was the last clearing port. The vessel touched on the coast at Commendah Fort, near Cape Coast; at Appam, or near it; and in the neighbourhood of Cape St. Paul; at each of which places the passengers landed and took on shore goods, and at the last of which they remained, and rejoined the vessel at Popoe, where she finally arrived, discharged the greater part of her cargo, and was captured. He has heard the master say the vessel belonged to a Mr. Behn, in New Orleans. Has no other reason for supposing that person to be the owner. Does not know of what country he (Behn) is by birth, nor where he generally resides. He knows nothing of the bill of sale, price, or transfer of the vessel. He does not know who were the laders and consignees of the cargo, unless they were Felice and Sampayo, who were the owners of it, as he has already stated, with the exception of that portion of it which belonged to the master. A large part of it was sent on board with a receipt for witness to sign, acknowledging its having been received, from a person named Reira. He knows nothing of the lading of the last voyage. The present cargo consisted of rum, dry goods, iron bars, cigars, muskets, and gunpowder; with several boxes and barrels, of which the contents were unknown to witness. Does not know if the passport and other papers are true or false; whether any of the papers were destroyed, concealed, or made away with; if there are papers relating to the vessel or cargo in any other country; if there was a charter-party, or if the vessel or goods were insured. With respect to her employment in trade, the vessel was under the management of the master. No slave has been put or received on board for the purpose of the traffic in slaves during the present voyage."

In the course of the mate's examination he swore that one of the prize-crew had, three days previously, attempted to bribe him to swear that the "*Octavia*" was Spanish property; and that after much abuse from the man, he was subsequently lashed to one of the ring-bolts of the vessel by order of a prize-officer, who had been summoned from a neighbouring vessel. As this charge was shortly afterwards most completely refuted by an affidavit of the officer and two of the prize-crew, we may as well here dispose of the matter by stating, that the three deponents (one was the person who had confined the mate) distinctly denied any attempt to influence the mate in respect to the evidence he should give. That on the evening of the day mentioned the mate of the detained schooner was much intoxicated, was flourishing a cutlass over the heads of those on board, and threatened to shoot the prize-officer, and then run off with the schooner. After this display of violence the mate was tied down to prevent his injuring those on board; a proceeding which appeared to be absolutely necessary, from all we could learn.

In respect to the equipment of the schooner, the mate swore that there are leaguers and casks on board capable of receiving from 1600 to 1700 gallons of water. They contained six puncheons at the time of capture, and were, as well as three or four mess-kits, intended for the use of the crew. There were not any large copper or iron boilers on board. There was part of a barrel of flour, part of a bag of Indian corn, and three or four bags of beans on board for the use of the crew, and for the fowls.

The evidence of John Boardman, the cook of the schooner, confirmed that of the mate in many respects. The cook, however, swore that Don Felice, the passenger, was supercargo of the vessel; and contradicted the mate in respect to the master being owner of any part of the cargo. That the voyage began and was to have ended at Havana, and not in the United States, as the mate had stated; and that he had heard it currently reported at Havana, that Peter Behn, of New Orleans, was the owner of the vessel.

In respect to the schooner's equipment, the cook gave a more brief and less satisfactory account than the mate.

Publication of the evidence in preparatory passed on the 12th ultimo.

Special interrogatories were then framed by the captor's proctor, and put to the witnesses on the 14th ultimo, which did not elicit anything satisfactory from the mate, who pleaded ignorance of the matters inquired of.

From the cook, however, the following evidence was obtained in reply to the like questions as had been put to the mate:—"The vessel returned to Havana from her last voyage to the Coast. The crew of the schooner, when she then returned to Havana, received their wages at that place." And on the 27th ultimo, at a further examination, the cook added, "He saw the schooner on her return to Havana from her last voyage; was present when the crew on that voyage were paid, which they were by the master, who was at that time in command of the vessel, in the house of Paddy Warren, who keeps a boarding-house there for seamen. He expected to receive, as cook of the schooner, 30 dollars a month, which is certainly not too much for a cook employed on board a vessel engaged in lawful trade, and more especially in a vessel going to the coast of Africa; was offered 75 dollars to go a voyage in a regular Guineaman" (slaver).

On the same occasion the mate was examined, and deposed that his wages were to have been "40 dollars a month; and he had also a verbal promise from the master that he should have such of the barrels (water-casks) on board, after they were emptied, as he could save, and as should not be required for tubs or firewood."

This closed the examinations taken in the case, and publication thereof was given.

In the course of the proceedings a commission of survey had been asked for and granted, the sworn report under which was dated on the 19th ultimo, and proved that in the hold the divisions or bulk-heads were such as are common in merchant vessels, but that on the deck there were two moveable sleeping-berths, such as are usual in slave-vessels; that the casks on board were capable of holding 1500 gallons of water, a quantity much more than was requisite for the crew of the schooner; and that the cabouse was fitted to receive slave-boilers at pleasure.

To support the case of the captors, the ship's paper No. 23 S., in the case of the "*Jack Wilding*," condemned in the British and Spanish Mixed Court on the 8th July, 1839, was invoked; the translation of which runs thus:—

CLASS A.

" To Don José Moro, or in his absence to Don Tomas Sastor, at the Port of Occo.

" OUR DEAR SIR,

" Havana, March 24, 1839.

" ON the 16th of this month we received a letter from Sierra Leone, dated the 16th of February, from the mate of the American schooner '*Hazard*,' acquainting us with the death of her captain on the same day that the vessel entered that port, and that she had been detained by a brigantine of war, but that he was not aware of the cause of such detention, or of being sent thither. Having been informed of all the occurrences, of which you must also be aware, and without knowing what will be the result of the '*Hazard's*' case, although we have reason to anticipate a favourable one, still, under all the circumstances of the business, we consider it necessary to apprise you that the American schooner '*Octavia*,' which sailed for Popoe some days since, and which has been freighted for the outward voyage only, can be engaged by you to bring whatever you may have to send in the event of an unfortunate result in the case of the '*Hazard*,' on account of her captain, as she (the '*Octavia*') is the private property of Don Pedro Manegat. In short, we do not doubt you will do everything in your power, &c. &c.

(Signed)

" JACINTO LLOBET.  
" PEDRO MANEGAT."

A further invocation of papers took place in the introduction of the case of the "*My Boy*" from the Vice-Admiralty Court of this colony, where she was condemned on the 6th of November, 1839.

The object of bringing forward the case of the "*My Boy*" was with the view of establishing Mr. Behn's connexion with the Slave Trade of Havana, and to support the charge of his being a person of bad faith and credit, and as lending his name to secure American papers for foreign vessels.

A brief outline of this case will best show how far the object in view was accomplished.

The "*My Boy*," ostensibly owned by Mr. Behn, obtained papers at New Orleans in June 1839, for a voyage "to Montevideo and a market," with a cargo on board shipped by Cronig and Co., of New Orleans, part of it on account of Salvador Feleu, of Havana, who received from Mr. Behn a full and complete power of attorney to dispose of the schooner "*My Boy*," to such persons, for such price, and on such terms and conditions as he, Feleu, might think advisable. Thus provided by Mr. Behn, Salvador Feleu embarked a Spanish merchant, named Antonio Igartubun, as a passenger for Montevideo, together with four Spanish sailors for the same place, and departed from New Orleans with that ostensible destination. The course of the "*My Boy*" on leaving the Mississippi was, however, direct for Whydah, for which place she was of course fitted out, and where the outward cargo was at once landed on her arrival. Whilst awaiting the return cargo for Cuba, and being fully equipped for the Slave Trade, she rendered herself liable to seizure by coming into British waters, and was subsequently condemned here as before mentioned.

The monition issued in this case on the 11th, was returned into Court, duly certified, on the 18th ultimo; and the petition for a day of trial, presented on the 3rd instant, was backed for the 5th, when the Court assembled for the adjudication of this vessel.

In giving judgment in this case, the Court remarked that the American character of the "*Octavia*" was only supported by the New Orleans register and Havana muster-roll of the vessel; the witnesses knowing nothing of the alleged American owner, except from third parties, who might have been either ignorant of what they spoke about, or unwilling to give correct information. Hoyt, the master, was the only person known at Havana in connexion with the vessel and cargo, in the voyage in which she had been detained. When leaving that port, however, there was embarked a Spanish supercargo, showing that the master was the mere agent of some party at Havana.

The evidence which was before the court in respect to the course of trade of this vessel whilst carrying the flag of the United States, showed that she had been regularly employed for two voyages between Havana and the coast of Africa; whilst the paper which had been invoked from the case of the "*Jaek Wilding*," established the ownership of the schooner in Pedro Manegat, a well-known Spanish resident of Havana connected with the Slave Trade. The character of Mr. Behn, the ostensible owner of the "*Octavia*," was proved by his connexion with the case of the "*My Boy*" to be more than questionable, and in the opinion of the court justified the conclusion that in this instance, as well as in that of the "*My Boy*," he had lent his name to secure the flag and pass of the United States to cover a Spanish slave-trading adventure. The neglect of the master, Hoyt, to join his vessel when she had been seized, after a signal had been made to him for this purpose by his mate, the court viewed as an unfavourable feature in the case—it was, in point of fact, virtually abandoning his vessel, a course which he would hardly have adopted had his case been worthy of defence. The rate of wages at which it appeared the crew of this vessel had been employed, the court considered was in itself a strong proof of the intention to engage this vessel in the Slave Trade, whilst her equipment removed the possibility of doubt on this point.

Under all the circumstances the court had no hesitation in declaring that the "*Octavia*" must be considered as having a *bonâ fide* Spanish national character, and as no sufficient excuse had been tendered for her being unlawfully equipped, her condemnation was accordingly decreed on the 5th instant.

(Signed)

WALTER W. LEWIS.  
R. DOHERTY.

No. 66.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, October 31, 1839.*

*(Received September 18, 1840.)*

MY LORD,

WE have the honour to transmit to your Lordship enclosed a Report of the case of the brig "*Scorpião*," Angelo Elorriaga, Master, which was captured on the 26th of November, 1838, off the south coast of Cuba, with 212 slaves on

board, by Her Majesty's sloop "Wanderer," Thomas Bushby, Esq., Commander.

Although the "*Scorpião*" was detained 11 months ago, it was not until a few days since that Lieutenant Lawless, of the "Wanderer," to whom the prosecution of the case had been intrusted, arrived at Sierra Leone with the ship's papers, and *one* witness from the detained vessel; the master, who was the second witness, having absconded in the West Indies.

The "*Scorpião*" was carried by her captor, in the first instance, to Nassau, in New Providence, where the slaves, 190 in number, were landed and placed in charge of the collector of customs at that place, 22 of the slaves having died in the interval between the 26th of November and the 7th of December, 1838.

The detained vessel then proceeded to Jamaica, and a Board of Survey having reported her to be in an unfit state to attempt the voyage to Sierra Leone, she was left at anchor in Port Royal Harbour, in the charge and custody of Messrs. De Pass and Mitchell of that place.

On the 23rd instant a sentence of condemnation was passed upon the prize in the British and Spanish Mixed Court of Justice at this place, and the survivors of the 190 slaves landed at Nassau were at the same time decreed to be emancipated.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

---

Enclosure in No. 66.

*Report of the case of the brig "Scorpião," Angelo Elorriaga, Captain, of the Portuguese flag.*

*Sierra Leone, October 31, 1839.*

This vessel was furnished with the following papers:—

No. 1. A PORTUGUESE passport, granted at the Cape de Verde Islands, by Governor-General Marinho, to the brigantine "*Scorpião*," owned by Francisco Cardozo de Mello, and commanded by João Carlos, dated at Villa da Praia, St. Jago, on the 25th of October, 1836, and authorising a voyage from the Island of St. Jago to Cadiz, to return to the said island.

The only endorsement on this passport was made at Cadiz, under date the 23rd of June, 1837, by the Portuguese Consul-General, Manoel de Souza Machado, whose false certificates we have so frequently had occasion to notice. Whether this endorsement was antedated or postdated, to suit the purposes of Spanish slave-dealers, we do not know, but as usual it was made with the object of covering a palpable fraud. The passport had been issued at Villa da Praia to a small brigantine of 87 tons, whose length, breadth, depth of hold, and tonnage, are described at the foot of the passport. It was however found necessary to employ the passport in concealing the Spanish character of a large brig of nearly 300 tons. Accordingly, the figures 87 are in a very bungling manner altered into 270, and the words describing the depth of hold are likewise altered. Consul-General Machado then added his declaration that the brigantine described in the passport had changed her rig, and become a brig, and that she had cleared out from Cadiz, not to return to the Cape Verd Islands, as required by her sailing license, but to perform a voyage to Goa and other Portuguese ports in Asia, under the command of Angelo Elorriaga, the present master, aged 32 years, a bachelor, and a native of Oporto.

No. 2. The muster-roll, taken out at Villa da Praia, in October 1826, when the passport was then obtained, was still put forward as the correct list of the crew found on board the "*Scorpião*" when she was detained more than two years afterwards; and to this muster-roll, containing 35 names, Mr. Consul-General Machado affixed his seal and signature at Cadiz on the 23rd of June, 1837, certifying that the crew, which was to navigate the "*Scorpião*" to Goa and other Asiatic ports was the same as that which brought the vessel from the Cape Verd Islands to Cadiz, with the exception of the original master, João Carlos, and two seamen, who were discharged at Cadiz. The falsehood of this certificate was proved by the only person belonging to the detained vessel who was examined, and who swore distinctly that the whole of the crew with which the "*Scorpião*" sailed from Cadiz were hired and shipped in that port, and not at the Cape Verd Islands.

No. 3 is a clean bill of health, dated at Cadiz on the 22nd of June, 1837, stating that the brig was bound to the East Indies with a cargo of provisions.

No. 4. No Custom-house clearance or manifest of the cargo shipped at Cadiz was found by the captor; and the only log-book discovered begins on the 21st of January, 1838, more than six months after the vessel left Cadiz. On that day the "*Scorpião*" is represented to have left the settlement of Mozambique, and to be steering down the Mozambique channel. She then doubled the Cape of Good Hope, and came to anchor at Ambris on the 3rd of March, 1838. From this time until she finally left the coast with a cargo of slaves, embarked on the river Camma on the 11th of October, she visited various slave ports in that neighbourhood, always keeping south of the line. The long detention of this vessel on the coast, and her subsequent capture on the coast of Cuba, with her slave cargo on board, must have caused a serious loss in some quarter.

On the 10th instant the case of the "*Scorpião*" was brought before the British and Portuguese Court of Mixed Commission by means of a petition from the captor's proctor, setting forth that the

said brig had been seized by Her Majesty's brig "Wanderer," Thomas Bushby, Esq., commander, and was carried to Nassau, in New Providence, where she was surveyed by competent persons, and declared to be unfit to proceed to Sierra Leone for adjudication, and praying that the captor's declaration might be received, that the prize-master's affidavit of seizure might be sworn to and filed, that the usual monition might issue, and that the petitioner might be allowed to adduce his evidence.

This petition was granted on the same day, and the ship's papers, properly authenticated, were lodged in the registry.

The Captor's Declaration is to the following effect:—"I, Thomas Bushby, Esq., commander of Her Majesty's sloop 'Wanderer,' hereby declare that, on this 26th of November, 1838, being in or about latitude 21° 07' north, longitude 81° 45' west, I detained the brig called the "*Scorpião*," sailing under Portuguese colours, commanded by Angelo Elorriaga, who declared her to be bound from Mozambique to the Island of Cuba, with a crew consisting of 29 men, master, supercarco, and 2 passengers, and having on board 212 slaves, said to have been taken on board at different parts of the Coast, and at different times, and are enumerated as follows:—

	Healthy.	Sickly.
Men . . . . .	78	5
Women . . . . .	15	1
Boys . . . . .	78	6
Girls . . . . .	24	5

"I do further declare that the said brig appeared to be not seaworthy."

A Supplementary Declaration was then made by Captain Bushby on the 7th of December, 1838, in the form prescribed in the Regulations, explaining the necessity which existed, owing to the unseaworthy condition of the prize, for disembarking the slaves at Nassau, New Providence.

With these Declarations were filed, a Report of the Survey which condemned the "*Scorpião*" as unseaworthy on the 8th of December, 1838, and a receipt from the collector of customs at Nassau of the same date for 190 Slaves landed on that island from the detained vessel; also a receipt from Messrs. De Pass and Mitchell of Port Royal, Jamaica, under date the 8th of April, 1839, stating that the detained vessel, which had been carried thither from Nassau, was at anchor in Port Royal Harbour, and was, with her stores, in their care and custody.

The surviving slaves and the vessel having thus been temporarily disposed of, to await the sentence of the Court at Sierra Leone, Mr. Michael Robert Lawless, the second lieutenant of the capturing ship, was dispatched with the papers and one witness to Sierra Leone, *via* England and the Cape of Good Hope; and it was not until the early part of the present month that he was enabled to prosecute the case.

In his affidavit of seizure, Lieutenant Lawless verified the facts stated in the declarations with respect to the detention of the vessel off the Cayo Grande on the south coast of Cuba, her unseaworthy condition, and the landing of the slaves at Nassau. He also authenticated the ship's papers, and accounted for the non-production of the master of the detained vessel as a witness, by stating "that the master and cook had been taken to Nassau in the '*Scorpião*,' in order to their being sent to Sierra Leone, and, whilst at Nassau, the master absconded from the said vessel."

Owing to this unfortunate circumstance, the only person who was forthcoming to be examined on the standing interrogatories on the 12th instant was Pedro Juan Plaço, the cook of the "*Scorpião*," who professed ignorance upon almost every material point.

This witness deposed "that the name of the master is Angel Xiaga, but witness does not know who appointed the master to the command of the detained vessel, of which he was made captain at Cadiz in July, 1837; that witness first saw the vessel there and then; that he was present at the capture, which took place because there were slaves on board; that the vessel sailed under Portuguese colours, and was navigated by a crew of whom one-half were Portuguese, and the other half Spaniards, all hired and shipped by the boatswain at Cadiz, in July, 1837; that witness was cook on board; that there were two Spanish passengers, seamen by profession, who were taken on board at Cabinda, and were proceeding to Havana in the vessel, in search of employment; that the voyage began at Cadiz to end at Havana or elsewhere on the coast of Cuba, as circumstances might determine; that the vessel sailed for the Cape of Good Hope, she then returned up the Coast, calling at several places, with the purpose, on the master's part, of prosecuting a lawful trade, but finding he was unable to do so, he took in a cargo of slaves somewhere near Cabinda, and sailed with them to Havana; that the capturing vessel was first seen off the Island of Pines at 5 o'clock in the evening of the 24th (25th) of November last, and capture took place at 5 o'clock the next morning; that he does not know who were the owners of the vessel, or the owners, laders, and consignees of the cargo; that bulk was broken on the coast of Cabinda, and nowhere else during the voyage."

On the 17th instant Lieutenant Lawless made an affidavit with respect to the deaths which had occurred amongst the "*Scorpião*'s" slaves, whilst in the charge of the captors, and it appeared that 19 men and boys and 3 girls had died between the 26th of November and the 7th of December, 1838, notwithstanding every care and attention from the prize officer and his crew.

Publication of the above evidence was decreed; and the monition which was published on the 11th instant having been returned duly certified on the 18th instant, the following day was fixed for the hearing of the case.

In accordance with the practice latterly observed, of receiving vessels sailing under the Portuguese flag, but really engaged in Spanish trade, only in the Spanish character which properly attaches to them, even though condemnation under their assumed and professed character would be equally certain, we decided that sentence should be passed upon the "*Scorpião*" in the British and Spanish, rather than in the British and Portuguese, Court of Mixed Commission. By following this course, whenever practicable, we insure the destruction, and final withdrawal from the Slave-trade, of vessels which otherwise might, within a very short period of their confiscation, be again employed in carrying on a contraband trade, for which their capabilities are known, and in which, owing to their peculiar fitting and equipment, they are ready immediately to engage.

Captured, as the "*Scorpião*" was, with a cargo of slaves on board, she would necessarily have been condemned, whether as a Portuguese or Spanish vessel; but for the reasons above stated, we preferred adjudicating her in her real Spanish character.

From the evidence on the file, meagre as it is, and from the very few and imperfect papers found by the captor, it is certain that the "*Scorpião's*" present voyage began at Cadiz, and had nearly terminated at a port in Cuba, when capture took place; that the captain of the vessel was appointed to the command at Cadiz, and that the crew were hired and shipped at the same place for a voyage to the coast of Africa and back to Havana. From the beginning to the end there is nothing to connect the vessel or the voyage with the Cape Verd Islands, or any other Portuguese port, or with the nominal owner, Francisco Cardozo de Mello—that man of straw, who is the ostensible proprietor of about one-fourth of the vessels engaged in Spanish Slave Trade, and who, if he really owned only one-fourth of those which are declared to belong to him, would be the largest ship-owner in the world. Again, the anxiety of Consul-General Machado to have it believed that the crew with which the "*Scorpião*" was navigated on her present voyage were shipped in a Portuguese port, although at the moment when he certified to the falsehood he knew that, from the captain downwards, they were all hired and embarked at Cadiz; and the anxiety of the master to represent to the captor that the slaves were embarked at the Portuguese settlement of Mozambique, when the log-book, as well as the cook of the detained vessel, declared that they were taken on board in one of the slave ports of the western coast—shew how conscious those practised schemers were of the necessity of giving by fraud and falsehood some degree of Portuguese colouring to a transaction so intrinsically Spanish.

It was impossible, from the absence of all witnesses and papers which might have thrown light on the matter, to point directly to the owner of the "*Scorpião*;" but her proved course of Spanish trade had brought her clearly within reach of the rule laid down in the case of the "*Sirise*," (Class A., 1838, 1839, further series, page 39); and a Spanish character having been thus, sufficiently for the purposes of the Court, impressed upon the detained vessel, the captor's proctor removed the case at once into the British and Spanish Mixed Court of Justice.

This was effected, as in former instances, by a petition, praying that the papers of the vessel might be withdrawn from the Portuguese, and lodged in the Spanish Court; that a monition might issue from the registry of the latter Court, returnable at a short date; and that the evidence previously filed in the case during her former prosecution, might be made use of under the new proceedings.

The monition, issued on the 21st instant, was certified on the 23rd instant to have been duly served; and on that day a sentence of condemnation was passed upon the brig "*Scorpião*." It was further decreed that it had been satisfactorily proved that 212 slaves were on board the "*Scorpião*" at the time of her capture; that 22 of the said slaves subsequently died whilst in the charge of the captors; and that the 190 slaves, landed at Nassau, in New Providence, or the survivors of that number at the present time, be emancipated from Slavery.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 67.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, October 31, 1839.*

(Received September 18, 1840.)

MY LORD,

WE have the honour to enclose our Report of the case of the brigantine "*Liberal*," François Baraillier, alias Francisco dos Santos, master, captured off Punta de Leña, in the River Congo, on the 7th ultimo, by Her Majesty's brigantine "*Bonetta*," Lieutenant John Luke Richard Stoll commanding, and condemned on the 26th instant, in the British and Spanish Mixed Court of Justice, as a Spanish vessel illegally equipped for the Slave Trade.

Although sailing under the Portuguese flag and with Portuguese papers, the "*Liberal*" was clearly proved to belong to Monsieur Forçade, a French merchant of Havana, whose extensive engagement in the Slave Trade has been frequently mentioned both by the Havana Commissioners and ourselves. A Spanish character was thus impressed upon the detained vessel by the residence of the owner, and rendered her liable to adjudication in the Spanish Court.

We have, &c.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

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

&c. &c. &c.

Enclosure in No. 67.

*Report of the Case of the brigantine "Liberal," François Baraillier, alias Francisco Dos Santos, Master.*

*Sierra Leone, October 31st, 1839.*

THE following Papers were found on board this vessel:—

No. 1. A Cape Verde passport, granted by Governor-General Marinho at Bona Vista, on the 28th of February, 1838, authorizing the Portuguese brigantine "*Liberal*," owned by Antonio Joaquim Carvalhat, and commanded by Aniceto Antonio dos Santos, to make a voyage to Bahia. The only



endorsement on this document was made by Mr. Pasquale Pluma, the Portuguese consul at Havana, on the 14th of May last; and it stated that the brigantine was then bound to St. Paul de Loando, under the command of a new captain named Francisco dos Santos.

No. 2 is the official Muster-roll, signed by Francisco dos Santos as master, and certified in Mr. Consul Pluma's office, on the 14th of May last. The crew consisted of 26 persons, including the master.

Nos. 3 to 5 are three Log-books of the present voyage, all in Spanish, and kept apparently by the three mates of the vessel. The "*Liberal*" left Havana on the 16th of May, and reached her destination at Punta da Leña on the 10th of the following month; at least the sea-log ceases from that date. Capture took place on the 7th ultimo.

Nos. 6 to 9. Besides the above papers several private letters, written in the French language, were discovered by the captors, and they throw considerable light upon the proceedings of the "*Liberal*," and of another vessel (the "*Josefina*") which was detained at the same time and place, and was presented to the British and Spanish Court on the same day.

## No. 6.

*Letter of Instructions from Monsieur Forçade, of Havana, to François Barraillier, the Captain of the "Liberal."*

MONSIEUR FRANÇOIS BARAILLIER, Havana,

Havana, May 15th, 1839.

THE brigantine "*Liberal*," the command of which I have intrusted to you, being bound to Punta Leña (river Congo, coast of Africa), you will, immediately on your arrival, present yourself to Dr. Maynier, my agent, and will follow his orders both with regard to the discharge of your outward, and the loading of your return cargo. In the absence of this gentleman, you will present yourself to Monsieur Gamboa, my second agent. If unfortunately you should find neither of these persons there, you will place yourself in their stead, and will proceed with the prudence and sagacity necessary in such a case to ship the return cargo of your vessel.

I shall not enter into details as to what concerns the place for landing your return cargo, because the practical knowledge which you possess of our neighbouring coasts may spare me the trouble of giving you directions. I will, however, forewarn you not to put into Porto Rico, Trinidad, or St. Jago de Cuba, unless you are pursued in chase, or are forced to make the port in consequence of damage to the vessel, or want of provisions, and which in such a case you will be obliged clearly to justify. You are forbidden to enter the said ports under pain of losing the commission agreed upon of 5 per cent. for your management of the expedition.

Even in the event of your being forced into one of the said ports by accident or violence, you must not there dispose of any part of the cargo, until you have given me advice thereof, and have received my orders through some person whom I shall send to represent my interest. My correspondents at the different points mentioned below are as follows:—

Bahia-honda . . . . .	Don Juan Buera.
Cabañas . . . . .	Don Luis Amiot.
Mariel . . . . .	Don Antonio Vila.
Vanes . . . . .	Don Fran <sup>co</sup> . Aguirre.
Camarioca, Caminar, and Matanzas .	Don Simon Ximeno.

As we have verbally agreed, I allow you 100 dollars pay per month, and 5 per cent. commission on the return cargo.

I request that you will verbally explain to the Doctor what is the drift of my plan, notwithstanding that I have spoken of it sufficiently in my letter to him. I recommend prudence and vigilance in the management of the vessel, particularly after you have taken on board the return cargo, and carefulness in the use of the provisions. What I particularly enjoin is vigilance and order in everything. Wishing you a happy voyage, &c. &c.

Your consignee (consignataire),

(Signed) FOR<sup>DE</sup>.

Enclosed in the above letter is an invoice in the Spanish language, dated at Havana, on the 15th of May, 1839, and signed "For<sup>de</sup>." It is headed thus:—"Invoice of goods shipped on board the Portuguese brigantine '*Liberal*,' Captain Francisco dos Santos, bound to St. Paul de Loando," and amounting to 31,408 dollars, without charges. The name Francisco dos Santos was merely the alias under which Monsieur François Barraillier represented a Portuguese captain of the flag.

## No. 7.

*Letter from the same to Monsieur Allende at the River Congo.*

(Duplicate.)

Havana, May 1, 1839.

I AVAIL myself of the departure of the schooner "*Josefina*," one of my vessels, to address a few lines to you, although I am uncertain if my letter will meet you in that quarter. The object of this letter is to recommend to you the Captain Soulé, who has taken the command of my said schooner, as I mentioned in a letter of the 12th ultimo, which I now confirm.

That captain, the son of one of my intimate friends, is well acquainted with the coast of Africa, but he knows nothing of your river, on which account I shall be much obliged to you if you will give him all the information which he may ask from you, and what you judge he requires for my advantage; in one word, that you will communicate to him, if you please, the local knowledge which you owe to your practice and experience.

Hasten your return as much as you can. I am very anxious to learn that you are on your way to visit us at this place.

Your consignee (consignataire).

(No signature.)

May 15.

My brigantine, "*Liberal*," is fully laden, and will sail to-morrow morning, and I cannot let slip this direct opportunity of writing to you, although I have little to say, and it is very probable these lines will not meet you. At all hazards, however, I write.

If you are yet in that quarter when my said brigantine arrives, I entreat you to make all haste, so that she may not remain any long time. I need not repeat my requests that you will take care of my interests. Be active and prudent; this is what I require from you, whatever circumstances may present themselves.

Your family is in the same state, and every one at your house is well.

Your consignee. (No signature.)

Although unsigned, these and the following letters are in the peculiar and well-known handwriting of Monsieur Forçade of Havana; and we might confidently have named him as the writer, even if the contents of his letter No. 6, which is signed, had not furnished conclusive evidence on the point.

No. 8.

*Letter from the same to Monsieur Jauffret, at the River Congo.*

(Duplicate.)

Havana, May 1, 1839.

(THIS letter is word for word the same as the one addressed under the same date to Monsieur Allende, No. 7, and introduces Captain Soulé, of the schooner "*Josefina*." But, as in the former letter, a postscript is added a fortnight later, in the following terms:—)

Sir,

May 15.

My brigantine "*Liberal*," Captain Barraillier, is fully loaded, and will sail to-morrow morning. It is possible that you may still be there, when the brigantine makes her appearance in your neighbourhood; I therefore write to you to show you that I am alive, and I determine to do this whether my letter meets you or not.

I have very little to tell you; and I can only repeat, what you know as well as myself, that it is necessary for you to employ all your activity, that you may be enabled to return here with a complete cargo; that you ought to be prudent and full of circumspection, if any danger should present itself through our enemies the English, &c. These are matters that you understand, like myself, very well.

I have closed my mercantile connection with Don Francisco Serrano; the pending speculation which you are now managing is the only one in which he has any interest; and I have to request that you will bring with you, on your return, all the papers and accounts which will enable me to settle with him, without being exposed to the least difficulty on his part.

(No signature.)

No. 9.

*Letter from Monsieur J. Jauffret (to whom No. 8 was addressed by Monsieur Forçade) to Captain François Barraillier, at Punta de Leña.*

MY DEAR BARRAILLIER,

Cabinda, August 3, 1839.

I HEARD of your arrival for the purpose of conducting the business of the schooner "*Ligeira*," which you command; and you sufficiently know the friendship which I bear to you to be persuaded of the pleasure which the news gave me. If I feel any sorrow, it is because I have no time to embrace you before my departure for Havana, which will take place in two or three days.

I am delighted that you have not come consigned to Monsieur Maynier, because he is inclined to compromise all who are consigned to him. He has acted towards me in the most infamous and scandalous manner in all respects. The tears of apparent friendship which he sheds at will are only those of the crocodile. It would occupy too long to tell you what his bad faith has caused me to suffer. I only write a few lines to you on the subject, to warn you, in case you should have any business to transact with him. He is especially very vindictive, and will do everything that he can to ruin the interests of Don Sancho Serrano, whom he hates beyond expression.

You will hear of my capture, which is owing to Monsieur Maynier, who would not consent to my leaving Punta de Leña. I desire a better lot for you, and that you may avoid the misfortune which I have met with of losing my vessel. We were made prisoners, although we absolutely had nothing on board but water.

I remain, &amp;c.

(Signed) J. JAUFFRET.

The "*Liberal's*" arrival at Sierra Leone was reported by the Marshal to the Courts on the 14th instant, and on the following day the case was brought before the British and Spanish Mixed Court of Justice, when the ship's papers, properly authenticated, were received, the captor's declaration of seizure was filed, a motion was issued citing all parties interested in the cause to give their attendance, and the witnesses in preparatory were summoned to be examined.

The captor's declaration is to the following effect:—"I, John Luke Richard Stoll, Lieutenant and Commander of Her Majesty's brigantine '*Bonetta*,' hereby declare that, on this 7th day of September, 1839, being off Wood Point, River Congo, I detained the Spanish brigantine named the '*Liberal*,' sailing under Portuguese colours, armed with one 9-pounder pivot-gun, said to be commanded by Francisco dos Santos, but whose real name is François Barraillier, a Frenchman, who declared her to be from Havana to St. Paul de Loando, with a crew consisting of 20 men and 5 boys, and being equipped for the Slave Trade, in contravention of the 10th Article of the Treaty with Spain, signed at Madrid on the 28th of June, 1835, having on board—

"1st, a much larger quantity of water in leaguers than is requisite for the consumption of her crew as a merchant-vessel;

"2nd, an *unusually* large hatchway;

"3rd, a woman's slave-room;

"4th, a larger quantity of rice than is necessary for her crew."

François Barraillier, or Francisco dos Santos, as he chose to call and sign himself, was examined on the 17th instant on the standing interrogatories, and deposed "that he was born at Lisbon, has lived six years at Havana, is a subject of Portugal, and has never been subject of any other state; that he was appointed to the command of the detained vessel by a Portuguese merchant of Havana, whose name he cannot recollect, in the month of May last; that the detained vessel is called the '*Liberal*,' she is of upwards of 100 tons burthen, and had a crew of 24 officers and mariners, exclusive of witness, part Spaniards and part Portuguese, all hired and shipped at Havana by witness in May last; that the voyage began and was to end at Havana, which was the last clearing port; that the Portuguese merchant at Havana, who gave him command and possession, and whose name witness cannot recollect, was the sole owner of the vessel; that the owner of the vessel was also sole owner and lader of the cargo; that there are leaguers and casks on board capable of receiving about 60 pipes of water, all filled at the time of capture with *fresh* water, which was to have been carried for sale to Angola, where there was a scarcity of water; that there were 20 bags of rice, 1 of flour, and 3 of beans, for the use of the crew."

Jozé Maria Pacot, the other witness examined, confirmed the master's testimony in all points respecting which he admitted that he possessed information.

The evidence in preparatory was published on the same day, and the monition issued on the 15th was returned into the Registry on the 22nd instant, with the Marshal's endorsement as to its due publication.

On the 26th instant a Court assembled for the adjudication of the case; and the documentary evidence, as well as the unreserved admissions of the witnesses, having proved the ownership of the vessel to reside with a merchant of Havana, and that 60 pipes were all filled with fresh water at the time of capture, a sentence of condemnation against the "*Liberal*" was pronounced, on the ground that she was illegally prepared for Slave Trade, and, as a Spanish vessel, had violated the 10th Article of the Spanish Treaty.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 68.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, November 15, 1839.*

(Received September 18, 1840.)

MY LORD,

WE have the honour to enclose to your Lordship our report of the case of the schooner "*Ligeira*," Domingos da Costa Lage, captain of Portuguese flag, which was captured on the 7th of September, off the entrance of the River Congo, by Her Majesty's brigantine "*Bonetta*," Lieutenant John Luke Richard Stoll commanding, and was condemned on the 30th ultimo in the British and Spanish Mixed Court of Justice, as a Spanish vessel engaged in and equipped for the prohibited traffic in slaves.

Had regard been had to the representations of the ship's papers, the "*Ligeira*" might have been prosecuted and condemned as a Brazilian vessel; her equipment for Slave Trade, and the avowed residence of her pretended owner at Bahia, having rendered her liable to confiscation under the 1st Article of the Brazilian Convention. The proof of Spanish ownership was, however, too clear to admit of doubt; and a sentence of condemnation in the Spanish Court has been followed by the total destruction of the condemned vessel, an advantage which would not have resulted, if she had been condemned in the British and Brazilian Court of Mixed Commission.

We have, &c.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

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

&c. &c. &c.

Enclosure in No. 68.

*Report of the case of the schooner "Ligeira," Domingos da Costa Lage, Captain of the Portuguese flag.*

*Sierra Leone, November 15, 1839.*

THE following papers were found on board the detained vessel:—

No. 1. A Portuguese passport extraordinary, issued by Joaquim César de Figanière E Morão, Consul-General of Portugal in the United States, and signed and sealed at Baltimore on the 5th of November, 1836. It authorises the schooner "*Ligeira*," commanded by Manoel Isidorio, and of the burthen of 136  $\frac{3}{4}$  American tons, to make a voyage from New York to Prince's Island and Bahia. The vessel is said to have been formerly the American schooner "*Sylph*," but to have become Portuguese by her transfer to João Ramos de Souza, a Portuguese subject, who had purchased her at New

York, as proved by the documents annexed. The passport was to remain valid for the single voyage mentioned therein.

The documents thus referred to by the Portuguese Consul-General consisted, first, of a bill of sale, by which Lambert Gittings, of Baltimore, in the State of Maryland, sole owner of the "*Sylph*," sold that schooner, for the sum of 2500 dollars, to João Ramos de Souza of Oporto. The copy of the American register of the "*Sylph*," which is embodied in the bill of sale, shows that the vessel was built during the year 1836, and received her register on the 11th of October of that year. Three days after the American register was taken out at Baltimore, namely, on the 14th of October, 1836, the "*Sylph*" was transferred to De Souza at New York; it is not, therefore, unreasonable to consider that the vessel was expressly built for the illicit foreign trade, into which she entered without even one day's delay.

Two certificates were attached to the bill of sale by the Portuguese Vice-Consul at New York, on the 14th and 15th of October, 1836; the first, to say that De Souza had sworn to his being a Portuguese subject, and the sole owner of the American schooner "*Sylph*," thenceforth to be called the Portuguese schooner "*Ligeira*;" and the second, to acknowledge the payment of the usual dues on the transfer of a foreign vessel to the flag of Portugal. The pretended purchaser of the "*Ligeira*," João Ramos de Souza, notwithstanding his oath, evidently only represented Havana or Bahia speculators, and he could hardly write or spell his own name. He is the same person who was lately before us as the captain of the flag, and nominal owner of the pretended Portuguese brig "*Intrepido*," reported in our Despatch, of the 26th of September last.

From New York the "*Ligeira*" would appear to have made a very rapid voyage to Prince's Island and Bahia, as an endorsement on the passport extraordinary, by Mr. Consul Feital, states that the passport, issued at Baltimore on the 5th of November, 1836, had been registered at the Portuguese Consulate at Bahia, on the 29th of the following month. But experience has taught us to put little confidence in certificates by Portuguese functionaries; and we suspect, from the short time which, according to this representation, was occupied by the voyage from New York to the coast of Africa, and thence to Brazil, that the registration of the passport at Bahia was antedated, in order to shelter the schooner from the consequences of the Portuguese law, which came into operation just 19 days subsequent to the date endorsed on the passport by Mr. Consul Feital.

On the 30th of May 1837, the "*Ligeira*" cleared out from Bahia for Prince's Island, under the command of the present captain of the flag, Domingos da Costa Lage, and from the coast made her return voyage to Havana, from which port she again cleared for Prince's on the 12th of November, 1837. All that is known respecting the further proceedings of the vessel between this date and the commencement of the present voyage in May last is, that she was at St. George d'Elmina on the 17th of March, 1838.

An endorsement by Mr. Pasquale Pluma, Consul of Portugal at Havana, made on the 23rd of May, 1839, states that on the present voyage the "*Ligeira*" was bound to Angola and Bahia.

No. 2 is the muster-roll of the crew, consisting of 19 persons. It is dated at Havana, is signed by the captain, and certified by Mr. Consul Pluma on the 23rd of May last, and declares the owner of the vessel to be still, according to the papers, "João Ramos de Souza, residente na cidade da Bahia do Todos os Santos."

This declaration, with respect to the residence of the alleged owner of the "*Ligeira*," would, if true, have impressed a Brazilian character upon the detained vessel, and rendered her liable to condemnation, under the received interpretation of the first article of the Brazilian Convention, if only an equipment for the Slave Trade could be proved against her. But whilst it was open to the captor to prosecute the "*Ligeira*" in the character which she had acquired by her own professions, it was sufficiently proved that her real owners were, at the period when the present voyage commenced, whatever may have previously been the case, neither Portuguese nor Brazilians, but Spaniards of Havana. The vessel was, therefore, more properly prosecuted in the Spanish court, although her condemnation in the Brazilian court would have been equally certain.

No. 3. The Custom-house clearance from Havana, which mentions St. Paul de Loanda as the destination of the "*Ligeira*," is dated on the 24th of May.

Nos. 4 and 5 are two Spanish log-books of the present voyage, both commencing on the 27th of May, when the vessel left Havana; one kept up to the 7th of August, and the other to the 4th of September, three days previous to capture.

No. 6. Don Francisco Vila, a Spaniard, who accompanied the "*Ligeira*" from Havana in the character of a passenger, but who was found still on board the vessel when she was captured, lying at anchor at the mouth of the River Congo, was discovered to be the real captain, as well as part owner of the schooner. A letter, dated at Barcelona, in October 1838, and transmitted by the post to Vila, at Havana, styles him on the direction "captain of the schooner '*Ligeira*.'"

Nos. 7, 8, 9, in like manner, three receipts for money, paid by Vila at Havana, on the 23rd of February, 1839, to carpenters and others employed in repairing his vessel, describe him as "captain of the Portuguese schooner '*Ligeira*.'"

No. 10. An account-book kept by Vila himself was also discovered, in which the sums paid by him at different times to the several officers and seamen of the "*Ligeira*" are entered; and the first page of the book opens in the following words:—"Account of the purchase of the Portuguese schooner '*Ligeira*,' bought by Francisco Vila, viz. :—

"Am<sup>t</sup> p<sup>d</sup> for the same . . . . . 4,218 dollars.  
"Rec<sup>d</sup> from S<sup>o</sup> D<sup>o</sup> Franciso Colomé, in hard cash . . . . . 3,718 ,,

From this statement it appears that Vila was interested in the schooner to the extent of 500 dollars, the remaining share being held by Don Francisco Colomé.

The "*Ligeira*" arrived at Sierra Leone on the 14th ultimo, and was brought before the British and Spanish Mixed Court of Justice on the following day, when, the usual petition having been presented, the captor's declaration was received; the ship's papers, authenticated by affidavit, were lodged in the registry; a monition was delivered to the Marshal for publication, and the witnesses in preparatory were summoned.

The declaration is to the following effect:—"I, John Luke Richard Stoll, Lieutenant and Commander of Her Britannic Majesty's brigantine '*Bonetta*,' hereby declare that, on this 7th day of September, 1839, being at anchor off Wood Point, River Congo, I detained the Spanish schooner '*Ligeira*,'

CLASS A.

sailing under Portuguese colours, armed with two guns, said to be commanded by Domingos da Costa Lage, who declared that he is captain of the Portuguese flag, but in reality commanded by Francisco Vila, who is also part owner and supercargo, and who declared her to be bound from Havana to St. Paul de Loando, with a crew consisting of 18 men and boys, a supercargo, and two passengers, being equipped for the Slave Trade, and having on board, contrary to the Tenth Article of the Treaty with Spain, signed at Madrid on the 28th of June, 1835,—

“ 1st. More hatchways than are usual in merchant-vessels.

“ 2nd. An extraordinary number of leaguers and water-casks more than are requisite for the use of the crew.

“ 3rd. Having had more than one boiler of a larger size than ordinary; several of the officers and men of the ‘Bonetta’ having seen one taken out and landed from her, a few minutes previous to detention.”

The captain of the flag, Domingos da Costa Lage, was examined on the standing interrogatories on the 16th ultimo, and deposed, “ that he was born at Oporto; has lived during the last ten years at Bahia; is a subject of Portugal, and has never been subject of any other state; that he was appointed to the command of the detained vessel by Jozoino Baptista de Carvalho, a Brazilian, belonging to Bahia, but residing at Havana; that there were 20 officers and mariners on board the detained vessel, exclusive of witness, all of whom had been hired and shipped by himself at Havana in the month of May last; that there were three cabin passengers, named Francisco Vila, Pedro João, and Antonio Ortes, Spaniards, of the rank of captain and mate, and proceeding to Angola in the prosecution of their trade, witness does not know of what nature; that Francisco Vila acted as supercargo on board; that the vessel touched at the island of Brava, in the Cape Verd Islands, for water and fresh provisions, and thence proceeded to the town of Bomba, at the mouth of the River Congo, where part of the cargo had been discharged when the vessel was taken; that João Ramos de Souza, a Portuguese, whom witness has known as having resided and carried on business at Bahia since 1829, was the sole owner of the vessel; that Jozoino Baptista de Carvalho, the consignee at Havana, was the lader of the cargo shipped on the present voyage; that the vessel, with respect to her employment in trade, was under the management of the supercargo, Vila; that the combings of the hatchways have been pierced to receive iron bars, but the holes are now plugged up; that there are leaguers, casks, and staves on board, capable of containing 60 or 70 pipes of water, and which were intended to receive palm-oil; that there were about 20 mess-tins on board for the use of the crew, and for filling the casks with palm-oil.”

João Alfonso, a seaman of the detained vessel, was also examined on the standing interrogatories; but his deposition is merely a repetition of that given by the master.

The above evidence was published on the 17th ultimo; and the monition which had been issued on the 15th was returned into Court on the 27th ultimo, with the marshal’s certificate of its having been duly served. The 30th ultimo was fixed for the adjudication of the case.

We have already stated in the early part of this Report, that the “*Ligeira*” might have been prosecuted either as a Brazilian or Spanish vessel. She is described in several of her papers as being owned by a merchant resident at Bahia; the captain of the flag has deposed to the same fact; and her first voyage, after receiving Portuguese papers in the United States, ended, as the present voyage was intended to end, at the same Brazilian port.

On the other hand, various papers discover that, if the “*Ligeira*” ever really belonged to Bahia, as thus represented, her Brazilian character was divested at some period prior to the present voyage, although it has been attempted carefully to conceal the Spanish ownership, which rested with Don Francisco Colomé and Don Francisco Vila, of Havana. The last-named part-owner accompanied the “*Ligeira*” on the present voyage, under the designation of a *passenger*, although it is acknowledged by the Portuguese captain of the flag that the said owner acted as supercargo on board, and directed all the mercantile proceedings of the vessel. From Letter No. 6, and from four other papers, Nos. 7 to 10, it has also been shown that Francisco Vila was the actual captain, as well as owner, of this really Spanish vessel; and as on these grounds the “*Ligeira*” had been prosecuted in the Spanish Court, we felt bound to receive her as a Spanish vessel. Illegal equipment, both with respect to water-casks and pierced hatchways, had been admitted by the parties accused; a sentence of condemnation was therefore pronounced against the “*Ligeira*” and her cargo, for a violation of the 10th Article of the Spanish Treaty.

Had the “*Ligeira*” been condemned in the British and Brazilian Court of Mixed Commission, she might, within a very short period, have been again employed in a trade for which she was so well qualified; whereas her condemnation as a Spanish vessel was immediately followed by her entire destruction.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

No. 69.

*Her Majesty’s Commissioners to Viscount Palmerston.*

*Sierra Leone, November 15, 1839.*

*(Received September 18, 1840.)*

MY LORD,

WE have the honour to transmit to your Lordship enclosed a Report of the case of a schooner “*Sete de Avril*,” Manoel Martinho, captain of the Portuguese flag, which vessel was lately before us as the American schooner “*Mary Cushing*,” reported in our Despatch, of the 30th of April, 1839.

The "*Sete de Avril*" was captured on the 27th of September, by Her Majesty's brig "*Waterwitch*," Lieutenant Henry James Matson commanding, for having on board a cargo of 424 slaves, who had been embarked at Lagos on the previous day; and she was condemned on the 2nd instant in the British and Spanish Mixed Court of Justice, when the survivors of the slaves, 415 in number, were emancipated.

The detained vessel continued under the protection of her American papers until the very hour that her slaves were embarked; her American captain was still on board when she was captured full of slaves; and the Spanish supercargo of the "*Mary Cushing*" was still the admitted supercargo of the same vessel under her new name.

The owners of the vessel and slaves being avowedly Spanish merchants, resident at Havana, the condemnation of the detained property was pronounced in the British and Spanish Mixed Court.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

&c.

&c.

&c.

Enclosure in No. 69.

*Report of the Case of the Schooner "Sete de Avril," Manoel Martinho, Captain of the Portuguese Flag.*

*Sierra Leone, November 15, 1839.*

THE only papers found on board this vessel were a Portuguese passport and muster-roll. The former was granted at Prince's Island, on the 2nd of October, 1838, and describes the "*Sete de Avril*" to be a Portuguese schooner, owned by Jezuiño Baptista da Carvalho, commanded by the present captain of the flag, and bound to the Costa da Mina and the Cape Verd Islands.

The muster-roll, taken out on the previous day, gives the names of 18 persons composing the crew.

The alleged owner of the "*Sete de Avril*" has been several times mentioned in our late Reports; he was the writer of Letter, No. 25, found on board the "*Intrepido*," (Brazil, of the 26th of September, 1839). He was also the consignee and ship's husband of the "*Ligeira*," reported under this date; and is described by the master of that vessel as "a Brazilian merchant belonging to Bahia, but residing at Havana."

The "*Sete de Avril*" is no other than the pretended American schooner "*Mary Cushing*," whose case was fully reported in our Despatch, marked "Separate," of the 30th of April, 1839; and the American captain of the flag, who at Sierra Leone and elsewhere supported the false pretensions of the vessel to an American character, was still on board the schooner when she was captured fully laden with slaves.

The marshal to the Court reported the arrival of the "*Sete de Avril*" at Sierra Leone on the 21st ultimo, with more than 400 slaves on board; and on the following day the case was presented for prosecution in the British and Portuguese Court of Mixed Commission, when the ship's papers were authenticated and filed, the declaration of seizure was received, the monition was issued, and the witnesses were directed to attend at the registry.

On the same morning the slaves, to the number of 417, were landed; the healthy being placed in the Liberated African yard, in Freetown; and those requiring constant medical attendance being sent to the Upper Hospital at Kissy, the Lower Hospital having been occupied by small-pox patients. The Surgeon's Report was on the whole favourable: only 7 had died on the passage, and only 37 of the remainder were suffering from dysentery and other complaints prevalent on board slave-ships.

The captor's declaration is to the following effect:—"I, Henry James Matson, Lieutenant and Commander of Her Majesty's brig '*Waterwitch*,' hereby declare, that on this 27th day of September, 1839, being in or about latitude 5° 55' north, longitude 30° 20' east, I detained the ship or vessel named the '*Sete de Avril*,' sailing under Portuguese colours, not armed, commanded by Manoel Martinho, who declared her to be bound from Lagos to Havana, with a crew consisting of 17 men and 13 passengers, and having on board 427 slaves, said to have been taken on board at Lagos on the 26th day of September, 1839, and are enumerated as follows:

	Healthy.	Sickly.
Men . . . . .	112	90
Women . . . . .	63	10
Boys . . . . .	96	35
Girls . . . . .	16	5

"I do further declare, that the said ship or vessel appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew on their destined voyage to Havana; but that the negroes were in a wretched state, owing to so many being crowded into so small a vessel (she was only 144 American tons).

"And I also further declare that I have boarded this vessel several times during the last two months (the last time on the 15th instant,) then sailing under American colours, and called the "*Mary Cushing*," and that B. Reynolds, an American citizen, who lately called himself master, but now calls himself a passenger on board the said vessel, has been removed to the '*Waterwitch*,' to be retained there until the pleasure of the Commander-in-chief is known."

Manoel Martinho, the captain of the Portuguese flag, deposed, in reply to the standing interrogatories, "that he was born at Lisbon, where he has since lived, is a subject of Portugal, and has never been subject of any other state; that he was appointed to the command of the detained vessel at Lagos, in the month of September, by Don Fernando Reyes, a Spanish subject living at Havana; that he first saw the vessel at Bahia, nine or ten months ago, she was built at Baltimore in the United States; that he was present at the capture, which took place because there were slaves on board; that the crew consisted of 16 officers and mariners exclusive of witness, part Spaniards and part Portuguese, some of whom were shipped at Bahia by a previous American master, and some by witness at Lagos; that there 13 passengers on board, one of whom, named Fernando Reyes, had been taken on board at Havana, and accompanied the vessel as supercargo, and the remaining 12 belonged to different slave-vessels which had been captured and condemned at Sierra Leone, and they were returning to Havana in search of employment; that Jezuino Baptista de Carvalho, a Brazilian born, residing at Havana with his wife and family, was the sole owner of the vessel; that the lader and consignee of the cargo was the supercargo, Fernando Reyes, on whose account and risk the slaves were to have been delivered at Havana."

Jozé Antonio Echevarria, mate of the detained vessel, deposed "that the vessel is called "*Sete de Avril*," but previous to the 26th of September last, and from the time of her building two years before, she had borne the name of "*Mary Cushing*," being then under the flag of the United States of America; that the present voyage began at Bahia, which was the last clearing port, and was to end at Havana; that the vessel touched, by order of the supercargo, Fernando Reyes, at Elmina, where two canoes were purchased, and thence went to Lagos for slaves; that Jezuino Carvalho, a native of Brazil, but living at Havana, is the owner of the vessel."

The prize-master's affidavit of the number of deaths which had occurred amongst the slaves on their passage to this port showed that only 7 slaves had died whilst the vessel was in the charge of the captors. This closed the evidence in preparatory, and publication thereof was decreed. The monition, which had been published on the 22nd, was returned into Court on the 29th; and the case would then have been disposed of by the Court, but the exclusively Spanish character of the adventure in which the "*Sete de Avril*" was engaged at the time of her capture determined the Commissioners to condemn the detained vessel in the Spanish, rather than in the Portuguese, Court.

It has already been shown that the "*Sete de Avril*" is the same vessel which, under the designation of the American schooner "*Mary Cushing*," was brought before the British and Spanish Court in April last; and from the documents to which we have obtained access on these two occasions, the following information has been obtained:—

Having left Havana at the latter end of May, 1838, under the flag and pass of the United States, the "*Mary Cushing*" came on the Coast of Africa; and about four months after her departure from Cuba she obtained at Prince's Island her present Portuguese papers, which allowed her to proceed to the Costa da Mina and the Cape Verde Islands. Fraud, however, marked every step of her progress; and a voyage to the Brazils was immediately afterwards made with a legitimate cargo of three casks of palm-oil! There can be no reasonable doubt that on that voyage a cargo of slaves was landed on the coast of Brazil, just as on the present voyage a cargo of slaves was being conveyed to Cuba; and had the "*Mary Cushing*" been boarded on the former voyage, as she was on the present one, by one of Her Majesty's cruisers, the Portuguese papers were at hand to save appearances, as well as to secure the personal safety of the American captain. But the object of that voyage having been accomplished when the slaves were safely landed, the port of Bahia was entered under the American flag; and the Portuguese papers and colours were laid by for another occasion.

The "*Mary Cushing*" then cleared out from Bahia for Lagos on the 26th of January, 1839; and from this time until the 26th of September, the schooner found complete protection under her American papers and flag; nor were the Portuguese papers, which had been obtained at Prince's Island immediately prior to her last voyage to Bahia, again brought into use until the *very hour* when a cargo of 427 slaves was embarked for a passage to Havana.

As to the identity of the vessel there can be no mistake; the name "*Mary Cushing*" was still painted on the stern of the so-called "*Sete de Avril*;" Benjamin Reynolds, the American captain of the "*Mary Cushing*," was found on board that vessel when, under another name, she was captured loaded with slaves; and "Don Fernando Reyes, of the city of Havana, and supercargo of the '*Mary Cushing*'" (as he was described in one of the papers of that vessel), continued to act as supercargo of the "*Sete de Avril*."

A Spanish nationality had been impressed upon the detained vessel, whether we refer to the papers under which she sailed or to the deposition of the witnesses. The sole owner of the vessel was declared to be Jezuino Batista de Carvalho, and the sole owner of the cargo, Fernando Reyes; both well-known and admitted residents of Havana. The case was accordingly removed into the Spanish Court, from which a monition, returnable in three days, was issued for publication; and the evidence taken in the British and Portuguese Court was permitted to be used in the new prosecution.

On the 2nd instant the Court met to dispose of the case; and the marshal's return of the slaves who were in his charge on that day having been received, a sentence of condemnation was pronounced against the "*Sete de Avril*;" and the emancipation of the survivors of her slaves, 415 in number, was decreed.

The prize-master had deposed that only 7 slaves died on the passage of the schooner to this port; only 2 died subsequently to her arrival; the number of slaves on board at the time of capture was therefore declared to be 424.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 70.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, November 15, 1839.*  
(Received September 18, 1840.)

MY LORD,

WE have the honour to enclose to your Lordship our Report of the case

of the Schooner "*Brilhante*," Victor da Silva, Captain of the Portuguese Flag, which was captured on the 16th ultimo off the Gallinas, and was condemned in the British and Spanish Mixed Court of Justice on the 7th instant, for a violation of the 10th article of the Spanish Treaty on the subject of the Slave Trade.

Although sailing under Portuguese colours, the "*Brilhante*" was proved to belong to Pedro Blanco, a Spanish merchant of Havana; and as at the time of capture her leaguers were all filled with fresh water, her slave-deck laid, her hatch-bars on deck, her slave-boiler fitted, and her mess-tins and provisions ready for use, no doubt could exist that she was illegally equipped, and prepared for the immediate reception of a cargo of slaves.

We have further the honour to enclose a translation of some of the letters, and copies of letters, found on board the condemned vessel.

We have, &c.

(Signed)

H. W. MACAULAY.

R. DOHERTY.

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

&c.

&c.

&c.

### First Enclosure in No. 70.

*Report of the case of the Schooner "Brilhante," Victor da Silva, Captain of the Portuguese Flag.*

*Sierra Leone, November 15, 1839.*

THE following ships' papers were found on board this vessel:—

No. 1. A Cape Verd's Passport, purporting to have been granted by Governor-General Marinho, at Villa da Praia, on the 7th of April, 1838, to the schooner "*Brilhante*," of 77 tons, owned and commanded by Francisco Garcia Machado, bound to the River Gallinas, and to return to Porto Praia. On the 24th of September, 1838, the passport was endorsed by Lieutenant Kellett, of Her Majesty's brig "*Brisk*," who boarded the "*Brilhante*" off Trade Town. The only other endorsement was made at Havana by Mr. Consul Pluma on the 22nd of July, 1839, when the "*Brilhante*" cleared out from that place for Porto Rico, under the present Master, and with a crew of 16 men and four passengers.

No. 2 is a muster-roll of the crew shipped at Havana on the 22nd of July, 1839, signed by the Portuguese Captain of the Flag, Victor da Silva, and giving the names of 16 men and 4 passengers. Francisco Gonzales Veiga, called the First Piloto, and Antonio Aragon, the Second Piloto, are both declared to be Portuguese subjects, though they are well known to be Spaniards; and the former of the two was the real Captain of the vessel. The muster-roll was authenticated by the seal and signature of Mr. Consul Pluma on the 22nd of July; and an endorsement upon it, made by the Captain of the Port at Porto Rico, on the 26th of August, 1839, states that two of the crew shipped at Havana had there left the vessel, and that six others had been shipped; thus the crew with which this schooner of 77 tons sailed for the coast amounted to 20 persons.

No. 3. Of the four passengers embarked at Havana, three left the "*Brilhante*" on her arrival at Porto Rico; the last, Domingo Peres Rolo, accompanied the vessel to this coast, and was on board the vessel at the time of her capture, on which occasion he produced a passport from the authorities of Porto Rico, dated on the 24th of August last, permitting a voyage to the Cape Verd Islands. He was, however, bound direct to the River Gallinas, where he has been for some years established as an extensive slave-dealer, and one of the correspondents of Blanco and Carvalho, of Havana. (Class A, further series, 1838-9, page 46.)

No. 4 is a formal agreement between "Don Francisco, Gonzalez Veiga, Captain of the Portuguese schooner "*Brilhante*," and the crew of the said schooner, bound to the Coast of Africa," signed by the parties concerned at Porto Rico on the 26th of August last. Veiga here appears in his proper character, although in the official muster-roll he figures as First Mate. But the monthly rates of pay opposite the respective names sufficiently show the real position of the "Captain of the Flag."

	Dollars.
Captain.—Victor da Silva . . . . .	65
First Mate.—Francisco G. Veiga . . . . .	100
Second Mate.—Antonio Aragon . . . . .	80
Boatswain.—Manoel Alvarez . . . . .	70

No. 5 is a clean bill of health, granted at Porto Rico on the 27th of August, 1839.

No. 6. The clearance from the Custom-house was obtained on the same day, and announced the shipment of 122 sacks of rice, containing 176 quintals, besides other slave provisions, water-casks, &c.

Nos. 7 and 8. A log-book, kept up from the time when the vessel left Havana until the day of her capture, which took place as she was entering the River Gallinas, together with a tracked Chart of the voyage, show that the schooner sailed from Havana on the 23rd of July, and from Porto Rico on the 28th of August, and steered a direct course for Gallinas, Cape Mount being sighted on the 16th ultimo (the day of capture), bearing S. E. distant 25 miles.

Besides the above papers, various letters addressed to F. G. Veiga, the real Captain of the "*Brilhante*," and a letter-book, containing copies of letters addressed by Captain Veiga to different slave-trading houses during the last and present year, were discovered by the captors; and translations of many of these papers accompany this Report.



The facts thus ascertained are as follows:—Veiga, the Spanish captain of the "*Brilhante*," formerly commanded the brig "*Emprendedor*," which, like several other vessels that have come before us, was owned jointly by Pedro Martinez of Cadiz, Pedro Martinez and Co. of Havana, and Blanco and Carvallo of the same place. In this brig Veiga sailed from Cadiz in February 1838, direct for the Gallinas, where he arrived in the following month, and was then despatched by Pedro Blanco, the principal partner of the house of Blanco and Carvallo, and an old established and well-known resident at the Gallinas, to purchase rice and other provisions along the coast.

Having returned to the Gallinas from this trip, Veiga there took on board 447 slaves on the 20th of May, 1838, consigned to the house of Fernandez Bastido and Co., at Trinidad de Cuba, where the vessel arrived after a short passage of 32 days. When he had landed the slaves, and finished his business at Trinidad de Cuba, Veiga returned in the "*Emprendedor*" to Cadiz.

From Cadiz the "*Emprendedor*" again sailed for Gallinas direct on the 25th of October of the same year, and on the 27th of the following month she embarked in that river a cargo of 465 slaves, but was captured the same night by Her Majesty's brigantine "*Buzzard*," Lieutenant Charles Fitzgerald, commanding, and was condemned at Sierra Leone on the 11th of the following month, as reported in our Despatch of the 15th of December, 1838.

From this time until the 15th of February, 1839, when Veiga left Sierra Leone for the Havana in a small schooner which he had purchased, called the "*Violante*," he kept up a constant correspondence with Pedro Blanco at the Gallinas, respecting the purchase of condemned slave-vessels at this place; and the advantage of the course latterly pursued by Her Majesty's Commissioners, of accepting all vessels, upon which a Spanish character can be affixed, only in that character which will lead to their total destruction after condemnation, even though their condemnation would be equally certain if they were prosecuted in their professed Portuguese character, is fully shown in these letters by the difficulties which this mode of proceeding is confessed to have thrown in the way of the slave traders on the coast.

Veiga arrived at Havana from Sierra Leone in March 1839, and Pedro Blanco arrived at the same place from the Gallinas a short time afterwards. The latter is not expected again to return to his former haunts, where his health has suffered severely.

After waiting some time at Havana, looking for employment, Veiga obtained the command of the schooner "*Brilhante*," owned by Messrs. Blanco and Carvallo, or by Pedro Blanco alone; but notwithstanding her Spanish ownership she sailed, like the "*Emprendedor*," under the Portuguese flag, and with Portuguese papers purporting to have been obtained from the Government of the Cape Verd Islands in April 1838. The "*Brilhante*" left Havana on the 23rd of July last for Porto Rico, where a full slaving equipment was put on board; the leaguers and casks were there filled with water; the slave-deck was laid, hatch-bars shipped, and a complete supply of rice and slave provisions stowed away; so that, when she was fallen in with outside the Gallinas on the 16th ultimo, her slaves might have been immediately embarked, and, as Captain Veiga remarked, "she would have been on her way back to Havana in less than two hours."

From letters Nos. 1 and 18 of the Translations may be seen the shamless manner in which old Portuguese passports and muster-rolls, which have belonged to captured, lost, or destroyed vessels, are made a regular article of sale in the Havana market; and the letter No. 3, from the notorious J. J. Claudio de Lima, of the Cape Verd Islands, and No. 12, from Pedro Blanco, expose the whole system of deception practised by the Spanish slave-vessels sailing under the Portuguese flag. Indeed, Pedro Blanco was unwilling that his vessels should even incur the expense, and go through the farce, of obtaining papers "from the lawful Government," but directed his unscrupulous agent at Villa da Praia to procure for his vessels the forged and fraudulent papers which are manufactured at that place, "so as to avoid the greater expense."

The "*Brilhante*" arrived at Sierra Leone on the 22nd ultimo, and on the following morning was brought before the British and Spanish Mixed Court of Justice, when the affidavit prepared to authenticate the ship's papers, and to verify the facts of seizure, was sworn to and filed; the captor's declaration was received; a monition against all parties interested in the prosecution was issued to the Marshal for publication; and the witnesses produced by the captor were ordered for examination.

The captor's declaration states as follows:—"I, Lieutenant Henry Worsley Hill, commanding Her Britannic Majesty's brig '*Saracen*,' hereby declare, that on this 16th day of October, 1839, being off the River Gallinas, I detained the schooner named the '*Brilhante*,' sailing under Portuguese colours, commanded by Victor da Silva, who declared her to be bound from Havana and Porto Rico to Gallinas and back to Havana, with a crew consisting of 19 men, one boy, and one passenger.

"I do further declare that the said vessel appeared to be seaworthy, and was supplied with water and provisions, her slave-deck laid, and every preparation made for shipping slaves.

"I do further declare that I detained this vessel, believing her to be Spanish property. The Portuguese captain (Victor da Silva) does not even know the owner's name, but says that he received charge of the vessel from Don Juan Ramon Cortina, a merchant resident at Havana, about three months ago. He, moreover, appears to be little conversant with the affairs of the vessel, and I have every reason to believe the responsible person and real captain to be Francisco G. Veiga; and I am borne out in this belief by the correspondence found in his possession, and also by the agreement made by him with the crew at Porto Rico, wherein he is styled 'master of the schooner.'

The captain of the Portuguese flag deposed "that he was born at Oporto, has lived six years at Havana, is a subject of Portugal, and has never been the subject of any other state; that he was appointed to the command of the detained vessel at Havana in July last by João Ramon Cortina, a Portuguese subject resident at Havana; that the '*Brilhante*' is of 66 tons burthen, and had a crew of 20 officers and mariners, exclusive of witness, eight of whom were Portuguese and the remainder Spaniards, and the whole, with the exception of six who were entered at Porto Rico, were hired and shipped at Havana; that there was one passenger named Domingo Peres Rolo, destined to the coast of Africa, witness does not know on what business; that Porto Rico was the last clearing port, and the voyage was to end at Havana; that he touched at Gallinas to sell the cargo, which consisted principally of rice; that the course marked out in the ship's papers was St. Thomas', but he took it upon himself to deviate from that course because St. Thomas' was not so good a market for the rice as Gallinas; that he does not recollect the name of the owner of the vessel, but he was informed by the consignee at Havana that the owner is a Portuguese subject residing at the Cape Verd Islands; that the combings of the '*Brilhante*'s' hatchways are pierced to receive round iron bars, of which there

are about 20 on board, intended and fit for securing the hatches; that the crew consisted of persons of different nations, upon whose honesty witness could not rely, he therefore thought it necessary to secure in this way the return cargo of palm-oil, which he intended to ship; that he does not think the common wooden hatch would have afforded sufficient security against these people; that there are *three* bulk-heads; that a second deck is laid fore and aft, destined for the safe stowage of the palm-oil; that there were leaguers and casks on board capable of receiving about 60 pipes, all of which were filled with *fresh* water at the time of capture for the purpose of ballasting the vessel, and were ultimately destined to receive palm-oil; that there was a large iron boiler, holding about 30 gallons, intended to be used in clarifying the oil; that there were about 120 bags of rice on board, intended to be sold as cargo; that there were 30 mess-tins on board, witness does not know for what purpose."

The real captain of the detained vessel, Francisco Gonzalez Veiga, was also examined, but no additional information was obtained from him.

The above evidence was published on the 24th, and the monition was returned into the Registry in due course on the 30th ultimo; but owing to the illness of the British Commissary Judge, no Court could be held before the 7th instant. On the latter day the Court condemned the "*Brilhante*" under the 10th Article of the Spanish Treaty, as a Spanish vessel illegally equipped for the Slave Trade in every particular.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

---

 Second Enclosure in No. 70.

*Translations of some of the Letters, and of the copies of Letters, found on board the schooner "Brilhante," commanded by Francisco Gonzalez Veiga.*

## No. 1.

*Letter from Captain Veiga, at Cadiz, to Messrs. Pedro Martinez and Co., Havana.*

MY DEAR SIRS,

Cadiz, February 17, 1838.

HAVING spoken to Don Pedro Martinez, the principal partner in your house, respecting the transmission of my stock of things and some papers belonging to me, I take the liberty of forwarding them to your care by the ship "*Marinera*."

The papers consist of a Portuguese passport and muster-roll, and a lottery-ticket which I was induced to hazard on the 4th August, 1837, and which is numbered 13,674. With regard to the said passport and muster-roll, you will oblige me very much (if it is not giving you too much trouble) by endeavouring to dispose of them for me to any of the vessels which are concerned with your house. The said principal partner (Don Pedro Martinez) told me there would be little or no difficulty in parting with them to some advantage, though some vessels do venture on the expedition without providing themselves with the proper and safe documents, and without assuming the character of Portuguese vessels.

Should you not have an opportunity of selling these papers, may I beg you to keep them in return, as also the lottery-ticket, unless it should in the meantime turn up a prize.

I am, &amp;c.

(Signed)

F. G. VEIGA.

## No. 2.

*Letter from Pedro Blanco, at the Gallinas, principal partner of the firm of Blanco and Carvalho, of Havana, to Captain Veiga, commanding the brig "Emprendedor," lying at the Gallinas.*

MY DEAR SIR,

Gallinas, March 28, 1839.

AFTER having received the goods for New Cestos, and obtained what information you may require from Don Teodoro Canot with respect to the trade in that part, you will take some Kroomen and make purchase by barter of about 800 or more cruces of rice, all of which must be effected within 35 days from this date, by which time all things will be ready.

You have authority left with you to purchase according to circumstances; but this must be regulated so that it does not occupy more time than that already allowed for your return as before stated, 35 days.

You will be most careful in rendering me an account of all your transactions, shewing the nature of your different purchases, and the result of them.

I am, &amp;c.

(Signed)

P. B.

## No. 3.

*Letter from J. J. Claudio de Lima, of the Cape Verd Islands, to Captain Veiga, at the Gallinas.*

FRIEND AND SIR,

St. Jago de Praia, April 27, 1838.

I RECEIVED your favour of the 27th of March last, by which I was glad to learn that you had made a pleasant and a speedy voyage.

With respect to the information you have therein requested of me; from what I have learnt it is not actually necessary, for the purpose of navigating a vessel as a Portuguese, to have more than the following papers, a passport, a muster-roll, a correct list of the cargo on board, and also a document from the former owner of the vessel, exhibiting the transfer and sale thereof. I am not aware of any thing else being required. Wishing you every good fortune and health,

I am, &amp;c.

(Signed)

J. J. C. DE LIMA.

## No. 4.

*Letter from Pedro Blanco, at the Gallinas, to Captain Veiga, at the same place.*

MY DEAR SIR,

Gallinas, May 19, 1838.

IMMEDIATELY that you have received on board the last of the 447 slaves, of which your cargo

is to consist, you will put to sea that moment, carrying all sail, steering in the direction of south west, and continuing your voyage until you reach the latitude of your destination, when you will shape your course for Trinidad de Cuba, where the cargo is to be placed at the disposal of Messrs. Fernandez, Bastido, & Co.

Let it be understood that you hoist a white flag at your foretop-gallant-mast head, and there let it remain from the time you make the land until such time as it is recognised from the shore.

You are already aware of the best plan of avoiding as much as possible any loss or risk with the cargo, therefore need no instructions or suggestions on this point; for not only your duty but your interests and inclination would lead you to act with every precaution.

If by any accident you should be prevented landing the slaves at Trinidad, a certificate to this effect must be produced to satisfy the parties to whom they are consigned.

Being anxious to provide against any unforeseen accident occurring, I now give you a list of my several correspondents, who are as follows, viz. :—at Porto Rico, Don Pedro Guarch; at Cuba, Don Rafael Maso and Brother; at Trinidad, the above named gentlemen; and at Guanimar, Don Jozé Miro Pié.

The orders or instructions which I have sent by you for Messrs. Fernandez, Bastido, and Co., relative to this vessel, will be equally available for any one of my correspondents above named, whatever port you may be obliged to enter for the purpose of landing your slaves; however, the destination to which you are bound to proceed is Trinidad.

Wishing you a pleasant and a speedy voyage,

I am, &c.

(Signed)

P. B.

No. 5.

*Letter from Lino Carvalho, second partner of the firm of Blanco and Carvalho, of Havana, to Captain Veiga at Trinidad de Cuba.*

MY DEAR SIR,

Havana, July 7, 1838.

YESTERDAY I had the pleasure of receiving your welcome letter of the 25th of last month, wherein you informed me of your having arrived safe and in good health at Trinidad, with the brig "Emprendedor," after a short passage of 32 days.

As I believe you will go direct from Trinidad to Cadiz in the said brig "Emprendedor," I have this day sent instructions to our friends Messrs. Fernandez, Bastido, and Co., for you to receive the amount of wages due to the cook, my slave Fausto, whom, when you pay, you will take care to charge with whatever sum he may have had on account of clothes, as well as for all tobacco he has had beyond the usual allowance.

I sincerely trust that you will arrive in safety and health at Cadiz.

Your most affectionate friend,

(Signed)

CARVALLO.

P.S.—Take care of Fausto, whom I have left with you; and should he still continue to tell lies, you will confer a favour on me by giving him a good flogging. This method should also be adopted when he gets drunk, which I am sorry to hear is too often the case.

No. 6.

*Letter from Pedro Martinez and Co., of Havana, to Captain Veiga at Trinidad de Cuba.*

OUR DEAR SIR,

Havana, July 9, 1838.

WE had the pleasure of receiving some time since your favour of the 17th of February last, and beg to inform you that a parcel, delivered to us by one of the crew of the "Marinera," and which was addressed to Donna Francisca G. Veiga, was directly sent to that lady.

We have just received your esteemed favour of the 25th of June last, acquainting us with your arrival; and it affords us the greatest pleasure to learn so favourable an account of the expedition of the "Emprendedor" and her cargo. Being fully aware of your destination, we had already anticipated you, on behalf of those interested in the affair, by sending full instructions to Messrs. Fernandez, Bastido, and Co. We have nothing more at present to say on the subject, as we have only written this in the event of your going to Cadiz.

We are, &c.

(Signed)

PEDRO MARTINEZ & CO.

No. 7.

*Letter of Pedro Martinez, of Cadiz, the head of the firm of Pedro Martinez and Co., of Havana, to Captain Veiga, also at Cadiz.*

MY DEAR SIR AND FRIEND,

Cadiz, October 25, 1838.

I HAVE in my possession, and at your disposal, and which will be forthcoming to your order whenever you wish to claim it, the sum of 2315 dollars, which I have this day credited you with, as the commencement of a new account. I have nothing more to say at present, and am, &c.

(Signed)

PEDRO MARTINEZ.

No. 8.

*Letter from Captain Veiga, at Sierra Leone, after the capture of the "Emprendedor," to Pedro Blanco, at the Gallinas.*

MY DEAR AND MOST ESTEEMED SIR,

Sierra Leone, December 7, 1838.

It is with the deepest regret that I inform you of the sad loss we have sustained in my vessel being captured by the brigantine "Buzzard," about eleven o'clock at night of the same day that I left your port. This said vessel had been in the neighbourhood about five days, and was on her way to the

coast of Benin, where she has a cruising station, when we happened to heave in sight. We were within half gun-shot, and it was at first my intention to have fired; but no benefit could have resulted from it, for she had every advantage in point of position, and moreover her sailing qualities were very superior to those of the "*Emprendedor.*"

Wishing as much as possible to avoid compromising your house at Havana, by securing the passport and other papers, I preferred that the vessel should be captured under the Portuguese flag, and threw over-board all the papers and correspondence that were in any way connected with you and Señor Don Pedro Martinez.

I have been now two days in this place, and you will probably soon learn that I am here, and the circumstances which have caused it. You must see that I have not had it in my power to write before, having been detained on board until I left the vessel for the purpose of waiting on the Mixed Commission Court, to be examined with reference to the capture of the vessel, the proprietorship, and many other points.

So soon as the difficulties which have unfortunately presented themselves are over, I must endeavour to go to Havana, managing by all means whilst here to avoid all unnecessary expenses.

I shall be obliged if you will be good enough to tell me if you can obtain for me a passage to Havana when you go. If you cannot easily arrange this for me, will you let me have some money; as whilst at this place I can easily purchase a vessel at a very low price, and go in her to Havana, whence I could return in her or let her be sold there.

You are aware that it is not my wish to compromise you in any way, nor would I willingly ask you for anything, but that I have no means here of obtaining funds. I now request the favour of your lending me 4000 dollars, which shall be returned either to your house at Havana or at Cadiz, on my arrival at either place. I feel confident that you will, with your usual kindness, oblige me, being quite aware of the circumstances in which I am placed, and the necessity that exists for my requesting this accommodation from you. I hope you do not doubt either my power or inclination to meet this obligation; being aware, as you are, that I have at all times been happy to serve you.

Let me hope that you will have the goodness to answer this by means of some person with whom you are acquainted, that he may judge of the circumstances; and in the event of my not being able to obtain what I have requested, I have arranged at once to leave this, though I may be obliged to go to England. Prior to my leaving, however, I shall obtain the certificate of the condemnation of the "*Emprendedor,*" for the purpose of proving that it was an actual and complete capture, in which no blame can attach to me, so as to exonerate the owners of the vessel and cargo, which I have every reason to believe were insured.

I have nothing further to communicate, as this place affords nothing new or worth mentioning. I wait anxiously to hear from you, and am wholly at your disposal; and remain, &c.

(Signed) F. G. VEIGA.

No. 9.

*Letter from Captain Veiga, at Sierra Leone, to José H. Alvarez, the Agent of Messrs Pedro Martinez and Co. at Gallinas.*

MY DEAR SIR AND FRIEND,

*Sierra Leone, December 7, 1838.*

It is with the deepest regret that I have to acquaint you with the great loss we have sustained in my being captured by the English brigantine "*Buzzard;*" which vessel was about leaving this part of the coast for the purpose of cruising in the Bight of Benin, which I have since learned is her cruising ground.

I took every precaution to prevent them proving the vessel to be what she really was, and arranged it most satisfactorily. I was obliged to remain on board two days after our arrival at this place, until I went ashore to wait on the Mixed Commission Court, for the purpose of being interrogated respecting the owners of the vessel, the motives which induced me to come on this coast, and numerous other questions relative to the several occurrences during the voyage; and I feel satisfied that I have not in any way compromised you in the declarations made by me on this occasion; nor is your name alluded to throughout the whole affair.

To avoid compromising the house of Señor Pedro Blanco I took care to secure the passport and other papers, as I preferred being captured under the Portuguese flag; to effect which object I at once (having them all prepared in case of necessity) threw overboard all such papers and correspondence, and everything else that could in any way involve either that house or yourself.

I shall remain here until such time as I can get from the Mixed Commission Court the certificate of condemnation, which will of course exempt us from loss, as the vessel and cargo are I am told insured. The moment I have it in my possession I shall endeavour to make the best of my way to the first port I can get to, there to obtain my proportion; and should you think fit to give me any employment, I shall be happy to render myself useful in any way.

With a view to hasten my departure from this place, I have written to Señor Don Pedro Blanco to request him to have the goodness to assist me with some means by which I might purchase a vessel at a trifling cost, and go in her to Havana.

I am, &c.  
(Signed) F. G. VEIGA.

No. 10.

*Letter from Captain Veiga, at Sierra Leone, to Messrs. Zulueta and Co. in London.*

MY DEAR SIRS,

*Sierra Leone, December 16, 1838.*

KNOWING that you have frequent opportunities of communicating with Señor Pedro Martinez, of Cadiz, I have taken the liberty of enclosing the accompanying letter, requesting you will do me the favour to forward it by the first vessel that offers for that place. I avail myself of this opportunity to offer you my services, as it will afford me great pleasure to execute any commission for you, and to be useful in any way.

I remain, &c.  
(Signed) F. G. VEIGA.

CLASS A.

No. 11.

(Enclosure in the preceding.)

*Letter from Captain Veiga, at Sierra Leone, to Pedro Martinez, at Cadiz.*

MY DEAR SIR AND ESTEEMED FRIEND,

Sierra Leone, December 16, 1838

THE circumstances under which I address you are of such a nature, that the contents of this letter, I regret to say, will be far from pleasing you; and for this reason I wished, if possible, to avoid writing to you, lest you should feel the severe loss too poignantly.

My arrival at the Gallinas was accomplished without anything occurring worthy of remark.

I began at once to prepare to receive cargo, and was ready about the 20th of November; but having been observed by two vessels-of-war, who were evidently on the look out, on the 21st I made sail and stood out, and did not return to take up my anchorage until the 25th, at two o'clock in the afternoon, and I remained there quite ready to receive my cargo, which came on board at twelve o'clock on the night of the 26th, and by seven o'clock the next morning, the 27th, I was making the best of my way out, steering S.S.W., with 465 slaves of all sizes and descriptions on board, whom I had succeeded in receiving without much difficulty.

We kept as close to the land as the wind would allow, but were obliged to tack when our head bore westerly, when at about eleven o'clock the same night we fell suddenly upon Her Britannic Majesty's brigantine, "Buzzard." As you may be sure, I did all that was possible to get away from her, but this was quite useless, as we were close to the vessel before we observed her, independent of which she had every advantage over the "Emprendedor" in point of sailing, and it was equally useless to think of resisting or firing on them, though they fired at us several times.

They brought me to this place, where I have been now some time, having arrived on the 3rd of the present month. I have in my possession the certificate of the capture and condemnation of the said vessel, and am now only waiting for an opportunity to go to the Gallinas, so that I may get a passage from that place to the Havana, where, so soon as I arrive, I shall not fail to give you due notice, and acquaint you with further particulars connected with this unfortunate business.

I considered it better to be taken under the Portuguese flag, so as to prevent the house of Don Pedro Blanco and Co. being compromised. I therefore took the precaution to throw overboard all the correspondence, and such other papers as might involve other parties.

The "Buzzard," when I was taken, had left this place five days for the purpose of proceeding to her cruising ground in the Bight of Benin, and it was on her passage to that place that she fell in with me. I have nothing further to state with regard to this most unlooked for event. I can only say that your orders have always been most strictly attended to. The circumstance of your being insured tends considerably to lessen the great regret I should otherwise have felt.

I am, &amp;c.

(Signed)

F. G. VEIGA.

No. 12.

*Letter from Pedro Blanco of the Gallinas, addressed (but not delivered) to J. J. Claudio de Lima, at the Cape Verd Islands.*

MY DEAR SIR,

Gallinas, January 13, 1839.

SHOULD this be presented to you by Don Francisco G. Veiga with the schooner "Lusitania," you will, if possible, on the same day put a Portuguese flag on board, obtaining similar papers to those used in the "Dinaracha," so as to avoid the greater expence; but should you be unable to secure the same kind, you will get those of the lawful government.

The vessel must, as soon as convenient, get on board her passport, muster-roll, bill of sale, Custom-house documents, and whatever else may be requisite to ensure to her the character of a Portuguese. All the crew must be Portuguese; one of the seamen is to be entered as captain of the flag, and he must be ready at all times to answer for the character of the vessel in case of her being boarded; and the captain Veiga, having a passport, will appear as a passenger. You must not leave on board any Spanish papers of any kind whatsoever, whereby she may be suspected of being other than a Portuguese vessel.

When you have arranged this, I beg you will send the schooner with an order to your agent at the island of Mayo, to load her with as much salt as she can possibly take; for it is considered much whiter and far more saleable from that place than from any other of the islands. At the same time I must beg of you not to detain the vessel more than 10 days between Praya and Mayo, as it would only unnecessarily increase her expenses, in which I feel confident you will use all economy, as also in the purchase of the salt.

Whatever accounts you may have to send to me, I beg you will not mention my name, as I have entered into an arrangement with a Portuguese merchant at Princes for this purpose. His name is Martinez, a native of Lisbon, and when you write to me, you will thus address all your letters.

By an American brigantine, which is about to sail, I will forward you the whole of the correspondence respecting Don Ignacio Perez Rolo. This is all I have to say for the present, and

I am, &amp;c.

(Signed)

P. B.

No. 13.

*Letter from Pedro Blanco of the Gallinas to Captain Veiga at Sierra Leone.*

MY DEAR SIR,

Gallinas, January 19, 1839.

I HAVE only just learnt for certain that it is quite impossible to obtain papers as formerly in any of the Cape Verd Islands; and it will be useless for me to retain the schooner here, having purchased her for the purpose of sending her to these said islands, according to an arrangement already entered into to that effect, when I had no reason to suspect what has since happened; therefore, instead of adopting my first intention, I shall immediately send her to the Havana, and place her at the disposal of my house of business there, where she must be got rid of to the best advantage.

Sanchez will take the command of the said schooner, and without loss of time make the best of his way to the Havana, under any other flag than the Spanish.

Should you prefer going in the schooner, you will continue Sanchez in your employ in some other situation.

I hope everything will be done with a view to economy, as well as dispatch, keeping me acquainted with all your movements and intentions for my information and guidance.

I am, &c.

(Signed) P. B.

No. 14.

*Letter from Captain Veiga at Sierra Leone to Pedro Blanco of the Gallinas.*

MY DEAR SIR AND MOST ESTEEMED FRIEND,

Sierra Leone, January 23, 1839.

ON Sunday, the 20th instant, I arrived at this place from Gallinas without anything new occurring. I regret that I was prevented by calms and contrary currents from arriving earlier. Immediately on my landing, I handed your letter to Don Vicente Sanchez;\* and, with reference to its contents, which he gave me to peruse, I am afraid he will not be able to find a vessel of the kind you wish, as the particular schooner you mention has been bought by the captain of the "*Dous Amigos*," and various other persons, for the purpose of taking a passage in her to Havana.

At the present moment I do not think there is any vessel that would suit you for taking a passage in her. I mention this, although Señor Sanchez will of course make you acquainted with every particular. There are a great number of vessels which have been lately brought into this place under the Portuguese flag, but which have sailed from Havana; and, from what I can learn, they will be condemned as Spanish property, and consequently sawn in two.

The only vessel at present at this place, that is likely to be sold, is the brig "*Liberal*;" she is quite ready to go to sea, though perhaps she may be rather old, and too large; yet I think she would answer, more particularly for the salt business, in which you intend the vessel to be engaged. I assure you she will require little or no repair or refitting, consequently the expense will be very trifling. I have already thoroughly examined her, and the only thing she requires is caulking, and a few other things of minor importance looked to. I think she is likely to go at a tolerably low price.

I should acquaint you that it is not allowed at this place to embark more people than are sufficient to constitute a crew, although in my opinion it can be easily arranged to take more on board outside in canoes. This arrangement will of course increase the expenses, which must, however, be paid by those taking a passage.

With this exception of the "*Liberal*," there are now no more vessels likely to be sold for some time, unless it is a schooner which has just been captured with slaves on board; but according to what I can learn from her former captain she is very old; her keel is completely rotten, and partly carried away. In consequence of which she takes in a large quantity of water; and, though I think she will go very cheap, she would not answer for the business you wish her to be engaged in, or indeed for any other.

Up to this time I have not yet met with a lad who answers to the description you give me, and in whom I think you could place reliance; but I shall, with the greatest precaution, look about me for some one of the kind, who might meet your approval. If I should find him I will immediately send him to you; but, should it so happen that I am unsuccessful, I hope you will not consider that it arises from any neglect of mine, or unwillingness on my part to serve you, as, be assured, I shall always be happy to serve you at all hours and under every circumstance, as it is the only means I have of returning your great kindness, and it is my most earnest desire always to be honoured with your good opinion and esteem. This is all I have to offer on the present occasion, remaining at your disposal at all times

I am, &c.

(Signed) F. G. VEIGA.

\* Pedro Blanco's agent at Sierra Leone.

No. 15.

*Letter from the same to the same.*

MY DEAR SIR,

Sierra Leone, January 29, 1839.

THE day before yesterday (Sunday) I received your esteemed favour of the 19th instant. There have arrived within the last few days the undermentioned vessels, which have been captured without slaves:—One American schooner, and one Portuguese vessel, called the "*Victoria*," from Matanzas. By this last vessel I have learned the death of Señor Don Mathias Baptista de Carvalho at Onim. At present there are no more vessels to be sold, because all those which are waiting adjudication will, if condemned, be sawn up in the usual way, as being Spanish property; as I have already explained to you with regard to all vessels which come from Havana.

This is all I have at present to communicate, waiting your further commands, being always at your disposal.

I am, &c.

(Signed) F. G. VEIGA.

No. 16.

*Letter from the same to the same.*

MY DEAR AND ESTEEMED FRIEND,

Sierra Leone, February 15, 1839.

I HAVE to acknowledge the receipt of your countermand of the commission with which you intrusted me, in consequence of the many difficulties that oppose my carrying it into effect. I avail myself of this opportunity to acquaint you that the schooner "*Violante*" is quite ready, and that I intend leaving in her tomorrow for the Havana without fail, if the weather will permit; and having nothing to prevent my going, I must now take the liberty of requesting that you will be so good as to send everything that may belong to me, remaining at your place, on board the same vessel in which you take your passage to Havana, or indeed any other vessel which runs no risk of being lost by capture; and be pleased to direct the whole to the care of your own house at Havana.

I remain, &c.

(Signed) F. G. VEIGA.

No. 17.

*Letter from the same, after his arrival at Havana from Sierra Leone, to Pedro Martinez, of Cadiz.*

MY DEAR SIR AND MOST ESTEEMED FRIEND,

*Havana, March 18, 1839.*

I HOPE you have received my letter which I addressed to you whilst at Sierra Leone, dated the 16th of December last, giving you an account of the sad result of the expedition, together with the loss of the whole of my cargo. I now hasten to acquaint you with my arrival at this place, after having touched at the Gallinas on our way here. When I left that place Señor Don Pedro Blanco was quite well, and desired his best wishes to you.

In regard to the late most sad event, I feel satisfied and much consoled with the idea that you will exonerate me from all blame. I can conscientiously assert that the circumstances attending the capture of the "*Emprendedor*," it was wholly out of my power to prevent; and therefore I hope that you will continue to have the same confidence in me that you have hitherto honoured me with.

I am now, as you may suppose, from the late unfortunate loss, without any employment, and do not know when I may again have occasion to go on board ship, although I feel satisfied I can always reckon on the friendship and protection of Señor Don Lino Carvallo,\* whom it would always give me pleasure to serve; but still I would prefer being once more engaged with you, provided you have any business you can employ me in.

I am, &c.,  
(Signed) F. G. VEIGA.

\* The second partner in the house of Blanco and Carvallo of Havana.

No. 18.

*Letter from Pedro Martinez and Co., of Havana, to Captain Veiga at the same place, after his return from Sierra Leone.*

OUR DEAR SIR,

*Havana, April 10th, 1839.*

ENCLOSED we beg to return you the Portuguese passport and muster-roll, as well as the lottery-ticket, which you sent us in your esteemed letter of the 17th February of the past year. With respect to the said passport, we have not had an opportunity to sell it, but we hope you will be more successful, and dispose of it as you wish. We have nothing further to communicate, and remain, &c.,

(Signed) PEDRO MARTINEZ & Co.

No. 19.

*Letter to Captain Veiga from Pedro Martinez, of Cadiz.*

MY ESTEEMED FRIEND,

*Cadiz, May 11, 1839.*

I HAD the pleasure of receiving your esteemed favour of the 18th of March last, in which you relate to me the unfortunate loss of the brig "*Emprendedor*," respecting which, however, I have nothing more to say than that I am perfectly satisfied with your conduct, and all your arrangements, and that you could not, by any foresight of yours, have prevented the unfortunate occurrence alluded to.

When we last had the pleasure of an interview, we spoke of there being no inducement to trade on the coast, or to have anything to do with the illicit trade, as vessels are being constantly lost; on this account, for the present, I think it desirable to be occupied otherwise.

Accept my best wishes, &c.

(Signed) P. MARTINEZ.

No. 20.

*Letter from Captain Veiga, at Havana, to Pedro Martinez, at Cadiz.*

MY DEAR SIR AND ESTEEMED FRIEND,

*Havana, July 23, 1839.*

I HAVE in my possession your esteemed favour of the 28th of May last, in consequence of which I have to acquaint you that I have drawn on you for the sum of 800 dollars, in favour of Messrs. Pedro Blanco and Co.; and as I have just now some need of money, I shall be under the necessity of again drawing in favour of Señor Blanco and Co.; and as the balance remaining at present in your hands is 2015 dollars, this draft will be quite sufficient to close our account.

To-morrow I hope to sail for the Gallinas and the port of Porto Rico in the schooner "*Brilhante*," belonging to the above-named parties. Trusting you will again excuse the trouble I am causing you, and hoping you will always command my services,

I remain, &c.  
(Signed) F. G. VEIGA.

No. 21.

*Letter from Captain Veiga, commanding the "Brilhante," lying at Porto Rico, to Pedro Blanco at Havana, the latter having arrived from the Gallinas, and settled at Havana, several months before.*

MY DEAR SIR AND OWNER,

*Porto Rico, August 27, 1839.*

I BEG to inform you of my having arrived at this place on the 13th instant, without anything extraordinary having occurred during the voyage, except that we experienced some very heavy weather, which caused us to be rather longer on our passage than we otherwise should have been.

Immediately on my arrival I was delayed 24 hours in quarantine, but so soon as I could, I began to make arrangements to commence taking in my cargo, so as to continue my voyage as soon as possible. I am now ready with everything, and shall without fail set sail to-morrow with 700 arrobas of rice on board, which I assure you I have had considerable difficulty in procuring, and I only received the last of it yesterday. The amount of the expense attending the fitting of the bars of the hatches

(which item you will observe in the vessel's accounts), I beg you will be pleased to remit to Señor Don Pedro Guarch.

I do not think that I ought to have been detained so long at this port, though I am well aware of the delay that usually attends the fitting out of a vessel, and preparing her for sea.

To-morrow, without fail, I purpose sailing, and until now I have not had an opportunity to write to you. I shall leave this to the care of Señor Guarch, as he has been so obliging as to offer to send it to you by the first opportunity.

I am, &c.  
(Signed)

F. G. VEIGA.

No. 71.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, September 26, 1839.*

(Received September 28, 1840.)

MY LORD,

WE have the honour to inclose to your Lordship a Report of the case of the schooner "*Dous Amigos*," Jozé Antonio da Silva, Captain of the Portuguese Flag, which was captured on the 27th ultimo, off the Rio Volta, after a chase of 12 hours, by Her Majesty's brigantine "*Dolphin*," Lieutenant Edward Holland commanding, and was condemned on the 24th instant in the British and Spanish Mixed Court of Justice; the admitted residence of the owner in a Spanish port having impressed a Spanish character upon the detained vessel, and her complete equipment and state of preparation for the immediate embarkation of a cargo of slaves having subjected her to a sentence of confiscation, for a violation of the 10th article of the late Slave Trade Treaty between Great Britain and Spain.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

Enclosure in No. 71.

*Report of the case of the schooner "Dous Amigos," Jozé Antonio da Silva, Captain of the Portuguese Flag.*

*Sierra Leone, September 26, 1839.*

THE papers found on board the above vessel were as follows:—

No. 1. A Portuguese passport, manifestly forged, and purporting to have been granted by Domingos Correa Arouca, civil and military Governor of the Province of Cape Verd, on the 16th of January, 1837, to the schooner "*Dous Amigos*," of American build, and of 91 tons burthen, owned by Matihias da Silva, and commanded by Miguel Cardozo. On this manufactured paper there is not a single note or endorsement for eighteen months subsequent to the date when it is alleged to have been issued. But it was made available for the present voyage of the detained vessel by an endorsement of Mr. Pasquale Pluma, Consul-General of Tuscany and Pro-consul of Portugal at Havana, which certified on the 29th of June last that the schooner was permitted to sail for St. Thomas, under the command of the present captain of the flag, Jozé Antonio da Silva, and with a crew of 18 persons.

No. 2 is the Muster-roll of the crew, prepared in the hand-writing, and attested by the seal and signature, of Mr. Pro-Consul Pluma on the 29th of June, 1839. It is signed as correct by the master, Da Silva, and Pablo Pey and Jozé Colon are named as the first and second pilots under him.

No. 3 is the Clearance from the custom-house of Havana, dated the 1st of July last, and in which the cargo is said to consist of only six pipes of aquadente.

No. 4 to 6 are three Log-books of the present voyage, kept, apparently, by the captain and two mates. They begin on the 2nd of July, and come down to the 27th ultimo, when capture took place.

No. 7 is a private Memorandum-book and Journal of Pablo Pey, the first pilot, from which it appears that this is the third time he has been detained during the last thirteen months. He was on board the "*Paquete Felis*," when she was captured by the "*Fair Rosamond*" off the mouth of the Bonny on the 13th of July, 1838, with 195 slaves on board. He was also on board the "*Isabel*" on the 3rd of December, 1838, when she was detained by Her Majesty's brigantine "*Bonetta*."

No. 8. The remaining papers are the property of a person named Antonio Molina, respecting whom no information could be obtained from the witnesses examined in the case, though it would appear he was a passenger on board the vessel. The first is a passport dated at St. Jago de Cuba on the 20th of November, 1838, permitting him to visit Havana.

Nos. 9 to 11 are three Letters written to the same Antonio Molina, whilst still at St. Jago de Cuba, respecting various slave transactions in which he was concerned, by Messrs. Blanco and Carvalho of Havana, the house of which the noted Pedro Blanco, of the Gallinos, was the principal partner. The following are translations:—

(Copy.)

*Señor Don Antonio Molina, Santiago de Cuba.*

MY DEAR SIR,

*Havana, January 18, 1838.*

ALTHOUGH we have not had the gratification of receiving a letter from you, we have derived pleasure from the arrival of the brigantine "*Triumfante*" at Trinidad, and learnt that you had returned



from the Gallinas on board the vessel, and also that 6 slaves on your account have come in the same vessel "*Triumfante*" on freight.

We have therefore to request that you will give the account to your wife, informing her of the particulars of the remittances which have been made to you, with reference to our mutual friend, the principal partner in this house.

In the first place, for net proceeds of 6½ slaves, part of 13 by the " <i>Escorpion</i> ," which we insured	1660	7½
Ditto of 5 ditto by the " <i>Primorosa</i> " ditto	1143	7½
Ditto of 5 ditto, part of 10 ditto by the " <i>Nueva Eliza</i> " ditto	1108	7
Ditto of 2 ditto, part of 6 ditto by the " <i>Triumfante</i> " ditto	578	6½
Lost on board the " <i>Negrita</i> "	10	''
Ditto Ditto " <i>Tragamillas</i> " on her fifth voyage	15	''
	<u>4492</u>	<u>4½</u>

To be deducted.

By expenses attending 3 slaves from the " <i>Triumfante</i> ," over and above those lost of the total number embarked	205	3½
By entry which was effected for you by Messrs. Fernandez Bastida and Co. at Trinidad	48	''
	<u>253</u>	<u>3½</u>
Balance in your favour	Dollars	<u>4239</u> <u>1</u>

After having examined this account, we hope that you will arrange with Messrs. Mallol and Callol to furnish us with a copy of your instructions, because the greater part of this sum must remain on hand as a guarantee for us to recover any amount that may be deficient on the settlement of the cargoes, unless some other arrangement can be effected.

Availing ourselves of this opportunity to offer you our services,

We are, &c.

(Signed) BLANCO AND CARBALLO.

*Señor Don Antonio Molina, Santiago de Cuba.*

OUR DEAR SIR,

*Havana, March 1, 1838.*

WISHING to obtain your confirmation of the running account which you have had with this company, showing the result of the slaves, which has differed very little from that we have from our principal partner, Don Pedro Blanco, we have accordingly prepared it, and you are this day charged with 373 dollars 3 reals, leaving a correct balance in your favour of 3649 dollars 7 reals; which is subject, however, to the responsibility of any amount being deducted as agreed upon, on a showing of the result of the sale of the cargoes, which you have already assented to, as stated to us in your letter of the 18th January last, and which we feel confident you will not contradict.

Whenever it suits your convenience we shall be happy to hear from you.

We are, &c.

(Signed) BLANCO AND CARBALLO.

*Señor Don Antonio Molina, Santiago de Cuba.*

OUR DEAR SIR,

*Havana, May 28, 1838.*

We had the pleasure to receive your esteemed letter of the 10th of the present month, and in consequence of it, we have written you on the same subject, and to Messrs. Mallol and Callol, formerly owners of the schooner "*Prima*." We have given an order by this post to Messrs. Don Rafael Maro and Co. of this trade to give you, on your granting a receipt, the sum of 1050 dollars, which these said gentlemen and others connected with this said expedition have agreed especially to allow you.

With regard to the balance referred to in our account, and which has been recovered by our means, viz., the sum of 3649 dollars 7 reals, you may, in consequence of what has transpired, claim at any time you please.

We suppose you do not intend to send us any more slaves on your own account, or that of our principal partner, as you appear to have omitted explaining to him what your purpose respecting this particular.

Notwithstanding this warm reply to your said letter, we assure you of our friendship and esteem.

We are, &c.

(Signed) BLANCO AND CARBALLO.

The "*Dous Amigos*" arrived at Sierra Leone on the 13th instant, but having waited for the appearance of the capturing ship, the captor's proctor did not present the case for admission into the British and Spanish Mixed Court of Justice before the 16th instant. On that day the Captor's Declaration was received, the affidavit authenticating the facts of seizure and verifying the ship's papers were sworn to, a monition was issued, and the witnesses in preparatory were summoned for examination.

The Captor's Declaration is to the following effect:—"I, Edward Holland, lieutenant and commander of Her Britannic Majesty's brigantine '*Dolphin*,' do hereby certify that on the 27th day of August, 1839, being in or about latitude 5° 25' north longitude, 0° 50' east, I detained the schooner "*Dous Amigos*," sailing under Portuguese colours, commanded by José Antonio da Silva, who declared her to be bound from Havana to the Coast of Africa, and back to Brazil. I do further declare that I detained this vessel for being Spanish property, and equipped for the Slave-trade, contrary to the Treaty between Great Britain and Spain, signed at Madrid on the 28th of June, 1835."

José Antonio da Silva, the master of the detained vessel, deposed, in reply to the standing interrogatories, "that he was born at Oporto, but resides at Havana; that the command of the detained vessel was given to witness at Havana in July last by the owner; that the crew consists partly of Portuguese

and partly of Spaniards, all hired and shipped by witness at Havana nearly three months ago; that capture took place near the Rio Volta on the 27th ultimo, after a chase of twelve hours; that he does not know the name of the owner, but he resides and carries on his mercantile business at Havana; that the cargo was the property of the owner of the vessel, who was also the shipper of it at Havana; that the hatches are fitted with iron gratings, and are open; that an entire slave deck is now laid fore and aft, all the planks of the same being marked and numbered; that there are 50 pipes of water on board, all filled at present with fresh water; that there is one large iron slave boiler on board, also 40 bags of rice, 5 barrels of maize, and half a barrel of flour."

The second witness, Jozé Colon, the second mate of the detained vessel, confirmed the master's testimony in all material points.

On the 19th instant the above evidence was published; and the monition having being returned into Court on the 23rd instant, the following day was appointed for the adjudication of the case.

The residence of the owner of the "*Dous Amigos*" in a Spanish port, and the complete equipment of that vessel for the Slave-trade, having been fully admitted, a sentence of condemnation was pronounced against the detained vessel and her cargo for having violated the 10th article of the Spanish Treaty.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 72.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, October 31, 1839.*

*(Received September 28, 1840.)*

MY LORD,

WE have the honour herewith to transmit to your Lordship a Report of the case of the schooner "*Josephina*," Miguel Clemente Soulé, master, captured at anchor off the mouth of the River Congo on the 7th ultimo, by Her Majesty's brigantine "*Bonetta*," Lieutenant John Luke Richard Stoll, commanding, and condemned on the 26th instant in the British and Spanish Mixed Court of Justice, for being engaged in the Slave Trade of Spain, and being illegally equipped for that prohibited traffic.

The "*Josephina*" was sailing under the Portuguese flag at the time of her capture; but sufficient proof was afforded that she was one of the numerous vessels owned by the house of Forçade, of Havana. She was accordingly admitted to prosecution under her proper Spanish character.

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

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

Enclosure in No. 72.

*Report of the Case of the schooner "Josephina," Miguel Clemente Soulé, master.*

*Sierra Leone, October 31, 1839.*

At the time of capture the master of this vessel was on shore, and had with him all the ship's papers. Considerable difficulty might therefore have been experienced in ascertaining the real character and ownership of the prize, had not private papers and letters found on board the schooner's consort (the "*Liberal*") which was captured at the same time and place, shown satisfactorily that both vessels were the property of the notorious Monsieur Forçade, of Havana.

A copy of the letters thus referred to is contained in the Report of the "*Liberal*" under this date, and a large mass of private and unimportant papers belonging to Captain Soulé, found on board the "*Josefina*," serve completely to identify that vessel with the "*Josefina*" mentioned by Mr. Forçade, as having been dispatched by him to the River Congo, under the command of a person named Soulé, the son of an intimate friend.

The "*Josefina*" arrived at Sierra Leone, in company with her consort and the capturing ship, on the 14th instant, and was brought before the British and Spanish Mixed Court of Justice on the following morning, when, in compliance with a petition from the captor's proctor, the private papers found on board the detained schooner were duly authenticated and lodged in the registry, the captor's declaration was received, a monition in the usual form was published, and the witnesses in preparatory were ordered to give their attendance.

The declaration of seizure is to the following effect:—"I, John Luke Richard Stoll, lieutenant and commander of Her Britannic Majesty's brigantine "*Bonetta*," hereby declare, that on this 7th day of September, 1839, being at anchor off Wood Point, in the River Congo, I detained the Spanish schooner "*Josefina*," belonging to a merchant, resident at Havana (as will be seen in the letters marked Nos. 7 and 8, of the correspondence seized by me on board the "*Liberal*,") sailing under Portuguese colours, armed with one gun, commanded by Don Francisco Reis, alias Clemente Soulé, a Frenchman, who is at present at Ambriz with all the ship's papers, the vessel being under the charge

of Inasio Sanchez, alias Jozé Felico, who declared her to be bound from Havana to St. Paul de Loando, to return to Havana, being equipped for the Slave Trade, having on board,

- 1st, An extraordinary number of leaguers and water-casks, more than are requisite for the use of the crew;
- 2nd, A boiler of an unusual size, larger than is requisite for the crew of the vessel as a merchant vessel;
- 3rd. More hatchways than are usual in merchant vessels."

In this case, as in several others of the same nature which have lately come before us, the principal parties concerned in managing the illicit adventure have assumed false names. François Baraillier, the French captain of the "*Liberal*," called himself Francisco dos Santos; Michel Clemente Soulé, the French captain of the "*Josefina*," called himself Francisco Reis; and the mate, who is well known to us, passed under the name of Inasio Sanchez, although his real name is Jozé Felico, and under that name served as mate on board the Spanish schooner "*Maria*," as reported in our Despatch of the 21st November, 1838. When questioned as to his change of name, this man admitted that he had several names, which he used as occasion might require.

On the 19th instant the aforesaid mate of the "*Josefina*" was examined on the standing interrogatories, and deposed "that the master was called 'Francisco' on board the detained vessel, but witness knows nothing further of his name; that he (witness) thinks the master must have appointed himself to the command of the vessel at Havana, in February last; that the vessel sailed under Portuguese colours, is of 70 tons burden, and was navigated by a crew of 15 officers and mariners, exclusive of witness, part Portuguese and part Spaniards, all hired and shipped by the master and boatswain at Havana, in April last; that witness believes the master to have been sole owner both of the vessel and her lading; that the voyage began and was to end at Havana, which was the last clearing port; that bulk was broken at the River Congo, where the master took a few of the dry goods from the cargo and carried them to Ambriz Bay, to the southward of the Congo, to which place the master went for the benefit of his health; that the destination marked out by the vessel's papers was St. Paul de Loando, but the vessel having suffered some damage, touched at the Rio Congo for repairs, and the cargo was there landed; that there are leaguers and casks on board capable of containing about 30 pipes of water, and they were partly filled with fresh water for the use of the crew."

The boatswain of the "*Josefina*," Manuel Rodrigues, deposed, "that the detained vessel is of sixty tons burthen; that the master of the vessel was sole owner both of the vessel and cargo." In other respects this witness confirmed the statements of the mate.

The above evidence was published; and the monition issued on the 15th, was returned into Court by the marshal on the 22nd instant. A Court was held for the adjudication of the case on the 26th inst., when condemnation was decreed against the detained vessel, on the ground—first, that she had been proved to possess a Spanish character, whether regard was had merely to the depositions of the witnesses, or to the more satisfactory information obtained from the private letters found on board the brigantine "*Liberal*;" secondly, that the leaguers and casks for containing water were, even by the admissions of the Spanish mate and boatswain, capable of receiving a much larger quantity of water than a small vessel of 60 or 70 tons could require for the use of her crew. These facts having been established, it was not thought necessary to put the captor to the expense of a survey on the *Josefina's* fittings and equipment, for the purpose of establishing his allegations as to their being extra hatchways and a slave-boiler on board the detained schooner.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

No. 73.

*Her Majesty's Commissioners to Mr. Backhouse.**Sierra Leone, June 30, 1840.**(Received September 28.)*

SIR,

IN pursuance of the 75th Clause of an Act passed in the fifth year of the reign of his late Majesty King 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 transmit enclosed a Return of all cases of vessels adjudicated in the British and Spanish Mixed Court of Justice during the past half-year.

We have, &amp;c.

(Signed)

R. DOHERTY.  
WALTER W. LEWIS.*John Backhouse, Esq.*

Enclosure in No. 73.

Return of Vessels adjudicated by the British and Spanish Mixed Court of Justice, established at Sierra Leone, between January 1 and June 30, 1840.

NAME OF VESSEL.	COLOURS.	NAME OF MASTER.	Date of Seizure.	WHERE CAPTURED.		Property seized.	Seizor.	Date of Sentence.	Number of Slaves captured.	Number cited 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.								
Eagle . . . . .	United States.	Joshua W. Littig.	1839 Mar. 12	..	Fernando Po.	Brigantine and Cargo.	Charles Fitzgerald, Esq., H. B. M. Brigantine "Buzzard."	1840 Jan. 18	..	..	..	The Vessel herself having been lost at sea, the sentence declared her to have been liable to confiscation for having been engaged in the illicit traffic, and a ship's chronometer which had belonged to her was condemned.	The chronometer sold at public auction and the proceeds paid into the Military Chest.
Laura . . . . .	Do.	Henry Hantsman.	1840 Jan. 7	5° 58' N.	10° 30' W.	Schooner and Cargo.	Godolphin Jas. Burslem, Esq., H. B. M. Schooner "Viper."	Jan. 28	..	..	..	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.
Lark . . . . .	Do.	Thomas M. Solomon.	Jan. 15	..	River Nun.	Do.	William Tucker, Esq., H. B. M. Sloop "Wolverene."	Mar. 9	..	..	..	..	..
Asp . . . . .	Do.	Wilson L. Weems.	Jan. 16	Do.	Do.	Do.	Do.	..	..	..	..	..	..
Eliza Davidson	Do.	Alexander B. Hanna.	April 4.	7° 55' N.	13° W.	Brig and 2 Slaves.	The Hon. Joseph Denman, H. B. M. Sloop "Wanderer."	April 18	2	..	2	..	..
Octavia . . . . .	Do.	Nathaniel Hoyt.	April 3.	6° 15' N.	1° 35' E.	Schooner and Cargo.	Henry Broadhead, Esq., H. B. M. Brigantine "Lynx."	June 5	..	..	..	..	..
São Paulo de Loando.	Portuguese	Mariano Sgittovich.	June 3	..	Off Galinas.	Do.	The Hon. Joseph Denman, H. B. M. Sloop "Wanderer."	June 18	..	..	..	..	Schooner and stores in charge of Commissioner of Appraisement and sale, the same being ordered to be sold at Public Auction, and the proceeds paid into the Registry twenty-one days from the date of the condemnation.
Maria Rosario.	Spanish	Antonio Gon-sales.	June 9	..	Cape Mount	Do.	Do.	June 24	..	..	..	..	..

Sierra Leone, 30th June, 1840.

R. DOHERTY.  
WALTER W. LEWIS

J. MILLER, Acting Registrar.

No. 74.

*Her Majesty's Commissioners to Viscount Palmerston.*

Sierra Leone, October 31, 1839.

(Received October 2, 1840.)

My LORD,

HEREWITH we have the honour to transmit to your Lordship a Report of the case of the brigantine "*Nossa Senhora da Victoria*," alias "*Victoria*," Joaquim Antonio Oliveiros, Captain of the Portuguese flag, which was captured off St. Jago de Cuba, whilst running into that port, after having landed a cargo of slaves in the neighbourhood, by Her Majesty's schooner "*Pickle*," Lieutenant Philip Hast, commanding, on the 18th of December, 1838.

After capture the "*Victoria*" was carried into Port Royal, Jamaica, where a survey was held upon her, with the object of ascertaining if she was in a fit state to perform a voyage to Sierra Leone. The surveyors reported the vessel to be unseaworthy, and she was left in Port Royal Harbour, in charge of the gunner of Her Majesty's ship "*Magnificent*," to await the sentence of the Mixed Court at this place.

The witnesses in the case, together with the ship's papers, were then entrusted to an officer of the capturing ship, who, by a long circuitous rout, embracing England and the Cape of Good Hope, at last reached Sierra Leone in the early part of this month.

A Spanish national character, and an illegal equipment for the Slave Trade, were here clearly proved against the detained vessel, which was condemned on the 19th instant for a violation of the 10th article of the Spanish Treaty.

We have, &amp;c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

## Enclosure in No. 74.

*Report of the case of the brigantine "Nossa Senhora da Victoria," Joaquim Antonio Oliveiros, Captain of the Portuguese flag.*

Sierra Leone, October 31, 1839.

THIS vessel was furnished with a Cape Verds' passport, granted by Joaquim Pereira Marinho, the Governor-General of that Province, and dated at Villa da Praia, St. Jago, on the 10th of June, 1837. It states that the brigantine was of American build, of 86 tons burthen, owned by Thimotio Cardozo de Mello, commanded by Pedro d'Aviz, and bound to Maranham. The only endorsement which the passport shows, during more than two years, is, a certificate from the Portuguese consul at St. Jago de Cuba, on the 6th of February, 1838; that a nine-pounder gun, on a pivot, had been embarked in the vessel at that place.

No. 2 is a muster-roll of a crew of 31 persons (for a vessel of only 86 tons), signed and sealed by the Portuguese Consul at St. Jago de Cuba, and dated, like the endorsement on the passport, on the 6th of February, 1838, stating that the "*Victoria*" was bound to Lagos and Maranham, and that she carried a passenger named Jozé Montero Y. Tiral, furnished with a proper passport. This muster-roll was attached to the one taken out at Villa da Praia on the 10th of June, 1837, when the Portuguese papers were obtained there; and from an endorsement on the latter made by Her Majesty's brig "*Rolla*," on the 19th of July, 1837, we learn that, instead of proceeding direct to Maranham from the Cape Verds, as enjoined in the passport, the "*Victoria*" was then lying in the River Bonny, waiting for a cargo of slaves.

No. 3 is a log-book of the last voyage performed by this vessel from the Coast of Africa to the Island of Cuba. It begins on the 5th of November, and ends on the 17th of December, 1838. The capture took place on the following day.

Although the "*Victoria*" was detained more than ten months since, it was not until the 10th instant that the case was brought forward for prosecution in the British and Spanish Mixed Court of Justice at this place. We have before had occasion to express our regret that vessels which have been captured in the West Indies, and which have subsequently been condemned by the British and Spanish Commissioners at Sierra Leone, should not have been prosecuted before the Mixed Court at Havana, whereby a great deal of delay, expense, and trouble would have been saved. This must arise either from naval officers being unaware that their seizures would be condemned in the court at Havana; or from a different course with regard to such prizes being pursued by the judges of that court, which we cannot believe. The measures adopted in the present instance have led to a delay of ten months in the adjudication of the case.

On the 10th instant the captor's proctor stated in a petition that the brigantine "*Victoria*" had been seized by Her Majesty's schooner "*Pickle*," and carried to Port Royal, Jamaica, where she had been surveyed by competent persons, and declared to be unfit to proceed to Sierra Leone; and that the affidavit authenticating the facts of capture, and verifying the ship's papers, was prepared for execution, wherefore he prayed that the captor's declaration might be received; that the said affidavit might be sworn to and filed; that the usual monition might issue; and the petitioner be allowed to adduce his evidence.

The petition having been granted, the declaration, which is not prepared in the ordinary and prescribed form, was brought in, and it is to the following effect:—"Her Britannic Majesty's schooner '*Pickle*,' Lieutenant Philip Hast commander, whilst cruising on the coast of Cuba, observed at

10<sup>h</sup> 50' A.M., on the 18th of December, 1838, hove-to close off Juraqua, a maintop-sail brigantine. On the 'Pickle' nearing her she stood off the land with a boat in tow. At 12<sup>h</sup> 30' P.M., Juraqua bearing north by east five miles, boarded her, and found her to be the "*Victoria*," under Portuguese colours, armed with a nine-pounder gun, on a swivel amidships, with a crew of 25 men. The master stated that he was 42 days from Lagos, on the Coast of Africa, and she appeared to have recently landed a cargo of slaves. This was evident from the equipment of the vessel, having from 40 to 50 water-casks on board, a slave-deck laid, hatchways fitted for confining slaves, with iron bars, and her sole remaining cargo consisting of rice, yams, and farina, the food used for slaves, &c.

"Given under our hands, on board Her Majesty's schooner 'Pickle,' at Port Royal, Jamaica, this 26th day of December, 1838.

(Signed)

"PHILIP HAST, Lieutenant-Commander.

"ARCHIBALD DOUGLAS JOLLY, Senior Mate.

Sworn before me this 26th }  
of December, 1838. } P. LAWRENCE, Justice of the Peace."

The surveyors subsequently appointed at Jamaica by Vice-Admiral the Honourable Sir Charles Paget, the Commander-in-Chief, to examine into the condition of the "*Victoria*," to ascertain if she was fit to perform the voyage to Sierra Leone, reported her to be so much damaged, that before she could make the required voyage, she must be cleared out and hove-down at considerable expense. This report was signed by the master and carpenter of Her Majesty's ship "*Magnificent*," by the carpenter of Her Majesty's ship "*Serpent*," and by the carpenter's-mate of Her Majesty's schooner "*Skipjack*," and it was dated at Port Royal, Jamaica, on the 24th of December, 1838.

The captor having decided on leaving his prize at Jamaica, to await the decision of the case at Sierra Leone, placed her in the charge of a warrant-officer belonging to the "*Magnificent*," who, on the 27th of December, 1838, gave a receipt for the brigantine and her stores, which, with the report of survey, has been filed with the other papers belonging to the case.

An officer (Mr. Archibald Douglas Jolly) and a seaman from the capturing ship were then despatched to Sierra Leone *via* England, for the purpose of presenting the papers of the detained vessel to the Court, of conducting the prosecution, and of giving the necessary explanations respecting the seizure and equipment of the prize. From England a passage was found for Mr. Jolly to the Cape of Good Hope, and he was then transferred from one man-of-war to another, until at last he arrived at his destination in the early part of the present month.

On the 12th instant the master and mate of the "*Victoria*," were examined on the standing interrogatories. The master, Joaquim Antonio Oliveiros, deposed "that he was born at Oporto, where he generally resided, but he has lived at St. Jago de Cuba since November, 1837; is a subject of Portugal, and has never been a subject of any other state; that he was appointed to the command of the detained vessel at St. Jago de Cuba in the month of February, 1838, by Don Francisco Deu, a Portuguese living at St. Jago de Cuba, and a subject of Spain; that the vessel sailed under Portuguese papers, and there were no others on board; that the vessel is called '*Nossa Senhora da Victoria*,' she is of 100 tons burthen or thereabouts, and there were 31 officers and mariners, exclusive of witness, for the navigation of the vessel, all of whom were hired and shipped at St. Jago de Cuba in February, 1838; that neither he nor any of the officers and mariners had any interest in the vessel or her cargo; that there was one passenger, named Don Jozé Monteiro, taken on board at St. Jago de Cuba, and who was supercargo on board, and owned the cargo; that the voyage began and was to end at St. Jago de Cuba, which was the last clearing port; that the vessel touched at Lagos to land the outward cargo, and she remained there eight months refitting, during all which time the supercargo, Monteiro, lived on shore, and he was finally left there by witness; that the capturing vessel was first seen five or six miles to the north of the harbour of St. Jago de Cuba, for which the detained vessel was steering at the time; that the course prescribed by the papers was Lagos and Maranham, but it being found that the whole of the cargo could be discharged at the former place, it was thought unnecessary to proceed to the latter; that Don Francisco Cardozo, a Portuguese residing at Villa da Praia in the Cape Verd Islands, was the owner of the vessel, as witness was informed by Francisco Deu, the consignee at Cuba, and the passenger, Monteiro; that the laders of the cargo were the two persons just mentioned, and Monteiro was its sole owner and consignee at Lagos; that Monteiro has resided and carried on business at Cuba, but witness does not know how long; that there were 20 spare planks on board the detained vessel, from eight to ten feet long, one foot wide, and an inch and a half thick, which were intended for the construction of stages for the caulking of the vessel; that there were casks on board capable of receiving 60 pipes of water, and containing 32 pipes of fresh water as ballast at the time of capture; that the object of carrying so many casks was to ballast the vessel, for which purpose they had all been filled on leaving the coast of Africa, but their contents had been partly used and partly leaked out; that there were 22 or 23 bags of rice, and 18 bags of farina, for the use of the crew."

The evidence of the first mate, Jozé Olives, was merely a repetition of that given by the captain of the flag.

On the publication of the evidence in preparatory, the captor's proctor petitioned that the standing special interrogatories might be put to Mr. Jolly, senior mate, and to William Osmer, a seaman of the capturing ship. The examinations accordingly took place, when Mr. Jolly deposed "that the combings of the two principal hatchways of the detained vessel are pierced to receive iron bars, of which witness did not see any on board, but there were from 40 to 50 padlocks such as are used to secure those bars to the hatches; that a slave-deck was laid fore and aft, except amidships, where the planking had been lifted and piled up on each side; that there were four pairs of shackles and bolts; that there were leaguers and casks capable of receiving sixty pipes of water, and containing from eight to ten pipes of water, at the time of capture, the remainder being filled with salt water, to ballast the vessel; that there were no copper or iron boilers found on board, but the iron cabouse was fitted to receive two large boilers, of what capacity witness cannot undertake to say, but certainly of a much larger size than could be required or used by any merchant vessel engaged in lawful commerce; that there were 21 bags of rice, two half hogsheads of rice, 22 bags of farina, and some yams spoiled and useless."

William Osmer confirmed Mr. Jolly's statement in every respect, and deposed in addition "that he had found in the hold of the detained vessel one of the iron bars used to secure the hatches, also a large iron ladle such as is used on board slave-vessels for bailing out from the slave-boilers, with a handle nearly six feet long."

The additional examinations were published on the 15th instant, and the monition being returned into the Registry on the 18th instant, the following day was appointed for the adjudication of the case.

The information obtained from the very few papers discovered by the captors is very scanty. The Custom-house papers and clearances were most probably landed at the same time as the slaves, and together with Don José Montero, the owner of the slaves, and five of the "*Victoria's*" seamen, who were required to attend upon the human cargo on shore. The master's deposition agreed with the official muster-roll in declaring that the brigantine's crew consisted of 31 persons besides the supercargo, José Montero, and yet only 25 persons were found on board when the vessel was detained.

To find the name of Thimotio Cardozo de Mello inserted in a passport issued at the Cape Verd Islands to a regular slave-trading vessel, is sufficient of itself to excite a suspicion that the property thus covered is really Spanish; but in this case it was found that the vessel has never once visited the island where it is pretended that she is owned, and that the only voyages made under her false Portuguese papers have been between St. Jago de Cuba and the African coast for slaves, two cargoes of whom have unfortunately been landed during the year 1838 in the neighbourhood of St. Jago de Cuba. By the confession of the Portuguese captain of the flag, the consignee of the "*Victoria*" at St. Jago de Cuba was a Spanish subject residing there; the sole owner of the cargo shipped on board the vessel was also a merchant of the same place; the master was there appointed; the crew was there engaged; and there the voyage began and ended. Everything points out St. Jago de Cuba as the place where the detained vessel was owned, and her course of trade is also decidedly Spanish.

The Spanish character thus impressed upon the "*Victoria*" rendered her liable to the penalties inflicted by the Spanish Slave Trade Treaty upon vessels similarly equipped for the prohibited traffic. A sentence of condemnation was accordingly pronounced.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 75.

*Viscount Leveson to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, October 28, 1840.*

I AM directed by Viscount Palmerston to transmit to you, for your information, the accompanying copies of Despatches from Her Majesty's Commissioners at the Havana, containing reports on Slave Trade at that place, for the months of April, May, June, and July, 1840.

I am, &c.

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

(Signed) LEVESON.

Enclosure in No. 75.

*Havana Commissioners' Despatches of the 28th May, 13th June, 18th July, and 17th August, 1840.  
(See No. 139, 140, 146, and 147.)*

No. 76.

*Viscount Palmerston to Her Majesty's Commissioners at Sierra Leone.*

GENTLEMEN,

*Foreign Office, November 9, 1840*

I REFERRED to Her Majesty's Advocate-General your Despatch of the 24th August, 1839, on the subject of the brig "*Mary*," which was detained under American colours by Her Majesty's ship "*Forester*," and carried to Sierra Leone for adjudication before the British and Spanish Mixed Court of Justice; and I have to state to you, for your information and guidance, that the Advocate-General has reported it to be his opinion, that British vessels are not authorised to visit and search American ships upon the high seas; but that if a vessel, which there is good reason to suppose is in reality Spanish property, is captured and brought into a port where a Mixed British and Spanish Commission is sitting, the Commissioners may properly investigate the case; and, upon sufficient proof being adduced of the Spanish character of the vessel, and of her having been guilty of a breach of the Treaty between Great Britain and Spain for the Suppression of the Slave Trade, the Commissioners may condemn her, notwithstanding that she was sailing under the American flag, and had American papers on board.

The Advocate-General further observes that, from your statement, and from the abstract of the papers transmitted by you, there was reason to suppose that the "*Mary*" was a Spanish and not an American vessel, and that he is consequently of opinion, that the Commissioners might have allowed her to have been libelled in the British and Spanish Court.

I am, &c.

(Signed) PALMERSTON.

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

No. 77.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, July 1, 1840.**(Received November 11.)*

MY LORD,

HER Majesty's sloop "Wanderer," Commander the Hon. Joseph Denman, captured at the Gallinas, on the 3rd ultimo, the schooner named the "*São Paulo de Loando*," Mariano Sgitcovich, master, on suspicion of her being Spanish property, although bearing the flag of Portugal; and, being equipped for the Slave Trade, sent her to this port for adjudication.

The proceedings against this vessel were commenced in the British and Spanish Mixed Court on the 11th ultimo, and terminated on the 18th, when a sentence of condemnation was pronounced upon her for the reasons set forth in our report of the case, which we have now the honour to enclose to your Lordship.

This vessel was built in Cuba about 18 months since, and was owned by Martin Lasquibar, a Spanish merchant of Havana, who made an ostensible transfer of her in March last to José dos Reis, who is stated to be a Portuguese subject, and to have resided at Havana for the last 12 months. To this transfer the Portuguese pro-Consul at Havana, Mr. Pasqual Pluma, was a party; and in virtue of this alleged Portuguese ownership he granted a passport to proceed to the Cape Verd Islands, in open violation of the 2nd Article of the Portuguese Decree of the 10th January, 1837, which plainly forbids any other foreign-built vessels than steamers being placed under the national flag after that date. This we have considered so glaring an abuse of the Consul's authority, that we have transmitted herewith certified copies of the bill of sale of the vessel and the Consul's passport, and beg leave to draw your Lordship's particular attention to the same.

Mariano Sgitcovich, the Austrian, who acted as the captain of the Portuguese flag in this case, held a precisely similar appointment on board the Portuguese brig "*Matilde*," condemned in the British and Spanish Mixed Court here in March last year.

We have, &amp;c.,

(Signed)

WALTER W. LEWIS.  
R. DOHERTY.

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

## First Enclosure in No. 77.

*Report of the case of the schooner "São Paola de Loando," Mariano Sgitcovich, Master.**Sierra Leone, July 1, 1840.*

At the time of the detention of this vessel she was sailing under the flag of Portugal, and was furnished with the following official papers:—

1. Passport.
2. Muster-roll.
3. Custom's clearance.
4. Bill of Sale of the vessel.

From which documents it appeared, that on the 27th of March, 1840, Martin Lasquibar, a merchant of Havana, sold in that city to José dos Reis, of Oporto, the Spanish built schooner "*São Paulo de Loando*," for 7000 dollars; the transfer taking place, and the bill of sale being executed in the presence of Mr. Pasqual Pluma, pro-Consul for Portugal.

On this change of ownership, Mr. Consul Pluma granted a Portuguese passport for the vessel to proceed to the Cape Verd Islands; the particulars of which it is not necessary here to give, as a certified copy of the translation of this document, as well as of the bill of sale, will be transmitted with this report.

Six days after issuing the passport for this vessel, which described her as proceeding to the Cape Verd Islands, Mr. Consul Pluma certified the muster-roll of the schooner, which stated she was bound direct for Gallinas, with a crew of 17 persons; and one African, and two Spanish passengers. The schooner was cleared at the Custom-house, at Havana, for Gallinas, on the 14th of April, 1840, and embarked only a few necessary supplies for the crew.

The log-book showed that the detained vessel proceeded from Havana direct to the Gallinas, taking no notice whatever of the destination assigned in the Consul's passport.

There were five private papers also found on board of the schooner when seized, two of which only proved to be of any interest. The two papers alluded to were letters, one of which was from Pedro Zaldueño, the Spanish passenger, to Pablo Alvarez of Gallinas, notifying the arrival of the schooner at that place for a cargo of 360 to 380 slaves, in addition to 20 which Zaldueño desired on his private account. From the writer's statement it appeared the slave equipment of the vessel was complete on his arrival at Gallinas, water only being required to replace that used by the crew on the outward voyage. This vessel must, therefore, have left Havana unlawfully equipped, as she was captured at the Gallinas before she had had time even to land the passengers. Zaldueño conveyed to Alvarez the approbation of his correspondents at Havana, Messrs. Yriarte and Yrigoyen, in respect to the manner in which he carried on their business at the Gallinas. From this letter it appeared that the entire management of the affairs of the vessel was placed in the hands of Zaldueño.



The other letter to which we have above alluded was from Pablo Alvarez to Francisco Rocosa of Havana, and bore date at Gallinas the 17th of August, 1839. The following is a copy of the translation of that letter.]

"As yet nothing has taken place here without my having made you acquainted with it. I have now to tell you, that the brig '*Wyoming*' was captured whilst on her return from the Plantains, and that the moment I learnt it I dispatched my agent to Sierra Leone with 2000 dollars, having first appointed him as supercargo, to make the best possible defence with a view to getting the vessel clear; however I regret to say all these endeavours have been in vain, as instead of the vessel being sent as usual to that port where I supposed she would have gone, they took her to New York. I have already written to Messrs. Yriarte and Yrigoyen, acquainting them of the deficiency in the cargo of a case of chintz, and also that she had on board at the time of capture six quarter-casks of spirits, eight iron-boilers, one bale, and one case of tobacco. Don Pedro de Zalduendo will be the bearer of this, and he will be able to inform you of all that has occurred with reference to the capture of the vessel. I hope that within a month and a half from the receipt of this that you will send me a vessel for the produce of the factory, which was originally put aside for the '*Wyoming*,' and was all ready for embarkation.

"I must now advise you, that whatever vessels you may send, the masters of them must be instructed whenever they make their appearance, not to anchor, and that they should carry at the foretop-mast-head, a white flag with a blue square in the centre, and that it should be large so as the better to enable us to distinguish it afar off, when we shall know what the vessel is, and at once ship the cargo and send it out outside. Whatever Don Pedro de Zalduendo may tell you with respect to the continuance of the contest at Little Bassa, it is in vain to endeavour to put a stop to it, or indeed to have anything to say in it, because all is now pretty well left in the hands of the French."

The brig "*Wyoming*," alluded to in the foregoing letter, is a vessel which sailed from Havana under the colours of the United States, on the 6th March, 1839, bound to Little Bassa, and was captured by one of Her Majesty's cruisers off the Gallinas, the commander of which sent the "*Wyoming*" to New York to be dealt with as an American by the Government of the United States, the result of which proceedings have for some time past been before Her Majesty's Government. From this letter it may fairly be inferred that the brig "*Wyoming*" was one of the many vessels now employed under the United States flag for carrying on the Slave Trade of Cuba.

The "*São Paulo de Loando*" arrived in this harbour on the 7th of June ultimo, and was visited and reported upon by the Marshal to the Mixed Courts.

On the following 11th the papers of this vessel were filed in the British and Spanish Mixed Court, having first been duly authenticated by the prize-officer; the captor's declaration was received and filed; the usual monition issued, and the witnesses ordered for examination.

The declaration of the captor was as follows:—"I, the Honourable Joseph Denman, commander of Her Britannic Majesty's sloop '*Wanderer*,' hereby declare that on this 3rd day of June instant, being off the Gallinas, I detained the Spanish schooner named the '*São Paulo de Loando*' sailing under Portuguese colours, commanded by Mariano Sgitcovich, who declared her to be bound from Havana to Gallinas, with a crew consisting of 17 men and one passenger, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board no slaves.

"I do further declare that the said vessel is perfectly equipped for the reception of a cargo of slaves, and that she is as such seizable under the Spanish Treaty."

On the 12th ultimo, Mariano Sgitcovich, the Master of this vessel, was examined by the Registrar. He deposed that "he was born at Ombla, in the province of Ragusa, in the Austrian dominions. Is a subject of Austria, and has never been subject of any other state. Is not married. He was appointed to the command by José Reis, a subject of Portugal living at Havana. Received possession there from the same person, on the 30th day of April last. First saw the vessel at Havana while she was building there, a year and a half ago. He was present at the capture. Does not know why it took place. The vessel sailed under Portuguese colours, and there were no others on board. The vessel is called the '*São Paulo de Loando*.' She never bore another name. Thinks she is of 76 tons burthen. There were 16 officers and mariners, exclusive of witness—three of them Spaniards and the remainder Portuguese, all hired and shipped by witness at Havana on the 3rd of the month ultimo. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. Was Master on board. There were three passengers two belonging to the cabin, named Pedro Sandundo (Zalduendo), a Spaniard and trader; and Paolo, the son of a king at Gallinas, and of no profession; and the third a Portuguese carpenter, called Juan: all three taken on board at Havana on the 16th ultimo, and destined to Gallinas; witness does not know on what business. None of them had any interest or authority in or over the vessel or her cargo. The voyage began and was to end at Havana, which was the last clearing port. The vessel touched at Gallinas to land the passengers, but capture took place before this could be done. That at nine o'clock on the morning of the 3rd or 4th instant, three hours before the detained vessel anchored at Gallinas, the capturing ship was first seen. Capture took place, after anchoring, at two o'clock. Was steering towards Gallinas when first pursued. The course was not altered nor any additional sail made. The course prescribed by the papers was always adhered to when the weather would permit. No guns are mounted on board, but there were 16 cutlasses, 16 muskets, and 25 pounds of ammunition for defence against pirates. No resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for concealing or destroying the vessel's papers. José Reis, from whom he received command and possession, is the sole owner of the vessel, so far as witness knows. Was present when he bought her. He (Reis) has resided and carried on business at Havana during one year. Does not know where he resided before, but knew him 12 years ago at Lisbon. A bill of sale was made by a Spaniard, the former owner, whose name is unknown to witness. Does not know in whose presence it was made. Last saw it on board the vessel, and it is among the papers delivered up. The price was 7,000 dollars. It was paid, and was a fair equivalent. The transfer was a true one, and there were no private agreements. There was no cargo. He does not know what was the lading on the last voyage. The passports and other papers were all true and fair. None of the papers were destroyed, concealed, or made away with. There are no writings relating to vessel or cargo in any other country. There was no charter-party. He does not know if the vessel or goods were insured. With respect to her employment in trade the vessel was under the management of witness."

The illegal equipment of the schooner the Master freely admitted, in respect to hatches and hatch-bars; a nearly complete slave-deck laid fore and aft in her hold; water-casks, mess-kits, and rice and

calavances. These articles he explained "were found on board the vessel when she was purchased, and have been allowed to remain without any specific object."

The cook's evidence was entirely corroborative of that of the Master, with the exception of knowing nothing respecting the owner of the vessel.

With these examinations the captor's case was closed, and publication granted.

The 18th ultimo, being the day on which the monition in the case was returnable, was appointed for the adjudication of the vessel, and the Court met accordingly.

In giving judgment, the Court stated that it would attach no importance to the Portuguese passport granted to this vessel by the Pro-Consul for Portugal at Havana, as it had plainly been obtained for the purpose of covering her Spanish character, and a Spanish adventure. For it had been proved that the detained schooner was built at Havana; that she was originally owned by a Spanish resident there, who had ostensibly sold her to an established Portuguese resident in that city; and that she was fitted out at Havana, and was destined to return to that port with a cargo of slaves.

A more complete case of Spanish nationality the Court thought the captors could hardly have desired to establish; and the unlawful equipment having been freely admitted, a sentence of condemnation was accordingly passed on the schooner and everything seized on board of her.

(Signed)

WALTER W. LEWIS.  
R. DOHERTY.

## Second Enclosure in No. 77.

### *Bill of Sale and Consular Passport.*

[Arms.]

BILL of Sale which has been made by Don Martin Lasquiva, of the Spanish schooner called the "*São Paulo de Loando*," to Joze Dos Reis. In the year of the birth of our Lord Jesus Christ, 1840, and on the 27th day of March of the said year, there appeared at this Consulate General of Tuscany and Portugal, Don Martin Lasquibar, a merchant of this city, and owner of the Spanish schooner called the "*São Paulo de Loando*," of the burthen of 93 tons, being Spanish-built, and at present at anchor in this port; and Joze Dos Reis, at the same time a subject of Portugal, belonging to the city of Oporto, as the purchaser, in the presence of the witnesses who have hereunto attached their signatures, the said Don Martin Lasquibar declared that he had sold the before-referred-to schooner, with all and everything that belonged to her, including the sails, rigging, and tackling, agreeably to the inventory, for the sum of 7000 Spanish round dollars, to the said Joze dos Reis; from whom he hereby acknowledges to have received the said amount; in consequence of which he resigns from this day and for ever all right and authority in the possession of the before-mentioned schooner, with all and every part of her apparel, sails, boats, oars; the whole of which now belongs to the said Joze dos Reis, who is hereby from this time forward duly and legally constituted the rightful owner, he, the said seller, binding himself to meet any expenses that be now due and that may possibly hereafter be brought against the before-alluded-to schooner. I myself do also hereby declare, that the above-mentioned Joze dos Reis has acted in conformity with all and every part of the contents of this bill of sale, and that he has received over as his property the said schooner "*São Paulo de Loando*," and which will now sail under the Portuguese flag, so as to correspond with himself, and also in the same name; and both these contracting parties having acted in conformity with the foregoing, I have hereunto affixed my signature to this public instrument, together with the several witnesses, one and all knowing them to be the proprietors. And for the purpose that it should be known, I have delivered a copy of this said document, which is already entered in a book appropriated to this purpose at folio 13, also written by myself, and sealed with the Imperial and Royal seal, and it has been duly registered in this registry;—Seller—Martin Lasquibar. Purchaser—Jose dos Reis. Witnesses—Manoel Torras Lluch, J. Jozé de Barrenechea, Jozé Triarte Em fé, the Consul-General of Tuscany and for Portugal.

(L. S.)

PASQUAL PLUMA.

[Arms.]

I, PASQUAL PLUMA, Consul-General of Tuscany, and in charge of the Consulate of the Portuguese nation in this Island of Cuba:

Be it known that the Portuguese schooner, called the "*São Paulo de Loando*," Spanish-built, of the burthen of 93 tons, little more or less, and of which Mariano Sgitcovich is the master, and Joze dos Reis, a native of Portugal, and established in the city of Oporto, is the owner, and being about to proceed on a voyage to Santo Iago, for the purpose of obtaining from the authorities of Her Most Faithful Majesty in the town of Praia the necessary documents to enable the said vessel to navigate freely to all parts: although the said schooner has on board, as part of her complement, some foreign persons. And as the said vessel may on her voyage possibly be met or fallen in with by chiefs and officers in command of ships and other vessels belonging to kings, princes, republics, powers, friends and allies of the Crown of Portugal, we hereby request that they will not offer the said vessel any hindrance, but allow her to proceed on her voyage without delay: with the surety that whatever services may be rendered by such powers, it will be returned with the same attention and treatment. And for which purpose I have signed this passport, which goes forth sealed with the Imperial and Royal seal of this Consulate. Havana, this 8th day of April, 1840.

The above-referred-to schooner has also an armament consisting of as follows, which was on board the vessel at the time on her being bought, and which is agreeably to the inventory, viz.: 12 fuseses, 15 cutlasses.

(L. S.)

(Signed)

The Consul-General, PASQUAL PLUMA.

These are to certify that the foregoing are just and true copies of certified translations of the bill of sale and passport of the Portuguese schooner "*São Paulo de Loando*," whereof Mariano Sgitcovich was master, as appears by the records of the British and Portuguese Court of Mixed Commission established at Sierra Leone, in which the said schooner was condemned.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Free-town, in the colony of Sierra Leone, this 1st day of July, in the year of our Lord 1840.

(L. S.)

(Signed)

J. MILLER, Acting Registrar.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, July 1, 1840.*

(*Received November 11.*)

MY LORD,

WE have the honour to acquaint your Lordship that the Spanish schooner "*Maria Rosaria*," alias "*Traga Millas*," Antonio Gonzales, master, was detained on the 9th June, off Cape Mount, in a voyage from Havana to the Malaguetta Coast, for being equipped for the Slave Trade, by Her Majesty's sloop "*Wanderer*," the Honourable Joseph Denman, commander.

The detained vessel arrived in this harbour for adjudication by the British and Spanish Mixed Court on the 14th ultimo, and on the following 24th a sentence of condemnation was passed upon her.

Herewith we beg leave to lay before your Lordship our Report of this case.

From all that we could learn from the papers and evidence in this case, it appeared the schooner left Havana in every respect equipped for a slaving voyage.

We have, &c.

(Signed)

WALTER W. LEWIS.  
R. DOHERTY.

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

Enclosure in No. 78.

*Report of the case of the Spanish schooner "Maria Rosaria," alias "Traga Milhas," Antonio Gonzales, master.*

*Sierra Leone, July 1, 1840.*

THE "*Maria Rosaria*" was found sailing under a royal Spanish passport, No. 429, which was issued at Havana on the 20th of March, 1840, and was to continue effective for the term of one year. In this document José Maria Perez was described as being both master and owner of the vessel, whose burthen was stated to be 68 tons. There was the usual prohibition against engaging in the Slave Trade contained in a note to the passport; and by an endorsement of the 2nd of April last it appeared the owner Perez gave up the command of his vessel to Antonio Gonzales, who was found in charge of her.

The muster-roll shewed the crew to consist of 16 persons, and the vessel bound to the Malaguetta coast. It was dated at Havana the 2nd of April last. By an endorsement thereon made at the Cape Verd Islands on the 27th of May last, it appeared one seaman had been landed there, and another embarked in his place.

The manifest shewed that the cargo from Havana consisted of 90 barrels of rice, 36 packages of meal, and 6 barrels of rum.

The schooner had the usual fort-pass for leaving the port of Havana.

The log-book showed that the vessel left Havana on the 4th of April last, and that she arrived off Cape Mount, on this coast, on the 8th of June; having on the voyage thither touched at St. Jago, Cape Verd Islands. Preparatory to this visit to the Cape Verds, we find a formal protest entered in the schooner's log on the 24th of May last, and signed by the master and his officers, in which they state that from several accidents which have from time to time been duly noted in the log-book, the vessel had become in that state that she was "quite unfit to proceed to her destination until put into proper repair," and in consequence that it was necessary to bear up for the nearest port. The harbour of Porto Praya was accordingly the next morning entered, and the schooner remained at anchor there two clear days. The entries in the log for these two days relate entirely to the weather, and say nothing whatever of the repairs which had been considered so essential for the schooner's safety, nor of the embarkation of any articles for this object. The schooner sailed from St. Jago on the third morning; and her Custom-house receipt contained charges only for entry and departure.

On getting clear of the land the log states that the vessel carried all possible sail with a favourable wind, although she had not received those repairs which it had been alleged were required to make her seaworthy. What object was contemplated in framing this excuse for the schooner's visit to the Cape Verds we have failed in discovering; and have alluded to it chiefly as an illustration of the manner in which even unimportant proceedings connected with Slave Trade expeditions are attempted to be disguised.

The detained vessel anchored in this harbour on the 14th of June ultimo, and on the following morning was visited and reported by the Marshal of the Courts, to the Commissioners.

On the same day, the 15th ultimo, the papers of the captured vessel were brought into Court and filed, having been first properly authenticated by the prize-officer; the captor's declaration was received; the usual monition issued; and the witnesses ordered for examination.

The declaration of Commander Denman of Her Majesty's sloop "*Wanderer*," stated, that on the 9th of June, being off Cape Mount, he had detained the schooner "*Maria Rosaria*," sailing under Spanish colours, for being in all respects equipped for the Slave Trade.

On the 17th ultimo the master of the vessel, Antonio Gonzales, was examined by the Registrar on the standing interrogatories, and deposed as follows:—"That he was born at Seville, where he has since lived; is a subject of Spain, and has never been a subject of any other state; that he was appointed to the command by José Peres, a subject of Spain residing at Carthage in that country, from whom he also received possession at Havana on the 1st of April last; first saw the vessel there and then; thinks she is Baltimore built; that he was present at the capture; does not know why it took place; the vessel sailed under Spanish colours, and there were no others on board; that the vessel

is called '*Maria del Rosario*;' she never to witness's knowledge bore another name; she is of 67 tons burthen; there were 18 officers and mariners exclusive of witness, two of them Portuguese, and the remainder Spaniards, all hired and shipped at Havana in April last, before witness took possession, by José Peres; neither he nor any of the officers or mariners had any interest in the vessel or her lading; was master on board; there was one passenger, Juan Milanés, a Spaniard and merchant's clerk, taken on board at Havana when the vessel sailed from thence; and destined to Cape Monserrado; witness does not know on what business; he had no concern or authority in or over the vessel or her cargo; that the voyage began and was to end at Havana; the last port of clearance was Porto Praia, Cape Verd Islands, where alone the vessel touched during the voyage, and where she was carried in order to stop a leak and buy provisions, both of which things were done; that the capturing-ship was first seen about eight miles off Cape Mount, on the 9th of the month instant, at break of day; capture took place at two o'clock afternoon; was steering for New Sesters at the time; the course was altered as much as possible, and all sail made; the course prescribed by the papers was not deviated from, except in calling at Cape Verds, for reasons already given; no guns are mounted on board, but there were 10 cutlasses, 10 muskets, and 100 musket-cartridges, for defence against boats and canoes; José Peres, from whom witness received command and possession, was the sole owner of the vessel; he is a native of Carthagená, where his relations live, as well as himself; a bill of sale was made, witness does not know by whom, nor in whose presence; saw, without reading it, at Havana; does not know the price, but it was paid, and he believes was a fair equivalent; the transfer was a true one, and there was no private agreement; the owner of the vessel was the sole owner, lader, and consignee of the cargo; he knows nothing of the lading of the last voyage; the present cargo consists of rice, and of rice only; after capture, the vessel was brought direct to Sierra Leone; the passports and other papers were all entirely true and fair; none of the papers were destroyed, concealed, or made away with; there are no writings relating to the vessel or her cargo in any other country; there was no charter-party; he does not know if the vessel and goods were insured; with regard to her employment in trade, the vessel was under the management of witness; corresponds with no one."

The master, in replying to the questions respecting the equipment of the vessel, freely admitted that she was provided with a slave-deck, boiler, water, provisions, and mess-kits, all of which were intended for a return cargo of slaves.

Pablo Hernandez, the cook of the detained schooner, gave evidence generally corroborative of that of the master, except as to the use to which the slave equipment, provisions, and water were to be applied, on which point he declared his ignorance.

Publication was granted on the 17th ultimo.

The monition which was issued on the 15th, was returned into Court on the 22nd ultimo, certified to have been duly served; and on the 24th the British and Spanish Court met for the adjudication of the case, when a sentence of confiscation of the vessel and cargo was declared.

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

No. 79.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, July 29, 1840.*

(Received November 11.)

MY LORD,

WE beg leave to acknowledge the receipt of your Lordship's Despatch of the 5th of May last, transmitting the British Commissioners' lists of vessels which had arrived at Havana from, and sailed thence to the Coast of Africa, between the 1st of July, 1839, and the 31st of January, 1840.

Of the fifty vessels mentioned in these lists, there have been condemned here the following:—

1. Portuguese schooner, "*Dos Amigos*," in September, 1839.
2. " " "*Victoria*," in October, 1839.
3. " " "*Josefina*," in October, 1839.
4. " brig, "*Fortuna*," in December, 1839.
5. " schooner, "*Lavendeira*," in December, 1839.
6. " " "*Magdalena*," in December, 1839.
7. " " "*Lark*," under American colours, in March, 1840.
8. " " "*Asp*," in March, 1840.
9. " " "*Octavia*," in June, 1840.

The "*Butterfly*," under American colours, was also seized by one of Her Majesty's cruisers, the brigantine "*Dolphin*," and has been lately condemned at New York for her connexion with the Slave Trade.

From the reports of the Havana Commissioners it appears that two only of the vessels named by them were employed in an unquestionably lawful manner, viz. the American schooner "*Mary*," and the Spanish brig "*Augusto*," leaving forty-eight vessels, of all sizes, as the number known in the port of Havana connected with the Slave Trade for the seven months named by the Commissioners, of the fate of one-fifth only of which we are at present informed.

The Havana Commissioners mention that it had been reported by the people of the above-named brig "*Augusto*," that previous to their sailing from this

CLASS A.

colony, the "*Llobregat*," a vessel belonging to the port of Havana, had been seized and condemned here; we, however, have not heard of any prize of that name.

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

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

No. 80.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, August 3, 1840.*  
(Received November 11.)

MY LORD,

WE have had the honour of receiving your Lordship's Despatch of the 8th May last, and its two Enclosures, acquainting us that your Lordship had communicated our Report of the case of the condemned slave schooner "*Rebecca*" to the Government of the United States, with a view to their taking measures for preventing the American flag being abused for the purposes of the Slave Trade, as it had been in the instance in question; and that it is in consequence the wish of the United States' Government to be placed in possession of documentary evidence, whereon to pursue legal measures against the citizens of the States concerned in this transaction.

In compliance with your Lordship's directions, we now beg leave to transmit certified copies, under the hand of the Registrar and the seal of the Mixed Commission, of such Papers respecting the case of the "*Rebecca*" as appear calculated to effect the object in view by the United States' Government.

The Papers so forwarded consist of a copy of the original letter of Mr. F. Neill, the American Owner and seller of this vessel, instructing his Captain (Watson) to convey her from Havana to the Gallinas under the United States' flag and pass, for delivery there to Pablo Alvarez, in conformity with an agreement he had made with José Ealo of Havana; and, having done so, that Captain Watson was to return the said pass, cut into two parts, by separate conveyances to him (Neill) at Baltimore, so as to enable him to cancel his bond with the Customs. A copy of the Spanish Mate's original receipt on the transfer of the vessel from the said American Captain (Watson), on her arrival at Gallinas, to Pablo Alvarez.

There is also a copy of the translation of the Custom-house clearance at Havana, showing, that the "*Rebecca*" cleared out as an American vessel, and commanded by Watson; a copy of the translation of the instructions from the *boná fide* Spanish Owners of this vessel, the well-known Yriarte and Yrigoyen of Havana, to their Spanish Captain, Domingo Arteta, in which he is directed to have the American flag kept flying until the cargo (slaves) is put on board; and copies of the translations of two letters from Yrigoyen, and a number of persons at Havana concerned in some slave adventure, in which is mentioned the sailing of the "*Rebecca*," really under the command of the Spanish Master Arteta, and not under the command of the American, Watson, in whose name she had been cleared out at Havana.

The foregoing papers are accompanied by copies of the depositions of the Spanish Mate and American Captain, taken before the British and Spanish Mixed Court in the trial of the brigantine "*Rebecca*," which serve further to explain the proceedings connected with the transfer of this vessel from the American to the Spanish flag.

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

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

Enclosure in No. 80.

*Original Papers found on board the "Rebecca."*

Captain George Watson, Commander of the American Schooner  
"*Rebecca*," Havana.

(Copy.)

Sir—You will proceed with the schooner "*Rebecca*," under your command, direct from here to Gallinas, and on your arrival there deliver her up to Don Pablo Alvarez, of the said place, agreeably to an arrangement I have made here with Don José Ealo, looking to either of them for any demand you may have for your services, as well as the crew and officers.

Yours, &c.  
(Signed) F. NEILL.

You will, upon your arrival at Gallinas, after delivery of the schooner "*Rebecca*" aforesaid, send her register in two different vessels to me at Baltimore, cutting in the middle, in order that I may cancel my bonds in the Custom-house.

(Signed) F. NEILL.

(Copy.)

March 30, 1839.—Schooner "*Rebecca*," *Gallinas*.

I HEREBY acknowledge that I this day took charge of the schooner "*Rebecca*," lately under your command, in the name Don Pablo Alvarez.

(Signed) NICOLAS ECHEVARRAI.

*Translations of Papers found on board the "Rebecca."*

(Copy.) From Havana to Gallinas. The American Schooner "*Rebecca*," Captain Wilson.

*Havana, January 21, 1839.*

I, DON JOSE PEREZ SANTIN, Honorary Provincial Intendant, Effective Commissary of War of the First Class of the Royal Armies, and Administrator-General of the Royal Maritime Revenues of this Capital for Her Majesty, &c., do certify that, by the intervention of the Señor Honorary Accountant of the Army and Principal of this Royal Custom-house, Don Tomas Rodriguez de Yurre, there have been embarked in the American schooner "*Rebecca*," Captain Wilson, bound for Gallinas, the following:—Don Jose de Ealo, 26 casks of rice, three half-barrels of ditto, seven bags of ditto, 531 demi-jars of rum, 54 more demi-jars of ditto, 40 barrels of biscuit, 15 guns, 500 half-barrels of gunpowder, and sundry provisions and liquors for the mess; 27 bales from the depôt; 10 barrels of tobacco in leaf, also from the depôt.

(Signed) JOSE PEREZ SANTIN.

(Copy.) Instructions for Señor Don Domingo Arteta.

*Havana, January 21, 1839.*

ON your arrival at Gallinas you will place yourself under the orders of Don Pablo Alvarez, and observe those which he may give you with the greatest exactness. You will both take care that the American schooner "*Rebecca*" keeps her flag till the moment of putting her cargo aboard. You will bring in the vessel Citizen Watson, with a slave (bulto) which he has our permission to bring with him. When loaded you will steer directly to this island, and take the port that may be most convenient, provided it be to the west of Trinidad on the southern side, or of San Juan de los Remedios on the northern; and whatever may be the point to which you proceed, you will keep the vessel at anchor there, and the cargo ashore, until you advise us of your arrival and we proceed thither, or send some one on our behalf. If, in consequence of any unforeseen circumstance, you should arrive at a port in this island more to the eastward than those which we have mentioned above, you will send the vessel to this port, and it will remain, with the bultos (slaves) ashore, at your disposal until we proceed thither, upon your advising us, or send some person in our stead, without appointing any consignee; and you will either borrow sufficient for your expenses, or sell the articles which may be absolutely necessary for that purpose. You are on no account to consider the voyage terminated at Puerto Rico, though you should be obliged to go in there, and must only supply your most necessary wants, and proceed to this island. You will address yourself, if you should be obliged to put in there, to Don Martin José Machicota on account of Don Tomas Yrigoyen.

(Signed) SILVESTRE TRIARTRE, and  
TOMAS DE YRIGOYEN.

(Copy.) Señor Don Juan Batalla, Gallinas. Recommended to Arteta, by his friend Yrigoyen.

SIR, AND MY FRIEND,

*Havana, January 22, 1839.*

IN consequence of your two esteemed letters of 10th and 24th October of last year, the first from Petit Bassa and the second from Gallinas, we have determined to despatch to you a vessel of (capable of carrying) 300 to 350 slaves (bultos), within 20 or 30 days; and her not being yet bought is owing to Don Manuel Masino not having sold, till to-day, his share of her. The vessel will carry all the merchandise, and everything else that you ask for; and even if you were to make 1500 slaves (bultos) per annum, you would not exhaust your resources, for you have only to ask for what you require. This letter is carried by the master of the schooner "*Rebecca*," Don Domingo Arteta, which goes consigned to Don Pablo Alvarez, who has been written to, under this date, to request him to assist you as far as he is able; and it would not be amiss if you were to put yourself in communication with him as soon as you receive this, to try to send us a splendid expedition.

I remain, &c.

(Signed) TOMAS DE YRIGOYEN.

(Copy.) Señor Don Juan José Batalla, late Captain of the Schooner "*Caremana Malagueta*," Petty Bassa.

SIR,

*Havana, January 22, 1839.*

AVAILING ourselves of the opportunity of the schooner "*Eufrates*," Captain Don Pedro Terrer, we wrote to you as outfitters, and in the name of the other persons interested in the expedition of the "*Constitucion*," which you commanded, of the loss of which vessel we were aware, and for which occurrence we expressed our sorrow. If that letter fortunately reached you, it will have informed you of our desire to send you another vessel for the purpose of saving the remains of that one, and that we only delayed sending her till you had acquainted us with the state of our affairs in your charge, and with the arrangements which circumstances had obliged you to adopt.

In effect, your favours dated last October arrived; and in consequence of what you have communicated to us therein, and of the hopes with which you flatter us of being yet able to make a good business, to our mutual advantage, we have determined to purchase a vessel and merchandise in conformity with your recommendation; and the only difficulty which has hitherto delayed our carrying our intention into effect, is that of the flag, arising from the scarcity of American vessels of the class and burthen which we require; for, all other impediments are easily surmounted. As vessels of the description required are constantly arriving, and as, amongst several that are expected, it cannot be difficult to find one that suits us, you may with all certainty reckon upon one sailing for your place about the 25th of next month (February). Relying upon this as sure, take your measures, calculating the passage so that on her arrival she may find the cargo ready, and experience the shortest possible delay in her return. Unfortunately the shareholders have declined any further outlay; and as, on the part of Yrigoyen and the house, we cannot venture among so many risks all the capital which is required, and as we cannot distress our establishments to take over the third which belonged to Don Manuel Masina

as outfitter, it has been found necessary, much against our inclination, that he should renounce his rights and shares in favour of some other person, who, by good luck, is our friend Don Juan Suris; who, as the person to whom the share is ceded, signs this letter, in order that you may be acquainted with his signature, which is confirmed by that of Masina, who also signs. Don Tomas de Yrigoyen has written to you by the "*Rebecca*," which takes this; and although he signs as an individual, we ratify all that he says in that letter, and leave for another opportunity whatever else may occur to us which may not be of moment.

(Signed)

RACON & CO.  
MANUEL MASINO.

(Signed)

We remain, &c.  
TOMAS DE YRIGOYEN.  
JUAN SURIS.

Our friend Don ——— Rocova does not sign, in consequence of his being in the country. Villela begs of you to tell him something of Aquilino, to whom he again recommends you.

(Copy.)

*Depositions taken in the case of the "Rebecca."*

*British and Spanish Mixed Court of Justice, Sierra Leone.*

IN the case of the schooner "*Rebecca*," Domingo Arteta, master, Saturday the 30th day of March, 1839. Nicolas Echevarrai, mate on board the said vessel being produced, sworn, and examined, on standing interrogatories, and standing special interrogatories, deposes and saith as follows, viz. :—

To the 3rd, saith the name of the master is Domingo Arteta; has known him during one year; he was born in the province of Biscay, in Spain, where he generally resides. He is married, and his wife resides there also.

To the 4th, saith the master was appointed to the command by one Ealo, a Spaniard, residing in Havana, from whom also he received possession there three months ago; first saw the vessel there and then; does not know where she was built.

To the 5th, saith he was present at the capture; does not know on what pretence it took place. The vessel sailed under Portuguese colours, and there were no others on board.

To the 6th, saith the vessel is called the "*Rebecca*;" has never heard of her bearing any other name; she is of 142 tons burthen. There were twelve officers and mariners, exclusive of the master, all all Spaniards, shipped by the master at Havana; witness does not know at what precise period, as he found them on board when he himself joined the vessel there three months ago.

To the 7th, saith neither he nor any of the officers or mariners had any interest in the vessel or her lading; was mate on board. There was one passenger, named Watson, an American by birth, and a seaman by profession; he was taken on board when the vessel left Havana, in order to proceed to Gallinas; witness does not know on what business. He had no concern or authority in or over vessel or cargo.

To the 8th, saith the voyage began and was to end at Havana, which was the last clearing port. The vessel touched at Gallinas to discharge her cargo, which was done with the exception of a small part of it.

To the 9th, saith the capturing ship was first seen while the detained vessel was at anchor at the Gallinas at 2 o'clock in the evening of the 22nd of the month instant; capture took place within an hour. The destination by the papers was Gallinas and Havana, and the course had been at all times directed to the former place.

To the 10th, saith there are no guns mounted on board; there were 6 cutlasses and 2 pistols, but no ammunition, save what was contained in the cargo. No resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers.

To the 11th, saith Ealo, from whom the master received command and possession, was the sole owner of the vessel; knows it, because he cleared out and transacted all the business of the vessel; does not know if he be married, nor how long he has resided in Havana.

To the 12th, saith he knows nothing of bill of sale, price, or transfer of the vessel.

To the 13th, saith the owner of the vessel was also sole lader, owner, and consignee of the cargo.

To the 14th, saith he knows nothing of the lading of the last voyage. The cargo brought out on the present was tobacco, aguadente, dry goods, cutlasses, muskets, and ammunition. The vessel after capture was brought directly to Sierra Leone.

To the 15th, saith he knows nothing of the truth and fairness of the passports and other papers.

To the 17th, saith he does not know that any of the papers were destroyed, concealed, or made away with.

To the 18th, saith he knew nothing of any writing relating to vessel or cargo in any other country.

To the 19th, saith he knows nothing of any charter-party.

To the 20th, saith he does not know whether or not the vessel or goods be insured. The vessel, with respect to her employment in trade, was under the direction of one Alvarez, of Gallinas.

To the 21st, saith bulk was broken at Gallinas only.

To the 22nd, saith nothing was taken out of the vessel at the time of capture.

To the 23rd, saith nothing has been taken out since.

To the 24th, saith he does not know the rank of the searching officer.

To the 25th, saith he and the detained crew have been well treated.

To the Special Interrogatory, saith no slave has been put or received on board for the purpose of the traffic in slaves during the present voyage.

To the Standing Special Interrogatories.—To the 1st, saith the hatches are not fitted with open gratings.

To the 2nd, saith the combings of the hatchways are not pierced or otherwise fitted, to receive iron bolts or bars, none of which are on board.

To the 3rd, saith there are two bulk heads, those of the cabin and fore-castle.

To the 4th, saith there are spare planks, fitted and numbered, so as to form a complete slave-deck fore and aft.

To the 5th, saith there is no part of a slave-deck laid at present.

To the 6th, saith there were 18 or 20 pair of shackles, to be used against the crew in the event of mutiny or disobedience. No bolts or handcuffs.

To the 7th, saith there are leaguers and casks on board capable of receiving 80 pipes of water in all, and containing 2 pipes of fresh water at the time of capture; there are no tanks or slaves. The vessel was supplied with the means of carrying so much water because it was required for the use of the crew.

To the 8th, saith there were 4 mess-kits, for use of the crew.

To the 9th, saith there were 3 or 4 iron boilers, for use of the crew.

To the 10th, saith there are 2 leaguers capable of containing a puncheon each, which are filled with rice for the use of the crew. There is no flour and no Indian corn.

(Signed) NICOLAS ECHEVERRAI.

This examination was taken, and the truth thereof sworn to, through the interpretation of Jan Van Luyck, who was first duly sworn faithfully to interpret between the parties in this cause.

Before me. (Signed) JAN VAN LUYCK.

(Signed) J. MILLER, *Acting Registrar.*

(Copy.) *British and Spanish Mixed Court of Justice, Sierra Leone.*

In the case of the schooner "*Rebecca*," Dominga Arteta, master, Saturday, the 30th day of March, 1839. George Watson, passenger on board the said vessel, being produced, sworn, and examined, on Standing Interrogatories and Standing Special Interrogatories, deposeth and saith as follows, viz.:—

To the 1st, saith he was born at Providence, Rhode Island, North America; is a citizen of the United States of America; has never been subject of any other state; is not married.

To the 2nd, saith he was appointed to the command by one Ealo, who lives at Havana, and is a subject of Spain, from whom also he received possession there two months ago. First saw the vessel when she was on the stocks at Baltimore, in the month of May last.

To the 3rd, saith, he resigned the command at Gallinas to Nicolas Echeverrai, the first officer on board, whom he has known since the vessel left Havana. He was born, to the best of witness's knowledge, in Spain, and generally resides at Havana. He is not married.

To the 4th, saith he himself appointed this person to the command and delivered possession to him at Gallinas on the 20th of the month instant, in consequence of his not finding there a person named Pablo Alvarez, to whom he had the orders of the present and of the former owner, Frederick Neill, to transfer the vessel. From this former owner he partly received his orders, at a time when he was unable to see Ealo.

To the 5th, saith he was present at the capture. It took place because the vessel showed no colours, and had no papers. The vessel had previously sailed under American colours, but her flag was then Portuguese, and she had no other flag then on board to witness's knowledge.

To the 6th, saith he does not know the vessel's name. She was called the "*Rebecca*" while under his own command. Never knew or heard of her bearing any other name at any former period. She is of 142 tons burthen. There were 11 officers and mariners on board, exclusive of witness, and including the present master, all Spaniards, hired and shipped at Havana, by the owner of the vessel, two months ago.

To the 7th, saith he had himself no interest in the vessel or her lading; nor, to his knowledge, had any of the crew. Was master from Havana to the Gallinas. There were two cabin passengers whose names are unknown to witness, Spaniards by birth, and apparently seamen by profession, taken on board at Havana, and destined to Gallinas: witness does not know on what business. One of them had property in a vessel or cargo: witness believes in both. Was so informed by the other. Neither of them exercised any authority on board.

To the 8th, saith the last clearing port was Havana, where the voyage began; but witness does not know where it was to end. The vessel touched at Gallinas, to be delivered to Pablo Alvarez there, and to discharge her cargo, which was done with respect to the greater part of it.

To the 9th, saith the capturing vessel was first seen about nine or ten on the morning of the 21st or 22nd of the month instant, off the Gallinas, and in sight of land. Capture took place almost immediately. The vessel had been standing off and on, as a strong breeze and heavy sea made it unsafe to lie there at anchor. At the moment she was lying to; but on the appearance of the man-of-war the sails were instantly filled. She was already under full sail. Her destination, by her papers, was the Gallinas only, to which place the course was at all times directed when the weather would permit.

To the 10th, saith there are no guns mounted on board. There were eight or ten cutlasses, and several kegs of ammunition, which may have been cargo or otherwise, for witness does not know. No resistance was made to capture, nor were there any instructions for resisting or avoiding capture: but there were for destroying the vessel's papers, together with the instructions themselves, on delivering over the vessel, and for cutting at the same time the register in two parts, to be thus sent to the Havana by two opportunities, which was accordingly all done on the 20th instant. The instructions, which were from Frederick Neill, the late owner, bore, in the first instance, that witness was to command the vessel to the Gallinas, and there to make the transfer of her to Pablo Alvarez, already mentioned, and they contained nothing further.

To the 11th, saith Ealo, from whom he received command and possession, was the sole owner of the vessel. Knows it from general report, and from his own statement. His wife and family, who are like himself subjects of Spain, reside with him in Havana. Does not know how long he has resided there. He formerly lived near Bilboa in Spain.

To the 12th, saith he knows nothing of any bill of sale. The price, as he has heard, was 9000 dollars. Does not know if it was paid. It was a fair equivalent; and the sale was truly made. Verily believes the vessel if restored will belong to Ealo, and to no other person. There is no private agreement for her return to former owners.

To the 13th, saith he thinks the owner of the vessel must also be owner of the cargo, of which he was the lader and consignee at Havana.

To the 14th, saith the lading of the vessel on her last voyage was flour, shipped at Baltimore for Havana, on which voyage witness was mate of the vessel. The cargo on the present voyage consisted of tobacco, aguadente, calicoes, gunpowder, rice, and boxes which apparently contained muskets. The vessel after capture was brought direct to Sierra Leone.

To the 15th, saith he believes there were no passports or other papers found on board, save some passports of the seamen; and cannot tell whether they were true and fair or otherwise.

To the 17th, saith the American papers were destroyed by burning, in presence of no witness. No papers were, to witness's knowledge, delivered out of the vessel or carried away.

To the 18th, saith he does not know whether any writings relating to vessel or cargo exist in any other country.



To the 19th, saith he does not know that there was any charter-party.  
 To the 20th, saith he does not know whether or not the vessel or goods were insured. The vessel, with respect to her employment in trade, has been usually under the direction of Mr. Frederick Neill. Will write to him, as well as to the owner, to acquaint him with his fulfilment of his instructions.  
 To the 21st, saith bulk was broken at Gallinas only.  
 To the 22nd, saith nothing was taken out of the vessel at the time of capture.  
 To the 23rd, saith nothing has been taken out since.  
 To the 24th, saith he does not know the rank of the searching officer.  
 To the 25th, saith he and the detained crew have been well treated.  
 To the special interrogatories, saith no slave has been put or received on board for the purpose of the traffic in slaves during the present voyage.  
 To the standing special interrogatories:—  
 To the 1st, saith the hatches are not fitted with open gratings.  
 To the 2nd, saith the combings of the hatchways are not fitted to receive iron-bolts or bars, none of which are on board.  
 To the 3rd, saith there are three bulk-heads, those of the cabin, fore-castle, and store-room.  
 To the 4th, saith there are spare planks on board, numbered and fitted for a second-deck, to extend fore and aft.  
 To the 5th, saith no part of a second-deck is laid.  
 To the 6th, saith there were no shackles, bolts, or handcuffs.  
 To the 7th, saith there are casks and staves on board capable of receiving in all 70 tons of water or thereabout, and containing about four tons of fresh water at the time of capture. There are no tanks or other means of conveying water. Does not know why she was supplied with the means she has.  
 To the 8th, saith there were four or five dozen of mess-tins; witness does not know for what purpose.  
 To the 9th, saith there are three or four small iron boilers for use of the crew.  
 To the 10th, saith there were two small barrels of rice, besides what was contained in the cargo, a cask of flour, some Indian corn, and two or three bags of beans, for the use of the crew.

(Signed) GEO. WATSON.

This examination was taken and the truth }  
 thereof sworn to before me. } (Signed) J. MILLER, *Acting Reg.*

These are to certify that the foregoing are just and true copies of two original writings, of four letters, as translated from the original Spanish, and of depositions of two witnesses, filed in the case of the schooner "*Rebecca*," whereof Domingo Arteta was master, as appears by the records of the British and Spanish Mixed Court of Justice, in which the said schooner was condemned.  
 In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commission at Freetown, in the colony of Sierra Leone, this 3rd day of August, in the year of our Lord 1840.

(Signed) J. MILLER, *Acting Reg.*

No. 81.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, August 15, 1840.**(Received November 11.)*

MY LORD,

WE beg leave to acknowledge the receipt this day of your Lordship's Despatch of the 20th June last, informing us that it is the Queen's Advocate's opinion the British and Spanish Mixed Court pronounced a correct judgment in condemning the slave vessel "*Eagle*," on a charge of illegal equipment, notwithstanding the loss of that vessel on her way to this port, and the absence of the witnesses originally detained as evidence against her.

We have, &amp;c.

(Signed)

WALTER W. LEWIS.  
R. DOHERTY.

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

No. 82.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, August 29, 1840.**(Received November 11.)*

MY LORD,

YESTERDAY we were honoured with the receipt of your Lordship's Despatch of the 4th ultimo, enclosing a Report of the Havana Commissioners upon the state of the Slave Trade at that port during the month of March last.

For this communication we beg to tender your Lordship our best thanks.

We have, &amp;c.

(Signed)

WALTER W. LEWIS.  
R. DOHERTY.

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

No. 83.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, August 29, 1840.*

MY LORD,

*(Received November 11.)*

WE have had the honour to receive your Lordship's Despatch of the 17th ultimo, respecting the "*Mary Cushing*," together with the opinion of Her Majesty's Advocate, that the American character of the vessel in question was assumed merely with a fraudulent purpose, and that consequently we should have entered into a consideration of the case.

We have, &amp;c.

(Signed)

WALTER W. LEWIS.  
R. DOHERTY.

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

No. 84.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, August 31, 1840.*

MY LORD,

*(Received November 11.)*

IN our Despatch marked "*Brazil*," of the 22d of June last, we had the honour of reporting to your Lordship the condemnation of the brig "*Republicano*," which vessel was purchased at the Mixed Commission sale for the sum of 160*l.* (one hundred and sixty pounds) by Nathaniel Hoyt, lately the Master of the condemned slave-vessel "*Octavia*."

The "*Republicano*" remained in the possession of Hoyt for some time, and it was understood that he was fitting her out to convey to the Havana the officers and seamen who lately belonged to captured slave ships, and were awaiting an opportunity of leaving this colony.

In the course of the last month, however, it appears he disposed of the brig for the sum of 2,000 dollars=433*l.* 6*s.* 8*d.* (four hundred and thirty-three pounds six shillings and eightpence) to Felix Marengo, who at once prepared her for sea, and entered her out for a voyage hence to Cadiz with the following cargo, as appears by the Papers at the Custom-house of this port.

"Lot of old spars, planks, and timbers.  
Quantity iron kentledge.  
Two old guns.  
Two pieces of chain cable.  
Lot old nails and copper pumps, a lantern, &c.  
Four leaguers."

The brig, in addition to her crew of eleven persons, was to carry five passengers, for whose use the Collector of Customs considered the four leaguers would hold more water than requisite, and accordingly refused to clear out the brig unless one of the casks was landed, or security given for its lawful employment.

The cask was disembarked from the Master's inability to furnish the required security, and the vessel was about to be cleared at the Customs, when the Commander of Her Majesty's sloop "*Wanderer*," the Honourable Joseph Denman, detained the "*Republicano*."

The circumstances under which this vessel was seized were explained in Commander Denman's Declaration, as follows:—"That on the 14th day of August, 1840, being in Sierra Leone harbour he detained the Spanish brig named the "*Republicano*," commanded by Felix Marengo, who was not on board, but her Mate declared her to be bound to Cadiz, with a crew of seven men and four passengers; and that he seized the said vessel under the 10th Article of the Spanish Treaty, for being fitted out and equipped for the Slave Trade."

On the following day, the 15th instant, the detained vessel was brought before the Mixed British and Spanish Court for adjudication in the usual form.

The only ship's Paper in this case was the entry at the Custom-house here, from which the foregoing account of the brig's cargo has been extracted, and which described Felix Marengo as Master and Owner, and the vessel's destination to be Cadiz.

The Master and his Mate were examined by the Registrar on the 17th instant, on the standing and special interrogatories, and from their testimony the foregoing account of this vessel and her proceedings was confirmed. Both witnesses distinctly denied that the brig was illegally equipped in any respect.

At the instance of the Captors the Surveyors to the Court examined and reported upon the equipment of the detained brig. Their Report did not in any way support the charge of illegal equipment which had been made, except so far as the following expression might be considered to do so:—"There was on board a very large quantity of plank, much more than sufficient to form a second deck if required; and also many large spars that might be easily converted into (slave-deck) beams."

The plank and spars alluded to by the Surveyors had formed part of the lately condemned schooner "*Adelaide*," as the Master stated in his evidence, and which he had purchased at public auction; and which, as we have previously stated, he had duly entered out at the Custom-house as cargo.

On the 18th instant a claim for the vessel and cargo as the sole property of Felix Marengo, a Spanish subject, was presented to the Court, which was ultimately filed on the 21st instant.

No further proceedings were had in the case until the 24th instant, when a joint petition from the Proctors for the Captor and Claimant was presented to the Court, stating that "as the evidence filed in this cause in support of the allegations contained in the seizer's declaration was insufficient to proceed to adjudication upon," they prayed the proceedings might be stayed, and the vessel's Papers be delivered up to the Captor's Proctor for the purpose of restoring the vessel to the Claimant.

As the fittings of this vessel were not of such a questionable character as to lead to the impression of her being intended for the Slave Trade, and that therefore the planks and spars found on board of her might, on a fair interpretation of the object and spirit of the Treaty between Great Britain and Spain, be admitted as forming part of a slaving equipment, we at once granted the prayer of the petition in question.

The only ship's Paper belonging to the brig was accordingly delivered up on the 24th instant, and a receipt for the same taken from the Captor's Proctor.

One of the conditions upon which this vessel was restored was, that the plank on board of her should be landed, which was accordingly done by the Master and Owner.

We cannot avoid entertaining the belief that the "*Republicano*" is destined in some way to be again employed in the Slave Trade, when we look at the fact that all the persons connected with her, whether as crew or passengers, have been concerned in this traffic; and that her cargo is of little or no value in any market to which it could be taken, excepting the slave marts on this coast, where the planks and spars might prove very serviceable to vessels needing a slave-deck.

The Prize-master, who brought the "*Republicano*" to this colony, acquainted us that she was a very old leaky vessel, and unsafe, in his opinion, for a voyage to a northern climate. It is hardly probable, therefore, from this circumstance that the Master and Owner would have given four hundred and thirty-three pounds for her, to make an autumnal passage hence to Cadiz, with a cargo under the value of fifty pounds.

The Mate and Boatswain of the brig, Jozé Joaquim Zantana and Antonio Beyzo, came up from the Gallinas to join her. Felix Marengo, the Master and Owner of this vessel, was First Mate of the Portuguese slave-schooner "*Olimpa*," condemned here on the 26th of May, 1840.

This morning the "*Republicano*" sailed from this harbour with the declared destination of Cadiz; but it is generally believed here that she is really bound to Bissão, or some other of the slaving ports to the northward.

We have, &c.

(Signed)

WALTER W. LEWIS.  
R. DOHERTY.

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

&c.

&c.

&c.

No. 85.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, September 8, 1840.*

MY LORD,

*(Received November 12.)*

WE have the honour of acquainting your Lordship, that Her Majesty's sloop "Persian," Commander W. H. Quin, fell in with the brig "Plant," sailing under the flag of the United States on the 7th of July last, off Badagry, and, believing her to be a vessel entitled to a Spanish national character, detained and sent her here for adjudication on a charge of illegal equipment.

The "Plant" arrived in this harbour on the 24th of July last, and was shortly afterwards presented to the British and Spanish Court on the charge above mentioned, which having been ultimately established against her, the said vessel and her cargo were in consequence declared to be confiscated on the 1st instant.

Our Report of this case we herewith transmit to your Lordship.

From the Report it will be perceived that the well-known slaving-house of Abreo and Mazorra owned the cargo with which this vessel was detained in her voyage from Havana to Popoe, and that that cargo was for the purchase of slaves. This mercantile firm appeared also to be either the real owners of the vessel, or to have a charter of her, and the United States' flag and pass, on such terms as fairly entitled them to be looked upon as owners for the time she was so employed, to enable them if possible to carry on a traffic forbidden by Spanish law.

According to the ship's papers, an American citizen named Seth Jordan was the owner of the brig, whilst the witnesses swore that she was owned by Charles Tyng, an American living at Havana. As both Jordan and Tyng were proved to be residents of Havana for the purpose of carrying on their commercial affairs, the Court considered that they were in respect thereto to be looked upon as Spanish subjects, and that the fact of both of them being citizens of the United States would not affect the Spanish national character, which every other feature of the case served to establish. On this point we have given our reasons at some length in the accompanying Report of the case.

From the increasing difficulty in establishing charges of illegal equipment, in consequence of the greater experience of the slave-traders in evading the provisions of the 10th Article of the Treaty between Great Britain and Spain of June, 1835, as well as from an attempt having been made in this case to prove that upwards of two gallons of water was a proper daily allowance for each person embarked in the brig, we considered it necessary publicly to state that in deciding upon the quantity of water and number of water-casks that a vessel might carry, we should only allow at the rate of one gallon of water per diem for each person lawfully embarked. The grounds on which we have thus determined to apply the fifth and sixth sections of the Equipment Article are given in our Report, to which we beg to refer your Lordship for further information upon the subject.

It appeared by the register of this vessel that Nathaniel Hoyt (Master of the lately condemned schooner "Octavia") was in command of her from the month of July, 1838, to October, 1839, during which time she made a voyage to this coast, thence to Monte Video, and from that port conveyed "jerked beef" to Havana. Hoyt describes his voyage to Africa to have been to some of the ports on the coast, and that failing in his trade there he went to the Cape Verd Islands for salt for the Monte Video market. The Havana Commissioners' lists, however, show the "Plant" to have cleared out for the Cape Verds, whither she no doubt proceeded direct for some object connected with the voyage, which was most probably the importation of slaves into Monte Video, under the name of "Colonists."

We have, &amp;c.

(Signed)

WALTER W. LEWIS.

R. DOHERTY.

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

Enclosure in No. 85.

*Report of the Case of the Brig "Plant," John Penison Couthouy, Master.*

THE brig "Plant," sailing under the flag of the United States, was detained by Her Majesty's sloop "Persian," Commander Quin, in the Bight of Benin, on the 7th of July last, on suspicion of  
 CLASS A.

being Spanish property, and being equipped as such, contrary to the provisions of the Treaty between Great Britain and Spain of 1835, was sent to Sierra Leone for adjudication.

The papers found on board the brig at the time of detention were:—

1. United States Register, No. 88, dated December 11, 1837, at Portland, which described the brig as built in the year 1818, at Amesbury, Massachusetts, of the burthen of 208 tons, and owned and commanded by Seth Jordan. The indorsements upon the register show that at Havana, on the 27th of July, 1838, Nathaniel Hoyt was appointed the master; and that at the same place, on the 5th of May last, J. P. Couthouy took the command for the voyage.

2. The "Ship's Articles" bear date at Havana, on the 5th of May last, and describe the crew as consisting of six men, with two mates and a cook. The voyage is stated to be "from the port of Havana to a port or ports on the Coast of Africa, and back to a port or ports in the United States or the West Indies." This agreement is to continue in force for eight calendar months.

3. Custom-house Clearance at Havana, dated the 2d of May last, of the cargo shipped there by Charles Tyng. Seth Jordan is described as the master of the brig in this document; and the vessel is stated to be destined for Lagos.

4. A paper styled a Manifest of the cargo of the brig, dated at Havana on the 5th of May, and signed only by Charles Tyng, the ostensible shipper of the goods. To this paper there is attached a Bill of Lading, signed by the master of the brig on the 4th of May, for the delivery of the goods in question at Popoe to Felis Cosmé Madail, the consignee, agreeably to the terms of the "Charter-party."

5. An Invoice of the cargo of the brig "*Plant*," addressed to Felis Cosmé Madail by Charles Tyng, dated at Havana, on the 4th of May last, and accompanied by a duplicate of the above-mentioned Bill of Lading. The amount of this Invoice is 27,254 dollars, of which 12,000 dollars were in doubloons.

6. The Instructions for the voyage from Charles Tyng to the master bore date at Havana, on the 4th of May, and were as follows:—

"The brig '*Plant*,' now under your command, being now ready for sea, I have to give you a few instructions relative to the voyage I wish you to pursue. You will sail from this port on the first opportunity, and direct your course to the port of Popoe, on the Coast of Africa; and on your arrival there you will consign the vessel and cargo to Mr. Felis Cosmé Madail, merchant there; and if Mr. Madail should see fit not to discharge the vessel at that port, but in any other on the coast, you will implicitly obey his instructions, and proceed to such port or ports he may direct. As soon as the vessel is discharged, you will take in ballast sufficient to make her safe, which will be furnished you by Mr. Madail or his agents, and return to this port. In case of death or absence of Mr. Madail, you will consign the vessel and cargo to Mr. Joseph Moreyra Sampayo, and obey his instructions as those of Mr. Madail; should both be absent, to Mr. Yzidor Feliz Souza, who will direct you how to proceed.

"I wish you to make all possible despatch during this voyage, and proceed in everything with all possible economy."

7. The Log-book of the brig showed the voyage to have commenced on the 6th of May last, and that the vessel came direct to the Coast of Africa from Havana.

8. An old Muster-roll of the "*Plant*," when commanded by Nathaniel Hoyt, for a voyage from Monte Video to Havana, dated July 27th, 1839.

9. Certificate of the master, Couthouy, being a citizen of the United States.

10. A sealed packet of correspondence, addressed to Felis Cosmé Madail, the consignee of this vessel. In this packet we found two letters for Madail, one of which was from Joaquim José Pereira d'Abreo, and the other from his partner, José Mazorra. The letter from Abreo bore date at Havana, on the 3d of May, and acquainted Madail with the nature of the brig "*Plant's*" cargo, which was ordered to be wholly employed in the purchase of slaves. Long instructions follow respecting the collecting at Popoe from the distant factories all the slaves purchased, so as to be ready for shipping by every vessel which the house of Abreo and Mazorra may send, and on no account is Madail at liberty to send slaves by other vessels on freight. With respect to the large quantity of spirits on board the brig, the writer directs that, if it should prove more than Madail is able to dispose of, "he may leave a part on board the said brig, sending a person with it, or with the same Captain, should he (Madail) think him fit for the purpose, and let him sell where he can for money, and with the money he (Madail) can purchase slaves."

The letter of Mazorra to Madail is dated one day later than that from Abreo, and repeats the notification of the shipment of goods by the "*Plant*," and the directions for their disposal, as in the letter from Abreo. Mazorra acquaints Madail that "it is indispensably necessary that the brig "*Plant*" should be dispatched as quickly as practicable from Popoe; and he is to adopt every means to discharge her in preference to doing anything else;" and ballast is then to be put on board "to enable her to return to this port," (Havana,) "unless, of course, circumstances should occur there" (Popoe) "to delay her; in which case" Madail is to "be guided accordingly."

Mazorra sent a duplicate letter, of the 24th January last, to José Cotta, of Lagos, acquainting him of the shipment of certain articles for him in the brig commanded by Captain Carrera. He gives directions to Cotta about the shipment of slaves by every safe conveyance, and alludes to the capture of his brig, the "*Fortuna*," (condemned here on the 3d of December, 1839,) whilst awaiting for the slaves belonging to the "*Margaret*." The "*Seis de Febrero*," he states, is to be sent to Lagos for the said slaves, and Luis Cardozo de Freitas has received a letter from him (Mazorra) on the subject.

Of the remainder of the letters found on board this vessel there were three written by Abreo. Two of them were upon the same subject,—a debt of 65 ounces or doubloons due by J. S. Zangronis, of Whydah, to José Silvestre Delion, of Havana. These letters were addressed respectively to Isodoro Feliz de Souza and José Moreira Sampaio, of Popoe, who were authorized to receive the debt in money or in slaves; and if in the former, to appropriate it to the purchase of slaves, to be forwarded to Havana to Abreo or Delion. The third letter of Abreo was for Manoel Roberto Pereira, of Whydah, acknowledging the receipt of several letters and ten slaves by the brigantine "*Estrella*." This communication was dated on the 3d of May last.

On the 24th July last the brig "*Plant*" arrived in this harbour, and on the following morning was visited and reported upon by the Marshal to the Courts.

The papers of the "*Plant*" were presented to the British and Spanish Mixed Court on the 28th of July, on which day proceedings were commenced against this vessel. The ship's papers, authenticated

by the prize officer's affidavit, were filed in the Court, with the declaration of the captor; the usual monition was issued, and the witnesses in preparatory were ordered for examination.

The declaration of the Captor ran as follows:—"I, William Henry Quin, Commander of Her Britannic Majesty's sloop 'Persian,' hereby declare, that on this 7th day of July, 1840, being in latitude 6° 12' North, longitude 2° 40' East, I detained the brig named the '*Plant*,' sailing under American colours, commanded by John P. Couthouy, who declared her to be bound from the Havana to Great Popoe, with a crew consisting of seven men and two mates, whose names, as declared by them respectively, are inserted in a list at the foot hereof."

Commander Quin further declared that, under all the circumstances, he did not consider the brig entitled to the protection of the flag of the United States, the vessel and her cargo being, in his opinion, Spanish property; and, as there were more water-casks on board than requisite for the use of the brig's crew, he sent her for adjudication to Sierra Leone.

The witnesses from the detained vessel produced by the Captor were the master, second mate, and steward, who were examined on the Standing and Standing Special Interrogatories on the 28th of July last.

The Master, John Penison Couthouy, having been sworn, deposed that he was born in Boston, State of Massachusetts, United States of America, where he has since lived. Is a citizen of the United States of America, and has never been subject of any other state or power. Is married, and his wife and family reside in Boston. He was appointed to the command by Mr. Charles Tyng, an American citizen, residing at Havana, from whom also he received possession there on the 3d of May last. First saw the vessel at Portland, in Maine, 12 or 13 years ago. She is American built. He was present at the capture, which took place on pretence of the vessel being engaged in and abetting the Slave Trade. She sailed under American colours, and there were no others on board. The vessel is called the "*Plant*." Never heard of her having borne any other name. She is of 214 tons burthen. There were nine officers and mariners exclusive of witness, all of whom shipped as Americans, two of them being Americans certainly, one a Hungarian, and one a Scotchman, and the remainder Americans or English, witness cannot positively say which, all hired and shipped in Havana in May last by Warren, the shipping master at that port. Neither he, nor any of the officers or mariners, had any interest in the vessel or her lading. Was master on board. There were no passengers. The voyage began and was to end at Havana, which was the last port of clearance. The vessel touched nowhere till, running down the coast, she was becalmed off Tassau, between the river Sesters and Cape Palmas, where witness in consequence cast anchor. Remained there 12 hours, and went ashore with a chief named Jack Will, and purchased fruit and fowls from him. Then sailed for Popoe. He first saw the capturing ship on the 7th or 8th inst. at noon, off Mount Badagry, 50 miles to the eastward of Popoe, past which the vessel had drifted with the current during night. Was steering for Popoe at the time. The course was altered in order to bear down and speak her; and the vessel was already under full sail. The course laid down in the papers was at all times adhered to when the weather would permit. No guns are mounted on board, nor are there arms of any description, or any ammunition. Charles Tyng, from whom he received command and possession, is the sole owner of the vessel. So he told witness. He is an American by birth, as witness believes, though he will not affirm it as certain. He carries on business at Havana. Believes he is married, and that his wife resides in New York. He knows nothing of the Bill of Sale, or as to the price of the vessel; but inquiring of Mr. Morland, the American Vice-Consul at Havana, whether the transfer was a true one, was informed by him that it was so. The owner of the vessel is the sole lader, owner, and Havana consignee of the cargo. The consignee at Popoe is a Mr. Madil (Madail), of whom witness knows nothing. The lading of the vessel on her last voyage, which was from Monte Video to Havana, was jerked beef. The present cargo consists of specie, Spanish brandy, and dry goods. After capture the vessel was brought direct to Sierra Leone. The passports and other papers were and are all entirely true and fair. None of the papers were destroyed, concealed, or made away with. He knows of no writings relating to vessel or cargo in any other country. There was no charter-party. He does not know if the vessel or goods were insured. With respect to her employment in trade the vessel was under the direction of the owner Tyng. Bulk was broken nowhere during the voyage. The hatches are not fitted with open gratings. The coamings of the hatchways are not pierced, or otherwise fitted to receive iron bolts or bars, none of which are on board. There are two bulkheads, those of the cabin and fore-castle, and there are no bunks or (moveable sleeping berths) on deck. There are no spare planks on board. No part of a second deck is laid. There were no shackles, bolts, or handcuffs on board."

George Calland, the second mate of the "*Plant*," by his evidence, confirmed all the material points of that of the master. The mate's authority for swearing that Charles Tyng was owner of the vessel was, that he acted as such, and it was commonly believed at Havana that he was the owner. The mate also states that he looks upon Tyng as a Spanish subject, in consequence of his having settled as a merchant at Havana, where his wife and family reside. This part of the mate's testimony is in contradiction to that of the master, who stated that the wife of Tyng was living at New York.

James Carson, steward of the "*Plant*," gave evidence generally confirmatory of that of the master and the second mate. The steward, however, swore distinctly to his having seen in the cabin of the first mate, soon after sailing from Havana, a Spanish ensign; but that subsequently it was not forthcoming. He also stated that the quantity of fresh water embarked was in his opinion much more than requisite for the use of the brig's crew.

Respecting the owner of the "*Plant*'s" cargo, the bill of sale of the vessel, the ship's papers, a charter-party, and the insurance of either the vessel or cargo, both the second mate and steward swore they knew nothing whatever.

Publication of the foregoing evidence was granted on the 29th July, on the petition of the captor's proctor; and on the following 31st, at his request, a commission to survey the brig's equipment was issued, the return to which was not made before the 8th of August ultimo, owing to the crowded state of the vessel's hold, and the inclemency of the weather preventing the dry goods from being put on deck whilst the hold was being examined.

The report of survey stated that the brig was improperly equipped, from having cleats fixed, and mortices made in the sides of the vessel's hold for the reception of beams, whereon a second deck might be laid; that she had casks equal to holding 2,360 gallons of water, a quantity much more than requisite for her crew; and that the cabouse had three openings to receive boilers, and five boilers adapted to those openings were found on board. The said five boilers were respectively of the con-

tent of nine, five, five, four, and two gallons each, any three of which might be used at once, and thereby, in the opinion of the surveyors, more accommodation was furnished than the crew needed.

The Monition, which was issued in this case on the 28th of July, was returned into Court, certified to have been duly served on the 4th ultimo.

On the 6th ultimo an Affidavit of the Marshal was received, which set forth that on the 31st of July when searching the baggage of the master of the detained brig, he found the paper which was annexed to the said Affidavit in a dressing-case belonging to the master. The Paper alluded to is transcribed hereunder.

“ John Couthouy,

“ You being now master of the brig “ *Plant* ” for a voyage to Popoe on the Coast of Africa and back to this port, I agree to pay you 100 dollars per month for your services, commencing from the 3d day of May, 1840.

*Havana, May 5, 1840.*

(Signed) CHARLES TYNG.

With the filing of the foregoing Affidavit and Agreement, the Captor's case was closed.

On the 4th ultimo the Master had, however, presented himself to the Court as the claimant of this vessel and her cargo, and after the usual preliminary forms had been observed, the claimant's case was opened on the 8th ultimo, by the filing of his claim, which was as follows:—

“ The claim of the said John Penison Couthouy, the master of the said brig, a citizen of the United States of America, for the said brig, her tackle, apparel, and furniture, and the goods, wares, merchandise, monies, and effects, on board the same at the time of the capture thereof by Her Majesty's sloop ‘ *Persian*, ’ William Henry Quin, Esquire, Commander, and brought to Sierra Leone. For a chronometer, a telescope, and sundry charts, as the sole property of this Claimant, and for the said brig, her tackle, apparel, and furniture, and the residue of the said goods, wares, merchandise, monies, and effects, as the sole property of Charles Tyng of New York; in the United States of America, Merchant, and a natural born citizen of the said United States. And for all such costs, charges, losses, damages, demurrage, and expenses, as have arisen, or shall or may arise, by reason of the capture of the said brig as aforesaid.”

The Affidavit annexed to, and authenticating the said claim, agreed entirely in substance with it, and was sworn on the 8th ultimo:

Two days subsequent to the filing of this claim, the Claimant's proctor prayed that certain special interrogatories which he had prepared might be put to Nathaniel Hoyt, which was granted; and that person was accordingly examined on the 11th ultimo, and gave evidence as hereunder stated.

“ He (Hoyt) was born in Portsmouth, State of New Hampshire, United States of America. Resides at New Orleans, and is a mariner. Commanded the ‘ *Plant*, ’ from the month of August, 1838, until the month of November last. She was owned at that time by Seth Jordan, of Portland, State of Maine; and was engaged for the first time in the African Coast trade, having been previously an Indiaman. To the coast, on the voyage in question, she carried rum, tobacco, and provisions. She left it with a part of this cargo for the Cape Verds; and there shipped salt, with which she proceeded to Monte Video, and exchanged it for jerked beef, for the Havana. On returning to that port witness was authorized by the owners in America to freight the vessel again for a similar voyage, provided she would be able to undertake it. But he was of opinion that she was too old for a heavy cargo; and represented in reply, that if a light one could not be procured, she ought to be laid up. She was laid up accordingly; and under these circumstances witness ceased to command her. He knows Charles Tyng of New York, merchant; has known him 16 or 17 years. He was born in Boston. He is 46, or 47 years of age. His profession was formerly that of a mariner; and he commanded the ‘ *Bashaw*, ’ Indiaman out of Boston. He is now a merchant, and commission-merchant. His domicile at present may be considered to be New York, but he often resides at Boston. He is a married man; and his wife and family reside at New York. His business at the Havana is the purchase of box, sugar, and logwood, for Russia; for which he receives returns at Boston of hemp, canvass, iron, sheeting, and cordage. Last saw him in October last. He was not then at Havana, but at New York. Thinks he is concerned in the house of Twing and Perkins of Boston, and in that of Norton of New York, who reside respectively at these places. Of these partners witness personally knows Mr. Norton, who is a natural born citizen of the United States. He first knew the ‘ *Plant*, ’ 16 or 17 years ago. She was built for the trade of the East Indies, in which she has been principally engaged. The depth of her hold is 17 feet or thereabouts. She had two decks when witness commanded her; and between-deck beams in the hold for parts of a second deck, called the orlop and half deck. These decks and beams were built with her, and are required for the strength and safety of vessels of her size; being of the usual construction of such decks and beams in such vessels. The height between decks was between five and six feet. The proper complement of hands for the ‘ *Plant*, ’ is 14, all told. She had 13 when witness commanded her. There is very often great difficulty in procuring United States or British seamen at Havana. 18 water-casks were on board the ‘ *Plant*, ’ when he commanded her, two of them measuring 160 gallons each, and the remainder averaging each a hundred. The quantity of water which these casks were thus capable of receiving was a quantity necessary for the ‘ *Plant*, ’ on a legal voyage from Havana to the coast. Computes the quantity by a rule, which allows two gallons a day to each man, with an average of five gallons a day for cooking for the whole ship's company.”

On the same day that Hoyt was under examination, the claimant's proctor prayed to put very lengthy interrogatories to the prize-officer, Lieutenant King, and to the second mate and steward of the detained vessel. Several of these interrogatories were with the object of establishing, if possible, that on the detained vessel's voyage up, the prize-officer had been compelled frequently to punish the steward for drunkenness, and that whilst the trial was in progress, notwithstanding the steward's misconduct on the voyage up to this port, he was employed as the personal servant of Lieutenant King, and living in that officer's house. Had the interrogatories produced the desired replies, they must have had the effect of showing the steward to be more under the influence and control of the captors than was proper during the pendency of the case of the detained vessel before the Mixed Court, and particularly if it should also be proved, as it was at the same time attempted, that the steward entertained hostile feelings towards the master. The Court therefore hesitated in approving of these interrogatories until personally assured by the claimant's proctor that he had very strong grounds for desiring to put these questions, which he felt confident must be replied to in a manner favourable to the interests of his client. The petition was in consequence granted, and the three witnesses were

examined on the 12th ultimo. We shall not, however, swell this report by transcribing the examinations as to the charge of the steward being under the influence or control, directly or indirectly, of Lieutenant King, as that charge was proved to be without foundation.

From the examination of Lieutenant King on this occasion it only appears necessary to give the following extract, the rest of his evidence relating to the Steward in the manner above mentioned, or to matters not at all bearing on the points at issue. Lieutenant King deposed that "he thought there were 500 gallons of water on board the '*Plant*,' when he went on board of that vessel as prize-master. The persons who came to Sierra Leone in her were 11 in all; the prize crew consisting of eight persons, inclusive of witness and another officer; and there being three prisoners or detained crew sent up. Thinks there could not have been more than 40 or 50 gallons of water left in the brig when she reached Sierra Leone. Put his prize crew on an allowance of water from discovering that there was a great deal less water on board than he had been led to suppose by the Master, who had stated to him that there was a supply for three months."

At the examination of the second mate he deposed, that "he was informed by the master that there were 18 or 20 water-casks on board the '*Plant*,' when she left Havana, but does not know it of his own knowledge. He thinks, however, that there must have been about that quantity from the observation he made in pumping out the water from them into a cask on deck, which he did weekly. The uppermost casks were full, but he cannot speak as to the others, which he did not see. Thinks the contents of seven casks, or thereabouts, remained unused at the time of capture; the rest had been used by the ship's company for drinking, cooking, and washing; and for washing the paint work of the cabin, made black by the bilge-water. Had been in Havana nearly three weeks before he joined the vessel; and before he joined, the water had been put on board. The '*Plant*' did not carry a full complement of men for a vessel of her size on a voyage to the Coast of Africa. She was four short of her complement. She sailed short handed because, as witness understood, there were no more hands to be procured at the time of her sailing."

In addition to which he swore that the steward "was twice drunk on the voyage from Havana to Sierra Leone;" that the steward was "once or twice struck by the master and by himself" and that he had heard that the first-mate had detected the steward in stealing spirits, which this witness supposed was to have been given to the crew.

The steward, when examined, at once freely admitted that he was disposed to allow himself a liberal quantity of spirits when he could obtain them; that he had been twice intoxicated on the passage, and on two or three occasions had given the ship's company about a quart of spirits, in doing which he stated he considered he was not exceeding the privileges of his office on board. He also deposed that "he never was beaten by the master for getting drunk or stealing spirits, but was beaten and kicked by the mates for being drunk, as they said, and for taking rum without authority. The master never threatened that on his return to the United States he would have witness's wages stopped, because he had stolen spirits, or for any other cause. Quarrelled once with the master at the Tobacco Mountains, in consequence of his having been reported to that officer by the mates, on his (the master's) return to the ship after having been ashore, as having been drunk, and as having given rum to the men, both of which statements were true; and as having been incapable of doing his duty, which was not true. Has not called once on the master since their arrival in Sierra Leone. Has not done so because the master violently abused him on board, and has violently and openly done so in the streets of Freetown. He saw the (Spanish) ensign, referred to in his first examination, between the hours of 10 and 11 before noon. It was rolled up, but was opened by witness. It had no arms in the centre. The difference between the Spanish and United-States' ensign is, that the former is yellow in the middle, which the latter is not; and that the latter is distinguished by stripes and stars, which are not on the former. The ensign witness saw was an old ensign. Could not have mistaken the dirty white of an old American ensign for the yellow of a Spanish ensign, and in that way have mistaken the ensign; besides which, the yellow was a distinct and even bright yellow. Was quite sober when he saw the ensign. When the '*Plant*' left Havana there were 18 water-casks on board, so far as witness saw and knew. 11 of them were then full of water. The water then on board was used variously in drinking, cooking, and washing clothes, and all sorts of cloths; and once or twice in washing the cabin. There were about 300 gallons in the brig when she was seized, as the captors ascertained, and as witness had previously supposed. Does not know what quantity of water was on board more than was necessary for the crew; but knows the excess to have been very great. The 11 full casks contained, on an average, 120 gallons each; and the remainder were some of them half filled, others more than half, and others less. There was thus a sufficiency of water for a voyage three times the length of the '*Plant*'s,' and the means of carrying still more. The largest boiler was much rust-eaten, and worn in five places into small holes; but these holes being plugged with cloth, it was thereby rendered quite fit for use. All the other boilers were good; and it was not necessary to carry spare ones to replace the largest, which could not have become useless; and, even in that event, not more than one additional boiler could have been required to replace it, whereas there were three on board which were never used. None were cracked, and none plugged with rag, excepting the largest. One large one was used occasionally to put grease in; but it was a good copper, fit for any other purpose, and was used also to boil beef in. A new cabouse was not put on board the brig after witness joined her, but a second-hand stove was, at his request; one of the five boilers on board was a boiler which had belonged to the old stove. It was not very old, and was very good."

With these examinations the case of the claimant was closed; and publication thereof was granted on the 12th ultimo.

On the 15th ultimo the captor's proctor presented a petition to have Nathaniel Hoyt, the claimant's witness, examined on certain interrogatories framed by him for that purpose, which the Court allowed; and on the following day received the following evidence from Hoyt. That "he (Hoyt) was master of the schooner '*Octavia*,' lately condemned in this Court for being equipped for the Slave Trade. The schooner '*Octavia*' sailed from Havana with American papers, and under the American flag. The '*Plant*' sailed from New York to the Coast of Africa when he commanded her; and the voyage terminated in Havana. He knows that Charles Tyng, the owner of the '*Plant*' has occasionally been at the Havana purchasing produce there for the last six or seven years or thereabouts."

The publication of Hoyt's examination took place on the 15th ultimo, and on the 17th a joint petition for a day of trial was received from the proctors on both sides.

On the Court looking into the case immediately the proceedings were terminated, it appeared desirable that certain points should be, if possible, made more clear, and with this object the Court



directed on the 19th ultimo that certain interrogatories prepared by the judges should be put to the master of the '*Plant*.' The serious illness of the master prevented him for some time from attending the Registrar for examination, and his replies to the questions alluded to were in consequence not received until the 26th ultimo.

The substance of his evidence on that occasion was as follows: "When the '*Plant*' left Havana in May last, she had not on board an official roll of the crew. Was asked by the shipping-master on the morning the vessel sailed if he would not have one; but as the shipping-master must have gone for it to the Consul's, with the chance of not finding that gentleman at home; and as the anchor was a-peak, and the tide served for going out, witness could not afford to wait, and said he would go without it. He had not procured it before, because the crew had not been shipped till the last; and the last man, he thinks, only the day before. The reason the ship's articles mention that the voyage was to end in the *United States*, or *West Indies* may have been, that the owner Tyng was in hopes at one period, that he would be able to procure on the coast a cargo for the *United States*, as witness knows from his having been told by him the day before the vessel sailed, that he found it impossible to make arrangements for procuring such a cargo, or for one of jerked beef from *Monte Video*; and that therefore the vessel must return in ballast to *Havana*. Charles Tyng has a mercantile establishment at *Havana*. Does not know whether he has a fixed place of abode in the city, but he resides during a part of the year there. He does not know Seth Jordan, who was formerly master of the '*Plant*.' He knows nothing of any charter-party. When he signed the bills of lading now produced to him, he did not take notice of the mention of a charter-party therein made, as the only thing he has to look to in signing bills of lading is their accuracy with respect to the amount of cargo received on board. Is certain that there was no charter-party, for if there had, it would have been mentioned to him as master by the owner. Cannot explain why, there being no charter-party, it should have been stated in the bills of lading that there is; but has known such cases before. He signed the bills of lading very hurriedly at the last moment, the evening before sailing; and did not examine them so as to observe the mention of a charter-party; but even had he noticed it, he should not have inquired into the matter, or signed the less on account of it, it being no concern of his. Swears that the occupation of Charles Tyng is not that of an outfitter of ships; and that he and his family do not permanently reside at *Havana*. He made inquiry of the *United States*' Vice-Consul, Mr. Morland, as to the transfer of the '*Plant*' to Mr. Tyng, because he wished, before accepting the command, to be certain that Mr. Tyng was owner: otherwise, and had she belonged to a Spanish owner, he would not have sailed in her; for he has never sailed in a vessel not belonging to an American citizen, and never will. Mr. Morland stated to him that Tyng was owner, but that the vessel could not have a new register until she should go to the *United States* and deliver up the present one; and this was all that passed between witness and Mr. Morland on the subject of the ownership. The last voyage of the brig, which was from *Montevideo*, began at *New York*, and, as witness believes, ended at *Havana*. Solemnly swears, that since her voyage to *Montevideo*, the brig '*Plant*' has made no voyage to the *Coast of Africa*, or to any other place, having lain during the interval in the port of *Havana*. Swears that he has not had instructions, written or verbal, to employ himself in trading along the *Coast of Africa* under the orders of the consignee of the brig at *Popoe*, Felis Cosmé Madail. He was to carry back ballast from *Popoe* to *Havana*; but he purposed, if he could get palm oil, to take back some of that article on his own account. He does not know Joaquim José Pereira d'Abreo, or José Mazorra of *Havana*; and never heard of their existence."

On the 1st of September the British and Spanish Mixed Court met for the adjudication of this case; when, the reading of the evidence received having taken place, the captor's proctor moved for the condemnation of the brig "*Plant*," on the ground that the alleged owner of both vessel and cargo, Charles Tyng, was a person carrying on trade at *Havana*, and therefore liable to be considered as having a Spanish national character, and that the present adventure must be considered as Spanish, the voyage being from *Havana* to the coast of *Africa*, and back to *Havana*. In the course of his address, the captor's proctor referred to several decisions by the late Lord Stowell, which supported the arguments he used on the subject of the national character of merchants residing in foreign countries, and of the employment of their vessels in the trade of those countries.

The proctor for the claimant rested his case entirely on the American character of the "*Plant*," which he argued was sufficient to deprive the British and Spanish Mixed Court of jurisdiction in respect to her. He observed that from the time of her construction in America up to the present moment, she had been owned by citizens of the *United States*, and navigated under the flag and pass of those States, and that her alleged owner at that time, Charles Tyng, was an American citizen, as the evidence had proved. In order to clear up the point as to Tyng's ownership not appearing in any of the ship's papers; the claimant's proctor stated that this deficiency was entirely owing to Tyng being away from the *United States*, whereby he was prevented from obtaining a new register for the vessel. The Spanish character which the captor's proctor had endeavoured to affix to Charles Tyng, the alleged owner of both vessel and cargo, the claimant's proctor contended could not be admitted, inasmuch as the cases quoted by the opposite party were only applicable to a state of belligerency.

In the reply of the proctor for the captors, the arguments for the claimant were fully met by a reference at some length to the decisions of this Court in respect to the national character of merchants carrying on business in foreign countries.

The Court, in giving judgment, stated the only claim which they could discover the brig to have to the character of a vessel of the *United States* was to be found in her register; which official document the Court was unwilling to put aside, and receive in lieu thereof, as had been urged by the proctors on both sides, the evidence of the three witnesses belonging to the detained vessel as to the ownership of Charles Tyng. For the master, who was the only person who might be presumed from his situation on board to have any well-founded knowledge on this subject, had during his examination before the Court shown himself so unworthy of belief as to render his statements valueless; whilst the testimony of the second mate and steward on this point, though confirmatory of the master's statement, rested on no better authority than common report at *Havana*. In rejecting the evidence of the master, the Court reviewed it at considerable length, but as that evidence has been given in the foregoing part of the case, it will not be necessary to swell the report with a full account of this portion of the judgment. Detailed reasons were also assigned by the Court for admitting the testimony of the steward of the brig in respect to matters of which he had a personal knowledge. The Court considered that the attempts to prove this man under undue influence or improper feelings had failed. It certainly had been proved that the steward was addicted to habits of intoxication when opportunities offered for this

purpose, and that, although this was known to the master early in the voyage, yet no proper means were adopted to prevent their recurrence. The man was however abused by the master, and received personal chastisement from the mates on this account, but there did not appear in consequence of this any ill-will on the part of the steward towards the master, or any one else connected with the detained vessel.

As the evidence of the witnesses was opposed to the ship's papers in some respects, the Court referred to the translations of the Spanish correspondence found in this vessel to aid them in their inquiries; from which it appeared that Felis Cosmé Madail had been correctly described in the papers of the brig as the consignee at Popoe, and that the cargo was not owned, as the master of the brig had alleged, by Charles Tyng, but by Joaquim José Pereira d'Abreo and José Mazorra of Havana, who were evidently the charterers of the brig alluded to in the bills of lading, and of whom and their charter-party the master had sworn he knew nothing. Both Abreo and Mazorra it appeared had separately written at great length to the consignee, Madail, respecting the disposal of the brig's cargo for slaves; and in the event of the spirits on board proving too great a quantity for the market of Popoe, Madail was directed to employ the brig, under her master, if he should prove competent for the service, in disposing of the spirits along the coast for money, which was to be applied in procuring slaves. This authority to employ the brig on the coast was repeated in the letter of instructions from Tyng to the master, yet the master had deliberately sworn that he never received either verbal or written orders upon this subject. In the letter from Mazorra there was an instruction to the consignee to lose no time in despatching the brig to Havana in ballast when he had done with her; and then the following expression was used, should "circumstances occur there to delay her, in that case you must be guided accordingly."

These contradictory orders of Abreo and Mazorra to their correspondent Madail, to use every exertion in returning the brig to Havana without any delay, whilst they authorized him to employ her in trading along the coast, or even as circumstances might render advisable, naturally led to the impression that Messrs. Abreo and Mazorra had a larger interest in and authority over the brig than any ordinary charter-party grants; and in the absence of their charter-party, by the terms of which the Court might have been guided in its conclusions upon the subject, it was held that they were either the owners of the vessel or were authorized to exercise all the authority of owners, and thus for a time, being Spaniards themselves, they gave the vessel and her voyage, to a certain extent, a Spanish character. The fact of the steward having once seen in the mate's cabin a Spanish ensign, which afterwards disappeared, and could nowhere be found, supported the impression of there being in reality Spanish interests embarked in this vessel, which the existing treaties between Great Britain and Spain rendered it desirable to conceal, and hence had arisen, it was believed, all the contradictory evidence and deception which had been practised in this case.

The history of the brig and her present voyage, as established by the approved evidence in the case, was that Seth Jordan, an American citizen who carried on business at Havana, was the ostensible owner of the vessel; that he had employed her in a course of trade to and from Havana for the last two years; that the affairs of the vessel were managed by Charles Tyng, an American citizen, who had long carried on business at Havana, and who was frequently employed in despatching American vessels from that port when they were destined for this coast; and that the present cargo consisted of Spanish goods, shipped by Spaniards for their account, and to furnish a return to the slave-market of Cuba.

The American character which the claimant had been so anxious to establish for the alleged owner of both the vessel and the cargo, Charles Tyng, would not avail anything on an occasion like the present, when that person had been at the same time proved to have a permanent mercantile establishment at Havana, and at least to reside there frequently. Tyng must therefore, in such a case as this, be held liable to be dealt with in the character of a Spanish subject; and Seth Jordan, the apparent owner of the brig, according to her register, though he may be an American citizen and liable to the laws of the United States, yet as he has resorted to Havana to fit out, load, and despatch his vessels, and has there received them on their return voyages, that city must be considered as his mercantile residence in respect to the voyages of such vessels, and that both the owner and his vessels are invested with a Spanish character in relation thereto. The principles on which the Court was guided in coming to this decision respecting the national character of merchants, and their vessels and adventures, had been so fully and so frequently dwelt upon in previous decisions of the Mixed Courts, that it was considered on this occasion unnecessary to repeat them. Connecting all these circumstances with the suspicious character which fairly attached, as has already been shown, to the interest in and connexion with the brig, on the part of her charterers, Messrs. Abreo and Mazorra, the Court felt no hesitation in declaring that the vessel had *bonâ fide* a Spanish character, and was in every point of view essentially Spanish.

The Court having therefore decided that the brig had been brought within its jurisdiction, then proceeded to the investigation of the question of her illegal equipment.

In this instance the illegal equipment hinged mainly on the number and capacity of the water-casks, and on what was to be considered a reasonable and proper quantity to be allowed a merchant vessel lawfully employed, according to the true intent and meaning of the convention between Great Britain and Spain.

Heretofore, cases of equipment had not required in this respect close calculation, neither was it very important in the present instance; but every day's experience warned us of the increasing difficulties attendant on the proof of charges of this description. For general convenience, therefore, the Court took this opportunity of making known the mode of calculation it had hitherto adopted, and which it purposed continuing when estimating the number of casks or vessels, according to their capacity for holding water, which might be lawfully carried by merchant vessels. In taking into consideration questions of this kind, the Court observed it did not think it at all times necessary to be influenced by the number of persons actually on board a detained vessel, or the number stated in the official muster-roll to have been embarked as the crew, as vessels destined for the Slave Trade generally have a larger crew than any lawfully employed merchant vessel requires; more especially as the Treaty only permits such a quantity of water as is requisite for the crew of a lawfully employed merchant vessel. The quantity of water, or of water-casks, would be decided by the number of persons who might appear to have been lawfully embarked in the vessel under adjudication, by the probable duration of the voyage in which she might be engaged, and any peculiar circumstances which the case might present.

The quantity of water which the Court considered to be proper for each person embarked in the manner above described was one gallon per day, an allowance which we are of opinion is ample. It was more by a quart than the daily quantity allowed to the seamen, and equalled that received by the officers of Her Majesty's ships-of-war when at sea cruising on this coast; and from our own experience in a voyage from this colony to England, we were enabled to state that such a quantity was sufficient for either a seaman or a passenger in any vessel.

In the present instance, the foregoing rule was applied as follows. The total number of officers and seamen embarked in the brig "*Plant*" was 10, which the Court did not think too many for the safe and comfortable navigation of a vessel of her size and rig. The voyage she was engaged in was estimated as one to 60 or 70 days' duration (her log showed she was out sixty-three days, and close to the port of destination), and the Court therefore allowed 70 days for the voyage, which at a gallon of water per man, per diem, gave but 700 gallons. The excess in this case was therefore to the extent of 1,660 gallons of water, or upwards of 237 per cent. beyond the quantity absolutely needed, and which might have been lawfully carried.

No sufficient explanation of this circumstance had been offered; whilst the equipment of this vessel in respect to her cabouse, and the preparations in the hold for the reception of a slave-deck was such as led to the impression that the water-casks found on board were there for unlawful purposes. The vessel having therefore been proved to be entitled to a Spanish national character, and to have been when seized unlawfully equipped, the Court pronounced her to be a good and lawful prize to the Crowns of Great Britain and Spain.

(Signed)

WALTER W. LEWIS.  
R. DOHERTY.*Sierra Leone, September 8, 1840.*

No. 86.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, September 8, 1840.**(Received December 7.)*

MY LORD,

THE Spanish schooner "*Carolina*," commanded by Pedro Salas, was seized on the 10th July last at the entrance of the River Nun, on the ground of being unlawfully equipped, by Lieutenant Reginald T. J. Levinge, of Her Majesty's brigantine "*Buzzard*," and sent to this port for adjudication, in which she arrived on the 26th July last.

The prosecution of this vessel was commenced on the 29th July in the British and Spanish Mixed Court, in which she was condemned on the 1st instant, on the charge which had been preferred against her by the seizor.

Our report of this case we have now the honour to lay before your Lordship.

The Master of this vessel appeared also in the character of her owner, as well as that of proprietor of the cargo. Latterly this person appears to have been in command of the Spanish vessel "*Siete Hermanos*," which was employed between Cuba and Old Spain. Formerly, however, he was for some years employed in the Cuba trade to this coast, and commanded the well-known slaving vessels "*Feliz*," "*Altimara*," "*Atafa*," "*Primo*," and "*Numero Dos*," all of which were condemned here in the British and Spanish Court. At the time of the seizure and condemnation of the "*Altimara*," Pedro Salas was in command of her, and she had a full cargo of slaves on board.

The "*Carolina*" received her passport at St. Jago de Cuba, and sailed from that port in the beginning of May last, with the destination of St. Thomas on the Line, which was not observed as the schooner proceeded direct to the river Nun.

We have, &amp;c.

(Signed)

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

Enclosure in No. 86.

*Report of the Case of the Spanish Schooner "Carolina," Pedro Salas, Master.*

THE "*Carolina*" sailed under a Royal passport, numbered 339, dated at Madrid on the 3rd April, 1837. It was issued at St. Jago de Cuba on the 30th April, 1840, to Pedro Salas, whom it described as both master and owner, and stated that the schooner was of the burthen of 36 tons, and was not to be employed in the Slave Trade, and that the passport itself was to continue in force for two years from the date of its issue.

The other official papers of the vessel were—

1. Muster-roll,
2. Custom-house clearance,
3. Bill of sale,

which papers showed that the schooner was navigated by eleven persons, was bound to St. Thomas's, that the cargo of spirits had been shipped by and was consigned to the master, who had purchased the schooner for 1,000 Spanish dollars on the 23d of April last, from Cayetano Gonzales, a resident of St. Jago de Cuba, and that she cleared out from that port on the 1st May last.

The log-book for this voyage commenced on the 2nd May, and ended on the 7th July last, when the vessel was off the river Nun.

There were also a great many official and other papers, chiefly relating to vessels in which the master or mate, Jaime Poll, had been formerly employed, from which we learned that the master, Pedro Salas, had commanded the undermentioned Spanish vessels, which cleared out at Cuba with the ostensible destination of Princes' Island.

The schooner "*Feliz*," cleared December, 1827.

Do. "*Altimara*," January, 1829.

Do. "*Atafa Primo*," May, 1831.

Do. "*Numero Dos*," May, 1832.

Salas also commanded in the year 1821 the Spanish brigantine "*Catalana*," which traded between Cuba and Spain; and from 1837 until lately he was apparently master of the Spanish brigantine "*Siete Hermanos*" engaged in the same trade. In this latter vessel Jaime Poll, the mate of the "*Carolina*," was second mate.

The detained vessel arrived in this harbour on the 26th July last, and was duly visited and reported upon by the marshal to the courts.

On the 28th July the ship's papers, properly authenticated by the affidavit of the prize officer, were received into Court, the captor's declaration filed, the usual monition issued, and witnesses in preparatory produced and ordered for examination.

The declaration of the captor, Lieutenant Reginald T. J. Levinge, Commander of Her Majesty's brigantine "*Buzzard*," stated that on the 10th July last, being in latitude 4° 10' north, and 5° 45' east longitude, he had detained the schooner "*Carolina*," sailing under Spanish colours, the master of the schooner describing her to be bound to St. Thomas's, on the line from Havana. The grounds of detention were declared to be, breaches of the 2nd, 6th, and 8th sections of the Equipment Article of the Treaty of June, 1835.

The witnesses in preparatory were the master and cook of the detained vessel, and were examined by the registrar on the 1st ultimo.

The master, Pedro Salas, deposed as follows: That "he was born in the Mediterranean Island of Yvica, where he has since lived; is a subject of Spain, and has never been subject of any other state, is married, and his wife and family reside in Yvica; he appointed himself to the command, and took possession in the month of May last at St. Jago de Cuba; does not recollect the person's name from whom he received it; first saw the vessel there and then; thinks she is American built; he was present at the capture, does not know why it took place; the vessel sailed under Spanish colours, and there were no others on board; the vessel is called the '*Carolina*,' never heard of her bearing any other name; she is of thirty-four tons burthen; there were ten officers and mariners exclusive of witness, all Spaniards hired and shipped by witness at St. Jago de Cuba in the month of May last. Himself excepted, none of the officers or mariners had any interest in the vessel or her lading; was himself interested as sole owner both of the vessel and cargo; was master on board; there were no passengers; the voyage began and was to end at St. Jago de Cuba, which was the last clearing port; the vessel touched nowhere during the voyage; the capturing ship was first seen off Cape Formosa on the tenth ultimo at one o'clock after noon; capture took place within an hour; the vessel was steering for St. Thomas's at the time; the course was not altered, nor any additional sail made; the course prescribed by the papers was always adhered to when the weather would permit; no guns are mounted, but there were eight or ten cutlasses, seven muskets, one pistol, and a small box of ammunition, for defence against canoes; no resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers; he was himself sole owner of the vessel; there was a bill of sale made by the late owner, whose first name was Caetano, but he had several more which witness does not recollect; it was made on the 1st day of May last at St. Jago de Cuba; does not recollect the names of the witnesses; last saw it when he delivered it up, as he did to the captors; the price was one thousand dollars, it was paid, and was a fair equivalent; knows that the transfer was a true one, and there were no private agreements; he himself is the sole lader, owner, and consignee of the cargo, which he swears will belong with the vessel to himself, and to himself alone, if restored; he knows nothing of the lading on the last voyage; the present cargo consists of aguadente; after capture the vessel was brought direct to Sierra Leone; the passports and other papers were and are all entirely true and fair; none of the papers were destroyed, concealed, or made away with; there are no writings relating to vessel or cargo in any other country; there was no charter-party; the vessel and goods are not insured; with respect to her employment in trade, the vessel was under the management of witness; bulk was nowhere broken during the voyage; no slave has been put or received on board for the purpose of the traffic in slaves during the present voyage; the hatches are not fitted with open gratings; the coamings of the hatchways are not pierced or otherwise fitted to receive iron bolts or bars, none of which are on board; there is one bulk-head, that of the cabin, and there are no bunks or sleeping-berths on deck; there are no spare planks on board; no part of a second deck is laid; there were no shackles, bolts, or handcuffs; there are water-casks on board, capable of receiving seven pipes and a half of water in all, a quantity requisite for the use of the crew; they contained about a pipe of fresh water at the time of capture; there were no tanks or staves; there were three mess-kids for the use of the crew; there were no copper or iron boilers; there were half a barrel of flour, half a barrel of beans, and a bag of calavances, for the use of the crew; no rice nor Indian corn."

The evidence of the cook of the detained vessel, Salvador Innocencio Robles, confirmed to some extent that of the master. His general ignorance of the affairs of the vessel, however, prevented his replying to many of the interrogatories. In respect to the equipment of the vessel, his testimony was quite corroborative of that of the master.

CLASS A.

Publication of the foregoing evidence was granted on the 1st ultimo, and on the 3rd a petition was presented by the captor's proctor, for a commission to issue for the survey of the detained vessel.

The report of survey came in and was sworn to on the 11th ultimo, and contained the following statements:—"There were five hatches on deck, which is a greater number than usual in merchant vessels, but they were of the same description; there were 16 water-casks on board, capable of containing 960 gallons of water, a quantity more than requisite for the crew of so small a vessel; there were 300 gallons of water on board; the cabouse was made of wood, and was large for the size of the vessel, and fitted with cross bars to receive cooking vessels of a greater size than required."

In addition to the foregoing equipment, the surveyors reported that they had found on board 12 shackle-bolts and the halves of three boilers. In making these statements it appeared, after a very lengthened investigation at the instance of the claimant's proctor, that the surveyors (one of whom was new in the office) had erred from a want of due care and caution, and they were in consequence severely reprimanded. Strenuous efforts were also made on behalf of the claimant to invalidate the report of the surveyors in other respects; but, as the interrogatories put with this object failed to elicit answers in any way calculated to support it, we shall not quote those portions of the evidence bearing solely upon it, nor those which relate to the half boilers and the 12 shackle-bolts, as the Court rejected those parts of the surveyors' report which referred to these points, when giving judgment in the case.

On the filing of the report of survey, the captor's proctor prayed to put certain interrogatories to the surveyors. These gentlemen were accordingly examined by the Registrar on the 13th ultimo, and deposed that "four Englishmen and a boy, or six Spaniards, would be a sufficient crew for a vessel of the '*Carolina's*' size, and that one gallon of water is necessary for each of the crew per day."

With respect to the five hatches which the surveyors had reported this vessel to have, one of them stated that they "are more than necessary for a vessel of her size, or even for a larger vessel, engaged in a legal trade;" and the other was of opinion that three hatches would have been "ample for this schooner."

Publication of this evidence was granted on the 14th ultimo.

The monition issued in this case on the 31st July was returned into Court duly certified on the 7th ultimo.

On the 5th ultimo the master of this vessel, Pedro Salas, appeared as the claimant in the case, and his claim was as follows:—"The claim of the said Pedro Salas, the master of the said schooner, a subject of Her Catholic Majesty, for the said schooner, her tackle, apparel, and furniture, and the goods, wares, merchandise, monies, and effects on board the same at the time of the capture thereof by Her Majesty's brigantine '*Buzzard*,' Reginald Levinge, commander, and brought to Sierra Leone; for the said schooner, her tackle, apparel, and furniture, and the said goods, wares, merchandise, monies, and effects, as the sole property of the claimant, who was born at Ivica, and is a natural born subject of the Queen of Spain. And for all such costs, charges, losses, damages, demurrage, and expenses, as have arisen, or shall or may arise, by reason of the capture of the said schooner as aforesaid."

This claim was ordered to be filed on the 8th ultimo, and on the 10th the master swore to the affidavit annexed thereto, authenticating the same.

On the 13th ultimo, the claimant's proctor presented a petition to have the equipment of the detained schooner examined and reported upon by Nathaniel Hoyt and Peter Hatfield, master mariners. As no sufficient reasons were offered for a second survey and report upon the schooner's equipment, and as one of the persons named by the claimant for this service (Mr. Hoyt) was lately master of the schooner "*Octavia*," condemned for being unlawfully equipped, the Court declined granting this request of the claimant.

The cook and cabin-boy of the detained schooner were examined on special interrogatories on the 15th ultimo, put on behalf of the claimant. On this occasion the cook, Inpocencio Salvador, deposed, that "there is a place abaft the cabin to which there is a scuttle. It is about six feet from side to side, runs four or five back, and is two or three in height. It cannot hold much, and is used in keeping ham, cheese, butter, and things of that sort. The '*Carolina*' has five hatches or scuttles. The fore hatch is used by the people, the main for the cargo, the fore trunk for the water. The after trunk hatch is that of the cabin; and the after cabin scuttle that of the place described in reply to the second interrogatory. Has seen many schooners in Havana of the size of the '*Carolina*,' at least twenty-five or thirty. Their accommodations are generally on the same plan. There are not more hatches or scuttles on board the '*Carolina*' than are usual in such schooners plying along the Coast of the Havana. The water was kept abaft the mainmast, and the boat being on deck over the main hatch, the casks could not be got to by any opening save the hatch of the fore trunk."

The cabin-boy, Cecilia Santo, gave similar evidence in this respect to the cook.

Whilst the cook and cabin-boy were being examined as above mentioned by the Registrar, the proctor for the captor brought in an affidavit, which was ordered to be sworn, and was as hereunder quoted: "Appeared personally, John Wood of Freetown, in the colony of Sierra Leone, mariner, who being duly sworn, maketh oath, that this deponent is the shipkeeper of the said schooner '*Carolina*;' that on the 14th day of August instant deponent found in the cabouse of the said schooner, concealed in the ashes, five and a half pairs of shackles and three bolts; and the deponent further maketh oath that he took the said shackles and bolts to the Registry of this Honourable Court on the 14th day of August instant, by direction of the acting Marshal of the same Court."

To this affidavit John Wood was duly sworn on the 17th ultimo.

Publication was granted on the 17th ultimo, and on the following day the claimant's proctor presented very voluminous interrogatories to be put to the two surveyors of the Court; to the above-mentioned John Wood, the shipkeeper; and to the cook and cabin-boy of the detained schooner, which the Court granted; and the examination of these witnesses accordingly took place on the 19th and 20th ultimo.

Mr. M'Foy, one of the surveyors, deposed, that "the '*Carolina's*' casks could contain at least four hundred and sixty gallons (of water) more than sufficient for her crew. The daily quantity of water served out to each man when on allowance, in English ships, is sometimes a quart, sometimes a pint, and even less. The ordinary daily quantity actually used by each man, when not on allowance, is three quarts, the wastage making up to a gallon what he consumes. Does not know what quantity of fresh water is used by each officer for washing and other purposes for which fresh water is not given to the crew; but should suppose extremely little for washing, especially on board such vessels as the '*Carolina*,' if a judgment is to be formed from the appearance their officers commonly present on their

arrival here. Knows of no other purpose besides washing for which additional water could then be used. Supposes an average voyage from St. Jago de Cuba to the Island of Princes to be forty days, but cannot say what the duration of a long or a short one would be. Does not know that there is any variation in the duration of the voyage at different periods of the year. In proper water-casks properly filled, not more than a quart or two, or at the utmost a gallon, can fairly be allowed for bottoms. No allowance can be made for leakage from good casks. Thinks thirty gallons of water would cover all casualties to casks of the number and size which the 'Carolina' ought to carry, it being understood that such casualties would include all loss from bottoms and leakage. He looked at the 'Carolina's' cabouse or cooking place on the survey of the vessel. Never thought of raking the ashes for shackles."

The replies of Mr. Weston, the second surveyor, to the same questions as had been put to Mr. M'Foy, were as follows: "The 'Carolina's' casks would contain nearly double the quantity of water that she ought to have for a three months' voyage, supposing her crew reduced to what it ought to be, six men; but with her present crew they would not contain for such a voyage more than sufficient. The daily quantity of water served out to each man when a ship's company is placed upon allowance must depend entirely on circumstances; it may be a quart, or a pint, or even half a pint. A gallon is the ordinary quantity used daily by each man when not upon allowance. Does not know what average quantity of fresh water might be used by each officer for washing and other purposes for which fresh water is not given to the rest of the crew. Supposes the duration of an average voyage from St. Jago de Cuba to Princes' Island to be about five weeks; cannot say what voyage, shorter or longer, might be termed a short or long voyage. Does not know whether there is any variation in the duration of the voyage at different periods of the year. Does not know what may be regarded as a fair allowance in water-casks for bottoms, but should think a few gallons a cask sufficient, supposing the casks clean. Thinks the allowance of a twentieth would be ample for leakage. Sixty gallons extra would be ample to cover casualties, including loss from bottoms and leakage, in the case of a vessel carrying five hundred gallons of water. Inspected the 'Carolina's' cabouse or cooking place on the survey of the vessel; never thought of looking in the ashes for shackles."

Both of the surveyors were examined, and deposed at great length on the subject of the hatches being more than are usual in merchant vessels generally when employed on lawful voyages. As their testimony on this occasion, however, corroborated that which we had already received from them, it will be unnecessary to quote it.

John Wood deposed, "that he has filled the situation of a shipkeeper for upwards of two years, and that he first went on board the 'Carolina' in that capacity on Friday the 31st of July last." The remainder of his evidence was on the subject of his finding the slave-irons in the ashes and dirt accumulated on the hearth of the fire-place in the cabouse, and to which he made affidavit, as previously mentioned on the 17th ultimo.

The interrogatories which the claimant's proctor had drawn up formed a rigorous cross-examination of this witness, which had for its object the proving that these irons had never belonged to the "Carolina," but that they had been conveyed on board of her by some interested persons, in order that they might be used in creating evidence against the vessel. This witness, who is a liberated African, and, like most persons of his class, speaks English badly, and has the most imperfect ideas of the passage of time, described on this occasion the circumstances attending the finding, landing, and delivery over to the marshal, of the said irons, in such a manner as was calculated, on the bare perusal of this examination, to create the impression which the claimant's proctor desired. He was, however, subsequently further examined on special interrogatories, which served, in conjunction with other evidence to which we shall hereafter allude, to put the matter in its proper light; and we have therefore preferred describing his testimony in this manner to giving extracts, as is usually done.

The cook's evidence respecting the said irons was as follows: "That every two or three days while he was cook on board the 'Carolina' he cleared the cabouse of ashes. The 'hornillas' were removed by witness himself three or four days before capture, at eight o'clock in the morning. The bottom of the cabouse was at that time cleared of ashes, having been so cleared by himself. After the seizure the ashes were cleared away, sometimes by himself, and sometimes by a Kroo cook, who came on board from the man-of-war. Never saw on board the 'Carolina' the shackles (those found by the shipkeeper) now produced to him. They could not have been in the ashes of the cabouse while he was acting as cook without his seeing them. Cooked for the master and prize-master after the seizure; the Kroo cook cooked for the prize-crew. The cook and every other person who, after the seizure, might cook occasionally for himself or others, had free access to the cabouse. The shackles could not have been in the ashes without some of the persons perceiving them. Had shackles been concealed in the ashes at the time of seizure, witness could often have removed and thrown them overboard unseen. Does not know that the master could have done so."

The cabin-boy deposed on the same subject, that his duties took him frequently to the cabouse, which he knew was cleared of ashes about every two days. "Never saw any shackles in it. Never saw the shackles now shown to him." This witness then described, as the cook had done, the arrangements for cooking after the schooner's detention, and added, that the shackles alluded to "could not have been in the cabouse under the ashes when the schooner was seized, and not have been found there before the vessel reached Sierra Leone."

Publication was given on the 20th ultimo.

On the 22nd ultimo the claimant's proctor obtained permission to re-examine the two surveyors and shipkeeper; and on the following 24th their further evidence was received.

The object that the claimant's proctor had chiefly in view was, to shake the testimony of the surveyors in respect to their previous deposition, that a gallon of water a-day for a sailor was sufficient, and the usual full allowance granted on board merchant vessels, for which purpose very searching and lengthy interrogatories were drawn up by him. As these questions, however, were replied to by the surveyors in a manner confirmatory of their previous statements, we have not quoted their evidence.

The claimant's proctor also desired to elicit from the surveyors, that seventy days was considered a good voyage from St. Jago de Cuba to Princes' Island, with the hope of showing that the schooner's voyage was unusually lengthy, and that the quantity of water she could carry was therefore necessary for the number of persons on board. The surveyors, however, repeated the evidence they had given on this point at their former examinations.

John Wood, the shipkeeper, on being re-examined on the subject of the finding of the slave-irons, to which we have hitherto alluded, stated that "he found the shackles on board the 'Carolina' just before his breakfast, which, so far as he can tell, he generally takes at eight o'clock. The fire had then

been burning since six o'clock. Respecting these slave-irons, his evidence was to the effect, that two days previous to his finding them the brickwork at the back of the fire-place was partly knocked down in consequence of some casks of rum which were being hoisted out of the hold striking the cabouse. The bricks and lime rubbish which then fell remained for two days, when there being also two days' wood ashes mixed with them, it appeared the shipkeeper was under the necessity of clearing the fire-place out in order to be able to cook, when the irons were discovered through the end of one of them showing in the loosened brick work. All the persons on board saw the said irons dug out from the brickwork, rubbish, and ashes in the fire-place.

This witness most distinctly denied that he had either received or been promised any payment for the finding of the said irons; in which denial we place every confidence, as well from the hitherto irreproachable character of the man, as from the air of truth observable in his imperfect descriptions of the circumstances attending the discovery of the said irons, and the absence of all motive or interest in the fate of the vessel.

At this stage of the proceedings the captor's proctor came forward with certain interrogatories which he had prepared in order, if possible, to render clear and intelligible the circumstances respecting the finding of the said slave-irons by the shipkeeper. With this object the Marshal to the Court, and the four assistants to the shipkeeper of the "*Carolina*" were separately examined on the 25th and 26th ultimo, and the substance of their evidence was as follows: That about twelve o'clock at noon, nine or ten days since, John Wood took to the Marshal's residence the irons in question, which he stated he had that morning found in the "*Carolina's*" cabouse. This cabouse had a hearth with a back and sides of brick work, which the Marshal thought had not been originally well built, and which had at the time alluded to given way, causing lime rubbish to mix with the ashes of the wood burnt by the shipkeepers. On the morning when the irons were landed, the shipkeeper had found it necessary to clear the fire-place, and in so doing discovered in the loose brickwork of the back the end of one of the said irons, which led him to make a minute examination in the presence of his four assistants on board, when the whole of the said irons were dug out from among the bricks and rubbish which had fallen from the back of the fire-place.

Publication of the evidence was granted on the 27th ultimo.

At the instance of the claimant's proctor certain other interrogatories were put to the four assistant shipkeepers, for the purpose of eliciting replies which it was hoped would have the effect of showing that the principal shipkeeper and themselves were witnesses unworthy of belief, which attempt, however, failed.

On the 29th ultimo a joint petition from the proctors on both sides was presented, asking for a day of trial, which was appointed for the 1st of September instant, when the Court assembled for that purpose.

The proctor for the captors briefly prayed the condemnation of the "*Carolina*," on the ground of her having more water-casks than were necessary for the use of a proper crew for her, as a lawfully employed merchant-vessel; and referred to the unusual number of hatches which this vessel had, as an evidence of the object with which she had visited the Coast of Africa.

The claimant's proctor endeavoured in his arguments to prove, that the Court should, in a case like this, look upon the absence of all but one prohibited article of equipment, as an evidence that the questionable article had been embarked in the detained vessel for lawful purposes only. He also endeavoured, by rather an ingenious mode of argument, to prove that the crew, and not the water-casks were in excess.

The captor's proctor, in reply, remarked, that one article of illegal equipment was itself sufficient to support the charge preferred against this vessel, and concluded by repeating his request for condemnation.

In giving judgment, the Court observed that this vessel, unlike the one which had just preceded it (the "*Plant*"), offered no question regarding her nationality, she being clearly Spanish. The only point for consideration was, whether the charge of her illegal equipment had or had not been established. Previous to looking into the evidence on this point, the Court considered it necessary to observe, that the argument used by the claimant's proctor as to the application of the Equipment Article of the Treaty between Great Britain and Spain, in cases where only one of the prohibited articles may be found on board of a detained vessel, was so directly at variance with the spirit of that Treaty that it could not be admitted.

Respecting the illegal equipment of the "*Carolina*" it appeared in evidence, that she has sixteen water-casks, which are equal to carrying nine hundred and sixty gallons of water, a quantity which the surveyors had declared they considered more than was requisite for her use as a merchant-vessel; and that her cabouse is larger than is necessary for the crew. In addition to these facts established by the testimony of the surveyors to the Court, we have also the finding of the slave-shackles and bolts which had been secreted on board.

The quantity of water which the Court declared was, in its opinion, a sufficient and proper quantity for a schooner like this to have carried, was four hundred and twenty gallons. This quantity was estimated by allowing for six men only, the number who were properly required for the navigation of this schooner, provided she was to be employed in lawful commerce, and taking the passage from St. Jago de Cuba to Princes' Island to be of the length of seventy days. According to this estimate, therefore, the "*Carolina*" could carry five hundred and forty gallons of water more than was required for her crew, and for which no satisfactory explanation had been tendered. Taking into consideration this fact, in connexion with the schooner having more hatches (although lawfully constructed they would prove valuable substitutes for the prohibited ones), than a merchant-vessel usually carries, that she had deviated from her prescribed route in her official papers, to enter that notorious slaving river, the Nun; that there were slave-shackles and bolts concealed on board; that she carried nearly double as many persons in the character of a crew as were really necessary for her safe navigation as a merchant-vessel; and that the excess of water which she could carry is about the quantity she would embark for the use of the number of negroes the vessel is capable of conveying, according to the Spanish mode of conducting slaving voyages, the Court had no hesitation in expressing its conviction that the water-casks on board of the "*Carolina*" had been embarked with the intention of violating the Treaty between Great Britain and Spain, and that she was in consequence, together with her cargo, good prize.

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

No. 87.

*Her Majesty's Commissioners to Viscount Palmerston.*

Sierra Leone, September 23, 1840.

MY LORD,

(Received December 7.)

LIEUTENANT HILL, commanding Her Majesty's brig "Saracen," whilst cruising off the Gallinas in the month of July last, seized the Spanish brigantine "Diana," whereof Felipe Victorio was master, for being fully equipped for the Slave Trade, and brought that vessel to this colony for adjudication by the British and Spanish Mixed Court established here.

The "Diana" was not presented for adjudication until the 29th ultimo, although her seizure had taken place within two or three days' sail of the colony, more than a month previous to that time. This delay arose from Lieutenant Hill having so few effective officers on board of his brig that he was unable to send away one of them in charge of his prize, and he therefore detained the "Diana" until he felt at liberty to quit his cruising ground and accompany her to this port, which he was under the necessity (of doing not very long afterwards, having captured a second Spanish schooner the "Sirena," which is to be reported in our next Despatch.

The Spanish character of the "Diana," and her unlawful equipment for carrying a cargo of slaves, was plainly avowed by her master, as well as proved by other evidence received in the case, as our report, herewith forwarded to your Lordship, will show; and her condemnation was accordingly decreed on the 8th instant.

This vessel was originally the Spanish brigantine "Iberia," and was seized by Her Majesty's sloop "Brazen," Commander G. W. Willes, and condemned here on the 5th of May, 1826. At the Mixed Commission sale she was purchased by Mr. John Messervy for 480*l.* (four hundred and eighty pounds), apparently on behalf of himself and others, as the agents of Messervy and the two Lecroniers, all of the island of Jersey, sold the vessel at Gibraltar on the 27th January, 1827, for 7,000 dollars, 1,725*l.* (one thousand seven hundred and twenty-five pounds), to Andres Canepa. In the following September Canepa, by means of his agent at Malaga, Domingo Beloti, sold the "Diana" to José Martorell for 60,000 reals vellon, 625*l.* (six hundred and twenty-five pounds). Martorell appears to have retained his interest in this vessel until the 10th July, 1839, when by means of the agency of the said Beloti he sold her at Cadiz for 86,000 reals vellon, 896*l.* (eight hundred and ninety-six pounds), to Felipe Victorio, her late master.

This case appears likely to afford the Spanish Government an opportunity, if desired, of punishing one of the parties concerned in the fitting out, and despatching from Cadiz, a vessel destined for the Slave Trade, as this brigantine has been plainly proved to be; for the clearance from Cadiz states that the consignee at that place had bound himself to be dealt with according to law, if before the 13th December, 1840, he did not deliver a certificate at the Custom-house at Cadiz that the articles expressed in the vessel's clearance, and which have worked her condemnation as constituting an illegal equipment, had been actually landed at Trinidad de Cuba. This obligation he cannot now possibly perform, and is therefore liable to such penalties as the Spanish law requires.

We have, &amp;c.

(Signed)

WALTER W. LEWIS.  
R. DOHERTY.*The Right Hon. Viscount Palmerston, G.C.B.,*

&amp;c.

&amp;c.

&amp;c.

## Enclosure in No. 87.

*Report of the Case of the Spanish Brigantine "Diana," Felipe Victorio Master.*

On the 16th June, 1840, the "Diana" sailed from Cadiz with an ostensible destination to Trinidad de Cuba. At the first-named place the master and owner, as he declares himself to have been, obtained the principal papers for the voyage. These, with the others found at the time of detention, consisted of,—

1. A Royal Passport, No. 26, to continue effective for three years from the 9th of February, 1840. The master appears as owner, and, by an endorsement, is expressly forbidden to engage in the Slave Trade.

2. The Matricula was issued at Cadiz on the 10th of June, 1840, and Trinidad de Cuba is mentioned as the vessel's destination.



3. A Mediterranean Pass, No. 96.

4. A Bill of Health, also obtained at Cadiz in June, 1840.

5. A Custom-house Clearance, "Registro de Viage," with a certificate of its due registration, dated Cadiz, June 13th, 1840. This paper contains two remarkable features. First, it clears out, under the captain's name, articles which of themselves would constitute a complete slaving equipment; namely, 46 leaguers and other water casks, 72 bags of rice, 10 cross pieces or beams, 54 planks already sawn, 41 new planks, and 3 large planks. This very questionable shipment is certified to have been regularly examined by Francisco Perez Villada on the 13th June last, preparatory to the granting of the clearance; notwithstanding which no bond was exacted for the lawful employment of the water-casks agreeably to the terms of the Treaty of June, 1835. To this document there is subjoined a note couched in the following words:—"The master of this vessel together with the consignee (his name is not given) have this day affixed their signatures to a declaration whereby they oblige themselves, on their return here before the end of six months, to deliver a certificate that they have actually landed the before-named articles expressed in this register at the port to which the said vessel is now bound, and that in the event of their failing to do so, they will be dealt with according to law."

This note to the clearance was signed by Luis de Leon.

6. The Bill of Sale gives the history of three different transfers of the vessel, including the last. The "*Diana*" was first bought at Gibraltar, when under English colours, on the 27th of January, 1827, for 7,000 dollars (one thousand seven hundred and twenty-five pounds), by Andres Canepa, from Messrs. Clementson and Gladden, merchants of that place, and agents of Messrs. John Messervey, George and John Lecronier, all of Jersey. Canepa next sold her, through his agent Domingo Beloti, at Malaga, on the 21st of September, 1837, to José Martorell for 60,000 reals vellon. And lastly, Martorell, having empowered Beloti to act for him, made the third sale at Cadiz, on the 10th of July, 1839, to the present captain, who paid for her 86,000 reals vellon.

7. The log-book commenced on the 16th of June at Cadiz, where every preparation for a contra-band voyage to the coast seems to have been completed, and whence the "*Diana*" sailed direct to the Gallinas, neglecting to pay any attention to the destination laid down in the ship's papers, and was there captured on the 21st of July, 1840, by Her Majesty's brig "*Saracen*."

The prize reached this harbour on the 28th ultimo, and on the same day the Marshal visited the vessel and reported the facts of seizure.

On the following day the captor's proctor libelled the prize in the British and Spanish Court, having obtained permission to file his client's declaration, as well as for the issue of the monition and for the evidence to be taken. The captor, Lieutenant Henry W. Hill, Commander of Her Majesty's brig "*Saracen*," declares that the detention of the brigantine "*Diana*" took place on the 21st of July, 1840; and that the vessel carried Spanish colours, and was under the command of Felipe Victorio, bound from Cadiz to Cuba. Lieutenant Hill added, that the vessel had on board a slave-deck fitted and laid, and was "otherwise perfectly equipped for the Slave Trade."

The registrar examined the witnesses on the 31st ultimo. The master, Felipe Victorio, deposed that "he was born in Lima. Has lived since his childhood in Cadiz. Is a subject of Spain, and has never been a subject of any other state or power. Is married, and his wife and family reside with him at Cadiz. Appointed himself to the command, and took possession in Cadiz during the month of June last year. First saw the vessel there and then. Thinks she is American built. Was present at the capture, which took place on suspicion of slave-trading. The vessel sailed under Spanish colours, and there were no others on board. The vessel is called the '*Diana*.' Never heard of her having borne any other name. She is of 150 tons burthen. There were 25 officers and mariners exclusive of witness, all Spaniards, and all hired and shipped with witness in Cadiz during the month of June last. Himself excepted, none of the officers or mariners had any interest in the vessel or her lading. Owned both. Was master on board. There were no passengers. The voyage began at Cadiz, which was the last clearing port, and was to end at Cuba. The vessel had anchored at Gallinas for slaves just before capture. When she had so anchored at five o'clock in the evening, a boat from the capturing ship came alongside firing muskets. Capture took place immediately. Did not see the boat or hear her musketry before anchoring. Next morning the vessel joined the man-of-war herself. The course prescribed by the papers, which was for Havana direct, was deviated from for the purpose of disposing of a rice cargo on the coast; and of taking slaves in exchange or anything else they might be able to procure. Had therefore freighted the vessel for Gallinas, but at Cadiz they will not clear vessels for the Coast of Africa. No resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers. He was the sole owner of the vessel. A bill of sale was made in June of last year, the deponent cannot recollect by whom, in presence of no witness. Last saw it in giving it up to the captors on the 21st of July. The price was 3,500 dollars. It was paid and was a fair equivalent. The transfer was a true one, and there were no private agreements. He was the sole lader, owner, and consignee of the cargo. He knows nothing of the lading of the last voyage. The present cargo consists of rice. After capture the vessel was anchored at Gallinas for five and twenty days or thereabouts, and was then brought up to Sierra Leone. The passports and other papers were all entirely true and fair. None of the papers were destroyed, concealed, or made away with. There was no charter-party. The vessel and goods are not insured. With respect to her employment in trade the vessel was under the management of witness. No slave has been put or received on board for the purpose of the traffic in slaves during the present voyage. The hatches are fitted with open wooden gratings to admit fresh air to the rice, and if needful to a cargo of slaves. The coamings of the hatchways are pierced to receive round iron bars, of which about 17 are on board, fit and intended for securing the hatches. There are two bulkheads, those of the cabin and fore-castle. No bunks. There are no spare planks on board. A complete slave-deck is laid fore and aft. There were no shackles, bolts, or handcuffs. There were leaguers and casks on board capable of receiving 60 pipes of water in all, and all filled with fresh water at the time of capture, intended for ballast partly, and partly for the consumption of slaves. There were no tanks or staves. There were six mess-kids on board for the use of the crew, and 30 as cargo. There were two iron boilers capable of receiving 10 or 12 gallons of water each, and intended for cooking for slaves. There were 70 bags of rice shipped as cargo and intended for the use of slaves. No flour or Indian corn."

The next deposition, that of José Viva, the boatswain, confirms, as far as it goes, the preceding statements of the master. This witness declared his entire ignorance of the owner of the vessel, of any bill of sale, of the price that may have been given for her, and of the laders, owners, and consignees of the cargo.

The publication of the foregoing evidence was decreed on the 2d instant.

At the instance of the captor's proctor the Court authorized a survey upon the detained vessel, the report of which was received on the 3rd instant, and established several strong points of equipment. The surveyors found eight hatches on deck, fitted with wooden gratings, and one of them having its coamings bored for iron bars also on board; a slave-deck laid fore and aft; a number of casks, and a quantity of water more than would be required by a lawfully employed merchant vessel; the extraordinary number of 20 mess-kids and 40 mess-tins, besides 28 wooden spoons; 2 large boilers; and no less than 70 bags of rice and some of calavances.

The long interval which elapsed between the capture and arrival of the vessel in this colony, namely, from July 21st to August 28th, notwithstanding the proximity of the place of seizure, was satisfactorily explained away by an affidavit of Lieutenant Hill, as having arisen from the protracted absence of one of his officers in a boat, and from the illness of another, whereby he was unable to leave his cruising ground, and had no one to despatch to this place with his prize.

Here ended the proceedings in prosecution, and the monition, issued on the 29th ultimo, having been returned into Court on the 7th instant, the Court proceeded on the following day to the trial of the "*Diana*." A more positive and clear instance of a Spanish slave-trading adventure could not easily have been found. There was no question as to the Spanish nationality of the "*Diana*," and while the captor's allegations received ample confirmation from the surveyors, the master and boatswain freely admitted the guilt of the vessel of which they were the officers; and the Court accordingly pronounced a decree of confiscation of the prize and her cargo.

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

*Sierra Leone, September 23, 1840.*

No. 88.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, September 23, 1840.*

(Received December 7.)

MY LORD,

WE have the honour of acquainting your Lordship that Lieutenant Hill, the commander of Her Majesty's brig "*Saracen*," detained off the Gallinas on the 17th of August ultimo, the Spanish schooner "*Sirena*," Manuel Muñiz, master, for being equipped for the Slave Trade. Lieutenant Hill accompanied the "*Sirena*," and his other prize the "*Diana*" (reported in our previous Despatch of this date), to Sierra Leone, where they arrived on the 29th ultimo.

Our report of the case of this vessel, which we herewith transmit to your Lordship, contains the clearest grounds for her condemnation, which took place on the 8th instant, and affords a further illustration, if any were necessary, of the readiness of the officials at Havana to countenance slaving adventures in violation of the Spanish laws and the Treaties with Great Britain. This schooner actually left the port of Havana with the following articles of prohibited equipment on board:—hatches fitted to receive hatch-bars; a complete slave-deck; 58 shackles and bolts; a ground tier of leaguers; 170 wooden spoons; 18 mess-tins; a number of deck tubs, and a 40-gallon boiler fitted to the cabouse. No security whatever was taken for the lawful employment of the extraordinary number of water-casks which this vessel carried; and the fact of the 90 bags of rice having been entered out as cargo by this vessel, by which the letter of the Equipment Article was observed, whilst the spirit of the Treaty was defeated, seems to have been almost an unnecessary precaution on the part of the outfitters of the schooner.

The rice and other articles shipped in this vessel were embarked by Ramon Caris y Badia, of Havana, who was no doubt either the owner, or agent of the owner of both the vessel and cargo, for we cannot place any reliance upon the deposition of the master as to his being the sole party interested in this adventure, when he at the same moment swears that he cannot remember from whom he bought the vessel in May last; and is in such doubt as to the price paid for her, as to declare it to have been "*about 2,000 dollars.*"

We have, &c.

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

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

Enclosure in No. 88.

*Report of the Case of the Spanish Schooner "Sirena," Manuel Muñiz, Master.*

THIS vessel, when detained, was found sailing under the following official Spanish papers:—  
1. A Royal Passport, No. 449, issued at Havana on the 11th June, 1840, in favour of Captain

Manuel Muñiz, and to continue in force for the term of one year only. There is not the usual prohibition indorsed on this passport against engaging in the illicit traffic in slaves; and the tonnage of the vessel has been also omitted.

2. Muster-roll, dated at Havana, on the 11th June, 1840, describes the schooner to be of the burthen of 78 tons, navigated by a master, two mates, and six men, and bound to the port of Oratava, in the island of Tenerife.

3. Custom-house Clearance, dated Havana, the 12th June, 1840, on which date the "*Sirena*" cleared out for Oratava. The cargo of the vessel, which was shipped by Ramon Caris y Badia, consisted of 90 bags of rice, and a supply of wine, spirits, liqueurs, oil, &c., which were probably intended for the use of the officers and crew of the detained vessel.

4. Fort Pass, No. 9, dated Havana, the 11th June, 1840.

There was a bundle, containing four official passports for persons described as leaving Havana for Oratava, as passengers in the "*Sirena*." At the time of detention, however, the master of this vessel described the four persons alluded to as seamen forming part of her crew; by which means the crew was increased, from the number mentioned in the muster-roll, to 15 persons in all, which would be about as many hands as a vessel of the size of the "*Sirena*" would carry when engaged in a slaving voyage.

The log-book of the detained vessel, which commenced on the 14th June last, sets out with a statement of the vessel being on a voyage to Oratava; she did not, however, touch at any place on her way to this coast, on which, in latitude 7° 13' North, it appears the log was discontinued on the 16th August ultimo, being the day previous to her detention by one of Her Majesty's cruisers.

The captured vessel reached this port on the 29th ultimo, and was immediately visited by the marshal, who made his usual report to the Court.

On the 31st ultimo the papers of this vessel were brought into Court, and, having been first duly authenticated by the prize-officer, were filed, together with the captor's declaration; the usual monition was then issued, and the witnesses ordered for examination.

The declaration of the captor was as follows:—"I, Henry W. Hill, lieutenant commanding Her Britannic Majesty's brig '*Saracen*,' hereby declare that, on this 17th day of August, 1840, being off Gallinas, I detained the schooner, named the '*Sirena*,' sailing under Spanish colours, commanded by Manuel Muñiz, who declared her to be bound from Havana to Gallinas to obtain a freight, with a crew consisting of 14 men, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board no slaves, but fully equipped for the Slave Trade."

The witnesses in preparatory were the master and boatswain of the detained vessel, who were examined by the Registrar on the 2d instant, when the master, Manuel Muñiz, deposed, in replying to the Standing Interrogatories, "he was born in Gijon, in Asturias, where he has since lived. Is a subject of Spain, and has never been subject of any other state or power. Is not married. He appointed himself to the command, and took possession four months ago in Havana. First saw the vessel then and there. She was built in Spain. He was present at the capture, which took place on suspicion of slave trading. The vessel sailed under Spanish colours, and there were no others on board. The vessel is called the '*Sirena*.' Never heard of her having borne any other name. She is between 70 and 80 tons burthen. There were 14 officers and mariners, exclusive of witness, all Spaniards, and all hired and shipped by witness in Havana during the month of June last. None of the officers or mariners had any interest in the vessel or her lading, except himself, who owned both. Was master on board. There were four fore-castle passengers, whose names are unknown to witness, all Spaniards and mariners, and all taken on board at Havana, and destined for the Canary Islands; witness does not know on what business. None of them had any interest or authority in or over the vessel or cargo. The voyage began and was to end at Havana, which was the last clearing port. The vessel touched at Gallinas for such cargo as witness might be able to procure there, and at no other place during the voyage. He first saw the capturing ship off Gallinas on the 17th ultimo at seven o'clock in the morning, while the detained vessel was about to anchor. Capture took place immediately by the man-of-war's boat. The course prescribed by the papers was that of the Canaries and Havana; but the state of the winds made it necessary to deviate from this course. He himself is the sole owner of the vessel. A bill of sale was made to him, he does not recollect by whom, during the month of May last, at Havana, in presence of three witnesses, whose names he does not remember. Last saw it at the Custom-house, Havana, where it was left. The price was about 2,000 dollars. It was paid, and was a fair equivalent. The transfer was a true one, and there were no private agreements. He was sole lader, owner, and consignee of the cargo. He knows nothing of the lading on the last voyage. The present cargo consists of rice. After capture the vessel was brought direct to Sierra Leone. The passports and other papers were all entirely true and fair. None of the papers were destroyed, concealed, or made away with. Except the bill of sale at Havana, there are no writings relating to vessel or cargo in any other country. There was no charter-party. The vessel and goods are not insured. With respect to her employment in trade, the vessel was under his own management. Bulk was nowhere broken during the voyage."

To the Standing Special Interrogatories the master replied, that "the hatches are not fitted with open gratings. The coamings of the hatchways are pierced to receive round iron bars, of which about 24 are on board, intended and fit for securing the hatches. There are two bulk-heads, those of the cabin and fore-castle. There is one bunk or sleeping-berth on deck. There are no spare planks. A second deck is laid fore and aft. There are 50 or 60 pairs of shackles and bolts, intended for chaining slaves. There are leaguers and casks on board, capable of receiving about 50 pipes of water in all, and all filled with fresh water at the time of capture. The vessel was so equipped for a cargo of slaves. There were no tanks or staves. There were 20 or 30 mess-tins for the use of the slaves. There was one large iron boiler for cooking for slaves. There were 80 or 90 bags of rice for the consumption of slaves; and two barrels of flour and two or three bags of beans for the crew. No Indian corn."

The evidence of Juan Pusol, the boatswain of the detained schooner, was that he had always understood the master to be the owner of her, but was entirely ignorant of anything concerning the ship's papers; that the schooner was a Spanish vessel, and had only the colours of Spain on board; and that the voyage began and was to have ended at Havana. On the subject of equipment his testimony confirmed the description given by the master, and which has just been quoted; but unlike his commander, who had so plainly avowed the real use for which these objectionable articles were embarked, he swore he did not know for what purpose they were on board.

Publication passed in the cause on the 2d instant, and on the following day the report of the surveyors to the Court was received. These gentlemen, who had examined the equipment of the detained

schooner at the instance of the captor, stated, that they had found "four hatches on deck, a number more than requisite for a merchant vessel. The coamings of two were bored for the reception of iron bars. There were two bulk-heads below, those of the fore-castle and cabin, and one 'dog-house' on deck, which are not more than necessary for the vessel as a lawful trader. A slave-deck is laid fore and aft. Fifty-eight shackles and bolts. Underneath the slave-deck we saw a great number of leaguers, but were not able to count them in consequence of the slave deck being laid; there were, however, more than necessary for a vessel of her size. There were also 170 wooden spoons, 18 mess-tins, and a number of deck-tubs, a quantity more than requisite for the use of a merchant-vessel. A boiler, capable of containing about 40 gallons, that fitted in the cabouse on deck, which is of a larger size than usual for a merchant-vessel. Twenty bags of rice, containing about 40 bushels in all, a quantity more than necessary for the use of the crew of this vessel."

The monition, which was issued on the 31st ultimo, was returned into Court, duly certified, on the 8th instant; on which day the British and Spanish Court assembled for the adjudication of this case, and pronounced the schooner "*Sirena*" and her cargo good and lawful prize for having been, as admitted by the master, and proved by the survey, completely equipped, with the intention of carrying a cargo of slaves from the coast of Africa to Havana.

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

*Sierra Leone, September 23, 1840.*

No. 89.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 17, 1840.*

I HEREWITH transmit to you a copy of a Letter from the Colonial Department, stating that Dr. Madden has been appointed to make inquiries into various matters relating to the establishments of Great Britain on the western coast of Africa; and I have to desire that you will afford to Dr. Madden, on his arrival at Sierra Leone, any information and advice, which it may be in your power to give to him, for the purpose of facilitating the object of his mission.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 89.

*Mr. Stephen to Mr. Backhouse.*

SIR,

*Downing Street, December 3, 1840.*

DR. MADDEN having been appointed by Her Majesty's Government to make inquiries into various matters relating to the establishments of this country on the western coast of Africa, I have received Lord John Russell's directions to request you will move Viscount Palmerston to instruct Her Majesty's Commissioners of the Mixed Commission at Sierra Leone to afford that gentleman, on his arrival in the Colony, any information and advice which it may be in their power to render him, for the purpose of facilitating the objects of his mission.

I am, &c.

*J. Backhouse, Esq.,*  
&c. &c. &c.

(Signed) JAMES STEPHEN.

No. 90.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 18, 1840.*

I HEREWITH transmit to you, for your information, copies of Despatches from Her Majesty's Commissioners at the Havana, containing their reports on the Slave Trade carried on at that place, during the months of August, September, and October, 1840.

I am, &c.

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

(Signed) PALMERSTON.

Enclosures in No. 90.

*Havana Commissioners' Despatches, of 30th September, 24th October, and 10th November, 1840.*

(See Nos. 151, 152, and 155.)

CLASS A.

No. 91.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 19, 1840.*

WITH reference to your Despatch marked Portugal, of the 28th May, 1840, respecting the vessels "*Olympia*" and "*Josephina*," I herewith transmit to you, for your information, copies of a correspondence which has passed between Her Majesty's Envoy at Madrid and myself upon the subject of those vessels.

From these papers you will learn that the Spanish Government have promised to institute an inquiry into the circumstances stated in your Despatch above mentioned, and to punish those persons who may be found to have been guilty of having permitted the "*Josephina*" and "*Olympia*" to leave the Havana with slave equipments on board.

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

I am, &c.  
 (Signed) PALMERSTON.

## Enclosures in No. 91.

First.—*Viscount Palmerston to Mr. Aston.**Foreign Office, September 25, 1840.*Second.—*Mr. Aston to Viscount Palmerston.**Madrid, December 2, 1840.*

(See Class B, Nos. 17, and 27.)

## SIERRA LEONE. *(Portugal.)*

---

No. 92.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, May 22, 1840.*

I HEREWITH transmit to you a copy of a Note which I have received from the Baron de Moncorvo, &c., and I have to desire that, in furtherance of the wish of that Minister, you will transmit to me, for the information of Her Majesty's Government, the originals or certified copies of all papers submitted to you as papers of Portuguese vessels detained by Her Majesty's cruizers on a charge of Slave Trade; and especially either the originals or authenticated copies of such portion of those documents as consist of papers furnished by Portuguese Consuls, or by other Portuguese authorities.

I am, &c.

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

(Signed) PALMERSTON.

---

Enclosure in No. 92.

*Baron Moncorvo to Viscount Palmerston.*

*London, May 8, 1840.*

(See Class B, 1839—04, Further Series, No. 84, page 79.)

---

No. 93.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, May 13, 1839.*

*(Received May 30, 1840.)*

MY LORD,

ON the 8th ultimo, Her Majesty's sloop "Wolverene," Commander Tucker, detained, a few miles from Princes' Island, the Portuguese schooner "Passos," with a cargo of 87 slaves on board. The detained schooner was at that time in such a leaky state, that the captor immediately conveyed her to Princes', where she was surveyed, and found to be in so very unsound and unseaworthy a condition, that the slaves, together with all her moveable stores, were embarked in Her Majesty's brigantine "Dolphin," for conveyance to this colony, where she arrived on the 3rd instant. The prize was in the mean time taken out to sea off Princes', and destroyed by burning.

From our report of this case, which we have the honour herewith to transmit to your Lordship, it will be seen that the "Passos" was one of the numerous vessels employed in the purchase and transport of slaves from the mainland to the islands of Princes' and St. Thomas's. Every encouragement and assistance are afforded by the Government authorities of those islands to the persons engaged in this illicit commerce; and, as if to throw ridicule on the prohibitory laws which have been passed against the Slave Trade, the notorious Antonio Dionizio Furtado, whose malpractices at the Cape de Verd Islands have been so frequently represented, appears in this case in the character of a custom-house inspector at Port Antonio, in Princes' Island.

We have, &c.

(Signed)

H. W. MACAULAY.  
 W. W. LEWIS.

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

## Enclosure in No. 93.

*Report of the Case of the Portuguese Schooner "Passos," João Antonio Rodriguez, Master.*

ONLY three official papers were found on board this vessel at the time of her capture. Of these, the register, or passport, and matricula are dated at Princes' Island, on the 18th of February last. They declare the owner of the vessel to be a Portuguese subject, of the name of Manoel Jozé Ferreira de Barros, and authorize a voyage to the river Calabar, and other African ports.

On the 23d of February the "*Passos*" received an official manifest of the cargo on board and a clearance from the Custom-house, which is signed by three persons, one of whom is named Antonio Dionizio Furtado. For the credit of the Portuguese Government, we hope this officer of the Customs is not the same individual (he certainly bears the same name) who has, during the last four years, rendered himself so infamous by the frequency with which he has appeared as the nominal owner of Spanish vessels, to which Portuguese passports have been granted at the Cape de Verd Islands.

With the above papers were also brought into court a number of loose papers and memoranda relating to the trade carried on by the vessel for slaves. None of them, however, are worthy of notice except two, (Nos. 8 and 11,) which are written in the English language, and are as follows:—

(Copy.)

No. 8.

" I PROMISE to pay 58 (fifty-eight) slaves and 600 (six hundred) yams.

(Signed)

" KING EYAVA."

(Copy.)

No. 11.

" I HAVE promised to pay the captain one slave, or anything that he (here a word is obliterated), be paid by his return back.

" March 20, 1839.

(Signed)

" Y. H. DUKE, Duke Offium."

The person here mentioned is evidently Duke Ephraim, so well known in the Calabar. The two papers were written, we presume, by some person acting in the capacity of clerk to the native chiefs, a deserter probably from one of the palm-oil ships trading in that river.

The "*Passos*" had completed her cargo of slaves, and was on her voyage home to Princes', when she was fallen in with, and detained by Her Majesty's sloop "*Wolverene*." At this time the prize was in a very leaky condition, and was in consequence carried into Princes' Island, where she was carefully surveyed by competent persons, and pronounced unfit in every way for a sea voyage. The slaves and stores of the "*Passos*" were then transferred into Her Majesty's brigantine "*Dolphin*," for conveyance to Sierra Leone, under the orders of the seizer, Commander Tucker, of Her Majesty's sloop "*Wolverene*."

The arrival of the "*Dolphin*" in this harbour was reported by the marshal on the 3d instant; on which day we also received a medical report from the surgeon to the Courts, stating that, of the 82 slaves brought in, only six required hospital treatment.

On the following day, the 4th instant, the papers of the vessel, duly authenticated, were filed in the British and Portuguese Court, with the declaration of the seizer; when the usual monition issued, and the witnesses produced were ordered to be examined. The disembarkation of the slaves took place on the same day.

Commander Tucker, in his first declaration, stated that, on the 8th ultimo, Her Majesty's sloop "*Wolverene*," being in 1° 45' North latitude, and 7° 43' East longitude, he detained the "*Passos*," sailing under Portuguese colours, in a voyage from Calabar river to the Island of Princes, with a cargo of 88 slaves on board. The detained vessel appeared unseaworthy without extensive repairs, and had only provisions and water sufficient for the consumption of the negroes for two days.

On the 10th ultimo Commander Tucker made a second declaration, setting forth the unseaworthy condition of his prize, and the removal therefrom of the slaves and stores into Her Majesty's brigantine "*Dolphin*," for conveyance to this colony. To this declaration was appended the report of survey held upon the "*Passos*," made by the commander, first lieutenant, master, and carpenter of Her Majesty's sloop "*Pylades*," and others, and which contained the following expressions:—" We find the slave-vessel "*Passos*" perfectly rotten, totally unseaworthy, and irreparable, consequently unfit to proceed to Sierra Leone; therefore we recommend that she should be taken out into deep water and burnt. And we further feel it our duty to declare that we consider the conduct of the person or persons who sent her on her present voyage, in the state she must have been for some time past, highly reprehensible, and guilty of the most flagrant act of inhumanity, it appearing to us a miracle that she floated so long."

The destruction of the "*Passos*," in accordance with the suggestion contained in the above report, was carried into effect on the same day, as appeared from the affidavit of the officer belonging to the "*Wolverene*," who was placed in charge of the slaves on their passage to this place.

On the 4th instant the witnesses in the case were examined on the standing interrogatories by the registrar. The master of the detained vessel, João Antonio Rodriguez, deposed that "he was born at Lisbon. Has lived 14 years at Princes' Island. Is a subject of Portugal, and has never been a subject of any other state. Is married, and his wife and family reside with him at Princes'. He was appointed to the command of the detained vessel by Manoel Jozé Ferreira de Barros, a subject of Portugal, and living at Princes', from whom whom also he received possession in March (February) last. First saw the vessel there 13 years ago. She was built at Bahia, in Brazil. She sailed under Portuguese colours, and there were no others on board. Neither he nor any of the officers or mariners had any interest in the vessel or lading. Was master on board. The voyage began and was to end at Princes', which was the last clearing port. She touched at Calabar for slaves, and at no other place during the voyage. The owner of the vessel was Manoel Jozé Ferreira de Barros, whom witness has already mentioned. The fact of the ownership was notorious. De Barros's wife and family reside with him at Princes', where they were all born, and are, like himself, subjects of Portugal. The laders and owners of the cargo were very numerous; but witness does not know their names. He was himself the consignee. He was also lader of the slaves, who were to be delivered at Princes' for the account and risk of the several owners of the merchandise. The cargo on the last voyage shipped

at Princes' for Gaboon was tobacco, aguardiente, dry goods, and beads. The present cargo consisted of the same kind of articles. The vessel, after capture, was taken to West Bay, in Princes' Island, and three days afterwards was carried six miles out to sea, and destroyed by burning. The passport and other papers were and are entirely true and fair. There was no charter-party. Neither vessel nor goods were insured."

Cosmo Linho de Santos, the cook of the detained vessel, was examined at the same time. His replies to nearly all the interrogatories were, that he knew nothing of the subjects inquired about, excepting as regarded the voyage being from and to Princes', and the shipment of the slaves at Calabar.

From the affidavit accounting for the deaths among the slaves on the voyage to this colony, it appears that four men and one woman had died of the 87 embarked in Her Majesty's brigantine "Dolphin."

Publication of the above evidence was granted on petition on the 6th instant, and the 11th was named for the trial of this case, the monition which was issued on the 4th instant being returnable into Court on that day.

The Court, after having heard the evidence, pronounced a sentence of condemnation upon the stores and sails, which had been removed from the schooner "Passos" prior to her destruction, and at the same time decreed the emancipation of the surviving slaves seized in that vessel, in number 81, five slaves having died previous to the arrival of Her Majesty's brigantine "Dolphin" in this harbour, and one subsequently, and 87 slaves having been on board the "Passos" at the time of her capture.

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

Sierra Leone, May 13, 1839.

No. 94.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, July 20, 1839.*

(Received May 30, 1840.)

MY LORD,

WE have the honour to enclose to your Lordship our report of the case of the Portuguese schooner "*Casualidade*," Joaquim Antonio, Master, which was captured on the 6th instant, a few miles to the southward of this Colony, in sight of the Banana Islands, by Her Majesty's brigantine "Dolphin," Lieutenant Edward Holland commanding, having on board at the time a cargo of 88 slaves, with whom she was bound from the river Sherbro to the island of Porto Rico.

The Portuguese flag, under which the "*Casualidade*" was sailing, was merely a cover to French interests embarked in the expedition. This was rendered so evident, and the participation of French subjects resident in the Sherbro in the Slave Trade carried on in that neighbourhood was so clearly established, that we should have felt it our duty to lay the Papers filed in this case before the Commander of any French vessel of war which might have visited Sierra Leone; but no opportunity of doing so has yet been afforded to us.

The "*Casualidade*" was employed in her third voyage from this coast to the island of Porto Rico, under her present Portuguese Papers, when she was detained; but it is difficult to say whether her owners resided in that island or in the Danish island of St. Thomas; they seem, indeed, to have been connected with both of those places.

The Portuguese flag and pass, however improperly assumed, taken in connexion with the presence of a cargo of slaves, in a northern latitude, were of course sufficient proofs of guilt to lead to the condemnation of the detained vessel and the emancipation of the slaves found on board of her. A sentence to this effect was accordingly pronounced on the 16th instant.

We have, &c.

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

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

Enclosure in No. 94.

*Report of the Case of the Portuguese schooner "Casualidade," Joaquim Antonio, master.*

Of the papers found on board this vessel at the time of her detention; the first, in order of date, is a bill of sale, executed at the neighbouring Portuguese settlement of Bissao, on the 8th of June, 1837, and setting forth that Caetano José Nozolini, (the well-known Kyetan, formerly Governor of Bissao,) sold the schooner "*Casualidade*," of American build, and of the burthen of 80 tons, to Antonio José de Brito. One of the witnesses to the deed of transfer is Sebastião Maria Escarlate, the person who was found in charge of Kyetan's slaving establishment on the British island of Bulama, when that place was lately visited by Lieutenant Kellett, of Her Majesty's brig "Brisk." The truth and validity



of the transfer is certified on the following day, under the hand and seal of the present slave-trading Governor of Bissao. Honorio Pereira Baretto, the worthy successor of Kyetan; and a further endorsement, made on the 10th of June, 1837, by the Government Secretary Passos, declares that the bill of sale was duly registered. It is plainly stated on the face of this document that the "*Casualidade*" was "*De construção Americana*;" and the assumption of the Portuguese flag under these circumstances, though manifestly illegal, was readily sanctioned by the ruling powers of this notorious slave mart.

2. On the strength of this bill of sale, Governor Baretto granted a Portuguese passport to the "*Casualidade*" on the 24th of the following month of July, declaring Antonio José de Brito to be both master and owner of that vessel, which was cleared out for Maranhã. Instead, however, of proceeding to the prescribed port, the "*Casualidade*," after leaving this coast, probably with a cargo of slaves, sailed direct to Porto Rico, as we find by an endorsement on her papers made at that place on the 1st of November, 1837, by Rafael de Sevilla, the Spanish governor, who cleared her out on the 24th of February, 1838, for the island of St. Thomas, after she had remained at Porto Rico nearly four months.

3. Is the official muster-roll of the crew, dated at Bissão on the same day as the passport, and giving the names of 11 persons besides the nominal master and owner Brito. It does not appear where these men were discharged; but on the 10th of September, 1838, we have another list of crew, whom C. C. Moe, a notary public at the island of St. Thomas, in the West Indies, certified to be on board the schooner on that date. None of the former names, except that of Brito himself, appear in this latter list; and in their place we have a crew of 14 persons besides the master, of whom Edward Combelle is styled the supercargo, and Joseph Gouy the mate. The names of several others of the crew point them out as Frenchmen.

It appears evident from one of the papers that the "*Casualidade*" was at Porto Rico the latter end of August, 1838; and the crew, whose names are given in the muster-roll, dated at St. Thomas, in September, must have been shipped at Porto Rico before the vessel left that island in the previous month, as letters dated at Porto Rico in August were there placed in the charge of the supercargo for delivery on this coast. It further appears that a slave voyage from Porto Rico to the river Sherbro and back, was made between the months of February and August of last year. Brito, the alleged master as well as owner of the vessel, was from the first only captain of the flag, and although named as captain in the muster-roll prepared at St. Thomas, did not even accompany the vessel on the present voyage. The real owners were French merchants carrying on business at Porto Rico and St. Thomas in the West Indies, and the real masters were Combelle (called the supercargo) until his death, and afterwards Gouy the mate.

Nos. 4, 5, 6, 7, are four receipts for Custom-house and harbour dues, all dated at St. Thomas, on the 10th of September, 1838. There is no clearance from St. Thomas for any particular place, but the Cape de Verde islands is incidentally mentioned, in one of the papers, as the destination of the vessel.

Having called at the island of St. Vincent in the Cape de Verde islands, the "*Casualidade*" proceeded on to the river Sherbro, as on her former voyage, and there commenced trading for slaves early in January last. The persons principally concerned in supplying the required cargo were, the family of Tucker at Sea-Bar, a short distance to the southward of the colony, assisted by François Thomé, a resident French slave-trader. They even had recourse to Freetown to supply them with such articles as would assist them in their trade, and one of the papers is a bill of parcels for three tons of salt sold to one of the crew, whose name appears in the muster-roll, by a merchant of this place. The Sea-Bar and Sherbro seem to be, in a great measure, in the hands of French slave-traders, and the names of many of them are mentioned in the correspondence and accounts, which are principally in the French language.

From the letters of Henry Tucker, the head of that family, we have selected one which points to the owners of the "*Casualidade*," and their residence, and describes the means to which the slaving chiefs look for a supply of victims for the foreign markets.

MR. J. P. LAFARQUE OF MR. ANGLADE.

Sea Bar, June 30, 1839.

GENTLEMEN,

YOUR letter by the late Edward Combelle, dated the 17th of August, 1838, acquainting me of the short passage you had when you left my place, Sherbro, reached me safe, and was rejoiced to hear that you got home safe with your cargo. Unexpected circumstances compels me to address you these few lines, in reply to your letter by poor and respected Combelle. You all are well aware that when you left my country for Porto Rico, it was a heart-breaking job that day to see you part, and that I and you should part from each other, but I could not help, as your business called you home. However, with feelings of great regret, I presume to write you these few lines, in order to communicate you of the melancholy of the death of our poor and respected friend, Mr. Edward Combelle, whose death accorded on May, 1839. An illness arising with a severe agony in the stomach, and all in his bowels, which continued four months, and he died. I beg you will remember to communicate the same to all his enquiring friends. All the gentlemen here tried all their utmost endeavour to do the best for him; he destroyed to die, to be lost by perishing himself with hunger.

I am sorry to say that the country is very scarce for boultos (slaves) for the present, owing to not having any war in the country this time, but I no doubt but what they will be some, some war raised before this and next year.

The business I put in the hands of Mr. Gooy, the mate of the schooner. I received the two silver-mounted horns, and the silver mettall; I returned many thanks to you for the same; but, however, I am very sorry to say that I am unsatisfied with Mr. Gooy, since the death of poor and respected Combelle, as he have not gone with me according to the rules and regulations of the country. However friends is more better than money, and that is you and Mr. Anglade. &c. &c. &c.

Your obedient humble servant,  
(Signed) HENRY TUCKER.

Having taken on board her slaves, the "*Casualidade*" made sail from the river Sherbro, for the Island of Porto Rico on the 6th instant, but was captured a few hours afterwards, in sight of the Banana Islands, by Her Majesty's brigantine "*Dolphin*," Lieutenant Edward Holland commanding, and arrived in Freetown harbour on the evening of the following day.

The surgeon to the courts, who accompanied the marshal in his official visit to the detained vessel,

reported very favourably as to the health of the slaves, but recommended their being landed, on account of the inclement state of the weather at this season of the year. This recommendation was carried into effect immediately on the vessel being brought into court.

On the 8th instant the "*Casualidade*," was labelled as a Portuguese vessel, and the papers found on board of her, duly authenticated, were, with the captor's declaration of seizure, lodged in the registry. A monition against interested parties was issued, and the witnesses produced by the captor were examined on the standing interrogatories.

The nominal master, a Portuguese seaman calling himself Joaquim Antonio, deposed, that "he was born at Lisbon, where he resides, is a subject of Portugal, and of no other state, that he was appointed to the command of the detained vessel by a Frenchman named Combelle, lately resident in the island of St. Thomas, in the West Indies; that he received possession in the river Sherbro, about three months ago from Combelle immediately before his death; that he was present at the capture, which took place because the vessel carried slaves; that she sailed under Portuguese colours, and there were no others on board; that the voyage began at St. Thomas, which was the last clearing port, and was to end at Porto Rico; that the vessel touched at St. Vincent, one of the Cape de Verde islands, to make some repairs, and at the Sherbro for slaves; that he does not know who are the owners of the vessel and cargo, but supposes them to be the heirs of Mr. Combelle, from whom he received the command; that he knows nothing of any bill of sale, or of the price or transfer of the vessel; that the number of slaves taken on board in the Sherbro river was 88, none of whom have died before or after capture; that the vessel, with respect to her employment in trade, was under the management of the mate."

The mate or supercargo, Joseph Gouy, referred to in the last sentence, was also examined, and his evidence which differs in some respects from that of the last witness, seems entitled to somewhat more confidence. Gouy deposed, "that the master was appointed to the command of the detained vessel by witness, who had succeeded to the charge of the vessel on the death of the owner and master, at the river Sherbro, in the month of May last, but when the man-of-war hove in sight, witness appointed the boatswain, who is at present called master, to act in that office temporarily, that from his being a Portuguese, and speaking English, he might the better appear as commander; that no person had any interest in the vessel, except the late master and owner; that on the death of the late owner witness became the real master."

The above evidence having been published, and the monition, issued on the 8th instant, having been returned into the registry on the 15th instant, the 16th was appointed for the trial of the case, when the fact of slave-dealing having been fully established, the court decreed the condemnation of the "*Casualidade*" as good and lawful prize, and emancipated the 88 slaves found on board that vessel, none having died between the date of capture and adjudication.

We have, &c.  
(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

Sierra Leone, July 20, 1839.

No. 95.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, May 13, 1839.*

(Received June 1, 1840.)

MY LORD,

WE have the honour to transmit enclosed to your Lordship our report of the case of the Portuguese schooner "*Liberal*," Manoel José Pereira da Cunha, master, which was captured, under very peculiar circumstances, on the 14th ultimo, in the Bissão Channel, by Her Majesty's brig "*Brisk*," Lieutenant Arthur Kellett commanding.

Forty-one slaves were found on board the "*Liberal*" at the time of her capture; but 38 of this number, it was pretended, were being removed to the Cape de Verde Islands, in accordance with the Portuguese decree of the 10th of December, 1836, and an endeavour was made to impose the other three slaves on the captor as part of the crew. Bonds and certificates were produced for the 38 slaves, and it seems fully to have been expected that a strict adherence to the injunctions of the Portuguese decree (which, however, in this case was only apparently observed) would exonerate the parties from all the consequences of a violation of the plain stipulations of the Slave Trade Treaties between Great Britain and Portugal.

On a minute examination of the papers, it was discovered that all the slaves (10) comprised in one of the bonds, and four out of the 10 comprised in another of the bonds, were owned and shipped by João José Antonio Frederico, the Government secretary and director of the Custom-house at Bissão; and that the three slaves, for whom no bonds or certificates of any description had been provided, were owned and shipped by Honorio Pereira Baretto, the governor of the same place. And it is remarkable, as an instance of the universal connivance and aid afforded by all Portuguese authorities to the violation of the laws against the Slave Trade, that the 14 slaves who were thus illegally shipped, under a false name, by the director of the Custom-house at Bissão, were consigned without doubt or hesitation to a Custom-house officer at Villa da Praia.

Translations of the papers referred to will be found in the enclosed report, but as your Lordship may probably think it right to bring this outrageous burlesque on law and government under the notice of the Portuguese government, we beg leave further to enclose to your Lordship the original documents from which the translations were made, containing unquestionable proofs of the guilt of the two principal officers of a Portuguese colony under the hands and seals of the accused parties themselves.

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

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

Enclosure in No. 95.

*Report of the Case of the Portuguese Schooner "Liberal," Manoel Jose Pereira da Cunha, Master.*

THE papers with which this vessel was furnished at the time of her capture are as follows:—

No. 1. A Cape Verdes passport, granted by Joaquim Pereira Marinho, the Governor-General, dated at Boa Vista on the 5th of February last, and authorizing the Portuguese schooner "*Liberal*," whereof José Manoel da Roza was owner, and Manoel José Pereira da Cunha, master, to navigate between the Portuguese settlements and islands in Africa. It is endorsed on the 13th ultimo, by Baretto, the Governor of Bissao, on the occasion of the "*Liberal*" clearing out from that port on her return to Villa da Praia.

No. 2 is the official muster-roll of crew, consisting of nine persons, including the captain, dated at Boa Vista on the same day as the passport. This crew appears to have been discharged at Bissao, as a new crew, 11 in number, and comprising only the captain and two seamen previously attached to the vessel, was shipped at that place, as appears by an official muster-roll dated on the 13th ultimo.

No. 3 will be noticed hereafter.

Nos. 4 to 8 are five official and certified copies of the bonds or securities, taken severally from the sureties of Manoel Correia de Souza, Chrespim Moniz, Bernardino José de Oliveira, José Gonsalves, and Antonio Lopes, on the shipment of five parcels of slaves, in the names of the said persons. All these bonds (*franças*) are dated on the 10th ultimo, and are in the handwriting of João José Antonio Frederico, the Secretary of Government, and Director *ad interim* of the custom-house of Bissão; and they were placed under an official cover, addressed on the Queen's service to the Most Illustrious Senhor, the Director of the Custom-house of Villa da Praia. From these documents, it appears that Domingos Alvoes Branco, a merchant resident at Bissão, gave bond on account of three parcels, of 10 slaves each, shipped respectfully in the names of Oliveira, Moniz, and De Souza; that the Lieutenant Albino Simmedo Cardozo was surety for the five slaves shipped on account of José Gonsalves; and the Ensign José Javier Cratto for the three slaves shipped by Antonio Lopes. We subjoin a translation of one of the five enclosures, which closely resemble each other, the only difference being that the bonds (Nos. 5 and 6) mention that the owners of those two parcels of slaves were going to *establish themselves* at the Cape de Verd Islands, the circumstance being mentioned apparently with a view of meeting the requirements of the Third Article of the Portuguese decree.

(Copy.)

*Translation of No. 4.*

Security given by Bernardino José de Oliveira for 10 slaves, which he carries to the island of Santiago de Cape Verde, in the schooner "*Liberal*." On the 6th day of the month of April, 1839, in this garrison of Bissão, at the buildings used as a Custom-house, before me, the Under-signed, acting as director *ad interim* of the said Custom-house, there appeared Bernardino José de Oliveira, native of the kingdom of Portugal, known to me, who declared that he intends transporting himself to the Island of Santiago of Cape Verd, carrying with him *ten bond fide slaves*; and as the decree of the 10th of December, 1836, allows him this accommodation, on giving security, and paying the duties; he, therefore, agreeably to that decree, came before me to give security that he was actually taking them to that island, in the Portuguese schooner "*Liberal*," of which Manoel José Pereira da Cunha is master, naming as his surety Domingos Alvres Branco, a merchant established in this garrison, and sufficiently a man of credit, who, being present, and the decree having been read to him by me, and the punishments therein threatened having been declared, said that he became security for the said Bernardino José de Oliveira in the terms of the said decree, subjecting himself to all the penalties in case of fraud, and giving up any privilege of which he might be able to avail himself, in order to avoid the responsibility of surety; and having thus declared, he signed the declaration with me, João José Antonio Frederico, who wrote it.

FREDERICO.

DOMINGOS ALVRES BRANCO.

A true Copy. *Bissao, April 10, 1839.*

(Signed)

JOAO JOSEPH ANTONIO FREDERICO.

Paid 24 milreis duty on shipment. Registered in the proper book, folio 49, No. 8.

*Bissao, April 10, 1839.*

(Signed)

FREDERICO.

Nos. 9, 10, 13, 14, and 15 are five certificates of Honorio Pereira Barretto, the Governor of Bissão, relating to the five parcels of slaves just mentioned, and declaring with respect to each, that all the injunctions of the Portuguese law of the 10th of December, 1836, had been complied with. All these certificates are dated on the 12th ultimo, and are countersigned by the Government Secretary, Frederico. No. 9, of which we annex a translation, is precisely similar to the others in every respect, with the exception of the necessary variation in the name of the exporter.

*Translation of No. 9.*

Honorio Pereira Barretto, Knight of the Order of Christ, Lieutenant-Colonel Commandant of the

Battalion of African Light Infantry Volunteers, and Civil and Military Governor of Portuguese Guinea for Her Most Faithful Majesty, whom God preserve, &c. &c. &c.

I make known that Manoel Correia de Souza proceeds from this garrison to the town of Praia, in the island of Santhiago of Cape Verd, aboard the Portuguese schooner "*Liberal*," taking with him 10 *bona fide* slaves, and that he has presented a certificate of his having complied, in the Custom-house, with all the injunctions of the law of 10th December, 1836: and in order that no impediment whatever may be offered to him, I have directed the present to be given to him, signed by me, and sealed with the seal of the royal arms of this Government.

Government quarters of Portuguese Guinea at Bissao, 12th April, 1839.

(Signed) HONORIO PEREIRA BARRETTO.

Registered,

(Signed) SILVES.

Paid 40 reis for the Seal.

*Bissão*, April 12, 1839.

(Signed) FREDERICO.

Nos. 11 and 12 are two personal passports, granted by Governor Barretto to two passengers on board the "*Liberal*," named Marcellino Martins, and Manoel Ramoge.

Nos. 16 to 25 are letters of no importance, which, with the private passports and almost all the other letters and papers, were returned to the master, after having been carefully examined and sealed up.

No. 26 and its enclosures are most important, as proving the reckless manner in which Governor Barretto lends himself, not only by connivance and false certificates, but by his own practice and example, to protect and encourage the prohibited traffic in slaves. The bonds and papers referred to above, account for 38 of the 41 slaves found on board the "*Liberal*." The three slaves who remain to be accounted for, and for whom neither bonds nor certificates were deemed requisite, were shipped by the Governor-General of Portuguese Guinea himself, and would alone have sufficed to condemn the vessel in which they were embarked, even had it been in our power to consider that a Portuguese commercial decree could justify an infraction of the Treaty between the two countries with respect to the other slaves.

*Translation of No. 26.*

João Caetano Alberto de Carvalho. Villa da Praia.

FRIEND SR. CAETANO,

THIS serves as a cover to these two letters which go with three slaves. The man you will send to the Canonigo Rois, the boy to Cundão, and the little girl you will sell (*com paunos bous d'abra*). Pay the expenses of the three men on my account, asking money from your brother, my uncle; I have written to you at greater length by the "*Firme*."

*Bissão*, April 10, 1839.

Believe me your nephew, &c.

(Signed) HONORIO.

*Translation of 26 A, the first Enclosure in No. 26.*

Illustrissimo Senhor D. Luize Freire d'Andade San Martinho.

I WRITE to inquire after your health and that of Senhor Marcellino, and all the family, which I hope is the best possible. By this opportunity, Senhor Caetano will deliver to Senhor Marcellino his slave, which he owes him. I have so much to do that I cannot write a long letter. I shall never forget your favours. Pray believe me to remain, &c. &c.

*Bissão*, April 11, 1839.

(Signed) HONORIO.

*Translation of 26 B. the second Enclosure in No. 26.*

To the Most Illustrious and Reverend Senhor Canonigo Manoel Rois de Fonseca. The City.

*Bissão*, April 11, 1839.

By this opportunity I remit the slave which I am indebted to you. He will be delivered to you by my uncle, Senhor Caetano. Pardon the delay; I rejoice to hear that you have enjoyed good health, as you will be able to give your orders to

Your most obedient, &c.

(Signed) HONORIO PEREIRA BARRETTO.

Nos. 27 to 32 are letters of no importance.

No. 33 and its enclosures are very interesting, and show that the Government secretary, who was also director of the custom-house at Bissão, and whose name is associated with that of the Governor, in all the bonds and certificates quoted above, even exceeded his superior in the impudent violation of the laws which, as head of the custom-house, it was his province to administer. The whole of these papers, as well as No. 3 (captor's mark), which is here inserted, are in the handwriting of Frederico himself, and clearly establish a case against him, as well as against the custom-house officer at Villa da Praia, in the Cape Verd Islands, to whom the completion of the illegal adventure was entrusted. The letter which contains the enclosures is addressed to "Senhor João Antonio Lopes, one of the Custom-house Watch, Town of Praia, Santiago de Cape Verd."

*Translation of 33 E (Captor's Mark).*

I, the Undersigned, acknowledge having received from Senhor João J. Antonio Frederico 10 slaves, to take with me to Cape Verd, and I promise to deliver them to Senhor João Antonio Lopes, at that place, on his paying the expenses and custom-house duties; and in order that it may so appear, I have requested Senhor Manoel Correia de Souza to draw up this document.

(Signed) CRESPIAN MONIZ,  
(Witnessed) MANOEL CORREIA DE SOUZA.

*Bissão*, April 10, 1839.

*Translation of 33 D (Captor's Mark).*

RECEIVED from the Most Illustrious Senhor João José Frederico four slaves, named Guilhermina, Claudina (I mean Clementina), Joaquim, and Maria, to deliver to Senhor João Antonio Lopes, at the town of Praia, on his paying whatever custom-house duties there may be.

*Bissão*, April 10, 1839.

(Signed) MANOEL CORREIA SOUZA.

CLASS A.

*Translation of No. 3 (Captor's Mark).*

Torcato . . . . .	A man.
Martinho Ferreira . . . . .	A man.
Julio . . . . .	A boy.
Mathias . . . . .	A boy.
João Francisco . . . . .	A little boy.
Joaquim . . . . .	A labouring women.
Maria Corr <sup>a</sup> . . . . .	A labouring woman.
Mariana . . . . .	Fúlla (Foolah woman).
Boa Esperanza . . . . .	A lying-in woman.
Guilhermina . . . . .	A girl with breasts.
Clementina . . . . .	A girl with breasts.
Carolina . . . . .	A girl with breasts.
Josefina . . . . .	A girl without breasts.
Isabel . . . . .	A girl without breasts.

These women wear on their necks beads of the harlequin description, like the pattern.

14

They are those of João José Frederico.

*Translation of 33 B (Captor's Mark).*

JOAO ZINHO,

You will see, by the annexed receipts of Correa, of Crispin, and of Manoel José, (Pereira da Cunha,) captain of the schooner, that I embark 14 slaves, to be delivered to you. There is no necessity for your paying freight for them, as I have already arranged it with Manoel José. I send to Pedro by the schooner an account of all of them, with their marks. I also send another copy of it to you, in order that you may compare them with it on their arrival. Among them is a girl, called Guilhermina, who is very intelligent, and knows all the others. Correia carries, among those that he conveys, one named Maria, whom I bought from himself, and who never was in my house. When you ask Guilhermina for her, tell her that it is the girl who belonged to Correia, and who is called Maria. Crispin takes another called Carolina, who was always in irons. When you ask for her, you must describe her as the one that made such a noise, and was in prison in the house of Madame Julia. In the same way you must describe Ferreiro and Torcato, as these three slaves were in irons. All the others are good slaves, except Boa Esperança, the lying-in woman without teeth, and a boy called João Francisco, whom I call Francis-quinho, small, with a fat round face. Not only Guilhermina, but João Francisco, Josefina, Joaquim, and Maria da Correa are intelligent, and know the others. Torquato and Ferreira speak but little Creole, but are intelligent, particularly Torcato. The letter that goes in the "*Firme*," shall be longer.

Your brother and friend,  
(Signed) FREDERICO.

Bissão, April 11, 1839.

Pedro will pay the duties.

*Translation of 33 A (Captor's Mark).*

Bissão, April 13, 1839.

JOAO ZINHO,

My female slaves have all of them round their necks a kind of beads like jet, worked with red and white.

(Signed) FREDERICO.

The rest of the papers, to No. 65, are comparatively unimportant; we shall not, therefore, overload this report with a detail of their contents.

On the day following the date of the latest letter found on board the "*Liberal*," that vessel was captured in the channel of Bissão by the indefatigable commander of Her Majesty's brig "*Brisk*;" and the arrival of the prize at Sierra Leone, with 41 slaves on board, was reported by the marshal on the 22d ultimo. The surgeon to the courts, having recommended the landing of the negroes, on account of the defective accommodation of the schooner, the whole were removed on shore, and placed in charge of the Liberated African Department, to await the adjudication of the case.

The vessel's papers and the captor's declaration were brought in on the 24th ultimo, on which day a monition was issued, returnable in eight days, and the witnesses in preparatory were examined on the standing interrogatories.

The captor's declaration is to the following effect:—"I, Arthur Kellett, lieutenant and commander of Her Britannic Majesty's brig '*Brisk*,' hereby declare, that on this 14th day of April, 1839, being in or about 11° 40' north latitude, 16° 0' west longitude, I detained the schooner named the '*Liberal*,' sailing under Portuguese colours, commanded by Manoel José Pereira da Cunha, who declared her to be bound from Bissao to Villa da Praia, with a crew consisting of 10 persons, and five passengers, and having on board 41 slaves, said to have been taken on board at Bissão on the 12th of April, and are enumerated as follows:—

	Healthy.	Sickly.
Men . . . . .	11 . . . . .	None.
Women . . . . .	12 . . . . .	Ditto.
Boys . . . . .	9 . . . . .	Ditto.
Girls . . . . .	9 . . . . .	Ditto.

"I do further declare that I seized the said schooner for a breach of the Additional Article to the Treaty of 1815, and also for having on board three slaves more than there were passports provided for. The majority of the slaves appeared to have been lately purchased, for the purpose of traffic, and had no appearance of domestics; and I do further declare that, on mustering the crew of the above schooner, the master tried to impose three slaves on me as part of the crew. They did not, however, appear to understand what he was about, nor did they answer to the names. I do further declare that I landed the number of mariners corresponding with the number in the muster-roll, No. 2, of the ship's papers."

The necessity for this attempt to put of three of the slaves on board as part of the crew, was caused by the omission, which we have before noticed, of Governor Barretto procuring bonds or certificates for the three slaves whom he had shipped.

The other 38 were embarked in the following names :—

- 10 for M. C. de Souza.
- 10 for C. Moniz.
- 10 for B. J. de Oliveira.
- 5 for J. Gonsalves.
- 3 for Antonio Lopes.

—  
38

We have seen, however, from the papers quoted above, that the 10 slaves shipped in the name of Moniz, and four of those shipped in the name of De Souza, making together 14 slaves, were the property of Mr. Secretary Frederico.

The penalties imposed by various articles of the Portuguese decree having been manifestly incurred by the governor and by the director of the customs at Bissão, it is to be hoped, for the credit of the Portuguese nation, that such a daring violation of the laws, the observance of which, on the part of others, these two functionaries were especially appointed to enforce, will not go unpunished.

By the 19th Article of the Portuguese Decree, Governor Barretto has incurred the forfeiture of his office, is rendered for five years incapable of exercising any other, and is condemned to five years' transportation to some of the settlements in the interior of Africa, besides a mulct of 2000 milreis. He is, moreover, exposed to additional punishment as the owner and intended vendor of three slaves, shipped without bond or certificate, and in direct opposition to the First and Second Articles of the Decree. It seems desirable that "the settlements in the interior of Africa," to which Governor Barretto and other slave-trading governors of Portuguese colonies are to be transported, should be more particularly specified and described, as we do not hear of any of them having yet succeeded in finding their way there.

Mr. Secretary Frederico also, as "the chief authority at the custom-house" of Bissão, is liable, by Article 18 of the same Decree, to pay a mulct of "1,800,000 reis, with forfeiture of office, and disqualification for all other;" independently of the severe penalties which await him for knowingly and wilfully issuing false bonds and certificates.

Again, the only person entitled even by the Portuguese Decree to transport slaves, not exceeding 10 in number, to any of the Portuguese dominions in Africa is, a planter seeking to establish himself in the said dominions; and it is required that, previous to the exportation of the said slaves, "the owner of the same shall make declaration before the chief authorities of the custom-house, giving substantial bond, &c." Here, however, neither the governor nor his secretary was a *planter*; neither was going to *establish himself* in the place to which his slaves were being transported. The governor made no declaration, and gave no bond for his slaves; and the secretary, whilst shipping *four* more slaves than the law permitted, under any circumstances, procured a person, who was not "*the owner of the same*," to give the required declaration and bond.

M. J. P. da Cunha, the master of the "*Liberal*," deposed, "that he was born at Oporto, has lived 30 years on the island of Brava, in the Cape de Verdes; is a subject of Portugal, and his wife and family reside with him at Brava; that he was appointed to the command by José Manoel Roza, his brother-in-law, a Portuguese subject, living at Brava, who, with witness himself, built the vessel there last year; that he was present at the capture of the schooner, which took place because there were several Africans on board, who were proceeding as passengers to the Cape de Verdes; that the vessel sailed under Portuguese colours, and there were no others on board; that none of the other officers or mariners had any interest in the vessel or her lading; that there were five passengers on board, of whom four were named Manoel Correia, Bernardino Oliveira, José Gonsalves, and Crispino, all Portuguese traders; that he does not know the name or profession of the fifth, who was also a Portuguese; that the whole five were taken on board at Bissão on the 5th instant, to proceed to Villa da Praia, there to establish themselves; that none of them had any concern in or over the vessel, but they were owners of part of the cargo on board; that he himself and his brother-in-law, J. M. Roza, are joint owners of the vessel, although the latter is alone mentioned as owner in the papers."

The other witness examined was the cook of the "*Liberal*," but he professed entire ignorance respecting all the matters inquired about.

The above evidence was published on the 25th ultimo, and the monition was returned into the Registry on the 30th ultimo; but owing to the delay which took place in obtaining translations of the papers, no petition for a day of trial was presented by the captor's proctor until the 10th instant.

The court assembled on the following day, and having received the marshal's return of the number of slaves who were in his charge at that time, passed sentence in the following words:—

"There is no necessity, on the present occasion, for entering upon the discussion whether the Portuguese Decree of the 10th of December, 1836, under which it has been sought to protect this vessel from condemnation, would actually avail to sanction or excuse the shipment of the 41 slaves, on account of whom the present prosecution has been instituted. For in a late case, that of the '*Diligente*,' which must still be fresh in the memory of all present, the court disclaimed for itself all right or authority to extend or restrict its jurisdiction, or to regulate its proceedings, in accordance with the terms of any commercial law, or to regard any other criterion of legal and illegal Slave Trade than that which is supplied by the treaties under which we are appointed to act. The only question for us to consider is, can the shipment of the 41 slaves found on board the '*Liberal*' be justified by the terms of the Portuguese Treaty of 1815, and the subsequent Convention of 1817? Referring, then, to this authority, we find that, from the month of January, 1815, Portuguese subjects were not permitted to carry on the Slave Trade, or even to purchase slaves, on any part of the coast of Africa north of the equator. There is only one qualification to this general prohibition, viz., that persons finally *retiring* from one Portuguese possession may obtain permission, under certain circumstances, to carry with them their *bonâ fide domestic* slaves, who had been purchased before the year 1815. The positive restriction of course applies to all cases that are not clearly brought within the exception. The *onus probandi* is thus thrown on the claimant, who can only establish his right to transport slaves from one Portuguese settlement north of the line to another Portuguese settlement, by showing, first, that the slaves so removed were purchased prior to January, 1815; secondly, that they are *bonâ fide domestics*; thirdly, that the party transporting the slaves is their *bonâ fide* owner, and that he is *finally retiring* from the Portuguese possession where the slaves are shipped, in order to establish himself permanently in the Portuguese possession to which he is carrying them.

"No attempt whatever has been made to prove any one of these necessary points. The attempt indeed would have been fruitless, with such abundant evidence before us of the guilty intent with which many of the slaves of the '*Liberal*' were shipped.

"And, first, with regard to the three slaves belonging to Honorio Pereira Barretto, the governor of Bissão, the following letters will show that this portion of the cargo was embarked in direct opposition to the Treaty."

[Here the Letter, No. 26, and its Enclosures, which are copied above, were read; and remarking upon them, the judgment continued:]

"Thus one of these slaves was for sale, and the other two were remitted in payment of debt. Two out of the three slaves are also said to be young persons; and it does not appear that the other was purchased four-and-twenty years ago.

"Of the remainder of the slaves, 14 were owned by João Joseph Antonio Frederico, the Secretary of Government at Bissão."

[Here the Letter, No. 33, and its Enclosures, which are copied above, were read, and commented upon. The judgment then concluded with the following remarks:]

"We are not called upon by the circumstances of this case to examine the question, whether the Clause of the Treaty which refers to Domestic Slaves, purchased before January, 1815, was intended to apply also to the progeny of such slaves being also themselves *bonâ fide* domestics; nor is it asserted that the slaves, whose emancipation is now demanded, were "negro servants or sailors" of the vessel in which they were captured. That they were shipped "for the express purpose of the traffic" has not been denied; but were it otherwise, we should have no difficulty in affirming the Captor's allegation in this respect.

The judgment of the Court is, that the schooner "*Liberal*," Manoel Jozé Pereira da Cunha, Master, was justifiably detained by Her Majesty's brig "*Brisk*," Lieutenant Arthur Kellett, commanding, and that she be condemned—her hull, tackle, apparel, and furniture, and the goods, wares, and merchandize laden on board. It is further decreed that 41 slaves were on board the "*Liberal*" at the time of her capture, of whom one has died subsequently; and that the 40 survivors be now emancipated from slavery.

(Signed)

H. W. MACAULAY.  
W. W. LEWIS.

Sierra Leone, May 13, 1839.

No. 96.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, August 14, 1839.*

(Received June 1, 1840.)

MY LORD,

WE have the honour to transmit to your Lordship enclosed our Report of the case of the Portuguese schooner "*Pomba d'Africa*," Jorge Pires da Franca e Almeida, master; which vessel was condemned on the 12th instant, in the British and Portuguese Court of Mixed Commission; and the survivors of the slaves captured on board of her were at the same time decreed to be emancipated.

The "*Pomba d'Africa*," as well as her cargo of slaves, was owned by a lady resident at Prince's Island, which place the vessel had nearly reached on her return, when she was detained by Her Majesty's schooner "*Fair Rosamond*," Lieutenant William Brown Oliver, commanding.

Had we not ample experience of the uselessness of any appeal to the Portuguese authorities on this coast to punish such glaring infractions of law and treaty, we should have selected this case as especially calling for their notice; upwards of 150 slaves, besides a large crew and several passengers, having been crammed into a vessel of 35 tons burthen. So crowded indeed were the slaves, even after the passengers and all but two or three of the crew were landed at Prince's, that the captor felt bound, from motives of humanity, to take more than one-third of the slaves on board Her Majesty's schooner "*Fair Rosamond*." Notwithstanding this relief, 29 out of the 155 human beings, who had been thus cruelly used, died during the short interval which elapsed between the capture of the prize and her arrival at Sierra Leone.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

*To the Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

## Enclosure in No. 96.

*Report of the Case of the Portuguese schooner "Pomba d'Africa," Jorge Pires da Franca e Almeida, Master.*

*Sierra Leone, August 14, 1839.*

THE following papers were found on board this vessel at the time of her capture:

1. A passport from the council authorized to administer the government of the Island of Princes in the absence of the governor of the province, dated at Port Antonio, on the 26th of April last, setting forth that the Portuguese schooner "*Pombo d'Africa*," of and belonging to Prince's, and owned by Donna Francisca de Lima, of the same place, was bound on a voyage of lawful commerce to the ports of the African continent.

2. The matricula contains a list of fourteen persons, including the Captain Almeida, forming the crew of the "*Pomba d'Africa*," which is similarly described as in the last paper. This muster-roll is dated two days before the passport was obtained.

Nos. 3 to 6 are unimportant papers.

We subjoin copies of No. 7 and No. 8.

## Copy.—No. 7.

I HEREBY certify, that I took from the Island of Prince's, as a servant, in the barque "*Mansfield*," Estevan Correia; and that, not being on my return to the island yet, I have discharged him from my service this day in Old Calabar, to take a passage in a Portuguese vessel from here to the Island of Prince's.

(Signed) JOHN LILLEY.

*Old Calabar, June 19, 1839.*

Bque. "*Captain Ross*."

## No. 8.

I HEREBY certify, that I took from the barque "*Peruvian*," in Bonny, for to take to the Island of St. Thomas, boy Emanuel, a native of that island, but not going there yet I have allowed him to leave me here, to take a passage in a Portuguese vessel for the Island of Prince's.

(Signed) JOHN LILLEY.

*Old Calabar, June 19, 1839.*

Bque. "*Captain Ross*."

The imprudence, to say the least of it, of this master of a British merchant-vessel thus leaving two young and unprotected negro-boys in a place like the Old Calabar, is highly censurable. They might have easily been kidnapped or enticed on board a Spanish or Brazilian slave-vessel; and it is not at all certain that the object with which they were taken on board the "*Pomba d'Africa*," and placed amongst upwards of 150 slaves, crowded in a small vessel of 35 tons, was merely to convey them as passengers to their place of residence.

Within two months from the date of her passport, the "*Pomba d'Africa*" was fallen in with and detained by Her Majesty's schooner "*Fair Rosamond*," Lieutenant William Brown Oliver, commanding, off Fernando Po; and having been thence carried to Prince's Island, she was subsequently conveyed up to Sierra Leone by her captor, in company with the slaves of another small vessel which had been detained on the same day by the same officer.

The "*Pomba d'Africa*'s" arrival at Sierra Leone was reported by the marshal, on the 23rd ultimo, and on the following morning the prize was visited by the surgeon to the Courts, who stated that the slaves generally were in an emaciated condition, and that 20 of them required hospital treatment. Under these circumstances the whole of the slaves were landed so soon as the vessel was brought into Court.}

Proceedings were instituted against the detained vessel without delay in the British and Portuguese Court of Mixed Commission; and the captor's declaration and affidavit of seizure having been received, together with the ship's papers, the usual monition against all interested parties was issued, and the witnesses in preparatory were summoned to attend at the registry.

The captor's declaration is to the following effect:—"I, William Brown Oliver, lieutenant and commander of Her Majesty's schooner "*Fair Rosamond*," hereby declare, that on the 26th day of June, 1839, being in or about latitude 3° 29' north, longitude 9° 11' east, I detained the schooner named the "*Pomba d'Africa*," sailing under Portuguese colours, commanded by Jorge Perez da Franca e Almeida, who declared her to be bound from the Old Calabar river to Prince's Island, with a crew consisting of 6 men and 7 boys, and 2 negroes (passengers), and having on board 157 slaves, said to have been taken on board at the Old Calabar, on the 23rd day of June, 1839. I do further declare, that the said schooner appeared to be seaworthy, and was not supplied with a sufficient stock of water and provisions for the support of the said negroes and crew on their destined voyage to Sierra Leone, and not having on board more than four days' consumption."

The master deposed, in reply to the standing interrogatories, that "he was born in the Island of St. Thomas, on the western coast of Africa; has lived one year at Prince's Island; is a subject of Portugal, and of no other state; that he was appointed to the command of the detained vessel in May last by Donna Francisca de Lima, a Portuguese subject, residing at Prince's; that he was present at the capture, which took place because the vessel was carrying slaves; that she sailed under Portuguese colours, and there were no others on board; that the voyage began and was to end at San Antonio, Prince's Island, which was the last clearing port; that the vessel touched at the Calabar river for slaves, and at no other place during the voyage; that Donna Francisca de Lima, who is a widow without children, and resident at Prince's, was sole owner of the vessel, as well as sole owner and consignee of the cargo of slaves, which was to have been delivered on the northern coast of Prince's Island."

The evidence of Antonio Barretto de Almeida, the mate, corroborated the master's statements in every respect.

Publication having been granted, and an affidavit relative to the deaths which had occurred amongst the slaves before their arrival in this harbour having been made by the captor, a Court for the adjudication of the case would have been held on the 1st instant, on which day the term of the monition expired; but owing to the serious illness of Mr. Macaulay, and indeed of both the colonial officers, who alone, besides his Excellency the Governor, are permitted to supply his place, no Court could be held until the 12th instant, when a sentence of condemnation was pronounced against the "*Pomba*



*d'Africa*;" and the survivors of her slaves, 120 in number, were decreed to be emancipated, 29 having died previous to the arrival of the vessel in this harbour, and 6 subsequently, and 155 having been on board at the time of capture.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 97.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, August 14, 1839.*

(Received June 1, 1840.)

MY LORD,

OUR last Despatch contained a Report of the case of the Portuguese schooner "*Pomba d'Africa*." In this Despatch we have the honour to forward a Report of the case of her consort, the Portuguese sloop-boat "*Sedo ou Tarde*," commanded by Luiz Antonio. The two vessels received their passports and other papers at Prince's Island on the same day, they were owned by the same party, and sailed and were captured together by the same vessel of war.

There is, therefore, little to distinguish the two cases but the fact that, whilst the "*Pomba d'Africa*," arrived at Sierra Leone, the size of the "*Sedo ou Tarde*" was too small to admit of her attempting so long a voyage. The latter vessel was consequently left at the island of Fernando Po, and the slaves found on board of her were brought here on board Her Majesty's schooner "*Fair Rosamond*."

The fact of illicit slave-trading having been clearly proved, the "*Sedo ou Tarde*" was condemned on the 12th instant as good and lawful prize; and the survivors of her slaves were at the same time emancipated from slavery.

We have, &c.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

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

Enclosure in No. 97.

*Report of the case of the Portuguese sloop "Sedo ou Tarde," Luiz Antonio, Master.*

*Sierra Leone, August 14, 1839.*

THE case of this vessel is so much mixed up with that of the "*Pomba d'Africa*," mentioned in the preceding Despatch, that one Report might almost have served for the two vessels. Both were owned by the same lady, Donna Francisca de Lima, of Prince's Island; both received their Portuguese registers on the same day from the same Provisional Government; and they were captured, whilst sailing in company, by the same naval officer. The muster-roll of crew is also in each case dated on the 24th of April last, two days before the passport was obtained. The only paper, besides the register and muster-roll, is a private passport for Cornelio Jozé de Barros, a passenger on board the detained vessel.

The prosecution of the "*Sedo ou Tarde*" was commenced on the 24th ultimo, on which day the papers of the vessel were brought in duly authenticated, and the captor's declaration was received and filed. It is to the following effect:—

"I, William Brown Oliver, Lieutenant and Commander of Her Britannic Majesty's schooner '*Fair Rosamond*,' hereby declare that on this 25th day of June, 1839, being in or about lat. 3° 29' north, and long. 9° 11' east, I detained the sloop-rigged boat named the '*Sedo ou Tarde*,' sailing under Portuguese colours, unarmed, and commanded by Luiz Antonio, who declared her to be bound from the river of Old Calabar to Princes Island, with a crew consisting of three men and two boys, and one passenger (Cornelio Jozé de Barros), and having on board 23 slaves, said to have been taken on board in the old Calabar river, on the 23rd of June, 1839.

"I do further declare that the said boat appeared to be serviceable for short trips, but quite inadequate, from her size, to prosecute the voyage to Sierra Leone; and having been found so on survey, the slaves were taken out of her, and conveyed on board Her Majesty's schooner "*Fair Rosamond*," and the hull and furniture of the vessel sold to the highest offer made at Fernando Po, namely, to a Mr. John Scott, for 65*l.* sterling, according to the various documents accompanying."

The Report of Survey referred to in the above declaration is as follows:—

"In compliance with directions from Lieutenant William Brown Oliver, Commander of Her Majesty's schooner '*Fair Rosamond*,' we have been on board the sloop '*Sedo ou Tarde*,' prize to the '*Fair Rosamond*,' &c. We do certify that we have thoroughly examined her, and that we consider

her (from her size) quite inadequate to perform the voyage to Sierra Leone for sentence, even without her slaves on board. We have measured her, and find her dimensions to be—

Extreme length . . .	29 feet English.
Ditto breadth . . .	9 $\frac{2}{3}$ ditto.
Depth of hold . . .	4 $\frac{9}{16}$ ditto.

we find her to be in tolerably good condition, and quite serviceable for short trips, though unfit for a long voyage.

“ Given under our hands at Clarence Cove, Fernando Po, 28th June, 1839.

“ JAS. J. PURCHAS, Second Mate.)	} H. M. S. “ Fair Rosamond.”
C. H. NIBLETT, Clerk in charge.	
ROBERT HALL, Carpenter.	

Instead of following the usual and proper course, and leaving the vessel, thus declared to be unfit to attempt the voyage to Sierra Leone, at Fernando Po, to await the decision of the British and Portuguese Court of Mixed Commission, the captor sold her, prior to condemnation, on his own authority, for the sum of 65*l.*, as stated in the declaration. The only excuse for this irregularity was the necessity of procuring funds for the purchase of provisions to support the numerous slaves of the “ *Pomba d’Africa*,” as well as of the “ *Sedo ou Tarde*,” on their destined voyage to Sierra Leone.

The inconvenience of thus blending the accounts of two vessels is not so much felt in this instance, as the same captor and the same foreign government share the moiety of the proceeds of both seizures; but we cannot but regret that an example of such injurious tendency should have been offered to naval captors.

The vessel having been thus disposed of, the slaves were placed on board Her Majesty’s schooner “ Fair Rosamond,” and arrived here in company with those who had been captured on board the “ *Pomba d’Africa*,” and they were landed and placed in charge of the proper authorities at the same time.

On the reception of the captor’s declaration, the usual monition was issued, and Luiz Antonio, the master of the “ *Sedo ou Tarde*,” the only witness for the prosecution, was examined on the standing interrogatories, and deposed to the following effect:—“ That he was born at Lisbon, has lived five years at Prince’s, is a subject of Portugal, and has never served any other state; that he was appointed to the command of the detained vessel at Prince’s Island, in June last, by Donna Francisca de Lima, who is a subject of Portugal, born and residing at Prince’s; that he was present at the capture, which took place because the vessel carried slaves; that the vessel is called the ‘ *Sedo ou Tarde*,’ and has never borne any other name; that she is of no registered tonnage, and was navigated by a crew of six persons, exclusive of witness, all Prince’s Island creoles, hired and shipped there by witness in the month of June last; that the voyage began and was to end at Princes, which was the last clearing port; that the vessel called at the Calabar river for palm-oil, but being unable to obtain it in exchange for his cargo, he was obliged to receive slaves; that Donna Francisca de Lima is the sole owner of the vessel and slaves; that the vessel, with respect to her employment in trade, was under the direction of the supercargo of a vessel called the ‘ *Pomba d’Africa*,’ belonging to the same owner, and which made the trip at the same time.”

The above evidence was published on the 26th ultimo, and on the following day an affidavit of the number of deaths which had occurred amongst the slaves was made by the captor. The monition was returned into the registry on the 1st instant, and adjudication took place on the same day that the “ *Pomba d’Africa*” was condemned.

The sentence of the court was that the “ *Sedo ou Tarde*” was justifiably detained by Her Majesty’s schooner “ Fair Rosamond,” and that she be condemned, although all the results of condemnation had already with respect to her rather prematurely taken place. Of the 23 slaves on board at the time of capture, two had subsequently died; a decree of emancipation was accordingly passed in favour of the 21 survivors.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 98.

*Her Majesty’s Commissioners to Viscount Palmerston.*

*Sierra Leone, December 31, 1839.*

(Received June 1, 1840.)

MY LORD,

WE have the honour to enclose herein to your Lordship our Report of the case of the Portuguese schooner “ *Andorinha*,” Christovão Xavier Vellozo, Master, which was captured on the 2nd of October last by Her Majesty’s brig “ *Nautilus*,” Lieutenant George Beaufoy, commanding, in 13’ north latitude, and was condemned on the 24th instant in the British and Portuguese Court of Mixed Commission, for being engaged in the illicit traffic in slaves, on which occasion three slave-boys, who were found on board the detained vessel at the time of her capture, received a decree of emancipation.

The master and owner of the “ *Andorinha*” was formerly master of the “ *Apta*,” reported Class A., 1834, page 46; and although his conduct was strongly represented to the Government of Prince’s Island, where he resided with his wife and family (page 55 of the same correspondence), no notice whatever was taken of the representation.

With respect to the three slaves, on whose account the condemnation of the vessel was claimed, it was alleged that they were servants of Francisco d'Alva Brandão, a passenger in the "*Andorinha*," and that they had accompanied their master to the River Gaboon, from Prince's Island, in the month of August last, on board the French barque "*Felicia*," being protected from seizure by a passport which authorised Brandão to carry five domestics with him on the voyage in question.

But independent of the absurdity of a merchant like Brandão travelling about the coast with five negro children attending on his person, it was clearly proved that the three boys brought to Sierra Leone did not belong to Brandão at all; that they were on board the "*Andorinha*" previous to the embarkation of that person in the vessel, and that they did not answer to any of the names assigned to Brandão's domestics in the passport referred to.

Brandão, the alleged owner and master of these boys, was allowed by the captor to land at Prince's Island with two out of the five children whom he claimed as his servants, a circumstance which we cannot but regret, both as it deprived us of his evidence, and prevented the possibility of the two children landed with him at Prince's sharing in the freedom granted to their companions.

It will be observed that the "*Andorinha's*" passport, and the protests of the master, Vellozo (No. 6), and of the passenger Brandão, all refer to the Portuguese decree of the 10th of December, 1836, the two latter urging that no infringement of that decree was committed. That such was altogether the case in the present instance we will not assert; but the decree in question appears to be regarded as what in fact it is, a relaxation in some important respects of the prohibitions of the Portuguese Treaty.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

&c.

&c.

&c.

### Enclosure in No. 98.

*Report of the case of the Portuguese schooner "Andorinha," Christovão Xavier Vellozo, master.*

*Sierra Leone, December 31, 1839.*

THE "*Andorinha*" sailed under a Prince's Island passport, dated on the 7th of August, 1839. It describes the vessel as a schooner, owned and commanded by Christovão Xavier Vellozo, and navigated by a crew of 17 men, and it authorizes a voyage of lawful commerce to the Island of St. Thomas, and ports in the Gulf of Guinea. A warning is added against any violation of the Portuguese decree of the 10th of December, 1836.

2. The matricula contains the names of the 17 persons, including the master, who formed the crew.

3 is a private passport, permitting Major Francisco d'Alva Brandão, whose name and signature are well known, to embark for the Island of St. Thomas, and the River Gaboon, on board the French barque "*Felicia*," Captain João Batista Gras, with five domestics (*criados*), whose names are also given. This passport is dated on the same day with that granted to the "*Andorinha*," on board of which vessel Brandão was found at the time of her capture.

4 and 5 are two other private passports for Olivero Manoel and Daniel Nascimento Subtil, who embarked at St. Thomas for the River Gaboon.

6 purports to be a protest, or the copy of a protest, made by Vellozo, the master of the "*Andorinha*," against the seizure of his vessel, on the ground that no infraction of the Portuguese decree of the 10th of December, 1836, had been committed.

With the above papers on board, the "*Andorinha*" was captured on the 2nd of October, 13' north of the line, by Her Majesty's brig "*Nautilus*," Lieutenant George Beaufoy, Commanding.

The prize arrived in this harbour on the 3rd instant, but no proceedings in the case were taken until the 6th, when the ship's papers were received, together with the captor's declaration, a monition was issued, and the proctor was directed to produce his witnesses in preparatory. At the same time the negroes brought up in the schooner, most of whom belonged to another vessel captured by the same officer, were landed to await the adjudication of the Court.

The captor's declaration is to the following effect:—"1, George Beaufoy, Lieutenant-Commanding Her Majesty's brig '*Nautilus*,' hereby declare, that on this 2nd day of October, 1839, being in or about latitude 13' north, longitude 7° 3' east, I detained the schooner named '*Andorinha*,' sailing under Portuguese colours, armed with one gun, a four-pounder, commanded by Christovão Xavier Vellozo, who declared her to be bound from the River Gaboon to the Island St. Thomas, with a crew consisting of five men, four boys, and six passengers; and having on board a cargo of red-wood, bee's-wax, and eight negro children, about three or four years old, and one man (slaves), said to have been taken on board at Prince's Island, as part of the crew; but, from the evidence of three of the crew, they were proved to have been purchased at Cape Lopez on or about the 30th of September, and

that the schooner left Prince's Island with only ten persons, and that the other six names were given to six of the negroes. The other three negroes are claimed by one of the passengers, Francisco d'Alva Brandão, who has a passport for five people for a passage in the French barque "*Felicia*" to the Gaboon, only two of whom were brought from Prince's Island; the other three being slaves, also purchased at Cape Lopez, on the day that the schooner sailed from that place. The word '*dezasette*' (seventeen, the number of the crew) in the passport granted by the Governor of Princes, has also been altered, having been originally written '*dez*' (ten)."

	Healthy.	Sickly.
Men . . . . .	1 . . . . .	none
Boys . . . . .	8 . . . . .	do.

How far the allegations set forth in the captor's declaration were capable of proof we do not know; but, from first to last, the conduct of the case was rendered exceedingly difficult to the captor's proctor, and perplexing to the Court, by the very imperfect information supplied on the part of the prosecution.

The affidavit authenticating the ship's papers, instead of being sworn to by an officer from the capturing vessel, was made by a Midshipman of Her Majesty's sloop "*Harlequin*," and is to the following effect:—"Appeared personally, John Melbourne Jackson, midshipman of Her Majesty's sloop "*Harlequin*," and prize-officer in charge of the said schooner, who, being duly sworn, maketh oath that the papers, writings, and documents, hereunto annexed, marked from No. 1 to No. 6, inclusive, were given or delivered up to this deponent by Mr. James Hunt, Midshipman of Her Majesty's brig "*Nautilus*;" that the said Mr. James Hunt informed this deponent that they were the papers found on board the said schooner "*Andorinha*" at the time of capture. And the deponent further saith that the said papers, writings, and documents are now brought and delivered up in the same plight and condition as when so received by this deponent, without any fraud, addition, subduction alteration, or embezzlement whatever, save the numbering and marking thereof. And that the said Mr. James Hunt was left on board Her Majesty's said sloop "*Harlequin*" on account of his being unwell, and unable to proceed to this colony in the said schooner."

The affidavit of seizure, in like manner, instead of being presented by an officer, was made by two of the seamen of the "*Nautilus*," who, although they deposed that Her Majesty's brig "*Nautilus*" possessed the requisite authority and power to make seizures of vessels under the Portuguese flag engaged in the Slave Trade, and that the seizure of the "*Andorinha*" was made thirteen minutes north of the equator, could not be supposed to have any very accurate knowledge of those facts, more especially as one of those seamen could not even write his own name.

Christovão Xavier Vellozo, the master of the "*Andorinha*," in his examination on the standing interrogatories, deposed "that he was born in Prince's, where he had since lived, is a subject of Portugal, and has never been a subject of any other state, is married, and his wife and family reside with him at Prince's; that he appointed himself to the command of the detained vessel, being sole owner of her from the time that she was launched on the 6th of February, 1836; that he was present at the capture, but does not know why it took place; that the vessel sailed under Portuguese colours, and there were no others on board; that the vessel is called the "*Andorinha*," and never bore any other name; that she is of 45 tons burthen, and had a crew of 15 officers and mariners, exclusive of witness, all Portuguese, belonging to Prince's, and all hired and shipped at Port Antonio in that island by witness, in August last; that none of the officers or mariners had any interest in either vessel or lading; that there were 11 passengers,—Francisco d'Alva Brandão a merchant, Daniel Nascimento Subtil, a military officer of the Government of Prince's, Ignacio Pinto Ribeiro, a Brazilian trader, and Yongo Goola, the son of a king at Cape Lopez, all four cabin passengers; also 2 Portuguese seamen, named Oliveira and Luiz, and 5 domestic servants of Alva Brandão, natives of Prince's Island, who with their master were taken on board in the River Gaboon, on the 27th day of September last, from a French vessel called "*La Felicie*;" that the voyage began and was to end at Prince's; that the last clearing port was St. Thomas's; that he thence went to Cape Lopez and the Gaboon for a cargo of canewood, ebony, and bees'-wax; that witness was himself sole owner of the vessel, as well as sole owner, lader, and consignee of the cargo; that no slaves were taken on board during the voyage; that after capture the vessel was carried to West Bay, Prince's, and thence brought, after a tedious voyage, to Sierra Leone."

Henrique Nogueiro, the steward of the "*Andorinha*," was also examined, and his evidence agrees in all particulars with that of the master.

On the publication of the above examinations, and previous to the return of the monition into the registry, a claim was filed for the detained vessel; upon which voluminous examinations took place, which it will not be necessary here to report in detail, as the proctor for the prosecution eventually declined urging the proof of most of the captor's allegations, resting his claim for the condemnation of the vessel solely on the averment that 3 negro boys, acquired by an illicit traffic, were on board of her at the time of her capture.

These three boys, named Engoye, Moyla, and Buma, were themselves examined by the proctors on both sides, and, in reply to interrogatories put on behalf of the captor, they deposed, almost in the same words, "that they were born at the River Gaboon, and were slaves on board the vessel that brought them here; that they were sold at the Gaboon three months ago by a person named Ombango to the captain of the same vessel; that they embarked on board the vessel at the Gaboon, and have landed nowhere since."

The cross-examination of these witnesses, from whom it was very difficult to obtain satisfactory replies, quite failed in establishing any identity between them and any of the five domestics named in the passport granted to Francisco d'Alva Brandão. On the contrary, it is clear that they were on board the "*Andorinha*" before Brandão joined her, and that they had no connexion whatever with that gentleman; and they do not at all respond to the names which it was endeavoured to affix to them.

The claimant then deposed, "that after capture, the '*Andorinha*' was carried to Prince's Island, Cape Coast Castle, and Cape Palmas, the captors stating that they did so to procure provisions, which at the latter place they obtained from Her Majesty's sloop "*Harlequin*;" that Brandão, the cabin passenger, was landed at Prince's Island with his baggage and two of his domestic slaves, the remaining three being retained on board, because they were suspected to be slaves taken on board in the River

Gaboon; that the passengers, Daniel, Ignacio, Pinto, Louis, Olivero, and Yongo Goola, were also landed at Prince's Island; that all the crew and boys belonging to the schooner speak the Creole language in use at Prince's and St. Thomas's, but he cannot swear that such is the case with respect to the domestic slaves belonging to Brandão who were detained and sent up to Sierra Leone; that part of the cargo of the schooner was landed at Cape Coast Castle, owing to the vessel leaking; that Mr. Hunt, the first prize-master, was left on board Her Majesty's sloop 'Harlequin' at Cape Palmas, owing to indisposition, and that the schooner was then placed in charge of Mr. Jackson, an officer belonging to the 'Harlequin.' "

The goods referred to in the foregoing evidence, as having been landed at Cape Coast, consisted of 165 pieces of ebony, and 395 pieces of red wood; and they were taken charge of by Mr. Maclean, the Governor of that settlement, who gave a receipt for them.

In the course of the proceedings, a paper was presented on the part of the captor, which, if it could have been admitted as evidence, and remained uncontradicted, would have been decisive proof of the illegal purchase of the 3 slaves whose emancipation was claimed from the Court. It is in the Portuguese language, and the following is a translation:—

" I do hereby declare, that there were actually purchased at the River Gaboon three slaves, who were never on shore either at Prince's Island or St. Thomas's; and that I embarked with them with the sanction of the master of the schooner 'Andorinha.'

(Signed)

" FRANCISCO D'ALVA BRANDAO.

" Witnesses,

" GEORGE BEAUFOY, Lieutenant.

" Commanding Her Majesty's brig 'Nautilus.'

" JAMES C. MOTLEY, Assistant-Surgeon, ditto.

" DAVID F. CLOW, Clerk in charge, ditto,

" Dated on board Her Majesty's brig 'Nautilus,' in West Bay, Prince's Island, this 11th day of October, 1839.

" G. BEAUFOY, Lieutenant, commanding.

" J. C. MOTLEY, Assistant-Surgeon.

" D. F. CLOW, Clerk, in charge.

" FRANCISCO D'ALVA BRANDAO, Passenger."

The circumstances under which this declaration or certificate was required or given remain unknown; but, following the established wholesome rule, that such a document is inadmissible as evidence where it was in the captor's power to have produced the writer himself as a witness, who might be sworn to his statements, and cross-examined in the usual manner, it was merely placed on the file, subject to the remarks of the claimant, and with the understanding that the facts mentioned therein must be proved from other sources.

The propriety of this general rule, the application of which has sometimes been objected to by naval officers, was fully exemplified in the present instance, as the effect of the above document was in a great measure destroyed by the production of another similar document, written and signed by the same Francisco d'Alva Brandão, between the date of the capture of the "Andorinha," on the 2nd of October, and the date of his landing at Prince's Island on the 11th of the same month; the last-named paper being intended as a protest by the said Brandão against Lieutenant Beaufoy, of the "Nautilus," for having seized the "Andorinha," and his property and servants on board, regardless of the passport, which authorised him to carry with him five domestics, in accordance with the Portuguese decree of the 10th of December, 1836.

It is much to be regretted that Lieutenant Beaufoy, instead of sending up Brandão to Sierra Leone as a witness, should have permitted him to land at Prince's Island with his baggage, merchandise, and two out of the five negro children, who, notwithstanding their tender years, were put forward as servants in attendance on his person.

Fortunately, however, for the captor's interests the evidence produced from other quarters, imperfect as it was, was sufficient to show that three of Brandão's pretended servants were children purchased in the River Gaboon, in direct contravention of the Portuguese Treaty, not natives of Prince's Island, nor acting on board in the capacity of "negro servants or sailors," for which their age disqualified them.

Under these circumstances the approved case of the "Aurelia" (Class A. 1829, page 68), served us for a precedent on the present occasion; and a sentence of condemnation was pronounced against the detained vessel and her cargo on the 24th instant; the three boys, Engoye, Moyla, and Buma, being at the same time emancipated.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

No. 99.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, December 31, 1839.*

(Received June 1, 1840.)

MY LORD,

ENCLOSED we have the honour to transmit to your Lordship a report of the case of the Portuguese launch "Vencedora," Thomé Ferreira Netto, master, captured on the 4th of October last, by Her Majesty's brig "Nautilus," Lieutenant George Beaufoy, commanding.

The detained vessel was bound to the Island of St. Thomas, where her owner resided, and where she would in two hours have landed her cargo of slaves if she had not been fortunately intercepted by the "Nautilus."

The "*Vencedora*" was found at the time of capture to be full of water, and wholly unseaworthy; and this circumstance, added to the small size of the launch (only 16 tons), induced the captor to leave his prize at Prince's Island, in charge of a petty officer of Her Majesty's sloop "*Wolverene*," to await the adjudication of the case.

Illicit slave-trading having been unquestionably established, a sentence of condemnation was pronounced against the "*Vencedora*" and her cargo on the 24th instant, and the survivors of the 61 slaves crowded on board this small vessel were decreed to be emancipated.

The launch having been left at Prince's Island, a commission for her appraisal and sale, where she now lies, has been issued, as reported in another Despatch to your Lordship of this date.

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

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

Enclosure in No. 99.

*Report of the case of the Portuguese launch "Vencedora," Thomé Ferreira Netto, Master.*

*Sierra Leone, December 31, 1839.*

THE remark made in our last Report, as to the very imperfect and confused manner in which the case of the "*Andorinha*" was presented to the Court, fully applies to the case of the present vessel. Part of the slaves captured on board of the "*Vencedora*" were sent up to Sierra Leone in the Brazilian brig "*Destimeda*," detained by Her Majesty's brigantine "*Lynx*," and condemned in the British and Brazilian Court of Mixed Commission on the 18th ultimo. But of these slaves all that is known is, that 33 were placed in charge of the Liberated African Department on the 11th ultimo, to await the arrival of some person authorized to prosecute the vessel on board of which they were captured; and we are wholly without evidence as to the number of deaths which occurred amongst them during their passage to this place.

On the 6th instant the papers of the "*Vencedora*," accompanied by the declaration of the captor, Lieutenant George Beaufoy of Her Majesty's brig "*Nautilus*," were presented to the Court by Mr. John Milbourne Jackson, a midshipman of Her Majesty's sloop "*Harlequin*," the same gentleman who had acted as prize-master in the case of the "*Andorinha*." This was owing to the illness of Mr. Hunt, the young officer from the capturing ship, who had been sent up to Sierra Leone on board the "*Andorinha*," with the papers and witnesses belonging both to that case and to the case of the "*Vencedora*." The "*Andorinha*" having put into Cape Palmas, to procure provisions, there fell in with the "*Harlequin*," on board of which vessel Mr. Hunt was removed, in order that he might enjoy the benefit of medical attendance; and an officer from the "*Harlequin*" was appointed to proceed on with the prize to Sierra Leone.

Amongst the papers produced were the following:—

1. A Portuguese passport from the Government of the Island of St. Thomas, dated on the 13th of August last, authorizing the launch "*Vencedora*," owned by Joaquim Jozé, and commanded by Thomé Ferreira Netto, to make a voyage to the Island of Annabona for a cargo of cattle; and warning the master against any breach of the Portuguese law of the 10th of December, 1836, on the subject of Slave Trade.

2. A muster-roll of the crew, containing the names of seven persons, dated on the same day as the passport.

The rest of the papers consist of Custom-house documents, passports for passengers, and private letters of no importance.

The captor's declaration is to the following effect:—"I, George Beaufoy, Lieutenant-Commanding Her Britannic Majesty's brig "*Nautilus*," hereby declare that on this 4th day of October, 1839, being in or about 0° 15' north latitude, 6° 56' east longitude, I detained the launch named the "*Vencedora*" (about 16 tons), sailing under Portuguese colours, armed with muskets and pistols, commanded by Thomé Ferreira Netto, who declared her to be bound from Cape Lopez to the Island of St. Thomas, with a crew consisting of three men, three boys, and four passengers, and having on board 61 slaves, said to have been taken on board at Janga Janga, near Cape Lopez, on the 29th day of September, 1839. I do further declare that the said launch appeared not to be seaworthy, and was in a very leaky state, being at the time of her capture nearly half-full of water."

To this declaration is attached a report of survey, held on the condition of the prize by the second master and gunner of the "*Nautilus*," in West Bay, Prince's, on the 10th of October, 1839, pronouncing the "hull, masts, and rigging of the said vessel totally unseaworthy."

In consequence of this report, the "*Vencedora*" was left at Prince's Island in charge of a petty officer of Her Majesty's sloop "*Wolverene*," who is stationed at that place on duty. The few stores on board were shipped in the "*Andorinha*;" and the slaves were divided between the "*Andorinha*" and the Brazilian prize "*Destimeda*," both of which vessels were on their passage to Sierra Leone for adjudication.

The affidavit of seizure, verifying the facts stated in the captor's declaration, was made by William

Yarworth and John Webb, two of the seamen of the "Nautilus," and the vessel was then regularly admitted into Court. A monition was issued against all interested parties, and the witnesses in preparatory were summoned to give their attendance.

The master of the "Vencedora," Thomé Ferreira Netto, deposed in reply to the standing interrogatories:—"That he was born at the Island of St. Thomas, in Africa, where he has since lived; is a subject of Portugal, and has never been subject of any other state; is married, and his wife and family reside at St. Thomas; that he was appointed to the command of the detained vessel at St. Thomas in September last, by Joaquim Jozé, a Portuguese subject, who resides there; that he was present at the capture of the vessel, which took place because she carried slaves; that she sailed under Portuguese colours, and had no others; that the vessel is called the "Vencedora," and has no registered tonnage, she was built in the river Gaboon, and is navigated by a crew of seven men exclusive of witness, all natives of St. Thomas, hired and shipped by witness at that place in September last; that there were four passengers on board, none of whom had any interest in either vessel or cargo; that the voyage began and was to end at St. Thomas, which was the last clearing port; that the vessel touched at Cape Lopez for cattle, and there took on board that cargo and slaves; that the course prescribed by the ship's papers was Annobona and St. Thomas, but it was deviated from because witness was prevented by the currents from making Annabona; that Joaquim Jozé, from whom he received the command, was sole owner of the vessel, as well as owner, lader, and consignee of the cargo; that he (Jozé) had resided during the last ten years at St. Thomas, and the slaves were to have been delivered on that island for his sole account and benefit; that 62 slaves, whose sex and age witness cannot describe, were taken on board at Cape Lopez, none of whom died before capture; that some slaves have died since, but witness cannot tell how many."

Manoel Jozé, the boatswain, who was also examined on the standing interrogatories, confirmed the master's testimony in every respect, except with regard to the period when the voyage commenced, which he pretended to have forgotten. It is also remarkable that, whilst the Custom-house papers and muster-roll are dated at St. Thomas early in August, the master states in his evidence that he was not appointed to the command, and the crew were not shipped, until September. It may perhaps have happened that the present voyage, in which the vessel has been captured, is the second made between St. Thomas and the coast under her present papers.

When the above evidence was published the captor's proctor and the marshal were called upon to account for the number and position of the slaves captured in the "Vencedora," and to report how many of them had subsequently died. The proctor stated on the 19th instant that, of the 61 slaves named in the captor's declaration, "33 were brought to this colony in the Brazilian brig 'Destimeda' and 18 in the Portuguese schooner 'Andorinha.'"

The marshal confirmed this statement on the same day, certifying that 51 slaves belonging to the "Vencedora" had been placed in the charge of the Liberated African Department, to await the adjudication of the vessel, and that 50 were surviving on that date; namely, 9 men, 6 women, 19 boys, and 16 girls.

The proctor then presented an affidavit from the two seamen, Webb and Yarworth, who had come up in the "Andorinha," deposing that two deaths had occurred on board that vessel amongst the slaves of the "Vencedora;" and he petitioned that an affidavit, accounting for the deaths which had taken place amongst that portion of the "Vencedora's" slaves who had been brought to the colony in the Brazilian prize "Destimeda," might be dispensed with, as no means existed of obtaining the information.

On the 24th instant (the monition having been in the meantime returned into the registry) the case came to trial on the above evidence. An engagement in illicit Slave Trade having been proved and admitted, a sentence of condemnation was passed against the "Vencedora" and her cargo; and the vessel having been left at Prince's Island, owing to her small size and total unseaworthiness, a commission for the appraisal and sale of the hull and stores, in their present position, was issued.

The two witnesses examined for the prosecution agree in stating, that 62 slaves were on board the "Vencedora" at the time of her capture, and the captor's declaration mentions 61; all the evidence, however, upon which, according to the established practice, we could proceed, only accounted for 53 slaves, of whom 2 were proved to have died on their passage on board the "Andorinha," and 1 subsequently in this colony. The survivors of the whole number, amounting to 50 persons, were of course decreed to be emancipated. From this statement it is evident that the number of slaves who died on board the "Destimeda," and of whom, as stated above, we have no account, was 8, if the captor's statement be correct; or 9, if the evidence of the master and boatswain of the "Vencedora" be preferred.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 100.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, December 31, 1839.*

(Received June 1, 1840.)

MY LORD,

WE have the honour to enclose herein to your Lordship copy of a letter which we have addressed under this date, to Her Majesty's consul at the Cape Verd Islands, on the subject of some of the vessels, sailing under the protection of passports obtained at the Cape Verd Islands, which have been condemned in the British and Portuguese Court of Mixed Commission.

We were invited to take this step by His Excellency Joaquim Pereira Marinho, Governor-General of the province of Cape Verd, who himself fur-

nished a list of the vessels to which passports had been granted during his administration of the government.

The manifest incorrectness of this list, though purporting to be an official and perfect document, induces us to look with much doubt on Governor Marinho's professions of a desire to carry the Portuguese laws against slave-trading into effect. The cases, however, which we have selected to try his sincerity are such as will not admit of exception, palliation, or doubt. They are all comprised in the list prepared and signed by himself; all of them were captured with full cargoes of slaves on board; all of them were condemned as Portuguese vessels in the British and Portuguese Court of Mixed Commission; and we have refrained for the present from noticing those other more numerous cases in which the passports may be disavowed, or the justice of condemnation be denied, or which, having been captured on the ground of their equipment, and condemned as Spanish vessels in the British and Spanish Mixed Court of Justice, may be considered as placed beyond the jurisdiction of a Portuguese tribunal.

Nor can the government of Villa da Praia complain that the means are withheld of bringing the offenders to justice, for the *original* Cape Verd passports which were found on board the condemned vessels, together with the certificates of the condemnation of each vessel respectively, under the seal of the Court, accompany the other Enclosures furnished to Her Majesty's Consul at the Cape Verd Islands.

The transmission of these documents may perhaps be delayed for some time longer, as opportunities of communicating with the Cape de Verde Islands rarely occur; and Mr. Barker's letter, which enclosed to us the papers which he had received from Governor Marinho, though dispatched in July last only lately reached us, having been sent by a man-of-war which visited the Bights and Ascension before coming up to Sierra Leone.

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

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

---

First Enclosure in No. 100.

*Her Majesty's Commissioners to Mr. Rendall,*

*British Commissioners' Office,  
Sierra Leone, December 31, 1839.*

SIR,

WE have the honour to transmit to you herewith the copy of a paper purporting to be a list of Portuguese vessels which have obtained passports at the Cape Verd Islands between the months of December, 1835, and June, 1838. The original of this list which is now before us is dated on the 26th of June last, and bears the signature of the Secretary of the government at Villa da Praia, João Jeronimo Bontempo, and is countersigned by the Governor-General Marinho. In the column for remarks we have inserted the dates of the condemnation of each vessel respectively as it took place.

We have also the honour to transmit a translated copy of a letter addressed by the Governor-General Marinho to Mr. Barker, lately British Pro-consul, requesting that he may be confidentially informed whether any, and which of the vessels comprised in the before-mentioned Enclosure, "have been captured for being concerned in the Slave Trade;" and that he or his successor may be furnished with such legal documents connected with their detention and condemnation as will "ensure the punishment of the offenders according to law."

In compliance with this request, we now further transmit to you the original passports of all the vessels referred to in List, No. 1, which have been captured with slaves on board, and condemned in the British and Portuguese Court of Mixed Commission; also the certificates of the condemnation of each of those vessels respectively, under the signature of the registrar and the seal of the Court.

To these cases,\* as named below, we think it better to confine ourselves in the first instance. They will afford ample opportunity for trying the sincerity of the professions of the Governor of the Cape Verd Islands; they are selected and brought forward by himself; in which guilt was proved beyond question by the presence of a full cargo of slaves; and which were condemned as Portuguese vessels, under their professed national character, for an undeniable violation of the Slave Trade Treaties between Great Britain and Portugal.

Though prepared in the office of the Secretary of government at Villa da Praia, and purporting to be a correct official document, the List, No. 1, of vessels which have received passports at the Cape Verd Islands, does not contain the names of more than 20 out of 37 vessels which have been provided with Cape Verd passports within the period comprised in that return, and which have actually been condemned at this place for being engaged in the illicit traffic in slaves.

---

\* Prova, Victoria, Negrinha, Primoroza, Esperança, Traga Milhas, Feliz (1), Princenza Africana, Madalena, Ingemane, Rozalia Habaneira, Feliz (2), Feliz (3).



The enclosed Return of vessels adjudicated at Sierra Leone will give you some further information regarding this point.

We beg leave, with great deference, to suggest the necessity of proceeding with caution and secrecy in laying before the Governor of Villa da Praia the enclosed proofs of a guilty participation in Slave Trade on the part of merchants and others resident in or connected with the Cape Verd Islands; and should your appeal to the Portuguese authorities for the infliction of the penalties of the violated bonds against the parties implicated in these transactions prove successful, we shall not fail to furnish you with the *original* passports and certificates of condemnation in all the other cases referred to in our Return, No. 33, and in such other cases as may hereafter come before us.

We request that you will be good enough to keep us informed of your proceedings in this delicate and important business.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

*The Consul of Her Britannic Majesty, Villa da Praia,  
St. Jago, Cape Verd Islands.*

## Second Enclosure in No. 100.

*Mapa das embarcações Portuguezas a que se tem dado Passaporte por este Governo, e que tem sido Naturalizados, Segundo o código Commercial Portuguez durante as duas epochas em que o Governador Geral o Brigadeiro Joaquim Pereira Marinho tem Governado a Província de Cabo Verde.*

Datas.		Qualidade da Embarcação.	Denominação.	Capitão.	Proprietario.	Observações.
Anno.	Mez e Dia.					
1835	Dezbr. 5	Escuna	Estrella do Norte	Jozé Thomas Gonçalves	Luiz Pereira de Mello	
"	" 29	"	Triumpho de Cabo Verde	Domingos Jozé da Silva	Jozé Joaqm. de Sta. Anna	
1836	Janr. 7	Brigue Escuna	Prova	Libano Agostinho de Campo	Luiz Pereira de Mello	P. July 2, 1838.
"	" 15	Escuna	Maria Segunda	Marcellino Anto. Coelho	Jozé Maria de Fonseca	P. Nov. 21, 1836.
"	Fevr. 13	Brigue	Victoria	Gregorio Alexandre de Medina	Franço. Cardozo de Mello	
"	Março 19	"	Empreendedor.	João Pita	O mesmo Capitão	
"	" 23	Brigue Escuna	Matilde	Camillo Anto. dos Reis	"	S. Oct. 23, 1839, with slaves on board.
"	" 24	Escuna	Escorpião	João Carlos	"	P. Dec. 19, 1836.
"	Abril 6	"	Negrinha	Silverio Jozé Pereira Couto	"	
"	Maio 9	"	Jozefina	Francisco Cardozo de Mello	"	P. Oct. 28, 1837.
"	" 14	"	Primorosa	Danie Honorio Bargo	"	
"	" 14	"	Paquete de Cabo Verde	Torres	Anto. Dionizio Furtado	
"	Junho 2	Brigue Escuna	Esperança	Alexandre Anto. Silva	João Jozé Claudio de Lima	P. Oct. 22, 1836.
"	" 9	Escuna	Traga Milhas	Rafael Jozé Alves	Anto. Dionizio Furtado	P. Dec. 28, 1837.
"	" 14	Brigue Escuna	Feliz	João Antonio Ribeiro	O mesmo Capitão	P. Oct. 22, 1836.
"	" 16	Brigue	Malhado	Nicolan Maria Passalagua	Ascenco Ponpilio P. de Carpo	
"	" 22	Escuna	Diligente	Jozé Maria da Costa	João Duarte	P. Aug. 4, 1838.
"	Julho 1	Brigue	Constancia	João Jozé de Amorim	João Je. Claudio de Lima	S. May 29, 1839.
"	" 2	Escuna	Boca-Negra	João Feliciano d'Oliveira	O mesmo Capitão	
"	" 6	Brigue	Maria Segunda	Jeronimo Jozé Continho	"	
1837	Abril 4	Escuna	Hercules	João Jozé Claudio de Lima	"	
"	" 14	"	Feliz Triumvirato	Marcellino Anto. Coelho	Anto. Dionizio Furtado	P. March 6, 1838.
"	Maio 12	"	Izabelita	Antonio Je. Ascepção	O mesmo Capitão	P. Jan. 10, 1838.
"	" 15	"	Prinzenza Africana	Fernando de Sa Brandaõ	João Baptista Grisar	
"	Junho 7	"	Roza	Felippe Garcia Silva	Themetes Cardozo de Mello	P. Jan. 17, 1839.
"	" 19	"	Madalena	Anto. de Melle Artiago	Francisco Cardozo de Mello	
"	" 23	"	Invencivel.	Anto. Joaqm. de Brito	Themoteo Cardozo de Mello	P. Nov. 10, 1838.
"	" 23	"	Ingemane	Anto. Joaqm. de Faria	Francisco Je. de Medeiros	S. Nov. 19, 1838.
"	" 23	"	Maria	Alberto Umiliano de Medeiros	O mesmo Capitão	
"	Julho 4	Brigue Escuna	Vigilante	Camillo Urbano da Fonseca	Narcizo Estevão	
"	" 19	"	General Espartero	Hermanigildo da Sa. Senna	João Je. Claudio de Lima	P. March 12, 1839.
"	Agosto 2	Escuna	Rozalia Habaneira	Manoel Martins	Franco. Cardozo de Mello	P. Aug. 8, 1838.
"	Novr. 20	"	Feliz	Miguel Abalha	O mesmo Capitão	
"	Dezbr. 8	"	Estrella	Henriques Domgas. de Campos		
1838	Janr. 31	"	Sersi	Serafin Antonio Spencer	Themoteo Cardozo de Mello	S. Dec. 21, 1838.
"	Março 21	Brigue Escuna	Feliz	Manoel de Brito Lima	João Baptista Ferra. Santos	P. Aug. 8, 1838.
"	Junho 27	Escuna	Victoria da Liberdade	Jozé Maria da Cunha	O mesmo Capitão	S. July 18, 1839.

Secretaria do Governo Geral da Provincia de Cabo Verde, 26 de Junho de 1839.

(Signed) JOAO JERONIMO BONTEMPO,  
Secreto. Gerl. Interino.

(Copy.)

(Signed) MARINHO,  
Gov. Gerl.

N.B.—The letter *P* in the column for "Observações" denotes the vessels which have been condemned in the British and Portuguese Court of Mixed Commission at Sierra Leone; and the letter *S* in the same column denotes the vessels which, although sailing under passports obtained at the Cape Verd Islands, have been condemned as Spanish vessels in the British and Spanish Mixed Court of Justice at the same place.

## Third Enclosure in No. 100.

(Translation.)

*General Governor Marinho to Mr. Barker.*

(Confidential.)

MOST ILLUSTRIOUS SIR,

HAVING understood that there are many false passports given out in this province to different foreign vessels, for the purpose of carrying on the Slave Trade; and it having also been brought under my notice that there is an office in the city of Praia in which these false papers are made out, but in what part I am unable as yet to discover, though I am not without reason for suspecting the parties concerned in this illicit business; I have the honour to enclose herewith a list of all the vessels which have been naturalized agreeably to the Portuguese Commercial Code during my period of government, which is about four years, for the purpose of your forwarding a copy of it to his Excellency the Governor of Sierra Leone, that he may examine it, and see if any of those vessels have been captured for being concerned in the Slave Trade; and, if so, to send me copies of the legal documents connected with their detention, so that I may forward them to the Judge of the district, who will take proceedings against the owners, and thereby ensure punishment to the offenders according to law.

If these documents should arrive at the city of Praia, and I should not happen to be in the province, I request you will do me the favour to send them under a confidential cover to my successor, who will at once put them into legal hands, without the fact being known. By so doing, you will oblige me.

It appears to me that the officer commanding the troops of this garrison, Roque Calação da Veiga Vidal, when holding the appointment of chief magistrate of the place, and secretary of this government (*ad interim*), abused the trust that was reposed in him, by approving and ratifying things which I found he had done during my indisposition at the Island of Brava; among others, several passports without the requisite legal forms, and some of which I have since seen. I am most anxious to get this unworthy officer punished with the utmost severity of the law, and have him deprived of an uniform which he has so greatly dishonoured. I have also learned that there are many passports signed with my name, but with another letter. It will be as well that I send you one of these passports for the purpose of examining it, that you may be able to recognise which is the work of an artist, and which is mine.

I hope you will do me the honour to comply with these my requests, which you have already kindly offered to do, and assist me in thus putting an end at once to these base acts of knavery.

God protect you.—Head-quarters of the Government of the Province, in the Mountains of St. Jago, this 27th day of June, 1839.

(Signed)

JOAQUIM PEREIRA MARINHO,  
Brigadier and Governor-General.*The Most Illustrious Theophilus Barker.*

True Translation.

(Signed)

WM. F. MENDS.

## Fourth Enclosure in No. 100.

Return of Vessels to which Passports have been granted at the Cape Verd Islands, in the period between the 5th of December, 1835, and the 27th of June, 1838, and which have been condemned at Sierra Leone for being engaged in the illicit traffic in Slaves.

Date of Passport.	By whom Granted.	Name of Vessel.	Master named in the Passport.	Name of Owner.	Date of Condemnation.	In what Court Condemned.	In Gov.-General Marinho's List.
Dec. 29, 1835	Joaquim Pereira Marinho	Felicidades	João J. Peres de Farias	J. J. P. de Farias	April 17, 1838	Portuguese	Omitted
"	"	Prova (1)	Libano Agostinho de Campo	Luiz Pereira de Mello	July 2 "	"	Inserted
"	"	Prova (2)	"	"	Nov. 24 "	"	Omitted
Jan. 15, 1836	"	Victoria	Gregorio Alexandre de Medina	Ignacio Carlos de Fonseca	June 25, 1836	"	"
"	"	Negrinha	Carlos Estavão Sasseti	Franco. Cardozo de Mello	Nov. 21 "	"	Inserted
Mar. 24 "	"	Primorosa	Silverio José Pereira Conto	"	Dec. 19 "	"	"
May 7 "	"	Esperança	Daniel Honorio Barroza	J. Caitano Hs. dos Reis	Oct. 28, 1837	"	"
June 2 "	"	Felix	Alexandre Antonio Silva	J. J. Claudio de Lima	Oct. 22, 1836	"	"
June 14 "	"	Consciencia	João Antonio Ribeiro	J. A. Ribeiro	"	"	"
June 16 "	"	Temerario	Jozé Duarte	Jozé Duarte	Aug. 4, 1838	"	"
June 22 "	"	Scorpião	João Jozé d'Amorin	J. J. Claudio de Lima	May 29, 1839	Spanish	"
Oct. 25 "	"	Cobra de Africa	João Carlos	Franco. Cardozo de Mello	Oct. 23 "	"	"
Dec. 5 "	"	Flor de Tejo	No Master named.	J. J. Claudio de Lima	Mar. 2, 1837	Portuguese	Omitted
Dec. 13 "	"	Dos Amigos	Anto. Joaquim de Conceição	J. Maria Lobo Avila	June 22 "	"	"
Jan. 7, 1837	"	Arrogante	Jozé Antonio Ribeiro	J. A. Ribeiro	July 5 "	"	"
Jan. 16 "	"	Vigilante	Miguel Cardozo	Mathias de Silva	Sept. 24, 1839	Spanish	"
Jan. 23 "	"	Isabelita	Agusto César de Medina	Anto. Dionizio Furtado	Mar. 6, 1838	Portuguese	"
Mar. 9 "	"	Sin Ygual	Franco. Jozé de Souza	F. J. de Souza	June 5, 1839	Spanish	Inserted
April 14 "	"	Princesza Africana	Anto. Jozé de Assumpção	Antonio Dionizio Furtado	Mar. 6, 1838	Portuguese	Omitted
May 8 "	"	Magdalena	Jozé Pereira	"	July 12, 1839	Portuguese	Inserted
May 12 "	"	Traga Milhas	F. de Sá Brandão	F. de Sá Brandão	Jan. 10, 1838	"	"
June 7 "	"	Nossa Senhora da Victoria	Ao. de Mello Artiga	Thimotio C. de Mello	Jan. 17, 1839	"	"
June 9 "	"	Ingemane	Rafael Jozé Alves	Ao. Dionizio Furtado	Dec. 28, 1837	Portuguese	Omitted
June 10 "	"	Maria	Pedro d'Aviz	Thimotio C. de Mello	Oct. 19, 1839	Portuguese	Inserted
June 23 "	"	Vibora de Cabo Verde	Anto. Joaquim de Faria	"	Nov. 10, 1838	"	"
June 28 "	"	Constituição	Alberto Militano Mideiros	Baltazar Pagol	Nov. 19 "	"	"
Aug. 2 "	"	Rozalia Habaneira	Joaquim Antonio	J. J. Claudio de Lima	Nov. 13, 1837	Portuguese	Omitted
Aug. 7 "	"	Ligeira	Manuel Martins	Pedro Carvalho	Aug. 15, 1839	Portuguese	Inserted
Nov. 20 "	"	Feliz	João Alberto de Mattos	J. J. Claudio de Lima	Mar. 12 "	Portuguese	Omitted
Jan. 31, 1838	"	Sirse	Miguel Avalha	J. A. de Mattos	Dec. 28, 1837	"	Inserted
Feb. 28 "	"	Paquete Feliz	Serafin Antonio Spenser	Franco. Cardozo de Mello	Aug. 8, 1838	Spanish	"
Mar. 21 "	"	Lavandeira	Ancieto Anto. dos Santos	Thimotio C. de Mello	Dec. 21 "	"	Omitted
April 3 "	"	Brlhante	Lucio Maria	Anto. Joaquim Carvalho	Oct. 26, 1839	Portuguese	Inserted
April 7 "	"	Victoria de Libertade	Franco. Garcia Machado	João Batista Fa. Santos	Aug. 8, 1838	Spanish	Omitted
June 25 "	"	"	Jozé Maria da Cunha	João dos Sanctos Pereira	Dec. 10, 1839	"	Inserted
"	"	"	"	Franco. G. Machado	Nov. 7 "	"	Omitted
"	"	"	"	J. Maria da Cunha	July 18 "	"	Inserted

No. 101.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, February 20, 1840.**(Received June 1.)*

MY LORD,

DURING the last and the present months we have received three letters from Mr. John Rendall, dated at Bonavista, Cape Verd Islands, by which we are informed that that gentleman has been appointed to succeed Mr. Egan as Her Majesty's Consul at the Cape Verds; and which convey to us Mr. Rendall's first observations on the state of those islands and the character of their Government, with reference to their connexion with Slave-trade, together with such information as he had been already enabled to collect, and as he judged might be useful to us, relative to the movements of different vessels trading to the Islands, and suspected of being concerned in the illicit traffic. Mr. Rendall concludes with recommending that one of Her Majesty's cruisers may be detached to the Cape Verds, and there stationed.

This recommendation, with the general contents of the letters, we had an early opportunity of communicating to the senior naval officers in the Bights and on this part of the station, which was afforded us by recent visits made by those officers in Her Majesty's ships under their command to this colony.

We have, &amp;c.

(Signed)

R. DOHERTY.

L. HOOK.

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

No. 102.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, February 24, 1840.**(Received June 1.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 19th of November last, acquainting us with the opinion entertained by Her Majesty's law officers, that no further proceedings could be successfully prosecuted in the case of the slave-schooner "*Flor de Loanda*;" and we are gratified in knowing that the law officers of the Crown thus entirely concur in the opinion in this case, which Her Majesty's Commissioners had the honour to submit to your Lordship in their despatch of the 27th of May last.

We have, &amp;c.

(Signed)

R. DOHERTY.

L. HOOK.

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

No. 103.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra de Leone, March 17, 1840.**(Received June 1.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatch of the 16th of December last, acquainting us that the sentence of restoration pronounced by the British and Portuguese Court of Mixed Commission on the

CLASS A.

11th of February, 1839, in the case of the schooner "*Aurelia Felix*" was correct, and we beg leave to thank your Lordship for this communication.

We have, &c.

(Signed)

L. DOHERTY.  
E. HOOK.

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

No. 104.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, December 31, 1839.*

(Received, June 25, 1840.)

MY LORD,

WE have the honour to enclose to your Lordship an abstract of the proceedings in the British and Portuguese Court of Mixed Commission during the past year.

During that period thirteen vessels were adjudicated, of which twelve were condemned, and one was restored.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

Enclosure in No. 104.

*Abstract of the Proceedings in the British and Portuguese Court of Mixed Commission during the Year 1839.*

*Sierra Leone, December 31, 1839.*

1. THE schooner "*Violante*," José Marcolino, master, was furnished with a Portuguese passport by Honorio Pereira Baretto, the Governor of Bissão, which was dated on the 20th October, 1838, and authorised a voyage to the Cape Verd Islands. It happened, however, that the "*Violante*," lately the American schooner "*Mary Anne Cassard*," only left Sierra Leone, under the American flag, on the 28th of November, 1838. The passport must therefore have been antedated by Governor Baretto, or he must have allowed the "*Violante*," after obtaining Portuguese papers, still to retain her American papers, and avail himself of her American character when it might be found useful. But, in either case, a violation of the law was committed when Baretto invested a vessel professedly of American construction with a Portuguese nationality.

The "*Violante*" was captured on the 28th of December, 1838, under the Portuguese flag, about 20 miles south of the Sherbro, with a full cargo of slaves on board, who had been embarked in that river on the previous day; and the capture was made by Lieutenant Arthur Kellett, commanding Her Majesty's brig "*Brisk*," the same officer who a few weeks before had seized and unsuccessfully prosecuted the same vessel, then called the "*Mary Anne Cassard*," and sailing under an American flag and pass.

The necessary proceedings having been adopted by the captor, the "*Violante*" was condemned on the 10th of January, 1839, and the slaves found on board of her, 191 in number, were emancipated from slavery, none having died in the interval between capture and adjudication.

Though prosecuted and condemned as a Portuguese vessel, the "*Violante's*" real character was evidently Spanish, the voyage having begun, and being intended to end, at Matanzas; and the whole of the crew, who were shipped at the same port, being, with the exception of the "captain of the flag," Spanish subjects.

2. The schooner "*Gertrudes*," João Antonio Foro, master, was, like the last vessel, provided with a Portuguese passport by Governor Baretto, of Bissão, and with an official muster-roll from the same place. Both papers were dated on the 16th of May, 1837, and had received no endorsement, although the vessel had made several voyages in the period between their date and her capture; and it is not to be supposed that the original crew had remained on board during the long intervening period.

It appeared, therefore, that the passport presented to the captor was not that under which the present voyage was undertaken. On a former voyage, as was proved by documents in the French language found on board, a cargo, shipped by Monsieur J. F. Dubourg, at Porto Rico, in the month of February, 1838, was consigned to a slave-merchant in the River Sherbro, from which river the vessel again returned to the West Indies. The voyage in which the "*Gertrudes*" was captured was one precisely of the same description: she was found, on the 28th of December, 1838, with a cargo of 168 slaves on board, shipped two days before in the same River Sherbro, and bound to Porto Rico, by Her Majesty's brigantine "*Bonetta*," Lieutenant John Luke Richard Stoll, commanding, who immediately detained her, and sent her into Sierra Leone for adjudication.

The prize arrived here on the 2nd of January, and on the 10th of the same month a sentence was passed, condemning the vessel and emancipating the slaves, none of whom died subsequently to capture.

3. The schooner "*Magdalena*," José Cardozo, master, was captured to the north of the line on the 17th of December, 1838, by Her Majesty's sloop "*Pelican*," Brunswick Popham, Esq., Commander, with 320 slaves on board, who had been embarked in the River Bras three days before, and were bound

for a market to the Island of Cuba. The bill of sale, executed at the Cape Verd Islands on the 5th of June, 1837, declared Francisco Cardozo de Mello to be the owner of the vessel, which was formerly (as it mentioned) the *Spanish* schooner "*Madelinita*;" and the passport granted by Governor-General Marinho stated that the "*Magdalena*" was of *American* build; either of which circumstances ought to have availed to prevent a Portuguese passport being granted to her. The "*Magdalena*" sailed on her last voyage from St. Jago de Cuba, where her crew were all shipped, and whither she was about to return when captured. The case was adjudicated on the 17th of January, 1839, when the vessel was condemned, and the surviving slaves, in number 302, were emancipated, 12 slaves having died prior to the arrival of the schooner at Sierra Leone, and 6 subsequently.

4. The schooner "*Aurelia Feliz*," Manoel de Jesus Silva, master. This was a case of restoration, with damages against the captor, Lieutenant Arthur Kellett, of Her Majesty's brig "*Brisk*." The vessel was sailing under a Portuguese passport, granted by Governor Baretto, of Bissão, which declared that Aurelia Correia, the mistress of the notorious Kyetan of Bulama, was the sole owner. The captor at first claimed the condemnation of the vessel on the ground that slaves had been on board of her in the particular voyage in which she was met with. His case, however, eventually rested on the presence of a slave-boy, called Domingo; but as it was satisfactorily proved that Domingo had long been in the possession of the captain; that he was not "shipped for the express purpose of the traffic," nor "put momentarily on shore" in order to escape observation, but was a *bonâ fide* "negro servant or sailor," belonging in that capacity "as a slave to a subject of the Crown of Portugal;" a sentence was pronounced on the 13th of February, which restored the "*Aurelia Feliz*," with damages, to her captain and claimant.

5. The schooner "*Labradora*," Victor de Barreda, master, was captured on the 31st of March, 1839, by Her Majesty's brig "*Saracen*," Lieutenant Henry Worsley Hill, commanding, and was condemned on the 13th of April, 1839, when the survivors of her slaves, 248 in number, were emancipated. The "*Labradora*" was sailing, at the time of her capture, under a passport granted at Bissão by the Governor Baretto on the 23rd of February, 1839, which authorized the vessel to make voyages between Senegal and Cape Palmas during twelve months from that date. A bill of sale, certified by the same Governor Baretto on the day previous to that on which the passport was obtained, shows that the schooner had been then sold by Kyetan, the ex-Governor of Bissão, to Antonio Gomes, who again, immediately after receiving possession of the vessel, chartered her to Baltazar Pujol, to convey to the Island of Cuba a cargo of 300 slaves, then lying ready for shipment in the Rio Pongas. This cargo had been prepared for the Spanish schooner "*Maria*," condemned a short time previously in the British and Spanish Mixed Court of Justice, and the embarkation of the whole number was nearly completed when the "*Labradora*" was unexpectedly visited by the boats of the "*Saracen*," and detained with 251 slaves, out of the 300 already on board. Barreda, the master, acknowledged himself to be a Spaniard, as was Pujol, the charterer of the vessel, and the owner, lader, and consignee of the slaves, who were also bound for sale to a Spanish port.

6. The schooner "*Passos*," commanded by João Antonio Rodriguez, was one of the numerous vessels employed in carrying slaves between the mainland and the Island of Princes; where her owner, Manoel Jozé Ferreira de Barros, resided. She sailed under a Portuguese passport granted at Prince's Island on the 18th of February, 1839, although the schooner could not legally obtain Portuguese nationality, as she was built at Bahia. She cleared out on the 23rd of the same month for the River Calabar, and there embarked a cargo of slaves, 87 of whom were found on board when the vessel was detained on the 8th of April, 1839, off Prince's Island, by Her Majesty's sloop "*Wolverine*," William Tucker, Esq., commander. The "*Passos*," having been found on a survey totally unseaworthy, and unfit to attempt the voyage to Sierra Leone, was taken out to sea by the captor, and destroyed by burning, the stores and slaves having previously been removed on board Her Majesty's brigantine "*Dolphin*," which arrived with them at Sierra Leone on the 3rd of May, 1830. A prosecution was commenced on the following day, and ended on the 11th of the same month, when the "*Passos*" was declared to have been justly detained, and the survivors of her slaves, 81 in number, were emancipated, 6 of the original cargo having died between the dates of capture and adjudication.

7. The schooner "*Liberal*," Manoel Jozé Pereira de Cunha, master, was captured on the 14th of April, 1839, in the Bissão Channel, by Her Majesty's brig "*Brisk*," Lieutenant Arthur Kellett, commanding, with 41 slaves on board, who had been embarked at Bissão, and were bound to Villa da Praia at the Cape Verd Islands. The "*Liberal*" arrived at Sierra Leone on the 22nd of the same month, and a prosecution was instituted against her two days afterwards, the result of which was, the condemnation of the vessel and her stores, and the emancipation of the 40 surviving slaves, one having died between capture and adjudication. Of the 41 slaves found on board the "*Liberal*," bonds and certificates, as required by the Portuguese decree of the 10th of December, 1836, were produced for 38 slaves; but the other three slaves, who had been shipped by and on account of Baretto the Governor, were altogether unprovided with official documents. This circumstance alone would therefore have led to the condemnation of the vessel; but it was further discovered that, of the 38 negroes for whom bonds and certificates had been taken, 14 belonged to Frederico, the Government Secretary, and Chief of the Custom-house at Bissão, and that none of the remainder were shipped in accordance with the provisions of the Slave Trade treaties between Great Britain and Portugal. These discoveries led to the emancipation of the whole of the negroes on board the "*Liberal*." The vessel was sailing under a pass granted by Governor-General Marinho, of the Cape Verd Islands, which named Jozé Manoel de Roza, of the same Islands, as the owner.

8. The schooner "*Casualidade*," Joaquim Antonio, master. This vessel was furnished with a Portuguese passport by Governor Baretto, dated at Bissão on the 9th of June, 1837, which declared Antonio Jozé de Brito to be owner; and a bill of sale made on the day before, and registered on the day after the passport was obtained, declared that the schooner had been sold by Kyetan to Brito, the fictitious owner. The real proprietors were French merchants, resident at Porto Rico, who employed their vessel in transferring slaves to that island from the River Sherbro, and she was bound in a similar manner to Porto Rico when captured on the 6th of July, 1839, with 88 slaves on board, who had been embarked on the same day in the River Sherbro. The captor, Lieutenant Holland, of Her Majesty's brigantine "*Dolphin*," then prosecuted his prize, which was condemned on the 16th of the same month of July, and the whole of the slaves were at the same time emancipated. The original national character of the owners of the "*Casualidade*" was French; their residence, however, at

Porto Rico, and the course of trade in which the schooner was engaged, pointed her out as more properly a Spanish vessel.

9. The schooner "*Pomba d'Africa*," commanded by Jorge Pires da Franca e Almeida, and owned by Donna Francisca de Lima, a resident of Prince's, received a passport from the Government of that island on the 26th of April, 1839, and sailed to the River Calabar for a cargo of slaves. This cargo was quickly obtained, and the vessel was on her return to Prince's Island, when fallen in with by Her Majesty's schooner "*Fair Rosamond*," Lieutenant William Brown Oliver, Commanding, with 155 slaves on board. The prize was then sent up to Sierra Leone, where she was condemned on the 12th of August, 1839, and the survivors of the slaves, 120 in number, were emancipated, 35 having died subsequently to the capture, which took place on the 26th of June, 1839.

10. The case of the sloop "*Sedo ou Tarde*," Luiz Antonio, master, resembles that of her consort, the last-named vessel, "*Pomba d'Africa*," in every respect. Both were owned by the same lady; both received their passports from the same authorities, at the same place, on the same day; both embarked their slaves at Calabar, and were returning to Prince's Island; both were captured by the same officer, and were condemned at the same time, on which occasion 21 out of the 23 slaves found on board the "*Sedo ou Tarde*" were emancipated, two of the number having died in the interval which had elapsed since capture. The vessel, being too small to attempt the voyage to Sierra Leone, was sold at Fernando Po by the captor, and the slaves were brought up to Sierra Leone in Her Majesty's schooner "*Fair Rosamond*."

11. The schooner "*Rozalia Habaneira*," Manoel Martins, master, formerly the American schooner "*Fanny Butler*," received a Portuguese passport from Governor-General Marinho, of the Cape Verd Islands, on the 2nd of August, 1837. Nothing from that time was known of her proceedings, until she was captured off Cuba, on the 13th of July, 1838, by Her Majesty's sloop "*Sappho*," Thomas Fraser, Esq., Commander. The schooner, being very leaky, was taken by the captor to Honduras, where the slaves at that time on board, in number 223, were landed, and placed in the charge of Her Majesty's Superintendent, and the vessel was then despatched, after receiving some trifling repair, to the Island of Jamaica. 305 slaves had been embarked at New Sestos on this coast, of whom 82 had died before the vessel was fallen in with by the "*Sappho*." When the case was brought forward for adjudication in the month of March, 1839, no difficulty was found in pronouncing a decree of emancipation in favour of the 223 slaves, for whom a receipt had been given by the authorities at Honduras; but the Court was compelled to defer a sentence of condemnation against the vessel itself, until some evidence was produced to show whether it was in existence, and where it was situated. This information was at length supplied a short time since, and on the 10th instant the vessel, which was found to have been laid up in the dockyard of Port Royal, Jamaica, was formally condemned, and a commission has since been issued for the sale of the hull and the stores in their present position.

12. The schooner "*Andorinha*" was owned and commanded by Christovão Xavier Vellozo, of Prince's Island, formerly master of the schooner "*Apta*," condemned in 1834. The vessel was furnished with a Prince's Island passport, dated on the 7th of August, 1839, and she was on her return to the same island when she was detained by her Majesty's brig "*Nautilus*," Lieutenant George Beaufoy, Commanding, in 13' north latitude, having on board a cargo of dye-woods, and several slaves, embarked at Cape Lopez and in the River Gaboon. The "*Andorinha*" was defended on the ground that the three slave-children, on account of whom the claim for condemnation of the vessel was eventually urged, belonged, as domestic servants, to a passenger on board, named Francisco d'Alva Brandão, who had a passport to carry with him *five* domestics. But the claimant altogether failed in proving that the three boys brought to this colony were either the personal attendants of Brandão, or acted as "negro servants or sailors" on board. Indeed, it was clear that they were purchased and shipped in the River Gaboon, and could not possibly have been shipped as domestics in accordance with the Portuguese treaty. A sentence was accordingly passed on the 24th instant, condemning the "*Andorinha*," and emancipating the three boys, who alone, of the slaves found in the vessel, were placed within the jurisdiction of the Court.

13. The launch "*Vencedora*," Thomé Ferreira Netto, master, was captured by the same officer, and almost under the same circumstances, as the last vessel (the "*Andorinha*"), in 15' north latitude, on the 4th of October, 1839. She was owned at the Portuguese Island of St. Thomas, whither she was returning from a trip to the Coast, when she was detained with a cargo of slaves on board, who had been shipped at Cape Lopez. The launch, having been found on survey totally unseaworthy, and quite inadequate from her size to make the voyage to Sierra Leone, was left by the captor at Prince's Island, in charge of a proper person; and the slaves were sent up to this place, partly on board the "*Andorinha*," already mentioned, and the remainder in the Brazilian brig "*Destimeda*," a prize to Her Majesty's brigantine "*Lynx*." The evidence as to the number of slaves on board the prize at the time of capture was very imperfect, but it was proved that three of that number had died, and that 50 slaves were surviving. Accordingly when the case was brought to trial on the 24th instant, a decree was passed emancipating the 50 survivors, and condemning the "*Vencedora*" as good and lawful prize.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

No. 105.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, May 12, 1840.**(Received July 18.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 17th May last, respecting certain papers stated to have been furnished to the owners of vessels about to be engaged in the Slave Trade by Mr. Trist, the United States Consul at Havana, who was lately acting as Portuguese Consul in that city.

In compliance with your Lordship's directions we transmit herewith the two documents, alluded to by Her Majesty's Commissioners in the report of the case of the Portuguese vessel "*Constituição*," on the 20th October, 1838; and which are the muster-roll and a custom-house certificate of the lawful objects with which an extraordinary number of water-casks, a boiler of large dimensions, and plank, had been embarked in that vessel. The former of these documents has been authenticated by Mr. Trist's certificate, dated the day previous to that on which the muster-roll itself bears date; whilst a similar paper from Mr. Trist respecting the custom-house certificate, is wanting that gentleman's signature, though having his seal of office.

With respect to the blank forms bearing the signature of Mr. Trist, stated by Lieutenant Oliver, the captor of the above-mentioned "*Constituição*," to have been found at the time of her seizure in the desk of a Spanish passenger, who represented himself to be the owner of that vessel and her cargo, we beg leave to state that we have not been able to discover any papers exactly answering the description in question among those lodged in the archives of the Court.

In the papers of the "*Constituição*" we found the enclosed certificate for three sailors, said to have been disembarked from that vessel at Havana, in each of which the description of the man named has been omitted by Mr. Trist, and the space for this purpose left open. In handing these certificates to your Lordship, we would beg to draw attention to the fact of the names of two only of the three seamen stated to have been landed from the "*Constituição*" being mentioned in the muster-roll (Enclosure No. 1), although Mr. Trist granted the certificates in question on the day subsequent to that on which he had authenticated the muster-roll.

Should the certificates now transmitted to your Lordship not be the papers mentioned by Lieutenant Oliver in his report to Admiral Elliot, and alluded to in your Lordship's Despatch to Mr. Fox of the 22nd February, 1839, they cannot have been delivered into the Court, as they should have been, when the "*Constituição*" was presented for adjudication.

We shall take the earliest opportunity of communicating to the senior naval officer on this station your Lordship's wishes in respect to the blank forms mentioned by Lieutenant Oliver; so that in the event of those forms being in the possession of Lieutenant Oliver or the naval commander-in-chief, they may be at once transmitted to England for your Lordship's information.

We have, &amp;c.

(Signed)

R. DOHERTY.  
WALTER W. LEWIS.*The Right Hon. Viscount Palmerston, G.C.B.,*

&amp;c.

&amp;c.

&amp;c.



## First Enclosure in No. 105.

*Matricula e Rol da Eguipagem da Escuna Portuguesa denominada "Constituição" de que he Mestre Eduardo Roberto, a qual segue viagem para São Paulo de Loanda, com a Tripulação abaixo mencionada. A. Saber.*

Empregos.	Nomez.	Annoz d Edade.	Naturalidade.	Estado.
Capitaõ . . .	Eduardo Roberto . . .	24	Lisboa . . . . .	Solteiro.
Piloto . . .	Diogo Lopez . . . . .	28	Cartagena . . . . .	Ditto.
Qo. ditto . . .	Ramão Quirso . . . . .	26	Cadiz . . . . .	Ditto.
Contramestre . . .	Jozé Pinedo . . . . .	28	Manilla . . . . .	Canado.
Carpinteiro . . .	João São Martim . . . . .	30	Cartagena d'Indias . . . . .	Ditto.
Dispenseiro . . .	Jozé Donorena . . . . .	29	Ditto . . . . .	Solteiro.
Cuzinheiro . . .	Miguel Marguedal . . . . .	28	Ditto . . . . .	Ditto.
Marinheiros . . .	Francisco de Goio . . . . .	26	Portugal . . . . .	Ditto.
Ditto . . .	Vicente Planely . . . . .	24	Ditto . . . . .	Ditto.
Ditto . . .	Antonio Silva . . . . .	26	Figueira . . . . .	Ditto.
Ditto . . .	Antonio Presto . . . . .	26	Porto . . . . .	Ditto.
Ditto . . .	Francisco do Rey . . . . .	30	Ditto . . . . .	Ditto.
Ditto . . .	Modesto Antonio . . . . .	24	Madeira . . . . .	Ditto.
Ditto . . .	Pedro Simão . . . . .	28	Ilha Terceira . . . . .	Ditto.
Ditto . . .	João Baptista . . . . .	34	Ilha do Maio . . . . .	Ditto.
Ditto . . .	Zeferino Fernandez . . . . .	25	Porto . . . . .	Canado.
Ditto . . .	João Company . . . . .	30	Ditto . . . . .	Ditto.
Ditto . . .	Ignacio Laiolla . . . . .	28	Lisboa . . . . .	Solteiro.
Moças . . .	Ensebio Perez . . . . .	24	Porto . . . . .	Ditto.
Ditto . . .	Miguel Martorany . . . . .	24	Lisboa . . . . .	Ditto.
Ditto . . .	Jozé Maria Martinez . . . . .	24	Ilha do Faiar . . . . .	Ditto.
Ditto . . .	Joaquim Gomez . . . . .	23	Ditto . . . . .	Ditto.
Ditto . . .	Alexandre do Rozain . . . . .	24	Manilla . . . . .	Ditto.
Page . . .	Garsthano Padrão . . . . .	15	Ditto . . . . .	Ditto.

## Armamento.

Doze Espingardaz, doze Fracados, Huma colica-duas gorronadaz, e seis esmeris.

## O Capitaõ.

Havanna, de Junho de 1838.

(Signed) EDUARDO ROBERTO.

A true copy.

(Signed) J. MILLER, Act. Reg.

(Copy.)—Consulate of the United States of Havana.

I, Nicholas P. Trist, Consul of the United States, do hereby certify, That on the day of the date hereof, before me personally appeared Don Eduardo Roberto, master of the Portuguese schooner "*Constituição*," and declared the document hereunto annexed to be a true and faithful list of the crew (consisting of 24 men, all told) and armament of said vessel; which declaration is received and certified to by me, because of there not being here at this time any consul or consular agent of Portugal to do such acts for vessels of that nation.

In testimony whereof I hereunto set my hand, and affix my seal of office, at Havana, this seventh day of June, in the year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the United States the sixty-second.

(Signed) N. P. TRIST.

A true copy.

(Signed) J. MILLER, Act. Reg.

(Copy.)—Consulate of the United States of Havana.

I, Nicholas P. Trist, Consul of the United States, do hereby certify, That Don T. Estivez, merchant of this city, has declared to me, that being thereunto authorized and empowered by Don Luiz Carvalho, owner of the Portuguese schooner "*Constituição*," he has appointed Eduardo Roberto as master thereof, in the place of Antonio Joaquim, late master; which declaration is received and certified to by me in consequence of there not being here at this time any consul or consular agent of Portugal to do such acts for vessels of that nation.

In testimony whereof I hereunto set my hand and affix my seal of office at Havana, this seventh day of June, in the year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the United States the sixty-second.

(Signed) N. P. TRIST.

A true copy.

(Signed) J. MILLER, Act. Reg.

Sierra Leone, May 12, 1840.

## Second Enclosure in No. 105.

L. S.

*D. Tomas Rodriguez de Yurre y Echavarrí Contador de Exercito honor, y präl, de la Aduana de este puerto por S. M.*

Certifico: Que en el registro de la Goleta Portuguesa "*Constituição*," a cierto con destino á San Pablo de Loando al cargo de su Capn. D. Eduardo Roberto existe una poliza con el No. 4, corrida por el propio Capn. cuyo tenor es el siguiente. Ocho bowyes di cuatro pipas. Diez y deis iden de tres. Doce de sesenta y de cien galonez para la aguada y conduçion de accite de palma al regreso. Vn mil deiscientos pier de tablas. Frescientos Lesentag ocho pier de alfardas todo para formar barraca. Vun caldero grande pa. clarificar accite. Y álos efectos consig. doy la presente en en virtud de decreto del Sör Admor. gräl del did de hoy en la Habäna á nueve de Junio de mil Ochocientos treinta y ocho.

(Signed) TOMAS DE YURRE.

A true copy.

(Signed) J. MILLER, Act. Reg.

Sierra Leone, May 12, 1849.

(Copy.)—*Consulate of the United States, Havana.*

I, Nicholas P. Trist, Consul of the United States, do hereby certify, That the signature to the document hereunto annexed is in the handwriting of Don Tomas de Yurre, contador of the royal customs of this place, to whose acts as such full faith and credit are due.

In testimony whereof I hereunto set my hand, and affix my seal of office, at Havana, this eighth day of June, in the year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the United States the sixty-second.

A true copy,

(Signed) J. MILLER, Act. Reg.

Sierra Leone, May 12, 1840.

## Third Enclosure in No. 105.

*Consulado de los Estados Unidos de America.**Filiacion.*

Cuerpo.  
Carnes.  
Cabello.  
Ojos.  
Cara.  
Color.  
Boca.  
Barba.  
Nariz.  
Edad.

El marinero *Jozé Maria Martinez* que pertenecia a la *Goleta Portuguesa Constituição* ha sido desembarcado legalmente de dicho buque, y está ahora al cargo de este Consulado.

Habana, 8 de Junio de 1838.

(Signed) N. P. TRIST.

Señales particulares.

No. 65.

A true copy.

(Signed) J. MILLER, Act. Reg.

Sierra Leone, May 12, 1840.

The words *not in italics* were printed in the original certificate.

## Fourth Enclosure in No. 105.

*Consulado de los Estados Unidos de America.**Filiacion.*

Cuerpo.  
Carnes.  
Cabello.  
Ojos.  
Cara.  
Color.  
Boca.  
Barba.  
Nariz.  
Edad.

El marinero *Eusebio Perez* que pertenecia a la *Goleta Portuguesa Constituição* ha sido desembarcado legalmente de dicho buque, y está ahora al cargo de este Consulado.

Habana, 8 de Junio de 1838.

(Signed) N. P. TRIST.

Señates particulares.

No. 66.

A true copy.

(Signed) J. MILLER, Act. Reg.

Sierra Leone, May 12, 1840.

The words *not in italics* were printed in the original certificate.

Fifth Enclosure in No. 105.

*Consulado de los Estados Unidos de America.*

<p><i>Filiacion.</i></p> <p>Cuerpo. Carnes. Cabello. Ojos. Cara. Color. Boca. Barba. Nariz. Edad.</p> <p>Señales particulares.</p>	<p>El marinero <i>Miguel Maristany</i>, que pertenecia al a <i>Goleta Portuguesa Constitução</i> ha sido desembarcado legalmente de dicho buque, y está ahora al cargo de este Consulado.</p> <p>Habana, 8 de <i>Junio</i> de 1838.</p> <p style="text-align: right;">(Signed) N. P. TRIST</p> <p>No. 62.</p>
--	---

Sierra Leone, May 12, 1840.

A true copy.  
(Signed) J. MILLER, Act. Reg.

The words *not in italics* were printed in the original certificate.

No. 106.

*Her Majesty's Commissioners to Viscount Palmerston.*

Sierra Leone, May 28, 1840.

(Received September 17.)

MY LORD,

THE Portuguese schooner "*Olimpa*," one of the vessels regularly engaged for some time past in the Slave Trade of Cuba, as appears by the lists from Her Majesty's Commissioners at Havana, was seized on the 18th ultimo in the Bight of Benin, with 380 slaves on board, by Her Majesty's brigantine "*Lynx*," and sent here for trial.

On the 26th instant the "*Olimpa*" was condemned; and 370 slaves, being the survivors on that day of the number seized in her, were decreed to be emancipated from slavery.

Our report of this case we have the honour now to lay before your Lordship, and in so doing we beg leave to draw your Lordship's particular attention to the fact of this vessel having quitted Havana in every way prepared for the reception of a human cargo so that not a moment might be lost on reaching Lagos, in embarking her slaves, and starting on the return voyage to Cuba. By this mode of proceeding it is hoped by those concerned, and we fear with good reason, that many captures may be avoided, as the vessels which are to carry off slaves will only be a few hours on the coast. At this moment there is the Portuguese schooner "*Josephina*" awaiting adjudication by the Vice-Admiralty Court of this colony, which had cleared out from Havana under exactly similar circumstances to those we have described in respect to the "*Olimpa*."

The "*Josephina*" was captured at sea, and before she had had any communication with the land after quitting Havana; the question, therefore, of her having left that port illegally equipped, as she was found when seized, would seem to be beyond all doubt.

The proceedings of these two Portuguese schooners, engaged in the Spanish Slave Trade, offer clear evidence of either the negligence or connivance of the custom-house authorities of Havana, as regards Slave Trade adventures.

Such facilities as these in the principal port of Cuba for carrying on the Spanish Slave Trade, naturally gives confidence to those engaged in it, who will not believe but that the Spanish Government are at least indifferent to the due execution of the Treaty with Great Britain for the suppression of this traffic;

and accordingly capital is never wanting in Cuba for adventures offering such large returns as successful slaving voyages.

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

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

Enclosure in No. 106.

*Report of the case of the Portuguese Schooner "Olimpa," Jozé Pereira, master.*

*Sierra Leone, May 28, 1840.*

At the time of the detention of this vessel, the following papers were found on board of her :

A Passport,  
A Muster-roll, and  
A Log book ;

from which it appeared that the schooner, which was of American build, had received a Portuguese pass at the Cape Verd Islands on the 29th December, 1835, she being then the property of Luiz Pereira de Mello, and under the command of Antonio de Silva. Of the vessel's proceedings subsequent to that time, nothing further could be learned from the papers than that she was fitted out at Havana in February, 1840, for the voyage in which she was detained, when de Silva, the original master, was superseded by Jozé Pereira, who cleared out the schooner ostensibly for a voyage to the island of St. Thomas, on this coast, but really for Lagos, to which port she went direct, as appeared by the log-book, on her sailing from Havana.

The change of masters was certified, and the muster-roll authenticated by the Tuscan Consul, Mr. Pasqual Pluma, who now officiates as consul for Portugal at Havana.

The "*Olimpa*" would appear to have left Havana without any cargo, and fully equipped to receive on board her supply of negroes the moment she arrived at Lagos, as her log-book shows she was not one day at that anchorage before she sailed again with 380 slaves on the return voyage to Havana.

This vessel, however, was fortunately intercepted a few days after by one of Her Majesty's cruisers, and sent to this colony for adjudication, where she arrived in the evening of the 17th May; and, on the following morning, was visited and reported upon by both the marshal and surgeon to the Courts.

The surgeon's report stated there were 37 cases of illness among the slaves which required hospital treatment, and recommended that the individuals alluded to should be disembarked at the lazaretto at Kissy, and the remainder of the negroes at Freetown, which was accordingly done that evening.

On the same day, the 18th instant, the prosecution of this vessel was opened in the usual form, when the schooner's papers, duly authenticated, were filed in the British and Portuguese Mixed Court, the monition issued, and witnesses ordered for examination.

The declaration of Lieutenant Henry Broadhead, commanding Her Majesty's brigantine "*Lynx*," stated that, on the 18th of April, 1840, being in latitude 5° 0' north, and longitude 2° 30' east, he had fallen in with and detained the Portuguese schooner "*Olimpa*" for having on board 380 slaves embarked at Lagos, and destined for Havana.

On the 19th instant the registrar examined Feliz Marengo, the mate, and Manuel Torcaya, the boatswain of this vessel, on the standing interrogatories; in reply to which the mate deposed, that "the name of the master is Josef Pereyra; has known him during four or five months; has heard that he was born in Portugal, but does not know where he lives, or if he be married; he thinks the master appointed himself to the command; does not know when he took possession, but he did so at Havana; first saw the vessel at Havana in the month of February last; does not know her build; he was present at the capture which took place, because the vessel carried slaves; the vessel sailed under Portuguese colours, and there were no others on board; she is of 79 or 89 tons burthen, does not exactly recollect which; there were 25 officers and mariners, exclusive of the master, the majority Portuguese and the remainder Spaniards, all hired and shipped at Havana previous to the 14th of February last, witness does not know by whom; he thinks the master was the owner both of vessel and cargo, but neither he himself nor any of the crew had any interest in either; was mate on board; there was one passenger, Francisco Gallard, a Spaniard, and a seaman and trader, taken on board at Havana when the vessel sailed from that place, and destined to Prince's Island, witness does not know on what business; he had no interest or authority in or over the vessel or her cargo; the voyage began and was to end at Havana, which was the last clearing port; the vessel touched at Lagos for slaves, who were shipped there accordingly. On the 19th of the month ultimo, three days after sailing from Lagos with this cargo, the capturing ship was first seen at ten o'clock at night; chase took place immediately, and capture after three hours; the vessel was steering for Cuba at the time; the course was not altered because that was not necessary, but all sail was made that the vessel would carry. The vessel's course from Havana, as prescribed by the papers, had been Prince's Island, and had been deviated from in going to Lagos for the purpose of procuring the slaves; no guns are mounted on board, but there were 18 cutlasses, 18 muskets, 3 pairs of pistols, and 50 pounds of ammunition; does not know why the vessel was so armed; no resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for destroying or concealing the vessel's papers. There was no outward cargo, and the sole lader and owner of the slaves was the master, for whose risk and benefit they were to be delivered at Havana, but witness does not know to whom they were to be there consigned. The number of slaves taken on board was 380, but witness cannot describe them with reference to sex and age; they were all taken on board at Lagos, and all from the shore; none died previous to capture, but some have died since. The passports and other papers were all entirely true and fair, and none of the papers were destroyed, concealed, or made away with. There was no charter-party; he does not know if the vessel or goods are insured."

The evidence of the boatswain was quite confirmatory of that given by the mate.

CLASS A.

With the affidavit of the prize-officer, proving that one child had been born, and ten deaths had taken place amongst the slaves of this vessel during the time they were under his charge, the proceedings in this case was closed, and publication passed.

The motion issued on the 18th, was returned into Court on the 25th instant, and the following day was appointed for the adjudication of this vessel, when a sentence of condemnation was recorded against her, and the survivors of her slaves on that day, in number 370, were decreed to be emancipated.

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

No. 107.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, June 22, 1840.*

(*Received September 28.*)

MY LORD,

WE have the honour to inform your Lordship that we received, on the 15th instant, four communications, bearing date as per margin,\* from Her Majesty's Consul at the Cape Verd Islands, on the subject of the Slave Trade.

Immediately on receiving these letters from Mr. Randall, we addressed the officer in command of the small squadron stationed at this part of the coast, acquainting him with the apparently well-founded impression of Mr. Consul Randall, that the two government vessels belonging to the Cape Verd Island were aiding in carrying on the illegal Slave Trade between those islands and the Portuguese settlements of Bissão and Cachêo.

We also represented to the naval commanding officer the practices which Mr. Randall particularised, of Slave-vessels destined for this part of the coast touching at the Cape Verds on their way out to obtain information respecting the movements of the squadron, and the best measures for carrying on their objects; their making a rendezvous of the islands whilst their cargoes are collecting on the coast, and the shipment of salt to cover up and hide the water-casks, and ultimately to serve in lieu of the regular slave-deck, by having mats placed on it for the negroes to sleep upon; together with such other information as we considered might be useful on the occasion.

The conveyance of slaves in vessels of war does not appear to be confined to those bearing the pennant of Portugal; as we have just been informed that the French man-of-war "*La Fine*," one of the convoy of the contractor with the government of Senegal for negroes to convert into soldiers (alluded to in our Despatch of the 2nd instant), had actually conveyed a part of the said negroes from the place of their purchase, Bissão, to the French settlement of St. Louis.

We have, &c.

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

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

\* March 17, 1840. April 20. April 22.

No. 108.

*Her Majesty's Commissioners to Mr. Backhouse.*

*Sierra Leone, June 30, 1840.*

(*Received* .)

SIR,

IN pursuance of the 75th Clause of an Act passed in the fifth year of the reign of his late Majesty King George the Fourth, entitled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit enclosed a return of all cases of vessels adjudicated in the British and Portuguese Court of Mixed Commission at Sierra Leone, in the period from the 1st of January to the 30th of June, 1840.

We have, &c.

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

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

## Enclosure in No. 108.

*Return of Vessels adjudicated by the British and Portuguese Court of Mixed Commission established at Sierra Leone, between the 1st January and the 30th June 1840.*

NAME OF VESSEL.	COLOURS.	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.								
Olimpa .	Portuguese	Jose Pereira	1840 Apr. 18	5° N.	2° 30' E.	Schooner and 380 Slaves.	Henry Broadhead, Esq. H.B.M. brigantine " Lynx."	1840 May 26	380	10	*370	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.

\* Two men died after emancipation, but before their descriptions could be taken to be registered.

*Sierra Leone, 30th June 1840.*

(Signed)

R. DOHERTY.  
WALTER W. LEWIS.

(Signed)

J. MILLER, Acting Registrar.

No. 109.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, August 3, 1840.**(Received November 11.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 22nd of May last, enclosing copy of a note addressed to your Lordship by her most faithful Majesty's Minister at London, respecting slave-vessels under the Portuguese flag, and desiring us to transmit to your Lordship the original or certified copies of all documents which have come before us, as the papers of Portuguese vessels detained by Her Majesty's cruisers on a charge of Slave Trade; and especially either the original or certified copies of such portion of those documents as consist of papers furnished by Portuguese Consuls, or other Portuguese authorities.

In reply we have to state to your Lordship, that the papers desired are in the course of preparation for transmission, and will be shortly completed, when we shall have the honour of handing them to your Lordship.

We have, &amp;c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

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

&amp;c.

&amp;c.

&amp;c.

No. 110.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, September 10, 1840.**(Received November 12.)*

MY LORD,

ON the 3rd ultimo we had the honour of acknowledging the receipt of your Lordship's Despatch of the 22nd of May last, in which your Lordship communicated to us the contents of the note of the Portuguese Minister at London, dated 8th of May last, on the subject of the Slave Trade, and in which your Lordship desired to be furnished with the papers of those slave-vessels under the Portuguese flag which had been adjudicated in the Mixed Court at this place. In compliance with your Lordship's wishes we now transmit the ships' papers of the 26 Portuguese vessels hereunder named, each set of which papers are attached to a certificate, under the seal of the Mixed Commissions, setting forth the particulars of the seizure of the vessel mentioned, and of her condemnation: the brig "*Paquete de Cabo Verde*," brigantine "*Temerario*," schooner "*Josephina*," schooner "*Latona*," schooner "*Carlota*," schooner "*Lafayette*," schooner "*Cobra de Africa*," schooner "*Flor de Tejo*," schooner "*Providencia*," brig "*Amelia*," schooner "*Vibora de Cabo Verde*," brig "*Don Francisco*," schooner "*Florida*," brigantine "*Felicidade*," schooner "*Ligeira*," brigantine "*Deixa Falar*," brig "*Gratidão*," brigantine "*Arrogante*," brig "*Felicidades*," brig "*Veloz*," schooner "*Dous Irmaos*," brig "*Camoens*," schooner "*Prova*," schooner "*Dolcinea*," brig "*Liberat*," brig "*Emprendedor*."

The whole of the above-mentioned vessels were adjudicated during the years 1837 and 1838.

From the note of the Portuguese Minister to your Lordship on this subject it would appear, that the measures which are proposed by the Portuguese Government to be pursued against parties engaged in the Slave Trade under the flag of Portugal, are to be founded on the Decree of Her Most Faithful Majesty respecting that trade of the 10th December, 1836, and we therefore did not consider it necessary to forward any of the papers of Portuguese vessels which had come before us previous to the year 1837. We have refrained from sending at present any of the papers of vessels, seized under the Portuguese flag and pass, which have been condemned during the period in question in the British and Spanish Mixed Court, as the property and adventure of Spaniards, or of resident merchants in the Spanish possessions.

The papers now forwarded are of vessels, respecting the national character of which, or of the illegality of their employment, no question can be raised. They have all been seized with cargoes of slaves (with the exception of the brig "*Veloz*," captured for having had slaves on board), whilst sailing under the flag and pass of Portugal, and have been condemned in the British and Portuguese Court of Mixed Commission.

There were nine other cases, equally as clear as those alluded to, adjudicated by the British and Portuguese Court, during the years 1837 and 1838, the papers of which have not been forwarded, owing to the passports of the vessels having been handed over to Her Majesty's Consul at the Cape Verd Islands, under the circumstances stated to your Lordship in the Despatch of the 31st of December, 1839.

The papers of Portuguese vessels condemned here since the year 1838, for having been found with slaves actually on board, are now in preparation for transmission, and will be forwarded to your Lordship by the first favourable opportunity after their completion. We did not think it advisable to delay sending the enclosed papers to your Lordship until the whole of these documents could be transmitted; thinking that, as they are all original papers, their division and conveyance by separate vessels afforded the most safe mode of transmission; and being aware that some weeks must elapse before the cases for the years 1839 and 1840 can be sent.

We have, &c.,

(Signed)

R. DOHERTY.  
WALTER W. LEWIS.

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

---

First Enclosure in No. 110.

(*Certificates attached to Papers.*)

THESE are to certify that the Portuguese brig "*Paquete de Cabo Verde*," whereof Bartolomeo Robello was master, having, on the 11th day of January, 1837, been detained in lat. 4° 13' north, and long. 7° 7' east, with slaves actually on board of her, by His Britannic Majesty's sloop of war "*Scout*," Robert Craigie, Esq., commander, was, on the 2nd day of March following, condemned as prize to the Crowns of Great Britain and Portugal, and the survivors of her slaves, 452 in number, emancipated from slavery, in the British and Portuguese Court of Mixed Commission established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached—to wit, the passport, the muster-roll, the list of passengers, and the bill of sale of the said brig—are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L. S.]

(Signed) J. MILLER, *Acting Registrar.*

---

Second Enclosure in No. 110.

THESE are to certify that the Portuguese brigantine "*Temerario*," whereof Camillo Urbano de Fonceca was master, having, on the 20th day of January, 1837, been detained in latitude 4° 24' north, and longitude 7° 8' east, with slaves actually on board of her, by His Britannic Majesty's brig-of-war "*Bonetta*," Henry P. Deschamps, Esq., lieutenant and commander, was on the 2nd day of March following condemned as prize to the crowns of Great Britain and Portugal, and the survivors of her slaves, 236 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit:—

The Passport,  
The Muster-roll, and  
The Clearance

of the said brigantine, are papers which were found on board of her at the time of her said detention; and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L.S.]

(Signed) J. MILLER, *Acting Registrar.*

---



## Third Enclosure in No. 110.

THESE are to certify that the Portuguese schooner "*Josefina*," whereof Miguel Angel Montano was master, having on the 10th day of February, 1837, been detained in latitude 5° 39' north, and longitude 2° 45' east, with slaves actually on board of her, by His Britannic Majesty's sloop-of-war "*Columbine*," Thomas Henderson, Esq., commander, was on the 17th day of March following, condemned as prize to the Crowns of Great Britain and Portugal, and the survivors of her slaves, 346 in number, emancipated from slavery, in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit, the Passport and the Muster-roll of the said schooner are papers which were found on board of her at the time of her said detention; and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L.S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Fourth Enclosure in No. 110.

THESE are to certify that the Portuguese schooner "*Latona*," whereof José Gervaziz de Carvalho was master, having on the 4th day of February, 1837, been detained in latitude 5° 28' east, with slaves actually on board of her, by His Britannic Majesty's sloop-of-war "*Columbine*," Thomas Henderson, Esq., Commander, was on the 17th day of March following, condemned as prize to the Crowns of Great Britain and Portugal; and the survivors of her slaves, 320 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit, the Passport, the Muster-roll, and the Harbour-pass of the said schooner are papers which were found on board of her at the time of her said detention; and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the Passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L.S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Fifth Enclosure in No. 110.

THESE are to certify that the Portuguese schooner "*Carlota*," whereof Miguel Paulo was master, having on the 1st day of December, 1836, been detained in latitude 19° 43' north, and longitude 78° 37' west, with slaves actually on board of her, by His Britannic Majesty's sloop-of-war "*Champion*," Robert Fair, Esq., commander, was on the 2nd day of May following, condemned as prize to the Crowns of Great Britain and Portugal; and the survivors of her slaves, 203 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit:—

The Custom-house Pass,  
The Passport,  
The Muster-roll, and  
The List of Slaves

of the said schooner are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L.S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Sixth Enclosure in No. 110.

THESE are to certify that the Portuguese schooner "*Lafayette*," whereof Mansel Antonio Rodrigues Nogueira was master, having on the 11th day of May, 1837, been detained in latitude 6° 8' north, and longitude 4° 13' east, with slaves actually on board of her, by His Britannic Majesty's brig of war "*Charybdis*," Samuel Mercer, Esq., Lieutenant and Commander, was on the 16th day of June following condemned as prize to the crowns of Great Britain and Portugal, and the survivors of her slaves, 441 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit, the Passport, the Manifest, and Bill of Lading outwards, the Muster Roll, and the Custom-house Papers (5 in No.) of the said schooner, are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L.S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Seventh Enclosure in No. 110.

THESE are to certify that the Portuguese schooner "*Cobra de Africa*," whereof Antonio Joaquim da Conceição was master, having, on the 27th day of May, 1837, been detained in latitude 3° 30' north, and longitude 9° 30' east, with slaves actually on board of her, by His Britannic Majesty's brigantine of war "*Dolphin*," Joseph Batt, Esq., Lieutenant and Commander, was on the 22nd day of June following condemned as prize to the crowns of Great Britain and Portugal, and the survivors of her slaves, 101 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit, the Custom-house Certificate, the Passport, and the Muster Roll of the said schooner, are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord, 1840.

[L. S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Eighth Enclosure in No. 110.

THESE are to certify that the Portuguese schooner "*Flor de Tejo*," whereof João Antonio Ribeiro was master, having on the 3rd day of April, 1837, been detained in latitude 26° 30' north, and longitude 78° 30' west, with slaves actually on board of her, by His Britannic Majesty's sloop of war "*Wanderer*," Thomas Dilke, Esq., Commander, was on the 5th day of July following condemned as prize to the crowns of Great Britain and Portugal, and the survivors of her slaves, 417 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit,

The Passport,  
The Notarial Certificate of Sale,  
And the Muster-roll,

of the said schooner, are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand, and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord, 1840.

[L. S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Ninth Enclosure in No. 110.

THESE are to certify that the Portuguese schooner "*Providencia*," whereof Joaquim Martins Guimaraens was master, having on the 1st day of June, 1837, been detained in latitude 5° 4' north, and longitude 3° 25' east, with slaves actually on board of her, by Her Britannic Majesty's brigantine of war "*Dolphin*," Joseph Batt, Esq., Lieutenant and Commander, was on the 10th day of July following condemned as prize to the crowns of Great Britain and Portugal, and the survivors of her slaves, 193 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit,

The Passport,  
The Muster-roll,  
The Notarial Instrument of Sale,  
Two Custom-house Declarations,

And an account of Slaves embarked in the said schooner, are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand, and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L. S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Tenth Enclosure in No. 110.

THESE are to certify that the Portuguese brig "*Amelia*," whereof Manoel Joze Marcial was master, having on the 6th day of August, 1837, been detained in lat. 4° 30' north, and long. 4° 20' east, with slaves actually on board of her, by Her Britannic Majesty's brig of war "*Waterwitch*," John B. Marsh, Esq., Lieutenant and Commander, was on the 30th day of the same month condemned as prize to the Crowns of Great Britain and Portugal, and the survivors of her slaves, 345 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves, and that the papers hereunto attached, to wit:—

The Passport, and  
The Muster-roll,

of the said brig, are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord, 1840.

[L. S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Eleventh Enclosure in No. 110.

THESE are to certify that the Portuguese schooner "*Vibora de Cabo Verde*," whereof Joaquim Antonio was master, having on the 28th day of September, 1837, been detained in lat. 3° 47' north, and long. 8° 42' east, with slaves actually on board of her, by Her Britannic Majesty's brig of war "*Water-witch*," William Dickey, Esq., Lieutenant and Commander, was on the 13th day of November following, condemned as prize to the Crowns of Great Britain and Portugal, and the survivors of her slaves, 221 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission established at Sierra Leone for the prevention of illicit traffic in slaves, and that the papers hereunto attached, to wit,

The Passport, and  
The Muster-roll

of the said schooner, are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L. S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Twelfth Enclosure in No. 110.

THESE are to certify that the Portuguese brig "*Don Francisco*," whereof Antonio Pereira Lisboa was master, having on the 25th day of April 1837, been detained in lat. 14° 49' north, and long. 60° 45' west, with slaves actually on board of her, by His Britannic Majesty's brigantine of war "*Griffon*," John Gooch D'Urban, Lieutenant and Commander, was on the 21st day of November following, condemned as prize to the Crowns of Great Britain and Portugal, and the survivors of her slaves, 433 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves, and that the papers hereunto attached, to wit,

The Passport,  
The Muster-roll.

and the Fort Pass of the said brig, are papers which were found on board of her at the time of her said detention; and are now in the same plight and condition, as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof, I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L. S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Thirteenth Enclosure in No. 110.

THESE are to certify, that the Portuguese schooner "*Florida*," whereof Alexandre Balbino Proença was master, having on the 13th day of May, 1837, being detained in latitude 14° 58' north, and longitude 61° 43' west, with slaves actually on board of her, by Her Britannic Majesty's brig of war "*Harpy*," the Honourable George Robert Anson Clements lieutenant and commander, was, on the 21st day of November following, condemned as prize to the Crowns of Great Britain and Portugal; and the survivors of her slaves, 277 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit,

The Passport,  
The Muster-roll,

and the Bill of Sail of the said schooner, are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand, and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L.S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Fourteenth Enclosure in No. 110.

THESE are to certify, that the Portuguese brigantine "*Felicidade*," whereof Joãs Jozé Pereira was master, having, on the 4th day of November, 1837, been detained in latitude 4° 16' north, and longitude 6° 34' east, with slaves actually on board of her, by Her Britannic Majesty's brig of war "*Bonetta*," Henry P. Deschamps, Esq., lieutenant and commander, was on the 9th day of December following condemned as prize to the Crowns of Great Britain and Portugal, and the survivors of her slaves, 281 in number, emancipated from slavery, in the British and Portuguese Court of Mixed Commission established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit,

The Passport, and  
The Muster-roll,

of the said brigantine are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand, and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L.S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Fifteenth Enclosure in No. 110.

THESE are to certify, that the Portuguese schooner "*Ligeira*," whereof Gasper Ferreira was master, having on the 15th day of November, 1837, been detained in latitude 4° 12' north, and longitude 5° 26' east, with slaves actually on board of her, by Her Britannic Majesty's brig of war "*Bonetta*," Henry P. Deschamps, Esq., lieutenant and commander, was on the 28th day of December following condemned as prize to the Crowns of Great Britain and Portugal, and the survivors of her slaves, 280 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit,

The Passport,  
The Custom-house Clearance,  
The Certificate of outward Cargo, and  
The Muster-roll,

of the said schooner, are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L.S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Sixteenth Enclosure in No. 110.

THESE are to certify, that the Portuguese brigantine, "*Deixa Falar*," whereof Joao Anastacio Baker was master, having on the 20th day of November, 1837, been detained in latitude 5° 53' north, and longitude 4° 16' east, with slaves actually on board of her, by Her Britannic Majesty's sloop-of-war "*Scout*," Robert Craigie, Esq., commander, was, on the 10th day of January following, condemned as prize to the crowns of Great Britain and Portugal, and the survivors of her slaves, 186 in number, emancipated from Slavery in the British and Portuguese Court of Mixed Commission established at Sierra Leone for the prevention of illicit traffic in Slaves; and that the papers hereunto attached, to wit,

The Passport, and  
The Muster-roll,

of the said brigantine, are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

(L.S.)

(Signed)

J. MILLER, *Acting Registrar.*

## Seventeenth Enclosure in No. 110.

THESE are to certify, that the Portuguese brig "*Gratidao*," whereof João Fernando Bouvier was master, having on the 23rd day of November, 1837, been detained in latitude 5° 40' north, and longitude 4° 15' east, with slaves actually on board of her, by Her Britannic Majesty's sloop-of-war "*Scout*," Robert Craigie, Esq., commander, was on the 19th day of January following condemned as prize to the crowns of Great Britain and Portugal, and the survivors of her slaves, 380 in number, emancipated from Slavery in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit,

CLASS A.

The Passport,  
The Muster-roll,  
The Certificate from Portuguese Consul at Bahia,  
The Receipt for port dues, and  
The Certificates from Consul at Bahia,

of the said brig, are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

(L.S.)

(Signed)

J. MILLER, *Acting Registrar.*

## Eighteenth Enclosure in No. 110.

THESE are to certify, that the Portuguese brigantine "*Arrogante*," whereof Augusto Cezar Medina was master, having on the 23rd day of November, 1837, been detained in latitude 21° 27' north, and longitude 84° 53' west, with slaves actually on board of her, by Her Britannic Majesty's sloop-of-war "*Snake*," Alexander Milne, Esq., commander, was on the 6th day of March following condemned as prize to the crowns of Great Britain and Portugal, and the survivors of her slaves, 332 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit,

The Passport,  
The Muster-roll, and  
The Bill of Sale,

of the said brigantine, are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

(L.S.)

(Signed)

J. MILLER, *Acting Registrar.*

## Nineteenth Enclosure in No. 110.

THESE are to certify, that the Portuguese brig "*Felicidades*," whereof Manoel Francisco Cardozo was master, having on the 8th day of March, 1838, been detained off the Old Calabar River, with slaves actually on board of her, by Her Britannic Majesty's sloop-of-war "*Scout*," Robert Cragie, Esq., commander, was on the 17th day of April following condemned as prize to the crowns of Great Britain and Portugal, and the survivors of her slaves, 408 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in Slaves; and that the papers hereunto attached, to wit,

The Passport,  
The Muster-roll, and the Manifest and Certificate of the said brig

are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference; and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

(L. S.)

(Signed)

J. MILLER, *Acting Registrar.*

## Twentieth Enclosure in No. 110.

THESE are to certify, that the Portuguese brig "*Veloz*," whereof Joaquim Antonio Coelho was master, having on the 23rd day of September, 1837, been detained off the mouth of the River Benin, after having put a cargo of slaves momentarily on shore, by Her Britannic Majesty's schooner of war "*Fair Rosamond*," William Brown Oliver, Esq., lieutenant and commander, was on the 4th day of May following condemned as prize to the crowns of Great Britain and Portugal, in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit,

The Passport,  
The Muster-roll,  
A Bill of Lading, and  
The Manifest of the said brig,

are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference; and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the colony of Sierra Leone, the 1st day of September, in the year of our Lord 1840.

(L.S.)

(Signed)

J. MILLER, *Acting Registrar.*

## Twenty-first Enclosure in No. 110.

THESE are to certify that the Portuguese schooner "*Dous Irmaos*," whereof Jozé Rosacuta was master, having on the 2nd day of April, 1838, been detained in latitude 4° 13' north, and longitude 7° 20' east, with slaves actually on board of her, by Her Britannic Majesty's brigantine-of-war "*Forester*," Francis Seymour Nott, Esq., lieutenant and commander, was on the 19th of May following, condemned as prize to the Crowns of Great Britain and Portugal; and the survivors of her slaves, 241 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission established at Sierra Leone for the prevention of the illicit traffic in slaves; and that the papers hereunto attached, to wit:—

The Passport,  
The Muster-roll,

The certificate for carrying casks, and the manifest of the outward cargo of the said schooner, are papers which were found on board of her at the time of her said detention; and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September in the year of our Lord 1840.

[L.S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Twenty-second Enclosure in No. 110.

THESE are to certify that the Portuguese brig "*Camoens*," whereof Feliz Cosma Madail was master, having on the 30th day of April, 1838, been detained in latitude 24° 4' north, and longitude 80° 8' west, with slaves actually on board of her, by Her Britannic Majesty's sloop-of-war "*Sappho*," Thomas Fraser, Esq., commander, was on the 4th day of August following, condemned as prize to the Crowns of Great Britain and Portugal; and the survivors of her slaves, 569 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit:—

The Passport,  
The Manifest,  
A Certificate for Casks, and  
The Muster-roll of the said brig,

are papers which were found on board of her at the time of her said detention, and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L.S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Twenty-third Enclosure in No. 110.

THESE are to certify that the Portuguese schooner "*Prova*," whereof Lourenço Viadancoute was master, having on the 9th day of October, 1838, been detained in latitude 2° 15' north, and longitude 7° 36' east, with slaves actually on board of her, by Her Britannic Majesty's brig-of-war "*Termagant*," Woodford J. Williams, Esq., lieutenant and commander, was on the 24th day of November following, condemned as prize to the Crowns of Great Britain and Portugal; and the survivors of her slaves, 295 in number, emancipated from slavery, in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit:—

The Passport,  
The Muster-roll,  
A Manifest of Outward Cargo, and  
A Certificate for carrying Casks

of the said schooner, are papers which were found on board of her at the time of her said detention; and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L.S.]

(Signed)

J. MILLER, *Acting Registrar.*

## Twenty-fourth Enclosure in No. 110.

THESE are to certify that the Portuguese schooner "*Dolcinea*," whereof Joze de Lug Carvalho was master, having on the 31st day of October, 1838, been detained in latitude 4° 16' north, and longitude 3° 44' east, with slaves actually on board of her, by Her Britannic Majesty's sloop-of-war "*Pelican*," Brunswick Popham, Esq., commander, was on the 3rd day of December following, condemned as prize to the Crowns of Great Britain and Portugal; and the survivors of her slaves, 249 in number, emancipated from slavery, in the British and Portuguese Court of Mixed Commission esta-

blished at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit:—

The Passport, and  
The Muster-roll,

(with two certificates) of the said schooner are papers which were found on board of her at the time of her said detention; and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L.S.]

(Signed) J. MILLER, *Acting Registrar.*

### Twenty-fifth Enclosure in No. 110.

THESE are to certify that the Portuguese brig "*Liberal*," whereof Francisco Gonsalves was master, having on the 1st day of November, 1838, been detained in lat. 6° 8' north, and long. 1° 50' west, with slaves actually on board of her, by Her Britannic Majesty's brigantine of war, "*Lynx*," Henry Broadhead, Esq., Lieutenant and Commander, was on the 7th day of December following, condemned as prize to the Crowns of Great Britain and Portugal, and the survivors of her slaves, 583 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit:

The Passport,  
The Muster-roll, and  
The Clearance,

and a certificate of ownership of the said brig, are papers which were found on board of her at the time of her said detention; and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof, I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L. S.]

(Signed) J. MILLER, *Acting Registrar.*

### Twenty-sixth Enclosure in 110.

THESE are to certify that the Portuguese brig "*Emprendedor*," whereof Francisco G. Viega was master, having on the 27th day of November, 1838, been detained in lat. 7° 4' north, and long. 12° 17' west, with slaves actually on board of her, by Her Britannic Majesty's brigantine of war "*Buzzard*," Charles Fitzgerald, Esq., Lieutenant Commander, was on the 11th day of December following, condemned as prize to the Crowns of Great Britain and Portugal, and the survivors of her slaves, 458 in number, emancipated from slavery in the British and Portuguese Court of Mixed Commission, established at Sierra Leone for the prevention of illicit traffic in slaves; and that the papers hereunto attached, to wit:—

The Passport,  
A Certificate (with bill of lading),  
The Bill of sale, and  
The Muster-roll,

of the said brig are papers which were found on board of her at the time of her said detention; and are now in the same plight and condition as when originally seized, save the marking and numbering thereof for the sake of reference, and the words written across on the face of the passport.

In faith and testimony whereof, I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 1st day of September, in the year of our Lord 1840.

[L. S.]

(Signed) J. MILLER, *Acting Registrar.*

**SIERRA LEONE.** (*Netherlands.*)

---

No. 111.

*Her Majesty's Commissioners to Mr. Backhouse.*

*Sierra Leone, June 30, 1840.*

SIR,

(*Received September 28, 1840.*)

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) R. DOHERTY.  
W. W. LEWIS.

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

---



## SIERRA LEONE. (*Brazil.*)

---

No. 112.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, February 24, 1840.*

(*Received June 1.*)

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 22nd of November last, by which we have the gratification to learn, that the principles upon which Her Majesty's Commissioners acted in coming to the decision given by them in the case of the Brazilian brig "*Empreendedor*," on the 2nd of September last, and which have guided them in several cases of a similar description, which have since been brought before the British and Brazilian Court of Mixed Commission, have received the approval of Her Majesty's Government.

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

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

---

No. 113.

*Viscount Palmerston to Her Majesty's Commissioners.*

*Foreign Office, August 22, 1840.*

GENTLEMEN,

I HAVE to acquaint you, that I have been officially informed by the Brazilian Chargé d'Affaires at this Court, that His Imperial Majesty has appointed M. Hermenegildo Frederick Nitheroy to be His Imperial Majesty's Commissioner of Arbitration in the Mixed British and Brazilian Court of Commission, established at Sierra Leone under the Convention between Great Britain and Brazil for the Suppression of the Slave Trade; and I have to desire that you will receive M. Nitheroy as your colleague in that Court, upon his going through the accustomed form of admission to the office to which he is appointed.

I have, &c.  
(Signed) PALMERSTON.

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

---

No. 114.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, July 20, 1839.*

(*Received September 8, 1840.*)

MY LORD,

WE have the honour to enclose to your Lordship our Report of the case of the schooner "*Jacuby*," Francisco de Paula Neves d'Oliveira, master, cap-

tured, whilst sailing under Portuguese colours, in 4° 58' south latitude, and 6° 56' east longitude, by Her Majesty's brig, "Brisk," Lieutenant Arthur Kelllett, commanding, having on board more than 200 slaves. with whom the detained vessel was bound to the Rio d'Ostras, a little to the north of Cape Frio, previous to her re-entering the port of Rio de Janeiro in *ballast*.

At the time of capture the "*Jacuby*" was sailing under papers which she had obtained at St. Paul de Loando in August 1838, and which authorized a voyage to Mosambique in ballast, by way of Ambris and Rio de Janeiro; and although, after obtaining these documents, she had landed a cargo of slaves at Rio d'Ostras, and had shipped a valuable cargo and a new crew at Rio de Janeiro, her voyage from Rio was represented as a continued pursuit of the destination marked out in the ship's papers, which themselves exhibited no endorsement or intimation of any kind that the harbour of Rio had been visited for any purpose whatever.

From the letter of instructions to the captain, written by the owner at Rio, and from the invoice of the cargo shipped at that port,—both of which papers were found on board the detained vessel,—it appeared that the present voyage, as prescribed by the owner, was from Rio to Novo Redondo on this coast, and thence, as on the last voyage, to Rio d'Ostras, where the cargo of slaves was to be landed.

The ownership of the "*Jacuby*" having been traced to Brazilian merchants, or at least to merchants resident at Brazil, and a Brazilian course of trade having been fully established, the prosecution of the detained vessel in the British and Brazilian Court of Mixed Commission was sufficiently justified; and her illicit employment in Slave Trade led to her immediate condemnation, and to the emancipation of the survivors of the slaves who had been found on board of her.

We beg leave also to enclose to your Lordship some extracts from the translations of certain papers and letters which were intercepted on board the detained vessel, and which are interesting on several accounts.

We have found on many occasions the great advantage of recording such information as the second enclosure contains respecting slave vessels and their owners, and the continually changing plans and practices of the slave-dealers and public authorities on the coast. The invocation of papers so recorded has also repeatedly enabled us to divest a detained vessel of her falsely-assumed covering, and to condemn her under the national character which has been proved more properly to belong to her.

(Signed)

We have, &c.,  
H. W. MACAULAY.  
W. W. LEWIS.

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

---

#### First Enclosure in No. 114.

*Report of the Case of the Schooner "Jacuby," Francisco de Paula Neves d'Oliveira, Master.*

THE ship's papers under which the above vessel was sailing at the time of her capture, are as follows:—

No. 1. A Passport granted by Manoel Bernardo Vidal, Governor-General of Angola and its dependencies, to the Portuguese schooner "*Jacuby*," of which Antonio Jozé Monteiro was master, and Francisco da Silva Santos owner. It is dated at St. Paul de Loando on the 29th of August, 1838, and authorizes a voyage from Loanda to Mozambique, by way of Ambris and Rio de Janeiro. The passport shows no endorsement.

No. 2. An official Muster-roll was prepared on the same day, by Pedro Baptista Lobato Pires, the Secretary-General at Loando, and sets forth that the "*Jacuby's*" crew consisted of 12 persons, including the master. The list is signed by the Portuguese captain of the flag Antonio Jozé Monteiro, in a manner which shows that he is barely able to write his own name. The first pilot is said to be Joaquim Baptista Camacho, but he was in reality the master, and possessed the chief authority on board. This paper is, like the passport, without endorsement.

No. 3 is a Custom-house Manifest of the cargo with which the "*Jacuby*" was represented to be bound to Mozambique, consisting solely of "40 pipes of water" for ballast. To give more formality to this absurd representation, the manifest was addressed under an official cover "On Her Majesty's service to the Chief of the Custom-house of Mozambique;" but it does not appear that any attention whatever was paid to the Portuguese Decree of the 10th of December, 1836, which requires that such a shipment of water-casks shall be accompanied by "a certificate from the Custom-House from which they are cleared out, showing that the owners of the vessel have given bond that they are intended for some purpose of licit commerce."

No. 4 is a Bill of Health, dated on the 30th of August, 1838.

No. 5 is a Clearance and Fort-pass dated on the following day.

No. 6. The "*Jacuhy*" was not slow in taking advantage of the convenient permission which had been granted to her by the authorities of Angola, to make her voyage to Mozambique by way of a slaving station on the coast of Africa, and the port of Rio de Janeiro; for within 33 days after clearing from St. Paul de Loando, we find her in the neighbourhood of Cape Frio, going through the usual formalities necessary to enable a slave-vessel, which has just landed her human cargo, safely to enter Rio harbour *in ballast*. The "*Autos*," which accounted for and sanctioned this proceeding, were still on board the "*Jacuhy*" when she was captured, and they are to the following effect:—

(Copy.)

*Auto of Visit.*

On the 4th day of the month of October, of the year from the birth of our Lord Jesus Christ 1838, in this port of Rio de Ostras, parish of Sacra-Familia, jurisdiction of the town of Macahé, I, citizen Francisco Silva Pinto de Magalhaes, the Justice of the Peace of this parish, visited, as is customary, a vessel, which on the previous night had anchored in this port; and having gone aboard the said vessel, the aforesaid justice proceeded to the usual investigations, and made the inquiries specified by the Article 3 of the Decree of the 12th of April, 1832, to which the master, Antonio José Monteiro replied, declaring that this vessel was the Portuguese schooner "*Jacuhy*," of which is owner Francisco de Silva Santos; that she left Loanda for Mozambique, touching at Ambris and Rio de Janeiro; and that in the voyage, after 32 days, she was assailed by a great tempest, which broke her bowsprit and foreyard, rendering it impossible for her to continue her voyage, and obliged her to enter this port, the first which, under these circumstances, she could make, in order if possible, to save the crew and the vessel, which was proceeding *in ballast* to the port to which she was bound. The master then exhibited the documents in proof of his statement, viz., passport, manifest of cargo, and bill of health, all stamped with the Portuguese arms, and, moreover, produced the roll of the crew, and the certificate of his being forced to put into that port, signed by the crew. The justice then proceeded to make an internal examination of the said schooner, and found in her only the tackle and appurtenances belonging to her rigging, and 40 pipes of water, as shown by the manifest of the cargo. And, calling the roll of the crew, he found it to consist of white men, subjects of Portugal, and the same as designated and described in the said roll. The justice then proceed to inquire of the crew the cause of the vessel entering that port; when they affirmed and swore on the Holy Evangelists, that she had gone in for the reasons specified in the certificate or protest of arrival, made without fraud or malice, and in consequence of the danger in which the above-named schooner found herself. On which account the said Justice pronounced the before-mentioned protest to be justified, I mean ratified, and ordered that the carpenters of the coast, Antonio Joaquim Flores and Antonio José Pereira, should be called in, in order to examine the damage which the said vessel had suffered, and proceed to the inspection which the master of the said vessel required for his exculpation.

And in order that this may be made to appear, he directed this document to be drawn up, which he signed, as did also the witnesses who were called on board the said vessel—Luiz Antonio da Cunha, Francisco Maria da Souza, and also the master and mate, and three more of the crew—Francisco da Silva Amaral, Manoel Francisco Hermenegildo, and Francisco Pires da Costa, in the name of the rest of the crew; and I, Agostinho José Soaves Brazil, Clerk of the Justice of the Peace of this parish, who wrote it and certify the whole.

(Signed)

SILVA PINTO.  
ANTONIO JOZE MONTEIRO.  
JOAQUIM BAPTISTA CAMACHO.  
LUIZ ANTONIO DA CUNHA.  
FRANCISCO MARIA DA SOUZA.  
FRANCISCO PIRES DA COSTA.  
FRANCISCO DE SA. AMARAL.

*Auto of Inspection.*

On the same day, in the same year and place, there appeared the expert carpenters, named and called Antonio Joaquim Flores, and Antonio José Pereira, whom the said justice (having sworn them on the Holy Gospels) directed to well and faithfully examine and declare the damages which they might find done by storms to the Portuguese schooner "*Jacuhy*," declaring the state of devastation in which she was, and whether or not it was possible for her to continue her voyage, without reparation, which the above-mentioned skilful carpenters promised to do, and having proceeded to make the necessary investigations and examinations, they declared unanimously that they had found in the said schooner "*Jacuhy*" no other damage than the bowsprit broken, and split beyond the gammoning; the foreyard broken in about a third of its length; and the foresail itself torn and unfit for service; and moreover declared that without such damage being repaired it was impossible for the said vessel to continue her voyage without imminent peril. And as the said skilful carpenters made no further declaration, the said Justice considered the inspection as finished, and ordered this auto to be drawn up, which he signed, together with the carpenters, and me the clerk, Agostinho José Soaves Brazil, who wrote it.

(Signed)

FRANCISCO DA SILVA PINTO DE MAGALHAES.  
ANTONIO JOAQUIM FLORET.  
ANTONIO JOZE PEREIRA.

*Protest of Arrival.*

*Aboard, October 3, 1838.*

We, the undersigned, the masters, officers, and crew of the Portuguese schooner "*Jacuhy*," in the voyage from Loanda to Mozambique, by way of Ambris and Rio de Janeiro, declare, that on the 2nd day of the month of October, 1838, being 32 days out from Loanda, in 22° 35' 42" south, and longitude west of Greenwich 41° 10' 15", at 11 o'clock at night, the wind chopped suddenly round to the north-west, and blew with such violence that, there not being time to take in the foresail, and the tacks being dragged at the same time, it was rent to pieces, and the yard broken at about one-third of its length, and rendered useless, and at the same time the bowsprit was shivered and split. The vessel having then been laid-to with a double-reefed fore-topsail and a "boco" in the mainsail, in the direction of the

land, we remained thus till morning, when the wind having come round to the south-east, we sighted the islands of Santa Anna to the north-west about eight miles off, and as the wind was contrary and very strong, and the vessel was not in a condition to carry much sail to go to the second place that we were to touch at (Rio de Janeiro), we unanimously agreed to put into the river San João, as it was the nearest port, in order to make the requisite repairs; and have signed the present document, in order that it may be ratified by competent authority.

(Signed)

ANTONIO JOZE MONTEIRO.  
JOAQUIM BAPTISTA CAMACHO.

Here follow other signatures.

*Rio de Ostras, October 4, 1838.*

I certify to be true the signatures and hand-writing above, having compared them with others done in my presence by those persons.

In witness of its truth, the Clerk of the Justice of the Peace,

(Signed)

AGOSTINHO JOZE SOAVES BRAZIL.

No. 7. Having entered Rio de Janeiro on these pretences, Antonio Jozé Monteiro, the Portuguese captain of the flag, left the schooner at that port, and the present master was appointed in his room; and a large and valuable cargo was there shipped, the particulars of which are contained in a formal invoice, which is dated at Rio de Janeiro on the 11th of November, 1838, and states that the goods therein described were shipped on account and risk of *those to whom they belong*, and were consigned to Senhor Nicolao Tavano at Novo Redondo, or in his absence to the captain of the flag, Francisco de Paula Neves d'Oliveira, jointly with the piloto, Joaquim Baptista Camacho. The value of the shipment, independent of charges, was 33,457 dollars.

No. 8. On the day following the date of the invoice, a letter of instructions was addressed to the new master of the vessel by João Luis da Cunha, of Rio de Janeiro, in the following terms:—

(Copy.)

*Senhor Captain Francisco de Paula Neves d'Oliveira; in his absence to Senhor Joaquim Baptista Camacha.**Rio de Janeiro, November 12, 1838.*

As you are about to proceed on your voyage as captain of the Portuguese schooner "*Jacuby*," and your destination being the port of Novo Redondo, there to follow the orders which you will receive from Senhor Nicolao Tavano, to whom are consigned the schooner and her cargo, in order that he may dispose of what she carries, and may be pleased to purchase the goods which you know of, bearing in mind that I prefer them of good quality,—

You will take care to inform the said gentleman, in going thither, when you are in the latitude of Poté d'Agoa. In case of his absence, the vessel and her cargo, amounting to 33,457 dollars, are consigned to you, and in your absence to your piloto. You are therefore to understand that in the absence of Senhor Tavano, which God forbid, you are to account for and dispose of them; but I hope that Senhor Savano will take charge of them, as not having any acquaintance with him, I have asked Senhor Commendador Joaquim Antonio Ferreira to give me a letter of introduction to him, and now transmit the same to Senhor Tavano, in the hope that, if he refuses to undertake the business, you will do all in your power to induce him to do so, and will ask him to use all his influence to make the voyage as short as possible; and if Senhor Tavano should undertake the business, you will endeavour to prevent the vessel being detained there more than 30 or 60 days. It is therefore incumbent on you, as you are on the spot, to seek the friendship of this gentleman.

On your arrival you will write to me. Do not yourself cause the delay of even one day, for very often these little delays cause serious prejudice to the voyage. I recommend you to fly from everything that you see in your voyage, both in going and returning, and to maintain a good understanding and concord aboard, for very often one act of imprudence causes the loss of everything. Patience, attention, and prudence, are in this case essential. Your return is, as you know, to Rio d'Ostras. I hope you will have a happy voyage, and make a good business.

(Signed)

JOAO LUIS DA CUNHA.

No. 9 is an imperfect log of part of the last voyage from Rio de Janeiro to the coast, kept by the present captain of the flag, and stating on the first page, that the piloto or first mate was as before, Joaquim Baptista Camacho, and that Joaquim Pereira Silva was boatswain in place of Francisco da Sa Amaral.

From the above papers it will be perceived, that it was the object of the person interested in the "*Jacuby*," to represent the present voyage, not as one from Rio de Janeiro to the coast, and thence back again to Rio de Janeiro, but as a voyage from Angola to Mozambique by way of Ambris and Rio. Accordingly the "*Jacuby*" was still sailing at the time of capture under the Passport, Muster-roll, and Clearance, which had been received at St. Paul de Loando in August of last year; and although she visited Rio harbour, and remained there more than a month, it was pretended that this delay of the voyage to Mozambique was owing to repairs required by the vessel, in consequence of a storm which she had encountered.

It is however abundantly evident that the "*Jacuby's*" arrival at Rio *in ballast*, after having landed a cargo of slaves at the Rio d'Ostras, was the termination of the last voyage; and that the present voyage, in which she has been happily captured, would have ended in the same manner, the captain's written instructions from the owner at Rio de Janeiro directing him again to seek the same Rio d'Ostras on the return voyage. Nor was the "*Jacuby*" employed whilst lying in Rio harbour in October and November, 1838, in merely repairing damages and fitting for sea, but a large and valuable cargo was there embarked, consigned, not to Mozambique, but to Novo Redondo, and a new captain of the flag, a new boatswain, and, so far as appears, an entirely new crew, were also there shipped for the present voyage; the only officer remaining with the schooner being the Brazilian master and Supercargo described in the Muster-roll as the piloto.

The absence of any endorsement on the passport or muster-roll, and of any Customhouse manifest and clearance from Rio, is very remarkable; as it could not have been unknown to the authorities that a

CLASS A.

large cargo was taken on board there; and the Portuguese Consul was bound to notice the changes which there took place in the captain, officers, and crew of the vessel.

These fraudulent papers answered their purpose for a time; but on the 14th ultimo the "*Jacuhy*" was detained by her Majesty's brig "*Brisk*," Lieutenant Arthur Kellett, commanding, with more than 200 slaves on board, who had been embarked four days previously at Cabinda; and the prize was immediately despatched by the captor to Sierra Leone. She arrived here on the 7th instant, and was immediately visited by the marshal and surgeon of the courts. The former reported the facts of capture and the number of slaves brought into the harbour; and the latter stated that 17 of the male slaves, and 15 of the female slaves, required hospital treatment; and that the emaciated appearance of the other slaves rendered it desirable that they should all be landed as soon as possible; which was accordingly done on the same morning that the vessel was brought into court.

The usual proceedings were then taken by the captor's proctor to prosecute the detained vessel in the British and Brazilian Court of Mixed Commission; and upon his petition to that effect, the ship's papers, authenticated by the prize-master's affidavit, were received; the captor's declaration of seizure was filed; the usual monition was published; and the witnesses were summoned for examination.

The captor's declaration is to the following effect: "I, Arthur Kellett, Commander of Her Majesty's brig '*Brisk*,' hereby declare that on this 14th day of June, 1839, being in or about lat. 4° 58' south, long. 6° 56' east, I detained the Brazilian schooner '*Jacuhy*,' sailing under Portuguese colours, and commanded by Joaquim Baptista Camacho, the pilot, who declared her to be bound from Cabinda to Rio de Janeiro, and having on board 207 slaves, said to have been taken on board at Cabinda on the 10th day of June, 1839, and who are enumerated as follows:—

	Healthy.	Sickly.
Men . . . . .	38	0
Women . . . . .	25	0
Boys . . . . .	107	10
Girls . . . . .	27	0

"I do further declare that I have detained the said vessel for a breach of the Brazilian Slave Treaty, the master having declared that the vessel was trading to and from Rio de Janeiro, and that the owner resided there."

The witnesses in preparatory were examined on the 12th instant, and, in reply to the standing interrogatories, Francisco de Paula Neves d'Oliveira, the captain of the Portuguese flag, deposed "that he was born at Lisbon, but has generally resided during the last two years at Rio de Janeiro, is a subject of Portugal, and has never been subject of any other state; that he is married, and his wife and family reside with him at Rio; that he was appointed to the command of the detained vessel in April last by Antonio Josef Monteiro, the former master, previous to that person's death at Cabinda in that month; that the vessel was built in Brazil, and witness first saw her at Rio Janeiro about a year ago; that he was present at the capture, which took place because the vessel carried slaves; that she was sailing under Portuguese colours, and there were no others on board; that the vessel is of 100 tons burthen, and had a crew of 11 officers and mariners, exclusive of the master; that part of the crew were Brazilians, and part Portuguese, but all were hired and shipped at Rio Janeiro by the late master in December last; that neither he nor any of the officers and mariners had any interest in the vessel or cargo; that he was mate on board, until the command devolved upon him at Cabinda; that the voyage began and was to end at Rio Janeiro, which was the last clearing port; that the vessel touched at Cabinda for slaves, and at no other place during the voyage; that capture took place on the fourth day after the vessel sailed from Cabinda on her return to Rio Janeiro; that the detained vessel is owned by four or five persons, of whom one is called Joachim, but the names of the others are unknown to witness; that all the owners reside and carry on business at Rio Janeiro; that he does not know positively who were the owners and consignees of the cargo of slaves, but thinks it was owned by the same persons who owned the vessel; that he does not know to whom the slaves were to have been delivered at Rio, but he should have carried them to the north of Cape Frio, where he would have found one of those persons who are always on the watch for slave-vessels, and make it their business to carry to the town reports of their arrival, and to discover their owners; that 207 slaves were shipped at Cabinda, of whom one died before capture."

The evidence of Domingo, the cook, when examined on the same day on the standing interrogatories, differs in several respects from that of the master. Domingo deposed "that the present master succeeded to the command at sea, 25 days after the vessel sailed from Rio Janeiro, by the death of the former master, Antonio Monteiro, who had himself been appointed by Juan Luis da Cunha Pereira Kemananza, a Brazilian, residing at Rio, who gave him possession there fourteen months ago, and who was the sole owner of the vessel; that witness knows the said gentleman to be the owner of the vessel, because he was hired and paid by him; that the owner of the vessel was also the owner and consignee of the slaves, who were to have been landed close to Cape Frio, for his real account and benefit; that 208 slaves were taken on board at Cabinda, of whom one died before capture, but witness does not know how many have died since."

We have already shown that the present captain, D'Oliveira, was appointed to the command of the "*Jacuhy*" at Rio de Janeiro, in the place of the former Portuguese master, Monteiro, who was there discharged. D'Oliveira was addressed by the owner of the vessel as captain both in the invoice of the cargo (No. 7) on the 11th of November last, and in the letter of instructions (No. 8) on the following day. Both witnesses, however, endeavoured to account, but in a different manner, for the absence of the former master, Monteiro. One swore that the present master "was appointed to the command of the detained vessel at Cabinda in April last, by Antonio Jozé Monteiro, the former master, previous to that person's death at Cabinda in that month." The other witness swore "that the present master succeeded to the command at sea by the death of the former master 25 days after the vessel sailed from Rio de Janeiro," that is, about the middle of December last.

With respect to the ownership of the "*Jacuhy*," whilst both witnesses agreed that it was fixed at Rio de Janeiro, the master deposed that there were four or five owners, whose names he did not know; and the cook swore positively that the sole owner was a merchant named Juan Luis da Cunha Pereira Kemananza. The last statement appears to have been the correct one, as the letter of instructions (No. 8) is signed "João Luis da Cunha."

On the 13th instant an affidavit was received from the prize-master, stating that six deaths had

occurred amongst the slaves on the passage to this part; and on the same day publication of the captor's case was decreed.

The monition, which had been issued on the 10th instant, was returned into Court on the 17th instant, with a certificate from the marshal that it had been duly published, and a Court for the adjudication of the case was summoned for the following day.

At the sitting of the Court the marshal's return of slaves was produced, and showed that 197 had been landed, and that 196 were surviving, only one death having taken place in the interim. The prize-master's affidavit of deaths on the passage only accounted for the loss of six slaves, which would make the number of slaves on board the "*Jacuby*" at the time of capture, 203. The master had stated that the number shipped was 207, and that no slaves had died prior to capture; the cook declared that 208 had been embarked, and that one had died before capture; and the captor certified in his declaration that he found 207 slaves on board the detained vessel. This concurring testimony induced us to believe that four more deaths had taken place amongst the slaves on board the "*Jacuby*" subsequent to capture than the prize-master was aware of. We followed, however, on this as on all other occasions, the wholesome rule that the captor should only be credited for the number of slaves which he could properly account for, and it was accordingly decided by the Court that 203 slaves were proved to have been on board the "*Jacuby*" at the time of her capture, of whom six died before the prize arrived in this harbour, and one subsequently, leaving 196 to receive the sentence of the Court.

Although captured to the southward of the line under Portuguese colours, the "*Jacuby*" was nevertheless exposed to condemnation under the Brazilian character which clearly belonged to her. The approved case of the "*Incomprehensivel*" (Class A. 1837, page 74) was a guide to us on this occasion; but the Brazilian nationality, which, in the case referred to, was deduced with difficulty from a large mass of conflicting evidence, was here distinctly admitted. The witnesses both deposed that the owner or owners was or were resident and carrying on business at Rio; that the vessel was built in Brazil; that the outward cargo was shipped in the same port; and that the intercepted cargo of slaves was to have been landed in the same neighbourhood. The Court, therefore, condemned the detained vessel as good and lawful prize, and emancipated the survivors of the slaves found on board of her.

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

### Second Enclosure in No. 114.

*Extracts from the Translations of certain Papers and Letters found on board the seeoner "Jacuby,"  
Francisco de Paula Neves d'Oliveira, master.*

(Triplicate.)

No. 1.

*Senhor Antonio José Moreira Pinto (being absent, to his order).  
Rio de Janeiro.*

FRIEND AND SIR,

*Cabinda, 12th May, 1839.*

HEREWITH I send you a copy of my last letter to you, dated the 30th April, of which I confirm the contents. On the day which I mentioned, very early in the morning, the "*Esperança*" sailed for Ambris, and soon after she sailed, while she was still almost in sight, I received your esteemed letter of the 31st January, and the 4th, 6th, and 8th February, one of which accompanied a chest of medicine and a pair of spectacles, all these having been brought from Ambris by the "*Lealdade*," and having been taken there by the "*Moreira Lima*."

Your recommendation as to the destination of the "*Jupiter*" arrived too late, which in one point of view I regret; but, on the other hand, am glad that you will be convinced that, having despatched all my shipments and my merchandise to procure others, I shall fulfil your direction as to remitting to you every 60 days a cargo of 300 or 350. If the "*Jupiter*" did not sail five days before the 2nd, Senhor Lazaro must answer to you for it, as he did not obey my orders to go on the 31st of March to Landem, and the "*Esperanza*" to Molembo. If the "*Esperanza*" do not proceed to her destination within 50 days after the sailing of the "*Jupiter*," it will not be so much on account of the rains as because I have no one to take care of my establishments to the north of this, as I had till the "*Jupiter*" sailed; and at Bemma the articles of barter have latterly become rather disadvantageous in purchasing; nevertheless I have settled there that I am to have 90 and upwards every month.

I shall be glad if you coincide in my opinion, that the expense of employing more than two vessels in this undertaking is useless. For carrying we do not require more than the "*Esperanza*;" that is, for carrying what I have to remit to you; but for bringing the cargo from your place here it is necessary to have a vessel of burthen, capable of carrying supplies for five months. When you despatch her let it be direct to the Zaire; and as she arrives at the point "da Linha," or at the mouth of the river, let the captain advise me of his arrival, in order that I may at once go and land half the cargo, and then send her to the northward, distributing goods at Molembo and Vimxoxo, to be sent in launches from these two points to Luango, by which means we shall save the cursed customs at this place to the amount of 1200 dollars, and shall pay the small dues at the other ports to the north. The rum for purchase and barter must be disembarked here, as I shall have to pay with it.

I will send back to you the vessel that brings the supplies in ballast of sand, so that your remittances for me may be made every four months, and mine to you every two months; and you will receive two from me for every one that you send. Thus you will be able to reckon, that when you send the vessel here the second time, you ought to be in possession of the proceeds of the first voyage, unless some unexpected occurrence should take place.

A small vessel does not at all answer to bring goods. The business of Bemma and Luango absorbs each a whole cargo of either of the two little vessels. You should bear in mind, that whether the business proceeds with activity or whether it languishes, the expense is the same in the end, and does not involve you more than it does me. You are very anxious to know the exact amount I expend: you may make yourself easy; every two months I shall make a remittance to you; and if Providence permits the cargo to arrive safely, we shall be able to do as well as Piroló, without compromising our original capital. This is what I intend, and what I should do, if I alone were to decide.

If the English maintain a cruise on the bar, you have still very sure means of transport to your place

from any part. I know for a certainty that the steam-vessel, of which a Spaniard like ourselves has charge, is for the purpose of carrying slaves to where you are, for the Spaniard himself told me so. But if even nothing were arranged with him he would not refuse to gain in one voyage as much as he would be able to earn in six others.

By the letter of the 8th of February I find that you prefer allowing the "*Jupiter*" to remain for conveyance of cargo. I do not know who could have recommended you to do so, but it does not appear to me to be a good plan, as she cannot bring cargo enough for two remittances; and unless this were the case, it is certain we could not have a good result; for unless we keep the two principal establishments (*Zaire* and *Loango*) provided with everything, the expense must infallibly proceed without interruption, while the receipts will not be the same as if we wanted nothing.

I assure you again, that as I have made every arrangement you may reckon upon 300 or 350 every 60 days; and a vessel like the "*Jupiter*" cannot furnish what is necessary. I must also caution you, that when you send her here, every cargo must be complete without depending upon any other remittance, because otherwise you will be reckoning upon what is not within my reach, and will afterwards say that it was want of care on my part. The business which was formerly done at *Angola* is now transferred to *Ambris*, even of those who go to pay for "*re-exportação*" at *Angola*, as did the "*Moreira de Lima*."

On the 10th of this month I received letters from *Loanda*, from *Antonio da Costa Pereira*, dated the 5th, which inform me as follows:—"A few days ago there came in a packet (Portuguese) from *Lisbon*. In latitude 28° south, she searched the brig "*Maria Virginia*." As a boiler was found aboard she took her prisoner; and a few days afterwards the crew of the "*Maria Virginia*" attempted to rise, and kill the prize captain and soldiers, and on search being made for irons to secure the mutineers, 80 and odd pairs of fetters were found; and on the 9th they go on to *Lisbon*, in company with the brig-of-war "*Don Pedro*," *Andas*, and the packet. If it had not been for the mutiny I can assure you that nothing would have happened to them here."

The signal for your vessel is the American flag at the main; so *Amaral* told me. Caution the captains as to the flag to be hoisted as well as the place, and to be careful not to let themselves be searched, or to approach any town. If you do not consent to the first vessel going to *Angola*, for the purpose which I have mentioned, enjoin the captain to make the land at between 3° and 4° of south latitude, which is between *Molembo* and *Loango*, and to anchor there, sending his boat to the place of business at *Molembo*, with all the letters, and ascertaining at the house of *Mambuco Manivaba* if I have a barraca there, and delivering the letters to some person, with injunctions to bring them to me at once. The boat can remain for my answer, and I will take measures according to circumstances, having been advised of all particulars by you.

My friend, my greatest anxiety now is, that I have not heard of the happy arrival of the two vessels. For letters which I have received from hence state that *urzilla* (a cant term for slaves) of *Benguela* and *Angola*, of ordinary quality, have been sold at 325 to 330 dollars, without selection; and taking a choice, from 340 to 350 dollars; and it is supposed that at least this price will be maintained. In *Maranhã* it brings 400 to 450; but here there are many purchasers, and little to be sold.

The "*Lealdade*" sails in this month for *Maranhã* with 210 bales of *urzilla* (slaves), and with 32 contos of merchandize, as is supposed. I have very few improving of those brought by your son. The "*Marmota*" also sails this month, and it is said she will carry 200 like those of your son. What they are worth there you know better than I do. You have seen the quality of those of your son, and they cost more than 100 dollars here. *Rozende*, who went with *Luis* in the "*Leão*," took 130, with 19 contos of merchandize, and all the others go on at the same rate.

I imagine that as soon as the vessels which are here sail, the market will fall, as the speculators will not be anxious to purchase, so many having been sent off. God grant that it may be so, for in the selling market the price will rise, as experience fully shows.

It would be well in your letters of instructions, particularly by the vessel which brings the merchandize, to state that such funds are to purchase *urzilla* in *Zaire*, *Cabinda*, and the other ports to the north, and that they are to go to the *Gaboon* to fill up with wax and *Brazil* cloth.

The 18th (triplicate copy). A schooner from *Havana* has just come in with American colours, and comes to purchase *fardos de urzillos* (slaves). The agent of this business is an old hand in these places, and tells me that in a few days there will arrive another vessel of the same description. He also says that this is the flag which almost all the merchants of *urzilla* (slaves) at *Havana* are now using for this commerce: and that, out of the many that sail in this manner, only one vessel as yet has been taken prisoner. Nevertheless, it does not appear that either the outfitters or the agents are very active. The *urzilla* (slaves) from this quarter is now selling at *Havana* at 20 and 21 instead of 14 doubloons per bale; and at the two ports in the north it had risen before he left from 18 to 24 doubloons; at which price, the evening before he sailed, a cargo of 800 from *Lagos* was sold by the partners of a house at *Bahia*. He adds that the \* ship that took over this cargo is a wonderful thing for sailing.

21st May (triplicate.) Herewith I give you the news of what has occurred. We do not know up to this moment where the "*Sisto*"† is. That she is somewhere in this neighbourhood there is no doubt, and my opinion is that she is to the southward, within sight of *Moita Seca*, and where she can see the vessels which leave the river, as well as those that come hither, and even go to the *Zaire*; and that, as soon as she receives news from her boats, she will very likely make an attack upon the *Zaire*, and capture five; one of which is the vessel in which *A. Villar* came, which I am told has her cargo still abroad.

Up to this moment I have heard nothing of the "*Esperança*," further than that the captain wrote to me that he had arrived at *Ambris* in five days. God grant that he may obey my orders, and that, with the knowledge which he has that the Portuguese men-of-war are coming here, he will not fall asleep at anchor at *Ambris*; for then to a certainty, if he escape the Portuguese, he will not the English. I am anxiously expecting him; and as soon as he arrives here, shall send him off with 170, a little more or less; for I will not run a risk under present circumstances, as the English vessels of war treat our re-

\* This passage evidently refers to the ship "*Venus*," alias "*Duquesa de Braganza*," which escaped from this coast, after a fruitless chase by Her Majesty's ships "*Pelican*" and "*Dolphin*."

† Alluding to a British brig of war, whose name is incorrectly written, but the "*Brisk*," which was cruising in that neighbourhood, is most probably meant.

mittances in the way they do. By the "*Esperanca*" I will write more fully. Take every precaution. She goes to the place you mentioned.

22nd May (duplicate copy).

As I have not time, I do not transmit to you copies of all the letters which I have written to you, and merely send you those of the 18th and 21st, which I confirm. My prediction as to the post occupied by the English brig-of-war has turned out to be correct; the particulars Captain Mendonça will inform you of. I am extremely astonished that, having been chased by a man-of-war, and being fortunate enough to escape from her, he should, on arriving at Molembo, have left his vessel to come here; and more so still, at his giving orders to the mate to bring the vessel *here*. Really it is difficult to believe that any captain should act so at the present crisis. I did not, however, say anything to him about it, as I leave that to your care.

By her I send you, on account, 170; on one side 39, and on the other 131; and moreover, 76 on freight, as appears by the annexed account; all to be delivered to you. At Bemma there is some merchandise, and some goods in the ports to the north. The present crisis obliges me to despatch her, as prudence demands it.

The most that the English vessel can remain here is 30 days, as was the case in 1836; for which reason you will do well to send the vessels to Angola to pay the reexportação, and there they will hear what has happened, which will enable me to take my measures more securely, as it appears to me that if any English vessel of war falls in with those that have passports registered from Angola, and have no equipment aboard, she will not take them; and besides we have our *C. da C.*, who perhaps will have them convoyed, as I hope he will. In case any vessel of ours should make her appearance here, having escaped, you may be quite sure that I will take measures to have her unloaded in six hours.

I shall give directions to stop the purchasing at Bemma, and withdraw everything till I see how this ends. It is very likely that the English vessel has received her boats, and that she will make an attack on the Zaire, where there are five, two Havana vessels, one belonging to A. Vilar, which is said still to have her cargo aboard, the one in which came José Matteus, and the vessel of D. de C. de Sa from your place. To a certainty she will clear them all out. If you send the "*Esperanca*" with a cargo, let her go direct to Angola, but if she be sent without one, let her come to take one from Molembo to the north.

4th June (original).

The English have kept up a cruize of boats from the port of Manamajia as far as Loango. The schooner "*Lealdade*," which went from hence to the northward, as the only resource left for her, sailed as far as Loango, and then stood out to sea, in order, at a proper distance, to steer to the southward; and off Loango she was searched by two English men-of-war, who, notwithstanding that they found her water-casks and provisions aboard, let her off. Nevertheless, three days afterwards, while she was at anchor in front of Landem, a little to the northward of Molembo, she was again searched by an English schooner-of-war; and in front of this port, on the day that she came in, she was searched afresh by the same vessel. So that the English cruise extends from north-west to south-east, from Ambris to Loango, and is kept up by four vessels of war and by the Spanish brig "*Vigilante*," which, having been run ashore, they got off, and took out of the port of Linha, and keep at anchor nearly in the middle of the river Zaire, between the bays of Cavallos.

As to what has happened besides, you have here annexed a true statement of everything that occurred. The schooner "*Fama*" was taken at anchor here, as she did not show any papers. On the 2nd and 3rd I sent our launches to the port of Linha, to bring hither what we have there, and Viama went for the same purpose. I take these precautions as I am very much afraid that the English will go and take out the Havana schooner, and even others, by force; and if force were used, the shore people would be the first to pillage what would not otherwise suffer. The 21 slaves which I have at Bemma I have given directions to be brought in pinnaces as far as Anamumazica, and landed there, to be forwarded by the Prince of that country. These, with what I have collected, make 41. May Providence grant that you receive this letter in time, and that, in consequence of what has happened, you may decide upon sending the vessels to Angola, in which case those that carry merchandise will certainly not be captured.

10th June.

The Havana schooner which was in the port of Linha was sunk by the captain of her as soon as he found that the English were going armed to take her out by force; and when the ship of war arrived there, she destroyed her entirely. The brig "*Vigilante*" has been taken to Sierra Leone. As to the Portuguese vessels that were there and here, the commodore wrote in their passports and papers that they were ready to receive slaves.

From this proceeding of the English towards Portuguese vessels, it appears that they do not concern themselves with the Decree of 1836, and only take them when they know that the owners are of Havana.

I have already explained to you that the vessel which brings goods ought to have nothing that can compromise her. Prudence requires that one should go to Angola, and pay the "re-exportação," which will afford us a cloak for two; and you must enjoin the captains, that those who are not to go to Angola are on no account to touch there, but to keep apart from those who do; for if they were to reach this port with them, the ships of war would find in the documents of the one a justification for taking both of them, which otherwise they would not have. If there be no vessel of war, I assure you that they shall not remain 24 hours, and I will provide for everything else, so that you need not be under any uneasiness.

The vessel which comes to take the cargo ought not to do anything else than what is necessary to enable her to come to the town to receive her cargo. Turn the matter in your mind, and decide as you think most advantageous to your interest. I believe that in about a fortnight a vessel from the Zaire will sail, and by her I will transmit to you some documents, affording you information as to myself. To-day we have 50 bales of *urxilla* (slaves), and the means of buying a few more. I only purchase when they please me. The market certainly is not falling in price, for the two Havana vessels which were here, and have not gone on to Bemma, continued buying at a high price. Do me the favour to take charge of the delivery of the accompanying letters.

I am, &c.

(Signed)

FRANCISCO ANTONIO DE MIDEIROS.



(Duplicate.)

No. 2.

Senhor Domingos Age. de Silva Porto (being absent, to his order).  
Rio de Janeiro.

Cabinda, June 4, 1839.

FRIEND SA. PORTO,

MANY strange occurrences have taken place since I last wrote to you. Since February, 1836, no English cruiser had appeared, and now there are no less than four here and in the neighbourhood. If this continue, very few will be able to escape. They say, as yet, that they only want the vessels belonging to Havana, and their reason for taking the schooner "*Fame*" was, that she did not show any passport or other documents, nor had any one on board who appeared in the character of an officer. From the Zaire they took a Portuguese brig from Havana; and they want to take a schooner which is also in the port of Linha, with four more from my province. There and here everything is in disorder, and nothing can be undertaken, as, from hour to hour, something new takes place.

An immensity of *bales of urzilla* (slaves) are at Bemma in the barracoons, and even here. In consequence of the chase which the "*Esperança*" underwent, and her fortunate escape, I have determined not to speculate or risk any more, and embarked and sent off what I had, in order that I might not have to say the same as Captain Troiano. My friend, if I had not done so, what a melancholy situation mine would be to-day. I should be lamenting, as well as the others. A cargo of *urzilla* (slaves) that arrives at your place now ought to sell at a high price; for, certainly, until trade is better here, there will not be many speculators, and in your market there will not appear the twentieth part of what there has hitherto been.

A general sweep has been made by the English cruisers on the coast of Mina. Some few vessels have been purchased by the prisoners at Sierra Leone, but merely to convey the prisoners to Havana.

I have in my possession the account of the cost of our merchandize and vessels, and am therefore able to inform you that, if all arrive in safety, and *urzilla* (slaves) is sold at 320 dollars and upwards, we have our capital safe, and something over, besides the vessels; and if the price should keep up to what *urzilla* (slaves) has been sold for, we have the capital employed quite secure, and a third at least of clear gain. O, Supreme Being! grant that all may arrive in safety!

I do not know how long this may last, and have on that account written to my sister Domiciana that, if she requires any money, you will supply her. Pray do so, and I will be responsible.

(Duplicate.)

10th June.

Four English vessels of war have been about here since the 13th of last month. They have done nothing to the Portuguese vessels, notwithstanding that they found aboard everything but *urzilla* (slaves), and only destroyed one in the Zaire, and carried another to Sierra Leone, both from the Havana. The commodore has also been here. God grant that all those that I have sent may have safely arrived.

Your friend,

(Signed)

MIDEIROS.

(Original.)

No. 3.

Senhor João Francisco Vellozo (being absent, to his order).  
Rio de Janeiro.

Cabinda, June 10, 1839.

FRIEND VELLOZO,

I WROTE to you last on the 22nd. Up till to-day four English vessels of war have kept possession of the whole coast, from this place to Loango, generally within sight, and, when not in sight, cruising barely out of it, from the mouth of the Zaire as far as Loango; but now they appear more rarely, as they have not lately taken any more vessels. The first vessel of war which appeared, and which is almost always outside the point of Padrão, is in the habit of fixing herself there, to keep watch; and the brig "*Vigilante*," which they took out of the port of Linha, after she had been run ashore, has been got off by them, and they keep her a little within the mouth of the river, at anchor. Nevertheless, they say that they only search the Havana vessels; and, from the conduct of three of them towards the schooner "*Lealdade*," it would appear that this is really the case.

On the 6th an English vessel anchored with the Commodore, and on the 8th the Commodore went towards the north, and the other went towards the south; but it is not known where the other men of war are gone. If we believe what they themselves say, they went to Amina. One remained here for some days, to see if she could catch any vessels here or from the Zaire that are ready. In the margin of the passports of some the commodore wrote "ready to receive." If I had not despatched the "*Esperança*," I do not know when would have been the day.

See, João, what has been the result. What good could I expect? They have taken one Havana vessel, and another from Zaire, which the captain sunk (or ran ashore), which they afterwards destroyed. We are expecting every day the vessels of war from Angola.

(Signed)

MIDEIROS.

No. 115.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, September 11, 1839.

(Received, September 8, 1840.)

MY LORD,

WE have the honour to report to your Lordship, that on the 27th of July last, Her Majesty's brigantine "*Lynx*," Lieutenant Henry Broadhead, commanding, detained the Brazilian brigantine "*Simpatia*," Joaquim da Silva Marquez, master, at anchor off Popoe, on the ground that she was equipped for the Slave Trade. The captor's allegation, with regard to equipment, was fully established before the British and Brazilian Court of Mixed Commission,

on the 7th instant; and following the rule laid down in the recent case of the "*Emprehendedor*," condemned on the 31st ultimo, we passed a sentence of confiscation against the "*Simpatia*" and her cargo, for a violation of the first Article of the Brazilian Convention on the subject of the Slave Trade. Our report of this case we have now the honour to inclose.

On the 30th of April, 1832, (Class B., 1832, page 16,) your Lordship called the attention of the Netherlands Government to the fact "that slave-ships are supplied at El-Mina with canoes and canoe-men to take off their slaves from the leeward coast." M. Verstolk de Soelen, the Minister for Foreign Affairs at the Hague, attempted in a note of the 4th of June, 1832 (page 21), to throw discredit on this representation; it may, therefore, be satisfactory to your Lordship to possess authentic proof of the existence of the practice in question. We beg leave accordingly to inclose (in original) a muster-roll (No. 9 of Ship's Papers) prepared by the authorities at St. George d'Elmina, and signed by the Governor, and which contains the names of 19 canoe-men, who were (together with a "Headman," and "Second Headman," as they are termed) furnished on the 9th of April last for the service of the "*Simpatia*," whose condemnation for illegal employment in the Slave Trade we have in this Despatch the honour to report.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

---

First Enclosure in No. 115.

*Report of the case of the brigantine "Simpatia," Joaquim da Silva Marquez, Master.*

*Sierra Leone, September 11, 1839.*

THE following papers were found on board this vessel:—

No. 1. A Brazilian passport on parchment, No. 1349, granted by Joaquim José Rodrigues Torres, Secretary of State and Inspector General of Marine Affairs, to the Patacho "*Simpatia*," owned by Francisco das Chagas Lima Serra, commanded by Florencio Ferreira de Sampaio, and bound on a voyage from Rio de Janeiro to Pernambuco, by way of Bahia. This document was dated and signed at Rio de Janeiro on the 11th of September, 1838, but no subsequent endorsement was made either at Bahia or Pernambuco. Indeed, although the present passport only permitted a voyage to Pernambuco, *by way of Bahia*, the authorities of Bahia cleared the "*Simpatia*" for the coast of Africa direct, and in the same manner Bahia, and not Pernambuco, was to have been the port of return. Pernambuco was not visited, or intended to be visited, and must have been mentioned only to deceive.

No. 2 is a muster-roll of a crew of 14 persons, with which the "*Simpatia*" was allowed to clear out at Bahia for the coast of Africa, on the 12th of January, 1839. At this time the master, who is mentioned in the passport, had been superseded in the command, but no information is given in any of the official papers as to when, where, or on what account he left the vessel. The master named in the muster-roll from Bahia is Joaquim da Silva Marquez, who is said to be a Brazilian subject, and a native and resident of Bahia.

No. 3 is the usual receipt for anchorage and harbour-dues, dated at Bahia on the 18th of January, 1839, and stating that the Brazilian Patacho "*Simpatia*," of 62 tons, had entered inwards at Bahia on the 19th of November, 1838, and began taking in cargo for the coast of Africa on the 18th of the following month, and that the proper payments had been made.

Nos. 4 and 5 are two clearance-papers from the Custom-house of Bahia, dated on the 19th of January last.

No. 6 is a clean bill of health, dated on the same day.

No. 7 is a fort-pass, dated on the same day, and countersigned two days afterwards, when it is presumed the "*Simpatia*" sailed out of the harbour.

No. 8 is an imperfect log-book, kept by Antonio Pereira Lisboa, the mate, beginning on the 22nd of January, and brought up to the 24th of March last, when the vessel was still at sea.

No. 9. The only other ship's paper is an official muster-roll, prepared by the authorities of St. George d'Elmina on the 9th of April last, containing the names of 19 canoe-men (in addition to one "Headman," and one "Second Headman," as they are termed), furnished to the "*Simpatia*" at that place; but as it is intended to send home this paper in original, it will not be necessary to allude to it further here.

On the 29th ultimo the Marshal reported the arrival of the "*Simpatia*" in the harbour, and that she had been captured by Her Majesty's brigantine "*Lynx*" on the 27th of July, under Brazilian colours, without slaves on board.

The vessel was libelled in the British and Brazilian Court of Mixed Commission on the 30th ultimo; and on the petition of the captor's proctor, Lieutenant Broadhead's declaration was received; the prize-master's affidavit, verifying the facts of seizure, and authenticating the ship's papers, was sworn to; a monition was issued; and the witnesses produced were ordered for examination on the 2nd instant.

The captor declared that the "*Simpatia*" had been detained on the 27th of July at anchor off Popoe, in 6° 16' north lat., and 1° 40' east long., on the ground that she was equipped for the Slave Trade, and was actually preparing to take in a cargo of slaves.

The master, who was on shore at the time of capture, was not forthcoming to be examined, and the witnesses in preparatory consisted of the mate and one of the seamen. Antonio Pereira Lisboa, the mate, deposed "that the master's name is Joaquim da Silva Marquez, who was born and resides at Bahia; that he does not know who appointed the said master to the command of the detained vessel; that the vessel sailed under Brazilian colours, and had no others on board; she is of 62 tons burthen, and had a crew of 13 officers and mariners exclusive of the master, all hired and shipped at Bahia in December last; that the voyage began at Bahia, and was to have ended there, after visiting the coast of Africa; that Bahia was the last clearing port, whence the vessel sailed direct to the coast, touching first at Elmina; that the owner of the vessel is Francisco das Chagas Lima, who is a Brazilian, and lives in Brazil with his family; that he knows nothing of the owners of the cargo; that bulk was first broken at Elmina, goods were afterwards landed at various places on the coast, and the remainder of the cargo was landed at Agui (Popoe) by the directions of the captain, to be sold for cash and palm-oil for the return voyage to Bahia; that no slave has been embarked during the present voyage; that the combings of the hatchways have been bored, but were plugged up at the time of capture; that there are but two small planks on board; that there are 22 pipes or leaguers on board, some being filled with salt water for ballast, and others with fresh water for the use of the crew; that there were two or three bags of rice on board, 30 bags of calavances, 20 bags of Indian corn, and about 20 bags of farina, all for the use of the crew."

Jozé Fernandez, the other witness examined, professed ignorance upon almost every point of inquiry; and, in other respects, his testimony is wholly unimportant.

The evidence in preparatory having been published on the 3rd instant, a commission of survey and inspection upon the fittings of the detained vessel was prayed for and issued on the following day. The report of the surveyors of the court was presented on the 5th instant, and stated that they found a complete tier of water-casks fore-and-aft, capable of containing about 2500 gallons of water, the greater part being filled with fresh water; also 26 bags of calavances, besides a very large quantity of farina, of cassada, Indian corn, and calavances, stowed *in bulk* on each side of the cabin; also close hatches, but of a large size, having holes bored through the side combings, to receive cross-bolts or bars; also a quantity of loose planks, some of them being fitted and numbered, as is usual for a slave-deck.

The monition which had been issued on the 30th ultimo was returned into the registry by the Marshall on the 6th instant, and the following day was fixed for the adjudication of the vessel.

The present case was looked upon as concluded by that of the "*Emprehendedor*" (Brazil, No. 105, of the 2nd instant); and, on the authority of the decision referred to, the "*Simpattia*," as an acknowledged Brazilian vessel, was condemned for a breach of the First Article of the Brazilian Convention, her employment in the Slave Trade being evidenced by various articles of an illegal equipment.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

(Translation.)

Second Enclosure in No. 115.

LIST of CANOE-MEN who will sail with the Brazilian schooner "*Simpattia*," Captain Joaquim da Sa Marque, to the Lower Coast.

Number.	Qualities.	Names.
1	Pilot	Kwassie Nuno.
2	"	Kwakoe Kwansang.
1	Canoeman	Quamena Acroma.
2	"	Kobbena Connoe.
3	"	Kwamena Ecoe.
4	"	Kwassie Bentsem.
5	"	Kwakoe Toetoe.
6	"	Kivon Akon.
7	"	Koffee Herebroea.
8	"	Kwassie Dadie.
9	"	Kwakoe Akon.
10	"	Kobbena Akon.
11	"	Kwou Adjenda.
12	"	Kwakoe Fennie.
13	"	Koffee Esson.
14	"	Kudjo Helm.
15	"	Akwou Tabboi.
16	"	Kobbena Autgee.
17	"	Kwou Tandon.
18	"	Kwamena Klaas.
19	"	Kwassie Assimina.

Seen. The Lieutenant-Colonel Governor at the Coast of Guinea.  
(Signed)

BOSCH.

Thus mustered within H.M. Head Castle of St. George d'Elmina, the 9th April, 1839. The Inspector and Storekeeper.

(Signed)

H. VARLET.

The captain of the above-mentioned vessel.

(Signed)

JOAQUIM DE SA MARQUES.

No. 116.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, September 26, 1839.**(Received, September 8, 1840.)*

MY LORD,

WE have the honour to transmit to your Lordship enclosed our Report of the case of the brig "*Intrepido*" João Ramos de Souza, master, which was captured off Cape St. Paul's on the 19th ultimo, by Her Majesty's brigantine "*Dolphin*," Lieutenant Edward Holland, Commanding, and was condemned on the 24th instant in the British and Brazilian Court of Mixed Commission.

The "*Intrepido*" was sailing at the time of her capture under Portuguese colours, and the Portuguese captain of the flag was alleged to be the owner of the vessel; but as the passport itself declared that the brig belonged to Bahia, and as the official papers received from the Portuguese Consul, and the Brazilian authorities, repeatedly certified that the owner was a resident of the same Brazilian port, the captor's allegation, with regard to the Brazilian nationality of his prize, was fully substantiated. Illegal employment in the Slave Trade was at the same time shown by an ample slaving equipment.

It may be thought that, in the reports of this and other Brazilian cases, we have entered too minutely into detail. But we have found so much advantage, in the British and Spanish Court, from recording the names of persons and vessels engaged in the Slave Trade, as they were disclosed to us in the intercepted correspondence, that we have considered it improper to suppress any information of this description which is likely hereafter to be useful, however tedious and troublesome may be the detail, and however irrelevant it may appear to the case which is the immediate subject-matter of our Report.

To prove the benefit of this practice, we might refer to various cases of condemnation in the British and Spanish Mixed Court of Justice, in which, by the aid of letters and papers thus recorded on some former occasion, we have been enabled at once to divest the prosecuted vessels of their pretended Portuguese character, to point out the real Spanish owners, to discriminate between the captains and the "captains of the flag," and to place Spanish passengers, professing to be wholly unconnected with the vessels in which they are embarked, in their true position of leaders and directors of the voyage.

In former days, when it fell to our lot only to report the capture and condemnation of vessels laden with slaves, little advantage was to be anticipated from noticing the real character and ownership of other slave-vessels of which we might incidentally have obtained information, but which could not be interfered with until the crime, which they were suspected of an intention to commit, was actually consummated.

The case is now widely different. There is no Portuguese Slave Trade, properly so called, except that which is carried on between the Portuguese islands of Africa and the coast. But the Slave Trade of Brazil and Cuba is extensively carried on in vessels carrying Portuguese colours and papers, and nominally owned and commanded by Portuguese subjects. To deprive these vessels of the exemption from seizure and confiscation, *on the ground of equipment*, which they enjoy under their professed Portuguese character, it is necessary to show that their real owners are resident in a Brazilian or Spanish port, or that the course of trade in which they have been constantly and exclusively engaged is Brazilian or Spanish.

With this view private papers and mercantile correspondence are of the utmost importance, and should be zealously sought for by the capturing officers on the persons and in the desks and chests of all the officers and passengers of a detained vessel. Delicacy on such an occasion would be worse than ridiculous; and we beg leave respectfully to suggest that an intimation should be conveyed from the Lords of the Admiralty to the officers employed on this coast in the prevention of the Slave Trade, to search for, and present to the Court, all papers of every description which can be discovered in the vessels which they detain. For, although a particular vessel may be assuredly a prize, the correspondence on board may refer to a variety of other vessels, the condemnation of which, when afterwards seized, may entirely depend on the information so obtained; and which, on the same grounds, we have thought it

CLASS A.

right to record. Much valuable intelligence, we are persuaded, has been lost, from the suppression of papers which, as not being necessary to the condemnation of a detained vessel, the capturing officer has been indisposed to transmit to the Court, because one-half of the expense of their translation, under the present unfortunate arrangement, falls upon the captors.

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

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

Enclosure in No. 116.

Report of the case of the brig "Intrepido," João Ramos de Souza, master.

Sierra Leone, September 26, 1839.

THE following papers were found on board this vessel by the captor:—

No. 1. A passport granted by the Provisional Government of the Islands of Prince's and St. Thomas, and issued at St. Antonio, Prince's, on the 9th of August, 1837, authorizing the Portuguese brig "Intrepido," belonging to Bahia ("da praça da Bahia"), owned and commanded by João Ramos de Souza, and navigated by a crew of 22 persons including the captain, to make a voyage of lawful commerce to Bahia, without contravening the Decree of the 10th of December, 1836. A note at the foot of the passport again states that the brig belonged, and was bound, to Bahia, ("da praça da Bahia, para seguir viagem para a mesma praça.")

On the 15th of the following month, September, 1837, the passport was registered by Francisco Jozé de Noronha Feital, the Portuguese Consul at Bahia, and shortly afterwards the "Intrepido" was cleared out by the same person for the Island of Prince's and St. Thomas, by way of the Coast of Africa. An endorsement made by the Dutch Governor of St. George d'El Mina shows that the brig was at that place on the 7th of December, 1837; and from this time we know nothing of the vessel's movements until the middle of the present year, nor has any memorandum of the voyages made during that interval been recorded. Mr. Consul Feital notes on the 4th of July last that the present voyage was from Bahia to Angola and other ports on the Coast of Africa.

No. 2. On the 10th of May, 1839, an agreement was entered into between the Portuguese Consul at Bahia, of the one part, and João Ramos de Souza, the captain and owner of the "Intrepido," of the other part; that the former, in consequence of orders from the Portuguese Government to provide a passage to Angola at the public expense for all such Portuguese subjects resident in the province of Bahia, as might be willing to remove to Angola and settle there, engaged a passage, with all necessary food and accommodation, for eighty passengers, on board the "Intrepido," bound to Angola, by way of Onim (Lagos); and that the latter should receive 45 milreis for each passenger, one-half to be paid by Mr. Consul Feital at Bahia, and the other half by a bill of exchange upon the Treasury at Angola, on the disembarkation of the passengers there.

The "Intrepido" remained at Bahia nearly two months after the signing and sealing of this agreement, and then only 24 passengers were sent on board by the Portuguese Consul.

No. 3 is a charter-party for the "Intrepido's" present voyage, made between Mr. William E. Pailhet, who, in the depositions taken in the case, is declared to be an Englishman, of the one part; and the owner and master, De Souza, of the other part. It is dated on the 2nd of July last, and is in the following terms:—

(Translation.)

Bahia, the 2nd day of July, 1839.

"Between us, the undersigned William E. Pailhet and Captain João Ramos de Souza, it is contracted as follows:—

1. That the said William E. Pailhet freight the Portuguese brig "Intrepido," of which Senhor João de Souza is captain and owner, for the sum of 6 contos of reis in bank-notes, paying the one-half, 3 cantos of reis, at sight, and the other half on the return of the vessel to this said port of Bahia.

2. That the said brig shall sail on the 5th day of July, 1839, for one or two ports to windward, and shall then proceed to the port of Onim (Lagos), where she is to discharge her cargo, and deliver it to Senhor Azevedo, taking only 15 days for this; she will then proceed to Angola for the purpose of disembarking the passengers, as agreed upon with the Portuguese Consul.

3. In the event of Senhor Azevedo's deciding that the brig shall touch at Ajuda (Whydah) or any other port, the captain, João Ramos de Souza, shall follow this new order, and for so doing the said William E. Pailhet shall pay a further sum of 1,600,000 reis on the return of the vessel to Bahia.

4. In fault of the fulfilment of this our contract, by whatever means or hindrance, the said Captain João Ramos de Souza shall pay for interest and losses the sum of four contos of reis.

5. It is perfectly understood that the said brig shall return from Onim (Lagos), or the other ports in its vicinity, to Bahia, whether in ballast or with some cargo of oil and other articles which Senhor Azevedo may have to load and freight her with.

In witness whereof we have signed two agreements of the same tenor.

(Signed) WILLIAM E. PAILHET.

If Mr. Pailhet should really turn out to be (as the other party to the contract of affreightment has sworn that he is) an Englishman, and which the British Consul at Bahia may easily ascertain, he may perhaps have kept just beyond the reach of the law; but his conduct has been certainly opposed to the spirit, if not to the letter, of the Slave Trade Abolition Act, 5 Geo. IV., cap. 113. The second clause of that Act declares, "That it shall not be lawful to ship, transship, lade, receive, or put on

board, or to contract for the shipping, transshipping, lading, receiving, or putting on board of any ship, vessel, or boat, money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have hereinbefore been declared to be unlawful." But by the 7th and 10th clauses, which regulate the penalty for the offence just recited, punishment can only be inflicted on an offender, on proof being given that he "knowingly and wilfully" shipped and laded goods to be employed in the Slave Trade.

Mr. Pailhet, with the assistance of the words "knowingly and wilfully," may be able to escape punishment; but though it may be difficult to give proof, sufficient in law, of his knowledge of the use to which the goods which he shipped in the "*Intrepido*" were to be applied, there can be no reasonable doubt that he was certainly assured, that his consignment to Whydah and Lagos would be employed in the purchase of slaves.

Some apprehension of the fate which has actually attended his shipment seems to have been felt by Mr. Pailhet, from the circumstance probably of his having selected for his charter a well-known slave-vessel completely fitted for the Slave Trade.

He accordingly made the owner of the "*Intrepido*" insure him from the loss (arising from the capture of the vessel) which would not be met by the common insurance on his goods; and in case the captain and owner of the "*Intrepido*," "by whatever means or hindrance," should be unable to fulfil his contract, Mr. Pailhet was to receive, not only the amount of the advance on account of freight which he paid on the sailing of the brig from Bahia (three contos), but one conto more (between 200*l.* and 300*l.* sterling), "for interest and losses."

By this stipulation Mr. Pailhet violated the spirit, if not the letter, of another portion of the 2nd clause of the same Act, which declares—"That it shall not be lawful to insure or to contract for the insuring of any property or other subject-matter engaged or employed, or intended to be engaged or employed, in accomplishing any of the objects or contracts in relation to the objects, which objects and contracts have hereinbefore been declared unlawful." But here again the words "knowingly and wilfully" in the 8th and 10th clauses of the Act might probably interfere to prevent punishment.

No. 4 is a Muster-roll prepared by Mr. Consul Feital, and filled into the usual printed form on the 3rd of July last. João Ramos de Souza, the alleged owner of the "*Intrepido*," who signs the muster-roll as captain of the vessel, can hardly write his own name. The real captain, Manoel Joaquim Bacelar, is entered on the list as first pilot. The crew-list contains the names of 40 persons, of whom 11 are the principal and petty officers, and the rest seamen. The shipment of such a very large crew for a vessel of only 251 tons was sufficient of itself to prove that piracy or slave-dealing was the object of the expedition.

No. 5 is a second Muster-roll in manuscript, such as is always found on board the nominal Portuguese vessels cleared out from Bahia by Mr. Consul Feital. It bears the same date as No. 4, and is signed and sealed by the same functionary. The differences between the two muster-rolls are, that No. 5 is not signed by the captain of the flag; that it contains only 38 names, the two last names in No. 4 being omitted; and that it declares the master and owner, De Souza, to be a resident of Bahia ("residente n'esta Cidade").

No. 6 is a Bill of Health from the Bahia authorities, dated on the 6th of July, 1839.

No. 7 is a Bill of Health from the Portuguese Consul, dated on the same day, and stating that the crew of the brig consisted of 38 persons, and that she carried besides 28 passengers.

No. 8 is a Receipt for Anchorage and Harbour-dues paid on the 4th of July last. It states that the "*Intrepido's*" burthen was 251 tons, that her owner resided in Bahia, and that her crew consisted of 38 men.

Nos. 9 and 10 are Clearance Papers from the Custom-house.

No. 11 is a Fort-pass granted on the 4th of July, and endorsed on the same day, when the "*Intrepido*" made sail from the harbour.

Nos. 12 to 15 are four passports, bearing date at Bahia between the 22nd of May and the 20th of June, relating to the Portuguese passengers for whom passages to Angola were found on board the "*Intrepido*" by the Portuguese Consul.

No. 16. On the 4th of July, the day when the "*Intrepido*" cleared out from Bahia, Mr. Consul Feital signed a list of the passengers who had been embarked under the royal order of the 6th of November, 1838, and whose names, ages, rank, and employments are therein fully set forth. From this list it appears that, whilst arrangements were made by the consul for the passage of 80 persons, and whilst in another paper of the 3rd of July he stated that the "*Intrepido*" was to carry 28 passengers, only 24 of the number could be induced to take their departure in the vessel.

No. 17 is a Despatch addressed, on the service of Her Most Faithful Majesty, to Manoel Antonio de Noronha, the Governor of the province of Angola, by Mr. Consul Feital, enclosing a list of passengers similar to No. 16, and stating that, in conformity with orders received from the Secretary of State for Foreign Affairs at Lisbon, he had drawn a bill of exchange on the Treasury of Loando, in favour of João Ramos de Souza, the master and owner of the "*Intrepido*," for the sum of 540 milreis, in part payment of the passage of the said passengers.

No. 18 is another despatch of the same date from the same party, advising the Treasurer of Angola of the bill which had been drawn upon him, as mentioned under the last number.

No. 19 is a Log-book of the present voyage, kept by Manoel Joaquim Bacelar, named in the muster-roll as the first officer of the vessel. It begins on the 5th of July, when the "*Intrepido*" took her departure from Bahia, and finishes on the 31st of July, when she sighted land at Cape Palmas.

Nos. 20 and 21. We have already remarked that Bacelar, the nominal mate, was the real master of the "*Intrepido*," and that De Souza was only "captain of the flag." In the two following letters, which were found in Bacelar's possession, he is spoken of and addressed under the title of captain.

(Copy.)

Captain Querino Antonio.

ESTEMED SIR,

Onim, May 3, 1839.

I have put on board the polacca "*Destemida*," of which you are the captain, four slaves, namely, two men and two women, marked PF on the left thigh, whom I have to request the favour of your keeping separate from the rest of the cargo. Two of them, a black woman named Lafulcia, and a

mulatto man named Pedro, who is very cunning, I intend for myself; and the other two, namely a man and a woman, I request you will sell for me, deducting from the proceeds the usual freight and expenses incurred by you on their account. Immediately on your arrival at the city, you will be pleased to deliver the black woman, Lafulcia, and the mulatto man, Pedro, to Captain Manoel Joaquim Bacelar or his order. If you will do me this favour, I shall be greatly obliged.

Your most obedient servant.  
(No signature.)

(Copy.) Captain Manoel Joaquim Bacelar.  
MY DEAR SIR, Onim, May 3, 1839.

In consequence of your having already obliged me so far as to look after my slaves in my absence, I take this opportunity to ask you to receive from Captain Querino Antonio one black woman by the name of Lafulcia and one mulatto man by the name of Pedro, who is very cunning, and whom you have my authority to take when landed. I wish you good health, and am with esteem,

Your most obedient servant.  
(No signature.)

No. 22. The bill of lading, which was found with the above two letters, shows that they were written by Francisco Jozé Pinto, of Lagos.

No. 23 is a bill of lading for a woman slave, marked C on the right thigh, shipped at Onim in August, 1838, by the aforesaid F. J. Pinto, on board the "Liberal," Captain João Antonio Louro, and consigned to João da Costa, junior, at Bahia.

No. 24 is a third bill of lading for two men slaves, marked PF on the left thigh, shipped at Onim in December last, by the same F. J. Pinto, on board the hiate "Sete de Avril," Captain Daniel Flintez Coelho, and consigned to Jozé Martinez de Conto Viana, at Bahia. The sum paid to each of these vessels on account of the slaves was 120 milreis, equal to 33l. 15s. per head, which appears a very large amount for freight and passage alone.

No. 25 is a letter from a well-known slave-dealer at Havana to the same Francisce Jozé Pinto at Lagos, showing that the slave-trading adventures of the latter were not confined to Bahia.

(Copy.) Havana, April 30, 1838.

SENHOR FRANCISCO JOZÉ,  
ANNEXED you will receive an account sales of half a slave who has just arrived on board the brigantine "Maria Thereza," that you may see what is to be made by the voyage.

I am, &c.

(Signed) JEZUINO BATISTA DE CARVALHO.

	Dols.	Cents.
Half a slave . . . . .	160	4
Commission . . . . .	8	dols. } 17 0
Expenses . . . . .	9	dols. }
Balance . . . . .	143	4

The "Intrepido" arrived at Sierra Leone on the 11th instant, and on the following morning the marshal reported that she had been captured off Cape St. Paul's by Her Majesty's brigantine "Dolphin."

On the 12th instant proceedings were taken against the detained vessel in the British and Brazilian Court of Mixed Commission, when the captor's declaration was filed, the ship's papers were lodged in the registry, a monition was published, and the witnesses in preparatory were examined.

The captor's declaration is to the following effect:—"I, Edward Holland, lieutenant and commander of Her Britannic Majesty's brigantine "Dolphin," do hereby certify that on this 19th day of August, 1839, being in or about latitude 5° 50' north, longitude 6° 54' east, I detained the brig named the "Intrepido," sailing under Portuguese colours, armed with two guns, commanded by João Ramos de Souza, who declared her to be bound from Bahia to Lagos and Angola, and thence to Bahia.

"And I further declare that I detained the said brig for being Brazilian property, and concerned in the Slave Trade, contrary to the first article of the Treaty between Great Britain and Brazil, signed at Rio de Janeiro on the 23rd of November, 1826."

The captain of the flag and alleged owner, João Ramos de Souza, deposed in reply to the standing interrogatories,— "That he is a native of Lisbon, where witness and his family have always resided; that he owns the detained vessel, and appointed himself to the command at New York, about three years ago; that the vessel is of American construction, has always borne the name of 'Intrepido,' is of the burthen of 251 tons, and belonged entirely to witness; that one-half of the cargo belonged to witness, and the other half to an Englishman living at Bahia, with whose name he is unacquainted; that the present voyage began at Bahia, which was the last clearing port, and whither the vessel was to return after visiting Angola and Lagos; that a bill of sale was drawn up at New York when the vessel was purchased, between witness and an American, whose name he does not remember, and to whom witness paid 8000 dollars for the brig; that a half-deck has been fitted in the fore-part of the vessel for the accommodation of the 24 passengers whom she carried; that there are 19 pipes, mostly filled with fresh water, for the use of the crew and passengers; that there are three iron boilers, one capable of holding eight gallons, one four, and the other three and a half gallons, intended for cooking for the passengers and crew; that there were 10 bags of rice, two bags of beans, and three or four bags of farina for the use of the crew, and two bags of Indian corn for feeding the fowls."

Evidence to the same effect was given on the same day by Francisco d'Oliveira, the boatswain of the detained vessel, and on the following day the examinations were published.

On the 14th instant a commission of survey and inspection on the fittings of the "Intrepido" was prayed for and issued; and on the 17th instant the report of the surveyors was received. It stated that those gentlemen found, amongst other things, the combings of the main and after-hatches pierced to receive crossbolts; a slave-deck marked, numbered, and laid in the fore division of the hold, besides a small quantity of planks; a bulk-head (in addition to the fore and cabin bulk-head) from the slave-

deck to the beams, carried partially across the vessel, and with plank for its completion; 13 large leaguers, capable of containing 400 gallons each, also 15 other casks capable of containing 800 gallons, also a large iron tank, fitted into the run of the vessel under the cabin deck, capable of containing a large quantity of water, but its exact capacity could not be ascertained; that the leaguers examined were mostly filled with water and the iron tank was nearly full; that besides these casks there appeared to be two complete tiers of leaguers running fore and aft under the cargo, but which could not be examined without removing the cargo; five boilers capable of containing 42 gallons, and three tin cans capable of containing 13 gallons; one slave-call; a cooking place of larger size than necessary for a vessel in legal trade, having a large grate or cross-bars, on which the boilers could be placed; 28 bushels of farina of cassada in bags, and a large quantity of the same loose; 24 bushels of rice, eight bushels of Indian corn, and two bushels of peas.

The monition issued on the 12th instant was returned into the registry on the 19th instant with the Marshal's endorsement as to its due publication; and on the same day a claim was filed by the alleged master and owner of the "*Intrepido*" for the restoration of the vessel and cargo, with costs, damages, and expenses against the captor. The only point in this claim worthy of notice is, the master's deposition that he was born and resides at *Oporto*; whereas in his examination on the standing interrogatories he swore that he was born and resides at *Lisbon*, and all the ship's papers agree in declaring that he was "a resident of *Bahia*."

No further evidence was taken either on the part of the claimant or the captor, after the filing of the claim; and a joint petition for a day of trial having been presented by the two proctors on the 21st instant, a court was summoned for the 24th instant.

This was as clear a case of engagement in Brazilian Slave Trade as could possibly come before us. Several of the ship's papers declared that *João Ramos de Souza*, the avowed owner of the "*Intrepido*," was a resident of *Bahia*; and the Portuguese passpost itself stated in two places that the vessel belonged to *Bahia*.

A slaving equipment had also been distinctly proved; the hatches of the vessel were pierced to receive cross iron bars; the vessels for holding water were of a capacity much more than sufficient for a legal trader; added to which there were five boilers of large dimensions, besides jerked beef, slave food, a slave-call, &c.

A Brazilian national character, and illegal employment in the Slave Trade, having thus been established against the "*Intrepido*," she was condemned as good and lawful prize for a breach of the 1st article of the Convention between Great Britain and Brazil.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 117.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, December 31, 1839.*

(Received September 17, 1840.)

MY LORD,

WE have the honour to enclose to your Lordship a report of the case of the Brazilian brigantine "*Sociedade Feliz*," *João de Souza Campos*, master, which was captured off Cape Palmas, on the 21st ultimo, by Her Majesty's sloop "*Harlequin*," Lord Francis John Russell, commander, and was condemned in the British and Brazilian Court of Mixed Commission on the 24th instant, for a violation of the first article of the Brazilian Convention of the 23rd of November, 1826, by being engaged in, and equipped for, the Slave Trade.

We have also the honour to forward herewith copies of the translations of some of the letters found on board the detained vessel.

The condemnation of this rich prize will be a severe blow to the already suffering slave-dealers of *Bahia*.

We have, &c.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

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

&c.

&c.

&c.

First Enclosure in No. 117.

*Report of the Case of the Brazilian brigantine "Sociedade Feliz," João de Souza Campos, Master.*

*Sierra Leone, Dec. 31, 1839.*

THIS vessel was detained off Cape Palmas on the 21st ultimo, by Her Majesty's sloop "*Harlequin*," and sent for adjudication before the British and Brazilian Court of Mixed Commission at *Sierra Leone*, on a charge of having violated the first article of the Brazilian Convention, by being concerned in, and equipped for, the Slave Trade.

The "*Sociedade Feliz*" arrived at *Sierra Leone* on the 1st instant, but no attempt was made until the 9th instant to bring the vessel into Court, because, the prize having been despatched without the necessary papers, the captor's proctor was unable to commence a prosecution against her until the arrival of the capturing ship. The papers of the detained vessel were then received, together with the captor's



declaration, the usual monition was issued, and the witnesses in preparatory were ordered to attend at the registry.

The following ship's papers were produced:—

No. 1. A Brazilian passport, No. 139, granted at Bahia on the 5th of October, 1839, to the Patacho "*Sociedade Feliz*," which is more particularly described in an annexed certificate of registry, No. 148, by which the vessel is declared to be owned by Pedro Pedreira Sampaio, and commanded by João de Souza Campos, to be of 131 tons burthen, and of unknown build.

No. 2. On the same day that the passport was obtained the "*Sociedade Feliz*" entered outwards for "the coast of Africa" generally.

No. 3. The muster-roll, which contains the names of 14 persons besides the captain, was taken out on the 14th of October, 1839. The captain, Campos, is described therein as a Brazilian citizen, and a resident of Bahia.

Nos. 4, 5, and 6 are three private passports, permitting Adolphe Benjamin Tinel, a French merchant; Justiniano Gomes de Vasconcellos Barriaga, a Brazilian merchant; and Jozé Martins Coutto Vianna, the consignee of the cargo of the "*Sociedade Feliz*," to make a passage in that vessel to the coast of Africa. Vianna is the same person who was mentioned in Paper No. 24, of the Report of the brig "*Intrepido*," condemned in the British and Brazilian Court of Mixed Commission on the 24th of September last, as the consignee at Bahia of some slaves shipped at Lagos, by Francisco Jozé Pinto, in December, 1838.

No. 7 is a clean bill of health, dated on the 16th of October, 1839, and stating that the complement of persons on board the brigantine was 15 officers and seamen, and 3 passengers.

No. 8. The receipt for anchorage and harbour dues, states that the "*Sociedade Feliz*" had arrived at Bahia from her former voyage on the 15th of April, 1839. She must, therefore, if this representation be true, have lain idle for a period of six months.

Nos. 9 and 10 are two clearance papers, both dated on the 18th of October, 1839.

No. 11. The fort-pass was granted on the 19th of October, but not endorsed by the military commandant until the 22nd following, on which day the vessel left the harbour.

No. 12 is an invoice of merchandize shipped in the "*Sociedade Feliz*," to the consignment of Jozé Martins de Coutto Vianna, who took out a passenger's passport as mentioned above. The shipper is not named, and the invoice is not signed. The shipment amounts to 30 millions of reis, or 30 thousand milreis. The value of the milrei is variously stated in different books: Vieyra's Dictionary has rated it at 5s. 7½d. sterling, whilst M'Culloch's Commercial Dictionary, a far preferable authority, has stated it to be 3s. 2½d. sterling. By the latter estimate the value of this invoice will be 4812l. 10s.

No. 13 is another invoice of merchandize, which is dated at Bahia on the 20th of October, 1839, and is signed by Justino Jozé Fernandez, upon whose account the goods, amounting in value to 635 milreis, were shipped to the consignment of the passenger Vianna.

Various other parcels of goods besides the above were on board the "*Sociedade Feliz*" at the time of capture, and their condemnation at this place will inflict serious loss on some individuals amongst the Bahia slave traders.

No. 14. The log-book began on the 22nd of October, when the brigantine left Bahia, and was entered up to the 20th ultimo, the day before capture took place.

The Captor's Declaration is to the following effect:—"I, the Right Honourable Lord Francis John Russell, commander of Her Britannic Majesty's sloop "*Harlequin*," hereby declare, that on the 21st day of November, 1839, being off Cape Palmas, I detained the brigantine called the "*Sociedade Feliz*," sailing under Brazilian colours, commanded by João de Souza Campos, who declared her to be bound from Bahia to Elmina and Whydah, with a crew consisting of 15 men besides 3 passengers.

"I do further declare, that the said brigantine has on board one very large slave-boiler, a very large quantity of farina in bulk and in bags, jerked beef, fire-wood, six mess-tins, one bunk, six tin-tubes called suckers, and two pairs of shackles.

"I do further declare, that the said vessel is so full of cargo as to render a thorough search at present impracticable; but some of the detained seamen assert that there are two, and some that there are four slave-boilers on board; and the said brigantine is detained as a Brazilian vessel, engaged and assisting in the illicit traffic in slaves."

The witnesses in preparatory were examined on the standing interrogatories on the 10th instant. João de Souza Campos, the master, deposed, "that he was born at Bahia, where he has since lived; is a subject of Brazil, and has never been subject of any other state; that he was appointed to the command of the detained vessel at Bahia in the month of October last, by Francisco Pinto Lima, a Brazilian subject living at Bahia; that the vessel was built in North America, is called the "*Sociedade Feliz*," is of 131 tons burthen, and her crew consisted of 14 men exclusive of witness; that there were 3 cabin passengers, who embarked at Bahia in October last, and were destined to the coast of Africa generally, for the purpose of trading there; that one of the passengers, named Jozé Martins do Coutto Vianna, acted as supercargo on board; and another passenger, a Frenchman, named Adolphe Benjamin Tinel, owned part of the cargo, but witness does not know exactly how much; that the voyage began and was to end at Bahia, which was the last clearing port, and the vessel had touched no where during the voyage previous to capture; that Pedreira Sampaio, a Brazilian, residing in the neighbourhood of Bahia, is the sole owner of the vessel; that Francisco Pinto Lima, the agent of the owner, and a resident of Bahia, was the lader of the cargo now on board, but witness does not know who were its several owners and consignees; that the vessel, with respect to her trade, was under the management of the supercargo; that there are two pairs of shackles and bolts on board, which were intended to be used in case of need against the crew; that there are casks and staves on board capable of receiving about 13 pipes of water in all, a quantity not larger than would be required by the crew of the vessel and the live stock on long voyages, and about eight pipes were filled with fresh water at the time of capture; that there are six mess-tins for the use of the crew; that there is, one large copper boiler on board, which was being carried on freight; that there are two bags of rice twenty bags of farina, and one bag of beans, for the use of the crew."

Jozé Martins do Coutto Vianna, the supercargo, who was on board the detained vessel with a passenger's passport, deposed generally to the same effect as the master. He further stated "that he (witness) owned a fourth part of the cargo, the remainder being owned partly by Francisco Pinto

Lima, and partly by Manoel Francisco Lopez, both of whom are Brazilians and, as well as witness himself, carry on business at Bahia."

The above evidence was published on the 11th instant, and on the same day an affidavit was filed, on the part of the captor, with respect to some money found on board the detained vessel in the possession of the crew and passengers, to the amount of 774 dollars, which was placed in the charge of the marshal, to await the adjudication of the case.

A Commission of Survey and Inspection on the fittings of the detained vessel was prayed for and issued on the 14th instant, the sworn Report under which stated that the following articles were on board:—2 pairs of shackles and bolts; casks of various sizes, whole, and in shakes, capable of containing 1808 gallons of water; 8 tin drinking-cups, 61 large mess-tins, 6 mess-kids, 2 wooden spoons, a large copper-boiler, measuring 2 feet 6 inches by 1 foot 8 inches, and 3 feet high; a large circular tin boiler, capable of holding 40 gallons; also 2 other boilers, 1 holding eight gallons and the other 2 gallons; 32 bushels of farina in bags, and a large quantity in bulk; and a very large quantity of jerk-beef, beans, and Indian corn, stowed under the cabin floor.

This closed the captor's case; but previous to the monition being returned into the Registry on the 16th instant, a claim was presented by the master of the "*Sociedade Feliz*" for the restoration of his vessel, together with costs and damages against the captor for her detention. The claim was presented on the 13th, but was not sworn to until the 18th instant, owing to the illness of the claimant. It declares that the vessel was owned by Pedreira Sampaio, as mentioned in the papers; that Manoel Francisco Lopez, of Bahia, was the owner of 1000 rolls of tobacco 1 caldron, and 1 trunk of wearing apparel; that the French passenger, Adolphe Benjamin Tinel, owned one box of coral; that the remainder of the cargo was the property jointly of Francisco, Pinto Lima of Bahia, and of José Martins Coutto Vianna, the supercargo of the said vessel. The ownership of the money found on board is also described.

No evidence was tendered by the claimant in support of his case; and on the 24th instant a Court assembled to give sentence upon the vessel, when a decree of condemnation upon the brigantine, and the cargo, stores, and money found on board of her, was pronounced; the manifest engagement of a Brazilian vessel in the Slave Trade, as proved by a slaving equipment, being deemed a violation of the First Article of the Brazilian Convention.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

---

Second Enclosure in No. 117.

*Copies of Translations of some of the Letters found on board the Brazilian Brigantine "Sociedade Feliz,"*  
*João de Souza Campos, Master.*

## No. 1.

*Letter from Manoel José Lopez d'Oliveira, of Bahia, to Agostinho Alves Ribeiro, his correspondent at Onim (Lagos.)*

MY DEAR SIR

Bahia, October 19, 1839.

I HAVE received intimation of your arrival in the "*Juliana*," and at the same time received the two slaves (fardos) that you sent me, marked P, and which I have disposed of at this place, because they were beyond the proper age, and moreover, one of them had something the matter with one of his legs, which, when I exhibited him for sale, I took the precaution to cover over or dress up for the occasion. I sold them both for 700,000 reis, but if they had been without blemish, I should have been able to have sold them for much more than that; but from all I have learnt, I am perfectly satisfied with what you have done.

In the "*Virtude O Mão*," of which vessel Pachero is master and owner, I will send you one or two pipes of spirits, or that quantity divided into half-pipes, with which I must beg of you to purchase me a female slave from 14 to 16 years of age, and also a male slave about 16 years old, and of good appearance and disposition, as I wish to keep them for my own use; I therefore hope you will attend to the choice of them, and that you will use every exertion to let me have them either in the schooner "*Maria*," or in the Polacca "*Destemida*," even though the spirits may not have arrived.

You tell me that the war is likely to be at an end; and, so soon as I shall receive further intelligence from you, I shall send you a further supply of spirits, as well as every other description of goods which you will require, in addition to those which are already gone, and with which I feel confident you will make a better market.

I am, &amp;c.

(Signed)

MANOEL JOZE LOPEZ D'OLIVEIRA.

*Note.*—The Polacca "*Destemida*," herein referred to, was condemned on the 18th ultimo in the British and Brazilian Court of Mixed Commission.

## No. 2.

*Letter from Carlos de Souza Lopez, of Bahia, to Manoel José Teixeira, at Ajuda (Whydah.)*

MY DEAR SIR,

Bahia, October 20, 1839.

NEWS has this day reached us at this city, in which every confidence may be placed, that Donna Maria the Second has just concluded a Treaty with the English Government, whereby all vessels that shall hereafter be found on the coast of Africa under the Portuguese flag will be taken as pirates. I have written this that you may be guided accordingly, and hope it may arrive in time to be of service to you. God protect you.

I am, &amp;c.

(Signed)

CARLOS DE SOUZA LOPEZ.

*Note.*—In Paper, No. 15, of the Report of the brig "*Firmeza*" (condemned in the British and Brazilian Court of Mixed Commission on the 14th of September last), the writer of this letter appears

as the shipper, and the person addressed appears as the consignee of some Slave Trade goods shipped from Bahia by that vessel.

## No. 3.

*Letter from the same Carlos de Souza Lopez, of Bahia, to Domingos Gomes Villaça, at Onim, dated Bahia, October 20th, 1839.*

*Note.*—This letter contains, word for word, the same information and warning as the last; No. 2 being addressed to Lopez's correspondent at Whydah, and No. 3 to a friend at Lagos. D. G. Villaça was third officer of the bark "*Augusto*," condemned at Sierra Leone in the British and Brazilian Court of Mixed Commission on the 19th of October last, the day before this letter was written at Bahia, and he carried out with him in the "*Augusto*" some goods shipped to his consignment by Lopez.

## No. 4.

*Letter from Francisco Antonio da Silva, of Bahia, to Manoel Jozé da Cunha, his correspondent at Lagos.*

FRIEND AND SIR,

Bahia, October 21, 1839.

I WROTE by the schooner "*Calliope*," belonging to Cerqueira Lima, to tell you that, in the event of your being able to make a shipment by that vessel, you should do so at once. I now again write you by the "*Sociedade Feliz*," to tell you that, if you have the means of shipping a cargo, it must be done with the least possible delay, as you will not be able to ship another cargo in this contraband trade within the time.

It appears, by intelligence just received by the steam-packet from England, that the English Government has entered into a Treaty with that idiot, the Queen of Portugal, whereby all vessels belonging to her nation will be looked upon as pirates if met with on any part of the coast of Africa, all which has been ratified and duly concluded. To this information there is every credit to be given, therefore you will the better understand my reasons for thus urging you to use every despatch, as before expressed, and the sooner you return here the better, as we would rather wish you to die a natural death.

I remain your attached friend and obedient servant,  
(Signed) FRANCISCO ANTONIO DA SILVA.

*Note.*—The person here addressed was one of the passengers who went out in the "*Augusto*," already referred to, to settle as a slave-factor at Lagos; and he was the consignee of the merchandize shipped in that vessel by the writer of this letter.

The schooner "*Calliope*," mentioned in the first sentence of the letter, was condemned in the British and Brazilian Court of Mixed Commission on the 3rd instant.

## No. 5.

*Letter from Messrs. Grillo and Costa, of Bahia, to Bernardo Xavier de Castro, Captain of the Brazilian bark "Augusto," at Lagos.*

FRIEND AND SIR,

Bahia, October 21, 1839.

OUR last letter to you was sent by the schooner "*Calliope*," belonging to the firm of Jozé de Cerqueira Lima, and it is hoped you have got it before this, although up to this day we have not received any communication from you, at which we cannot help expressing our regret, and conclude that it must be on account of ill health, or that something else has occurred to prevent it.

There is a rumour of some vessels having been taken under the Portuguese flag, which intelligence was first brought here by a schooner or pilot-boat belonging to Jozé Maria Henriques; but it has since been confirmed by a Hamburg vessel, which has just arrived from Ajuda, belonging to Xaxa.

The trade from this port has been very unfortunate; so much so that every one is now tired of risking his property, as the vessels, one and all, became prizes. We have only just learnt that two vessels have been taken at the bar of Rio de Janeiro, having on board a full cargo of merchandize and other articles requisite for trade. On what plea or principle they were seized we have yet to learn. Under all these circumstances, we would advise you to use your utmost endeavours to secure and bring with you some pipes of oil, or, indeed, anything else you may think likely to effect a sale, so as to avoid returning here in ballast.

We are your obedient servants and friends.  
(Signed) GRILLO AND COSTA.

*Note.*—From the tone of the above letter it is evident that Grillo and Costa were the owners of the bark "*Augusto*," condemned at Sierra Leone in the British and Brazilian Court of Mixed Commission two days before this letter of instructions was written at Bahia; but the Brazilian passport and the depositions of the witnesses agreed in declaring that the ownership resided with Bernardo Xavier de Castro, the master.

The terms of the latter part of the letter induce us to hope that Her Majesty's Commissioners at Rio de Janeiro have been led to adopt the same interpretation of the First Article of the Brazilian Convention which has been acted upon for some time past at Sierra Leone.

Sierra Leone, December 31, 1839.

## No. 118.

*Her Majesty's Commissioners to Viscount Palmerston.*

Sierra Leone, December 31, 1839.

(Received September 17, 1840.)

MY LORD,

WE have the honour to enclose an abstract of the proceedings in the British and Brazilian Court of Mixed Commission during the year 1839. The

number of vessels adjudicated was 11; all of which, without exception, were condemned.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

Enclosure in No. 118.

*Abstract of the Proceedings in the British and Brazilian Court of Mixed Commission during the year 1839.*

*Sierra Leone, December 31, 1839.*

No. 1. THE schooner "*Jacuby*," Francisco de Paula Neves d'Oliveira, master, was sailing under Portuguese colours at the time of her capture on the 14th of June, 1839, in 4° 58' south latitude, and 6° 56' east longitude, by Her Majesty's brig "*Brisk*," Lieutenant Arthur Kellett, commanding. She was found with upwards of 200 slaves on board, shipped at Cabinda, and was on her way to the Rio d'Ostras, a little to the north of Cape Frio, where her slaves were to have been landed, preparatory to her entering the port of Rio de Janeiro *in ballast*. On the last voyage made by this vessel, unhappily without interruption, a precisely similar route was pursued.

Captured to the southward of the line, the Portuguese character which the "*Jacuby*" had assumed would, if it could have been maintained, have protected her from condemnation; but, independent of the Brazilian "course of trade" in which she was engaged, a Brazilian ownership, resting with João Luis da Cunha, of Rio, was proved; and her admission to prosecution in the Brazilian Court was followed on the 18th of July, 1839, by the condemnation of the vessel, and the emancipation of the survivors of her slaves, 196 in number, seven slaves having died between capture and adjudication, and 203 having been on board at the time of detention.

No. 2. The brig "*Emprehendedor*," Joaquim Telles de Menezes, master, was captured, at anchor at Wydah, on the 23rd of June, 1839, by Her Majesty's sloop "*Wolverene*," William Tucker, Esq., commander, and was then sent to Sierra Leone for trial as a Spanish vessel illegally equipped for Slave Trade. The "*Emprehendedor*" was sailing under Portuguese colours and papers at the time of her capture; and although the Surveyors of the Court reported that the vessel was in all respects furnished and fitted for the transport of a cargo of slaves, the captor failed altogether in affixing upon her a Spanish character.

At the suggestion of the Court, and in order to avoid the necessity for a sentence of restoration with costs and damages to the claimant, the brig was then libelled as a Brazilian vessel, from a conviction that a Brazilian character was impressed upon her by the course of Brazilian trade in which she had ever been engaged. The Court further decided that a fair and liberal construction of the First Article of the Brazilian Convention required the confiscation of all Brazilian vessels, whose engagement in the Slave Trade should be evidenced by the presence of an equipment for the prohibited traffic. On this ground a sentence of condemnation was pronounced on the "*Emprehendedor*" on the 31st of August, 1839.

No. 3. The Brazilian brigantine "*Simpatia*," Joaquim da Silva Marques, master, was detained, whilst at anchor off Popoe, on the 27th of July, 1839, by Her Majesty's brigantine "*Lynx*," Lieutenant Henry Broadhead, commanding, and was prosecuted for having an illegal equipment for the Slave Trade on board, and thereby violating the First Article of the Brazilian Convention of the 23rd of November, 1826. The Report of the Surveyors of the Court proved the vessel to be equipped in the manner described by the captor; and, on the strength of the rule laid down in the case of the "*Emprehendedor*," that equipment led to the condemnation of the detained vessel on the 7th of September, 1839, for being concerned in carrying on the Slave Trade.

No. 4. The brig "*Firmeza*," Antonio da Cruz Baptista, master, was captured by Her Majesty's sloop "*Wolverene*," William Tucker, Esq., commander, on the 25th of July, 1839, in consequence of her being fitted and equipped for the Slave Trade, and from a belief that, although sailing under a Portuguese flag and pass, she was really entitled to a Brazilian national character. These allegations of the captor were fully confirmed by the Court, when it was ascertained that the avowed owner of the vessel, named as such both in the ship's papers and by the witnesses, was Antonio José da Costa, a resident of Bahia, and junior partner in the large mercantile establishment of Almeida and Costa of that city, and that the Surveyors of the Court had discovered an ample slaving equipment. A sentence of condemnation was accordingly passed on the brig and her cargo on the 14th of September, 1839.

No. 5. The brig "*Intrepido*," owned and commanded by João Ramos de Souza, although sailing under Portuguese papers obtained at Prince's Island, was declared in those very papers "to belong to Bahia;" and all the official papers received at Bahia certified that the alleged owner was a "resident of Bahia." When, therefore, the vessel was met with off Cape St. Paul's on the 19th of August, 1839, by Her Majesty's brigantine "*Dolphin*," Lieutenant Edward Holland, commanding, and was found to be fitted for carrying slaves, that officer detained and sent her for trial to Sierra Leone, as a Brazilian vessel illegally engaged in the prohibited traffic. The captor's charges having been completely substantiated, the "*Intrepido*" and her cargo were condemned on the 24th of September, 1839.

No. 6. The Brazilian bark "*Augusto*," Bernardo Xavier de Castro, master and owner, was captured under Brazilian colours in 5° 48' north, 1° 0' east, on the 5th of September, 1839, by Her Majesty's schooner "*Fair Rosamond*," Lieutenant William Brown Oliver, commanding, and was sent up to Sierra Leone for trial, on the charge of having infringed the Brazilian Convention by being engaged in and equipped for the Slave Trade. The Brazilian nationality of the detained vessel was undisputed, and the sworn report of the surveyors of the court proved that she was in every way prepared

CLASS A.

for the embarkation of a cargo of slaves. A sentence of condemnation was therefore pronounced on the 19th of October, 1839.

No. 7. The Brazilian brigantine "*Pampeiro*," José Maria Ribas, master, was detained at Lagos on the 12th of September, 1839, by Her Majesty's sloop "*Wolverine*," William Tucker, Esq., commander, and was then sent to Sierra Leone. The ship's papers declared that the owner of the vessel was a Brazilian merchant resident at Bahia, named Luis Martins; and a slaving equipment was unreservedly admitted by the master. On these grounds the brigantine and her cargo were confiscated on the 30th of October, 1839.

No. 8. The Brazilian brigantine "*Golfinho*," owned by José de Cerqueira Lima, of Bahia, and commanded by David Thomaz Pinto, was detained off Lagos, on the 19th of September, 1839, by Her Majesty's brigantine "*Termagant*," Lieutenant Seagram, commanding, on the ground that she was illegally equipped for the prohibited traffic in slaves. The establishment of this charge was followed by the condemnation of the brigantine and her cargo on the 30th of October, 1839, as good and lawful prize.

No. 9. The brig "*Destemida*," Manoel Francisco Pinto, master, was captured, whilst sailing under Portuguese colours, off Winnebah on the western coast of Africa, on the 29th of September, 1839, by Her Majesty's brigantine "*Lynx*," Lieutenant Broadhead, commanding, and was condemned at Sierra Leone, on the 18th of November following; the admitted residence of the owner at Bahia having impressed a Brazilian character on the detained vessel, and her equipment for the Slave Trade having rendered her liable to condemnation, under the First Article of the Brazilian Convention.

No. 10. The Brazilian schooner "*Calliope*," owned by José de Cerqueira Lima, of Bahia, and commanded by Silveiro José Pereira, was captured on the 27th of October, 1839, in 5° 50' north lat., and 1° 38' east long., by Her Majesty's brig "*Waterwitch*," Lieutenant Matson, commanding. The prosecution of the detained vessel at Sierra Leone for being engaged in and fitted for the Slave Trade was closed by a sentence of condemnation on the 3rd of December, 1839, the captor's charge having been satisfactorily established.

No. 11. The Brazilian brigantine "*Sociedade Feliz*," owned by Pedro Pereira Sampaio, of Bahia, and commanded by João de Souza Campos, was captured off Cape Palmas on the 21st of November, 1839, by Her Majesty's sloop "*Harlequin*," Lord Francis Russell, commander, and was condemned at Sierra Leone on the 24th of the following month; the surveyors of the court, in their sworn report, having represented that an ample slaving equipment was on board the detained vessel.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 119.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, May 28, 1840.*

(Received, September 17.)

MY LORD,

WE have the honour herewith to transmit to your Lordship our report of the case of the Brazilian polacco "*Santo Antonio Victorioso*," Joaquim Lopes Pereira, master, seized by Her Majesty's sloop "*Wolverene*," Commander Tucker, on the 2nd ultimo, in 4° 45' north lat., and 6° 2' west long., for being concerned in the illegal Slave Trade, and condemned in the British and Brazilian Mixed Court in this colony on the 21st instant.

At the time of the detention of this vessel there was a negro found on board whom the captor considered was there in the capacity of a slave, and made that one of the grounds of seizure. On examination, however, it appeared that this negro was a free man, who had been deported from Bahia by the Government of that city, on the plea of his being a disaffected person.

This vessel belonged to the port of Bahia, between which and this coast she appears to have been a regular trader, and was owned by the senior partner of the well-known house of João da Costa, junior, and Co., of that city.

On board of the "*Victorioso*" there were a great number of private letters found at the time of seizure, from some of which we discovered that the English brig "*Guiana*" had been chartered at Bahia for the conveyance to Lagos of a cargo of merchandize, on the account of persons residing in that city.

The "*Guiana*" having been seized by Her Majesty's schooner "*Viper*," and sent to the Vice-Admiralty Court of this colony for trial on a charge of aiding and abetting in the Slave Trade, by accepting the charter alluded to, we will not now offer any remarks upon this case, but await the decision of the Admiralty Court, which we shall communicate to your Lordship with as little delay as possible after it is known, together with every well-authenticated particular respecting the "*Guiana*," which we may be enabled to collect.

We have, &c.

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

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

## Enclosure in No. 119.

*Report of the case of the Brazilian polacca "Santo Antonio Victorioso," Joaquim Lopes Pereira, Master.*

*Sierra Leone, May 28, 1840.*

THIS vessel was furnished with an Imperial Brazilian passport, dated at Bahia on the 2nd of January, 1839, by which it appeared she was the property of João da Costa, junior, of that city, commanded, at that time, by José Barbosa e Vinus, and of the burthen of 153 tons.

The other official papers found on board of this vessel, were all dated at Bahia early in February, 1840, and were found to be in the usual form of such documents.

They described her as bound on a voyage from Bahia to the coast of Africa, with a crew of 15 men, under the command of Joaquim Lopes Pereira, and having a cargo of aguardiente and tobacco.

The letter of instructions in this case was written by the firm of Da Costa, junior, and Co., of Bahia, and dated the 10th of February, 1840. It appointed J. L. Pereira, supercargo, as well as master of this vessel, and named Manoel da Paixão Ferreira, of Lagos, as his substitute or successor. M. P. Ferreira is the regular and acknowledged agent at Lagos of Da Costa and Co., as is shown in the case of the "*Augusto*," reported in the Despatch of the 31st of October, 1839. In the instructions in question, lawful trade for this vessel is ostentatiously described as the only object to which the master and supercargo should direct his attention; but the concluding paragraph of the letter is so doubtfully worded in respect to the preparation of two distinct and separate manifests, as to prevent the favourable impression which the early part of the letter was evidently intended to create. The object Da Costa and Co. had in view in desiring these two manifests does not clearly appear; they, however, attach considerable importance to their proper preparation, as further instructions on this subject are promised when the "*Intrepido*" sails, which they say may be "both useful and requisite."

The "*Intrepido*," however, never returned to Bahia to furnish a conveyance for the additional instructions above mentioned, she having been seized and condemned here last year.

The log-books of this vessel show that she came direct from Bahia towards Lagos, in her route to which port she was detained by Her Majesty's sloop "*Wolverene*."

Among the papers seized in this vessel was a very large parcel of letters addressed to persons living at Lagos and in its neighbourhood, most of whom appear to be to some extent connected with the Slave Trade.

From the translations of some of these letters we learned that the English brig "*Guiana*" had been chartered at Bahia in January last, for the conveyance of a cargo of merchandize to Lagos; a portion of which appeared to belong to the firm of João da Costa, junior, and Co., of Bahia, the mercantile establishment owning this vessel and her cargo.

A letter from João da Costa, junior, under date Bahia, the 1st February, 1840, addressed to Manoel da Paixão Ferreira, the consignee of this vessel at Lagos, states that the master of the "*Guiana*" had received for delivery at that place 13 pipes and 10 half-pipes of spirits, on account of Gonçalo Affonço Vianna, of J. L. Pereira, the master of this vessel, and of Domingos José da Costa Lieres, and that he had declined signing the customary bills of lading for each of the parties concerned, and given one bill of lading in lieu thereof in favour of João da Costa, junior, who was apparently in no way interested in these shipments. The explanation of this refusal of the captain of the "*Guiana*" to do what is customary and regular in this respect was stated to be his dislike to sign *so many* bills of lading, an excuse which appears far from reasonable, and would seem to warrant the inference that the master had, himself, doubts about the characters of the persons with whom he was engaged, as well as of the nature of the voyage which he had undertaken to perform.

A letter to José de Brito Lima, formerly the master of some slave-vessel at Lagos, from José Maria Henriquez Ferreira, dated Bahia, January 17th, 1840, distinctly shows Captain Lima to be concerned in the Slave Trade. The writer complains of having received only 32 slaves in return for the cargo sent by José Martins de Conto Viana in October, 1839, and urges Lima to send at once direct whatever he may have on hand. Should no opportunity offer for Bahia, Lima is told to consign the slaves to Jezuíno of Havana, in the names of Ferreira and his brother Gregorio. Ferreira expresses great anxiety for the termination of the war near Lagos, so that trade might revive there, as he was anxious to fit out two expeditions for Havana. In a postscript of the 2nd February, Ferreira notifies the transmission of six pipes of spirits, by "the English brig," for Captain Lima; and urges his sending the slaves, which are required to complete the accounts of the first and last voyages.

Two letters from Luis Pacheco do Silva of Bahia, of the 10th February, 1840, to Campos, the supercargo of the English brig going to Lagos; and José Cotta, a resident at that place, instruct them, with reference to 1680 dollars owing to Do Silva by Cotta, that the amount is to be remitted to him in slaves.

In February last the well-known French firm of Edward Gantois and Martins, of Bahia, wrote to Manoel Joaquim Bacelar at Lagos, generally as to their affairs. Bacelar was lately the *bonâ fide* captain of their vessel, the "*Intrepido*," reported as condemned in the Despatch of the 26th of September, 1839. From that letter we give the following extract:—"At present we have nothing new stirring at this place, but we look very anxiously for some favourable intelligence from Señor Martin (of Lagos). The Portuguese Ministry has been changed by the influence of the English, and it appears that a new Provisional Convention" (respecting the Slave Trade) "has been signed, until the opening of the Cortes. The Portuguese inhabitants are very much exasperated at such conduct, and we should not be surprised if there were a revolution, in the event of the Government persisting in acceding thus infamously to the English.

"João Ramos de Souza" (the Portuguese flag-captain and ostensible owner of the "*Intrepido*") "has just returned from Sierra Leone, bringing us the intelligence of the '*Intrepido*' having been adjudged as a good prize! What a shame it is that such a contemptible place as Sierra Leone should thus be permitted to trample under feet the law of nations. This is a most brazen act of piracy.

"We have not abandoned the case; and have already made an urgent application by means of the Consul, from whom, however, we have received some ill-treatment. We have likewise sent the protest of João Ramos through an influential channel, with a view to its being forwarded to the Portuguese Ministry."

Gantois and Martin, the writers of the foregoing letter, were the owners of the "*Atalaya*" and

"*Esperança*," condemned with full cargoes of slaves in the British and Portuguese Court in the year 1836.

We could have desired to have had several of the remaining letters translated, but as such a proceeding was not at all requisite for supporting the case of the captors, we did not feel ourselves at liberty to tax them with the large outlay which would have been necessary for this purpose.

The "*Santo Antonio Victorioso*," having been met with at sea in the Bight of Benin by Her Majesty's sloop "*Wolverene*," was seized and sent to this port for adjudication, in which she arrived on the night of the 4th May, instant, and was reported on the following morning by the Marshal to the Mixed Courts.

On the 6th instant the case of this vessel was presented to the British and Brazilian Court; the captor's declaration and ship's papers, properly authenticated, were filed; and the usual monition ordered to issue.

The declaration of Commander William Tucker stated that on the 2nd April, 1840, when in latitude 4° 45' North, and longitude 6° 2' West, he had detained this vessel sailing under Brazilian colours, for having a slave on board, and being illegally equipped in several respects, which he enumerated.

The negro who had been seized in this vessel was, at the request of the captor's proctor, immediately landed, and placed in the care of the Liberated African Department.

The master of the detained vessel, and Antonio Constantino, the cook, were the witnesses produced in preparatory. They were examined on the 7th instant by the Registrar, on the standing and special interrogatories; when the master gave the following evidence:—"He was born at the island of Santa Catherina, to the southward of Rio de Janeiro. Has lived four years at Bahia. Is a subject of Brazil, and has never been the subject of any other State since the independence of that country; nor before it of any other, save Portugal. He was appointed to the command by João da Costa, the younger, a resident at Bahia, and a subject of Brazil, from whom also he received possession there, during the month of January last. First saw the vessel there a year ago. She was built at Genoa. He was present at the capture, but does not know why it took place. The vessel sailed under Brazilian colours; and there was besides an old Genoa flag on board, which had remained in the vessel from the time of her purchase by her present owner. There were 14 officers and mariners, exclusive of witness; 8 of them Brazilians, and the remainder Portuguese, all hired and shipped by witness at Bahia during the months of January and February last. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. There was one passenger, named Antonio Bailaõ (Bylong), an African, as witness thinks, and a trader, who was placed on board at Bahia by the authorities there, to be deported, as a disaffected and troublesome subject, to the coast of Africa; on any part of which, to be chosen by himself or convenient for the purpose, he was to be landed and left. The voyage began and was to end at Bahia, which was the last clearing-port. The vessel had touched nowhere during the voyage. She had already reached the coast on the 1st ultimo, and had made the land not far from St. Andrew's River, when at daybreak the capturing ship was first seen in chase of another vessel, in consequence of which she was soon again lost sight of. But she re-appeared next morning, and capture then took place at ten o'clock; was steering for St. Andrew's Bay at the time. The course was not altered, nor any additional sail made. The course prescribed by the papers, which was for the coast generally, was always adhered to when the weather would permit. No resistance was made to capture, nor were there any instructions for resisting or avoiding capture, or for concealing or destroying the vessel's papers. João da Costa, the native of Bahia from whom he received command and possession, was the sole owner of the vessel. Does not know whether he be married. He has lived at Bahia from his birth. He knows nothing of a bill-of-sale, or the price of the vessel; but the transfer he conscientiously believes to have been a true one, and to have been made without any private agreement. The owner of the vessel was the sole lader, owner, and consignee of the cargo. The lading of the vessel on last voyage was tobacco and aguardiente. The present cargo consists of similar articles. After capture the vessel was brought direct to Sierra Leone. The passports and other papers were and are all entirely true and fair. None of the papers were destroyed, concealed, or made away with. There are no writings relating to vessel or cargo in any other country. There was no charter-party. He does not know if the vessel or goods were insured. With respect to her employment in trade the vessel was under the management of witness, and he corresponded with no one. That no slave has been put or received on board for the purpose of the traffic in slaves during the present voyage."

In respect to the equipment of the detained vessel, the only admissions made by the master were that there were on board "12 water-casks, large and small, destined to carry water for the crew," and that the capacity of these 12 casks was equal to eight or nine pipes; and that there were "three bags of rice, seven or eight of farina, and half a barrel of flour for the use of the crew."

The cook's evidence was in every way confirmatory of that given by the master of this vessel.

On the 8th instant the captor's proctor petitioned for a survey of the equipment of the detained vessel, which was granted; and also for publication, which was ordered.

The monition issued on the 6th was returned on the 13th instant, certified to have been duly served.

The result of the examination of the detained vessel by the surveyors of the Court was contained in two reports, and their replies to certain special interrogatories put by the Court, and was to the effect of there being more *close* hatches than is common in vessels of her size; four sleeping berths or houses on deck, such as are usual in vessels employed in the Slave Trade, in addition to the divisions in the hold forming the cabin and forecabin; 12 water-casks capable of holding 1500 gallons of water, a quantity more than requisite for the use of the crew; a cooking-place of the description usual in slave-vessels, but wanting the larger boilers for the slaves; and rice, farina, and biscuit, then on board, after the consumption of the detained crew on their voyage up to this colony, sufficient to maintain her original crew of 15 men for nearly 20 weeks.

Antonio Bylong, the negro seized in this vessel, was examined on special interrogatories on the 20th instant, his replies to which furnished the Court with the following particulars respecting him: that he is a native of Popoe, and has resided in Brazil 24 years, where he was a slave until within the last nine years, when he purchased his freedom at the price of 350 milreis from his master, who resided at some distance from Bahia.

About six months since he was imprisoned by the government, on what grounds he does not know, and was lately shipped in this vessel by the authorities of Bahia, to be landed on any part of the coast of Africa at which the master might find it convenient to leave him. His certificate of freedom is in

the hands of a friend at Bahia, from whom he was unable to obtain it, owing to the hurried manner in which he was sent out of Brazil.

The day following the examination of the negro Bylong was appointed for the adjudication of the case, and the British and Brazilian Court, having met at the time appointed, after hearing publicly read the evidence which had been received, pronounced the "*Santo Antonio Victorioso*" to have been at the time of her seizure prepared for, and concerned in, the illegal traffic in slaves, and accordingly decreed her condemnation. And in respect to the negro seized in this vessel, the Court declared it had been satisfactorily proved that he had not been on board of her in the character of a slave, according to the meaning of the Treaty between Great Britain and Brazil.

(Signed)

R. DOHERTY.  
WALTER W. LEWIS.

No. 120.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, June 22, 1840.*

MY LORD,

*(Received September 17.)*

WE have the honour of acquainting your Lordship that Her Majesty's sloop of war, "*Fantôme*," under the command of Edward Harris Butterfield, Esq., detained on the 12th of April last the brig "*Republicano*," sailing under the Montevidean flag, in latitude 25° 21' south, and longitude 12° 48' west, on suspicion of her being Brazilian property and concerned in the Slave Trade.

The detained vessel was sent to this port for adjudication, where she arrived on the 18th ultimo, and on the 20th was presented to the British and Brazilian Court for trial on the grounds above-mentioned; and the proceedings in the case having established that the "*Republicano*" was entitled to a Brazilian national character, as well as her employment in the Slave Trade, her condemnation was decreed by the Court on the 5th instant.

Our report of this case is herewith transmitted for your Lordship's information.

This vessel, it appeared from the evidence, was formerly called the "*Pampeiro*," under which name and the Brazilian flag she was long and successfully employed in the Slave Trade of Brazil.

Under her last name of "*Republicano*," she was also employed in the same unlawful traffic, though bearing the Montevidean flag and pass, and ostensibly bound to the Canaries, with the object of conveying thence a number of colonists to Montevideo.

Luis Antonio de Carvalho e Castro, the master of the slave-ship "*Incomprehensivel*," condemned here in February 1837, and one of the leading men in the Montevidean company established for conveying slaves into the Republic of the Urruguay under the name of colonists, was concerned in this vessel, he being represented as her consignee at the Canaries. In this character it is more than probable he would have been found on the vessel reaching the Portuguese possessions in Southern Africa.

The passport granted to this vessel by the Consul for Urruguay at Rio de Janeiro appears to have given to her a more extended destination than was regular; upon which we have remarked in our report of the case. Indeed every facility appears to have been afforded to the planners of this expedition by the Urruguay Consul, as well as by other officials at Rio de Janeiro, as we find that in the short space of one day she was nominally sold, then placed under the Montevidean flag and pass, the Consul's certificate respecting her questionable equipment sought and obtained, a bill of health from the proper authorities furnished, cleared at the Custom-house, and then put to sea.

We have, &amp;c.

(Signed)

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

Enclosure in No. 120.

*Report of the Case of the Brig "Republicano," Juan Garcia, Master.**Sierra Leone, June 22, 1840.*

THIS vessel, originally Brazilian, was found at the time of her seizure sailing under the flag of the Oriental Republic of the Uruguay, borne on the authority of a passport from the Consul-Gen-



ral of that Republic resident at Rio de Janeiro, and which was issued by that functionary on the 23rd of March, 1840.

The passport set forth that José Garcia had on that day become possessed of the brig, and was at liberty to transport her "to Montevideo or any other part of the Oriental State of the Urruguay." This destination is printed in the form of passport used by the Consul, and no space is left in that printed form for alteration or addition thereto, it being apparently the intention of the Urruguay Government that their Consuls' passes should only authorise vessels purchased by their citizens in foreign ports proceeding direct from such ports to the mother country. The Consul has, however, in this case enlarged the vessel's destination by interlining the words "to the Canaries," in the printed form, a proceeding which seems irregular, and we have in consequence accompanied our report with a copy of the translation of this document.

On obtaining the above-mentioned passport, the Consul was then asked for a certificate respecting the illegal equipment with which this vessel was proceeding to sea; and which was requested in the following terms:—"I, Juan Garcia, captain of the Montevidean brigantine, am about to proceed on a voyage to Montevideo and to the ports of the islands of the Canaries, where a contract has been entered into to receive from that place a number of colonists for the purpose of taking them thence to the port of Montevideo; and, as the brig carries water and other necessary preparations to effect this object, and fearing lest she should be met by any of the English cruisers, and to free her from the possibility of any doubt whatever, should any exist, with reference to the said vessel, as to her destination or voyage being other than legal, I have to make an urgent request that I may be granted a certificate from this Consulate, and feel confident you will, should you deem it correct to do so, permit me to have an authenticated document as to the vessel's destination; and moreover that she is lawfully Montevidean property."

At the foot of this application the Consul at once wrote, "I am satisfied with the prayer of the applicant, who may proceed to his destination;" and he further endorsed the document thus—"I have this day signed this application at the Consulate in the form in which it is usually required;" to which the Consul added his signature and seal of office.

The other official papers of the detained brig consisted of—

- A Muster-roll,
- A Receipt for Port-dues, and
- A Bill of Health,

which were found in the usual form, and bore date, like the passport and petition described, at Rio de Janeiro, on the 23rd March last.

The Muster-roll stated that the vessel was navigated by 16 persons, including the captain, who was the only officer named therein, except the boatswain.

All the papers described the Canaries and Montevideo as the destination of the brig.

The vessel's log-book showed that on sailing from Rio de Janeiro she maintained a direct course for the African possessions of Portugal to the southward of the Equator.

José Garcia, the ostensible owner of the "*Republicano*," in his instructions to the master, dated at Rio on the 23rd March last, directs him to proceed to the Canaries, and present himself to Luis Antonio de Carvalho e Castro, whose name was particularly alluded to in the case of the Brazilian ship "*Incomprehensivel*," condemned here in the year 1837. Carvalho, it is stated, will very soon have "a cargo of colonists" ready, with whom the brig is to proceed to Montevideo, and there deliver them over to Juan Carreras, whose orders the master is enjoined strictly to follow.

The remainder of the papers seized on board of this vessel consisted of 67 letters, addressed chiefly to residents of Montevideo, some Brazilian newspapers and pamphlets, and a few loose documents of no importance.

It is somewhat singular that, in the number of letters and papers found in this vessel, there should have been no communication to either of the alleged consignees of the brig at the Canaries or Montevideo.

The letters which had in the first instance been ordered to be translated, proved to be on subjects unconnected with the Slave Trade; and as the evidence received from the witnesses, whilst those letters were under translation, proved sufficient to establish the captor's case against this vessel, we did not feel ourselves at liberty to incur any further expense in translations, although it is very probable some useful information might have been obtained from so large a correspondence, in respect to the plans for introducing slaves at Montevideo under the designation of colonists.

The detained vessel arrived in this harbour as prize to Her Majesty's sloop "*Fantôme*," on the 18th ultimo, and on the following morning was visited and reported upon by the Marshal to the Mixed Courts.

The papers of this vessel were presented to the British and Brazilian Court of Mixed Commission on the 20th ultimo, and on the following day, having been properly authenticated by the prize-officer, were filed, together with the captor's declaration containing the grounds of seizure. The usual monition was then issued, and the witnesses in preparatory were produced for examination.

The declaration of the captor was as follows:—"I, Edward Harris Butterfield, Commander of Her Britannic Majesty's sloop "*Fantôme*," hereby declare that on this 12th day of April, 1840, being in or about latitude 25° 21' south, and longitude 12° 48' west, I detained the vessel named the "*Republicano*," sailing under Montevidean colours, and commanded by Juan Garcia, who declared her to be bound from Rio de Janeiro to the Canaries, with a crew of 13 men, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and being fitted up for the illicit traffic in slaves."

The prize-officer's affidavit, and the petition with the papers, from the captor's proctor, explained that the brig had been detained under the provisions of the treaty between Great Britain and Brazil, the commander of the "*Fantôme*" believing the captured vessel to be Brazilian property.

On the 23rd ultimo the master of this vessel, Juan Garcia, was examined on the standing interrogatories, and deposed as follows:—"He was born in Montevideo, where he has since lived. Is a citizen of that Republic; and previous to its independence was a subject of Spain. Is not married. He was appointed to the command by José Garcia, residing in, and a citizen of, Montevideo; from whom he received possession (at Rio de Janeiro) in the month of March last. First saw the vessel in Montevideo nine or ten years ago. Does not know where she was built. He was present at the capture, but does not know why it took place. The vessel sailed under Montevidean colours, and three

were no others on board. There were 13 officers and mariners, exclusive of the master, five of them Montevideans and the remainder Portuguese; all hired and shipped by witness in the month of March last at Rio de Janeiro. Neither he nor any of the officers or mariners had any interest in the vessel or her lading. The voyage began at Rio de Janeiro, which was the last clearing port, and was to end at Montevideo. The vessel had touched nowhere during the voyage. The capturing ship was first seen in 25° 35' south latitude, and 12° west longitude, on the 12th of April last, at six o'clock in the evening. Capture took place, without chase, at ten o'clock the same night. Was steering at the time for the Canary islands, from which the vessel was to carry emigrants to Montevideo. This route for Montevideo was the course prescribed by the papers; and was always adhered to when the weather would permit. José Garcia, from whom he received command and possession, was the sole owner of the vessel. Knows it, because he is his uncle, and because he, witness, was with him at the time of the purchase, and employed by him to receive over the vessel. He is a native as well as a citizen of Montevideo, and is married; his wife and family are also belonging to and residing in that State. A bill of sale was made by Don Bernardino to this owner in the month of March last at Rio de Janeiro, where Garcia had at that time been for 25 days. Does not know in presence of what witnesses it was made. Last saw it at Rio de Janeiro. The price was three thousand dollars, and was a fair equivalent. The transfer was a true one, and witness verily believes that if restored the vessel will belong to Garcia, and to no other person. The passports and other papers were, and are, all entirely true and fair. None of the papers were destroyed, concealed, or made away with. There are no writings in any other country relating to vessel or cargo. There was no charter-party. He does not know if the vessel or goods were insured. No slave has been put or received on board, for the purpose of the traffic in slaves, during the present voyage."

On the subject of the vessel's equipment the master deposed that "the combings of the hatchways have been pierced; but the holes are plugged up, and planks nailed on outside the combings all round. These, of course, could easily be knocked off, and the plugs driven out. There are about three dozen spare planks on board, twelve feet long, one foot wide, and one inch in thickness, not numbered or fitted to any part of the vessel. They were found in the vessel when she was purchased, and no sale for them having offered, it was of course necessary to retain them on board, where they would have served, at all events, for the passengers from the Canaries to sleep upon. There are leaguers and casks on board, capable of receiving 35 pipes of water in all; and containing 14 or 15 of fresh water at the time of capture, and 20 of salt-water for ballast. There were no tanks or staves. The vessel was supplied with these means of carrying water, partly as a means of ballasting her, and partly to provide for carrying a sufficiency of water for the expected passengers from the Canaries. There was half a barrel of flour, and 32 or 33 bags of farina for the use of the crew."

The evidence of the other witness in preparatory, Ignacio, one of the seamen of the detained brig, was strongly in opposition to the chief points in the testimony of the master. Ignacio swore that "the master was appointed to the command by José Bernardino da Sa, who resides at Rio de Janeiro, and from whom also he (the master) received possession there about four months ago." The vessel "sailed under Montevidean colours, and there was also a Portuguese flag on board, which was hoisted in harbour at Rio de Janeiro, and was intended to be used again in entering that harbour, when the vessel should return with slaves. The vessel is called the *Republicano*," which name was given to her immediately before she sailed from Rio. She was previously called the *Pampeiro*," under which name witness knew her well. The voyage began at Rio de Janeiro, and was to end at St. Sebastian on the Brazilian coast, to the southward of Rio. The vessel was proceeding to Ambriz for a cargo of slaves, as witness was informed by Senhor Bernardino, who is his master, and by the people of the vessel." This witness also deposed that he is a slave of Don José Bernardino da Sá, and that he knew his master owned the brig "by every circumstance by which he could be assured of such a fact. Don José (Bernardino) was born in Oporto, and has lived in Rio de Janeiro ten years to witness's knowledge. He cannot say whether the papers (of the vessel) be true or false, but they were new papers procured when the vessel changed her name; and if they show any other course than that for the coast, and for Rio de Janeiro in return, they are then false." The witness added, in respect to the vessel's equipment, that the hatches have open gratings, and that the combings of them are bored and plugged up, as the master had described. That the loose plank was intended for a slave-deck. That all the casks on board are filled with fresh-water, which, with the provisions, were shipped for the use of their intended cargo of slaves; and that, during the chase, previous to capture, there were thrown overboard two bags of slave-irons, a large copper-boiler, two or three dozen of mess-kits, and a quantity of jerk-beef.

Publication was granted on the 23rd ultimo, when the captor's proctor petitioned that the witness Ignacio might be examined on special interrogatories, which having been granted, the following additional evidence was obtained from him. That "he had not made any other voyages to Africa in this brig, but on her former voyages the return cargoes to the Brazils consisted of slaves. Four slaves, witness included, were serving on board the brig as seamen, named João, Pedro, Bernardo, and Ignacio (the witness), all belonging to José Bernardino da Sá, of Rio de Janeiro."

In support of the evidence given by the witness Ignacio, the proctor for the captors produced Bernardo, another of the slaves of the owner of the brig, and who had been named by Ignacio to be examined on special interrogatories.

Bernardo swore that he "is a native of Mozambique, and was a seaman on board the brig. He knows José Bernardino is the owner of the brig, and that he lives at Rio. Has had every opportunity of knowing that this person is the owner, as he, himself, is his slave. The vessel was purchased with his, witness's, knowledge. She sailed on her present voyage from Rio de Janeiro, and was bound to Ambriz, on the Coast of Africa, for slaves; who were to have been landed at St. Sebastian, on the Brazilian Coast. He received this information respecting the cargo and where it was to have been landed from his master, Bernardino. He has made four voyages to Africa in this brig, in all of which the return cargoes consisted of slaves.

This witness corroborated the statements of Ignacio respecting the master having caused to be thrown overboard during the chase a quantity of jerk-beef, mess-kits, and slave-irons and boiler; as well as that there were four slaves belonging to José Bernardino serving on board of this vessel as seamen at the time of her detention.

This closed the captor's case, and publication thereof was granted on application.

On the 29th ultimo, the monition which had been issued on the 22nd was returned into court, certified to have been duly executed.

The fifth instant was appointed for the adjudication of this vessel, on which day the British and Brazilian Court of Mixed Commission met for that purpose.

The evidence of the two negro sailors, Ignacio and Bernardo, was so clear and conclusive as to the real Brazilian ownership of this vessel; her course of Brazilian Slave Trade for the last five voyages; and the intention in the present voyage to engage her in the same traffic; that had their statements been entirely unsupported the Court was of opinion it would have been necessary to act upon them in preference to the testimony of the master, and such evidence as the official papers of the brig might be presumed to afford. When, however, the Court found that the evidence of the two sailors was strongly supported by a fair and just construction of the circumstances under which the Montevidean pass, and the certificate concerning the unlawful equipment, had been sought for by those interested in the vessel, and granted by the Uruguay Consul at Rio de Janeiro; that the notorious Luis Antonio de Carvalho, whose interest in the importation of slaves into Montevideo, under the name of *Colonists*, was years since exposed, was concerned in the present expedition; the total disregard of the destination assigned in the official papers, and the adoption of a direct route for the notorious Portuguese slave-marts on the African Coast to the south of the line, it could not do otherwise than reject the evidence of the master and the vessel's Montevidean papers. The Court accordingly pronounced that the brig had been only nominally transferred from the Brazilian flag to that of Montevideo, and that she still retained her Brazilian national character, and it having been satisfactorily proved that she was concerned in the Slave Trade at the time of her detention, a sentence of condemnation of the brig was in consequence passed.

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

(Copy.)

*Passport.*

[Arms.]

DON Antonio Jozé de Oliveira Campos, Consul-General of the Oriental Republic of the Uruguay, in the court and empire of Brazil, &c. &c. &c. By this present, and by virtue of the authority which is vested in me by my Government, I do hereby grant this passport to Don *Jozé Garcia*, for the national brigantine called the "*Republicano*," of the burthen of 144 tons, which he has this day obtained as his property, by a purchase which has been legally effected by him, and he is accordingly hereby fully authorized to transport the said vessel to the port of Montevideo or any other port of the Oriental State of Uruguay, to the Canaries, under the command of Captain Don *Juan Garcia*, with the crew agreeably to the muster-roll, and for the purpose of making a passage to that port.

And to which end this said passport has been duly signed by me, and sealed with the seal of this Consulate-General.

Given at Rio de Janeiro this 23rd day of the month of March, 1840.

The Consul-General,  
ANTONIO JOZE D'OLIVEIRA CAMPOS.

By order,  
[L.S.] JOAO DE SOUZA SANTOS, JR., 1840.

Registered in the account-book,

CAMPOS.

NOTE.—The words here underlined are in the original passport in writing, all the other words being printed.

The interlined words "to the Canaries" are so interlined in the original.

(Signed) J. MILLER, *Acting Register.*

These are to certify that the foregoing is a just and true copy of a certified translation of the original passport, filed in the British and Brazilian Court of Mixed Commission established at Sierra Leone, in the case of the brig "*Republicano*," whereof Juan Garcia was master, as appears by the records of the said Court.

In faith and testimony whereof I have hereunto set my hand and affixed the seal of the Mixed Commissions at Freetown, in the Colony of Sierra Leone, this 22nd day of June, in the year of our Lord 1840.

[L.S.]

(Signed) J. MILLER, *Acting Registrar.*

No. 121.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, September 16, 1839.*

*(Received, September 18, 1840.)*

MY LORD,

WE have the honour herewith to transmit to your Lordship our report of the case of the brig "*Firmeza*," Antonio da Cruz Baptista, master, belonging to Bahia, which was detained by Her Majesty's sloop "*Wolverene*," William Tucker, (b) Esq., commander, at anchor off Whydah, on the 25th of July last, and was condemned on the 14th instant in the British and Brazilian Court of

Mixed Commission, for a violation of the 1st Article of the Convention between Great Britain and Brazil, of the 23rd of November, 1826.

The avowed residence of the merchant owner of the "*Firmeza*" at Bahia, and an undoubted equipment for slave trade, were the grounds on which the captor's allegations against the detained vessel, both with regard to Brazilian nationality and illegal employment in the prohibited traffic, were affirmed by the Court.

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

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

Enclosure in No. 121.

*Report of the case of the brig "Firmeza," Antonio da Cruz Baptista, Captain of the Portuguese Flag.*

THE following papers were found on board this vessel at the time of her capture :—

No. 1 A Lisbon passport, granted on the 21st of May, 1835, by the Conde de Linhares, Secretary of State for Foreign Affairs, authorizing the brig "*Firmeza*," owned by Maria Rita Barboza, Rita Maria Barboza, and Genoveva Roza Barboza, and commanded by Antonio Daniel Baptista de Barros, a captain-lieutenant in the royal navy, to perform a voyage to the Portuguese island of St. Thomas, by way of the Canary Islands and ports of Brazil, and to return to Lisbon. The passport was endorsed at Santa Cruz de Tenerife, by Philippe Ravina, the Portuguese Vice-Consul there, on the 8th of August, 1835; and again by Francisco Antonio Filgueiras, the Portuguese Vice-Consul at Bahia, on the 19th of December of the same year, on which occasion it is stated that the passport was registered in the Portuguese Consulate at Bahia in the 27th page of the proper book.

On the 23rd of February, 1836, the passport was again endorsed by Mr. Vice-Consul Filgueiras, with a certificate that the "*Firmeza*" was about to undertake a voyage to Lisbon by way of the islands of Princes and St. Thomas, under the command of a new master, named Nicolan Lopez da Costa Barros. It was thus pretended that the terms of the passport under which the "*Firmeza*" sailed were complied with; but it is quite clear that, between the 8th of August and the 19th of December, 1835, the brig was not employed in a direct voyage between the Canary Islands and Bahia, and that an intermediate voyage, most probably to and from a slaving port on the coast of Africa, had been made before she reached Bahia. At any rate, the "*Firmeza*" did not visit Lisbon after leaving Bahia in February, 1836; and all her subsequent voyages between Bahia and the African coast, though several of them were sanctioned by Portuguese consular and colonial authorities, were made in direct violation of her sailing licence.

The remaining endorsements were made at Prince's Island on the 1st of April, 1837, when the vessel cleared for New Orleans by way of ports on the coast of Africa; at Bahia, on the 21st of May, 1838, when the Portuguese Consul, Francisco José Noreira Feital, certified that the ownership of the brig had passed to Antonio José da Costa, a resident of Bahia ("residente na Bahia"); at Bahia again, on the 2nd of November, 1838, when the same Consul authorized a voyage to Onim and ports to windward;—by Mr. Consul Feital for the third time on the 7th of May last, on the occasion of the vessel leaving Bahia for Onim;—and lastly at St. George d'Elmina, on the 27th of June, 1839. No mention is made in any of these endorsements of the time when, or the place where, the present master succeeded to the command, though it is certain that he has belonged to the vessel for the last two voyages.

The passport is further backed with various boarding notices of Her Majesty's ships on this station; showing that she was fallen in with by the "*Charybdis*" on the 7th of April, and by the "*Curlew*" on the 2nd of September, 1836; by the "*Viper*" and "*Scout*," in the month of December, 1838; and by the "*Termagant*" on the 11th of July last, 14 days previous to her capture by the "*Wolverene*."

Nos. 2 and 3 are two official Muster-rolls of crew, both certified and sealed by Mr. Consul Feital on the 4th of May, 1839; the only difference being that one is entirely in manuscript, and the other is filled into a printed form. The owner is herein declared to be Antonio José da Costa, "a resident of Bahia." The list contains the names of 20 persons, of whom Antonio da Cruz Baptista is called the master, and Manoel Gonçalves de Arango the first pilot, although, in almost all the letters and papers found on board, the latter is called the captain, and the former "captain of the flag."

No. 4 is a consular clean bill of health, dated on the same day as the Muster-roll, and stating that, in addition to the crew, the "*Firmeza*" carried 12 passengers.

No. 5 is a clean bill of health from the Brazilian authorities, dated at Bahia on the 6th of May, 1839. From a receipt on the back of this paper, we find that Francisco Antonio Filgueiras, formerly Portuguese Vice-consul at Bahia, and whose signature is attached to two of the endorsements on the back of the "*Firmeza's*" passport, now holds office under the Brazilian government.

No. 6 is a receipt for anchorage dues, dated at Bahia on the 5th of May, 1839. It gives, like all the other papers, "the coast of Africa" as the wide destination of the vessel on the present voyage, and declares her burden to be 250 tons. The owner, Antonio José da Costa, is also again mentioned as resident at Bahia ("residente nesta cidade"); so that the Brazilian character of the "*Firmeza*," as impressed by the residence of her owner for commercial purposes in a Brazilian port, cannot be doubted.

No. 7 is a Fort-pass, dated on the 7th of May last, and endorsed on the 14th of the same month, on the vessel leaving the harbour.

Nos. 8 and 9 are two log-books; the one kept by the captain of the flag, Baptista, and the other kept by the first pilot, Araujo, of the last voyage made by the "*Firmeza*" from Bahia to the Costa da Mina.

CLASS A.

The voyage began on the 4th of November, 1838; the crew consisted of 20 persons, and there were besides 21 passengers. Cape Lahou was made on the 1st of December; and after the vessel had called at various places on the coast, she finally cast anchor at Whydah, on the 24th of December, 1838, where she remained until the 10th of February, 1839.

Nos. 10 and 11. On the last-named date, according to two other log-books kept by the same parties, the "*Firmeza*" began her return voyage to Bahia. The log is only continued up to the 1st of March, 1839, when land was sighted.

Nos. 12 and 13 are two log-books of the present voyage, kept in the same manner by the pilot and captain of the flag. Bahia was left on the 15th of May last, and St. George d'Elmina was reached on the 24th of June, after which the "*Firmeza*," as on her former voyages, went to Lagos and Whydah, where she was captured at anchor on the 25th of the following month.

According to the custom observed by Brazilian navigators, the owner and consignee of the vessel, the names and rank of the officers, the number of the crew and passengers, and a general description of the cargo, are specified on the first page of each of the above log-books. The same officers left Bahia with the "*Firmeza*" on the two last voyages; and whilst 21 passengers besides the crew were carried on the last voyage, 12 pretended passengers were embarked on the present one. These persons were, however, only the additional number of crew required in a vessel of this size (250 tons), to perform the duties of navigating the ship and attending to the slaves on the return voyage, and they were all found on board the "*Firmeza*" by the captor when he boarded and detained her, more than a month after her arrival on the coast.

No. 14. On the day when the last ship's paper was obtained (May 7th, 1839), the consignee of the "*Firmeza*" addressed an open letter of instructions to the officers of the vessel, drawn up in such terms that it might be exhibited when necessary to the boarding officer of any of Her Majesty's cruisers on this coast. The following is an extract:—

"*Bahia, May 7, 1839.*"

(Copy.)

"To Senhor Manoel Gonçalves de Aranjó, piloto; in his absence, to Senhor Antonio da Cruz Baptista, captain; and in the absence of both, to Senhor Manoel Luiz, boatswain.

"Having all things ready to proceed to different ports on the coast of Africa with the Portuguese brig '*Firmeza*' under your immediate command, accept my best wishes for a quick passage and a successful trip.

"Bear in mind that, according to the agreement entered into with Senhor José de Cerqueira Lima, you are to discharge the cargo which you have on account of that gentleman, who will make arrangements accordingly by furnishing canoes for this purpose; and the factor who has taken a passage with you will render you every facility in landing your cargo with as much dispatch as possible, always keeping in view the stipulated period that you are allowed for discharging and reloading, which is 80 days.

"You must understand, that at the first port you come to after leaving this, you must purchase canoes, cowries, &c., preparatory to your arrival at Onim (Lagos), where you finally discharge your cargo. This being completed, the said factor has bound himself to ballast the said vessel with sand, and to complete her with sufficient water for her return voyage, all of which is in conformity to the written agreement entered into, &c. &c. &c.

"Believe me, &c.

(Signed) "MANOEL CARDOZO BITENCOURT."

No. 15 is a memorandum of the cargo shipped on board the "*Firmeza*," dated and signed at Bahia by the consignee of the brig, Manoel Cardozo Bitencourt, on the 7th of May last. The shipments, with the exception of that made by the alleged charterer of the vessel, José Cerqueira Lima, are very trifling. The factor and consignee of the charterer's goods, Manoel Joaquim d'Almeida, embarked with the goods at Bahia, as mentioned in Bitencourt's letter of instructions. The following are the names of the shippers at Bahia, and consignees on the coast.

Shippers.	Consignees.
José Cerqueira Lima . . . . .	Manoel Joaquim de Almeida.
Victorio de Abreo Fiacho . . . . .	Ditto.
Ignacio Bernardino dos Santos . . . . .	Ditto.
Estevao Naz de Carvalho . . . . .	Ditto.
José Pereira Coelho da Cunha . . . . .	Manoel Luis Pereira.
Victorio Carneiro . . . . .	Himself.
Antonio da Cruz Baptista, captain of the flag . . . . .	Ditto.
Manoel Gonçalves de Araujo, 1st pilot . . . . .	Ditto.
Justino José Fernandes . . . . .	Victorio Carneiro (above.)
Carlos de Souza Lopez . . . . .	Manoel José Teixeira.
Manoel Cardozo Bitencourt . . . . .	M. G. de Aranjó, 1st mate.

We have already mentioned that the "*Firmeza*" was captured on the 25th of July, by Her Majesty's sloop "*Wolverene*." The prize arrived at Sierra Leone on the evening of the 5th instant, in charge of the second lieutenant of the capturing ship; and the marshal obtained and reported to us on the following morning the particulars of the seizure.

On the morning of the 7th instant a petition was presented by the captor's proctor, praying that Captain Tucker's declaration of the grounds of seizure might be received; that the prize-master's affidavit, verifying the ship's papers, might be sworn to; that a monition might issue from the registry of the British and Brazilian Court of Mixed Commission; and that the witnesses in preparatory might be examined. This petition was immediately granted, and the case was proceeded with in the usual manner.

The captor's declaration is to the effect that Her Majesty's sloop "*Wolverene*," William Tucker (b), Esq., commander, detained at anchor at Whydah, on the 25th of July, 1839, the brig "*Firmeza*," sailing under Portuguese colours, armed with 2 nine-pounder guns, having on board a crew of 17 men and 3 boys, besides 11 passengers, and commanded by Antonio da Cruz Baptista, who declared

that the brig was bound from Bahia to Lagos, and thence to Bahia; that the said vessel was detained for being Brazilian property belonging to Bahia, the owner being resident at that place, and for being equipped for and engaged in the Slave-trade; that the said vessel had hatchways fitted for gratings, the hatches being gratings covered over; that the after-sky-light of the cabin was fitted with iron bars across, to prevent the egress of the female and infant slaves generally placed there; that there was a greater quantity of water-casks, farina, rice, Indian corn, calavances, jerked beef, and other provisions than was necessary for the vessel as a licit trader, and none of which is in the list of cargo; that the vessel was besides supplied with boilers and cans, irons and shackles, 10 pots, wooden spoons and bowls, such as are used on board slave-vessels, and in larger quantities than could be required in a legal voyage.

The witnesses in preparatory were on the same day examined on the standing interrogatories and standing special interrogatories. The captain of the flag, Antonio da Cruz Baptista, deposed, "that he was born at Lisbon, but being a sailor has no fixed place of residence; that he is a subject of Portugal, and has never served any other state; that Antonio José da Costa, of the firm of Almeida and Costa, of Bahia, a Portuguese subject, and a resident of Bahia, had appointed witness to the command of the detained vessel; that the vessel is of Portuguese construction; that he was present at the seizure, but does not know why it took place; that the vessel sailed under Portuguese colours; that the name which the vessel has always borne is "*Firmeza*," her burden is 250 tons, and her crew consisted of 19 men and officers, exclusive of witness, all of whom were hired and shipped at Bahia when the present voyage commenced; that witness had a small share in the cargo, but not in the vessel; that the boatswain and first pilot also owned a small part of the tobacco, aquardiente, and dry goods; that there were 12 passengers on board who embarked at Bahia, and intended to trade on the coast; that the voyage began at Bahia, whither the vessel was to return after disposing of the outward cargo at Lago and other places, and taking on board a cargo of salt at the Cape Verd Islands; that Antonio José da Costa owns the detained vessel, which witness knows from having been engaged by him, and because Costa pays the expenses of the vessel; that the owner has always resided at Bahia with his family; that the cargo was shipped and owned by several individuals at Bahia, who jointly chartered the vessel from the owner; that witness does not know to what nation the shippers of the cargo belonged, but they resided in Brazil; that bulk was first broken at Elmina, and other portions of the cargo were landed at different places along the coast; that there are on board two or three pairs of hand-cuffs for the punishment of the crew; that there are 20 small and large casks on board, all empty but two, which contain water for the use of the crew; that there are staves enough to form about five pipes, which originally were filled with rum, but after the rum had been used the pipes were broken up into staves, and put into the hold; that there were about 4 or 5 mess-tins for the use of the crew; that there was 1 barrel of rice, 4 or 5 bags of beans, and 8 or 10 bags of maize, for the use of the crew and the live stock on board."

The evidence of the other witness, Manoel Luiz, the boatswain of the detained vessel, is merely a repetition of that given by the master, and therefore does not require to be quoted.

On publication of the above examinations being decreed, the captor's proctor prayed that the surveyors of the court might examine and report upon the equipment and fittings of the "*Firmeza*." A commission was accordingly issued to the surveyors on the 10th instant; and on the following day the commissioners reported that the main-hatches were formerly gratings, which had been boarded over, and that the cabin hatchway or skylight was grated with cross-bars of iron; that there were fore and cabin bulk-heads as usual in merchant-vessels, but in the fore bulk-head there was a sliding-door; that planks were seen in different parts of the hold, but it was impossible to ascertain either the description or quantity without removing the cargo; that there were 2 bolts and shackles; that there were 24 water-casks, which on measurement were found capable of containing 3545 gallons of water; also staves for about 5 casks more, being a much larger quantity of water than could be requisite for a vessel of the size of the "*Firmeza*," on a voyage from Brazil to the coast of Africa, or thence back to the Brazils; that there were 18 drinking-cups, 14 long wooden spoons, 30 bags of Indian corn, 2 bags of rice, 1 bag of calavances, a quantity of jerked beef, and 90 mats.

The last article mentioned by the surveyors, the mats, would very probably have been placed over the water-casks instead of a temporary planked deck for the slaves to lie upon. The substitution of mats for planks has been already noticed in reporting other cases of slaving equipment.

The proceedings being closed, a court was summoned for the 14th instant, on which day the motion was returnable by the marshal.

The declarations of the ship's papers, and the concurring testimony of the witnesses, had proved that the owner of the "*Firmeza*" was a resident merchant of Bahia; and the Brazilian character thus impressed upon the detained vessel was confirmed by the course of Brazilian trade in which she had been constantly and exclusively engaged ever since her Portuguese passport had been granted to her at Lisbon more than four years ago. The circumstance of the "*Firmeza*" having been built in Portugal, and having always borne the flag of Portugal both before and after the issue of the decree of the 16th of January, 1837, could not in our opinion exempt her from being prosecuted and dealt with under the national character which properly belonged to her; and the captor having proved, to the satisfaction of the Court, both the Brazilian nationality of the detained vessel, and her equipment for the illegal traffic in slaves, a sentence of condemnation was pronounced against the "*Firmeza*" and her cargo, for a violation of the first article of the Convention between Great Britain and Brazil of the 23rd of November, 1826.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 122.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, October 31, 1839.  
(Received September 18, 1840.)*

MY LORD,

WE have the honour to transmit to your Lordship enclosed a Report of the case of the Brazilian bark "*Augusto*," captured by Her Majesty's Schooner

“Fair Rosamond,” Lieutenant William Brown Oliver, commanding, on the 5th ultimo, and condemned on the 19th instant in the British and Brazilian Court of Mixed Commission, for a violation of the First Article of the Convention between Great Britain and Brazil on the subject of the Slave Trade, in being furnished with fittings and equipments for the Slave Trade.

We beg leave also to inclose a copy of the translations of some of the letters found on board the “*Augusto*,” which we anticipate will be of great use to us in dealing with future seizures under the Brazilian Convention. It is only now that we are beginning to acquire some knowledge of the Brazilian, principally the Bahia, houses engaged in the Slave Trade, the names of the vessels, and commanders of vessels thus employed, the slave agents on this coast, and their mode of transacting business.

We have, &c.,

(Signed) H. W. MACAULAY.  
R. DOHERTY.

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

---

First Enclosure in No. 122.

*Report of the case of the Bark “Augusto,” Bernado Xavier de Castro, master.*

THE following ship’s papers were presented to the captor:—

No. 1. An Imperial Brazilian passport, No. 124, granted at Bahia on the 5th of July, 1839, to the Brazilian bark “*Augusto*,” which is described particularly in an annexed certificate of registry, No. 132. The document thus referred to states that the “*Augusto*” was owned and commanded by Bernado Xavier de Castro, a resident of Bahia, that she admeasured 221 tons, and was foreign built.

No. 2. The official muster-roll was dated at Bahia on the 7th of July, 1839, and named the coast of Africa as the destination of the vessel. The crew was said to consist of 24 persons.

No. 3. The receipt for anchorage and harbour dues bears date the 6th of July, and mentions that the bark had remained in the harbour since the 3rd of the previous February.

No. 4 is a clean bill of health.

Nos. 5, 6, and 7 are three clearance papers dated respectively on the 6th, 8th, and 10th of July.

No. 8 is a fort-pass, dated on the 8th of July, and endorsed two days afterwards, when the bark left the harbour.

Nos. 9 to 17 are nine passengers’ passports for different persons who embarked on board the “*Augusto*” for a passage to Onim (Lagos.)

No. 18 is a freight-list, or manifest of the cargo taken on board at Bahia, and destined for Onim. The shippers and consignees are exceedingly numerous; and all the passengers and officers of the vessel, as well as some of the seamen, were interested in the cargo, either as shippers or consignees. The outward freight amounted to considerably more than 2000*l.* sterling.

No. 19 is the log-book of the present voyage. The “*Augusto*” left Bahia on the 10th of July, and was off Cape Palmas on the 24th of August. From this time the log is not kept up, but subsequent memoranda show that the bark was at anchor at Dutch Accra on the 29th and 30th of that month, and that various parcels of goods were sold and landed there. Capture took place on the 5th ultimo off Quittah, whither the detained vessel appeared to be running.

The marshal reported the “*Augusto’s*” arrival at Sierra Leone on the 3rd instant, but no attempt was made until the 7th instant to bring the case before the British and Brazilian Court of Mixed Commission. On the latter date, in compliance with a petition to that effect from the captor’s proctor, the prize-master’s affidavit, authenticating the ship’s papers and verifying the facts of seizure, was sworn to; the ship’s papers and the captor’s declaration were received; a monition to all claimants was directed to the marshal for publication; and the witnesses produced on the part of the captor were ordered for examination.

The captor’s declaration is to the following effect:—“I, William Brown Oliver, lieutenant and commander of Her Britannic Majesty’s schooner ‘Fair Rosamond,’ hereby declare that on this 5th day of September, 1839, being in or about latitude 5° 48’ north, longitude 1° 0’ east, I detained the bark named the ‘*Augusto*,’ sailing under Brazilian colours, armed with two small guns, commanded by Bernado Xavier de Castro, who declared her to be bound from Bahia to Lagos, with a crew of 24 men and 12 passengers. And I further declare that I detained this vessel for being equipped for the illicit traffic in slaves, by having on board a slave-deck, staves and hoops for water-casks, farina in large quantities, and mess-kits.”

In reply to the standing interrogatories the master, Bernado Xavier de Castro, deposed “that he was born at Bahia, where he has since lived; is a subject of Brazil, and has never been subject of any other State; is married, and his wife and family reside with him at Bahia; that he appointed himself to the command of the detained vessel (being the owner of her) in the month of March last, at Bahia; that there were 10 or 11 passengers taken on board at Bahia in July last, for a passage to Lagos; that two of them, named Francisco Pontes Pereira and Justino de Gouveia, were merchants, proceeding to Lagos in the way of business, and the rest were principally coloured persons, coming on the coast for the purpose of settling there, with small shipments of goods on board; that the voyage began and was to end at Bahia, which was the last clearing port; that the detained vessel has, during the present voyage, touched at Dutch Accra, where a small part of the cargo was discharged, and gunpowder and cowries were purchased by the passengers; that the capturing ship was first seen off Away, near Quittah, and capture took place two hours afterwards; that witness himself was sole owner of the

vessel; that there were many different owners and laders of the cargo, chiefly Brazilians, residing and carrying on business at Bahia, the remaining shippers being the coloured passengers already mentioned; that there are 60 rough planks on board as cargo, 14 feet long, and from a foot to a foot and a half wide, and an inch and a half in thickness; that there were casks and staves on board capable of receiving about 35 pipes of water, and containing about five pipes of water at the time of capture; that the staves were part of the cargo, and the casks belonging to the vessel would contain about 19 pipes, which is not more than would be required for the crew and passengers; that there were 72 bags of farina on board, of which number 60 were shipped as cargo."

The examination of the boatswain, Antonio Jozé Roiz, elicited no further information of importance, and only tended to confirm the master's testimony.

Publication of the depositions in preparatory was decreed on the 12th instant; and soon after, on a petition from the captor's proctor, a Commission of Survey and Inspection was issued, the Report under which was not returned by the surveyors until the 17th instant, owing to the difficulty which those gentlemen experienced in examining the fittings of the vessel whilst the cargo was still on board.

The following is the substance of the surveyor's sworn Report:—"We found one pair of shackles; a large quantity of planks stowed under the cargo, and many of those we took out were numbered in regular rotation; about 150 gallons of fresh water; also 28 casks of various sizes, capable of receiving 2020 gallons; also the shakes of seven leaguers, calculated to hold 2450 gallons, besides two leaguers set up in the fore-peak, capable of containing 300 gallons more, in all 4770 gallons; 41 mess-kits; the cabouse fitted to receive three small boilers and one large one, but we found no boilers on board; also 69 bags, containing 172½ bushels of farina."

In the mean time the monition had been returned into the registry; and a petition for a day of trial having been presented on the 17th, a court for the adjudication of the case was summoned for the 19th instant, when a sentence of condemnation was pronounced against the bark "*Augusto*," on the ground that her manifest state of preparation for engaging in the illicit traffic in slaves was a violation of the First Article of the Convention between Great Britain and Brazil, signed at Rio de Janeiro on the 23rd of November, 1826.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

### Second Enclosure in No. 122.

*Translations of some of the Letters found on board the Bark "Augusto," Bernado Xavier de Castro, Master.*

#### No. 1.

*A printed Circular from Messrs. Almeida and Costa, of Bahia, addressed to Senhor Manoel Joaquim de Almeida at Onim, (Lagos.)*

FRIEND AND SIR,

*Bahia, May 1, 1839.*

BY the annexed Circular you will observe the change that is about to take place in our firm, and which is intended to take effect on the 1st day of July next, whereby the present house will become extinct; prior to which, however, all accounts will be settled, and the business of the firm brought to a final close.

We beg leave to acquaint you that this our notice is in consequence of the intention of our partner, Senhor Antonio Jozé da Costa, to visit his native country, Portugal, as his state of health requires a change of air.

We are anxious to maintain the same credit that we have always possessed, and we hope merited, from our numerous friends; and we can assure them that all our connexions will remain unaltered as hitherto; that the capital of the new firm will continue to offer the same advantages, with some improvements and additions in favour of our correspondents, and that the same system will continue with regard to accommodation. Hoping you may be induced to honour the new firm with your commands,

(Signed) We have, &c.  
ALMEIDA and COSTA.

Senhor Manoel Joaquim de Almeida.

*Bahia, May 1, 1839.*

WE have the honour to acquaint you that, on the 1st day of July next, there will be admitted, as partners of this house, Messrs. Antonio Jozé de Souza Braga, and Januario Cirilio da Costa; and consequently the firm of Almeida and Costa will become extinct, and will be succeeded by that of Almeida, Costa, and Co., whom it is hoped you will be induced to honour with your commands, being assured that every care and attention will be paid to them.

The first of these our new partners has been employed many years in our office, and the second is a son of our partner Senhor Antonio Jozé da Costa, and he has been making voyages to Europe for the last five years.

Although the general duties of the firm may sustain a temporary loss by the absence of our partner, Senhor Costa, we hope soon to remedy it, and to resume the correspondence with those of our friends, to whom we desire to write in French and English.

(Signed per Almeida) We are, &c.  
(Signed per Costa) ALMEIDA and COSTA.  
ALMEIDA and COSTA.

Then follow the signatures made use of by the several partners:—

MANOEL JOZE DE ALMEIDA  
ANTONIO JOZE DA COSTA.  
ANTONIO JOZE DE SOUZA BRAGA.  
JANUARIO CIRILIO DA COSTA.



No. 2.

*Letter from Messrs. Almeida and Costa, of Bahia, addressed to the same.**Bahia, June 30, 1839.*

FRIEND AND SIR,

It gave us much pleasure to learn that you had arrived safe, and found everything in accordance with your wishes. We hope you will be able to render us your friendly assistance in the matters hereinafter mentioned, which task we have taken the liberty of imposing on you, there being no other person at that place so capable of conducting our business as yourself.

We have directed the enclosed copy of a letter, which was addressed to us by Captain Izidoro Miz Braga, dated the 28th of December, 1838, to be sent to you, wherein you will see the nature of our account, and which, as our friend, and on our behalf, you are empowered to collect, not transferring the business to any other person.

Circumstances have obliged us to adopt this step, and to request the favour of your taking an account of everything belonging to us in the possession of Senhor Izidoro, and to dispose of all as soon as possible in exchange for slaves (fardos) of the best quality, which slaves (fardos) you are to embark for Havana, availing yourself of the first opportunity to acquaint us when you are about to do so, and consigning them to Don José Mazonra, or in his absence to Joaquim José Pereira de Abreu, accompanied with a letter of advice acquainting them that the cargo is on our account, and requesting that they will, with as little delay as possible, make a remittance of the proceeds to Liverpool, in favour of Messrs. Duarte, Brothers, and Co.

We are anxious that you should use every despatch in closing this business (being much annoyed at the great delay that has already taken place); and though we are aware of the difficulty you have in making a remittance to Havana, it is very desirable that it should be done by the first favourable opportunity, particularly as you know it is our wish to close this business, which, when you have effected, you will acquaint us immediately, with a view to our remunerating you for all the labour and trouble we have imposed on you in arranging these affairs, as it has ever been our practice to make handsome acknowledgments to those who have served us with friendship.

Our partner, Senhor Manoel José de Almeida, will write you on the same subject, as also upon others relating to himself.

In offering our best wishes, allow us to subscribe ourselves,

Yours, &c.  
(Signed) ALMEIDA and COSTA.

P.S. After you have read the enclosed document, will you be kind enough to send it to Captain Izidoro for his information?

No. 3.

*Letter from Manoel José de Almeida, senior Partner of the Firm of Messrs. Almeida, Costa, and Co. (formerly Messrs. Almeida and Costa), of Bahia, to the same.*

*Bahia, July 5, 1839.*

MY FRIEND AND SIR,

I WAS glad to hear of your arrival at your destination safe and in good health, and hope that you may continue well, the better to enable you to conduct the affairs of business which you have in hand.

The bearer of this, Justino José de Gouvea, my friend and countryman, is a person for whom I have the greatest esteem. He is now living with me, and doing a little business by way of practising what he will soon undertake at Nazareth, as I have determined he shall do something for his own benefit. He takes with him, in the bark "*Augusto*," various descriptions of goods on my account, and that of my friends, as well as some on his own account.

As this is the first time he has been in that quarter, and as he has had no experience beyond what he has learned at this office, I wish you would instruct him on this point, and lend him any assistance that your experience may think requisite. I beg particularly to recommend him to your friendship and protection, taking care that he does not dispose of his goods contrary to the usual system, and also that he lives regularly, so as to prevent as much as possible his getting ill.

Should you, however, experience any inconvenience with the party whom I have recommended to your kind attention, and find that you cannot dispose of him, he must not remain, but immediately return here; in which case you will oblige me by taking all the letters and orders which he received and took with him (which are also available for you), wherein you will find instructions for your guidance as to the sale of the articles, and in what manner the remittances are to be made, whether in slaves (escravos) or in more than one cargo, all of which you will learn by the letter of advice.

Our firm has written you on this occasion, enclosing a circular, and soliciting a continuance of your commands, and that you will allow your account to remain with them as hitherto. You may be assured that your business will be conducted with equally as great punctuality and regard to your interests as formerly. In complying with their request, you will confer an obligation on me.

I am always at your service, and am your most obedient servant,

(Signed) MANOEL JOZE DE ALMEIDA.

P.S. When you have another remittance to make in slaves (escravos), on your own account or ours, to this place, I must beg you will send them to my care, as I have it in my power to effect more ready sales and with safe persons, without running any risk in the disembarkation.

No. 4.

*Letter from the same addressed to Justino José de Gouvea, and Manoel José da Cunha, passengers by the bark "Augusto," for Onim, in their absence, to Manoel Joaquim de Almeida, Onim.*

*Bahia, July 5, 1839.*

HEREWITH I enclose you a bill of lading of the following goods, which I have put on board the bark "*Augusto*," Captain Bernardo Xavier de Castro, on my own account as well as that of others, as expressed below, viz., on my own account, 4 pipes and 2 half-pipes of spirits, contained in 355 demijohns, and 155 skins of tobacco, to be landed at Onim.

¶ Of these you will, in conjunction with Senhor Manoel José da Cunha, take an account, and mutually agree how to dispose of them to the best advantage, always keeping my interests in view, and adopting this plan of consulting each other; and as Senhor Cunha is well acquainted with the customs and trade of the country, you will find it more convenient to yourself, and advantageous to me, to act in unison.

On account of Colonel Henrique Garcés Pinto Madureira, and of Francisco José Gonçalves, junior, are the following, viz., 80 skins of tobacco, and 27 half-pipes of spirits in 924 demijohns, of which you will also take an account with the said Senhor Cunha after the manner mentioned before; and you will open separate accounts of sale, paying the regular duties, and deducting the usual commission in practice at that place.

You will separate my goods from the rest, and with the proceeds you will purchase slaves (*escravos*), good looking and robust, from the ages of 16 to 20 years. We wish ours to be marked differently from those that are intended for Senhor Garcés, and different marks again to be used for those destined for Senhor Gonçalves, and which I request you to send by the first vessels to this place, not all at one time, in consequence of the great risk attending it.

Always bear in mind the necessity of giving me due notice of the vessel by which you purpose sending your remittances, and of all particulars as to the marks, distinguishing the parties to whom they belong, all which I must receive with them to enable me to distribute them properly; and finally you must send me an account, that I may acquaint these gentlemen of the number I am to deliver to them.

Of those that you send on my account, you will be good enough to select from among them two or three slaves, about the ages of 16 to 20 years, who may eventually be made to answer the purpose of house-servants. Let them have a distinct mark, of which you must acquaint me by the vessel in which you intend sending them; but I think it would be well rather to send one at a time than two, in consequence of the risk.

All these things should equally be shown to the third party, that is, Senhor Manoel Joaquim de Almeida, to whom I have written concerning you. On your arrival you will deliver the letter which I have given you, and I feel assured he will not fail to show you attention, and render you assistance in all your arrangements, particularly in respect to the barracoon which you will require for the trade, all of which he is so well acquainted with from long practice on the coast, that you must consult him, and endeavour to cultivate his friendship.

In the event of any accident or circumstance occurring whereby you may be unable to dispose of all or any part of the goods sent herewith, you will deliver over to the said third party everything in your possession, together with this letter, which will be to him a guide in the disposal of the shipments as well on my own account as that of my friends.

Sincerely wishing you and Senhor Cunha a safe voyage, and that you may have your health, and make good sales and speculations in the business in which you are engaged, I desire to remain, with esteem, your friend.

(Signed) MANOEL JOSÉ DE ALMEIDA.

No. 5.

*Letter from Vicente de Paulo Silva, of Bahia, owner of the Brigantine "Duarte Felicidade," to Angelo Custodio Ribeiro, the Captain of that Vessel on the Coast of Africa.*

*Bahia, July 7, 1839.*

I HOPE that you have arrived safe, and are in good health, and that nothing of moment has occurred since you left. I send you this to acquaint you that in the event of nothing having been arranged or concluded with our friend Francisco Feliz de Souza (*Char-Char*) respecting the business mentioned in the orders I have given you, you will, without any delay, use your utmost endeavours to procure some freight, which, it is to be hoped, will not be difficult to be obtained, as well as passengers, so as to prevent the possibility of our sustaining much loss in the voyage.

I have nothing else to point out to you than what I have already told you in your instructions, by which I expect you will be guided throughout the whole of this business, as I have always placed implicit confidence in you, considering you a man of character and respectability in your station in life.

I am, &c.

(Signed) VICENTE DE PAULO SILVA.

No. 6.

*Letter from the same to Francisco Feliz de Souza, alias Char-Char, at Whydah.*

MY DEAR SIR,

*Bahia, July 7, 1839.*

I HAVE just written out to the "*Duarte*," which is under the orders of my nephew, for the purpose of acquainting you that she is now ready for you, and quite at your disposal, unless you should see a good chance of a favourable shipment of goods. But whatever may happen, I must earnestly beg of you not to allow of any unnecessary delay in this business; and in the event of your not being able to meet a good purchaser, I have given directions to Angelo to act accordingly; and I shall esteem it a great favour if you can, in any way, assist him by procuring freight for the "*Duarte*," and thus prevent her being detained.

Believe me, &c.

(Signed) VICENTE DE PAULO SILVA.

No. 7.

*Letter to Angelo Custodio Ribeiro, Captain of the "Duarte Felicidade," on the Coast of Africa, from a female Friend at Bahia.*

MY DEAR ANGELO CUSTODIO,

*Bahia, July 7, 1839.*

I AM glad to tell you that all the family are well at your house. Your slave has not been well lately, having had a sore throat, but which I have taken care to look after, and I am in hopes it will soon be well.

I hope we shall soon have the pleasure of seeing you arrive, after having made a good business of your voyage, and bringing with you a vessel full of your enemies (inimigos), but perhaps you will not be able to bring a very large number.

I am, &c.  
(Signed) CLARA LUIZA RITA.

(Duplicate.)

No. 8.

*Letter from Joao da Costa, junior, and Co., of Bahia, to Senhor Manoel de Padixao Ferreira, the Agent of that House at Onim (Lagos).*

Bahia, June 29, 1839.

FRIEND AND SIR,

ABOUT the 10th of next month we purpose sending the schooner "*Maria*" direct to you, carrying about 1000 skins of tobacco and 10 pipes of spirits on our account.

By the bark "*Augusto*," we send you on our account 60 bags containing 150 alqueires of very good farinha, also a cauldron and 12 wooden funnels, with iron pipes or nozzles attached to them, which you will take care to land immediately for the purpose of watering.

The casks should be emptied out day after day, thoroughly cleansed, properly coopered, and so kept complete with the requisite number of hoops. We have also sent you 5 dozen pine planks, which will answer the purpose of a temporary covering whilst landing the cargo.

To-day we have decided upon sending the polacca from hence in the course of a week, and therefore request, on her arrival, you will dispatch her for the purpose of hastening the cargo of the schooner, as she will meet with little or no delay with us in putting on board the cargo, which we think will be sufficient, or more than enough, to freight her return voyage. She will leave this in every way prepared to carry a larger cargo, if possible, than she has hitherto done in her other voyages, hoping she will meet with no unnecessary delay on your part, for we would prefer a lesser number, with dispatch, than a greater number with much detention.

On this occasion we have given a letter of introduction to Senhor Domingos Gomes Vilaça (the second mate of the "*Augusto*"), a person to whom we have been very greatly obliged; and we feel confident that you will show him every assistance in your power.

You will remember to be careful, when taking an account, to include the boiler which we bought of Senhor Remejio when you were here, and for which it will be necessary to send a receipt when convenient.

We wish you health and happiness, and are your most obedient servants and friends,

(Signed) JOAO DA COSTA, Jun., AND CO.

No. 9.

*Letter from José Machado Guimes. Cunha, of Bahia, to Joaquim d'Amorim Castro, his agent at Onim.*

Bahia, July 9, 1839.

FRIEND AND SIR,

MY last letter to you was dated on the 14th of June last, by the American bark "*Luiza*." Enclosed I now send you a bill of lading and invoice of goods which I have put on board the bark "*Augusto*" on your account and at your risk.

I take this opportunity of requesting you to show attention to some friends of mine, and to render them what assistance you can by your advice or otherwise. I beg to introduce to you Senhor Joaquim Jacintho Sem<sup>es</sup> Santarem, who takes out with him in the said bark a consignment of his own, of goods suited to the trade; and to Senhor Jacintho José de Souza, who also takes in the brig "*Nova Aurora*" a consignment of his own, consisting of four pipes of spirits, and several other articles required in the trade; but of his goods and spirits, only one-half will be sent until we hear from you that the war is at an end, when I intend sending you some coizas on my own account.

I had expected you would have been more fortunate in your remittances. As yet I have only received four slaves by Pachaoote, and I have been very unfortunate in not being able to dispose of them.

With regard to the country cloths, which I am sorry to say are very inferior, and do little credit to your choice, I have endeavoured to get rid of 1920 at two dollars each. I have known the same kind to sell on former occasions at 3 dollars 4 cents. to 6 dollars each. Just now everything is reduced in price; indeed, sales cannot be effected any way; and unless I wait some time I shall not be able to dispose of the three male slaves and the woman slave which you sent, as the price offered is so much below the usual rate. I have received an offer of 300 dollars for each one, which I am not willing to take, unless they increase it to 350 dollars, or something less for each. I am rather anxious to dispose of them, as in the event of their becoming sick, we should have difficulty in doing so. It is very certain that it is useless to procure other than young slaves, that is from the age of 17 to 25 years. I had at one time a negro who brought 550 dollars; and from on board the polacca I have sold some from 400 dollars to 450 dollars each.

By the "*Nova Aurora*," which will leave in a few days, I will write you again; until then,

I am, &c.  
(Signed) JOZE MACHADO GUIMES. CUNHA.

No. 10.

*Letter from José Pereira de Carvalho, at Bahia, to his correspondent, Felixberto de Mattos Telles de Menezes (lately Captain of the condemned brig "Emprehendedor"), or in his absence to Bento Gomes de Souza, at Onim.*

Bahia, July 4, 1839.

Enclosed is an invoice of goods which I have put on board the bark "*Augusto*," on my own account and risk, amounting to the sum of 738,860 reis, and consigned to you, of which you will be pleased to take an account, and dispose of to the best advantage on my behalf, and with proceeds of sale you will purchase slaves (fardos) of the very best quality, using your own judgment with reference to the height and age, availing yourself of any vessel that may be sailing about the time for this place, and capable of receiving them, to send me half only (being careful that you make proper arrangements), requesting the captain to use every care in the delivery of them here. The rest must

remain with you until the next opportunity, unless you can put some on board as part of the ship's company; at all events do not risk the whole in one vessel as in the last case.

I wish you a pleasant voyage, and

I am, &c.  
(Signed) JOZE PERA. DE CARVO.

No. 11.

*Letter from Estevão Vaz de Carvo, of Bahia, to Manoel Francisco Alves, at Onim.*

*Bahia, July 5, 1839.*

It gave me great pleasure to receive your favour of the 30th of April last, which came addressed to Jozé Machado Estrella, and in his absence to me, and which I opened, as he was not here at the time, and has not been in this city since the receipt of it. He left this for Havana direct, on the 8th of May last, in the brig "Triumpho," belonging to João da Costa, junior.

I hope to hear from you that the war will now soon be at an end, and that there will be no longer any impediment in the way of carrying on business with this port.

Wishing you every happiness with all my heart,

I am, &c.  
(Signed) ESTEVAO VAZ DE CARVO.

No. 123.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, November 15, 1839.*

*(Received September 18, 1840.)*

MY LORD,

WE have the honour to transmit to your Lordship enclosed our Report of the case of the Brazilian brigantine "Pampeiro," Jozé Maria Ribas, master, captured at Lagos by Her Majesty's sloop "Wolverine," William Tucker (b), Esq., commander, on the 12th of September last, and condemned on the 30th ultimo in the British and Brazilian Court of Mixed Commission, for a violation of the First Article of the Brazilian Convention, in being illegally engaged in, and equipped for, the Slave Trade.

Referring to our Despatch of the 11th of September last, we have now the honour to enclose two more lists (in original) of canoe-men, supplied to the "Pampeiro" by the Government of St. George d'Elmina.

We have, &c.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

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

First Enclosure in No. 123.

*Report of the case of the Brazilian brigantine "Pampeiro," Jozé Maria Ribas, Master.*

*Sierra Leone, November 15, 1839.*

THE following papers were found on board this vessel at the time of her capture :—

No. 1. An Imperial Brazilian passport on parchment, dated at Rio de Janeiro on the 2nd of May, 1837, declaring that the brigantine "Pampeiro" was owned by Luis Martins, commanded by Jozé Maria Ribas, and was authorised to make a voyage to Pernambuco. No endorsement whatever has been made on this passport, not even at the commencement of the present voyage.

No. 2 is the official muster-roll of the crew, consisting of 26 persons. It is dated at Bahia on the 24th of January, 1839, and declares that the vessel was bound to the coast of Africa. Ribas is named as the master, and Manoel Francisco Alves as the mate; and the former is said to have satisfactorily proved himself to be a Brazilian citizen.

No. 3 is a bill of health granted on the following day, the 25th of January, 1839.

No. 4. The receipt for anchorage and harbour dues, which as usual contains more information than any of the other papers, tells us that the owner of the "Pampeiro" is a resident merchant of Bahia, that the vessel is of the burden of 206 tons, and that she had arrived at Bahia from her former voyage on the 7th of December, 1838.

Nos. 5 and 6 are two clearance-papers, both dated on the 26th of January.

No. 7. On the same day the fort-pass was dated as well as endorsed.

No. 8 is a freight-list of the cargo shipped at Bahia for the coast. The shippers and consignees were as follows :—

*Shippers.*

Luis Martins, the owner.

Manoel Franco. Lopez.

Franco. Lopes Guimaraes.

Antonio Raimundo da Paz.

CLASS A.

*Consignees.*

The captain Ribas; in his absence Manoel Francisco Alves, the first mate.

Luis Cardozo de Freitas.

Ditto.

Izidoro Martins Braga.

These names serves to show that, although the "*Pampeiro*" cleared out generally for "the coast of Africa," the port of Lagos was her real destination.

Nos. 9 and 10 are an invoice and bill of lading of the goods shipped by the owner, Luis Martins, both dated on the 26th of January, 1836.

Nos. 11 and 12 are two lists of canoe-men, one containing 20, and the other 21 names, supplied to the "*Pampeiro*" by the Government of St. George d'Elmina, on the 30th of March, 1839. As each of these lists is complete in itself, and contains the regular complement of a headman, a second headman, and 20 canoe-men, it may reasonably be supposed that one of these crews was intended for another vessel lying at Lagos, and was embarked in the "*Pampeiro*" for the purpose of being carried thither. For the same reason which induced us to send home a similar document found on board the "*Simpathia*," reported in our Despatch of the 11th September last, the originals of these two papers will accompany this report.

The "*Pampeiro*" was detained at Lagos on the 12th of September last, and arrived at Sierra Leone on the 20th ultimo. The prosecution was commenced on the 22nd ultimo, on which day the papers of the vessel, duly authenticated by the affidavit of the prize-master, were brought in; the declaration of seizure was filed; the usual monition was issued; and the witnesses were examined on the standing interrogatories.

The captor's declaration stated in substance that William Tucker, (b) Esq., commander of Her Britannic Majesty's sloop "*Wolverene*," on the 12th of September, 1839, detained the Brazilian brigantine "*Pampeiro*," lying at anchor at Lagos, for being equipped for, and engaged in, the Slave Trade.

Jozé Maria Ribas, the master of the detained vessel, deposed "that he was born at Bahia, where he has since lived; is a subject of Brazil, and has never been a subject of any other state; that he was appointed to the command of the detained vessel by Luis Martins, a Brazilian subject, in the year 1837; that the vessel was built at Baltimore; that the voyage began and was to end at Bahia, which was the last clearing port; that witness touched at Elmina to procure some canoes to land the cargo along the coast, and thence he proceeded to Cape Coast, Accra, Cape St. Paul, and Lagos, selling a little of his cargo at each place; that there are leaguers and casks on board capable of receiving 80 pipes of water, with which it was intended to ballast the vessel; that there were 30 bags of farina, and four bags of beans, on board for the use of the crew, and half a bag of Indian corn for the fowls."

Jozé Antonio de Freitas, the boatswain of the detained vessel, was also examined on the standing interrogatories, but gave no additional information.

Publication of the evidence in preparatory having been published and the monition issued on the 22nd being returnable into court on the 29th ultimo, the 30th ultimo was appointed for the adjudication of the case.

The fact of the "*Pampeiro*" being furnished with the means of carrying 80 pipes of water, and with a large quantity of slave provisions, having been admitted, it was not thought necessary to issue a commission for the examination of her fittings and equipment in other respects, the court deeming her employment in Slave Trade to have been sufficiently established. A decree of condemnation was accordingly passed on the detained vessel for a violation of the First Article of the Brazilian Convention.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

### Second Enclosure in No. 123.

(Translation.)

LIST of CANOEMEN who are to take their passage to the Lower Coast on board the Brazilian schooner brig "*Pampeiro*," Captain Jozé Maria Ribas.

Number.	Rank.	Name.
1	Pilot.	Kobbena Berregeu.
2	Do.	Kwakoe Badoe.
1	Canoeman.	Kwakoe Eyvekoe.
2	Do.	Kobbena Erusang.
3	Do.	Kobbena Esson.
4	Do.	Kwakoe Essar.
5	Do.	Kobbena Enson.
6	Do.	Kobbena Autree.
7	Do.	Kwamena Apietje.
8	Do.	Koffie Akka.
9	Do.	Kobbena Aqua.
10	Do.	Kobbena Penienna.
11	Do.	Kobbena Kabbra.
12	Do.	Kwassie Abroee.
13	Do.	Kwassie Akon.
14	Do.	Kwassie Kwadoe.
15	Do.	Kwon Akon.
16	Do.	Kwakoe Abentoe.
17	Do.	Kwamena Bicessar.
18	Do.	Kwamena Atzarom.
19	Do.	Assam Zommie.
20	Do.	Atta Koffie.

Seen by the Lieutenant-Colonel Governor of the Coast of Guinea.

(Signed)

BOZEMAN.

Captain of the above-mentioned vessel.

(Signed)

JOZE MARIA RIVAS.

They thus passed muster, and were registered in H. M. principal Fort, St. George d'Elmina, the 30th March, 1839. Master of the workshops and warehouses.

(Signed)

H. MARTLEY.

## Third Enclosure in No. 123.

(Translation.)

LIST of CANOEMEN who were to take their passage to the Lower Coast on board the Brazilian schooner brig "*Pampeiro*," Captain Jozé Maria Rivas.

Number.	Rank.	Name.
1	Pilot.	Amiral Koffie.
2	Do.	Kwassie Pannii.
1	Canoeman.	Quamena Konfoe.
2	Do.	Kwon Ekons.
3	Do.	Kwamena Tokkie.
4	Do.	Kwon Esson.
5	Do.	Kwakie Abys.
6	Do.	Kaffie Esson.
7	Do.	Kwon Myrang.
8	Do.	Kobbena Adua.
9	Do.	Kwamena Adjemkoe.
10	Do.	Kwassie Willem.
11	Do.	Kwakoe Konna.
12	Do.	Atta Koffie.
13	Do.	Kwassie Myrang.
14	Do.	Kwassie Ettjuba.
15	Do.	Kwassie Abakom.
16	Do.	Koffie Kienoboi.
17	Do.	Koffie Bassa.
18	Do.	Kudjo Ekoem.
19	Do.	Kwamena Esson.
20	Do.	Kwon Amentoe.
21	Do.	Kwon Ekoem.

Seen by the Lieutenant-Colonel Governor of the Coast of Guinea.

(Signed)

BOZEMAN.

The Captain of the above-mentioned vessel.

(Signed)

JOZE MARIA RIVAS.

They thus passed muster, and were registered in H.M. chief Fort, St. George d'Elmina, the 30th March, 1839. The master of the workshops and warehouses.

(L.S.)

(Signed)

H. MARTELEY.

## No. 124.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 15, 1839.**(Received September 18, 1840.)*

MY LORD,

WE have the honour to inclose to your Lordship a report of the case of the Brazilian brigantine "*Golfinho*," David Thomaz Pinto, master, which was captured running into Lagos, on the 19th of September last, by Her Majesty's brigantine "*Termagant*," Lieutenant Henry Frowd Seagram, commanding, and was condemned on the 30th ultimo, in the British and Brazilian Court of Mixed Commission, for being engaged in and equipped for the Slave Trade.

All the shippers and consignees of the goods embarked in the "*Golfinho*" had already become known to us by their connexion with the recently reported cases of the "*Firmeza*" and "*Augusto*;" and such information has been obtained from the letters found on board these vessels as will, we hope, lead to the detention of other Bahia slave vessels bound to the same quarter.

I have, &amp;c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

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

## Enclosure in No. 124.

*Report of the case of the Brazilian brigantine "Golfinho," David Thomaz Pinto, master.*

THE following papers were found on board this vessel:—

No. 1. A Brazilian passport, No. 127, granted at Bahia, on the 14th of August, 1839, to the patacho "*Golfinho*," owned by José Cerqueira Lima, a Brazilian citizen resident at Bahia, commanded by David Thomaz Pinto, and of the burden of 137 tons.

No. 2 is the official muster-roll of a crew of 17 persons engaged to navigate the "*Golfinho*" on a voyage to the Coast of Africa. It is dated on the 14th of August, 1839, and names Manoel Antonio Pereira Guimaraens as the first piloto.

No. 3 is a bill of health of the same date.

No. 4 is a receipt for anchorage and harbour dues, stating that the "*Golfinho*" had entered the port of Bahia from her former voyage on the 24th of April, 1839.

Nos. 5, 6, 7 are three clearance papers dated on the 14th and 16th of August.

No. 8. The fort-pass was granted on the 16th, and endorsed by the military commandant on the following day.

No. 9. A log-book of the present voyage kept by Severino José da Cunha, the second piloto, states that the "*Golfinho*" was bound direct to Lagos from Bahia. It commences on the 17th of August, and ends on the 18th of September last. Capture took place on the following day.

No. 10 is a letter of Instructions from the owner, José Cerqueira Lima, to the captain and mate of his vessel, of which the following is a copy:

(Translation.)

*To Captain David Thomaz Pinto, and Chief Mate Manoel Antonio Pereira Guimaraens.*

*Bahia, August 4, 1839.*

GENTLEMEN,

TO-MORROW, please God, if it be possible, you will set sail in the patacho "*Golfinho*" under your command, proceeding direct from this port to that of Onim (Lagos), where you will deliver the whole of your cargo to Senhor Manoel Joaquim de Almeida, to whom it is consigned, together with the said vessel; and from him you will receive all orders and instructions as if they had emanated from me.

In the event of anything occurring whereby you may be prevented meeting the said Senhor Manoel Joaquim d'Almeida, or with Senhor Manoel Luiz Pereira, both of whom left this place in the Portuguese brig "*Firmeza*," you will immediately act yourselves upon the orders and instructions of which you are now the bearers, not divulging to any one, except those connected with the affair, the nature of them, as they are of great importance.

They contain information respecting the landing of the cargo of the schooner "*Calliope*," the captain of which vessel, Senhor José Francisco da Costa, you will be careful to act in conjunction with, consulting with him as to the best manner in which the business that you are both engaged upon can be conducted, as I do not think it right to restrict any one in the same employ because he belongs to a different vessel, from rendering every assistance in his power. On the contrary, it is to the advantage of both. Therefore you will each make use of the people of either vessel when required.

As soon as you get outside the bar of this place I will send you a list of all the cargo you have taken on board the said vessel, so that you may calculate the amount of the freight.

I place the greatest reliance in your prudence and caution, being certain that you will punctually obey the orders and instructions you have, as well as those which will be sent to you.

Whilst at sea, you will draw out a protest suitable to the emergency of the case, for the purpose of securing yourself, the vessel, and cargo, against any loss that might otherwise arise. Should you be obliged, from any unlooked-for circumstance, to go into port, which you may think indispensably necessary for the interests of the expedition, it will be desirable that you should prove that it could not be prevented by any foresight or precaution on your part.

*Bahia, 17th August, 1839.*

I would wish you to set sail to-day in the "*Golfinho*," provided the wind and weather will allow you to get a good offing. By the "*Calliope*" I will forward you the requisite instructions for your guidance on your return to this place, or to any other place that may be fixed on as more convenient.

Wishing you a good voyage, and that it may be as happy in its results as we can all desire,

I am, &c.

(Signed) JE. CERQR. LIMA.

Nos. 11 to 14 consist of a cargo-book or freight-list, and three bills of lading for the cargo taken on board. The only shipper besides the owner, José Cerqueira Lima, was Victorio Eulalio d'Abreo Fiacho, who consigned his goods to the same parties at Onim that were consignees of the owner's goods—namely, Manoel Joaquim d'Almeida, and in his absence to Manoel Luiz Pereira. The former of these two persons was frequently mentioned in our Dispatch of the 31st ultimo, as the lately appointed agent at Onim of the slave-trading house of Almeida, Costa, and Co. of Bahia; and both the shippers and consignees in this case are referred to in our Report of the "*Firmeza*," of the 16th of September last. Indeed the "*Firmeza*" was under a charter, at the time of her capture, to José Cerqueira Lima, the owner of the "*Golfinho*."

The arrival of the detained vessel at Sierra Leone was reported by the Marshal on the 19th ultimo, but owing to some delay, on the part of the captor's proctor, in presenting the case to the Court, it was not until the 22nd ultimo that the ship's papers were authenticated by the affidavit of the prize-master, and lodged in the Registry. The captor's declaration was at the same time filed, the usual monition was issued, and the witnesses were summoned to undergo their examination on the standing interrogatories.

The declaration of seizure is to the following effect:—"I, Lieutenant Henry Frowd Seagram, commander of Her Britannic Majesty's brigantine 'Termagant,' hereby declare that, on this 19th day of September, 1839, being in or about latitude 6° 0' North, longitude 1° 45' East, I detained the Brazilian brigantine named '*Golfinho*,' sailing under Brazilian colours, not armed, commanded by David Thomaz

Pinto, who declared her to be bound from Bahia to Lagos, with a crew consisting of 11 men and 4 boys, besides the captain and supercargo. I further declare that I have detained this vessel for being engaged in and equipped for the Slave Trade."

David Thomaz Pinto, the master of the detained vessel, deposed "that he was born and lives at Bahia, is a subject of Brazil, and has never been subject of any other State; that he was appointed to the command of the detained vessel two months ago at Bahia by Jozé de Cerqueira Lima, a Brazilian subject living at Bahia; that the voyage began and was to end at Bahia, which was the last clearing port; that the vessel touched at different places on this coast for the purchase of palm-oil, ivory, and gold-dust, but no part of the cargo had been discharged when the vessel, which was steering at the time for Lagos, was taken; that the owner of the vessel, Jozé de Cerqueira Lima, from whom he received the command, is a Brazilian born, and resides at Bahia with his wife and family; that the cargo was owned and laden by the same person; that the vessel, with respect to her employment in trade, was under the management of the first mate, Manoel Antonio Pereira, who acted as supercargo (and signed the bills of lading for the cargo shipped at Bahia); that there are a few round iron bars on board, which were not intended to secure the hatches, but to be sold at Onim; that witness cannot tell whether there are spare planks on board, or whether any part of a slave-deck is laid, as he did not join the vessel until after she was loaded; that there are about 10 or 12 casks on board, capable of receiving about 10 pipes of water; that witness does not know how many mess-tins are on board; that there are 30 bags of farina on board, partly for sale, and partly for the use of the crew."

Manoel Antonio Pereira Guimaraens, the first mate and supercargo, deposed "that there are from 60 to 80 rough planks on board, 12 or 14 feet long, a foot wide, and an inch and a half thick, intended for sale; that there were casks and staves in the vessel capable of holding from 35 to 40 pipes of water; that there was one large copper boiler on board, but it was to have been delivered at Lagos, and freight was to have been paid for it; that there were 200 small bags of farina on board for the use of the crew."

Publication of the evidence in preparatory was decreed; and the return of the monition into the Registry being due on the 29th ultimo, the following day was appointed for the adjudication of the case.

The "*Golfinho*" was an admitted Brazilian vessel; and her equipment for the Slave Trade was proved by the presence of a large slave-boiler, slave-deck, slave-provisions, and an inordinate quantity of water-casks. A sentence of condemnation was therefore pronounced upon the detained property, on the ground that a violation of the 1st Article of the Brazilian Convention had been manifestly committed.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 125.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Sierra Leone, December 14, 1839.*

*(Received September 18, 1840.)*

MY LORD,

WE have the honour to inclose to your Lordship a Report of the case of the Brazilian schooner "*Calliope*," Silverio Jozé Pereira, master, captured on the 27th of October in 5° 50' North latitude, and 1° 38' East longitude, by Her Majesty's brig "*Waterwitch*," Lieutenant Henry James Matson commanding, and condemned in the British and Brazilian Court of Mixed Commission on the 3rd instant, for being engaged in, and equipped for, the prohibited traffic in slaves, in violation of the 1st Article of the Convention between Great Britain and Brazil, signed at Rio de Janeiro on the 23rd of November, 1826.

We have, &c.

H. W. MACAULAY.  
R. DOHERTY.

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

&c.

&c.

&c.

Enclosure in No. 125.

*Report of the Case of the Brazilian Schooner "Calliope," Silverio Jozé Pereira, Master.*

*Sierra Leone, December 14, 1839.*

WE had for several weeks past been expecting the arrival of this vessel. The letter No. 10, quoted in the report of the Brazilian brigantine "*Golfinho*," in the Despatch of the 15th ultimo, informed us that the "*Calliope*," owned, like the "*Golfinho*," by Jozé Cerqueira Lima, was to be dispatched from Bahia in September, and to carry to the latter vessel her orders as to the place where her return cargo of slaves was to be landed. Fortunately both vessels have been captured, and we have reason to hope that a check will be given, at least for a time, to the slave-trading of Bahia merchants, by the numerous captures which have recently been made of vessels belonging to that port.



The "*Calliope*" was met with off Cape St. Paul's, on the 27th of October, by Her Majesty's brig "Waterwitch," and was detained, whilst sailing under Brazilian colours and papers, and sent for adjudication to the British and Brazilian Court of Mixed Commission, on the charge of being fitted and equipped for the prohibited traffic in slaves.

The detained vessel arrived at Sierra Leone on the evening of the 19th ultimo, in the charge of the gunner of the capturing ship, and on the following morning she was admitted into Court on the petition of the captor's proctor, when the ship's papers, verified by the prize-master's affidavit, were received, the captor's declaration was filed, a monition in the usual form was directed to the marshal for publication, and the witnesses in preparatory were ordered to attend at the registry.

The following is an abstract of the papers found on board the "*Calliope*" by the captors:—

No. 1 is a Passport (No. 132) issued at Bahia on the 5th of September, 1839, to the Brazilian schooner "*Calliope*," which is more particularly described in an annexed certificate of registry No. 138, of the same date. This certificate declares that the schooner was of the burden of 161 tons, built in the United States, builder unknown; that José Cerqueira Lima, a resident at Bahia (residente n'esta cidade"), was the sole owner, and Silverio José Pereira the captain.

No. 2. The Muster-roll of crew, prepared by the authorities of Bahia, and dated on the 4th of September, the day before the passport and register were taken out, gives the names of 24 officers and seamen, including the captain, who is said to have given documentary proof of his being a Brazilian citizen and a resident of Bahia. The destination of the vessel is said to be "the coast of Africa."

No. 3 is a clean Bill of Health, dated on the 5th of September, 1839.

No. 4. The Receipt for Anchorage and Harbour-dues, dated on the 7th of September, in addition to its usual intelligence (which has been noted elsewhere) respecting the owner, captain, crew, tonnage, and destination, and states that the "*Calliope*" had entered the port of Bahia from her former voyage on the previous 18th of April.

Nos. 5, 6, and 7 are three Custom-house papers or clearances, the two first being dated on the 5th, and the last on the 13th of September, 1839.

No. 8. The Fort-pass is dated on the 5th of September, but was not endorsed by the Commandant until the 13th following, on which day the "*Calliope*" sailed from the harbour.

No. 9. The sea-log begins on the 14th of September, and is kept up to the 27th of October, the day of capture.

The captor's declaration is to the following effect:—"I, Henry James Matson, Lieutenant and Commander of Her Britannic Majesty's brig 'Waterwitch,' hereby declare that, on this 27th day of October, 1839, being in or about latitude 5° 50' north, longitude 1° 38' east, I detained the schooner named '*Calliope*,' sailing under Brazilian colours, commanded by Silverio José Pereira, who declared her to be bound from Bahia to Whydah, with a crew consisting of 16 men, 6 boys, and 10 passengers, and having on board—

"1st. Divisions or bulk-heads in the hold and on deck in greater number than are necessary for vessels engaged in lawful trade.

"2nd. Spare planks fitted for laying as a slave-deck.

"3rd. A larger quantity of water in casks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

"4th. An extraordinary number of water-casks, which are so stowed as to admit of a slave-deck being laid, and slaves embarked, at a few hours' notice.

"5th. An extraordinary quantity of farina, beyond what would be necessary for the use of the crew; neither this nor any of the above-mentioned articles being entered on any manifest.

"I do further declare that, considering these several circumstances to be proof of the vessel being engaged in carrying on the Slave Trade, I have seized her in virtue of the Convention between Great Britain and Brazil of the 23rd of November, 1826; the owner as well as master of the vessel being Brazilian subjects residing at Bahia."

In the inventory of stores, cargo, &c., found on board the prize, which accompanied the declaration, we find 29 casks filled with fresh water; a complete slave-deck fitted and numbered, and part of it laid; a large quantity of farina in bulk, stowed under the after part of the slave-deck, besides 13 bags of farina. There was also a small quantity of cargo still on board.

The witnesses in preparatory were examined on the 21st ultimo. Silverio José Pereira, the master, deposed "that he was born at Bahia, where he has lived during the last 30 years; is a subject of Brazil, and has never been a subject of any other State; that he was appointed to the command of the detained vessel by José Cerqueira Lima, a Brazilian subject living at Bahia, about five months ago; that the vessel is American built, is called the '*Calliope*,' is of 160 tons burden, and navigated by a crew of 25 officers and mariners, exclusive of witness, all of whom were Brazilian subjects, hired and shipped at Bahia by witness in the month of June last; that the vessel sailed under Brazilian colours, and had no others on board; that the voyage began and was to end at Bahia, which was the last clearing port; that the vessel touched at Agui on the Gold Coast to barter the cargo for country cloths, palm-oil, and ivory, and the greater part of the cargo was discharged there; that José Cerqueira Lima, from whom he received the command, was the sole owner of the vessel, and the owner, lader, and consignee of the cargo; that the said owner was born at Bahia, where he resides with his wife and family, Brazilians like himself; that there are about 80 spare planks on board, 16 feet long, one foot wide, and an inch and a half thick, intended to be landed at Whydah for the construction of a house for Char-Char, otherwise Francisco Feliz de Souza; that there were leaguers and casks on board capable of receiving 70 pipes of water in all, and at the time of capture all filled with fresh water, which was intended for ballast; that there were on board six bags of rice, two bags of beans, and 100 bags of farina, partly for the use of the crew, but chiefly for delivery on the coast."

José Fernandez Soares, the boatswain of the detained vessel, was also examined on the standing interrogatories, his replies to which corresponded in almost every particular with those given by the master. With regard to the water-casks, which the captain had sworn were intended to ballast the vessel, this witness declared that "they were intended to receive palm-oil."

On the publication of the above evidence, a claim was filed by the master of the "*Calliope*" for the

restoration of that vessel, with costs and damages against the captor for having improperly detained her: but as this claim was wholly unaccompanied by evidence or examinations of witnesses, the object in presenting it was probably merely to save the insurance.

The motion issued on the 21st ultimo was returned into Court on the 28th ultimo, and on the following day a petition for a day of trial having been presented jointly by the proctors for the captor and claimant, the 3rd instant was fixed for the adjudication of the case.

The "*Calliope*" had been captured whilst sailing under Brazilian colours and with Brazilian papers, and had been prosecuted for a breach of the 1st Article of the Brazilian Slave Trade Convention, by being equipped for the Slave Trade.

It had been decided in the case of the "*Emprehendedor*" that such an equipment is a contravention of the Article referred to; and the master and boatswain of the detained vessel had both admitted the presence of 80 spare planks, 100 bags of farina, and 70 pipes of water.

It was the duty of the claimant to have shown that these suspicious articles were on board the "*Calliope*" for legal purposes. Unexplained, they were considered as *prima facie* evidence of the illegal employment of the vessel in which they were found. The schooner and her cargo were accordingly condemned.

(Signed) H. W. MACAULAY.  
R. DOHERTY.

No. 126.

*Her Majesty's Commissioners to Mr. Backhouse.*

*Sierra Leone, June 30, 1840.*

*(Received September 28.)*

SIR,

IN pursuance of the 75th clause of an Act, passed in the 5th year of the reign of his late Majesty King 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 inclosed a return of all cases of vessels adjudicated in the British and Brazilian Court of Mixed Commission at Sierra Leone, in the period from the 1st of January to the 30th of June, 1840.

We have, &c.

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

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

## Enclosure in No. 126.

*Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission established at Sierra Leone, between the 1st day of January, and the 30th day of June, 1840.*

NAME OF VESSEL.	COLOURS.	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.								
Conceição .	Brazilian	Joze Pires da Silva	1839 Nov. 28.	6° 19' N.	2° 3' E.	Brigantine and cargo.	Henry F. Seagram, Esq., H.B.M. brigantine "Termagant"	1840 Jan. 6.	..	..	..	Condemned for being engaged in the illicit traffic in Slaves. Do.	Vessel and stores sold by public auction, and the proceeds paid into the military chest. Do.
Julia . .	Portuguese	Joaquim Marianno da Silva.	Nov. 29.	..	..	Do.	Do. do.	Do.	..	..	..	Do.	Do.
Santo Antonio Victoriouso.	Brazilian	Joaquim Lopes Pereira	1840 April 2.	4° 45' N.	6° 2' W.	Polacca and cargo.	William Tucker, Esq., H.B.M. sloop "Wolverene."	May 21.	..	..	..	Do.	Do.
Republicano	Montevidean	Juan Garcia.	April 12.	25° 21' S.	12° 48' W.	Brig and cargo.	Edw. H. Butterfield, Esq., H.B.M. sloop "Fantôme."	June 5.	..	..	..	Do.	Do.

Sierra Leone, June 30, 1840.

(Signed)

R. DOHERTY.  
WALTER W. LEWIS.

(Signed)

J. MILLER, Acting Registrar.

No. 127.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 30, 1839.**(Received October 2, 1840.)*

MY LORD,

WE have the honour to transmit to your Lordship, enclosed, a Report of the case of the brig "*Destemida*," Manoel Francisco Pinto, captain of the Portuguese flag, captured on the 29th of September last, off Winnebah, on the western coast, by Her Majesty's brigantine "*Lynx*," Lieutenant Henry Broadhead, commanding, and condemned on the 18th instant in the British and Brazilian Court of Mixed Commission; the admitted residence of the owner in a Brazilian port having impressed a Brazilian national character on the detained vessel, and her equipment for the Slave Trade having rendered her liable to condemnation under the first article of the Brazilian Convention.

We have, &amp;c.

(Signed)

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

Enclosure in No. 127.

*Report of the case of the brig "Destemida," Manoel Francisco Pinto, captain of the Portuguese flag.**Sierra Leone, November 30, 1839.*

THIS vessel left Bahia, where her owner resided, on the 18th of August last, and was captured on the 29th of the following month by Her Majesty's brigantine "*Lynx*," between Winnebah and Accra, with some portion of her outward cargo still on board. The "*Destemida*" was sailing under Portuguese colours at the time of detention, but being deemed by her captor, Lieutenant Henry Broadhead, to be really possessed of a Brazilian character, and to be fitted and equipped for the Slave Trade, she was dispatched to Sierra Leone for prosecution in the British and Brazilian Court of Mixed Commission.

The "*Destemida*" brought up to Sierra Leone a number of slaves who had been captured in a small vessel called the "*Vencedora*," by Her Majesty's brig "*Nautilus*," but we shall not have occasion to refer to these people until the case of the "*Vencedora*" comes before us.

The arrival of the "*Destemida*" in this harbour was reported by the Marshal on the evening of the 10th instant, and on the following morning the ship's papers, authenticated by the prize-master's affidavit, were received, together with the captor's declaration, the usual monition was issued, and the witnesses for the prosecution were directed to attend at the Registry.

The following papers were produced to the Court:—

No. 1. A Portuguese passport, granted at St. Paul de Loando, by Manoel Bernardo Vidal, the Governor-General of Angola and its dependencies, on the 18th of May, 1838, to the brig "*Destemida*," owned by Joaquim Pereira Marinho, and commanded by Manoel Luiz Antonio d'Abreu. It authorizes a voyage to Mozambique and the ports of Ambris, Cape Verd, and Bahia.

On the 22nd of June, 1838, this passport was registered by Mr. Consul Feital, who, on the 7th of December of the same year, added another endorsement, on the occasion of the brig clearing out for St. Thomas and Prince's, and the Coast of Africa; and warned her against any violation of the Portuguese decree of the 10th of December, 1836. On the 17th of August last, prior to the commencement of the present voyage, Mr. Consul Feital certified on the passport that the "*Destemida*" was bound again to Prince's Island and the Coast of Africa, under the command of a new master, named Manoel Francisco Pinto, who, however, according to his own statement, had sailed in her as master on the previous voyage.

No. 2 is a certificate from the Portuguese Consul at Bahia, dated the 5th of May, 1837, that Manoel Francisco Pinto, the newly appointed master of the detained vessel, was a Portuguese subject, and a native of Oporto.

Nos. 3 and 4 are two muster-rolls of the crew, both issued from the Portuguese consulate at Bahia, and signed by Mr. Consul Feital, the one being dated on the 16th and the other on the 17th of August, 1839. The differences between the two lists are, that No. 3 is entirely in manuscript, is not signed by Captain Pinto, gives *St. Thomas*, as well as Prince's Island, for the destination of the vessel, and states Joaquim Pereira Marinho, a resident of Bahia, to be the owner of the brig.

No. 4, which is signed by the captain, does not mention the Island of St. Thomas at all, or refer to the name or residence of the owner.

Nos. 5 and 6 are two clean bills of health, one from the Brazilian authorities, and the other from the Portuguese Consul, dated on the 16th and 17th of August, 1839.

No. 7 is a receipt for anchorage and harbour dues, dated, like all the remaining papers, on the 17th of August last, stating that the "*Destemida*" was bound to Onim (Lagos) only; that she was of 125 tons burden; had entered Bahia harbour from her former voyage on the 5th of June, 1839, and was intending to sail on the 18th of August, with a crew of 21 persons and one passenger; and that the owner, Joaquim Pereira Marinho, was a resident of Bahia.

No. 8 is a manifest of the cargo, certified by the Portuguese Consul. With a trifling exception, all

CLASS A.

the goods on board were shipped by the owner, Marinho, and were consigned, not to the captain of the flag, but to the first mate, Querino Antonio, or, in his absence, to José Alexandrino Farrujia, who went in the vessel as a passenger. Querino Antonio was, in fact, the captain of the vessel, and is the same person who was addressed as "Captain Querino Antonio" in the letter No. 20, contained in the Report of the "*Intrepido*" (See Despatch of the 26th of September, 1839).

Nos. 9 and 10 are two clearance papers from the Brazilian authorities.

No. 11 is a fort-pass, dated on the 17th, and endorsed by the Military Commandant on the 18th of August, when the "*Destemida*" left the harbour.

No. 12 is a copy of No. 8, the manifest of cargo, accompanied by original bills of lading, placed in an envelope, addressed "on the service of Her Most Faithful Majesty, to the Director of the custom-house at Prince's Island, from the Portuguese Consulate at Bahia."

No. 13: On the day before the "*Destemida*" left Bahia, a letter of instructions was addressed by the owner, Marinho, to the captain of the flag, of which the following is a copy:—

(Translation.)

CAPTAIN MANOEL FRANCISCO PINTO,

Bahia, August 17, 1839.

To-morrow, if the weather will permit, you will make sail with the Portuguese polacca "*Destemida*," under your command, and proceed in her to the several ports on the Coast of Africa to which you are destined.

I have already given you a bill of lading of the cargo, and I have put with you in the cabin, to render you every assistance in the business in which you are engaged, Senhor Querino Antonio, who will also take the place of chief mate. You will also have with you in the cabin, as a passenger, Senhor José Alexandrino Farrujia, whom it will not be necessary to introduce to you, as I understand you are already acquainted with him.

I presume you will, as usual, experience some inconvenience from the English vessels boarding you whenever they see you. It appears to me to have been the custom among the vessels engaged in this contraband trade to render to these cruisers every attention and facility. I have to desire that you will not do anything of the kind, and that you will avoid having more communication with them than you can possibly help; and if at any time they should lay hands on anything, and make use of force, you will at once protest officially against such conduct, and report it to me; as it would give me pleasure to make them pay for their undue interference. It rests with you to carry into effect my wishes in this respect, and I hold you responsible for their due execution.

You will be careful to let me know of the period of landing the Africans, as well for the information of the authorities of this city as for myself. You will also inform me, by the earliest opportunity, of their shipment.

Accept my esteem and best wishes for your health, hoping you will have a quick and safe voyage, and a speedy return.

I am, &c.

(Signed)

JOAQUIM PEREIRA MARINHO.

The captor's declaration is to the following effect:—"I, Lieutenant Henry Broadhead, commander of Her Britannic Majesty's brigantine '*Lynx*,' hereby declare that, on this 29th day of September, 1839, being off Winnebah, on the west coast of Africa, I detained the brig called the '*Destemida*,' sailing under Portuguese colours, commanded by Manoel Francisco Pinto, who declared her to be bound from Bahia to Elmina and Accra, with a crew consisting of 15 men, and having on board a complete slaving equipment, consisting of an immense number of water-casks, hatches fitted for open gratings, with staples for fastening the battens of the hatch gratings, such as are used in slavers, a large quantity of farina, a large quantity of planks (60 at least) adapted for a slave-deck, with a quantity of tin tubes flattened at one end, which are called suckers, and are used by the slaves when the water in the casks is too low for the pumps.

"I further declare that the present crew consists of only 15 men, part of the number mentioned in the muster-roll having been left on shore at Elmina, in order, it is supposed, to await the arrival of some other vessel."

An addition to this declaration was made by Lieutenant Broadhead at West Bay, Prince's, on the 10th ultimo, in the following words:—

"I hereby certify that, having this day been ordered to receive a number of slaves (captured by Her Majesty's brig '*Nautilus*' on board a vessel deemed not seaworthy) on board the brig '*Destemida*,' for conveyance to Sierra Leone, and no provision having been made for feeding the said slaves during the passage, I have directed the officer in charge of the '*Destemida*' to feed the said slaves from the farina forming part of the '*Destemida*'s' cargo, ascertaining what quantity he may find it necessary to use for that purpose, so as to be able to render an exact account of the same on his arrival at Sierra Leone."

When the "*Destemida*" arrived at Sierra Leone, Mr. Frederick Slade, the prize-master, certified the precise quantity of farina taken from the cargo of his prize to supply the slaves captured by the "*Nautilus*," and the provisions so used were subsequently valued and paid for, and the amount placed to the credit of the "*Destemida*'s' account.

The witnesses in preparatory were examined on the standing interrogatories on the 12th instant. Manoel Francisco Pinto, the captain of the flag, deposed "that he was born at Oporto, where he has since lived; is a subject of Portugal, and has never been subject of any other State; that he was appointed to the command of the detained vessel in December last by Joaquim Pereira Marinho, a Portuguese subject living at Bahia; that the vessel was built in Sardinia; that she is now called the '*Destemida*,' that up to 1836 she was called the '*Conceição*,' and during the two following years the '*Maria*,' she is of 152 tons burden, and is navigated by a crew of 20 officers and mariners exclusive of witness, all Portuguese, hired and shipped by the boatswain at Bahia in August last; that there was one cabin passenger named José Alexandrino Farrujia, proceeding to trade at Elmina and the Gold Coast, where he was put on shore and left; that the voyage began and was to end at Bahia, which was the last clearing port; that the vessel touched at Elmina to buy canoes; that Joaquim Pereira Marinho is sole owner of the vessel, and also owner of the whole cargo, with the exception of a very small part; that on the day subsequent to capture, from 30 to 40 pieces of dry goods were taken out of the detained vessel by the seamen of the capturing ship; that the hatches are fitted with

wooden gratings ; that there are 30 or 40 spare planks on board, 14 feet long, one foot broad, and an inch and a half thick, intended for dry stowage of the cargo ; that there were three bags of rice and 30 bags of farina for the use of the crew."

Prudencio dos Santos, a seaman of the detained vessel, was also examined, but his evidence is generally unimportant. With respect to the goods alleged by the master to have been taken by some of the seamen of the "Lynx," he deposed "that on the day subsequent to capture, as the detained crew were preparing to go on shore at Elmina, several of them were carrying off parcels of dry goods, when the commander of the capturing vessel forbidding them to do so, the goods were taken from them, and placed in the cabin. Witness afterwards missed these articles, but cannot say what became of them."

The evidence of Prudencio dos Santos may be considered to have disproved the charge made by the captain of the flag against some of the seamen of the "Lynx," inasmuch as the articles removed from the "Destemida" on the day following her capture were shown to have been taken by the seamen of the detained vessel ; but it is to be regretted that Lieutenant Broadhead, who was at Sierra Leone at the time when this charge was made, did not remain here long enough to give those decisive and satisfactory explanations which it was in his power to do, in a form which would render them admissible by the court. Instead of this, the "Lynx" sailed immediately afterwards, leaving with the proctor for the prosecution several unattested declarations made by Lieutenant Broadhead, the prize-master of the "Destemida," the assistant surgeon, the gunner, and corporal of marines, of the man-of-war, which of course could not be received as evidence, or as any reply to statements given on oath.

The examinations in preparatory having been published, and the monition issued on the 11th being returnable on the 18th instant, the latter day was fixed for the adjudication of the case.

The ship's papers and the depositions of the witnesses agreed in declaring that the owner of the "Destemida" is a merchant resident at Bahia, where the present voyage began and was to end, and where the crew were entered ; and whilst a Brazilian nationality was thus impressed upon the detained vessel, the admissions of the master, that the hatches were fitted with open gratings, that there was a quantity of spare plank on board fitted for laying as a slave-deck, besides a large supply of slave food, brought the case within the rule laid down in the judgment pronounced on the "*Emprehendedor.*" The "Destemida" was accordingly condemned, as a Brazilian vessel illegally equipped for the Slave Trade, in contravention of the First Article of the Brazilian Slave Trade Treaty.

We have, &c.

(Signed)

H. W. MACAULAY.  
R. DOHERTY.

## HAVANA.

---

No. 128.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, April 20, 1840.*

*(Received June 12.)*

MY LORD,

WE have the honour to acknowledge having received your Lordship's Despatches by the "Opossum" packet, which arrived here on the 27th March last.

1st. That dated the 31st December, 1839, enclosing a copy of a Brief issued by His Holiness the Pope, enjoining all Catholics to abstain from Slave Trade; and

2nd. That dated also 31st December last, transmitting a copy of a Despatch sent to Her Majesty's Envoy at Washington, to use his good offices with the United States Government on behalf of the negroes found on board the Spanish schooner "*Amistad*"; and of one sent to Her Majesty's Chargé d'Affaires at Madrid, respecting the same negroes, and to express the just expectation of Her Majesty's Government that the Spanish Government would cause the laws against Slave Trade to be enforced against Messrs. Ruiz and Montez, who purchased those newly imported negroes, and all other Spanish subjects concerned in that nefarious transaction.

For the steps we took to have the Brief published in the principal papers of the Island, in obedience to your Lordship's orders, we beg to refer to our correspondence on the subject with the Captain-General, as detailed in another Despatch.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

---

No. 129.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, April 20, 1840.*

*(Received June 12.)*

MY LORD,

IN our Despatch of the 23rd ultimo, we mentioned the circumstance of Her Majesty's packet "Delight," from Vera Cruz, having, on the 20th of the same month, fallen in with a slave-vessel, the crew of which, taking the "Delight" to be a-cruiser, ran their vessel on shore near Mariel, a port 12 leagues from this place, where they were distinctly seen to land a great number of negroes. We have since heard they landed upwards of 400.

The general report of the city pointed this vessel out to be the "*Tres de Fevereiro*," which, a few days afterwards, viz., on the 25th of March, entered the harbour under Portuguese colours, having been got off the sand without material injury. Upon this we found ourselves under the necessity of addressing a letter to the Captain-General, stating these circumstances, and urging His Excellency to institute respecting them a strict investigation.

In answer His Excellency informed us that he had communicated our letter

to the General of Marine at this place, who denied all knowledge of the matter, or that he had any authority to interfere with a foreign vessel. His Excellency then adds that his zeal being unsatisfied he had, upon this, sent orders to the Commandant at Mariel, who, in reply, denied also all knowledge of the transaction, and stated that he had proceeded east and west of Mariel several miles, making inquiries of every one he met, but without learning anything respecting the "pretended landing."

This same vessel, the "*Tres de Fevereiro*," formed the subject of another like mockery of an investigation under General Tacon, as reported in our Despatch of the 19th of March, 1838, printed in the Slave Trade Papers for 1838-9, Class A., p. 90. We had then to denounce her for the extraordinary audacity of landing 150 negroes in this very harbour, in which, however, they were protected, as they were brought for the great slave-dealer Don Joaquim Gomez, the personal friend of General Tacon, by whose means he was honoured with the Grand Cross of Carlos Tercero, as we reported to your Lordship in our Despatch of the 17th of July, 1838.

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

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

---

First Enclosure in No. 129.

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

MOST EXCELLENT SIR,

*Havana, March 28, 1840.*

WE beg to report to your Excellency that on the 20th instant Her Britannic Majesty's packet "Delight," coming to this place from Vera Cruz, and standing in for land, fell in with a vessel which proved to be a slaver, under Portuguese colours, the crew of which taking the "Delight" to be a cruiser, ran their vessel on shore close to the port of Mariel, where they were distinctly seen by all on board the "Delight," to land a great number of negroes.

The vessel so run on shore is currently said, and, indeed, well known in this city to have been the one which since entered the harbour, on the 25th, under the name of the "*Tres de Fevereiro*," otherwise "*La Union*," having been got off the sand without material injury. The report further states that she brought upwards of 400 negroes, so landed at Mariel, which circumstance cannot possibly be unknown to the officers of the Government. We trust, therefore, we have only to call your Excellency's attention to the fact of so flagrant a defiance of the laws and of your Excellency's authority having been committed, to ensure a rigid inquiry being made after the guilty parties, and a punishment due to their offence.

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

---

Second Enclosure in No. 129.

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

GENTLEMEN,

*Havana, March 30, 1840.*

I HAVE received your communication of the 28th instant, in which you are pleased to acquaint me with a circumstance that occurred on the 20th, on the passage of the English packet from Vera Cruz, relative to a vessel under Portuguese colours, which ran ashore on the coast, near Mariel, where she landed 400 negroes; and, being duly informed thereof, I have to acquaint you, by way of provisional answer, that I have directed proper steps to be taken for ascertaining the fact, and will duly report to you the result.

God preserve you many years.  
 (Signed) EL PRINCIPE DE ANGLONA.  
 MARQUEZ DE JAVALQUINTO.

---

Third Enclosure in No. 129.

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

GENTLEMEN,

*Havana, April 10, 1840.*

IN my provisional answer to your official letter of the 28th of last month, in which you inform me of what occurred on the 20th of the same, on the passage of the English packet to this port from



Vera Cruz, relative to a Portuguese vessel which ran ashore on the coast of this island, near Mariel, I stated that I should acquaint you with the result of the inquiries I had directed to be made; and I have now, therefore, to report that his Excellency the Commandant-General of Marine, to whom I communicated your before-mentioned official letter, replied to me under date of the 1st instant, that nothing is recorded in that Comandancia-General relative to the said vessel "*Tres de Febrero*," excepting that by the report of the captain of the port, dated the 25th ultimo, her arrival was announced as from Rio Largo, in ballast, and that being a foreign vessel it is not in the province of the Marine Department to have any other information than the aforesaid, or still less to enter on any investigation or proceedings whatsoever. My zeal remaining unsatisfied, and considering that, at the place designated, information might be obtained of the clandestine disembarkation of the negroes, I accordingly directed that, without loss of time, the military commandant at Mariel should proceed to the investigation of the fact, as well in the port as on the adjoining coasts; the result of which has been that I am informed, under date of the 7th instant, that on examining such witnesses as could have any knowledge of the circumstance, they have deposed to the uncertainty of the pretended landing of negroes there; that having proceeded to examine the coast to windward as far as Guayabon, seeking for information from persons found on the beach, he could discover no one who had the least idea of the said landing, on which to found a formal declaration; that he did the same along the coast to leeward, as far as Dominica, and with the same ill result; that without certain evidence and substantive offence nothing can be done: which result I make known to you for your information, and in reply to your before-mentioned communication; but shall, nevertheless, avail myself of any information which may conduce to the object proposed, it being understood that, by the next packet, I submit the whole affair to Her Majesty.

God preserve you many years.

(Signed)

EL PRINCIPE DE ANGLONA.  
MARQUEZ DE JAVALQUINTO.

No. 130.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, April 20, 1840.*

*(Received June 12.)*

MY LORD,

IMMEDIATELY upon receiving your Lordship's Despatch dated the 31st of December last, enclosing us a copy of a Brief issued by His Holiness the Pope against Slave Trade, and desiring us to communicate the same to the Governor of Cuba, and to cause it to be inserted in the principal newspapers of the island, we addressed a letter to His Excellency the Captain-General, communicating your Lordship's orders, and transmitting the Brief enclosed. At the same time we requested His Excellency would give the necessary permission to have the Brief published in the *Diario* and *Noticioso* of this city, without which permission neither of those papers could have inserted it. We need scarcely remind your Lordship that the censorship of the press here is most rigidly enforced, and is under the immediate control of the Government.

In answer to our communication the Captain-General informed us, that it was out of his power to allow such insertion to be made, as the publication of all briefs issued by His Holiness the Pope was interdicted, except under the direct command of the Supreme Government of Her Catholic Majesty.

As His Excellency did not return us the Brief with his answer, we found it necessary to write to him again for it, considering it might be required for reference, and therefore advisable to be preserved in our archives. To this His Excellency replied, that not supposing it to have been a single copy, he regretted he had sent it with a report of the correspondence to the Government at Madrid. Having since received from your Lordship another copy, this may be of less importance; but as we understand that the Brief has been published in the Madrid papers, and had thus become sufficiently known here, we are not altogether able to acquiesce in the propriety of His Excellency's refusal.

We have, &c.,

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

First Enclosure in No. 130.

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

MOST EXCELLENT SIR,

Havana, March 27, 1840.

WE have had the honour to receive from Her Britannic Majesty's Principal Secretary of State for Foreign Affairs a copy of a Brief recently issued by His Holiness the Pope, enjoining all Catholics to abstain from Slave Trade; which Brief we have been ordered to communicate to your Excellency, and to cause its insertion in the principal newspapers.

We beg, therefore, now to submit it to your Excellency, and request the necessary order may be given to the Censorship that the said Brief may be inserted in the *Diario* and *Noticioso* of this city.

We have, &c.

(Signed)

J. KENNEDY.  
CAMPBELL J. DALRYMPLE.

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

Second Enclosure in No. 130.

(Translation.)

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

GENTLEMEN,

Havana, April 8, 1840.

I HAVE received your official letter of the 31st of last month, accompanied by a Brief, which you state to have received from Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, and in which His Holiness charges all Catholics to abstain from the Trade in Slaves; which Brief you request may be made public in the principal newspapers, and that the necessary directions be given for its insertion.

The act of conceding or denying publication to the pontifical Briefs being a prerogative of the Crown, and respecting which certain prescribed solemnities pertain to the Royal patronage, I conferred with the First Assessor of the Government on the subject, and, conforming with his opinion, I have to state to you, that it is not possible even to think of the circulation and printing, in these dominions, of any brief, whatever may be its class or import, unless preceded by all the solemnities of the Spanish laws; for which reason I have neither the power nor option of acceding to your request. This I have the honour to state to you, Gentlemen, in reply to your before-mentioned official letter.

God preserve you many years.

(Signed)

IL PRINCIPE DE ANGLONA.  
MARQUEZ DE JAVALQUINTO.

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

Third Enclosure in No. 130.

(Copy.)

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

MOST EXCELLENT SIR,

Havana, April 14, 1840

WE have had the honour to receive your answer of the 8th instant to our letter of the 27th ultimo, in which you decline acceding to our request to cause to be inserted in the papers of this city the Brief of His Holiness the Pope, which we then sent you.

That Brief not having been then returned, we have to request your Excellency will direct it to be sent us, as it is needed to be placed in our archives; and at the same time beg to express our hope that you will soon receive from Her Catholic Majesty that authority to publish it, which we are sorry to find you do not at present possess.

We have, &c.

(Signed)

J. KENNEDY.  
CAMPBELL J. DALRYMPLE.

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

Fourth Enclosure in No. 130.

(Translation.)

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

GENTLEMEN,

Havana, April 17, 1840.

I AM sorry I cannot return you the Brief of His Holiness as you request, by reason that, as it is in print, I supposed it was not a single copy, and therefore transmitted it to Her Majesty, with my report of your request that I would allow it to be inserted in the newspapers; of which I inform you for your information, and in reply to your communication of the 14th instant.

God preserve you many years.

(Signed)

IL PRINCIPE DE ANGLONA.  
MARQUEZ DE JAVALQUINTO.

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

No. 131.

*Her Majesty's Commissioners to Viscount Palmerston.*

Havana, April 25, 1840.

(Received June 12.)

(EXTRACT.)

WE have had the honour to receive your Lordship's Despatch, dated the 18th January last, communicating the opinion of Her Majesty's Advocate-General on the several points raised by the Commissioners of Arbitration in the case of the "*Vencedora*," and also respecting the payment of costs therein awarded. \* \* \* \*

We feel the obligation of bowing to the superior judgment of Her Majesty's Advocate-General; and, should any similar case again come before the Court, will not fail to act, to the best of our ability, in strict accordance with his decisions.

We have, &amp;c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&amp;c.

&amp;c.

&amp;c.

No. 132.

*Her Majesty's Commissioners to Viscount Palmerston.*

Havana, April 25, 1840.

(Received June 12.)

MY LORD,

WE have had the honour to receive your Lordship's Despatch, dated the 31st January last, desiring us to return an account of the number of certificates of emancipation given by the Mixed Court at this place in the years 1838 and 1839 respectively. In reply we beg to state, that in 1838 the Court gave, for the negroes of the schooner "*Antoñica*" (landed at Nassau) 183 certificates, and in 1839, for the negroes of the schooner "*Sierra del Pilar*," 172.

The numbers certainly are not great, nor the expense, comparatively, or trouble, so far at least as regards ourselves. But, whatever may be the trouble or expenses, they are unnecessary now, when the negroes are to be sent to the British colonies, and the difficulties may be so great to procure returns as to be almost impossible in cases where the negroes are under the necessity of being landed elsewhere before the vessel is brought here for adjudication. Such was the case of the "*Antoñica*," when we had to send twice for returns to the Governor of the Bahamas, before we could satisfy the Secretary of the Court here that they were made in due form. Another similar case has since occurred with regard to the "*Caridad Cubana*;" for the negroes of which vessel, landed in Jamaica, we have this year sent there 165 certificates, and the returns for which probably could not have been obtained had the negroes been scattered over the island, instead of having accidentally been kept in one place together, on account of the small-pox having broken out amongst them.

We have, &amp;c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&amp;c.

&amp;c.

&amp;c.

No. 133.

*Her Majesty's Commissioners to Viscount Palmerston.*

Havana, April 28, 1840.

(Received June 12.)

MY LORD,

WE have the honour to report to your Lordship that on the 13th instant Her Majesty's ship "*Crocodile*," Captain Milne, in about latitude 19° 30', and

longitude 81° 45', detained the Spanish schooner "*Mercedita*," sailing from Trinidad de Cuba, and bound to Cabo Lopez in Africa, for having been found with equipments, in contravention of the Treaty of 1835, between Great Britain and Spain.

These equipments consisted of open hatches, a large boiler, a great number of water-casks and tin tubs, spare planks suited for a second deck, and about 20 pairs of irons, 40 other pairs having been since discovered. The "*Mercedita*" was brought here on the 18th instant by Lieutenant Woodman, of the "*Crocodile*," under somewhat arduous circumstances, as he had but 11 men to navigate the vessel, and to keep under control the crew, consisting of 17. On the 22nd, the Court met to examine the papers and witnesses, when the above equipments were proved by the captors, and acknowledged by the master, mate, and boatswain of the "*Mercedita*." They, however, alleged that they were engaged in lawful traffic, having sailed to procure palm-oil, ivory, and gold dust. They declared the open hatches were found on the vessel when shortly before bought by the master, and they had not considered them as necessary to be removed; that the boiler and casks were for the palm-oil; that the planks were intended for a house on shore when they arrived on the coast; and that the other articles were for exchange as merchandise. When asked why the boiler, the casks, and other articles were not mentioned in the Register, the master, who also swore he was the owner, answered, that it appeared to him there was a leaf of the register wanting. But the register, or custom-house clearance, from the port of Trinidad (whence the vessel was out but two days), was comprised only on one side of a sheet of paper, showing from its beginning to end that it was an integral document, and disproved of itself this allegation. It was, therefore, sufficiently manifest that the provisions of the Treaty, as in the case of a lawful voyage, had not been complied with, and that this vessel consequently was engaged in illicit traffic. The Spanish Judge proposed that the case should be adjourned to learn from Trinidad whether the master's account was correct, but was soon induced to acquiesce in a sentence of condemnation, which was signed, accordingly, on the 24th instant, and of which we enclose your Lordship a copy, with an abstract of the evidence.

The "*Mercedita*" was built, we understand, at this place, about a twelvemonth since, and has made but one voyage to the coast of Africa, when she only brought back 50 negroes, the parties, it is said, not having had the means to purchase a greater number. She was now found loaded with 26 pipes of spirits, 4 cases of muskets, 2 cases of cutlasses, 30 bales of tobacco, 4 boxes of handkerchiefs, 70 kegs of gunpowder, a quantity of glass beads, and other stores. She was calculated to bring 290 negroes, of whom they said they expected to lose 70 on the passage.

On the same day that the "*Mercedita*" sailed from Trinidad, some of the crew reported that another similar vessel, similarly equipped, and for the same destination, had set sail with her in company, and Lieutenant Woodman had no doubt of its being one which hovered two days near him, as if with a view to attempt a rescue.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

### First Enclosure in No. 133.

#### *Captor's Declaration in the cas of the "Mercedita."*

I, ALEXANDER MILNE, Captain of Her Britannic Majesty's ship "*Crocodile*," hereby certify that on this 13th day of April, 1840, being in or about latitude 19° 30', longitude 81° 45', I detained the schooner "*Mercedita*," sailing under Spanish colours, armed with one gun, 9-pounder, commanded by Matias de Zulueta, who declared her to be bound from Trinidad de Cuba to Cabo Lopez, con escala en (touching at) Rio Gabon, with a crew consisting of 15 men and 1 passenger, and having on board no slaves, but detained for trial before the Mixed Commission Court at Havana for having certain articles on board contrary to the 10th Article of the Treaty existing between Great Britain and Spain, namely, under the 1st Section of the said Article, for having open gratings for the hatchways, instead of being close, as usual in merchant vessels.

Under the 6th Section of the above Article, for having an extraordinary number of water-casks (although shook) stowed in her hold, and not specified in the certificate of her cargo.

CLASS A.

Under the 8th Section of the above Article, for having a boiler of unusual dimensions stowed in the hold (independent of the one on deck), also not specified in the certificate of her cargo.

As the above Articles appear to me to be in violation of the Treaty existing between Great Britain and Spain, I have therefore sent her in charge of Lieutenant Thomas C. Woodman, Third-Lieutenant of Her Britannic Majesty's ship "Crocodile," under my command, who will lay before you the requisite documents.

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

(Signed)

ALEX. MILNE,  
Captain H.M.S. "Crocodile."

Witnesses.

(Signed)

GEORGE J. FOX,  
V. O. WOODRIDGE, Senr. Lieut.

### Second Enclosure in No. 133.

*Abstract of the Evidence in the Case of the "Mercedita."*

April 22, 1840.

Lieutenant Thomas C. Woodman, 3rd Lieut. of Her Britannic Majesty's ship "Crocodile," and prize master of the Spanish merchant schooner "*Mercedita*," being duly sworn, confirmed the truth of the contents of the captor's declaration, and deposed that, having been present when it was signed by the surgeon and first lieutenant as witnesses, he can likewise attest their signatures. Being asked if the "Crocodile" is provided with papers authorizing her to seize slave vessels, he replied in the affirmative, at the same time producing them. He further deposed, that besides the articles mentioned in the captor's declaration as prohibited by the 10th article of the Treaty, he has found on board the "*Mercedita*" a number of shackles, a large number of tin-kids, a quantity of glass beads, besides other articles comprised in the vessel's register. That the papers of the "*Mercedita*," as delivered to him by the commander of the "Crocodile," are 18 in number, and which he now hands into Court. Of these papers six only are filed in the proceedings, and are as follows, viz.—

1. The vessel's Register.
2. Contract between the Master and Crew.
3. Royal Passport.
4. Muster-roll.
5. Bill of Health.
6. The Contraseña.

Mr. Francis M'Clintock, mate of Her Britannic Majesty's ship "Crocodile," being duly sworn, attested the signatures at the foot of the captor's declaration.

Don Matias de Zulueta, being duly sworn, deposed that he is a native of Bermeo, in the lordship of Biscay, a bachelor, 30 years of age, and captain of the Spanish merchant schooner "*Mercedita*," that she sailed from Trinidad de Cuba on the 11th instant, with a regular set of Spanish papers, part of which are those now shown to him, but that some may be wanting, as the captor, on taking them from him, snatched them so violently that they fell into the water; and that with respect to the register or certificate, marked No. 1, he is inclined to believe that a leaf is wanting, as in the mention of the vessel's cargo, the following articles are omitted, viz., the casks in shakes, for filling with palm-oil at Cabo Lopez, and the boiler for boiling the same. That being bound to Cabo Lopez in search of palm-oil, ivory, and gold dust, he carried the shackles, glass-beads, and tin-kids to exchange for other articles; and as the king of that country has a number of slaves, he is in want of shackles. That the long gun, muskets, and powder, also found on board, were for defence in case of necessity; and that the six barrels were for no other purpose than to contain palm-oil; that with regard to their not being mentioned in the register, he refers to what he has already declared; and with regard to the boiler of unusual size, he has already likewise declared that he required it for boiling the oil. That the spare planks, of which he does not know the number, he carried for the sole purpose of building sheds at Cabo Lopez for himself and crew, there being no other houses in that part of the country than the insupportable filthy huts of the negroes.

Don Francisco Martinez, being next duly sworn, deposed, that he is a native of Vigo, in the kingdom of Galicia, 24 years of age, a bachelor, and mate of the Spanish merchant-schooner "*Mercedita*," in which vessel he sailed on the 11th instant out of the port of Trinidad de Cuba, for Cabo Lopez and Rio Gabon, with Spanish papers, which were taken from the captain, Don Matias Zulueta, by the commander of an English ship of war, by which the schooner was seized; that he does not know for what reason the vessel was so seized and brought to this port; and that the cargo consisted of leaf tobacco, rum, gunpowder, and cotton goods; that they were going to Cabo Lopez for palm-oil, gold-dust, and ivory; that the casks were to contain the said oil, and the large boiler for boiling it; and that he does not know why these articles were not specified in the register, unless a part of that document was lost; for he observed that when the captor took possession of the papers, some of them were blown away. That with regard to the shackles, he was told by the captain, Zulueta, that they were ordered by the black king at Cabo Lopez, to restrain his subjects with, and that he should therefore exchange them for articles of lawful commerce in which they were to deal. That the schooner has always had open gratings to the hatches, though he knows not why they are made so, as it is his first trip in her, and he has only lately arrived in this island from his birth-place. That he presumes the spare planks were to build sheds with at Cabo Lopez, that they might not have to remain always on board the vessel; but that he knows not how many planks there were.

Don Juan Alberdecca, being duly sworn, deposed that he is a native and inhabitant of Corunna, 36 years of age, married, and boatswain of the Spanish merchant-schooner "*Mercedita*," that he sailed from Trinidad de Cuba in the said schooner during the present month—but does not recollect on what day, with Spanish papers, which however were not shown to him—for Cabo Lopez to fetch oil, ivory, and gold-dust. That the shackles found on board were carried as necessary articles of trade; that the large boiler was for extracting the oil, and the casks to contain it; that the schooner has had hatches with open gratings ever since she was built; and that the spare planks might have been wanted for various purposes, such as for stowing the casks, and even for building a small shed at Cabo Lopez for the time they might have had to remain there.

## Third Enclosure in No. 133.

(Translation.)

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

In the always most faithful city of Havana, on the 24th April, 1840, his Excellency Don Jose Maria de Herrera y Herrera, Conde de Fernandina, Grandee of Spain of the First Class, Grand Cross of the Royal Order of Isabel la Catolica, &c. &c.; and James Kennedy, Esq., the Spanish and British Judges in the Mixed Court of Justice, established for the abolition of the Slave Trade, having examined the proceedings consequent upon the detention, by the English ship of war "Crocodile," Captain Alexander Milne, of the Spanish merchant-schooner "Mercedita," Don Matias de Zulueta, master, on the 13th instant, for having on board certain articles prohibited by the 10th article of the existing Treaty between Spain and Great Britain; and it being fully proved by the declarations of the said master, Zulueta, and the other individuals examined, that the following articles are found in her equipment, viz., hatches with open gratings, instead of the close hatches which are usual in merchant vessels, respecting which no satisfactory excuse whatever has been alleged by the master and the other deponents; spare planks, evidently intended for a second deck; 20 pairs of shackles with bolts, 24 tin kids, with a number of wooden spoons, all of which, together with the planks, a large boiler of unusual size for vessels of this class, besides the one required for ordinary use, and about 30 casks, as nearly as could be calculated from the multitude of staves, likewise stowed below; the explanation offered by the captain respecting the use of these articles, which were seen and examined yesterday by the British Judge, accompanied by me, the Secretary, as appears by the preceding formal report, being insufficient to remove the *prima facie* evidence presented by them, according to the before-mentioned 10th Article, of the said schooner being engaged in the Slave Trade; it appearing, moreover, with regard to the vessels and boiler, that they are not mentioned in the certificate of the customs at Trinidad de Cuba, filed at page 18 of the proceedings, which port was the one from whence the schooner cleared, as having been registered; and that no security had been given by the owners that they were only to be used for palm-oil, as stated by Zulueta and the rest of the crew; besides which his excuse of some papers having blown away at the time of handing them over to the capturing commander being unworthy of notice, inasmuch as the correctness of the said certificate is in nowise affected thereby—the Judges agreed that they ought to declare, and hereby do declare, according to the summary method prescribed by the regulations for these Mixed Courts annexed to the beforementioned Treaty, that the said Spanish merchant-schooner "Mercedita" is a good and lawful prize, and subject to confiscation, together with her tackle, apparel, and the whole of her cargo; that she be therefore broken to pieces and valued, together with the merchandise and whatever else she may contain, by the principal masters of the Royal Arsenal, who will be sworn to fidelity; the whole to be then put up to public auction before the notary, Don Manuel Fornari, and the proceeds of the sale applied according to Treaty. Meanwhile the vessel to be placed in deposit with Don Juan Cinta until this sentence be punctually and duly carried into effect, this individual likewise swearing to perform his duty faithfully, and receiving the vessel from the prize-master according to formal inventory. A certified copy of this sentence is to be transmitted to his Excellency the President, Governor, and Captain-general, with the customary letter of ceremony, for the information of his Excellency; and likewise because the captured individuals of the schooner "Mercedita" remain at his Excellency's disposal. And by this their sentence definitively judging, thus they provided, ordered and signed in the presence of the Secretary, who certifies.

(Signed) EL CONDE DE FERNANDINA.  
J. KENNEDY.(Signed) JOSE ANTO. VALDES,  
Secretary.

## No. 134.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, April 28, 1840.**(Received June 12.)*

MY LORD,

WE regret we are again unable to send your Lordship any account of the departures of slave vessels from this place during the past month. We learn, however, from general report that several have sailed; and in the monthly summary of vessels sailing, published in the *Diario*, it is stated that three sailed in March under the Portuguese flag, destined no doubt for the coast of Africa.

Of the vessels arriving in March, suspected of being engaged in the Slave Trade, we have heard of five, which is also the number given in the *Diario*, of Portuguese vessels entered in the month. We regret, however, that our particulars are not so full as usual, or as we could have wished, in consequence of the death of the person from whom we used to obtain much of our information.

- March 6.—Portuguese brig, formerly the "Jacinto," landed at Mariel 480 negroes.
- " 8.—Portuguese schooner "Pombinha," Captain Spencer, 53 tons, landed a cargo near Matanzas.
- " 17.—Portuguese schooner, name unknown.
- " 18.—Ditto ditto, name unknown.
- " 25.—Ditto brig, "Tres de Fevereiro," formerly "La Union," from the Gold Coast, consigned to D. José Mazorra, with 454 negroes.

The schooners which arrived on the 17th and 18th were seen entering the harbour, one by Her Majesty's Commissary Judge, and the other by Mr. Jackson, and were evidently slavers, though we have been unable to learn further particulars respecting them. The last-mentioned one in the list forms the subject of another Despatch.

On the 30th of the month we understand that 350 negroes were brought into the harbour by one of the steamers, having been shortly before landed on the coast, probably from the "*Tres de Febreiro*;" but we could not learn which steamer was employed.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

No. 135.

*Her Majesty's Commissioners to the Hon. W. F. Strangways.*

*Havana, April 29, 1840.*

*(Received June 12.)*

SIR,

WE have had the honour to receive your Despatch of the 29th of February last, desiring us to transmit for Lord Palmerston's information a statement showing how many negroes have been put on board the "*Romney*" hulk since she has been stationed at the Havana, and how long in each instance such negroes remained on board that vessel.

In reply, we have to state that the "*Romney*" has been employed for the negroes of two vessels only since she has been stationed here, viz., for those taken in the "*Matilde*," and in the "*Sierra del Pilar*." From the former vessel, the report respecting which may be referred to in the Slave Trade Papers for 1837, Class A, Further Series, p. 69, there were 254 negroes taken on board, and of the second 173, total 427.

The negroes of the "*Matilde*" were taken on board on the 19th of December, 1837, and remained there about 12 days, having been sent off to Belize on the 31st; 16 were enlisted into the West Indian regiment, and 18 were too ill to be then removed, but were forwarded by the packet "*Lord Melville*," on the 8th of February following.

The negroes of the "*Sierra del Pilar*" were a short time longer on board, as that vessel having been run on shore by the crew was so much damaged that the captors were obliged to abandon it, and take the negroes on board Her Majesty's schooner "*Pickle*," 173 in number. These, immediately on being brought here, were removed to the "*Romney*," without waiting for the decision of the court. They were put on board on the 13th of June, 1839, the sentence of the Mixed Court was signed on the 21st, and they were, on the 30th of the same month, sent to Grenada, all being sufficiently convalescent. They were therefore, notwithstanding the disadvantageous circumstances under which they were brought here, only about 17 days on board the "*Romney*."

We take leave to add, thinking it a matter of regret, that the black soldiers on board the "*Romney*" have not had a commissioned officer with them since the 26th of July last, Lieutenant O'Brien having on that day sailed hence invalided, and, as we learn, died on his passage home.

We have, &c.,

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

No. 136.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 6, 1840.*

I HAVE considered your Despatches of 1839 and 1840, stating your reasons against continuing the practice of giving certificates of emancipation to negroes liberated under the Treaty of June, 1835, between Great Britain and Spain, for the suppression of Slave Trade; and I have to state to you, that those reasons do not appear to me to afford sufficient grounds for dispensing with the rule which is expressly laid down in the Treaty, that certificates of emancipation shall be granted by the Mixed Courts to the negroes in question.

I am, &c.  
(Signed) PALMERSTON.

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

No. 137.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 7, 1840.*

I HAVE received your Despatch of the 29th of April, 1840, on the subject of the number of negroes put on board the "Romney" since her arrival at the Havana; and I have to desire that you will transmit to this office, for the information of Her Majesty's Government, half-yearly returns of the number of captured negroes that have been on board that vessel during the preceding six months.

I am, &c.,  
(Signed) PALMERSTON.

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

No. 138.

*Her Majesty's Commissioners to Mr. Fox Strangways.*

SIR,

*Havana, May 19, 1840.**(Received July 20.)*

IN our Despatch dated the 29th ultimo, having stated that the black soldiers on board the "Romney" had been without a commissioned officer with them since the 26th of July of last year, we now beg to inform you that on the 9th instant Lieutenant Fitzgerald arrived here to take the command of them.

We mentioned the circumstance on account of much inconvenience having been occasioned by it, the men remaining so long unpaid, and without that degree of control, which only one of their own officers could be expected to have over them.

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

*The Hon. W. Fox Strangways,*  
&c. &c. &c.

No. 139.

*Her Majesty's Commissioners to Viscount Palmerston.*

MY LORD,

*Havana, May 28, 1840.**(Received July 20.)*

WE regret that again another month we have it not in our power to furnish a list of vessels that have sailed from this port during the month for the



coast of Africa, or otherwise suspected of being intended for Slave Trade. The monthly statement of vessels in the *Diario* reports that one brig and one schooner sailed hence in April under Portuguese colours, all mention of which was avoided in the lists daily given in the same paper from authority, agreeably to the policy adopted with regard to slave vessels.

From the same authority we learn that two brigs and two schooners entered during the month, under the Portuguese flag, but we have not been able to ascertain what names they assumed, nor have we been able to learn the particulars of more than three of them, as follows:—

- April 8th.—Three hundred negroes were landed at Canasi, near Matanzas, from a Portuguese schooner belonging to D. Pedro Blanco, whose name has been so often mentioned in our Reports. This schooner had been chased by Her Majesty's brig "Snake," but escaped in the night.
- " 17. Four hundred and seventeen negroes were landed in the Isle of Pines from a Portuguese brig, consigned here to Messrs. Boch, Mayner, and Co.
- " 26. Two hundred and twenty-four negroes were landed on the coast from a Portuguese schooner, consigned to the well-known slave dealer D. Fernando Abarzuza.

The lawless and piratical spirit, which may be always expected to exist with the prosecution of the Slave Trade, though checked for a time, has, we regret to say, been again manifesting itself. Information has lately been received of a piratical schooner, with a crew of 31 or 32 men, cruising in the Bahama Channel, in search of which the Spanish vessels of war in the harbour have sailed within the last fortnight. A small party of desperate characters, also, at this place, about a month since, stole a large ferry-boat from the harbour, with which they surprised an English brig off Cape Antonio, from Jamaica, loaded with rum and sugar. They killed the master and two others of the crew, and only saved the others to compel them to assist in unloading and landing the cargo, when they were discovered and seized by the marine officer stationed at Mantua, in the neighbourhood. They have, within the last few days, been brought here with the three men or boys belonging to the English brig, who escaped being murdered, and we understand will be put upon their trial for the offence without loss of time.

We have, &c.

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

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

No. 140.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, June 13, 1840.*

*(Received July 20.)*

MY LORD,

WE have great satisfaction in having it in our power this month to transmit to your Lordship a list of the vessels that have been despatched from this port to the Coast of Africa during the last four months. From this your Lordship will perceive that they are 21 in number, including one, the "*Importador*," which, though ostensibly sailing for Goa, is no doubt intended for Mozambique.

Among these there are 10 under the Portuguese flag,  
8 under the American,  
and 3 under the Spanish.

21

Your Lordship will regret to observe that there still continues the abuse of the flag of the United States, to the same increasing degree as last year, notwithstanding the attention of the United States' Government has been so strongly directed to the correction of the evil. Of the 8 American vessels no fewer than 5 were cleared out by a Mr. Charles Tyng, an American, resident

here as a merchant, who was the agent, if not the owner, of the slave vessel "*Catherine*," taken last year by one of Her Majesty's cruisers, and sent to the United States, where she was condemned.

No. 16 on the list we should point out as the celebrated "*Socorro*."

Despatched—

1. Feb. 15.—For San Tomé, Portuguese schooner "*Olympia*."
2. " 22. " San Pablo de Loanda, American schooner "*Hudson*," by Charles Tyng.
3. March 6. " Gold Coast, American schooner "*Audubon*."
4. " 20. " San Pablo de Loanda, Spanish schooner "*Numantino*."
5. " 23. " Gallinas, American brig "*Theophilus Chase*."
6. " 24. " Santiago de Praya, Portuguese schooner "*Jozefina*."
7. " 26. " Goa, Portuguese brig "*Importador*."
8. " 27. " Cabo Verde, Spanish schooner "*2do. Rosario*."
9. " 28. " Bonny, Portuguese schooner "*Paz*."
10. April 1. " (Sailed in May) Mozambique, Portuguese ship "*Gloria*."
11. " 14. " Gallinas, Portuguese schooner "*San Pablo de Loanda*."
12. " 28. " Lagos, Portuguese brig "*Trovao*."
13. " 29. " Cabo Verde, Portuguese schooner "*Bacua Union*."
14. May 2. " Lagos, American brig "*Plant*," by Charles Tyng.
15. " — " San Pablo de Loanda, American schooner "*Lone*," by Charles Tyng.
16. " 4. " (Sailed 11th.) Mozambique, Portuguese ship "*Maria*."
17. " 6. " Bonny, Spanish brig "*Marinero*."
18. May 11. For Gallinas, Portuguese schooner "*Pombinha*."
19. " 11. " Gallinas, American schooner "*Seminole*," by Charles Tyng.
20. " 12. " Gallinas, American brig "*Alexander*."
21. " 27. " San Pablo de Loanda, American schooner "*Kite*," by Charles Tyng.

During the month the following, we believe, are the only arrivals:—

- May 14. Portuguese brigantine —, landed 450 negroes at Canasi, near Matanzas, consigned to Don Pedro Martinez and Co.
- May 24. Portuguese Brigantine "*Aquila*," landed 620 negroes at the Chorera (about one league from this port) the day before; consigned to Don José Mazorra.

We will take this opportunity of observing, that we consider the Portuguese flag will probably continue to be used, notwithstanding that it may not afford so much protection to the slave-vessels as formerly, on account of its ensuring them, if taken, to be sent for condemnation to Sierra Leone, or some other English Colony, instead of being brought here. All the parties we have heard of freely acknowledge the fair treatment and impartial bearing of the English tribunals before which they had been taken, and by which they were at once liberated; whereas here, if the vessels be condemned, the crews are drafted into the ships of war, or only exempted upon payment of heavy penalties.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 141.

*Her Majesty's Judge to Viscount Palmerston.*

*Havana, June 15, 1840.*

*(Received July 20.)*

(EXTRACT.)

IN the Despatch dated the 21st of March last, we informed your Lordship of Mr. Trist, the United States' Consul at this place, having sailed hence by order of his Government to proceed to Washington, for the purpose of explaining his conduct relative to the different charges brought against him, and especially, as it is said, the part he had taken on behalf of the slave dealers.

Shortly after his departure Mr. Everett, formerly Minister from the United States to the Court of Madrid, arrived here to investigate the charges, and, after having been engaged several weeks in his inquiries, sought an introduc-

tion to me, for the purpose of obtaining what information I could afford. An interview accordingly took place on the 23rd May; and on the 28th, in order to obviate any misconception that might have arisen at this meeting, I sent to Mr. Everett a brief recapitulation of what I had verbally stated. Of this communication, therefore, I have now to transmit your Lordship a copy, and beg to refer to it, though only a succinct summary of facts that we have had from time to time to report to your Lordship, and of our opinion respecting them.

Consequent upon the communication above mentioned of the 28th May, a further correspondence having taken place between Mr. Everett and myself, I have also the honour to transmit your Lordship further copies of two letters to me, and of my answer in reply. Mr. Everett, I understand, left the Havana yesterday for New Orleans, on his way to Washington.

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

First Enclosure in No. 141.

*Mr. Kennedy to Mr. Everett.*

*Havana, May 28, 1840.*

SIR,

At the close of our interview at my house on Saturday evening last, the 23rd instant, you expressed a wish to receive from me any further information or observation that might occur to me, beyond what I had then to communicate respecting the assistance afforded the Slave Trade of this place by American citizens generally, and at the American Consulate in particular.

To further your enquiries on these points I have since given the subject the best consideration in my power, but without finding aught to add to or to subtract from the communications I had then to make.

For fear, however, I might not have made myself understood in the way I could wish I beg to adopt the course I then offered you, of giving you in writing a succinct detail of what I had verbally stated.

You will remember I began by declaring, that although I could not but understand Mr. Trist's language and conduct to be designedly insulting to the British Government and nation, no less than to the British Commissioners, in our communications with him, still I had no inclination to stand forward as his accuser, or to canvass his actions further than as those of a public functionary, for whose conduct on public questions his government might fairly be held responsible. At any rate, avowing my private opinions of those actions, I left it to others to give what weight they might think due to my allegations.

My first object of remark then was a paragraph relating to Slave Trade in Mr. Van Buren's Message to Congress, of December last, in these words:—"Recent experience has shown that the provisions in our existing laws which relate to the sale and transfer of American vessels while abroad are extremely defective. Advantage has been taken of these defects to give to vessels wholly belonging to foreigners, and navigating the ocean, an apparent American ownership. This character has been so well simulated as to afford them comparative security in prosecuting the Slave Trade, a traffic emphatically denounced in our statutes, regarded with abhorrence by our citizens, and of which the effectual suppression is nowhere more sincerely desired than in the United States. These circumstances make it proper to recommend to your early attention a careful revision of these laws, so that, without impeding the freedom and facilities of our navigation, or impairing an important branch of our industry connected with it, the integrity and honour of our flag may be carefully preserved. Information derived from our Consul at Havana, showing the necessity of this, was communicated to a Committee of the Senate near the close of the last Session, but too late, as it appeared, to be acted upon." From this passage, referring to a notice taken by the United States Government only about March, 1839, of what so materially affected the integrity and honour of their flag, I concluded either that Mr. Trist had only very shortly before communicated the information, or that he had previously done it in a manner not to impress upon their attention the heinous character of the transactions.

Yet, so far back as October, 1836, had the British Commissioners called his attention to the first speculations of the slave traders as to what protection they might receive from the United States flag; and of their subsequent use of it he must have been as well aware.

I gave you a paper showing that "prior to 1836 we have no account of any vessel sailing hence under the United States flag to Africa, to be employed in Slave Trade."

In October, 1836, five vessels sailed hence under that flag, having arrived here about a month previously from the United States equipped for Slave Trade, viz:—

Anaconda.	Rosanna,
Viper.	and
Martha.	Fanny Butler.

In that same month (October, 1836) the British Commissioners called the attention of Mr. Consul Trist to the circumstance.

In 1837 eleven vessels sailed hence under the United States flag, for that purpose, viz:—

The Bee.	Teazer.
Two Friends.	Washington.
Morris Cooper.	Joseph Hand.
Terrible.	Cleopatra,
George Washington.	and
Perry.	Itramurra.

In 1838 nineteen vessels sailed hence under the United States flag, for that purpose, viz:—

Gabriel.	Venus.
Alexander.	Shark.
Dido.	Mary Jane.
Mary Hooper.	Comet.
Eagle.	Florida.
Fame.	Hazard.
Traveller.	Clara.
John Holland.	Liberty,
Dolphin.	and
Plant.	William Savin.

In 1839 twenty-three vessels sailed hence under the United States flag, for that purpose, viz. :—

Rebecca.	Butterfly.
Oriental.	Douglass.
William Bayard.	Lark.
Morris Cooper.	Hound.
Perry Spencer.	Cutter Campbell.
Wyoming.	Nymph.
Octavia.	John.
Joseph Wilding.	Asp.
Hound.	Hannah.
Mary.	Centipede,
Catherine.	and
Elvira.	Hyperion.

Thus then I showed you that for more than two years had the slave-traders been presuming upon impunity to be ensured from the adoption of the United States flag, without the United States Consul calling on his Government to take the requisite measures to prevent it. For there could be no doubt that had he done so in a proper manner, the President would have taken much earlier notice of such communications than have left it only to "near the close of the last Session."

The next question that arises on this view of his conduct, as to the motives that influenced him, are sufficiently explained by our meanwhile finding Mr. Trist in close contact with the slave-dealers at this place, and in their fullest confidence. This was by his taking upon himself to act as Portuguese Consul, in which capacity it was notorious he had no interests to serve but those of the slave-traders, Portugal having no trade whatever with this Island, and only lending her flag for this illicit traffic, in return for a high duty on the transfer of foreign vessels to that flag, no less than 15 per cent. on the nominal purchase money.

The late Portuguese Consul, Mr. Fernandez, who had only been a few months appointed Consul, began his duties by acting upon the opinion that he ought to enforce the laws of Portugal against fictitious transfers of vessels to the Portuguese flag. He, therefore, refused to pass several slave vessels which had no just claim to sail under that flag, and it was for this offence only, upon the complaints and under the influence of slave-dealers, that he was suspended from his office. This was at the latter end of 1837, or beginning of 1838, and the first person to whom the slave-dealers then turned their eyes, and above all persons, found willing to lend himself to their schemes, was the United States Consul.

He, Mr. Trist, had no such scruples as Mr. Fernandez, and he passed, as it appears, all papers presented to him, without any hesitation. For this we have the evidence not only of the British Pro-Consul at the Cape Verds, who charges him with the fact (Parliamentary Papers, 1839, Class B., Further Series, p. 110), but also the author of a pamphlet styling himself "a Calm Observer," published this year in express vindication of Mr. Trist's conduct as Consul at this place. This writer states unequivocally, that had Mr. Fernandez been acting Portuguese Consul, the "*Venus*," a notorious slaver, would not have been allowed to sail under the Portuguese flag. Yet the papers of this notorious slaver did Mr. Trist allow to pass, without, as we can learn, any attempt to arrest her progress, first as American, and afterwards as Portuguese Consul.

In this capacity he has been acting for nearly, if not full, two years. Confining my observations, however, only to one year, I will take the year 1838 for my consideration of his conduct. In that year we know of 42 vessels under the Portuguese, and 19 under the American flag, that sailed hence for the Coast of Africa, unquestionably to be employed in Slave Trade. In that same year arrived here from Africa 44 under the Portuguese, but not one under the American flag, that we know of. We know there were others, both that sailed and arrived, besides those in our lists, of which, however, we cannot take account, not having full particulars respecting them. For instance, in the letter of the Pro-Consul at Cape Verds above referred to, there is mention made of the American schooner "*James Webb*" arriving there from Havana, 15th July, 1838, with a Spanish crew, the bill of sale and list of crew being made out by Mr. Trist, of which we have no other notice, and is not in our list. This schooner, it seems, went there for Portuguese papers, which the Governor refused to give.

Passing by these, then still we have it before us that in 1838 there were upwards of 100 slave vessels on which Mr. Trist received the consular fees! The amount of those fees it is impossible for any one to say, who was not likely to be in the possession of such knowledge; but we may be sure that as the slave-traders had it in their power to pay well, in proportion too to the assistance and protection they received on the one hand, so on the other, any person interfering in such matters and with such characters would insist on being bribed in proportion to the disgracefulness of the duties he undertook, and to undertake which he was under no sort of obligation.

Of his easiness with regard to passing papers, in the case of the "*Venus*" we have already had one proof. In the papers relating to Slave Trade published in 1839, by order of the House of Commons, we have another, not less remarkable. (See Papers Class A, Further Series, p. 58). It is the case of a piratical vessel named "*Constituição*," found, when taken, to have 21 long guns, 18 pounders, on board, with muskets, cutlasses and ammunition in proportion, all laid about the deck, and prepared for action. She was taken by boats, however, without resistance, and among the papers the matricula was found to have "a certificate from Mr. Trist, intended to authenticate the matricula, dated one

CLASS A.

day before that document was signed by the master of the vessel." To the customs clearance also "was a certificate added from the American Consul's office as to the signature of the customs officer, dated a day previous to the customs certificate which it was to authenticate, and which Mr. Trist had not signed," probably some one in the office.

Of the character of this piratical vessel Mr. Trist could scarcely have failed to be ignorant, or as sailing in defiance of the laws of all nations it was his duty to all the world to have denounced her to the local government, or otherwise had her arrested in her lawless career, instead of which he appears to have even gone out of his regular course to facilitate her progress.

We can only judge of men's motives by their actions, and there are some of a nature which to attempt to deny, or to explain away would be an imputation upon our understandings. From persons committing such acts, however, we cannot be surprised to find any aggravation of their conduct, even though in the shape of senseless, unprovoked and undistinguishing insult.

I acknowledge that the United States Government does not, owing to the constitution of the government, possess that control over the acts of individual citizens which some others may possess, and therefore that it would be unjust to charge upon that government the criminality of individuals. But the United States Government has control over its officers, and in proportion to the want of power over lawless individuals ought those officers to be careful not to compromise the Government by their conduct. In equal proportion ought the Government to guard against being compromised by the acts of its officers, and adopt a becoming comportment towards them, when departing clearly and wilfully from the honourable course of their public duty.

In conclusion I beg to express my gratification individually to learn from your very satisfactory assurances, that the conduct of Mr. Trist in refusing to receive communications from the British Commissioners, on the subject of Slave Trade, has not met the approval of his government. The fact of you, sir, a functionary of a higher class, applying to me for information upon these important inquiries, though standing towards us in no stronger degree than the British Commissioners with the American Consul, is a sufficient manifestation of your opinions on the subject.

For myself, I hold my time, and any information I can give respecting Slave Trade at the disposal of any one interested in such inquiries, believing that the more the truth is known and honestly spoken, the better it will be for the suppression of that murderous traffic. Much more than do I feel gratified to meet upon this ground one specially appointed for such a purpose by the Government to which the whole Christian world is looking, to watch its proceedings, and which has in its power so much to effect, as it shall please to determine, for good or for evil.

A. H. Everett, Esq.  
&c. &c. &c.

I have, &c.  
(Signed) J. KENNEDY.

---

Second Enclosure in No. 141.

*Mr. Everett to Mr. Kennedy.*

SIR,

Havana, June 1, 1840.

I HAVE received your letter of the 28th ultimo, and beg you to accept my thanks for the information contained in it, and for the frank and friendly tone in which it is written. It will be of great use to me in preparing my report upon the subject, into which I have been directed by the Government of the United States to make inquiry.

To avoid misunderstanding in any quarter, I will add a single remark upon a passage near the close of your letter, in which you express your gratification at finding that the conduct of Mr. Trist in declining to receive some communications from the British Commissioners here had not met the approval of his Government, and also intimate that the fact of my addressing myself to you upon the subject shows that I entertain individually a similar opinion.

The British Minister at Washington having, by order of his Government, formally charged the Consul of the United States at this port with abusing his official character, for the purpose of affording facilities to a trade which is subjected by our laws to the penalties of piracy, the President deemed it necessary, from respect to the high authority on which the charge is made, as well as from the deep interest which he feels himself in the subject, to order a thorough investigation into the conduct of Mr. Trist. Information to this effect has been given through Mr. Fox to the British Government. In ordering this investigation it was not, however, the intention of the President to prejudge the question against Mr. Trist in any of its parts. In this, as in other cases of inquiry, the burden of proof rests upon the accusing party, and the person accused is presumed to be innocent until the close of the examination shall have shown the real state of the case.

It was also not my intention to be understood as expressing, either by the fact of addressing myself to you for information, or by anything which I may have said at our late interview, any opinion upon the conduct of Mr. Trist in declining to receive some communications which were offered to him by the British Commissioners here. The course taken by Mr. Trist was justified by himself at the time, in his correspondence with the Commissioners, and with his own Government, on grounds founded on the form in which those communications were made: and he expressed, in some of his letters to the Commissioners, his willingness to receive information, if conveyed in a form and manner which he should consider unobjectionable. It would be premature for me, during the progress of the inquiry, to express any opinion upon the validity of his objections. But as formal difficulties of this kind, whether well or ill founded, could be no obstacle to communication between any other persons, excepting those with whom they had originated, I have felt myself at liberty, and indeed thought it my duty, having been charged by my Government to obtain information upon the subject in question, to seek from your Commission—as one of the best sources in the island—any that might be in their possession, and that they might think proper to communicate.

With renewed thanks for the friendly spirit in which you have met this overture on my part, I beg leave to assure you of the high respect and esteem with which

I am, &c.

J. Kennedy, Esq., Commissioner of Her Britannic Majesty,  
&c. &c. &c.

(Signed)

A. H. EVERETT.

## Third Enclosure in No. 141.

*Mr. Everett to Mr. Kennedy.*

SIR,

Havanna, June 5, 1840.

I OWE you an apology for not having sooner sent you an answer to your communication of the 28th ult. The accompanying letter was ready on the day of its date, but has been kept back until I could ascertain the proper mode of transmitting it to you.

In the meantime I have received your supplementary note of yesterday, and have made the (verbal) correction which you desire in the former one.

May I ask the favour of you to furnish me with any information that may be in your possession, and that you may think proper to communicate, upon the following points:—

1. The total number of ships engaged in the Slave Trade with this island in the year 1839, and their respective flags?
2. The houses in the Havanna that are chiefly concerned in the trade?
3. The amount and mode of distribution of the gratuities paid by the parties concerned to the government of the island.
4. The method of proceeding in your Commission, and the number of cases that have been brought before it, with their results?
5. The disposition made of the negroes who have been liberated by order of the Commission?

I fear you will think that I give you a great deal of trouble, but the peculiar character of the subject in which I know that you, in common with all the friends of humanity, take the deepest interest, and the very obliging manner in which you have already attended to my wishes, will, I hope, furnish a sufficient excuse.

Permit me to add, that I shall be most happy, if you desire it, to serve you in the same way, to the extent of my ability, and to furnish you with any information upon the subject which you may request, and which may be accessible to me, either here or from the United States.

I am, &amp;c.

(Signed)

A. H. EVERETT.

*J. Kennedy, Esq., Commissioner from Her Britannic Majesty,*  
&c.

&amp;c.

&amp;c.

## Fourth Enclosure in No. 141.

*Mr. Kennedy to Mr. Everett.*

SIR,

Havana, June 9, 1840.

I RECEIVED only yesterday your notes of the 1st and 5th June inst., and hasten to answer them as fully as I can. In the first you favour me with an explanation of your views as to that part of my communication to you of the 28th May, in which I express my gratification to learn that Mr. Trist's conduct in refusing to receive communications from the British Commissioners here had not met with the approval of his Government; and in the second note you request me to furnish you certain information as pointed out under five heads of enquiry.

With regard to the first note, I certainly understood you to assure me, in express words, that whatever opinions Mr. Trist entertained on his being warranted to refuse communications from the British Commissioners on the subject of Slave Trade, those opinions were not reciprocated by your Government, and I considered the best proof of this to consist in the fact of your honouring me with a visit for purposes which would be inconsistent with those opinions if you held them. You now say Mr. Trist justified his refusal on the ground of form; but in his letter to the Commissioners, of the 29th November, 1836, he made no objection whatever as to form. On the contrary he grounds his refusal in these terms: "besides the general objection to holding with any agent of a Foreign Government any correspondence not warranted by the very limited official character with which he was invested," on the broad plea "of his Government having declined the overtures for a Convention on Slave Trade, made by the British Government, and in a manner evincing the most decided disinclination to become a party to even any discussion on the subject." You will also remember that Mr. Trist not only refused to receive a communication from the Commissioners in 1836, but in his voluminous fanfaronade (I know not what else to call it) of July and August of last year, declared he would not even open a letter from us in future, addressed to him, if aware of the quarter from which it came. This threat he actually carried into effect by returning the short note of acknowledgment we sent in reply, and that not in the usual style of common courtesy, but in a thick coarse sheet of paper through the post-office, though his messenger in going there must have had to pass by the street in which we hold our office.

In your present note I understand you only to mean that you do not stand in a position to pre-judge him on any particular point; and this interpretation I take, therefore, in preference to the conclusion which would otherwise arise from your disclaimer of my remarks, viz., that your Government did approve of his conduct, even on the occasion in 1836.

In your note of the 5th inst. you request information on the following points:—

1. "The total number of ships engaged in the Slave Trade with this island in the year 1839, and their respective flags.
2. "The houses in the Havana that are chiefly concerned in the trade.
3. "The amount and mode of distribution of the gratuities paid by the parties concerned to the government of the island.
4. "The method of proceeding in our Commission, and the number of cases that have been brought before it, with their results.
5. "The disposition of the negroes who have been liberated by order of the Commission."

To the 1st inquiry I regret being unable to give a direct reply. In a contraband traffic the parties of course must resort to all modes of deception; and thus, as each slave-vessel bears two or three different names, and may sail out under the American and return under the Portuguese flag, it is impossible for us to distinguish them with any certainty of accuracy. Substituting, however, the

words "this port" for "this island," as in your note, I give you the reports that we received in 1839, of there having sailed hence in that year for the Coast of Africa:—

26	Vessels under the Portuguese flag,
23	„ under the American,
8	„ under the Spanish,
1	„ under that of Monte Video, and
1	„ under that of Hamburg.

—  
Total 59

While there arrived here from Africa:—

39	Vessels under the Portuguese flag,
5	„ under the American,
2	„ under the Spanish, and
1	„ Oriental (South American).

Supposing these were different vessels, there would therefore be altogether 106 vessels that year engaged in Slave Trade from this port alone: and though some (as the *Venus* for instance) might be counted twice over, yet if we make allowance for vessels engaged in the traffic the knowledge of which may not have reached us, that number may perhaps be nearly accurate.

Though you have not asked for any returns respecting the present year, thinking your enquiries would be incomplete if not brought down as far as possible, I will further state that in the five months passed of 1840, there have sailed hence for the Coast of Africa—

14	Vessels under the Portuguese flag,
8	„ under the American,
4	„ under the Spanish.

While there have arrived, as far as we know,

12	Vessels under the Portuguese flag,
5	„ under the Spanish, and
	none under the American.

In reply to your 2nd and 3rd enquiries, I beg to say that I should feel exceedingly indebted myself for any information on those points that might be relied on. Few persons, I believe, could give you more, if he pleased, than Mr. Trist; but it is the misfortune for one in my situation to be refused information freely detailed to others, for fear of the parties giving it being implicated in consequence. I may, however, state, that of the American vessels sailing hence this year, suspected of being intended for Slave Trade, five at least, viz., the "*Hudson*," the "*Plant*," the "*Lone*," the "*Seminole*," and the "*Kite*," were cleared out by Mr. Charles Tyng, an American merchant here, who was much interested in if not the owner of the "*Catherine*," sent to the United States last year, and, I believe, condemned there for having been engaged in Slave Trade.

With regard to the 4th question, I beg to refer you to the several volumes of Slave Trade Papers, printed by order of the House of Commons, which you informed me you had. I have no list of cases made out, and not exactly knowing whether you wish to confine your enquiries to this Commission, or to include (as indeed would be only fair) the labours of the three others at Sierra Leone, Rio Janeiro, and Surinam, would prefer your taking your information from those papers, from which alone I could furnish you any respecting them.

In reply to the last question, I may save you a lengthened reference to those papers by stating, shortly, that previous to 1835 the negroes emancipated by the Mixed Court here were all delivered over to the Government of the island, by whom they were in fact sold or disposed of, so as eventually to be treated as badly or worse even than ordinary slaves, or than felons. You have, no doubt, heard of the emancipado woman, allotted without a premium to Mr. Trist, whom he had up to a recent date working out of his house, upon payment to him of about two dollars and a half per week. There have been several other cases of the like character brought to our knowledge, and the general condition and treatment altogether of the Emancipados all accounts prove to have been most lamentable. In 1835, in consequence of the representations made to them to this effect, the English Government undertook the whole charge of negroes captured by British cruisers; and they are now, as soon as sentence of liberation is passed, sent to some of the British colonies, under regulations ordered by the Government.

I believe I have now fully answered, and certainly to the best of my ability, the enquiries you made. Should there be any further information required I shall be as ready to attend to your future enquiries in our mutual endeavours to suppress that traffic, for the suppression of which I trust we are all equally sincerely desirous.

A. H. Everett, Esq.,  
&c. &c. &c.

I have, &c.  
(Signed)

J. KENNEDY.

---

#### Fifth Enclosure in No. 141.

Pamphlet entitled "A Letter to William E. Channing, D.D., in reply to one addressed to him by R. R. Madden, on the Abuse of the Flag of the United States in the Island of Cuba for Promoting the Slave Trade, By a Calm Observer. Boston, published by William D. Ticknor, corner of Washington and School Streets, 1840."

---

No. 142.

*Viscount Palmerston to Her Majesty's Commissioners.*

*Foreign Office, August 13, 1840.*

Circular sending papers presented to Parliament.

(See No. 9, page 9.)

---

No. 143.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, August 24, 1840.*

I HEREWITH transmit to you a copy of a Memorial from the General Anti-Slavery Convention. I have to acquaint you, that Her Majesty's Government concurs in the sentiments expressed in that Memorial, and especially in the opinion, that it would be unfitting that any officer holding an appointment under the British Crown should, either directly or indirectly, hold or be interested in slave property.

I am, &c.,  
(Signed) PALMERSTON.

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

Enclosure in No. 143.

*General Anti-Slavery Convention, called by the Committee of the British and Foreign Anti-Slavery Society, held in London on the 12th of June, 1840 and continued, by adjournments, to the 23rd of the same month.*

TO THE RIGHT HONOURABLE VISCOUNT PALMERSTON, SECRETARY OF STATE FOR FOREIGN AFFAIRS.

The Memorial of the undersigned, the Chairman, on behalf of the General Anti-Slavery Convention, held in London on the 20th of June, 1840.

Respectfully sheweth,

THAT this Convention has learnt, with feelings of surprise and regret, that British functionaries in the Brazils and Cuba, and other slave-holding countries, hold slaves—that they purchase them in the public slave-market and elsewhere—work them in mines and on sugar plantations—employ them as domestic slaves, and sell them, or dispose of them, as necessity or caprice may dictate.

This Convention, under a strong impression of the utter injustice of slavery in all its forms, and of the evil it inflicts upon its miserable victims, and of the necessity of employing every means, moral, religious, and pacific, for its complete abolition, feels it to be no less than an imperative duty to submit to the principal Secretary of State for Foreign Affairs, that the British Parliament having declared it "just and expedient that all persons held in slavery in the colonies of Great Britain should be manumitted and set free, and that slavery should be utterly and for ever abolished and declared unlawful throughout the British possessions abroad,"—that functionaries of the British Government holding, hiring, buying, or selling slaves in foreign countries, is not only an open violation of these just and equitable principles, but that it is an example which gives countenance to the perpetuation of slavery, and to the continuance of the clandestine importation of slaves, and that it does materially contribute to prevent the extinction of slavery in those countries, and throughout the world at large,—an object most dear to the members of this Convention, and for the consummation of which they are especially assembled.

This Convention, therefore, earnestly solicits the early attention of Viscount Palmerston to the subject, and that he will be pleased to issue a declaration that the holding or hiring of slaves, directly or indirectly, is incompatible with the functions of any individual officially engaged in the service of the British Government.

On behalf of the Convention,  
(Signed) THOMAS CLARKSON, *President.*

No. 144.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, July 1, 1840.**(Received August 24.)*

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.

We have, &amp;c.

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

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



## Enclosure in No. 144.

*Return of Case adjudicated by the Mixed Court of Justice at the Havana, within the half year ending 30th June, 1840.*

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.
13th April, 1840.	Spanish schooner "Mercedita," equipped for the slave-trade, with an assorted cargo for the African market, in contravention of Art. X. of the Treaty.	Captain Alex. Milne, H.M.S. "Crocodile."	24th April, 1840.	Forfeiture.	The Hull of the Vessel has been broken to pieces, and the fragments, together with the tackle, and everything pertaining to her, as well as the cargo, are about to be sold by public auction.

*Note.*—The tonnage, as per Register, of the "Mercedita," is stated to be 68 tons. The English measurement was not ascertained, the order to that effect not having been then received; but the Spanish ton is understood to be about one-fourth more than the English.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

## No. 145.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, July 1, 1840.*

*(Received August 24.)*

MY LORD,

WE have the honour to acknowledge having received your Lordship's Despatches; 1st, that dated the 23rd of April last, transmitting copies of a Treaty concluded at Caracas between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade.

2nd. That dated the 30th of April, 1840, enclosing the returns of cases adjudicated at Sierra Leone, during the half year ending the 31st of December, 1839, by the several Mixed Courts of Commission in that colony; and—

3rd. That dated the 5th of May, 1840, directing us in future, in making out returns of cases adjudicated in the Mixed Courts, to insert columns showing the tonnage of each vessel according to her register, and according to English measurement.

For the assistance and information given us in the two Despatches first mentioned, we beg to express our grateful sense of your Lordship's continued attentions, and with respect to the last will not fail to act according to your Lordship's instructions.

We have, &amp;c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&amp;c.

&amp;c.

&amp;c.

## No. 146.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, July 18, 1840.*

*(Received August 24.)*

MY LORD,

DURING the last month the following vessels were despatched from this place, suspected of being intended for Slave Trade:—

- June 2nd.—For Manilla, Spanish brig, "*Secundo Vigilante*."  
 " 6th. " Gallinas, Portuguese brig "*Escorpion*."  
 " 6th. " Lagos, Portuguese brig "*Tres de Agosto*."  
 " 17th. " Goa, Portuguese ship "*Duquesa de Braganza*" (formerly the "*Venus*."  
 " 24th. " San Pablo de Loanda, Portuguese schooner "*Astrea*."

During the month the following arrived from the coast of Africa, the two first having, it is reported, landed slaves at Puerto Rico:—

- June 2nd.—Spanish schooner "*Constancia*," in 13 days from Puerto Rico, master's name Peñasco, consigned to Messrs. Manzanedo and Abrisqueta, notorious slave-dealers.  
 " 10th.—Spanish schooner "*Feliza*," likewise last from Puerto Rico, master's name Sanchez.  
 " 12th.—American brig "*Caballero*," in 33 days from Corisco, in ballast, — Huffington, master.  
 " 13th.—American brig "*Hudson*," in 37 days from Cabenda, in ballast; master's name Cliff.  
 " 17th.—Portuguese schooner; name unknown.  
 " 24th.—American ship "*Crawford*," in 34 days from Gallinas, in ballast, consigned to the great slave-dealer Don Pedro Blanco; master's name Brown.

We may observe that the arrivals of the American vessels are published without scruple, even in the *Diario*; but of the Portuguese schooner, which Her Majesty's Commissary Judge and Mr. Jackson saw enter the harbour, no information could be obtained. We have heard, however, from good authority, that no slaves whatever were introduced into this port last month, from which we conclude either that her voyage had been unsuccessful, or that she had landed her cargo at some other port of the island.

We presume your Lordship will have learned from the Admiralty, or other sources, of a daring outrage which has only lately come to our knowledge, committed by a slave-vessel, about March last, in firing on the boat of Her Majesty's sloop "*Rover*," when about to examine her, in consequence of which considerable injury was effected, and the examination prevented. About the latter end of April last we understand that Her Majesty's Schooner "*Pickle*" found this same vessel, evidently a slaver, tied to a stake by the shore, near Batabano, on the south side of the island, and without any one on board. On making enquiries of the authorities on shore, the officer commanding the "*Pickle*" was informed that the crew, no doubt supposing they would be immediately and actively pursued for the purpose of punishment, had there abandoned their vessel, and taken away every paper or document which could give any trace of the vessel, or of the parties concerned in her. They added that they meanwhile had the vessel in detention, and had referred the matter to the superior Government here, before whom it was undergoing due investigation.

Waiting some further information, we have not yet addressed his Excellency the Captain-General on the subject, though we shall feel it our duty to do so, unless circumstances arise to render it unnecessary.

The pirates, whose capture we reported to your Lordship in our Despatch dated the 28th of May last, for having plundered an English brig proceeding from Jamaica to Halifax, and for the murder of part of the crew, have, we learn, been condemned by the tribunals here to be shot on Wednesday next, the 22nd instant.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 147.

*Viscount Palmerston to Her Majesty's Commissioners.*

*Havana, August 17, 1840.*

*(Received September 25.)*

MY LORD,

DURING the last month we believe the following was the only vessel that entered this port from the coast of Africa, namely:—

- July 22nd, Portuguese brig "*Trueño*," Master's name unknown, landed 450 negroes at the Chorrera, a short distance from this port.

During the month the following were despatched, suspected of being intended for Slave Trade :—

July 14th, for Madagascar, Portuguese ship "*Amalia*," otherwise the "*Cavallo Marino*."  
 „ 21st, for Cape Verds, Portuguese schooner.  
 „ 29th, for San Pablo de Loanda, Portuguese schooner "*Josefina*."

Besides these the following were despatched ostensibly for other places, but we have no doubt of their being intended for Slave Trade, not only on account of their sailing under the Portuguese flag, but also because in their clearances neither the names of the merchants nor of the masters are given :—

July 15th, for Buenos Ayres, Portuguese schooner "*Esperança*."  
 „ 18th, for Monte Video, „ „ "*Constitucion*."  
 „ 23rd, for „ „ brig "*Diligencia*."

In our Despatch dated the 13th of June, we expressed an opinion that the Portuguese flag would continue to be used for the Slave Trade of this island, on account of its bringing the vessels taken to be adjudicated by some English tribunal, by which means the crew would escape all punishment beyond the detention consequent on the adjudication. We should add that we believe the authorities here also encourage the use of that flag, inasmuch as it affords them a pretext for non-interference, while at the same time it gives them increased fees for themselves, and duties at the Custom-house, as for foreign vessels. Continued experience, at any rate, proves the continuance of its use; and as to the circumstance to which we at first adverted, namely, of the crews being at once liberated, and so enabled and even compelled to resume their former courses, we would suggest the propriety of the crews of all condemned vessels being detained, and sent by the first opportunity to their respective Governments, for punishment. The expense we should think might be defrayed from the proceeds of the sales, in such manner as might be thought advisable.

As an exemplification of the courses to which this trading leads we would add, that of the pirates shot here on the 22nd ultimo, as we before reported to your Lordship, the leader, named David, declared that he had been three times taken in Slave-trading voyages, and deprived of his wages and property, so that he had determined to become pirate, and revenge himself on the English nation, by the taking of English vessels and murder of English subjects. Unfortunately he had succeeded in the case of the "*Vernon*," merchant vessel of Halifax, and there is reason to fear it was not the only one.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

No. 148.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, August 18, 1840.*

*(Received September 25.)*

MY LORD,

IN our Despatch dated the 18th of July last, we made reference to a case of gross outrage committed about the month of March last, by the crew of a Slave vessel, in firing on a boat belonging to Her Majesty's ship, "*Rover*," by which all the men in the boat were wounded, and two (one being the Lieutenant commanding) severely, so that they were obliged to return to the "*Rover*," while the slaver proceeding a little further on the coast was then abandoned by her crew and upon that taken possession of by the local authorities. We mentioned also that about a month after this outrage was committed, the same vessel was boarded by Lieutenant Holland, of Her Majesty's Schooner "*Pickle*," who was satisfied of her character, but did not bring her away, in consequence of the case being, as he was assured, in course of due investigation.

About the time referred to there were rumours prevalent in this place of an encounter between a Slave vessel and a boat belonging to Her Majesty's Navy, in which the latter was said to have been beaten off; but we could not ascertain names, dates or those other particulars which would have warranted us to make any application to the government of the island, though there was no doubt of the fact of such an outrage having been committed. It appears that immediately after it occurred the "Rover" proceeded to Jamaica, and reported the circumstance to Commodore Douglas, who took the depositions of the men who had been in the boat, in answer to 12 questions he put to them, the Lieutenant, (Murray) however, not being then in a fit state to join in the depositions. With these the "Rover" was sent on here on her way to Vera Cruz, and the commander (Symonds) had then communications with Mr. Tolmé, and through him with the Captain-General, on the subject. Of these particulars still we were not then informed, though we can allege no blame in consequence to Commander Symonds, as he had pressing orders to proceed to Vera Cruz, and did not stay here more than 24 hours.

On this a lengthened correspondence took place between Mr. Tolmé and the Captain-General, of which, having received a notice from another quarter, and assured ourselves of its being trustworthy, we addressed a letter, of which we enclose a copy, to Mr. Tolmé, referring to the circumstances and requesting such information as he could afford. This we considered it right to do, not only as believing it a fit case for the intervention of the Mixed Court of Justice, but also on the ground of Mr. Tolmé having been specifically directed by his Grace the Duke of Wellington, in a Despatch dated the 17th of January, 1835, (Slave Trade Papers for 1835, Class B, p. 1.) to communicate all such matters to Her Majesty's Commissioners, as well as to Her Majesty's Government.

In his answer, dated the 4th instant, Mr. Tolmé for the first time informed us of his having had such a correspondence with the Captain-General, and stated that he had not communicated the circumstances to us because "neither Commodore Douglas, nor Commander Symonds, nor any other parties, to his knowledge had represented the vessel in question as a Slave Trader; but that if he had reason to think she was such, and that the letters which had passed in reference to the attack were likely to throw light on the subject, he was willing to submit them to our perusal whenever we pleased to call at the Consulate."

On the 7th instant accordingly we attended at the Consulate, and had allowed us inspection of the papers, of which Mr. Tolmé then informed us he had never sent any account to your Lordship, but intended to send copies by the next packet. To those copies then we beg to refer, and to observe, that our conjectures proved perfectly well founded of its being a fit case for the Mixed Court, inasmuch as the vessel had Spanish colours flying at the time, and was undoubtedly a slaver.

This conclusion we draw not only from the rumours beforementioned, but from the conduct of the crew, first in unwarrantably firing upon a boat bearing the British flag, and then abandoning their vessel as an acknowledgment of their guilt, in the expectation of being pursued and punished. Besides these, though it is to be remarked that among the 12 questions put by Commodore Douglas, there was not one as to the character of the vessel, yet one of the deponents, apparently more intelligent than the rest, who perceived the deficiency, added, of his own mind, the following note:—"did not observe any name on her stern,—think we were engaged full 20 minutes,—think she was a slave vessel with all her slaves on board."

The name of this deponent was omitted, but we believe it was Mr. Booth, the surgeon of the "Rover," who had gone in the boat in consequence of his having some knowledge of Spanish. The Lieutenant (Murray) also, who was unable from his wound to join in the depositions, has, we understand, stated that he saw negroes on board, who were, as he judged, part of a cargo of slaves.

Notwithstanding all these circumstances, your Lordship will perceive from the correspondence that the government of the island have since sold the vessel as they say by public auction, perhaps *bonâ fide*, though we may have our suspicions, but at any rate to take it out of our reach; while, what is more remarkable, the Admiral on the station, Sir T. Hardy, has desired Mr. Tolmé to drop all further proceedings in the matter. It certainly is not for us to pass an opinion on the conduct of so high an authority, especially as we cannot

form an idea of the grounds on which it was adopted. But we cannot help expressing a fear, that if so flagrant an outrage be thus passed over without further notice, it can have no other effect than to encourage other Slave vessels to presume on such impunity, and so escape capture by practising the like violence whenever it may be practicable. This is a question, however, as affecting the Navy; as affecting ourselves, we feel that a more important consideration has been quite lost sight of.

Had we been made acquainted with the circumstances at the time, we should certainly have considered it our duty in the very first instance to demand that the vessel should be brought here, and the case submitted to the investigation of the Mixed Court.

There cannot be a doubt that it was a slaver, and therefore would have proved lawful prize to the "Rover," had not the boat been lawlessly and violently beaten off. The parties therefore could have no right to take advantage of their wrong, nor can we allow the Government any right to take advantage of it either. We should therefore have demanded that the "Rover" should have been put in the same position with regard to the vessel as if the boat had not been beaten off, in which case it must have come before the Mixed Court, when no delusive investigation could have been palmed upon us, and the owners and the crew might probably have been ascertained.

As, however, the matter is now presented to us with the Admiral's order on the one side to drop further proceedings, and the sale on the part of the vessel a month previously to an ostensibly *bonâ fide* purchaser, we feel we have no other course to pursue than to submit our views to your Lordship's better judgment.

We have, &c.

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

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

First Enclosure in No. 148.

*Her Majesty's Commissioners to Her Majesty's Consul.*

SIR,

*Havana, August 3, 1840.*

WE have only very recently learned that a Slave vessel, the crew of which, about the month of March last, fired upon a boat belonging to Her Majesty's sloop "Rover," has since come into the hands of the government of this island. We have heard also that a correspondence has been had by some parties with the Captain-General on the subject, and not knowing with whom any could have passed but through you, we have to request you will furnish us with copies of any correspondence in your power respecting the matter, and whatever particulars have come to your knowledge.

This information we require, not only as considering it probably a fit case for the intervention of the Mixed Court of Justice, but also in obedience to the directions you received from His Graces the Duke of Wellington, dated the 17th of January, 1835.

We have, &c.

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

*Mr. Consul Tolmé,*  
&c. &c.

Second Enclosure in No. 148.

*Her Majesty's Consul to Her Majesty's Commissioners.*

GENTLEMEN,

*British Consulate, Havana, August 4, 1840.*

IN reply to your letter of yesterday's date, I beg to say that I have been in correspondence with the Captain-General, relative to a rencounter between a Spanish schooner and a boat belonging to Her Majesty's sloop "Rover;" but as neither Commodore Douglas, at whose instance I brought the facts before the Government here, nor Commander Symonds, nor any other parties, to my knowledge represented the vessel in question as a slave trader, I had no motive for addressing you on the subject.

Still if you have reason to think that she was such, and that the letters which passed between Commodore Douglas and myself, and the Captain-General and myself, in reference to the attack complained of, are likely to throw light on the fact, I am quite willing to submit them to your perusal, whenever you please to call at this Consulate.

I am, &c.

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

(Signed)

C. D. TOLMÉ.

No. 149.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, August 31, 1840.**(Received October 20.)*

MY LORD,

WE have had the honour to receive your Lordship's Despatches—

1. Dated the 6th of July last, informing us that the reasons assigned for discontinuing the practice of giving certificates of emancipation to captured negroes, do not appear to your Lordship to afford sufficient grounds for dispensing with the rule laid down in the Treaty; and

2. That dated the 7th of July last, directing us to transmit, for the information of Her Majesty's Government, half-yearly returns of the number of captured negroes that have been put on board the hulk "Romney," stationed at this place, during the preceding six months.

In conformity with these directions, not having received them before, to make the return at the appointed time, we will take this opportunity of stating that there were no negroes put on board the "Romney" during the half year ending 30th of June last.

We have, &amp;c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

No. 150.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, August 31, 1840.**(Received October 20.)*

MY LORD,

ON the 5th of July last, as Lieutenant Holland, commanding Her Majesty's schooner "Pickle," was cruising off this port, he met with a vessel which he recognised to be one he had seen a short time previously in the harbour, fitting out for the Slave Trade. On giving chase the vessel hoisted Spanish colours, and changed her course, and ultimately turned back, making for the Moro. The "Pickle" having fired three times purposely wide of the mark, and finding the vessel not willing to heave to, fired again three times, with better aim and with ascertained effect, but at the same time the vessel ran on the rocky shoal at Rincon, nine miles only from this place. Night coming on with a thunder-storm, and an extensive reef of rocks lying before them, the "Pickle" was obliged to bear away, and ultimately proceeded on her course to Jamaica, having, however, first ascertained that the vessel had been totally wrecked.

On his arrival at Jamaica, Lieutenant Holland communicated the circumstances to Commodore Douglas, and we understand also put in his claim to the Lords of the Admiralty for the premium, as per tonnage, for a captured vessel. How far such a claim could be allowed it is not for us to consider, but Lieutenant Holland, on his subsequent arrival here, being desirous of obtaining all the information he could on his behalf, applied by letter for such particulars of the case as had come to the knowledge of the Commissioners. Of that letter, and of the answer, we beg to enclose your Lordship copies, and from them your Lordship will perceive that the vessel in question, now named the "Yberia," and proceeding again under Spanish colours to Africa, for the purposes of Slave Trade, was the one formerly notorious in that trade as the "Urraca," and afterwards as the "Arrogante," when put under the Portuguese flag. Under the latter name and flag she was captured by Her Majesty's sloop "Snake" in 1837, and condemned at Sierra Leone, (see Slave Trade Papers for 1838-9, Class A, p. 27) where, having been sold, it proves she was bought by some agent of the Slave Traders, in whose service she has thus been brought to the end of her career. In fact there is no doubt of her having belonged to the great Slave-trading house of Pedro Martinez and Co., who are also well

known to have their agents at Sierra Leone, and had, it is said, a large quantity of specie on board, with which the crew succeeded in escaping.

We have, &c.

(Signed)

J. KENNEDY.  
CAMPBELL J. DALRYMPLE.

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

First Enclosure in No. 150.

*Lieutenant Holland to Her Majesty's Judge.*

*Her Majesty's Schooner Pickle,*  
*Havana, August 27, 1840.*

SIR,

BEING desired by Commodore Douglas to endeavour to obtain further particulars respecting the destruction of the "Yberia," slave brigantine, driven on shore by Her Majesty's schooner under my command, on the reef of Rincon, nine miles to the eastward of this port, on the night of the 5th of July last, I have to request that you will be pleased to favour me with any such, of which you may have received information, for transmission to the Commander-in-Chief.

The "Yberia" is better known by her former name "Arrogante," under which name she was captured three years ago by Commander Milne, in Her Majesty's sloop "Snake," with a cargo of 400 slaves. She was also named formerly the "Urraca," by which name she was still called by the boatmen at the wharves, from whom I procured information of her intended departure.

I beg to acquaint you that having received from Commodore Douglas strict orders to return immediately to Jamaica, I have fixed to-morrow morning as the time of my departure, unless it should be more convenient to you that I made another arrangement.

I have, &c.  
(Signed)

FREDERICK HOLLAND,  
Lieutenant and Commander.

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

Second Enclosure in No. 150.

*Her Majesty's Judge to Lieutenant Holland.*

*Havana, August 28, 1840.*

SIR,

IN answer to your letter of to-day's date, requesting such information as it may be in my power to give of the slave vessel "Yberia," formerly the "Urraca," which you ran on shore on the 5th of July last, near this place, I have to state that we have received no official accounts of the matter, and know nothing beyond the prevalent reports. We have, however, no doubt of their trustworthiness, viz., that it was the same vessel that was formerly notorious in the Slave Trade as the "Urraca," and afterwards called the "Arrogante," when she assumed the Portuguese flag, under which she was taken in 1837, and condemned at Sierra Leone. We believe also that there is no doubt of her having been totally lost on the night of the 5th of July, when run on shore to escape from Her Majesty's schooner "Pickle," under your command.

I have, &c.  
(Signed)

J. KENNEDY.

*To Lieutenant Holland,*  
&c. &c.

No. 151.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, September 30, 1840.*

*(Received December 26.)*

MY LORD,

NOTWITHSTANDING the most diligent search we have been able to ensure, we cannot find any trace, in the usual records, of vessels despatched to the coast of Africa during the last month, August. We know, however, from the observation of officers of Her Majesty's navy, that several vessels did leave the port during the month, whose character could not be mistaken; and in the usual monthly summary of shipping frequenting the port, published by authority, it is stated that two schooners entered, and two sailed, under the Portuguese flag, of whose destination there can be no doubt.

Of the arrivals our accounts, though very meagre, are in accordance with the above statement:—

August 3rd.—From Gallinas, in 40 days, American brig "*Theophilus Chase*," — Coffin, Master, in ballast.

About the 23rd.—Two vessels belonging to the notorious Forçade landed negroes; one, about 340, at Bahia Honda, who were said, on the day afterwards, to have been brought into this port, in the steamer "*Almendares*;" the other vessel, it is said, brought about 180 negroes; one of them named the "*San Francisco*."

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 152.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, October 24, 1840.*

*(Received December 1.)*

MY LORD,

IN the usual record of vessels despatched from this port, we learn that the two following are the only ones to be found noticed as for the coast of Africa during the last month:—

Sept. 15th.—For Lagos, Portuguese brig "*Felicidad*."

„ 25th.—For San Pablo de Loanda, Spanish schooner "*Numantina*."

Yet in the usual summary of vessels published from authority in the Government paper, the *Diario*, it is stated that in September two brigs and one schooner sailed under the Portuguese flag, of whose destination there can be no doubt. From those also who have the opportunity of observing the movements of the shipping, we learn that at least seven or eight vessels sailed during the month, of whose character as slavers they were well able to judge. From these circumstances we fear that the apprehension we formerly expressed to your Lordship, that some hint would be conveyed to the Custom-house to be careful of the entries of such vessels in their usual books, has been actually realized.

Of the arrivals we have the following notices:—

Sept. 12th.—About 160 negroes were seen landed at the Chorrera by a respectable merchant of this place. The Chorrera is a small creek not more than three miles from the city—vessel's name "*Marinero*"—and we have learned that there had been great mortality on board, and that the voyage had proved of great loss to the speculators.

„ 22nd.—From the Isla de Principe, in 54 days, the American brig "*Dido*," — Strand, master (we believe a German), in ballast, consigned to Mazorra. This has been the "*Dido*'s" third voyage, and she reports she was boarded by three different British cruisers.

„ 24th.—Portuguese brig "*Union*," brought 500 negroes to the same Mazorra from the Gold Coast. They were reported to have been a fine cargo, and to have realized a considerable profit.

„ 25th.—Entered a small vessel from Africa, under the Portuguese flag.

„ 26th.—Portuguese brig "*Volador*."

Besides these a notorious slaver named the "*Feliz*" arrived on the 22nd at Matanzas, to which port she belongs, with 300 negroes, having been her *nineteenth* successful voyage.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

No. 153.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, November 7, 1840.*

*(Received December 9.)*

MY LORD,

WE have the honour to report to your Lordship, that on the 3rd instant Mr. D. Turnbull arrived at this place, and having exhibited to us his Commis-



sion whereby Her Majesty has been graciously pleased to appoint him Her Majesty's Superintendent of Liberated Africans at the Havana; he accordingly undertook the duties of that office.

(Signed)

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

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

No. 154.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, November 7, 1840.*

*(Received December 9.)*

MY LORD,

WE have the honour to submit to your Lordship copies of a correspondence we have had with the Captain-General of this island on the subject of an outrage committed on one of the black soldiers of the hulk "Romney." On the 12th October, being one of the days appointed for a number of them to go on shore according to rotation, six, as usual, went under the charge of the Serjeant-major of the regiment, a white officer, who had been in the habit of attending them in the absence of the Lieutenant commanding the detachment. On their arrival on shore the men, as might be expected, separated, and one of them, undeniably within the limits assigned them, being in company with a negress, a white man, who is described as the Mayoral or manager of slaves of some person in the neighbourhood, came up with the large stick-whip which those people carry, and began beating the negress and ordering her away. The soldier, as might be expected, interposed his person to prevent the strokes of the whip, which were distinctly heard on board the "Romney," when the Mayoral with the butt end struck the soldier, who was not in any way armed, a violent blow on the head, laying it open, and covering him with his blood. On this the other soldiers ran up, and a large crowd was collected from the neighbouring town of Casa Blanca, and among the rest the Capitan of the district. This functionary was called the Alcalde by one of the proprietors of the wharf where they land, which may account for the different expressions used in speaking of him. This proprietor of the wharf, we should state, a person named Sibori, who had been in England two years, and speaks English tolerably well, acted as interpreter.

On the Capitan's coming, he ordered the soldiers up to a deserted house on the road side, where they seem to have been in the habit of going, and where the Serjeant-major came up with them, and taking charge of them, marched them down to the wharf, for the purpose of taking them on board. As soon, however, as they got to the wharf, the Capitan signified that they were prisoners, and ordered out a guard of soldiers, constantly stationed there in charge of a small depôt, or powder magazine, adjoining the wharf. Meanwhile the commotion on shore having excited the attention of the officers on board the "Romney," Lieutenant Fitzgerald immediately went in another boat to examine into the matter, and found a crowd of about 50 men assembled, and his soldiers in custody, one bleeding much from a severe wound. From the account given him of so wanton an outrage, (for they did not pretend that the negress belonged to any one there, so as to give the Mayoral the right to order her away,) Lieutenant Fitzgerald, as might be expected, signified his anger as best he could, and ordered his men into the boat. This the Spanish soldiers prevented by presenting at him their loaded muskets, when he took off his sword and threw it on the ground, declaring himself their prisoner also—an act which was the wisest course he could have taken to allay the excitement on both sides, but which was misrepresented afterwards as a drawing of his sword. The matter ended by the Capitan allowing the other five soldiers to return to the ship, detaining the wounded man, while he refused Lieutenant Fitzgerald's repeated request to detain also the man who had committed the outrage.

Under these circumstances Lieutenant Fitzgerald immediately came, with Lieutenant Hawkins, the commander of the "Romney," to this city, with a statement of the facts, and having had a conference with Her Majesty's Commissary Judge and the Acting Superintendent of liberated Africans, the two latter went the same day to the country house of the Captain-General, and obtained an order for the soldier to be given up to his officer. The Capitan referred to also came up there at the same time, but the case was not then entered into, under the promise of subsequent full investigation.

On the 13th, the day following, we addressed a letter to the Captain-General, recapitulating the above facts, and seeking—

1st. For the punishment of the man who had committed this unjustifiable outrage.

2nd. For the dismissal of the Alcalde, or Capitan of the district, believing that he was an active party in the business, even if the whole matter had not been got up with his knowledge, to occasion even greater evil than did result. This we concluded from his being, as it were, on the spot, and the deportment he exhibited towards Lieutenant Fitzgerald.

3rd. We at any rate sought that he should be ordered to go on board the "Romney," and make an apology to Lieutenant Fitzgerald for that deportment, and for taking away a soldier from his commanding officer.

4th. We sought that strict orders should be given in future upon such occasions that the soldiers should be given up to their officers, who should be answerable for their appearance when duly called for.

On the 30th following we received the Captain-General's reply, embodying the report of the Fiscal, or chief law officer, written in a tone of which we feel assured your Lordship will disapprove, though the Captain-General was pleased to adopt it. From this it appears that a summary evidence was taken of which no copy was given us, but taken by the Capitan of the district, the very man of whose conduct we had principally complained. No wonder, therefore, that it was abounding in misrepresentations equally shameless and glaring. From these he made it appear that the soldiers had been out of their limits, that they had broken into a house, and had been altogether conducting themselves in a disorderly manner, in the absence of any officer in charge of them; while his own conduct had been characterized by moderation, and Lieutenant Fitzgerald's by unjustifiable violence, even so far as the drawing of his sword. The Captain-General, therefore, in his reply, promising, by implication, that the Mayoral should be punished, refused our demands respecting the Alcalde, and gave an evasive answer respecting the conduct to be pursued with regard to the soldiers in future like cases. The report of the Fiscal concludes by recommending that the summary should be sent to Madrid to inform the Spanish Government of the matter, and to meet "the exaggerated demands which it might be expected would be made" (*en que son de esperarse exageradas reclamaciones.*)

On receiving this reply we went over to the other side of the harbour to examine the locality, and especially to speak with Mr. Sibori, abovementioned, a perfectly disinterested witness. From him, as well as from the soldiers, we found that the facts were as we have stated, and that Lieutenant Fitzgerald acted as we have every reason to approve of. Under these circumstances it became our duty to address another letter to the Captain-General denying the allegations of the Capitan of the district, and assuring him that as we should make no exaggerated statements, so no exaggerated demands on the Spanish Government in consequence would be made.

We think it right to add that this detachment, consisting of 32 men, has been here now upwards of a year, which is not according to the promise made us by the Commander of the Forces of a more frequent relief. We have heard, however, that they are soon to be relieved; but that in future we are to have only a Serjeant's guard of 12 men, without a commissioned officer—a change of the propriety of which we have considerable doubt.

We have, &c.

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

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

## First Enclosure in No. 154.

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

MOST EXCELLENT SIR,

Havana, October 13, 1840.

WE have the honour to acknowledge the ready attention paid to your Excellency's orders in sending on board the hulk Romney the black soldier, detained yesterday by the authorities at Casa Blanca. At the same time we beg to say that we trust your Excellency will immediately enter further into that investigation of the circumstance which they imperatively require.

We understand that yesterday morning the black soldier referred to was with a negress in a field, within the limits appointed for the soldiers' recreation, when a man, apparently a paysano, came up, and declaring the field was his, and that they had no business there, ordered them away, and began beating the negress. The soldier naturally interposed, when the paysano struck him with a thick stick on the head, and injured him severely. The soldier was not armed in any way, and did not return the blow, but an altercation taking place, a crowd was collected, and some one acting as Alcalde came and ordered all the soldiers, six in number, to be put under arrest. This was done by the Spanish guard stationed at Tricornia wharf being turned out, who prevented the men going into their boat to return on board the Romney. The officers on board the Romney, seeing a disturbance, sent another boat on shore with the commander of the detachment, to whom, therefore, the soldiers ought at once to have been given up. Instead, however, of this being done, when the officer, Lieutenant Fitzgerald, attempted to assume the command, the guard refused, and actually presented their muskets to fire at him. Lieutenant Fitzgerald, upon this, took off his sword and threw it on the ground. Ultimately, the alcalde allowed all the soldiers to go on board except the man who received the injury, who was detained, while the paysano who inflicted the injury, was allowed to go at large, notwithstanding Lieutenant Fitzgerald's protest to the contrary.

Under these circumstances it was that we called yesterday on your Excellency to give up this man to his officer, and we have now further on your Excellency to take those measures which justice requires.

1. That the paysano, who had the temerity to commence the altercation and inflict the injury, may be punished according to the utmost rigour of the laws.

2. That the Alcalde, who was guilty of so unheard-of an offence to the laws of all nations as taking away a soldier from his commanding officer, be removed from his office.

3. That the said Alcalde be sent on board the Romney, to make a due apology for the offence he committed, to the officer personally.

4. That the guards and all other persons in the neighbourhood be strictly ordered, in all future cases, not to interfere with the unarmed black soldiers, but to report to their commanding officer any offence of which there may be reason to complain.

We have, &amp;c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

## Second Enclosure in No. 154.

(Translation.)

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

GENTLEMEN,

Havana, October 15, 1840.

I HAVE received your communication of the 13th instant, referring to what occurred with the soldiers of the hulk "Romney;" and beg to state, by way of provisional answer, that on consideration of the merits to be deduced from the proceedings I have directed to be instituted, I shall determine according to justice, and will give you opportune notice of the result.

God preserve you many years,

(Signed)

EL PRINCIPE DE ANGLONA.

MARQUES DE JAVALQUINTO.

## Third Enclosure in No. 154.

(Translation.)

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

GENTLEMEN,

Havana, October 29, 1840.

THE Auditor of War of this Captaincy-General, to whom I referred the proceedings instituted by my order, in consequence of what occurred in Casa Blanca with the black soldiers of the hulk "Romney," and of your statement of the 13th, with other antecedents relative to the affair, has given his opinion, with which I have conformed, after hearing that of the fiscal of the government, all which is stated in the copy I now enclose for you information, according to the promise conveyed in my official note of the 15th, and in order that it may be carried into effect by the officer commanding the said hulk, in as far as relates to him.

God preserve you many years,

(Signed)

EL PRINCIPE DE ANGLONA.

MARQUES DE JAVALQUINTO.

## Fourth Enclosure in No. 154.

(Translation.)

*Enclosure in Captain-General's note of 29th October, 1840.*

MOST EXCELLENT SIR,

THE fiscal reports that he has examined the preceding summary made in consequence of your Excellency's order, by the petty Judge of Casa Blanca, whereby it appears, from the concurrent

declarations of 14 eye-witnesses, examined upon oath, that, on the 12th instant, about 10 o'clock in the forenoon, Don Antonio Herrera, mayoral of the farm belonging to Doña Rafaela Cueta, appeared before the said petty judge, complaining of the scandalous disorders acting therein by six of the black soldiers of the English hulk "Romney," stationed in this port, with eight negroes, whose names are stated in the proceedings, and in particular of their having entered a house on the farm, by forcing the doors which were closed; that in consequence he proceeded to the spot, accompanied by several of the neighbours, and seized the women, whom he caused to be taken to the village; and that, in endeavouring to collect together the said negroes of the "Romney," in order to deliver them up as soon as somebody should appear to take charge of them, as well on account of the disorders they were committing, as of their being found out of the limits assigned them, without any officer to guard them, as directed, it happened that one of the said negroes, named Francis Graham, who would not quit the negress who was with him, lifted his hand against said Don Antonio Herrera, who, to restrain him, beat him with a stick he carried, inflicting a slight wound upon his forehead. It further appears, that whilst the six negroes were in the guard-room of the powder-magazine at Tricornia, where they had been conveyed by the petty judge and his people, a person, who stated that he was an English officer, presented himself, to whom the petty judge related what had occurred, with the assistance of Don Carlos Silvry, who acted as interpreter; and offered to deliver up to him five of the six negroes, detaining the wounded one pending the report it was his duty to make; and that, without any other motive, the said officer flew into a passion, drew his sword upon the petty judge, whom he threatened and abused for the wound inflicted upon his black countryman, by which hostile display the rest were moved, and it became necessary to put the guard under arms to restrain them and prevent fatal results; that then the officer resumed his sword, which he had flung on the ground, and re-embarked, carrying with him five of the negroes in question. The fiscal has also examined the statement which, under date of the 13th instant, was addressed to your Excellency by Her Britannic Majesty's Commissioners of the Mixed Court of Justice, created for the sole purpose of judging matters concerning the prohibited trade in negro slaves with Africa, in which, relating the circumstance in a very different sense, they permit themselves to demand of your Excellency to adopt the following measures:—1st. That the paysano who had the temerity to begin the altercation and inflict the wound be punished according to the utmost rigour of the law; 2ndly, That the Alcalde who was guilty of so unheard-of an offence against the laws of all nations as taking away a soldier from his commanding-officer be removed from his office; 3rdly, That the said Alcalde be sent on board the "Romney" to make a due apology for the offence he committed, to the officer personally; and, 4thly, That the guards and all other persons in the neighbourhood be strictly ordered, in all future cases, not to interfere with the unarmed black soldiers, but to report to their commanding-officer any offence of which there may be reason to complain. If proofs are to decide, as is but just, it must be agreed that the petty judge of Casa Blanca, far from committing the offences attributed to him, performed his duty with laudable prudence and moderation, preventing the scandal which the black soldiers of the "Romney" were creating by their licentious conduct, to the outrage of public decency, and detaining them until the appearance of some one to take charge of them, as well on account of their having passed the boundary to which they are limited, as also, even had they been within the limits, of their not being under the care of an officer, as especially required in the permission for their landing. The fiscal cannot conceive how the Commissioners, referring to the landing of Lieutenant Fitzgerald, when the black soldiers of the "Romney" were under detention in the guard-room at Tricornia, can deduce, as a consequence, the charge they make against the petty judge of having taken away a soldier from his commanding-officer. The soldier was already under detention when his officer came to claim him, consequently was not taken away, to prove which it would be necessary to invert the order of the facts. On view of the whole this department is of opinion that, taking a copy of the summary in question, the original be forwarded to the civil tribunal of the Government, that it may determine respecting the wound inflicted by Don Antonio Herrera on the black soldier, Francis Graham, which, though slight, calls for a judicial investigation, according to law; that the Commissioners be replied to, as your Excellency promised, by a relation of what has been done, for their information. That, as regards the first measure proposed, all has been done that justice demands; that there are no grounds on which the 2nd and 3rd can be acceded to; and that, in respect to the 4th, this superior Government, without requiring extraneous invitations, has adopted proper measures for the preservation of order; and, finally, that, owing to the intimate relation between this occurrence and the antecedents regarding the establishment of the hulk "Romney" in this port, and the permission for the landing of her complement of black troops, a certified account of it be forwarded to Her Majesty, with a report thereon, in order that the Supreme Government may receive timely notice of an affair for which it is to be expected exaggerated demands will be made.

Havana, October 20, 1840.

(Signed) PEDRO DE ALCANTARA.

Most Excellent Sir,

The auditor has examined this summary, made in consequence of the affair that happened ashore between six black soldiers of the English hulk "Romney," and the officers of justice at Casa Blanca, which relation of the facts being exactly estimated in the preceding opinion of the fiscal, makes it unnecessary for the auditor to repeat it. His (the auditor's) opinion agreeing with the measures proposed by the chief fiscal of the Court, as founded on justice, your Excellency may be pleased to direct them to be carried into effect, communicating this determination to Her Britannic Majesty's Commissioners in the Mixed Court of Justice, as your Excellency has already written them; adding, at the same time, that the non-attendance of an English officer of the hulk (with which the disorders occasioned by the six black soldiers of the hulk would not have been committed) has been the cause of the whole affair which induced these proceedings. That in order to prevent these same occurrences, this prudent remedy was agreed upon by both Governments, with timely anticipation, as indispensable, not only to prevent the said individuals from occasioning by their indiscretion disagreeable accidents, but also to prevent communication between them and the slaves of their colour belonging to the island, on account of the baneful influence that might result from the contact, and therefore a boundary was fixed, at half a mile, beyond which they ought not to pass, although, on the said day, the six negro soldiers in question did so; and, finally, that it being necessary to prevent in future a repetition of scenes of the like nature, your Excellency might be pleased to recommend to the commander

CLASS A.

of the "Romney" the exact fulfilment of the regulations prescribed, forwarding an account of the whole to the Government of Her Majesty, for the object proposed by the fiscal. Your Excellency will nevertheless determine, &c.  
*Havana, October 26, 1840.*

Most Excellent Sir,  
 (Signed) ANTO. ARMERO.

(A true copy.)

(Signed) GABRIEL GRANADOS,  
 In the absence from indisposition of the Secretary.

Fifth Enclosure in No. 154,

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

MOST EXCELLENT SIR,

*Havana, November 2, 1840.*

WE have received your Excellency's communication of the 29th of October, in reply to ours of the 13th, respecting the outrage committed at Casa Blanca, on the person of one of the British soldiers of the hulk "Romney," on the 12th of the same month. That communication, embodying the reports of the fiscal and auditor, both founded on the summary taken by the Capitan of the district, we will take the earliest opportunity of forwarding to Her Majesty's Government, assuring your Excellency that as no exaggerated statements will be repeated by us, so no exaggerated demands will be made on the Spanish Government, as the Fiscal has somewhat unbecomingly suggested; at the same time we think it right that your Excellency should be apprised of our views of the subject, for the information of the Spanish Government, believing that your Excellency's confidence has been much abused by the persons entrusted with the investigation of the proceedings.

First, we beg to express our satisfaction at the assurance that the person who inflicted the wound, which was not a slight one, as the Fiscal has wrongly stated, shall be duly punished, and hope that this promise will not be rendered void by the misconduct of the officers entrusted with its execution.

Secondly, we beg to express our disappointment to find that the duty of taking the summary of the proceedings should have been delegated to the Capitan of the district, the very person of whose conduct we had principally complained. Under such a charge we cannot be surprised that the summary should be full of misrepresentations, and the reports founded on it different from what we might have expected. Not satisfied with such representations, we have been ourselves this day examining the localities, and persons witnesses of the transaction, and can assure your Excellency, in positive denial of the summary and report:—1st. That the outrage was committed only a very short distance from the shore, and, consequently, within the limits, miserable as they are, assigned to the soldiers for their recreation; consequently this was not only a grievous outrage in itself, but a defiance of your Excellency's authority, under the protection of which these men have hitherto gone on shore, without arms of any kind. 2ndly. We assure your Excellency that the Capitan knowingly and falsely states that there was no person in charge of the soldiers on the day in question. The Serjeant-major of the regiment, a white officer, was all the morning with them, as he has been in the habit of attending them; but of course it could not be expected that he should keep them all under his immediate circle, as the Spanish instructions are that the men shall not be interfered with in their ramblings or recreations.

3rdly. We find that the house where the soldiers were said to have been was an old deserted house by the roadside, and strictly within the limits assigned them; but even there they were taken by the Capitan himself, after the outrage was committed, and there the Serjeant-major abovementioned took them, and marched them thence to the wharf on the water's edge, where Lieutenant Fitzgerald came to give them the aid of his superior authority.

4thly. We deny that Lieutenant Fitzgerald drew his sword, as has been most falsely alleged, and this we can prove not only from his own statement, and that of the British witnesses about him, but also from the testimony of the proprietor of the wharf, who was by him all the time; on the contrary, Lieutenant Fitzgerald took off his sword, and threw it on the ground, and declared himself their prisoner, as they insisted on making prisoners of the soldiers. The act, therefore, of calling out the guard with loaded muskets, which they presented at him, and at the other British, was as unjustifiable as it could be in the absence of all necessity for such violence. That Lieutenant Fitzgerald should be angry under the circumstances cannot be matter of surprise, nor do we think the offence of the Capitan of the district in detaining the soldier from his officer much less than it would have been in taking him from his charge.

On the whole, knowing the distaste entertained against the poor privileges conceded to these soldiers, and knowing also their general good conduct, in consequence of which no substantial offence can be alleged against them, we are inclined to believe that the charges of licentiousness, and even this outrage itself, have been purposely made up.

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

No. 155.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Havana, November 10, 1840.*

MY LORD,

(Received December 9.)

DURING the last month we find that the following vessels were despatched from this place to the coast of Africa, viz:—

- Oct. 8th.—For San Pablo de Loanda, American brig “*A. E.*”  
 „ 8th.—For Cape de Verds, Spanish brig “*Reglano.*”  
 „ 17th.—For Rio Brazo, Portuguese schooner “*Pax.*”  
 „ 20th.—For Loanda „ „ “*Salazar.*”  
 „ 22nd.—For Lagos „ „ brig “*Tres de Fevereiro.*”  
 „ 22nd.—For Goree, French brig “*Alleyon.*”  
 „ 24th.—For Loanda, Spanish brig “*Octavia.*”

Besides which, on the 13th, cleared for Montevideo the Portuguese brigantine “*Escorpion,*” which we have no doubt is destined for Slave Trade.

From the above list it appears there were sailing—

4	under the Portuguese flag.
2	„ Spanish „
1	„ American „
1	„ French „

We have not heard of any vessel having arrived during the month from the coast of Africa, and we believe none did arrive. But an extraordinary impetus seems to have been given to the trade, as is evinced by the greater number than usual that sailed. This may, perhaps, be accounted for from a report which has been circulated, and believed, that the British cruisers had been ordered from the coast.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

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

&c.

&c.

&c.

## RIO DE JANEIRO.

---

No. 156.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, March 5, 1840.*

*(Received May 25.)*

MY LORD,

IN anticipation of a further Despatch from your Lordship, after receiving our report of the case of the brig schooner "*Recuperador*," we allowed ourselves to defer replying to your Lordship's Despatch of the 23rd November last, received by the December mail, till the arrival of the January packet.

We have now the honour to acknowledge the receipt of that Despatch, and of another of the 31st December, 1839.

In reply to both these Despatches we can do little more than express our deep regret that Her Majesty's Government should have disapproved of the sentence of this Court of Mixed Commission, decreeing the restitution of the "*Recuperador*;" but there are passages in these Despatches on which we would offer one or two observations, begging to refer your Lordship as to the further contents of the same, which are personal to Her Majesty's Commissary Judge, to his separate official letter of this date.

In the first place, we would respectfully remind your Lordship of the way in which the "*Maria Carlota*" and "*Recuperador*" were brought before this Court for adjudication at all; that they were so brought, as officially demonstrated, upon no better grounds than an unauthorised recommendation of Her Majesty's Chargé d'Affaires at this Court, founded, it is true, on an opinion given by the British Commissary Judge, but subject of course to the better judgment of your Lordship and Her Majesty's law advisers, and which, as it was strenuously contested at the time by the Imperial Government and their commissioner, so also has it been subsequently dissented from by the Queen's Advocate-General; that the articles found on board, which your Lordship states are admitted to be proof of slave trading, are not so recognized by any Convention between Great Britain and Brazil; and that though, as stated in our Despatch of the 7th November last, we have since succeeded in obtaining the recognition, on the part of the Brazilian Commissary Judge, of the principle, that vessels without slaves on board, or without proof of there having been any on board, may be brought before this Court for adjudication, yet that, at the time the sentence of the "*Recuperador*" was drawn up, that point had not been conceded; that the two cases of the "*Maria Carlota*" and "*Recuperador*" were entirely dissimilar, except only that both vessels were outward bound; that the former, as set forth both in the sentence and in our report of the case, abounded with every possible proof, which it is here unnecessary to re-state, documentary and material, of her being engaged in the Slave Trade, and of her expected return to these shores with a cargo of slaves; whereas the only indication of the "*Recuperador*" being destined for the traffic, was the existence on board of that very outfit which the Court had itself ordered to be sold with the vessel, and which it had no power to direct should be otherwise disposed of. Had the "*Recuperador*" been met with, either on a return or on a second voyage from hence with the same equipment, the case would have been altogether different; but it did appear to us, and but for your Lordship's opinion, it would, we must confess, still appear to us, that it would have been (more especially on the part of a British Judge) to infringe one of the first principles of justice, which forbids any one to take advantage of his own laches, or





an advocate of this city, and who has, on several occasions, been employed in defending slave causes before this Court.

We refrain at present from troubling your Lordship with a copy of this project, because it has as yet only been referred to a committee to report upon. Should it eventually pass, we shall not fail to bring it, and whatever discussion it may give rise to, fully before your Lordship.

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

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

---

Enclosure in No. 157.

*Translation of a Representation from the Provincial Legislature of Minas Geraes to the General Assembly.*

*Palace of Assembly, February 22, 1840.*

Most August and Worthy Representatives of the Nation,

THE Provincial Legislative Assembly of Minas Geraes represented to you, under date of the 11th March, 1839, the necessity that is generally felt in the same province of a modification of the law of the 7th November, 1831. It laid before you the just clamours which the people of Minas raise against the rigour of that law, and the danger with which it threatens the fortunes of individuals. It explained faithfully the progressive falling off of agriculture and of mining for want of African labour. It frankly showed to you that in this province that law neither is nor can be executed, because, being decidedly opposed to the habits and interests of all classes of the population, the authorities have not sufficient force to cause it to be respected.

But, as no steps whatever have as yet been taken to put a stop to so much disorder, this Assembly would be wanting to the most sacred of its duties if it did not anew come before your august presence to urge the modification of the aforesaid law. With pain we observe that agriculture, mining, and all other branches of industry, are suffering, and are each day failing more and more.

It is quite evident that the growing necessity of African labour yet more incites our citizens to a traffic which is criminal, because a law prohibits it, and experience yet each time more strongly demonstrates the impossibility of arresting the evil torrent, and the danger of the law being executed, if such execution were perchance possible.

These evils, these dangers, and, above all, the immorality which is the result of our citizens being accustomed to violate the laws under the very eyes of the administrators thereof, the disrespect which ensues to them therefrom, and the contempt to which those who are to execute them subject themselves, if they in vain attempt to fulfil their duty. All this, most august and most worthy representatives of the nation is well known to you, and the Provincial Legislative Assembly of Minas Geraes would consider itself as failing in the honourable mission which is confided to it, if, aware of the evils which press upon the province, and the cause of them, it did not seek to remedy them by such means as are in its power.

Persuaded that you will not fail to listen to its voice, when raised in favour of the interests of the province which it represents, this assembly again respectfully entreats you to modify the law of the 7th November, 1831, in such a way as may secure the fortunes of our citizens, and may no longer be an impediment to the development of the grandeur of which the rich province of Minas Geraes is susceptible.

God preserve you.  
(Signed)—By the Vice-President, and First and Second Secretaries.

---

No. 158.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, March 24, 1840.*

MY LORD,

(Received May 25.)

OUR Despatch of the 20th December, 1839, put your Lordship in possession of all that had to that date occurred respecting the claim for indemnities presented in the case of the "*Pompeo*."

On the 13th instant the master of the "*Pompeo*" presented his petition and claim to the amount of 74,990 reis, 034 dollars, the particulars of which exorbitant demand it is not at present necessary to transmit, as, in any case, it must undergo very material reductions.

Premising, therefore, my Lord, that the signature of Her Majesty's Commissary Judge to the several documents emanating from the Commission in this case of indemnities, is merely *pro formâ*, and that every separate signature, so far from being a recognition by him of the claim, is, in fact, only a fresh protest

against it, we have the honour to state that the Court, on the receipt of the above petition, called upon both parties, captor and captured, to name arbitrators.

The latter at once complied with this intimation, but Mr. Hesketh declined, and presented a declaration, of which we have the honour to transmit the enclosed translation, together with the answer of the Court.

The Secretary having, in conformity to this answer, addressed the Commodore officially, he received from that officer the reply, a copy of which is also herewith enclosed, and this letter, as well as the further protest herewith subjoined, from Mr. Hesketh, have been both filed. By reason of these refusals the Court was obliged itself to appoint an arbitrator, and a principal merchant of this city has been applied to, who has not as yet returned an answer.

We have, &c.

(Signed)

GEORGE JACKSON.  
FRED. GRIGG.

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

### First Enclosure in No. 158.

(Translation.)

*Declaration.*

ROBERT HESKETH, as proctor for the captor of the brig "Pompeo," says that, having been cited by this Mixed Commission to nominate on this 18th day of March arbitrators upon the amount and particulars of certain claims made by the parties interested in that vessel and her cargo, the petitioner desires, in the name of his client, and with all respect and submission, to declare to the Commissary Judges, that he feels it to be his duty to resist such nomination, and, therefore, begs them to receive this his declaration.

(Signed)

ROBERT HESKETH.

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

*Rio de Janeiro, March 20, 1840.*

Let it be added to the proceedings, and let the Secretary write an official letter to Commodore Sullivan in order that, on behalf of his agent, Lieutenant Tyssen, commander of the "Fawn" tender and captor of the brig "Pompeo," he may name arbitrators, one of whom, after being approved by the Commission and sworn, may proceed, in concert with the arbitrator appointed by the owner of the said brig, to examine the accounts presented with respect to the indemnities claimed, and may give his award, within a short space of time, to be finally decided upon by the Commission, it being understood that, if the Commodore shall fail to do so by the 23rd instant, the Commission will itself proceed to nominate such arbitrator.

(Signed)

CARNEIRO.  
SOUZA.  
G. JACKSON.

Overruled.

### Second Enclosure in No. 158.

*Commodore Sullivan to the Mixed Court.*

SIR,

*H. B. M. Ship "Stag," March 21, 1840.*

I HAVE the honour to acknowledge the receipt of your letter to me of yesterday's date with its enclosure, and in answer, have to acquaint you that I, in every respect, confirm what Mr. Hesketh, my attorney, has done in the case of the brig "Pompeo," captured by my tender: and I have instructed him, my said attorney, to protest, in my name, against all the proceedings of the Mixed Commission in the question of indemnities for the capture of the "Pompeo"; and particularly, the recognition by the Court of any survey or surveys, arbitration or arbitrations that have taken place, or may take place, respecting the said vessel or her cargo, subsequent to the day on which she was delivered by my order to the competent parties in compliance with the sentence of the Court.

And for this purpose my attorney is instructed to sign such act or acts in the process before the Court as may be found necessary.

I have &c.

(Signed)

T. B. SULLIVAN.

*Illustrissimo Senhor Braz Martins Costa Passos,*  
*Secretary to the Mixed Commission, Rio de Janeiro.*

### Third Enclosure in No. 158.

(Translation.)

*Protest.*

*Rio de Janeiro, March 21, 1840.*

ROBERT HESKETH, as proctor for the captor of the brig "Pompeo," says that he desires, in the name of his client, to protest against the proceedings of this Commission relative to the question of

the claim made for indemnities by the owners and shippers of the said brig, and particularly respecting the recognition by the Commission of any survey or surveys, arbitration or arbitrations, which have taken, or may take place on the said brig or her cargo since the day when she was delivered to the competent authority in fulfilment of the sentence of this Commission, and, therefore, requests that this act of protest may be received and added to the proceedings.

(Signed)

ROBERT HESKETH

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

Rio de Janeiro, March 23, 1840.

Let it be added to the proceedings.

(Signed)

CARNEIRO.  
SOUZA.  
G. JACKSON.  
Overruled.

No. 159.

*Her Majesty's Commissioners to Viscount Palmerston.*

Rio de Janeiro, March 24, 1840.

(Received May 25.)

MY LORD,

WE have the honour to inform your Lordship that the first pilot of the Brazilian brig-of-war "*Constança*" has this day appeared in Court, and ratified a report made by her commander to his Excellency the President of Pernambuco, relative to the capture, in July, 1839, of the patacho "*Providencia*," under Portuguese colours, off the island of Itamaracá, on suspicion of having imported slaves into Brazil.

The "*Providencia*" is the vessel referred to in the Despatch which we had the honour of addressing to your Lordship on the 9th November, 1839; and, by order of the Regent, the case was transmitted to this Court for adjudication on the 17th instant, but has only this day been proceeded in, by reason of the illness of the officer in charge.

We have, &amp;c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

No. 160.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, June 1, 1840.

WITH reference to your Despatch of the 10th August, 1839, upon the subject of certain blacks belonging to the slave vessel the "*Leal*," who were detained by Commodore Sullivan, I have to acquaint you that Commodore Sullivan having been called upon for a statement of his conduct on the occasion referred to, has given satisfactory explanation thereof.

I am, &amp;c.,

(Signed)

PALMERSTON.

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

No. 161.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

Foreign Office, June 2, 1840.

WITH reference to my instruction to you of the 24th April, 1840, respecting the case of the slave vessel "*Dom Joao de Castro*," I have to acquaint you that I have received further accounts, tending to show that owing to your proceedings in that case the owners of the "*Dom Joao de Castro*" escaped the prosecution which they ought to have been subjected to under the Brazilian law against Slave Trade.

I have already had to remonstrate seriously with you upon the delay which has occurred in your adjudication of matters brought before the Courts of which you are Commissioners. I have now to state to you, that if such delays as happened in the case of the *Dom Joao de Castro* should take place in other cases which may come before you for adjudication, and if your proceedings in those cases should be equally open to just animadversion and complaint, I shall feel it my duty forthwith to submit to Her Majesty the propriety of removing you, and appointing other Commissioners in your place.

I am, &amp;c.

(Signed) PALMERSTON.

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

No. 162.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, April 8, 1840.**(Received June 3.)*

MY LORD,

WE have the honour to inform your Lordship that a portaria from the Imperial Government was received, on the 3rd instant, by this Commission, transmitting the papers relative to the recent capture of a patacho, called the "*Africano Atrevido*," under Portuguse colours, in the port of Rio Francisco and submitting the case to this Commission for adjudication "according to justice."

On examining the papers thus transmitted, it appeared that the capture was made by a detachment of national guards, a circumstance which took it out of the jurisdiction of this Court, and it was, therefore, decided that the case should be sent back to the Imperial Government, with the "Despacho," of which the enclosed is a certified copy.

There was the less reason to regret the necessity of this course, as it appeared from the papers, that, of the Africans who had been shipped in this vessel, to the number of nearly 250, only about 60 survived, and that these had been carried off by the master and officers, who, on the first alarm of an intention to capture the patacho, had abandoned her, leaving only five blacks on board (three of whom declared themselves to be free), and had made their escape.

The case was subsequently tried by the ordinary tribunals on the spot, who declared the capture to be lawful, and substantiated the fact that the "*Africano Atrevido*" had imported these Africans into Brazil from Benguela.

The Brazilian Commissary Judge, in laying these papers before the Court, represented their being forwarded to the Commission, under these circumstances, as arising from the wish of his Government to prove to that of Her Majesty's the disposition entertained here to act fairly by the latter on the occasion; saying, at the same time, that he had himself, before communicating with his colleague, pointed out to his Government that it was not a case which this Court could entertain.

The "*Africano Atrevido*" is a small old vessel of little value, and a bill for repairs to the amount of upwards of 1 conto 400 mil reis accompanied the papers, so that, from this decision of the Court, which, we trust, your Lordship will approve, no prejudice, whether to the blacks or to the public coffers, can result.

We have, &amp;c.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

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

Enclosure in No. 162.

*Decision of the Court.**Rio de Janeiro, April 6, 1840.*

It not being competent for this Commission, in virtue of the 1st Article "of the Regulations," to take cognizance of any vessel whatever that may not have been detained by the ships of

CLASS A.

war of the two nations, Brazilian and English, (except only in the case provided for at the end of the 4th paragraph of the alvará of the 26th January, 1818,) and it appearing from these papers that the patacho "*Africano Atrevido*" was detained by the military authorities of the port of St. Francisco, let the same papers be returned to the Government of His Majesty the Emperor, to resolve respecting them as may be right.

(Signed) CARNEIRO.  
G. JACKSON.

A true Translation.

(Signed)

JOZE AGOSTINHO BARBOZA, Sen.  
*Interpreter to the Commission.*

No. 163.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, April 14, 1840.*

*(Received June 3.)*

MY LORD,

REFERRING to our Despatch of the 24th ultimo, we have now the honour to transmit to your Lordship translations—

1st. Of the speech with which the Provincial Deputy, Manoel Pereira da Silva, introduced his project for a representation to the General Legislative Assembly, praying for the revocation of the law of the 7th November, 1831.

2nd. Of the project itself, which the Provincial Assembly would not allow to be printed, and between which and the speech, though for the most part identical, your Lordship will observe some not unimportant difference, particularly in those passages of the former where he refers to our Treaty with Brazil.

3rd. Of the Report of the Committee recommending the adoption of the project, but substituting the wording of a previous representation, addressed by the same Provincial Assembly to the General Assembly in 1836 and 1837, having in view the same object in substance, but limited to the modification instead of its entire repeal.

And 4thly. Of the representation so referred to, to which one of the signatures is the same, that of J. Clemente Pereira, who is also an influential member of the General Assembly, and, besides, one of the largest landed proprietors in the province.

In illustration of the sentiments and views of this individual we may state the following transaction. A relation of his recently died, making a will by which he declared all his slaves free, and bequeathed them a certain estate; which will has been subsequently cancelled by a suit instituted by Pereira, on the ground of the mental incapacity of the testator, the blacks remanded to slavery, and the property restored to the family.

This fact will at once serve to show what may be expected in the slave question, as well from Senhor J. Clemente Pereira as from the authorities of this country.

We add to this Despatch a translated extract from a journal of this city, supposed by some to be under the influence of Senhor Vasconcellos, but certainly allied to him in sentiment.

We rejoice, however, to be able to say, my Lord, that we consider the above-mentioned extract to be rather descriptive of a past than of the existing state of things; the fact now, we believe, being that most, if not all, the respectable British houses of this city have for some time past discountenanced as much as possible the shipping from England of any goods exclusively fitted for the Slave Trade, and have done their utmost to get rid of those they had on hand, refusing, however, at the same time, to part with them on any other terms than for ready money. So strictly has this been adhered to that the slave dealers have frequently borrowed money of late at very high interest, even to three per cent. per month, in order to make the necessary payments.

We have, &c.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

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

&c. &c. &c.

## First Enclosure in No. 163.

*Translation of the Speech of the Deputy Pereira da Silva, proposing to the Provincial Assembly of Rio de Janeiro the Project of a Representation to the General Legislative Assembly, soliciting the Revocation of the Law of the 7th of November, 1836.*

THE Deputy Pereira da Silva said that, having to propose this project, he could not but state the grounds and the motives which induced him to do so.

That nobody is ignorant that the legislators, in making this law, were more actuated by noble and elevated sentiments, than by attention to the will of the people and to the public opinion of our country; that this law, not meeting with their sympathy, had, on that account, been neither executed nor respected, because the majority of the population were interested in violating it; that the agriculturists, who, in his opinion, formed the greater and more important class, were in want of hands for agriculture, and the legislators had not so much as sought to supply the want of captive by free labour; that the traffic continued illegally, in spite of all risks and dangers; that from the non-execution of this law, demoralization and corruption resulted, which spread among all classes of society, in addition to many other inconveniences.

He said that this example of non-observance of prohibitive laws when opposed to the opinions, the ideas, the habits, and interests of the country, was neither singular nor novel; he cited the history of England, which was the nation now most urgent in putting a stop to the traffic, but which had required the greatest time and labour to accomplish it. He further cited foreign legislations, observing that the habits and ideas of nations became modified slowly, cautiously, and on reflection, and not suddenly, as our legislators acted, who wished to put an end to the traffic before the country was prepared for it, and without foreseeing the want that such a measure would bring with it of labour, for which there was no sufficient substitute provided.

That legislators in such cases were accustomed to use indirect means, which might tend to enlighten the people and to advert them insensibly from the course they were following, rather than openly to attack their prejudices, because, in such cases, force always meets with a superior resistance.

That it was competent to the Assembly of Rio de Janeiro to make a representation to the General Assembly soliciting the revocation of that law, that that of Minas Geraes had already done so, and that there even existed in the Chamber of Deputies a project of a law from the Senate, presented by the senator Marquis of Barbacena; that the evil was urgent and vital; that the whole country was suffering from it, and stood in need of, and required a prompt and effective remedy, and that, considering the above reasons, there was no time to be lost.

But (continued the noble deputy) the revocation of this law, under present circumstances, is not sufficient; in order to its being so, in order that the remedy may produce the desired effect, it is necessary that the legislative act which revokes the same should declare—

1st. An amnesty for those persons who, during its continuance, may have been comprehended in any one of its dispositions; and 2ndly, that the Africans imported by contraband during that time should be deprived of any right of action to vindicate their liberty.

With these two declarations we secure the welfare of our most valuable and laborious citizens, with these two declarations only can we obtain the desired benefit.

To defend the necessity of these measures, to prove their urgency, it is not requisite to have recourse to very forcible arguments to support them, the one great sentence may suffice, *salus populi*.

Some minds who have not well and profoundly considered the matter may offer as an argument that we cannot by ourselves alone, and without the assent of Great Britain, revoke this law, inasmuch as such an act may be opposed to the engagements of the Treaty of 1826 contracted between Brazil and Great Britain. I abstain, at present, from considering this question very minutely, this being neither the proper time nor place; when the project comes to be discussed, I will present myself armed with my own arguments, inasmuch as I can pride myself on perfectly comprehending the question, which I have closely studied.

I will content myself, however, with assuring this House that in no way can the revocation of the law of the 7th of November infringe the Treaty of 1826.

The speaker here explained the obligations of that Treaty, and showed that the law is no way connected therewith, inasmuch as it is an especial law for the country, and the Treaty is applicable to the commerce on the high seas, and that a measure similar to the law cannot be a matter for diplomatic Treaties; in conclusion, the noble deputy affirmed that, in presenting this project, he was solely actuated by the conviction that the country requires, and stands in need of, the measures therein petitioned for; that its object is vital and urgent, and that the abrogation of such a law (which, to speak frankly, has been respected by no one in Brazil, at whatever risk, neither by Brazilians nor by strangers, nor even by the English themselves, who pride themselves so much on their philanthropy) is a necessity of the country, and that, therefore, his conscience is at rest in rendering that service to his country, trusting that the Assembly and the nation will do him justice.

## Second Enclosure in No. 163.

(Translation.)

*M. Pereira da Silva's Project.*

*Palace of Provincial Legislative Assembly  
of Rio de Janeiro, March 20, 1840.*

August and most worthy Representatives of the Nation,

ALREADY, in 1836, this Legislative Assembly of the Province of Rio de Janeiro made a representation to the General Legislative Assembly of the Empire, soliciting the revocation of the law of the 7th November, 1831.

Your labours, however, multiplied by the disorders which unfortunately have appeared in several provinces of the empire, and augmented by the political and financial embarrassments which have attended the successive administrations, appear to have been the cause of your not having hitherto attended to the representation above mentioned.

In the mean while its object is connected with powerful interests, which are threatened, and which it is fit should be supported in the meanwhile,—its object is of urgent and vital necessity to the country at large, and to this province in particular.

The Provincial Legislative Assembly of Rio de Janeiro would be wanting in one of its duties specified in the 9th Article of the Additional Act if it were to wait for the facts which succeed each other daily, and if, foreseeing a calamitous futurity which threatens the country, it did not hasten to solicit of you again measures of salvation, of you who are the legislators of the empire, of you on whom it is incumbent to seek and apply a remedy to the misfortunes of the people, of you in whose hands are deposited the destinies of Brazil.

August and most worthy Representatives of the Nation :—

Praiseworthy sentiments of humanity were certainly those which dictated the law of the 7th November, 1831, which deems all Africans imported into Brazil after its promulgation to be free, and that those individuals are highly criminal who, directly or indirectly, take part in their importation, either by purchase or sale, or by retaining them in the capacity of slaves. What salutary effects, however, has this law produced? Not one of those which the legislators of the empire had in view. Instead of advantages it has brought us nothing but evils, and those incalculable, which cannot be remedied. Instead of the advantages which were promised us for the future, all that is felt, all that is seen, and all that is anticipated is, on the contrary, a terrible and alarming prospect. From the very commencement the law was not executed, neither could it be executed. When the legislators do not attend to the habits, the ideas, and the interests of a people—when public opinion is despised, even though those habits, those ideas, those interests, and that judgment should be palpable errors, preconceived and unfounded opinions and inveterate prejudices, the consequence is terrible, but certain and inevitable; that laws so made on theory only, without the aid of experience, can neither receive their execution from the citizens, who will continue to act as heretofore, nor from the authorities who dread to commit themselves; and from the non-observance of the law, and its want of execution, arises that demoralization which communicates itself to every class of society, nor is this general non-observance of the law a singular fact in the history of nations and in the annals of legislation, on the contrary, it is a regular, ordinary, natural, and irresistible effect.

Was not, peradventure, the English nation, which in the present day most exerts itself for the total and sudden abolition of the traffic in slaves in other countries, the same which was the longest in comprehending the necessity of such a measure? Were not many years of enlightenment and experience, of toil and labour, requisite in order that England should put an end to that commerce in which she employed a large portion of her subjects in passed ages? Indeed it was slowly and gradually that the traffic was there abolished, and not as our legislators are attempting in Brazil to terminate it at a blow, before the country may find itself prepared for it, and before the ideas of the people may harmonize with their philanthropic intentions.

The ideas, the thoughts, the habits and the belief of a people become modified by degrees and reformed cautiously and slowly by indirect means, tending rather to enlighten them and to divert them insensibly from the course which they are treading, than to attack them directly and by the influence of force. It is thus that the civilized nations of the world have proceeded, this being a certain principle and established in the science of legislation. Moreover, it is a bad principle, a pernicious system, to enact prohibitive laws, when it is known that a large number of citizens will be interested in their non-observance, and, therefore, that the punishment decreed thereby will become impracticable.

The necessary result of such a system is impunity, this still adds to the number of the delinquents, and there is no spectacle either so immoral or so corrupt as that of a nation which does not respect its own laws, which despises them, and even habituates itself to violate them with impunity. And from the immorality and corruption of a society how many evils, what terrible consequences must necessarily result!

This, august and most worthy representatives, is the course which has attended among us the law of 7th November, 1831. The most important and considerable class of the empire, which is the agricultural, believe that it could neither live, nor prosper, nor increase without the assistance of African labour, seeing that a sufficient substitute for this was not supplied by free labour, it became, therefore, of primary necessity to acquire Africans in spite of all risks and dangers. Their importation did not cease on the promulgation of the law, its infractors were not punished, inasmuch as they received the sympathy of public opinion, which could not willingly accept the law. The authorities were under restraint or conniving. The example, rapid as lightning, was communicated to the mass. The infractors, at first few in number, now constitute so large a body that their punishment would be a real and great public calamity. The law, therefore, became a dead letter, which very circumstance requires its abrogation, inasmuch as while it exists, even though not executed, evils still more incalculable may ensue. Because, in the first place, it leaves on statute, and establishes the principle that all those Africans imported since the promulgation of the law are free. And may it not, perhaps, happen one day that, sustained by such a principle, there may appear like a cloud a considerable number of Africans who are continually being landed on our shores, vociferating for their liberty and breaking the chains with which they have been illegally fettered? and, then, alas, for the welfare of the most interesting and most laborious class of the citizens of the empire, who possess an enormous supply of these Africans, alas for those large estates by the produce of which the nation supports itself and becomes great and prosperous.

Further, most august and worthy representatives, the terrible consequences anticipated in future may not stop here if, perchance, a period of dangerous reaction should arrive, in which this law might attain sufficient force for the execution of all its articles: would it not be painful to see whole families, formerly at their ease, reduced to indigence, and their heads, laborious and useful citizens, dragged to dungeons, to suffer the penalty which the legislators have awarded to those violating such a law, which has as yet by no one been respected in Brazil, at whatever risk?

All these circumstances, and many more which will suggest themselves to you. By the love which you consecrate to the country, and by the desire which you evince of co-operating in its advancement and progress, induce the Provincial Legislative Assembly of Rio de Janeiro to petition again that you will take, as soon as possible, those measures which you may deem suitable, in order that the law of 7th November, 1831, may be revoked in all its parts, granting an amnesty without any restriction to all those persons who may be comprehended in any of the enactments of that law declaring the

Africans of every condition, sex, and age, who have been introduced into Brazil since the promulgation of the law to be deprived of all and every right of action for vindicating their liberty, it being requisite that, while terminating at once the scandalous contempt of the law, by drying up the source of immorality resulting therefrom, we may also prevent the lamentable misfortune of seeing Africans armed with this same law, requiring their liberty, and the punishment of those who have imported or sold slaves, or may possess them.

A project of law from the Senate is at present in the Chamber of Deputies, authorizing the measures which are implored at your hands; look, most august and worthy sirs, to our country, look to the future which threatens us, and, if you desire and wish to save Brazil from the crisis which awaits it, adopt without delay this project of law, and thus you will deserve much at the hands of your country.

I have, &c.

(Signed) JOAO MANOEL PEREIRA DA SILVA.

### Third Enclosure in No. 163.

(Translation.)

*Report of Committee.*

*Palace of the Provincial Assembly, March 30, 1840.*

THE Commission named to report upon the project of Representation of the Deputy Pereira da Silva, having for its object to solicit the revocation of the law of the 7th November, 1831, considering that this same representation is the repetition of another which (differing only in the wording of it) this Assembly addressed to the Legislative General Assembly in the Session of 1836, and considering that the reasons then existing still subsist, and become every day more aggravated, and have even already been recognised by the Senate in the project which it sent to the House of Deputies for the alteration of the same law, is of opinion that the aforesaid project be adopted, substituting only the wording thereof by the following:—

August and most worthy Representatives of the Nation,

The Legislative Assembly of the Province of Rio de Janeiro had the distinguished honour of making a representation to the General Legislative Assembly in their Session of 1836, respecting the urgent necessity of the law of the 7th November, 1831, being modified; and considering that the evils then pointed out still subsist, and are every day becoming greater, and that they have even been already acknowledged by the Senate in the project adopted by that House proposing important modifications in the aforesaid law, presents itself anew before the august and most worthy representatives of the nation, again to submit its above-mentioned representation, soliciting that it may be forthwith taken into the consideration which it deserves.

(Signed)

J. CLEMENTO PEREIRA.  
JOAO MANOEL PEREIRA DA SILVA,  
(with reservations).  
T. GOMES DOS SANTOS.

### Fourth Enclosure in No. 163.

(Translation.)

*Representation made by the Provincial Legislative Assembly,—approved on November 17, 1837.*

*Palace of the Provincial Legislative Assembly,  
November 17, 1837.*

Most august and worthy Representatives of the Nation,

THE Legislative Assembly of the Province of Rio de Janeiro, taking into due consideration the representations of the different municipal chambers of the same Province, and availing itself of the right given to it by the 9th Article of the Additional Act, or rather fulfilling the obligation which that Act imposes upon it, represents to the General Legislative Assembly the urgent necessity of the prompt revocation of the law of 7th November, 1831.

This law, however dictated by laudable sentiments of humanity, far from producing the salutary effects contemplated, has been the cause of irreparable evils, which make themselves felt in every quarter, and which are digging the gulf of others still greater, the terrible consequences of which, very easily to be foreseen, may become fatal if Divine Providence does not deign to continue to protect Brazil.

The introduction of Africans has not been prevented by the aforesaid law, nor even so much as partly diminished; on the contrary, the traffic has continued, and continues with impunity, without the watchful efforts of the public authority having been able either to obstruct their introduction, or to punish the infractors. There is nothing extraordinary in this general want of observance of the law of the 7th November, nor is it a singular example in the history of legislation; on the contrary, it should be considered as an ordinary occurrence, as it has its necessary and inevitable origin in the natural order of human affairs.

The interests, the habits and the ideas of several ages, have caused the persuasion in the majority of the inhabitants of this country, that it is impossible to dispense with slave labour; or, at least, the agricultural class, the greatest and the most important practically feels this necessity, and, if it is a recognized truth that this idea exists in the majority of the population, it cannot but be acknowledged that there is nothing more ordinary in the natural course of human affairs than the disposition to acquire slave labour in spite of every risk, since the obligation to procure means of obtaining a commodious and more sure subsistence is, unquestionably, engraven by nature in the heart of man: and, under such circumstances, nothing is more natural than discouragement, lukewarmness and omission on the part of all those intrusted with the execution of a law like that of the 7th November, against which the predominant opinion of the country has so openly declared itself; more especially when it is borne in mind that the infractors of it are so numerous, that it would be impossible to carry their punishment into execution, without incurring the risk of producing a deplorable public calamity.

Nor let it be said that the majority that thus think are in error, and that their true interests require that the service of captive labourers should be put an end to; even granting this to be the case, the



law of the 7th November cannot continue to subsist, because it is a clear principle in the science of legislation, that the errors, the prejudices of nations, deep rooted by the custom of many years, should not be attacked by open, but by indirect means tending to enlighten the people and to divert them insensibly from those errors or prejudices which it might be convenient to exterminate, more especially when allied to great popular interests, although such interests may be more apparent than real.

This principle is strictly applicable to the law of 7th November.

These considerations are strengthened by another principle which does not admit of exception. No criminal prohibitive laws should be made, a failure to observe which must, probably, produce so great a number of infractors as to render their punishment impracticable; the necessary result of such laws is impunity; this increases the number of infractors, and nothing can be more immoral than a society which accustoms itself to violate the laws with impunity.

And if it is a melancholy fact, but which cannot be concealed, that the infractors of the law of the 7th November are so many that their punishment is absolutely impossible, and still more there being every reason to expect that their number will go on increasing from day to day, how is it possible to agree to the continuance of the same law without committing the grave political error of wishing, and even of promoting, the demoralization of the country with all its necessary consequences.

If, finally, the eye is turned to a period of reaction when the law of the 7th November may have sufficient force to cause itself to be executed in all its clauses, what heart truly Brazilian would have the fierceness of the tiger not to shed tears of blood over the scene of horrors which so alarming a future threatens, and at seeing the painful sufferings of thousands of useful citizens condemned to close in cruel prisons the rest of their laborious days, which they had employed in producing abundant revenues by which the country so punishing their errors was maintained, aggrandized, and rendered prosperous: innumerable respectable families ruined, the fields uncultivated, the country districts desolated?

For all these reasons, and others not stated, because more easily felt than expressed, the Legislative Assembly of the Province of Rio de Janeiro hopes that the august and most worthy representatives of the nation will deign to receive benignantly the present representation, as all Brazil, and, especially, the Province of Rio de Janeiro, claims, and as is necessary.

(Signed)

We have, &c.

J. CLEMENTE PEREIRA.

J. J. VAS VIEIRA.

J. C. MONTEIRO.

---

#### Fifth Enclosure in No. 163.

*Translated Extract from a Journal of the City.*

THE English merchants were never opposed to this, and we declare on this occasion that we have a great respect for the English merchants of Rio de Janeiro, not only for the manner in which they conduct themselves in our internal concerns, but principally for the way in which they contribute to the ransom of captive blacks in Africa, whether by ordering goods fit to be employed in this work of humanity, whether by lending their money to the adventurers, or whether, as is said, by insuring the vessels destined for the coast.

---

No. 164.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, June 17, 1840.*

I HAVE received your Despatch of the 5th March, 1840, in reply to my Despatches to you of the 23rd November, and the 31st December, 1839, upon the subject of the sentence you had passed in the case of the Slave Trading vessel "*Recuperador*."

I have read with attention the explanation which you give of your conduct on this case, and I am sorry to observe that it is by no means satisfactory. For the ship's papers were evidently irregular, and articles which constitute an equipment for Slave Trade were on board the vessel, and were alone sufficient to warrant the condemnation of her; and the argument in this case is not affected by the fact which you mention, that those articles had been condemned, together with the vessel, on a former voyage of Slave Trade. For those things, the guilty character of which was indisputable, could not be rendered innocent, by the circumstance of their having been sold as part of the equipment of a vessel condemned for the Slave Trade.

I am, &c.

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

(Signed) PALMERSTON.

---

No. 165.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, June 20, 1840.*

I REFERRED to Her Majesty's Advocate-General your Despatch of the 8th April, 1840, reporting the case of the slave vessel "*Africano Atrevido*," captured by a detachment of soldiers in the Brazilian Port of St. Francisco; and I have now to acquaint you the Queen's Advocate is of opinion, that the Mixed Court of Commission at Rio de Janeiro had not by treaty any jurisdiction over a case of this nature, and that you were therefore right in declining to entertain the case in question.

I am, &amp;c.

(Signed) PALMERSTON.

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

No. 166.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, May 4, 1840.**(Received July 20.)*

MY LORD,

WE have the honour to inform your Lordship, that the report of the committee of the Provincial Assembly of Rio de Janeiro, transmitted in our preceding number, was rejected on its first reading; and we have now the satisfaction of inclosing a translated extract from the report of another committee of the same Assembly, recommending a project for the systematic introduction of colonists, and expressive of views more in accordance with those of Her Majesty's Government.

At the same time we should be misleading your Lordship if we were to hold out a hope that such sentiments are likely, for a very long time to come, to find favour with any but a very few individuals in this country; or that, from the project itself, even if carried into execution, any very beneficial results can be looked for. The difficulties in the way of a regular system of colonization in this country are too many, and the honesty of purpose in those to whom the project would be committed too little to be relied on to justify such a hope.

The project consists of thirteen articles, but they are chiefly of local importance. The fifth (which we have translated), being the only one of general interest.

A further representation against the law of the 7th November, 1831, and praying for the adoption of the project of the Marquess Barbacena, has been presented to the General Legislative Assembly from a municipality of the province of Minas Geraes; but repeating, as it does, only the arguments and reasoning of the other petitions on the same subject, we should not have troubled your Lordship with more than a bare mention of it, were it not that we see in it, for the first time, in a public document, a direct insinuation against the sincerity and disinterestedness of the British nation in her desire to put down the Slave Trade; which is attributed to a wish to embarrass, by indirect means, the industry and agriculture of this country, with a view to promote those of the British colonies.

For this reason, ridiculous as such an imputation may seem, we think it right to forward the enclosed translation.

We have, &amp;c.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

P.S.—Since writing the above the Regent, in his opening speech to the Chambers, calls their attention to the means of drawing useful colonists to this country, as one of the objects deserving their especial solicitude.

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

G. J.  
F. G.

## First Enclosure in No. 166.

*Translated Extract from the Report of a Committee on a Project of Colonization.*

THE committee having examined the matter, have judged it right to authorize the Government of the province to promote colonization, and to give the most incessant and serious attention to an object of such magnitude, and which the committee, in accord no doubt with this illustrious Assembly, deems to be of urgent necessity and vital interest, not only to the whole of Brazil, but especially to this Province of Rio de Janeiro.

It is an undoubted fact that the prompt introduction of agricultural, industrious, and moral colonists becomes every day more requisite as one, if not the only effectual means capable, under our circumstances, of supplying the want which we shall begin to feel of slave labour, and of dispensing, by degrees, with its employment. It is also indubitable that the introduction of free labour of colonists useful to the country, whilst it will give a rapid impulse to the progress of agriculture, of industry, of commerce, and of individual as well as general opulence, will hasten the increase of the population, and multiply the elements of civilization; and, finally, that Brazil, which, from her position, from the fertility of her soil, and from the immense gifts which she has received from nature, is destined to occupy in future one of the highest degrees in the scale of civilized nations, never certainly can attain the so much desired end, never can be great and happy, so long as she shall foster in her bosom a state of slavery which harmonizes neither with her institutions nor with religion, morality, nor humanity.

The declaration of these truths, however—the general persuasion of the people—is not sufficient; something more is necessary; it is requisite to animate and promote, by every possible means, a system of colonization, to aid and incessantly to protect the introduction of free and useful hands into the country, and to prove by experience, by the eloquence of facts, that the establishment of colonies in Brazil, under the auspices of a regular and well-directed system, is not impossible; as also that free labour is really more productive, advantageous, and economical than that of slaves. In this important task all the powers of the state should be engaged; in favour of this most anxious object all the Legislative Assemblies should concur, as well general as provincial, according to the limits of their respective attributes.

The committee then, while it laments the want of prompt and adequate measures emanating from the legislative body of the nation, and tending to facilitate the most efficacious means of establishing agricultural and industrious colonies in the provinces, and while it is not ignorant of the many obstacles and difficulties which have been interposed to the introduction, and to the promoted or spontaneous emigration of useful colonists, is still persuaded that this illustrious Assembly, ever anxious to promote the amelioration and the interests of the province, hastening to its most urgent necessities, will continue in their noble mission of elevating it to the degree of civilization and prosperity of which it is so well worthy, and will, doubtless, not be slow in giving yet another example of enlightened patriotism by adopting a general measure, a regular system, with a view to the protection of colonization; such, certainly, are the sentiments of this Assembly.

The fifth article of the project declares:—

That in these colonies no slaves shall be admitted, nor can the colonists possess any under any title whatsoever, on pain of their slaves being considered free.

(A True Translation.) (Signed) JOZE AGOSTINHO BARBOZA, Sen.  
*Interpreter to the Commission.*

---

 Second Enclosure in No. 166.

(Translation.)

*Representation from the Municipal Chamber of Minas Geraes to the August and Most Worthy Representatives of the Nation.*

*Municipal Chamber of the Villa de Presidio, April 13, 1840.*

WHEN the whole empire finds itself threatened by a most frightful future, from the total non-observance of the law of the 7th November, 1831, when public opinion has expressed itself in the most explicit manner against this law, which was made to be a dead letter, it will cause no surprise that the Municipal Chamber of the new city of San João Baptista do Presidio, of the province of Minas Geraes, presents itself before the national representation to request the revocation of the said law.

Laudable, Sirs, were doubtless the sentiments of humanity which dictated this law, but the legislators did not well calculate how terrible would be its effects, because, if they had, they would not certainly have wished to see their country sunk in a sea of evils, with which it is this day menaced. The law in question, as you know, has never been executed, nor ever can be, because the authorities do not dare to oppose themselves to the inveterate habits of the country, and to the irresistible force of public opinion.

The Chamber does not hesitate to acknowledge that the whole nation labours, in this respect, under a very gross error; but when things arrive at such a pitch necessity seems to require that all prejudices should be respected, even though opposed to sound reason. Moreover, the law of the 7th November, 1831, besides not having produced the effects which the legislators had in view in making it, because necessity has caused its general violation, is instrumental in enabling a foreign nation, with views to the future, to embarrass, by indirect means, the development of the industry and agriculture of the country, in order to promote the interest of her own colonies.

For all these reasons, and for others which will not escape your discernment and wisdom, the Chamber prays that, for the good of the empire, of which you are the worthy representatives, you will adopt the project of law presented by the Marquess of Barbacena, and approved by the Senate.

(Signed) MANOEL D'OLIVEIRA SILVA FORTADO BRANDAO, *President.*  
God preserve, &c.  
And six others.

(A True Translation.) (Signed) JOZE AGOSTINHO BARBOZA, Sen.  
*Interpreter to the Commission.*

---

No. 167.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, May 7, 1840.**(Received July 20.)*

MY LORD,

IN our Despatch of the 24th March last, we had the honour of reporting that a principal merchant of this city had been applied to, by the Court, to undertake the office of arbitrator, in the case of the "*Pompeo*," in conjunction with one named by the claimant, but that he had not then signified his acceptance.

This merchant is Mr. Isaac Carruthers, and the requisite formalities, on oath, having been complied with, he, and his co-arbitrator, Sr. Jozé Antonio de Oliveira e Silva, received the supplementary "*Autos*," or documents, from the period of the presentation of the claim to the moment of their being sworn, such "*Autos*" embracing the respective opinions of the Commissary Judges, the resort to arbitration, the particulars of the claim, and the protests on the part of the captors.

After some time they required to be furnished with the main "*Autos*," comprising the whole transaction from its commencement, the declarations and evidence given by the captors, the depositions taken in the course of the trial, and the arguments on both sides.

To this Her Majesty's Commissary Judge withheld his consent, on the ground that such particulars were not necessary for the decision required of the gentlemen arbitrators; that the Court had determined, upon arbitration, that indemnities were due; that the award they were called upon to make was not to be considered as a penalty on the captor, and that their sole duty was to give an opinion, as to what extent the claimant might fairly be entitled to carry his claim for an indemnity, which had already, in principle, been conceded.

The Brazilian Commissioners, particularly the Commissioner of Arbitration, urged the surrender of the entire "*Autos*," and it was finally agreed to submit the point to the Imperial Government, which was done accordingly, in the Despatch of which the enclosed is a translation. Two days ago, the "*Portaria*," which we forward, in original and translation, was received by the Commission, and the whole proceedings have been accordingly sent to Mr. Carruthers and his associate.

That passage of the *Portaria* which speaks of there being no alternative, when once the Commission had allowed the business to go out of its own hands, furnished a good opportunity to the British Commissary Judge to notice the practical proof, thus afforded, of the inconvenience of not following the regulations originally proposed for the use of all Mixed Commissions by the British Government. Our colleagues could not deny this, but repeated that, as those regulations had never been adopted by the Imperial Government, they could not hold themselves bound by them.

We have, &amp;c.

(Signed)

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

&amp;c.

&amp;c.

&amp;c.

First Enclosure in No. 167.

(Translation.)

*M. de Campos to M. Lopez Gama.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

*Rio de Janeiro, April 14, 1840.*

THE arbiters named to examine the accounts of the indemnities claimed by those interested in the shipment of the brig "*Pompeo*," recently restored by this Mixed Commission, having required from the same the delivery to them of the "*Autos*" relative to the detention of the said brig, in order to compare them with those of the aforesaid indemnities, to enable them to give their opinion respecting the same, I determined, in accordance with the Brazilian Commissioner of Arbitration, that the "*Autos*" in question should be transmitted to the above mentioned arbiters, agreeably to the practice observed in the chamber of commerce, when reported cases of this kind have occurred; but the British Commissary Judge objecting to this decision, on the ground that it was not fitting that the depositions of the witnesses, and particularly what had passed between the commodore of the British forces and the Com-

CLASS A.

mission, should be known out of the latter, although it was represented to him that the "Autos" being relative to a suit already concluded, there could be no secret, and the same British Commissary Judge consenting only that the ship's papers, and the sentence pronounced by the commission, should be forwarded, I did not insist on my determination, from a wish to preclude the slightest idea of partiality on such a point; and I, therefore, proposed, and it was agreed, that the question should be submitted to the Imperial Government, for them to determine what might be best, in order to establish a rule to put an end to questions upon similar objects.

God preserve your Excellency, &c.  
(Signed) JONO CARNEIRO DE CAMPOS.

To His Excellency Caetano Maria Lopez Gama,  
&c. &c. &c.

(A true Translation.) (Signed) JOZE AGOSTINHO BARBOZA, Sen.  
*Interpreter to the Commission.*

Second Enclosure in No. 167.

(Translation.)  
SIR,

*M. Lopez Gama to M. de Campos.*

*Palace, April 28, 1840.*

THE Imperial Government, in conformity with the opinion of the law-officer of the crown, &c., on the subject of your Despatch of the 14th instant, respecting the claim of the arbiters named by the Mixed Brazilian and British Commission in the question of indemnities for the brig "Pompeo," that the principal "Autos" both of the detention and restitution of that brig should be confided to them, I have to signify to you in reply that, when once the Commission has appointed arbiters to interpose in taking cognisance of, and adjudicating, such a claim, there is no just motive for withholding from them the principal "Autos," not only because nothing can or ought to be refused, when regularly applied for, which may be necessary, and which it is possible to grant for the right administration of justice, which depends greatly on the complete execution of the sentences, but also because it is established by constant practice in the tribunals of the empire to lay before the arbiters, judicially named, and approved, for the liquidation of any sums, or revision or adjustment of accounts, the principal "Autos" or proceedings in which the questions have been raised, together with all the documents accompanying them, whether before or after the sentence, taking only the precaution, in case it should be thought necessary, to number and rubricate the pages, so as to prevent any from being abstracted or falsified.

God preserve, &c.  
(Signed) CUETANO MARIA LOPEZ GAMA.

*To Sen. Joao Carneiro de Campos.*

(A true Translation.) (Signed) JOZE AGOSTINHO BARBOZA, Sen.  
*Interpreter to the Commission.*

No. 168.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, May 8, 1840.*

*(Received July 20.)*

MY LORD,

THE proceedings in the case of the "Providencia," the capture of which was reported in our Despatch of the 24th of March last, were considerably retarded by the illness of parties, and the Easter holidays.

We have now the honour to submit, in relation thereto, the following translated documents:

The Portaria of the Minister for Foreign Affairs, submitting the case of the "Providencia" to this Commission:

Despatch from his Excellency, the President of Pernambuco, with seven sub-enclosures; Nos. 3 and 4, being the reports of the captor, No. 5, the sentence of acquittal by the tribunal at Pernambuco, Nos. 6, 7, 8, and 9, correspondence between the Portuguese Consul at that place, and the President.

The sentence of the court, remanding the whole case to the Imperial Government (also annexed in original); and our report of the case.

The enclosures 2 to 9 are more particularly deserving your Lordship's attention; and the sentence of the court at Pernambuco affords a convincing proof, if any were yet wanting, of the impossibility of obtaining a criminatory sentence before the ordinary tribunals of this country, in any case of Slave-Dealing.

Another instance of this has recently occurred in the unanimous acquittal of the owner, the captain, and the mate of the brig "Leal," declared, last year, by this commission, to have incurred the penalty of the first article of the Convention of the 23rd of November, 1826.

In the first instance, the jury had found matter of accusation against these individuals, who were admitted to bail—an indulgence which is not conceded to those accused of piracy. And, when the final sentence of acquittal was given, it was announced triumphantly in a leading article of the *Jornal do Commercio*.

The "*Providencia*," as your Lordship has been already informed, was brought before this Court on the 24th of March, and the usual monition was issued, calling on all parties, interested in the same to appear before it.

The depositions, in this case, which, from the illness of the officers in charge, could not be made until the second week in April, were confined to the ratification of the reports made by them to the President of Pernambuco, forming the sub-enclosures numbers 1 and 2. And, on the 14th, up to which time no claimant had appeared, the Brazilian and British Commissary judges had agreed upon their sentence, declaring the incompetency of this commission, in the case, though the framing of it was prevented by the sudden death of one of the family of the former.

On the 23rd of the same month, however, on the meeting of the court, after the Easter holidays, a claim was made by the owner, who had arrived, by a steamer from Pernambuco, praying to be heard by his proctor, which petition, though not presented within the time, it was thought right, under the circumstances, to accede to.

Accordingly, with as little delay as could be expected, the defence, of which we have the honour to subjoin, herewith, a translation, was offered.

It proved, however, to contain nothing which could throw any new light on the subject, or induce an alteration of the sentence, as originally agreed upon, and the same was accordingly drawn up, and transmitted, with the whole of the documents, to the Imperial Government.

In regard to this defence, which, as might be expected, appeals to the original acquittal by the tribunal at Pernambuco, and to the arguments urged by the Portuguese Consul at that port, (the main object of which was to deny the competency of this Mixed British and Brazilian Commission to take cognizance of the "*Providencia*," and to protest against the legality of the second detention) we would particularly beg leave to direct your Lordship's notice to that part which we have marked in red ink,\* and which refers to the instructions of 1835, which, it is argued, have been set aside, in some of the recent captures, made by Her Majesty's cruisers off this coast, a question which appears to us to be well worthy of consideration, and on which we would respectfully solicit your Lordship's decision.

On the one hand, the instructions of 1835, considered as Brazilian, all vessels, under the Portuguese, or any other flag, belonging to resident merchants in this empire. On the other hand, the Act of Parliament recently passed for the suppression of the Slave Trade, and the orders to the commanders of Her Majesty's cruisers, copies of which were enclosed to us in your Lordship's Despatches of the 3rd of September, and 2nd of November last, authorize the adjudication of vessels, engaged in Slave Trade, under the flag of Portugal, wherever met with, by British courts of Vice-Admiralty.

We have no knowledge, my Lord, whatever, beyond common report, of the circumstances under which the recent captures, thus alluded to, have taken place, but it is said that at least some of them would have come within the scope of the instructions of 1835, had they been submitted to this Commission, and the failure so to bring them, has been spoken of, both by our colleague and the public, as a virtual renunciation of those instructions. We have judged it right to make an extract of that part of the defence bearing on this point, and to transmit it to Her Majesty's Legation.

We have, &c.

(Signed)

GEORGE JACKSON,  
FREDERICK GRIGG.

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

## First Enclosure in No. 168.

*Portaria.*

Palace, March 14, 1840.

(Translation.)

THE Regent, in the name of the Emperor, through the Department of Foreign Affairs, orders the enclosed copy of the Despatch from the President of Pernambuco, together with the other documents, relative to the Portuguese Patacho "*Providencia*," which was captured by the Brazilian brig of war "*Constança*," on suspicion of having carried on the illicit traffic of Africans, landing them on the island of Itamaracá, to be transmitted to the Mixed Brazilian and English Commission, in order to its taking this affair into due consideration, and proceeding and deciding upon it according to justice.

(Signed) CAETANO M. LOPES GAMA.

(A true Translation.) JOZE AGOSTINHO BARBOZA, Sen.  
*Interpreter to the Commission.*

## Second Enclosure in No. 168.

*The President of Pernambuco to the Minister for Foreign Affairs.**Recife of Pernambuco, February 22, 1840.*

(Translation.)

MOST ILLUSTRIOUS AND EXCELLENT SIR,

GIVING effect to what was enjoined me in the two Avisos of the 29th of October of last year, issued from the Departments of Justice and of Marine, I ordered the Patacho "*Providencia*" to be arrested afresh, the same having been captured by the brig of war "*Constança*," accused of having landed African slaves off the island of Itamaracá, and having been restored to her owners and consignees, her first detention not having been adjudged to be legal by the criminal judge to whom the accusation was submitted; and I forward her to-morrow to the capital at the disposal of your Excellency, it having been impossible to do so earlier on account of some repairs of which she was in want, and which I ordered to be made.

She goes under the command of the first Lieutenant of Marine, David Petra de Barros, and with a new crew.

Your Excellency will find inclosed herewith the whole legal proceedings relative to the capture of the "*Patacho*" to the day of her release, and a list of the articles belonging to her, of which an inventory was made, and which is now delivered to the master, James Hayes, who has the charge of her; premising that none of the crew captured in her accompany her, they having all been able to effect their escape when the vessel was arrested anew.

On occasion of this second arrest, the Portuguese Consul in this province, addressed various remonstrances and claims to me, of which the latest, copied sub. 1, 2 and 3, are the most interesting, soliciting in the two first, that this presidency should suspend the execution of the aforesaid Avisos, and protesting, in the latter, against the capture of the Patacho in question; to which I answered by a counter protest in the manner which appears from the copy, sub. No. 4, which I have judged right also to lay before your Excellency to be used as you may think fit.

I equally make the necessary communications to the Ministers of Justice and of Marine, transmitting to the latter the account of the expense incurred in the repairs of the said Patacho.

God preserve your Excellency, &amp;c.

(Signed) FRANCISCO DO REGO BARROS.

*His Excellency, Caetano M. Lopez Gama,*  
&c. &c. &c.(A true Translation.) JOZE AGOSTINHO BARBOZA, Sen.  
*Interpreter to the Commission.*

## Third Enclosure in No. 168.

(Translation.)

*The Commander of the Brig "Constança" to the President of the Province of Pernambuco.**On board the Brig "Constança," at Pernambuco, 21st July, 1839.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

AGREEABLY to the orders of your Excellency I sailed from this port on the 19th instant, at nine A.M., and, directing my course towards the northern coast, I got sight of the patacho, which I chased, and by one P.M. I was near enough to speak her. I ordered the first lieutenant, Hermenegildo Antonio Barboza, of my vessel to visit her, recommending him to make every possible search to ascertain whether this was the vessel in search of which we had sailed; and, on his return, accompanied by the master of the patacho with his log and passport, I found that the patacho was called the "*Providencia*," the property of Nicolao Joze da Silva Chagas, subject of Portugal, whose colours he had hoisted; that he had come in ballast from Benin in 34 days, having touched at this port in consequence of the owner having been taken seriously ill (of which, however, there is no appearance); all of which was stated in reply by the said master, of the name of Laureano Marques de Barros.

The log, however, was written in pencil, in Spanish, and in such a way that scarcely anything could be collected from it with respect to the navigation.

Certain suspicions being shortly raised that this was the vessel which was said to have been carrying on the contraband of slaves in Itamaraca, since the position in which I was (from 12 to 15 miles S.E. by S. of that island) further convinced me of this, I ordered the master to return to his vessel, and shortly afterwards sent the same first lieutenant again on board, the better to ascertain if the ballast

of water-casks was really for water or for oil; if she had any guns, and how many; and if any further indications appeared which might guide me in the execution of my duty. I also ordered that he should bring with him the master, accompanied with all the documents that had reference to the cargo and navigation of the vessel. By Report sub. No. 1 your Excellency will see the result of these orders; to which I should add, that the hatchway appears to have had crossed iron bars, the openings of which in the combings seem to have been lately closed. On the arrival of the master of the brig on board I assembled all my officers, and in their presence ordered him to produce to me the papers above referred to. He then opened a pocket-book: among others, I found 12 documents, which, together with my report, the log, and the protest made on board, I have the honour to lay before your Excellency.

By such documents I was completely convinced that this was the vessel I was ordered to capture. The whole of the documents together contain the following:—

No. 2. A credit, dated Recife, the 16th July.

No. 3. Another, also dated from the Recife on the 16th June; probably a mistake for July, as is shown from the freshness of the ink, since on the 16th of June the patacho, having had a passage of 34 days, must already have been at sea. These two documents clearly prove the vessel to have had communication with some point on this coast for the landing of the (so-called) passengers which are spoken of in so many of these documents.

No. 4. An agreement between Balthazar Simo with the said Nicolaõ to act as mate, receiving in lieu of wages five passengers, who do not appear.

No. 5. A passport for the owner with two passengers, one of them a boçal negro, Manoel de Cruz; the other a little black boy, Joze Dias, also Buçal.

No. 6. A paper, in which are written the exorbitant wages of the crew, such as are only given in vessels for contraband.

No. 7. A receipt for 40 Onzas, given by the owner to D. Domingo Valdez, a Spaniard, on account of the freight which he intends to convey from the Island of St. Thomé to the Brazil.

No. 8. Two copies of letters, in one of which positive mention is made of slaves, and in the other of passengers on freight.

No. 9. The agreement of the mate, Antonio Dias, a Spaniard, who, instead of wages, carries four passengers to Pernambuco, who also do not appear.

No. 10. Contract between Domingo Valdez, a Spaniard, and the said Nicolaõ, by which this patacho is to convey a hundred or more passengers, at 80 silver dollars, or the same amount in gold, per head, so soon as they shall arrive safely at their place of destination (Bahia, or in the vicinity).

No. 11. "We, the undersigned," by which the crew declared themselves ready to proceed to Brazil in consequence of the illness (in my opinion entirely feigned) of the owner.

No. 12. Muster-roll of the vessel, in which is included a boçal black, Macello Antonio.

No. 13. The famous log from which nothing can be inferred in favour of her navigation.

I also found a letter of orders, sub. No. 14, which throws some doubt on the identity of the ownership of the aforesaid Nicolaõ.

From these documents I thought it my duty to declare the Portuguese patacho "*Providencia*," Laureano Marques de Barros, master, to be captured as employed in the traffic of slaves prohibited by the laws of the empire; which I have the honour to lay before your Excellency, who will deign to determine what will be the most proper for the service of the nation.

God preserve your Excellency, &c.

(Signed)

JOAQUIM JOZE IGNACIO, *Commander.*

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, *Sen.,*  
*Interpreter to the Commission.*

#### Fourth Enclosure in No. 168.

(Translation.)

*The First Lieutenant of the Brig "Constança" to the Commander of the same.*

*On board the Brig "Constança." at Sea, July 19, 1839.*

MOST ILLUSTRIOUS SIR,

ACCORDING to your orders I boarded, in the second boat belonging to this brig, the Portuguese patacho hove-to at a short distance, at 30 minutes in the afternoon, in order to visit her, on suspicion of her being employed in the barbarous and shameful commerce of human flesh; and having executed my commission, I have to inform you that the patacho is called the "*Providencia*," 34 days from Benin, according to the report of her captain, Laureano Marques de Barros, nothing being to be collected from the papers of the same vessel to enable me to affirm anything positively respecting her voyage, since a dirty sheet of paper, with some letters in pencil, which the master calls his log, contains nothing deserving of the name, for not a single calculation, nor a simple day's work, is to be found in it.

A Spaniard, who calls himself mate of the patacho, presented no passport, nor is he on the muster-roll; two men were wanting; and, of the remaining fourteen, two were boçal Africans: and, accompanied by the master, his passport, and the so-called log, I a second time proceeded to search him on his reaching his vessel, as ordered by you, and to examine the papers above mentioned, (the pocket-book of the owner or of the master,) as also the state of the vessel and cargo; which being done, the said pocket-book was, according to your orders, opened by the master on deck, in presence of all the officers, in which papers were found which showed that the vessel had had communication with the city of Pernambuco for many days; and others, which clearly proved the commerce in which she was engaged.

With respect to the examination of the vessel, I have to observe, that whilst the cargo of the same should have been oil, as shown by the passport, the hold was full of pipes for water (and only proper



for water), sufficient, probably, for more than 150 persons for 30 days, with enough provisions for more than her crew during a long voyage. Her rigging, sails, &c. were in good order. I also found three guns, but dismounted; not a single boat on board; and with a simple kedge-anchor; which clearly proves that the bower-anchors were lost whilst moored off this coast.

God preserve your Excellency, &c.

(Signed)

HERMENEGILDO ANTONIO BARBOZA DE ALMEIDA.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Sen.,  
*Interpreter to the Commission.*

### Fifth Enclosure in No. 168.

(Translation.)

*Sentence pronounced by the Brazilian Tribunal at Pernambuco in the Case of the Portuguese Patacho "Providencia."*

THE present information laid by the public prosecutor of this district against Laureano Marques de Barros, Joze Joaquim Santana, Balthezar Simao, Joao Baptista Correa Nunes, Joze Francisco de Azevido Lisboa e Caetano Joze Dias, the first as master, the second as boatswain, and the third as mate of the patacho "*Providencia*," who are said to have been employed in importing Africans into Brazil, and the other individuals compromised in that illicit adventure, is not proved, because, being altogether founded on indications, even these are not verified, either by the examination of the witnesses or by the documents themselves.

These indications are—1st. That there are in the hold of the vessel a large number of pipes fit for water, and for upwards of 150 persons.

2nd. That there were provisions sufficient for a long voyage.

3rd. The want of anchors with which he might come to anchor, and the existence merely of a kedge anchor.

4th. The existence of documents, the one engaging for the passage money, the other for the payment of 206 patacons, in the pocket-book of the owner of the vessel, Nicolaõ Joze da Silva Chagas.

5th. The imperfect nature of the log, and the high price of the wages agreed for; and

6th. and finally. The words passages and passengers as applying to the slaves whom they sought to import into Brazil.

But none of these can authorise an information, because the 1st falls to the ground on sight of the document by which it is shown that the vessel captured was despatched, by the Government of the island of St. Thomé, with 26 casks to be employed for the trade in oil, which did not take effect in consequence of the illness of the owner of the vessel, N. J. S. Chagas, which obliged the vessel, when at the port of Benin, to proceed to the province of Bahia, as is shown by the protest, there being nothing extraordinary in these casks being found full of fresh and salt water, because, by the admission of the second witness, this water was necessary for ballast in order to enable the vessel to sail.

The 2nd indication does not hold good, because the first witness says respecting it merely that there was a portion of farina; the second knew nothing of it; and the third, who was present, that there was a portion of farina with a small quantity of jerk beef, which, to say the truth, does not justify the assertion in the information.

The 3rd is not conclusive, because not only the master, who is denounced, owns to the loss of an anchor on the bar of the Pao Amarillo, which obliged him to tack in order to avoid going ashore, and such a circumstance cannot constitute an indication from which to infer a landing of Africans.

The 4th indication equally falls to the ground, because the witness accused, Joze Francisco de Azevido Silva, of this city, declares that at the time when the vessel was at anchor off the Pao Amarillo, being unable to make southing on account of contrary winds, he took no part whatever, and did no more than guarantee to the owner of the vessel the passage (money) of two Spanish individuals who, being desirous of landing there to avoid delay in reaching this city by continuing on board, addressed themselves to him and entreated, and obtained, from him this favour, the result of this lawful negotiation being the document relating to the 206 patacons found in the pocket-book, agreed upon between the master of the vessel and João Baptista Correa Nunes, to which may be added that the sums in question are so inconsiderable that they preclude the presumption that they formed part of an adventure which, from its nature, can only be sustained by a large capital; and thus it is not at all extraordinary that such documents should be found in the pocket-book of the owner at the time of the capture, supposing the individuals to have communicated with the shore.

The 5th does not hold good, because an irregular and ill-kept log can be no indication of an importation of Africans; since, if this is a crime or an unpardonable fault in navigation, it has nothing to do with the present case, and still less can any indication be inferred from the price of the wages, when it is considered that the value of a dollar, at the place where the agreement for such wages was made, is not more than 800 or 900 reis; and this indication still further vanishes when we see that a sailor was engaged for the trifling sum of 30 dollars.

The 6th is not sustainable, because it does not belong to, nor is it allowable in, judgment to give a different interpretation to words than that which those words express, by seeking a signification the reverse of what is declared; besides which if we admit that the indications ought to prevail, with much greater reason ought we to admit that facts should also prevail; in which case great attention is due to the bond signed by the master of the patacho, not to carry any person whatever without the consent of the Government of which he is a subject, under penalty of a fine of 400,000 reis per head in case of contravention, and this is still further strengthened by the passport, from the Government of St. Thomé, granted to Nicolaõ Joze da Silva Chagas to embark in the said patacho with two servants, as well as by the survey made by order of the prefecture of this district, by able persons conversant in such matters, who declared that the vessel presented no indication whatever from which to suppose that she had been employed in the illicit traffic in slaves: and, finally, because it is not to be forgotten that the whole of these proceedings labour under the imputation of illegality, having

been resorted to in virtue of orders from the presidency of this province, which orders do not appear upon the face of them to serve as a foundation for the same. Therefore and because the indications which gave rise to this information cannot be collected with certainty from the suit, conformably to the doctrine laid down in the 145th Article of the Criminal Code, I consider it as illegal, and let the municipality pay the costs.

(Signed) JOAO JOZE FERREIRA DE AGUIAR,  
*Juiz de Directo.*

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Sen.,  
*Interpreter to the Commission.*

### Sixth Enclosure in No. 168.

(Translation.)

*The Portuguese Consul at Pernambuco to the President of the Province.*

*Portuguese Consulate at Pernambuco,  
December 7, 1839.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

ACKNOWLEDGING the receipt of your Excellency's letter of the 25th ultimo, in which you inform me that, in conformity to instructions issued by the Departments of Marine and Justice, under date of the 29th of October last, you are going to send the Portuguese patacho "*Providencia*" to the capital, in order there to be tried by the Mixed Brazilian and British Commission, I should be wanting to the duties of my office if I did not this once again claim from your Excellency, respecting this patacho, the observance of the law of nations, with that of Portugal, whose interests it is my duty to watch over in this province.

Although your Excellency has already declared to me in your Despatch of the 12th of October, that if any circumstances should arise the knowledge of which might contribute to a contrary decision, you could only execute the orders of the Imperial Government, particularly when it is not to be presumed that such orders proceed from ignorance, I must still hope that your Excellency will suspend the execution of these instructions, which, as they cannot be in contradiction to those of the 19th of October, 1838, must have had their foundation in the suspicion that the nationality of the said patacho was doubtful, and consequently in ignorance that this vessel was built in a port of the Portuguese dominions, to wit, in the Island of Principe, where she was constructed in July, 1837, as is legally proved by the document which I offer to your Excellency's consideration.

Seeing this legal proof that the patacho "*Providencia*" is Portuguese built, and belongs to a Portuguese subject, it is not possible to suppose that the Imperial Government is desirous, against the law of nations, of subjecting Portuguese subjects and their property to the jurisdiction of the Mixed Brazilian and British Commission resident in Brazil, in which country the English nation and its agents can exercise no act whatever of jurisdiction over Portuguese subjects, without attacking the sovereignty and independence of the Portuguese nation.

Your Excellency very judiciously gave to the affair of the aforesaid Portuguese patacho "*Providencia*" the direction which the laws permitted, which was to bring the Portuguese subjects suspected of crime before the ordinary tribunals of the country. The decision of the tribunal became irrevocable, and cannot, in my opinion, be invalidated by an act of the executive power, which, supposing itself authorized to revoke the sentence of the competent judge, cannot, without violation of the law of nations, subject a vessel, indubitably Portuguese, to the jurisdiction of Commissioners of the English nation, to whom the Imperial Government can only subject Brazilian subjects. A treaty between two nations never bound a third, supposing her to be, as is the Portuguese, an independent and sovereign nation.

Upon all these principles, which your Excellency knows how duly to appreciate, I address myself to your Excellency, that you may deign to suspend the execution of the instructions of the 29th of October, seeing the irreparable prejudice which ensues from them, and to bring to the knowledge of the Imperial Government the documents which evidently prove the nationality of the patacho, in order to her not being subjected to a foreign jurisdiction, as is even acknowledged in the "*Aviso*" of the 19th of October, 1838.

God preserve your Excellency, &c.

(Signed) JOAQ. BAPT. MOREIRA.

*To his Excellency Francisco do Rego Barros,  
President of the Province.*

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Sen.,  
*Interpreter to the Commission.*

### Seventh Enclosure in No. 168.

(Translation.)

*The Portuguese Consul at Pernambuco to the President of the Province.*

*Portuguese Consulate at Pernambuco, December 23, 1839.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

I ADDRESSED your Excellency on the 7th instant, offering for your consideration the document by which the Portuguese patacho "*Providencia*" is proved evidently to have been built in the Island of Principe, and to belong to a Portuguese subject, in conformity with which, having under my view the Imperial "*Aviso*" of the 19th October, 1838, issued by the Department of Foreign Affairs, it appeared to me that she could not be brought before the Mixed Brazilian and British Commission established at Rio de Janeiro, as the instructions which your Excellency received from the Imperial Government, issued by the Departments of Justice and of Marine, under date of the 29th of October

last, determine, from the suspicion probably entertained by the Imperial Government, that the nationality of the aforesaid patacho was doubtful, in consequence of which I solicited your Excellency to suspend the execution of the above-mentioned instructions, and to lay before the Imperial Government the document I mentioned.

And as hitherto I have received no answer from your Excellency on this subject, I beg you, as an especial favour, to transmit it to me, it being requisite, as well for my guidance, as to enable me to lay it, as is my duty, before the Government of Her Most Faithful Majesty, and before her Minister at the Court of Rio de Janeiro.

God preserve, &c.  
(Signed) JOAQ. BAPTA. MOREIRA.

His Excellency Francisco do Rego Barros,  
&c. &c. &c.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Sen,  
*Interpreter to the Commission.*

### Eighth Enclosure in No. 168.

(Translation.)

*The Portuguese Consul at Pernambuco to the President of the Province.*

*Portuguese Consulate at Pernambuco, January 2, 1840.*

THE undersigned, Consul of Portugal, has the honour to address his Excellency Francisco do Rego Barros, President of this Province, to acquaint him that he has received orders from the Government of Her Most Faithful Majesty to protest, in her name, against the capture and illegal detention of the Portuguese patacho "*Providencia*," brought into this port on the 21st of July of last year, by the imperial brig of war "*Constança*," Joaquim Joze Ignacio, Commander.

The Portuguese patacho "*Providencia*" was captured and brought into this port, on suspicion of having carried on the illicit traffic in slaves on the coast of this empire, but (she was so brought) in an illegal manner, inasmuch as on board of the said patacho no indications were found of her having been employed in this odious commerce, as was proved, immediately on her entrance into this port, by a survey made on her by the authorities of this province.

Notwithstanding this full and legal justification, which destroyed the imputation which had been cast on her, she was, by order of His Excellency the President of the province, brought before the criminal justice of the country, possibly by a judicious precaution, where it was exuberantly proved that there was no foundation for this gratuitous information, though by the laws of the empire the patacho in question could never be arrested, not having been found, *in flagrante*, landing slaves on the coast of this empire, for in such case only could she be captured and subjected to its laws.

The tribunal which tried the Portuguese patacho "*Providencia*" recognised as fact, that the information laid against her had been illegal and gratuitous, that the capture and detention were unjust and illegal, and by a definitive and irrevocable sentence decreed her restitution to her owner; and the crew, which had been committed to the gaol of this city, was by the same sentence ordered to be set at liberty. The suspicion then that the Portuguese patacho "*Providencia*" had been employed in the illicit traffic in slaves on the coast of this empire being destroyed, the injustice and illegality of the capture and of the detention being acknowledged by the judicial authority of this province, the undersigned did not expect that this Portuguese property would be subjected to a fresh violence, by a second time arresting her, as was done on the 25th September, also of last year.

The undersigned being informed of this second arrest, addressed His Excellency the president of the province in a Despatch, dated the 2nd of October last, and did not therein conceal the extraordinary nature of such proceeding; which not only in some sort was offensive to the delicacy of the tribunal which tried the patacho "*Providencia*," but was contrary to the law of nations, and solicited earnestly the raising of such arrest.

The answer of His Excellency the President to the aforementioned Despatch, although negating the claim as to the raising the arrest of the Portuguese patacho "*Providencia*," yet lets a sentiment of the injustice committed appear, by showing that His Excellency was constrained thereto as the faithful executor of the orders of the Imperial Government in his character of its delegate, noticing the "*Avisos*" which he received to this effect, issued by the Departments of Justice and of Marine, under date of the 17th and 23rd of August last. His Excellency the President sought in some way to give a justifiable colouring to the proceeding to which he resorted in this second arrest, declaring that it was not for him to examine the legality of the Imperial orders, nor the objects which they had in view; but the undersigned begs leave to observe that in the representative system, which happily governs this empire, the mandates of the executive power are made subordinate to impartial and strict justice, which never can allow of the violation of liberty, of the constitution, and of the laws.

But His Excellency the President having since, in his enlightened judgment, and having before him the legal and just decision of the judicial authorities which released the Portuguese patacho "*Providencia*" from the first arrest, and restored her to her owner, suspended the sending her to Rio de Janeiro, according to the orders received from the Imperial Government, till such time as the said Government should be informed of the decision of the aforementioned judicial authority, it was with regret that the undersigned received, under date of the 25th November last, the official communication which His Excellency transmitted to him, in which His Excellency informs him that the Imperial Government orders him anew to send the above-mentioned Portuguese patacho "*Providencia*" to Rio de Janeiro, with all the documents relating thereto which may exist on board, to be there tried by the Mixed Brazilian and English Commission, and that His Excellency had already, on the 18th of the same month, taken the necessary steps to carry the aforesaid imperial order into effect. To this Despatch, which His Excellency the President was pleased to address to the undersigned, the latter deemed it his duty to reply on the 7th December last, inclosing an authentic document, by which the nationality of the patacho "*Providencia*" is to all evidence proved, the same having been constructed in July, 1837, at the Island of Principe, one of the ports of the dominions of the crown of Her Most Faithful Majesty: thus her nationality cannot be doubtful. To admit of this Portuguese

property being tried, conformably to the orders and instructions of the Imperial Government, by the Mixed Brazilian and British Commission, in the mode determined by the "Aviso" of the 19th October, 1838, issued from the Department of Foreign Affairs; besides which the Government of Her Most Faithful Majesty can never recognise the Mixed Brazilian and British Commission, as a competent tribunal to exercise the right of taking cognizance of and adjudicating the property of its subjects.

The Portuguese nation is a sovereign and independent nation: it knows well the extent of its duties and its rights, and will never permit strangers to constitute themselves arbitrators of the goods of its subjects, and to execute its laws.

The reason and the justice therefore are manifest which the Government of Her Most Faithful Majesty has to order the undersigned, as it has ordered him, to protest in its name, as he does protest, by means of the present note, before His Excellency the President of the Province, as being the first authority in it, against the capture and illegal detention of the Portuguese patacho "*Providencia*," commanded by Laureano Marques de Barros, and owned by Nicoláo Joze da Silva Chagas, which was brought into this port by the Imperial brig of war "*Constança*," Joaquim Joze Ignacio, Commander.

He protests against the mode and illegal form in which she was arrested and submitted to the laws of this empire, without having been found, *in flagrante*, landing slaves on the coast of the same. He protests against the arbitrary imprisonment which the owner, captain, and crew suffered in consequence, and for the prejudices which they may have or may eventually sustain. He protests for the deterioration of her hull, rigging, and other appurtenances; for the interruption of her voyage and adventure; and, finally, he protests and claims indemnities for all prejudices which may have resulted, or may result, to the owner, Nicola Joze da Silva Chagas, and whoever else may have a right thereto, to receive such in due time and place from him, or from them, who may have caused the injury.

The undersigned hopes that His Excellency the President will accept this note of protest, which the Government of Her Most Faithful Majesty has ordered him to make, as well on account of the dignity of the crown of Her said Majesty, as of the well-understood interests of her subjects.

The undersigned, &c.

(Signed) JOAQ. BAPTA. MOREIRA.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Sen.,  
*Interpreter to the Commission.*

### Ninth Enclosure in No. 168.

*The President of the Province of Pernambuco to the Portuguese Consul resident there.*

(Translation.)

*Palace of the Government of Pernambuco,*

MOST ILLUSTRIOUS SIR,

*February 10, 1840.*

THIS Presidency has received the despatches addressed by you, under date of the 7th and 23rd of December, of the last, and 22nd of January of the present year, requesting, in the two former, the non-execution of the Imperial "Avisos," which order the patacho "*Providencia*" to be sent to the capital, in order to her being brought before the Mixed Brazilian and British Commission, she having been captured in the waters of this province, upon the ground that she had carried on the illicit traffic in slaves, in consequence of its being proved, by legal documents, that the said patacho is Portuguese built, and Portuguese property, and therefore exempt from the jurisdiction of the same Commission, and protesting in the last against the capture and illegal detention of the afore-mentioned patacho, and for all the losses and prejudices which her owner and others interested may have sustained.

In reply to your claim in the two former despatches, I have to acquaint you that, in my character of agent of the executive power, and bound consequently to execute its orders, it was not, nor could be, lawful for me to suspend the execution of those which the same power repeated to me, under date of the 29th of October last (having already done so on the 17th and 23rd of August preceding), notwithstanding the document by which you pretend to demonstrate that the said patacho is Portuguese property, and of Portuguese build, and on that ground, and considering what is determined in the "Aviso" of the 19th of October, 1838, issued from the Department of Foreign Affairs of the Empire, ought not to be submitted to the judgment of the Mixed Commission at Rio de Janeiro, inasmuch as it does not pertain, nor can pertain to me, to take cognizance of the truth and legality of the above document, but only to the aforesaid Commission, as the only tribunal established in the empire by treaty, to adjudicate vessels which may be captured carrying slaves from the coast of Africa on board, as is seen from mature perusal of the above-mentioned "Aviso."

Under these circumstances, the nationality of the vessel in question being rightly doubtful, it follows that you, Sir, invoke, without grounds and unreasonably, the general principles of right to demonstrate, that a vessel (of doubtful nationality) cannot, without violation of the same, be subjected to the jurisdiction of the Brazilian and English Commission residing in the Empire, since this is the only way of arriving at the knowledge of the truth.

Passing, now, to the protest, which you, Sir, have made in your last Despatch, it is my duty to declare to you, first, that this presidency having received a written and legal information that the patacho "*Providencia*" had landed slaves on the northern coast of this province, and having ordered the commander of the brig-of-war "*Constança*," to capture and bring her into this port, in case of finding on board indications to prove the information, she was in consequence captured, and from the documents found on board it was proved that, in fact, she was employed in the said commerce; secondly, that though she were not found, *in flagrante*, landing slaves on the coast of the empire, she ought not, on that account, to fail to be submitted to the criminal justice of the country, as you pretend, inasmuch as from the law of the 7th of November, 1831, the only one which regulates such objects, a similar conclusion cannot be drawn, and from the decree of (12th) April, 1832, others of an entirely contrary tendency may be deduced; thirdly, that the importers of slaves into Brazil being subject to the corporal penalty, imposed by the 179th Article of the Criminal Code on those who may

CLASS A.

reduce free persons to slavery, and this penalty not admitting of bail by the laws, there was no arbitrary act or illegality committed by the imprisonment, which the owner, captain, and sailors of the above-mentioned vessel underwent, till the time when they obtained a sentence declaring them not to have incurred such penalty and crime. Fourthly, that the Imperial Government having determined that the said patacho should be sent to the capital, to be there submitted to the Mixed Commission, as the only competent tribunal, the former not having been so, and as the sentence proceeding therefrom ought not, consequently, to have any force, she was with reason and on good grounds arrested afresh, and so continued to be notwithstanding the claim which you, Sir, made in her favour by the arguments presented by you in your different despatches, and in the commencement of your present one; and, fifthly and finally, that as protests neither give nor take away any rights whatever, but only show the intention to preserve those already possessed, or which may be possessed, this presidency accepts the note of protest sent to it by you, and, at the same time, offers a counter protest on the grounds above laid down, considering the arrest and detention of the patacho "*Providencia*" to be legal.

To Joaquim Baptista Moreira,  
Consul of Her Most Faithful Majesty.

(A true Translation.)

God preserve, &c.

(Signed)

FRANCO. DE REGO BARROS

JOZE AGOSTINHO BARBOZA, Sen.,  
Interpreter to the Commission.

### Tenth Enclosure in No. 168.

(Translation.)

Sentence.

Rio de Janeiro, May 4, 1840.

From the examination of these papers, it is ascertained that the patacho "*Providencia*," detained, in the latitude of the island of Itamaraca, by the Brazilian brig-of-war "*Constança*," on suspicion of having brought and landed Africans in the neighbourhood of that island, sailed from the port of the island of Principe (where she was built, in July 1837, according to the documents and claim presented by the Portuguese Consul at Pernambuco) for that of Bahia, or some other of Brazil; that the articles found on board in the act of detention, such as a greater number of water-casks than were required for the crew, and other indications, such as the high wages given to the same, and, especially, the bad smell which the officers of the brig-of-war declared that there existed in the hold of the vessel, and which showed evidently that she had brought a cargo of slaves, leave not the smallest doubt respecting the real traffic in which she had been engaged, more particularly when these circumstances are corroborated by the reports current at the Recife, before the brig-of-war sailed, as well of the arrival of the patacho, as of her having landed Africans on the spot abovenamed.

From what has been said, the Commissary Judges have not the slightest doubt as to the existence of the contraband of Africans practised by this patacho; but inasmuch as she was navigating under the Portuguese flag, although her papers had not that regularity which was indispensable to her being recognised as a Portuguese vessel, and as there did not exist the least document from which to infer that she was fitted out in, and despatched from, the ports of Brazil, or that any Brazilian subject, or one of any other nation residing in Brazil, was interested in the adventure, the aforesaid judges do not consider this Commission authorised, under such circumstances, to adjudicate the abovementioned patacho, and order that all the papers belonging to her be sent back to the Government of his Majesty, the Emperor, to decide as may be right.

At the same time they cannot refrain from recognising that the individuals residents of Pernambuco, named Jozé Francisco de Azevido Lisboa, and João Baptista Correa Nunes, although they were acquitted in the suit instituted before the authorities of the country, did, in fact, repair to the point where the Africans were landed, in order there to enter into certain transactions respecting them.

(Signed)

JOAO CARNEIRO DE CAMPOS.  
GEORGE JACKSON.

(A true Copy.)

(A true Translation.)

(Signed)

BRAZ MARTINS DA COSTA PASSOS, Secretary.  
JOZE AGOSTINHO BARBOZA, Sen.,  
Interpreter to the Commission.

### Eleventh Enclosure in No. 168.

Report of the case of the Portuguese patacho "*Providencia*."

Rio de Janeiro, May 8, 1840.

THIS vessel was originally captured by the Brazilian man-of-war "*Constança*," in July 1839, off the northern extremity of Pernambuco, on information given to the President thereof, that she had arrived on the coast, and had landed, or was about to land, a cargo of Africans.

The reports of the Brazilian officers on taking possession of the patacho leave no doubt, though they found no slaves on board, yet that a cargo had very recently been landed by her, and that two residents of the city of Pernambuco had proceeded to the point of disembarkation to effect the purchase of the same; yet, notwithstanding these facts, the owner of the "*Providencia*," and others implicated in the adventure, on being brought to trial at Pernambuco, were fully acquitted, and the patacho, declared not to have been engaged in the traffic, was ordered to be restored.

This order was carried into effect; but, in consequence of reiterated instructions from the Imperial Government, the President of Pernambuco, who had taken upon himself to suspend the execution of those which he first received, finally caused the vessel to be recaptured, being still in the waters of Pernambuco; and, after making certain repairs, to enable her to reach this port, his Excellency sent her here under the charge of a lieutenant, for the purpose of being tried before this Commission.

On the 17th of March a "*Portaria*" was received from the Imperial Government, submitting the

consideration of this case to the Mixed Commission, and transmitting therewith the following documents:—

Despatch from the President of the province of Pernambuco to the Imperial Government.

The reports made to the President by the captors.

The proceedings before the tribunal which tried the case, in the first instance, at Pernambuco, and the sentence of acquittal given by the same.

From these proceedings it appears that the "*Providencia*" had a passport from the authorities at the island of Principe to go for palm-oil to the port of Benin, to which point her muster-roll also showed her to be destined; that from thence she proceeded to this coast, and that two individuals, resident at Pernambuco, repaired to the spot where the Africans were landed, and had some dealings with the owner and others interested in the adventure.

Correspondence which took place between the Portuguese Consul at Pernambuco and the President, showing that the "*Providencia*" was of Portuguese construction, and built in July 1837, in the island of Principe.

These constituted the whole of the documents transmitted to the court, and the usual motion being issued, the depositions of the two officers in charge were taken, and a claim was tardily presented by the owner, Nicolaõ Jozé da Silva Chagas. The former went only to ratify the original reports of the capture; the latter, to establish the Portuguese nationality and ownership; and, nothing transpiring to prove the contrary, or that the "*Providencia*" had ever had any connexion whatever with the empire of Brazil, or with any of its subjects, and there having been found no ship's papers on board beyond the passport and muster-roll abovementioned, the Commissary Judges considered that this Court of Mixed British and Brazilian Commission had no jurisdiction in the case, and that the same must be remanded to the Imperial Government to deal with it as, under the particular circumstances—a verdict of acquittal having already passed—to them should seem fit.

At the same time they did not fail to declare their opinion that the agency in this transaction, of the two inhabitants of Pernambuco, had been proved.

(Signed) GEORGE JACKSON:  
FRED. GRIGG.

### Twelfth Enclosure in No. 168.

(Translation.)

*Defence.*

*Rio de Janeiro, April 30, 1840.*

Illustrious Members of the Brazilian and English Mixed Commission,

DR. LUIZ CARLOS DA ROCHA appears before you to conduct the defence of the Portuguese patacho "*Providencia*," of which Nicolaõ Jozé da Silva Chagas is owner, and Laureano Marques de Barros, captain, both Portuguese subjects.

On an information, received by the President of Pernambuco, that this patacho had landed Africans to the north of the province, his Excellency ordered the brig-of-war "*Constança*," Joaquim Jozé Ignacio, commander, to capture her, which was done in July, 1839. No Africans, however, were found on board, nor indications of there having been any, as is abundantly proved by the sentence of the criminal judge of the Recife, dated the 22nd of August, 1839, which sentence destroys all the false grounds presented in the information of the public prosecutor, and proves triumphantly that the patacho could not be suspected of having been engaged in the illicit traffic of slaves.

The perusal of this sentence becomes necessary for the complete knowledge of this affair.

On the patacho being brought to Pernambuco, criminal process was there commenced, as was right and proper, by the regular laws of the country, against the owner, the master, and the mate. The competent tribunal which was charged with the business acquitted them all, with much justice, as may be seen by the respective proceedings of this suit, which declare all the circumstances, and directed that the patacho should be delivered, free and unembarrassed. Orders, however, from the President of the province caused the execution of this sentence to be suspended, and the patacho, after having been duly released, to be withdrawn from thence and brought to this capital.

The documents exist which prove the protests made by the Portuguese Consul, by order of his Government, which protests ought to be very particularly attended to, as being well founded in justice, on the part of this authority.

It is now pretended to submit, afresh, the trial of the patacho to the Mixed Brazilian and British Commission established at this Court. This pretension appears to us illegal, and we proceed to give our reasons:—

1st. By the general laws of the empire, when once a sentence has been judicially pronounced, the object of it cannot again be matter of discussion, and ought to be immediately put into execution. There was no embargo opposed to the acquittal of this vessel, nor any appeal made therefrom; and nearly a year having elapsed since its publication, the patacho was definitely adjudged, and nothing more can be alleged against the sentence, which ought, at once, to be executed. How, then, this formal sentence having been given, can it be pretended to submit it afresh to another tribunal the decision of the patacho already competently and legally acquitted? This would be to offend the regulating laws of the country, and the political constitution of the empire.

And, after all, what is the competent tribunal to whom should recourse be had? To the exceptional tribunal of the Mixed Brazilian and English Commission? But if this, from its nature, from its attributes, is not competent to take cognizance of any captured vessels but Brazilian and English, as shown even by those vessels lately taken in these waters, such as the "*Rosa*," the "*Congresso*," the "*Treze de Junho*," and others, which, being Portuguese, were not brought before this tribunal, but were carried to the Cape of Good Hope by the English, who were the captors; if by these facts, of recent occurrence, it is proved that the tribunal of the Mixed Commission, instituted by the Brazilian and English Governments, can only adjudicate vessels belonging to the two contracting nations, the instructions, even of 1835, which the Imperial Government addressed to its Commissioners, authorizing them to take cognizance of Portuguese vessels whose owners were resident in the empire, remaining without effect, (nota bene—in which hypothesis the owner of this patacho is not found, as

is seen by the process,) inasmuch as the Imperial Government having required that the patacho "Treze de Junho" recently captured (her owner being a resident of this city), should be brought before the Commission; the English Chargé d'Affaires replied that, there being a new Act of Parliament with reference to Portuguese vessels, the same could not be adjudicated here but by an English Admiralty Court.

Now, this patacho is even of Portuguese construction, as the proceedings prove; was built in the Island of Principe in July, 1637; her owner is Portuguese; her captain, her mate, her crew are Portuguese; she has all the documents which prove her nationality and ownership. Consequently a tribunal purely Brazilian could alone try her: by that tribunal she was acquitted; the Mixed Commission is incompetent to take cognizance of her; and the dignity of Brazilian jurisprudence, the execution of the laws of the empire, require that she should be delivered over to her owner free and unembarrassed. We will now discuss another point, which appears to us subsidiary, but which, from the circumstances of the suit, seems to have some relation with the principal object.

It is seen by the proceedings that a survey was had on board the vessel at Pernambuco, and that no indications were found which could lead to the belief, or even to a simple presumption, that she had been engaged in the illicit traffic of slaves, which was fully proved before the competent authority.

The arrest which she was subjected to, the delay which took place, and her long detention prove in her favour, that no indications whatever being found on board her by which she might be suspected of illicit objects, the authorities to whom she was submitted, by whom she was acquitted, and even the very President of the Province, while obeying the orders of the Imperial Government, appear, all of them, expressly to acknowledge the injustice of the capture and the prolonged detention. The list of the articles belonging to the vessel is found in the process; the worthy sentence of Dr. João Jozé Ferreira d'Aguiar, criminal judge of the Recife and ex-president of the Province of Parahiba, refutes completely all the grounds on which the information was based, fully and most evidently demonstrates the injustice of the capture of the patacho, and orders her consequently to be released, and to be delivered to her owner.

It is to this sentence that we call the attention of the judges of the Mixed Commission: to restate it would be temerity; suffice it to say that we adopt the sentence as part of our defence, and require from our judges its perusal, as if it were offered by us.

There are grounds to prove the justice of the acquittal of the Portuguese patacho of which we are treating; she was properly acquitted, and the sentence was final.

The Mixed Brazilian and English Commission is incompetent, very incompetent to adjudicate a Portuguese vessel taken by a Brazilian man-of-war; an ordinary Brazilian tribunal is the only competent one: that has already decided there is nothing to be done but to submit to that decision; we therefore protest against the competency of the Mixed Brazilian and English Commission in this affair, and hope in justice to its merits that the Commissary Judges will decide according to justice.

(Signed) LUIZ CARLOS DA ROCHA.

(A true Translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Sen.,  
Interpreter to the Commission.

No. 169.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, May 12, 1840.*

*(Received July 20.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 20th February, 1840, transmitting to us a copy and translation of an apostolical letter of His Holiness the Pope, on the subject of the Slave Trade, and directing us to cause the insertion of the same in the public journals of this place, and to give it all suitable publicity.

Your Lordship will be pleased to learn that this document had already reached this country, and that a close translation of it appeared in the *Jornal do Commercio* of the 3rd March last.

We have, &c.

(Signed) GEORGE JACKSON.  
FREDERICK GRIGG.

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

No. 170.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, May 15, 1840.*

*(Received July 20.)*

MY LORD,

A DEPUTY from the Province of St. Paul's, Senhor Alvarez Machado, who has on more than one occasion spoke strongly against the Slave Traffic, made a few observations on the 12th instant in the Chamber of Deputies, of

which, as well as of the answer they received, we have the honour to forward the enclosed translation. They are in themselves of little consequence, but we bring them under your Lordship's notice as showing the anxiety of one party—increased by the late proceedings of the British cruisers—to bring forward this question, and to force on some decisive step respecting it; and the desire of the other to avoid, if possible, its agitation, and to let matters remain as they are.

The one party, like the speaker on this occasion, profess themselves inimical to the Slave Trade; but we much doubt whether even they would be found prepared to agree to the extinction of slavery altogether, and at once. The other party may be said to be composed of two opposite classes; the one a very few, who would, perhaps, go all lengths in effecting the suppression both of the Slave Trade and of slavery in this country, but who, foreseeing the little prospect of such a result, dread the agitation of the question at all, for fear of their cause losing ground; the other, who consider the importation of Africans less obstructed by the nominal restriction of the law of the 7th November, 1831, than they would be by the enactment of some act of more practicable and efficient execution.

The answer of the President is considered as evasive, and as not promising any very early discussion; which is, indeed, the less likely at this moment, from the very serious questions, of vital consequence to this empire, which now occupy the attention of the Chambers.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

---

Enclosure in No. 170.

*Translation of a Speech of the Deputy from St. Paul's, Alvarez Machado, on the 12th May, 1840.*

"MR. PRESIDENT,

"I RISE to address a petition, but it is only at present to your Excellency that I make it, because, convinced as I am of your Excellency's patriotism, I am persuaded that I shall not find myself under the necessity of making it to the House.

"There has existed, Mr. President, on the table, for nearly three years, a project of law of the greatest importance, which has as yet not been made the order of the day nor discussed, notwithstanding the reiterated prayers and representations of many provincial assemblies, and of many municipal chambers. I allude to the project of law respecting the law of the 7th November, 1831, which abolished the slave commerce, and I consider that it is necessary to come to some determination on the subject forthwith.

"It is necessary to do so forthwith: because, if we continue in the present state, without taking the necessary measures, when we wish to remedy the evils, which are every day becoming more aggravated, and when they shall no longer, perhaps, admit of a remedy, it may then possibly be too late.

"I am therefore convinced that your Excellency will, without delay, offer the project of which I speak for discussion; and, if some measure respecting it be taken, great glory will accrue to your Excellency also, for having accelerated it. But, if this does not happen,—if the delay be allowed to continue, the evils which will result may, perhaps, be more fatal than any which have yet occurred.

"The efforts of the English Government on this head become every day more serious; the manner in which our commerce is becoming paralysed, is horrible; it is frightful to see how the peace of many families has been disturbed, and their interests affected. These few considerations will suffice, I am persuaded, to induce your Excellency to take my petition into consideration."

The President replied, that the noble deputy's petition should be taken into due consideration.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Sen.,  
*Interpreter to the Commission.*

---

No. 171.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, May 19, 1840.*

*(Received July 20.)*

MY LORD,

THE journals of this place are full of statements, coloured, of course, according to the interests and feelings of the narrators, of the proceedings of Her Majesty's cruisers on the coast of Africa, particularly on the east coast, and the consequent paralysation, as they say, of all commerce.



With these statements we have not thought it necessary to trouble your Lordship; but we have much pleasure in informing you that a vessel, bearing the flag of Portugal, but belonging to this place, the "*Leopoldina*," has been obliged to return here from Quilimane in ballast, not, as too many have done, nominally, but really without any cargo, having been compelled to leave that port, where she had a cargo of slaves ready to embark, as well by the vigilance of the British squadron, as by the determined opposition of the Portuguese Governor, who not only would not hear of the shipment being made, but threatened if the "*Leopoldina*" did not immediately put to sea, to take possession of her.

We have, &c.

(Signed)

GEORGE JACKSON.  
FRED. GRIGG.

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

No. 172.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, May 20, 1840.*

*(Received July 20.)*

MY LORD,

WE have the honour to enclose to your Lordship herewith translated extracts of those parts of the Annual Reports made to the General Assembly by the Ministers for Foreign Affairs and of Justice relating to the Slave Trade.

The first thing which will, probably, strike your Lordship, in reading the former of these documents, is the absence of all mention of the Additional Articles signed by Mr. Fox, and an avoidance of the various points of discussion which have arisen during the last twelvemonth in this Mixed Commission, with the single exception of the instruction of the 27th July, 1839, to the Brazilian Commissioners to take cognizance of captured vessels destined for the coast of Africa, whilst, at the same time, what his Excellency says respecting the accession of Portugal to the Conventions existing between Great Britain and this empire would lead to the conclusion that the "*Aviso*," or instruction above-mentioned, should not stop there, but should be understood as authorising the condemnation also of a convicted vessel so destined: otherwise, and supposing the Convention of 1826 not to give that authority, the accession of Portugal, recommended by his Excellency, would seem to have little or no object.

In general, the Report under consideration seems to have been drawn up somewhat hastily, as not only does it speak of certain captures which were included in that of last year, but the statement respecting the patacho "*Providencia*" and the pilot-boat "*Atrevido Africano*," is so made as to convey an idea very different from the fact. In both cases the illicit traffic was fully proved to the conviction of this Court, though in the former case nothing was substantiated to give a Mixed British and Brazilian Commission jurisdiction; and in the other the capture was not made by either a British or Brazilian cruiser.

In the Report of the Minister of Justice, which is little more than a confirmation of the so oft repeated fact, that the law of the 7th of November, 1831, is totally disregarded; the only point to which your Lordship's attention need be called, is that regarding the execution of the sentences of this Mixed Commission.

The objections to the present system are fully admitted, and the legislature is called upon to "resolve this embarrassing question." In our Despatch of the 8th of May, 1839, we put your Lordship fully in possession of the facts bearing on this point, and it remains for us only to await with deference your decision.

With reference to the Africans said to have been distributed, we may inform your Lordship that an order was some time ago issued for a correct return of the numbers so let out, the wages they were to receive, and the names of the individuals to whom they were confided, specifying at the same time those who had failed to pay such wages, and directing that in such cases, should the arrears

not be immediately paid up, the Africans should be withdrawn from the defaulters, and delivered to other persons.

This order was in course of execution, and some parties had already suffered the penalty, when fresh instructions were issued suspending the execution of the original order—a step which is attributed to the circumstance that great numbers had been given to senators and deputies, who, on receiving them, little thought of ever being required to give any further account of them, or to be called upon for payment of their wages.

This version of the suspension would seem to be countenanced by the time when it occurred, namely, the near approach of the opening of the Chambers, and we fear there is too much truth in it.

We have, &c.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

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

First Enclosure in No. 172.

(Translation.)

*Extract from the Report of the Minister for Foreign Affairs to the General Legislative Assembly in May, 1840.*

*Mixed Brazilian and English Commission.*

SINCE May of the last year the [following vessels under the Portuguese flag have been adjudicated by this Commission —

Brig schooner "*Caroline*," with 211 blacks on board.  
Patacho "*Especulador*," with 268 ditto.  
Brig "*Ganges*," with 386 ditto.  
Brig "*Leal*," alias "*Leão*," with 319 ditto; and  
"*Dom João de Castro*."

The first and second of these vessels were captured by Her Britannic Majesty's sloop of war "*Electra*;" the others by the English brig of war "*Grecian*;" they were all condemned, the negroes being emancipated in conformity to the additional Convention of the 28th of July, 1817.

There were also transmitted to this Commission the patacho "*Providencia*," captured by the Brazilian brig of war "*Constança*," and the pilot-boat "*Atrevido Africano*," taken in the river St. Francisco, having neither master nor mate, and only five negroes on board, on supposition that these vessels had been employed in the illicit traffic of Africans.

The Commission did not find proofs to enable them to take cognisance of the pilot-boat and of the patacho.

Besides these vessels, others under the Portuguese flag were detained on leaving the port of Rio de Janeiro on suspicion of being destined for the traffic in slaves, viz.,—

The barque "*Maria Carlota*."  
The patacho "*Recuperador*," by the English brig of war "*Grecian*;" and  
The brig "*Pompeo*," by the "*Fawn*" tender.

The first of these vessels was condemned, and the others ordered to be released.

Doubts having arisen between the Brazilian and English Commissary Judges respecting the trial of captured vessels destined for the coast of Africa, the Imperial Government issued the Aviso of the 27th of July, 1839, ordering such prizes to be taken cognisance of, in order to their being tried as might be right.

The question of the slave traffic has not ceased to furnish matter for difficult diplomatic discussions, nor will it cease to be so until the total extinction of so fruitful a cause of complications and of incalculable evils.

The Government of Her Most Faithful Majesty addressed to the Imperial Cabinet, as well as to other Governments, a circular relative to the measures adopted by the British Parliament, and commonly known by the name of Lord Palmerston's Bill.

Without being aware how the European Cabinets would reply to this communication, the Government of Brazil conformed itself to them in deploring the existing controversy between Great Britain and Portugal, and expressed, from the reciprocal sentiments of friendship between the two nations cemented by so many ties, the most sincere wishes for the prompt re-establishment of perfect harmony between Portugal and England on a question in which Brazil is individually interested.

In my reply to the letter of Baron de Sabrosa I added the idea of how extremely fitting it would be, that Portugal should accede to the Conventions existing between this empire and Great Britain for the suppression of the universally condemned traffic.

Communications recently received from the Brazilian Legation at Lisbon will give rise possibly to further negotiations.

Some prizes have been brought to this port by the British cruisers. Those which were made in virtue of the aforesaid Bill were not within the scope of the jurisdiction of the Brazilian and English Commission, defined as this is by the Convention in force between Brazil and Great Britain, and the explanatory instructions given to this extraordinary tribunal by my predecessors on agreement with the British Government.

Neuter in the dispute between Great Britain and Portugal, neuter consequently in respect to the Bill, which in no way affects Brazil, the Imperial Government allows, upon the principles and conditions of the law of nations, the casual entrance of the British cruisers with their prizes, to whatever nation they may belong.

Whenever the honour and dignity of the Brazilian nation may have appeared, however slightly, to have been involved in any of these occurrences, I have contended with energy and perseverance for the rights of the Imperial Crown, and I have only ceased to insist thereupon in those cases where the claim was destitute of proof.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Sen.,  
*Interpreter to the Commission.*

---

Second Enclosure in No. 172.

(Translation.)

*Extract from the Report of the Minister of Justice to the General Legislative Assembly in the Session of 1840.*

The law of the 7th November, 1831, continues to be unobserved; neither the sanction which it involves, nor the call of humanity, has been able to obstruct the clandestine importation of slaves. The belief that the cultivation of our most extensive territory could be ill effected by any other than African labour is a general hindrance to it. In the cessation of the traffic, the agriculturists fancy they see the ruin of their prosperous estates, and the abandonment of their fabrics and lands, followed by individual and public penury. The Government, faithful to its duty, observed the measures latterly adopted to prevent the transgression of the law; and though it cannot yet boast of success, still hopes that (public) opinion will go on improving, and that the penalty will at last produce its effects.

In the course of the year, since the presentation of the last Report, the Africans imported, viz., of the

Brig "Caroline" . . . . .	211
Patacho "Especulador" . . . . .	268
Brig "Ganges" . . . . .	386
Brig "Leal" . . . . .	319

have been emancipated and distributed. The patacho "Providencia," suspected of importing slaves was captured in the Province of Pernambuco, and the jury released her; but the Government ordering her to be sent for adjudication before the Mixed Brazilian and English Commission, caused her to be submitted to a fresh trial.

In the Province of Santa Catharina, a pilot-boat was found without any apparent destination, and was suspected of being engaged in the traffic of slaves, and she will be duly tried.

It is here right to request of you the decision of the doubt which has arisen respecting the execution of the sentences of the above Commission. "The alvara" of the 26th January, 1818, had committed the execution of these sentences to the judges therein named; the jurisdiction, however, of such judges having become extinct, it was declared, by an "aviso" of the 26th July, 1834, that the municipal judges, as executors of the other sentences, should alike be so of those pronounced by the Mixed Commission; but it is becoming demonstrated, in practice, that the application of the rules, which are observed in the general executions but ill harmonizes with the special nature of the execution of the sentences of the Commission, and a declaration is necessary of the manner in which the Judges who are, in such cases, to execute them, are to be regulated. To you, gentlemen, it belongs to resolve this embarrassing question.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Sen.,  
*Interpreter to the Commission.*

---

No. 173.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, August 4, 1840.*

I HAVE received your Despatch of the 8th May last, containing a Report of the case of the vessel the "*Providencia*."

I observe that, towards the latter part of that Despatch, you advert to the instructions which were given to you and to your Brazilian colleagues in the year 1838, that, in cases of vessels detained under the Portuguese or any other flag, and brought before the Mixed British and Brazilian Court for adjudication, all such vessels, if they belonged to merchants resident in Brazil, were to be considered as Brazilian vessels, and to be dealt with as such in the Mixed British and Brazilian Court of Commission; and you add that, under the Act of Parliament recently passed for the suppression of slave-trade, certain vessels so circumstanced may be carried before a British Vice-Admiralty Court and tried there; and you state that the power given and exercised, under that Act of Parliament, of taking such vessels before a Vice-Admiralty Court, instead of bringing the cases before you, has been construed by your colleague and by the public into a renunciation of the instructions of 1838.

This conclusion, however, is not warranted by the facts; and you will still, in respect to slave-vessels circumstanced as those above stated, and which may

be brought before you, consider that their Brazilian character is sufficiently borne out to warrant their condemnation in the British and Brazilian Court of Commission.

At the same time, vessels attempting fraudulently to shelter themselves, under cover of any particular flag, from the penalty which would fall upon them in their proper national character on account of crimes they have committed, can have no right to complain if they are taken to a British Vice-Admiralty Court, and made subject to trial in the national character which they themselves have chosen to assume. By attempting fraud in respect to their national character, they will only have rendered themselves liable to a double risk, namely, to be tried and punished either in their real or in their assumed character.

I have, &c.

(Signed) PALMERSTON.

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

No. 174.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, August 6, 1840.*

I HAVE received your Despatch of the 20th May, 1840; and, with reference to that part of it in which you request instructions on the subject of your Despatch of the 8th May, 1839, I have to state to you that instructions were given to you in my Despatch of the 20th August, 1839, in reply to the Despatch of the 8th May preceding from you; and, lest the instructions in question should not have reached you, I herewith transmit to you a copy of it.

I have, &c.

(Signed) PALMERSTON.

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

No. 175.

*Viscount Palmerston to Her Majesty's Commissioners.*

*Foreign Office, August 13, 1840.*

Circular, sending Papers presented to Parliament.

(See No. 9, page 9.)

No. 176.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, May 22, 1840.*

(Received August 13.)

MY LORD,

ONE of the persons, Joze Francisco de Azevedo Lisboa, declared in the recent judgment of this Court, in the case of the "*Providencia*," to have been implicated in the transaction which occurred with that vessel, being the same individual who appears, from your Lordship's Despatch, 25th March, 1839, to Mr. Ouseley, to have been treasurer of the Slave Trade Association, or Joint Stock Company, formed at Pernambuco, we have thought it right to call the attention of that gentleman to the circumstance, because, although Lisboa having been acquitted, conjointly with all the other parties concerned in the "*Providencia's*" adventure, on their trial at Pernambuco, no further proceedings can, we fear, be had against him; yet Her Majesty's Chargé d'Affaires may, possibly, find the knowledge of the fact useful to him in his communication with the Imperial Government.

We have, &c.,

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

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

CLASS A.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, May 25, 1840.*

*(Received August 13.)*

MY LORD,

REFERRING your Lordship to our Despatch of the 15th instant, we have the honour to inclose herewith a free translation of some late discussions in the Chamber of Deputies, on the subject of the repeal of the law of the 7th November, 1831.

That question having been, very reluctantly, made the order of the day for the 24th inst., the opposing party immediately required that another subject—that of the elections for the next Legislature—should have the precedence; so that the debate which ensued, and in which those averse to the agitation of the repeal succeeded in postponing its consideration, was, in reality, on the proposed preference, and only incidentally touched on Slave Trade. What passed, however, will give your Lordship a pretty correct idea of the state of feeling prevalent in the House respecting it, and of the views of some of its leading members.

The speeches to which we would particularly direct your Lordship's attention are those of the Deputies Maciel Monteiro, and Montezuma, both, you are aware, *ci-devant* Ministers for Foreign Affairs. The former reminded the House of the additional articles signed, but not yet discussed, and declared his opinion that the consideration of them should precede that of the law of the 7th November. The latter objected to this, and would not admit that the project of law from the Senate should depend on the deliberation of the House respecting these articles.

Your Lordship will also read with interest the declaration of one of the speakers, an ecclesiastic, Senhor Marinho, that he no longer consented to confess any one in matters relating to that trade; and we may perhaps see in this declaration one of the first fruits of the late apostolical letter of His Holiness the Pope.

Much of the reckless effrontery with which individuals engaged in that proscribed traffic have so continually perjured themselves, is to be ascribed, doubtless, to the facility with which they have been wont to obtain absolution; and, as a strong spirit of superstition has often been found to be a remarkable characteristic of such individuals, we may hope that the authority of that letter may not be altogether lost upon them, more especially should the example of this ecclesiastic be followed by others under similar circumstances.

We have, &c.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

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

---

Enclosure in No. 177.

*Translated Extracts of a Speech of the Deputy, Alvarez Machado, on the 22nd May, and of a discussion to which it gave rise on the 23rd, respecting the immediate discussion of the project from the Senate, for repealing the law of the 7th November, 1831.*

Sor. ALVAREZ MACHADO.—Mr. President, I intend to repeat every week the application which I made last week, requiring that your Excellency should give, as the order of the day, the law from the Senate in regard to the Slave Trade; and I intend carrying this so far as to importune your Excellency to such a degree, that, in order to free yourself from my importunities, you should have no other remedy than to bring forward this project, for it appears to me that it is absolutely necessary; and I require that it be discussed, in order to satisfy my conscience, and to obviate the disagreeable consequences impending over the country. I therefore require of your Excellency, and shall continue to do so every week, until the project be brought into discussion, in order that we may tranquillize families, may re-establish peace in the empire, and that we may advance the agriculture of the country, the only source of our riches.

Upon this occasion I ought to satisfy the public at the moment when persons of very high standing carry on this contraband trade in slaves. I have to say that I have no slave whatever imported after the law, either purchased or received from the Government, nor will I have any. I do not speak thus on occasion of the elections.

It is now three years since this project has been before the House, and, therefore, it is desirable that this question be decided without delay, in order that it may not be said to the electors, vote for

such a one who is in favour of the traffic in slaves [hear], in order that the candidates may not go from town to town soliciting votes, and carrying on this commerce.

It is for the interest of my country, and not for my individual interest, that I require that this project be discussed, in support of which I intend to vote; and I repeat the expression, in support of which I intend to vote, having been told that a provincial deputy has been accused on this account of unworthy motives, who, perhaps, spoke on this subject with the same intentions as myself. I know that he was accused of unworthy motives, and therefore I give this explanation. I request, therefore, of your Excellency, that you will do what is in your power for the good of the country, by placing this project of law in the order of the day.

A MEMBER.—I move that the project have precedence.

Sor. ALVAREZ MACHADO.—I do not require the precedence, because I have great reliance on the patriotism of the President; and I hope that now, as we have disposed of the answer to the speech from the throne, his Excellency will place the project in the order of the day without delay.

*Discussion on the 23rd May, 1840.*

Sor. MONTEZUMA.—The clamour of certain Provinces, and the representations of certain Provincial Assemblies, have led me to think that the object is of great consequence.

Sor. CARNEIRO LEO having proposed another object,

Sor. ALVAREZ MACHADO declared that that object was of small consequence in comparison with the dangers that threaten Brazil, if the project of law from the Senate continued to be delayed. Who does not see, said he, the dangers which may happen to Brazil? The Brazilian nation, I may say, did not accept the law respecting the Slave Trade: the Magistrates are under the painful necessity of inflicting punishment in fulfilment of their duties, causing the law to be executed, or of not enforcing a law of the Empire. This position is the most false that a Nation can be placed in; it is not now a question of forgery, it is a question which must be attended to; it concerns the keeping of men as slaves whom the law considers free—our citizens who did not accept—who rejected the law.

Sor. ANDRADE MACHADO.—And the Government, why did they not take care to execute it?

Sor. ALVAREZ MACHADO.—The Government, at first, wished to carry it into effect. It will be remembered that one of the reasons of the dislike against Sor. Tobias de Aguiar (an ex-President of St. Paul) was the measures he took against this commerce in slaves, and what did he gain? He gained enmities; and some of those very Africans, whom that illustrious and worthy native of St. Paul had secured in prison, on a survey being made of them the following day, from boçal Africans, that they were, appeared all at once old Africans; and a still greater miracle was a change of sex, because there having been among these Africans some girls, on the following day they were converted into men; and even as regards their health a still greater miracle occurred, for one having entered the prison with his arm fractured, the following day no fracture appeared. Under such circumstances how could the Government continue its measures against the trade in Africans? The Nation, or the greater part of it, had declared against—would not have—this law. It had declared itself in favour of the trade. If it be supposed that the Government of Brazil wished to see this law executed, what was it to do? It would have to seize upon half the Nation, imprison them, and place the other half as a guard over them, and then who was to labour?

Now, the Nation did not desire the law; but the fact also is, that the continuation of this state of things is very dangerous; from hence more fatal consequences may arise than the disorders of Rio Grande.

Sor. CARNEIRO LEO, *ci-devant* Minister of Justice.—The honourable member should recollect that a secret session was demanded to discuss this subject.

Sor. ALVAREZ MACHADO.—A secret session was demanded, possibly on account of my illustrious colleagues, who are of the sentimental, of the romantic school. I will agree to a secret session, not to open a wide field to philanthropy. Attending to the reflection of my noble colleagues, that a secret session was asked for, I will not go on speaking respecting it. I shall vote for its immediate discussion; and I beg them to reflect well on the extent of the dangers attending this subject; on the necessity of treating of it for the public good,—for that of agriculture, the source of our riches; and further, that this electioneering flag may not be hoisted. I do not wish that many good and virtuous men should be excluded from the canvass, solely because they find it difficult to vote in favour of this law; neither do I wish, on the other hand, to facilitate the means of electing persons less worthy, only because they are ready to vote for it.

Sor. HENRIQUE REZENDE.—I am in favour of its immediate discussion. By our Treaty with England, those of 1815 and 1817 became ours; by these Treaties we were bound to make a law prohibiting the traffic in slaves. In virtue of this the law of 1831 was made; but this law has fallen into disuse; and, in the state of immorality which exists in this respect, a remedy has become necessary; it is necessary to know whether this law be, or be not, in force. If it be thought right to repeal the law, let it be repealed; if it be thought that it ought not to be repealed, let it be declared to be in force, in order that the law of 1831 may not be considered as revoked by that which has been sent us from the Senate, as is the opinion of many. Things cannot remain in the state they are. Let not occasion be given to have it said, as was said by the Portuguese Minister, that Treaties are not fulfilled with words, but by deeds. Let us not call the English to our shores, since the Treaty authorises them to do so, to enter our bays and coasts whenever there is no authority on the spot.

It is therefore necessary to discuss this question, and the law from the Senate, that Brazil may know if that of the 7th November is in force, or is repealed. I will not enter into the merits of either. For my part, I am not opposed to a public discussion of this subject; on the contrary, I prefer it. I wish that all should know my mode of thinking in this respect. Since it was brought forward, votes were counted; there was not a sufficient number. The question was postponed; but, if matters are difficult, let us not complicate them still more. A great stir was made lately about the taking of a slaver; I never saw so much activity on the part of Ministers as on the occasion of the capture by the "Fawn," as if the honour of the country depended on protecting as many slave vessels as there may be.

Sor. MARIA DO AMARAL (the member of the committee of diplomacy who dissented from its reports on the project of the Marquess Barbacena in 1837).—I am against its instant discussion, although I think the question should be decided as soon as possible. My opinion respecting the project of the Senate is formed; it is known to the house; but I shall vote against its immediate consideration, because I think that, before this House enters on its discussion, a preliminary question should be

decided, viz., whether the project is, or is not, in violation of the Treaty with England? and this question we cannot discuss without the presence of the Minister for Foreign Affairs. His Excellency should therefore be invited to attend, and to communicate to us anything that may be in his power respecting it. This preliminary question was already sent to the committee of diplomacy in 1837, and is a more delicate one than that of the foreign clerks. Let the House consider the result of this latter question, and compare it with the other.

SENHOR ANDRADE MACHADO.—I vote for its immediate discussion; it is necessary at once to decide respecting this law; it is like the sword of Damocles, which is hanging over the heads of all the deputies; it is, in fact, an electioneering machine; let us put an end to it. I declare myself opposed to the law; but, whatever may be my opinion, I must submit to the decision of the House. It is absolutely necessary that the matter should be discussed, but (to reply to my friend from St. Paul's) I do not believe the Brazilian Nation so demoralized as to be divided into two sections, of criminals, or of executioners; there are yet many persons not tainted with this crime; nor was his expression of "romantic" very exact: he should have said, the school of severe and rigorous justice, striving with that of the fluctuating expediency of circumstances, which tramples under foot the rights of man. Justice is not synonymous with usefulness. Let us at once settle this question; let Brazil know our votes, and let the Government no longer have its hands tied. If expediency be preferred, at least let it be lawful to all, because at present the mischief is greater; the man of probity, who requires hands to labour, does not possess them; and the man without probity has them. I declare that I will never possess them on such terms; rather shall my sons handle the spade, than I will cultivate the earth with free men, considering them as slaves.

SOR. MARINHO.—I cannot vote for the instant discussion of the project from the Senate, but I wish that it should be discussed. I wish much that the country should be tranquillized, and even that the consciences of individuals should be set at ease. I, as a priest, have ceased to confess any one, on account of this law. I am not authorized, nor have I courage, to seat myself in the confessional; and when any one comes to me, I reply that I am not authorized. It is, indeed, necessary to finish this; I wish it to be in public session; my vote is formed; I have endeavoured to study this question as much as in me lies, and, whatever may be the torrent of public opinion, I shall be, as a reed, bent by it; but I will not inflict an evil on my country, although the whole nation may consider it a benefit. I know what will be the result to those who hold such an opinion,—it can only be to cease to belong to this House. I am resigned, and am prepared to serve my country as a simple citizen.

SOR. RAMIRO, ex-Minister of Justice.—I am against its instant discussion, because I think a question of such importance ought not to be discussed suddenly, without the attendance of my former colleague, the Minister for Foreign Affairs, to enable him, as a member of the Government, to state the difficulties which may result, should this law pass as it came from the Senate. I even think that this project should not have the preference, because I do not know that it satisfies completely all those wants which it pretends to meet; consequently I am in no great haste to see it discussed. In reply to the deputy for Pernambuco, I think that no censure can be passed on the Ministry to which I belonged for having favoured the traffic in Africans. No one has yet censured them for this; on the contrary, they have been censured for having been somewhat strict in the fulfilment of their duties in this respect.

SOR. MACIEL MONTEIRO, *ci-devant* Minister for Foreign Affairs.—The House knows that Treaties exist with Great Britain, prohibiting the traffic in slaves. The House should be aware that, in this respect, England has remonstrated against the non-observance of these Treaties on the part of certain individuals in the country, and of the scandalous manner in which the trade is carried on. Now if it be true that such remonstrances exist, and if, on the other hand, the fact of such trade is undoubted, it is evident that this state of things cannot continue, and that it is necessary that the legislative body should adopt measures to put a stop to it; for which purpose the project from the Senate should be discussed. I am of opinion that the Government should declare itself respecting this law. The British Government is addressing repeated remonstrances to the Imperial Government, complaining of the way in which the Treaties have been violated; whilst the legislative body of Brazil pretend, so to speak, to pass a sponge over all these acts, by declaring, in the last article of the law, that no action shall be brought on this account. It is necessary that the legislative body, that the Imperial Government, should give some satisfaction to Great Britain.

I would remind you, Mr. President, that there exist additional articles to the Treaty with Great Britain, which have not yet been discussed; if the Legislative body is desirous of passing a sponge over the facts which have occurred respecting the trade in slaves, it should give a satisfaction to Great Britain by discussing and approving these additional articles. I think that the discussion of them ought to precede that of the law. It is necessary that the house should reflect maturely on these points, and therefore I am against the instant discussion of the project from the Senate, because I do not wish that it should be entered upon before the time. When the discussion shall come on, I will offer some reasons which urge me to require the prior discussion of the additional articles.

SOR. MONTEZUMA, *ci-devant* Minister for Foreign Affairs.—Having read the law, from the first to the penultimate article, I do not find a single clause which is, in the slightest degree, opposed to the Treaties in force, (as contended for by Sen. Maria do Amaral.) It is only the last which can require any explanation in this respect; let us give an example, by instantly discussing this project, that we, nor the Nation which we represent, wish to elude the Treaties. Let me remind the house, that it has been attempted to make of the law of the 7th of November, and of the project from the Senate, a political lever, by means of which to exclude those candidates who had declared themselves against the law of the senate. The party that came into power on the 19th of September (the Vasconcellos Administration) promised that this law should be repealed, and that that from the Senate should pass. An influential member of that cabinet presented in this house a simple project, peremptorily repealing the law of the 7th of November, without even offering any salutary measures to cover the horror of such a repeal. On their accession to power, everything was conceded to them; how comes it, then, that the repeal of the law of the 7th of November did not pass? why did this administration not satisfy a public necessity, which itself recognised? There never was an administration in Brazil, which more completely neglected the contraband in Africans. My opinion is already declared. When I was Minister of Justice, I laboured, as much as possible, to convince the English Government that, whatever might be the state of the country with regard to the law of the 7th of November, Brazil did not connive with the contraband dealers in slaves. If this opinion could be developed, so that foreign

Courts should be convinced of how religiously the Brazilian Government had fulfilled, or caused to be fulfilled, that law, and consequently the Treaties in force, I am persuaded that the Government of Brazil would find itself fully enabled to hold an energetic language in this respect, and to establish that which should be found most suited to the property of Brazil, and to her particular situation. So long, however, as it cannot be proved that such connivance does not exist, the position of the Government of Brazil is extremely critical, and very false. My desire was to impress upon foreign nations that the Government of Brazil was incapable of conniving with the dealers of slaves—was incapable of violating the existing Treaties; but I cannot admit that the law from the Senate depends upon the deliberation of the house with respect to the additional articles to the Treaty, which are now before them. No—there is a great difference between the one and the other: when the additional articles come to be discussed, I will frankly declare my opinion.

I should wish to be convinced that the Brazilian nation would suffer nothing in its dignity by conceding a right, which all nations have hitherto refused to concede to foreign nations.

The case, however, is distinct. Let us not confound the discussion of the law from the Senate with the rejection, or the approval, of the additional articles to the Treaty with England. Nor did the proposition of the noble deputy, when he pretended that the house or the Government of Brazil should give satisfaction to the English Government, appear to me as prudent and discreet as might have been expected from an ex-Minister of the Crown. To this we shall not come—to this, Sir, we shall not come.

The Legislative body will neither infringe the Treaties, because this is unbecoming the Legislative Assembly of Brazil, nor, not having infringed them, and considering itself with right on its side, will it think of giving satisfaction for an act, the result of national sovereignty. I therefore reject the proposition of the noble member, and beg of him with clasped hands, if necessary, not to entertain for a moment the idea of carrying those elected by the Brazilian nation to so low and degrading a state.

No, Mr. President, we are to consider the question as becomes us. We are to examine the Treaties; if they are contrary to any of the articles of the law sent us from the Senate, we will reject such articles, and we will endeavour, by negotiations, to smooth these difficulties; but, if from the examination of these articles, we are convinced that none of the clauses of the law violate the Treaties, we are to come to that decision, which may be most suitable for the prosperity of the country, and most in accordance with the national opinion, which is, doubtless, that which we here represent: however, this proceeding may give rise to consequences, which may terrify those who know not how justly to appreciate the national character. Let this discussion be public, and very public; let the Nation and the Government know what are the arguments, what the grounds, be they what they may, on which the Chamber of Deputies founds its opinion.

(A true Translation)

(Signed)

JOSE AGOSTINHO BARBOZA, Sen.,  
*Interpreter to the Commission.*

No. 178.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, May 27, 1840.*

*(Received August 13.)*

(EXTRACT.)

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 7th March, in which, referring to an observation in our Despatch of the 29th November, 1839, your Lordship reminds us that complaints of delays, in the adjudication of cases by this Court, had been communicated to us so early as in your Lordship's Despatch of 18th April, 1838.

In reply, we beg leave respectfully to state, that in that observation we had in view solely those delays which it was in our individual power to prevent, and which alone we presumed your Lordship, in your instruction of the 13th September, 1839, to have had in contemplation.

With regard to those mentioned in your Lordship's previous Despatch of 18th April, 1838, we would beg to be allowed to recall to your Lordship's recollection that, on the receipt thereof, we lost no time in entering on our minutes a formal representation against the delays complained of, (of which the observance of holidays was one) in which representation, adopting your Lordship's own forcible arguments and expressions, we urged the subject on the consideration of our Brazilian colleagues by every further motive which occurred to us; and that they undertook to lay the same before their Government.

This representation we had the honour to submit to your Lordship in our Despatch of the 30th June, 1838, and in that of the 10th July, 1838, we enclosed a copy of the "Portaria" addressed by the Brazilian Government in reply, declaring that "the transacting of business on holidays cannot take place by the mere will of the Commissioners, who never can give validity to that which the law annuls."

Your Lordship's prior instructions, under date of the 5th July, 1833, enjoining us "to abstain from all direct communication with the Departments of







## First Enclosure in No. 181.

*Departures from the Port of Rio de Janeiro for the Coast of Africa.*

Date.	Name of Vessel.	Nation.	Tonnage.	Whither.	Remarks.
1840.					
11th January.	Bellona.	Portuguese.	117	Cape Verd por Angola.	Detained by H.M.B. "Wizard," said to be sent to the Cape.
13th "	Congresso.	Do.	101	Cape Verd e Benguela.	
29th "	Umbelina.	Do.	163	Lisbon, Benguela, and Angola.	Detained by H.M. brigantine "Fawn," said to be sent to the Cape.
2nd February.	Mariana.	Do.	80	Benguela.	
3rd "	Roza.	Do.	187	Cape Verd	
4th "	Esperança.	Do.	94	Cape Verd por Angola.	
5th "	Esperança.	Do.	258	Lisbon por Benguela.	Detained by H.M.S. "Curacao," said to be sent to Barbadoes.
11th March.	Flor do Rio Grande.	Brazilian.	244	Cape Verd por Benguela e Angola.	
14th "	Flor de Loanda.	Do.	183	Lisbon and Ports of Africa.	Detained by H.M.S. "Curacao," said to be sent to Barbadoes.
28th "	Treze de Junho.	Portuguese.	108	Benguela . . . .	
4th April.	Idalia.	Do.	70	Lisbon and Benguela.	
15th "	Pilgrim.	American.	205	St. Thomé.	
21st "	Flor da America.	Brazilian.	60	Angola.	
16th May.	Vencedora Feliz.	Do.	85	Cape Verd and Benguela.	
18th "	Confiança.	Do.	199	Cape Verd por Angola.	

## Second Enclosure in No. 181.

*Arrivals at the Port of Rio de Janeiro from the Coast of Africa.*

Date.	Name of Vessel.	Nation.	Tonnage.	Whence.	Remarks.
1840.					
1st February.	Duas Irmas.	Portuguese.	210	Quilimane.	Abandoned by her crew; detained by H.M.B. "Wizard," said to be sent to the Cape.
23rd "	Esperança.	Do.	175	Angola.	
17th March.	Feliz Animoso.	Brazilian.	180	Angola.	
18th "	Duque da Victoria.	Portuguese.	153	Angola.	
10th April.	Paquete de Loanda.	Do.	199	Loanda.	
14th "	Tentador.	.. :	..	..	
20th "	Paquete.	Portuguese.	100	Angola.	
26th "	Constante.	Do.	153	Angola.	
27th "	Leopoldina.	Do.	250	Quilimane.	

## Third Enclosure in No. 181.

(Translation.)

*Manifest of the American Brig "Pilgrim."**Rio de Janeiro, May 8, 1840.*

I, JOZE JOAQUIM DE FREITAS, Registrar of the Consulate of Rio de Janeiro, certify that there exists in this department the copy of the following Manifest:—

Manifest of the cargo of the American brig "Pilgrim," Captain James M. Hill, on her voyage to St. Thomé:—

A. 10 pipes of rum.  
P  
I. 4 " "  
B. 10 " "  
B. 10 " "  
P  
F. 4 " "  
A. 10 " "  
A. 2 boxes.  
C. C. 2 barrels with gin.  
P  
F. 5 boxes with trumpets.  
F. 55 barrels of gunpowder  
P  
A. 1 bale with goods.

- P  
F. 19 crates } with crockery ware.  
2 boxes }  
5 boxes with pictures, caps, and beads.  
B. 10 boxes with muskets.  
400 pieces of iron.  
7 pipes of wine.  
223 bales. }  
1 half bale. } with sundry foreign goods  
82 boxes. } or merchandize.  
15 barrels. }  
88 quintals of iron.  
1 box with glass.

Rio de Janeiro, April 14, 1840.

(Signed) JAMES M. HILL.

And to the said copy of Manifest I refer.

(Signed) JOZE JOAQUIM DE FREITAS.

(A true Translation.)

JOZE AGOSTINHO BARBOZA, Sen.  
*Interpreter to the Commission.*

No. 182.

*Her Majesty's Commissioners to Viscount Palmerston.*

Rio de Janeiro, June 20, 1840.

(Received August 24.)

MY LORD,

THE arbitrators appointed by the Court in the case of the "*Pompeo*," having made their award to nearly the amount claimed, and the Brazilian Commissioners having declared their intention of proceeding to the examination of the same, and to give their final decision, as soon as possible, Her Majesty's Commissary Judge suggested the propriety of the captor being informed of both these facts, in order to afford him the opportunity, if he thought proper, of impugning the preliminary award of the arbitrators appointed by the Court.

His Brazilian colleague at first objected to this, alleging that the captor's proctor having withdrawn himself, and the captor having declined to take any share in the proceeding, it was not for the Court to act the part of his agent; but, subsequently, in deference to our suggestions, he agreed to a letter being written by the Registrar to Commodore Sullivan on the subject. Of this we have the honour to enclose herewith a translation, as well as a copy of the answer which the Commodore returned to it.

We have reason to believe that the Brazilian Commissioners will give their final sentence shortly, when we shall lose no time in forwarding to your Lordship the result, as well as copies of every document relating thereto.

We have, &c.

(Signed) GEORGE JACKSON.  
FRED. GRIGG.

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

&c. &c. &c.

First Enclosure in No. 182.

(Translation.)

*The Mixed Court to Commodore Sullivan.*

SIR,

Rio de Janeiro, June 17, 1840.

HER Britannic Majesty's Consul not having reappeared before the Mixed Brazilian and British Commission in his character as your proctor in the process of indemnities for the brig "*Pompeo*," and the same Commission being desirous of showing you, Sir, every possible attention, orders me to communicate to you that the arbitrators named for the examination of the accounts have already made their award, and that the Commission is about to proceed to a final adjudication.

God preserve you, &c.

Commodore Sullivan, C.B.

(Signed) BRAS MARTINS COSTA PASSOS.

&c. &c. &c.

A true translation.

(Signed) JOZE AGOSTINHO BARBOZA, Sen.  
*Interpreter to the Commission.*

CLASS A.

## RIO DE JANEIRO.

Second Enclosure in No. 182.

*Commodore Sullivan to the Mixed Court.*

STR,

*H. M. S. "Stag," Rio de Janeiro, June 19, 1840.*

I HAVE to acknowledge the receipt of your letter dated the 17th instant, communicating to me the intention of the British and Brazilian Mixed Commission Court to give sentence on a process respecting indemnities on the brig "*Pompeo*."

Having on the 21st of March last protested against every proceeding of the Mixed Commission Court in such process through my attorney, Mr. Hesketh, I have no further steps to take in the process alluded to.

I return my respectful acknowledgments for your attention, and

To *Senhor Braz Martins Costa Passos,*  
*Secretary of the Mixed Commission.*

I have, &c.  
(Signed) T. B. SULIVAN.

No. 183.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, September 2, 1840.*

I HAVE received your Despatch of the 27th of May last, stating the means you had adopted for circulating the two notes, which, under my directions, Lord Howard addressed to the Portuguese Government on the 28th of April and the 15th of May, 1839, on Slave Trade; and I have the satisfaction to acquaint you that Her Majesty's Government approve of the steps which you took for the purpose in question.

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

I am, &c.  
(Signed) PALMERSTON.

No. 184.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, September 8, 1840.*

WITH reference to previous correspondence upon the subject of the "*Flor de Loanda*," I have to acquaint you that Her Majesty's Advocate General has reported his opinion that, as the Court of which you are members has decided that the vessel in question could not be dealt with as a Brazilian vessel, and has dismissed the case accordingly, that Court ought not now to award damages to her owners; and I have to instruct you to act strictly in accordance with this opinion of Her Majesty's Advocate-General, should an attempt be made by parties interested in the "*Flor de Loanda*," to bring under the consideration of the Court any claim for damages on account of the seizure of that vessel.

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

I am, &c.  
(Signed) PALMERSTON.

No. 185.

*Her Majesty's Commissioners to Viscount Palmerston.*

MY LORD,

*Rio de Janeiro, July 7, 1840.**(Received September 28.)*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of 24th April, 1840, relative to the proceedings of the Court in the case of the "*Dom Joao de Castro*," as detailed in our several Despatches of 1839 and of 1840, and requiring from us an explanation of our conduct on the

several points to which, with those documents before you, your Lordship is pleased to call our attention, touching the trial and sentence of the "*Dom Joao de Castro*."

In reply, we have the honour to enclose herewith, for your Lordship's consideration,

First, a notice extracted from our minutes, showing the way in which the time of the Court was occupied from the 24th October, 1839, the day on which the case of the "*Dom Joao de Castro*" was brought into the Mixed Commission Court, to the 28th January, 1840, the date of the sentence.

Secondly, translations of such documents, as are referred to in this notice from Nos. 1 to 9, as we did not think it necessary to trouble your Lordship with, in detail, when writing our Despatch, but which were all distinctly adverted to in our Report of the case; and,

Thirdly, a certified copy and translation of the Charter-Party, or, as described in the sentence, the Public Instrument of Affreightment, declaring that such affreightment was effected by Antonio Bras dos Reis.

By the first of these it will be seen that, of the interval of upwards of 13 weeks commented upon by your Lordship, 33 days were either Sundays or holidays; that for seven more the proceedings of the Court were suspended by the illness of some of its members; that, besides the case of the "*Dom Joao de Castro*," other business, which gave rise to much discussion, and the object of which was reported to your Lordship as it occurred, occupied the attention of the Court; that the examination of the witnesses belonging to the "*Dom Joao de Castro*" terminated on the 15th of November; that the survey called for by the claimant, and the counter-survey offered by the captor, were filed on the 23rd; but that, from the want of power in the Court to enforce its orders, a material witness, the watchmaker Norris, did not attend till the 25th of the same month, and then only after an official requisition from the Court to the Government, and the intervention, at the orders of the latter, of the British Judge Conservator.

As already stated in our Report of the case, considerable time was spent in the endeavour of the captor's proctor to identify the signature of the mate of "*Dom Joao de Castro*." This, as your Lordship will observe by our Minutes of the 3rd December, gave rise to correspondence between Her Majesty's Mission, the Brazilian Minister for Foreign Affairs, and the Mixed Commission; the result of which failing to overcome the difficulty which the captor's proctor experienced in legally establishing such identity, the Court, at the instance of Her Majesty's Commissary Judge, called on the claimant on the 16th December, to show the title of Antonio Bras dos Reis.

It was at this period of the proceedings that we informed your Lordship that we doubted not that we should shortly announce to you the conclusion of the case; the grounds of this expectation being, first, that, as then stated by us, there existed no doubt in the mind of either the Brazilian or British Commissary Judge of the criminality of the vessel, or of her Brazilian character; and, secondly, our conviction that the ship's papers were either fictitious, or surreptitiously obtained, and that, therefore, no such title would be forthcoming. Her Majesty's Commissary Judge was induced to call for its production from finding that his colleague, even admitting the "*Dom Joao de Castro*" to be the same vessel which sailed from this port in March, 1839, as the "*Senador Vergueiro*," still insisted on giving so much weight to those documents as to consider them sufficient proof that there had been a transfer at Mozambique, and that, consequently, the original owners of the "*Senador Vergueiro*" were not amenable for any transaction in which that vessel might, subsequently, have been engaged.

In this opinion he persevered, notwithstanding all that we could urge in the many discussions to which this one point gave rise; and the British Commissary Judge had no other alternative than to concur with his Brazilian colleague in a sentence in this sense, or to call for arbitration, and thus risk the ground he had so far gained; whereas, in the failure to produce the required title (besides that the justice of the case seemed to call for such a course), he hoped to find a fresh argument for inducing his colleague to distrust the alleged sale.

The immediate answer to this call was, an attempt to prove it to be both useless and impracticable, but, if persisted in, asking for a reasonable time within which to send for it to Mozambique. This was regarded by the Court as only

the repetition of an attempt made in previous cases to save the vessel ; but, as the claimant, by the first article of the regulations, was considered entitled to the delay asked for, provided he gave satisfactory security to charge himself with the expense and risks thereof, the same was conditionally granted. At this moment the Christmas holidays intervened, and the settlement of the terms occupied more time than it would otherwise have done, from the refusal of the captor's proctor to take part in the same ; but it was hastened as much as possible by the Court, and, the moment the claimant refused to subscribe to the conditions, the proceedings were ordered to be closed.

Your Lordship observes very justly that the charter party was presented to the Court at a very suspicious moment, and there is no doubt that it might, and ought to have been produced in the first instance. Why it was not, the Court was not told, but it did not consider that fact, whatever may have caused it, a justifiable ground for rejecting the document, nor did it appear to Her Majesty's Commissary Judge, to be any longer possible for him to persist, with that document before the Court, in considering the original owners of the vessel as liable to be declared to have incurred the penalty of the 1st article of the Convention of the 23rd of November, 1826.

That, up to the last moment preceding the production of this document he urged their being included in the sentence, and refused to concur in any in which their names should not be inserted, will appear by a perusal of the original draft of sentence written and submitted for his approval by the Brazilian Commissary Judge on the 17th of January. Of this we are enabled to transmit to your Lordship, confidentially, a translation ; we do not send it in original, because, being rejected by Her Majesty's Commissary Judge, it lost all authority and was made no further use of than to serve as the basis of the final sentence, which was eventually drawn up by the latter ; and in the wording of which, towards its close, it was his object, as it had before been with respect to the same parties in the sentence on the "*Maria Carlota*," to intimate that, if they were not declared obnoxious to the judgment of the Court, it was less from a want of conviction in the mind of the judges, than from the impossibility of judicially rejecting legally authenticated documents, however open to suspicion.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

---

First Enclosure in No. 185.

Extract from Minutes of the Mixed Court.

Date.	Day of the Week.	Business before the Court.	Remarks.
1839			
Oct. 24.	Thursday.	"Dom Joao de Castro" brought in.	
25.	Friday.	Mention in the same issued.	
26.	Saturday.	Sentence given in the case of the "Pompeo."	
		Brazilian Commissary Judge presents and discusses a separate Paper in this case.	
27.	Sunday.		
28.	Monday.	: : : : : : :	Holiday.
29.	Tuesday.	: : : : : : :	No Session, Secretary being ill.
30.	Wednesday.	First examination of Witnesses in the case of the "Dom Joao de Castro," three depositions taken.	
31.	Thursday.	. . . . .	No Session, Brazilian Commissary Judge being ill.
Nov. 1.	Friday.		
2.	Saturday.	. . . . .	Holidays.
3.	Sunday.		
4.	Monday.	Claimant in the case of the "Dom Joao de Castro" granted, on petition, till the 9th, to present his defence.	
5.	Tuesday.	Routine.	
6.	Wednesday.	Indemnities claimed for "Pompeo."	
7.	Thursday.	. . . . .	
8.	Friday.		
9.	Saturday.		
10.	Sunday.		No Session, Brazilian Commissary Judge being ill.
11.	Monday.	The Arguments of the Captor and of the claimant, in the case of the "Dom Joao de Castro," filed.	
12.	Tuesday.	Claim of Commodore on Money found on board "Maria Carlota." Application to Brazilian Government renewed for payment of proceeds of Sale of the "Ganges."	
13.	Wednesday.	Captain, Mate, and another of the "Dom Joao de Castro," ordered to attend afresh. Claim of Commodore for per centage discussed. Municipal Judge offers the proceeds of Sale of the "Ganges," with a deduction of one-fifth. Objection to receive it made by British Commissary Judge, and the Municipal Judge written to.	
14.	Thursday.		
15.	Friday.	The witnesses re-examined. Watchmaker Norris written to to attend on the following day.	
16.	Saturday.	Survey on the "Dom Joao de Castro" called for by the Claimant, and granted by the Court, with the condition that some one on the part of the Captor should assist, and that the result should be presented on the 21st, notice of the same being given to the Captor's Proctor, vide No. 1. Norris not appearing, and the Brazilian Commissary Judge being of opinion that the Court had no authority to enforce his attendance, the latter at the request of his colleague; undertook to apply to the Imperial Government on the subject.	
17.	Sunday.		
18.	Monday.	The Brazilian Commissary Judge communicated the Letter he had written to his Government respecting the non-appearance of Norris. Claim for Indemnities, in the case of the "Recuperador," rejected by the Court.	
19.	Tuesday.	Routine.	



Date.	Day of the Week.	Business before the Court.	Remarks.
1839 Nov. 20.	Wednesday.	Claim of Indemnities for " <i>Pompeo</i> ." British Commissary Judge cites previous correspondence between the two Governments, to shew that they cannot be allowed.	
21.	Thursday.	Claimant's survey, in the case of the " <i>Dom Joao de Castro</i> ," filed, <i>vide</i> No. 2.	
22.	Friday.	Routine. Illegality of " <i>Pompeo's</i> " documents communicated to Brazilian Government. Information received from the Government, that the proceeds of the sale of the " <i>Ganges</i> " purchased by them had been remitted to the Municipal Judge.	
23.	Saturday.	Counter-survey, in the case of the " <i>Dom Joao de Castro</i> ," presented by the Captor's Proctor, filed.	
24.	Sunday.		
25.	Monday.	Norris appears. Brazilian Commissary Judge having referred to the correspondence cited by his colleague on the 20th, still urges the admission of the claim of the " <i>Pompeo</i> " to indemnities, and the latter persisting in his objection, desires that lots may be drawn.	
26.	Tuesday.	Above claim again discussed, and the British Commissary Judge states his reasons at length.	
27.	Wednesday.	The Brazilian Commissary Judge replies, and insists on lots being drawn in the case of the " <i>Pompeo</i> ."	
28.	Thursday.	Votes of Commissary Judges read. Lot drawn, and falls on Brazilian Commissioner of Arbitration.	
29.	Friday.	Routine.	
30.	Saturday.	. . . . .	
Dec. 1.	Sunday.	. . . . .	
2.	Monday.	. . . . .	
3.	Tuesday.	A Despatch from the Minister for Foreign Affairs received, inclosing copy of a note from the English Chargé d'Affaires respecting the manifest of the brig " <i>Senador Vergueiro</i> ," now " <i>Dom Joao de Castro</i> ," and requiring explanations from the Brazilian Commissary Judge. Brazilian Judge Arbitrator sides with his colleague in the case of the " <i>Pompeo</i> ." Question arises as to the course to be followed in consequence. British Commissary Judge urges the adoption of the mode prescribed by the Regulations.	
4.	Wednesday.	. . . . .	
5.	Thursday.	Brazilian Judge Arbitrator's Vote read in the case of the " <i>Pompeo</i> ." Brazilian Commissary Judge read his Despatch to his Government respecting the course to be followed with regard to the Indemnities in the above case.	
6.	Friday.	" <i>Pompeo</i> ," claimant required to present the particulars of his claim.	
7.	Saturday.	The Commodore having desisted from his claim of per centage on the money on board the " <i>Maria Carlota</i> ," the Municipal Judge is instructed to receive the amount.	
8.	Sunday.		
9.	Monday.	Municipal Judge reports his having received the same.	
10.	Tuesday.	The above money to be delivered by the Municipal Judge to the Treasury.	
11.	Wednesday.	. . . . .	

Inclosed in Commissioners' Despatch of 31st January, 1840.

Holiday.

Holiday. Emperor's birth-day.

No Session, Brazilian Commissary Judge being ill.

No Session, Brazilian Commissary Judge being ill.

Date.	Day of the Week.	Business before the Court.	Remarks.
1839			
Dec. 12.	Thursday.	Routine.	
13.	Friday.	Routine.	
14.	Saturday.	Routine.	
15.	Sunday.		
16.	Monday.	Claimant's Proctor, in the case of the " <i>Dom Joao de Castro</i> ," required to show the Title of Antonio Bras dos Reis, without fail, on the 18th. Captor's Proctor in " <i>Maria Carlota</i> ," complains of having been invited to assist at the legal discussion of the Mortgage in this case: the complaint remitted to Imperial Government.	
17.	Tuesday.	Routine.	
18.	Wednesday.	Claimant declares this requisition to be useless and impracticable, but, if persisted in, asks for a reasonable time within which to send to Moçambique for it. <i>Vide</i> No. 3.	
19.	Thursday.	Opinion of Law Officer on the subject of the indemnities, in the case of the " <i>Pompeo</i> ," received and discussed. The appointment of two Arbitrators proposed by Brazilian Commissary Judge, and reluctantly acceded to by his colleague, who prefers the rule laid down in the Regulations.	
20.	Friday.	Embargo on " <i>Maria Carlota</i> " reported by the Municipal Judge, who waits the decision of his Government.	
21.	Saturday.		Holiday
22.	Sunday.		
23.	Monday.	Measures taken respecting the escape from the " <i>Dom Joao de Castro</i> " of certain individuals.	
24.	Tuesday.	Security in the case of the " <i>Dom Joao de Castro</i> ," fixed by the Court at eight contos of reis, to be given by the 7th of January next. <i>Vide</i> No. 4.	
From the	above Date	the Court adjourned, for the Christmas Holidays, to the 7th January, 1840.	
1840.			
Jan. 7.	Tuesday.	Claimant petitions for a reduction of the security and a valuation of the Brig, by the Officers of the Arsenal; granted with the condition that a representative of the captor should be present, and that the four months conceded should begin to count from this date. <i>Vide</i> No. 5.	
8.	Wednesday.		No business before the Court.
9.	Thursday.	The Municipal Judge required to remit the proceeds of sale of the " <i>Maria Carlota</i> ."	
10.	Friday.	Routine.	
11.	Saturday.	Claimant required without fail to present, by the 15th, the valuation in the case of the " <i>Dom Joao de Castro</i> ." Division of the proceeds of the sale of the " <i>Ganges</i> ."	
12.	Sunday.		
13.	Monday.	Account ordered to be taken by the Marshal of the crew of the " <i>Dom Joao de Castro</i> ."	
14.	Tuesday.	Marshal reports, that only five individuals are remaining on board the " <i>Dom Joao de Castro</i> ."	
15.	Wednesday.	Municipal Judge reports, that there is a mortgage on the " <i>Maria Carlota</i> ," and that it cannot be raised but by course of law. Captor's Proctor states, that the crew of the " <i>Dom Joao de Castro</i> " not being in the charge of the Captor, he can give no information respecting them.	

Date.	Day of the Week.	Business before the Court.	Remarks.
1840 Jan. 16.	Thursday.	A representation sent by the Captor's Proctor in English, returned to him, in order to its being presented in Portuguese according to the Regulations.	
17.	Friday.	Claimant petitions for further time to offer the valuation, alleging, as a reason, delays which had taken place, and which were well known to the Court. <i>Vide</i> No. 6. The same sent to the Captor's Proctor, with whom those delays were supposed to originate, requiring an explanation to be sent, at the latest, on the morrow, to enable the Court to determine whether the petition should be granted or not.	
18.	Saturday.	Captor's Proctor, in answer, objects to the valuation being made, on grounds which he will set forth in a paper about to be presented to the Court, and the Claimant is ordered, in consequence, to proceed to the valuation, without the attendance of any one on behalf of the Captor, if he should still refuse to assist thereat, and to present the same, without fail, on the 22nd, together with the security. <i>Vide</i> No. 6.	
19.	Sunday.		Holiday.
20.	Monday.		Inclosed in Commissioners' Despatch of 31st January, 1840.
21.	Tuesday.	Remonstrance filed of the Captor's Proctor against the valuation and the delay.	
22.	Wednesday.	Valuation presented by Claimant of 2 contos 800 milreis as the basis of the security to be given. <i>Vide</i> No. 7. Claim to be placed in charge of the vessel when such security is effected. The Court suspend their decision to afford an opportunity of hearing the Captor's Proctor, who is invited to attend for that purpose. <i>Vide</i> No. 8.	
23.	Thursday.	After hearing the Captor's Proctor the security is reduced to six contos, and permission given to place on board the vessel not more than four persons for the care of the same, which, however, was to remain under the custody of British officers, and giving the Claimant to the 25th to comply with these terms. <i>Vide</i> No. 8.	
24.	Friday.	Claimant's Proctor in attendance, settling the security in the case of the " <i>Dom Joao de Castro</i> ."	
25.	Saturday.	The Claimant desists from the delay petitioned for, and offering the charter-party of the brig, requires that the Court should proceed to give final sentence. <i>Vide</i> No. 9, on which it immediately ordered the proceedings to be closed.	
26.	Sunday.		Holiday.
27.	Monday.		
28.	Tuesday.	Sentence given in the case of the " <i>Dom Joao de Castro</i> ."	

Summary . . . { Work days . . . . . 56  
                   { Holidays . . . . . 19 } . . . . . 40  
                   { Sundays . . . . . 14 }  
                   { Illnesses . . . . . 7 }

From the 24th October, 1839, to the 28th January, 1840, inclusive . . . . . } 96

## Second Enclosure in No. 185.

(Translation.)

*Claimant's Petition for a Survey.*

VICENTE de Freitas Serpa, in his capacity of master and representative of the owner of the Portuguese merchant brig "*Dom João de Castro*," detained by Her Britannic Majesty's brig of war "*Grecian*," William Smyth, commander, on suspicion of being engaged in the traffic in slaves, says that the captor, in the authentic declaration which he made before this Mixed Commission, in conformity to the eighth Article of the Instructions, and to the fifth Article of the Regulations, annexed to the Convention of the 28th July, 1817, affirmed, among other exaggerations,

1st. That the captured brig had still the beams on which to lay planks for the slave deck, as is practised in slave vessels.

2d. That, in the same brig, there was a division between the stern and the bow, for the purpose of separating the sexes, as is also the custom in slave vessels.

3d. That she had hatchways of larger dimensions, as is only practised in slave vessels.

4th. That she had also a brick fire-place for the slaves.

And 5th, and finally. That she had water sufficient for 500 or 600 negroes, for three or four months. All which the petitioner denied in his defence, requiring a survey on board, for the verification of these facts, and of others alleged by the petitioner in opposition. Therefore, and inasmuch as the means of defence, and the time and measures necessary for the same, ought not to be refused him, according to the first Article of the above Regulations, he requires that you, gentlemen, will be pleased to allow him the facility, and the time, in order to ascertain, by a survey to be made on board the brig by the master shipwrights of the Marine Arsenal of this city, in which survey they shall declare,

1st. Whether there exist, or not, these extra beams on which to lay such slave or false deck, or if there exist only the main beams of construction for the security of the vessel, as is usual.

2d. Whether the hatchways had been newly cut, and the frames of the same mended, so as to show them to have been intended for the traffic in slaves, or if the same be only cut in the usual manner.

3d. Whether there exist on board an iron fire-place, and whether the one of brick indicates, by its size, the having been intended for the use of a cargo of slaves, or whether it be proportioned to the size of the vessel.

4th. Whether the partition, which there is on board this vessel from the main-mast to the stern, indicates its having been made for the separation of the sexes, or whether it is fixed, caulked, and constructed for the stowing of goods of a finer quality, and in order to prevent communication with the hold, as is usual on board of many vessels.

5th. Whether the ballast of water which the detained brig carried was excessive, with reference to her size, having no other ballast. And whether the casks found on board were capable of containing water for 500 or 600 slaves for three or four months.

6th. Whether the 15 bars, which the captor says were for staves, indicate such use, or whether they are pins, which serve for various uses, and of which there are always a greater or less number on board.

7th, and finally. Whether her bulwarks were damaged, what might have caused such damage, and whether the disorder in the hold, and in the stowage, might not have been the result of stormy weather, the vessel having come with ballast of water.

The petitioner therefore requires that you, gentlemen, will be pleased to allow the necessary facility and time, taking the proper measures for completing the said survey in such a manner as may be legally attested before this illustrious tribunal.

(Signed) JOZE' MARIA FREDERICA DE SOUZA PINTO, } *Proctors.*  
JOAO AGOSTINHO DE SOUZA CORREA, }

Rio de Janeiro, November 15, 1839.

*Answer of the Court to the same.*

THE required survey is granted, the same being to be made by the master shipwrights of the Marine Arsenal, assisted by officers named on the part of the captor of the brig in question; for which, moreover, a delay to the 21st instant is granted, by which time the result of such survey shall be presented to this commission, the opposite party being cited for this purpose.

(Signed) GEORGE JACKSON,  
CARNEIRO.

Rio de Janeiro, November 16, 1839.

(A true translation.)

(Signed) JOZE' AGOSTINHO BARBOZA, Jun.  
*Interpreter to the Commission.*

## Third Enclosure in No. 185.

(Translation.)

*Survey presented by Claimant.*

In pursuance of the Despatch of his Excellency Señor Antonio Joaquim de Cauto, Chief of Division, Inspector of the Marine Arsenal of this city of Rio de Janeiro, subjoined to the requisition which for that purpose was addressed to him by João Agostinho de Souza Correa, as proctor for Vicente de Freitas Serpa, master of the Portuguese brig "*Dom João de Castro*," detained by Her Britannic Majesty's brig of war "*Grecian*."

We went on board of the said brig, accompanied by two officers of Her Britannic Majesty's frigate "*Stag*," in order, after examination, to be enabled to answer the seven inquiries specified in the petition to the Mixed Brazilian and British Commission; and we have to reply, in respect to the first, that there are no beams on which to lay a slave deck, but only beams laid at the building of the

CLASS A:

vessel, secured by knees at the fastenings for the security of the vessel. In regard to the second, we declare that the hatchway is not newly cut, nor are the combings spliced; nor is there any fixed dimensions for hatchways. As to the third, we declare that no iron fire-place exists on board; and as to that of brick, with a wooden frame, it is only sufficient for the crew, according to the size of the vessel. As to the fourth, we declare that the half-deck was constructed with the vessel, secured and caulked; and that the partition which there exists, indicates that it is old and made to receive goods of a finer quality requiring particular care.

As to the fifth, we declare that the quantity of water found on board the vessel does not appear excessive for the ballast of the vessel, according to her tonnage and the wants of the crew. To the question whether the casks could contain water sufficient for 500 or 600 men, and for what time, we declare that we cannot form an estimate, in consequence of the disordered state in which we found the casks stowed. As to the sixth, we declare that the bars of iron which the captor says that he found, were 12 pins for the pumps, a spun-yarn winch, and three pair of shackles, which all ships are accustomed to carry, in a greater or less number, for any occurrence which may happen with the crew. Seventh, and finally, we have to declare that the bulwarks were damaged, which is clearly seen to have been caused by bad weather and heavy seas breaking over her. And as to the disorder of the casks in the hold, it might have arisen from bad stowage. This is what we all saw and declare.

(Signed) JOAQUIM JOZE' DE SOUZA,  
*Second Lieutenant and Second Shipwright.*  
 JOAO BAPTISTA RODRIGUES,  
*Master Shipwright.*  
 JOZE RODRIGUES BAIRAO, *Mate.*  
 DOMINGOS DE ALMEIDA, *Master Cooper.*  
 JOAO IGNATIO DOS SANTOS,  
*Master Rigger.*

*Marine Arsenal, November 19, 1839.*

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.  
*Interpreter to the Commission.*

#### Fourth Enclosure in No. 185.

*Claimant's Reply on being requested to show his Title to the Dom João de Castro.*

(Translation.)

To the JUDGES of the MIXED BRAZILIAN and BRITISH COMMISSION:—

VICENTE de Freitas Serpa, captain of the Portuguese brig called "*Dom João de Castro*," says, that his proctor having, by your order, been cited to present, on or before the 18th instant, the bill of sale of the said brig, or any other title by which to prove the property in the said brig of Antonio Bras dos Reis, a Portuguese subject residing at Mozambique, the claimant comes forward, not to satisfy your requisition, but to show, most respectfully, that such protection is useless and impracticable.

It is useless, because, from the register found on board, it is to be gathered that the said brig was purchased at Mozambique, on the 23d July of the present year, by the abovementioned Antonio Bras dos Reis, of Suiz José Gomes, also a Portuguese citizen.

Now, gentlemen, as you do not exclusively require the bill of sale, but, in default thereof, any other lawful title proving the property in the said brig, since as the said register manifestly decides the circumstance of the brig belonging to the said Antonio Bras dos Reis, and as that register, accompanied by all the despatches legally passed by the Portuguese authorities, and which, having been taken by the captor, must be in your possession, thus establishes in face of all law, as well the property in the said brig, as the legality with which she was navigating from Mozambique to Angola, to touch at Montevideo, it is beyond all doubt that you have a legal and sure basis on which to ground your judgment as to the ownership and nationality of the said brig.

Your requisition is impracticable, because as the owner of the brig could not foresee her capture, he could scarcely have thought of sending the bill of sale by the said brig, and such bill of sale, which was, moreover, legally substituted by the register and other despatches belonging to the brig, not having, therefore come, the claimant cannot possibly present the same.

Nevertheless, if you, gentlemen, consider it indispensable that it should be presented, you will be pleased to allow the claimant, in conformity with the instructions, a reasonable time, within which he may send to Mozambique for it, and present it to this Illustrious Commission; the adjudication of the vessel being in the mean time suspended, and thus the claimant requests that, in consideration of the just reasons he has expressed, you will decide as you may judge of right and justice.

(Signed) JOZE MARIA FREDERICO DE SOUZA PINTO,  
*As Proctor.*

*Answer of the Court to the above.*

The claimant will be allowed the space of the four months specified at the close of the first Article of the Regulation of this Commission annexed to the Convention of 1817, provided that he immediately and positively requires it, and that he give the security specified in the same article, on or before the twentieth instant.

(Signed) G. JACKSON,  
 CARNEIRO.

*Rio de Janeiro, December 18, 1839.*  
 (A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.  
*Interpreter to the Commission.*

## Fifth Enclosure in No. 185.

*Claimant allowed time to send to Mozambique for Evidence of his Title.*

(Translation.)

ILLUSTRIOUS COMMISSARY JUDGES,

VICENTE de Freitas Serpa, captain of the Portuguese brig "*Dom Joao de Castro*," whose cause is at present before this Illustrious Commission, says that, intending to present the bill of sale of the said brig, which will unquestionably prove that this brig is the property of Antonio Braz dos Reis, he requires that a reasonable time be allowed him, considering as well the great distance between this and Mozambique, as the delay in going and coming, and the want of regular communications between this and that port.

The claimant further requests that this Illustrious Commission will be pleased, forthwith, to determine the amount of the bond by which he is to be bound, the better to present a fitting security in conformity to the first Article of the Convention of 28th July, 1817, and thus the claimant requests you will be pleased to despatch in the form required.

(Signed) JOZE MARIA FREDERICO DE SOUSA PINTO,  
*As Proctor.*

*Answer of the Court to the above.*

THE claimant is allowed four months, reckoned from the day on which he shall give good security before this Commission, on or before the 7th day of January next, without fail, in the sum of eight contos of reis, the amount at which it values the vessel and its appurtenances, and the expenses of the same during that period.

(Signed) CARNEIRO.  
G. JACKSON.

Rio de Janeiro, December 24, 1839.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.,  
*Interpreter to the Commission.*

## Sixth Enclosure in No. 185.

*Claimant's Petition for Reduction of the Security required.*

(Translation.)

ILLUSTRIOUS JUDGES OF THE MIXED COMMISSION,

VICENTE de Freitas Serpa, captain of the Portuguese brig "*Dom Joao de Castro*," says that this Commission, having fixed the security at eight contos of reis, to enable the claimant, within the space of four months to send for the documents from Mozambique, which may prove the said brig to be the legitimate property of Antonio Braz dos Reis, and it being certain that the value of eight contos of reis is excessive, for this reason the claimant requests of you, gentlemen, that you will be pleased to alter the value of said security, ordering the said brig to be valued by competent persons in your confidence, or by the master shipwrights of the (marine) arsenal, that such valuation may serve as a rule for the security which the claimant has to give.

He requests that you will be pleased to decide in the required form.

(Signed) JOAO AGOSTINHO DE SOUZA CORREA,  
*As Proctor.*

*Answer of the Court to the above.*

PROCEEDING to the valuation in question by competent persons, as well on the part of the claimants as that of the captain's proctor, and with a declaration that the period of four months shall begin to reckon from this day forward, the present petition will be taken into consideration.

(Signed) CARNEIRO.  
G. JACKSON.

Rio de Janeiro, January 7, 1840.

(A true Translation.)

JOZE AGOSTINHO BARBOZA, Jun.  
*Interpreter to the Commission.*

## Seventh Enclosure in No. 185.

(Translation.)

*Claimant's Petition for further Time.*

To the ILLUSTRIOUS COMMISSIONERS of the MIXED BRAZILIAN and BRITISH COMMISSION,

VICENTE de Freitas Serpa, captain of the Portuguese brig "*Dom Joao de Castro*," says that this Illustrious Commission having, by its Despatch of 7th January, permitted that, conjointly with the captor's proctor, the valuation of said brig should be proceeded in, in order to give the required security, reckoning the four months allowed from that date for the presentation of the bill of sale of the said brig, of which Antonio Bras dos Reis, a Portuguese subject, resident at Mozambique, is owner.

Wherefore, the claimant, seeing that as the time allowed was running on, he ought to proceed to the survey, did all that he possibly could, in accord with the captor's proctor, as he had been ordered: he has not been able to effect the same, owing to circumstances which have occurred, and in consequence of which the reasons why it could not be done within the proper time are not unknown to the captor's proctor.

For all these reasons the claimant requests that you will be pleased to allow him a further definitive delay to enable him to effect the said survey.

(Signed) JOAO AGOSTINHO DE SOUZA CORREA, *as Proctor.*

*The Answer of the Court to the above.*

LET the claimant proceed to the valuation by competent persons, even independently of the intervention of the captor's proctor, should he refuse to assist at that act; the claimant nevertheless being bound to present the result of it on the 22nd instant, and to give, on that same day, the respective security for whatever sum may be determined, intimating this to the other party.

(Signed) CARNEIRO.  
G. JACKSON.

*Rio de Janeiro, January 18, 1840.*

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,  
*Interpreter to the Commission.*

### Eighth Enclosure in No. 185.

(Translation.)

*Valuation of the "Dom Joao de Castro."*

IN compliance with the Despatch of his Excellency Antonio Joze Coutto, Chief of Division and Inspector of the Marine Arsenal of this city of Rio de Janeiro, given in the petition addressed to him for this object by Vicente de Freitas Serpa, captain of the Portuguese brig "*Dom Joao de Castro*," we, taking into consideration the state in which we find said brig, and all her appurtenances, the same having been examined by the respective artificers, adjudge the value of the whole, in the ruinous state in which she now is, to be worth the sum of two contos eight hundred milreis Rs.2,800 000, which is what all have adjudged.

(Signed)

JOAQUIM JOZE DE SOUZA,  
*Second Lieutenant and First Ship Builder.*

JOAO BAPTISTA RODRIGUES, *Master.*

JOZE ROIZ BAIKAO, *Foreman.*

MANOEL MARQUES, *Master Blacksmith.*

DOMINGOS DE ALMEIRA, *Master Cooper.*

*Marine Arsenal, January 21, 1840.*

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,  
*Interpreter to the Commission.*

### Ninth Enclosure in No. 185.

*The Security fixed at Six Contos.*

ILLUSTRIOUS JUDGES of the MIXED BRAZILIAN and BRITISH COMMISSION,

VICENTE de Freitas Serpa says that, in conformity with the Despatch of this Illustrious Commission of the 18th instant, he caused the brig "*Dom Joao de Castro*," of which he is captain, and which is now before this Commission for adjudication, to be valued by the master shipwrights of the (marine) arsenal of this city (citing the captor's proctor, who would not attend), in order to give the proper security for her true value; and as, by the said valuation, it appears that the said brig is worth at present 2,800 milreis in the state she is in, to the amount of which valuation the claimant has no objection to give such competent security as may answer for the same to this Court.

Upon these terms the claimant requires that, after giving the said security and in the manner expressed, the vessel be delivered to the security as charged with the deposit of her, because it would be the most revolting injustice that he, in that capacity, and the claimant, who takes upon himself, jointly with him, the responsibility that may result from such security, should be answerable for the acts of a third person, the vessel being left in the hands of the captors.

In effect, the security is to guarantee the present value of the ship, and therefore, this being secured, there is no need of the vessel remaining in the hands of the captors, nor would it be agreeable to justice that the damage and destruction of the same vessel, and the loss and prejudice accruing to the claimant, and his security, should depend on the will of the same captors. For these reasons, he quests you will despatch this his petition, as being founded on manifest justice.

(Signed) JOAO AGOSTINHO DE SOUZA CORREA, *Proctor.*

*Answer of the Court to the above.*

THE security which the claimant is to give, in order to obtain the delay which he requires, is reduced to six contos of reis for the value of the vessel and her expenditure during such delay, and permission is given to him to put on board of the vessel in question as many as four persons, to take care of the same and all that may appertain thereto; she remaining, however, in every case under the guard of the officers of the British navy, for which the claimant must, without fail, give the security on or before the 25th instant, according to the conditions that shall be presented to him tomorrow.

(Signed) CARNEIRO.  
G. JACKSON.

*Rio de Janeiro, January 23, 1840.*

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,  
*Interpreter to the Commission.*

## Tenth Enclosure in No. 185.

(Translation.)

*Petition for Delay abandoned.*

ILLUSTRIOUS JUDGES of the MIXED BRAZILIAN and BRITISH COMMISSION,

VICENTE de Freitas Serpa, captain of the Portuguese brig "*Dom Joao de Castro*," says that this Commission having, by its Despatch of the 23rd instant, fixed at six contos of reis the security which the claimant should give for the said brig, to be allowed the space of four months for sending to Mozambique for the legal documents to prove that the said brig is the property of the Portuguese subject, Antonio Bras dos Reis, although the real value of that vessel is merely 2,800 milreis, as was ascertained by the valuation made by the master shipwrights of the (marine) arsenal; and, on the other hand, the Commission not having acceded to the just petition of the claimant, that the said brig should be delivered to the security after having secured its value by a fitting guarantee, and having on the contrary ordered that, notwithstanding such guarantee, the brig should always remain under the guard of the officers of the British navy, the claimant being merely allowed to put on board as many as four persons to take care of the vessel, which would greatly increase the expenses, without any utility; and the claimant, considering such Despatch not only unjust, but extremely onerous, because it is not possible for him to find a security willing to become responsible for a vessel that is not delivered to him, without having in his hands value equal to the security; and the value in this instance being so excessive, in comparison to the real value of the vessel, the claimant cannot realize it; he is therefore obliged to desist, as he does in fact desist, from his petition, as well as from the above-mentioned delay, which has only been conceded under conditions impracticable for him.

And as by the enclosed document, showing that the owner of the above-mentioned brig freighted her to Antonio Jozé Sotero for the present voyage, combined with the register on board, it may easily be ascertained that the vessel is Portuguese property, and any doubt on the subject be removed, more particularly it being certain that it is not usual to have on board the bill of sale of vessels as well as their register and title, which in a mercantile sense shows the property; for that reason, the claimant, requesting of you to adjudicate as you may find just the question of the capture of that brig, begs likewise permission to present to your consideration the said document, and requires that, ordering this and the enclosed document to be added to the respective process, you will give final judgment as you may think just.

(Signed) JOZE MARIA FREDERICO DE SOUZA PINTO, *as Proctor.**Answer of the Court to the above.*

LET it be added to the process.

Rio de Janeiro, January 25, 1840.

(Signed) CARNEIRO.  
G. JACKSON.

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOSA, Jun.,  
*Interpreter to the Commission.*

## Eleventh Enclosure in No. 185.

(Translation.)

*Charter-Party.*

Know all who may see this public instrument of charter-party of the Portuguese brig, called "*Dom Joao de Castro*," that in the year of Our Lord Jesus Christ one thousand eight hundred and thirty-nine, on the twenty-sixth day of July of the same year, in this city of Mozambique, and in the office of me the Undersigned, João Mariano Moniz, notary public of this city and its district, by authority of Her Most Faithful Majesty, whom God preserve, &c., there appeared here, on the one part, Antonio Braz dos Reis, married and living in this city; and on the other, Antonio Jozé Sotero, also resident in this city, both whom are persons known to me, and which I certify; and by them I was told in presence of the witnesses hereinafter named, and subscribed at the end hereof, that he Antonio Braz dos Reis, as owner of the Portuguese brig called "*Dom Joao de Castro*," freights the said brig to Antonio Jozé Sotero, for the sum of 5,280 Spanish dollars, the captain for the present voyage being Vicente de Freitas Serpa, under the following conditions:—

1st. That the said brig, "*Dom Joao de Castro*" shall be ready to sail on the 30th of the present month of July, from this port to that of Angola, touching at Monte Video, where she will only be allowed to remain for ten days, in case of being able to carry into effect there the agreement with respect to the 480 colonists, who of their own will are shipped on board the said brig, "*Dom Joao de Castro*," and, in that case, they shall be delivered to Senhor Manoel Gonçalves da Costa or to his order; should this not be effected the brig will proceed to the port of Angola, where the aforesaid 480 free colonists shall be delivered to Senhor Francisco Teixeira de Miranda, or in his absence to Senhor Valeriano Ramos da Fonseca.

2nd. That the amount of the freight being 5,280 dollars, shall be paid by the said Senhor Francisco Teixeira de Miranda, 20 days after the arrival of the said colonists, in Spanish dollars to the person whom the affreighter, Senhor Antonio Braz dos Reis, may authorize in that port to receive the same.

3rd. That the good care and treatment of the colonists are to be at the charge of the captain, Vicente de Freitas Serpa, for which he shall receive from the charterer, Antonio Jozé Sotero, a gratification of 400 dollars, which shall be paid to him by Senhor Francisco Teixeira de Miranda, after her arrival at the port of Angola if, in fact, it shall appear that they have been taken good care of, which may be expected from his probity.

4. All port charges, as well on entry as on departure, including those of this port, shall be at the charge of the affreighter, Antonio Braz dos Reis.

5th. That in case of an agreement being practicable with respect to the whole 480 free colonists or any part of them at the port of Monte Video, in that case five and a half dollars for each one who may have there remained shall be deducted from the freight. That both of the above-mentioned parties have so declared and bound themselves to comply with the aforesaid conditions, each for the part which belongs to him, under pain of responsibility to pay losses and damages.



In witness whereof, and of this instrument being entered in my book of notes, in the presence of the witnesses, Antonio Joze Nobre and Manoel Joze Pereira, who declared that the contracting parties are the proper persons here named, all of whom have jointly signed with myself; and I, the said notary-public, have had it extracted from my book of notes in which they have so subscribed. JOAO MARIANO MONIZ, ANTONIO BRAZ DOS REIS, ANTONIO JOZE SOTERO, ANTONIO JOZE NOBRE, MANOEL JOZE PEREIRA. This is all which the aforesaid public instrument contained, at pages 58 and following of the said book of notes, to which I refer.

(Signed) JOAO MARIANO MONIZ.

J M M

In testimony and faith of the truth we, the Undersigned, certify the above to be the true signature of the notary-public, João Mariano Moniz, being well acquainted therewith.

(Signed) JOZE DA SILVA PEREIRA DE CASTRO.  
JOZE IGNACIO CARDOZO.

Rio de Janeiro, January 24, 1840.

I certify the above signatures to the attestation to be true.  
In faith of the truth,

Place  
of Seal.

(Signed) JOAO PINTO DE MIRANDA.

Rio de Janeiro, January 24, 1840.

Francisco João Moniz, Vice-Consul, and charged with the General Consulate of Portugal at Rio de Janeiro, certify that the preceding is the proper and true signature of João Pinto de Miranda, notary-public of this city.

Given under the Consular seal at Rio de Janeiro, 24th January, 1840.

Portu-  
guese  
Arms.

(Signed) FRANCISCO JOAO MONIZ, *Vice-Consul.*

(A true copy.)

(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true translation.)

(Signed) JOZE AGOSTINHO BARBOZA, Jun.  
*Interpreter to the Commission.*

### Twelfth Enclosure in No. 185.

#### *Draft of Proposed Sentence.*

THE Brazilian Commissary-Judge, considering that the brig detained under the name "Dom Joao de Castro," with Portuguese passport and colours, is the same national brig which sailed from the port of Rio de Janeiro in the month of March of last year, under the denomination of the "Senador Vergueiro." Identity, which is proved principally by the coincidence of her admeasurement, by the figure of the vessel, and the muster-roll of her crew, in which the greater part of the same individuals who sailed from hence are to be found, and considering further, that this fact being conceded, the passport and certificate of register are not sufficient to constitute the vessel really Portuguese, the same being opposed to the stipulations of the decree of the Most Faithful Queen, of the 10th December, 1836, the said Judge is therefore of opinion, that inasmuch as the aforesaid brig "Dom Joao de Castro" must, for all legal purposes, be considered as Brazilian, it does belong to this Commission to take cognizance of the detention, and to adjudicate the case. And it appearing from the proceedings that this brig was employed in the illicit traffic in slaves, of which there can be no doubt from the utensils found on board, from the state of the vessel, and from many other indications which all conspire to establish this truth; the Brazilian Commissary-Judge is moreover of opinion that the detention is a lawful one, and that the brig in question be condemned in conformity to the first Article of the Convention of the 23rd November, 1826, and to the first Article of that of the 15th March, 1823, additional to the Convention of the 28th July, 1817.

But since from the identity of the vessel it is not possible to deduce the identity of the owners, and still less that of the shippers, it being shown that a transaction respecting this vessel did take place, as is declared in the passport, this (latter) is only destroyed by the decree of the Queen of Portugal without the appearance of any other document, also to destroy such transfer; to which is to be added, that in the process there is no proof or indication whatever to point out sufficiently who such owners or shippers are, a doubt or uncertainty which should limit the action of the penal consequences solely and restrictedly to those persons with respect to whom no such uncertainty exists, as otherwise the penalty would fall on an uncertain person, which is repugnant to the dictates of justice and of sound reason; the Brazilian Commissary-Judge therefore deems it right that those Brazilian individuals only should be considered as comprehended in the aforesaid first Article of the Convention of 1826, who, detained or found on board, should be recognized as having been employed in the service of the vessel.

(Signed) JOAO CARNEIRO DE CAMPOS.

Rio de Janeiro, January 17, 1840.

No. 186.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, July 7, 1840.*

*(Received September 28.)*

MY LORD,

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 1st January to the 5th July, 1840.

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

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

Enclosure in No. 186.

RETURN OF VESSELS ADJUDICATED by the British and Brazilian Court of Mixed Commission, established at Rio de Janeiro, from the 1st January to the 5th July, 1840.

Name of Vessel.	Date of Seizure.	Where captured.	Property seized.	Seizor.	Date of Sentence.	Decretal part of Sentence.
Providencia	July, 1839.	Off the Island of Itamaracá.	Patacho.	Commander of the Brazilian brig of war "Constança."	4th May, 1840.	Not taken cognizance of, there being nothing from which to infer either British or Brazilian interest or agency, or that she was fitted out in or despatched from the ports of Brazil.
Africano Atrevido.	1840 . .	Rio Francisco	Pilot-boat.	Detachment of national guards.	6th April, 1840.	The case remitted to the Imperial Government, not being one which this Mixed Commission Court could entertain, the capture not having been made by either British or Brazilian ships of war.

No. 187.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, July 8, 1840.*

*(Received September 28.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of the 30th April, 1840, on the subject of the embargo laid on the proceeds of the sale of the slave vessel "*Maria Carlota*," by João Pereira de Andrade, on account of a mortgage held by him on that vessel; and acquainting us, for our information and guidance, that having referred the case to Her Majesty's Advocate-General, your Lordship had instructed Her Majesty's Chargé d'Affaires at this Court to protest against any decision which may be given by the Court at Rio de Janeiro, contrary to the opinion given by that officer, namely, 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, that such party has no right to lay an embargo on the same.

We have not failed to communicate this opinion to our colleagues, but neither from them nor from any other quarter has anything further on this subject reached us, nor is any reference to this Commission probable, till a decision, one way or the other, shall have been given by the Brazilian tribunals.

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

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

No. 188.

*Her Majesty's Commissioners to Lord Leveson.**Rio de Janeiro, July 9, 1840.**(Received September 28.)*

MY LORD,

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of the 5th May, 1840, desiring, by Viscount Palmerston's directions, that in making out the half-yearly returns for the future, of vessels adjudicated during each half year, we will insert columns showing the tonnage of each vessel according to her register, and according to English measurement.

The only two vessels in our return of this last half-year were not taken cognizance of by this Court, and we have consequently now no means of complying with this instruction, but your Lordship may depend on our punctual observance of the same in any future case which may be brought before this Mixed Commission.

We have, &amp;c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.*The Right Hon. Lord Leveson.*

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

No. 189.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, July 10, 1840.**(Received September 28.)*

MY LORD,

OUR Despatch, of the 20th June last, informed your Lordship of the communication made by the Court to Commodore Sullivan, on receiving the preliminary award of the arbitrators in the case of the indemnities claimed for the "*Pompeo*," and of that officer's reply.

That award, of which we have the honour to enclose herewith a translated copy, fixed the amount of indemnity at Rs. 73,310 077; and on the 27th June the Brazilian Commissary Judge presented his vote, reducing it to Rs. 38,627 303.

This document we have the honour to transmit likewise, in original and translation; the ground on which it proceeds is to reject all claim for any but actually incurred losses.

The Brazilian Commissioner of Arbitration gave his vote, concurring entirely with his colleague, on the 3rd July. For what passed on that occasion, we beg leave to refer your Lordship to the enclosed extract of our minutes of that day, by which it will be seen that Her Majesty's Commissary Judge was considered by his colleagues as no longer having any voice in this matter, but that, on his persisting on his right to offer such remarks as the circumstances of the case seemed to him to call for, it was eventually agreed that they might be entered on the Minutes of the Court, but could form no part of the judicial proceedings. On the 8th July Her Majesty's Commissary Judge accordingly presented the paper, of which a copy and translation are hereunto annexed. Our minutes of the same date (forming part of Enclosure 4) will apprise your Lordship of the way in which they were received.

On the 9th July the definitive sentence of the Court was signed, adjudging the captor to pay to the claimants the sum of Thirty-eight contos six hundred and twenty-seven thousand three hundred and three reis, with interest of five per cent. on the same till time of payment, in conformity to the seventh paragraph of the second part of the eighth article of the regulations. This sentence was signed by the Brazilian Commissary Judge and the Brazilian Commissioner of Arbitration, and by Her Majesty's Commissary Judge, as over-ruled, and was directed to be carried into execution by those to whom it belonged to execute it; a mode adopted, after consulting, we believe, the Imperial Government, in consequence of the doubt which was raised as to who could, or ought to, carry such a sentence into execution; whether the usual executor of the sentences of the court, namely, the Municipal Judge of this city, or the British Judge Conservator.

With regard to an expression in the sentence, describing the captor as the "*injusto captor*," we should observe that nothing invidious was meant by our col-

leagues by that phrase, but that they adopted it merely to meet the difficulty caused by the circumstance of two officers appearing as captors.

We have now the honour to inclose further a copy and translation of the above sentence, as also a mass of papers containing copies and translations of the accounts, bills of lading and of sale, and of the invoices, together with copies and translations of every other material document in this case.

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

P.S.—The Registrar being ill, we are obliged to postpone the transmission of the accounts, &c., in original, to another opportunity.

G. J.  
 F. G.

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

First Enclosure in No. 189.

(Translation.)

*Award of the Arbitrator*

APPOINTED arbitrator, with a view to examine the accounts presented by the captain of the brig "*Pompeo*," detained on suspicion of being destined for the traffic in slaves, by the "*Fawn*," tender, commanded by Lieutenant Tyssen, acting on the part of Commodore Sullivan, Commander of the British naval forces on the Brazil station, and restored by the sentence of this illustrious Commission, dated the 26th October of last year, having examined all the process of the detention and restitution, as well as that which allows indemnities to the detained brig, in conformity to the regulation of the 28th July, 1817, forming an integral part of the Additional Convention to the Treaty of the 22nd January, 1815, between Their Most Faithful and Britannic Majesties, I find those accounts without any arithmetical error, with the exception of the invoice No. 5, in which, in the last sum but one before the sum total, is written Rs. 131 000, whereas it ought to be Rs. 231 000, but this error is corrected in the same sum total, which is what it ought to be, Rs. 8,727 600.

The prices of the invoices 1, 2, 3, 4, 5, 6, according to my knowledge and recollection of the state of the market, in regard to the greater part of these articles at that time, and to the inquiries which I made respecting those of which I had no knowledge or recollection, I also consider exact.

I have now to give my opinion as to the indemnities claimed in the general account, page 11, of which the memoranda A and B are part.

The first comprehends the indemnities claimed for the cargo, and is founded on the probable produce of the same cargo, if no detention had occurred, according to the certificate, page 20, of persons of great respectability in this city, both for their probity and substance, and for the great knowledge they have of the trade between Rio de Janeiro and Africa, and on that which, from the state of deterioration and difference of market, according to the account sales, page 19, was obtained at public auction, which the proctor of the captor, page 21, was invited to attend, together with the interest of 5 per cent. upon the amount of capital of the same cargo during the time of the detention, all which raises that account to Rs. 63,262 407.

This comparison of the price at the intended market with that which was obtained, and the interest of 5 per cent on the capital employed in the purchase of the cargo, during the time of the detention, is, in my opinion, the only indemnity which can satisfy the intentions of the regulations manifested in the second sentence of the Eighth Article, declaring that in cases of restitution a *just* and *complete* indemnity shall be awarded for the benefit of the claimants; and in the paragraph 4 and 5 of the second head of claim in the same Article, the first of which orders that all deterioration of the cargo shall be indemnified; and the latter, that the diminution in the value of the cargo of slaves shall be regulated by the computed price at the place of their destination; and this stipulation ought not to vary in the present case where the cargo is different, because, it not being allowed by the instructions which accompany the regulations, to detain any vessel without a cargo of slaves on board, it is clear that their dispositions having been extended to vessels with other cargo, the same rule must be followed with these, otherwise the indemnity would not be *just* and *complete*.

With regard to the interest of 5 per cent., it is expressly specified in the sixth Section under the same head, and, therefore, I consider that the claim of the indemnities for the cargo contained in the memorandum A, amounting to Rs. 63, 262 407, cannot but be allowed.

As to the indemnities on account of the vessel, claimed in the memorandum B, I consider all this items to be founded on the paragraphs 1 and 2, and on the Schedule annexed to the above second paragraph of the same Article eighth, with the exception of the second item of the account, amounting to Rs. 1,680 000, claimed as wages due to the crew.

The regulation, in conformity to the Convention, and instructions, referred to vessels with slaves on board, and, consequently, either in the ports of Africa or returning from thence, and did not contemplate cases like the present, in which the "*Pampeo*" was detained at the commencement of a voyage from Brazil to Mozambique and back, touching at Angola; and for that reason, allowing to vessels the whole freight, or, as it is generally termed, the gross freight, it did not establish any indemnity for the wages of the crew, because, the whole freight being allowed, the proprietors of the vessel would justly be responsible for the payment of all the expenses incurred, and, consequently, for the wages; and this, because at the time of the detention all, or the greatest part of the expenses by which the freight would be earned would already be made, or would have to be made by the owner.

The whole freight, *i. e.*, that for the outward and homeward voyage, is not claimed by the "*Pompeo*;" nor could it be, because the greater part of the expenses for the same were neither

CLASS A.

incurred, nor would be incurred, by reason of the abandonment of the voyage, confirmed by the withdrawal of the goods of the two shippers, of the invoices Nos. 5 and 6, destined for that port.

It is true that, if the ship had contracted any engagements for that part of the voyage, abandoned in consequence of the capture, from which might arise a right to claim for the same, the indemnity would not be complete if the person causing this loss did not satisfy such claim; and in that case, whatever part of the wages might be due to the crew, would have to be taken into account.

By Article 252 of the Commercial Code of France, when the voyage is discontinued, after the departure, by a voluntary act, the crew, engaged for a voyage out and home, have a right to their entire wages; which is not the case with those engaged by the month, for these have at most merely a right to a half of the wages, corresponding with the probable duration of the rest of the voyage; and, as the detention was at the commencement of the voyage, and this is correctly calculated at eight months, it is clear that the boatswain and sailors, hired by the month, are entitled, in conformity to that Article, only to four months' wages; but two of these are at the charge of the owner, as well as the wages of the first mate, agreed for to Angola, and one-half of the wages for both voyages of the captain and second mate reasonably comprehended, as the claimant acknowledges, in the claim for the whole freight to Angola; for that reason, in the second item of the account, the sum of Rs. 640 000, equal to the wages of two months of the boatswain and sailors, ought to be deducted. Such was the legislation followed in consequence of the law of the 18th August, 1769, previous to the publication of the Portuguese Commercial Code. This code, however, altered this practice, declaring, in Article 1457, that the indemnity should be one-half of the wages agreed upon for the voyage, and two months for those engaged by the month. I will not question the justice of this new disposition; but it must be allowed that the crew, being Portuguese, and sailing in a vessel under that flag, the said Article establishes a right, against which they cannot claim. Now, as the claimant acknowledged that the two months' wages agreed for monthly, and the half of those agreed upon for the voyage, were included in the whole freight claimed to Angola, it follows that the crew have no further right, and, consequently, from the indemnities of the memorandum B, the second addition, in which the indemnities relative to the wages of the crew are claimed to the amount of Rs. 1,680 000, should be deducted; the amount of this memorandum, consequently, being Rs. 10,047 070, which, added to the memorandum A, makes the sum of Rs. 73,310 077, Brazilian currency, which I consider the amount of indemnity which ought to be awarded to the claimant by this Illustrious Commission, with interest at five per cent. upon it until its payment, in conformity to the penultimate period of the eighth Article, the captor being responsible, and in his default his Government, in conformity to the second period of the sixth Article.

Rio de Janeiro, May 21, 1840.

(Signed)

JOZE ANTONIO DE OLIVEIRA E SILVA.

I agree with the award *supra*, which I consider just.

Rio de Janeiro, May 22, 1840.

(Signed)

J. CARRUTHERS.

(A true Translation)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.

*Interpreter to the Commission.*

Second Enclosure in No. 189.

(Translation.)

*Vote of Brazilian Commissary Judge.*

THE Brazilian Commissary Judge cannot agree with the opinion and declaration of the Arbitrators respecting the whole of the indemnities claimed by those interested in the cargo of the brig "*Pompeo*," because such opinion not being founded on the first part of the eighth Article of the Regulations of the Mixed Commissions, annexed to the Convention of the 28th July, 1817, this not being a case of total loss, but on the second part of the same Article, he is of opinion that the claimants are only entitled to so much of memorandum A as relates to the difference between the first cost of the goods and the loss suffered by the sale of those goods at auction,—

Amounting to . . . . .	Rs. 30,074 320
To interest at five per cent. on Rs. 46,662 730, the prime cost of the goods shipped, according to the invoices, making . . . . .	524 156
And, as relates to memorandum B, to the amount of the freight according to the bills of lading . . . . .	2,884 000
To anchorage dues . . . . .	216 000
To amount for demurrage . . . . .	3,809 032
To costs of suit . . . . .	1,035 560
To the expenses of wharfrage. . . . .	84 235

Rs. 38,627 303

Whatever else the claimants ask for, beyond the sums above stated, appears to the Commissary Judge to be excessive, and even to go beyond the stipulations of the Convention, because as it must be understood that, according to these, the said claimants are only entitled to indemnities for losses actually incurred, and not for loss of presumable gains which, moreover, might have been realized by the claimants sending their goods to their original destination so soon as they were delivered to them, since, according to the form in which the accounts are made out, and particularly those of memorandum A, it would be to admit the right to indemnity for gains, subject to the many contingencies of an outward and return voyage, which is not stipulated in any one Article of the Convention.

Rio de Janeiro, June 27, 1840.

(Signed)

JOAO CARNEIRO DE CAMPOS.

(A true Copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.

*Interpreter to the Commission.*

## Third Enclosure in No. 189.

(Translation.)

*Vote of Brazilian Commissioner of Arbitration.*

HAVING examined the opinion of the Arbitrators, and reflected on the vote given by my colleague, and having consulted persons versed in such matters, I, being of the same way of thinking and according to my judgment, concur with my colleague as to the amount estimated, and in every other respect I agree with him.

*Rio de Janeiro, July 3, 1840.*

(Signed) JOAO PEREIRA DE SOUZA.

(A true Copy.) (Signed) BRAZ MARTINS DA COSTA PASSOS, *Secretary.*(A true Translation.) (Signed) JOZE AGOSTINHO BARBOZA, Jun.  
*Interpreter to the Commission.*

## Fourth Enclosure in No. 189.

(Translation.)

*Minutes, Session of the 3d July, 1840.*

ON the presentation by the Brazilian Commissioner of Arbitration of his vote in regard to the indemnities for the brig "*Pompeo*," the British Commissary Judge declared that he availed himself of this opportunity of making some observations in regard to the accounts of the said indemnities claimed, seeing that he has hitherto been unable to do so, on account of the proceedings ("autos") being in the hands of his colleagues, and that he does not consider himself precluded from having a voice on the subject matter, although overruled in regard to the principle of conceding the indemnities referred to.

The Brazilian Commissary-Judge replied that his colleague having been excluded from the adjudication in question, after the nomination of the Commissioner of Arbitration, who forms, with himself, the Judge, the Commission for such process, he cannot admit the observations which his colleague intended to make, with a view of annulling that which is already decided by the two Judges, but that he did not refuse to receive the same remarks; on the contrary, that he should have much satisfaction in doing so, were it only that it would give him the opportunity of availing himself, for the future, of many of his ideas, and that, therefore, he might offer such observations as he thought right, to be entered solely on the minutes, and to be made such use of as he might deem fitting.

The British Commissary-Judge replied, that being still of opinion that he had a right to offer such observations as he thought proper on the subject, he should submit them as soon as possible to be taken into such consideration as his colleagues might think them deserving of.

*Session of the 8th July, 1840.*

The British Commissary-Judge read his remarks, in order to their being taken into consideration respecting the indemnities of the "*Pompeo*," to which the Brazilian Judge and Commissioner of Arbitration replied that the process of the indemnities in question being already decided, they had only to declare that no difficulty occurred to them in entering the remarks of their colleague on the minutes, confining themselves merely to the declaration, that it appeared to them that these same observations would have been more properly offered on the part of the captor, in order to their being taken cognizance of at the proper time, for which purpose the aforesaid Commissioners not only always acted regularly, allowing to the captor every means for his defence, but even, before giving their final vote, caused the Commodore to be written to, to enable him to make such application as he might think fit.

(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

## Fifth Enclosure in No. 189.

(Translation.)

*Observations by the British Commissary Judge.*

THE British Commissary-Judge declares, that not considering himself precluded from making such observations as may occur to him on the subject matter of the indemnities claimed in the case of the "*Pompeo*," by reason of his having been overruled as to the principle of such concession, deems it to be strictly his duty not only to analyze the accounts presented by the claimants, but also to make some observations upon the award of the arbitrators.

In respect to the accounts, he has, in the first place, to notice with how little regularity the claims in question are offered as proved. The arbitrators, grounding themselves upon their own knowledge, recollection, or inquiries, in respect to the prices charged in the invoices in memorandum A, have omitted to require, on oath, the original bills of purchase receipted, and the respective clearances from the Custom-house, such documents being invariably required by every commission of indemnity, and which, in the opinion of the British Commissary Judge, are indispensable before any item whatever can be admitted as proved, and which, in the present case, becomes the more necessary on examining the prices current given in the Boletims hereunto annexed, under letter A, of the same date as the invoices.

Assuming, however, the correctness of those invoices, the British Commissary-Judge cannot but express his great surprise at the difference which appears between the price of the invoices and that at which the identical goods were sold at public auction after an interval of less than four months, such goods not being damaged, as is shown by the auctioneer's account of sale.

On this difference the arbitrators are entirely silent, although it be so great as to be apparent at first sight, and is such that it is difficult to conceive how those same gentlemen should have omitted to inquire into it most scrupulously, as had they done so they never could have admitted, even

tacitly, that such prices were those ruling in the market, the only measure for regulating the indemnity claimed in this respect.

Referring to the prices current at that period, also hereunto annexed under letter B, it is sufficient to point out the instance of the 10 pipes of rum charged in the invoices at Rs. 74 000, and which appear as afterwards sold at auction at Rs. 29 000.

Whatever may be the reason of so remarkable a difference, as well as of that observable in the rest of the goods, it should seem that such calculations can never in any manner serve as a basis for the indemnities claimed, but that the only true one would be the real difference between the cost price and the value of the same goods at the time of their restitution.

His worthy colleagues having rejected the claim to indemnization for presumable or contingent profits, the British Commissary Judge has no observation to make as to memorandum B, except that it appears to him that to concede the amount of the freight is to militate in some measure against that principle, and that it would be more regular to adjudge whatever was really paid, or might be to be paid, for the expenses of the vessel during her detention, be the sum thus payable, by following this rule, greater or less.

One only remark remains for the Commissary-Judge to make, and it respects the sum claimed for demurrage, which ought not to be calculated by Brazilian but by English tonnage, inasmuch as the indemnity claimed would be to be paid, if obtained, in pounds sterling, that is, in English money, in conformity even to the Portuguese version of the Convention, and consequently the calculation for demurrage ought equally, and in all justice, to be made on English tonnage; besides which the portaria which his Majesty the Emperor was pleased to cause to be issued, under date of the 12th August, 1824, established the rule which, in the admeasurement of vessels destined for the traffic (then lawful) in slaves, was thenceforward to be followed. This rule, which was communicated at the time to the British Government for their information, assimilated such admeasurement more to English practice, thus diminishing the amount of tonnage, which, in the present case, reduces that of this vessel to much less than 120 tons, and therefore the demurrage ought to be at the rate of 5*l.*, and not of 6*l.*, per diem.

The British Commissary Judge ventures to offer these remarks to the attention and examination of his worthy colleagues, well assured, from their known honesty of purpose and candour, that if such reflections should have chanced to have escaped them up to this time, they will not the less allow them whatever weight they may deserve.

With respect to the doubt as to the course to be followed to carry into execution the final sentence to be pronounced, the British Commissary Judge proposes the adoption of that practised in such cases at Sierra Leone; namely, that the sentence, whatever may be its nature, shall be made to depend on the mutual determination and agreement of the two Governments.

(Signed)

GEORGE JACKSON.

Rio de Janeiro, July 8, 1840.  
(A true Copy.) (Signed)  
(A true Translation.)

BRAZ MARTINS DA COSTA PASSOS, Secretary.  
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,  
Interpreter to the Commission.

### Sixth Enclosure in No. 189.

(Translation.)

*Sentence.*

By the present proceedings it is seen that Antonio Ferreira, master of the brig "*Pompeo*," for himself, and as attorney for the owner of and the shippers by this brig, requires that he be indemnified for the losses and damages which resulted from her detention by the tender "*Fawn*," commanded by Lieutenant Tyssen, acting by order of Commodore Sullivan, commander of the British naval forces on the Brazil station, the said detention having been adjudged illegal by the sentence of this Mixed Commission, dated the 26th October of last year.

The Convention of the 28th July, 1817, being an integral part of the Treaty of the 23rd November, 1826, between Brazil and Great Britain, and it being stipulated in the fifth article of the former, that the two Governments reciprocally engage to make good any losses which their respective subjects may incur unjustly by the arbitrary and illegal detention of their vessels; and the brig in question being in these circumstances, inasmuch as mere observations in writing, which have received no assent whatever, cannot prevail against stipulations solemnly ratified by the aforesaid two Governments; and further, it not having been so much as recognized that the captor of the brig was led into error, conformably to the stipulation at the close of the eighth article of the Regulations of this Commission; this circumstance not having been proved to the satisfaction and conviction of the Judges of the two Nations without its having been requisite to have recourse to the decision of a Commissioner of Arbitration, as is expressed in the said article; but, on the contrary, there having been a difference of opinion between them on that subject, because, besides that the statement made by the captor of there being a greater number of casks and a greater quantity of provisions is destroyed by the export despatch made of the whole, and which appears by the manifest of the cargo which was presented to him, and even recognized in the sentence of restitution. It is further to be considered that, even though for want of such an essential, and of the respective bond (which also it was ascertained was given), the captor should have considered himself authorized by the orders which he received from the Commodore thus to act, on the mere fact that this brig was reputed by the Mixed Commission as subject to the stipulations existing between Brazil and Great Britain, although navigating under the Portuguese flag, on the principle of her having been fitted out in this port, and to have been bound for the coast of Africa, without any slaves having been found on board her—the only case which, according to the stipulations before specified, could have justified her detention. There cannot be the least doubt as to the right of the claimants to be indemnified, not for the total claimed in the two Memoranda A and B, but for the items of losses which they actually suffered by the illegal detention, and which are comprised in the second part of article eight of the Regulations of this Mixed Commission, the case not being one of total loss, that is to say:—

For the loss upon the goods shipped during the detention of the brig, according to the net proceeds of the sale of the same compared with the cost price of the invoices, according to Memorandum A . . . . .	Rs.30,074	320
For interest, at five per cent., on Rs.46,662 738, cost price of the invoices, during the time of her detention . . . . .	524	156
For the amount of the freight which the brig carried, as appears by the several bills of lading, Memorandum B . . . . .	2,884	000
For rent of the wharf where the goods were deposited after having been discharged, up to the time of sale . . . . .	84	235
For anchorage dues, not during the whole detention, but only for fifty days, according to the port regulations . . . . .	216	000
For the amount of demurrage calculated on the 144 tons of the brig's measurement during the detention, at the then rate of exchange, according to the Schedule annexed to the said Regulations	3,809	032
For the amount of the costs of suit . . . . .	1,035	360
	Rs.38,627	303

Wherefore, seeing what has been set forth, and what appears from the present proceedings, and from the provisions of the Treaty and Convention referred to, the Undersigned Commissary Judge and Commissioner of Arbitration, condemn the unjust captor to pay to the claimants the amount of thirty-eight contos, six hundred and twenty-seven mil, and three hundred and three reis, besides interest, at five per cent., on the said sum, for the whole of whatever time the payment may be delayed, in conformity to the seventh paragraph of the second part of the eighth article of the Regulations of this Commission.

(Signed) JOAO CARNEIRO DE CAMPOS.  
JOAO PEREIRA DE SOUZA.  
GEORGE JACKSON. (Over-ruled.)

*Rio de Janeiro, July 9, 1840.*

(A true Copy.) (Signed) BRAZ MARTINS DA COSTA PASSOS, *Secretary.*  
(A true Translation.) (Signed) JOZE AGOSTINHO BARBOZA, Jun.,  
*Interpreter to the Commission.*

### Seventh Enclosure in No. 189.

(Translation.)

GENERAL Account of the indemnities claimed by the brig "Pompeo," Antonio Ferreira master, and her cargo, which having been captured by the tender "Fawn," Lieutenant Tyssen commander, acting for and under the authority of Commodore Sullivan, commander of the naval station of Her Britannic Majesty in Brazil, on board of the "Stag" frigate, was released and ordered to be restored to the respective owners and claimants by the sentence of the Mixed Commission at Rio de Janeiro, of the 26th October, 1839, the competent indemnities for the injustice and illegality with which such detention was made being afterwards allowed by another sentence of the same Commission, viz. :—

Amount of the indemnities calculated for the cargo, according to the annexed memorandum (A) . . . . .	Rs.63,262	407
Amount of the respective indemnities for the hull of the brig, her freights and other expenditure, according to memorandum (B) . . . . .	11,727	627

General amount of the indemnities claimed, errors and omissions excepted, seventy-four contos, nine hundred and ninety mil, and thirty-four reis . . . . .

Rs.74,990	034
-----------	-----

upon which sum of Rs.74,990 034 the claimant claims the interest of five per cent. per annum, reckoned from the date of the delivery of the brig on the 18th November, 1839, until the real and effective payment by the British Government, in conformity to the 7th Article of the regulations for the Mixed Commissions.

*Rio de Janeiro, 24th February, 1840.*

(A true translation.) (Signed) CAETANO ALBERTO SOARES, *as Proctor.*  
(Signed) JOZE AGOSTINHO BARBOZA, Jun.,  
*Interpreter to the Commission.*

### No. 190.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, July 11, 1840.*

MY LORD,

(Received September 28.)

THE owner of the condemned slave-vessel "Leal," Antonio Jozé de Abreo Guimaraës, having been declared by this Court, in its sentence, to have been guilty of piracy, and having subsequently had the effrontery to come before it in person with a petition, thereby showing himself to be at large, which the crime he was convicted of rendered inadmissible, the Court determined that the Brazilian Commissary Judge should bring the fact to the notice of his Government.



This he did in a Despatch, of which the enclosed 'is a translation; to this he received only at that time a letter of acknowledgment, stating that the subject had been mentioned to the Minister of Justice. In expectation of receiving a more conclusive reply, we deferred reporting what had occurred, and we have now the honour to forward a copy and translation of a Despatch, which was received by this Commission on the 6th instant, communicating the final decision of the Imperial Government on this point.

By this decision your Lordship will perceive that the penalty hitherto considered to have attached to the 1st Article of the Convention of 1826 becomes nugatory, and that even the slight dread of temporary imprisonment, which may have operated to deter some persons from engaging in the traffic, is at an end. The convicted infractors of that Article will now only have to give a security which, from the facility with which it is obtained and given, is little more than nominal; certain of being acquitted eventually by the jury.

The contrivance by which the Brazilian Authorities have arrived at this conclusion is, by regulating themselves by the enactment of the 2nd Article of the law of 7th November, 1831, which treats of the penalty to be inflicted on importers of slaves into Brazil, and on those who may reduce free persons to slavery, instead of following the provisions of the 1st Article of the Convention of 1826, declaring the same crime to be piracy.

In the former case, the criminal code adjudges the penalty of imprisonment for from three to nine years, making, moreover, a distinction between the attempt at a crime and its perpetration, and admits of bail.

To the latter three degrees of punishment are attached, the least of which, being 10 years' imprisonment, excludes, by the existing laws of this country, the admissibility of bail.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

P.S. A copy of this Despatch has been forwarded to Her Majesty's legation.  
18th July.

G. J.  
F. G.

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

---

First Enclosure in No. 190.

(Translation.)

*M. de Campos to M. Lopes Gama.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

THE Mixed Brazilian and British Commission having, in its sentence of the 17th June last filed in the process of the capture of the brig "Leal," declared Antonio Jozé de Abreo Guimaraes owner, Luis da Costa Ferreira master, and Manoel dos Santos Lara mate, to have incurred the penalty of the 1st Article of the Convention of 1826, and the said Guimaraes appearing to be out on bail, as he alleged in a petition which he presented to this Commission, it could not fail to notice that the nature of the crime for which this individual was sentenced did not allow of his being admitted to bail, according to the classification of the crime of piracy in the criminal code, and resolved that the above fact should be made known to the Government, in order to their taking such steps as they may deem fit to prevent the repetition of such irregularities in future on the part of the authorities, whose duty it is to watch over the prompt execution of the laws, and by which the penalties established by Treaty become illusory.

God preserve, &c.

*Rio de Janeiro, 22nd October, 1839.*

(Signed)

JOAO CARNEIRO DE CAMPOS,  
*Brazilian Commissary Judge.*

*His Excellency Caetano Maria Lopes Gama,*  
&c. &c. &c.

(A true translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,  
*Interpreter to the Commission.*

---

Second Enclosure in No. 190.

(Translation.)

*M. Lopes Gama to M. de Campos.*

IN addition to the Despatch which I addressed to you in date of the 25th October last year respecting Antonio Jozé de Abreo Guimaraes, who showed himself to have been out on bail when by sentence of the Mixed Brazilian and English Commission, given in the process of the capture of the brig "Leal," he was declared to have incurred the penalty of the first Article of the Convention of 1826, I have now to inform you that, from the necessary information taken by the Minister of Justice, it

has been ascertained, that in allowing such bail the Justice of the Peace was in order, inasmuch as he regulated himself by the enactment of the second Article of the law of the 7th November, 1831, in connexion with the 179th Article of the Criminal Code, modified by the 34th Article of the same Code, wherefore the Imperial Government has no step to take respecting this business, the which you will communicate to the said Mixed Brazilian and English Commission.

Palace, 4th July, 1840.

God preserve, &c.

(Signed)

CAETANO MARIA LOPES GAMA.

To Senhor Joao Carneiro de Campos.

(A true Copy.)

(Signed)

BRAZ MARTINS DA COSTA PASSOS.

(A true Translation.)

JOZE AGOSTINHO BARBOZA, Jun.

Interpreter to the Commission.

No. 191.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, July 28, 1840.*

*(Received September 28.)*

MY LORD,

THE detention of the packet enables us to forward to your Lordship the following documents which, from the illness of the Registrar, we were unable to enclose in our Despatch of the 10th instant.

Copy in original, and translation of the petition addressed to the Court on the 5th December, 1839, referred to in our Despatch of the 16th December of that year, by the Master of the "*Pompeo*," together with the answer returned thereto.

Copy and translation of the petition of the same individual, and of the answer he received on presenting the general account of the indemnities claimed, referred to in our Despatch of the 24th March, 1840.

Portuguese copy of the award given by the arbitrators named by the Court and by the petitioner; and, finally, the mass of papers containing copies of the original accounts, bills of lading and of sale, and of the invoices, the translations of which formed the seventh Enclosure in our Despatch of the 10th instant.

We have, &c,

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

*&c.*

*&c.*

*&c.*

First Enclosure in No. 191.

(Translation.)

*Petition.*

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

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 of 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 Sixth 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 Eighth Article of the aforesaid instructions under Nos. 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 schedule which forms a part of the aforesaid Eighth Article.

For whatever deterioration of the cargo, if any.

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

And, finally, for interest at five 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 to 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 circumstances 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 Eighth 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.

Rio de Janeiro, 5th November, 1839.

(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.

Rio Janeiro, 6th December, 1839.

(Signed)

CARNEIRO.

SOUZA.

G. JACKSON, (Dissentient.)

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

*Interpreter to the Commission.*

### Second Enclosure in No. 191.

(Translation.)

*Claimant's Petition on presenting Account of Indemnities.*

To the Members of the Mixed Commission at Rio de Janeiro, Antonio Ferreira, master of the brig "Pompeo," for himself, and as attorney for the owner, the crew, and the shippers of the said brig, says:—

That this Commission having admitted the prayer for indemnities, which the petitioner claimed from it against the unjust and illegal capture made of that brig by the tender "Fawn," under the command of Lieutenant Tyssen, acting on the part and with undue and exorbitant authority of Commodore Sullivan, commanding, on board the frigate "Stag," the British naval station of Brazil, as acknowledged and adjudged by your sentence, gentlemen, of the date of the 26th of October last, which was followed at the time by the before-mentioned petition of the 5th November, the petitioner now presents the general account of the aforesaid indemnities to the amount of Rs. 74,990 034, seventy-four contos nine hundred and ninety mil and thirty-four reis; a sum which the petitioner, in the character which he by right represents, claims of the Government of Her Britannic Majesty, with the respective interest thereon till its actual and complete payment.

The general account is accompanied by two sub-accounts, one of indemnities claimed for the cargo, and the other for those regarding the vessel, both being supported by twenty documents in proof or justification of their several items. He requires, therefore, that the said accounts and documents being annexed to the process you proceed, gentlemen, by sentence to the adjudication of the aforesaid indemnities conformably to the Sixth Article of the regulations of this Commission, the petitioner engaging to present whatever further document may appear necessary, and which it may be in his power to produce. And your petitioner, &c. &c.

(Signed)

CAETANO ALBERTO SOARES, as *Proctor.*

Rio de Janeiro, February, 1840.

(A true Copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true Translation.)

*Answer of the Court to the above Petition.*

LET it be added to the process, and let the petitioner or his attorney, as well as the proctor of the captor of the brig in question, be cited to nominate by the 18th of the present month, peremptorily, arbitrators, who, after being approved of by the Commission and being sworn, do proceed in the examination of the accounts presented, and make their award as soon as possible, in order that the same Commission may finally adjudicate the same.

Rio de Janeiro, 13th March, 1840.

(Signed)

CARNEIRO.

SOUZA.

G. JACKSON, (Over-ruled.)

(A true Copy.)

(Signed)

BRAZ MARTINS COSTA PASSOS, *Secretary.*

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,

*Interpreter to the Commission.*

### Third Enclosure in No. 191.

*Portuguese Copy of the Award of the Arbitrator.*

(See Translation, First Enclosure in No. 199.)

No. 192.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, July 29, 1840.*

MY LORD,

*(Received September 28.)*

WE have the honour to acknowledge the receipt, this day, of your Lordship's Despatch of the 23rd April, transmitting for our information, six copies of a Treaty concluded at Caracas, on the 15th March, 1839, between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade, for which communication we beg leave to offer our best acknowledgments.

We have, &amp;c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

No. 193.

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

MY LORD,

*(Received September 28.)*

SENHOR ANTONIO CARLOS ANDRADE DE MACHADO, whose speeches on the subject of the Slave Trade we have frequently had occasion to notice, and more particularly in our Despatch of the 25th May last, having been appointed Minister of the Empire, his sentiments on any question relating thereto become doubly interesting. We have, therefore, made a translation of a question put to him on this subject, on his first appearance yesterday, in the Chamber of Deputies, as minister, by Senhor Pacheco, a Deputy from the Province of St. Paul's, and of the answer which his Excellency gave; and we have the honour to inclose the same herewith for your Lordship's information.

From this declaration, combined with the speech of his Excellency, reported in our Despatch of the 29th July, 1839, your Lordship will be best able to judge what expectations we may form on this head from the present administration of this country.

We have, &amp;c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

## Enclosure in No. 193.

(Translation)

*Extract of a conversation in the House of Deputies, between Senhor Pacheco, Deputy for St. Paul's, and the present Minister of the Empire, Antonio Carlos Andrade Machado.*

*Senhor Pacheco.*—I request, in the last place, of the Noble Minister, if he is in a situation to answer me, that he will declare what are the views of Government with respect to the law of the 7th November, 1831. I remember that the Noble Minister, when a deputy in the Provincial Assembly of St. Paul's, and even in the General Assembly, declared himself against the repeal of this law, and as I consider such repeal to be most urgent in the sense in which it passed in the senate, I ask the Noble Minister to tell me frankly whether he persists in his opinion, or whether he has already modified it, and whether the opinion of the cabinet is conformable thereto, in order that, with these explanations before me, I may know how to vote.

*The Minister of the Empire.*—Gentlemen, I am frank—I believe that the administration has not yet turned its attention to this subject, but, as my principles do not change their nature by my being Minister, I declare that I, individually, am not for this law; if the administration decide differently, I declare that it is not a motive for me to separate myself from them, but they must allow me to declare myself against this law, the rest may be in favour of it. What the Noble Deputy said is true, I consider it to be contrary to the principles of humanity, and even to those of prudence. I concede the point because it is a matter of no great consequence for the administration, but I do not know if they have come to a definite determination on the subject. Let the House, however, be persuaded that I do not change my opinion from one day to another: these hairs have, hitherto, grown grey in the paths of truth and virtue; of insignificant matters I make no account.

(A true translation.)

JOSE AGOSTINHO BARBOZA, JUN.  
*Interpreter to the Commission.*

CLASS A.

No. 194.

*Mr. Grigg to Viscount Palmerston.**Rio de Janeiro, August 1, 1840.**(Received September 30.)*

MY LORD,

ON the 29th ultimo, Her Majesty's Commissioners had the honour to receive your Lordship's Despatch of the 2nd June, stating that you had received further accounts tending to show that, owing to the Commissioners' proceedings in the case of the "*Dom Joao de Castro*," the owners of that vessel escaped the prosecution to which they ought to have been subject. And your Lordship is pleased to add that, having already had to remonstrate with the Commissioners upon the delay which has occurred in their adjudication of matters brought before the courts of which they are Commissioners, you had to state to them, that, if delays, such as happened in the case of the "*Dom Joao de Castro*," should take place in other cases, which may come before the Commissioners for adjudication, and if their proceedings in those cases should be equally open to just animadversion and complaint, your Lordship will feel it your duty forthwith to submit to Her Majesty the propriety of removing the Commissioners, and appointing other Commissioners in their place.

While I lament exceedingly that the Commissioners should have before them such serious complaints, I feel it incumbent on me as a duty, both to your Lordship and to myself, to reply, that the complaints in question are literally and wholly inapplicable to me, inasmuch as the case of the "*Dom Joao de Castro*" was adjudicated without arbitration. And I beg leave to add, with reference to every other case, and to the general business of the office, that I have always most willingly contributed my humble services far beyond my duties, as Her Majesty's Commissioner of Arbitration, to facilitate and advance the service.

I do not think it necessary to trouble your Lordship with the detail of such matters, but I shall have no difficulty in establishing the facts in their broadest extent, and on the best evidence, if requisite.

I have, &amp;c.

(Signed)

FREDERICK GRIGG

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

&amp;c.

&amp;c.

&amp;c.

No. 195.

*Her Majesty's Commissioners to Viscount Palmerston.**Rio de Janeiro, August 10, 1840.**(Received October 1.)*

MY LORD,

WITH reference to our preceding number we have the honour to enclose, in translation, extracts from some questions and observations which have been just addressed in the Chamber of Deputies to the new Minister for Foreign Affairs, Senhor Aureliano, and the reply of his Excellency on the subject of the law of the 7th November, 1831; from which your Lordship will probably infer that the backwardness of the present Government to meet this question is not less than that of their predecessors, and that, considering more particularly the advanced stage of the session, there is little chance of anything being done in it this year.

As a further criterion of the feelings of the Administration on this subject, it may not be irrelevant to remind your Lordship that one of its members, the Senator Hollanda Cavalcante, Minister of Marine, and who greatly contributed to the late events, is the author of those papers which we had the honour to forward in our Despatches of the \_\_\_\_\_ and \_\_\_\_\_, 1835, calling in question the validity of the Convention of the 23rd November, 1826, and of this Mixed Commission.

We have, &amp;c.

(Signed)

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 195.

(Translation.)

*Extract from a late Conversation in the Chamber of Deputies, on the subject of the Law of the 7th November, 1831.*

*Senhor Pacheco.*—The Noble Minister cannot fail to know my opinion respecting the law of 1831. In a preceding session I had the honour to request of the Minister of the Empire that he

would declare what was the opinion of the Cabinet in this respect; and his Excellency stated that the Cabinet had not yet thought on the subject. I should wish, therefore, to know if they have now considered it.

*The Minister for Foreign Affairs.*—Respecting the law of the 7th November, I shall state the same as my colleague already had occasion to state: as yet the Government has not turned its attention to it; but if the Noble Deputy has heard the opinion of the Members of the Ministry in this House, he may from thence form a judgment respecting the law of the 7th November.

*Senhor Alvares Machado, Deputy (Ministerial) for St. Paul.*—Your Excellency will remember what I have so often said—that I requested that this law might undergo immediate discussion, and that it should be made the order of the day. I consider that the law respecting the traffic in slaves is favourable to the agriculturists of my province, and that the right to legislate upon it belongs to us. Let the Ministry think as it may, I am resolved to promote this law; let us vote for the law as we think right, without troubling ourselves to inquire whether it would be sanctioned or not. I again beg of your Excellency to make it the order of the day on the first opportunity.

(A true Translation.)

(Signed)

JOZE AGOSTINHO BARBOZA, Jun.,  
*Interpreter to the Commission.*

No. 196.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, August 11, 1840.*

MY LORD,

(Received October 1.)

WE had the honour of reporting to your Lordship, in our Despatch of the 20th May last, the steps which had been taken by this Government towards collecting the wages due for the services of the emancipated Africans.

Just before the change of Administration, these wages were directed to be collected by the Municipal Treasurer, who was authorized to enforce the payment in the same summary way as he would that of any impost; and the charge of the books, and every other duty, were transferred to that department. This order the present Administration has confirmed; and the effect will undoubtedly be to secure a far more punctual payment of the wages due; but to what purpose the sum, when so realized, is to be applied, does not appear.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 197.

*Her Majesty's Commissioners to Viscount Palmerston.*

*Rio de Janeiro, August 11, 1840.*

MY LORD,

(Received October 1.)

WE had the honour to call your Lordship's attention, in our Despatch of the 2nd June, 1840, to the case of the North American brig "*Pilgrim*." That vessel returned to this port on the 18th ultimo, and we have every reason to believe, though we cannot substantiate the fact, that she brought a cargo of slaves.

She entered as from Cabinda, in ballast, and immediately underwent the customary ordeal of examination by the Brazilian authorities. The result, however, as usual, pronounced her to have incurred no criminality, and she was at once released, and has since been advertised for sale.

Since our last returns, viz., to the end of May, seven vessels have sailed from this port for the Coast of Africa under the Brazilian flag; but, though more than one British cruiser has been constantly off the coast, it does not appear that any of them have been detained. Your Lordship will best know to what this is owing; but we cannot but regret that a measure once adopted, and partially acquiesced in by the Brazilian Government, should have been discontinued, because, if it had no other good result (which, from the stop it put to the trade for the time, can hardly be said), it would at least have had that of bringing the whole question fairly and finally to an issue.

We have, &c.

(Signed)

GEORGE JACKSON.  
FREDERICK GRIGG.

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

&c.

&c.

&c.

No. 198.

*Sir George Jackson to Viscount Palmerston.**Rio de Janeiro, August 12, 1840.**(Received October 1.)*

MY LORD,

I CANNOT but hope that when your Lordship shall have received the Despatch of Her Majesty's Commissioners, of the 7th July last, as well as other previous communications, you will be of opinion that their proceedings, far from "being open to just animadversion and complaint," have uniformly been guided by the twofold desire of coming to such a decision, with respect to every slave vessel brought before them, as might, under the oath by which they are bound, best satisfy the justice of each individual case, and of meriting, by an unremitting diligence and assiduity, the approbation of Her Majesty and of Her Government. If it shall eventually unhappily appear that they have failed to do this, deep indeed will be their mortification, and sincerely will they deplore that their ability has not proved equal to their will, a regret which nothing but a consciousness of the truth of what they now advance could mitigate.

Such, my Lord, are the sentiments of my colleague and of myself; but while it is right that your Lordship should receive them jointly in reply to a communication made equally to both of us, it is no less so that I should distinctly beg leave to recall to your Lordship's recollection, that, as Commissioner of Arbitration, Mr. Grigg has nothing whatever to do with any case in which the two Commissary Judges may be agreed, and that, in those particular instances where I have been so unfortunate as to find the decisions of the latter disapproved of by your Lordship, Mr. Grigg was no otherwise instrumental than in lending, as he has been ever wont, a ready hand to advance the labours of the commission.

This fact, it appears, from a letter which he has shown me, that gentleman has had the honour of explaining to you himself; but I, nevertheless, feel it incumbent upon me, with your Lordship's Despatch of the before me, unequivocally to restate it, and, with all deference, to add that your Lordship's ultimate verdict, of whatever nature it may be, with reference to those particular cases, can, in equity, apply only to myself.

I have, &amp;c.,

(Signed) GEORGE JACKSON.

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

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

No. 199.

*Mr. Grigg to Viscount Palmerston.**Rio de Janeiro, September 26, 1840.**(Received November 22.)*

MY LORD,

I BEG leave to inform your Lordship, that Her Majesty's Commissary Judge has been confined to his bed by illness during the last fortnight; that he had some hope of being able to attend at the office to-day, but that, according to a note from him, which I have just received, he is interdicted, by his medical attendant, from venturing out at present.

Under these circumstances I beg leave to report, by desire of Sir George Jackson, that the following cases have been brought before the Court; viz., 2d instant, the "*Paquete de Benguela*," detained, on the 29th August, under no colours, with 284 slaves, by Her Majesty's brig "*Wizard*," Lieutenant Birch, Commander.

3d instant, the Brazilian galliot "*Alexandre*," detained by Her Majesty's brig "*Grecian*," William Smyth, Esq., Commander, on the 2d instant, on a voyage from Rio de Janeiro to Campos.

In the former case sentence of condemnation is agreed upon by the Commissary Judges; in the latter, sentence of restitution was passed on the 10th of this month.

Further information will be submitted to your Lordship as soon as Her Majesty's Commissary Judge be convalescent.

I have, &c.  
(Signed) FRED. GRIGG.

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

No. 200.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, December 17, 1840.*

I HAVE received your Despatch of the 7th July, 1840, furnishing an explanation of your conduct on the trial of the slave vessel "*Dom Joao de Castro*."

I regret to have to observe to you that the statement contained in that Despatch does not furnish a satisfactory explanation of the delay which took place in the adjudication of the case, since considering that the adjudication lasted 13 weeks, even if from that period there be deducted the time which you state to have been taken up by holidays, and the time during which the Commissioners were ill, it still appears that many more days than can have been necessary were employed in the adjudication.

I beg to refer you upon this subject to my Despatch of the 13th of September, 1839, instructing you to co-operate with Her Majesty's Chargé d'Affaires in endeavouring to persuade the Brazilian Government to exempt the Mixed Commission from the necessity of discontinuing its proceedings during those holidays which are kept in the Brazilian Courts of law; and I have to desire that you will call the attention of the Brazilian Judge to the injury which must accrue to the interests of the suitors, and to the sufferings which the negroes must undergo from these long delays; and I have to desire you will use your utmost endeavours to induce your colleague to co-operate with you for putting an end to this practice, and that you will also assist Her Majesty's Chargé d'Affaires in every way you can, in inducing the Government of Brazil to allow the Mixed Commission to continue its proceedings during the holidays (Sundays excepted) which are observed by the Brazilian Courts.

I am, &c.  
(Signed) PALMERSTON.

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



## SURINAM.

---

No. 201.

*Mr. Samo to Viscount Palmerston.*

*Surinam, March 25, 1840.*

*(Received May 25.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Circular Despatch, dated November 2, 1839, transmitting the particulars of the several orders issued by command of Her Majesty, in respect to the detention of vessels engaged in Slave Trade under the flag of Portugal, and of other vessels similarly engaged, but hoisting no flag and destitute of any papers proving their nationality, and likewise in respect to the requisite measures to be observed arising out of such detention.

These instructions are deposited amongst the records of this Commission.

I have, &c.

(Signed)

JOHN SAMO.

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

&c.

&c.

&c.

---

No. 202.

*Viscount Palmerston to Her Majesty's Commissioners.*

GENTLEMEN,

*Foreign Office, July 24, 1840.*

I COMMUNICATED to the Netherlands Government your Despatch of the 14th October, 1839, relating to the vessel the Baron Van Heeckeren, and I have now to transmit to you a copy of the answer returned by the Netherlands Minister to that communication.

I have, &c.

(Signed)

PALMERSTON.

*Her Majesty's Commissioners,*

&c.

&c.

&c.

---

Enclosure in No. 202.

*Sir A. Malet to Viscount Palmerston.*

*The Hague, July 14, 1840.*

(See Class B.)

---

No. 203.

*Mr. Samo to Viscount Palmerston.*

*Surinam, May 23, 1840.*

*(Received July 30.)*

MY LORD,

I AM honoured with your Lordship's Despatch, dated 20th February last, together with its Enclosures. Agreeably to your Lordship's desire to cause the Apostolical Letter of His Holiness the Pope to be inserted in the public journals of this place, I made the requisite application to the Governor-General for that purpose, and I herewith transmit to your Lordship a copy of the answer returned by his Excellency, refusing to sanction the publication of that document in this colony.

I have, &c.

(Signed)

JOHN SAMO.

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

&c.

&c.

&c.

---

## Enclosure in No. 203.

*Governor J. C. Ryk to Mr. Samo.**Paramaribo, May 22, 1840.*

THE Undersigned, Governor-General of His Netherland Majesty's West India Colonies, has the honour to acknowledge the receipt of the note, which Her Britannic Majesty's Commissary Judge, residing at Paramaribo, has transmitted to him, dated May 20th, 1840, and to which was joined a copy of the translation of an apostolic letter, recently promulgated by His Holiness the Pope, on the subject of the Slave Trade, which document was lately received from Her Britannic Majesty's Government, with instructions that its contents may be made known by every suitable opportunity, upon which, the permission of the Governor-General is requested that the said document or a translation may be inserted in the public Journal of this colony.

The Governor-General has perused with a great deal of attention the abovementioned apostolic letter of his Holiness Gregory XVI., upon the duty of abstaining from the traffic in negroes. He confesses candidly that he does not see that any good could result from the publication of that document in the colonial papers of Surinam. Slave Trade is there abolished a long while ago. England, Denmark, and Sweden, gave the example of that act of humanity, other powers followed that noble example, and amongst them the Government dares say none more candidly than His Majesty the King of the Netherlands; meanwhile, His Holiness thinks proper now to forbid by an apostolic letter a nefarious trade, which has since long ceased to exist. The Governor-General is at a loss how to consider that letter. If it emanates from the Pope as a temporal Prince, then he must observe that His Holiness has no right to command beyond his dominions; if it is a spiritual Prince, as the successor of St. Peter, the Vice-gerent of Jesus Christ upon earth, and as such as the visible head of the Christian church, then he must observe, that that power is not acknowledged by Christians of other congregations than the Roman Catholic: meanwhile the Apostolic letter is addressed to all Christians, and founded upon His Holiness's apostolic authority.

The Governor-General is equally at a loss how it comes that Great Britain, which since the reign of Henry VIII. was not extremely forward to admit the influence of His Holiness the Pope, either in spiritual or temporal affairs, allows the promulgation of the present apostolic letter in an official way, as it tends to make it believed that the abolition of Slave Trade could not be brought to a conclusion without the apostolic authority of His Holiness the Pope, and before His Holiness had put the seal of the fisher's ring upon it; but the Governor-General supposes that it is only as a reinforcement of the steps already taken by England for the general abolition of slavery.

As the present apostolic letter would scarcely be understood by the majority of the population of this colony, and nobody would see the necessity of a new defence against a trade here no more existing, they would seek for another signification; some fermentation amongst the lower classes, might be the necessary result of it, and this of course Her Britannic Majesty's Government would never wish to promote.

It is therefore that the Governor-General begs to inform Her Britannic Majesty's Commissary Judge, residing at Surinam, that he cannot grant the permission for the insertion of the above-mentioned apostolic letter in the public papers of this colony, as it would do no good, and might create some evil.

I have, &amp;c.

(Signed) J. C. RYK.

*Rear Admiral and Governor-General of the Netherland West India Possessions.**J. Samo, Esq.  
&c. &c. &c.*

## No. 204.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, August 13, 1840.**Circular sending papers presented to Parliament.*

(No. 9, page 9.)

## No. 205.

*Viscount Palmerston to Her Majesty's Commissioners.**Foreign Office, August 24, 1840.**Circular sending Memorial from the General Anti-Slavery Convention.*

(No. 143.)

No. 206.

*Mr. Samo to Viscount Palmerston.**Surinam, June 29, 1840.**(Received September 1.)*

MY LORD,

ON the 26th instant His Netherland Majesty's armed steam-vessel the "*Curaçao*," commanded by the first class Lieutenant Bolken, arrived here, having had a passage of 25 days from the Dutch settlements on the western coast of Africa.

This vessel has brought 50 young negro men for the purpose of being taught and prepared to serve as soldiers in the Dutch regiments; they were disembarked the same day, being clothed in the dress of the military colonial corps of "Guides," with the exception of not having shoes on their feet.

These Africans appear to be in the same ignorant state as they are met with in their native land, and seem to have been selected from different nations and tribes as they do not all speak the same jargon, and their personal character indicates that several of them are from the interior parts of the coast of Africa, upon which the Dutch settlements are situated.

It is represented that these people have been declared free by some process which has been gone through at St. George d'Elmina, and that they each hold a certificate to that effect, given to them by the Dutch Government.

The importation of these Africans has caused considerable excitement, and there is reason to believe that attempts may be hereafter made by individuals to enter into contracts with the natives of Africa to serve them for a stated period, under the denomination of free labourers, in which capacity they would venture to introduce them into this colony.

I have thought it my duty immediately to report to your Lordship all the information which has hitherto reached me relating to this arrival.

I have, &amp;c.

(Signed)

JOHN SAMO.

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

&amp;c.

&amp;c.

&amp;c.

No. 207.

*Mr. Samo to Viscount Palmerston.**Surinam, August 22, 1840.**(Received November 11.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, transmitting copies of a Treaty, concluded at the Caracas on the 15th March, 1839, between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade.

I have, &amp;c.

(Signed)

JOHN SAMO.

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

&amp;c.

&amp;c.

&amp;c.

No. 208.

*Mr. Samo to Viscount Leveson.**Surinam, August 22, 1840.**(Received November 11.)*

MY LORD,

I AM honoured with your Lordship's Despatch, dated May 5, 1840, with Viscount Palmerston's instructions to Her Majesty's Commissioners, to insert for the future in the half-yearly returns of vessels adjudicated in this Mixed Court, columns showing the tonnage of each vessel according to her register, and according to English measurement.

I have, &amp;c.

(Signed)

JOHN SAMO.

*To Viscount Leveson,*

&amp;c.

&amp;c.

No. 209.

*Mr. Samo to Viscount Palmerston.**Surinaw, October 10, 1840.**(Received December 9.)*

MY LORD,

I AM this day honoured with your Lordship's Despatch, dated 24th July last, referring to my Despatch of the 14th October, 1839, relating to the vessel the "*Baron Van Heekeren*," and the answer returned thereto by the Netherland Minister.

The elucidation of that case was furnished by the Commandant of the Dutch island of Curaçoa, in the letter from that Officer, dated 20th November, 1839, addressed to his Excellency the Governor-General, and reported to your Lordship in my Despatches of the  
I am apprehensive that those documents have not been received, and I therefore venture to transmit herewith additional copies of the same.

I infer from the contents of the note of Baron Verstolk to Sir Alexander Malet, dated 29th June, 1840, that your Lordship had previously received, through Sir Edward Charles Disbrowe, an explanation relating to the sale of the schooner "*Baron Van Heekeren*."

Hitherto this Commission has not had the advantage of perusing a copy of the note containing that explanation.

I have, however, some remarks to offer upon that part of the note of Baron Verstolk, in which he felicitates himself with having shown to your Lordship that the allegations of Her Majesty's Commissioner relative to another suspended Dutch vessel were equally inaccurate as the former, and with this view he refers to a copy of the resolution of the Governor-General, dated 7th January, 1840, and of a letter from the Commandant of Curaçoa, Major A. F. Van Raders, dated 11th October, 1839.

My Lord, the detection of the Portuguese schooner "*Anita*," at Curaçoa, in her attempt to defraud the public revenue of that colony, was only made known to this Commission upon the receipt of a copy of the Netherland Minister's answer to your Lordship's communication of my Despatch.

Not the slightest allusion to that case is to be found in any part of the correspondence, dated January 23d to 25th, between his Excellency the Governor-General and Her Majesty's Commissioners.

It appears, my Lord, that foreign built vessels, navigated and owned as such, may be imported into Curaçoa for sale. I apprehend that the case of the Portuguese galliot "*Anita*" exhibits the dangerous tendency of such traffic; but it is to be hoped that the vigilance of Major Van Raders may always prevent such vessels being subsequently employed or engaged in slave-trading.

I have, &amp;c.

(Signed)

JOHN SAMO.

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

&amp;c.

&amp;c.

&amp;c.

